



**REPORT TO
PLANNING COMMISSION
City of Sacramento**

915 I Street, Sacramento, CA 95814-2671

**PUBLIC HEARING
July 13, 2006**

To: Honorable Members of the Planning Commission

Subject: Bel Air Aisle 1 Gas Station Alcohol Sales (P06-067)

Request to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone.

- A. **Environmental Determination:** Exempt pursuant to CEQA Section 15061(b)(3);
and
- B. **Special Permit** to allow a gas station convenience store to sell alcoholic
beverages for off-site consumption in the General Commercial (C-2-PUD) Zone.

Location/Council District:

3200 Arena Blvd., Sacramento, CA 95834

Assessor's Parcel Number: 225-2040-002

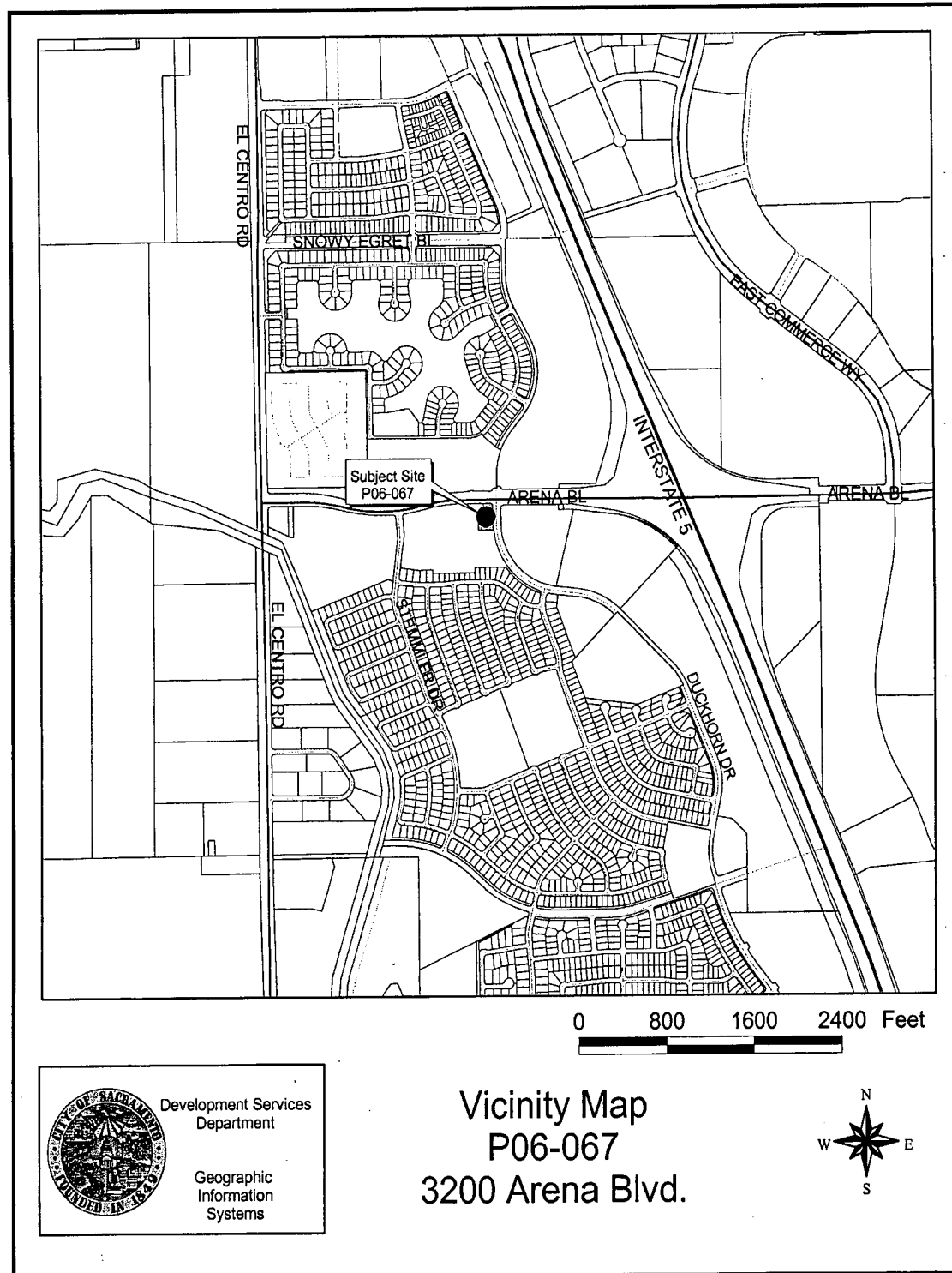
Council District 1

Recommendation: Staff recommends the Planning Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-B above, and its decision is appealable to City Council.

Staff Planner: Steve Kowalski, Assistant Planner, (916) 808-4752

Applicant: Raley's / Bel Air, P.O. Box 15618, Sacramento, CA 95852
Contact person: Michael K. Gates

Owner: Market West LLC, 1530 J Street, Sacramento, CA 95814
(aka Fulcrum Management Group)



Summary

The applicant is requesting permission to sell alcoholic beverages for off-site consumption from an existing gas station convenience store in the Market West shopping center at the southwest corner of Arena Boulevard and Duckhorn Drive. A special permit is required to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone pursuant to Footnote 40 of Section 17.24.050 of the Zoning Code. The proposal is consistent with the General Plan and North Natomas Community Plan both of which call for commercial uses at the site that serve the everyday needs of the surrounding residential neighborhoods.

There are no outstanding issues or concerns regarding the application, but a member of the West Natomas Community Association informed staff that he objects to the proposal on the grounds that he feels the supermarket already serves the needs of the surrounding community adequately.

Table 1: Project Information

General Plan designation: Commerce/Neighborhood Commercial & Office

North Natomas Community Plan designation: Village Commercial (VC)

Existing zoning of site: General Commercial (C-2-PUD)

Planned Unit Development: Cambay West and Gateway West

Existing use of site: existing gas station with convenience store and carwash

Property area: 0.58± acres

Background Information

On August 26, 1997, the City Council approved multiple entitlements to allow the development of 368± acres of undeveloped land for residential, commercial, park, public facility and employment center known as the Gateway West Planned Unit Development (Application P96-106). At buildout, the Gateway West PUD proposed to include: 1,728 dwelling units, consisting of 692 low density units on 151.8 gross acres; 342 medium density units on 40.6 gross acres; and 646 high density units on 28.3± gross acres. The proposal also would include 19.3± gross acres of commercial uses, 65.1 gross acres of Employment Center-50 uses, and 16.9 gross acres of parks, 3.5 gross acres of open space, a 10.9 gross acre elementary school site, and 32.2 gross acres for detention basins. Subsequently, on August 18, 1998 the City Council amended the PUD Guidelines and Schematic Plan (Application P98-046) with the Gateway West-North project, which effectively reduced the low density residential and commercial acreage and increased the medium density residential and park acreage.

On February 13, 2001, the City Council approved multiple entitlements for the development of the Cambay West Planned Unit Development. One of the entitlements amended the Gateway West PUD Guidelines to include the Cambay West PUD. The

Gateway West and Cambay West PUD Guidelines now cover both the Gateway West PUD and the Cambay West PUD.

Entitlements to construct the subject gas station and its carwash were approved by the City Council as part of the Market West shopping center development application on March 30, 2004 (Application P01-104). There is no record of any other prior planning applications affecting this property.

Public/Neighborhood Outreach and Comments

As part of the application review process, the proposal was routed to the Natomas Community Association, the North Natomas Alliance, the North Natomas Community Association, the North Natomas Study Group, the West Natomas Community Association, and the Sundance Lake Homeowners Association. Robert Nelson of the West Natomas Community Association contacted staff and expressed his objection to the proposal on the grounds that he felt the Bel Air supermarket already provided sufficient sales of alcohol for the surrounding area. No other associations commented on the proposal. Staff also notified all property owners within 500 feet of the project site, but no comments were received from any of these individuals either.

Environmental Considerations

Staff has determined that the proposal qualifies is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA). This determination is based on the fact that it can be seen with certainty that the special permit will not have a significant effect on the environment.

Policy Considerations

General Plan: The subject site is designated Commerce/Neighborhood Commercial and Office in the Land Use Element of the General Plan. This designation calls for a mix of neighborhood-serving commercial uses. Currently, the only establishment that provides sales of alcoholic beverages for off-site consumption west of Interstate 5 and north of San Juan Road is the Bel Air supermarket. Allowing the gas station's convenience store to sell alcoholic beverages would provide area residents with a quicker alternative to making a trip to the supermarket.

North Natomas Community Plan (NNCP): The subject site is designated Village Commercial in the land use program of the NNCP. This land use designation is intended to provide commercial uses that serve a geographic area ranging in size from two to four neighborhoods. Allowing the subject gas station to sell alcoholic beverages from its convenience store would provide the many new residential neighborhoods west of Interstate 5 with an alternative other than the supermarket from which to purchase alcoholic beverages.

The proposal is also consistent with the NNCP's goal to provide commercial uses that meet the everyday needs of, and are convenient to, North Natomas residents, workers and visitors, in that it would offer quick and convenient sales of alcoholic beverages from its store and prevent consumers from having to make a separate trip into the supermarket if they do not have to (NNCP p. 25).

Special Permit to Allow Alcohol Sales for Off-site Consumption

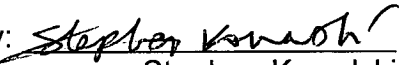
In order for the gas station to sell alcoholic beverages from its convenience store, the Planning Commission must approve a special permit allowing it to do so. The special permit shall not be issued unless the following findings of fact are made by the Planning Commission:

- a. The proposed use will not adversely affect the peace and general welfare of the surrounding neighborhood.
- b. The proposed use will not result in 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.

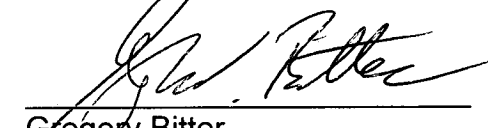
The Planning Commission must consider whether the proposed use will detrimentally affect nearby residentially zoned areas, and shall give consideration to the distance of the proposed use from schools, churches, public parks, child care centers, social service institutions, and other similar uses. Additionally, the Commission may consider aspects of the proposed use such as hours of operation, quantity and size of containers sold, alcoholic content of wines sold for off-site consumption, percentage of shelf space devoted to alcoholic beverages, a requirement that the establishment post signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment under the control of the establishment's operator, and any other activities proposed for the premises.

It is staff's opinion that as a subsidiary of Raley's Corporation, the Bel Air Aisle 1 gas station will adhere to strict standards as a corporate retailer and not create problems for the surrounding neighborhoods or require close attention from the City's law enforcement bodies. Currently, only the Bel Air supermarket provides alcoholic beverage sales to the neighborhoods west of Interstate 5 and north of San Juan Road. Allowing the convenience store to sell alcoholic beverages would essentially be allowing an extension of the supermarket's operation. The applicant has agreed to a condition requiring two (2) Raley's / Bel Air corporate staff to be present at the convenience store during all business hours. Furthermore, to ensure that the business does not attract or encourage criminal activity, the Police Department has placed a number of conditions on the application. For these reasons, staff is of the opinion that the special permit should be approved subject to the attached conditions.

July 13, 2006

Respectfully submitted by: 
Stephen Kowalski
Assistant Planner

Recommendation Approved:


Gregory Bitter
Senior Planner

Attachments:

Attachment 1	Recommended Findings of Fact and Conditions of Approval
Exhibit 1A	Site Plan
Exhibit 1B	Floor Plan
Attachment 2	Land Use & Zoning Map

Attachment 1
Recommended Findings of Fact and Conditions of Approval
Bel Air Aisle 1 Gas Station Alcohol Sales (P06-067)
3200 Arena Boulevard

Findings of Fact:

- A. Environmental Determination:** The Planning Commission finds that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.
- B. The Special Permit** to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone is hereby approved based on the following Findings of Fact:
1. The proposal is based upon sound principles of land use in that:
 - a. The proposed use will not adversely affect the peace and general welfare of the surrounding neighborhood;
 - b. The proposed use will not result in an undue concentration of establishments selling alcoholic beverages in the subject neighborhood in that, along with the Bel Air supermarket, it will be only the second use permitted to sell alcoholic beverages in the Gateway West/Cambay West neighborhood west of Interstate 5;
 - c. The proposed use will not enlarge or encourage the development of a skid row or blighted area; and
 - d. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.
 2. The proposal will not be detrimental to the public or result in the creation of a public nuisance in that it will be conditioned by the Police Department so as not to generate a potential increase in crime to the area.
 3. The proposal is consistent with the policies of the General Plan and the North Natomas Community Plan in that it provides a commercial service that meets the everyday needs of the residents of, and visitors to, the neighborhoods west of Interstate 5.

Recommended Conditions of Approval:

The **Special Permit** to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone is hereby approved subject to the following conditions:

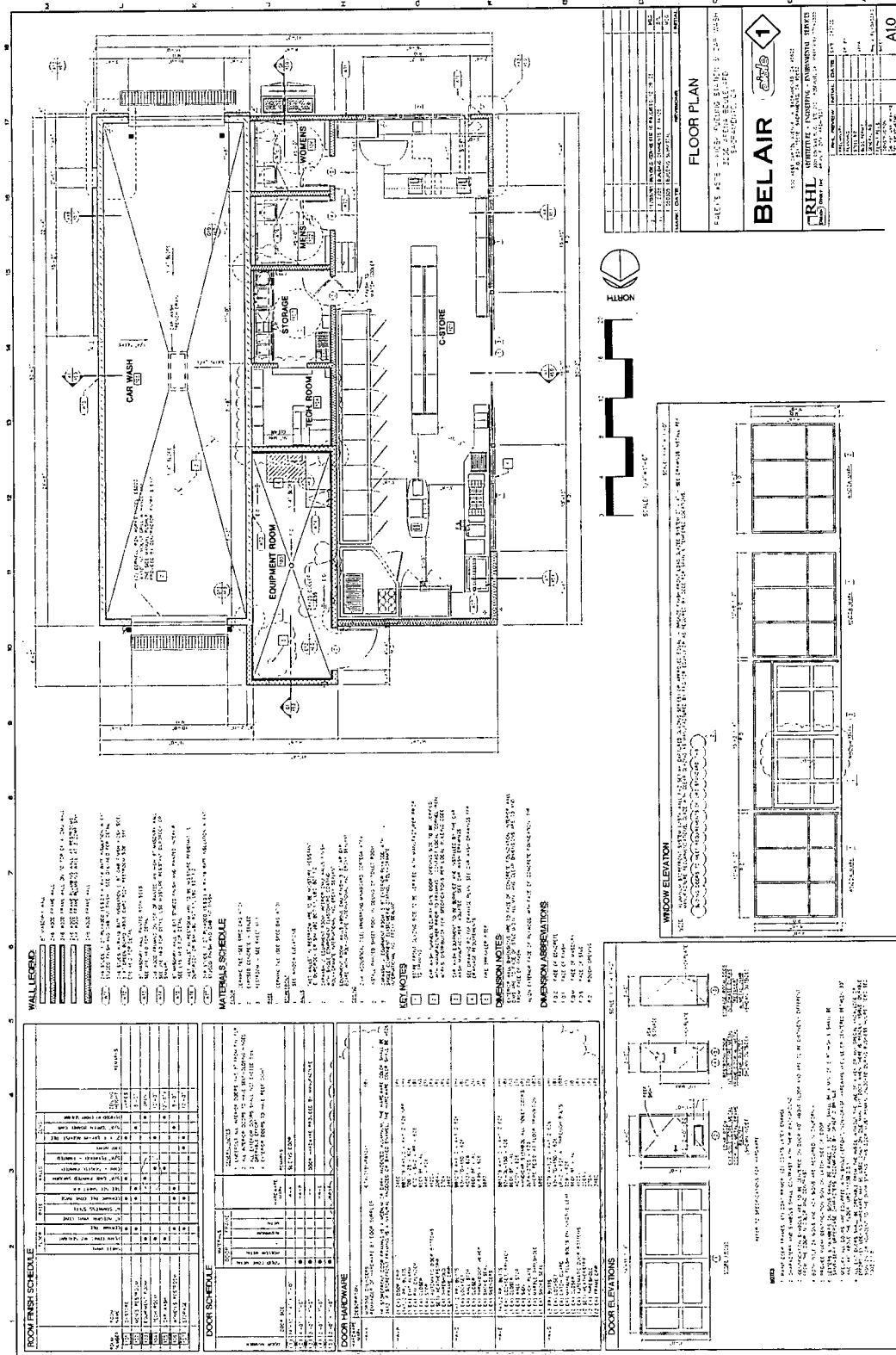
GENERAL:

- B1. The applicant shall obtain all necessary licenses from the Department of Alcoholic Beverage Control (ABC) prior to commencing sales of alcoholic beverages.
- B2. A minimum of two (2) employees of the Raley's / Bel Air Corporation shall be present in the convenience store during all business hours.

POLICE DEPARTMENT:

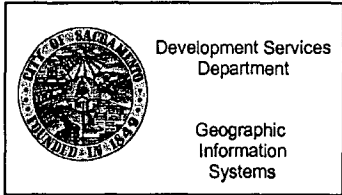
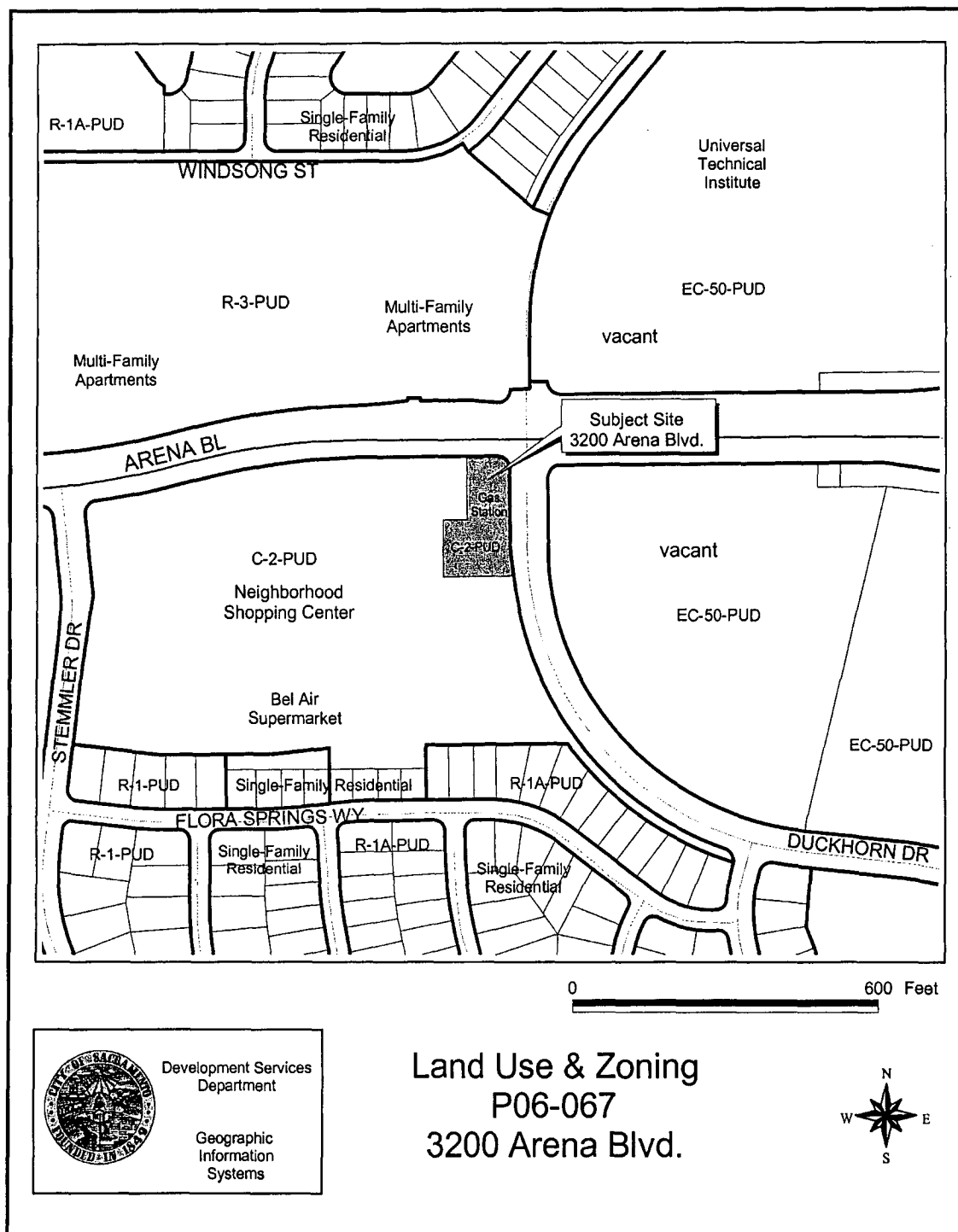
- B3. Beer, ale and/or malt liquor shall be sold in manufacturer packaging only, and containers of 16 oz. or less cannot be sold in single units and shall not be sold in quantities of less than one manufacturer six-pack
- B4. Wine coolers, whether made with wine or malt products, in containers of 16 oz. or less, cannot be sold in single-unit containers and shall not be sold in quantities of less than manufacturer packs of four.
- B5. The sale of wine shall be limited to bottles no smaller than 750 ml., except for wine-based coolers.
- B6. No advertising of beer or wine sales shall be allowed on any exterior signage or window signs on the site.
- B7. The words "beer", "wine", or "liquor" shall not appear in the name of the business or on any signage on the site.
- B8. The applicant shall install buzzers on doors of all cold boxes containing alcoholic beverages to notify the store clerk when the doors are open.

Exhibit 1B – Floor Plan



P06-067
April 12, 2006

Attachment 2 – Land Use & Zoning Map



Land Use & Zoning
P06-067
3200 Arena Blvd.

