

LEG BODY
~~CITY PLANNING COMMISSION~~
SACRAMENTO, CALIFORNIA
MEMBERS IN SESSION:

RPT #
~~ITEM #~~
DATE ← ~~September 11, 1997~~
PAGE 1

~~P97-001~~ NATOMAS GARDEN RETAIL CENTER GAS STATION

- REQUEST:
- A. Negative Declaration, *→ FILE NAME*
 - B. Mitigation Monitoring Plan;
 - C. Schematic Plan Amendment to re-orient the building footprint;
 - D. Schematic Plan Amendment to modify the approved traffic driveways;
 - E. Special Permit to construct a 5,200 sqft. Gas station canopy with a 2,796 sqft. convenience store on 1.14 vacant acres in the Shopping Center Planned Unit Development (SC-PUD) zone in South Natomas. APN: 237-0010-070.
 - F. Special Permit to operate a 24-hour convenience store and Gas station within 500 feet of residential use;
 - G. Special Permit to sell beer and wine for off-site consumption;
 - H. Lot Line Adjustment between two existing parcels on the subject site.
 - I. Variance to exceed the number of maximum allowable attached signs from four to eight.

INDEXING INFO

LOCATION: Northwest Corner of San Juan Rd and Northgate Blvd.
APN: 250-010-070
South Natomas Community Plan
Grant Joint Union School District & Del Paso Elementary

APPLICANT:	RHL Design Group Attn.: Brian Piper 650 Howe Avenue, #504, Sacramento, CA 95825 (916) 646-4003
OWNER:	McNellis Partners; Attn.: John McNellis 419 Waverly Street, Palo Alto, CA 94301 (650) 853-3900
APPLICATION FILED:	1-7-97
STAFF CONTACT:	Taiwo Jaiyeoba, 264-8287

11/10/1970

P99-096 - Italian Importing Co.

- REQUEST:
- A. Environmental Determination: Exemption as per Section 15301(a)
 - B. Special Permit for off-site sales of alcoholic beverages for a 7,200± square foot retail store on 1.1± developed acres in the General Commercial (C-2) zone.

LOCATION: 5030 Folsom Boulevard
APN: 008-0431-042, 008-0431-041
East Sacramento General Plan
Sacramento Unified School District
Council District 3

APPLICANT:	Luigi Velo, Italian Importing Mercato, (916) 452-6974 5030 Folsom Boulevard
OWNER:	Mario Affinito 1550 - 51 st Street Sacramento, CA 95819
APPLICATION FILED:	July 29, 1999
STAFF CONTACT:	Ted Kozak, 264-1944

SUMMARY AND RECOMMENDATION:

The applicant requests entitlements to allow off-site sales of beer, wine, and liqueurs in a 7,200± square foot market and deli on 1.1± developed acres in East Sacramento. In evaluating the project, the basic issue is the suitability of the use in the area in which the permit is being applied, and its potential to enhance the viability of retail uses in the area..

Staff recommends approval of the project, subject to conditions. This recommendation is based on the conclusion that if the Special Permit is properly conditioned, the proposed use will provide the opportunity to purchase beverages complementary to the Italian market and deli, without resulting in the negative effects sometimes associated with alcohol sales.

General Plan Designation:	Community/ Neighborhood Commercial and Office
Existing Land Use of Site:	Retail use
Existing Zoning of Site:	C-2 zone

Surrounding Land Use and Zoning:

North: Retail; C-2
 South: Duplex; R-1
 East: Retail; C-2
 West: Retail; C-2

Property Dimensions:	irregular
Property Area:	1.1± gross acres
Square Footage of Building:	16,897 square feet
Height of Building:	32 feet, 6 inches, 1 story
Exterior Building Materials:	stucco
Roof Material:	tile
Hours of Operation:	9AM to 7PM
Parking Provided:	73 spaces
Topography:	Flat
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 21)	State Department of Alcoholic Beverage Control (ABC)

BACKGROUND INFORMATION:

On April 6, 1996, the City Zoning Administrator issued a variance (Z96-032) to reduce the required street side yard from five feet to two and a half feet for a covered patio to be constructed during a remodeling and renovation of the previous market into a neighborhood commercial center. On June 30, 1997 the City Police Department issued a letter of public necessity and convenience recommending several conditions be attached to the issuance of a liquor license. (Attachment 4) In April, 1999, the applicant was notified that they needed to acquire a Planning Commission Special Permit for off-site liquor sales because of the retail nature of the operation and that the amount of retail floor space was under 15,000 square feet.

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 alcohol sales in a retail store under 15,000 square feet in the General Commercial (C-2) zone. The Special Permit requirement allows staff, the Planning Commission, and the public to review and establish conditions, on a project by project basis, to ensure that any project will not have a negative effect on the area surrounding the proposed use. Staff is of the opinion that the off-site alcohol sales is not inconsistent with the current specialty retail use at the Italian Market. The overall objective of the Special Permit requirement for retail uses under 15,000 square feet is to closely regulate convenience retail when combined with alcohol sales to minimize the negative effects associated with this type of use. In this case, the type of alcoholic products available for sale, such as "dinner" wines, attracts a different clientele than would a convenience retail store with only beer and wine sales. Further, subject to conditions of the Special Permit requested by the Police Department in the Letter of Necessity and Convenience, the proposed use will not result in a nuisance to the public in the surrounding area.

PROJECT REVIEW PROCESS:A. Environmental Determination

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

B. Public/Neighborhood/Business Association Comments

The project application was routed to the East Sacramento Improvement Association (ESIA) and ESIA representative, Jane Bocceri, stated on September 3, 1999 that ESIA has no objections to alcohol sales as long as it is intended for off-site consumption only.

C. Summary of Agency Comments

The project has been reviewed by several agencies. The following summarizes their comments:

1. Police Department

On August 24, 1999, staff contacted the Police Department to determine whether they intended to comment on the project. Police indicated that they have issued a letter of public necessity and convenience in the past and consider that document as proof of approval of the project if the conditions are met, and have no new comments on this

project.

2. State Department of Alcoholic Beverage Control (ABC)

On September 1, 1999, staff contacted ABC for comment on the project. Calvin K. Ito, Investigator, State of California, indicated that the premises had previously been issued a Type 21 liquor license in the past. A Type 21 liquor license allows only off-site sales of alcohol such as beer, wine, and liqueurs. Mr Ito stated that he would support the issuance of another Type 21 license on the site as soon as the Special Permit was approved.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve 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 alcoholic beverages for a 7,200± square foot retail store on 1.1± developed acres in the General Commercial (C-2) zone.

Report Prepared By,



Ted Kozak, Planner

Report Reviewed By,



Steve Peterson, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan
Exhibit 1B	Floor Plan
Exhibit 1C	Elevations
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map
Attachment 4	Letter of Public Necessity and Convenience

**NOTICE OF DECISION AND FINDINGS OF FACT FOR
Italian Importing Co., LOCATED AT 5030 Folsom Boulevard SACRAMENTO,
CALIFORNIA IN THE GENERAL COMMERCIAL (C-2) ZONE. (P99-096)**

At the regular meeting of September 23, 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 alcoholic beverages for a 7,200± square foot retail store on 1.1± developed acres in the General Commercial (C-2) zone;**

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 or shelving.
- 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 and conditions of approval:
 - 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 residential and commercial neighborhood;
 - B. the proposed use will not result in an undue concentration of establishments dispensing alcoholic beverages in that the Police Department has issued a letter of public necessity or convenience establishing conditions of use;
 - C. the proposed use will not enlarge or encourage the development of a skid row or blighted area since the proposed use is ancillary to the specialty retail store on the site; and
 - D. the proposed use has limited potential to create the development of a crime problem in the area.

2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that the project has been conditioned to avoid the potential negative effects of off-sale liquor sales.
3. The project is consistent with the General Plan Quality of Life Policies to enhance and maintain the quality of life, in that the sale of beer, wine, and liqueurs 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. The sale of beer and malt beverages shall be in quantities of not less than a six pack;
 - B2. The sale of wine shall be in bottles or containers no smaller than 750 ml.;
 - B3. Wine coolers, whether made for wine or malt products, shall not be sold in quantities of less than factory packaged four packs;
 - B4. No wine shall be sold with an alcohol content greater than fifteen percent (15%) by volume;
 - B5. Distilled spirits shall be sold in containers of at least 200 ml.;
 - B6. No more than ten percent (10%) of shelf space shall be used to display alcoholic beverages;
 - B7. On-site consumption of alcohol is prohibited;
 - B8. 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).
 - B9. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time;

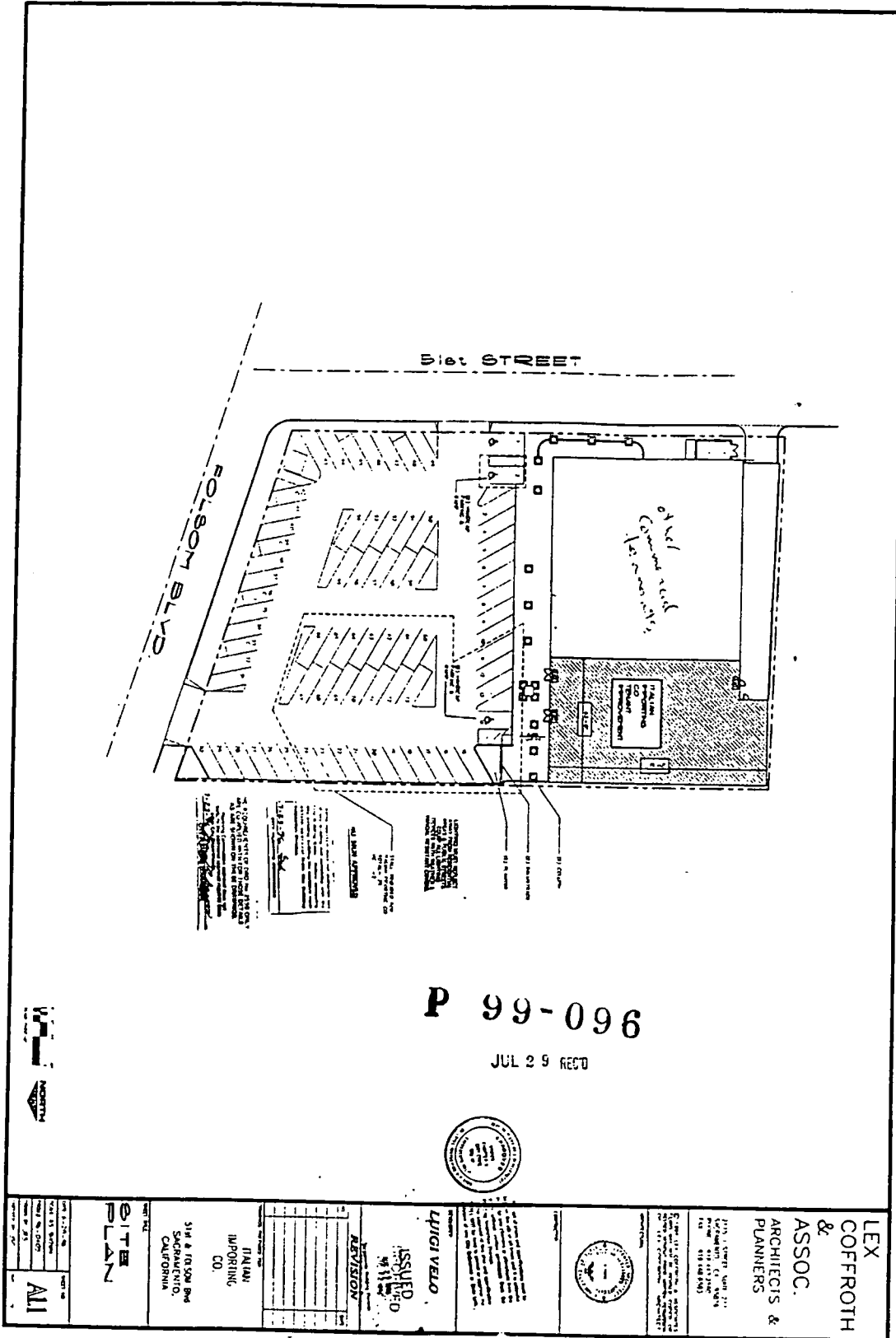
- B10. There shall be no coin or token operated amusement devises, such as video games, maintained upon the premises at any time;
- B11. Hours of operation shall be concurrent with the hours of the retail store: the hours of operation shall be limited to the hours of 9:00 a.m. to 10:00 p.m., six days a week, Monday through Saturday.

CHAIRPERSON

ATTEST:

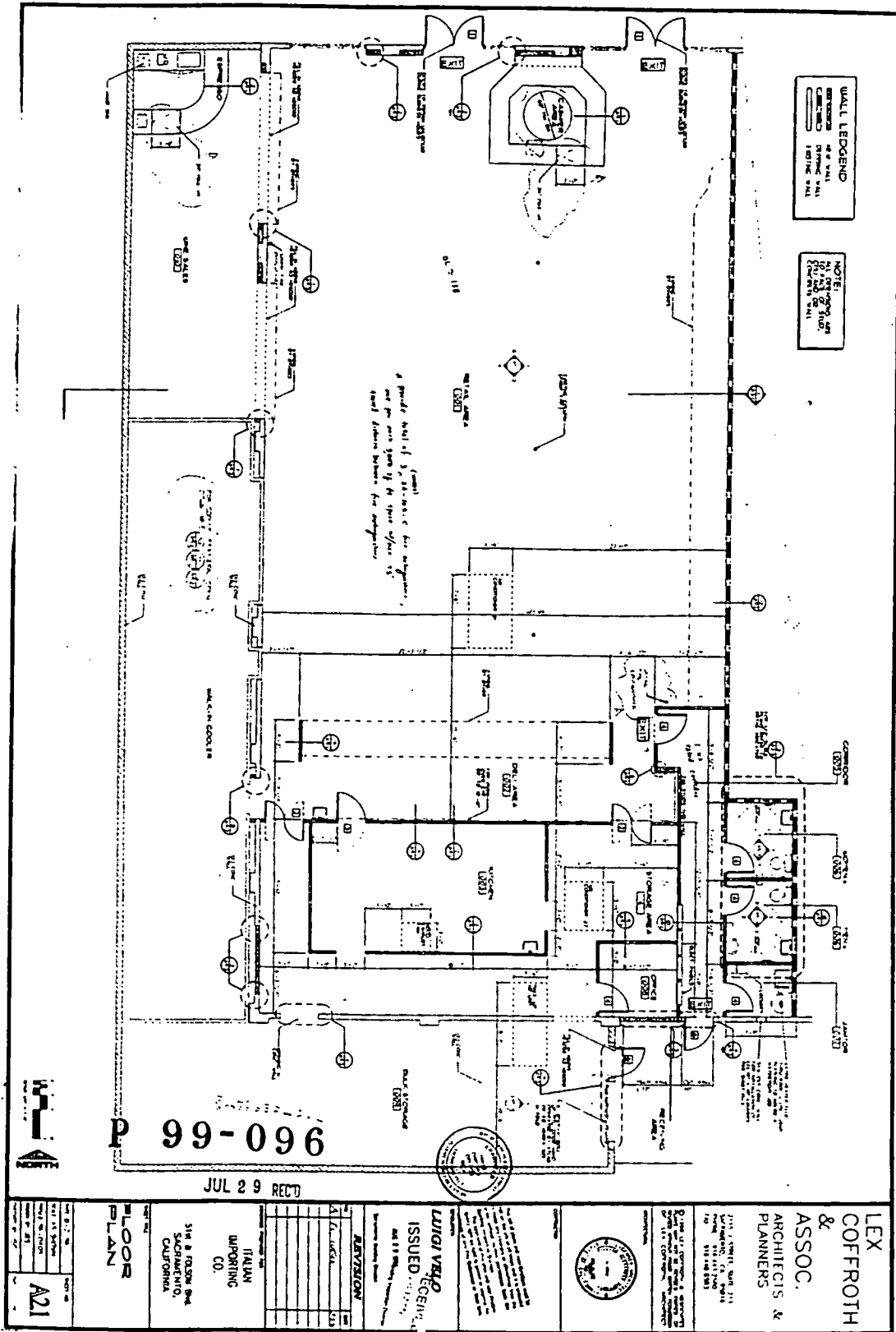
SECRETARY TO CITY PLANNING COMMISSION

DATE (P99-096)



Site Plan

Exhibit 1B



Floor Plan

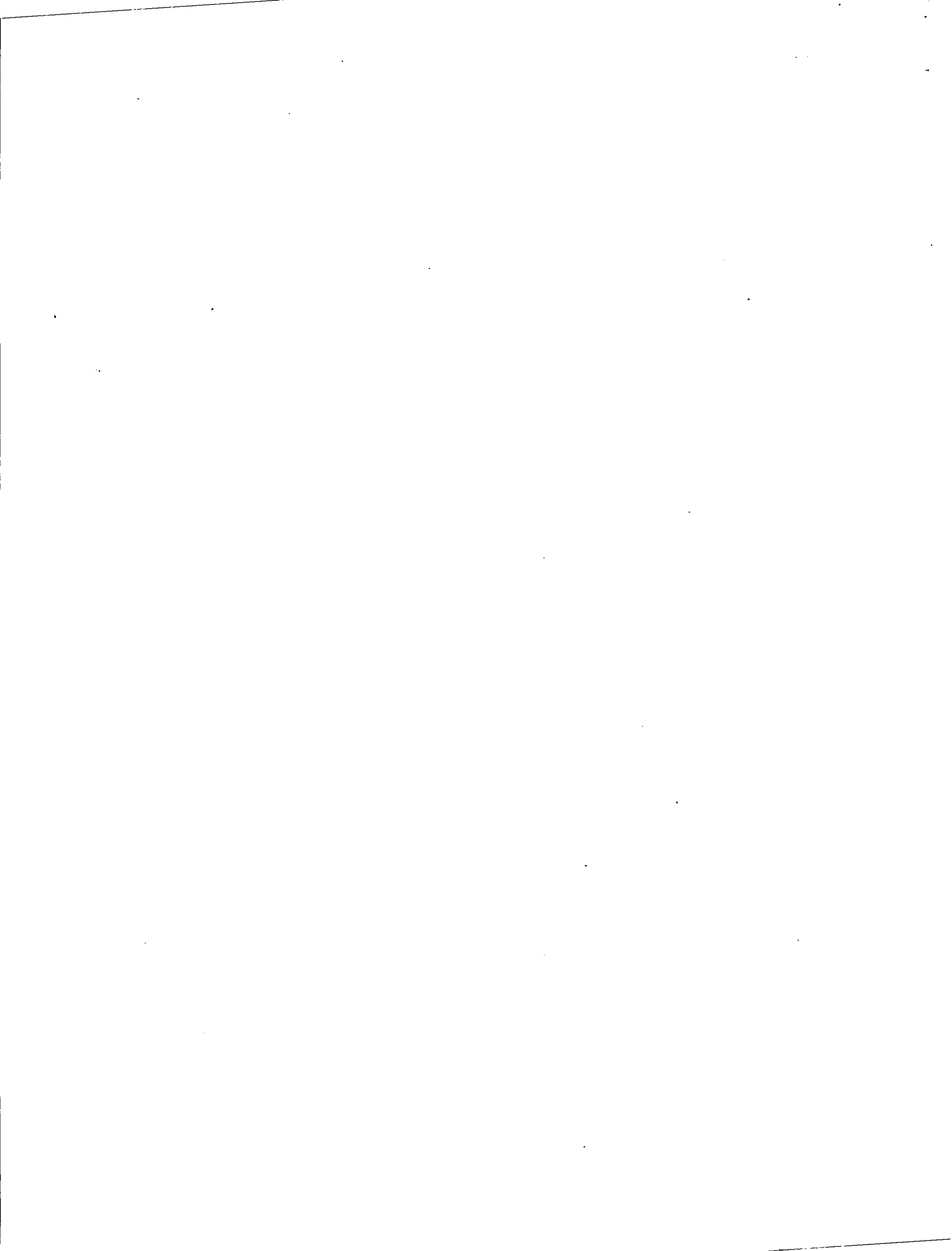
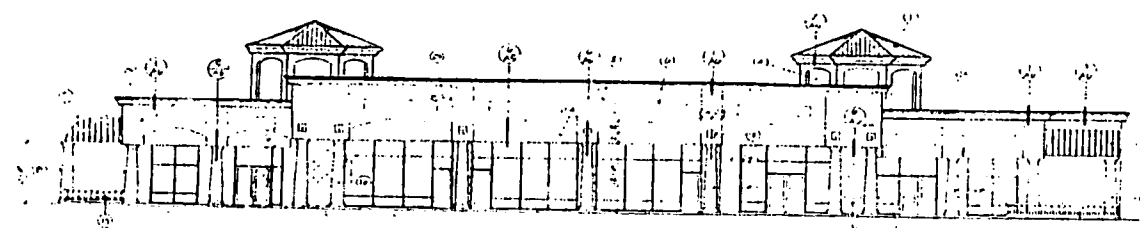
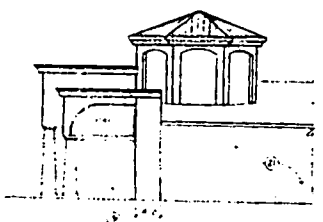


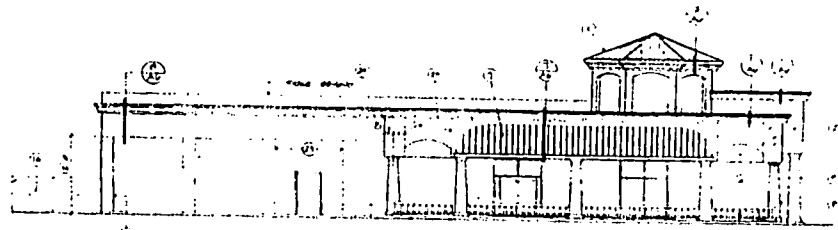
Exhibit 1C



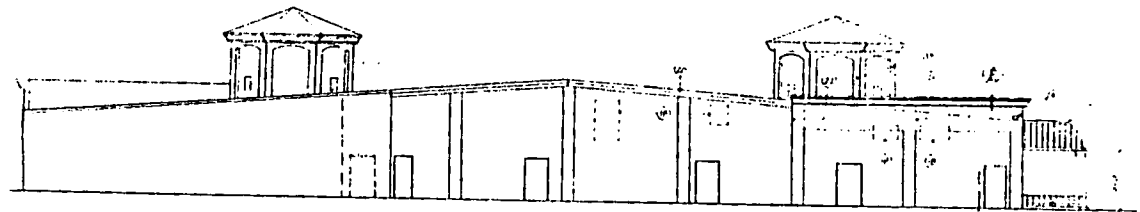
NORTH SIDE ELEVATION AT FOLSOM BLVD.
18'-11.0



PARTIAL WEST SIDE ELEVATION
18'-11.0



EAST SIDE ELEVATION AT 51ST STREET
18'-11.0



SOUTH SIDE ELEVATION
18'-11.0

- Elevation Keynotes
- 1. Name plate reading for
 - 2. Current glass window on entrance to porch
 - 3. Current glass window on porch
 - 4. Current glass window on porch
 - 5. Current glass window on porch
 - 6. Current glass window on porch
 - 7. Current glass window on porch
 - 8. Current glass window on porch
 - 9. Current glass window on porch
 - 10. Current glass window on porch
 - 11. Current glass window on porch
 - 12. Current glass window on porch
 - 13. Current glass window on porch
 - 14. Current glass window on porch
 - 15. Current glass window on porch
 - 16. Current glass window on porch
 - 17. Current glass window on porch
 - 18. Current glass window on porch
 - 19. Current glass window on porch
 - 20. Current glass window on porch
 - 21. Current glass window on porch
 - 22. Current glass window on porch
 - 23. Current glass window on porch
 - 24. Current glass window on porch
 - 25. Current glass window on porch
 - 26. Current glass window on porch
 - 27. Current glass window on porch
 - 28. Current glass window on porch
 - 29. Current glass window on porch
 - 30. Current glass window on porch
 - 31. Current glass window on porch
 - 32. Current glass window on porch
 - 33. Current glass window on porch
 - 34. Current glass window on porch
 - 35. Current glass window on porch
 - 36. Current glass window on porch
 - 37. Current glass window on porch
 - 38. Current glass window on porch
 - 39. Current glass window on porch
 - 40. Current glass window on porch
 - 41. Current glass window on porch
 - 42. Current glass window on porch
 - 43. Current glass window on porch
 - 44. Current glass window on porch
 - 45. Current glass window on porch
 - 46. Current glass window on porch
 - 47. Current glass window on porch
 - 48. Current glass window on porch
 - 49. Current glass window on porch
 - 50. Current glass window on porch
 - 51. Current glass window on porch
 - 52. Current glass window on porch
 - 53. Current glass window on porch
 - 54. Current glass window on porch
 - 55. Current glass window on porch
 - 56. Current glass window on porch
 - 57. Current glass window on porch
 - 58. Current glass window on porch
 - 59. Current glass window on porch
 - 60. Current glass window on porch
 - 61. Current glass window on porch
 - 62. Current glass window on porch
 - 63. Current glass window on porch
 - 64. Current glass window on porch
 - 65. Current glass window on porch
 - 66. Current glass window on porch
 - 67. Current glass window on porch
 - 68. Current glass window on porch
 - 69. Current glass window on porch
 - 70. Current glass window on porch
 - 71. Current glass window on porch
 - 72. Current glass window on porch
 - 73. Current glass window on porch
 - 74. Current glass window on porch
 - 75. Current glass window on porch
 - 76. Current glass window on porch
 - 77. Current glass window on porch
 - 78. Current glass window on porch
 - 79. Current glass window on porch
 - 80. Current glass window on porch
 - 81. Current glass window on porch
 - 82. Current glass window on porch
 - 83. Current glass window on porch
 - 84. Current glass window on porch
 - 85. Current glass window on porch
 - 86. Current glass window on porch
 - 87. Current glass window on porch
 - 88. Current glass window on porch
 - 89. Current glass window on porch
 - 90. Current glass window on porch
 - 91. Current glass window on porch
 - 92. Current glass window on porch
 - 93. Current glass window on porch
 - 94. Current glass window on porch
 - 95. Current glass window on porch
 - 96. Current glass window on porch
 - 97. Current glass window on porch
 - 98. Current glass window on porch
 - 99. Current glass window on porch
 - 100. Current glass window on porch

P
PICHES
ARCHITECTS



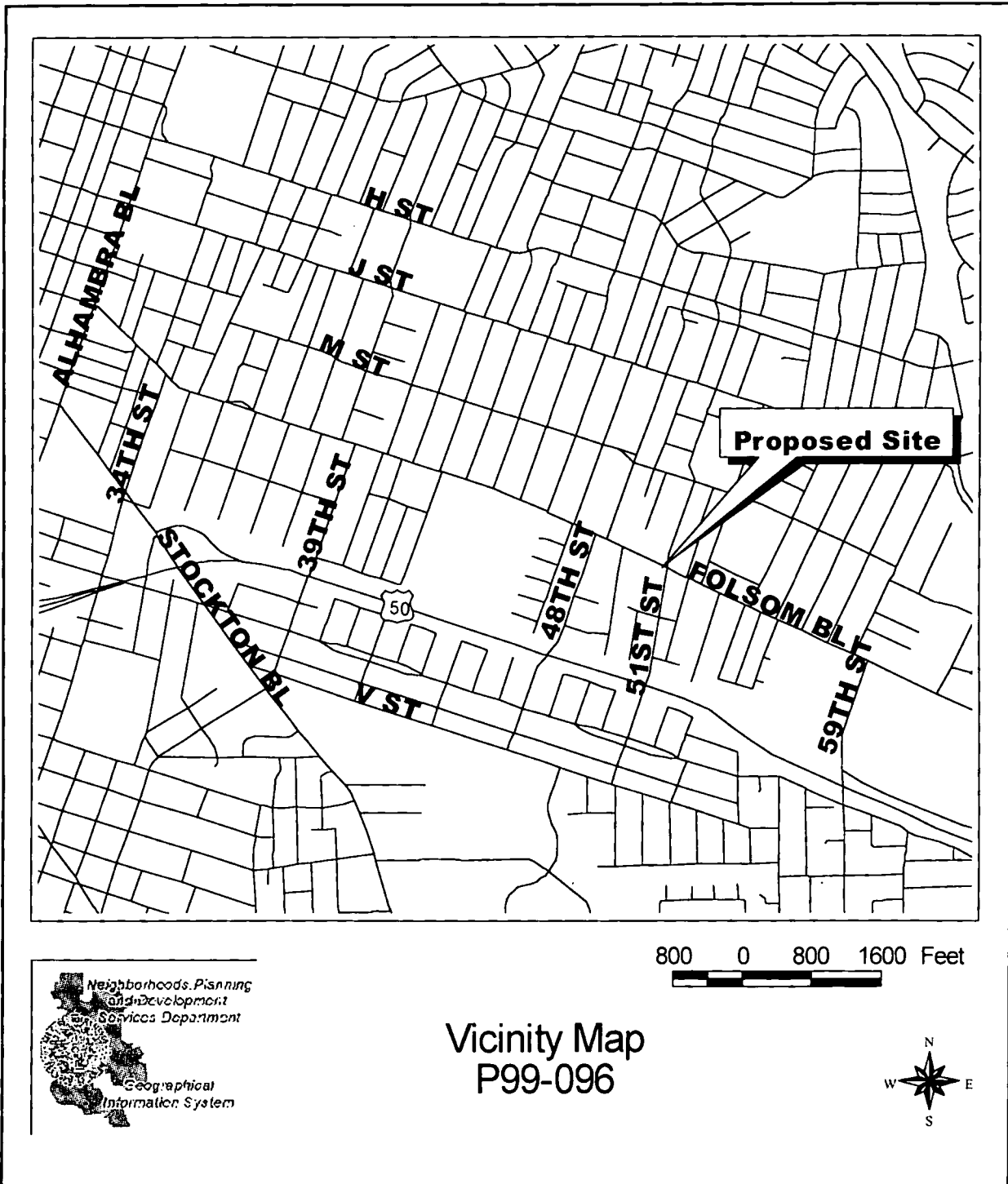
Elevations

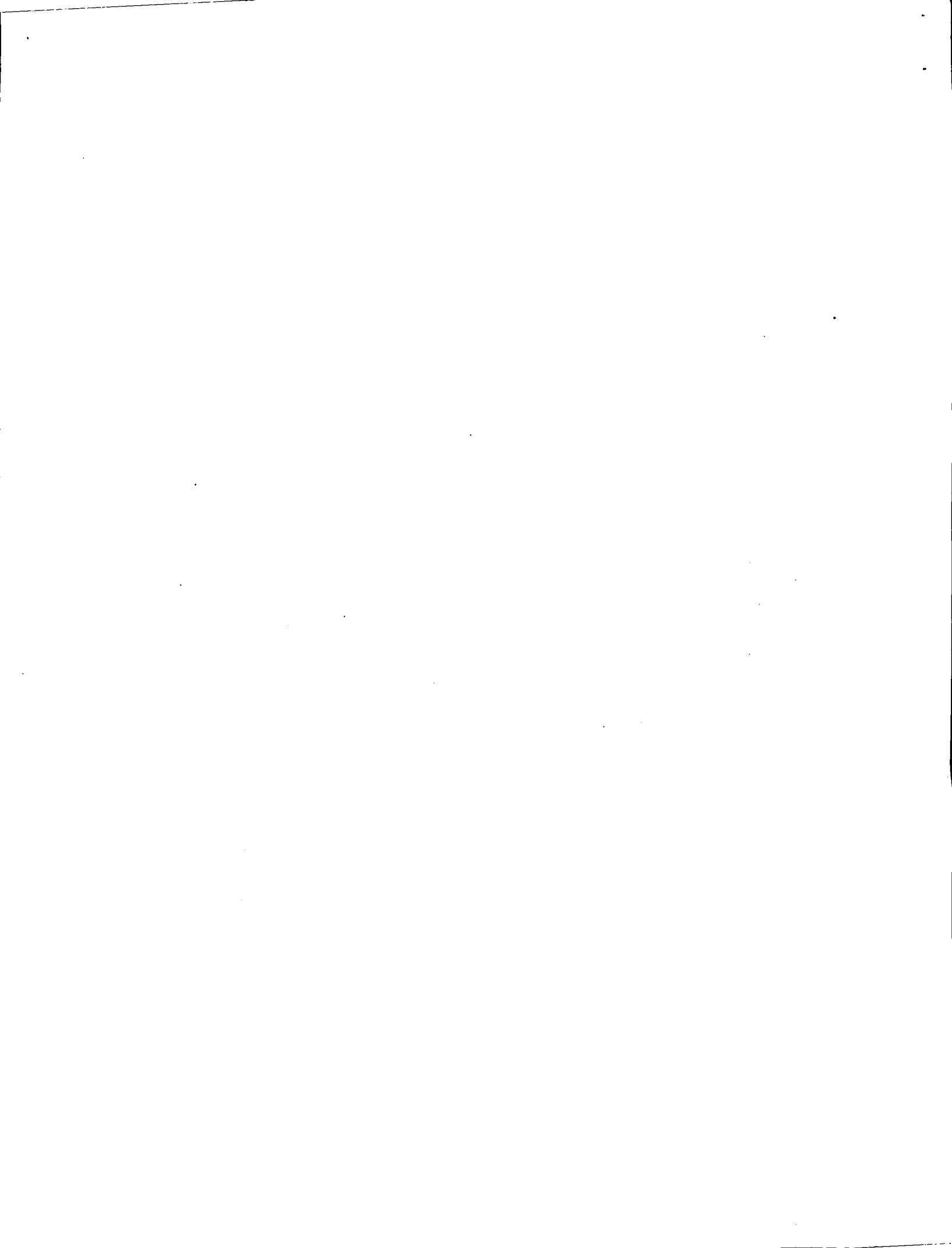
QUALITY PLAZA -
RETAIL CENTER REMODEL
51st Street and Folsom Blvd., Sacramento, California
Owner: Metro Advertisers, Tel: 916.441.1111

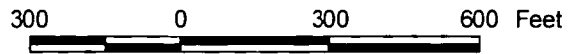
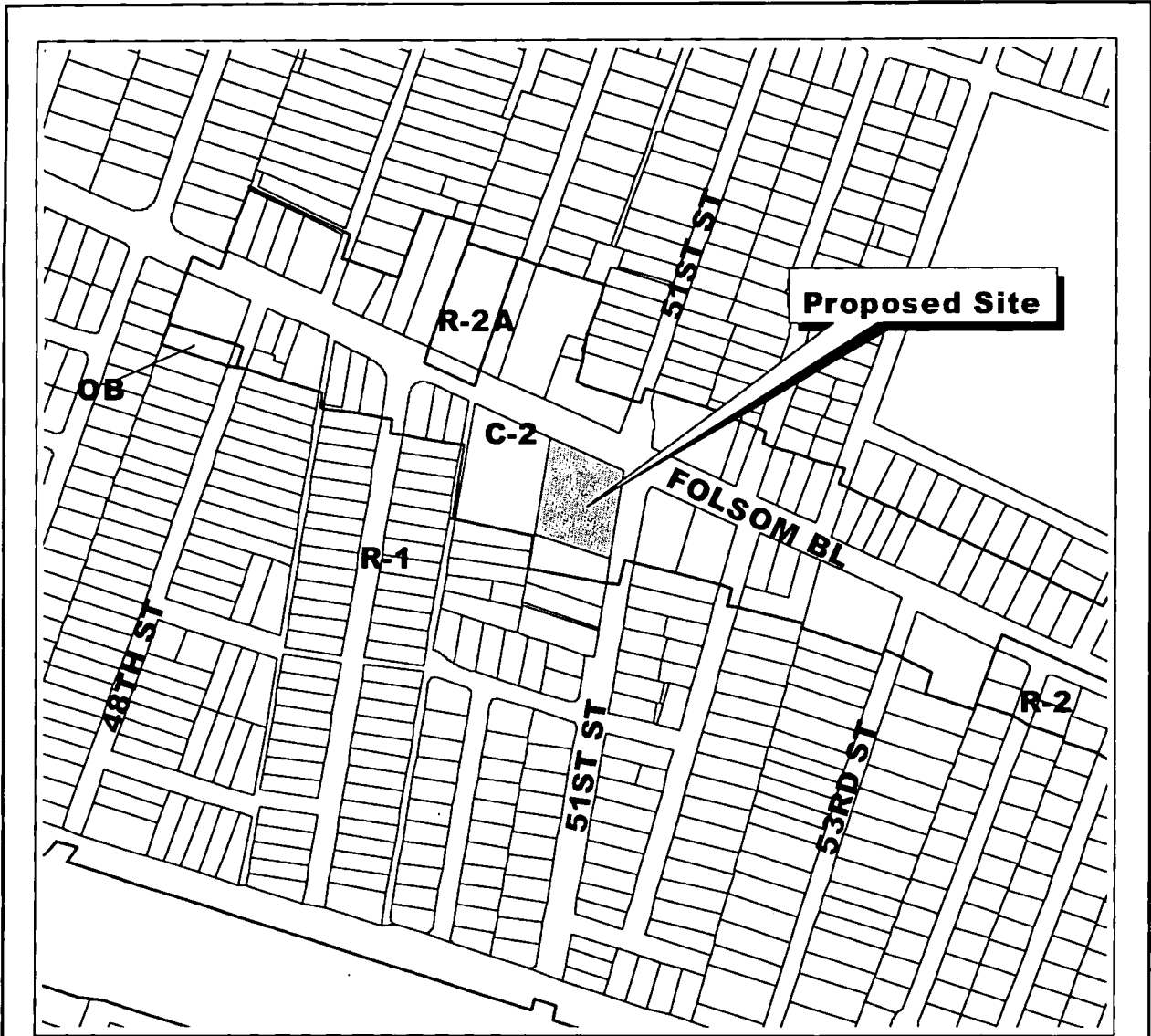


A2


P 99-096
JUL 29 1999





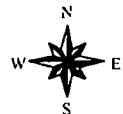


Neighborhoods,
Planning & Development
Services Department



Geographic
Information
System

Land Use & Zoning
P99-096





Attachment 4

AUG-24-1999 15:03 FROM PD ALARM & LICENSE UNITS TO 5328 P.02

DEPARTMENT OF
POLICEARTURO VENEGAS, JR.
CHIEF OF POLICE

June 30, 1997

Gerald Forsman, District Administrator
Alcohol Beverage Control
1111 Howe Avenue
Sacramento, California 95825CITY OF SACRAMENTO
CALIFORNIAHALL OF JUSTICE
513 SIXTH STREET
SACRAMENTO, CA
95814-2095PH 916-266-5121
FAX 916-458-0620
E-MAIL
spdcru@quiknet.com
http://
www.quiknet.com/spd

Ref. No.: LC7-07-09

Dear Mr. Forsman:

The City has determined that public necessity or convenience is evident in the application of Luigi Velo and Larry Otten doing business as Italian Importing at 5030 Folsom Boulevard. As required by ordinance, all letters of public convenience or necessity are issued with the following conditions:

1. The sale of beer and malt beverages shall be in quantities of not less than a six pack;
2. The sale of wine shall be in bottles or containers no smaller than 750 ml.;
3. Wine coolers, whether made for wine or malt products, shall not be sold in quantities of less than factory packaged four packs;
4. No wine shall be sold with an alcohol content greater than fifteen percent (15%) by volume;
5. Distilled spirits shall be sold in containers of at least 200 ml.

These conditions are necessary because the premises are located in a census tract of Sacramento which has been designated by Alcoholic Beverage Control as over-concentrated. The State of California has determined that an over-concentration of licenses contribute to a continuance and aggravation of vice conditions and a disproportionate ratio of violations of the alcoholic beverage control acts and related Penal Code Statutes in those areas.

Sincerely,

Matt Powers
Deputy Chief of Police

The Mission of the Sacramento Police Department is to work in partnership with the community to protect life and property, solve neighborhood problems, and enhance the quality of life in our City.

Letter of Convenience and Necessity