

LAW AND LEGISLATION COMMITTEE MEETING

Thursday, June 11, 1987
LOCATION: City Council Chambers
915 I Street, Second Floor
Sacramento, California

The meeting was called to order at the hour of 4:09 p.m. by Chairman Terry Kastanis.

PRESENT: Committee Members Kastanis, Shore, Bradley, and Pope;
Councilman Smallman.

1. Ordinance relating to special permits for establishments selling alcoholic beverages for off-premises consumption.

RECOMMENDATION OF STAFF: REFER TO PLANNING COMMISSION FOR HEARING OR TO CITY COUNCIL FOR EMERGENCY ORDINANCE.

REPORTS BACK: NONE

COMMITTEE ACTION: ADOPTED AND FORWARDED TO COUNCIL, WITH AMENDMENTS, AS AN EMERGENCY ORDINANCE.

VOTING RECORD: MOVED: SHORE; SECONDED: BRADLEY
AYES: UNANIMOUS

MINUTES:

Diane Balter, Deputy City Attorney, was present to discuss this matter. She distributed two items to the Council members -- a letter from the Northern California Grocers Association, and an amended ordinance, marked where changes had been made.

Attorney Balter stated that according to Western City Magazine, about one-third of all cities in California place zoning restrictions on stores selling alcoholic beverages.

With regard to the amended ordinance, Attorney Balter explained the changes. She said that staff is recommending that any use in a redevelopment area should require a special permit. She also stated that the amended ordinance included bars as well as markets.

Councilman Kastanis asked why we can't just say everyone needs a special permit. Attorney Balter explained that this is possible, but would affect the Planning Commission's workload.

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Councilman Smallman expressed his opinion that off-sale liquor is not needed in some areas of Sacramento no matter what, especially in areas where you don't need the fuel to fire already existing problems. He stated he could point to some very volatile areas in his particular district. He feels the 500' restriction should be eliminated, as the City should be able to say "no" if a store shouldn't be there. There was considerable discussion about the 500' restriction. It was expressed by Councilman Shore that 500' covers virtually all of the City anyway.

There was some discussion as to the size of the store. The exemption for stores with over 15,000 square feet and with less than 10% shelving for alcoholic beverages was debated. Art Gee of the City Planning Department stated that large stores such as grocery stores, Payless, Longs, etc. would be exempt.

Councilman Smallman requested that the City change its method of giving notice to neighborhoods, as the notices now look like form letters and are addressed to "Occupant" and the like. Because of this format, many people disregard and discard the notices, and then they are upset when a store is built in their neighborhood because they don't think they were notified.

Tom Lee of the Sacramento Housing and Redevelopment Agency spoke. SHRA supports the new ordinance, and also feels the City should consider ways to regulate stores already in existence.

Steven Whitney-Wise of the SHRA stated that there has been a study of existing downtown stores and that in 1974 there were 23 small markets compared to 98 now. He said that the Police Department reports that 55%-65% of the arrests made are alcohol related and near off-sale liquor stores. He feels that the City should also consider larger grocery stores in the ordinance, as inebriates buy wine at Gemco or Lucky stores. He stated they would like to see this ordinance passed, and expanded to eliminate the 500' requirement.

George Heard, a Sacramento City resident from District 6, expressed his concerns about local markets selling alcohol, and especially against a proposed market for his neighborhood. He presented a letter to the Council outlining these concerns (copy attached).

Daniel Nunn, another City resident, expressed his support of this ordinance, and also his feeling that the 500' restriction should be eliminated. He asked the Council to study each store as to

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what it has to offer the neighborhood. He stated that in his neighborhood there are several schools and churches, and he is concerned as to what these markets are doing to the children of tomorrow.

Dave Lamm, Real Estate Representative of 7-11 Stores, stated his opposition to this ordinance. He explained the function of stores such as 7-11, which allows people the ability to make short stops for convenience items such as milk and bread. He said they are trying to cater to a 24-hour city. He feels that another use permit requirement is one more burden for development for them. He explained that they are exposed to ABC scrutiny. He feels that all markets should be included, and not just small stores, because if it's going to go one way or another, everybody should be included or nobody.

Councilman Bradley agreed that equality makes good sense, and that the ordinance should be consistent. He agreed that the City is having a problem with convenience stores.

Councilman Shore said that he understands that everyone would like to streamline the permit process, but that we do have a problem with convenience stores.

Maurice Read, representing Southland Corporation (7-11 Stores) asked the Committee members to keep in mind that 7-11 and other convenience stores are different from the "mom-and-pop" stores. He said that 7-11 does not sell hard liquor, but that if the City prevents the building of convenience stores, liquor would be purchased at grocery stores instead. He also felt larger stores should also be included in the ordinance.

Councilman Pope stated that the City isn't saying you can't have convenience stores; the problems we have are that there are some operators who are not reputable operators, and these may create a problem from time to time. He said we're not going to stop people from drinking, we are just trying to get things streamlined. He outlined the problems that could be created if a 7-11 store is sold to an individual operator, which is why the City should have some control over permits.

Councilman Kastanis asked Art Gee how much work would be created for his department if the 500' requirement was eliminated. Mr. Gee said that special permits take five to six weeks from the time of application, and the department prepares fairly detailed reports on each permit application, which does take a lot of staff

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time. Therefore, requiring a special permit delays a convenience store's opening five to six weeks.

Councilman Pope moved to approve the amended ordinance, dropping the 15,000 square foot exemption to 5,000 square feet and leaving in the 500' requirement. This motion died for lack of a second.

Councilman Shore moved to approve the amended ordinance, as an emergency ordinance, eliminating the 500' requirement and leaving in the 15,000 square feet or more gross floor area exemption. Councilman Bradley seconded, and it was unanimously approved. This item will go before the full Council in two weeks.

The meeting was adjourned at 5:08 p.m.

* * * * *



TERRY KASTANIS, CHAIRMAN

ATTEST:



JUDY VARVEL, SECRETARY

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

AN ORDINANCE ADDING SECTIONS 2-C-55, 2-C-56, 2-E-26, 15-C-3-e, 22-A-91 and 22-A-92 TO THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SACRAMENTO, ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED, RELATING TO SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sections 2-C-55 and 2-C-56 are hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, to read as follows:

Sec. 55. USE: ALCOHOLIC BEVERAGE SALES FOR OFF-PREMISES CONSUMPTION

Sec. 56. USE: BAR

	H	S	C1	C2	C3	C4	M1	M2	MIP
	C	C					M1 (S)	M2 (S)	
55.		36	36	36	36	36	36	36	36
56.	36	36	36	36	36	36	36	36	36

SECTION 2.

Section 2-E-36 is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, to read as follows:

Sec. 36.

A Special Permit shall be required to establish this use at any location within 500 feet of any residentially-zoned property, church, synagogue, or other place of religious worship, school or park, or within a Redevelopment Area. No Special Permit shall be required for any store greater than 15,000 square feet in gross floor area where the shelving allocated to alcoholic beverages does not exceed ten percent of the total shelving within the store. No Special Permit shall be required for an on-sale licensee other than a bar on account of

such licensee's statutory off-sale privileges, if the licensee does not hold itself out as selling alcoholic beverages for off-premises consumption.

A Special Permit shall not be issued unless the following findings of fact are made by the Planning Commission:

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

The Planning Commission may consider the following in evaluating a Special Permit application: hours of operation; quantity and size of containers sold; alcoholic content of wines sold for off-premises consumption; percentage of shelf space devoted to alcoholic beverages; a requirement that the establishment post, in compliance with the City Code, signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment under the control of the establishment's operator; any other activities proposed for the premises.

SECTION 3.

Section 15-C-3-e is hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, to read as follows:

e. Alcoholic beverage sales for off-premises consumption; bars:

Notwithstanding the provisions of subparagraphs a), b) and c) above, in the case of an application for a Special Permit to sell alcoholic beverages for off-premises consumption or for a bar, notice shall be given to all owners of property located within five hundred (500) feet from the property involved in the proceedings.

SECTION 4.

Sections 22-A-91 and 22-A-92 are hereby added to the Comprehensive Zoning Ordinance of the City of Sacramento, Ordinance No. 2550, Fourth Series, as amended, to read as follows:

91. Alcoholic beverage:

Alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.

92. Bar:

Any premises designed, maintained, operated, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises which does not qualify as, or is not part of, a bona fide public eating place as defined in Business and Professions Code Section 23038.

DATE PASSED FOR PUBLICATION:

DATED ENACTED:

DATE EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



Northern California Grocers Association

1807 Tribute Road • Sacramento, California 95815 • (916) 929-9741
KAREN SCHULKE • PRESIDENT

June 11, 1987

RECEIVED

JUN 11 1987

CITY ATTORNEY'S OFFICE

11:27

Ms. Diane B. Balter
Deputy City Attorney
City of Sacramento
Law & Legislation Committee
City Council Chambers
Sacramento, California 95814

Dear Ms. Balter:

The Northern California Grocers Association (NCGA) represents the independent retail grocers in the 49 counties of Northern California. We have 1500 members of which there are about 2200 stores.

We have some concerns with your exemption figure of 15,000 square feet. Listed below are several stores and their locations, along with the total square footage, the selling area, and the type of alcohol sold:

<u>Store</u>	<u>Total Sq. Ft.</u>	<u>Sales Area Sq. Ft.</u>	<u>Type of Alcohol</u>
Greenhaven Super 350 Florin Rd. Sacramento	14,000	10,000	All Types
Happy Valley Mkt. 5901 Broadway Sacramento	9,000	7,000	All Types
Lorenzo & Sons 412 N Street Sacramento	9,995	6,000	All Types
California Mkt. Winters	12,000	9,000	All Types
Oak Park Mkt. 3300 12th Ave. Sacramento	3,500	3,000	Beer/Wine ONLY

Continued....

Valley Division
ROY VOLPETTI • PRESIDENT
Mother Lode Market • Sonora

Northern California Grocers Association
RICH KONKEL • CHAIRMAN OF THE BOARD
Bel Air Markets • Sacramento

Coastal Division
NORM HIGHTOWER • PRESIDENT
Food Bowl Market, Inc. • San Jose

<u>Store</u>	<u>Total Sq. Ft.</u>	<u>Sales Area Sq. Ft.</u>	<u>Type of Alcohol</u>
Rainbow Mkt. 3810 Marysville Sacramento	19,000 (leases out to others stores)	5,500	All Types
Rancho Market 2248 Stockton Blvd. Sacramento	3,000	2,800	All Types
Roy Taylor's Mkt. 2900 Freeport Blvd. Sacramento	4,100	3,400	All Types
Van's Mkt. 7245 East Parkway Sacramento	17,250	15,500	All Types
Compton's Holiday Mkts. Sacramento	Under 15,000 sq. ft. selling area (5 stores)		

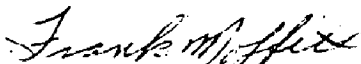
A grocer who opens or operates a retail sales area of 5,000 to 7,000 sq. ft. will operate the same way as larger supermarkets. They will have all of the primary departments, such as grocery (including non-foods), produce departments, and meat departments. The beer and wine and/or distilled spirits are a small percentage of total store sales.

Stores of this size that cannot sell at least beer and wine probably could not be successful. History dictates that consumers want to purchase a variety of merchandise, or they will not support this store.

We ask for your consideration to set the exemption level at or around the 5,000 sq. ft. selling area, rather than the 15,000 figure in your proposed ordinance.

Thank you for your consideration.

Sincerely,



Frank Moffett
Director of Government Relations

FM/lh

MAY 20, 1987

TO; ALCOHOL BEVERAGE CONTROL
APPEALS BOARD

FROM; GEORGE W. HEARD
6421 SUN RIVER DR.
SACRAMENTO , CA. 95828.
PH. 383-2954

DEAR MR. LEE SANDER

ON BEHALF OF CONCERNED HOMEOWNERS AND RESIDENTS OF GLEN ELDER/ ELDER CREEK CITY COUNCIL (DISTRICT 6) I AM WRITING TO REQUEST THAT YOU DISALLOW THE APPLICATION FOR A LIQUOR LICENSE OF A CONVENIENCE MART AT THE SOUTHWEST NORTHWEST CORNER OF POWER INN RD. AND ELDER, CREEK ROAD.

WE ARE OPPOSED TO THIS PROJECT BECAUSE IT WILL HAVE A NEGATIVE IMPACT ON OUR NEIGHBORHOODS, STONEGRIDGE, SUNRISE SOUTH, LEMONTREE, GLEN ELDER, AND AVONDALE FLATS. IT WILL PROVIDE A LOVATION FOR PUBLIC CONSUMPTION OF ALCOHOL, LOITERING, BEHAVIOR, AND DRUG TRAFFICKING. WE ARE PARTICULARLY CONCERNED ABOUT DRUG PROBLEMS DUE TO RECENT ARRESTS OF NEIGHBORHOOD RESIDENTS

DRUG DEALING CHARGES. (TWENTY EIGHT--PERSONS WERE ARRESTED. FOR COCAINE DEALING IN EARLY 1987. AND ON MAY 1. ANOTHER EIGHT WERE ARRESTED, THE CITY COUNCIL SHOULD BE AWARE OF THIS PROBLEM DUE TO PRIOR EXPERIENCE AT WILKINSON AND FRUITRIDGE. (WHERE THE MANAGER WAS KILLED ABOUT A YEAR AGO) A CONVENIENCE MART AT FLORIN AND POWER INN ROAD, POWER INN FRUITRIDGE DR. (SULLY'S BOTTLE SHOP). POWER INN MARKET (DIRECTLY ACROSS FROM THE PROPOSED MART). ALL OF THESE CONVENIENCE MART LOCATIONS ARE IN THE GENERAL AREA AS THE PROPOSED PROJECT--RAISING FURTHER QUESTIONS ABOUT ITS NECESSITY.

IN CLOSING, WE ARE AGAIN ASHING THAT THE BOARD DISALLOW THE PROPOSED CONVENIENCE MART. IN ORDER TO HELP IMPROVE THE QUALITY OF LIFE IN OUR NEIGHBORHOODS.

CC. CITY COUNCIL MEMBERS

RESPECTFULLY SUBMITTED

George W. Heard
GEORGE W. HEARD

MAY 14
Neighborhood Meeting



METRO DIGEST

Dynamite in home

Sacramento police evacuated nearby homes and rerouted traffic on Tiboli Way for about three hours Saturday after about 100 sticks of deteriorating dynamite were found in a home in a McKinley Park neighborhood.

The police bomb squad burned the explosives on nearby C Street without incident.

The 30-year-old sticks were in the garage of a man who died recently, said Sgt. Andrew Cruz. The man used dynamite in his construction business, Cruz said.

The deceased man's nephew, Richard Arnold of Pleasanton, came to the home Saturday and contacted the city fire department after finding the dynamite about 3 p.m., Cruz said.

Arrest in slaying

A 19-year-old Los Angeles man has been arrested in the shooting death of Beatrice Shepard Stewart, whose body was found off Highway 16 near the Elkhorn Bridge on March 30.

Richard Reese was taken into custody late Friday night in North Sacramento by state county sheriff's detectives Harvey Coleman and Penny Forangeton.

Investigators said the victim from Oklahoma City, Okla., had once lived in Sacramento.

MAY 15 1987

4 seized in drug raid

Responding to City Councilman Bill Smallman's complaint of drug activity in Max Baer Park, Sacra-

mento police have arrested four people and reported seizing 78 bags of marijuana and two weapons in a house in the 7900 block of 34th Avenue.

Narcotics officers arrested Morris E. Harman, 47, Lamont Harmon, 22, Kevin Harmon, 18, and Gilda Harvey, 24, on drug charges.

In addition to the marijuana, police reported recovering a sawed-off shotgun, a revolver and a videocassette recorder, said police Capt. Bob Benton. The revolver and the VCR had been reported stolen, Benton said.

Woman held in death

A 21-year-old woman was arrested early Saturday in connection with the stabbing death of another woman on Stockton Boulevard near 12th Avenue, police said.

Yvonne Marcella Brown was booked into the Sacramento County jail on a charge of murdering Beverly Parker, 30, of Sacramento, police said.

Police Sgt. Ron Meadows said Parker was found lying on the sidewalk with stab wounds at 2:20 a.m. A preliminary investigation indicated that she was being harassed by three or four women prior to being stabbed, Meadows said.

Parker was taken to University Medical Center and was pronounced dead at 3:03 a.m.

Witnesses identified Brown as the person who used the knife, and she was arrested several blocks away on San Jose Way, Meadows said.

— Bee Metro Staff

THIS ARREST WAS MADE ON MAY 15, 1987, ON
MARLON WILKINSON AND FRUITRIDGE ROAD