

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

**ITEM # _____
JUNE 10, 2004
PAGE 1**

P03-103 SAM'S MARKET LIQUOR PERMIT

- REQUEST: A. **Environmental Determination:** Categorical Exemption (Section 15303 (C))
- B. **Special Permit** to allow liquor sales on 0.15± acres in the General Commercial (C-2) zone.

LOCATION: 7720 Fruitridge Road
 APN: 027-0071-005
 South Sacramento Community Plan
 Council District 6

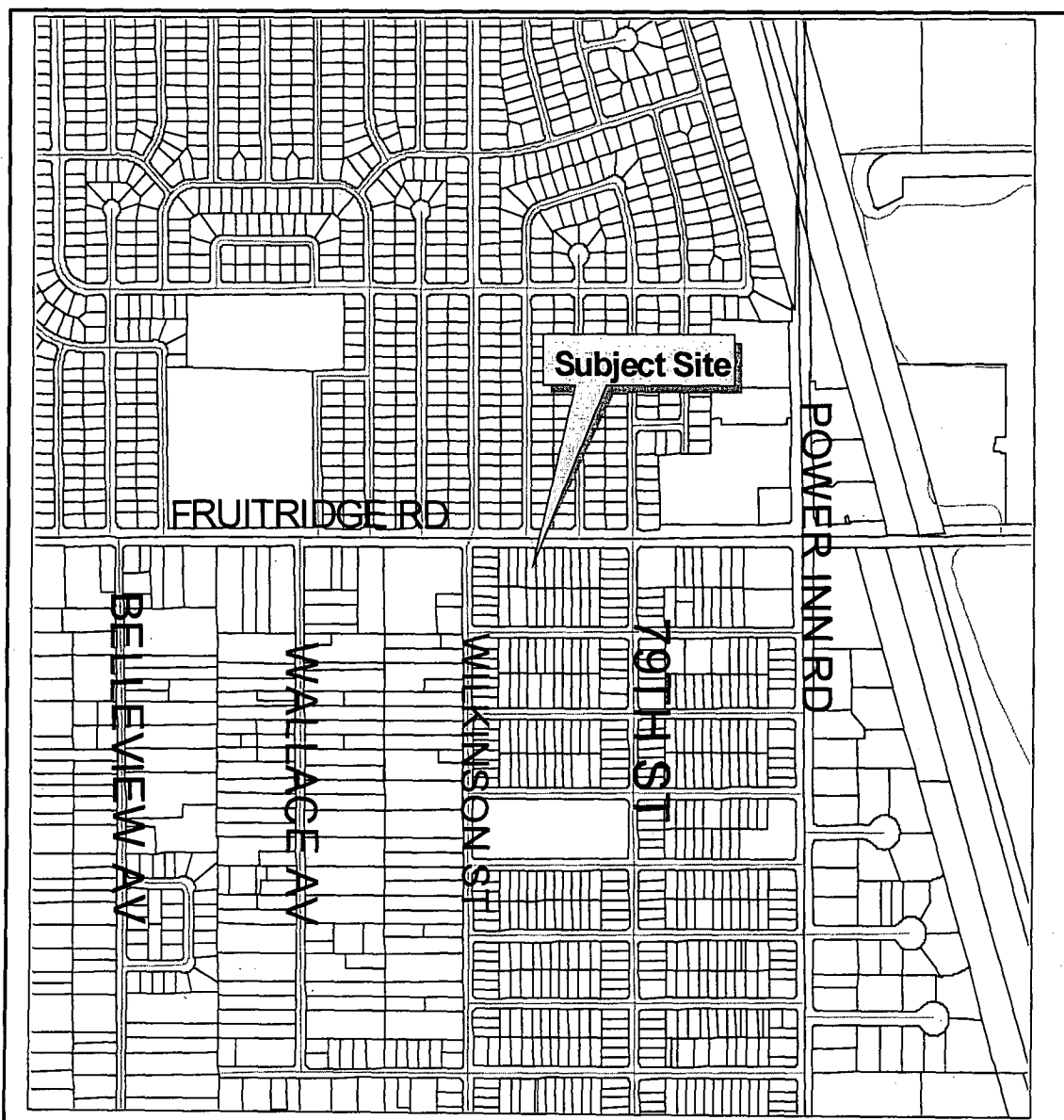
APPLICANT:	Gope Karir 7720 Fruitridge Road Sacramento, CA 95820
OWNER:	Churk L. Mak 1224 T Street Sacramento, CA 95814
APPLICATION FILED:	September 8, 2003
APPLICATION COMPLETED:	October 8, 2003
STAFF CONTACT:	Heather Forest, (916) 808-5008

SUMMARY:

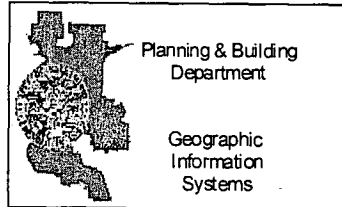
The applicant is requesting the approval of a Special Permit to allow liquor sales in addition to existing beer and wine sales, in a 2,100 square foot market on 0.15± acres, located at 7720 Fruitridge Road in the General Commercial (C-2) zone.

RECOMMENDATION:

Staff recommends denial of the Special Permit. The recommended denial is based upon the project's location within a Federally funded "Weed and Seed" area, its close proximity to Earl Warren Elementary School, and concerns raised by the Avondale Action Committee neighborhood group.



0.08 0 0.08 0.16 Miles



January 1, 2003

Vicinity Map
P03-103



PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Community Plan Designation:	General Commercial
Existing Land Use of Site:	Sam's Discount Market
Existing Zoning of Site:	General Commercial (C-2)

Surrounding Land Use and Zoning:

North:	Single Family Residences, Single Family Residential, R-1
South:	Single Family Residences, Single Family Residential, R-1
East:	Laundromat & Restaurant, General Commercial, C-2
West:	Vacant & Single Family Residences, General Commercial, C-2

Property Dimensions:	50' x 168'
Property Area:	8,400 square feet
Square Footage of Building:	2,100 square feet
Height of Building:	14', 1 Story
Exterior Building Materials:	Wood Siding
Roof Material:	Flat Roof
Hours of Operation:	9 am to 9 pm, 7 Days a Week
Parking Provided:	20 spaces
Parking Required:	20 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Liquor License	State Department of Alcoholic Beverage Control

BACKGROUND INFORMATION:

The current application is a Special Permit to allow the sales of hard alcohol/spirits in addition to existing beer and wine sales, in a 2,100 square foot market located at 7720 Fruitridge Road, in the General Commercial (C-2) zone. The application was submitted to Staff on September 9, 2003. While staff was in the process of determining the issues associated with the requested special permit, a robbery and shooting occurred at the project site. The applicant was shot in the stomach and is still in the recovery process. City Staff had sporadic contact with the applicant until May 3, 2004. On May 3, 2004 the applicant notified Staff that he would like to schedule the project for Planning Commission hearing, even though Staff was recommending denial.

STAFF EVALUATION: Staff has the following comments:

A. Policy ConsiderationsSouth Sacramento Community Plan

The 1986 South Sacramento Community plan identified that the incompatibility of convenience stores with residential neighborhoods was an issue amongst neighborhood residents. In order to

reduce possible friction between commercial and residential uses, the Community Plan proposes the following measures to be implemented by the City:

- Uphold city policies for the location and operation of convenience stores;
- Require buffers between commercial and residential land uses.

U.S. Department of Justice Weed & Seed Program

The project site is located within the boundaries of the Avondale/Glen Elder Weed and Seed area (Exhibit 1C). Weed and Seed is a federally funded program through the U.S. Department of Justice which aims to prevent, control, and reduce violent crime, drug abuse, and gang activity in targeted high-crime neighborhoods across the country. The Weed and Seed program involves "weeding out" criminals who participate in violent crime and drug abuse, attempting to prevent their return to the targeted area; and "seeding" brings human services to the area, encompassing prevention, intervention, treatment, and neighborhood revitalization. Theresa Chinte, the coordinator of the Avondale/Glen Elder Weed and Seed has clearly stated that:

"The issuance of a special permit to Sam's Market has the potential to increase crime and blight issues in the very neighborhoods we are working so hard to keep safe and clean. We do not advocate the promotion of hard liquor sales in our community, and maintain our position against issuing a special permit to Sam's Market."

City staff notes that the issuance of a Special Permit to sell hard liquor at Sam's Market would directly conflict with the goals and purpose of the Avondale/Glen Elder Weed and Seed Program.

B. Site Plan/ Zoning Requirements

The project site is located within the General Commercial (C-2) zone, with additional commercial buildings located to the east and west. Single-family residences zoned Standard Single Family (R-1), are located directly north and south of the project site. A Special Permit to sell alcohol within the General Commercial zone is permitted, if the following Findings of Fact can be made:

- A. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood;
- B. The proposed use will not result in the undue concentration of establishments dispensing alcoholic beverages;
- C. The proposed use will not enlarge or encourage the development of a skid row or blighted area;
- D. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation;

As stated previously, the project site is located within a transitional neighborhood currently receiving assistance through the federally funded Weed and Seed Program. The issuance of an additional off-sale alcohol permit in this area could both adversely affect the general welfare of the neighborhood and adversely affect the implementation of the Weed and Seed Program.

In consideration of the concentration of establishments located in the project area, Staff notes that according to the California Department of Alcoholic Beverage Control (ABC), five establishments within a one-mile radius currently exist which sell off-sale liquor and spirits (Exhibit 1D). An additional off-sale liquor license is clearly not a necessity for the adjacent neighborhood.

Concerning the possibility of enlarging or encouraging the development of a blighted area, staff notes that the project site, specifically Sam's Market, is in major disrepair. Granting the Special Permit would directly encourage the continuance of blight, rather than encourage neighborhood revitalization.

Staff also notes that attention should be given to the fact that the project site is located approximately 1,000 feet east of Earl Warren Elementary School, and an additional off-sale liquor permit would not be appropriate for this location.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15303 (c)).

B. Public/Neighborhood/Business Association Comments

The project was routed to the Avondale Action Committee. Thomas Burruss, the Chair of the Avondale Action Committee has stated that emphatically, the organization is opposed to issuance of a liquor license in the project area. Thomas Burruss notes that the "issuance of a liquor license would only exacerbate a very difficult situation with the existing abuse of alcohol and drugs in the area." (Exhibit 1F)

Furthermore, Councilmember Jones has stated that he strongly opposes allowing liquor sales at this location in this neighborhood.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The comments received were technical in nature and would only be included if Staff were recommending approval of the proposed project.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny A and B. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 calendar 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 15303 (c);
- B. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) denying the Special Permit to allow liquor sales on 0.15± acres in the General Commercial (C-2) zone.

Report Prepared By,



Heather Forest, Assistant Planner

Report Reviewed By,



Thomas S. Pace, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Exterior Elevations
Exhibit 1C	Avondale/Glen Elder Weed and Seed Letter
Exhibit 1D	Off-sale ABC Liquor Licenses Within a 1-mile Radius Map
Exhibit 1E	Addresses of Off-sale ABC Liquor Licenses Within a 1-mile Radius
Exhibit 1F	Avondale Action Committee Letter
Exhibit 1G	Photos of Subject Site
Attachment 2	Land Use & Zoning Map

Attachment 1

**NOTICE OF DECISION AND FINDINGS OF FACT FOR SAM'S MARKET
LOCATED AT 7720 FRUITRIDGE ROAD IN THE GENERAL COMMERCIAL
(C-2) ZONE, SACRAMENTO, CA. APN: 027-0071-005 (P03-103)**

At the regular meeting of June 10, 2004, 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:** Finds that the project is Exempt pursuant to CEQA Section 15303(c);
- B. **Denied a Special Permit** to allow liquor sales on 0.15± acres in the General Commercial (C-2) zone.

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 that the project is Exempt pursuant to CEQA Section 15303(c).
- B. **Special Permit:** the Special Permit to allow liquor sales on 0.15± acres in the General Commercial (C-2) zone is denied subject to the following Findings of Fact:
 - 1. The project is not based upon sound principles of land use in that:
 - A. The subject site is currently in disrepair and the sale of additional alcoholic beverages would not encourage the revitalization of the existing commercial and residential neighborhoods;
 - B. Alcoholic beverages can currently be purchased at five locations less than one-mile from the subject site;
 - C. An elementary school and single-family residences are located within a quarter-mile of the subject site.
 - 2. The project will be detrimental to the public welfare and can result in the creation of a public nuisance in that:
 - A. The project site is currently in major disrepair and a violent crime has already occurred at the project site;
 - B. The subject site is adjacent to residential uses and an elementary school, and there is a potential for an increase in crime to the area, which could affect neighboring residential properties.

area, which could affect neighboring residential properties.

3. The project is not consistent with the General Plan Quality of Life Policies to enhance and maintain the quality of life, in that sale of liquor/spirits in addition to existing beer and wine sales at this location has the potential to promote loitering and additional crime in an area that is already experiencing blight and nuisance problems, and would conflict with the Weed and Seed Program's efforts to reduce these problems. Furthermore expanding commercial activity on the subject site would be inconsistent with the South Sacramento Community Plan's goal to reduce the friction between commercial and residential uses.

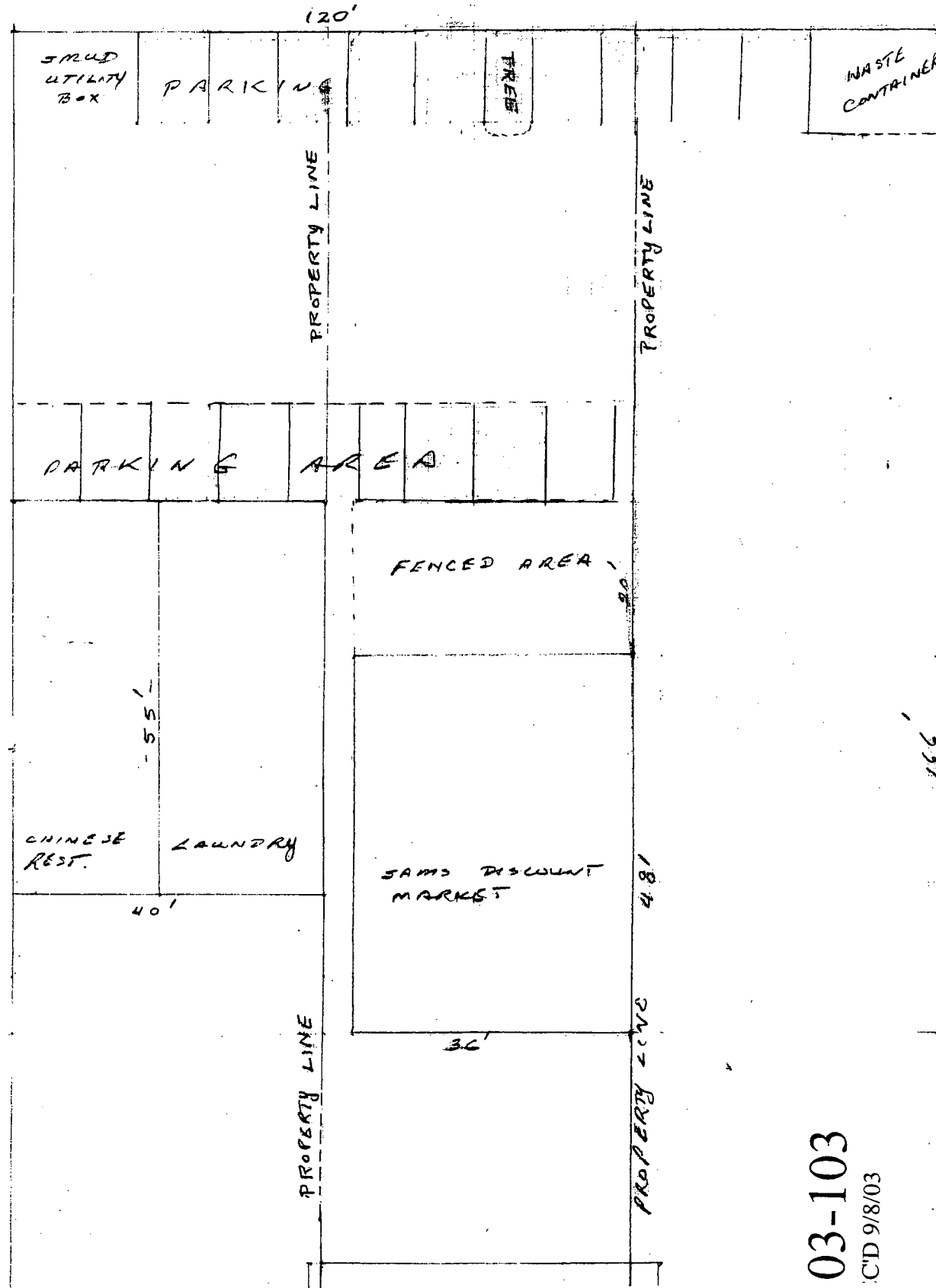
CHAIRPERSON

ATTEST:

SECRETARY TO CITY PLANNING COMMISSION
JUNE 10, 2004 (P03-103)

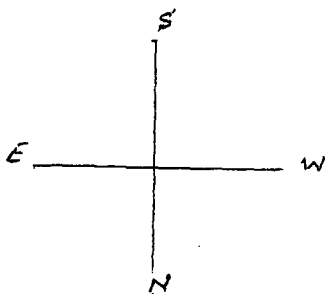
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Exhibit 1G	Photos of Subject Site
Attachment 2	Land Use & Zoning Map

Exhibit 1A - Site Plan

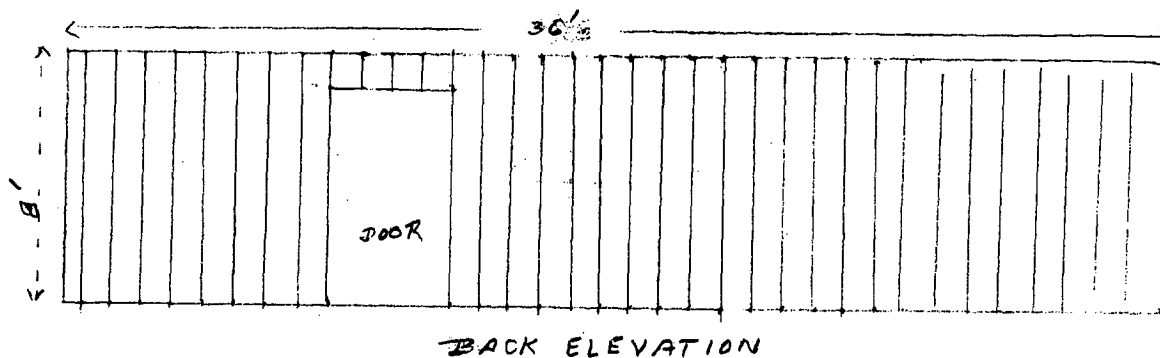


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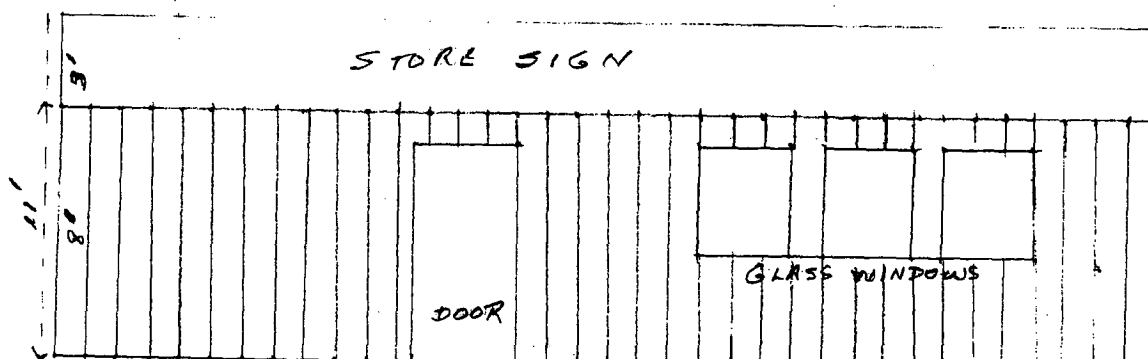
Exhibit 1B - Exterior Elevations



P03-103
REC'D 9/8/03



BACK ELEVATION



FRUITRIDGE RD
FRONT ELEVATION

Exhibit 1C – Avondale/Glen Elder Weed and Seed Letter

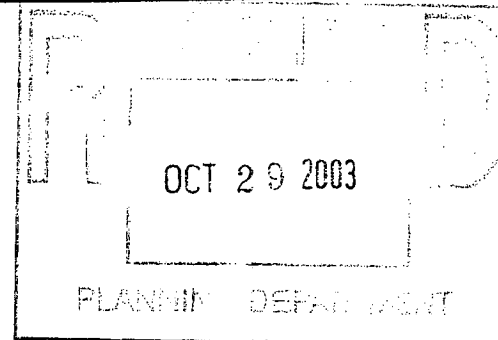


Avondale/Glen Elder Weed and Seed, Inc.
George Sim Community Center
6207 Logan Street
Sacramento, CA 95824

Phone: (916) 382-3707
Fax: (916) 386-8235

October 24, 2003

Heather Forest
City of Sacramento Planning Department
1231 I Street, Suite 300
Sacramento, CA 95814



Dear Ms. Forest:

On behalf of Avondale/Glen Elder Weed & Seed and the community residents we serve, our organization opposes the issuance to Sam's Market of a special permit to sell hard liquor. The market, located at 7720 Fruitridge Road, is located in a federally designated Weed and Seed area, mere blocks from Earl Warren Elementary School, in close proximity to Cascade Village, a multifamily housing complex, and very near to Max Baer Park.

Weed and Seed is a federally funded program through the U.S. Department of Justice. Avondale and Glen Elder have been designated as a Weed and Seed target area since 2000. Through grant funds, we have funded additional police patrols, acquired a code enforcement officer dedicated to the area, as well as increased programs and services to improve the quality of life for area residents.

Max Baer Park had historically been the site of unlawful activities, including gang fights and shootings. Fortunately, in recent years the park has been transformed into a safe environment for families and youth through the efforts of Weed & Seed's community police officers and vigilant residents. The park is now a vibrant and bustling space for families and children. Many adult community residents use the park space for sports and recreation. Classes for children, including tutoring and dance, are being held regularly at the Elmo Slider Clubhouse (a Parks and Recreation facility located at the park). It would truly be a shame to see the park deteriorate due to increased access to liquor, just as it is being established as a community asset.

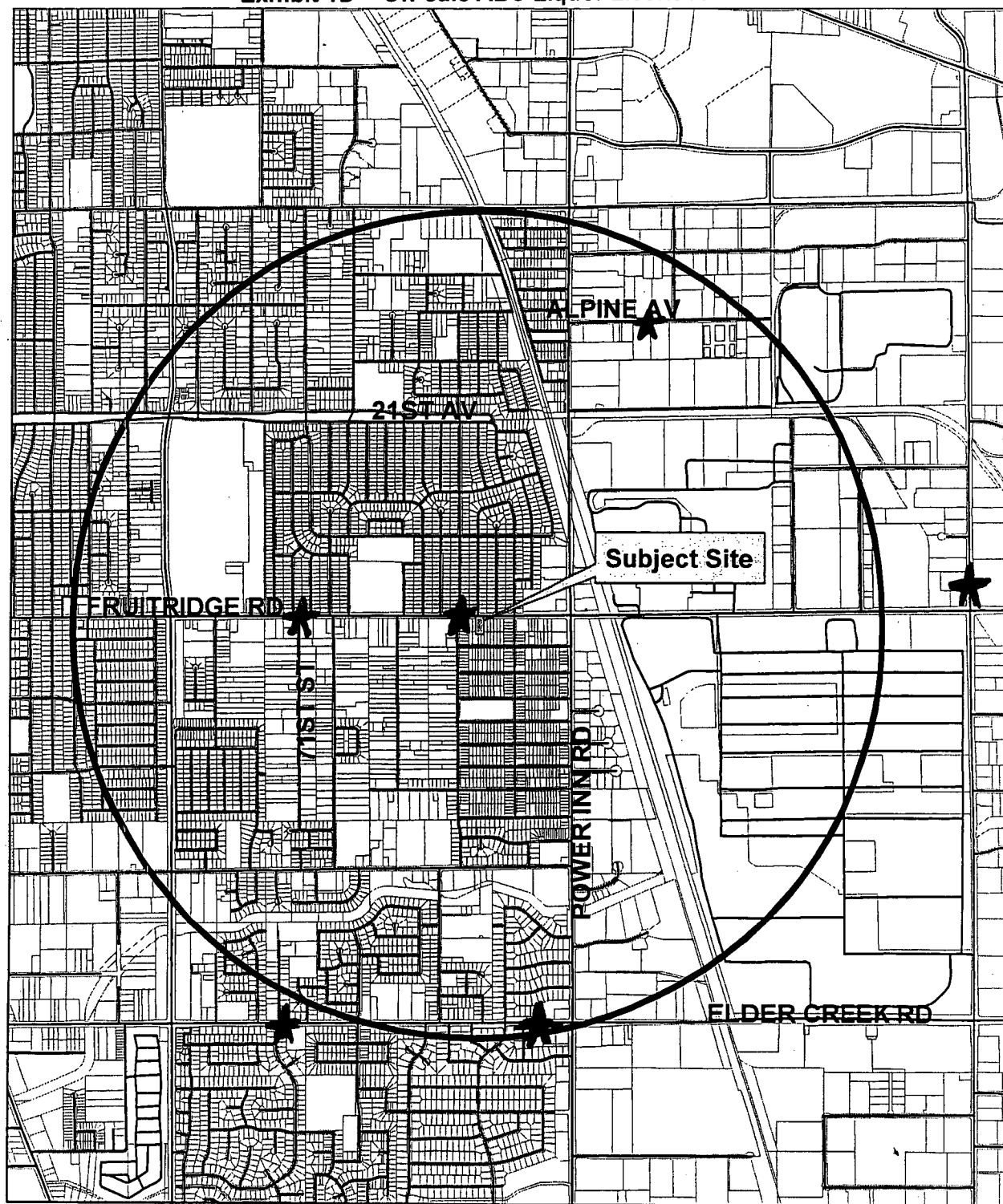
Our mission at Weed & Seed is to improve the neighborhood through increased community policing and a variety of social programs. The issuance of a special permit to Sam's Market has the potential to increase crime and blight issues in the very neighborhoods we are working so hard to keep safe and clean. We do not advocate the promotion of hard liquor sales in our community, and maintain our position against issuing a special permit to Sam's Market.

Thank you for taking this information into consideration.

Sincerely,

Theresa Chinte, Coordinator
Avondale/Glen Elder Weed & Seed

Exhibit 1D – Off-sale ABC Liquor Licenses Within a 1-mile Radius Map

**P03-103 Sam's Market Special Permit**

★ Star designates other off-sale ABC liquor license within a one-mile radius of the subject site.

Exhibit 1E – Addresses of Off-sale ABC Liquor Licenses Within a 1-mile Radius

1. Welco Supermarket
7100 Fruitridge Road
2. BP West Coast Productions, LLP
8880 Fruitridge Road
3. BHZ, Inc.
8024 Elder Creek Road
4. Narayan Maya Wati
7025 Elder Creek Road
5. The Wine Broker, Inc.
8175 Alpine Avenue
6. 7 Eleven, Inc.
5500 Florin Perkins Road

Exhibit 1F - Avondale Action Committee Letter

From: <TBurruss11@aol.com>
To: <hforest@cityofsacramento.org>
Date: 10/24/03 10:15AM
Subject: Re: Sam's Market app. for hard liquor permit

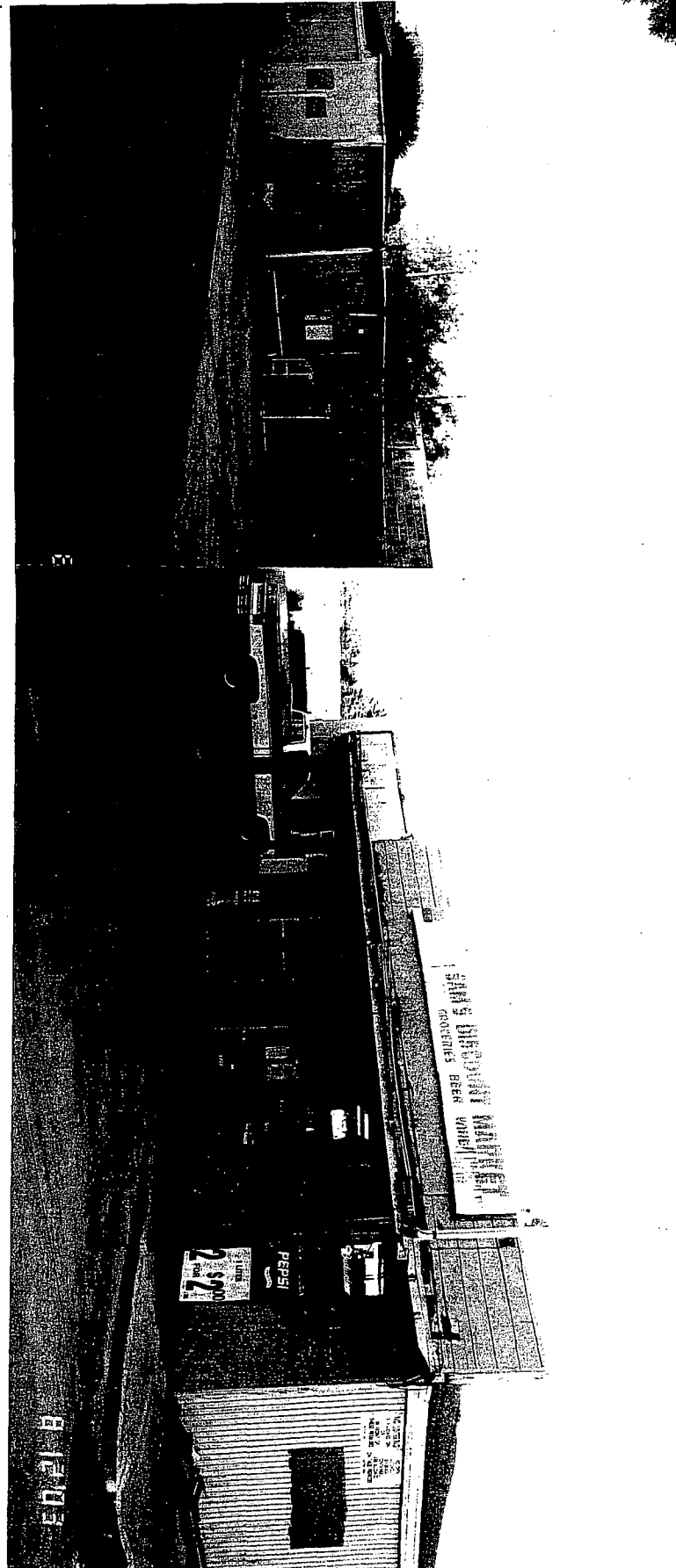
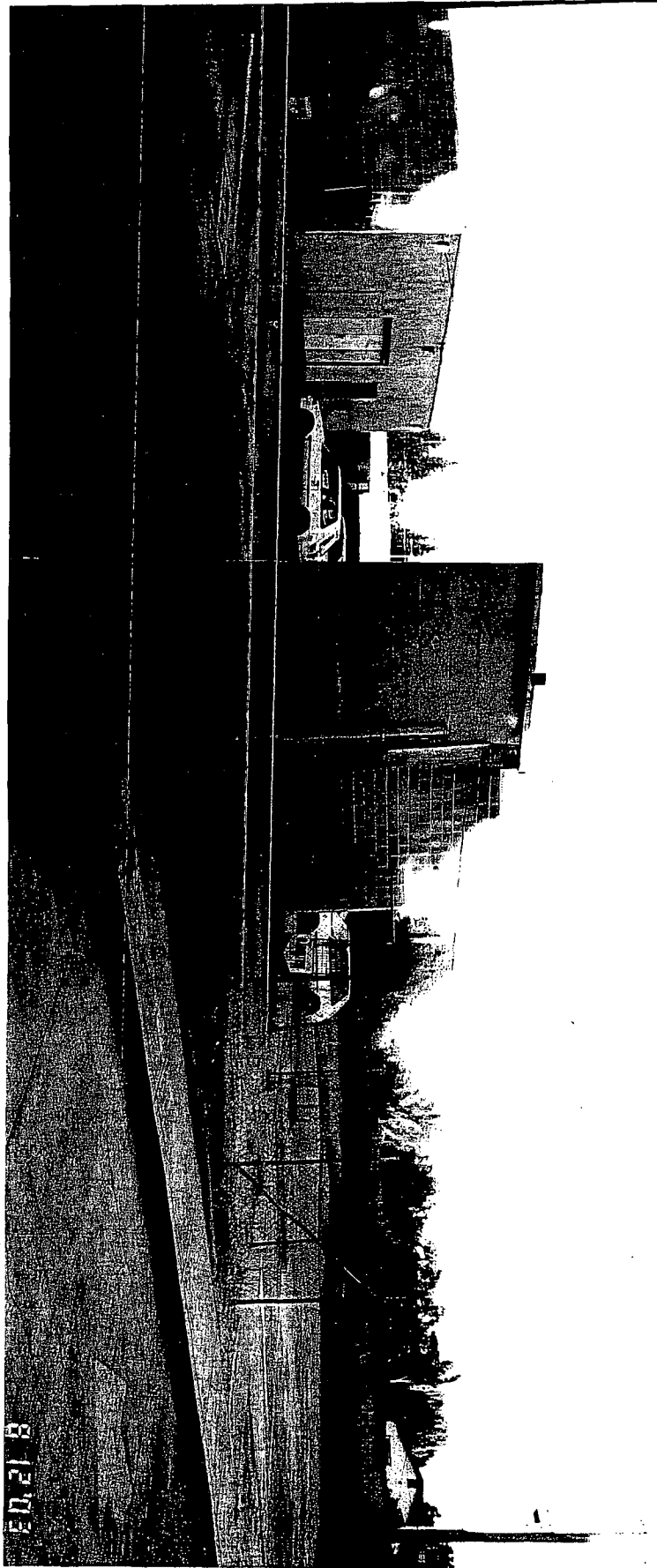
Heather: As the chair of the Avondale Action Committee I can tell you emphatically that this organization is opposed to any distribution of hard liquor licenses within the district at this time. This area is part of the Weed and Seed program and is an area in transition. The issuance of a liquor license would only exacerbate a very difficult situation with the existing abuse of alcohol and drugs in the area.

The Avondale Action Committee would request you deny the license.

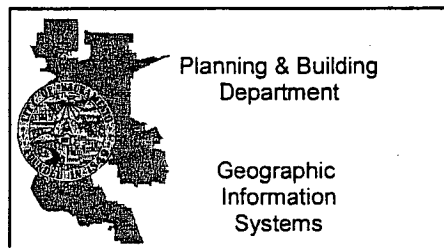
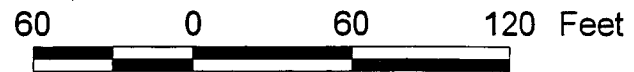
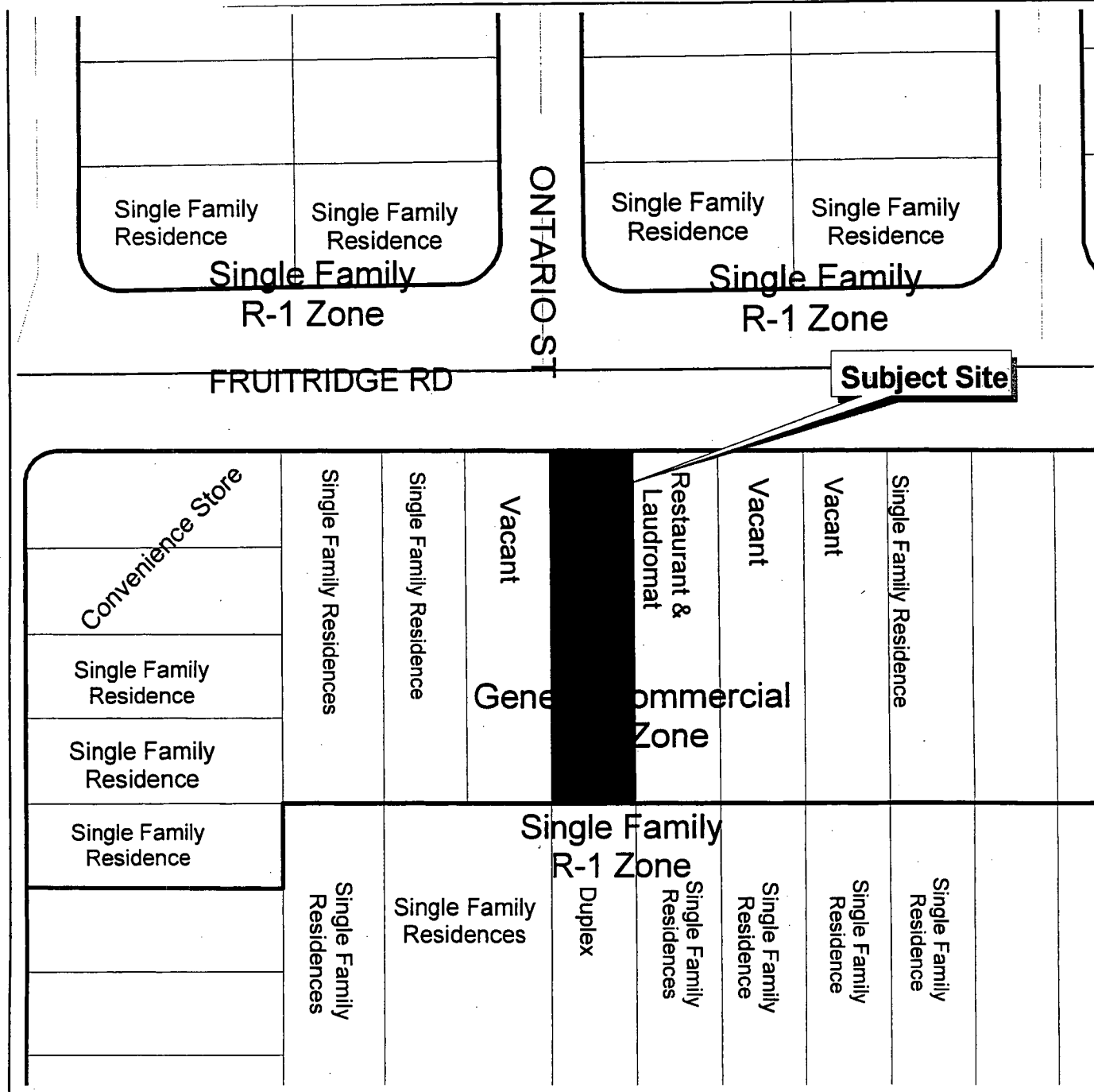
Thomas W. Burruss
Chair

CC: <TChinte@cityofsacramento.org>

Exhibit 1G – Photos of Subject Site



Attachment 2 - Land Use and Zoning Map



May 26, 2004

Land Use & Zoning
P03-103



Attachment 1

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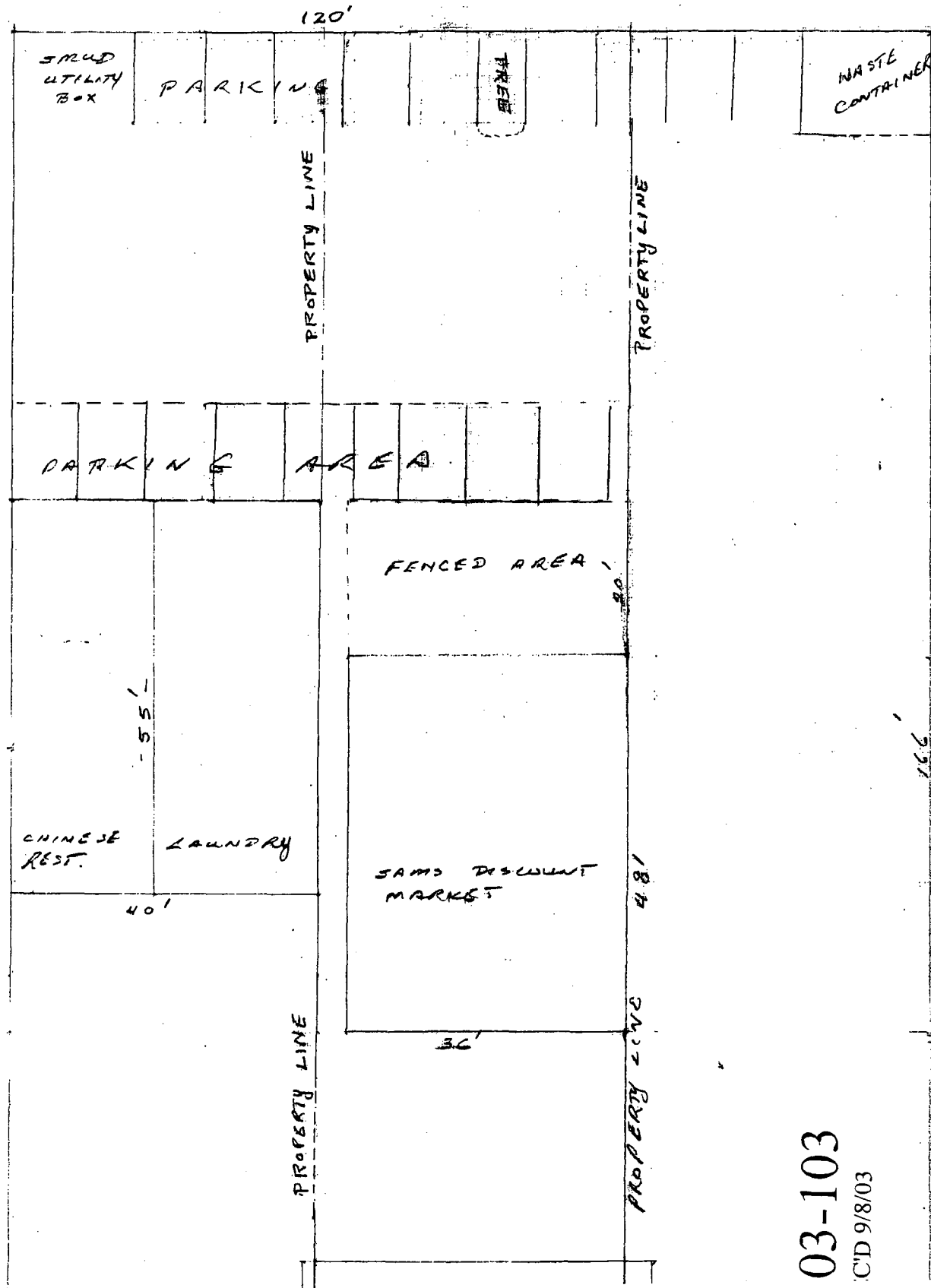
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Exhibit 1A - Site Plan



03-103
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Exhibit 1C – Avondale/Glen Elder Weed and Seed Letter

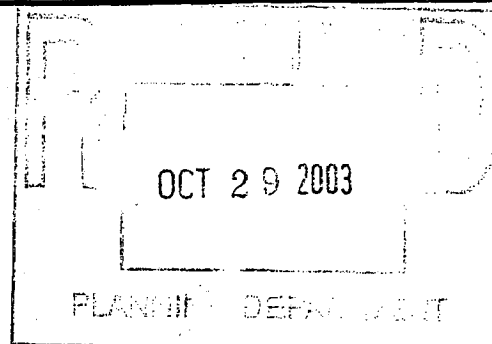


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Phone: (916) 382-3707
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October 24, 2003

Heather Forest
City of Sacramento Planning Department
1231 I Street, Suite 300
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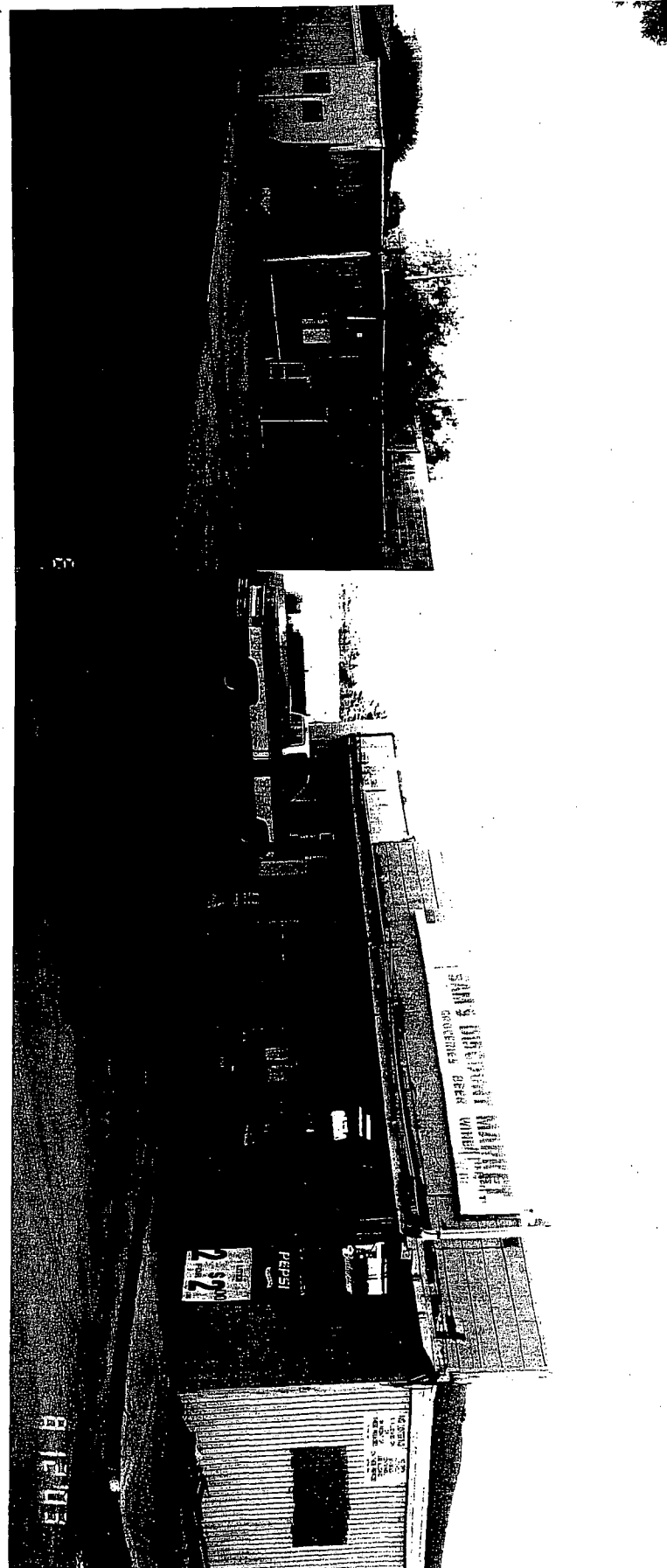
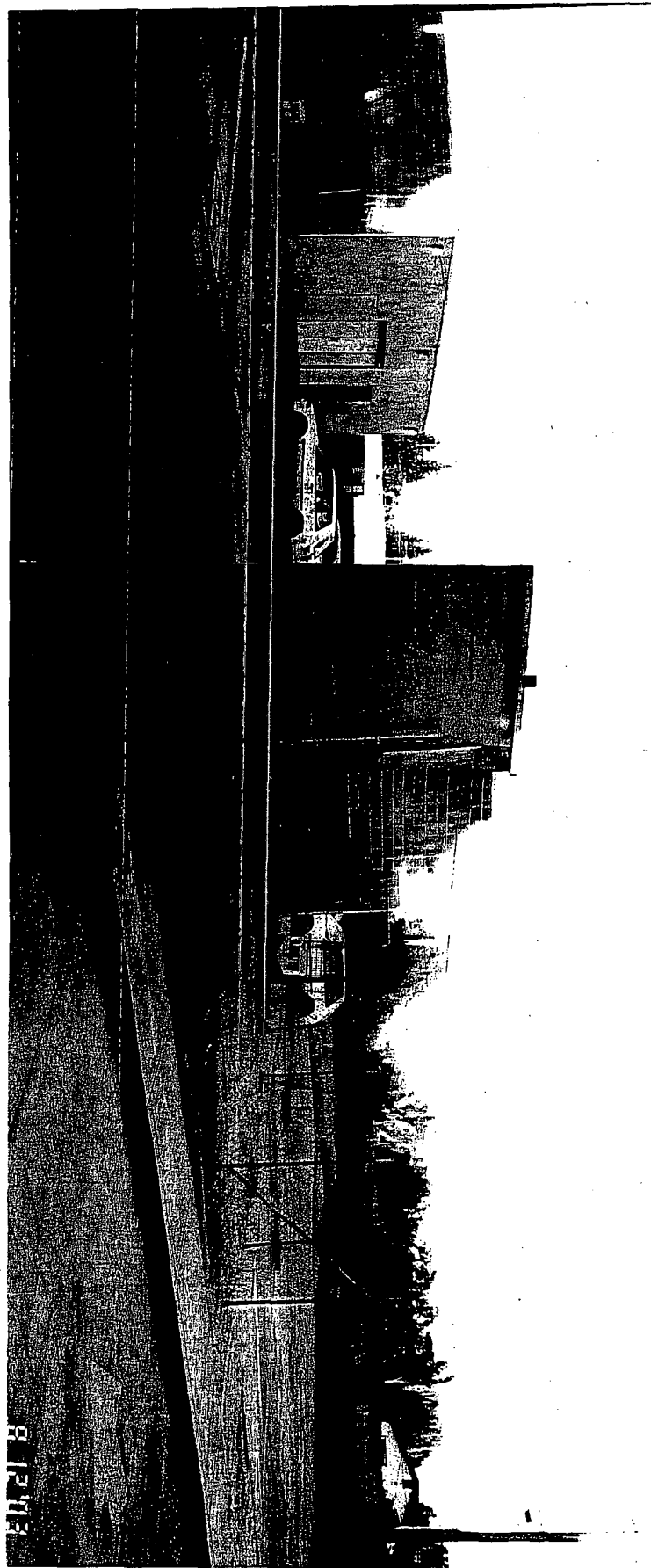
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Theresa Chinte, Coordinator
Avondale/Glen Elder Weed & Seed

Exhibit 1E – Addresses of Off-sale ABC Liquor Licenses Within a 1-mile Radius

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8880 Fruitridge Road
3. BHZ, Inc.
8024 Elder Creek Road
4. Narayan Maya Wati
7025 Elder Creek Road
5. The Wine Broker, Inc.
8175 Alpine Avenue
6. 7 Eleven, Inc.
5500 Florin Perkins Road

Exhibit 1G – Photos of Subject Site



**CITY PLANNING COMMISSION
HEARING ITEM**

CPC AGENDA DATE: June 10, 2004

Item No.	Project No.	Title/Location	Action: Approved/Denied
5.	P03-103	Sam's Market Special Permit located at 7720 Fruitridge Road	DEINED
ACTION			

VOTE OF THE PLANNING COMMISSION:

COMMISSIONER	MOTION 1			MOTION 2			ABSTAIN
	Yes	No	M/S	Yes	No	M/S	
Bacchini	/						
Banes	/						
Boyd	/						
Taylor-Carroll	/		M				
Vallencia	-	-	-	-	-	-	-
Wasserman	/						
Woo	/		S				
Yee	/						

**** List "Proponents" and Opponents" on reverse side of this page****



COPY

PLANNING AND BUILDING
DEPARTMENT

**CITY OF SACRAMENTO
CALIFORNIA**

1231 I STREET
ROOM 300
SACRAMENTO, CA
95814-2998

PLANNING DIVISION

916-264-5381 OFFICE
916-264-5328 FAX

June 11, 2004

MEMORANDUM

TO: Dave Jones, DISTRICT 6

FROM: Gary Stonehouse, Planning Director

SUBJECT: ***NOTICE OF CALL-UP OPPORTUNITY***
P03-103 – Sam's Market Special Permit located at 7720 Fruitridge.

On the date of **June 10, 2004** the Planning Commission denied the above referenced project with conditions.

The Notice of Decision and Findings of Fact (NOD/FOF) is attached. The NOD/FOF detail the nature of the entitlements sought by the applicant, the disposition by the Planning Commission (i.e., whether the entitlement was approved, denied, or forwarded to the Council), and the conditions upon which the entitlements were approved. In addition to the NOD/FOF, the voting record of the Planning Commission is attached.

The City Code and Zoning Ordinance provide the City Council a ten (10) day period to "call-up" Planning Entitlements that were approved by the Planning Commission. Thus, your request to call-up any of the approved entitlements must be received by our office no later than **Monday, June 21, 2004**; please notify the Project Planner by phone, or fax this form with the box checked prior to this date.

Heather Forest(Project Planner)
@ 808-5008(voice); 264-5328 (fax)

I WISH TO CALL-UP THIS PROJECT

COUNCILMEMBER SIGNATURE
Attachments: NOD/ FOF Voting Record

DATE