

P93-118 - 5041 FREEPORT BLVD CONVENIENCE MARKET

REQUEST: Special Permit to allow alcohol sales for off-site consumption in a 1,330 square foot convenience market in an existing 12,400 square foot shopping center on 0.4± developed acres in the General Commercial - Executive Airport Overlay Zone 4 (C-2{EA-4}) zone.

LOCATION: 5041 Freeport Blvd., Freeport Blvd. south of Irvin Way
018-0191-002
Hollywood Park
Sacramento City Unified School District
Council District 5

APPLICANT:	Ambrosio Roldan, 731-8347 47 Riverstar Circle, Sacramento, CA 95831
OWNER:	Michael-Wan and Yan Ha Chan 7808 River States Drive, Sacramento, CA 95831
PLANS BY:	Ambrosio Roldan
APPLICATION FILED:	July 30, 1993
STAFF CONTACT:	Cindy Gnos, 264-7636

SUMMARY/RECOMMENDATION: The applicant proposes to use a 1,330 square foot space in an existing shopping center as a convenience market, selling alcohol for off-site consumption. The applicant is proposing a market which features Mexican food products, as well as alcohol sales. The alcohol sales require approval of a Special Permit. In evaluating the project, the basic issues are crime problems related to alcohol sales and overconcentration of alcohol selling operations. **Staff recommends approval of the project.** This recommendation is based on the conditions of approval suggested by the Police Department to alleviate the concerns of crime.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Comm.& Offices
Community Plan Designation:	n/a
Existing Land Use of Site:	12,400 square foot shopping center
Existing Zoning of Site:	C-2(EA-4)

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Surrounding Land Use and Zoning:

North: Commercial; C-2(EA-4)
 South: Commercial; C-2(EA-4)
 East: Single Family; R-1(EA-4)
 West: Commercial; C-2(EA-4)

Property Dimensions:	160' x 110'
Property Area:	0.4± gross acres
Square Footage of Shopping Center:	12,400 square feet
Square Footage of Convenience Market:	1,330 square feet
Height of Building:	One story
Exterior Building Materials:	Wood and stucco
Roof Material:	Tar and gravel
Parking Provided:	5 spaces
Parking Required:	5 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Hours of Operation:	8:00 a.m. to 9:00 p.m.

OTHER APPROVALS REQUIRED: In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Liquor License	Alcoholic Beverage Control
Building Permit (if required)	Building Division
Sign Permit	Building Division

BACKGROUND INFORMATION: On January 11, 1990, the City Planning Commission approved a Special Permit for alcohol sales for off-site consumption in the same 1,330 square foot tenant space. The approved Hollywood Bottle shop opened shortly thereafter. The business closed in 1992. Since the business was closed for longer than a year, a new Special Permit for alcohol sales is required. The applicant is proposing to occupy the same space with similar hours.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The retail nature of the market is consistent with the Community/Neighborhood Commercial land use designation in the General Plan. The specific request to sell alcohol is governed by the policy to enhance and maintain quality of life.

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"It is the policy of the City to enhance and maintain the quality of life by adhering to high standards for project and plan evaluation as these relate to the following characteristics that help define the quality of life in the City.

- o Crime, physical hazards and debilitating influences detract from the well-being of the neighborhood environment. Some neighborhoods in the City are experiencing the adverse effects of blighting influences, crime, and problems associated with homeless individuals. Efforts to correct these problems will be necessary to ensure the protection of the public's health, safety and general welfare."

The Police Department has identified the nature of the business to be one which may cause crime problems. They have, however, identified several conditions of approval which ensure that the policy to ensure the quality of life is satisfied.

B. Site Plan Design/Zoning Requirements

1. Setbacks/Parking

The proposed convenience store is located within an existing strip commercial center. There are no proposed building additions, therefore setbacks are not being changed. The market requires five parking spaces based on its square footage. Since no square footage is being added, no additional parking spaces are required.

2. Alcohol Sales

The proposed sale of alcohol for off-site consumption requires a Special Permit. The subject site was previously the Hollywood Bottle shop and is located immediately adjacent to the Pocket Club. The residential neighborhood to the east has filed complaints regarding noise, litter, parking in the alley and general disturbances. Due to the nature of the crime problems associated with alcohol sales, it is necessary to place conditions of the market which help ensure that the effects this business has on the neighborhood are minimal. These conditions have been determined by the Police Department. They are summarized below in Agency Comments and listed specifically in the conditions of the Special Permit Resolution.

In addition to the Pocket Club, there are four other establishments which sell alcohol for off-site consumption between Sutterville Road and Fruitridge Road. These include Raley's and Thrifty, and two gas stations with convenience markets. The Liquor Barn which was previously located at Fruitridge Road and Freeport Boulevard has closed. The BP Station Gas request for a convenience market at the southwest corner of Fruitridge

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Road and Freeport Boulevard was denied due to neighborhood opposition and the overconcentration of alcohol selling establishments, north and south of Fruitridge Road. The number of alcohol selling establishments in the area make the need for the strict conditions even more important to protect the neighborhood.

4. **Signage**

The applicant is proposing an attached sign similar in size to the previous business. All signage must comply with the Sign Ordinance.

C. **Building Design**

The existing building has a wood and stucco exterior with a tar and gravel roof. No modifications are proposed to the exterior of the building as a result of the proposed convenience market.

PROJECT REVIEW PROCESS:

A. **Environmental Determination**

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303(c) and 15301(a)).

B. **Public/Neighborhood/Business Association Comments**

The site is located within the Hollywood Park Neighborhood Association boundaries, as well as the Freeport Boulevard Business Association boundaries. It is also adjacent to three other associations: Land Park Community Association, Freeport Renovation of the Move (F.R.O.M.), and South Land Park Neighborhood Association.

In a phone conversation with the Freeport Boulevard Business Association representative, Mr. Raynor indicated the Association was happy to see a new business on Freeport Boulevard. He said that a business which sells alcohol may be an asset to the community provided the management of the business have a good operation. He was concerned that the businesses be kept clean and maintain litter free surroundings. The Freeport Boulevard Business Association is also adamant that the sale of beer not include single cans, but be in six packs. He also suggested the types of alcohol be limited, such as no fortified wines. He made himself available to help the business owner in marketing his products to best suit the surrounding neighborhood.

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A business owner nearby submitted a letter in opposition to the proposed alcohol sales (Attachment C). The concern is that there are already adequate locations to buy alcohol in the area and that the project will have a negative impact on the neighborhood.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. **Engineering Development Services/Traffic Engineering/Utilities Department/Building Inspections/Fire Department**

No comment.

2. **Police Department**

The Police Department has minimal objections to the applicant's request provided several conditions are met. These conditions include minimum lighting levels, visibility of the store, signs prohibiting loitering, and other security measures. The Police Department also requests the sale of beer be in quantities of not less than a six pack, wine be sold in containers of at least 750 m., and wine coolers not sold in less than packs of four. The specific conditions requested by the Police Department are included as conditions of approval in the Special Permit Resolution.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the entitlement below. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION: Staff recommends the Planning Commission adopt the attached Resolution approving a Special Permit to allow alcohol sales for off-site consumption subject to conditions and based upon findings of fact.

Report Prepared By,

Report Reviewed By,

Cindy Gnos

Cindy Gnos, Associate Planner

Barbara Wendt

Barbara Wendt, Senior Planner

add

(m) no sale of fortified wine

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Attachments

Attachment A
Attachment B
Attachment C
Resolution
Exhibit A
Exhibit B

Vicinity Map
Land Use and Zoning Map
Letter From Business Owner
Special Permit
Site Plan
Floor Plan

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AMENDED BY STAFF 9-23-93

RESOLUTION NO. 1450

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF SEPTEMBER 23, 1993

A RESOLUTION ADOPTING FINDINGS OF FACT AND
APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED
AT 5041 FREEPORT BOULEVARD

(P93-118) (APN: 018-0191-002)

WHEREAS, the City Planning Commission on September 23, 1993, held a public hearing on the request for approval of a special permit to allow alcohol sales for off-site consumption in a 1,330 square foot convenience market for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303(c) and 15301(a)).

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the special permit:

1. The project, as conditioned, is based upon sound principles of land use in that the convenience market is compatible with the other uses in the commercial center.
2. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that the proposed site on Freeport Boulevard is in an existing strip commercial shopping center.
3. The proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages in that there are four liquor establishments along Freeport Boulevard from Sutterville Road to Fruitridge Road.

4. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the conditions of approval should discourage alcohol-related crime in the immediate area.
5. The proposed use will not be contrary to or adversely affect any progress of redevelopment or neighborhood conservation in that the project site is not within a designated redevelopment area.
6. The project is consistent with the General Plan which designates the site Community/Neighborhood Commercial and Offices. The existing strip center and related alcohol sales are consistent with the designation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The special permit for the sale of alcohol for off-site consumption is hereby approved, subject to the following conditions:
 - a. 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.
 - b. The parking area must be visible for internal monitoring. Where windows are not appropriate for this purpose, closed circuit television shall be used.
 - c. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
 - d. Signs shall be clearly posted and maintained on the premises and in the parking lot prohibiting consumption of alcoholic beverages in the business or adjacent public areas. The signs shall be worded as follows:

UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING
LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC
BEVERAGE CONTAINER.
C.P.C. 647E(A); S.C.C. 266.24(c).
 - e. Video machines and magazine racks shall be prohibited.
 - f. Applicant shall provide bicycle security racks at the front of the business.

- g. The applicant shall provide two working toilet facilities for use by the public. All restrooms must be self-locking and the keys must be available from employees. Extra keys must be available on the premises in case of an emergency. Locks may be of the electronic remote control type. Interior restrooms must be visible to the attendants.
- h. The following minimum security standards shall be incorporated into the interior design of the building:
- 1) The cashier station shall be raised to provide a noticeable height advantage to employees.
 - 2) 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 aisles.
 - 3) Coldboxes shall be equipped with an audible enunciator to alert employees when the doors are opened.
 - 4) 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.
- i. The applicant shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
- j. All illegal activities observed on or around the business shall be promptly reported to the police.
- k. Hours of operation shall be 8 a.m. to 9 p.m.
- l. ~~Sales of beer shall be in quantities of not less than a six pack. Quart sales are allowable. No sales of malt liquors in 40 ounce containers. Beer and malt liquor in containers of 16 ounces or less shall not be sold in units less than a six pack. (Staff amended 9-23-93)~~
- m. Sales of wine shall be in containers of at least 750 ml. *There shall be no sales of fortified wine. (CPC amended 9-23-93)*
- n. Wine coolers shall not be sold in quantities of less than factory packs of four.
- o. Signs listing conditions k through n shall be conspicuously posted inside the store.

Nothing in these conditions shall preclude the applicant from exceeding the minimum standards set forth therein.



CHAIRPERSON

ATTEST:



SECRETARY TO PLANNING COMMISSION

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Nothing in these conditions shall preclude the applicant from exceeding the minimum standards set forth therein.

CHAIRPERSON

ATTEST:

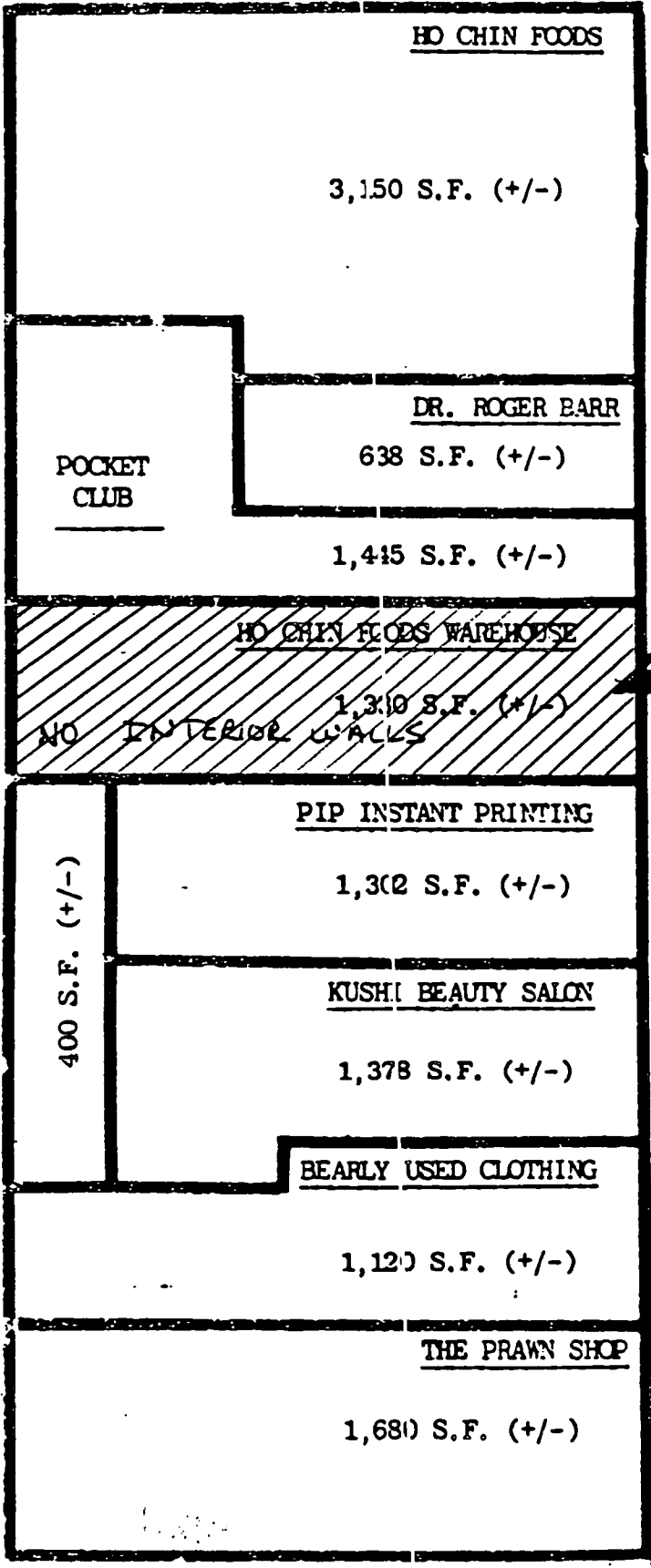
SECRETARY TO PLANNING COMMISSION

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PLANNING COMMISSION
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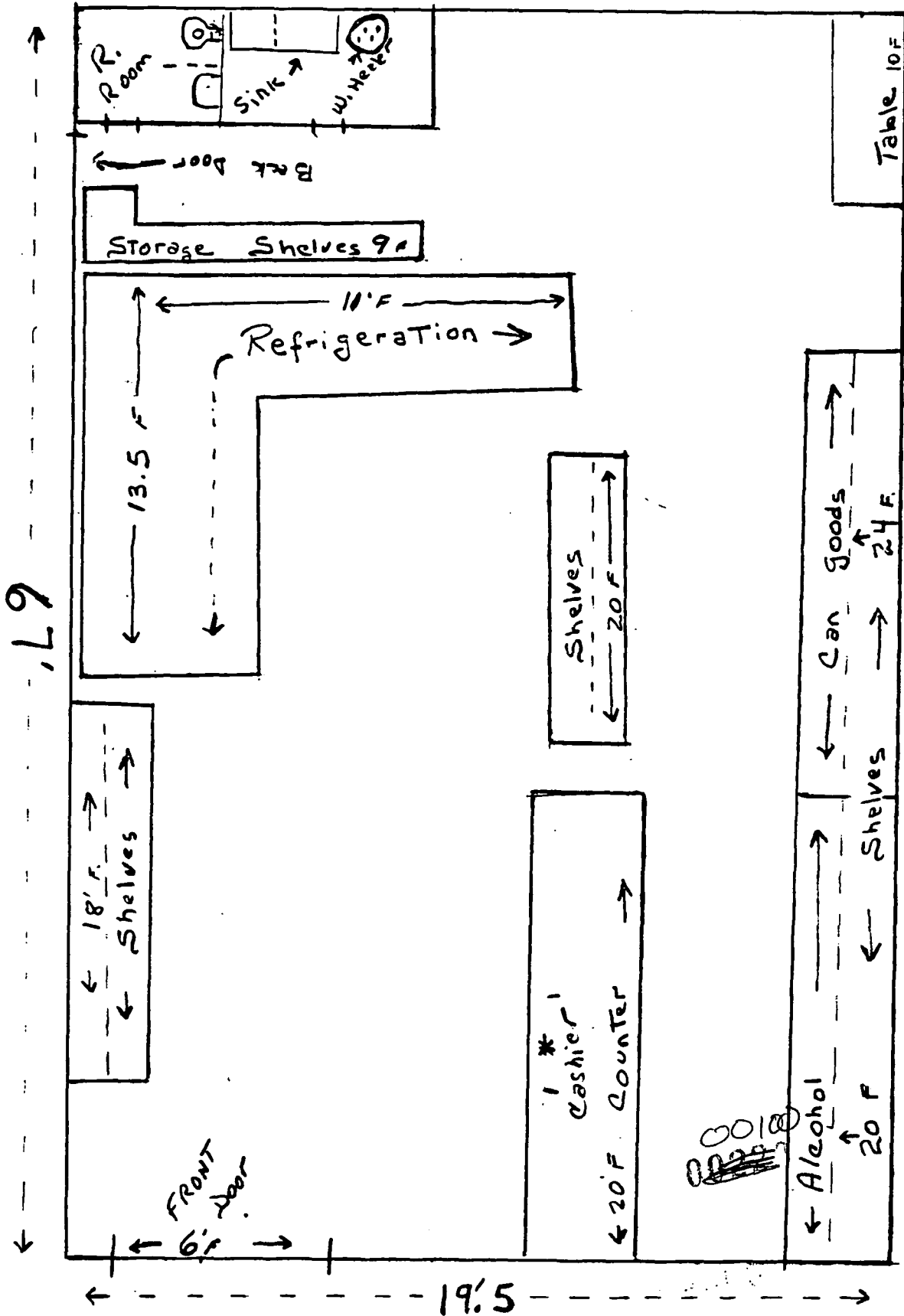
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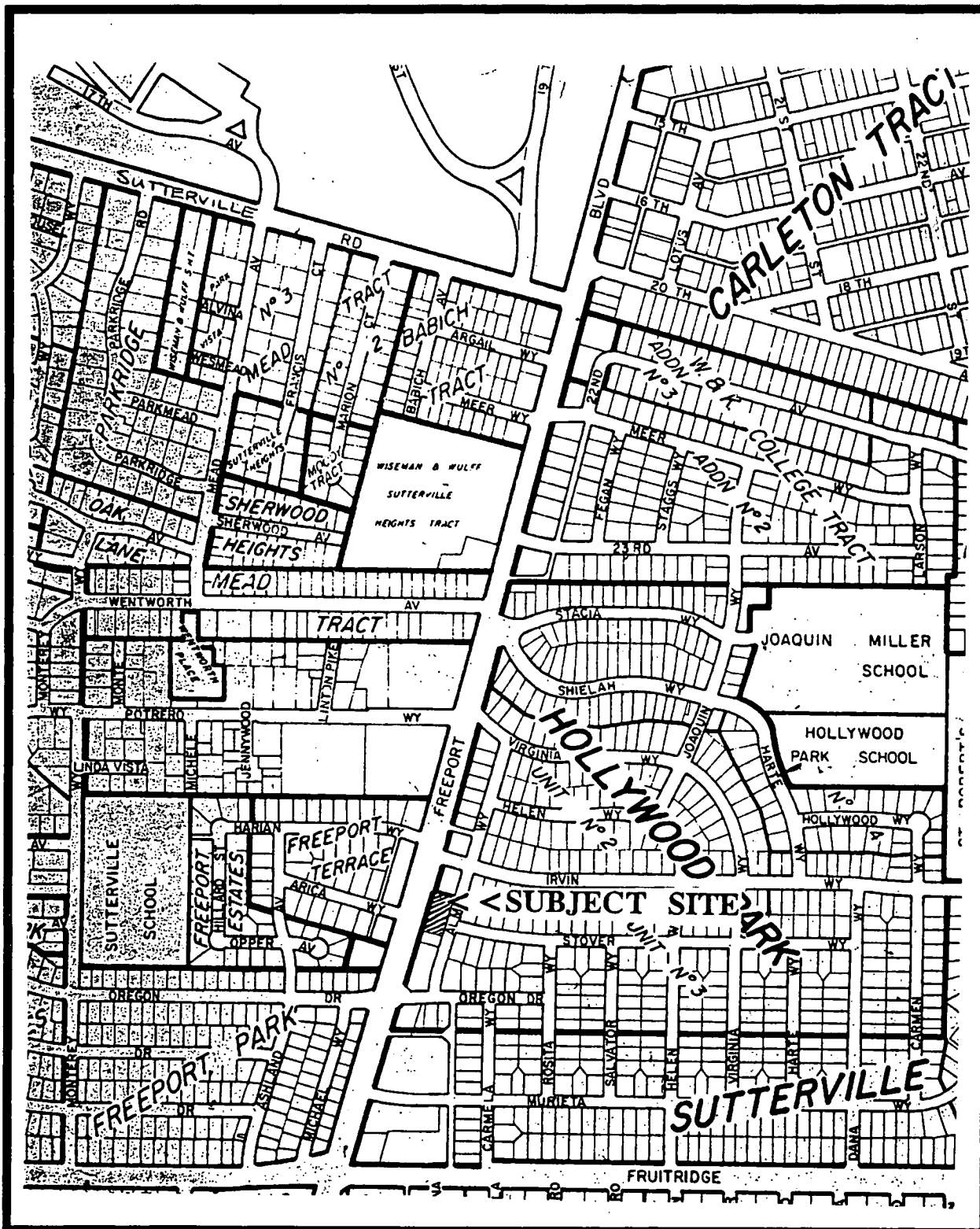


ATTACHMENT A

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VICINITY MAP

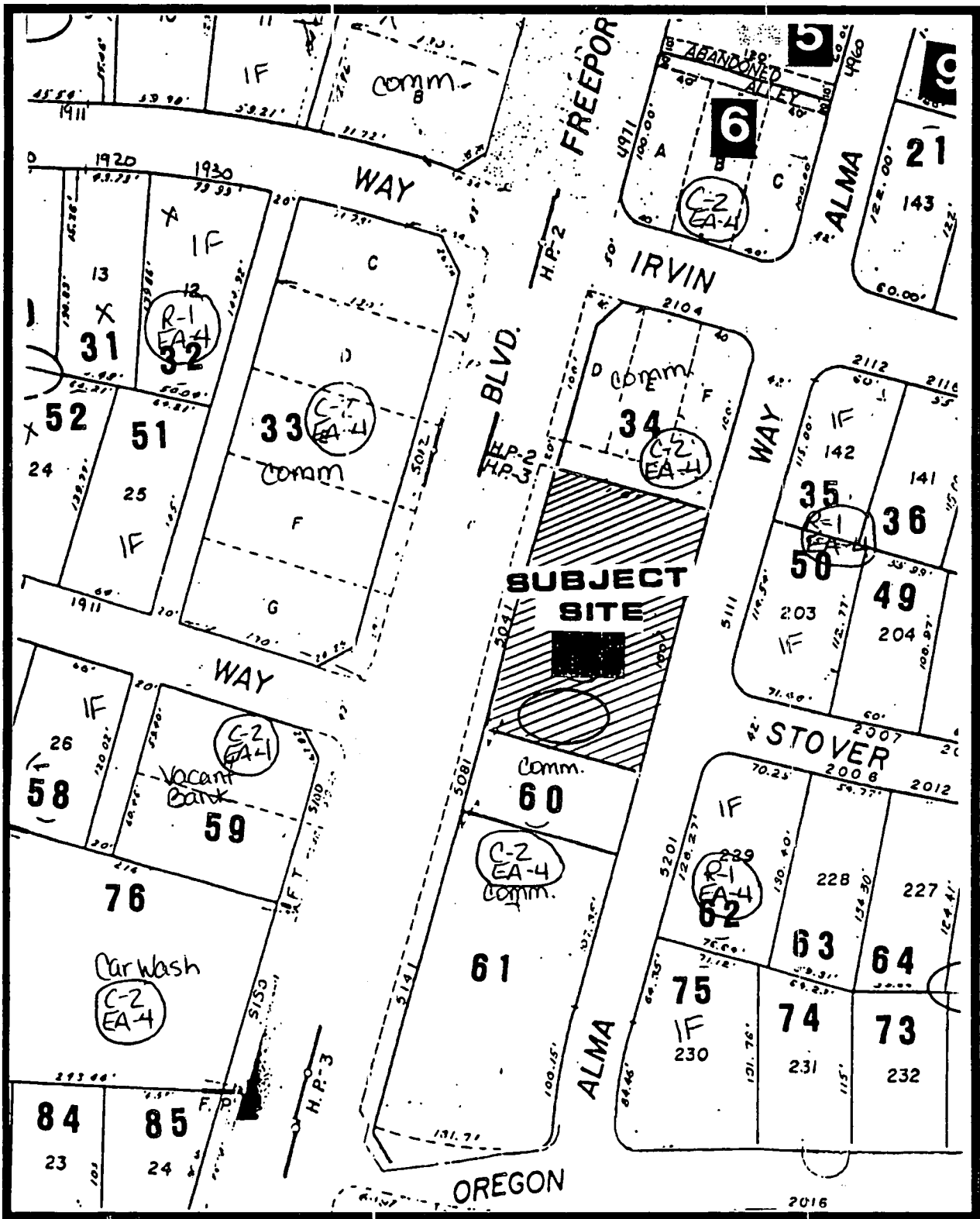
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ATTACHMENT B

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LAND USE AND ZONING MAP

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