

**CITY PLANNING COMMISSION
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:**

**ITEM # 8
NOVEMBER 13, 2003
PAGE 1**

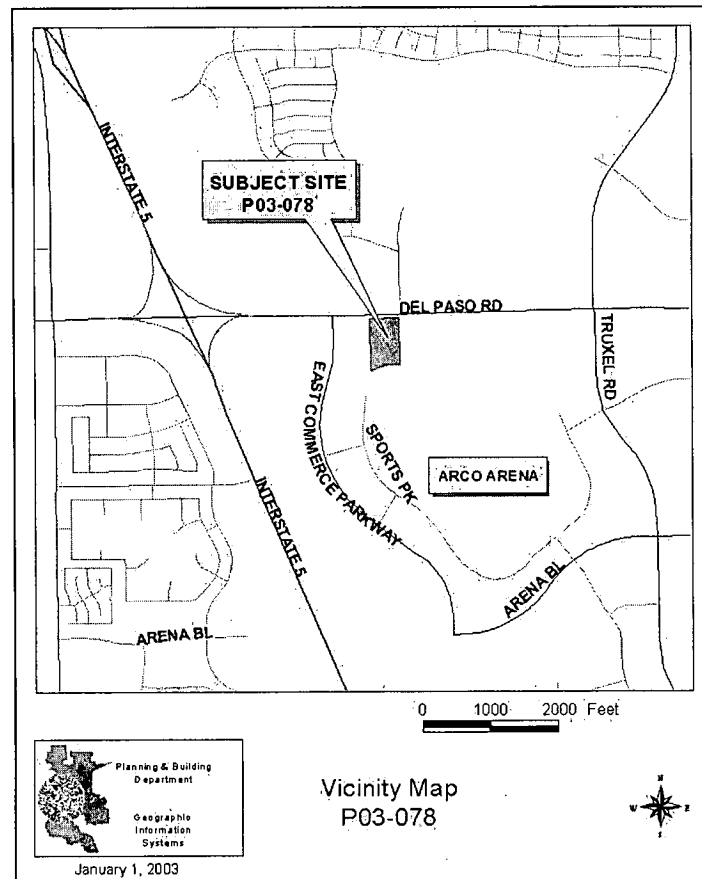
P03-078 – Del Paso Road Alcohol Sales

- REQUEST: **A. Environmental Determination:** Categorical Exemption (Section 15301);
- B. Special Permit** to allow the sale of beer and wine for off-site consumption at an existing convenience store in the Del Paso Road Planned Unit Development within the Employment Center 65 PUD (EC-65 PUD) zone.

LOCATION: 2700 Del Paso Road, east of East Commerce Parkway
APN: 225-0070-080
North Natomas Community Plan
Natomas Unified School District
Council District 1

APPLICANT:	Bruce Evans Solomon, Saltsman and Jaimieson 426 Culver Boulevard Los Angeles, CA 90293
OWNER:	Lawrence E. Jones 6001 Bollinger Canyon Road San Ramon, CA 94583
APPLICATION FILED:	July 9, 2003
STAFF CONTACT:	Greg Bitter, 808-7816

SUMMARY: The applicant is requesting an entitlement to allow the sale of beer and wine for off-site consumption within an existing convenience market in the Del Paso Road Planned Unit Development (PUD) within the Employment Center 65 PUD (EC-65 PUD) zone. The convenience market and associated gasoline sales was approved by the City Planning Commission in February 2002 (P01-029) prior to the allowance of alcohol sales in the Employment Center zones.



RECOMMENDATION: Staff recommends denial of the project, based on inconsistency with General Plan goals and policies and North Natomas Community Plan policies and the City's Zoning Code regarding alcohol sales in Employment Center zones.

PROJECT INFORMATION:

General Plan Designation:	Mixed Use
Community Plan Designation:	Employment Center 65
Existing Land Use of Site:	convenience market and gasoline station
Existing Zoning of Site:	EC-65 PUD
Surrounding Land Use and Zoning:	
North:	vacant; C-2 PUD
South:	vacant; EC-65 PUD
East:	office; EC-65 PUD
West:	fast food restaurant; EC-65 PUD

Property Dimensions:	Irregular
Number of Employees Proposed	Property Area: 1.05± gross/net no additional employees anticipated
Square Footage of Building:	3,819± square feet
Hours of Operation:	24 hours a day
Parking Provided:	14 spaces
Parking Required:	12
Topography:	Flat
Street Improvements:	Constructed
Utilities:	Constructed

OTHER APPROVALS REQUIRED: None.

BACKGROUND INFORMATION: On May 3, 1994, the City Council adopted the 1994 North Natomas Community Plan (Resolution No. 94-259). On August 10, 1995, the Planning Commission approved and recommended approval of various entitlements to create the Del Paso Road Planned Unit Development and modify the boundaries of the Capitol Gateway Sports Complex PUD (P95-028). On August 29, 1995, the City Council approved various entitlements creating the Del Paso Road PUD and modifying the boundaries of the Capitol Gateway Sports Complex PUD (P95-028). The Final Master Parcel Map was approved by the City Council on October 17, 1995.

On February 14, 2002, the Planning Commission approved a Schematic Plan amendment for the Del Paso Road PUD designating the location of a gas station and convenience market on the project site and approved a special permit for the construction of a 2,919 square foot gas station/convenience market on the 1.05± acre project site. At the time the special permit was approved, the sale of alcohol for off-site consumption was not an allowable use within the Employment Center zoning designation.

On August 9, 2001, the Planning Commission recommended approval of several amendments to the 1994 North Natomas Community Plan and Zoning Ordinance regarding development within Employment Center designated land. On January 29, 2002, the City Council adopted said amendments to the 1994 North Natomas Community Plan and Zoning Ordinance. Among the amendments was a provision to prohibit gas stations in the Employment Center 65 and 80 zones and a provision to allow "alcoholic beverage sales for off-site consumption" and "beer and wine sales for off-premises consumption" in EC zones subject to a Special Permit and compliance with specific criteria.

Based upon the new provisions of the North Natomas Community Plan and the City Zoning Ordinance, the applicant is now requesting a special permit to allow the sale of beer and wine for off-site consumption at an existing convenience store.

Staff does not support this project and is recommending the City Planning Commission deny the Special Permit request.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The General Plan designates the parcels as Mixed Use. The North Natomas Community Plan designates the parcel as Employment Center 65. The zoning of the parcel is Employment Center 65 Planned Unit Development (EC-65 PUD) zone. The proposed project is consistent with the General Plan and Community Plan land use designations and zoning.

General Plan

The proposed project is consistent with the General Plan land use designation. However, the project is not consistent with the General Plan goals and policies related to Quality of Life and Public Services. The project is not consistent with the General Plan goals and policies related to Quality of Life in that the sale of alcoholic beverages at this location has the potential to create loitering and additional crime in the area. The potential for increase in crime, physical hazards, and/or debilitating influences may detract from the well-being of the neighborhood environment. The project is not consistent with the General Plan goals and policies related to Quality of Life Public Services, in that the sale of alcoholic beverages at this location has the potential to increase the number of police service calls to the area, which would require an increase in the number of police calls and request for the time spent in the area. Overall, staff believes the request for the sale of alcohol is inconsistent with the General Plan's goals and policies for Quality of Life and Public Services.

Community Plan

The proposed project does not generally promote or support any of the goals and policies in the North Natomas Community Plan. As stated above, the North Natomas Community Plan policies relating to employment center development was amended in 2002 to allow "alcoholic beverage sales for off-site consumption" and "beer and wine sales for off-premises consumption" in EC zones subject to a Special Permit and compliance with specific criteria. This project is reviewed against these specific criteria below.

Habitat Conservation Plan (HCP): The Community Plan requires development and implementation of a Habitat Conservation Plan as mitigation for development in North Natomas. In 1997, a Natomas Basin HCP was approved by the City of Sacramento, U. S. Fish & Wildlife Service (USFWS), and California Department of Fish & Game

(CDFG). The Natomas Basin HCP is a conservation plan supporting application for a federal permit under Section 10(a)(1)(B) of the Endangered Species Act and a state Permit under Section 2081 of the California Fish and Game Code, i.e., an Incidental Take Permit (ITP). The purpose of the Natomas Basin HCP is to promote biological conservation along with economic development and continuation of agriculture within the basin. The HCP and ITP were subsequently challenged, and on August 15, 2000, the federal court ruled that the ITP should not have been issued, and an EIS was required for the project. Based on the federal court ruling, the ITP was invalidated.

Based on this ruling, the City of Sacramento, Sutter County, Reclamation District No. 1000 (RD 1000), and Natomas Central Mutual Water Co. are now jointly managing the preparation of an Environmental Impact Report/Environmental Impact Statement (EIR/EIS) on behalf of the USFWS. The USFWS is the lead federal agency for the preparation of the EIS and the City of Sacramento, Sutter County and RD1000 are co-lead agencies for the preparation of the EIR. The City of Sacramento and Sutter County will seek adoption of a revised NBHCP and the issuance of a new ITP by USFWS and CDFG for development within the Natomas Basin.

On May 15, 2001, the same court granted a motion modifying the Order of August 15, 2000, to allow incidental take protection for limited development within the City with the provision of mitigation land in specific areas of the Natomas Basin. The new order was based upon a settlement agreement entered into by all parties to the litigation.

The Settlement Agreement allows a maximum of 1,668 acres of development in North and South Natomas. Under the agreement the City can issue grading permits for up to 1,068 acres (phase 1) with these requirements in place: 1) HCP mitigation fees have been paid; 2) A biological pre-construction survey has been completed; and 3) grading must be accomplished during the grading season of May 1 to Sept 30th; 4) the developer must comply with all applicable mitigation measures; and, 5) the developer must sign a Grading Agreement that identifies requirements of the Settlement Agreement to which the project must comply. After grading permits have been issued for up to 1,068, the remaining 600 acres (phase 2) require: 1) ½ acre of mitigation land shall have been acquired for each acre authorized for disturbance under Phase 2, 2) City will replace the 200 acre "cushion"; and 3) development under the settlement agreement shall not exceed 1,360 acres until at least 250 acres of mitigation land have been acquired within Zone 1. The project site has been graded and developed with a gasoline station and a convenience market. The site has complied with the requirements of the Settlement Agreement.

Smart Growth Principles:

"Smart Growth" is a term coined by the United States Environmental Protection Agency (USEPA) as an umbrella term for the many initiatives intended to address some of the

negative consequences of urban sprawl. Smart Growth generally occurs when development patterns are sustainable and balanced in terms of economic objective, social goals, and use of environmental/natural resources. There are no Smart Growth principles that specifically apply to this project.

B. Special Permit

The applicant is requesting a Special Permit to allow the sale of beer and wine for off-site consumption at an existing convenience store.

The applicants statement of intent (Attachment 2) indicates that the "expectation of Chevron's customer base requires the sale of a small amount of beer and wine". Furthermore, the applicant claims that "Chevron's clientele is looking for convenient one stop shopping for their car needs, groceries and necessities, along with all types of beverages (including a small amount of beer and wine) where they are not forced to walk across large parking lots, drift through long isles, and wait in long lines".

Additionally, assuming the Planning Commission supports and approves the Special Permit, the applicants have provided several conditions to "make sure the small amount of beer and wine sales contemplated at this site are not deleterious to the surrounding neighborhood. These conditions include:

1. Implementation of a license scanner;
2. No malt liquor or fortified wine products shall be sold;
3. No beer in 16-ounce or less cans or bottles, which is normally sold in multi-package; containers, shall be sold individually;
4. Sale of wine shall be in containers of at least 750 milliliters;
5. The number of cooler doors allocated to beer and wine shall be limited to 5 coolers doors;
6. Signs shall be posted at the location in English and Spanish with regard to prohibitions of open containers and loitering at the location, and no loitering will be tolerated;
7. There shall be no coin operated video or arcade games and no adult magazines or videos shall be sold;
8. No self-illuminating advertising for beer or wine shall be allowed on buildings or windows.

While the applicant states that their customer base requires the sale of a small amount of beer and wine, the application indicates that 5 of the existing 12 cooler doors, or 42 percent of the total cooler doors, shall be allocated to beer and wine. Staff believes this constitutes a significant portion of the convenience markets retail sales. Further, staff believes there are adequate retail locations, existing and planned, within North Natomas to provide beer and wine to the consumer base of the North Natomas Community. There are currently three convenience markets that sell wine and beer in the North Natomas Community Plan area (two within the City limits and one in the County), located in the Natomas Marketplace shopping center and the Park Place Shopping center and at Del Paso Road and Northgate Boulevard. Staff does not object to the sale of beer and wine within convenience markets per se, however, staff believes that allowing the sale of beer and wine in convenience markets should be restricted to those convenience markets located within existing or proposed shopping/retail centers.

At the time the North Natomas Community Plan policies were amended in 2002, there were two changes that are relevant to this project. One amendment was a provision to allow "alcoholic beverage sales for off-site consumption" and "beer and wine sales for off-premises consumption" in EC zones subject to a Special Permit and compliance with specific criteria. The second amendment was a provision to prohibit gas stations within the Employment Center 65 zone. The applicant is allowed, under the existing Development Agreement for the Del Paso Road PUD, to continue the gas station use and seek a special permit for beer and wine sales. Staff does not believe allowing the sale of beer and wine at the existing convenience market is consistent with the intent of the 2002 NNCP employment center policy amendments.

Both the North Natomas Community Plan and the City Zoning Code contain provisions that must be met in order for a Special Permit to allow the sale of beer and wine for off-site consumption to be granted. These provisions are provided below with staff's analysis following in **bold text**.

The North Natomas Community Plan requires the following criteria to be used to determine the appropriateness of alcohol sales in an EC PUD:

1. The proposed alcohol sales use is in conjunction with the sale of groceries (having a retail sales area of 100 square feet or greater) and/or the offering of meals.

Exception: Separate, premium wine and liquor stores may be allowed subject to a Special Permit but only where:

- a. Such use offers for sale premium wines and liquor and is located in the same building in which groceries are sold or meals offered, or in a building within 100 feet of where such food items are sold; and
- b. Such use does not involve the sale of any fortified beer or wine.

The project meets Criteria #1 since there is greater than 100 square feet or greater of retail sales area devoted to grocery items and there is also the offering of meals.

2. The proposed alcohol sales use is within 1/4 mile of a building that includes other non-retail uses.

The project meets Criteria #2 since the use is within 1/4 mile of existing office buildings within the Del Paso Road PUD.

3. The proposed alcohol sales use is compatible with existing or schematically approved adjacent uses in the PUD and with adjacent uses within contiguous PUDs.

The proposed project meets Criteria #3. The proposed sale of alcohol is a commercial use located in an approved convenience market located between an existing office building and an existing fast food restaurant. To the north of the site is the Town Center retail shopping center with approximately 200,000 square feet of retail uses, including a grocery store and a drug store. The existing convenience market is part of the 10% maximum support retail use allocated within the Del Paso Road PUD.

4. The proposed alcohol sales use will not result in an over-concentration of similar projects in the Community Plan area.

In regards to Criteria #4, there are currently three ABC (Department of Alcoholic Beverage Control) permits issued and one permit pending for off-sale alcohol in the same census tract; at this time, ABC considers anything over one off-sale permit in this census tract to be over-concentrated. The Police Department has not indicated a willingness to provide a Letter of Public Convenience of Necessity to address this issue (a Letter of Public Convenience of Necessity would also need Planning Commission approval). In addition to the permits mentioned above, there is likely to be two additional permits pending in the near future for a grocery store and a drug store directly across Del Paso Road from the proposed project. Staff believes that adequate sites either exist, or are planned for the sale of alcohol for off-site consumption in the area.

5. The proposed alcohol sales use is consistent with the criteria in the Community Plan (page 22) for support retail goods and services in the EC zone, i.e., specifically serves the employees and employers within the Employment Center.

The project does not meet Criteria #5, as the sale of alcohol at this site does not specifically serve the employees and employers within the Del Paso Road PUD. The existing use on this site is a gas station with an associated convenience market. The proposed sale of alcohol on this site is an extension of the existing commercial use. The existing and proposed use is located on Del Paso Road, a six-lane arterial roadway providing the major east-west conveyance of traffic in the North Natomas community. The site is also located approximately 1/2 mile from Interstate 5. It is more likely that the existing and proposed use will serve the larger North Natomas community as well as motorists traveling along Interstate 5 rather than specifically serving the employees and employers within the Del Paso Road PUD.

In addition to the North Natomas Community Plan Policies analyzed above, the City Zoning Code contains specific findings that must be made by the City Planning Commission prior to the approval of a special permit allowing the sale of beer and wine for off-site consumption. The findings the Planning Commission must make are:

- i. The proposed uses will not adversely affect the peace and general welfare of the surrounding neighborhood.
- ii. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
- iii. The proposed use will not enlarge or encourage the development of a skid row or blighted area.
- iv. The proposed use will not be contrary to or adversely affect any program of redevelopment of neighborhood conservation.

The planning commission shall consider whether the proposed use will detrimentally affect nearby residentially zoned areas, and shall give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks and playgrounds, child care centers, social services, and other similar uses. Additionally, the planning commission may consider aspects of the proposed use such as hours of operation, quantity and size of containers sold, alcoholic content of wines sold for off-premise consumption, percentage of shelf space devoted to alcoholic beverages, a requirement that the establishment post, in compliance with the city code, signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment

under the control of the establishment's operator, and any other activities proposed for the premises.

Based upon staff's analysis, the Police Departments comments (see below) and the comments provided by several community associations (see below), it is staff's recommendation the Planning Commission deny the proposed special permit and not attempt to make any of the findings listed above.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Sections 15301).

B. Public/Neighborhood/Business Association Comments

A. The NCA Planning Group provided the following comments subsequent to a presentation by the applicant on March 25, 2003:

1. The committee is opposed to beer and wine sales at the project site.
2. The committee was opposed to allowing off-sales during the project application phase.
3. The Chevron site is too close to the high-school/junior-college complex, Arco Arena, and proposed regional park.
4. The NCA Plan Review Committee supported the NNCP amendments that allowed off-site alcohol sales in EC zones based on the intent that such sales would be supportive of the EC uses. How does off-sales at an automobile-oriented retail outlet help to reduce daytime auto trips made by employees of the EC PUD it supports? In what way does the Chevron provide pedestrian and transit orientation?

B. The North Natomas Alliance indicated they have no objections to the project as long as the conditions in their May 20, 2003 letter (Attachment 9) were placed on the project. These conditions are consistent with the nine conditions provided by the applicant above.

C. The Natomas Crossing Homeowners Association does not support the proposed special permit and provided the following comments supporting their stance:

1. Natomas Crossing Homeowners Association is becoming concerned about the over concentration of liquor licenses on all of the roads bordering Arco Arena. Our homeowners in the Beck Properties along Innovator, Ginko, and Bilsted have to 'deal with' and pick up the garbage thrown from cars exiting Arco Arena and using Innovator as a short cut. The Kings organization blocks the road for us, but this is not the case for concerts, Monarchs, and other uses of the venue that are not willing to spend the extra cost for extra deputies. This garbage is exclusively a mix of beer cans, wine cooler bottles, and "40's". Adding additional outlets of this, only adds to the tailgate party problem at Arco.
2. Selling beer & wine wouldn't support the neighboring offices in any way.

D. The West Natomas Community Association provided correspondence indicating they are opposed to any alcohol sales at this location.

E. The Applicant submitted 49 individual letters of support for this project. Staff has reviewed these letters and found that 25 of the letters contain a City of Sacramento address. Further, staff has found that only 16 of these letters contain zip codes within the Natomas area. Additionally, the addresses outside of the Sacramento area, range from Fredericksburg, Virginia to Pico Rivera, California.

C. Summary of Agency Comments

The project was routed to the following City Departments and local/state agencies: Public Works Department (Entitlements and Solid Waste), Utilities Department, Building Department, Fire Department, Police Department, and the Natomas Unified School District.

The Police Department has provided indicated they are opposed to the project, but if the project were approved, they have included a list of conditions that should be placed on the project (Attachment 8). In addition, the Police Department provided the following comments regarding this project:

1. The Police Department is opposed to alcoholic beverage sales at this location due to its close proximity to highway access and hotel/motel site. It is the experience of this department that convenience stores inherently increase calls for service. The sale of alcoholic beverages may lead to significant increases in robberies, assaults, and loitering at this location.

2. Gasoline outlets in proximity to freeways or state highways are the types of use that may attract negative activity, such as loitering, noise, and criminal behavior, if not closely controlled or monitored. Allowing alcohol sales at this facility could significantly increase the likelihood of such negative behavior as well as facilitate on-site consumption.

2. Frequently, remote gasoline/retail store locations are staffed with a nighttime "skeleton" crew of employees, and they have limited ability to adequately supervise their premises to reduce the likelihood of alcohol shoplifting or grab and run crimes. Clerks employed at these types of facilities are frequently young, and they are reluctant to confront people on underage attempts to purchase alcohol or other sales prohibited by the Business and Professional Code. Also without adequate internal controls or personnel, it is difficult to control after hour sales or theft of alcoholic beverages. On duty late night clerks are required to monitor a wide variety of activities on-site; including the many problems associated with alcohol could significantly complicate operations.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A through B. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

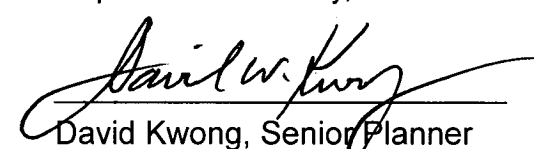
- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15301;

- B. Adopt the attached Notice of Decision and Findings of Fact denying the Special Permit to allow the sale of beer and wine for off-site consumption.

Report Prepared By,


Greg Bitter, Associate Planner

Report Reviewed By,


David Kwong, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Attachment 2	Applicant's Statement of Intent
Attachment 3	Site Plan

Attachment 4	Building Floor Plan
Attachment 5	Building Elevations
Attachment 6	Building Elevations
Attachment 7	Canopy Elevations
Attachment 8	City Police Department Review
Attachment 9	North Natomas Alliance Letter
Attachment 10	Vicinity Map
Attachment 11	Land Use & Zoning Map

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
DEL PASO ROAD ALCOHOL SALES,
LOCATED AT 2700 DEL PASO ROAD,
SACRAMENTO, CALIFORNIA IN THE EMPLOYMENT CENTER 65
PLANNED UNIT DEVELOPMENT (EC 65 PUD) ZONE. (P03-078)**

At the regular meeting of November 13, 2003, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. **Environmental Determination: Exempt pursuant to CEQA Sections 15301;**
- B. **Deny the Special Permit to allow the sale of beer and wine for off-site consumption.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. **Categorical Exemption:** The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Sections 15301 of the CEQA Guidelines.
- B. **Special Permit:** The Special Permit to allow the sale of beer and wine for off-site consumption is **denied** based on the following findings of fact:
 - 1. The project is not based upon sound principles of land use in that:
 - a. Alcoholic beverages can currently be purchased at locations less than one-mile from the subject site;
 - b. The proposed use is located within 1/2 mile of the Natomas Educational Complex (including a high school, community college classrooms and a library), the North Natomas Regional Park and three multi-family apartment complexes; and
 - 2. The project will be detrimental to the public welfare and can result in the creation of a public nuisance in that:
 - a. The Police Department has stated that the proposed use has a potential to increase the number of disturbance calls in the area; and

- b. The proposed use has a potential to create the development of a crime problem in the area.
3. The proposed project is inconsistent with Goals and Policies of the City of Sacramento General Plan in that:
 - a. The project is not consistent with the General Plan goals and policies related to Quality of Life in that the sale of alcoholic beverages at this location has the potential to create loitering and additional crime in the area. The potential for increase in crime, physical hazards, and/or debilitating influences may detract from the well-being of the neighborhood environment.
 - b. The project is not consistent with the General Plan goals and policies related to Quality of Life Public Services, in that the sale of alcoholic beverages at this location has the potential to increase the number of police service calls to the area, which would require an increase in the number of police calls and request for the time spent in the area.
4. The proposed project is inconsistent with specific criteria required by the North Natomas Community Plan to allow the sale of beer and wine for off-site consumption. Specifically, the proposed project does not meet the following criteria:
 - a. The project does not meet Criteria #4, as the proposed use would result in the Department of Alcoholic Beverage Control definition of over-concentration and the City Police Department objects to the project and is not willing to provide a letter of Public Convenience of Necessity; and
 - b. The project does not meet Criteria #5, as the sale of alcohol at this site does not specifically serve the employees and employers within the Del Paso Road PUD.


CHAIRPERSON

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ATTEST:

Sally M. Lane

SECRETARY TO CITY PLANNING COMMISSION

11/13/03

DATE (P03-078)

Attachment 2 - Applicant's Statement of Intent

APPLICANTS STATEMENT OF INTENT: This is a 3 part statement, answer completely in the spaces below or on a separate attachment:

- a. A description of what you propose to do. This description should include the entitlements being requested (i.e. rezone, tentative map, special permit, etc.) and the objectives of the project.

To obtain a Special Permit for the off-site sale of beer and wine at an existing Chevron "Extra Mile" retail store. In January of 2002, the City Council amended the zoning code and North Natomas Community Plan to permit the sale of alcoholic beverages in the EC Zone subject to the Special Permit requirements of Sacramento Zoning Code § 17.24.050 (Footnote 40) (Ordinance No. 2002-001).

The applicant has met with and discussed the proposed use with Sacramento Police Captain Scott LaCosse (916 566-6401). Captain LaCosse has indicated the Police Department has no significant concerns regarding the proposed use at the subject site that cannot be adequately addressed by conditions the applicant has already agreed to (see subsection (c) below for a list of these conditions).

Additionally, the North Natomas Alliance supports the proposed use at the subject site subject to these same conditions the Applicant has agreed to. (See attached letter of support from the North Natomas Alliance.)

- b. Information pertinent to the application, such as the building square footage, number of residential units, size and height of building, number of off-street parking spaces, height of fence, and any other pertinent information.

The Site is located in the " Town Center" area of North Natomas. It is surrounded by industrial and commercial property. The existing business is a Chevron "Extra Mile" retail store, with a gasoline service station and car wash. The retail store is approximately 2,900 square feet, single story. The site provides plenty of parking with 14 off-street spaces. The Site was designed and built in conformance with the Cool Cities Program and Air Pollution Reduction Guidelines.

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Attachment 2 - Applicant's Statement of Intent

c. Information and reasoning justifying your request.

The "Extra Mile" sites are best described as small markets selling groceries and prepared food items and beverages, integrating gasoline sales in a convenience setting. Providing all items necessary to satisfy the expectations of Chevron's customer base requires the sale of a small amount of beer and wine - no hard liquor- along with the eggs, cottage cheese, milk, diapers, chips, band aids, and thousands of other food and convenience items. Everything in the store is an upgrade from the expected gas station snack offering. The personnel are friendly, helpful and greet you upon entering the store.

Chevron actually serves a clientele with different needs than do the supermarkets nearby. Chevron's clientele is looking for convenient one stop shopping for their car needs, groceries and necessities, along with all types of beverages (including a small amount of beer and wine) where they are not forced to walk across large parking lots, drift through long aisles, and wait in long lines. Chevron provides these conveniences and needs that the surrounding supermarkets simply do not offer.

Chevron is cognizant of the need to make sure the small amount of beer and wine sales contemplated at this site are not deleterious to the surrounding neighborhood. Therefore, as gesture of good will, Chevron is willing to voluntarily place the following beer/wine related conditions into the Special Permit presently at issue:

- (1) Implementation of a license scanner.
- (2) No malt liquor or fortified wine products shall be sold.
- (3) No beer in 16-ounce or less cans or bottles, which is normally sold in multi-package containers, shall be sold individually.
- (4) Sales of wine shall be in containers of at least 750 ml.
- (5) The number of cooler doors allocated to beer and wine shall be limited to 5 cooler doors.

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Attachment 2 - Applicant's Statement of Intent

- (6) Signs shall be posted at the location in English and Spanish with regard to prohibitions of open containers and loitering at the location, and no loitering will be tolerated.
- (7) Security cameras will be maintained in proper working order at all times.
- (8) There shall be no coin operated video or arcade games and no adult magazines or videos shall be sold.
- (9) No self-illuminated advertising for beer or wine shall be allowed on buildings or windows.

These Conditions that Chevron is voluntarily offering reflects that Chevron is sensitive to the surrounding community and takes its obligation to be a responsible retailer of beer and wine very seriously.

The store at 2700 Del Paso Chevron intends to operate is a corporate store subject to strict corporate policies and procedures. The extensive corporate protocol and training will insure that this Chevron site is a responsible retailer of alcohol, and other food and beverage items. The sale of a small amount of beer and wine at this Chevron "Extra Mile" store is an appropriate use at this location.

Approval of this application in all of its aspects will ensure that Sacramento maintains a high quality of life for residents and a viable local economy for businesses. It will also serve to attract and retain businesses that provide tax revenue, jobs and other benefits to the city.

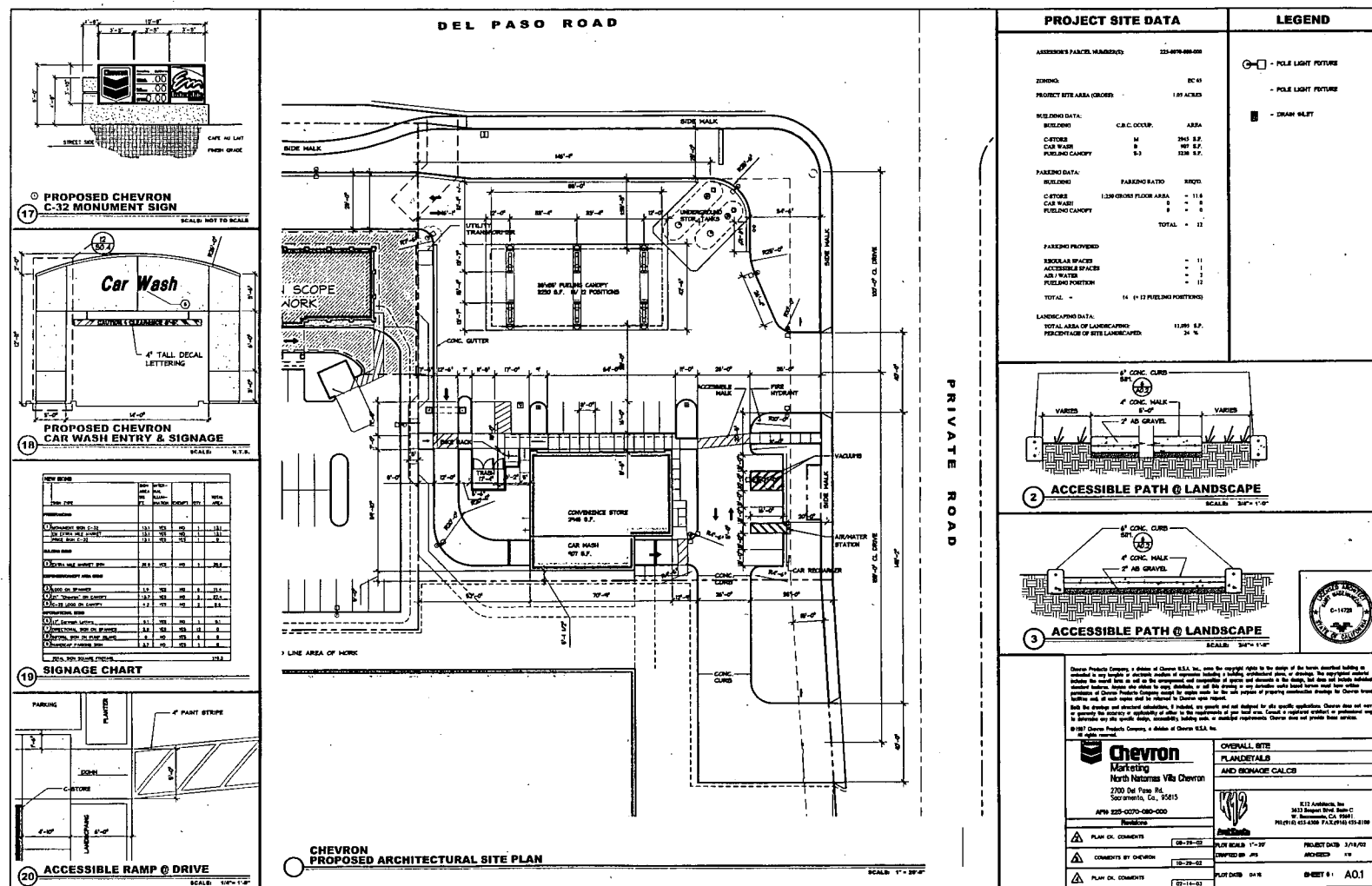
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Attachment 3 - Site Plan



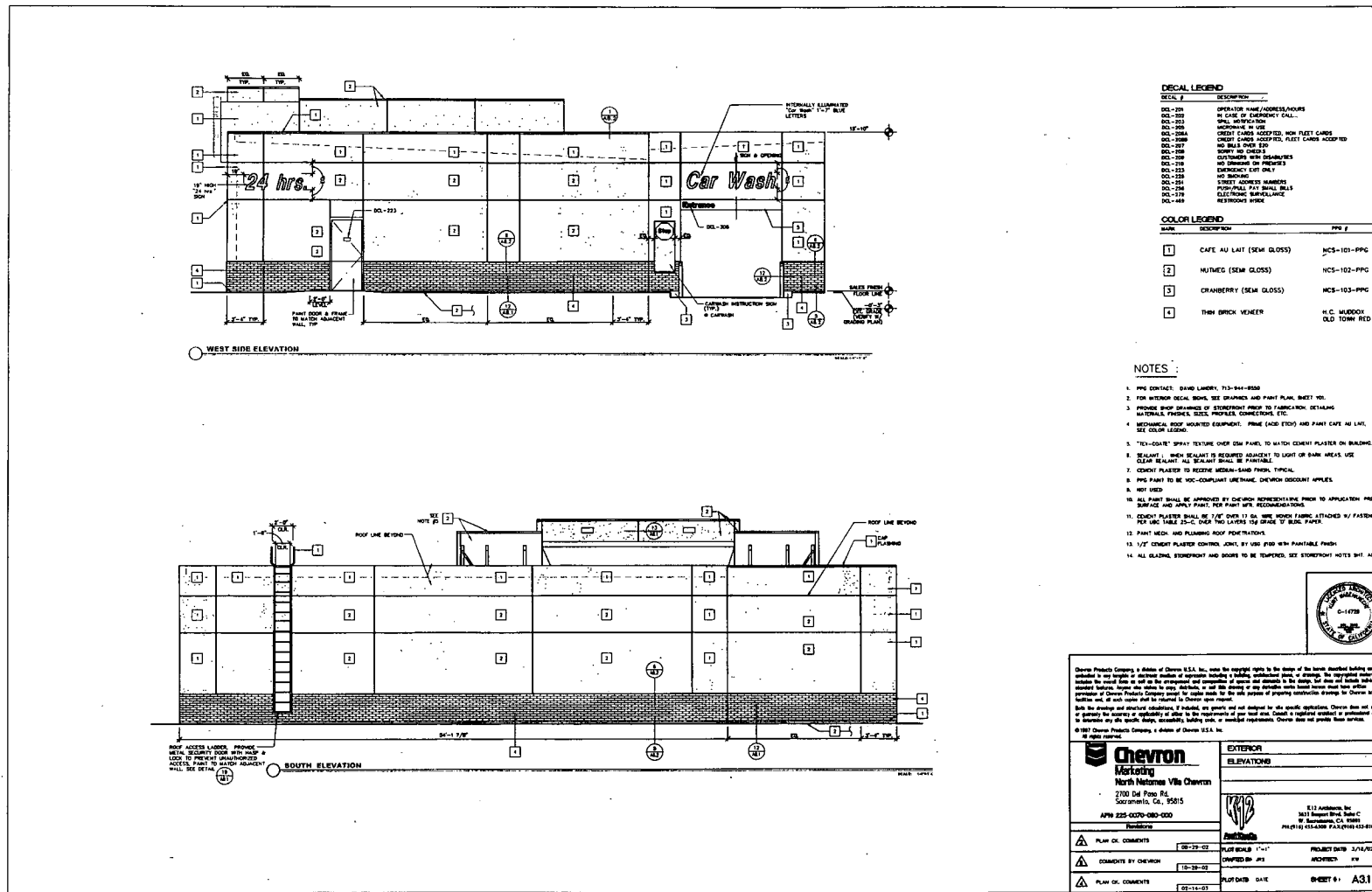
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Attachment 6 - Building Elevations



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Attachment 8 - City Police Department Review

POLICE DEPARTMENT PROJECT/CONDITION CHECKLISTPlanning Project File Number P03-078 (CHEVRON)Completed By: Kurt E McCray Sr, CSO Phone #: 566-6418 ext.1 Date: 10/30/03

The Police Department has no comments related to this project.

 The Police Department has no objections to the proposed project provided that the following conditions of approval are included in the project.

The Police Department is opposed to the proposed project and would like to meet with Planning Staff and the Project Applicant to discuss this project further. Please contact:

(name & number) to schedule a meeting.

 X The Police Department is opposed to the proposed project, but if the project is approved would like the following conditions of approval included in the project.

Alcoholic Beverages

 X 1. The Police Department is opposed to alcoholic beverage sales at this location due to its close proximity to highway access and hotel/motel site. It is the experience of this department that convenience stores inherently increase calls for service. The sale of alcoholic beverages may lead to significant increases in robberies, assaults, and loitering at this location.

 X 2. If alcoholic beverage sales are permitted. The Police Department is requesting the following conditions/restrictions

A. The sale of alcohol shall be limited to beer and wine only. No malt liquor or fortified wine products shall be sold.

B. Beer 16-ounces or less, normally sold in multi-package containers, shall not be sold individually.

C. Wine coolers shall not be sold in quantities of less than factory packs of four.

 X 3. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.

 X 4. No advertisement of alcoholic beverages shall be displayed at motor fuel islands.

 X 5. No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler.

 X 6. The word beer, wine or liquor shall not appear in the name or on any signs.

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7. The applicant shall install buzzers on doors of the cold box to notify clerks that door is open.

Hours of Operation and Security

8. The hours of operation of the market and gas station shall be 6:00 a.m. to 10:00 p.m. or a.m. to 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 to 10:00 p.m. from April through September or
10. Security cameras shall be maintained in proper working order at all times. Cameras should be of high resolution and contain exportation capabilities to facilitate the identification of individuals who commit crimes against the establishment.
11. Two employees shall be working at the store from opening until closing everyday.
12. Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. shall be at least 21 years of age to sell beer and wine.
13. The applicant shall have display counters low enough that the cashier has visibility throughout the store.
14. The cashier station shall be raised to provide a noticeable height advantage to employees.
15. Cashier station shall be visible from parking area.
16. The applicant shall install a drop safe and post a sign indicating that employees do not have access to the safe.

Operational Conditions

17. Signs shall be posted prohibiting consumption of alcoholic beverages in the parking areas. Signs shall read: "It is unlawful to 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.

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- 18. The applicant shall post the property "No Trespassing" and "No Loitering" in accordance with Sacramento City Code 19.16.140 and Section 602(k) of the California Penal Code. The applicant shall sign an agreement to prosecute all violators. The agreement shall be filed with the Police Department which will allow officers to remove loiterers and reflects to operator/owners agreement to prosecute. The agreement shall be kept on file on the premises and in the Police Department.
- 19. No public telephone shall be installed at the site.
- 20. No public pay telephones shall be maintained on the exterior of the premises.
- 21. The existing public telephone(s) on the subject property shall be removed prior to issuance of a certificate of occupancy or establishment of the proposed use.
- 22. Project lighting shall be provided 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. Lights should be consistent to reduce contrast between shadows and illuminated areas. All light fixtures are to be vandal-resistant.
- 23. All illegal activities observed on or around the business shall be promptly reported to the Police Department.
- 24. Business rules shall be posted in the business interior in a conspicuous place.
- 25. Store windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
- 26. Adult magazine and video sales are prohibited, and there shall be no coin operated video or arcade games (in order to discourage loitering).
- 27. There shall be no video/arcade machines maintained upon the premises at any time.
- 28. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- 29. The applicant shall agree to a "good neighbor policy." The "good neighbor policy" shall require that if any significant problems arise and the City receives

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complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.

Landscaping and Fencing

30. **Landscaping** shall be of the type and situated in locations to maximize observation while providing the desired degree of aesthetics.
- A. Security planting materials (thorny type plants and bushes) shall be incorporated into the landscape areas to discourage climbing or tampering with the fence.
 - B. Landscaping should be maintained at a minimum plant and/or shrub height of 30 inches and trees maintained at a minimum distance of 7 feet from lowest branch to the ground.
 - C. Decorative planting shall be maintained so as not to obstruct or diminish lighting levels throughout the project.

Building/Site Design

31. Addressing numbers throughout the project should be 3 feet in height and color contrasted to allow easier viewing for Emergency Services. Addressing should be placed where it is clearly visible from the street or parking area.
32. 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.
33. The applicant shall install bicycle security racks at the front of the business.
34. Design building to allow for maximized window surveillance of all outside areas by employees from the employees primary work positions and/or install video cameras for outside areas.

ADDITIONAL POLICE DEPARTMENT CONDITIONS/COMMENTS:

35. Gasoline outlets in proximity to freeways or state highways are the types of use that may attract negative activity, such as loitering, noise, and criminal behavior, if not closely controlled or monitored. Allowing alcohol sales at this facility could significantly increase the likelihood of such negative behavior as well as facilitate on-site consumption.
36. Frequently, remote gasoline/retail store locations are staffed with a nighttime "skeleton" crew of employees, and they have limited ability to adequately supervise their premises to reduce the likelihood of alcohol shoplifting or grab and run crimes. Clerks employed at these types of facilities are frequently young, and they are reluctant to confront people on underage attempts to

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purchase alcohol or other sales prohibited by the Business and Professional Code. Also without adequate internal controls or personnel, it is difficult to control after hour sales or theft of alcoholic beverages. On duty late night clerks are required to monitor a wide variety of activities on-site; including the many problems associated with alcohol could significantly complicate operations.

NOVEMBER 13, 2003

Attachment 9 - North Natomas Alliance Letter

May 20, 2003

Jessica Jacobs
Solomon, Saltzman & Jamieson
Fax (310) 822-3512

Dear Jessica:

In response to the favorable comments by Sacramento Police Captain Scott LaCrosse about Chevron's responsible corporate policies and good track record, and the presentation you made to the North Natomas Alliance Plan Review Committee, we support the proposal to sell beer and wine at the station on Del Paso Road with the following conditions:

1. Implementation of a license scanner.
2. No malt liquor or fortified wine products to be sold.
3. Sales of beer shall be in quantities of not less than a six pack.
4. Sales of wine shall be in containers of at least 750 ml.
5. No self illuminated advertising of beer or wine shall be allowed on the building or windows.
6. The number of cooler doors allocated to beer and wine shall be limited to five.
7. Signs shall be posted on the premises in English and Spanish with regard to prohibition of open containers of beer or wine and loitering at the location will not be tolerated.
8. Security cameras will be maintained in proper working order at all times.
9. There shall be no coin operated video or arcade games and no adult magazines or videos shall be sold.

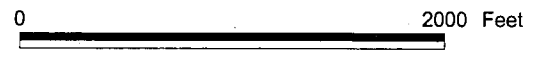
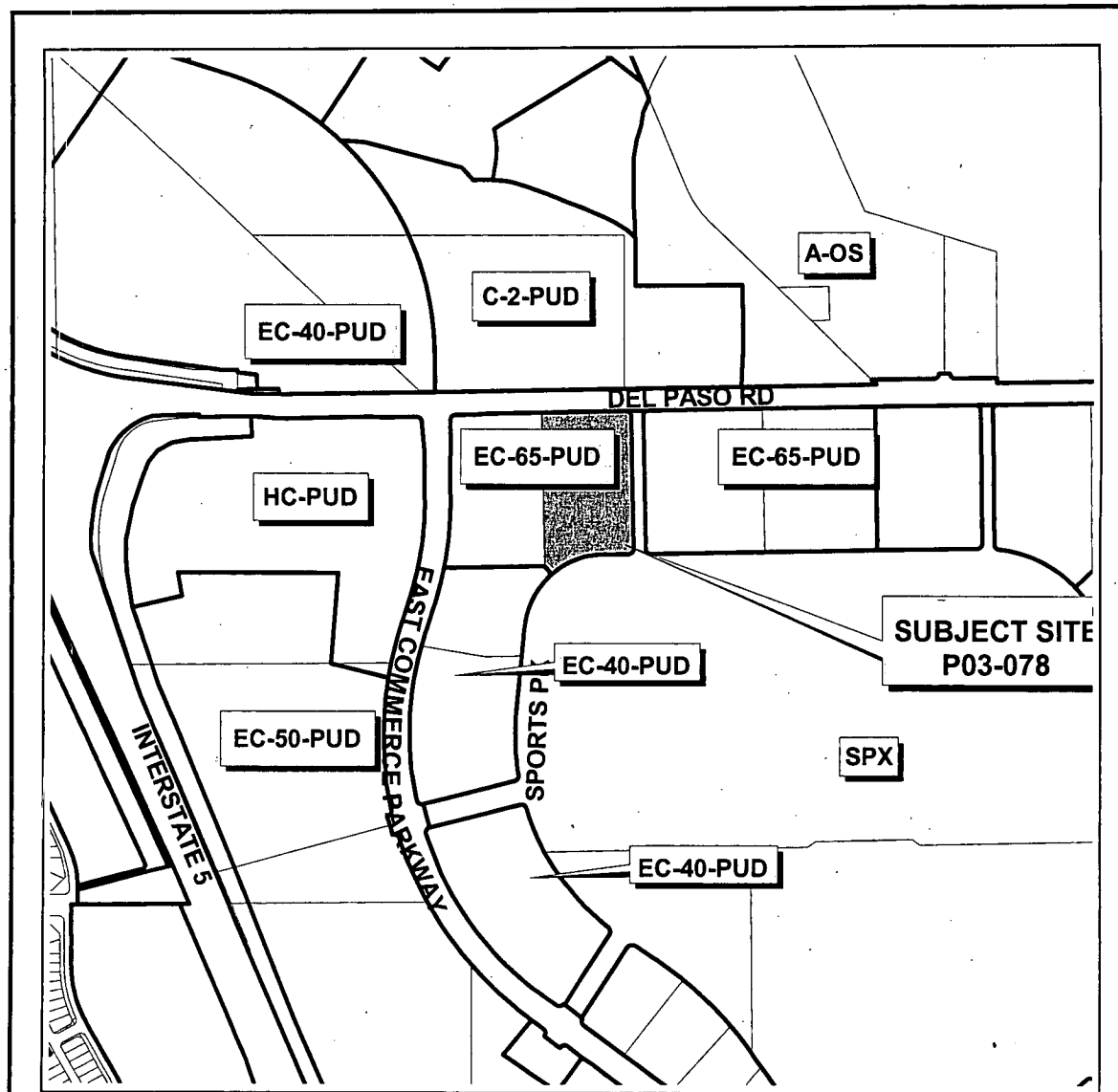
Sincerely,




Chuck Beaver
Chairman of Plan Review Committee

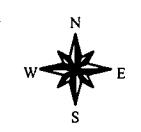
P03-078
REC'D 7/9/03

Attachment 10 - Vicinity Map



 Planning & Building
Department
Geographic
Information
Systems

Land Use & Zoning
P03-078



January 1, 2003

Attachment 11 - Land Use & Zoning Map

