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DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

March 23, 1988

City Council  
Sacramento, California

**FILED**  
MAR 29 1988  
*Cont to 4-5-88*  
BY THE CITY COUNCIL  
OFFICE OF THE CITY CLERK

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

Honorable Members in Session:

SUBJECT: APPEAL OF PLANNING COMMISSION DENIAL OF A SPECIAL PERMIT TO ALLOW THE SALE OF BEER AND WINE (P87-468)

LOCATION: 3701 Franklin Boulevard

**APPROVED**  
BY THE CITY COUNCIL

APR 04 1988

OFFICE OF THE  
CITY CLERK

SUMMARY

The application is for a Special Permit to allow the sale of beer and wine at an existing Shell Service Station/Mini-Mart. The request was considered by the Planning Commission and denied. The matter is before the City Council on appeal.

BACKGROUND INFORMATION

Planning staff evaluated the request and found the following:

- o The gas station is located next to and near residential homes;
- o The site is also located on Franklin Boulevard, which is a strip undergoing revitalization thru public and private efforts;
- o The request is opposed by the City Police Department, which cited serious crime problems in the area, including public drunkenness.

Based on the above findings, Planning staff recommended denial of the Special Permit. The Planning Commission, after hearing public testimony for and against the request, voted to deny the special permit.

VOTE OF THE PLANNING COMMISSION

On February 11, 1988, the Commission voted six ayes, one no, two absent to deny the special permit.

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RECOMMENDATION

The Planning Commission and staff recommend denial of the appeal based on the attached findings.

Respectfully submitted,



Michael M. Davis  
Director of Planning and Development

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MD:MVD:AG:rt  
attachments

District No. 7  
March 29, 1988

**P87-468**

**APPROVED**  
BY THE CITY COUNCIL

APR 04 1988

Appeal of Kristen Shackelford vs.  
City of Sacramento Planning  
Commission's Denial of a Special Permit  
to Allow the Sale of Beer and Wine at an  
Existing Gas Station at 3701 Franklin  
Boulevard (P87-468)

OFFICE OF THE  
CITY CLERK

Notice of Decision  
and  
Findings of Fact

At its regular meeting of April 5, 1988, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings:

1. The proposed use will adversely affect the peace or general welfare of the surrounding property by increasing the potential for crime in an area that has a serious existing crime problem according to the City Police Department.
2. The proposed use will also adversely affect the peace or general welfare of the surrounding property because the subject site is located at the northern end of the Franklin Boulevard "cruise" strip. As a result, there is severe traffic congestion on cruise nights. Allowing the sale of beer and wine at the subject site could increase traffic at this location.
3. The proposed use will adversely affect public and private efforts at neighborhood conservation. The use is adjacent to residential homes and on Franklin Boulevard, a major street undergoing revitalization. The proposed use may ad to public drunkenness and loitering.

*Arnell Rueden*  
MAYOR

ATTEST:

*Jannie Berman*  
Deputy CITY CLERK

**Sacramento City Planning Commission  
VOTING RECORD**

24

**MEETING DATE**  
January 14, 1988

**ITEM NUMBER**  
8

**PERMIT NUMBER**  
P 87-468

**ENTITLEMENTS**

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

**STAFF RECOMENDATION**

Favorable  Unfavorable

Correspondence

Petition

**LOCATION** 3701 Franklin Blvd.

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NAME	ADDRESS

**MOTION #**

	Yes	No	Motion	Second
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CHINN	✓			
FERRIS				
HOLLICK	✓			
HOLLOWAY	✓			✓
ISHMAEL	<i>absent</i>			
NOTESTINE	✓			
OTTO	✓			✓
WALTON	<i>absent</i>			
RAMIREZ	✓			

**MOTION**

- TO APPROVE
- TO DENY
- TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT
- TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT
- INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE
- TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL
- TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL
- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO 2-11-88 MEETING
- OTHER \_\_\_\_\_

3

P87468

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RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO

FEB 24 8 12 AM '88

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

February 22, 1988

MEMORANDUM

TO: Lorraine Magana, City Clerk  
FROM: Roxanne Twilling  
SUBJECT: Request to Set Public Hearing

PFP DATE: ~~3-22-88~~  
HEARING DATE: 3-29-88  
FINAL COUNCIL ACTION DATE: \_\_\_\_\_

P87-468

Appeal of the Planning Commission's Denial of a Special Permit to allow the sale of beer and wine for off-site consumption at an existing service station/mini mart on 0.4+ acres in the General Commercial (C-2) zone; located at 3701 Franklin Boulevard; (D7)  
APN: 020-0011-001

**FILED**  
MAR 29 1988  
BY THE CITY COUNCIL  
OFFICE OF THE CITY CLERK

*Cont to 4-5-88*

1950

P-87468

# SACRAMENTO CITY PLANNING DIVISION

Application Information Application taken by/date: \_\_\_\_\_

Project Location 3701 Franklin Boulevard  
 Assessor Parcel No. 020-0011-001  
 Owners Evelyn Jensen Phone No. \_\_\_\_\_  
 Address 1530 4th Street #13 Sacramento, CA 95821  
 Applicant Robert and Kristen Schackelford Phone No. \_\_\_\_\_  
 Address 5101 Pinebrook Way Sacramento, CA 95842

### REQUESTED ENTITLEMENTS

### ACTION ON ENTITLEMENTS

	Commission date	Council date
<input checked="" type="checkbox"/> Environ. Determination <u>EX 15301a, 15303c</u>	_____	_____
<input type="checkbox"/> General Plan Amend _____	_____	_____
<input type="checkbox"/> Community Plan Amend _____	_____	Res. _____
<input type="checkbox"/> Rezone _____	_____	Res. _____
<input type="checkbox"/> Tentative Map _____	_____	Ord. _____
<input checked="" type="checkbox"/> Special Permit <u>to allow the sale of beer and wine for off-site consumption at an existing service station/mini-mart on 0.4+ acres in the General commercial (C-2) zone.</u>	_____	Res. _____
<input type="checkbox"/> Variance _____	_____	_____
<input type="checkbox"/> Plan Review _____	_____	_____
<input type="checkbox"/> PUD _____	_____	_____
<input type="checkbox"/> Lot Line Adjustment _____	_____	_____
<input type="checkbox"/> Other _____	_____	_____

Sent to Applicant: \_\_\_\_\_ Date \_\_\_\_\_

By: \_\_\_\_\_ Sec. to Planning Commission

### Key to Entitlement Actions

- Fr — Ratified
- A — Approved
- AC — Approved W/conditions
- AA — Approved W/amended conditions
- D — Denied based on Findings of Fact
- RD — Recommend Denial
- RA — Recommend Approval
- RAC — Recommend Approval W/conditions
- RMC — Recommend Approval W/amended conditions
- IAF — Intent to Approve based on Findings of Fact
- AFF — Approved based on Findings of Fact
- PDAC — Planning Director Approved with Conditions

### EXPIRATION

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of one year unless a building permit is obtained within the variance term.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within two years after such permit is issued. If such use is not so established the Special Permit shall be deemed to have expired.

TENTATIVE MAP: Failure to record a final map within 2 years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

P87-468



P. 87468

Sacramento City Planning Commission  
VOTING RECORD

MEETING DATE  
February 11, 1978

ITEM NUMBER  
1

PERMIT NUMBER  
P 87-468

ENTITLEMENTS

- GENERAL PLAN AMENDMENT
- COMMUNITY PLAN AMENDMENT
- REZONING
- SPECIAL PERMIT
- VARIANCE
- TENTATIVE MAP
- SUBDIVISION MODIFICATION
- LOT LINE ADJUSTMENT
- ENVIRONMENTAL DET.
- OTHER \_\_\_\_\_

STAFF RECOMMENDATION

Favorable  Unfavorable

NOTE

Correspondence

Petition

LOCATION  
3701 Franklin Boulevard

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NAME	ADDRESS
<u>Ralph Ferguson, repr R. + K. Mackelrod</u>	<u>5101 Kimbrook Way 95842</u>

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NAME	ADDRESS
<u>Bill Hoover</u>	<u>2724 18<sup>th</sup> Avenue, Sacto.</u>
<input checked="" type="checkbox"/> <u>Miguel Torres</u>	<u>10<sup>th</sup> Avenue + Franklin Blvd., Sacto.</u>
<u>John Pratt</u>	<u>2917 13<sup>th</sup> Avenue, Sacto.</u>
<u>Carl Savaldi</u>	<u>3030 10<sup>th</sup> Avenue, Sacto.</u>
<u>Dan Stout</u>	<u>2910 13<sup>th</sup> Avenue, Sacto.</u>
<u>Larry Hubbs (Sacto. Police Dept.)</u>	

MOTION #

	Yes	No	Motion	Second
GASTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
HOLLICK	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
HOLLOWAY	<u>Absent</u>			
ISHMAEL	<input checked="" type="checkbox"/>			
NOTESTINE	<input checked="" type="checkbox"/>			
OTTO		<input checked="" type="checkbox"/>		
WALTON	<u>absent</u>			
RAMIREZ	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
CHINN	<input checked="" type="checkbox"/>			

MOTION

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- TO RATIFY NEGATIVE DECLARATION
- TO CONTINUE TO \_\_\_\_\_ MEETING
- OTHER \_\_\_\_\_

P-87468

NOTICE OF APPEAL OF THE DECISION OF THE  
SACRAMENTO CITY PLANNING COMMISSION

DATE: February 19, 1988

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City  
Planning Commission of Thurs/Feb. 11, 1988 when:  
(Date)

       Rezoning Application                             Variance Application  
  X   Special Permit Application P87- 468

was:        Granted   X   Denied by the Commission

GROUNDS FOR APPEAL: (Explain in detail)

SEE ATTACHMENT

PROPERTY LOCATION: 3701 Franklin Boulevard

PROPERTY DESCRIPTION: Shell Gas Station Mini Mart - situated on  
.4+ acres.

ASSESSOR'S PARCEL NO. 020 - 0011 - 001

PROPERTY OWNER: Evelyn Jensen

ADDRESS: 1530 - 4th Street, #13, Sacramento, CA 95821

APPLICANT: Robert and Kristen Shackelford

ADDRESS: 5101 Pinebrook Way, Sacramento, CA 95842

APPELLANT: (Kristen Shackelford) ( KRISTEN SHACKLEFORD )  
(SIGNATURE) PRINT NAME

ADDRESS: 5101 Pinebrook Way, Sacramento, CA 95842

FILING FEE:

by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_

by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

P- 87-468 CITY PLANNING DEPARTMENT

5/82

**FEB 19 1988**  
**RECEIVED**

DISTRIBUTE TO -  
(4 COPIES REQUIRED):

MVD  
AG  
WW  
RT  
SG - (Original)

ATTACHMENT TO NOTICE OF APPEAL OF DECISION OF  
CITY PLANNING COMMISSION

DECISION DATE: Thursday, February 11, 1988  
SPECIAL PERMIT APPLICATION: P87-468  
APPLICANTS: Robert and Kristen Shackelford

Applicants Robert and Kristen Shackelford appeal from the decision rendered by the City Planning Commission (hereinafter the "Commission") on Thursday, February 11, 1988 denying their application for a special permit for the sale of beer and wine for off-site consumption. Applicants appeal on the following grounds:

1. The Commission's finding of fact that Applicants' proposed use will adversely affect the peace or general welfare of the surrounding property by increasing the potential for crime was not supported by the evidence. No evidence was presented which established that by granting the application an increase in alcohol-related crimes would result.

2. The Commission's finding of fact that Applicants' proposed use will adversely affect the peace or general welfare of the surrounding property because the subject site is located at the northern end of the Franklin Boulevard cruise strip and would result in traffic congestion. Such finding was not supported by the evidence presented. Moreover, the Commission's finding of fact that the sale of beer and wine at the subject site would increase traffic was also not supported by the evidence.

3. Applicants contend that any portion of the Commission's decision which was based on a finding that by granting the special permit noise and littering in the surrounding neighborhood would increase was also not supported by the evidence presented.

4. The Commission did not make a finding of fact as required under City Ordinance No. 87-077, section 2-E-40, as adopted on June 23, 1987, as to whether the proposed use would result in an undue concentration of establishments dispensing alcoholic beverages.

5. The decision of the Commission denies Applicants equal protection and application of the law; and

P-87468

6. In all likelihood, the decision of the Commission to deny the special permit will result in the financial demise of Applicants' business at the subject site.

Based on the foregoing grounds, Applicants seek to have the decision of the Commission reversed and to have their application for a special permit granted.

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CITY CLERKS OFFICE  
CITY OF SACRAMENTO

MARTORANA & STOCKMAN

A PROFESSIONAL CORPORATION  
707 COMMONS DRIVE  
SACRAMENTO, CALIFORNIA 95825  
(916) 925-2500  
FAX: 916 925-2253

MAR 11 | 26 PM '88

WALTER E. STOCKMAN  
FRANK L. MARTORANA  
JACK T. HOLLAND  
JOHN W. FEIST  
RALPH T. FERGUSON  
MICHAEL M. SMITH  
DAVID R. ANDERSON  
ROBIN CLARK BEVIER  
KEVIN G. LONG  
DIANE F. BOYER  
GAIL M. GORDON

March 10, 1988

CITY CLERK'S OFFICE  
City Hall  
915 "I" Street, Room 300  
Sacramento, CA 95814

Attention: Janice Beaman

File: 19435.0

Re: Shackelford Appeal of Decision of City Planning Commission;  
Filed February 19, 1988; P87-468

Dear Ms. Beaman:

This letter is to confirm my telephone conversation of Tuesday, March 8, 1988 with the City Clerk's Office.

During that conversation, I informed Ms. Murphy that the law firm of Martorana & Stockman represents Mr. and Mrs. Shackelford in their appeal of the City Planning Commission's decision denying their application for a special permit. Accordingly, all notices and correspondence regarding ~~the above-referenced appeal~~ should be sent to the attention of Ralph Ferguson, Martorana & Stockman, 707 Commons Drive, Sacramento, California 95825.

As we understand, the hearing on the appeal is scheduled for 7:30 p.m. on March 29, 1988, at City Hall. We would appreciate receiving available information regarding the procedure to be followed during the hearing including information on documents, if any, which we must file. Again, this information should be directed to Ralph T. Ferguson at the above address, or he may be reached at 925-2500.

Sincerely,

MARTORANA & STOCKMAN  
A Professional Corporation

By: Diane Boyer  
DIANE F. BOYER

DFB1:amc04

cc: Mr. and Mrs. Shackelford

*add to routing slip & mail notice*

# CITY PLANNING COMMISSION

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

24

APPLICANT	ROBERT AND KRISTEN SHACKELFORD, 5101 Pinebrook Way, Sac., CA 95842
OWNER	EVELYN JENSEN, 1530 4th Street #13, Sacramento, CA 95821
PLANS BY	Shell Oil Company
FILING DATE	11/12/87
ASSESSOR'S-PCL. NO.	020-0011-001
ENVIR. DET. Ex.	15301(a), 15303(c)
REPORT BY	CV/vf

**APPLICATION:** Special Permit to allow the sale of beer and wine at an existing service station/mini-mart.

**LOCATION:** 3701 Franklin Boulevard

**PROPOSAL:** The applicant is requesting the necessary entitlements to sell beer and wine for off-site consumption.

**PROJECT INFORMATION:**

1974 General Plan Designation:	Commercial and Offices
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Shell Gas Station, mini-mart

**Surrounding Land Use and Zoning:**

North: Fast food, retail; C-2  
 South: Single family residential; R-1  
 East : Single family residential; R-1  
 West : Retail; C-2

Parking Required:	1 space
Parking Provided:	12 spaces
Property Dimensions:	Irregular
Property Area:	0.4± acre (s)
Square Footage of Building:	Mini-mart: 155 sq. ft.
Height of Building:	1 Story
Topography:	Flat
Street Improvements & Utilities:	Existing

**PROJECT EVALUATION:** Staff has the following comments:

**A. Land Use/Zoning**

The subject site is zoned General Commercial (C-2) and is developed with a service station and mini-mart. Surrounding land uses include fast food restaurant and retail to the north, single family residential to the east and south and retail to the west.

**B. Project Description**

The applicant proposes to use an existing service station and mini-mart for the sale of beer and wine for off-site consumption. According to the applicant, the service station only sells gas and no longer performs automobile repair work. The mini-mart and office area total approximately 222 sq. ft. The remaining sq. ft. of the service station is used for general storage.

City Ordinance (87-077) requires a special permit for the sale of alcohol for off-site consumption. The Planning Commission is required to make findings stating the proposed sale of alcohol would not negatively impact the neighborhood.

Although the mini-mart and service station are presently open 24 hours, seven days per week, the applicant has stated he will limit the sale of beer and wine to 6:00 a.m. to 10:00 p.m., seven days per week.

An existing six foot high wood fence is located along the south and east property lines. The applicant proposes to replace this fence with a six foot high solid masonry wall along the south and east property lines.

According to the applicant, there are 12 parking spaces presently located on the site. Staff finds this to be an adequate number of parking spaces for the three employees per shift and the size of the mini-mart (155 sq. ft.).

C. Field Survey - Liquor Stores

Staff conducted a survey of stores selling liquor and beer in the area and notes the following:

- 1. Food City: 21st Avenue and Franklin Boulevard
- 2. Chimas Liquor: 26th Avenue and Franklin Boulevard
- 3. Chuck's Liquors: Franklin Boulevard and Fruitridge Road
- 4. Quick Stop: Franklin Boulevard and 4th Avenue
- 5. Regal Mini-Mart: Franklin Boulevard and Fruitridge Road

There are an adequate number of stores in this area that sell beer and wine. Staff notes that the properties to the east and south consist of single family homes. These homes could be impacted from noise generated by the mini-mart and service station use. These residents have indicated opposition for fear of increased traffic and crime problems.

D. Agency Comments

This proposal was reviewed by Traffic Engineering, Police Department and the following comments were received:

Police

We are opposing the request for a special permit to allow the sale of beer and wine at the above location. The proposed site is located in an area that has a serious existing crime problem. So far this year, within one block, there have been three reported armed robberies, one

5

City Ordinance (87-077) requires a special permit for the sale of alcohol for off-site consumption. The Planning Commission is required to make findings stating the proposed sale of alcohol would not negatively impact the neighborhood.

Although the mini-mart and service station are presently open 24 hours, seven days per week, the applicant has stated he will limit the sale of beer and wine to 8:00 a.m. to 10:00 p.m., seven days per week.

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murder, three arrests for possession of deadly weapons, two arrests for receiving stolen property and numerous other calls for service. This location is also the northern end of the Franklin Boulevard "Cruise" strip. As a result, there is severe traffic congestion in this area on cruise nights as well as problems with public drunkenness, drug abuse, and loitering. In addition, members of the Home Alert Group, located along the 2900 block of 13th Avenue, just south of the site, have expressed strong opposition to the permit. They fear it will add to the congestion and crime problems in their neighborhood.

We also feel the sale of alcohol at this location would be entirely inappropriate and detract from our efforts to control existing problems.

We have also asked the State Department of Alcoholic Beverage Control to deny the applicant's request for an off sale beer and wine license.

ENVIRONMENTAL DETERMINATION: This project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(a)), (15303(c)).

RECOMMENDATION: Staff recommends denial of the special permit based upon the findings of fact which follow:

Findings of Fact - Special Permit

1. The proposed use will adversely affect the peace or general welfare of the surrounding property by increasing the potential for crime in an area that has a serious existing crime problem.
2. The proposed use will also adversely affect the peace or general welfare of the surrounding property because the subject site is located at the northern end of the Franklin Boulevard "Cruise" strip. As a result, there is severe traffic congestion on cruise nights. Allowing the sale of beer and wine at the subject site could increase traffic at this location.



CITY OF SACRAMENTO

24  
CITY PLANNING DIVISION

DEC 07 1987

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DEPARTMENT OF POLICE  
HALL OF JUSTICE  
813 6TH STREET

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

December 4, 1987

Ref. 12-3

MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER  
CITY PLANNING DIVISION

FROM: JERRY V. FINNEY, ASSISTANT CHIEF  
SACRAMENTO POLICE DEPARTMENT

SUBJECT: SPECIAL PERMIT FOR THE SHELL MINI-MART  
3701 FRANKLIN BLVD.

We are opposing the request for a special permit to allow the sale of beer and wine at the above location. The proposed site is located in an area that has a serious existing crime problem. So far this year, within one block, there have been three reported armed robberies, one murder, three arrests for possession of deadly weapons, two arrests for receiving stolen property and numerous other calls for service. This location is also the northern end of the Franklin Blvd. "cruise" strip. As result, there is severe traffic congestion in this area on cruise nights as well as problems with public drunkenness, drug abuse, and loitering. In addition, members of the Home Alert Group, located along the 2900 block of 13th Avenue, just south of the site, have expressed strong opposition to the permit. They fear it will add to the congestion and crime problems in their neighborhood.

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*Jerry V. Finney*  
JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE

JVF/ks

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2-11-88  
ITC #



CITY OF SACRAMENTO

CITY PLANNING DIVISION

DEC 07 1987

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DEPARTMENT OF POLICE

HALL OF JUSTICE  
313 6TH STREET

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

December 4, 1987

Ref. 12-3

MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER  
CITY PLANNING DIVISION

FROM: JERRY V. FINNEY, ASSISTANT CHIEF  
SACRAMENTO POLICE DEPARTMENT

SUBJECT: SPECIAL PERMIT FOR THE SHELL MINI-MART  
3701 FRANKLIN BLVD.

We are opposing the request for a special permit to allow the sale of beer and wine at the above location. The proposed site is located in an area that has a serious existing crime problem. So far this year, within one block, there have been three reported armed robberies, one murder, three arrests for possession of deadly weapons, two arrests for receiving stolen property and numerous other calls for service. This location is also the northern end of the Franklin Blvd. "cruise" strip. As result, there is severe traffic congestion in this area on cruise nights as well as problems with public drunkenness, drug abuse, and loitering. In addition, members of the Home Alert Group, located along the 2900 block of 13th Avenue, just south of the site, have expressed strong opposition to the permit. They fear it will add to the congestion and crime problems in their neighborhood.

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*Jerry V. Finney*  
JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE

JVF/ks

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~~12-17-87~~ 1-14-88  
 2-11-88

Item #17

24

**FRITZ-HOWARD CLAPP**

ATTORNEY AT LAW

INTELLECTUAL PROPERTY  
BUSINESS & COMPUTER LAW

555 CAPITOL MALL, SUITE 410  
SACRAMENTO, CALIFORNIA 95814

(916) 442-1211  
TELEX 888506

6 January 1988

**CITY OF SACRAMENTO  
CITY PLANNING DIVISION**

Frank Ramirez, Chairman  
City Planning Commission  
1231 I Street, Suite 200  
Sacramento, California 95814

**JAN 07 1988**

**RECEIVED**

Re: Application No. P87-468  
Special Permit to allow beer/wine sales at service station

Dear Frank:

The undersigned is the counsel for Sierra Curtis Neighborhood Association (SCNA), which has resolved to oppose the above application.

The objections to the sale of beer and wine at applicants' location are based primarily on concerns that such sales would aggravate the existing crime problems and traffic congestion in the area. I note that these are the same concerns expressed by the Police Department.

The confluence of gasoline sales and alcoholic beverage sales raises a serious policy issue, which I believe the City has recognized in the enactment of Ord. 87-077. Access to gasoline is essential as part of the transportation network, and market forces should probably be allowed to dictate the location of service stations. Alcoholic beverages, on the other hand, are treated in our society as a negative value to be carefully controlled and limited. To allow both to be sold at the same location unduly increases the possibility that they will be consumed together, namely, that drunk driving will result.

I have been informed that the applicants' franchisor (Shell Oil) has taken an aggressive posture with respect to this issue, and that it has encouraged or even required some of its franchisees to apply for Off-Sale licenses. Franchisees who otherwise would not be interested in alcoholic beverage sales, or who may find it personally offensive, are prompted by financial pressure to make applications such as this one. I feel that this is an abuse of the power of a franchisor, and that as part of the application and review process the franchise relationship should be examined to expose such abuses where they exist.

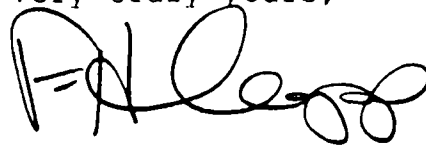
*P87-468*

*10  
February 11, 1988*

*Item #1*

Sufficient reasons exist for the denial of the above application. I also respectfully suggest that the commission consider amending its application procedures to disclose the existence and extent of franchisor involvement in the activity for which a permit is sought.

Very truly yours,



Fritz-Howard Clapp

FHC/mw

cc: Joe Serna, Jr.

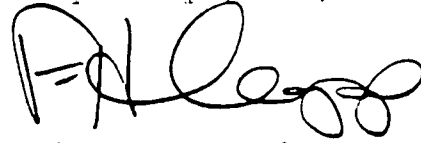
P87-468

11  
2-11-88

Item #1

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Very truly yours,



Fritz-Howard Clapp

FHC/mw

cc: Joe Serna, Jr.

P87-468

12  
2-11-88

Item # 1

Jan 11, 1987 24

Dear City Planning Commission,

I urge you not to grant application for sale of wine and beer to the applicants and owner of the Shell Oil Station at Franklin Boulevard and Sutterville Road. There is enough congestion at that corner already. I think it is a dangerous idea!!

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

JAN 13 1988

RECEIVED

P87-468

Grace Basua  
3140 24th ST  
Sacramento, Calif  
95818

P87-468

13  
2-11-88

Item #1

24

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

January 12, 1988

JAN 13 1988

RECEIVED

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

Re: Application No. P87-468 for a special permit to allow the sale of beer and wine at an existing service station/mini-mart at 3701 Franklin Blvd.

Gentlemen:

Please note my opposition to the above application. My reasoning has been summarized previously in the comments in opposition issued by the Staff and City Police Department.

Thank you.

*Earl R. Andrews*

Earl R. Andrews  
2535 4th Avenue  
Sacramento, CA 95818

P87-468

14  
2-11-88

Item #1



*cur*

24

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

January 12, 1988

JAN 13 1988

RECEIVED

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

Re: Application No. P87-468 for a special permit to allow the sale of beer and wine at an existing service station/mini-mart at 3701 Franklin Blvd.

Gentlemen:

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Thank you.

*Earl R. Andrews*

Earl R. Andrews  
2535 4th Avenue  
Sacramento, CA 95818

*P87-468*

*2-11-88*

*15*

*Item #1*

ALLEN MAX LUGER, INC.

ATTORNEY AT LAW

ELEVEN ELEVEN TWENTY-SECOND STREET

SACRAMENTO, CALIFORNIA 95816

(916) 441-3232

24

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

JAN 13 1988

13 January 1988

RECEIVED

CITY OF SACRAMENTO  
Department of Planning  
and Development  
Sacramento, CA

RE: P87-468 Special Permit

Dear City Planner:

I write to voice my opposition to any permit for the sale of alcoholic beverages at the service station mini-mart located at 3701 Franklin Boulevard. My objection is for the following reasons:

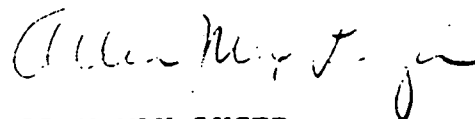
(1) The intersection upon which the service station is located is very busy. There is inadequate parking at the service station, which will result in traffic congestion when beer and wine customers attempt to get into the crowded parking lot.

(2) There is no need for the sale of alcoholic beverages in this area. There are several other locations very near by to obtain beer and wine.

(3) Franklin Boulevard is a heavily "cruised" street on the weekends. There already is rampant consumption of alcoholic beverages by drivers of cars cruising in the area on the weekend. Making alcohol more available and more easily available by sale at this location would increase the chances of cruisers drinking and driving.

Thank you for your consideration.

Sincerely,



ALLEN MAX LUGER

md

P87-468

16  
2-11-88

Item #1

CITY PLANNING DIVISION

24

DEC 31 1987

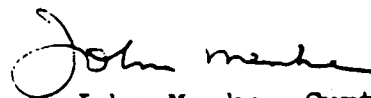
RECEIVED

2761 6th Avenue  
Sacramento, CA 95818  
December 29, 1987

City Planning Commission  
1231 I Street, Suite 200  
Sacramento, CA 95814

We would like to state our opposition to the proposal for a permit for the sale of wine and beer at the Shell Service Station located at the corner of Franklin Blvd. and Sutterville Rd. This corner and the station itself are already very congested and the sale of wine and beer would add unnecessarily to the traffic and noise problems. In addition, the proposed use would adversely affect the peace and general welfare of the surrounding area because the subject site is located at the northern end of the Franklin Blvd. "Cruise strip." This area already experiences severe traffic congestion at times and the addition of a store that sells beer and wine would add significantly to the traffic/noise problems. We are very concerned that all efforts be made to eliminate the cruising on Franklin Blvd., not encourage it.

Your serious consideration of our ideas would be appreciated.



John Menke, Curtis Park Resident



Janice Paquette  
Curtis Park Resident  
Sierra Curtis Neighborhood  
Association Board Member

P87-468

17  
2-11-88

Item #1

24

CITY PLANNING COMMISSION

DEC 31 1987

RECEIVED

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Sacramento, CA 95818  
December 29, 1987

City Planning Commission  
1231 I Street, Suite 200  
Sacramento, CA 95814

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John Menke, Curtis Park Resident



Janice Paquette  
Curtis Park Resident  
Sierra Curtis Neighborhood  
Association Board Member

P87-468

2-11-88<sup>18</sup>

Item #1

JAN 05 1988

RECEIVED

Claire Lipschultz  
Sage Sweetwood  
2227 4th Avenue  
Sacramento, California 95818

P87-468

24

#1  
1-14-88

1/5/87

City Planning Commissioners:

I am writing to express our opposition to the application for a permit to sell beer and alcohol at the Shell Oil Station at Franklin and S. Heron Road. Such a permit would likely increase crime in an area already experiencing a high crime rate. And there is no community need for sale of these items at this location. Curtis Park is a vital neighborhood which depends on a reputation as a good place to raise families to attract people willing to fix up older homes and revitalize the area. A reputation as a crime area will only serve to dissuade people from undertaking the rehabilitation necessary to keep an intown neighborhood attractive. Given the balance of interests we urge a denial of this application.

Sincerely, Claire Lipschultz + SAGE Sweetwood

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

24

JAN 12 1988

1-9-88

MR. CARL Vandagriff:

RECEIVED

I am unable to attend the City Planning Commission meeting on Thursday, JAN. 14<sup>th</sup> at 5:30; however, I do want to write you concerning the issue P87-468 Special Permit to allow sale of beer and wine at Shackelford Shell Gas Station Mini Mart located at 3701 Franklin Blvd.

I live at 2763 - 11<sup>th</sup> Avenue — the corner of Franklin Blvd. and 11<sup>th</sup> Ave — 2 blocks away from the aforementioned Shell Mart. I am very much opposed to any beer or wine being sold for off-site consumption at Shackelford's Shell. I have had enough trouble with beer bottles being thrown against my house and cars and shattered all over — along with considerable loitering and littering on and around my property. I feel a closer-to-my-home availability to purchase Beer and wine will only add to the already existing problems I face now. My home is situated just right for those who need to walk off-site for consumption of beer + wine they seem to go about two blocks and par. If they become intoxicated, <sup>or while drinking</sup> they park or stand outside my home and loudly carry on.

P 87-468 20 1-11-88

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

24

JAN 12 1988

1-9-88

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I live at 2763 -11<sup>th</sup> Avenue — the corner of Franklin Blvd. and 11<sup>th</sup> Ave — 2 blocks away from the aforementioned Shell Mart. I am very much OPPOSED to any beer or wine being sold for off-site consumption at Shackelford's Shell. I have had enough trouble with beer bottles being thrown against my house and cars and shattered all over — along with considerable loitering and littering on and around my property. I feel a closer-to-my-home availability to purchase beer and wine will only add to the already existing problems I face now. My home is situated just right for those who need to walk off-site for consumption of beer + wine they seem to go about two blocks and park. If they become intoxicated, <sup>or while drinking</sup> they park or stand outside my home and loudly carry on.

P 87-468  
2-11-88 21  
Item #1

I have two young teenage daughters that I'm concerned about - as well as myself. We are not, upon occasion, free to safely come and go as we please. The girls have been harassed and so have I. These incidents may not all be direct results of beer + wine consumption; but, I feel most of them are alcohol or drug or "nuisance" activities related. An addition of available sales of wine + beer only 2 blocks away cannot be in the best interests of those of us who live in the neighborhood, but rather only add insult to an already upsetting existing situation.

My neighborhood also has major problems on Franklin Blvd with cruise-traffic, lead<sup>ers</sup> stereotypes, congestion and blocking of avenue passageways. Many of these weekend cruisers have been drinking and are causing major disturbances near my home. If they can go to the corner and buy more beer or wine when they run out, I foresee even more problems with ~~my~~ fuel language, stolen property - break-ins, parking to assume and bottle ridden lawns, etc.

I ask that you do not grant a beer and wine license to Shackelford Shell Mfg. Corp. 457-3391



City of Sacramento

Department of Planning and Development

1231 "I" ST

Sacramento, CA 95814

24  
January 12, 1988

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

JAN 13 1988

RECEIVED

Re: Project P87-468

I wish to express my vigorous  
opposition to granting a special permit  
to sell beer and wine for off-site  
consumption <sup>at</sup> ~~for~~ the Shell station at  
3701 Franklin Blvd. We do not need  
more people drinking beer and throwing  
the bottles in our front yards. Please  
help us to keep up our neighborhood by  
denying this permit.

Sincerely,

23 Francis H. Palmer, Jr.

2-11-88

Francis H. Palmer, Jr.  
2716 11<sup>TH</sup> AVE  
Sacramento CA  
95818  
Item #1

P87-468

City of Sacramento

Department of Planning and Development

1231 "I" ST

Sacramento, CA 95814

arr 24  
January 12, 1988

CITY OF SACRAMENTO  
CITY PLANNING DIVISION

JAN 13 1988

RECEIVED

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Francis H. Palmer, Jr.  
2-11-88 24

Francis H. Palmer, Jr.  
2716 11<sup>TH</sup> AVE  
Sacramento, CA  
95818  
Dist #1

P87-468

Jan. 11, 1988

JAN 09 1988 24

Commissioners  
City Planning Commission  
1231 I Street, Suite 200  
Sacramento, Calif. 95814

RECEIVED

Dear Commissioners:

As a concerned resident of the Curtis Park area of Sacramento, I am writing regarding the application by the Shackelfords to sell beer and wine for off-site consumption at the Shell gas station at the corner of Franklin and Sutterville Roads ( No. p87-468). My husband and I are opposed to this application and we strongly urge you to reject it.

Though we live on the other side of Curtis Park, nearer Freeport Boulevard, I travel through that intersection every morning on my way to my son's pre-school. It is already an extremely busy intersection which will have to handle increased traffic from the recently developed retail center adjacent to the donut shop. It does not need to handle any more traffic than it already has. Adding beer and wine sales to the mini-mart at the Shell gas station will increase the traffic through that intersection. This certainly could not be denied by the applicants. If they didn't anticipate greater sales (and hence, more people), they certainly wouldn't bother to offer to sell beer and wine.

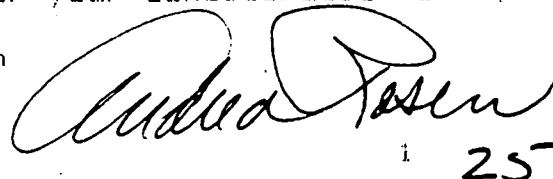
The report and recommendations prepared by your planners failed to note that the Shell mini-mart is very close to a full elementary school- Bret Harte. Approving the application would definitely increase traffic near an elementary school where there is already substantial pedestrian traffic and a fairly high danger of pedestrian-auto accidents. If anything, efforts should be made to decrease auto traffic during the day in this area, not increase it.

The ability to sell alcohol for profit is not anyone's right. It is a privilege granted by the public entities responsible for meeting public needs. The public's ability to buy beer or wine at convenient locations is already more than amply met in this vicinity. The public's need to have safer intersections, quiet and peaceful neighborhoods and less crime clearly outweigh the non-existent need to have yet another mini-mart selling liquor. The decision, I believe, is clear. I hope you will decisively reject the Shackelford's application in favor of the overwhelming public interest in reducing traffic congestion and maintaining peace and quiet in the Curtis Park and surrounding neighborhoods.

Please also note that the Board of Directors of the Sierra Curtis Neighborhood Association has gone on record as opposed to the Shackelford's application.

Thank you for your consideration of my views.

Andrea Rosen



2226 Portola Way  
Sacramento, CA  
95818

P87-468

2-11-88

Item #1

24

CITY PLANNING DIVISION

DEC 30 1987

RECEIVED

12/28/87

City Planning Commission  
1231 I Street  
Suite 200  
Sacramento, CA 95814

Dear Sirs:

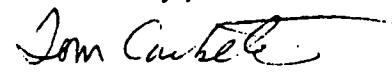
On January 14, 1988, you will be considering the the application of Robert and Kristen Shackelford to sell alcoholic beverages at the Shell Oil station at the corner of Franklin and Sutterville Road.

I wish to register my opposition to this application, and I urge you to reject it. As a resident of the Curtis Park area, and a board member of the Sierra-Curtis Neighborhood Association, I have an interest in this application and the impact granting it will have on my neighborhood.

I'm sure you share with me a concern for reducing crime in our neighborhoods. Crime in Curtis Park is high, and I do not wish to, nor do I believe you should take actions which will encourage crime. The subject area, Franklin and Sutterville, experiences a high rate of crime, including a murder last year. The availability of alcohol at this intersection will only encourage additional use of alcohol by those who frequent this area, thereby increasing the likelihood of alcohol related crimes at this intersection and in the adjacent residential neighborhood.

I note that the police department has recommended that the application be denied. I also can identify no societal benefit from granting the application that could outweigh the adverse impact that is certain to occur. Therefore, I wish to add my name to those opposed to granting the Shackelford application to sell beer and wine.

Sincerely,



Thomas Cackette  
2275 Markham Way

P87-468

24  
2-11-88

Item #1

24

CITY PLANNING DIVISION

DEC 31 1987

RECEIVED

12/28/87

City Planning Commission  
1231 I Street  
Suite 200  
Sacramento, CA 95814

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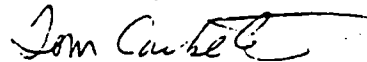
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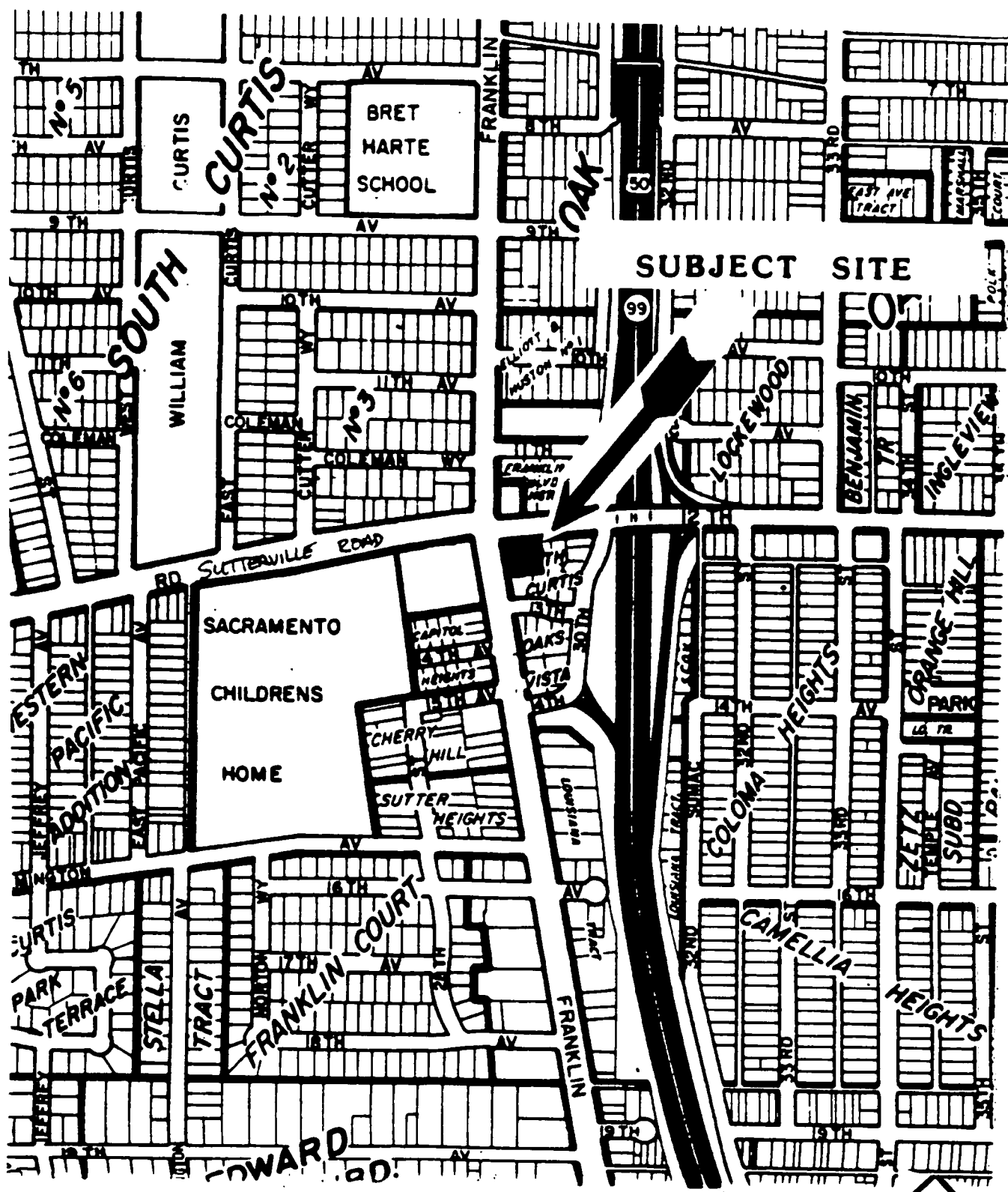


Thomas Cackette  
2275 Markham Way

P87-468

27  
2-11-88

Item #1



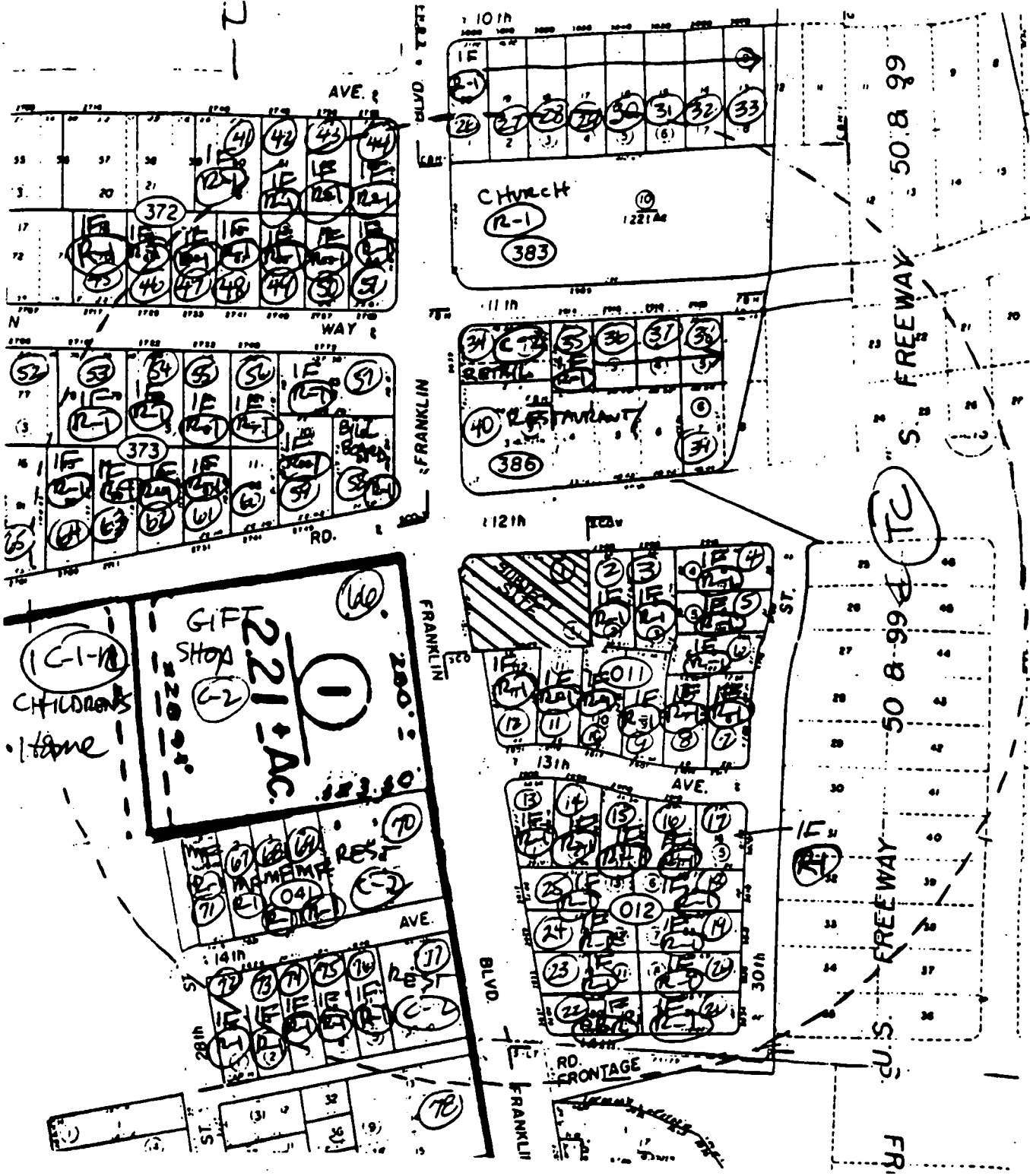
# VICINITY MAP

P87-468

28  
~~12-17-87~~ + 11-88  
2-11-88

ITEM 17  
1-8

24



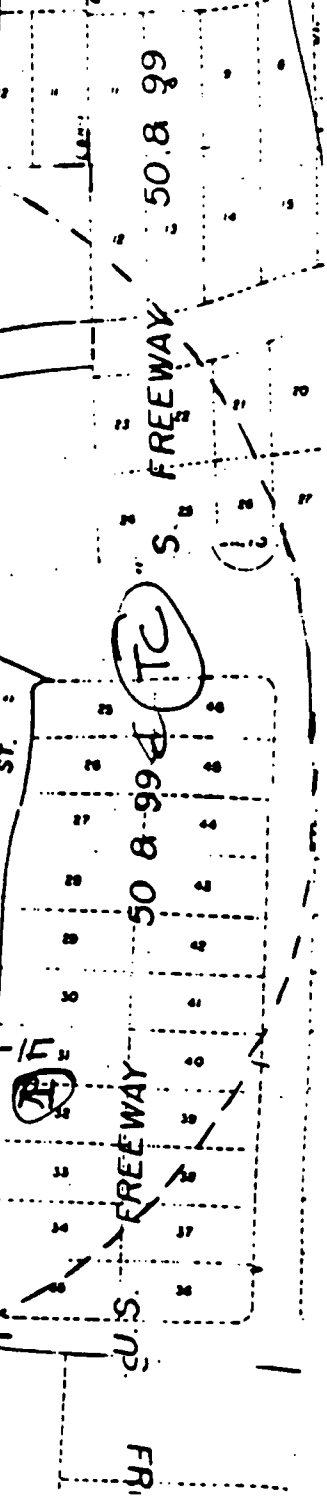
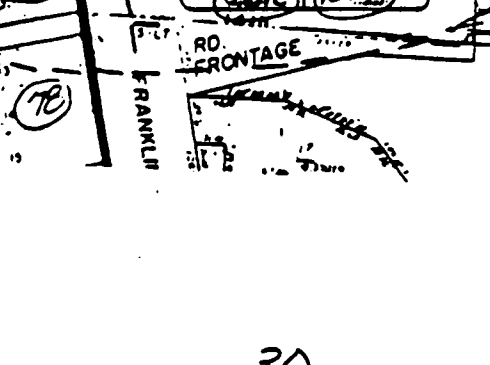
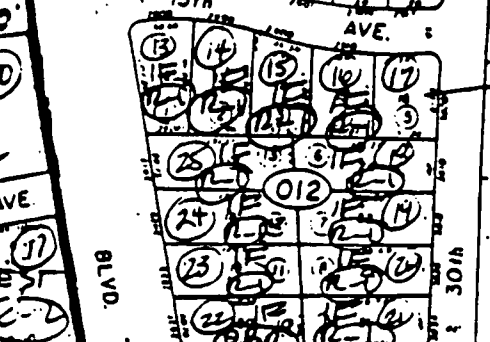
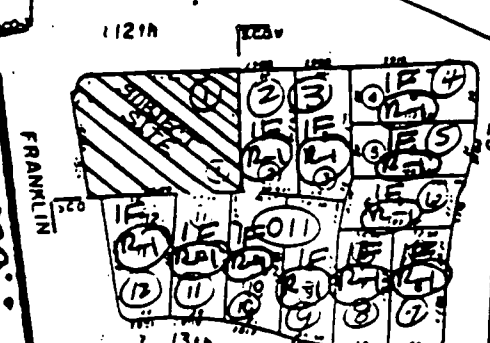
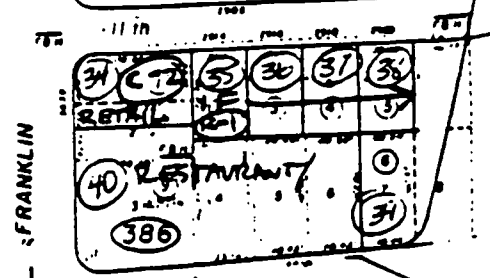
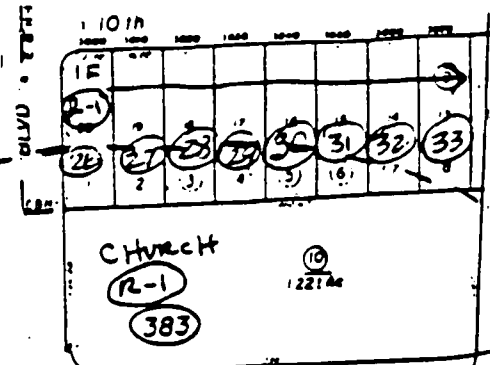
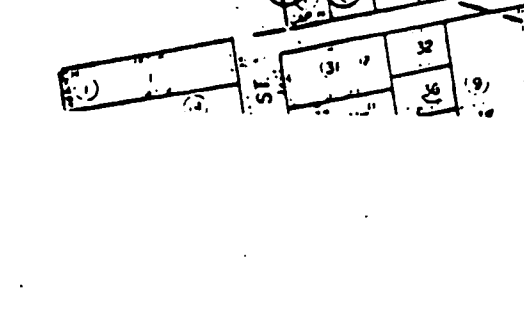
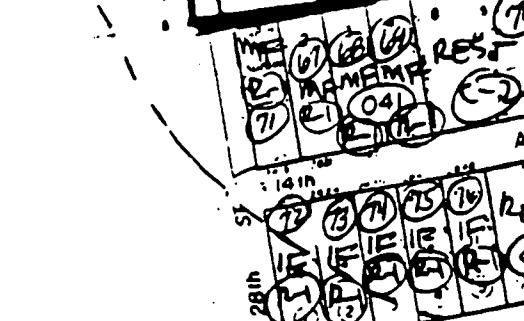
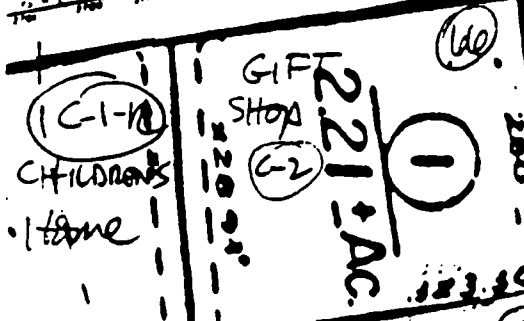
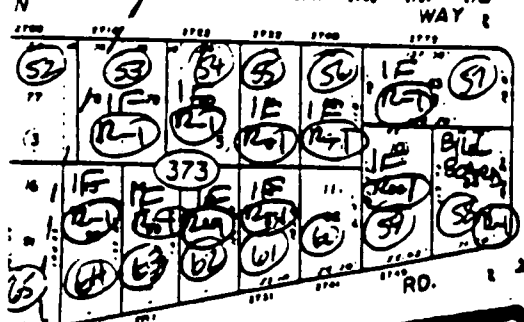
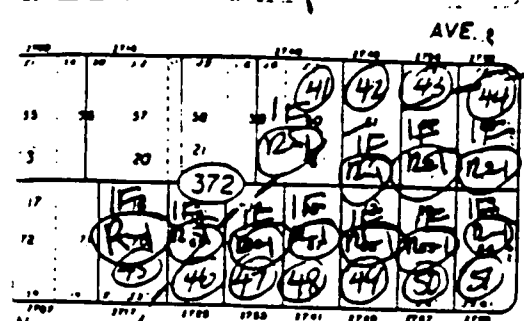
29

# LAND USE & ZONING MAP

P87-468

~~12-17-87~~ ~~1-14-88~~  
2-11-88

ITEM #  
8



# LAND USE & ZONING MAP

P87-468

~~12-17-87~~ 1-14-88  
2-11-88

ITEM 17  
2,

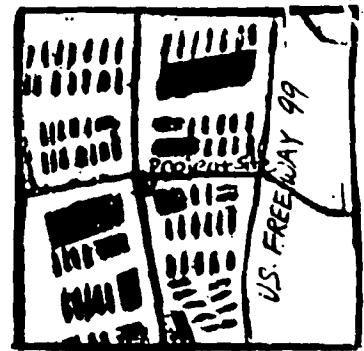
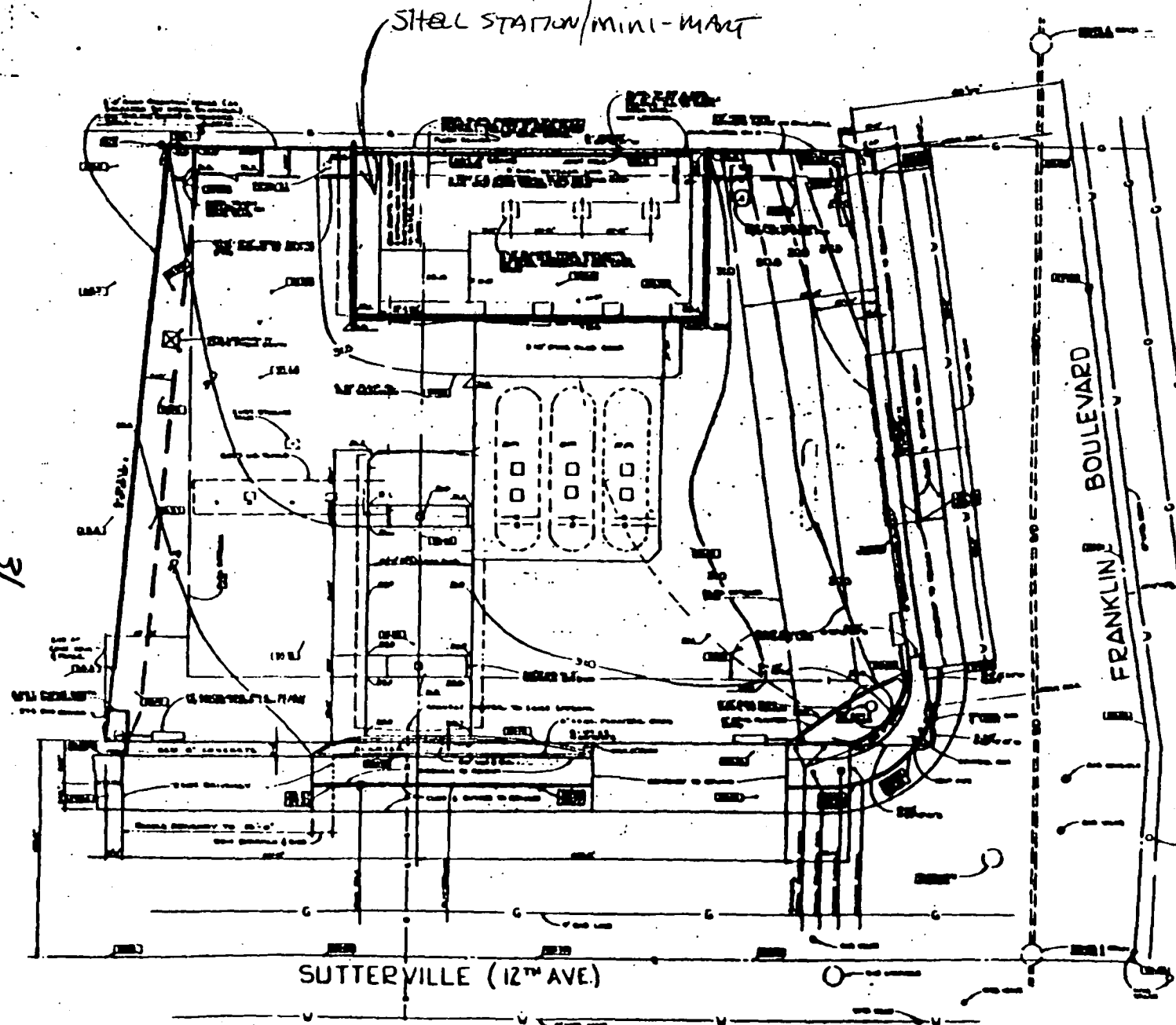


P87-468

~~12-17-87~~  
1-14-88

ITM 1/8

SHELL STATION/mini-MART



VICINITY MAP  
1/8" = 1 mile

204-6678-1

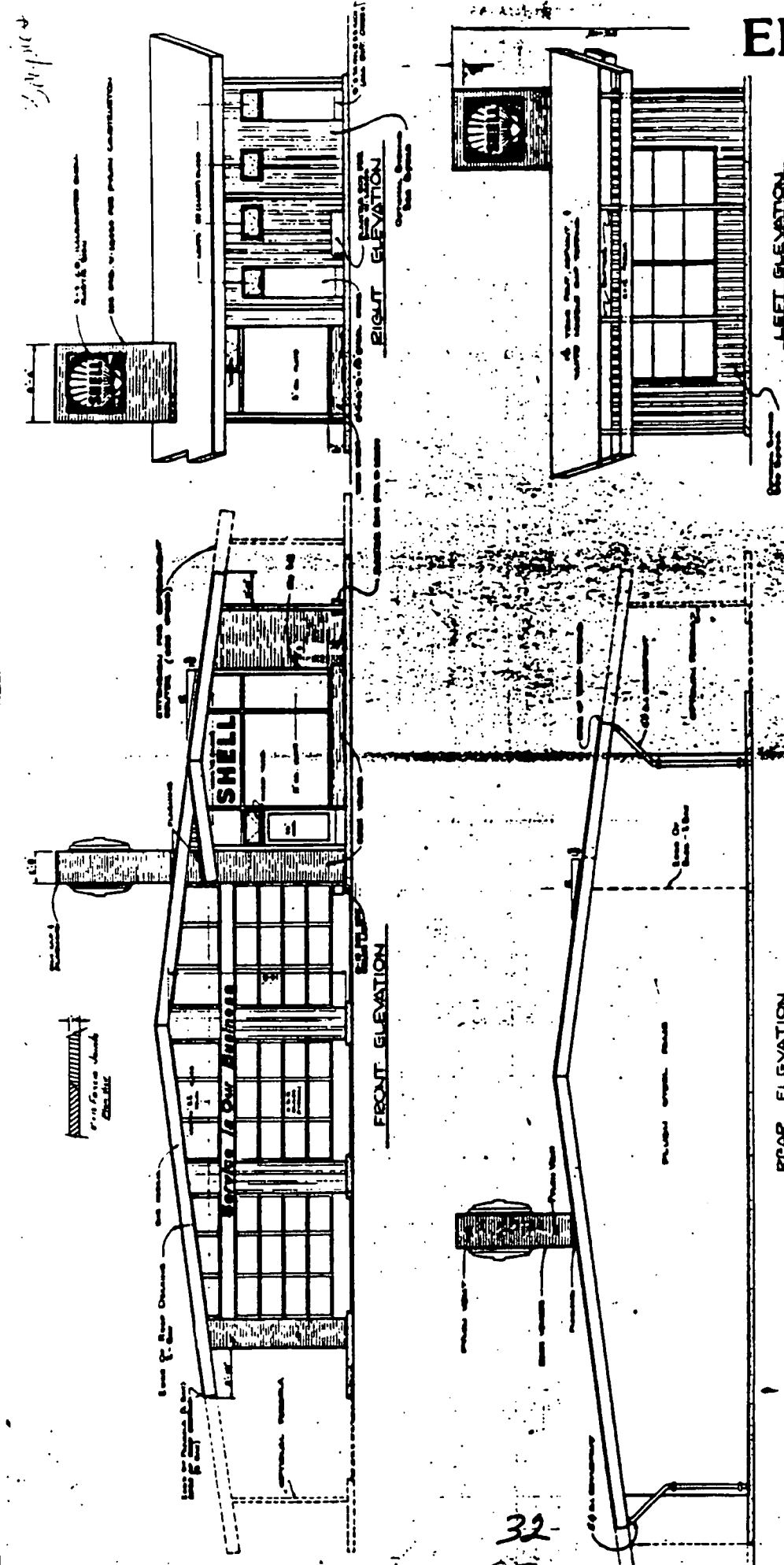


SHELL OIL  
 6011 ROAD  
 SUTTERVILLE  
 SACRAMENTO, CALIF.

SITE PLAN 24

# ELEVATIONS

24



1	Shell Oil Co.	1/2" x 3/4" x 1/2"
2	Shell Oil Co.	1/2" x 3/4" x 1/2"
3	Shell Oil Co.	1/2" x 3/4" x 1/2"
4	Shell Oil Co.	1/2" x 3/4" x 1/2"
5	Shell Oil Co.	1/2" x 3/4" x 1/2"
6	Shell Oil Co.	1/2" x 3/4" x 1/2"
7	Shell Oil Co.	1/2" x 3/4" x 1/2"
8	Shell Oil Co.	1/2" x 3/4" x 1/2"
9	Shell Oil Co.	1/2" x 3/4" x 1/2"
10	Shell Oil Co.	1/2" x 3/4" x 1/2"

NOTE:  
 SHELL OIL CO.  
 STEEL COOK  
 (2-304)  
 ELEVATION  
 SHELL OIL CO.  
 STEEL COOK  
 (2-304)  
 ELEVATION

P87-468

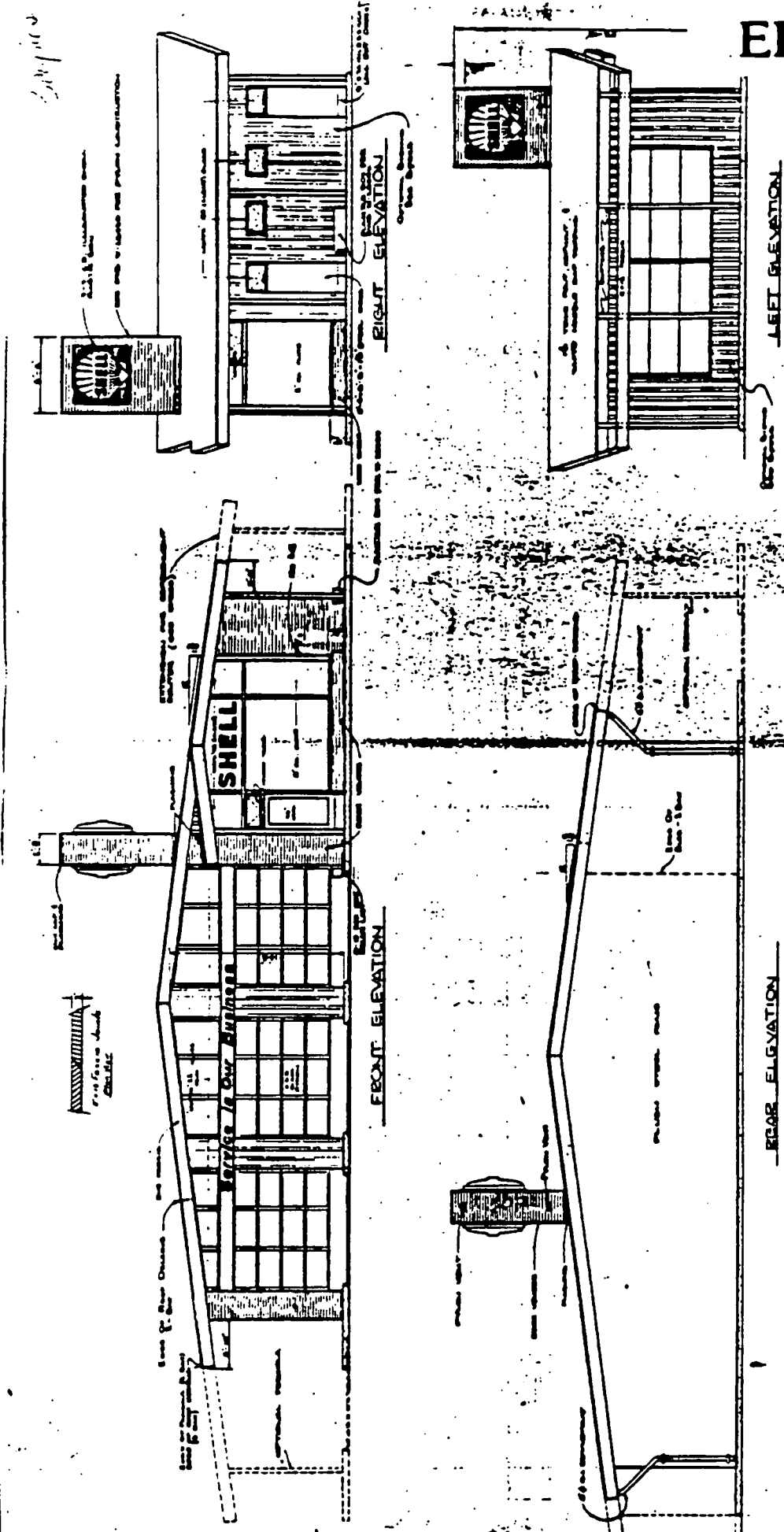
32-  
 12-17-87

ITEM 17

2-11-88

# ELEVATIONS

24



NO.	DATE	BY	REVISION
1			
2			
3			
4			

NOTE:  
 THIS DRAWING IS THE PROPERTY OF SHELL OIL COMPANY OF CALIFORNIA AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SHELL OIL COMPANY OF CALIFORNIA.

SHELL OIL C

TYPE B BRANCH STATION

STATION CODE

ELEVATION

DATE

P87-468

12-17-87 33

ITEM 17

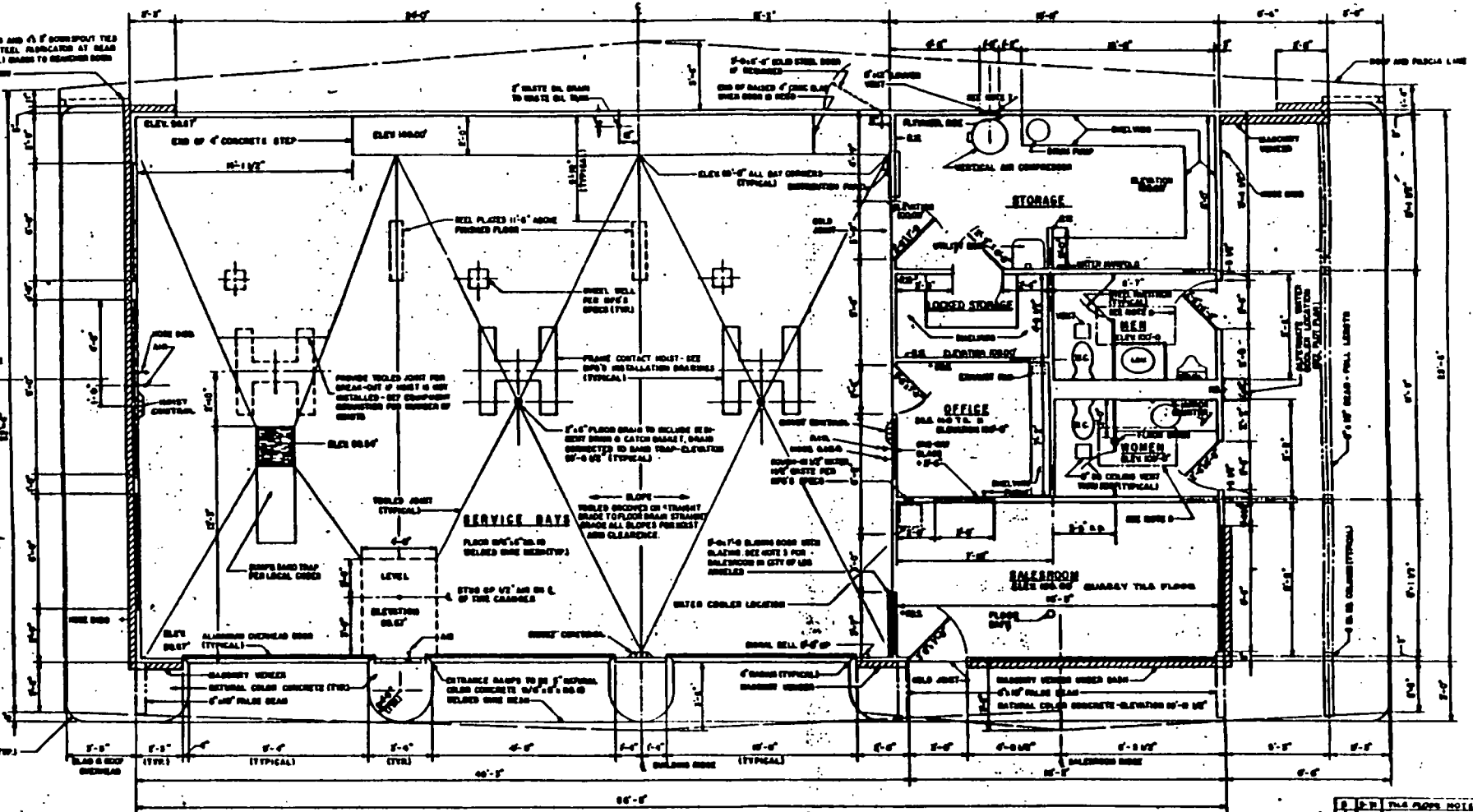
2-11-88 17-88

18

CONCEALED BUTTER AND 1/4" SPOT TIE TO BRIDGE OF STEEL REBAR AT BEAR BRIDGE. (TYPICAL) BARS TO REINFORCE BOND OF CONCRETE

087-468  
88-11-1

12-17-87  
JTB  
JTB



**GENERAL NOTES**

1. ALL NOTES ON THIS DRAWING TO SUPERSEDE COMPLETION NOTES IN SPECIFICATIONS. EXPANDED BROWN FLOOR GRADE IN RESTROOMS; 0'0" TO SERVICE TIE. SEE RESTROOMS FOR ALL OTHER APPLICABLE DIMENSIONS.
2. UNDER BUILDING IS TO BE EXCITED IN THE CITY OF LOS ANGELES. INSTALL A 2'-0" x 4'-0" CONCRETE BEAM BETWEEN SALESMAN AND SERVICE BAYS IN LINE OF SLABING STEEL BEAM. BEAM TO BE BUILT INTO SALESMAN AND SALESMAN BAYS TO 100'.
3. ELEVATIONS SHOWN THRU 0'-0" ARE BUILDING CONSTRUCTION HEIGHT DIFFERENCES. SEE PLAN AND GRADE PLAN FOR ACTUAL ELEVATIONS.
4. SEE BRACKENBACH BUILDING DETAILS FOR SECTION.
5. FRONT BAY BUILDING BAY, FOR LEFT BAY BUILDING USE OPPOSITE BAY.
6. INSTALL ONE 1/2" GALVANIZED AND SCHEDULE 40 HIGH PRESSURE STEEL TIE AND ONE 1/2" TIE x 1/2" BOND TIE PER CODE THIS TIE AND TO LANE SUPPORT MADE CONCRETE BEAM.
7. STEEL CONNECTIONS TO PROVIDE A 24 1/2" x 48 1/2" OPENING IN CEILING. CENTERED FOR LIGHT FIXTURE. (TYPICAL FOR RESTROOMS)

8. BUILDING WIND INSULATION SHALL BE INSTALLED UNLESS SPECIFIED OTHERWISE ON PLAN AND FOLLOWED BY GENERAL CONTRACTOR SHALL FINISH AND DETAILS BETWEEN THE COMMON BEAMS. 7" PINE GLASS WOLLEN INSULATION OVER ENTIRE BUILDING WIND WIND A PLYWOOD SHEATHING WIND IS INSTALLED OVER A BRICK ROCK IS REQUIRED OVER THE COMMON BEAMS THE INSULATION WILL BE PURCHASED AND INSTALLED BY STEEL CONTRACTOR.
9. GENERAL CONTRACTOR SHALL FINISH AND INSTALL THRESHOLDS ON ALL EXTERIOR DOORS.
10. WIND WALL THRESHOLD CRACKS FINISH IN OFFICE (SEE SPECIFICATIONS)

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**SHELL OIL COMPAN**  
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11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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**FLOOR PLAN**  
**3 BAY STEEL RANCH**  
**BUILDING**  
DATE: 12-17-87  
DRAWN BY: JTB  
CHECKED BY: JTB  
SCALE: 1/8" = 1'-0"

FLOOR PLANS

24

MARTORANA & STOCKMAN

A PROFESSIONAL CORPORATION

707 COMMONS DRIVE

SACRAMENTO, CALIFORNIA 95825

(916) 925-2500

FAX: 916 925-2253

ITEM No. 24

WALTER E. STOCKMAN  
FRANK L. MARTORANA  
JACK T. HOLLAND  
JOHN W. FEIST  
RALPH T. FERGUSON  
MICHAEL M. SMITH  
DAVID R. ANDERSON  
ROBIN CLARK BEVIER  
KEVIN G. LONG  
GAIL M. GORDON

April 1, 1988

CITY COUNCIL  
CITY OF SACRAMENTO  
1231 "I" Street  
Sacramento, CA 95814

File: 19435.0

Re: Robert and Kristen Shackelford - Appeal of Planning  
Commission Denial of a Special Permit - P87-468

Dear Honorable Members of the Council:

I am writing to you on behalf of Robert and Kris Shackelford to ask for a fair and impartial hearing of their appeal from a Planning Commission denial of their application for a Special Permit to sell beer and wine. The Shackelfords are twenty-five (25) year residents of Sacramento who are struggling to save a family owned business. Their efforts to obtain the necessary Special Permit to sell beer and wine at their small mini-mart at Sutterville Shell were blocked for reasons which were essentially speculative and emotional. Therefore it is necessary and reasonable for the Shackelfords to request this Council to consider their appeal on its factual merits. I hope that each member of the Council will do so.

Initially, it must be noted that the properly conducted sale of beer and wine is an entirely legal activity in Sacramento. Even the additions to the City's Comprehensive Zoning Ordinance which require the Shackelfords to obtain a Special Permit specifically exempt large stores -- i.e., Safeway, Lucky's, Raley's, etc. -- from similar review. It cannot be seriously disputed that a single store of these large grocery chains will sell hundreds of times more beer and wine for off-site consumption than would ever be sold by Sutterville Shell. In this regard, it is clear that no recognized social policy exists in Sacramento against selling beer and wine to adult customers.

Secondly, it must also be noted that this is not a hearing to revoke a Special Permit due to after-the-fact complaints of misconduct. None of the statements in opposition to the application cite any error or omission by the Shackelfords. Any



Council Members  
Re: Shackelford - Special Permit  
April 1, 1988  
Page 2

alcohol-related complaints involve products purchased elsewhere. Moreover, the complaints of congestion, noise and litter were almost entirely related to "cruise" activities on Franklin Boulevard. Of importance, cruising in this area was declared illegal after the Shackelfords' application was considered by the Planning Commission. The Shackelfords report that the new law is apparently working as cruising activity, to a great extent, has moved elsewhere. Moreover, in the final analysis, the prohibiting of a legal enterprise because of concerns about the possible unwanted activity of third parties is a path on which this Council should hopefully tread very cautiously. Intentionally or otherwise, certain basic principles of liberty and property are in issue here.

Also, in response to some of the emotional -- but no doubt sincere -- opposition testimony received by the Planning Commission, the Shackelfords sought to obtain the support of other neighborhood residents. The result is the enclosed Petition signed by sixty-nine (69) people (during a single week) who expressed support for the application and who do not believe that granting the Permit will adversely effect their neighborhood. Since the express purpose of the Special Permit process is to protect our neighborhoods, I hope the Council will give strong consideration to the opinions of those residents who support the application.

Candidly, the vocal minority of residents opposed to the application appear to have focused a plethora of complex social and demographic concerns about their neighborhood on this single application. Simply stated, this is not realistic or fair. Moreover, on its face, any linkage between the minimal sale of beer and wine at one mini-mart and overall neighborhood revitalization/decay is extraordinarily tenuous. Once again, the Shackelfords are entitled to a fair hearing in which reasonable factual determinations guide the outcome.

The sale of beer and wine at a small mini-mart is always limited by its high price compared to grocery stores and discount liquor outlets. However, the resident who intermittently likes to buy beer or wine on the way home from work will often do so (with limited price concerns) at a service station/mini-market which allows him/her to make only one stop. These customers also tend to buy gasoline products or snacks at the same station when not buying beer or wine.

Whether or not the reality of the situation is agreeable to everyone, it is nonetheless true that the ability of a service





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Page 3

station to sell beer or wine is often key to its survival. In the competitive service station market in Sacramento, it may well be that small neighborhood service stations cannot survive without the draw created by beer and wine sales. Unfortunately, the Shackelfords' station may not survive even if the Council grants its application. Surely, the station will not survive if the appeal is denied.

Finally, the Shackelfords have agreed to a variety of mitigation measures to limit whatever impact their sale of beer and wine may have on this very diverse neighborhood. In response to comments from Assistant Chief Finney, the Shackelfords agreed to limit hours of sale to before 10:00 p.m. and to prohibit sales entirely on specified "cruise" nights. In addition, the sale of "singles" (one beer) would not be permitted at anytime. The station premises would be floodlighted and consumption of alcohol anywhere on the property would be prohibited. The Shackelfords are still agreeable to these conditions to the granting of a Permit. Faced with the loss of their business, the Shackelfords will undoubtedly agree to any condition that is remotely reasonable.

Thank you for your thoughtful consideration of this important matter.

Respectfully submitted,

MARTORANA & STOCKMAN  
A Professional Corporation

By:



RALPH T. FERGUSON  
Attorneys for Robert and  
Kristen Shackelford

RTF3:cad63  
Enclosures - Petitions  
Photographs  
Financial Information



P E T I T I O N

Statement of Purpose

This Petition will be presented to the City Council of Sacramento in support of the application of ROBERT and KRISTEN SHACKLEFORD, the owners of SUTTERVILLE SHELL, for a Special Permit to sell beer and wine at their service station and mini-mart.

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I am a resident of the neighborhood which includes the Sutterville Shell station located at 3701 Franklin Boulevard. I am informed that ROBERT and KRISTEN SHACKLEFORD, the owners of the Shell station, have applied for a Special Permit to sell beer and wine at their mini-mart. I support the granting of this Permit and I do not believe that it will have an adverse impact on the general welfare of my neighborhood.

<u>NAME (Please Print)</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
Gary C. Cook	Gary C. Cook	7454 24th St
ROGER PETERSON	Roger Peterson	4003 1st AVE
David Bowring	David Bowring	6827 5th Kio Landing
Jacky Conley	Jacky Conley	11405 Franklin
Robert Flores	Robert Flores	6709 21st Ave
DeVest Brown	DeVest Brown	401 S. Lake
Wade Pettitt	WADE PETTITT	2740 Portola way
Jorge Flores	Jorge Flores	4050 Jefferson Ave
Nils Andersen	Nils Andersen	2405 Sun Jose Way
Muando Vela	Muando Vela	3700 Sutter Blvd
Manuel Rollins	MANUEL Rollins	4329 14 AVE 4437
Marcus James	MARCUS James	5951 Riverside Blvd
Eugene Guibal Jr	Eugene Guibal Jr	2857 MARSHALL WAY SAC
Mike Martinez	Mike Martinez	3525 35 St
Greg Guervero	Greg Guervero	5700 21st Ave
Alfonso Flores	Alfonso Flores	7617 Franklin St 43
Colene Vignereaux	Colene Vignereaux	315 1st - Joseph's Dr.
M. J. UZARWICZ	M. J. UZARWICZ	4934 SAN SAUND AVE
Mike Saus	Mike Saus	3741 1/2 37 ST SAC
Carlos Lopez	CARLOS LOPEZ	3210 23rd AVE



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<u>NAME (Please Print)</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
1. KJ Bequette	<i>[Signature]</i>	8355 Grinnell way
2. Som van Thivann	<i>[Signature]</i>	3001-19th Ave
3. Victor C. Lopez	<i>[Signature]</i>	2982 - 31st St. #8.
4. Eric M. Avery	<i>[Signature]</i>	3935 FRANKLIN BLVD
5. JEFF ANDREWS	<i>[Signature]</i>	2532 MARSHALL WY.
Riccia Vargas	<i>[Signature]</i>	2929 ROUTE 99. #112
Willie WRIGHT	<i>[Signature]</i>	3121 31st Ave
Jim McDear	<i>[Signature]</i>	4910 44th St Sacramento CA 95820
Nicole M. Dennis	<i>[Signature]</i>	7600 Northeast Circle Citrus Heights 95611
Aless B. Kande	<i>[Signature]</i>	7580 Bellini way
DEBBIE TAFULLA	<i>[Signature]</i>	3841 40th Street
Joe H. Congleton	<i>[Signature]</i>	3700 16 Ave Sacramento
Michelle <del>Griffin</del>	<i>[Signature]</i>	3501 12th Ave
Clark L. Herman	<i>[Signature]</i>	4412 53rd St
Lee Clark	<i>[Signature]</i>	1122 Bogio AVE
Joe Salvo	<i>[Signature]</i>	3898 11th Ave
JOE SALVO	<i>[Signature]</i>	5646 John Ave
MIKE CLARK	<i>[Signature]</i>	45 Delow St
Steven Grey	<i>[Signature]</i>	2030 San Juan
<i>[Signature]</i>		



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<u>NAME (Please Print)</u>	<u>SIGNATURE</u>	<u>ADDRESS</u>
MARVIN ORTIZ	<i>Marvin Ortiz</i>	23723 116 <sup>th</sup> AVE SW
Marvin Ortiz	<i>Marvin Ortiz</i>	---
Karen Lourin	<i>Karen Lourin</i>	5643 Fair Oak Blvd
JOSEPH F. LIZARRAGA	<i>Joseph F. Lizarraga</i>	3121 29 <sup>th</sup> AVE 95820
JAMES BENTHOFF	<i>James Benthoff</i>	3829 1/2 34 <sup>th</sup> ST. 95820
Martin Hernandez	<i>Martin Hernandez</i>	2721-17 <sup>th</sup> Ave. 95820
FRANK GARCIA	<i>Frank Garcia</i>	2800 13 <sup>th</sup> Ave
TRENT CAMPBELL	<i>Trent Campbell</i>	4309 54 <sup>th</sup> ST. 95820
CHARLES DEWITT	<i>Charles Dewitt</i>	3663 Callaway St 95820
BERNARD MOOSEHEAD	<i>Bernard Moosehead</i>	2500 112 <sup>th</sup> AVE 95727
ROBERT SCHROFF	<i>Robert Schroff</i>	1411 1/2 WAKEFOREST DAVIS CT 95820
BOB...	<i>Bob...</i>	1265 11 <sup>th</sup> Ave 95817
REGGIE BENTON	<i>Reggie Benton</i>	3836 Jeffrey Ave 95820
MICHELLE DUECK	<i>Michelle Dueck</i>	3512 2444 St # B 95820
MICHAEL R. PADILLA	<i>Michael R. Padilla</i>	6477 Patton Ct. 95820
RHONDA RAVY	<i>Rhonda Ravy</i>	3174 6 <sup>th</sup> AVE
STEVE BRUNSLAW	<i>Steve Brunslaw</i>	2532 AMERICAN RIVER DR 95820









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Robert Flores	Robert Flores	2709 21st Ave
Dellbert Brown	Dellbert Brown	401 S. Lake
WADE PETTIT	WADE PETTIT	2740 Portola way
Jorge Flores	Jorge Flores	4050 Jefferson Ave
Nils Andersen	Nils Andersen	2405 San Jose way
Mundo Velez	Mundo Velez	3700 Sacto Blvd.
MANUEL Rollins	MANUEL Rollins	4329 14th Ave 44th St
MARCUS James	MARCUS James	5951 Riverside Blvd
Eugene Guibal Jr	Eugene Guibal Jr	2857 Marshall Way SAC.
MIKE MARTINEZ	MIKE MARTINEZ	3525 35th St
Greg Guervero	Greg Guervero	5700 21st Ave
7617 Franklin St #63		
315 1st - Joseph's Dr.		
M. J. UZARWICZ	M. J. UZARWICZ	4934 SAN JUAN AVE
374 1/2		37th ST SAC
CARLOS LOPEZ	CARLOS LOPEZ	3210 23rd AVE



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P E T I T I O N

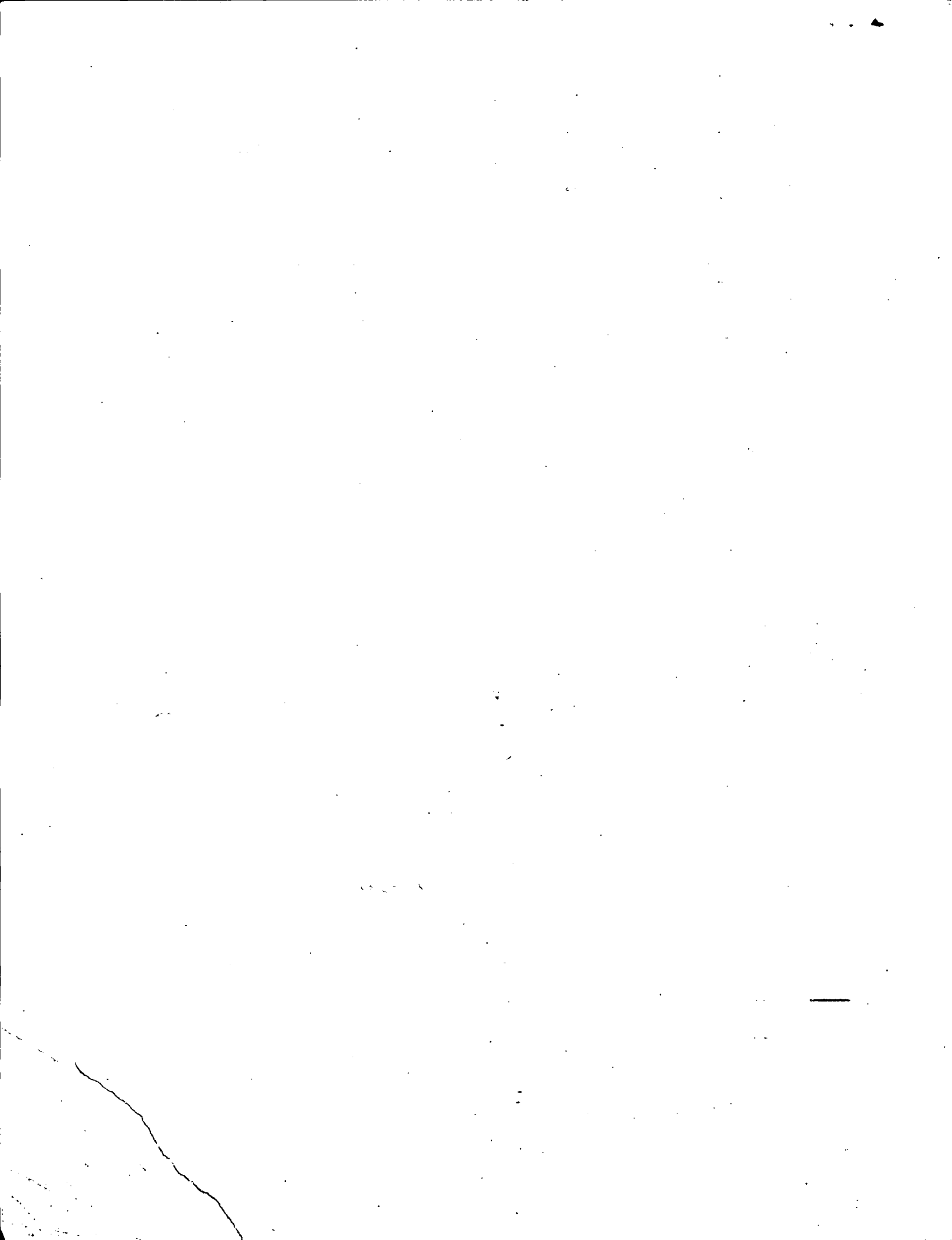
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MARQUAN OSTRY	MARQUAN OSTRY	2323 16 <sup>th</sup> AVE SAC
MARION OSTRY	MARION OSTRY	
KAREN LOORIN	KAREN LOORIN	5043 Fair Oak Blvd
JOSEPH F. LIZARRAGA	JOSEPH F. LIZARRAGA	3125 29 <sup>th</sup> AVE. 95820
JAMES BENTLEY	JAMES BENTLEY	3829 34 <sup>th</sup> ST. 95820
MARIA HERNANDEZ	MARIA HERNANDEZ	2721 17 <sup>th</sup> AVE 95820
FRANK GONZALEZ	FRANK GONZALEZ	2800 13 <sup>th</sup> AVE
TRENT CAMPBELL	TRENT CAMPBELL	4309 54 <sup>th</sup> ST. 95820
CHARLES DORF	CHARLES DORF	3663 CANTONWAY SAC 95828
BERNARD WOODS	BERNARD WOODS	2500 10 <sup>th</sup> AVE 95757
ROBERT SCHROFF	ROBERT SCHROFF	1411 1/2 WAKEFOREST DAVIS CA 95606
REGGIE BENKIN	REGGIE BENKIN	3265 11 <sup>th</sup> AVE 95817
MICHELLE DUECK	MICHELLE DUECK	3836 Jeffrey Ave 95820
MICHAEL F. PADILLA	MICHAEL F. PADILLA	3512 2444 ST. # B 95820
RHONDA LARRY	RHONDA LARRY	64 Martine Ct. 95820
STEVE BRONSTEIN	STEVE BRONSTEIN	3174 6 <sup>th</sup> AVE
		2532 AMERICAN RIVER DR 95822

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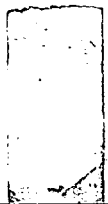
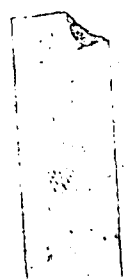
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<u>NAME (Please Print)</u>	<u>SIGNATURE</u>	<u>ADDRESS SAC, CA. 95818</u>
JOHN M. HERSOM	<i>John M. Hersom</i>	3301 Cutter Way
Kathy Smith	<i>Kathy Smith</i>	7840 Center Parkway Sac. CA 95823
STEVEN FREDERICK	<i>Steve Frederick</i>	5050 PERRY AVE
SUSAN W. WENTSCHNER	<i>Susan W. Wentchner</i>	4020 45th St Sac Ca 95820
Jack Stonebraker	<i>Jack Stonebraker</i>	3819 Nevada Int'l Sac 95821
Kevin J. Brown	<i>Kevin J. Brown</i>	UPRR Western Pacific Ave.
Gene Rodenbach	<i>Gene Rodenbach</i>	2805 16th SAC CA 95820
Marilyn Seese	MARILYN SEESE	4204 Arlington Ave. 95820
Bryan Cameron	Bryan Cameron	2751 Portola Way 95818
Jenna Kay	<i>Jenna Kay</i>	815 Howard Dr
Jeff Rice	<i>Jeff Rice</i>	409 Portola Dr. SandCaks
Michael J. Gibbons	Michael J. Gibbons	3916 W. Pacific Sac
Joseph Hazziez	<i>Joseph Hazziez</i>	3524 35th Street
Angela Weaver	<i>Angela Weaver</i>	1420 COOLBRIEN ST Sac.
Nancy Bray	<i>Nancy Bray</i>	38118 24th AVE
Cora Callahan	<i>Cora Callahan</i>	3211 7th Ave.
Roman Taylor	<i>Roman Taylor</i>	
Tom Feltenberger	<i>Tom Feltenberger</i>	4710 Franklin Blvd
Richard Timmer	<i>Richard Timmer</i>	2942 meadowood Cir
PAUL DADDORIAN	<i>Paul Daddorian</i>	3240 W. ALAMOS FRESNO CA.



101 - 101



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NAME (Please Print)	SIGNATURE	ADDRESS
Scott Hoover	Scott Hoover	2517 W 37th St #5
ANGELO FORD	Angelo Ford	3728 Dickey way
Juan Tarru	Juan Tarru	2913 16th St
Lozeta Tolbert	Lozeta Tolbert	2060 20th Ave #A
Shane Tifer	Shane Tifer	4070 PACIFIC AVE
Richard Campos	Richard Campos	3917 32nd St
DOUG FRANCIS	Douglas Francis	167-D Brush St
Leslie Nelson	Leslie Nelson	2254 22nd
Karen Cherry	Karen Cherry	2750 Sutterville Rd (WK)
Cheryl Jones	Cheryl Jones	1330 - 12th
Frances Valencia	Frances Valencia	4305 22nd Ave
Linda ARNELL	Linda Arnell	1961 Howe Ave
Michael A Brown	Michael Brown	3715 5th AVE SAC, CA
Wade Gary	Wade Gary	7013 Atelope Rd. C. #
Eily Ramirez	Eily Ramirez	
Jackie Delph	Jackie De LpL	5041 Warkwick Ave
Joseph Lizaraga	JOSEPH LIZARAGA	3121 29th AVE SAC CA 95820
Francis Jones	Francis Jones	1435 Claremont Way SAC CA 95822
Rodney J. Rouns	RJR	2532 14th AVE SAC CA 95830



OFFICE OF THE  
CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 205  
915 I STREET  
SACRAMENTO, CA  
95814-2671

April 11, 1988

916-499-5426

Evelyn Jensen  
1530 - 4th Street, #13  
Sacramento, CA 95821

Dear Ms. Jensen:

On April 5, 1988, the Sacramento City Council heard your appeal from City Planning Commission's Denial of a Special Permit to allow the sale of beer and wine for off-site consumption at an existing service station/mini mart on 0.4± acres in the General Commercial (C-2) zone for property located at 3701 Franklin Boulevard. (P-87468)

The Council adopted, by motion, to deny your appeal.

Sincerely,

Lorraine Magana  
City Clerk

LM/rr/#24

cc: Art Gee, Planning Department  
Robert and Kristen Schackelford

