

CITY PLANNING COMMISSION

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

APPLICANT	Churk Lap Mak, 1225 I Street, Sacramento, California 95814				
OWNER	Churk Lap Mak, 1225 I Street, Sacramento, CA 95814				
PLANS BY	Churk Lap Mak, 1225 I Street, Sacramento, CA 95814				
FILING DATE	3/29/88	ENVIR. DET.	15303 c	REPORT BY	PW:vf
ASSESSOR'S-PCL. NO.	027-0071-006				

APPLICATION: Special Permit to allow the sale of beer and wine for off-site consumption at a proposed Chinese take-out restaurant in the General Commercial (C-2) zone.

LOCATION: 7724 Fruitridge Road

PROPOSAL: The applicant is requesting the necessary entitlements to sell beer and wine for off-site consumption at a proposed take-out restaurant.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Office
1986 South Sacramento Community Plan Designation:	General Commercial
Existing Zoning of Site:	C-2
Existing Land Use of Site:	Vacant Building

Surrounding Land Use and Zoning:

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

Parking Required:	16 spaces
Parking Provided:	17 spaces
Property Dimensions:	120' x 166'
Property Area:	.45± acres
Square Footage of Building:	2,400 sq. ft. total 1,200 sq. ft. for take-out restaurant
Height of Building:	13 ft.
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Exterior Building Materials:	Block
Roof Material:	Asphalt
Exterior Building Colors:	White/Gray
Hours of Operation:	10:00 a.m. to 7:00 p.m.

BACKGROUND INFORMATION: On February 25, 1988, the Planning Commission approved a lot line adjustment that included the subject site (P88-069). The lot line adjustment merged three individual lots into one for the purpose of reopening and expanding a restaurant. The merger allowed the applicant to meet parking, landscaping and other building regulations. The applicant now is applying for a special permit to allow the sale of beer and wine for off-site consumption at a reopened take-out restaurant.

APPLC. NO. P88-156 **MEETING DATE** ~~May 26, 1988~~ 6-9-88 **ITEM NO.** ~~14~~ 9

STAFF EVALUATION: Staff has made the following evaluation:

A. Land Use and Zoning

The subject site consists of a .45+ acre partially developed lot in the General Commercial (C-2) zone. The site is developed with an existing 2,240 sq. ft. grocery store and a vacant 2,400 sq. ft. building. Both the General Plan and the 1986 South Sacramento Community Plan designate the site for commercial uses. Surrounding land uses include residential to the north and south zoned R-1, and Commercial, zoned C-2 to the east and west. A grocery store that currently sells beer and wine is located adjacent to the proposed project.

B. Applicant's Proposal

The applicant is proposing to sell beer and wine for off-site consumption in a Chinese take-out restaurant. The building is currently being rehabilitated to re-open the restaurant in one half of the building and a laundry in the other half. Included in the restaurant reopening are full site improvements such as parking and landscaping. With the lot merger that was previously approved, the site also includes an existing neighborhood grocery store that sells beer and wine. The proposed take-out restaurant will have no seats; all food is to go.

C. Required Findings

Under Ordinance 87-077, the Planning Commission is required to make the following findings in order to approve a special permit to sell alcoholic beverages for off-site consumption.

1. The proposed use will not adversely effect the peace or general welfare of the surrounding neighborhood.
2. The proposed use will not enlarge or encourage the development of a skid row or blighted area.
3. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

The area in which the subject site is located currently has several establishments offering beer and wine for sale. A grocery store selling beer and wine is directly adjacent to the proposed project. On the same block is a Fast Shop convenience market that also sells beer and wine. To the east down Fruitridge Road approximately 1,000 feet

away are two bars and a liquor store. The immediate area does not have any restaurants. Staff has no objection to the proposal in that restaurants that sell beer and wine do not have the same impact as liquor stores or bars or markets.

D. Agency Review

The proposed project was reviewed by the City's Traffic Engineering, Engineering, Building Inspection and Police Department. The following comments were received:

1. Police Department

The area surrounding this address (7724 Fruitridge) has had several police problems in the past. There are three liquor outlets within two blocks of this address and we have had some disturbance calls and complaints of drug dealing in the apartment house complex two blocks away. In order to minimize the problems that would occur with the off sale license, we recommend the following conditions be imposed if an off-sale license is given:

- a. the sale of alcohol must be contingent upon the sale of food;
- b. alcohol should not be sold in quantities of less than one six pack of beer, a 750 ml. bottle of wine or manufacturer's four-pack of wine coolers;
- c. no sales after 7:00 p.m.; and
- d. proper posting on the exterior of the building of "No Loitering" and prohibition of open containers on the premises.

Staff has received a petition signed by adjacent neighbors on 79th Street indicating opposition to the special permit request. A copy of the petition is attached.

F. Conclusion

Both Planning staff and the Police Department have indicated that the area surrounding the subject site is concentrated with alcohol dispensing establishments. However, the subject site is a bonafide restaurant serving food. A restaurant should expect considerably different patrons than those using the nearby markets or bars. Based on this fact, and with specific conditions attached, staff recommends approval of the special permit.

ENVIRONMENTAL DETERMINATION: The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA, Section 15303 (c)).

RECOMMENDATION: Staff recommends the Commission approve the special permit with conditions and based upon findings of fact which follow:

Conditions

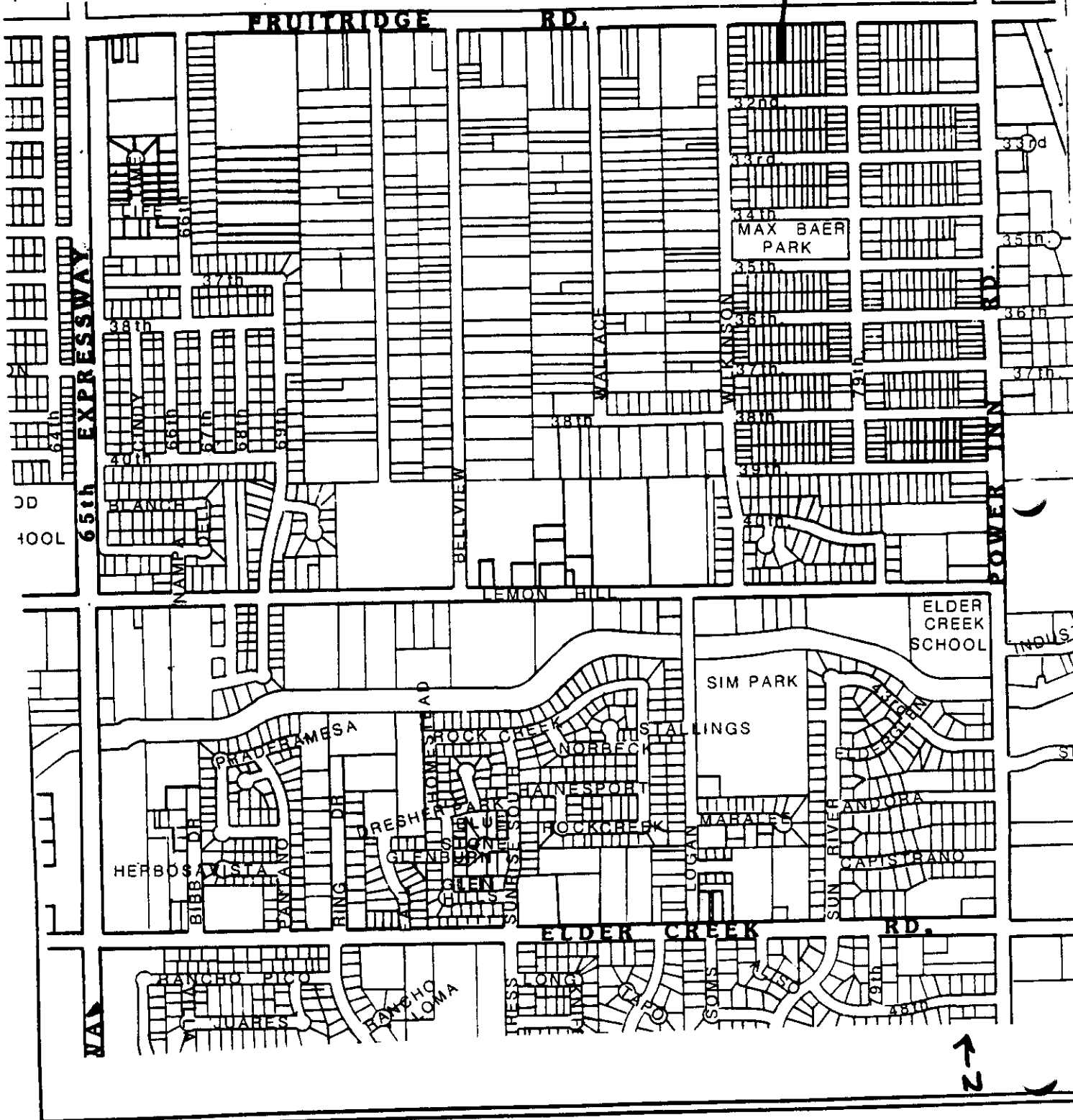
1. The sale of alcohol shall be contingent upon the sale of food.
2. The sale of alcohol shall be limited to the hours of 10:00 a.m. to 7:00 p.m., seven days per week.
3. Alcohol shall not be sold in quantities of less than one six-pack of beer, a 750 ml. bottle of wine or manufacturer's four-pack of wine coolers.
4. The applicant shall post "No Loitering" on the exterior of the building.
5. The applicant shall enforce the prohibition of open containers on the premises.
6. All signage shall be in conformance with the City's Sign Ordinance.

Findings of Fact

1. The proposed use, as conditioned will not adversely affect the peace or general welfare of the surrounding neighborhood in that:
 - a. the sale of alcohol will be limited to 10:00 a.m. to 7:00 p.m.
 - b. adequate on-site parking has been provided.
2. The proposed use, as conditioned, will not enlarge or encourage the development of a skid row or blighted area in that the establishment proposing to sell beer and wine is a restaurant in an existing building that is being rehabilitated.
3. The proposed use, as conditioned, will not be contrary to or adversely affect any program of redevelopment or neighborhood conservancy because the project site is not located with a designated redevelopment area.

4. The proposed project is consistent with the 1986 South Sacramento Community Plan in that the plan designates the site for general commercial uses and a restaurant proposing to sell beer and wine with a special permit conforms with the plan designation.

SUBJECT SITE

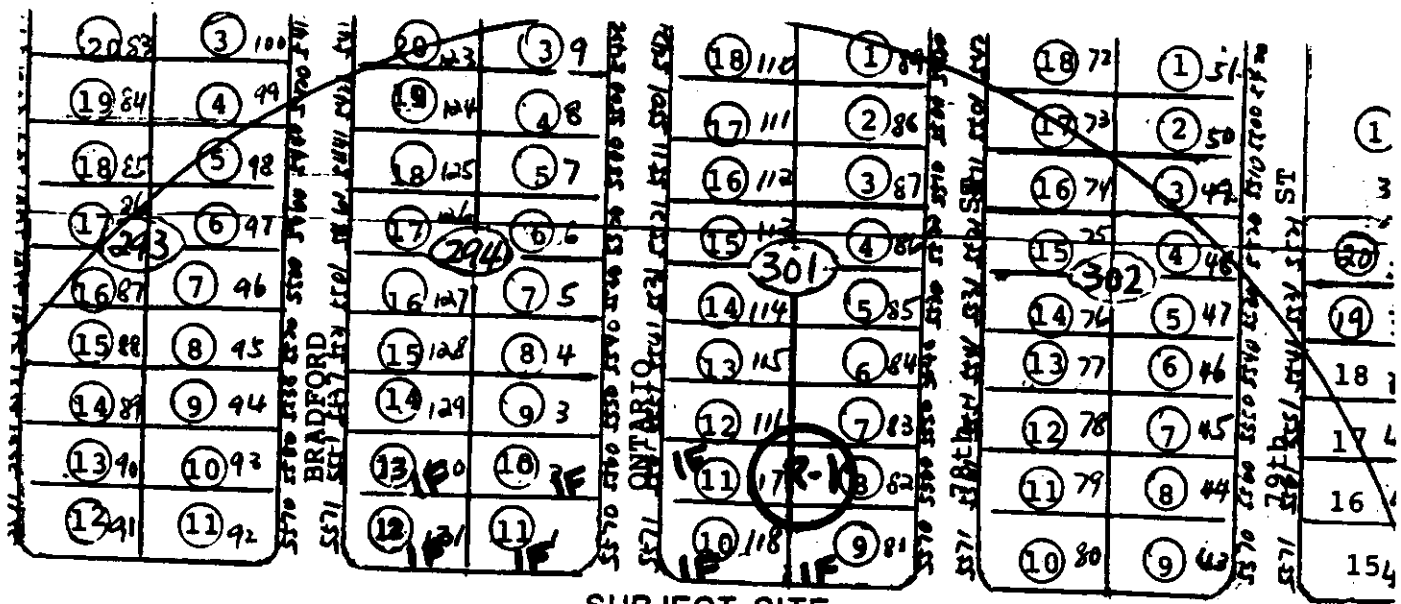


VICINITY MAP

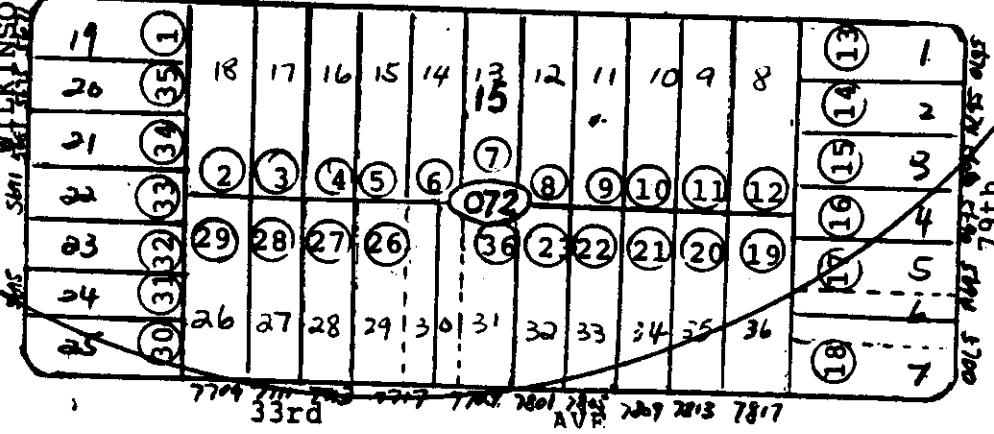
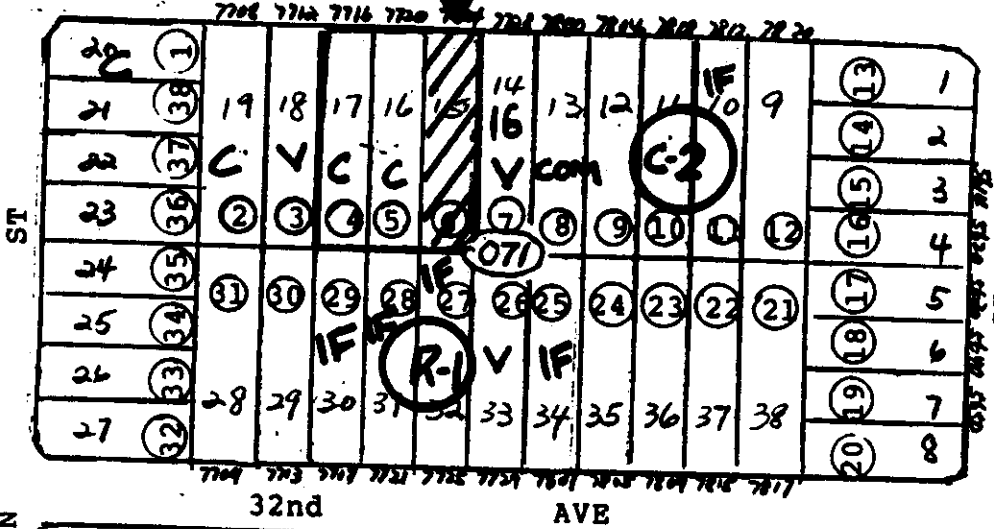
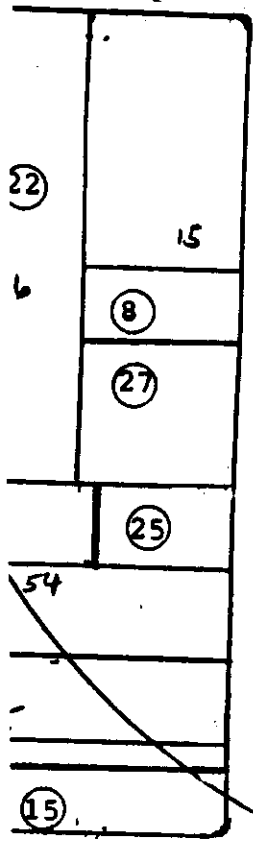
P88-156

5/2/88-6-9-88

ITEM 14



FRUITRIDGE ROAD



C - COMMERCIAL
IF - single Family



LAND USE & ZONING MAP

P88-156

5/2/88 6-9-88

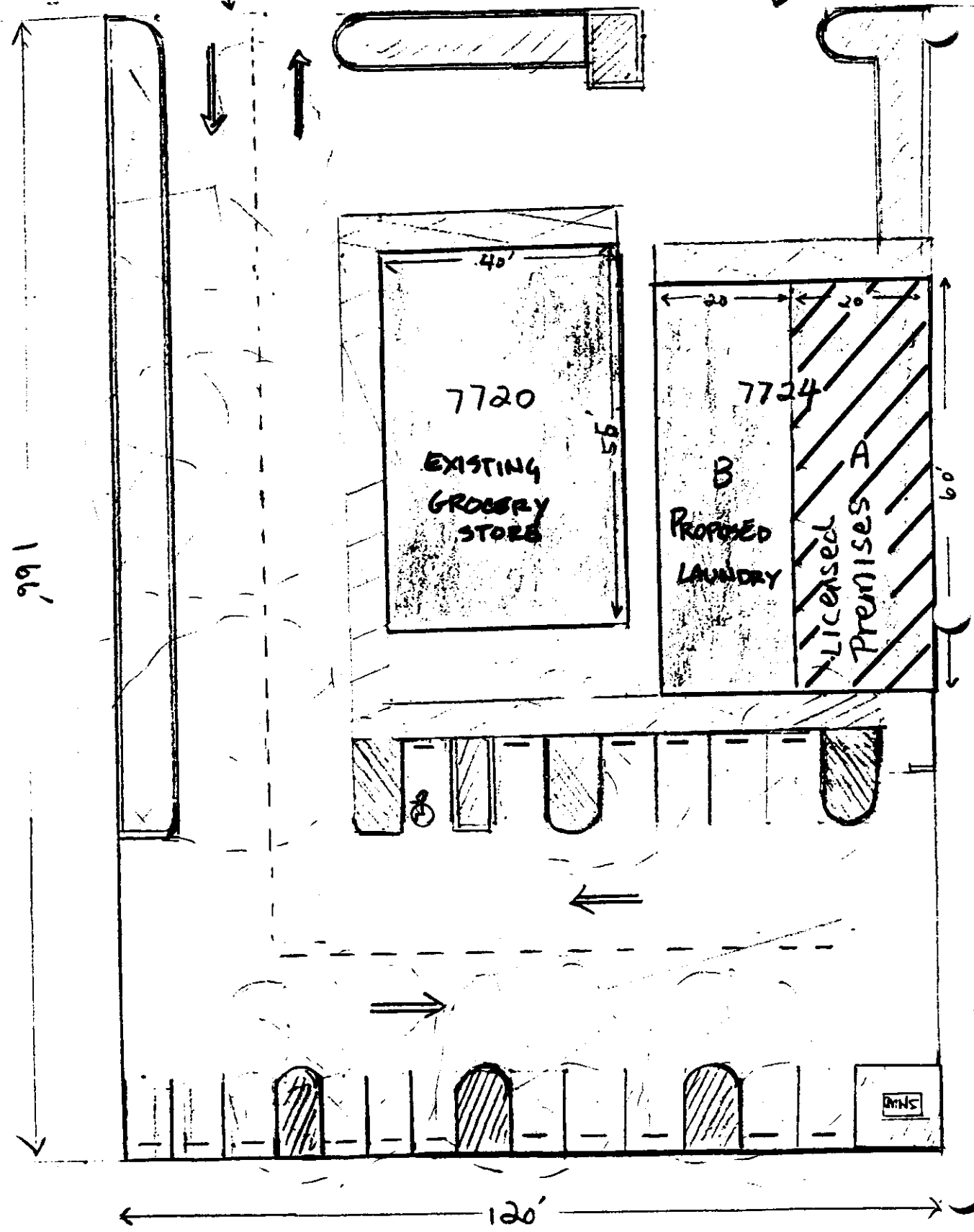
ITEM 149

SITE PLAN

Fruitridge Road

Entrance

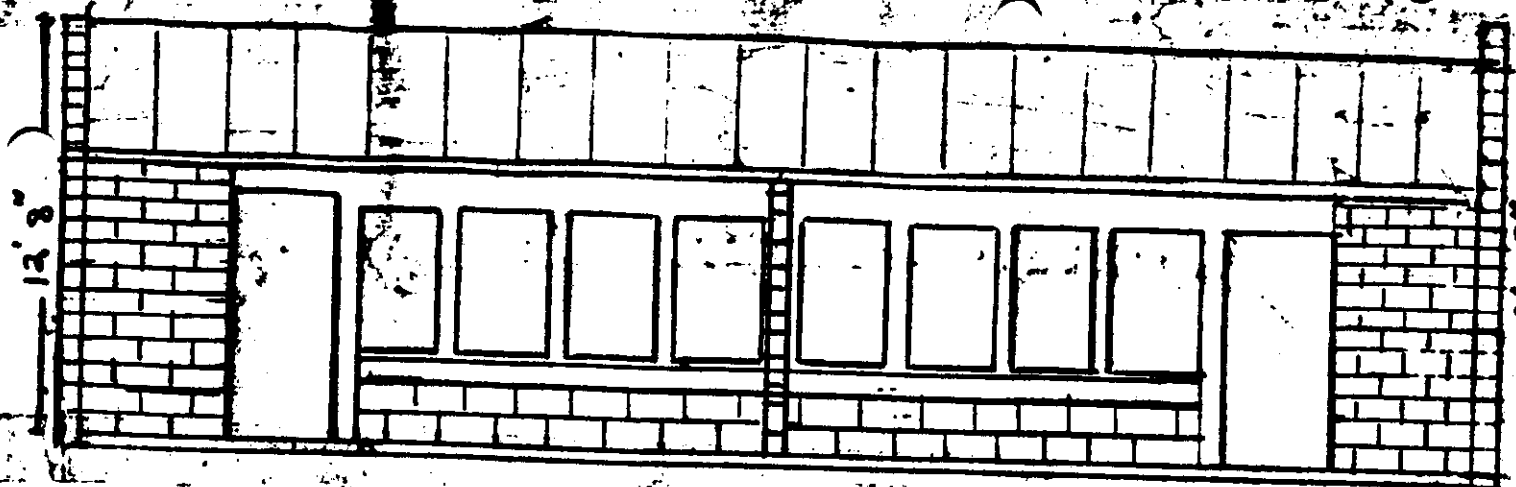
Entrance



7716, 7720, 7724 Fruitridge Road.
P88-156
5/2/88
6-9-88

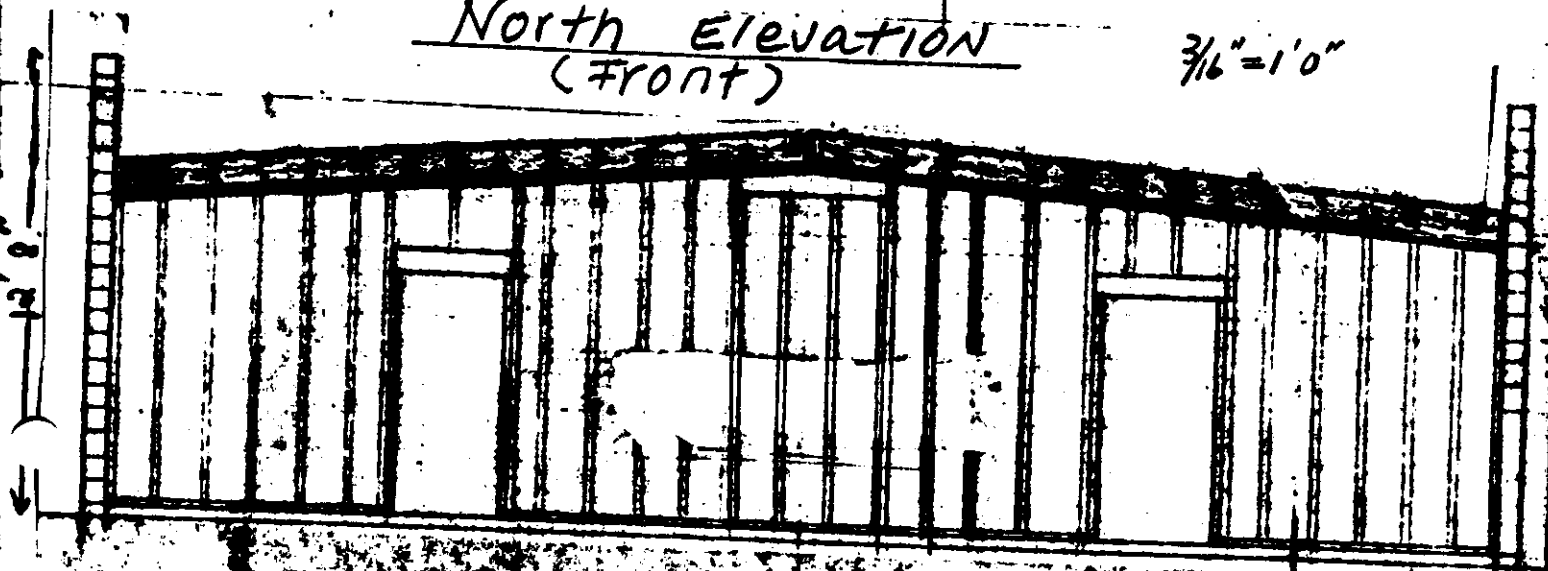
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Item #49

ELEVATIONS



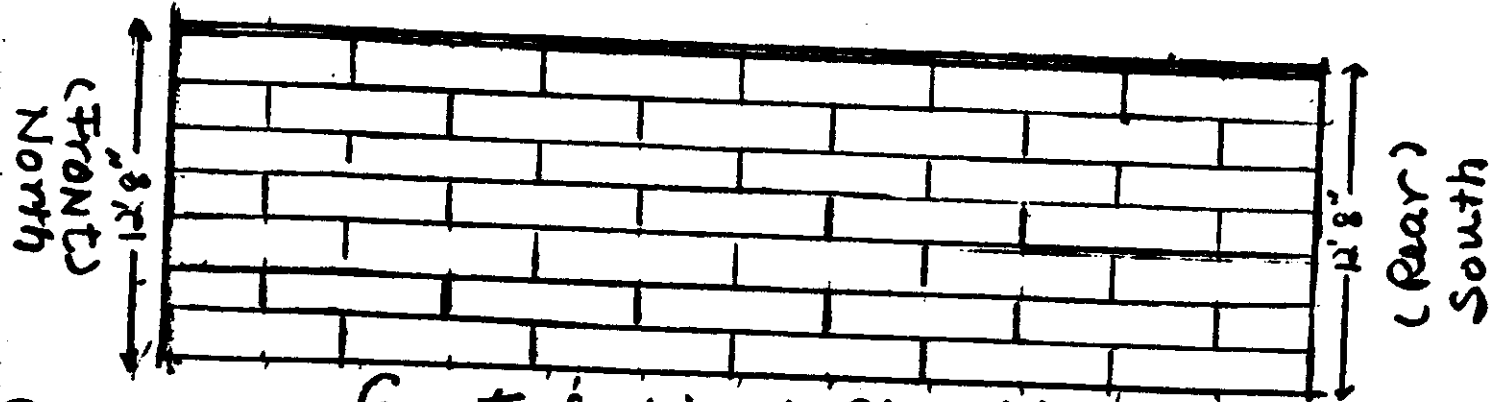
North Elevation
(Front)

$\frac{3}{16}'' = 1'0''$



South Elevation
(Rear)

$\frac{3}{16}'' = 1'0''$



East & West Elevation
Both Sides

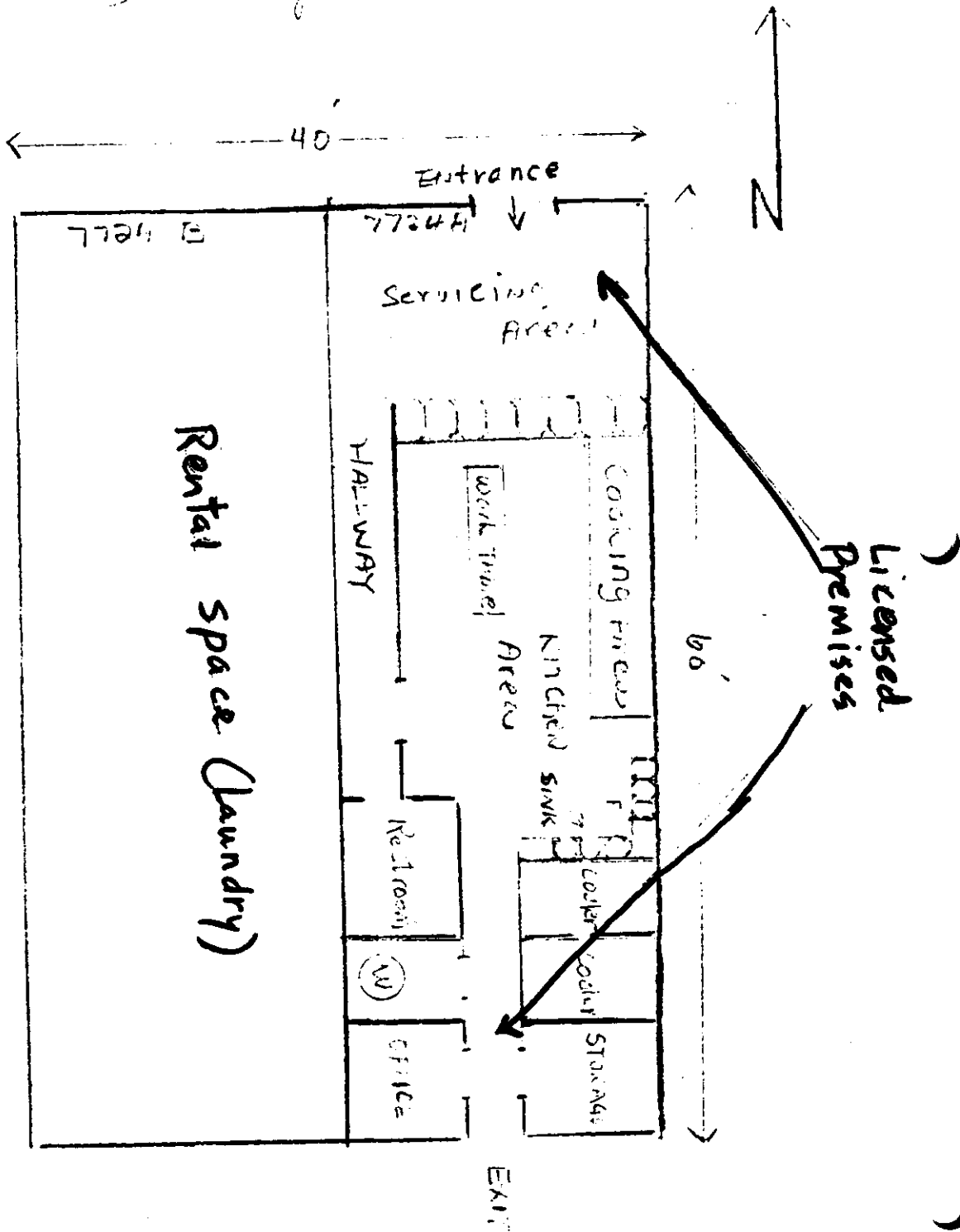
$1'' = 10'0''$

C. Continuation of 7724 Fruitridge Road. P88-156
5/10/88 6-9-88

item # 9
P88-156

FLOOR PLAN

Jonestown Road



P88-156

5/26/88 6-9-88

Item #149

P88-156



CITY OF SACRAMENTO

CITY OF SACRAMENTO
CITY PLANNING DIVISION

MAY 06 1988

RECEIVED

DEPARTMENT OF POLICE

HALL OF JUSTICE
813 6TH STREET

SACRAMENTO, CALIFORNIA 95814
TELEPHONE (916) 449-5121

JOHN P. KEARNS
CHIEF OF POLICE

MEMORANDUM

May 5, 1988

REF: 5-3

TO: WILL WEITMAN, SENIOR PLANNER
CITY PLANNING DIVISION

FROM: JERRY V. FINNEY, ASSISTANT CHIEF
SACRAMENTO POLICE DEPARTMENT

SUBJECT: SPECIAL OFF SALE ALCOHOL PERMIT FOR
7724 FRUITRIDGE ROAD (P-88-156)

The area surrounding this address has had several police problems in the past. There are three liquor outlets within two blocks of this address, and we have had some disturbance calls and complaints of drug dealing in the apartment house complex two blocks away. In order to minimize the problems that would occur with the off sale license, we recommend the following conditions be imposed if an off sale license is given:

1. The sale of alcohol must be contingent upon the sale of food.
2. Alcohol should not be sold in quantities of less than 1 six-pack of beer, a 750 ml. bottle of wine or manufacturer's four-pack of wine coolers.
3. No sales after 7:00 P.M.
4. Proper posting on the exterior of the building of "No Loitering" and prohibition of open containers on the premises.

Please call me if you have any questions.

Jerry V. Finney
JERRY V. FINNEY
ASSISTANT CHIEF OF POLICE

JVF:jt

P88-156

26
5-88-6-988

Item # 9
14

MAY 12 1988

RECEIVED

Re: P88-156

MOTION AGAINST SPECIAL ALCHOL SALES
PERMIT P88-156 7024 FRUITRIDGE RD.

We, the property owners in the prescribed legal boundary of 7024
Fruitridge rd. file joint motion the city planning commission
and / or the city counsel deny the request for a special permit
P88-156 to sell alchol beverages of any sort at said property.

Petition for denial is basod on the fact there is already too
many establishments authorized to sell alchol beverages for on
and off site consumption.

- Name Henry Hayes Address 5571-79th Street
- Name Keith P. Becker Address 5560-79th St
- Name Gerry Becker Address 5560-79th Street
- Name James Terian Address 5550-79th St.
- Name Margaret Powell Address 5570-79th ST.
- Name Heather Mintz Address 5530-79th St.
- Name Joseph [unclear] Address 5531 79th St.
- Name [unclear] Address 5530 79th St. Sacramento
- name [unclear] Address 5561 79th St. Co
- Name Kathleen Flint Address 5540-79th Street

P88-156

5-26-88 64-88

Item #14

MOTION AGAINST SPECIAL ALCHOL SALES PERMIT P88-156 7024 FRUITRIDGE RD.

We, the property owners in the prescribed legal boundary of 7024 Fruitridge rd. file joint motion the city planning commission and / or the city counsel deny the request for a special permit P88-156 to sell alchol beverages of any sort at said property.

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Name <u>Cathy D. Jyerd</u>	Address <u>5510 79th Sacramento</u>
Name <u>Aliza P. Vega</u>	Address <u>5510 79th Street</u>
Name <u>Scott Jernel</u>	Address <u>5510 79th Street</u>
Name <u>Santa Vega</u>	Address <u>5510 79th Street, Secto</u>
Name <u>Edna Herrick</u>	Address <u>5500 79th St</u>
Name <u>M. Peon</u>	Address <u>5414- 79th St</u>
Name <u>Walter I</u>	Address <u>5370 79th St</u>
Name <u>Loanne Peterson</u>	Address <u>5350-79th St. Secto</u>
name <u>Charles Manson</u>	Address <u>5371-79th St. Secto</u>
Name <u>Mrs S. Wackett</u>	Address <u>5330-79th St at City</u>

P88-156

5-26-88 6-9-88

Item #14⁹

MOTION AGAINST SPECIAL ALCHOL SALES PERMIT P88-156 7024 FRUITRIDGE RD.

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Name KENNETH L. PETERSEN Address 5350 79th St. SAC.

Name Garron P. Guzman Address 5231 78th St. Sacramento.

Name RONALD W. MAYBERRY Address 5371-78th ST.

Name Barbara J. Maspery Address 5371-78th Street

Name Metru Tanquetti Address 5531 78th Street

Name Thai, Thi Address 5540-78th Street