

CITY PLANNING COMMISSION

approve - on-site
oppose - off-site

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

APPLICANT	Henry P. Yee	1400 21st Street	95814
OWNER	Herbert K. Yee	707 J Street	95814
PLANS BY	HENRY P. YEE A.I.A. & Associates		
FILING DATE	1-4-88	ENVIR. DET. EXEMPT	10-01
ASSESSOR'S-PCL. NO.	006-0101-015		
REPORT BY	B.W.		

APPLICATION: Special Permit to allow the sale of beer and wine for off-site consumption in a 1,800 sq. ft. Delicatessen.

LOCATION: 1016 10th Street

PROPOSAL: The applicant is requesting the necessary entitlements to operate an existing deli that will sell beer and wine for off-site consumption.

PROJECT INFORMATION:
General Plan Designation: Community / Neighbor Commercial
Community
Plan Designation: 1980 Central City Community Plan --- Multi-Use
Existing Zoning of Site: C-3
Existing Land Use of Site: Commercial

Surrounding Land Use and Zoning:	Setbacks: Required <u>Provided</u>
North: Commercial, C-3	Front:
South: " "	Side (Int.):
East: " "	Side (St.):
West: " "	Rear:

Parking Required:
 Parking Provided:
 Property Dimensions: 60.4 x 81
 Property Area: 0.11 ± acres
 Density of Development: ~~d.u. per acre~~
 Square Footage of Building: 1,800 square feet
 Height of Building:
 Topography: Flat
 Street Improvements: Existing
 Utilities: Existing
 Exterior Building Materials:
 Roof Material:
 Hours of operation: 10:00 a.m. to 4:00 p.m. Daily?
 Number of employees:
 Total occupancy: 80

APPLC. NO. P88-303 MEETING DATE 8-25-88 ITEM NO. _____

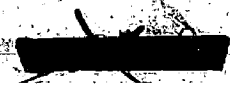
Project Evaluation: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of a 0.11 ± acre lot developed with a 1,800 square foot delicatessen. The site is zoned C-3 and is designated for Community/Neighbor Commercial in the General Plan and Multi-Use in the 1980 Central City Community Plan. Surrounding land uses consists of commercial property to the north, south, east and west zoned C-3.

B. Applicant's Proposal

The applicant is requesting a special permit to sell beer and wine for off-site consumption in a 1,800 delicatessen known as Bud's Buffet and Deli. The existing operation is fairly new and does not sell alcohol. Hours of operation are between 10:00 a.m. and 4:00 p.m. Monday thru Friday. The existing ~~use~~ has been in operation for ~~employees~~ ⁵ and the structure is in fairly good condition. The applicant has now applied to the Alcoholic Beverage Control (ABC) for a liquor license. As required by the City zoning ordinance, the applicant must obtain special permit approval prior to ABC consideration.



Pay Less Drug
Sells beer, wine
and hard booze

(off-site consumption)

Staff Analysis

The existing use has been in operation for 24 months and the structure is in fairly good condition. The previous use was a similar type deli which did not sell alcohol on-site or off-site. As previously stated, the current use does not sale any alcohol. A portion of the structure is utilized for a card shop.

There are several commercial/restaurant-type ^{businesses} that sell alcohol for on-site consumption in the immediate area. Only two ~~stores~~ ^{stores} sell alcohol for ~~off-site consumption~~ ^{off-site consumption}. A liquor store and Pay Less drug store are in close proximity to the subject site and sell beer, wine and hard booze for off-site consumption. Two facilities; Food-Mart and Woolworth's do not sell any alcohol. ^{the sale of} Alcohol for on-site consumption would be acceptable to staff, however, the sale of alcohol for off-site consumption would contribute to the loitering, transients and possible gang activity in the area.

2509

Agency Comments

The proposal was submitted to the City's Traffic Engineering, Engineering, Building Inspections City Police and the Real Estate Departments.

The following comments were received:

Police Department: The Police Department has ~~submitted a letter~~ indicated the following:

"The Police Department is opposed to the issuance of a special permit for the sale of alcoholic beverages at this location for off-site consumption. The business, however, can sell alcohol for on-site consumption.

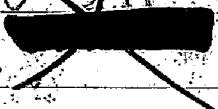
The Police Department has indicated that this is an area with ~~many~~ experienced problems with transients, loitering and ^{occasionally} gang activity.

The sale of alcohol for off-site consumption at this site would only ~~contribute~~ ^{add to} the current activities in the area.



Required Findings

Under Ordinance 87-077, the Planning Commission is required to make the following findings in order to approve a ~~per~~ special permit to ~~sell~~ alcoholic beverages for off-site consumption.



List those three

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

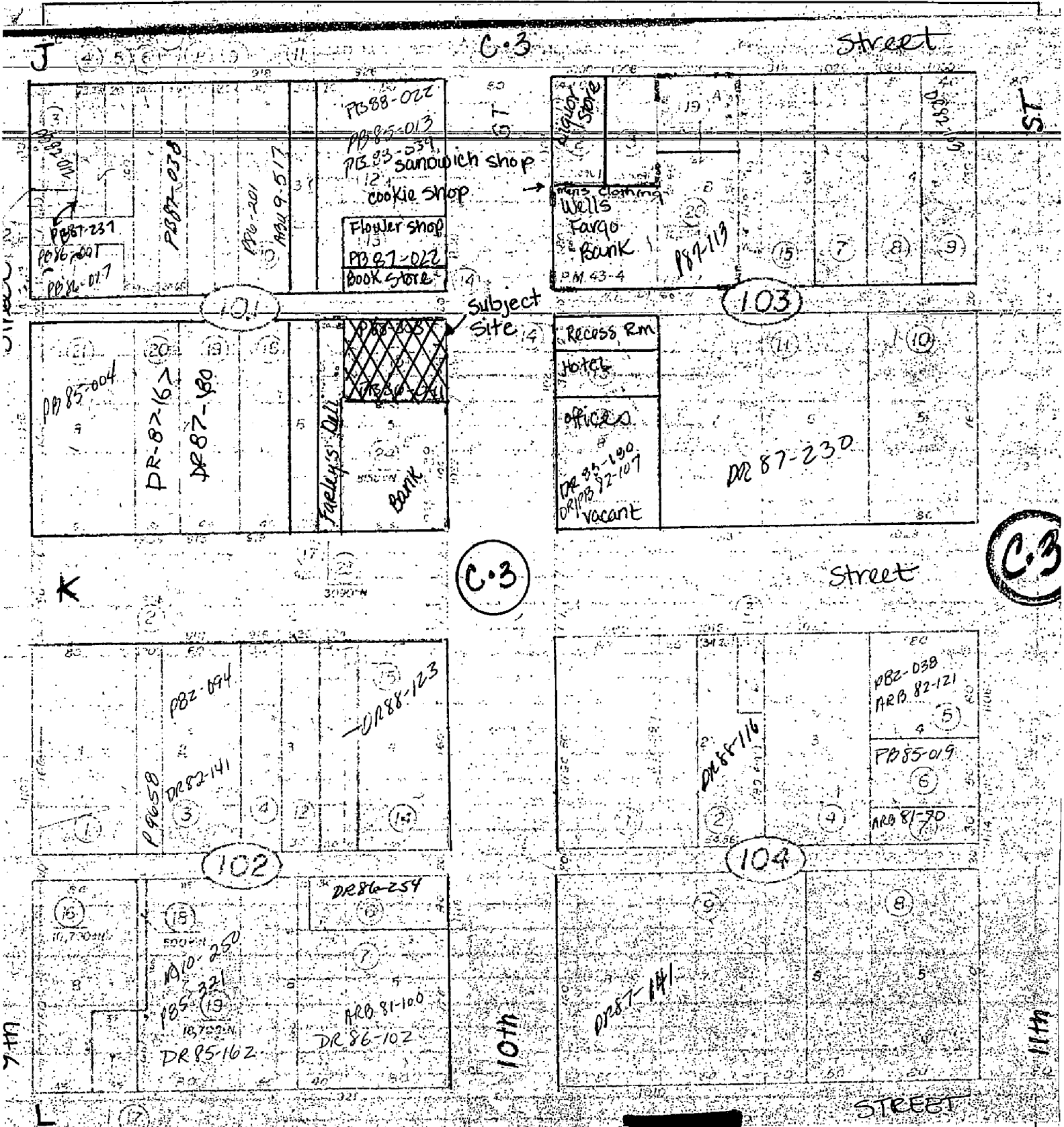
It is clear to staff and the Police Department that at least three of the above required findings cannot be met in considering this proposal. ^{insert @ on back} The Police Department has stated that the sale of alcohol for off-site consumption at this site will only contribute to the current problems of loitering, transients and gang activity in the area. Therefore, staff recommends denial of the special permit to allow the sale of beer and wine at this location.

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from environmental review pursuant to State EIR Guidelines/CEQA, Section 15301(a).

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

Findings of Fact:

1. The proposed use will adversely affect the peace or general welfare of the surrounding area in that:
 - 2. Existing and potential problems, including ~~gang activity~~ ^{transients} robbery, prostitution, and gang activity, at this location have been identified.
 - 3. The proposed use will enlarge or encourage the development of a skid row or blighted area in that ~~a liquor store at this~~ ^{off-site consumption} location will result in a gathering place for loitering and criminal activity.



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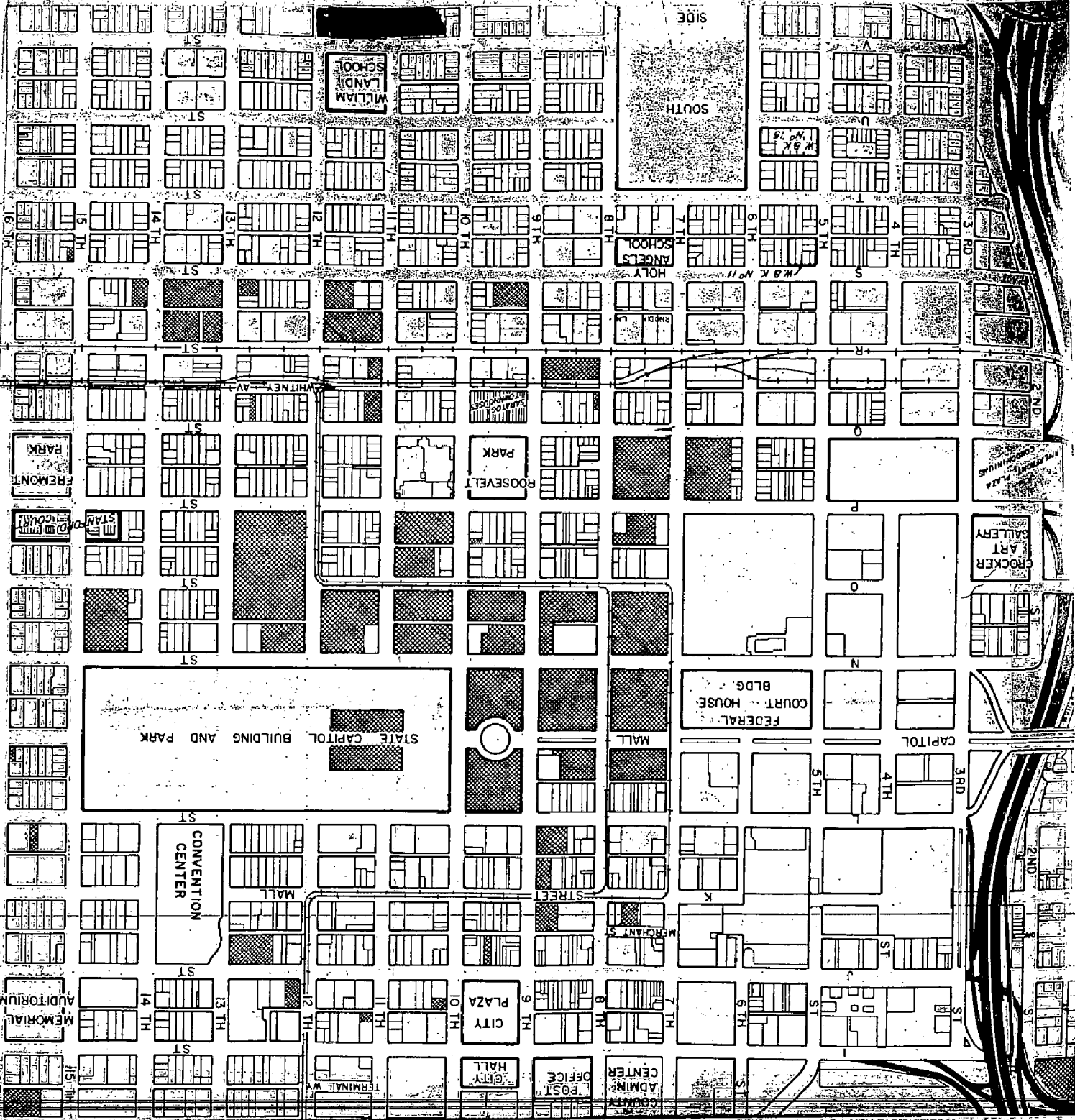
VICINITY - LAND USE - ZONING

LAND USE & ZONING MAP

8-25-88

088-202

2610



WILLIAM LAND SCHOOL

SOUTH SIDE

ROOSEVELT PARK

STATE CAPITOL BUILDING AND PARK

FEDERAL COURT HOUSE BLDG.

CONVENTION CENTER

CITY PLAZA

CITY HALL

POST OFFICE

COUNTY ADMIN. CENTER

CROCKER ART GALLERY

CAPITOL

MEMORIAL AUDITORIUM

TERMINAL