

FRANKLIN BOULEVARD BUSINESS ASSOCIATION

4.5

August 9, 1990

Councilman Joe Serna
City Hall
915 "I" Street
Sacramento, CA 95814

Subject: Liquor License Application, 5550 Franklin Blvd.


Dear Councilman Serna,

The Franklin Blvd. Business Association has no objection to the issuance of an off-sale liquor license for the S & J Market, 5550 Franklin Blvd subject to the conditions outlined in the attached letter from KCS, the developers and owners of the shopping center in which the store is located.

There are two added conditions: first, there will be no sale of "pony" bottles of wine; and secondly, there will be no sale of single cans of beer.

If the license is in fact issued, FBBA supports these conditions and those included in the April 30, 1990 letter by Jerry Finney, Assistant Chief of Police, Sacramento Police Department to Gerald Forsman, District Administrator, State Alcoholic Beverage Control.

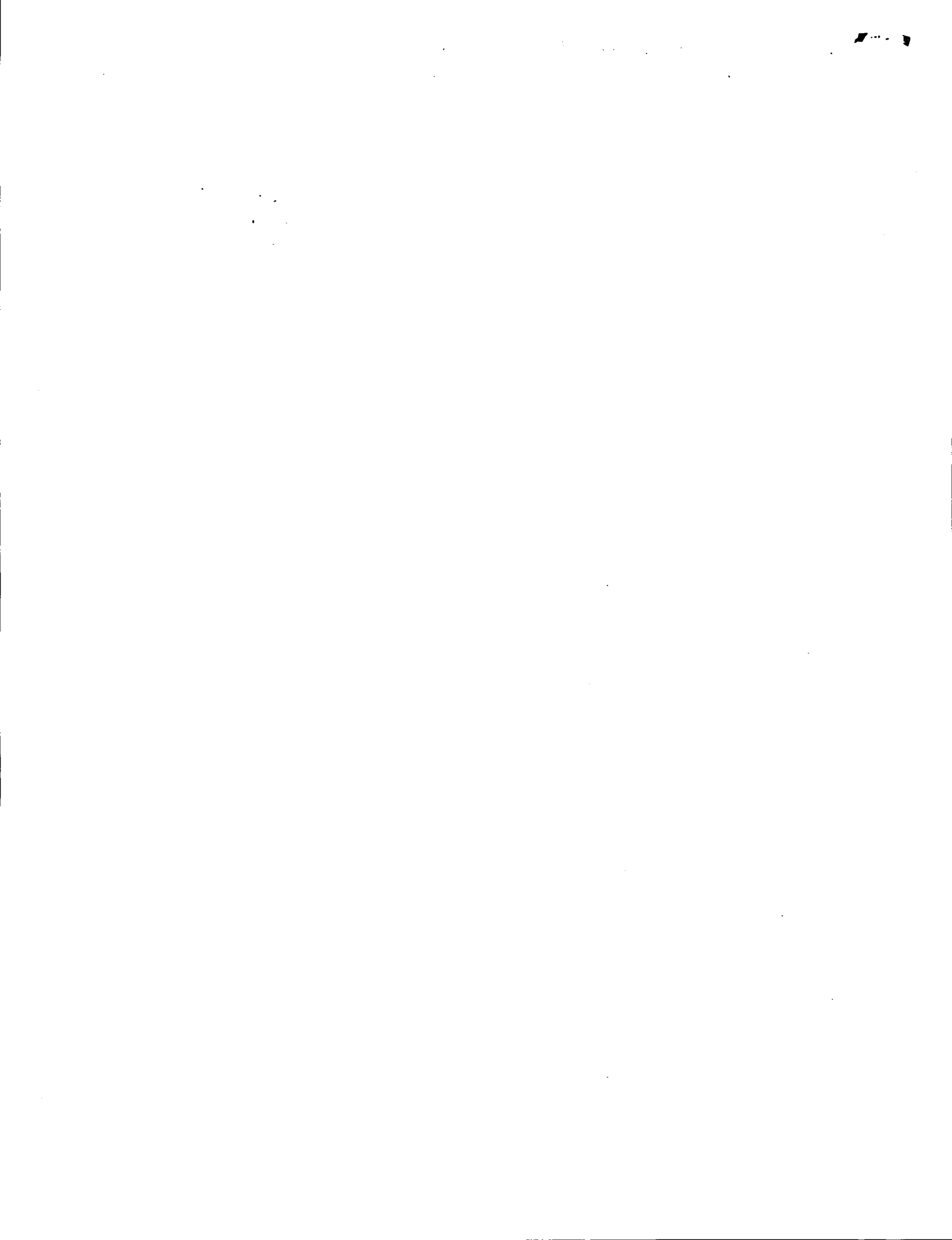
Very truly yours,



Ed Weidner
President, FBBA

By Ed Astone
Revitalization Coordinator

cc: Jerry Finney, Assistant Chief of Police
Gerald Forsman, ABC



4.5

2710 Gateway Oaks Drive
Suite 300 South
Sacramento, CA 95833-1501
916/925-6620
Fax # 916/427



August 28, 1990

Councilman Joe Serna
City of Sacramento
City Hall
915 I Street
Sacramento, CA 95814

Re: S & J Market -- Conditions of Approval

Item 4.5: August 28 City Council Agenda

Dear Councilman Serna:

This letter is submitted on behalf of our client, KCS Development Company, owner of the subject shopping center.

Following is a list of acceptable conditions in consideration for the approval of the Special Permit allowing the sale of beer and wine for off-the-premises consumption only at S & J Market, located in a new KCS shopping center on the northwest corner of Franklin and Fruitridge.

1. The sale of alcohol shall be limited to beer and wine only. No hard alcohol shall be sold.
2. Beer shall not be sold in quantities of less than one six pack.
3. Wine coolers shall not be sold in quantities of less than factory packs of four.
4. No "pony" sized bottles of wine shall be sold.
5. No fortified wines shall be sold.
6. The maximum hours of operation of the market shall be from 6:00 a.m. until 10:00 p.m.
7. Two employees shall be working at the market during all hours of operations.

[Illegible list of names and titles, likely a distribution list or contact information for the City of Sacramento staff.]



Councilman Joe Serna
August 28, 1990
Page 2

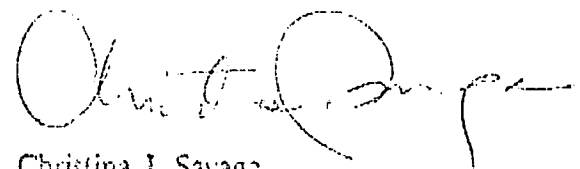
8. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
9. The words "beer, wine or liquor" shall not appear in the name or on the signs.
10. Project lighting shall be as follows: 1.5 candles of minimum maintained illumination per square foot of parking area during all hours of operation, and .25 foot candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc., during all hours of operation.
11. S & J Market shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
12. The majority of the windows shall be left unobstructed for viewing of the interior by patrolling police.
13. The cashier's station shall be visible from the parking area.
14. The applicant shall install a safe and post a sign indicating that employees do not have access to the safe.
15. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalks with an open alcoholic beverage container. P.C. 647c(a)."
16. All illegal activities observed on or around the business shall be promptly reported to the authorities.

The owners of S & J Market agree to the above conditions.

Very truly yours,

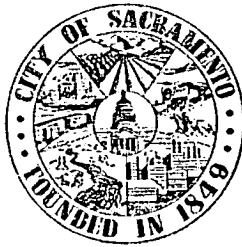
HEFNER, STARK & MAROIS

By



Christina J. Savage

CJS:mms



RECEIVED
CITY CLERKS OFFICE
CITY OF SACRAMENTO

4.5

AUG 23 12 37 PM '90

DEPARTMENT OF
PLANNING AND DEVELOPMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET
ROOM 200
SACRAMENTO, CA
95814-2998

August 28, 1990

City Council
Sacramento, California

BUILDING INSPECTIONS
916-449-5716

Honorable Members in Session:

PLANNING
916-449-5604

SUBJECT: APPEAL OF THE CITY PLANNING COMMISSION DENIAL OF A SPECIAL PERMIT TO SELL BEER AND WINE FOR OFF-SITE CONSUMPTION IN THE SC ZONE (P90-166)

LOCATION: 5550 Franklin Boulevard, Suite 100

SUMMARY

The request is for a Special Permit to sell beer and wine for off-site consumption in a market in an existing shopping center. The subject site is zoned General Commercial (C-2). The request was not supported by staff and was denied by the Planning Commission. An appeal of the Planning Commission's action was filed by the applicant.

BACKGROUND

The subject site contains 1.9± acres, and is zoned General Commercial (C-2). The site is developed with a 15,000 square foot shopping center (Fruitridge Farms Shopping Center). The existing market contains 2,100 square feet within this center. The applicant previously operated the S & J Market in West Sacramento and has relocated to the Fruitridge Farms Shopping Center. The applicant is requesting a Special Permit to sell beer and wine for off-site consumption.

Staff surveyed the area and found ten businesses selling alcohol within a three-quarter mile radius (see Exhibit D). Four of these ten establishments are within a block of the subject site. Within three-quarters of a mile, there are five bars, two liquor stores, two grocery stores and one convenience market. Staff found this as an over-concentration problem and recommended denial. The Planning Commission, after considering the matter at the public hearing, voted to deny the Special Permit. The applicant subsequently filed an appeal. It should be noted that in the applicant's reasons for appeal, it is stated that liquor for off-site consumption requires a Special Permit, but bars do not. The Zoning Ordinance does require that a bar receive Special Permit approval by the Planning Commission.

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SERIAL 1000
SERIAL 1000

COPIES OF 1000

The adjacent property to the west contains a 21 lot single family subdivision. The Planning Department received a letter (Exhibit E) from a property owner in the subdivision indicating objection to the proposal to sell beer and wine.

VOTE OF THE PLANNING COMMISSION

On June 28, 1990, the Planning Commission voted five ayes, two no's and one absent to deny the special permit.

FINANCIAL DATA

Not applicable.

POLICY CONSIDERATION

Not applicable.

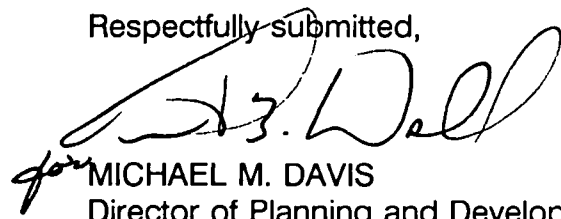
MBE/WBE

Not applicable.

RECOMMENDATION

The Planning Commission and Planning staff recommend denial of the appeal based upon the attached findings of fact.

Respectfully submitted,


for MICHAEL M. DAVIS
Director of Planning and Development

FOR CITY COUNCIL INFORMATION
WALTER J. SLIPE
CITY MANAGER

Contact Person:

Will Weitman, Principal Planner
449-5604

District No. 5
August 28, 1990

MMD:WW:cg
P90-166.APP
Attachments

APPEAL OF HARJINDER DHALIWAL
vs. CITY OF SACRAMENTO PLANNING
COMMISSION'S DENIAL OF A SPECIAL
PERMIT TO SELL BEER AND WINE FOR
OFF-SITE CONSUMPTION AT
5550 FRANKLIN BLVD. IN THE
C-2 ZONE (P90-166)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of _____, 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:

1. The proposed use will adversely affect the peace and general welfare of the surrounding neighborhood, in that there are an over-concentration of alcohol sales in the area.
2. The proposed use, as conditioned, will result in undue concentration of establishments dispensing alcoholic beverages, in that there are ten establishments which sell beer and wine within a three-quarter mile radius, four of these within a block of the subject site.
3. The over-concentration of liquor sales may encourage the development of a skid row or blighted area.

ATTEST:

CITY CLERK

P90-166.APP

MAYOR

EXHIBIT E

M. ANTHONY OROPEZA

ATTORNEY AT LAW

701 E STREET

SACRAMENTO, CALIFORNIA 95814

AREA CODE (916) 446-3181

June 13, 1990

City of Sacramento
Department of Planning and Development
Attn: Cindy Gnos, Planning Coordinator
1231 I Street, Suite 200
Sacramento, CA 95814

RE: Proposed Project: P90-166 - Special Permit to sell
beer and wine for off site consumption

Dear Ms. Gnos:

I am in receipt of the Public Notice dated June 7, 1990, which advises that Gurwinder K. Dhaliwal and Harjinder S. Dhaliwal have applied for a special permit to sell alcoholic beverages at 5550 Franklin Boulevard, No. 10, in the City of Sacramento.

As an owner of residential property on Saint Joseph Court which is "next door" to the proposed Dhaliwal Beer and Wine Store, and on behalf of adjacent property owners, I submit this correspondence to express our vehement opposition to the issuance of a permit for Off Sale Beer and Wine. The basis for our opposition is that the area which immediately surrounds the proposed beer and wine outlet is comprised of residential homes which are occupied by families with school age children. Moreover, there already exists a surfeit of retail business along the commercial strip of Franklin Boulevard which permit Off Sale Beer and Wine.

Peaceful and law abiding members of this community find it ironic that at a time when alcohol related deaths, domestic violent incidents, and automobile accidents are on the increase, we see efforts to expand the easy availability of intoxicating beer and wine to individuals who seemingly do not have our community's best interest in mind. For the above reasons, we strongly oppose the issuance of a special permit to sell beer and wine for off site consumption at the proposed location.

P90-166

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6-28-90

#18

Cindy Gnos, Planning Coordinator
June 13, 1990
Page 2

Please file this written objection so that it becomes part of the Record and provide me with notice of any and all hearings which are scheduled to consider this matter.

Very truly yours,



M. ANTHONY OROPEZA

MAO:ldm

cc: Joe Serna
City Councilman

P90-166

6-28-90

6

#18

CITY OF SACRAMENTO

DEPARTMENT OF PLANNING AND DEVELOPMENT
1231 'L' STREET, SACRAMENTO, CA 95814

PLANNING
ROOM 200 449-5604

APPEAL OF THE DECISION OF THE
SACRAMENTO CITY PLANNING COMMISSION

DATE: July 6, 1990

TO THE PLANNING DIRECTOR:

I do hereby make application to appeal the decision of the City Planning
Commission on June 28, 1990 (hearing date), project # P ~~90-063~~ 90-166

when: Special Permit Off-Site Consumption For Beer & Wine Grocery Store
Variance For _____
"R" Review For _____
OTHER _____ For _____

was: _____ Granted / x Denied by the City Planning Commission

GROUND'S FOR APPEAL: (explain in detail)

(Please see attached)

Contact person: Christy Savage - 925-6620

PROPERTY LOCATION: 5550 Franklin Boulevard, Sacramento, California

APPELLANT: Harjinder Dhaliwal / c/o KCS Development Co. (print) PHONE # (916) 381-1225

ADDRESS: 7919 Folsom Boulevard, Suite 300, Sacramento, CA 95826

APPELLANT'S SIGNATURE: [Signature]

THIS BOX FOR OFFICE USE ONLY

Filing Fee: _____ by Applicant: \$105.00 by 3rd Party \$ 60.00
Received By: [Signature] Date: 7/9/90
Distribute Copies To: MVD AG WW SG
90-166 RT (original & receipt)
P# 90-063 Forwarded to City Clerk On: _____

GROUNDS FOR APPEAL

P90-063

1. Sale of beer and wine (no hard liquor) by this new and struggling small "mom and pop" grocery store located in a new shopping center across the street from a police substation and next door to a police uniform store will not adversely affect the peace or general welfare of the area.

Factual Basis for Appellants' Position:

- A. No beer/wine sales will occur after 8:00 p.m. per an express condition of the requested Special Permit. Most problem drinking occurs due to liquor sales in the late night hours.
- B. "None of the six police sergeants at the adjacent substation expressed any concern regarding this request, and only one of the seventeen neighboring residents and businesses contacted by the Police Department were opposed." Quote from City Planning staff report dated June 28, 1990.
- C. The small grocery tenant has just relocated from a small store in West Sacramento. The West Sacramento Police Department has reported no problems with the tenant's West Sacramento store which sold beer and wine.

2. Grant of this request to sell beer and wine will not result in an undue concentration of establishments dispensing alcoholic beverages.

Factual Basis for Appellants' Position:

- A. Per the staff report, ten businesses sell alcohol within a 3/4 mile radius, allegedly reflecting an overconcentration of liquor sales in the area. However, five of these ten businesses are small, old, windowless bars open until 2:00 a.m. -- a very different use and clientele than this request. The other five businesses include two small grocery stores and a new Exxon gas station/mini mart. The combined sales volume, number of patrons and building square footage devoted to liquor in these five comparable uses is less than in one large Raley's or Bel Air store.
- B. Paradoxically, the City Zoning Code requires no type of Special Permit to establish a bar, pool hall and other potentially blight-aggravating uses in the C-2 Zone. However, a Special Permit is needed for the sale of liquor for offsite consumption.

3. Grant of this request will not enlarge or encourage blight nor adversely affect redevelopment.

Factual Basis for Appellants' Position:

This new shopping center is a rare example of recent unsubsidized private sector investment in the area. The center has undergrounded utility lines, landscaped the street setback and unquestionably upgrades the appearance of Franklin Boulevard. Unfortunately, the center has been very slow to lease, partly because KCS (owner/developer of the center) has declined to lease to bar and pool hall users and partly because of blight in the vicinity. Denial of this request will cause the small grocery to vacate, prolong economic hardship on KCS, and thus discourage future private sector reversal of blight in the area.

CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814

APPLICANT <u>Harjinder Singh Dhaliwal, 378 Main Avenue, Sacramento, California 95838</u>		
OWNER <u>Fruitridge Farms Investors, 7919 Folsom Blvd, Sacramento, California 95826</u>		
PLANS BY <u>Ferrar Williams, 1418 20th Street, Sacramento, California 95814</u>		
FILING DATE <u>March 30, 1990</u>	ENVIR. DET. <u>Negative Declaration</u>	REPORT BY <u>CG</u>
ASSESSOR'S PCL. NO. <u>019-0221-046</u>		

APPLICATION: A. Negative Declaration
B. Special Permit to sell beer and wine for off-site consumption in a 2,100 square foot market in an existing shopping center on 1.9± acres in the Shopping Center (SC) zone.

LOCATION: 5550 Franklin Boulevard, Suite 100

PROPOSAL: The applicant is requesting the necessary entitlements to sell beer and wine for off-site consumption in an existing 2,100 square foot market.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Shopping Center

Surrounding Land Use and Zoning:

North:	Commercial; C-2
South:	Commercial; C-2
East:	Commercial; C-2
West:	Residential; R-1

Parking Provided for Shopping Center:	80 spaces
Property Dimensions:	Irregular
Property Area:	1.66± acres
Square Footage of Shopping Center:	15,000 square feet
Square Footage of Market:	2,100 square feet
Height of Building:	1 story
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Stucco

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 1.66± acres in the General Commercial (C-2) zone. The site is developed with a 15,000 square foot shopping center (Fruitridge Farms Shopping Center). The existing market contains 2,100 square feet

within the shopping center. The General Plan designates the site Community/Neighborhood Commercial and Office. The surrounding land use and zoning includes commercial, zoned C-2, to the north, south, and east; and residential, zoned R-1, to the west.

B. Applicant's Proposal

The applicant is requesting a special permit to sell beer and wine for off-site consumption in an existing 2,100 square foot market within the Fruitridge Farms Shopping Center. The applicant currently operates S & J Market in West Sacramento and is relocating to the Fruitridge Farms Shopping Center. The proposed hours of operation are 8:00 a.m. to 8:00 p.m.

C. Staff Analysis

Staff cannot support the sale of beer and wine at this location. Staff surveyed the area and found ten businesses selling alcohol within a three-quarter mile radius (see Exhibit D for locations). Four of these ten establishments are within a block of the subject site. Within three-quarters of a mile, there are five bars, two liquor stores, two grocery stores and one convenience market. Staff sees this as an over-concentration problem. There is adequate availability of beer and wine sales in the area. Staff has received a letter from area residents who strongly oppose having another establishment which sells beer and wine in the area (Exhibit E).

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development Services, Building Inspections, City Police, and the South Sacramento Area Community Planning Advisory Council. The Police Department indicated that they will not oppose the issuance of a special permit provided that the following are made conditions of approval:

1. Lighting levels shall be as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of .25 footcandles of illumination shall be provided at the surface of any walkway, alcove or passageway related to the project during the same hours.
2. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
3. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
4. Signs shall be clearly posted prohibiting consumption of alcoholic beverages in the business or adjacent public areas. The signs shall be worded as follows: "It is unlawful to enter or remain on these premises, adjacent parking lot or adjacent sidewalks with an open container of alcoholic beverage. P.C. 647e".
5. Applicant shall provide bicycle security racks at the front of the business.
6. The following minimum security standards shall be incorporated into the interior design of the building:
 - a. The cashier station shall be raised to provide a noticeable height advantage to employees.
 - b. Mirrors or closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind areas.
 - c. Cold boxes shall be equipped with an audible enunciator to alert employees when the doors are opened.

- d. The facility shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe.
7. The applicant shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
8. All illegal activities observed on or around the business shall be promptly reported to the police.
9. The business shall remain closed between the hours of 8:00 p.m. and 8:00 a.m.

Nothing in these conditions shall preclude the applicant from exceeding the minimum standards set forth therein. The applicant is encouraged to consult with the Police Department Crime Prevention Unit before submitting final plans.

None of the six sector sergeants expressed any concern regarding this request, and only one of the seventeen neighboring residents and businesses contacted by the Police Department were opposed. In addition, the West Sacramento Police Department advised the Police Department that they have had no problems with the applicant at his existing location in their jurisdiction.

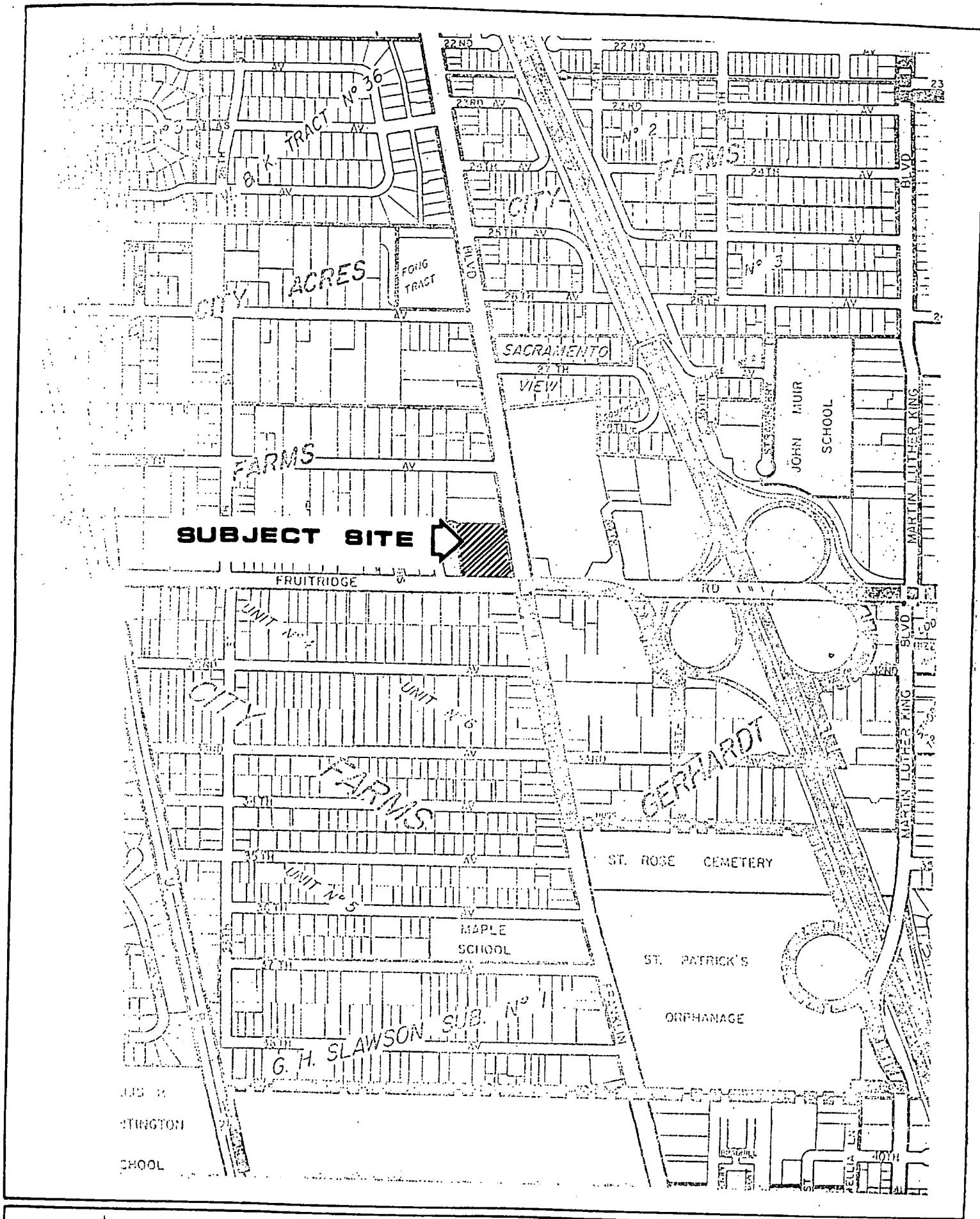
ENVIRONMENTAL DETERMINATION: The Environmental Coordinator has determined that the proposed project will not have a significant adverse impact on the environment and has filed a Negative Declaration.

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Deny the Special Permit to sell beer and wine for off-site consumption in a 2,100 square foot market in an existing shopping center based upon findings of fact which follow.

Findings of Fact

1. The proposed use will adversely affect the peace and general welfare of the surrounding neighborhood, in that there are an over-concentration of alcohol sales in the area.
2. The proposed use, as conditioned, will result in undue concentration of establishments dispensing alcoholic beverages, in that there are ten establishments which sell beer and wine within a three-quarter mile radius, four of these within a block of the subject site.
3. The over-concentration of liquor sales may encourage the development of a skid row or blighted area.

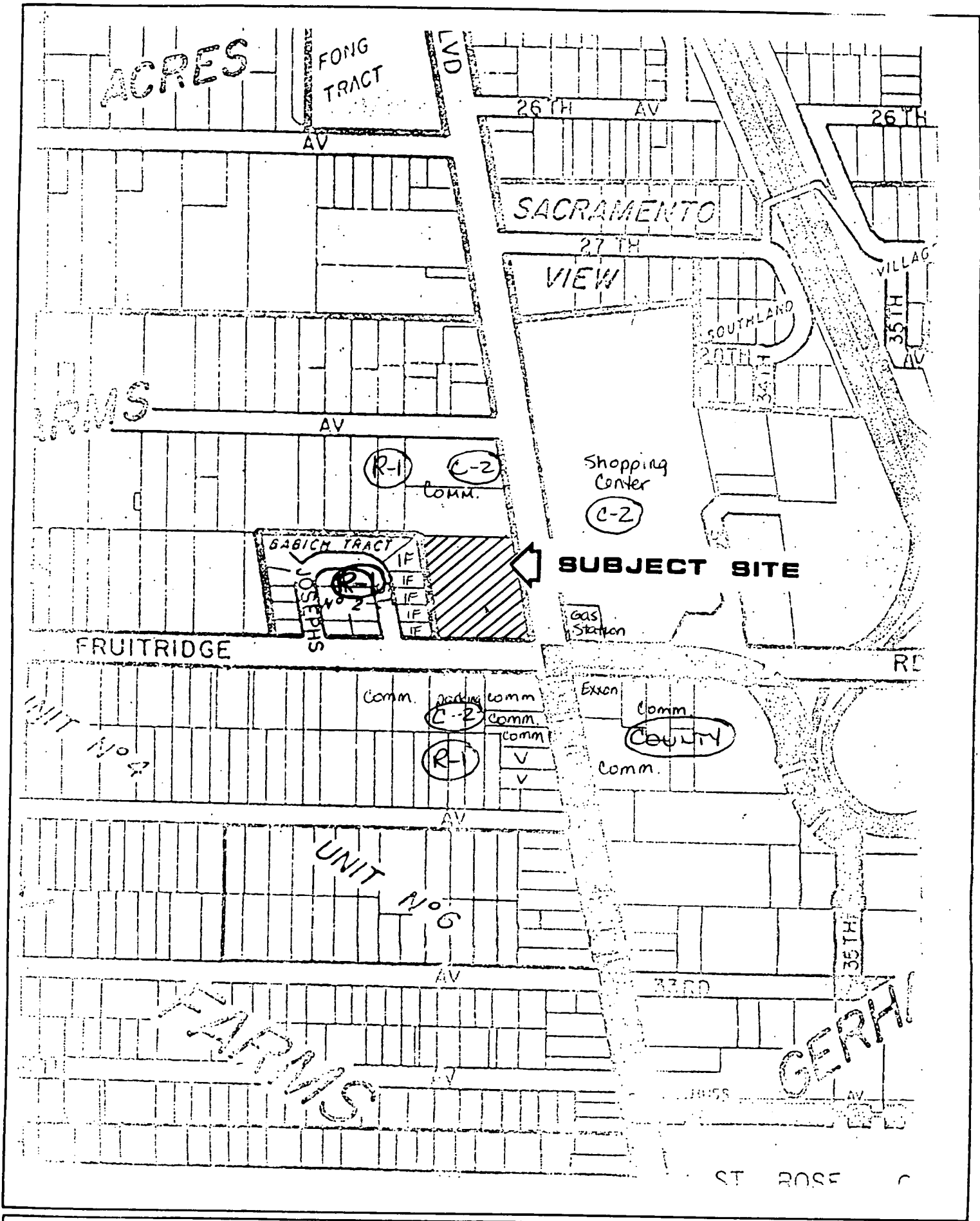


VICINITY MAP

P90-1666

June 28, 1990
12

Item # 18



LAND USE & ZONING MAP

KEYNOTES

1. PRECAST CONCRETE FENCE - 6'-0" SEE DETAIL, H&S UP CHANGES SEE PAGE 2
2. FUTURE TRASH ENCLOSURE.
3. MAXIMUM BUILDING LIMIT LINE.
4. LIMIT OF EXISTING PAVING.
5. POLE SIGN.
6. TRASH ENCLOSURE, SEE DETAIL, WALLS
7. BUILDING OVERHANG.
8. LANDSCAPE PLANTER.
9. HANDICAPPED PARKING STALL, SEE 10-13
10. COMPACT PARKING STALL, SEE 10-13
11. NEW ELECTRICAL TRANSFORMER.
12. 6'-0" x 7'-0" SIGN
13. NEW FIRE HYDRANT AND POST INDICATOR VALVE.
14. PORTLAND CEMENT CONCRETE PAVING.
15. ASPHALTIC CONCRETE PAVING.
16. NEW ELECTRICAL LIGHT.
17. UNIMPROVED FUTURE BUILDING PAD.
18. NEW DROP INLET.
19. FIRE SUPPLIER RISER (PAINT TO MATCH EXIST.)
20. FUTURE ELECTRICAL TRANSFORMER.
21. 2'-0" x 4'-0" CONCRETS FOR BEING PAVERED AND IDENTIFY PER OWNER'S SPECIFICATIONS
22. NEW FIRE HYDRANT TO NEAR WATER METER

- GENERAL NOTES**
- A. REFER TO CHANGES SHEETS FOR ALL CHANGES TO THIS PLAN
 - B. ALL PAVING SHALL BE TO BE 18" MIN. THICK
 - C. REMOVE 6" HIGH CURBS AND FENCE AROUND ALL EXISTING CONCRETE AREAS IN EXISTING LOT
 - D. 100% ALL DIMENSIONS ARE TO BE TAKEN FROM EXISTING BUILDING TO CENTER OF DRIVE PROCEEDING IN CONSTRUCTION
 - E. TOTAL JOB SHALL BE 20' x 20' JOB
 - F. EACH OF CURBS SHALL BE 2'-0" HIGH OF 18" HIGH & BUILT WITH 18" MIN. THICK CONCRETE SHALL BE 20' x 20' JOB

Issues ○ Revisions △

- ① JULY 14, 1988 PLAN CHECK
- ② JULY 21, 1988 APPROV
- ○ ○ ○ ○
- △ (circled) PLAN CHECK
- △ (triangle) WATER PUMP PENETRATION
- △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle) △ (triangle)

EXHIBIT A



FORRAR WILLIAMS ARCHITECTS

Job No. FFR 862204
 Scale 1"=20'-0"
 Ref. North

Sheet Title

SITE PLAN
FRUITRIDGE FARMS SHOPPING CENTER
 Sheet No.

A1.1

P90-166

June 28, 1990 / 4

Item # 18

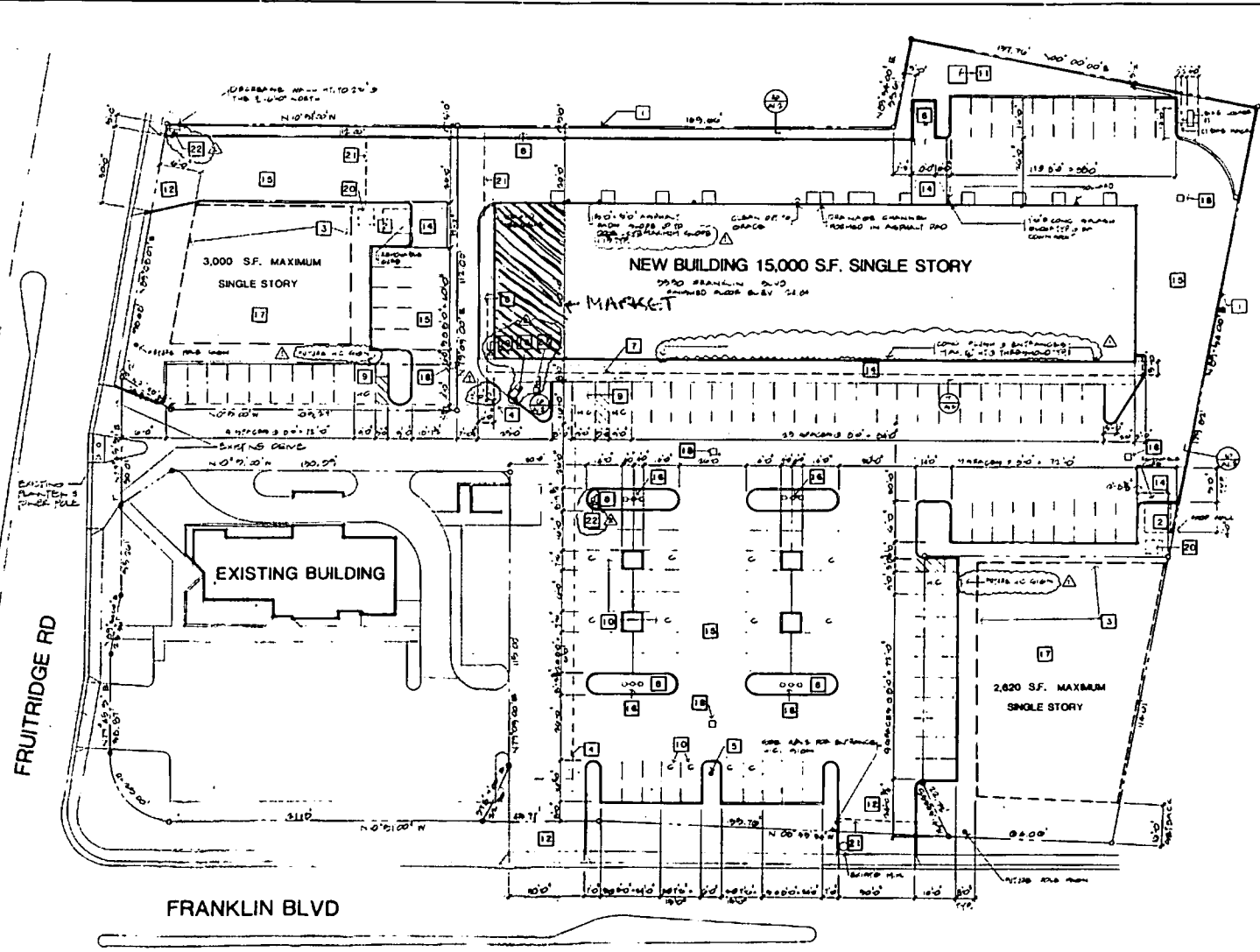
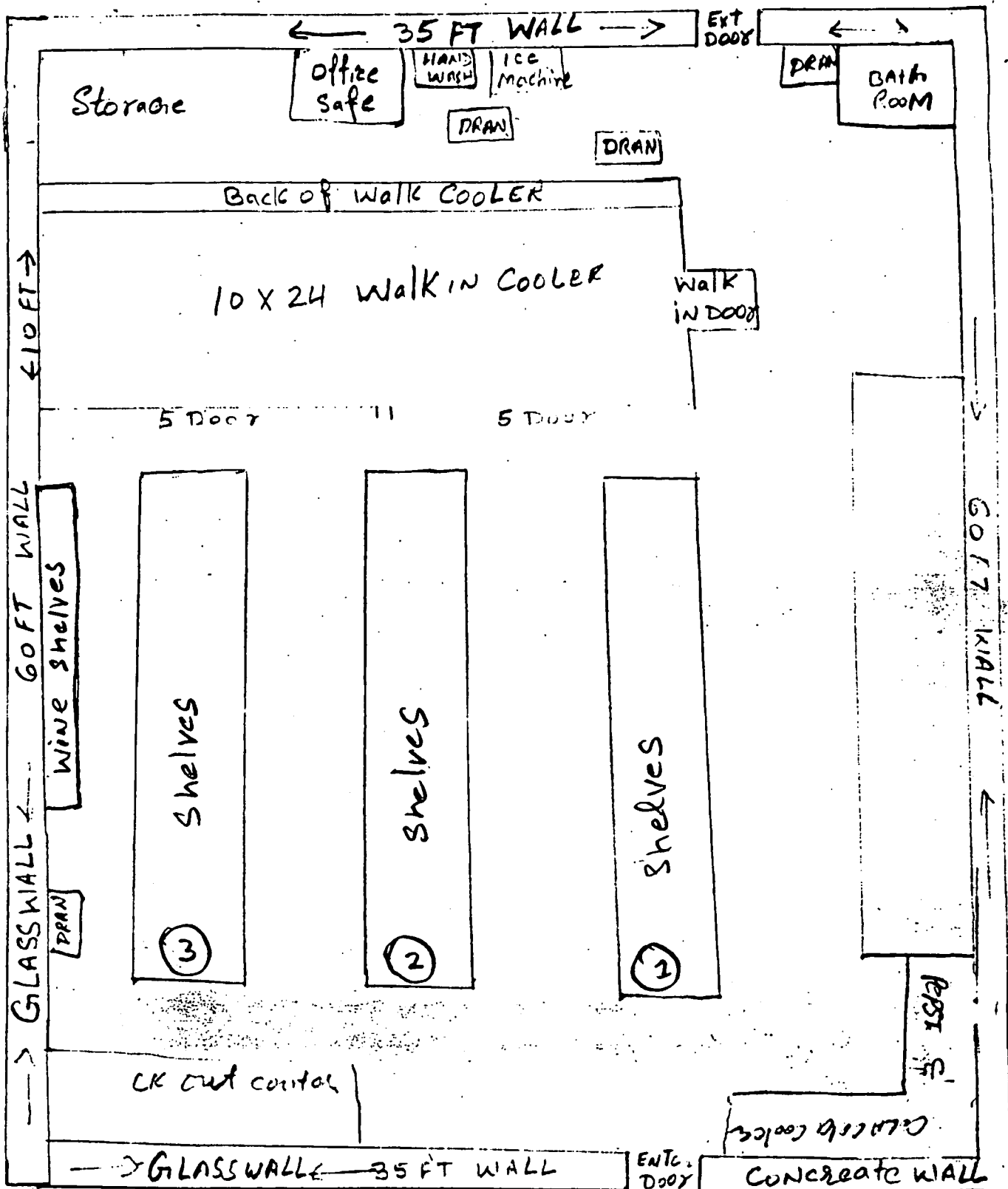


EXHIBIT B



S & J MARKET
 TOTAL = 2100 SQ. FT

P90-166

June 28, 1990

Hemphill

EXHIBIT E

M. ANTHONY OROPEZA

ATTORNEY AT LAW

701 E STREET

SACRAMENTO, CALIFORNIA 95814

AREA CODE (916) 446-3181

June 13, 1990

City of Sacramento
Department of Planning and Development
Attn: Cindy Gnos, Planning Coordinator
1231 I Street, Suite 200
Sacramento, CA 95814

RE: Proposed Project: P90-166 - Special Permit to sell
beer and wine for off site consumption

Dear Ms. Gnos:

I am in receipt of the Public Notice dated June 7, 1990, which advises that Gurwinder K. Dhaliwal and Harjinder S. Dhaliwal have applied for a special permit to sell alcoholic beverages at 5550 Franklin Boulevard, No. 10, in the City of Sacramento.

As an owner of residential property on Saint Joseph Court which is "next door" to the proposed Dhaliwal Beer and Wine Store, and on behalf of adjacent property owners, I submit this correspondence to express our vehement opposition to the issuance of a permit for Off Sale Beer and Wine. The basis for our opposition is that the area which immediately surrounds the proposed beer and wine outlet is comprised of residential homes which are occupied by families with school age children. Moreover, there already exists a surfeit of retail business along the commercial strip of Franklin Boulevard which permit Off Sale Beer and Wine.

Peaceful and law abiding members of this community find it ironic that at a time when alcohol related deaths, domestic violent incidents, and automobile accidents are on the increase, we see efforts to expand the easy availability of intoxicating beer and wine to individuals who seemingly do not have our community's best interest in mind. For the above reasons, we strongly oppose the issuance of a special permit to sell beer and wine for off site consumption at the proposed location.

P90-166

6-28-90
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#18

Cindy Gnos, Planning Coordinator
June 13, 1990
Page 2

Please file this written objection so that it becomes part of the Record and provide me with notice of any and all hearings which are scheduled to consider this matter.

Very truly yours,



M. ANTHONY OROPEZA

MAO:ldm

cc: Joe Serna
City Councilman

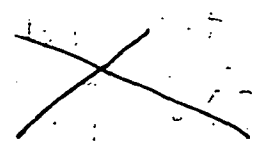
P90-166

6-28-90

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CITY PLANNING COMMISSION
1231 "I" STREET, SUITE 200, SACRAMENTO, CA 95814



APPLICANT	<u>Harjinder Singh Dhaliwal, 378 Main Avenue, Sacramento, California 95838</u>		
OWNER	<u>Fruitridge Farms Investors, 7919 Folsom Blvd, Sacramento, California 95826</u>		
PLANS BY	<u>Ferrar Williams, 1418 20th Street, Sacramento, California 95814</u>		
FILING DATE	<u>March 30, 1990</u>	ENVIR. DET.	<u>Negative Declaration</u>
ASSESSOR'S PCL. NO.	<u>019-0221-046</u>	REPORT BY	<u>CG</u>

APPLICATION: A. Negative Declaration

B. Special Permit to sell beer and wine for off-site consumption in a 2,100 square foot market in an existing shopping center on 1.9± acres in the Shopping Center (SC) zone.

LOCATION: 5550 Franklin Boulevard, Suite 100

existing 2100
15000 sq ft

PROPOSAL: The applicant is requesting the necessary entitlements to sell beer and wine for off-site consumption in a market.

PROJECT INFORMATION:

General Plan Designation: Community / Neighborhood Commercial & Offices
Existing Zoning of Site: C-2
Existing Land Use of Site: Shopping Center

Surrounding Land Use and Zoning:

North: Commercial; C-2
South: Commercial; C-2
East: Commercial; C-2
West: Residential; R-1

Parking Provided for Shopping Center: 80 spaces
Property Dimensions: Irregular
Property Area: 1.66± acres
Square Footage of Shopping Center: 15,000 square feet
Square Footage of Market: 2,100 square feet
Height of Building: 1 story
Topography: Flat
Street Improvements: Existing
Utilities: Existing
Exterior Building Materials: Stucco
Roof Material: Built up

PROJECT EVALUATION: Staff has the following comments:

A. Land Use and Zoning

The subject site consists of 1.66± acres in the General Commercial (C-2) zone. The site is developed with a 15,000 square foot shopping center. The ~~subject~~ existing market contains 2,100 square feet within the shopping center. The

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General Plan designates the site Community / Neighborhood Commercial and Office. The surrounding land use and zoning includes commercial, zoned C-2, to the north, south, and east; and residential, zoned R-1, to the west.

B. Applicant's Proposal

The applicant is ~~proposing~~ ^{requesting a special use permit} to sell beer and wine for off-site consumption in a 2,100 square foot market within the Fruitridge Farms Shopping Center. The applicant currently operates S & J Market in West Sacramento and is relocating to the Fruitridge Farms Shopping Center. The proposed hours of operation are 8:00 a.m. to 8:00 p.m. ^{existing}

C. Staff Analysis

Staff cannot support the sale of beer and wine at this location. Staff surveyed the area and found ten businesses selling alcohol within a three-quarter mile radius (see Exhibit D for locations). Four of these ten establishments are within a block of the subject site. Within three-quarters of a mile, there are five bars, two liquor stores, two grocery stores and one convenience market. Staff sees this as an over-concentration problem. There is adequate availability of beer and wine sales in the area. Staff has received a letter with several signatures of residents in the area with strong opposition to ~~the~~ ^{from the} another establishment selling beer and wine in the area.

D. Agency Comments

The proposed project was reviewed by Traffic Engineering, Engineering Development Services, Building Inspections, City Police, and the South Sacramento Area Community Planning Advisory Council. The Police Department indicated that they will not oppose the issuance of a special permit provided that the following are made conditions of approval:

1. Lighting levels shall be as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space between the hours of dusk and one hour after sunrise. A minimum of .25 footcandles of illumination shall be provided at the surface of any walkway, alcove or passageway related to the project during the same hours.
2. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
3. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
4. Signs shall be clearly posted prohibiting consumption of alcoholic beverages in the business or adjacent public areas. The signs shall be worded as follows: "It is unlawful to enter or remain on these premises, adjacent parking lot or adjacent sidewalks with an open container of alcoholic beverage. P.C. 647e".
5. Applicant shall provide bicycle security racks at the front of the business.
6. The following minimum security standard shall be incorporated into the interior design of the building:
 - a. The cashier station shall be raised to provide a noticeable height advantage to employees.
 - b. Mirrors or closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind areas.
 - c. Cold boxes shall be equipped with an audible enunciator to alert employees when the doors are opened.
 - d. The facility shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe.

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7. The applicant shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.

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- 8. All illegal activities observed on or around the business shall be promptly reported to the police.
- 9. The business shall remain closed between the hours of 8:00 p.m. and 8:00 a.m.

Nothing in these conditions shall preclude the applicant from exceeding the minimum standards set forth therein. The applicant is encouraged to consult with the Police Department Crime Prevention Unit before submitting final plans.

None of the six sector sergeants expressed any concern regarding this request, and only one of the seventeen neighboring residents and businesses contacted were opposed. In addition, the West Sacramento Police Department has advised us that they have had no problems with the applicant at his existing location in their jurisdiction.

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

RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Ratify the Negative Declaration.
- B. Deny the Special Permit to sell beer and wine for off-site consumption in a 2,100 square foot market in an existing shopping center based upon findings of fact which follow.

Findings of Fact

- 1. The proposed use will adversely affect the peace and general welfare of the surrounding neighborhood, in that there are an over-concentration of alcohol sales in the area.
- 2. The proposed use, as conditioned, will result in undue concentration of establishments dispensing alcoholic beverages, in that there are ten establishments which sell beer and wine within a three-quarter mile radius, four of these within a block of the subject site.
- 3. The over-concentration of liquor sales may encourage the development of a skid row or blighted area.

The proposed project is inconsistent with the General Plan which has as a goal to enhance and maintain the quality of life by adhering to high standards for project and plan evaluation.

Handwritten notes and signatures:
 did this
 deny commission?
 [Signature]

REVISED

APPEAL OF HARJINDER DHALIWAL
vs. CITY OF SACRAMENTO PLANNING
COMMISSION'S DENIAL OF A SPECIAL
PERMIT TO SELL BEER AND WINE FOR
OFF-SITE CONSUMPTION AT
5550 FRANKLIN BLVD. IN THE
C-2 ZONE (P90-166)

NOTICE OF DECISION
AND
FINDINGS OF FACT

At its regular meeting of August 28, 1990, 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 and conditions:

Revised Findings of Fact

1. The proposed use, as conditioned, will not adversely affect the peace or general welfare of the surrounding neighborhood in that conditions regarding the security of the site have been imposed, the sale of individual containers is prohibited, and the hours of operation are limited from 6:00 a.m. to 10:00 p.m.;
2. The proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages in that there is only one other convenience market selling alcoholic beverages in the immediate vicinity;
3. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area;
4. The proposed use, as conditioned, will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project is not located within a designated redevelopment area;
5. The project is consistent with the General Plan which designates the site Community/Neighborhood Commercial and Offices, and the proposed convenience market conforms with the plan designation.

Conditions:

1. The sale of alcohol shall be limited to beer and wine only. No hard alcohol shall be sold.
2. Beer shall not be sold in quantities of less than one six pack.

3. Wine coolers shall not be sold in quantities of less than factory packs of four.
4. No "pony" sized bottles of wine shall be sold.
5. No fortified wines shall be sold.
6. The maximum hours of operation of the market shall be from 6:00 a.m. until 10:00 p.m.
7. Two employees shall be working at the market during all ours of operations.
8. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
9. The words "beer, wine or liquor" shall not appear in the name or on the signs.
10. Project lighting shall be as follows: 1.5 candles of minimum maintained illumination per square foot of parking area during all hours of operation, and .25 foot candles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc., during all hours of operation.
11. S & J Market shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
12. The majority of the windows shall be left unobstructed for viewing of the interior by patrolling police.
13. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalks with an open alcoholic beverage container. P.C. 647e(a)."
14. All illegal activities observed on or around the business shall be promptly reported to the police.
15. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
16. Applicant shall provide bicycle security racks at the front of the business.
17. The following minimum security standards shall be incorporated into the interior design of the building:
 - a. The cashier station shall be raised to provide a noticeable height advantage to employees.

