

CITY PLANNING COMMISSION

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

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

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.

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.

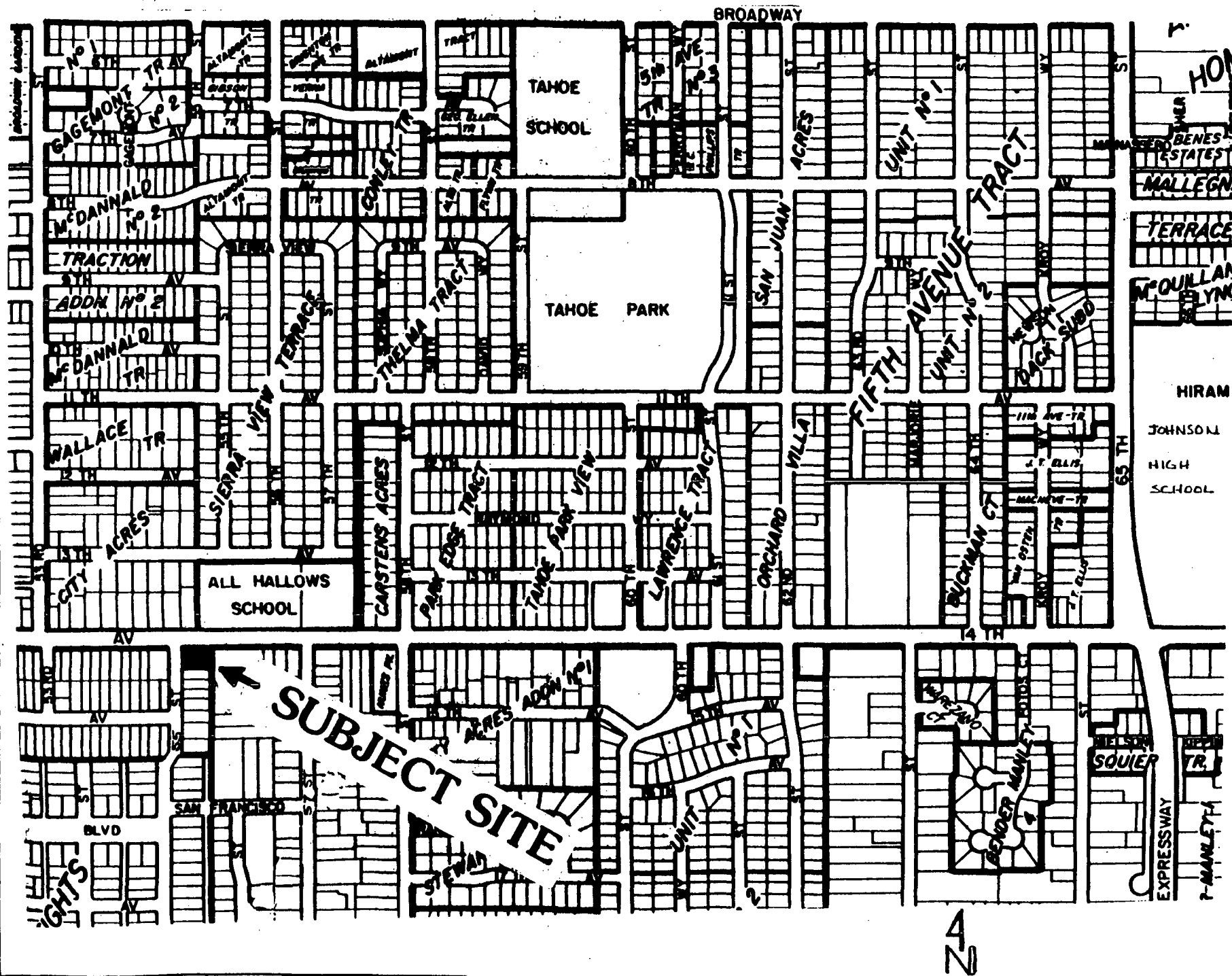
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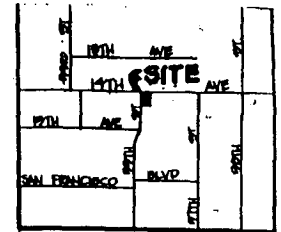
VICINITY MAP

EXHIBIT A



14TH

AVE.



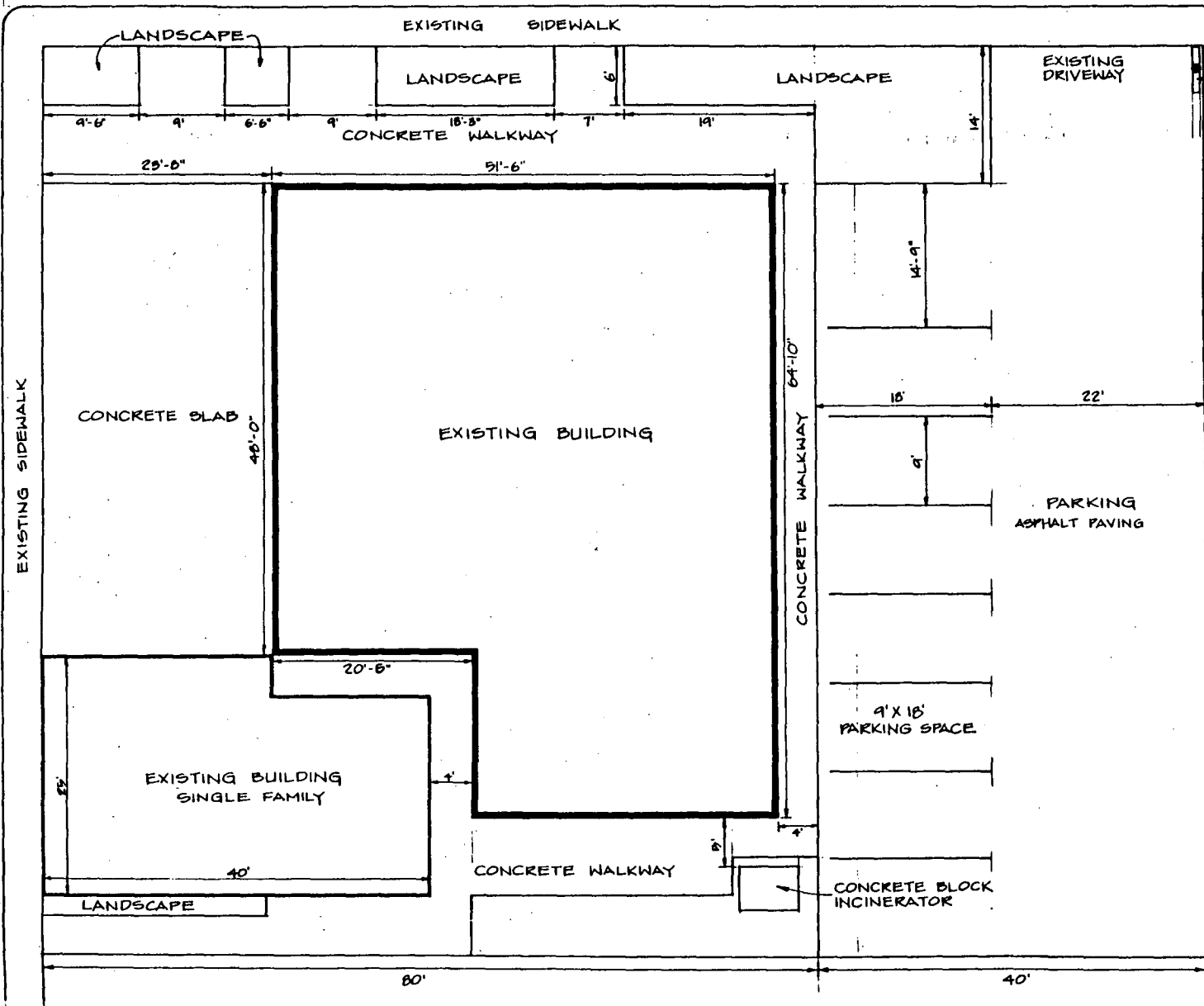
VICINITY MAP

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ST.

55TH



SITE PLAN

P88103

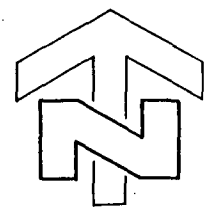
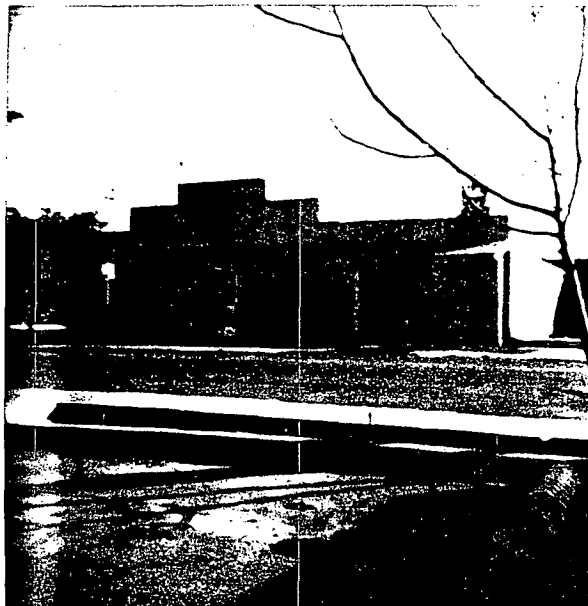


EXHIBIT B
SITE PLAN

7/24



NORTH / FRONT
ELEVATION



EAST / LEFT
ELEVATION



WEST / RIGHT
ELEVATION

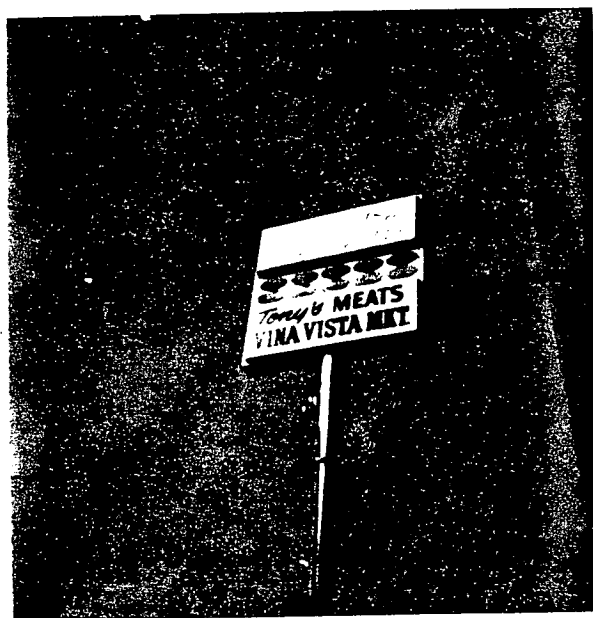
EXHIBIT C-1
ELEVATIONS



SOUTH/REAR
ELEVATION



SOUTH/REAR
ELEVATION



EXISTING SIGN

EXHIBIT C-2
ELEVATIONS

P88-103 -

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