

P94-117 - DISCOVER CALIFORNIA GIFT EMPORIUM

REQUEST: A. **Special Permit** to conduct wine tasting, which is considered a "Bar" under the City's Zoning Ordinance, on 0.12 \pm developed acres in the Central Business District Zone-Special Planning District. (C-3)

LOCATION: 129 J Street
APN 006-0012-28
Council District #1

APPLICANT: Annette Houston/Vickie Van Tricht 129 J Street Sacramento, CA 95814
OWNER: Sazerac Historic Bld. 1851 Heritage Lane, #128 Sacramento, CA 95815
APPLICATION FILED: November 3, 1994
STAFF CONTACT: Mark Kraft, Associate Planner, 264-8116

SUMMARY/RECOMMENDATION:

The applicant requests entitlements to allow 500 square feet of an existing 2,400 square foot gift shop to be devoted to wine tasting on 0.12 \pm developed acres in Old Sacramento. In evaluating the project, the basic issue is the suitability of this use for the area in which the special permit is being applied, and its potential to enhance the resources of the area as opposed to its potential to result in a 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, 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: Old Sacramento
Existing Land Use of Site: Retail
Existing Zoning of Site: Central Business District-Special Planning District (C-3)

Surrounding Land Use and Zoning:

North: Retail; C-3
 South: Retail; C-3
 East: Freeway, Parking; T-C
 West: Retail; C-3

Property Dimensions: Variable
 Property Area: 0.12 \pm gross acres
 0.12 \pm net acres
 Square Footage of Building on site: 15,600 square feet
 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>
On Sale Beer and Wine License	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. Investigation and Report (I&R) 93-015 concluded that the use proposed at that time could be exempted from special permit requirements if the following conditions were agreed to:

1. No single bottles of beer/wine shall be available for walk in sales, except when sold in gift packages;
2. No more than 10% of the shelf space shall be used to display beer/wine;
3. The square footage of the business shall not exceed 2,400 sq.ft.
4. The hours of this business shall be limited to the hours of 10:00 am. to 7:00 pm., seven days a week, Monday through Sunday;
5. If there is to be a change in the way this operation is run (as described in the letter dated February 4, 1993), the applicant must come back for further review:
6. At no time is this business to be run as a mini-market; and

7. There shall be no refrigeration of beer/wine.

The applicant agreed to these conditions and has been selling wine gift packages since that time.

The applicant now wishes to establish a wine tasting room, to allow tasting of the wines available for sale in gift packages in the store. The applicant does not propose to expand the hours of operation of the store as part of the proposal. In order for the applicants to implement the proposal, they will have to obtain an on-sale beer and wine license for the 500 square foot area in which the wine tasting will exclusively occur. They will need to maintain the off-sale beer and wine license for the 1,900 square feet of area devoted to sales of wine gift packages and other merchandise.

STAFF EVALUATION: Staff has the following comments:

The City's Zoning Ordinance requires a Special Permit for the establishment of a "Bar" in the C-3 zone. The proposed use is defined as a "Bar" under the City's Zoning Ordinance. The Special Permit requirement allows staff, the Planning Commission, and the public an 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, subject to the conditions of the Special Permit requested by the Police Department, the proposed use will provide an additional attraction for Old Sacramento visitors and will not result in a nuisance to the surrounding area. This view is shared by the Board of Directors of the Old Sacramento Citizens & Merchants Association and the Old Sacramento Management Board, as well as the Management of Old Sacramento, as expressed in a letter from Ed Astone dated November 28, 1994 (See Attachment E).

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15301(a)).

B. Public/Neighborhood/Business Association Comments

The project application was routed to the Old Sacramento Merchants Association for review. In a letter dated November 28, 1994, Ed Astone, Town Manager of Old Sacramento, reported that the Board of Directors of the Old Sacramento Citizens & Merchants Association (OSCMA) indicated its approval of the project at its regular October monthly meeting. Furthermore, the Old Sacramento

Management Board supported the OSCMA action at its November 10 meeting. Additionally Mr. Astone's letter indicated that the Management of Old Sacramento recommends issuance of the permit.

C. Summary of Agency Comments

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

Police Department

In its response dated December 7, 1994 the Police Department recommended that the project be conditioned as follows:

1. The currently held I&R 93-015 is to remain in effect, with two modifications:

a) Condition number 1 changed to read:

No single bottles of beer/wine shall be available for walk-in sales, except when sold in gift baskets or to bonafide patrons of the wine tasting concern.

b) Condition number 3 changed to read:

The square footage of the business shall not exceed 1,900 sq. ft.

2. A separate sales register and sales log is to be maintained for the wine tasting activities.

3. No sales of beer or wine for off-site consumption are to be conducted in the 500 square foot area specified for the type 42 license.

4. No on site consumption of alcoholic beverages is to be conducted in the 1,900 square foot area specified for the type 20 license.

5. 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 10:00 a.m. to 7:00 p.m.: seven days a week; Monday through Sunday.

6. The subject alcoholic beverage license shall not be exchanged for a public premises type license.

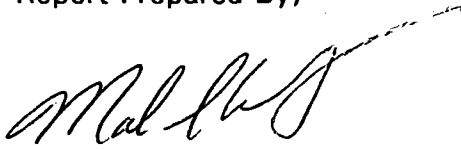
7. Premises in which wine tasting is to be conducted should be clearly marked "No one under the age of 21 years of age allowed."

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve, 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 resolution to approve a **Special Permit**, subject to conditions, 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 Zone-Special Planning District. (C-3)

Report Prepared By,



Mark Kraft
Associate Planner

Report Reviewed By,



Steve Peterson
Senior Planner

Attachments

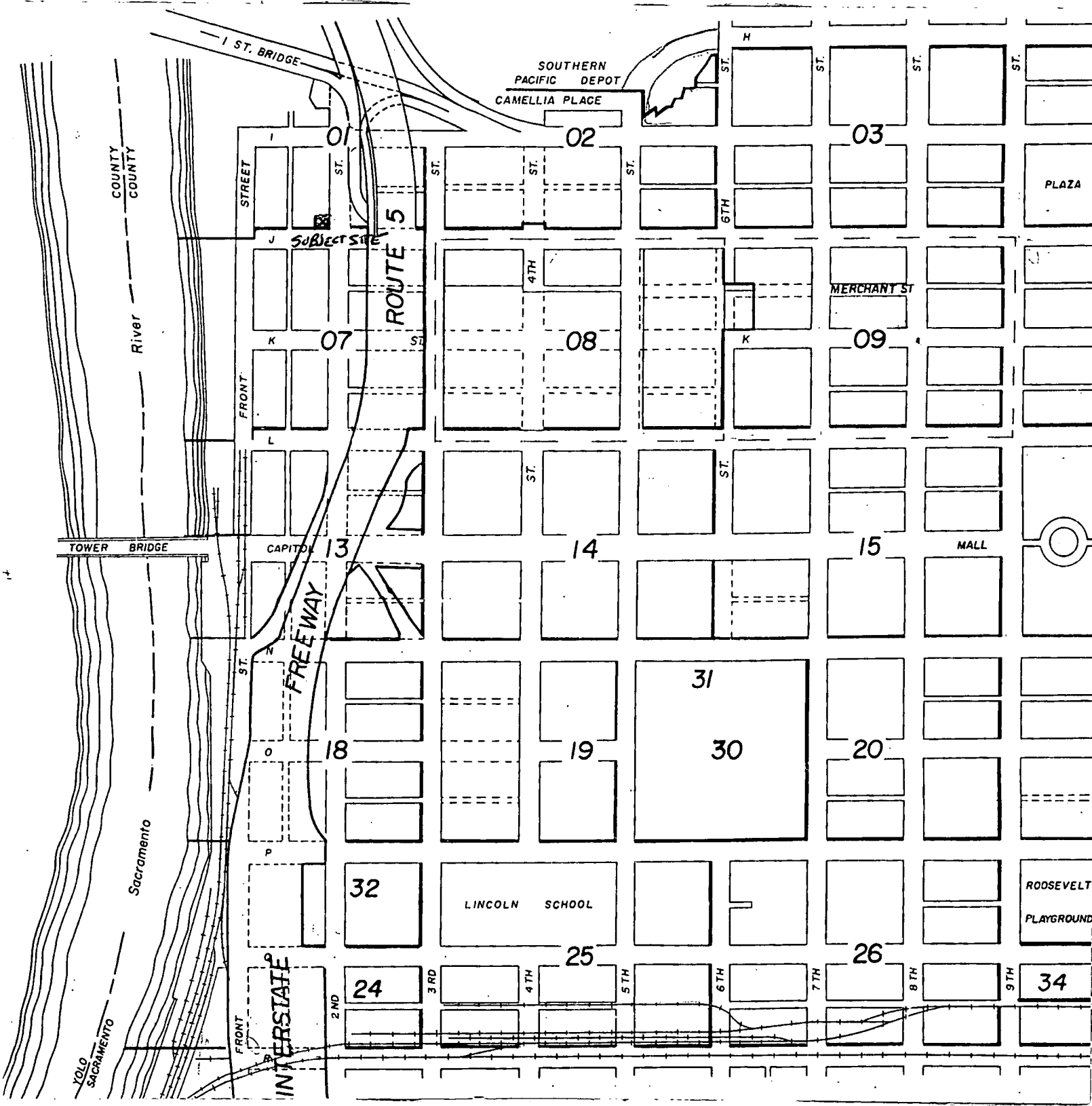
Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Approving Special Permit
Attachment D	Site Plan
Attachment E	Letter from Old Sacramento Management
Attachment F	Memorandum from Police Department

ATTACHMENT A
VICINITY MAP

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JANUARY 12, 1995

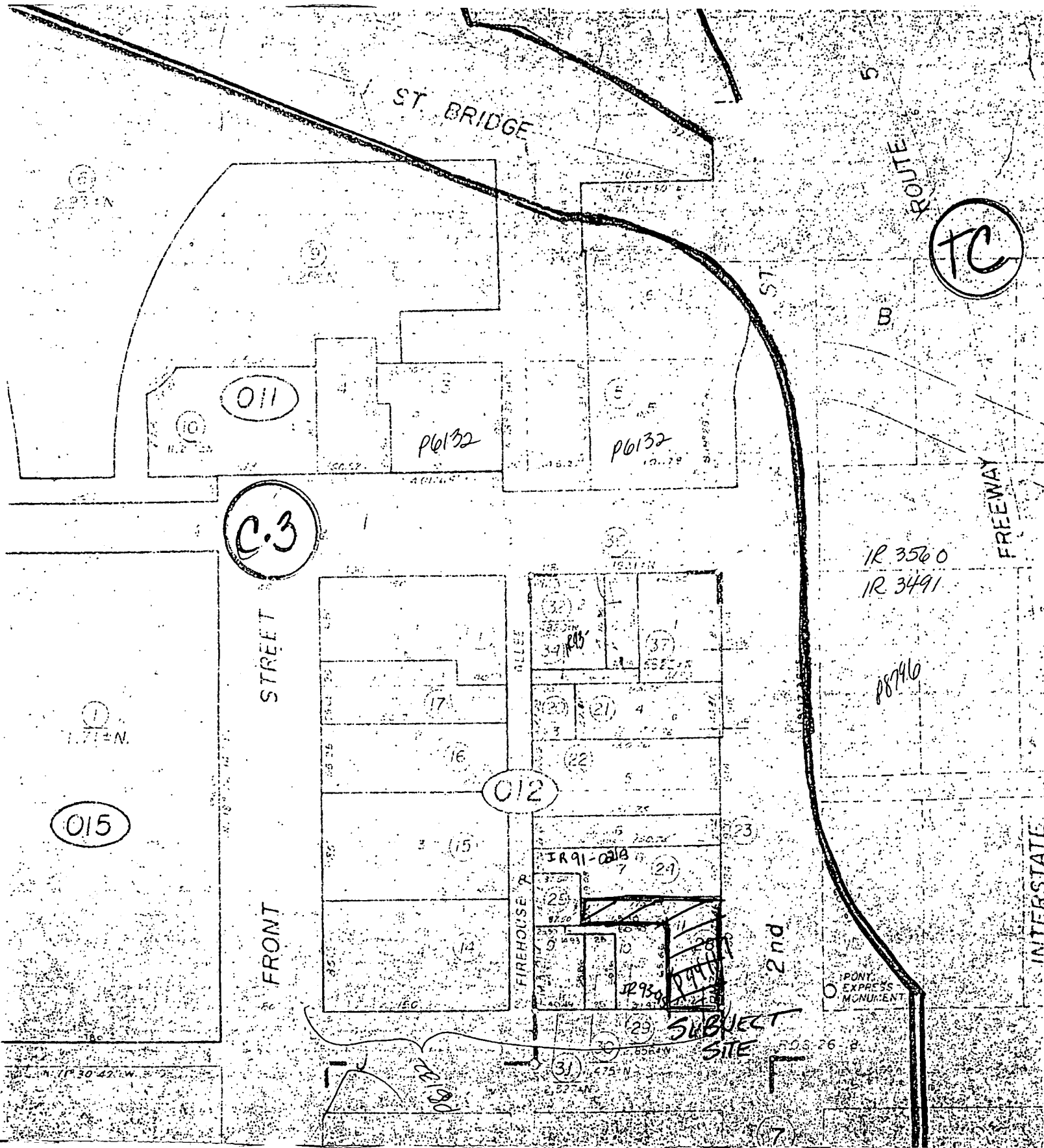


ATTACHMENT B
LAND USE AND ZONING MAP

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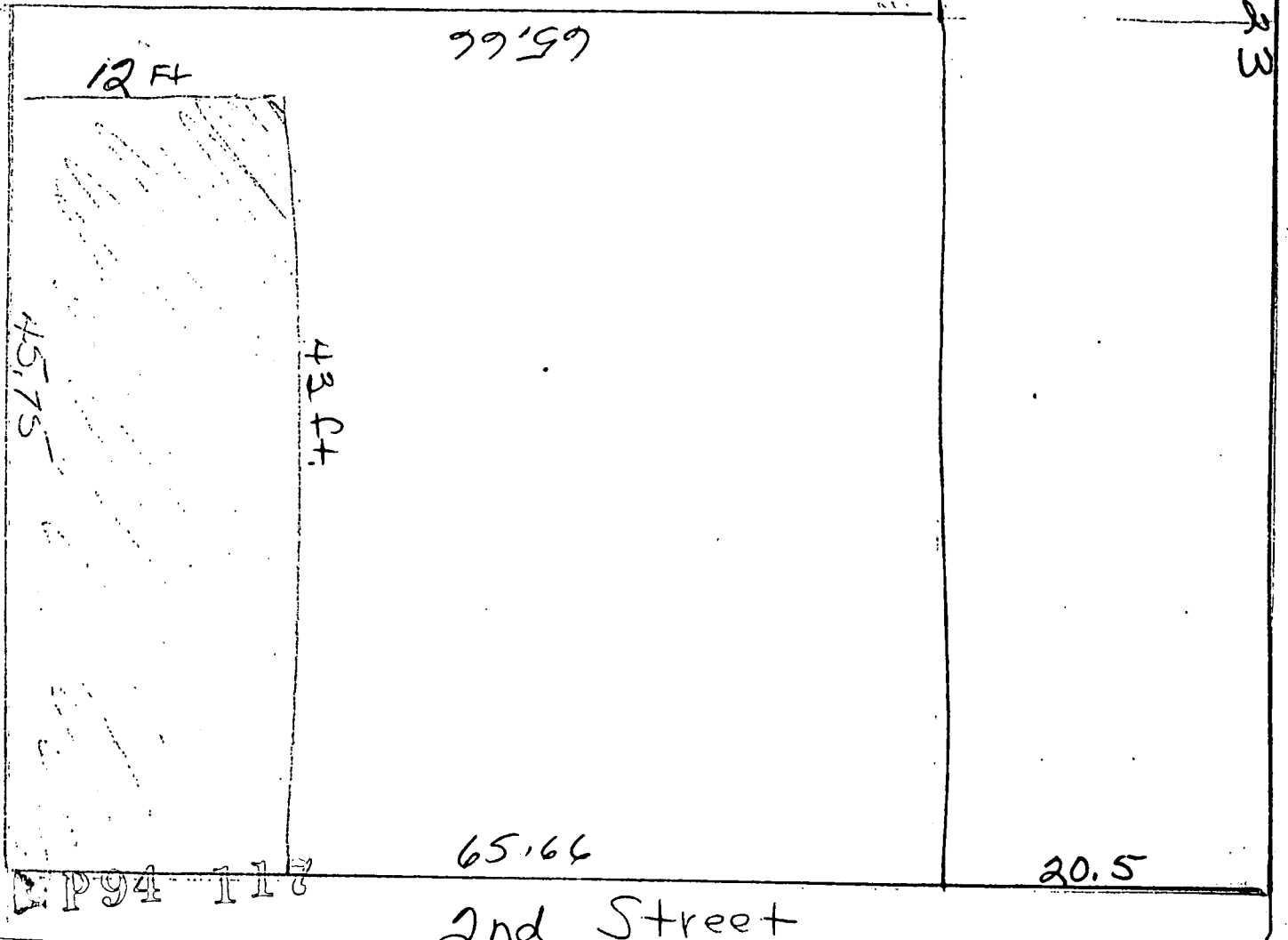
JANUARY 12, 1995



ATTACHMENT D
SITE PLAN

Subject
lease Space
Site plan

lower level
Below Street

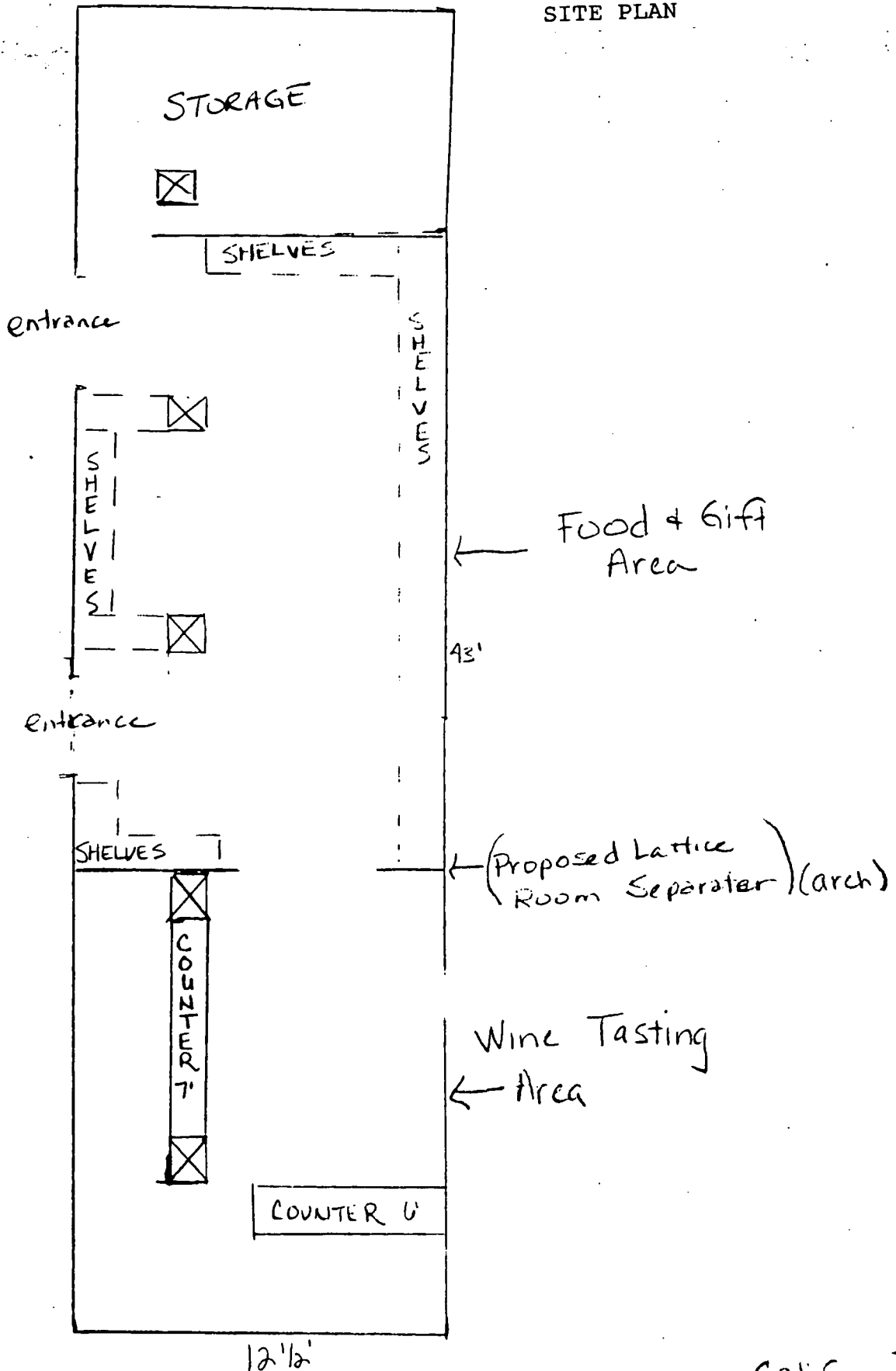


J Street

2nd Street

Zimmerman

ATTACHMENT D
SITE PLAN



Discover California
129 J St.
Old Sacramento, CA 95814
443.8275

Item 11

ATTACHMENT E



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

MEMORANDUM

SACRAMENTO POLICE DEPARTMENT

TO : MARK KRAFT
CURRENT PLANNING
CENTRAL TEAM

DATE: December 7, 1994

REF NO: LC4-12-01

FROM : LYNNE E. OHLSON, AA II *ev*
OFFICE OF OPERATIONS

SUBJECT: P94-117 Discover California Gift Emporium 129 J Street

I have met with the applicants and Dawn Holm from Current Planning to conduct an on-site inspection of the business, Discover California Gift Emporium located at 129 J Street for purposes of determining how the proposed activity of wine tasting might be permitted in conjunction with the existing off-sale license. As the applicants are aware, the current liaison agreement between the Department of Alcoholic Beverages and the Sacramento Police Department will not allow on site consumption of alcohol in an establishment that currently holds an off-sale license in the downtown portion of Sacramento. However, by conditioning the license for each activity and requiring a detailed special use permit for the business, it is possible that the City may construct a means which will condone the operation and not diminish the integrity of the Core Area Liaison agreement.

In order for the applicants, Annette Houston and Vickie Van Tricht, to implement their proposed activity of offering on-site consumption, they will have to obtain a type 42 on-sale beer and wine public premises for the 500 square foot area in which the wine tasting will exclusively occur. They are to maintain their current type 20 off-sale beer and wine license for the 1,900 square foot area which will be used exclusively for the sales of wine and all other merchandise. If a special use permit is to be granted for the wine tasting activities, a detailed diagram of the area covered exclusively by each type license must be submitted to ABC and approved prior to operation.

With that in mind, the following items must be placed on the on-sale special use permit to satisfy the requirements of the Police Department:

1. The currently held I & R #93-015 is to remain in effect with two modifications:

a) Condition number 1 changed to read:

No single bottles of beer/wine shall be available for walk in sales, except when sold in gift baskets or to bona-fide patrons of the wine tasting concern.

b) Condition number 3 changed to read:

The square footage of the business shall not exceed 1,900 sq. ft.

ATTACHMENT F

MARK KRAFT
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2. A separate sales register and sales log is to be maintained for the wine tasting activities.
3. No sales of beer or wine for off-site consumption are to be conducted in the 500 square foot area specified for the type 42 license.
4. No on site consumption of alcoholic beverages is to be conducted in the 1,900 square foot area specified for the type 20 license.
5. Hours of this business are to be concurrent with the hours of the retail store; the hours of this business shall be limited to the hours of 10:00 a.m. to 7: p.m., seven days a week; Monday through Sunday.
6. The subject alcoholic beverage license shall not be exchanged for a public premises type license.
7. Premises in which wine tasting is to be conducted is to be clearly marked, "No one under the age of 21 years of age allowed."

It is my intent to send a clear message to the applicant and to the Planning Commission that mixing the uses of on-site and off-site sales must be avoided at all costs in the area (Sacramento River to the West, American River to the North, Alhambra to the East and Broadway to the South) covered by the Core Area Agreement. Yet, with careful consideration of the unique physical layout of this application, the means exist to allow for activities which will enhance the resources of the City without encouraging the blight and nuisance aspects associated with the sales of alcohol in the downtown area.