

CITY PLANNING COMMISSION

1231 'I' STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT Robert H. Lee & Associates, 1337 Howe Avenue, #211, Sac, CA 95825
OWNER Sandish Mann, 1855 Watt Avenue, Sacramento, CA 95825
PLANS BY Robert H. Lee & Associates, 1337 Howe Avenue, #211, Sac, CA 95825
FILING DATE 2/10/89 **ENVIR. DET.** Neg. Dec. 4/12/89 **REPORT BY** PW:kjr
ASSESSOR'S PCL. NO. 021-0021-001, 002, 026

- APPLICATION:**
- A. Negative Declaration
 - B. Special Permit to allow the sale of alcohol for off-site consumption in a proposed 3,000 square foot convenience market and gas station
 - C. Variance to reduce the required 15 foot rear yard setback to 0 feet for a proposed convenience market and gas station
 - D. Lot Line Adjustment to merge three lots totaling 0.49+ partially developed acres

LOCATION: Southeast Corner of Stockton Boulevard and 14th Avenue

PROPOSAL: The applicant is requesting the necessary entitlements to develop a convenience market and gas station which will sell alcohol for off-site consumption.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial and Office
Existing Zoning of Site: C-2
Existing Land Use of Site: Boarded up building

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Commercial, Residential; C-2, R-1	Front:	5'	13'
South: Vacant Commercial; C-2	Side(Int):	0'	60'
East: Residential; R-1	Side(St):	5'	5'
West: County Commercial; LC	Rear:	15'	0'

Parking Required: 12 Spaces
Parking Provided: 12 Spaces
Property Dimensions: 137' x 170'
Property Area: 0.49+ acres
Square Footage of Building: 3,015
Height of Building: 15 Feet
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Stucco, Glass
Roof Material: Tar/Rock
Number of Employees: 2 per shift
Hours of Operation: 6:00 a.m. to 10:00 p.m., 7 days a week

APPLC. NO. P89-102 **MEETING DATE** May 11, 1989 **ITEM NO.** 12

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of three parcels totaling 0.49 acres in the General Commercial (C-2) zone. There are three existing structures in poor condition on the site that will be demolished to allow for the proposed project. Surrounding land uses include a restaurant and single family homes zoned C-2 and R-1 to the north, vacant commercial buildings to the south, single family homes zoned R-1 to the east, and County property zoned commercial to the west. The site is directly adjacent to the boundary of the Oak Park Redevelopment Plan. Although outside the Plan area, many of the policies and concerns regarding a redevelopment area are applicable and can be considered for this site.

B. Applicant's Proposal

The applicant is proposing to construct a 3,000 square foot convenience store and self-serve gasoline station. The applicant is requesting a special permit to sell beer and wine for off-site consumption, a variance to reduce the required rear yard setback, and a lot line adjustment to merge the three existing lots.

The applicant intends to operate the market and gas station daily from 6:00 a.m. to 10:00 p.m. Two employees will be on the premises at all times. In addition, the applicant is proposing a private security guard to be on site from 5:00 p.m. to 10:00 p.m. between October through March, and 7:00 p.m. to 10:00 p.m. from April through September.

C. Staff Analysis

Staff has some concerns about the proposed project because of its location in a high crime area. However, the applicant has agreed to numerous conditions that should limit the possibility of problems arising because of beer and wine sales. Therefore, staff supports the special permit request. The conditions include limiting the hours of operation, quantities of alcohol to be sold, posting of a security guard, posting of the property with no trespassing signs, establishing a "good neighbor policy," removal of "liquor" from the name and sign, no video games, and t.v. security monitoring of the facility. The entire list of conditions follow in the conditions of approval for the special permit.

The submitted site plan indicates the 3,000+ square foot market located directly on the rear property line. The Zoning Ordinance requires a 15 foot building setback in the rear yard when a commercial lot is adjacent to a residentially zoned lot. Staff recommends the applicant revise the site plan to relocate the market to the south property line. The property adjacent to the south is also zoned C-2 which would allow the building to be placed directly on the property line with no setback. This revision would eliminate the need for a variance and lessen the impacts on the adjacent single family home. Staff sees no justification to support a variance in that a clear design alternative is available. With the relocation of the building, an 8 foot masonry wall is recommended for the eastern property line to reduce the noise and nuisance impacts on the adjacent residence. Staff suggests extensive

landscaping throughout the site with automatic irrigation. A landscape plan should be submitted to staff for review and approval prior to issuance of building permits. The applicant has not submitted a sign plan. Staff recommends an 8 foot monument sign and two attached signs on the facia of the market. The applicant should submit a sign program to staff for review and approval prior to issuance of sign permits.

D. Lot Line Merger

The applicant requests to merge three lots totaling 0.49± partially developed acres. The merger is needed to accommodate the overall development of the site. Staff has no objections to be merger.

E. Agency Comments

The proposed project was reviewed by the City's Traffic Engineering, Engineering, Building Inspections, Police, and Real Estate Divisions as well as the Oak Park PAC and Colonial Park Arts and Recreation Effort. The following comments were received:

Traffic Engineering

1. Driveway permits required
2. Provide evidence of pedestrian easement along Stockton Boulevard - dedication may be required

Police

The Police Department is opposed to any additional businesses in this area that will engage in the sale of alcohol. While there appears to be very little opposition from possible neighbors, the four supervising sergeants assigned to this sector believe that allowing the sale of alcohol will have an adverse impact on the crime in the area.

The Stockton Boulevard area has serious problems with drugs, prostitution, and related crimes. Businesses engaged in liquor sales have traditionally attracted more than their share of these problems, particularly along Stockton Boulevard.

Due to recent changes in the Police computer systems, they were unable to provide crime statistics at this time, however, will attempt to have them available by the date of the planning commission hearing on this permit.

The Police have indicated to staff that, if approved, the conditions listed in the report are appropriate and should be required. Staff has met with the Police to develop the listed conditions of approval.

Colonial Park Arts and Recreation Effort

"Colonial Park Arts and Recreation Effort (C.A.R.E.) a neighborhood organization wishes to convey its support for the convenience store which is to be located at 14th Avenue and Stockton Boulevard.

We have been in contact with Mr. Mann, their representative, and he has assured us of their intent to adhere to the restrictions requested by C.A.R.E. and Councilman Serna. One of these restrictions being the removal of liquor in the name of the store. As long as these restrictions are implemented, C.A.R.E. will be satisfied." The Oak Park PAC was scheduled to meet on this project May 3, 1989, and indicated any comments would be forthcoming.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project as proposed will not have a significant impact to the environment; therefore, a Negative Declaration has been prepared. In compliance with Section 15070(B)1 of the California Environmental Quality Act Guidelines, the applicant has incorporated the following mandatory mitigation measures into the project plans to avoid identified effects or to mitigate such effects to a point where clearly no significant effects would occur:

A. The applicant will comply with the following state regulation:

- ° Section 65-019 of the California Labor Code requires developers to specify all asbestos containing materials in existing buildings prior to demolition or renovation.

If asbestos containing materials are identified on the project site, the applicant will determine the quantity of the material to be removed and comply with the following applicable State and Federal regulations:

- ° California Occupational Safety and Health Administration (CAL-OSHA) worker safety standards must be applied to any demolition or renovation of structures that contain more than 100 square feet of asbestos containing materials. Specific standards are provided by CAL-OSHA (San Francisco Office: 415/557-2037).
- ° Environmental Protection Agency (EPA) National Air Emission Standards must be applied to any demolition or renovation of structures that contain more than 160 square feet or 260 linear feet of asbestos containing materials. Specific information is provided by EPA (San Francisco Office: 415/974-7633).

In order to document compliance * with these measures, the applicant will provide a copy of the awarded demolition bid to the City Planning Director prior to the issuance of a building permit.

* Recent State Legislation (AB3180) required all Public Agencies to adopt a mitigation monitoring and reporting program by January 1, 1989.

RECOMMENDATION: Staff recommends the Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Approve the Special Permit with conditions and based upon findings of fact which follow.

- C. Deny the Variance based upon findings of fact which follow.
- D. Approve the Lot Line Adjustment by adopting the attached resolution.

Conditions - Special Permit

- 1. The applicant shall comply with the following environmental mitigation measures:

- a. The applicant will comply with the following state regulation:

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- 2. The applicant shall submit revised site plans indicating the relocation of the convenience market to the south property line (eliminating the need for a variance) to the Planning Director for review and approval prior to issuance of building permits.
- 3. The applicant shall submit a detailed landscape plan to the Planning Director for review and approval prior to the issuance of building permits.

4. The applicant shall submit a sign program to the Planning Director for review and approval prior to issuance of sign permits. The detached sign shall be an 8 foot high monument type sign with a maximum 48 square feet in area.
5. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
6. Beer shall not be sold in quantities of less than one six pack.
7. Wine coolers shall not be sold in quantities of less than factory packs of four.
8. The hours of operation of the market and gas station shall be 6:00 a.m. to 10:00 p.m.
9. The applicant shall post a security guard 5:00 p.m. to 10:00 p.m. from October through March and 7:00 p.m. to 10:00 p.m. from April through September.
10. Two employees shall be working at the store from opening until closing everyday.
11. No public telephone shall be installed at the site.
12. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
13. The word beer, wine, or liquor shall not appear in the name or on any signs.
14. The applicant shall install gates or chains to prevent automobiles from parking on the site after closing hours. This installation shall be to the satisfaction of the Planning Director and Police Department.
15. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and in the Police Department.
16. The applicant shall construct an 8 foot high masonry wall along the eastern property line.
17. Project lighting shall be as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space during business hours and .25 footcandles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc., from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal-resistant.
18. The applicant shall be responsible for the daily removal of litter from adjacent property and streets that result from this project.

19. Store windows shall be left unobstructed to allow viewing of the interior of the business by patrolling police. Design to allow for window surveillance by employees of all outside areas from the employees' primary work positions.
20. The applicant shall have display counters low enough that the cashier has visibility throughout the store.
21. The applicant shall install buzzers on doors of the coldbox to notify clerks that door is open.
22. Cashier station shall be visible from parking area.
23. The applicant shall install a drop safe and post a sign indicating that employees do not have access to the safe.
24. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with an open alcoholic beverage container. P.C. 647e(a)" - plus any appropriate local ordinances. Lettering to be block style and a minimum of 2 1/2" in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.
25. All illegal activities observed on or around the business shall be promptly reported to authorities.
26. Business rules shall be posted in the business interior in a conspicuous place.
27. The applicant shall install two working toilet facilities for use by the public. These rest rooms must be self-locking and the key must be available from the attendant. Extra keys must be easily accessible in case of emergencies. Interior rest rooms must be visible to attendants. They may be controlled by remote, electronic locks.
28. The applicant shall install bicycle security racks at the front of the business.
29. The parking areas must be visible for internal monitoring. There shall be windows on all sides where parking is allowed. If that is not feasible, there should be CCTV monitoring of the blind side(s).
30. Videos and magazines shall be prohibited to discourage loitering. No public telephones shall be allowed on the site.

31. The applicant shall agree to a "good neighbor policy." This "good neighbor policy" requires that if any problems arise and the City receives complaints on the site, the City will commence with Special Permit revocation hearings. The revocation hearing shall be at the discretion and direction of the Planning Commission.

Findings of Fact - Special Permit

1. The proposed use as conditioned will not adversely effect the peace or general welfare of the surrounding neighborhood in that:
 - a. the hours of operation will be limited;
 - b. two employees and a security guard will be on site;
 - c. quantities of beer and wine sales will be regulated;
and
 - d. the operation will be closely scrutinized.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that no similar establishments are located in close proximity.
3. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that with the imposed conditions and proposed building design, the project should improve the area.
4. The proposed use, as conditioned, will not be contrary to or adversely effect any program of redevelopment or neighborhood conservation because the project site is not located within a designated redevelopment area and with the imposed conditions, the project should help lead to the revitalization of the area.
5. The project is consistent with the City's General Plan in that the site is designated for commercial uses and the proposed convenience market and gas station conforms with the plan designation.

Findings of Fact - Variance

1. Staff cannot find, nor has the applicant presented, any unusual circumstances or hardship to warrant justification for approval of the variance.
2. The proposed variance, if approved, would be injurious to the public welfare and to the property in the vicinity in that the adjacent single family home would be severely impacted by locating the market on the property line.

AMENDED
RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION

ON DATE OF

APPROVING A LOT LINE ADJUSTMENT TO MERGE LOTS 1, 2, 3
OF PLAT OF VINA VISTA FILED IN THE OFFICE OF THE COUNTY
RECORDER IN BOOK 7 OF MAPS, MAP NO. 43.

(APN: 021-0021-001, 002, 026)

(P89-102)

WHEREAS, the Planning Director has submitted to the Planning Commission a report and recommendation concerning the lot line adjustment for property located at the southeast corner of Stockton Boulevard and 14th Avenue; and

WHEREAS, the lot line adjustment has been given a Negative Declaration by the Environmental Coordinator; and

WHEREAS, the lot line adjustment is consistent with the General Plan; and the proposed market conforms with the Plan Designation;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sacramento that the lot line adjustment for property located at the southeast corner of Stockton Boulevard and 14th Avenue, City of Sacramento, be approved as shown and described in Exhibits A and B attached hereto, subject to the following conditions:

Applicant shall complete the following at the Public Works Department, Development Services Division, prior to a lot line merger being recorded:

- a. File a Certificate of Compliance, submit all required documents according to the submittal requirements checklist, and pay necessary fees (presently \$500).
- b. File a waiver of Parcel Map.
- c. Pay off or segregate any existing assessments.
- d. Approval subject to the following notice: The property on which construction is authorized by this permit may be subject to flooding. It is the applicant's and property owner's responsibility to ascertain whether and to what extent such flooding may occur, and to review the applicable base flood elevations for the proposed project which are contained in the effective Flood Insurance Rate Map; the Department of the Sacramento District Corps of Engineers, Sacramento, California, Flood Insurance Study for the Sacramento City and County of California, FBFM and FIRM work map, dated January 1989; and, all preliminary flood maps available at the City of Sacramento's

Planning Division. The Federal Emergency Management Agency and the U.S. Army Corps of Engineers ("Corps") are studying portions of the City of Sacramento to determine what improvements and measures may be needed in order to deem the areas under study adequately protected from a 100 year flood. Until the needed improvements and measures are in place, the areas under study may be subject to flooding by a 100 year or lesser flood. (A "100 year flood" refers to the area subject to inundation by flooding once during any given 100 year cycle; however, such flooding could occur in any given year.) The applicant and property owners should check with the local Corps to ascertain the status of its ongoing study and the projected completion date of any flood control project which might affect the proposed development. Flood insurance may be mandatory in all areas not protected from a 100 year flood, and the City of Sacramento recommends obtaining such insurance whether it is mandated or not. If the investigation of the nature of the flood hazard indicates that the property is at risk, it is the applicant and property owner's responsibility to ensure that all persons holding a record title interest in the property, and all subsequent owners, tenants, occupants, and other interested parties receive notice, as required under applicable law, of the flooding risk to which the property may be subject. This notice is intended to ensure that those persons choosing to develop property in an area subject to flooding have knowledge and the means of acquiring knowledge of the particular risks involved in such development. This notice shall not create liability on the part of the City of Sacramento, or any of its officers, agents, or employees for any damages to persons or property caused by flooding.

CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

RESOLUTION NO.

ADOPTED BY THE SACRAMENTO CITY PLANNING COMMISSION

ON DATE OF

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*See amended
resolution*

CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION

P 89102
EXHIBIT B

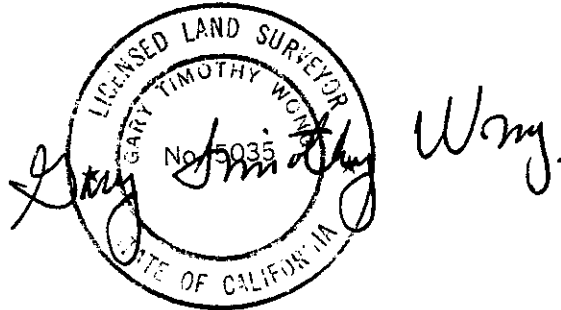
PROPOSED LEGAL DESCRIPTION

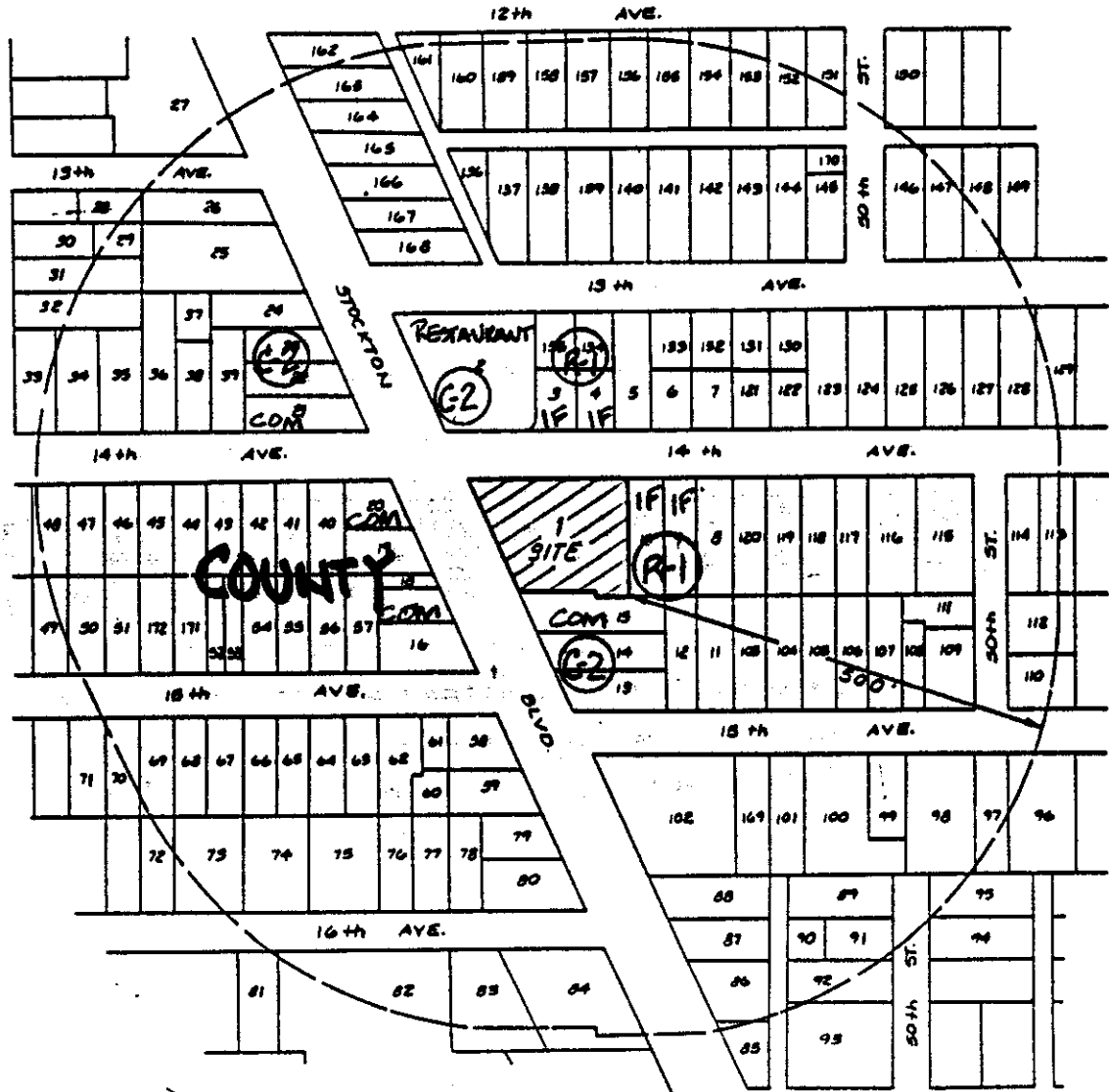
3901 STOCKTON BLVD.
SACRAMENTO, CALIFORNIA

ALL THAT REAL PROPERTY SITUATE IN THE CITY OF SACRAMENTO, COUNTY OF SACRAMENTO,
STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

LOTS 1, 2 AND 3, BLOCK 1, AS SHOWN ON THE OFFICIAL "PLAT OF VINA VISTA", FILED IN THE
OFFICE OF THE COUNTY RECORDER OF SACRAMENTO COUNTY, ON JANUARY 5, 1907, IN BOOK 7
OF MAPS, MAP NO. 43.

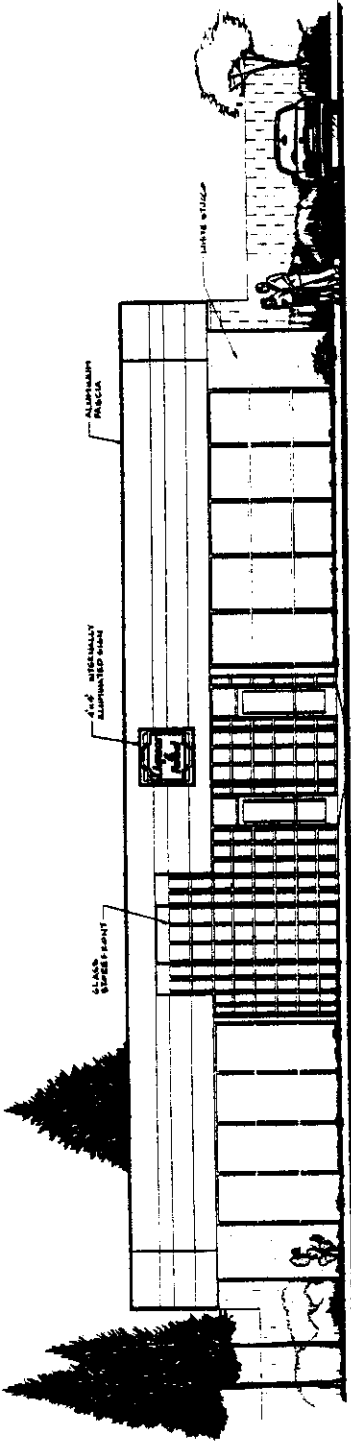
EXCEPTING THEREFROM THE SOUTH 7.14 FEET OF SAID LOT 2, MEASURED AT RIGHT ANGLES
FROM THE SOUTH LINE OF SAID LOT.



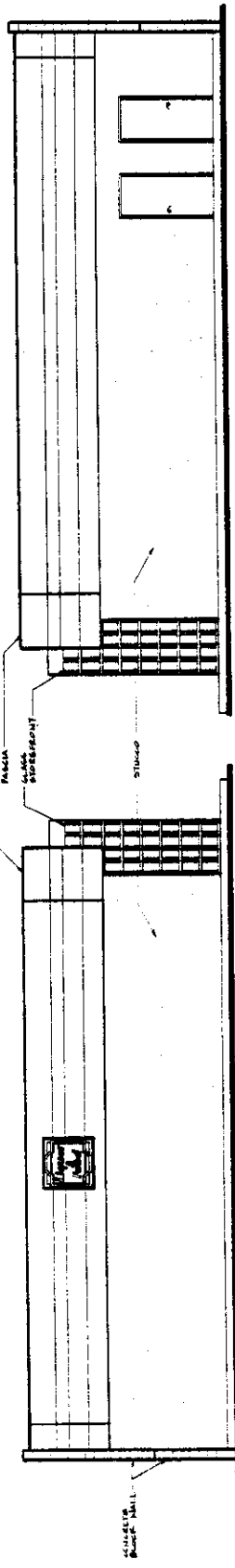


VICINITY - LAND USE - ZONING

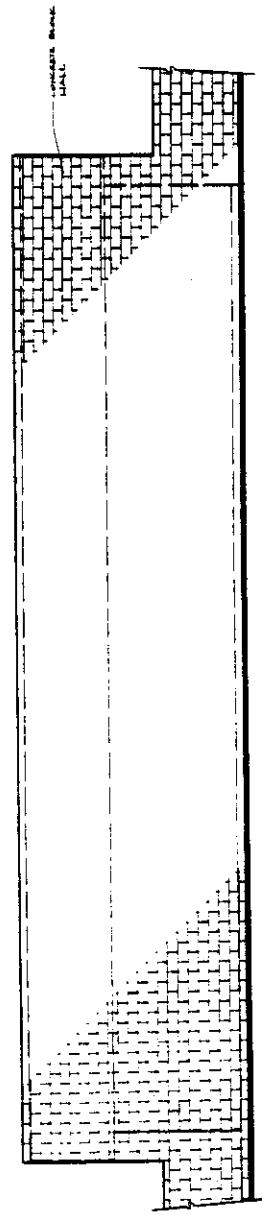
ELEVATIONS



WEST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

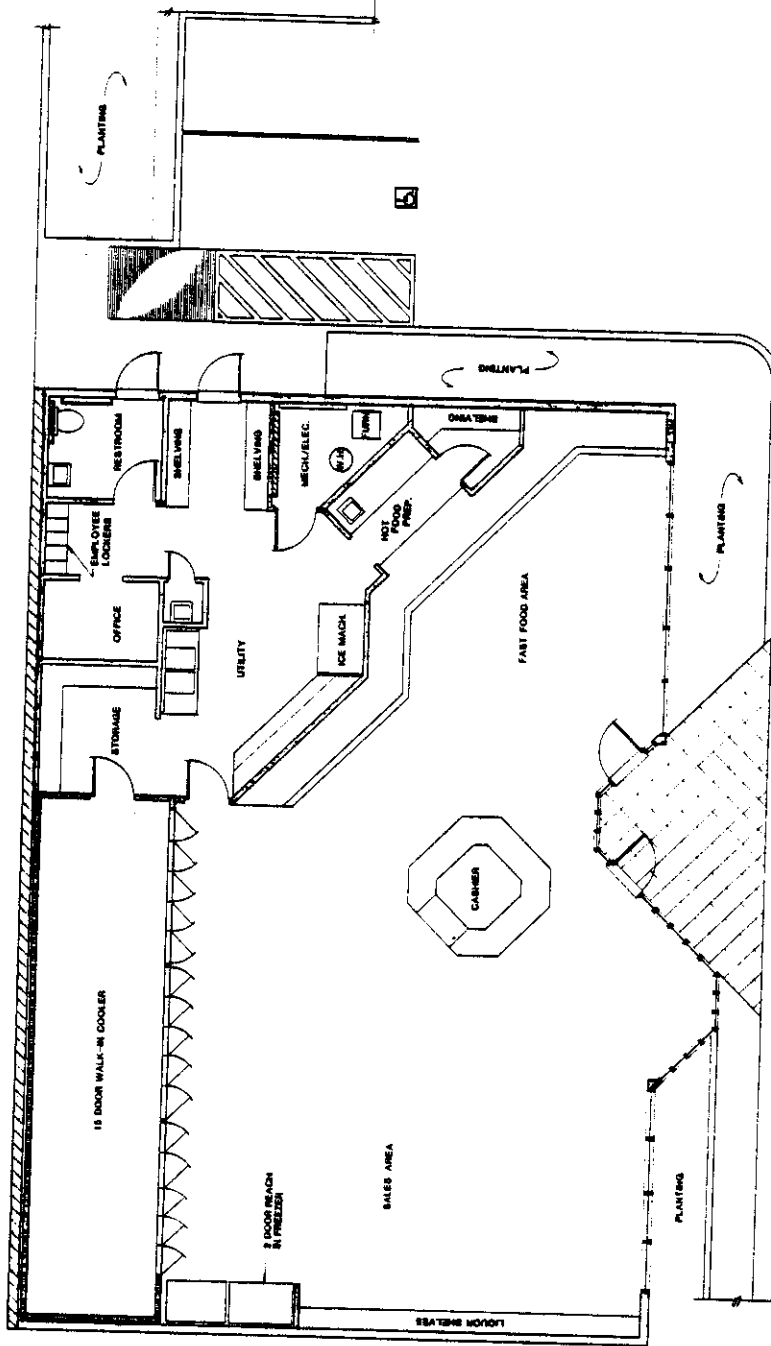


EAST ELEVATION
SCALE: 1/4" = 1'-0"

DATE: 12-1-89	BY: [Signature]
PROJECT: EXTERIOR ELEVATIONS	BY: [Signature]
EXTERIOR ELEVATIONS 3801 STOCKTON BLVD. & 14TH AVE. SACRAMENTO, CALIFORNIA	
LIQUOR & FOOD ROBERT H. LEE & ASSOCIATES, INC. ARCHITECTS 1400 5th Street, Sacramento, CA 95811	
SHEET NO. 3	

11/20/89

FLOOR PLAN



DATE	DESCRIPTION	BY

FLOOR PLAN
 2801 STOCKTON BLVD
 SACRAMENTO, CALIFORNIA

LIQUOR & FOOD

SCALE: 1/8" = 1'-0"
 DRAWN BY: J.L.S.
 CHECKED BY: J.L.S.
 DATE: 5/11/89

FRANK & LEE & ASSOCIATES, INC.
 ARCHITECTS
 1000 J STREET, SACRAMENTO, CALIF. 95811
 (916) 442-1111

Date: _____

John P. Kearns
Chief of Police
Sacramento Police Department
813 Sixth Street
Sacramento, California 95814

Attention: Tom Stark, Deputy Chief of Police
Office of Operations

Dear Chief Kearns:

I, _____ am the _____
in lawful possession of the property located at _____
_____, additionally, this location
is referred to as _____
(Business Name)

I herein delegate you, or any duly sworn employee of the
Sacramento Police Department, to act as my agent for the sole
purpose of enforcing Section 602 (k) of the California Penal Code.

I am aware that this authority obligates me to properly post
my property as per Section 602 (k) P.C. and to aid in
investigation and prosecution of such cases. This assistance may
require my testimony in a Court of Law.

This authority document remains in force until revoked by me
in writing.

Witness #1

(Print Name)

(Date)

Signature

(Print Name)

(Date)

(Address)

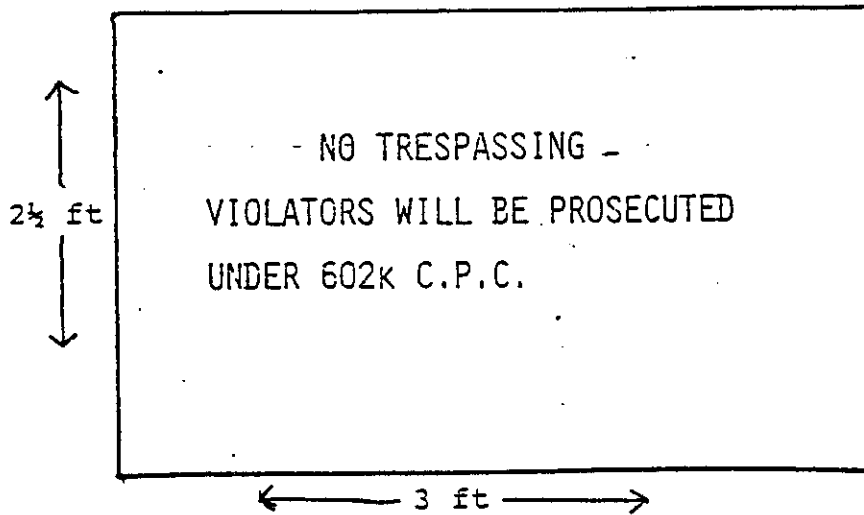
(City/State/Zip)

(Area Code) Phone # Days

TRESPASSING SIGNS

PROPERTY SHOULD BE POSTED AT ALL ENTRANCES.

SIGN SHOULD READ:



RECOMMENDED SIZE AND WORDING FOR EASE IN PROSECUTION.

THE LAW REQUIRES THAT THE SIGN STATE, "NO TRESPASSING".

Price

Colonial Park Arts and Recreation Effort

Post Office Box 245771
Sacramento, California 95824
established 1982

April 21, 1989

CITY OF SACRAMENTO
CITY PLANNING DIVISION

APR 21 1989

RECEIVED

Sacramento City Planning Commission
1231 "I" Street
Sacramento, CA 95814

Attn: Price Walker

TO WHOM IT MAY CONCERN:

Colonial Park Arts and Recreation Effort (C.A.R.E.) a neighborhood organization wishes to convey its support for the convenience store which is to be located at 14th Avenue and Stockton Blvd.

We have been in contact with Mr. Miles, their representative, and he has assured us of their intent to adhere to the restrictions requested by C.A.R.E. and Councilman Serna. One of these restrictions being the removal of liquor in the name of the store. As long as these restrictions are implemented, C.A.R.E. will be satisfied.

Sincerely,


Shirley Johnson
President

SJ:cs