

Amended by City Council on 8-12-03

RESOLUTION NO. 2003-572

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF AUG 12 2003

RESOLUTION ADOPTING THE NOTICE OF DECISION AND FINDINGS OF FACT APPROVING THE SPECIAL PERMIT FOR THE SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION WITHIN A 4,224± SQUARE FOOT CONVENIENCE MARKET IN THE GENERAL COMMERCIAL (C-2) ZONE LOCATED AT 3300 AND 3310 MARYSVILLE BOULEVARD. (APN: 251-0230-038 & 039) (P02-056)

WHEREAS, at public hearings on May 8, 2003 and May 22, 2003, the City Planning Commission heard and considered evidence on the request for approval of various entitlements for the project known as Valero Gas Station; and

WHEREAS, on May 8, 2003, the City Planning Commission approved the requested entitlements for the extended hours and the lot line merger, and approved an intent motion to deny the sale of beer and wine for off-site consumption; and

WHEREAS, on May 22, 2003, the City Planning Commission denied the request for the sale of beer and wine for off-site consumption; and

WHEREAS, on May 27, 2003, the request for the sale of beer and wine for off-site consumption was called up by the Council Member of the district; and

WHEREAS, the Council Member, after conducting a community meeting following the denial of the request for the sale of beer and wine for off-site consumption; and

WHEREAS, on August 12, 2003, the City Council heard and considered evidence in the above mentioned matter.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Sacramento that, subject to the findings of fact and conditions of approval set forth below, the sale of beer and wine for off-site consumption is hereby approved by the City Council:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572
DATE ADOPTED: AUG 12 2003

Findings of Fact:

The sale of beer and wine for off-site consumption within a 4,224± square foot convenience market in the General Commercial (C-2) zone is hereby approved, based upon the following findings:

1. The project as conditioned 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, since the sale of fortified wines and single containers of beer 40-ounces or less are prohibited;
 - 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; and
 - c. a term limit has been placed on this permit in order to provide the City the authority to review the sale of beer and wine to ensure that this service/operation does not contribute to problems in the neighborhood.
2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that a good neighbor policy will be implemented. The applicant will work with the Police Department and the neighborhood to control illegal activities, and will respond to neighborhood concerns that this project may bring to the area; and
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 and wine at this location as conditioned has limited potential to create loitering and additional crime in the area.

Conditions of Approval

The sale of beer and wine for off-site consumption within a 4,224± square foot convenience market in the General Commercial (C-2) zone is hereby approved, subject to the following conditions:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572

DATE ADOPTED: AUG 12 2003

1. The special permit shall expire seven years from date of approval (August 12, 2010). The owner/applicant may apply for an extension of the special permit pursuant to City Code section 17.212.100 F. No more than one extension of this special permit may be granted. Upon expiration of the special permit, or an approved extension thereof, the owner/applicant must cease the sale of alcoholic beverages on the property until such time as the owner/applicant has applied for, and been granted, a new special permit.
2. Beer and/or malt beverages shall be sold in original factory packages of six-pack or greater, except malt-based coolers. At no time shall a single unit be sold individually or in conjunction with another brand/size container of beer and/or malt beverage to constitute a six-pack or larger quantity.
3. Wine coolers, shall not be sold in quantities of less than a factory four-pack.
4. The sale of wine shall be in bottles or containers no smaller than 750 milliliters, except for wine-based coolers.
5. There shall be no sale of fortified wines or single containers of beer or malt beverage containing 40-ounces or less.
6. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
7. Sales and delivery of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 10:00 PM each day of the week.
8. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
9. The word beer, wine or liquor shall not appear in the name or on any signs.
10. Signs shall be clearly posted and maintained on the premises prohibiting consumption of alcoholic beverages in the business or in the parking area. The signs shall be worded as follows:

UNLAWFUL TO ENTER, BE OR REMAIN ON
THESE PREMISES, ADJACENT PARKING
LOT OR ADJACENT PUBLIC SIDEWALK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572

DATE ADOPTED: AUG 12 2003

WITH AN OPEN ALCOHOLIC BEVERAGE
CONTAINER. P.C. 647e. (a);

Lettering to be block style and a minimum of 2 ½ " in height. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.

11. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and in the Police Department.
12. Applicant shall work with the **North** Patrol Police Facility to ensure that the property is posted for "**NO LOITERING**" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department which will allow officers to remove loiterers and reflects the operators'/owners' agreement to prosecute.
13. Cashier station shall be visible from parking area.
14. No public pay telephone shall be maintained on the exterior of the premises.
15. The applicant shall install bicycle security racks at the front of the business.
16. Project lighting shall be provided as follows: 1.5 footcandles of minimum maintained illumination per square foot of parking space during business hours and .25 footcandles of minimum maintained illumination per square foot of surface on any walkway, alcove, passageway, etc., from one-half hour before dusk to one-half hour after dawn. All light fixtures are to be vandal-resistant.
17. The project shall provide adequate and appropriate lighting for its alley. The light fixtures should be unobtrusive and complementary to the architectural design of the building. Lighting shall be designed so as not to produce hazardous and annoying glare to motorists and adjacent residents, or the general public. Final lighting plan shall be reviewed and approved by staff.
18. All illegal activities observed on or around the business shall be promptly reported to the Police Department.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572
DATE ADOPTED: AUG 12 2003

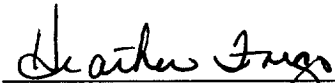
19. Design building to allow for maximized window surveillance of all outside areas by employees from the employees primary work positions and/or install video cameras for outside areas.
20. Store windows shall be left unobstructed by either signage and/or display racks, shelving, and merchandise in order to allow viewing of the interior of the business by patrolling police.
21. The owner/operator shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties, and streets.
22. Graffiti shall be removed within 24 hours.
23. If any significant problems arise and the City receives complaints about the use, substantiated by the Police Department, the City will commence with Special Permit revocation hearings at the cost to the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.
24. The applicant shall conduct information meetings as follows:
 - a) Within 30 days of store opening, the owner/operator shall conduct a "get acquainted" meeting with nearby property owners and tenants. The meeting will be conducted to introduce the operator/manager of the store and to identify a contact person and phone number that neighbors can use if an emergency arises. The owner/operator shall conduct the meeting at the site. Property owners and tenants within 500 feet shall be informed of the meeting and of their ability to request similar meetings in the future.
 - b) Six months following the store opening, the applicant in conjunction with the Neighborhood Services Department shall conduct a community meeting. The owner and/or operator shall arrange these meetings and notice property owners and tenants within 500 feet of the site. The purpose of this meeting is to receive comments and concerns from neighbors and to work toward possible solutions.
 - c) One year after the store opening, a follow up meeting shall be held, if requested by property owners and tenants within 500 feet.
 - d) The owner and/or operator shall advise City Planning staff of meeting dates, times, and locations two weeks in advance of planned meetings. A

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572
DATE ADOPTED: AUG 12 2003

list of attendees and minutes of the meeting shall be submitted to the Planning Department within one week following the meeting.

- 25. A sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the building.
- 26. Conditions 2-9, 12, 14, 20-23 and 25 shall be clearly posted and maintained inside the store visible to patrons.
- 27. Decorative planting shall be maintained so as not to obstruct or diminish lighting levels throughout the project.



MAYOR

ATTEST:



CITY CLERK

FOR CITY CLERK USE ONLY

RESOLUTION NO.: 2003-572
DATE ADOPTED: AUG 12 2003