

P93-180 - SPECIAL FOOD CENTER

REQUEST: A. Special Permit to allow beer and wine sales in a 5,300 sq. ft. retail center for off-site consumption on .358 acres in the Limited Commercial (C-1) zone.

LOCATION: 4614 Martin Luther King Jr. Blvd.
020-0275-015
Oak Park
Sacramento Unified School District
Council District 5

APPLICANT:	Felix Fong, 391-7893 6216 Fennwood Court, Sacto., CA. 95831
OWNER:	Felix Fong, 391-7893 6216 Fennwood Court, Sacto., CA. 95831
PLANS BY:	Hoshida & Reyes 2330 Alhambra Blvd., Suite 100, Sacto., CA. 95817
APPLIC. FILED:	12-29-93
STAFF CONTACT:	Lisa Burke, 264-7129

SUMMARY/RECOMMENDATION: The applicant proposes to sell beer and wine for off-site consumption in an expanded retail store that currently sells beer and wine. **Staff recommends approval of the project.** This recommendation is based upon principles of planning and upon conditions of approval, suggested by the Police Department, which have been placed upon the project.

PROJECT INFORMATION:

General Plan Designation:	Community/Neighborhood Commercial & Offices
Community Plan Designation:	Oak Park
Existing Land Use of Site:	Developed with a 3,000 sq.ft. grocery store
Existing Zoning of Site:	C-1, Commercial

Surrounding Land Use and Zoning:

North: Single Family Residential; R-1
 South: Single Family Residential; R-1
 East: Single Family Residential; County
 West: Single Family Residential; R-1

Property Area:	0.36 ± acres
Property Dimensions:	120' x 130'
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>
Demolition Permit	City Building Department
Building Permit	City Building Department
Off Sale Beer & Wine License	Alcohol Beverage Control Board

IF YOU WISH TO SPEAK ON AN ITEM BEFORE THE PLANNING COMMISSION THIS EVENING PLEASE FILL IN THE INFORMATION BELOW (THIS WILL ENSURE THAT YOU WILL BE NOTIFIED OF SUBSEQUENT HEARINGS BEFORE THE CITY COUNCIL). THE ITEM NUMBER AND FILE NUMBER CAN BE FOUND ON THE AGENDA. PLACE THE COMPLETED FORM IN THE BOX.

NAME Jeffrey Wong

ADDRESS 16620 DIAMANTE DR

CITY Encino

STATE CA

ZIP CODE 91435

PHONE NUMBER 818 907-6941

ITEM NUMBER 1

FILE NUMBER P93-180

WHEN YOU SPEAK ON THIS ITEM, YOU MUST ALSO (FOR THE RECORD) GIVE YOUR NAME AND ADDRESS INTO THE MICROPHONE.

BACKGROUND INFORMATION: On November 19, 1990 the Planning Commission approved a lot line adjustment to merge two lots into one and a variance to reduce the front setback to 15.85 feet for a new 5,300± square foot retail building (P90-363). The lot line adjustment was recorded; however, the building was not constructed and the variance expired. On July 20, 1993 the Zoning Administrator approved the same variance that had expired.

The applicant has the necessary approvals to demolish the existing 3,000 sq.ft. grocery store and replace it with a 5,300 sq.ft. retail center. The applicant currently has an alcohol license for the existing grocery store. According to the City's Zoning Ordinance, a Special Permit is necessary because a new structure will be constructed and the grocery store will be part of the retail center.

STAFF EVALUATION: Staff has the following comments:

A. **Policy Considerations**

The project site is located within the Oak Park Community. 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".

B. **Site Plan Design/Zoning Requirements**

1. **Setbacks and Parking**

The applicant has the necessary entitlements to demolish the existing 3,000 sq.ft. grocery store and replace it with a 5,300 sq.ft. retail center. The proper setbacks and parking requirements are in place.

2. Alcohol Sales

The proposed sale of alcohol for off-site consumption requires a Special Permit. The applicant has had a permit from the Alcoholic Beverage Commission (ABC) since 1948. Because the applicant is planning to demolish their existing grocery store to replace it with a larger retail center, the Zoning Ordinance states that a new Special Permit will be necessary.

Due to the nature of the crime problems associated with alcohol sales, it is necessary to place conditions on the project which help to ensure that the effects this business has on the neighborhood are minimal. The conditions relate to the hours of operation, sales of single cans, and security issues. These conditions have been formulated by the Planning Department and the Police Department. The conditions are summarized below in Agency Comments and are listed specifically in the conditions of the Special Permit Resolution. With the suggested conditions, staff recommends approval of the Special Permit.

A meeting was held with staff, the applicant, and Lynne Ohlson of the Police Department to discuss the conditions of the Special Permit. The applicant has agreed to all of the conditions except for condition g. (hours of operation) and condition n. (sale of single cans of beer).

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to the California Environmental Quality Act, Categorical Exemption Section 15061.

B. Public/Neighborhood/Business Association Comments

At its regular meeting on February 2, 1994, the Oak Park Project Area Committee approved a motion recommending the following conditions be imposed on the Special Permit to allow beer and wine sales at the site. The recommended conditions are: no sale of single cans of beer, no sale of "fortified" wines, no sale of 40 oz. bottles of beer, no sale of any alcoholic beverages after 8 p.m.

The project was also routed to the Oak Park Business Association and the Oak Park Neighborhood Improvement Association, but no comments were received.

C. Summary of Agency Comments

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

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

No comments were received.

2. Police Department

The Police Department recommends approval of the project provided that the conditions listed in the Special Permit resolution are met. The primary objection of the Police Department is that the project has a lack of crime prevention design. The parking lot for the proposed building is located in the rear while the only entrance to the building is located in the front. This design provides no clear visibility for the employees of the store or patrolling law enforcement vehicles.

A laundromat is also proposed to be part of the expanded market. According to the Police Department, the addition of a laundromat ensures the sales of alcohol at this location will provide more nuisance factors than benefits for the neighborhood. Historical experience has demonstrated that individuals will purchase single cans and consume them in the Laundromat area, out of sight of the store employees.

PROJECT APPROVAL PROCESS: The 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 Resolution (Attachment C) approving the Special Permit to allow beer and wine sales on .36± developed acres.

Report Prepared By,

Report Reviewed By,



Lisa Burke, Planner



Barbara L. Wendt, Senior Planner

Attachments

Attachment A	Vicinity Map
Attachment B	Land Use and Zoning Map
Attachment C	Resolution Approving Special Permit
Exhibit C-1	Site Plan
Exhibit C-2	Floor Plan
Exhibit C-3	Elevations

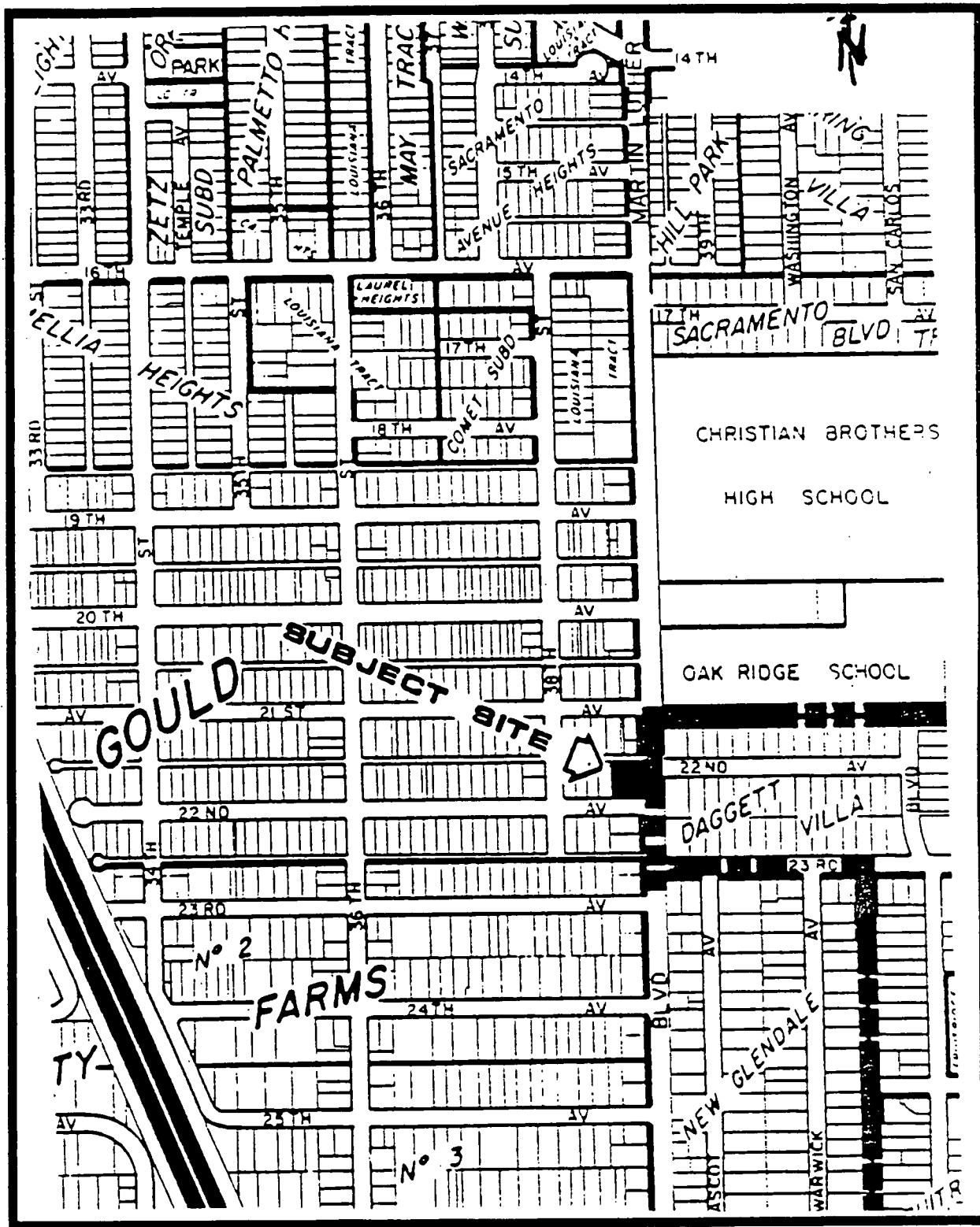
P93-180.SR

ATTACHMENT A

P93-180

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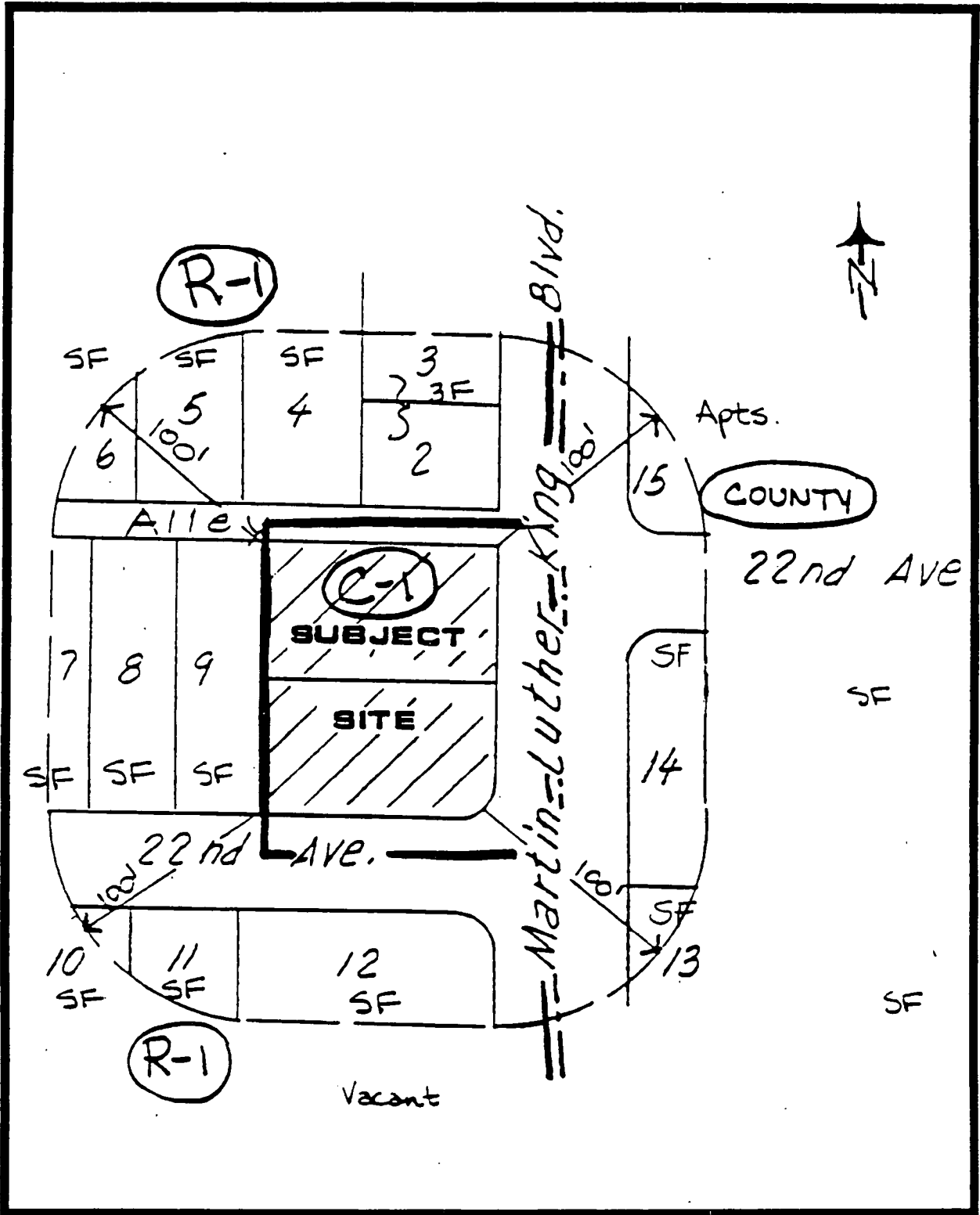
VICINITY MAP

ATTACHMENT B

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LAND USE AND ZONING MAP

ATTACHMENT C**RESOLUTION NO.****ADOPTED BY THE SACRAMENTO PLANNING COMMISSION****ON DATE OF APRIL 14, 1994****A RESOLUTION ADOPTING FINDINGS OF FACT AND APPROVING A SPECIAL PERMIT FOR PROPERTY LOCATED AT 4614 MARTIN LUTHER KING, JR. BLVD.****(P93-180) (APN:020-0275-015)**

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 for property located at the above described location;

WHEREAS, the proposed project is exempt from environmental review pursuant to California Environmental Quality Act, Categorical Exemption Section 15061;

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 permit:

- 1. The project, as conditioned, is based upon sound principles of land use in that the market is compatible with the other uses in the area.**
- 2. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that the proposed site on Martin Luther King Jr. Boulevard is 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 only a few markets selling alcohol in that general vicinity.**
- 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 for commercial uses.

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 is 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. Lighting devices will be shielded to prevent indirect lighting of neighboring residential buildings.
 - b. The parking area must be visible for internal monitoring. The site plans submitted for this project show no windows facing the parking lot, therefore closed 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. Signs shall be clearly posted and maintained on the premises and in the parking lot prohibiting consumption of alcoholic beverages in the business or adjacent public areas. The signs shall be worded as follows:

**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. 26.24(c).**
 - e. Video machines and magazine racks shall be prohibited.
 - f. Applicant shall provide bicycle security racks at the front of the business.
 - g. Business hours are to be from 8:00 a.m. to 8:00 p.m.
 - h. No fewer than two employees of the business shall be on duty from 5:00 p.m. to close.

- i. The applicant shall install gates or chains to prevent automobiles from parking on the site or using the parking lot after closing hours. This installation shall be to the satisfaction of the Planning Director and the Police Department.
- j. The following minimum security standards shall be incorporated into the interior design of the building:
 - 1. The cashier station shall be raised to provide noticeable height advantage to employees.
 - 2. Mirrors of closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind aisles.
 - 3. Coldboxes 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.
- k. The applicant shall be responsible for the removal of all litter generated by the business in the immediate neighborhood.
- l. All illegal activities observed on or around the business shall be promptly reported to the police.
- m. Not more than 20% of the square footage of the premises will be used for the sale of alcoholic beverages.
- n. Sales of beer shall be in the quantities of not less than a six pack.
- o. Sales of wine shall be in containers of at least 750 ml.
- p. Wine coolers shall not be sold in quantities of less than factory packs of four.
- q. No wine shall be sold with an alcoholic content greater than 15% by volume.
- r. Signs listing conditions n. through q. shall be conspicuously posted inside the store.

- s. If a public telephone is to be installed, or is currently available for use at this location, it shall be mechanically limited to out-going calls only.

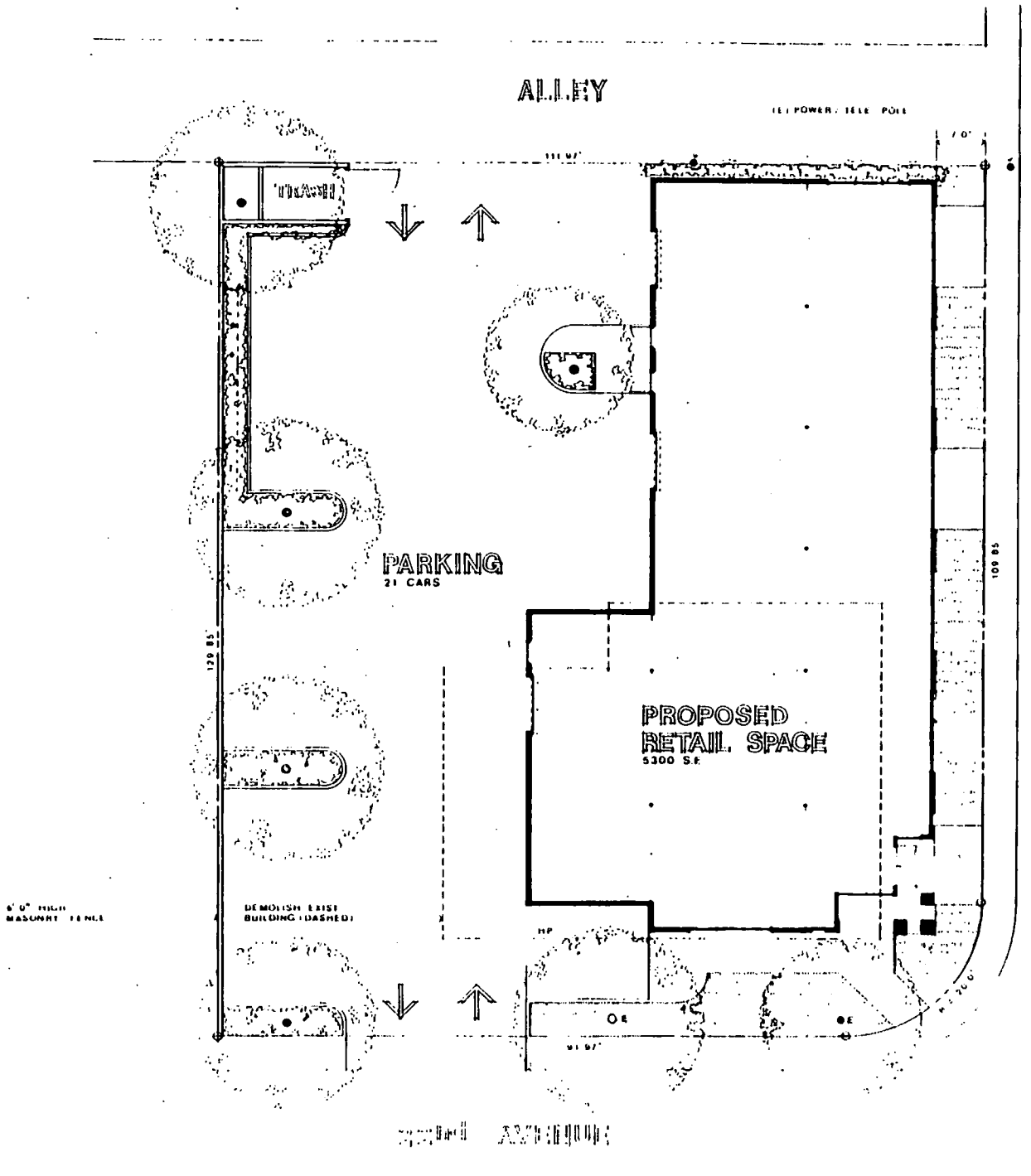
CHAIRPERSON

ATTEST:

SECRETARY TO PLANNING COMMISSION

P93-180

EXHIBIT C-1



CONCRETE DRIVEWAY

SITE PLAN
FLOOR



SKID

6' 0" TYPICAL
MASONRY FENCE

DEMOLISH EXIST
BUILDING (DASHED)

PROPOSED
RETAIL SPACE
5300 S.F.

PARKING
21 CARS

ALLEY

POWER TELE POLE

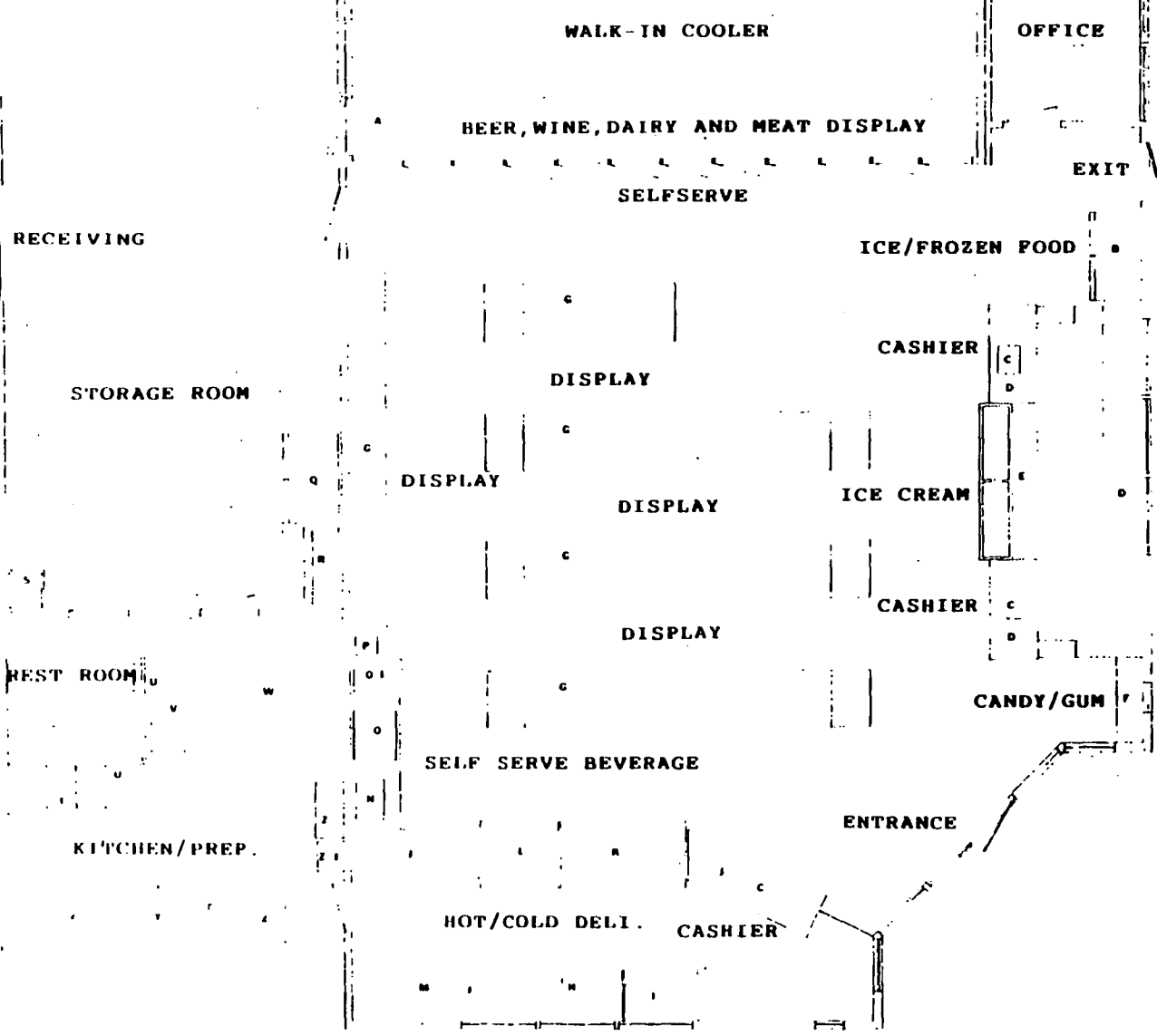
7'0"

58'00"

128'85"

51'07"

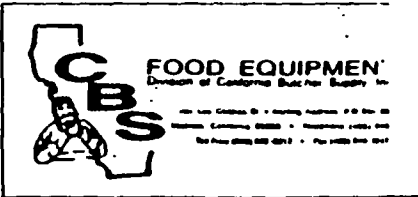
58'51"



EQUIPMENT LIST

- 1 WALK-IN COOLER
- 2 ICE/FROZEN FOOD FREEZER
- 3 CASH REGISTER
- 4 SELF SERVE
- 5 ICE CREAM FREEZER
- 6 CASHIER DISPLAY
- 7 CASHIER DISPLAY
- 8 SELF SERVE
- 9 SELF SERVE BEVERAGE DISPENSER
- 10 SELF SERVE
- 11 COLD DELI DISPLAY
- 12 HOT FOOD CASE
- 13 SLICER
- 14 COFFEE MAKER
- 15 COFFEE/TEA DISPENSER
- 16 FRESH CANNED VEGETABLES
- 17 WARM DISPENSER
- 18 2 PLAS BEV TO FREEZER
- 19 ICE MAKER SUPPLY
- 20 HOT SINK
- 21 2-COMPARTMENT, 8 1/2 FT. HOT SINK
- 22 8 1/2 FT. WASH SINK
- 23 8 1/2 FT. TABLE 4" TALL 15" DIA
- 24 8 1/2 FT. WASH SINK
- 25 4" X 4" WASH SINK
- 26 4" X 4" WASH SINK
- 27 4" X 4" WASH SINK
- 28 4" X 4" WASH SINK
- 29 4" X 4" WASH SINK
- 30 4" X 4" WASH SINK
- 31 4" X 4" WASH SINK
- 32 4" X 4" WASH SINK
- 33 4" X 4" WASH SINK
- 34 4" X 4" WASH SINK
- 35 4" X 4" WASH SINK
- 36 4" X 4" WASH SINK
- 37 4" X 4" WASH SINK
- 38 4" X 4" WASH SINK
- 39 4" X 4" WASH SINK
- 40 4" X 4" WASH SINK
- 41 4" X 4" WASH SINK
- 42 4" X 4" WASH SINK
- 43 4" X 4" WASH SINK
- 44 4" X 4" WASH SINK
- 45 4" X 4" WASH SINK
- 46 4" X 4" WASH SINK
- 47 4" X 4" WASH SINK
- 48 4" X 4" WASH SINK
- 49 4" X 4" WASH SINK
- 50 4" X 4" WASH SINK

- 1. FINISH TO CASE AND INSTALL IN THE LOCAL AREA
- 2. (1) IN CHINA CUPBORDER
- 3. (1) IN CHINA CUPBORDER AND 1/2" W/TH SHIELD
- 4. ALL FINISH DELIVERED INCLUDING SHALL BE INSTALLED FROM TO FINISH TO COVER INSTALLATION OF FINISHES AND EQUIPMENT
- 5. MECHANICAL EQUIPMENT AND PLUMBING SHALL BE THE FINISHERS AND ELECTRICAL EQUIPMENT, SHALL BE THE LOCAL AREA
- 6. ELECTRICAL EQUIPMENT TO FINISHES FROM SUPPLY (1) IN CASE FOR THE EQUIPMENT FOR (1) IN CASE AND FINISHES SHALL BE INSTALLED FROM LOCAL AREA
- 7. FINISHES INCLUDING FINISHES TO ALL CASES INCLUDING:

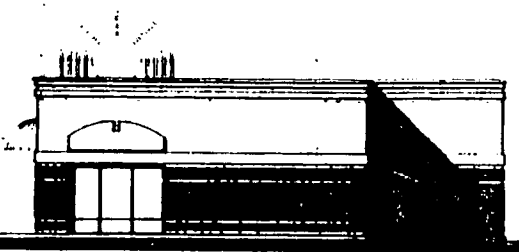


SPECIAL FOOD CENTER

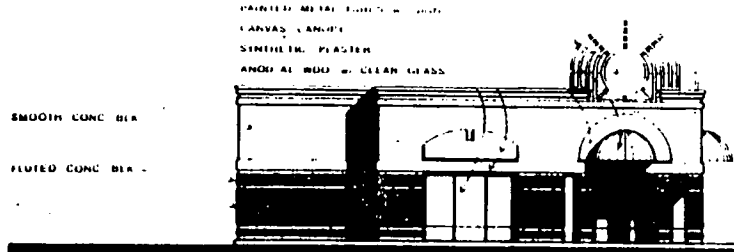
DATE	7/9/94	PROJECT	
EQUIPMENT/FLOOR PLAN			

EQUIPMENT/FLOOR PLAN SCALE: 1/4" = 1'-0"

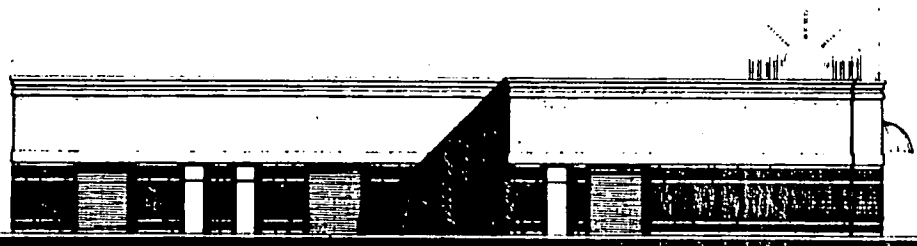
EXHIBIT C-3



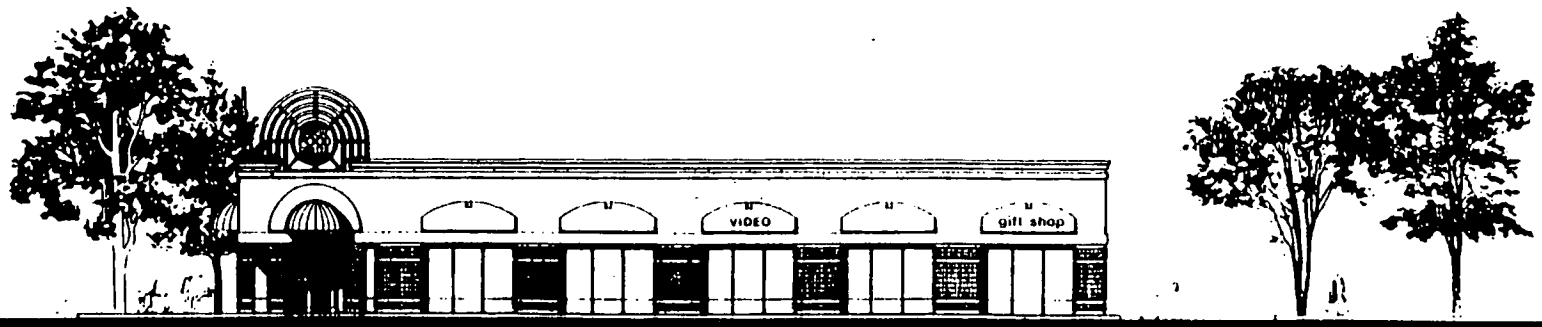
NORTH ELEVATION
1/8" = 1'-0"



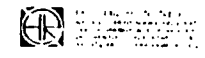
SOUTH ELEVATION
1/8" = 1'-0"



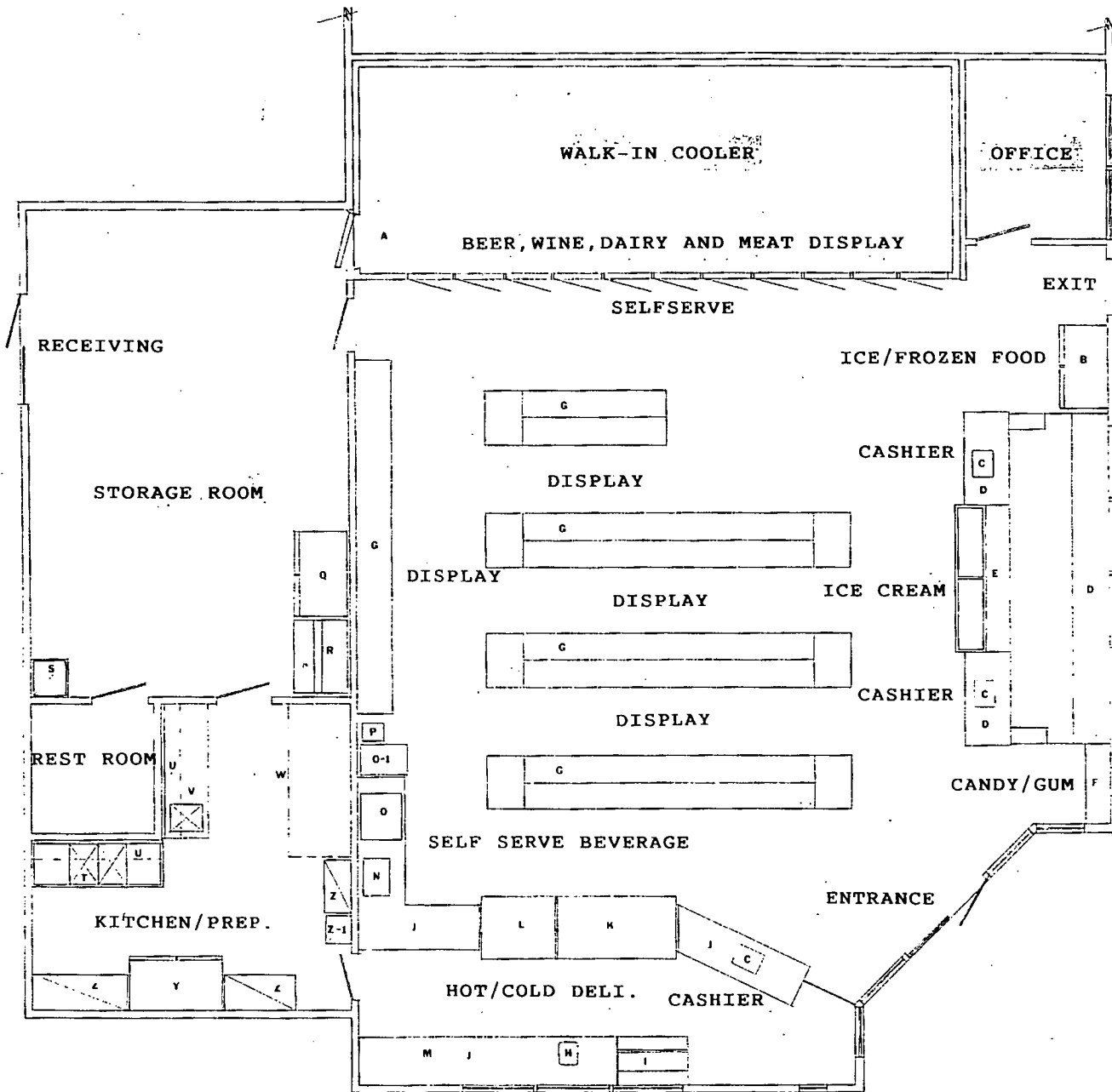
WEST ELEVATION
1/8" = 1'-0"



EAST ELEVATION
1/8" = 1'-0"



SK-2



EQUIPMENT LIST

- A. WALK-IN COOLER
- B. ICE/FROZEN FOOD FREEZER
- C. CASH REGISTER
- D. HILL WORK
- E. ICE CREAM FREEZER
- F. CANDY/GUM DISPLAY
- G. CANDY/GUM DISPLAY
- H. SINK
- I. SEMI-ICE MAKE UP REFRIGERATOR
- J. HILL WORK
- K. COLD DELI DISPLAY
- L. HOT FOOD CASE
- M. SLICER
- N. COFFEE MAKER
- O. ICE/SOFT DRINK DISPENSER
- P. FRIDGE CARBONATED BEVERAGE
- Q. TRAY RECEPTACLE
- R. 2 DOOR REACH IN FREEZER
- S. ICE MAKER W/FILTER
- T. HOT SINK
- U. 2-COMPARTMENT, S/S POT SINK
- V. S/S WALL SHELF
- W. S/S TABLE W/UTILITY SINK
- X. S/S FOOD W/WALL LINING
- Y. 1 C.S. BASE W/TOP
- Z. 2-DOOR REACH IN REFR
- Z-1. STORAGE RACK
- Z-2. HAND SINK
- Z-3. FUTZEER VOK BANK

CABINETS NOTES:

1. PLUMBER TO SIZE AND INSTALL AS PER LOCAL CODE
(1) EA. GARAGE RECEPTOR
(1) EA. COMMERCIAL DUFF HOT WATER HEAT/ W/ADJUSTABLE RECOVERY
2. ALL FINISH BUILDING DIMENSIONS SHALL BE VERIFIED PRIOR TO FABRICATION AND/OR INSTALLATION OF FIXTURES AND EQUIPMENT.
3. MECHANICAL ROUGH-IN AND FINAL BOSS-UP BY THE PLUMBING AND ELECTRICAL CONTRACTORS, SHALL CONFORM TO LOCAL CODES.
4. ELECTRICAL CONTRACTOR TO PROVIDE POWER OUTLET (S) ON ROOF FOR HOOD EXHAUST FAN (S) HOOD LIGHTS NOT PRE-WIRED UNLESS OTHERWISE SPECIFIED.
5. PROVIDE INDICATED CIRCUIT TO ALL CASH REGISTER(S)



FOOD EQUIPMENT
Division of California Butcher Supply, Inc.

431 Lee Canyon St. • Mailing Address: P.O. Box 380801
Manteca, California 95026 • Telephone (408) 919-7820
Tel Fax (209) 943-8212 • Fax (408) 946-5217

SPECIAL FOOD CENTER

SCALE: DATE: 7/2/91 APPROVED BY: DRAWN BY: REVISION:

EQUIPMENT/FLOOR PLAN

EQUIPMENT/FLOOR PLAN

SCALE: 1/4" = 1'-0"