

P99-079 - Discover California Gift Shop

- REQUEST:
- A. **Environmental Determination:** Exempt as per Section 15301(a).
 - B. **Special Permit** for off-site sales of beer and wine for a 2,198± square foot gift shop and a 200± square foot wine tasting room on 0.08± developed acres in the Central Business District Zone (C-3) in Old Sacramento.
 - C. **Request** to void Special Permits (P94-117 and Z96-089) allowing the off-site sales of beer and wine and the operation of a wine tasting room in a 2,400± square foot gift shop on 0.12± developed acres in the Central Business District (C-3) zone at 129 J Street. APN: 006-0012-028

LOCATION: 114 J Street, 129 J Street
APN: 006-0071-033 (Discovery California, relocated)
APN: 006-0012-028 (Former Discovery California)
Central City Community Plan
Council District #1

APPLICANT:	Vickie Van Tricht, Discover California, (916) 443-8275 129 J Street Sacramento, CA 95814
OWNER 114 J St.:	Richard Gosse 205 Mark Twain Avenue San Rafael, CA 94903
OWNER 129 J St.:	Sazerac Historic Bld. 1851 Heritage Lane, #128 Sacramento, CA 95815
APPLICATION FILED:	June 24, 1999
APPLICATION COMPLETED:	June 29, 1999
STAFF CONTACT:	Ted Kozak, Junior Planner, 264-1944



SUMMARY/ RECOMMENDATION:

The applicant requests entitlements to allow 200 square feet of a new 2,398 square foot gift shop to be devoted to wine tasting and to allow the sales of wine in gift packs for use off-site on 0.08± developed acres in Old Sacramento. In evaluating the project, the basic issue is the suitability of this use for the area in which the permit is being applied, and its potential to enhance the viability of retail in Old Sacramento relative to its potential to result in a public nuisance.

Staff recommends approval of the project, subject to conditions. This recommendation is based on the conclusion that if the special permit is properly conditioned, using the previous history of the business at 129 J Street as an example, the proposed use will provide a desirable amenity for Old Sacramento visitors without resulting in the negative effects sometimes associated with alcohol sales.

PROJECT INFORMATION:

General Plan Designation:	Community/ Neighborhood Commercial and Offices
Community Plan Designation:	Multi Use
Existing Land Use of Site:	Retail
Existing Zoning of Site:	Central Business District (C-3)

Surrounding Land Use and Zoning:

North: Retail;C-3
 South: Retail;C-3
 East: Retail;C-3
 West: Retail;C-3

Property Dimensions:	43' x 85'
Property Area:	0.08± gross acres 0.08± net acres
Square Footage of Building:	14,784 square feet
Height of Building:	45 feet, 3 stories
Exterior Building Materials:	brick
Roof Material:	rolled roofing
Hours of Operation:	9AM to 10PM
Parking Provided:	0 spaces
Parking Required:	0 spaces
Street Improvements:	Existing

Utilities: Existing

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>
Off-Sale Beer and Wine License (Type 20)	State Department of Alcoholic Beverage Control (ABC)
On-Sale Beer and Wine License (Type 42)	State Department of Alcoholic Beverage Control (ABC)

BACKGROUND INFORMATION:

On March 1, 1993, the applicant sought permission from the City of Sacramento to sell wine gift packages, for off-site consumption, at Discover California Gift Emporium, located at 129 J Street. In Investigation and Report (I&R) 93-015, the project was determined to be exempt from the special permit process and the applicant agreed to conditions to operating the business and concluded that the use proposed at the time could be exempted from special permit requirements.

On January 12, 1995, the applicant sought a Special Permit to operate a 500 square foot wine tasting area at 129 J Street, (known in the Zoning Ordinance as a "Bar") where wine tasting would exclusively occur. The Planning Commission approved entitlements allowing the wine tasting room if it was to be physically separate from the remaining operation.

On October 4, 1996, the applicant wished to amend Zoning Administrator approved a Modification to Special Permit (Z96-089) to extend the hours of operation from 7:00 pm. until 9:00 pm., sell beer/ wine smaller than 750ml in gift packs, and sell single bottles of beer/ wine larger than 750ml.

The applicant agreed to conditions to operating the business and has agreed to transfer all the previous conditions, except for minor modifications to suit the new square footage of the wine tasting area, from the location at 129 J Street to the new location at 114 J Street.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The City's Zoning Ordinance requires a Special Permit for the establishment of off-site beer and wine sales and the establishment of a "Bar" in the Central Business District (C-3) zone. The proposed wine tasting element is defined as a "Bar" under the City's Zoning Ordinance. The Special Permit requirement allows staff, the Planning Commission, and

the public and opportunity to review and establish conditions, on a project by project basis, to ensure that any project approved will not have a negative effect on the area surrounding the proposed use. Staff is of the opinion that the applicant has established a credible business history for the site of compliance and cooperation with required conditions and City Code Specifications. Further, subject to the conditions of the Special Permit requested by the Police Department on previous projects, (P94-117 and Z96-089) the proposed use will continue to provide an additional attraction for Old Sacramento visitors and will not result in a nuisance to the surrounding area. Also the voiding of the Special Permit at 129 J Street will result in a reduction in the wine tasting area. This view is shared by the Old Sacramento Management Board, as well as the Management of Old Sacramento, as expressed in a previous letter dated November 28, 1994 (Attachment 4), and in a fax dated July 8, 1999. (Attachment 5)

B. Previous Project Approval - Discovery California

On January 12, 1995, the Planning Commission approved a Special Permit (P94-117) to conduct wine tasting, which is considered a "Bar" under the City's Zoning Ordinance, on 0.12± developed acres in the Central Business District (C-3) zone. The project was located at 129 J Street. (APN: 006-0012-028)

On October 4, 1995, the Zoning Administrator approved a Modification to Special Permit (Z96-089) to extend the hours of operation from 7:00 pm. until 9:00 pm., sell beer/ wine smaller than 750ml in gift packs, and sell single bottles of beer/ wine larger than 750ml. The project was also located at 129 J Street.

The applicant has requested that these entitlements be voided in order to prevent a new wine tasting and off-site beer and wine sales business to be established at 129 J Street without prior City review. Staff supports voiding these entitlements.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (Section 15301(a)). No review is required since the project is limited to interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.

B. Public/Neighborhood/Business Association Comments

The project application was routed to the Old Sacramento Management Board for review. In a fax dated July 8, 1999, Ed Astone, Town Manager of Old Sacramento, reported that the Old Sacramento Management Staff and Old Sacramento Management Board

indicated its approval of the transfer of both the off-site sales and wine tasting at its regular meeting on July 8, 1999. A motion was passed in support of the request of the applicant's wish to relocate their liquor licenses from their existing location at 129 J Street to 114 J Street.

C. Summary of Agency Comments

The project has been reviewed by the City Police Department. The following summarizes the comments received:

1. Police Department

Staff phoned Police on July 14, 1999 to determine whether they intended to comment on the project. Police indicated that they have had no problems with the operation at 129 J Street, as previously conditioned, and have no new comments on this project.

No other agencies have provided comments.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve with conditions or deny the Special Permit. 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 take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to Section 15301(a);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the Special Permit for off-site sales of beer and wine for a 2,198± square foot gift shop and a 200± square foot wine tasting room on 0.08± developed acres in the Central Business District Zone (C-3) in Old Sacramento.
- C. Adopt the attached Notice of Decision voiding the Special Permit (P94-117 and Z96-089) permitting the off-site sales of beer and wine and the operation of a wine tasting room in a 2,400± square foot gift shop on 0.12± developed acres in the Central Business District (C-3) zone at 129 J Street. APN: 006-0012-028

Report Prepared By,

Report Reviewed By,

Ted Kozak, Planner

Steve Peterson, Senior Planner

Attachments

- | | |
|--------------|---------------------------------------|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Exhibit 1A | Site and Floor Plan |
| Attachment 2 | Vicinity Map |
| Attachment 3 | Land Use & Zoning Map |
| Attachment 4 | Letter from Old Sacramento Management |
| Attachment 5 | Fax from Old Sacramento Management |

file

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
Discover California Gift Shop, LOCATED AT 114 J Street SACRAMENTO, CALIFORNIA
IN THE CENTRAL BUSINESS DISTRICT (C-3) ZONE. (P99-079)**

At the regular meeting of August 12, 1999, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination: Exempt as per Section 15301(a);**
- B. Approved the Special Permit for off-site sales of beer and wine for a 2,198± square foot gift shop and a 200± square foot wine tasting room on 0.08± developed acres in the Central Business District Zone (C-3) in Old Sacramento.**
- C. Request to void Special Permits (P94-117 and Z96-089) allowing the off-site sales of beer and wine and the operation of a wine tasting room in a 2,400± square foot gift shop on 0.12± developed acres in the Central Business District (C-3) zone at 129 J Street.**

These actions were made based upon the following findings of fact and subject to the following conditions:

FINDINGS OF FACT

- A. Categorical Exemption: The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section # 15301(a) of the CEQA Guidelines. No review is required since the project is limited to interior alterations involving such things as interior partitions, plumbing, and electrical conveyances.
- B. Special Permit to allow the sale of beer and wine for off-premise consumption: The Special Permit to allow the sale of beer and wine for off-premise consumption is subject to the following findings of fact:
 - 1. The project is based upon sound principles of land use in that:
 - a. the proposed use will not adversely affect the peace and general welfare of the surrounding commercial district;
 - b. the proposed use will not result in an undue concentration of establishments

dispensing alcoholic beverages, since the establishment is the only licensed beer and wine off-site sales provider in the area; and

- c. the proposed use has limited potential to create the development of a crime problem in the area.
2. The project will be not detrimental to the public welfare or result in the creation of a public nuisance in that the project has been conditioned to avoid the potential negative effects of on-sale and off-sale liquor sales.
3. The project is consistent with the General and Community Plan Quality of Life Policies and commercial revitalization policies to enhance and maintain the quality of life, in that the sale of beer and wine at this location does not have the potential to create loitering and additional crime in the area.

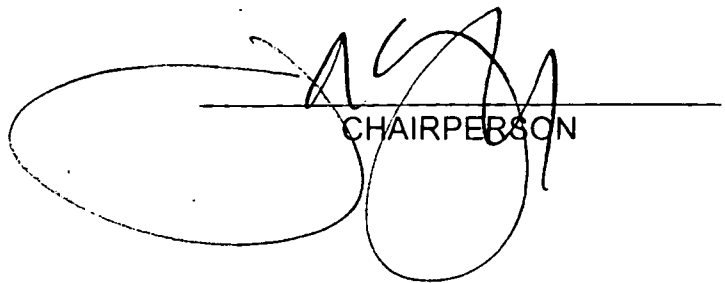
CONDITIONS OF APPROVAL

- B. The Special Permit is hereby approved subject to the following conditions:
- B1. No single bottles of beer/ wine shall be available for walk-in sales, except when sold in gift packages or to bonafide patrons of the wine tasting concern, unless the single bottles are no smaller than 750ml except for wine coolers in original factory packaged four packs and containers sold in gift packages.
 - B2. No more than 10% of the shelf space shall be used to display beer/ wine;
 - B3. The square footage of the business covered under the off-sale beer and wine license shall not exceed 2,198 square feet.
 - B4. Hours of operation are to be concurrent with the hours of the retail store: the hours of this business shall be limited to the hours of 9:00 am. to 10:00 pm., seven days a week, Monday through Sunday;
 - B5. If there is to be a change in the way the off-sale operation is run, the applicant must come back for further review;
 - B6. At no time is this business to be run as a mini-market;
 - B7. There shall be no live entertainment, amplified music or dancing permitted on the premises at any time;
 - B9. There shall be no coin or token operated amusement devises, such as video games, maintained upon the premises at any time;



- B10. A separate sales register and sales log is to be maintained for the wine tasting activities;
- B11. No sales of beer or wine for off-site consumption area are to be conducted in the 200 square foot area for the type 42 license (wine tasting area);
- B12. No on-site consumption of alcoholic beverages is to be conducted in the 2,198 square foot area specified for the type 20 license (off-sale area);
- B13. The subject alcoholic beverage license shall not be exchanged for a public premises type license (which allows the sale of Distilled Spirits);
- B14. Premises in which wine tasting is to be conducted should be clearly marked "No one under the age of 21 years of age allowed.";
- B15. Licensee shall post and maintain on the premises and in the parking lot used in conjunction therewith notices clearly visible to the patrons of the licensee and parking lot and to persons on the public sidewalk stating, in block lettering, the following:

UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. C.P.C 647E(A); S.C.C.26.24(c).



CHAIRPERSON

ATTEST:

Jose Mendez
 SECRETARY TO CITY PLANNING COMMISSION
08/12/99
 DATE (P99-079)

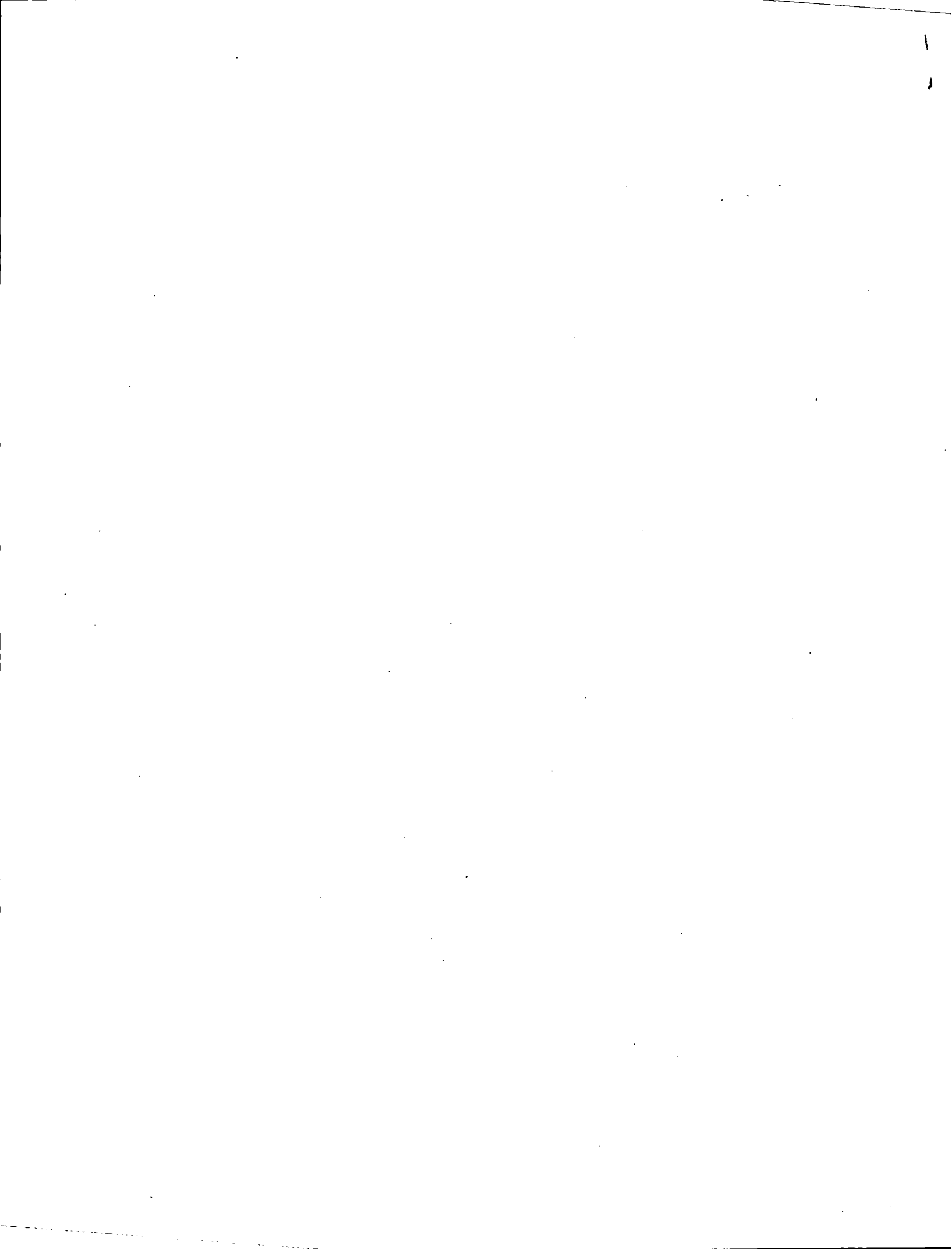
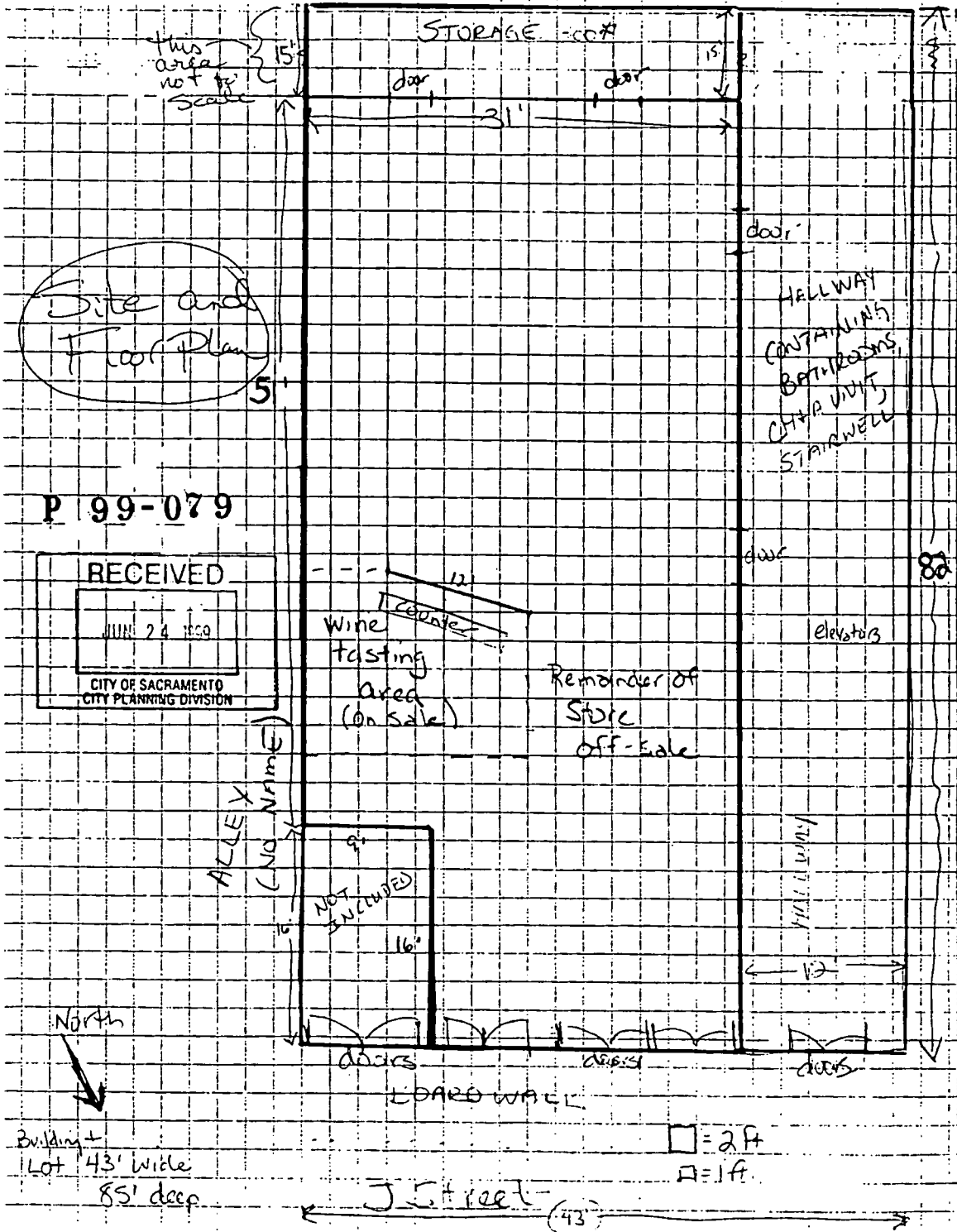


Exhibit 1A



P 99-079

RECEIVED
 JUN 24 1999
 CITY OF SACRAMENTO
 CITY PLANNING DIVISION

ALLEY (NO NAME)

Wine Tasting Area (on site)

Remainder of Store off-site

HALLWAY CONTAINING BATHROOMS, CHAIR LIFT, STAIRWELL

ELEVATOR

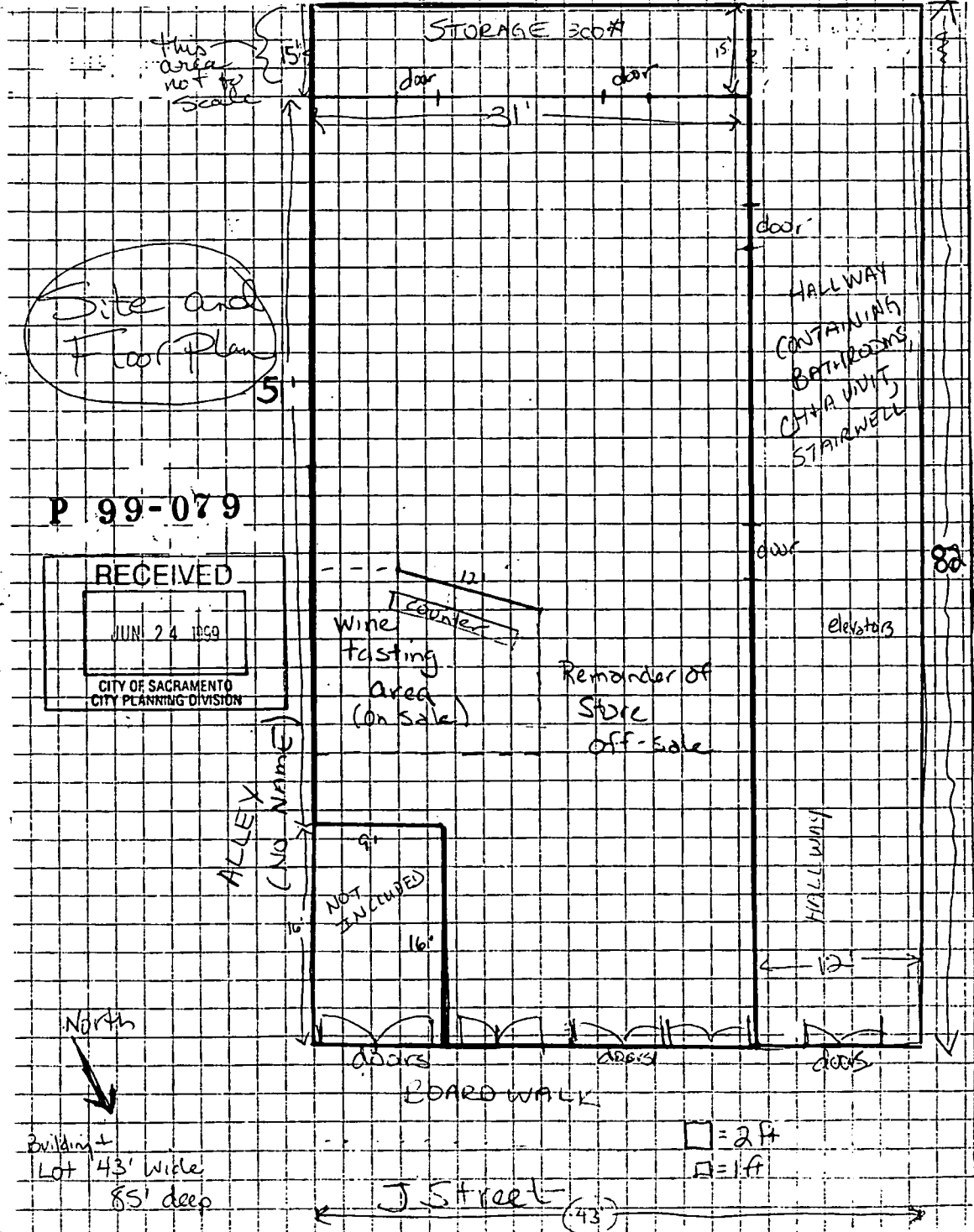
BOARD WALK

Building Lot 43' wide 85' deep

□ = 2 ft
○ = 1 ft

J Street (43')

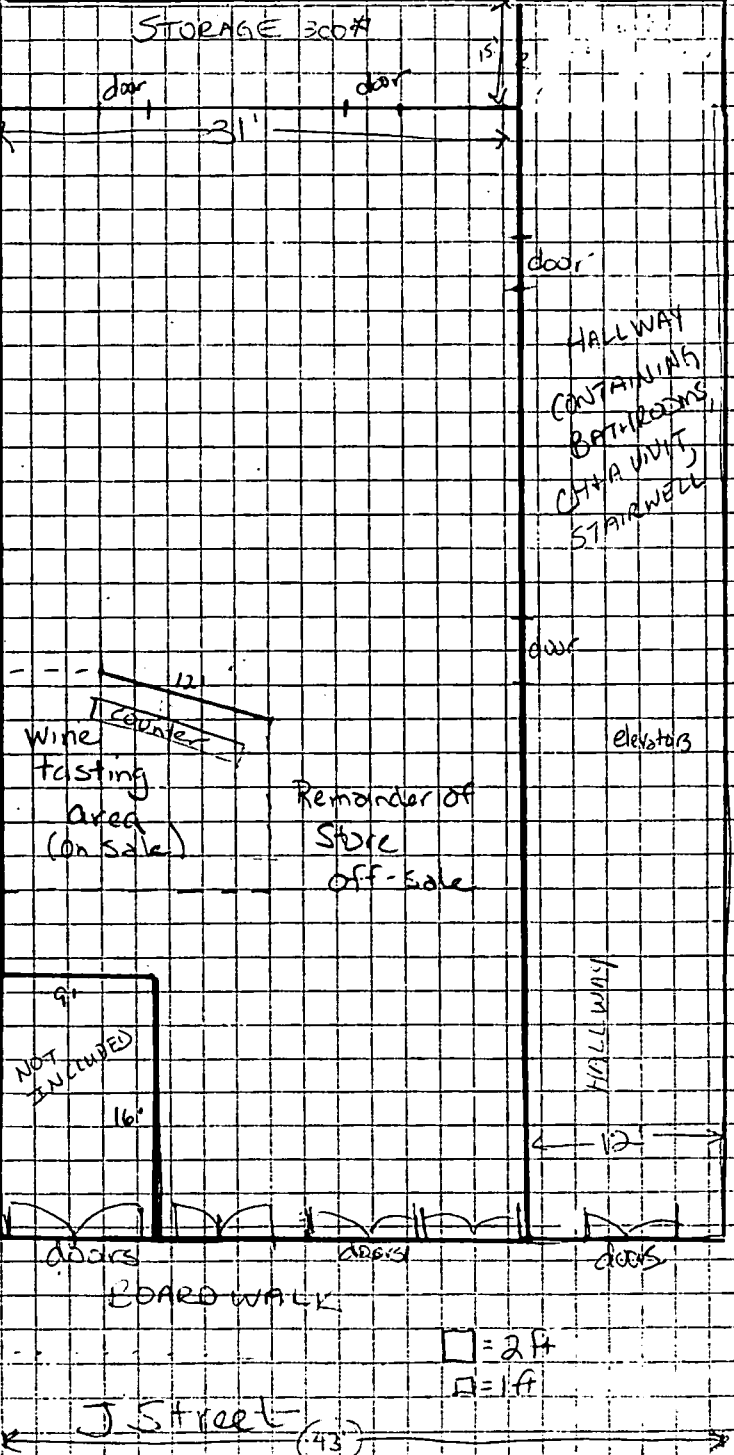
Site Plan and Floor Plan
P99-079



P 99-079

RECEIVED
JUN 24 1999
CITY OF SACRAMENTO
CITY PLANNING DIVISION

ALLEY
(NO NAME)

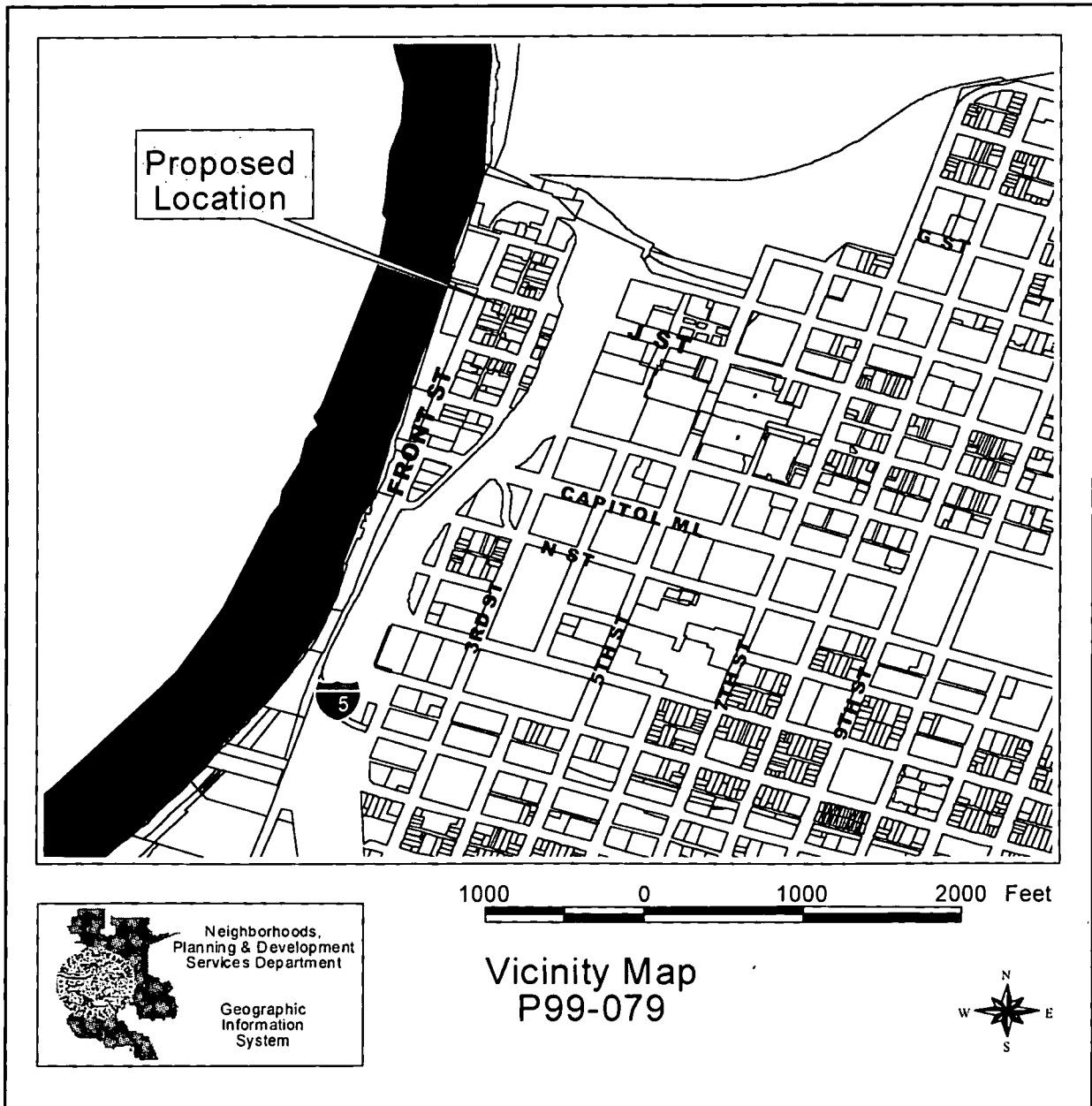


North

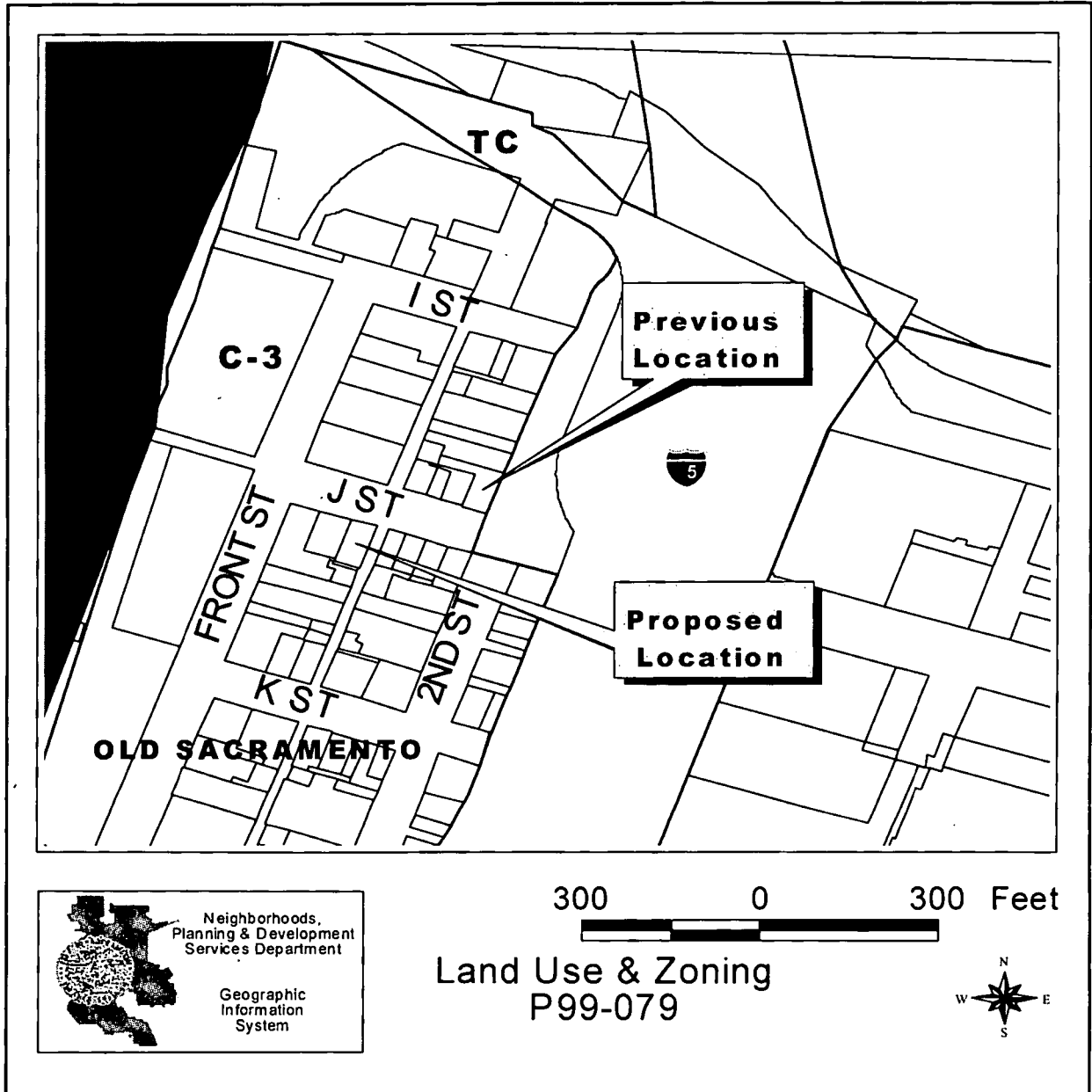
Building +
Lot 43' wide
85' deep

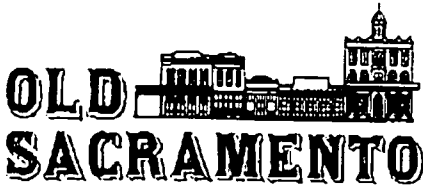
□ = 2 ft
▣ = 1 ft

Site Plan and Floor Plan
P99-079







**Management**

1111 Second Street, Suite 300
Old Sacramento, CA 95814
(916) 264-7031

November 28, 1994

Dawn Holm
Associate Planner
1231 I Street, STE 300
Sacramento, CA 95814

Subject: Wine Tasting at Discover California, 129 J Street

Dear Ms. Holm:

At its regular October monthly meeting, the Board of Directors of the Old Sacramento Citizens & Merchants Association approved the issuance of a permit for the wine tasting activity as part of the Discover California business at the address listed above.

This action was reported to the Old Sacramento Management Board at its regular monthly meeting on November 10th and the action of OSCMA was supported by OSMB.

Additionally, the management of Old Sacramento recommends the issuance of the permit.

Please call if you have any questions.

Sincerely,

Ed Astone
Town Manager

To: Public Works - Entitlements (Box) Utilities (Box)
 Public Works - Solid Waste (Van Dorst, 3142) Public Works - Special Districts (Box)
 Public Works - Electrical (Matsuo, 3132) Art Gee, Citywide Team
 Gary Stonehouse, Planning Director Landscape (Spease, 4727)
 Police Department (Sherri Reitter/Julie Cummings, 2123) Tree Services (Dan Pskowski, 4590)
 Neighborhood Services (Fernandez) Design Review Staff (Sanchez)
 Planning Liaison (Mohlenbrok, 4721 / Mendoza, 4741) Fire Dept. (Hoeger, 2522)
 Senior Planner (Steve Peterson) Council Person (Fargo - D1 0100)
 Building Inspections (Nakashima)
Other Departments/Agencies: ZA - Sandra Yope, Dennis Kellogg
From Neighborhood Groups: [REDACTED] Southside Park Neighborhood Association

To
FROM: Planning Project Manager: Ted Kozak, 264-1944, Fax:264-5328
 Assessor's Parcel Number: 006-0071-033
 Location: 114 J Street
 Project Name: Discover California Gift Shop
 Applicant's Name: Vickie Van Tricht Phone No.: (916) 443-8275
 TRC Time & Loc.: July 15, 1999 Respond By: July 12, 1999

PROJECT DESCRIPTION: (PROVIDE PROJECT DETAILS HERE)

Entitlement to operate a 3,655± square foot first floor "Bar" (wine tasting) on 0.08± developed acres in the Central Business District Zone - Special Planning District (C-3) Environmental Determination: Exempt; Special Permit to operate a 3,655 square foot first floor "Bar" (wine tasting) on 0.08± developed acres in the Central Business District Zone - Special Planning District (C-3) in Old Sacramento.

COMMENTS: Both Old Soc Management Staff and Old Soc Mgt. Board approve of the transfer of both off-sole & wine tasting by Discover California at 114 J St. OSMB Action at regular monthly meeting on 7/8/99. (See Attached summary of action)

Reviewed By: Ed Costner Phone: 8209 Date: 7/8/99

	Attachment 5
C. Sacramento Hotel Association	Temple
D. Old Sacramento State Historic Park	Taylor
E. Old Sacramento Citizens & Merchants Association	Spitz
F. Old Sacramento Property Owners Council	Fat
G. Downtown Sacramento Partnership	Ault
H. Sacramento Convention & Visitors Bureau	Hammond
I. Discovery Museum	Higgenbotham

VII. Other Business

Adjournment: 10:00 a.m.

SUMMARY OF ACTIONS AT JULY 8, 1999 OSMB MEETING

1. A motion was passed having the OSM staff notify all businesses in the OSHD that are adjacent to any street proposed to be closed for a special event or activity of the plans that will result in traffic changes prior to the item being presented to the Special Event Committee. The notice will also give the time and date of the Special Event Committee. This is the first step in the process of event/activity consideration. The item then is presented to the Old Sacramento Citizens & Merchants Association and then on to the OS Management Board meeting for the final consideration of support or rejection.
2. A motion was passed in support of the request of Discover California to relocate their existing liquor licenses (wine sales and wine tasting) from their existing location, where they have been operating wine sales and wine tasting for the past four years to 114 J Street.
3. The City's Off Street Parking Manager, Mark Miller and Richard Ching presented the new parking rates as an informational item, which will be in effect August 1, 1999. There was some discussion.