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DEPARTMENT OF  
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET  
ROOM 200  
SACRAMENTO, CA  
95814-2998

June 1, 1988

APPROVED  
BY THE CITY COUNCIL

JUN - 8 1988

OFFICE OF THE  
CITY CLERK

*intent to  
grant based  
on F of F  
Due 6-21-88*

BUILDING INSPECTIONS  
916-449-5716

PLANNING  
916-449-5604

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: Appeal of the City Planning Commission Approval of a Special Permit to Allow Sale of Beer and Wine for Off-Site Consumption (P88-103)

LOCATION: 5452 14th Avenue

SUMMARY

The application is for a Special Permit to sell beer and wine at an existing neighborhood market. Planning staff recommended denial of the request; however, the Special Permit was approved by the Planning Commission. An appeal of the Commission's action has been filed.

BACKGROUND INFORMATION

The applicant indicated that prior to it closing, the previous market sold beer and wine. The applicant has reopened the market and is requesting a special permit to again sell beer and wine.

Planning staff reviewed the site and found that it is in very close proximity to a church, a school and residential homes. Staff also found that beer and wine sales were available close by in a less sensitive location. Lastly, planning staff also received a negative recommendation from the Police Department. Based on these findings, staff recommended against the special permit.

On the day prior to the Planning Commission meeting, the applicant spoke with the Police Department. Pursuant to this meeting, the Police Department agreed to drop their opposition if the applicant agreed with nine conditions. These conditions are among the conditions of approval by the Commission. The Commission also included a condition that the special permit is valid for 18 months unless extended. The Commission took this action after hearing substantial testimony for and against the request. Petitions for and against the request were received which staff will have available at the Council hearing.

VOTE OF THE PLANNING COMMISSION

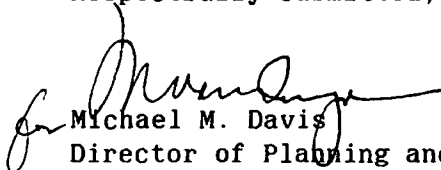
On April 28, 1988, the Commission voted eight ayes, one absent to approve the special permit.

RECOMMENDATION

Should the City Council concur with the Planning Commission action, the City Council should deny the appeal based on the attached findings of fact (Exhibit 1).

Should the City Council concur with the Planning staff and the appellant, the appropriate action would be to approve the appeal based on the attached findings of fact (Exhibit 2).

Respectfully submitted,

  
Michael M. Davis  
Director of Planning and Development

FOR CITY COUNCIL INFORMATION  
WALTER J. SLIPE  
CITY MANAGER

MMD:AG:rt  
attachments

District No. 5  
June 8, 1988

**P88-103**

**EXHIBIT 1**

Appeal of Shirley Johnson vs.  
City of Sacramento Planning  
Commission's Approval of a Special  
Permit to Sell Beer and Wine at 5452  
14th Avenue (P88-103)

Notice of Decision  
and  
Findings of Fact

At its regular meeting of June 8, 1988, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council denied the appeal based on the following findings and conditions:

Findings of Fact

1. The project, as conditioned, is based upon sound principles of land use in that:
  - a. adequate parking and circulation is provided; and
  - b. the use is compatible with surrounding uses which consist of commercial, residential and institutional uses;
  - c. the use will not alter the character of the neighborhood significantly.
2. The project, as conditioned, will not be detrimental to property in the vicinity nor create a blight area in that the market is an existing use and the sales of beer and wine have occurred at that location for many years without complaints.
3. The project, as conditioned, will not be detrimental to the public health, safety or welfare nor result in the creation of a nuisance in that adequate setbacks, on-site parking, vehicle maneuvering, landscaping and security measures will be provided.
4. The proposed project is consistent with the City's General Plan in that the market is an existing use in a low density residential (4-15) du/na designated area.

Conditions

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posted on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.

4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The applicant shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which he has control.
7. The sale of beer shall be in quantities of not less than one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store shall remain closed between the hours of 9:00 p.m. and 6:00 a.m.
10. No wines having an alcoholic content of more than 12 percent (fortified wine) shall be sold.
11. A landscape plan shall be submitted for approval by the Planning Director within 30 days of the approval of this special permit. Shrubs shall be planted in the front setback area along 14th Avenue.
12. This special permit is for a limited term and shall expire 18 months from the date of approval of the special permit (from May 12, 1988). Unless the special permit is extended, beer and wine sales shall be discontinued.

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MAYOR

ATTEST:

---

CITY CLERK

P88-103

**EXHIBIT 2**

Appeal of Shirley Johnson vs.  
City of Sacramento Planning  
Commission's Approval of a  
Special Permit to Sell Beer and  
Wine at 5452 14th Avenue (P88-103)

Notice of Decision  
and  
Findings of Fact

At its regular meeting of June 8, 1988, the City Council heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Council approved the appeal based on the following findings:

1. The project is not based upon sound principles of land use and will adversely affect the peace and general welfare of the surrounding neighborhood in that the sales will be in the immediate vicinity of a church, school and single family residential homes. The sale of beer and wine will encourage loitering and public nuisances at the nearby church and school groups.
2. The sale of beer and wine is already occurring at a store within 1/2 mile of the subject site in a location which does not pose the same land use conflicts. Approval of beer and wine sales at the requested site will increase crime problems and adversely affect neighboring properties.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

**P88-103**

25

NOTICE OF APPEAL OF THE DECISION OF THE SACRAMENTO CITY PLANNING COMMISSION

CITY PLANNING DIVISION

DATE: 5/13/88

MAY 16 1988

TO THE PLANNING DIRECTOR:

RECEIVED

I do hereby make application to appeal the decision of the City Planning Commission of 5/12/88 when: 4/25/88  
(Date)

Rezoning Application  Variance Application  
 Special Permit Application

was:  Granted  Denied by the Commission

GROUND FOR APPEAL: (Explain in detail)

Increased crime in neighborhood, directly across street from school and church, within a block of neighborhood parks, too close to High School (Meriam Johnson) main street & increase in traffic, loitering around store problems overlaps into surrounding area we want no  
PROPERTY LOCATION: 5442 + 5454 14th Ave.

PROPERTY DESCRIPTION: Top General Store  
owner of store Fazeelat + Mohammad Nazir

ASSESSOR'S PARCEL NO. 021 - 0041 - 002 - 0000

PROPERTY OWNER: Peterson Robert

ADDRESS: 7701 Juan Wj Fac, Oaks CA. 96628

APPLICANT: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

APPELLANT: Shirley J. Johnson (CAIRE) (Shirley J. Johnson)  
(SIGNATURE) (PRINT NAME)

ADDRESS: 4434 54th St. Sacto CA 95820

FILING FEE:  
 by Applicant: \$105.00 RECEIPT NO. \_\_\_\_\_  
 by 3rd party: 60.00

FORWARDED TO CITY CLERK ON DATE OF: \_\_\_\_\_

P-88-103

5/82

DISTRIBUTE TO - (4 COPIES REQUIRED): MVD  
AG  
WW  
RT  
SG - (Original)

In the matter of decision of the City )  
Planning Commission to approve a special )  
permit to establish beer and wine sales )  
for off-site consumption on .25+ )  
developed acres in the General )  
Commercial (C-2) and Standard Single )  
Family Residential (R-1) zone at the SE )  
corner of 14th Avenue and 55th Street. )

NOTICE OF DECISION  
AND  
FINDINGS OF FACT

At its regular meeting of April 28, 1988, the Planning Commission considered testimony regarding the above entitlement. At its April 28, 1988 meeting, the Planning Commission indicated an intent to approve the special permit subject to conditions and based upon findings of fact which follow:

Conditions

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posted on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The applicant shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The applicant shall be responsible for maintaining free of litter, the area adjacent to the premises over which he has control.
7. The sale of beer shall be in quantities of not less than one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store shall remain closed between the hours of 9:00 p.m. and 6:00 a.m.

# Sacramento City Planning Commission VOTING RECORD

25

MEETING DATE <u>April 28, 1988</u>
ITEM NUMBER <u>6A + 6B</u>
PERMIT NUMBER <u>P88-103</u>

### ENTITLEMENTS

<input type="checkbox"/> GENERAL PLAN AMENDMENT	<input type="checkbox"/> TENTATIVE MAP
<input type="checkbox"/> COMMUNITY PLAN AMENDMENT	<input type="checkbox"/> SUBDIVISION MODIFICATION
<input type="checkbox"/> REZONING	<input type="checkbox"/> LOT LINE ADJUSTMENT
<input checked="" type="checkbox"/> SPECIAL PERMIT	<input checked="" type="checkbox"/> ENVIRONMENTAL DET.
<input type="checkbox"/> VARIANCE	<input type="checkbox"/> OTHER _____

### STAFF RECOMMENDATION

Favorable  Unfavorable

Correspondence  
 Petition

### LOCATION

5452 14<sup>th</sup> Avenue

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I  
O  
N  
S

NAME	ADDRESS
<u>Prem Humpi</u>	<u>555 Capitol Mall Ste. 1500, Sacto. 95814</u>
<u>Dorothy Brady</u>	<u>5442 14<sup>th</sup> Ave. Sacto.</u>
<u>Theresa</u>	<u>5984 14<sup>th</sup> Ave. Sacto.</u>
<u>Edmond Farmer</u>	<u>5320 14<sup>th</sup> Ave. Sacto.</u>
<u>Bonnie Peterson</u>	<u>7701 Juan Way, Fair Oaks 95625</u>
<u>Agnes Hickory</u>	<u>4126 58<sup>th</sup> St., Sacto.</u>

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NAME	ADDRESS
<u>Frank Lemert</u>	<u>2734 58<sup>th</sup> St. Sacto.</u>
<u>Nancy Jones</u>	<u>5007 Ortega St. Sacto.</u>
<u>Juanne de Pignis</u>	<u>3400 Fudding Ave. Sacto.</u>
<u>Dean Thomas</u>	<u>6231 61<sup>st</sup> St. Sacto.</u>
<u>Margaret Thomas</u>	<u>6231 61<sup>st</sup> St. Sacto.</u>
<u>Kenneth Andrade</u>	<u>4509 54<sup>th</sup> St. Sacto.</u>
<u>Barbara Christen</u>	<u>3231 50<sup>th</sup> St. Sacto.</u>
<u>Anna Alvarez</u>	<u>3321 Thompson Blvd. Sacto.</u>
<u>Sister Noella</u>	<u>5700 13<sup>th</sup> Ave. Sacto.</u>

COMMISSIONER	Yes	No	Motion	Second
ASTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OLLIK	<u>absent</u>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
OLLOWAY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SHMAFI	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JUSTINE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TTO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
AMIREZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ALTON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
FINN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### MOTION

TO APPROVE

TO DENY

TO APPROVE SUBJECT TO COND. & BASED ON FINDINGS OF FACT IN STAFF REPORT

TO APPROVE/DENY BASED ON FINDINGS OF FACT IN STAFF REPORT

INTENT TO APPROVE/DENY SUBJECT TO COND. & BASED ON FIND. OF FACT DUE

TO RECOMMEND APPROVAL & FORWARD TO CITY COUNCIL

TO RECOMMEND APPROVAL SUBJECT TO COND. & FORWARD TO CITY COUNCIL

TO RATIFY NEGATIVE DECLARATION

TO CONTINUE TO \_\_\_\_\_ MEETING

OTHER for 18 months



# CITY PLANNING COMMISSION

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

25

APPLICANT: Mohammad Nazir, 960 Rinaldo Way, Sacramento, CA 95823  
OWNER: Robert Peterson, 7701 Juan Way, Fair Oaks, CA 95625  
PLANS BY \_\_\_\_\_ Neg. Dec. \_\_\_\_\_  
FILING DATE 2/18/88 ENVIR. DET. \_\_\_\_\_ REPORT BY DS:vf  
ASSESSOR'S-PCL. NO. 021-0041-001

- APPLICATION:
- A. Negative Declaration
  - B. Special Permit to conduct the sale of beer and wine within a neighborhood market.

LOCATION: 5452 - 14th Avenue (Southeast corner of 14th Avenue and 55th Street).

PROPOSAL: The applicant is requesting the necessary entitlements to conduct the sale of beer and wine within a neighborhood market.

PROJECT INFORMATION:

General Plan Designation: Low Density Residential (4-15 du/na)  
Existing Zoning of Site: C-2 and R-1  
Existing Land Use of Site: Market

Surrounding Land Use and Zoning:	Setbacks:	Required	Provided
North: Private School/Church; R-1	Front:	0'	14'
South: Single Family Residential; R-1	Side(Int):	0'	24'
East: Single Family Residential; R-1	Side(St.):	0'	42'
West: Commercial; C-2	Rear:	5'	14'

Parking Provided: 8 spaces, approved (P86-064)  
Property Dimensions: 90' x 120'  
Property Area: .25+ acres  
Square Footage of Building: 2,500 sq. ft.  
Height of Building: 1 Story  
Topography: Flat  
Street Improvements: Existing  
Utilities: Existing  
Exterior Building Materials: Plaster  
Roof Material: Tar and Gravel

PROJECT EVALUATION: Staff has the following comments:

A. Land Use

A market has been located on the .25+ acre site prior to 1969. The site is zoned C-2 and R-1. In 1986, the Planning Commission approved a lot line adjustment to merge two parcels. The grocery store was located on one parcel (zoned C-2). Parking for the parcel was located on the second parcel (zoned R-1). Surrounding land uses include All Hallows Church (and school) to the north; single family homes to the

APPLC. NO. P88-103 MEETING DATE March 24, 1988 ITEM NO. 24

11 4-28-88

6

east and south; and a two story commercial structure to the west across 55th Street.

B. Applicant's Proposal

The applicant is proposing to sell beer and wine in an existing neighborhood market. Staff has been informed that the Department of Alcoholic Beverage Control (ABC) has received an application for an off sale beer and wine license for the subject market. The applicant is not proposing to increase the size of the 2,500± sq. ft. market. About 40 signatures of people who do not object to the request to sell beer and wine have been submitted by the applicant.

C. Additional Comments

Staff has received about 60 letters in opposition to the applicant's request. Letters opposing beer and wine sales are largely from parents of students of the All Hallows School which is across 14th Avenue from the market. Letters in opposition have also been received by Councilman Serna and the Colonial Park Arts and Recreation Effort.

Concerns voiced in these letters relate to:

- o Increased crime within the neighborhood
- o The market's close proximity to the church and private school and Hiram Johnson High School.
- o The market's close proximity to two parks (i.e. Colonial and Tahoe Parks).
- o The number of establishments that sell alcoholic beverages and the activities they generate.

D. Agency Comments

In addition, this application was referred to the City Traffic Engineer, City Engineering Division, and Police Department. The following comments were received from the Sacramento Police Department:

The Sacramento Police Department believes that the sale of beer and wine at this location is not an appropriate land use due to its close proximity to a church, school and residences. In our survey of the neighborhood, we received negative comments from the school principal, crossing guard, and several residents.

If the Planning Commission decides to grant this special permit, we request that the following conditions be made:

1. The property be posted against loitering.

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2. Clearly visible signs must be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
3. No beer to be sold in quantities of less than one six pack.
4. No wine to be sold in containers smaller than 750 ml.
5. The store is to remain closed between the hours of 9:00 p.m. and 6:00 a.m.

Due to the amount of opposition from the community and the Police Department, Planning staff cannot support the applicant's request for a beer and wine license at the subject site. The use would not be compatible with the surrounding church and school.

ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the project will not have an adverse impact on the environment and has filed a Negative Declaration.

RECOMMENDATION: Staff recommends the following actions:

- A. Ratify the Negative Declaration.
- B. Deny the special permit to allow the sale of beer and wine based upon the findings of fact which follow:

Findings of Fact

1. The proposed use will adversely affect the peace or general welfare of the surrounding neighborhood in that the neighboring church, school and residences will be affected by patrons of the new business.
2. The proposed use will encourage the development of a blighted area in that the neighborhood will be affected by increase police problems stemming from the sale of beer and wine.

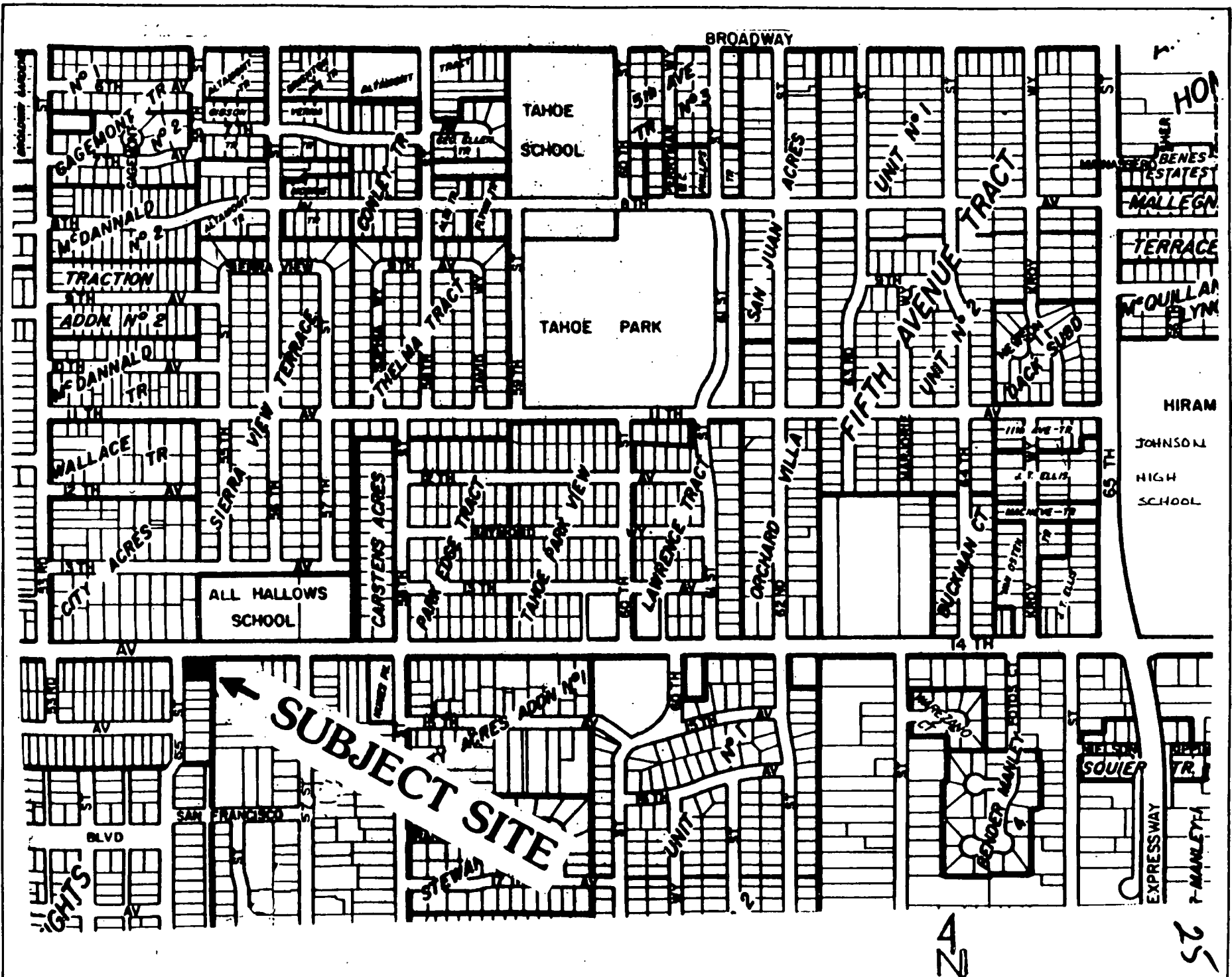
788-103

4-28-88  
3-24-88  
14

Thomson

# VICINITY MAP

# EXHIBIT A



24

25

P88-103

4-28-89  
3-24-89

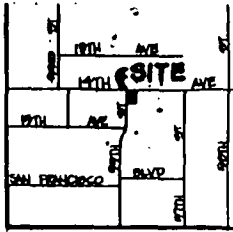
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EXHIBIT B  
SITE PLAN

11-28-89

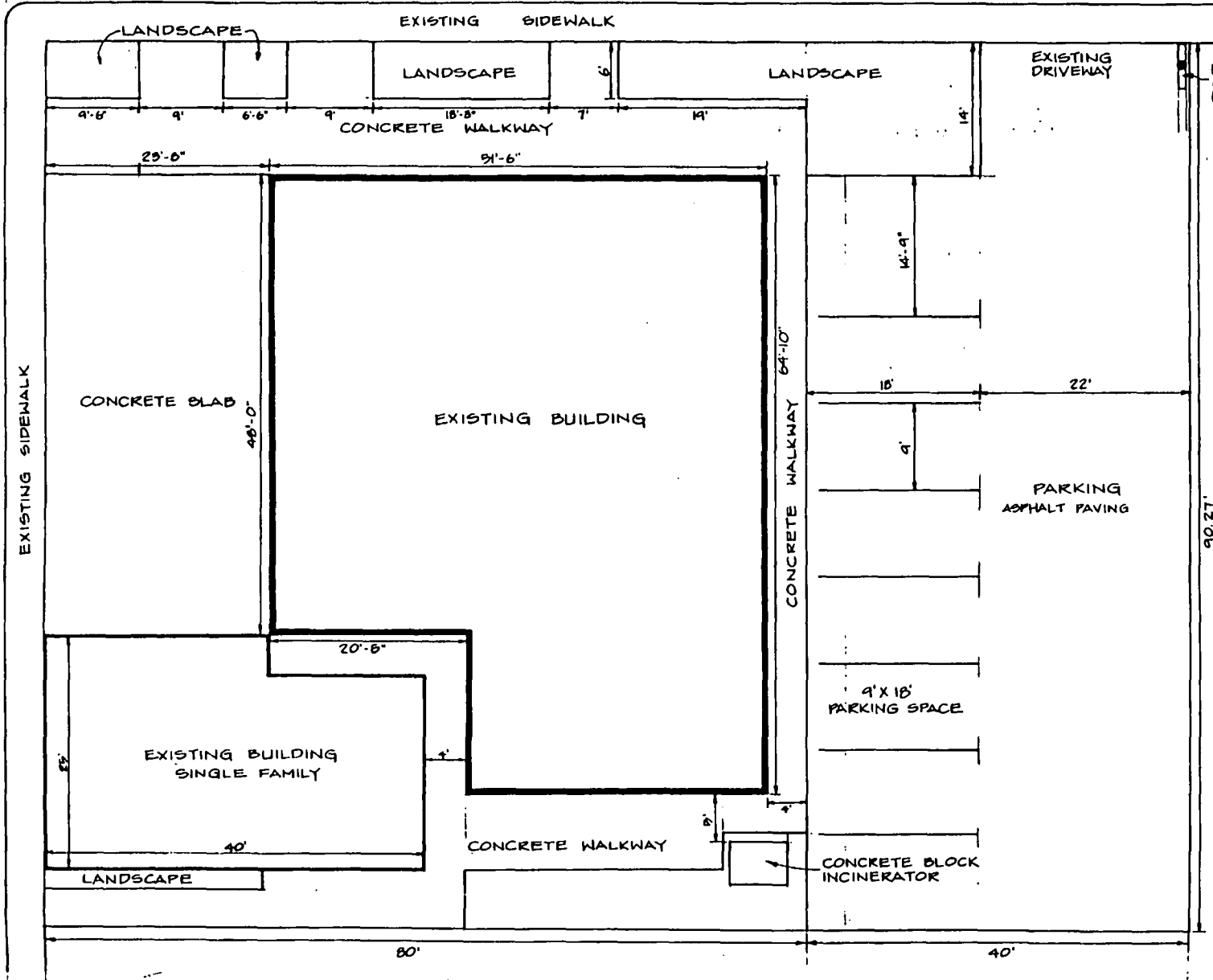
14TH

AVE.



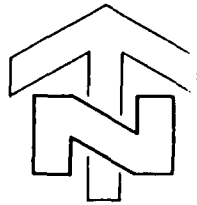
ST.

58TH



SITE PLAN

P88103



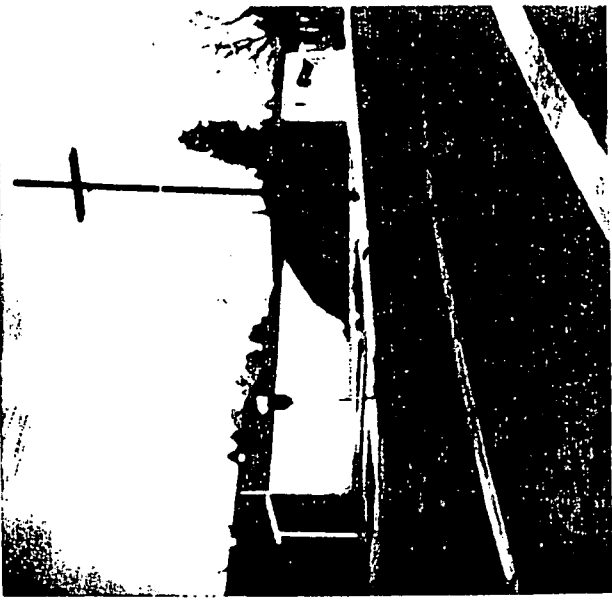
5.7



NORTH / FRONT  
ELEVATION



EAST / LEFT  
ELEVATION



WEST / RIGHT  
ELEVATION

EXHIBIT C-1  
ELEVATIONS

88-8277

16

P88-103

88-12-S

9  
4 24



SOUTH/REAR  
ELEVATION



SOUTH/REAR  
ELEVATION



EXISTING SIGN

P88-103 -

4-28-88. 03  
3-24-88 17

**EXHIBIT C-2**  
**ELEVATIONS**

#24<sup>6</sup>

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Law Offices of  
Prem L. Hunji

555 Capitol Mall  
Suite 1500  
Sacramento, CA  
95814

(916) 442-3130

HAND DELIVERED

April 22, 1988

Jerry V. Finney  
Assistant Chief of Police  
City of Sacramento Police Department  
813 6th Street  
Sacramento, CA 95814

Re: Top General Store - beer and wine license

Dear Mr. Finney:

Thank you for taking the time to speak with me regarding the application of Top General Store for a special beer and wine permit.

I have discussed the concerns expressed in your correspondence of March 3, 1988 with my client along with those expressed by the nearby church and school. We believe the proposed conditions listed on Attachment "A" will satisfactorily resolve the issues raised.

Please do not hesitate to give me a call should you have any comments or questions.

Thank you again for your cooperation and courtesy in this matter.

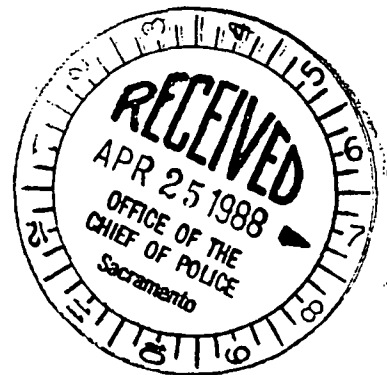
Sincerely,

LAW OFFICE OF PREM HUNJI TURNER

PREM HUNJI TURNER

cc: Baxter Rice  
Mohammed Nazir

cf:5989101\ltjf488.pht





ATTACHMENT "A"

PROPOSED CONDITIONS FOR BEER AND WINE LICENSE

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posted on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The petitioner shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which he has control.
7. The sale of beer shall be in quantities of not less than one one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store is to remain closed between the hours of 9:00 p.m. and 6:00 a.m.

June 14, 1988

Robert and Fanny Peterson  
7701 Juan Way  
Fair Oaks, CA 95628

*owners of Bldg*

Dear Mr. and Mrs. Peterson:

On June 8, 1988, the Sacramento City Council heard your appeal from the City Planning Commission's Approval of a Special Permit to establish beer and wine sales for off-site consumption on 0.25± developed acres in the Single Family (R-1) and General Commercial (C-2) zones for property located at 5452 and 5454 14th Avenue. (P-88103).

The Council adopted, by motion, its intent to grant your appeal contingent on Findings of Fact due 06-21-88.

Sincerely,

Lorraine Magana  
City Clerk

LM/rr/#25

cc: Art Gee, Planning Department  
Mohammad Nazir, 960 Rinaldo Way, Sacramento, CA 95833

June 20, 1988

**CORRECTED NOTICE**

Shirley J. Johnson  
4434 54th Street  
Sacramento, CA 95820

Dear Ms. Johnson:

On June 8, 1988, the Sacramento City Council heard your appeal from the City Planning Commission's Approval of a Special Permit to establish beer and wine sales for off-site consumption on 0.25± developed acres in the Single Family (R-1) and General Commercial (C-2) zones for property located at 5452 and 5454 14th Avenue. (P-88103)

The Council adopted, by motion, its intent to grant your appeal contingent on Findings of Fact due 06-21-88.

Sincerely,

Lorraine Magana  
City Clerk

LM/rr/#25

cc: Art Gee, Planning Department  
Robert and Fanny Peterson, 7701 Juan Way, Fair Oaks, CA 95628  
Mohammad Nazier, 960 Rinaldo Way, Sacramento, CA 95833

**Note: Please disregard letter dated June 14, 1988.**



OFFICE OF THE  
CITY CLERK

CITY OF SACRAMENTO  
CALIFORNIA

CITY HALL  
ROOM 208  
915 L STREET  
SACRAMENTO, CA  
95811-2771

916 495 5136

June 27, 1988

Mr. Mohammad Nazier  
960 Rinaldo Way  
Sacramento, CA 95833

Dear Mr. Nazier:

On June 14, 1988, an erroneous letter was mailed to you indicating that an appeal was filed by Mr. and Mrs. Robert Peterson regarding a permit to establish beer and wine sales for property located at 5452 and 5454 14th Avenue. We want to apologize to you, Mr. Nazier, for this error.

Because of petitions and testimony received by the City Council at the June 8 meeting, the appeal filed by Ms. Shirley Johnson was granted denying the establishment of beer and wine sales at the above address.

Mr. and Mrs. Peterson were not in favor of Ms. Johnson's appeal. Mrs. Peterson herself appeared at the Council as a representative on your behalf for the wine and beer permit.

We regret any misunderstanding this has caused between you and the Petersons, and hope this letter will explain and correct our error.

Sincerely,

*Anne Mason*

Anne Mason  
Assistant City Clerk

AM/rr

cc: Mayor Anne Rudin  
Robert and Fanny Peterson  
Planning Department  
Lorraine Magana

RECEIVED  
CITY CLERKS OFFICE  
CITY OF SACRAMENTO

AUG - 4 10 25 AM 1988  
LORRAINE MACH

To,  
City Clerck  
City of Sacramento, CA

From:  
Top General Store  
5452 -14th- Ave  
Sacramento, Ca

8-11-88 I called Nazir  
& told him Council decision  
final. Alternatives are:  
1) ~~to~~ Court Action  
2) a Councilperson must ask  
for a reconsideration of  
previous decisions  
3) to see what Weitman &

APPEAL TO RECONSIDER USE PERMIT FOR THE SALE OF BEAR  
AND WINE=====

*discuss waiving 1 yr requirement  
to resubmit for permit.*

Members City Council

We appeal once again that please help us  
to issue use permit for the sale of beer and wine.

*I also called  
Alise, Mayor's Aid,  
and informed  
her of conversation*

I have talked all city council members and I  
request to be granted hearing on August 23, 1988  
So that I can personally request once again with  
Council Members.

*Anne  
Mason*

Please, reconsider my request for the above use  
permit. Customers get angry and abuse my family when  
we tell them that we do not sell beer and wine. Also  
I have lease on the store for ten years and I  
am losing over three thousand dollars every month.

This is my last request to you, because you  
told me that you have sampathy with me and my family,  
if you like that we stay in bussiness, please help  
us. We are willing to accept any of your conditions,  
and I am not asking for any crime. The only reason I  
am being denied this permit is due to my Asian origin.

Dated: August 3rd, 1988

Thanking you,

Yours sincerely

*Mohammad Nazir*

Mohammad Nazir

(916)456-3317

Fazeelat Nazir

*Fazzeelat Naziri*

BEFORE THE  
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
OF THE STATE OF CALIFORNIA

In the Matter of the APPLICATION OF:

MOHAMMED NAZIR and FAZEELAT NAZIR  
dba THE TOP GENERAL STORE,  
5442 - 14th Street, Sacramento, CA.

File 16735

Reg. 02/02/88

FOR ISSUANCE OF AN OFF-SALE  
Beer and Wine License  
under the Alcoholic Beverage  
Control Act.

PETITION FOR CONDITIONAL  
LICENSE

WHEREAS, the petitioners have filed an application for the issuance of the above-referred-to license at the above-mentioned premises; and,

WHEREAS, the issuance of the license without conditions would be deemed contrary to the public welfare or morals;

NOW, THEREFORE, the undersigned petitioners do hereby petition for a conditional license as follows, to-wit:

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posed on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The applicant shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The applicant shall be responsible for

maintaining free of litter, the area adjacent to the premises over which he has control.

7. The sale of beer shall be in quantities of not less than one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store shall remain closed between the hours of 9:00 p.m. and 6:00 a.m.
10. No wines having an alcoholic content of more than 12 percent (fortified wine) shall be sold.
11. A landscape plan shall be submitted for approval by the Planning Director within 30 days of the approval of this special permit. Shrubs shall be planted in the front setback area along 14th Avenue.
12. This special permit is for a limited term and shall expire 18 months from the date of approval of the special permit (from May 12, 1988). Unless the special permit is extended, beer and wine sales shall be discontinued.

This petition for conditional license is made pursuant to the provisions of Sections 23800 through 23805 of the Business and Professions Code.

Petitioners agree to retain a copy of this petition on the premises at all times and will be prepared to produce it immediately upon the request of any peace officer.

The petitioners understand that any violation of the foregoing conditions shall be grounds for the suspension or revocation of the license.

Dated this 19<sup>th</sup> day of May, 1988.

Mohammed Nazir  
Mohammed Nazir  
Applicant/Petitioner

Fazeelat Nazir  
Fazeelat Nazir  
Applicant/Petitioner



## CITY OF SACRAMENTO

### DEPARTMENT OF POLICE

HALL OF JUSTICE  
813 6TH STREET

SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 449-5121

JOHN P. KEARNS  
CHIEF OF POLICE

April 27, 1988  
Ref: 4-15

### MEMORANDUM

TO: WILL WEITMAN, SENIOR PLANNER  
PLANNING DEPARTMENT

FROM: JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE

SUBJECT: TOP GENERAL STORE - REF #P88-103

I have been in telephonic and written communication with Prem L. Hunji-Turner, Attorney for the applicant Mohammed Nazir. In the attached letter, they list nine conditions that they would agree to accept on their use permit.

I contacted Ms. Hunji-Turner by telephone and she agreed to a tenth condition - No wines having an alcoholic content of more than 12% (fortified wine) shall be sold.

We have determined that the cheap fortified wines are the alcoholic drink most often purchased by the public inebriate. We shall be asking for the above condition in future off-sale applications that are in problem areas.

The acceptance of the ten conditions would satisfy the Police Department's concerns about the sale of alcohol at this site.

Sincerely,

JERRY V. FINNEY  
ASSISTANT CHIEF OF POLICE

JVF:lf

✓ cc: Prem Hunji-Turner

Attachment



Law Offices of  
Prem L. Hunji

555 Capitol Mall  
Suite 1500  
Sacramento, CA  
95814

(916) 442-3130

HAND DELIVERED

April 22, 1988

Jerry V. Finney  
Assistant Chief of Police  
City of Sacramento Police Department  
813 6th Street  
Sacramento, CA 95814

Re: Top General Store - beer and wine license

Dear Mr. Finney:

Thank you for taking the time to speak with me regarding the application of Top General Store for a special beer and wine permit.

I have discussed the concerns expressed in your correspondence of March 3, 1988 with my client along with those expressed by the nearby church and school. We believe the proposed conditions listed on Attachment "A" will satisfactorily resolve the issues raised.

Please do not hesitate to give me a call should you have any comments or questions.

Thank you again for your cooperation and courtesy in this matter.

Sincerely,

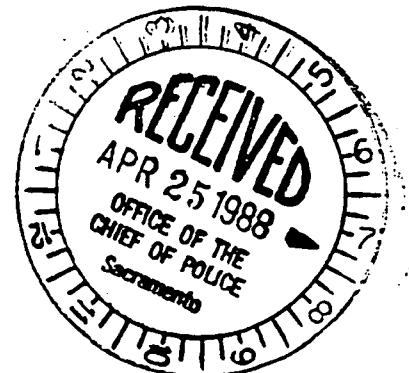
LAW OFFICE OF PREM HUNJI TURNER

*Prem Hunji Turner*

PREM HUNJI TURNER

cc: Baxter Rice  
Mohammed Nazir

cf:5989101\ltjff488.pht



ATTACHMENT "A"

PROPOSED CONDITIONS FOR BEER AND WINE LICENSE

1. There shall be no pool tables, coin-operated or arcade games maintained upon the premises at any time.
2. "No Loitering" signs shall be posted on or about the premises.
3. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
4. Clearly visible signs shall be posted, inside and out, stating: "The possession of an open container of alcohol on this property and adjacent public areas is illegal."
5. The petitioner shall prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents.
6. The petitioner shall be responsible for maintaining free of litter the area adjacent to the premises over which he has control.
7. The sale of beer shall be in quantities of not less than one one quart or six pack containers.
8. The sale of wine shall be in bottles or containers no smaller than 750 ml. except for wine coolers in original factory packages four (4) packs.
9. The store is to remain closed between the hours of 9:00 p.m. and 6:00 a.m.



