

P94-008 - Prior Circle K - Alcohol Sales Permit

- REQUEST:
- A. **Special Permit** to allow the sale of alcohol (beer and wine) for off-site consumption in 2,832 sq. ft. of the 4,832 sq. ft. building located at 8321 Folsom Blvd. on .4± developed acres in the General Commercial (C-2) zone.
 - B. **Special Permit** to operate a convenience store within 500 feet of a residential zone after 11:00 p.m.

LOCATION: South of Highway 50, on the northwest corner of Folsom Blvd. and Notre Dame Dr.
APN: #079-0181-010
East Sacramento Community Plan Area
Sacramento Unified School District
Council District 6

APPLICANT:	Norris, Beggs & Simpson, (Michael DiGrazia) (916) 567-6818 1400 River Park Dr. #200 Sacramento, CA 95815
OWNER:	Larry Wasserman 2960 Van Ness Ave. #B., San Francisco, CA 94109
PLANS BY :	N/A
APPLICATION FILED:	1/31/94
STAFF CONTACT:	Colleen Carollo, 264-5691

SUMMARY/RECOMMENDATION:

01223

The applicant is proposing the location of a 2,832 square foot convenience market within the existing 4,832 square foot building at 8321 Folsom Boulevard. This convenience market would sell beer and wine for off-site consumption. The proposed 2,832 square foot site is currently vacant. Until 1992, this location was the site of a Circle K convenience store which also sold beer and wine. Because the prior business has been closed for more than a year, the proposed project requires a Special Permit to sell alcohol for off-site consumption. Because the proposed convenience market is located within 500 feet of residentially zoned property and the hours of operation extend beyond 11:00 p.m. (proposed hours of operation 6:00 a.m. to 12:00 midnight), a Special Permit is also

required for the location of the convenience market.

In evaluating the project, the basic issues are crime problems related to convenience markets and the overconcentration of alcohol selling operations. **Staff recommends approval of the project.** This recommendation is made based upon principles of planning and upon the conditions of approval, suggested by the Department of Planning and Development and the Police Department, which have been placed upon the project to alleviate the concerns of crime.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Community Plan Designation:	N/A
Existing Land Use of Site:	Existing 4,832 s.f. Building
Existing Zoning of Site:	General Commercial (C-2)

Surrounding Land Use and Zoning:

North: Multi-Family Residential; R-3
 South: Vacant and Developed Industrial; M-2S
 East: General Commercial Strip, Gas Station; C-2
 West: General Commercial, Car Wash; C-2

Setbacks:	Required	Provided
Front:	5'	5' +
Side(east):	5'	7' +
Side(west):	0'	5' +
Rear:	15'	16'

Property Dimensions:	138' x 150'
Property Area:	.47± gross acres
Square Footage of Building:	4,832 square feet
Square Footage of Unit:	2,832 square feet
Height of Building:	one story
Exterior Building Materials:	Stucco
Roof Material:	Tar & gravel
Parking Provided:	18 spaces
Parking Required:	10 spaces
Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing
Hours of Operation:	6:00 a.m. to 12:00 midnight

01230

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/Approval</u>	<u>Agency</u>
Building Permit (if required)	Building Division
Sign Permit (if required)	Building Division
Off Sale Beer & Wine License	Alcohol Beverage Control Board
Site/Soil Remediation Compliance	County of Sacramento Environmental Management Department (SCEMD)

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The project site is located within the East Sacramento Community Plan Area. 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 following General Plan policy.

"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.

- 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." (City of Sacramento General Plan, Sec. 1-30)

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

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1. Setbacks/Parking/Site Access

The proposed convenience store is to be located within an existing strip commercial structure. There are no proposed building additions, therefore setbacks are not being changed. Based upon its square footage, the market requires 6 parking spaces. Since no square footage is being added, no additional parking spaces are required. The site currently contains two

access driveways on Folsom Boulevard and one access driveway on Notre Dame Drive. Due to the proximity of the easternmost access driveway on Folsom Boulevard to the signalized intersection of Notre Dame Drive and Folsom Boulevard, the Transportation Division is requiring that this driveway be closed. This will result in one driveway on Folsom Boulevard and one driveway on Notre Dame Drive. The applicant disagrees with this condition.

2. Convenience Market Alcohol Sales

The proposed sale of alcohol for off-site consumption requires a Special Permit. The subject site was previously a Circle K convenience market. Residential neighborhoods are located to the north of the project site. Due to the nature of the crime problems associated with alcohol sales, it is necessary to place conditions on the market which help ensure that the effects this business has on the neighborhoods are minimal. These conditions have been formulated by the Police Department. The specific project conditions are summarized below in Agency Comments and listed specifically in the conditions of the Special Permit Resolution. Staff recommends approval of the Special Permit to sell beer and wine.

In addition to the proposed project, there are approximately three other markets that sell alcohol for off-site consumption along Folsom Boulevard between Power Inn Road and Watt Avenue. These markets include Raley's, the Shell Service Station/Market (corner of Power Inn Road and Folsom Blvd.), and the In-and-Out Market at 8655 Folsom Blvd. There are also several restaurant/bar/lounge locations which sell alcohol for on-site consumption. These include the Perkins Station Billiards Bar, the Roma Pizza Restaurant, the Brooks Ranch Lounge, and the Lyons Restaurant.

Although the applicant has not indicated a particular convenience market tenant, the current project proposes convenience market hours of operation from 6:00 a.m. to 12:00 midnight. The subject site is located within 500 feet of residentially zoned property. Because the project is located within 500 feet of residential property and requests hours of operation later than 11:00 p.m., a Special Permit is required. Conditions have been provided by the Police Department to ensure that the effects of hours of operation beyond 11:00 p.m. do not create undue disturbance to the surrounding neighborhoods. Staff recommends approval of the Special Permit for operation of the convenience market for the proposed hours of 6:00 a.m. to 12:00 midnight.

3. Signage

Because the applicant does not have a particular convenience market

01232

tenant at this time, the applicant is not proposing any changes to the existing signage. However, as a condition of approval of the Special Permits, any new and existing signage for the convenience market must be designed to conform with the requirements of the City Sign Ordinance.

C. Building Design

The existing building was constructed in 1978 and consists of a wood frame and stucco. This application does not propose any modifications to the exterior of the existing building.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Section 15301.

The project site is currently in the Sacramento County Hazardous Materials Division's Local Oversight Program for the oversight of the gasoline contaminated soils found during removal of the underground storage tanks. Remedial efforts, to date, have included partial delineation of the extent of contamination by soil borings, removal of contaminated soils by excavation, and on-site aeration of contaminated soils. Currently, the site has an open excavation and stockpiled soil. Future work at the site will probably include additional aeration of the stockpiled soil, backfilling of the excavation, and additional excavation near the south property line. Barring unforeseen delays, the County of Sacramento Environmental Management Department would expect this work to proceed over the next six to nine months (County of Sacramento Environmental Management Department, Anita Benedict, Hazardous Materials Division, 3/3/94).

In compliance with Title 23, Subchapter 16 of the California Administrative Code (CAC) (governing procedures and standards for underground storage tanks) and with Chapter 16 of the Sacramento City Code (adopting by reference Title 23, Subchapter 16), the applicant is working with the County of Sacramento (agency with regulatory jurisdiction for installation and removal of underground storage tanks) to ensure that the removal and remediation process for the prior underground storage tank previously located on the proposed project site is completed as required by the standards and specifications set forth in Title 23 CAC, and Chapter 6.75 of the California Health and Safety Code (Division 20). Therefore, a less-than-significant human health impact will result.

B. Public/Neighborhood/Business Association Comments

01233

The project was routed to the College Glen Neighborhood Association, the South

Sacramento Chamber of Commerce, and the Sacramento County Alliance of Neighborhoods. As of the date of this report, comments have been received from the College Glen Neighborhood Association indicating no opposition to the proposed project (Attachment D - Letter).

C. Summary of Agency Comments

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

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

The Transportation Division had comments relating to site access. Due to the proximity of the site in relation to the signalized intersection of Folsom Blvd. & Notre Dame Drive, the Transportation Division is requiring that the easternmost driveway on Folsom Boulevard be eliminated. This would result in one driveway on Folsom Boulevard and one driveway on Notre Dame Drive. The specific condition requested by the Transportation Division is included as a condition of approval in the Special Permit Resolution.

2. Police Department

The Police Department has minimal objections to the applicant's request, provided that several conditions are met. These conditions include minimum lighting levels, visibility of the convenience market, signs prohibiting loitering, and other security measures. The Police Department also requests that the sale of beer be in quantities of not less than a six-pack, that wine be sold in containers of at least 750 ml, and that wine coolers not be sold in less than four-packs. 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 project entitlements. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

RECOMMENDATION:

01234

Staff recommends the Planning Commission take the following action:

A. Adopt the attached Resolution approving the Special Permit to allow the sale of

alcohol (beer and wine) for off-site consumption in 2,832 square feet of the 4,832 square foot building located at 8321 Folsom Boulevard, on .4± developed acres, in the General Commercial (C-2) zone.

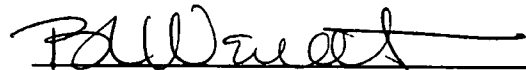
- B. Adopt the attached Resolution approving the Special Permit to operate a convenience store within 500 feet of a residential zone after 11:00 p.m.

Report Prepared By,

Report Reviewed By,



Colleen Carollo
Planner



Barbara Wendt
Senior Planner

Attachments

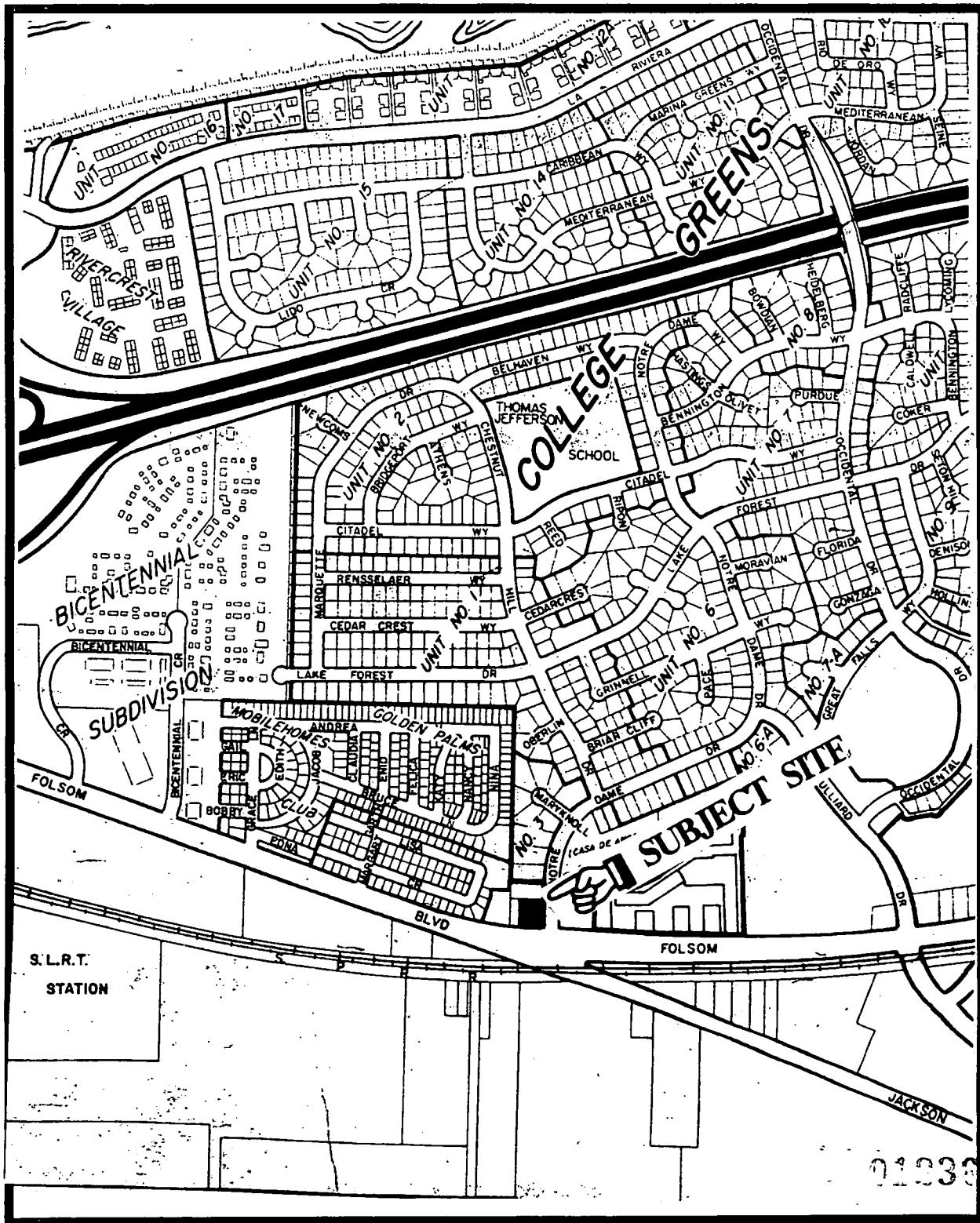
Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Adopting Special Permits
Exhibit C-1	Site Plan
Exhibit C-2	Floor Plan
Attachment D	Letter from College Glen Neighborhood Association

ATTACHMENT A

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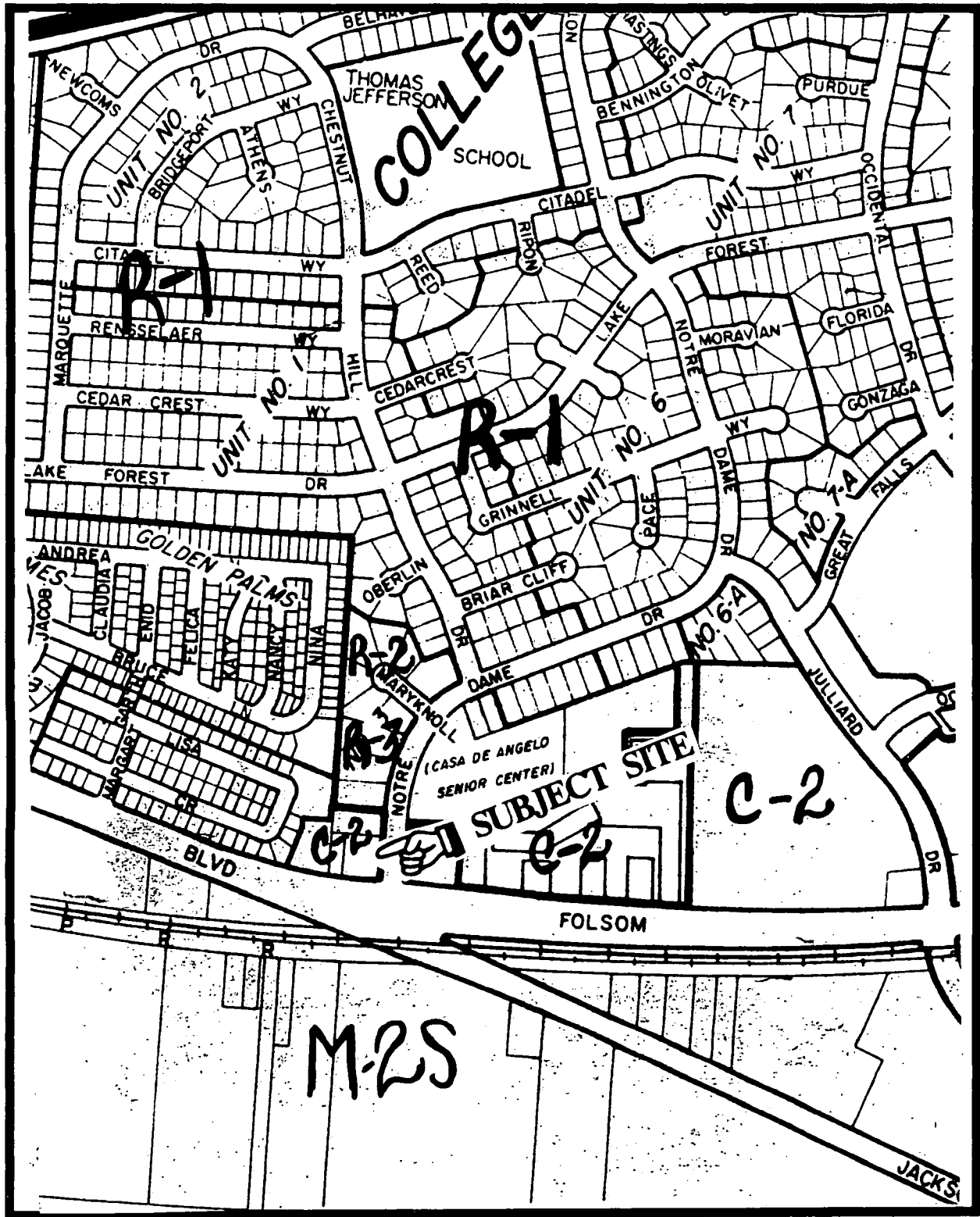
VICINITY MAP

ATTACHMENT B

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ATTACHMENT C
*Amended by Staff 4/13/94***RESOLUTION NO.**

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF APRIL 14, 1994

A RESOLUTION ADOPTING FINDINGS OF FACT
AND APPROVING SPECIAL PERMITS FOR
PROPERTY LOCATED AT 8321 FOLSOM BLVD.**(P94-008)** (APN:079-0181-010)

WHEREAS, the City Planning Commission on April 14, 1994, held a public hearing on the request for approval of a special permit to allow the sale of alcohol (beer and wine) for off-site consumption and a special permit for operation of a convenience store within 500 feet of a residential zone after 11:00 p.m. for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Section 15301;

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 permits to: a) allow the sale of alcohol (beer and wine) for off-site consumption in 2,832 square feet of the 4,832 square foot building located at 8321 Folsom Blvd. on .4± developed acres in the General Commercial (C-2) zone; and b) to operate a convenience store within 500 feet of a residential zone after 11:00 p.m.

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 building.
2. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that the proposed site on Folsom Boulevard is in an existing commercial building.

3. The proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages for off-site consumption in that there are approximately three other markets that sell alcohol for off-site consumption along Folsom Boulevard between Power Inn Road and Watt Avenue.
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 as Community/Neighborhood Commercial & Offices.

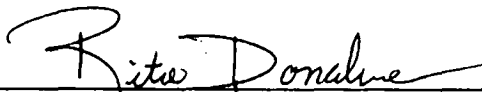
NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

1. The special permit for the sale of alcohol for off-site consumption and the special permit for operation of a convenience store within 500 feet of a residential zone after 11:00 p.m. are 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, close 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. 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 licenses and parking lot and to persons on the public sidewalk stating, in block lettering, the following:
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. The applicant shall provide bicycle security racks at the front of the business.
- f. No public pay-telephone facility shall be allowed.
- g. 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 spots.
 - 3) Cold boxes 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.
 - 5) The facility shall be equipped with remote locking devices to enable public entry doorways to be locked from the cashier station.
- h. The applicant shall be responsible for the removal of all litter generated by the business in the area adjacent to the building.
- i. All illegal activities observed on or around the business shall be promptly reported to the Police Department.
- j. Alcoholic beverages may not be sold between the hours of 10:00 p.m. and 6:00 a.m. on Sunday through Thursday and between the hours of 11:00 p.m. and 6:00 a.m. on Friday and Saturday.
- k. Sales of beer shall be in quantities of not less than a six pack.
- l. Sales of wine shall be in containers of at least 750 ml.
- m. Wine coolers shall not be sold in quantities of less than factory packs of four.

- ~~n. Distilled spirits shall be sold in containers of at least 200 ml. (Deleted by Staff 4/13/94)~~
- o. Signs listing conditions j through n shall be conspicuously posted inside the store.
- p. The existing driveway on Folsom Boulevard, closest to Notre Dame Drive, shall be closed.
- q. Any signage associated with the proposed convenience market must conform to the City's Sign Ordinance.

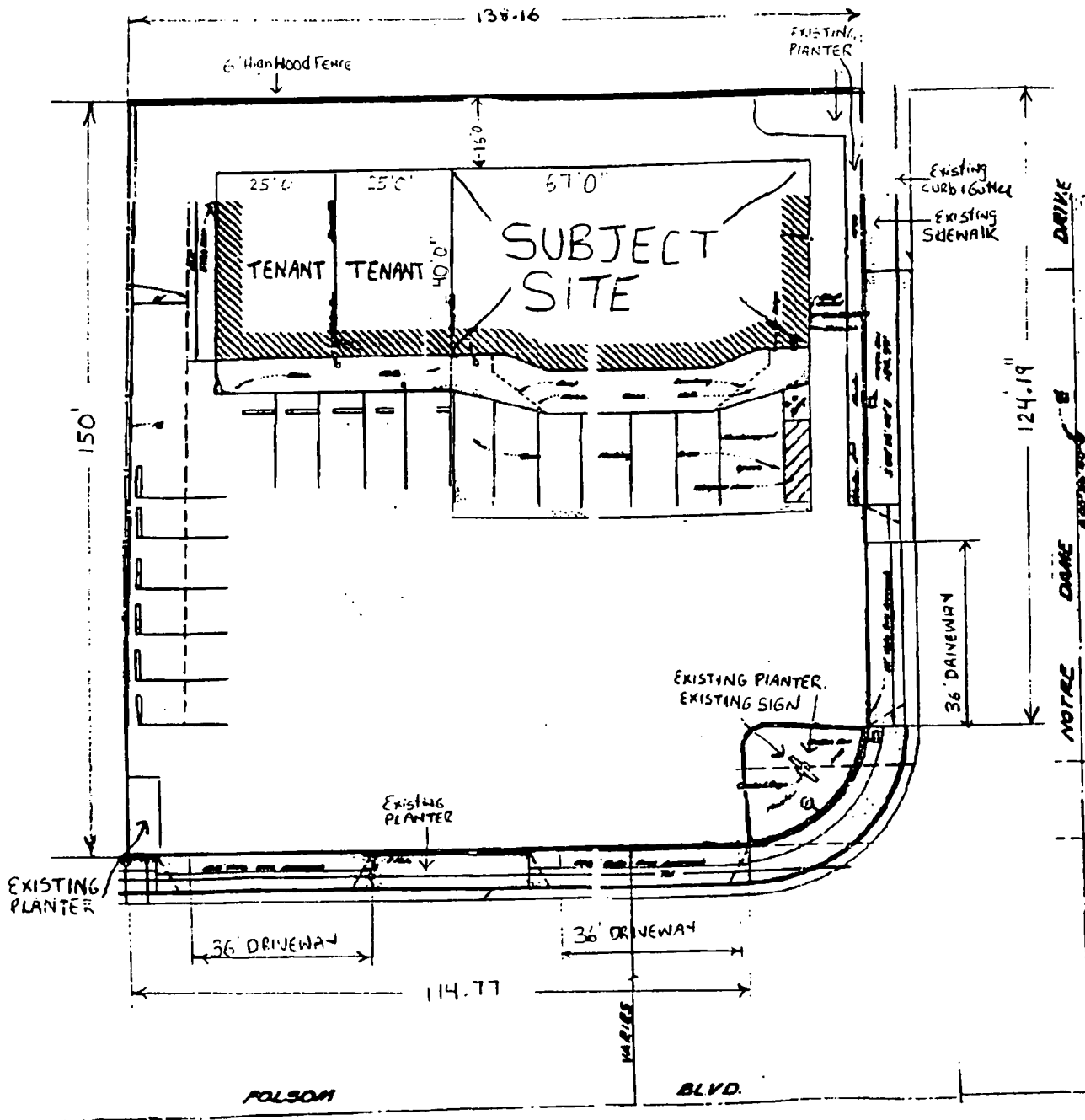


CHAIRPERSON

ATTEST:

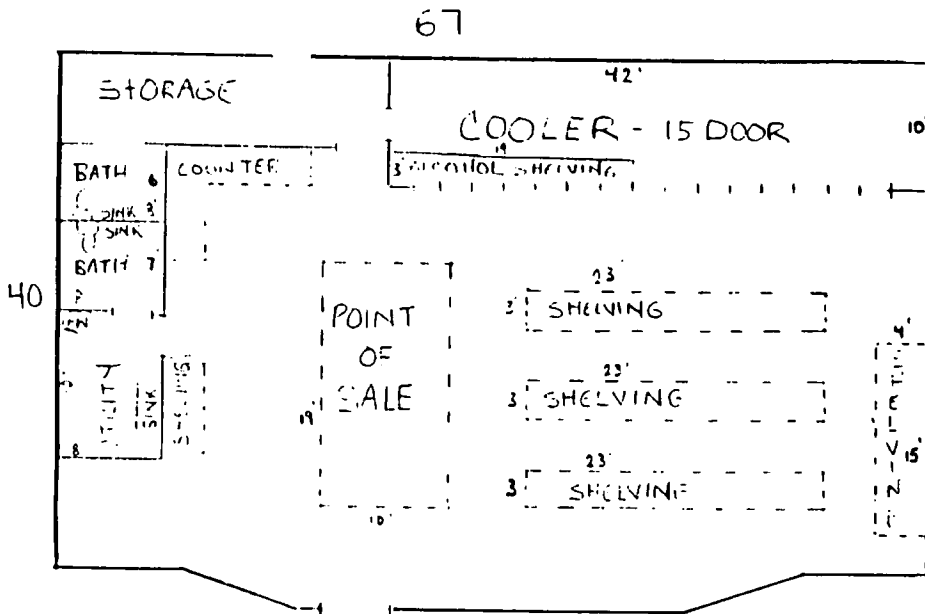
SECRETARY TO PLANNING COMMISSION

P94-008



SITE PLAN





PROPOSED
ALCOHOL SHELVING
7 DOORS OF COOLER.
7 DOORS @ 37 1/2 ft ea = 262.5ft



CONVENIENCE STORE
FLOOR PLAN

FRONT

April 14, 1994

ATTACHMENT D

THE GALBREATH COMPANY 3-31-94 8:20AM THE GALBREATH CO. -

916 449 1221;# 2

*From: Dick Walker
2820 Honeyuckle Way
Sacramento, California 95826
(916) 389-8877*

3 March, 1994

To: Dianne Guzman
Director of Planning & Development
1231 I Street
Sacramento, Ca 95814-2978

Dear Dianne:

The reason I am writing to you personally is three-fold.

The first is that under the Early Project Notification Program, which is working very well for us, is that we have no problem with the proposed project P 94 008 on Folsom Blvd. One member did suggest, however, that it would be better to not have an outside phone booth in the area so as to preclude making possible future drug drops.

Being a member of the Sacramento Metro Chamber of Commerce, I asked Mr. Michael Di Grazia how he found the permit process. His response prompted me to have him identify a fee problem he encountered. His memo is enclosed.

Finally, you did an outstanding job in that very complex problem of consolidation and coordination of functions relative to entitlement and permit processing and long range planning activities. Thanks!

Sincerely,



Dick Walker
President

College/Glen Neighborhood Assoc.