

# City of Sacramento

## Legislation Text

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**File #:** 2021-00346, **Version:** 1

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**Title:**

**(Pass for Publication) Ordinance Approving Rezoning for Maverik Store at Granite Regional Park (P20-025)**

**File ID:** 2021-00346

**Location:** 3855 Power Inn Road; APNs: 079-0291-007, 079-0291-008, 079-0291-009, District 6

**Recommendation:**

1) Review a Resolution adopting the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Plan; 2) review an Ordinance rezoning  $\pm 4.48$  acres from Office Business Low Rise Mixed-Use (OB-SWR) to General Commercial (C-2-SWR), and; 3) review a Resolution adopting findings of fact and conditions of approval for project entitlements including: a) Conditional Use Permit to establish a gas station, b) Tentative Parcel Map to reconfigure 3 parcels totaling  $\pm 4.48$  acres, c) Site Plan and Design Review to construct a store, fueling facility, parking lot, and site improvements with a deviation to development standards for tree shading requirements for parking lots, and d) a Tree Permit to remove City street trees, and; 4) pass for publication the Ordinance title as required by Sacramento City Charter 32c to be adopted April 20, 2021.

**Contact:** Danny Abbes, Associate Planner, (916) 808-5873; Marcus Adams, Senior Planner, (916) 808-5044, Community Development Department.

**Presenter:** None

**Applicant and Property Owner:** Separovich Domich c/o Dain Domich, 3321 Power Inn Road Suite 100, Sacramento, CA 95826

**Attachments:**

01-Description/Analysis

02-Background

03-Resolution: Mitigated Negative Declaration and Mitigation Monitoring Program

04-Exhibit A: Mitigation Monitoring and Reporting Plan (MMP)

05-Ordinance: Rezone

06-Exhibit A: Rezone Exhibit

07-Resolution: Findings of Fact and Conditions of Approval for Project Entitlements

08-Exhibit A: Project Plans

09-Community Comments

10- Maverik February 2021 Project Flyer (provided by applicant)

## Description/Analysis

**Issue Detail:** The project includes the construction of a store, fueling facility, parking lot, and site improvements on a vacant portion of a 4.48-acre site. The entire site has a General Plan land use designation of Employment Center Mid Rise (ECMR) and is zoned Office Business Low Rise Mixed-Use (OB-SWR). The fueling facility use is not allowed within the OB zone and therefore a rezone is required to construct the proposed 5 fuel pumps/10 fueling positions. The applicant is requesting to reconfigure the existing three parcels and rezone the site to the General Commercial (C-2-SWR) zone to allow development of the current project at Parcel 1 (see attachment 8, "tentative parcel map") and flexibility in future development opportunities for Parcel 2 and 3.

Section 17.808.230 of Title 17 requires rezones to be heard at the City Council, and section 17.808.310 requires all associated project entitlements to be heard at the highest level required for the project. Therefore, the requested rezone, Conditional Use Permit, Tentative Parcel Map, Site Plan and Design Review, and Tree Permit are required to be reviewed and decided at the City Council level. Staff is recommending the Planning and Design Commission forward a recommendation of approval to the City Council.

### Public/Neighborhood Outreach and Comments

As part of the application review process, the proposal was routed to Preservation Sacramento, Region Builders, Walk Sacramento, Sacramento Area Bicycle Advocates, Environmental Council of Sacramento, Power Inn Alliance, and Colonial Manor Neighborhood Association.

Staff received community correspondence including a letter of support from Power Inn Alliance, a letter of support from Sacramento Area Bicycle Advocates, an e-mail of concern that the project does not fit the future of Sacramento, and a phone call of concern regarding the status of the 14<sup>th</sup> Avenue Capital Improvement Project. The full letters and e-mail are provided in Attachment 9 and excerpts/summaries of correspondence are provided below with staff response in italics:

- Power Inn Alliance (PIA): "We feel that this project will provide much needed services to the area, will serve as a catalyst for further upgrades, and begin the much-needed improvements to 14<sup>th</sup> Avenue."

PIA also requested that the Maverik site include Crime Prevention Through Environmental Design (CPTED) measures.

*Staff response: Both the Police Department and Planning reviewed the project with CPTED principles in mind and worked with the applicant to incorporate safety measures into the proposed plans including a high degree of store transparency (windows), protective bollards, sufficient lighting, video surveillance, and cash register orientation with door line-of-sight. The store will also be required to have a minimum of two employees on active shifts between midnight and 6 a.m.*

- Sacramento Area Bicycle Advocates (SABA): “We support this project moving forward as it will encourage community members using the nearby Granite Regional Park to stop in for refreshments or food when using the larger park. There is ample bike parking and all of the parking is situated in areas around the building with excellent “line-of-sight” so that owners can keep an eye on their bicycle while in the building.”

SABA also noted that the area would benefit from crosswalks at the intersection of Power Inn Road and 14<sup>th</sup> Avenue, even though that might be beyond the scope of the current project.

*Staff response: Though new intersection crosswalks are not part of the improvement list for the current project, a new crosswalk at the northern leg of intersection is part of the forthcoming 14<sup>th</sup> Avenue Capital Improvement Project.*

- E-mail received: “Due to the new California regulation for production of zero emission only vehicles by 2035, I believe the 10-pump gas station does not coincide with the future of Sacramento. Please consider including additional charging stations and fewer pump gas stations. Additionally, please consider additional bike lockers and racks to align with Sacramento's complete streets planning.”

*Staff response: The project proposes to double its bicycle parking requirement by installing six short-term spaces and two long-term spaces. There is no requirement to provide electric vehicle charging stations, though two charging stations will be installed and made available for public use at no cost to users. Though the project includes 5 pumps (10 positions) to fuel vehicles, it will also offer much-needed services to the area including food and public restrooms, allowing the local population access to these routine needs within easy walking and biking distance.*

- Phone call received: The caller expressed frustration that the 14<sup>th</sup> Avenue Capital Improvement Project (CIP), a road widening and infrastructure project that will extend 14<sup>th</sup> Avenue east until it connects to Florin Perkins Road, has not commenced and that no development should occur prior to the fulfillment of the 14<sup>th</sup> Avenue CIP.

*Staff response: The proposed project includes dedication of right of way to the 14<sup>th</sup> Avenue*

*CIP and requires the construction of the initial roadway improvements along the site's 14<sup>th</sup> Avenue frontage, and some at the intersection of Power Inn Road and 14<sup>th</sup> Avenue. The overall CIP is pending funding and does not currently have a committed completion date.*

Staff mailed hearing notices to all property owners and occupants within 500 feet of the project site and posted the site prior to the public hearing.

**Policy Considerations:** The General Plan designation for the subject site is Employment Center Mid Rise. The General Plan recognizes that Sacramento is a major regional and interstate employment center and policies for Employment Centers within the city promote the continuation of existing industries as well as attracting new industries and employment. These policies provide for the continued growth of the city's existing employment centers and encourage the reuse of underutilized and vacant properties.

Staff finds that the project is consistent with the following General Plan goals and policies:

**Goal LU 1.1 Growth and Change.** Support sustainable growth and change through orderly and well-planned development that provides for the needs of existing and future residents and businesses, ensures the effective and equitable provision of public services, and makes efficient use of land and infrastructure.

**Policy LU 1.1.4 Leading Infill Growth.** The City shall facilitate infill development through active leadership and the strategic provision of infrastructure and services and supporting land uses.

**Policy LU 1.1.5 Infill Development.** The City shall promote and provide incentives (e.g., focused infill planning, zoning/rezoning, revised regulations, provision of infrastructure) for infill development, reuse, and growth in existing urbanized areas to enhance community character, optimize City investments in infrastructure and community facilities, support increased transit use, promote pedestrian and bicycle-friendly neighborhoods, increase housing diversity, ensure integrity of historic districts, and enhance retail viability.

*Staff response: The proposed project would be constructed on a long-underutilized site in an area adjacent to a busy regional park and commercial/industrial employment that currently lacks supportive retail and service uses. In addition to providing needed retail and services, the project would promote active transportation in the following ways:*

- *Park visitors and area employees can walk or bicycle to obtain freshly-prepared meals and grocery staples.*
- *Park users can easily walk or bicycle to access restroom facilities. The park does not have restroom facilities, so currently restroom trips involve vehicle use.*

- *Employees of the store are offered a reduced cost transit pass and can utilize a free direct shuttle between the Power Inn light rail station and Maverik store to attend work.*

*Approving the proposed rezone would facilitate this infill development that offers convenience and increased mobility options to the community who visits and works in the area.*

**Goal LU 2.1 City of Neighborhoods.** Maintain a city of diverse, distinct, and well-structured neighborhoods that meet the community's needs for complete, sustainable, and high-quality living environments, from the historic downtown core to well-integrated new growth areas.

**Policy LU 2.1.8 Neighborhood Enhancement.** The City shall promote infill development, reuse, rehabilitation, and reuse efforts that contribute positively (e.g., architectural design) to existing neighborhoods and surrounding areas.

*Staff response: The proposed project is infill development that addresses a lack of supportive retail and service uses in the area.*

**Goal ED 3.1 Land, Sites, and Opportunity Areas.** Retain, attract, expand, and develop businesses by providing readily available and suitable sites with appropriate zoning and access.

**Policy ED 3.1.3 Key Infill and Opportunity Areas.** The City shall facilitate and promote economic development projects in key infill and opportunity areas.

*Approval of the project would rezone a parcel to allow the development of a key site that acts as a gateway to a regional park. Furthermore, the project would result in approximately 25 quality new jobs. Maverik employees working 30+ hours per week are considered fulltime employees and receive benefits including health, dental, and vision insurance, 401K match, subsidized Regional Transit passes, and paid time off.*

#### **Fruitridge Broadway Community Plan Area**

The Fruitridge Broadway Community Plan sections its goals, recommendations, issues, and policies into geographic sub areas. The project site falls within what is designated as the 65th Street/University Village Opportunity Area which is identified as a key potential infill and redevelopment area of the Fruitridge Broadway and East Sacramento Community Plan Areas. The concepts and recommendations for this area have been shaped and supported by community input and involvement and are meant to guide future development toward further implementing the vision and guiding principles of the 2035 General Plan and Community Plans.

Identified as a key issue within the 65th Street/University Village Opportunity Area is a shortage of retail and commercial uses to serve local residents and Sacramento State students, faculty, and staff.

The proposed project would offer an approximately 6,000 square foot retail store with freshly made food, grocery staples, and an outdoor dining area to serve the area population including residents and workers, users of Granite Regional Park, and Sacramento State students, faculty, and staff.

The plan also asserts that circulation throughout the area shall accommodate a balance of pedestrian, bicycle, transit, and automobile movement, and facilitate movement to, from, and through the plan area in a safe and direct manner. The proposed project would provide improvements to Power Inn Road and 14<sup>th</sup> Avenue including the provision of new sidewalk on both 14<sup>th</sup> Avenue and Power Inn Road, and pedestrian signalization at the intersection. On-site circulation includes a crosswalk from the 14<sup>th</sup> Avenue sidewalk to the store.

Staff has determined that the proposed project would be compatible with the intent of the Fruitridge Broadway Community Plan in that it would bring a conveniently-accessible, supportive and dynamic use to the area that benefits local residents, workers, and visitors to Granite Regional Park.

**Economic Impacts:** Not applicable.

**Environmental Considerations:** The City of Sacramento prepared a Mitigated Negative Declaration (MND) for the Maverik Store at Granite Regional Park (P20-025) project. In accordance with the California Environmental Quality Act (CEQA), the MND was circulated for a 20-day public review period which ended on February 15, 2021. The comment period was also advertised in a newspaper of general circulation. A notice of availability / notice of intent to adopt an MND was posted in the County Clerk's Office and was sent to applicable regulatory agencies, neighborhood associations and stakeholders in the project area.

The City received four letters/emails during the public comment period. The comment letters and responses are included on the City's CDD EIR webpage under the Maverik Store at Granite Regional Park Project (P20-025) heading (webpage listed below). Each of the comments addressed the project site and conditions as they relate to the particular areas of concern of the respective commenting agency, organization, individual.

The comments received did not identify any new significant effect, increase in severity of an impact identified in the Mitigated Negative Declaration, or provided significant new information. In response Staff has made clarifications and minor modifications to the MND. The revised MND along with the comments and responses do not create any circumstances pursuant to CEQA Guidelines Section 15073.5 that would require recirculation.

The Environmental Services Manager has determined that adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan are appropriate actions under the CEQA. The initial study/MND for the project, and the comments and responses, including the MND revisions, are available at the Community Development Department's EIR webpage located at the following:

<http://www.cityofsacramento.org/Community-Development/Planning/Environmental/Impact-Reports>

**200-Year Flood Protection:** State Law (SB 5) and Planning and Development Code chapter 17.810 require that the City shall make specific findings prior to approving certain entitlements for projects within a flood hazard zone. The purpose is to ensure that new development will have protection from a 200-year flood event or will achieve that protection by 2025. The project site is within a flood hazard zone and is an area covered by SAFCA's Improvements to the State Plan of Flood Control System, and specific findings related to the level of protection have been incorporated as part of this project. Even though the project site is within a flood hazard zone, the local flood management agency, SAFCA, has made adequate progress on the construction of a flood protection system that will ensure protection from a 200-year flood event or will achieve that protection by 2025. This is based on the SAFCA Urban level of flood protection plan, adequate progress baseline report, and adequate progress toward an urban level of flood protection engineer's report that were accepted by City Council Resolution No. 2016-0226 on June 21, 2016 and the SAFCA 2020 Adequate Progress Annual Report accepted by City Council Resolution No. 2020-0326 on October 13, 2020.

**Sustainability:** Not applicable.

**Commission/Committee Action:** On March 11, 2021, the Planning and Design Commission held a public hearing and passed a motion recommending the City Council adopt the ordinance and resolutions approving the Maverik Store at Granite Regional Park project.

**Rationale for Recommendation:** Staff supports the Maverik Store at Granite Regional Park project since it will a) provide several amenities to local residents, workers, and park visitors including fresh food services, covered outdoor dining, public restrooms, a children's play area, electric vehicle charging stations, and additional bicycle parking; b) make use of a longtime vacant urban parcel with difficult development constraints; c) provide significant public infrastructure improvements for 14<sup>th</sup> Avenue and Power Inn Road; and d) generate approximately 25 new jobs.

Staff recommends the City Council approve the requested entitlements based on the rationale above and the findings of fact, and subject to the conditions listed in Attachments 3, 5, and 7.

**Financial Considerations:** Not applicable.

**Local Business Enterprise (LBE):** Not applicable.