

P99-046 - Folsom Bl. Chevron Station Off-sale Beer & Wine

- REQUEST:
- A. Environmental Determination: Exempt 15301a
  - B. Special Permit to allow the sale of beer and wine for off-site consumption from an existing convenience market/gas station on 0.48± developed acres in the General Commercial (C-2) zone.

LOCATION: 8099 Folsom Boulevard  
APN: 079-0200-042  
Council District 6

APPLICANT:	Chevron Stations Inc. Linda Brewer, Alcoholic Beverage Consulting Service, (909) 699-6868 8099 Folsom Bl. Sacramento, CA 95826
OWNER:	Basso Revocable Trust 1047 47 <sup>th</sup> Street Sacramento, CA 95819
PLANS BY:	Robert Lee & Associates 1137 North McDowell Boulevard Petaluma, CA 94954
APPLICATION FILED:	April 12, 1999
STAFF CONTACT:	Jeanne Corcoran, 264-5317

SUMMARY: The applicant proposes to sell beer and wine for off-site consumption from an existing 24 hour convenience market/gas station. The existing convenience market is 940 square feet. No modifications to the existing building are proposed.

RECOMMENDATION: Staff recommends approval of the project, subject to conditions. This recommendation is based on the projects compliance with General Plan policies to eliminate blight and to promote continued economic vitality of businesses.

PROJECT INFORMATION:

General Plan Designation: Community/Neighborhood Commercial & Offices

Existing Land Use of Site: Gas Station/Convenience Store  
Existing Zoning of Site: C-2

Surrounding Land Use and Zoning:

North: Vacant, motel; C-2  
South: Shell gas station/convenience market, Home Depot, Office Max, PG&E Power Plant; M-2S, M-2  
East: Vacant, parking, County Courthouse, Office; C-2 (PUD); OB(PUD)  
West: office, retail, mini-storage; C-2

Setbacks: Required Provided

Front:	7.5'	65' (250)
Side(St):	5'	62'
Side(Int):	0'	5'
Rear:	0'	8'

Property Dimensions:	106' x 200'
Property Area:	0.48± net acres
Square Footage of Building:	940± square feet convenience store 1,204± square feet car wash
Height of Building:	12', 1 story - convenience market (existing) 14.5', 1 story - car wash (Existing) 18' canopy (Existing)
Exterior Building Materials:	Metal Panels (Existing)
Roof Material:	Metal (Existing)
Hours of Operation:	24 hours
Sales of Alcohol	6 AM to 2 AM
Parking Provided:	7 spaces
Parking Required:	6 spaces

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>
ABC License	Alcoholic Beverage Control- State
Ltr of Public Necessity & Convenience	Police Department

BACKGROUND INFORMATION: On July 11, 1991 the Planning Commission heard a request from Chevron to demolish the existing service station and auto repair facility and reconstruct a gas station/convenience market and car wash. Special Permits were required since the convenience market, to be opened 24 hours was within 500 feet of a residential use or zone and Chevron proposed selling beer and wine. The Planning Commission approved the special permits. On August 26, 1993, the Planning Commission approved a

time extension for the 24 hour convenience store and the sale of beer and wine. The convenience store/gas station was constructed within the one year time extension, however the beer and wine sales were not established. No objections were brought forth to the Planning Commission at the initial hearing for approval or at the time extension hearing.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

The proposed project is consistent with the General Plan policies to:

"Maintain and strengthen viable shopping districts throughout the city". (Policy 1, Sec. 4-17)

"Promote the rehabilitation and revitalization of existing commercial centers". (Policy 2, Section 4-17)

B. Special Permit - Sales of Beer and Wine

1. The Zoning Ordinance requires the Planning Commission to consider whether the proposed sale of beer and wine will detrimentally affect nearby residentially zoned areas, and to consider the distance of the establishment selling beer and wine from residential buildings, churches, schools, hospitals, public parks and playgrounds, child care centers, social services, and other similar uses.

The project site is located in a predominately commercial area. The closest residential zones are located off of Bicentennial Circle approximately 400 feet from the site using nearest measurements, but approximately 1,800 feet if using the surface streets. The residential zone off of College Town Drive is approximately 1,500 feet if using nearest measurements and approximately 2,200 feet using surface streets. The nearest school (CSUS) is approximately 1,900 feet nearest measurement to the parking lots and approximately 2,500 feet using surface streets. The nearest hospital facility (Sutter Mental Health) is approximately 1,200 feet from the site. The mobile home park is approximately 1,400 feet from the site and the nearest single family home located adjacent to Home Depot is approximately 1,150 feet. The Shell Station to the south (across Folsom Bl.) currently sells beer and wine. The sales of beer and wine from the Chevron Station is not anticipated to detrimentally affect the neighborhood. The Police Department has issued a letter of Public Convenience or Necessity (attached).

PROJECT REVIEW PROCESS:A. Environmental Determination

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

B. Public/Neighborhood/Business Association Comments

The project was routed to the Campus Commons and College-Glen neighborhood associations. No comments were received.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. No comments were received.

PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny the special permit for beer and wine sales. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.

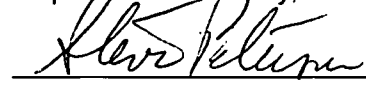
RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15301(a);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the special permit to allow the sales of beer and wine for off-site consumption.

Report Prepared By

  
Jeanne Corcoran, Associate Planner

Report Reviewed By,

  
Steve Peterson, Senior Planner

Attachments

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

# ATTACHMENT 1

P99-046

SEPTEMBER 23, 1999

ITEM # 4  
PAGE 5

**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
FOLSOM BOULEVARD CHEVRON STATION BEER AND WINE FOR OFF-SITE  
CONSUMPTION LOCATED AT 8099 FOLSOM BOULEVARD,  
SACRAMENTO, CALIFORNIA  
IN THE GENERAL COMMERCIAL (C-2) ZONE. (P99-046)**

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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 15301(a);**
- B. **Approved the Special Permit to allow the sale of beer and wine for off-premise consumption within a proposed convenience market/gas station.**

These actions were made based upon the following findings of fact and subject to the following conditions:

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## 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.
- 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 **approved** 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 Convenience and Necessity; and
    - 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 gas station located on the site.
    - d. the proposed use will not adversely affect any program of redevelopment or neighborhood conservation.

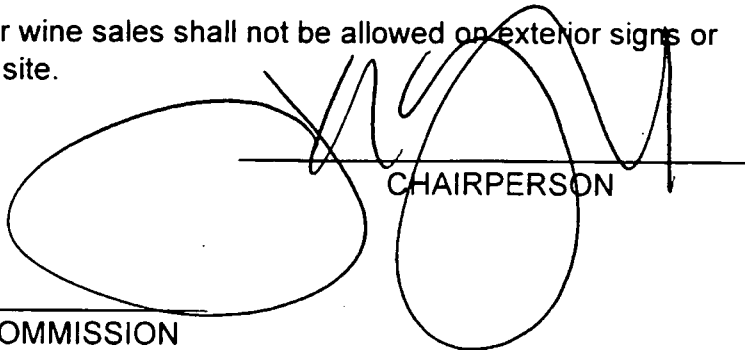
2. The project will not be detrimental to the public welfare and result in the creation of a public nuisance in that the sales of beer and wine will constitute a small percentage of the business on the site and conditions have been incorporated into the project limiting quantities of sale.
3. The project is consistent with the General Plan Policies to maintain and strengthen viable businesses and promote the revitalization of existing commercial centers.

#### CONDITIONS OF APPROVAL

- B. The Special Permit to allow the sale of beer and wine for off-site consumption is hereby approved subject to the following conditions:
- B1. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
  - B2. 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.
  - B3. The sale of wine shall be in bottles or containers no smaller than 750 ml; except for wine based coolers. No wine shall be sold with an alcoholic content greater than fifteen percent (15%) by volume.
  - B4. Wine coolers, whether made with wine or malt products, shall not be sold in quantities of less than a factory four-pack.
  - B5. Sales and deliver if alcoholic beverages shall be permitted only between the hours of 6:00 am and 11:00 pm each day of the week.
  - B6. No sale of beer in quantities less than a six pack, no sale of wine coolers in quantities less than f four pack, and no sale of wine in quantities of less than 750 ml. Shall be permitted. The operator shall post a notice to patrons indicating these sale restrictions.
  - B7. Applicant/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 PARKING LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. C.P.C. 647e(a); S.C.C. 26.01.024(c).

- B8. Applicant shall work with the Licensing Coordinator of the Police Department 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 applicants agreement to prosecute.
- B9. No public pay telephones shall be maintained on the interior or exterior of the premises.
- B10. No video machine shall be maintained on the premises at any time.
- B11. Advertising of beer or wine sales shall not be allowed on exterior signs or window signs on the site.



CHAIRPERSON

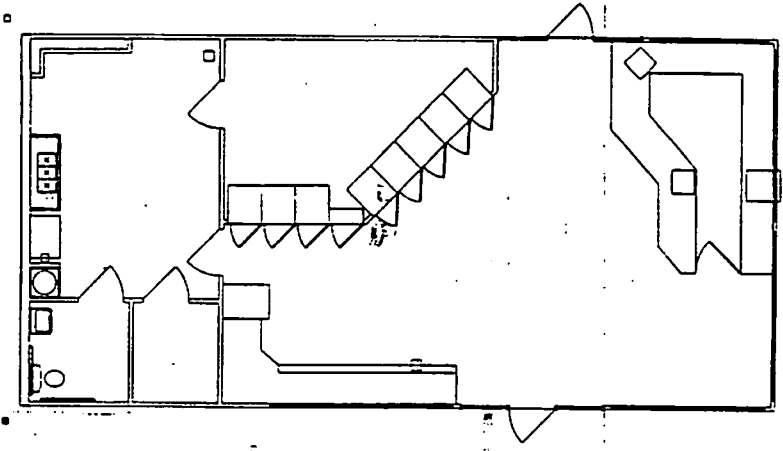
ATTEST:

Carol Strubbe  
SECRETARY TO CITY PLANNING COMMISSION  
9-23-99  
DATE (P99-046)

- Attachments
- Exhibit 1-A Site Plan
  - Exhibit 1-B Floor Plan
  - Exhibit 1-C Elevation Plan




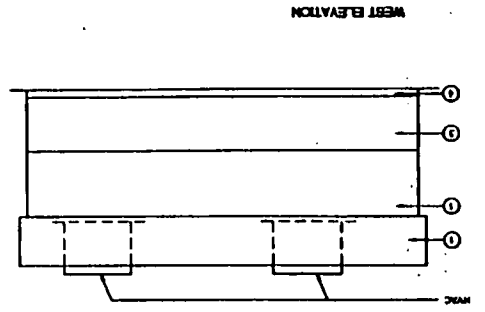
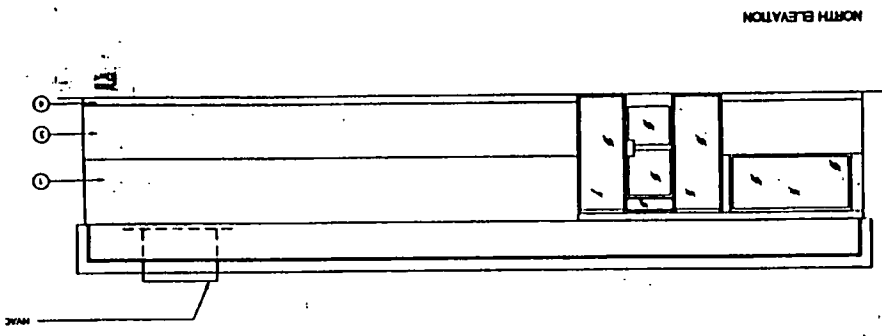
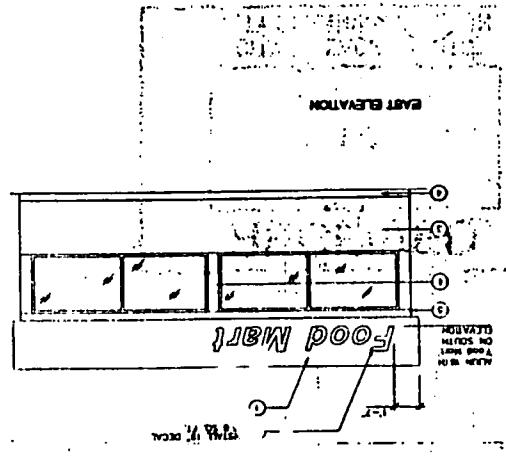
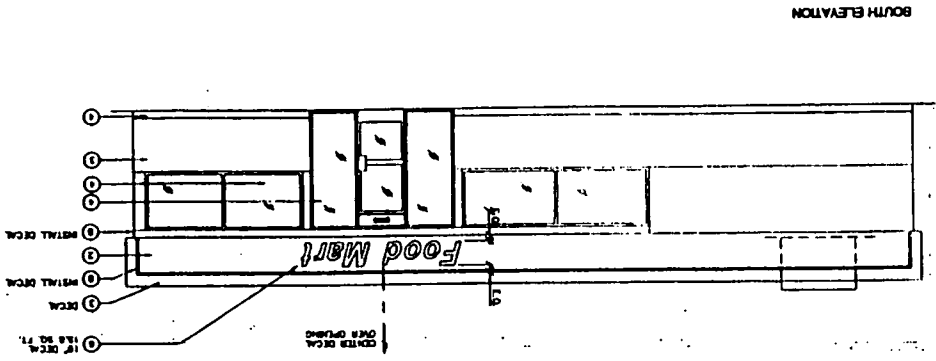
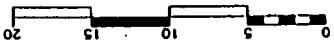




FLOOR PLAN	
COMPANY OPERATED 9-1385	
ROSS EDLSON BLVD.	
SACRAMENTO, CALIFORNIA	
SCALE 1/4" = 1'-0"	DATE
BY HCH DL	APP
SCALE DRAWING 8 11x17	
SCALE 1/8" = 1'-0"	



	
<b>Real Developers West</b> 8099 LOLSOM BLVD SACRAMENTO, CALIFORNIA	
COMPANY OPERATED 9-1193	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
SCALE 1/8"=1'-0"	# THIS DRAWING IS 11117

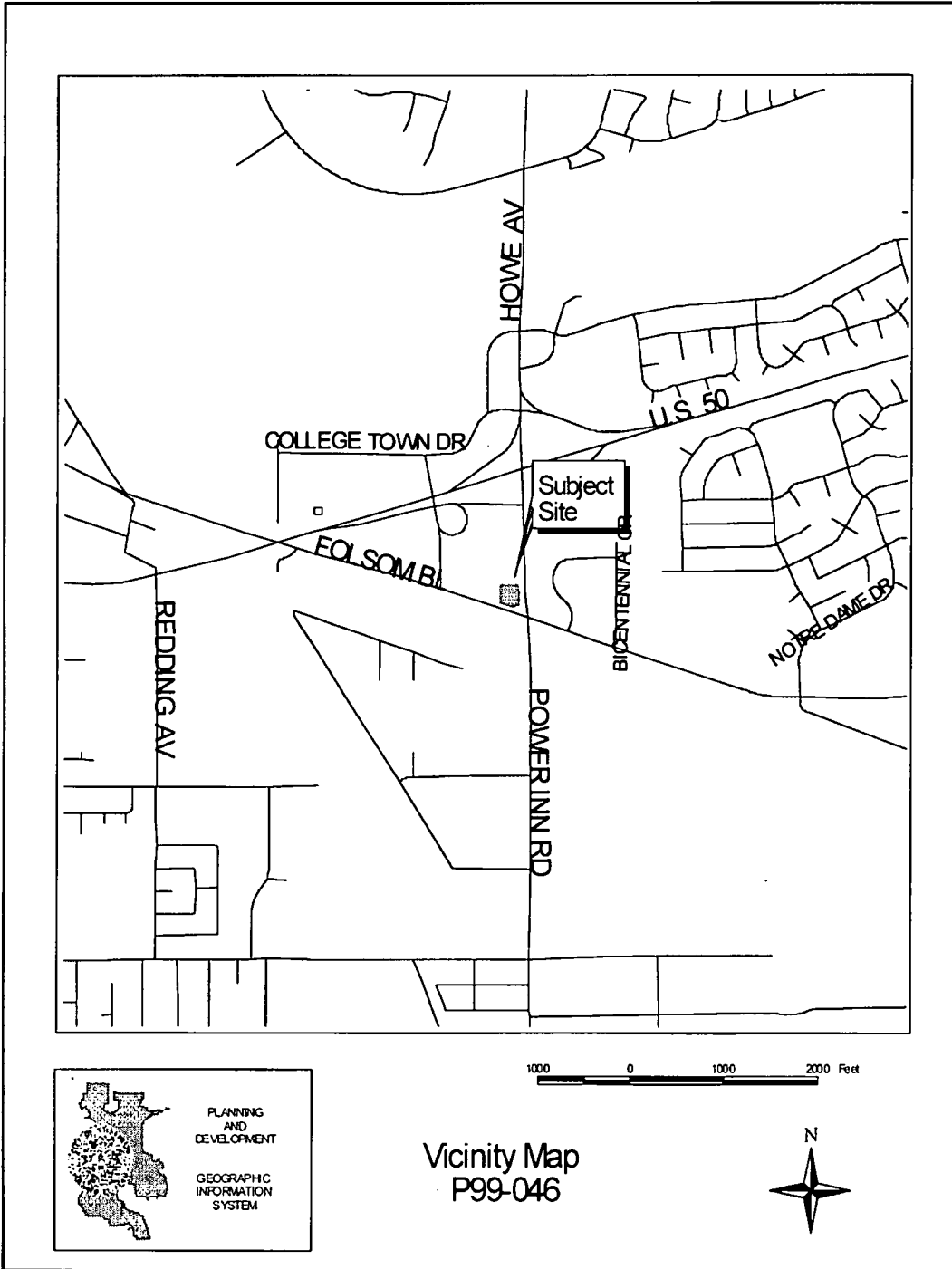


ATTACHMENT 2

P99-046

SEPTEMBER 23, 1999

ITEM # 4  
PAGE 11

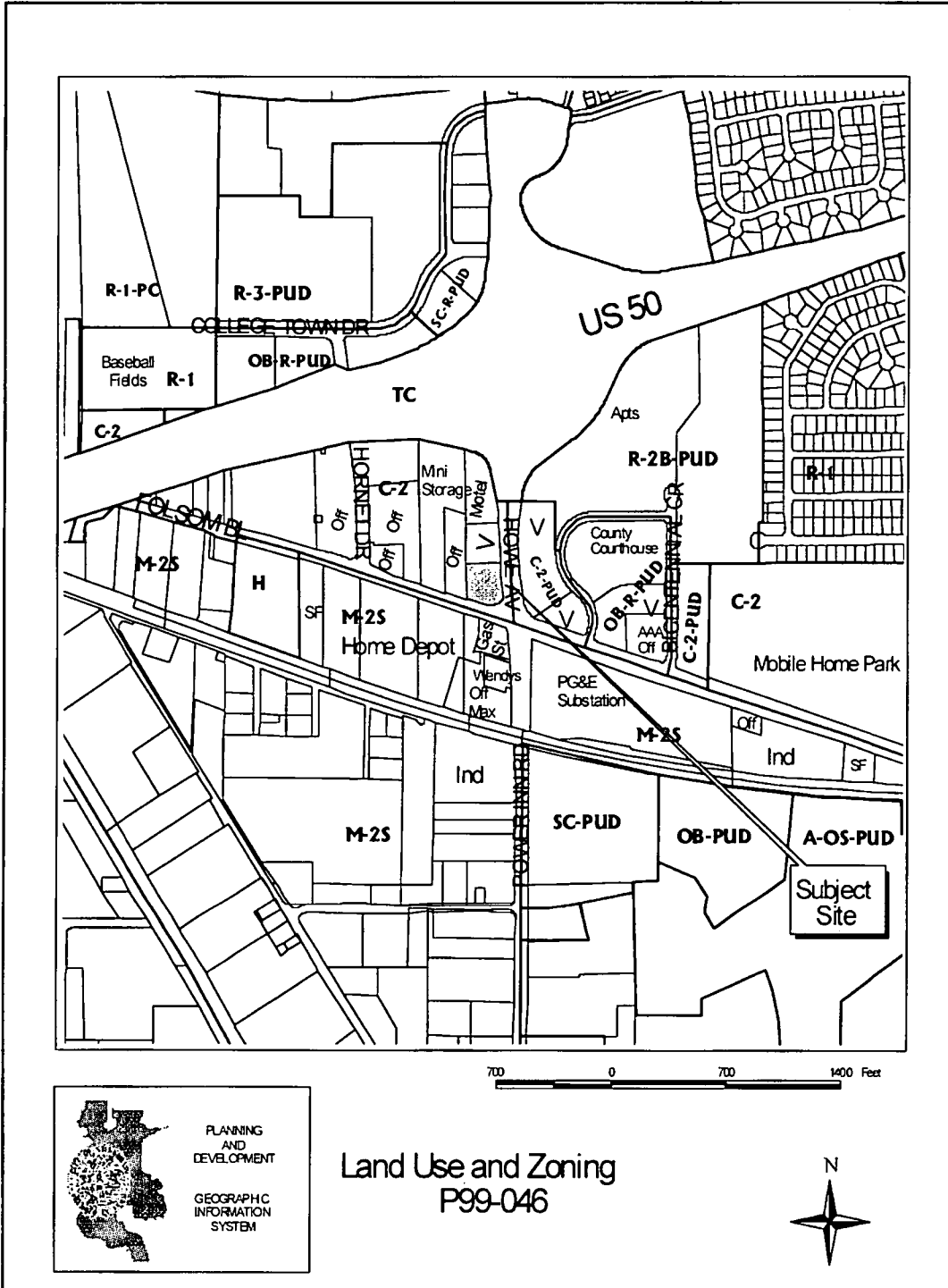


# ATTACHMENT 3

P99-046

SEPTEMBER 23, 1999

ITEM # 4  
PAGE 12



## ATTACHMENT 4

ITEM # 4  
PAGE 13

August 24, 1999

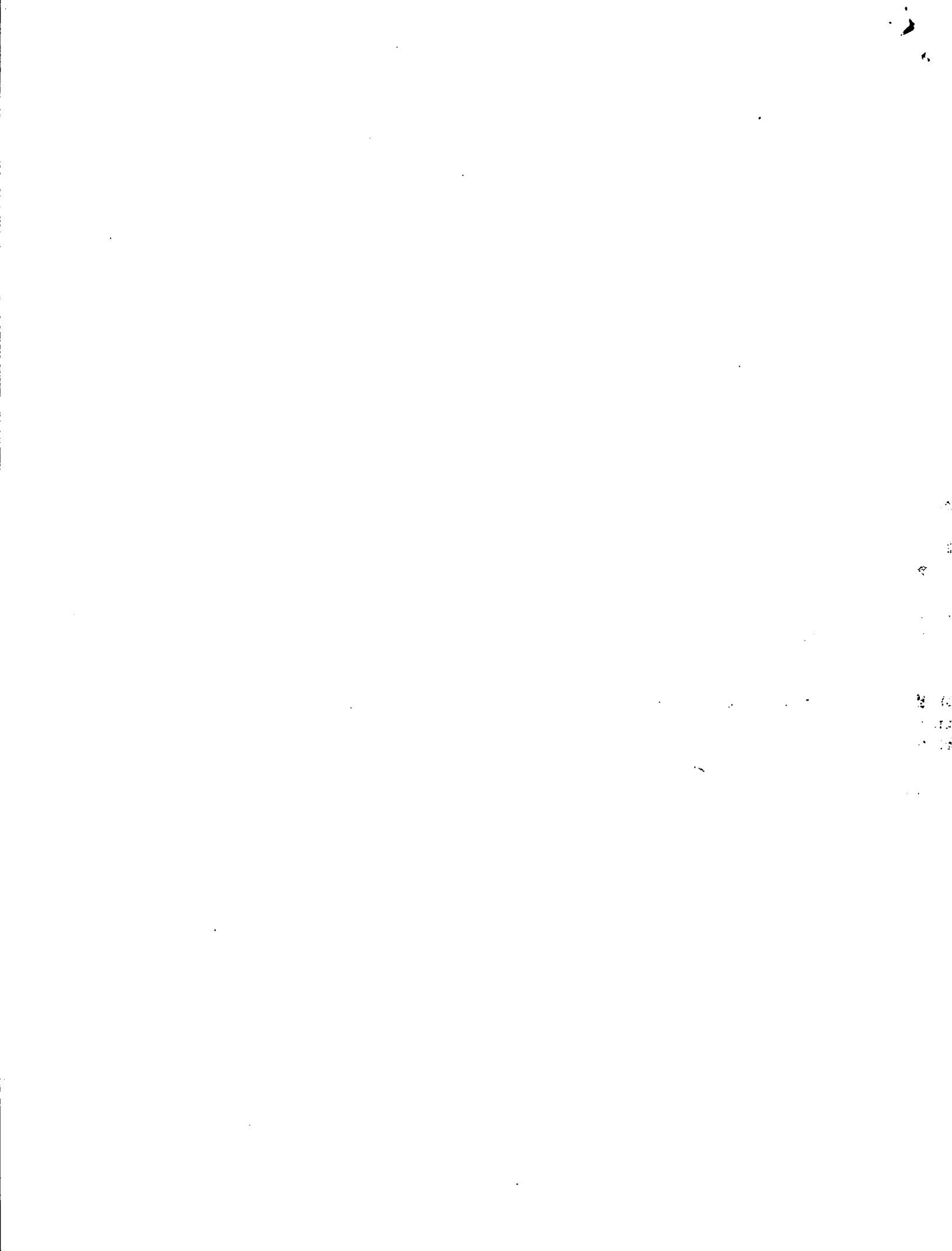
Ref. No.: LC9-08-09

Gerald Forsman  
District Administrator  
Alcohol Beverage Control  
3321 Power Inn Road  
Sacramento, California 95826

Dear Mr. Forsman:

The Chief of Police has determined that public necessity or convenience is evident in the application of Chevron Stations Inc. at 8099 Folsom Blvd.

1. 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.
2. The sale of wine shall be in bottles or containers no smaller than 750 ml.; except for wine based coolers. No wine shall be sold with an alcoholic content greater than fifteen percent (15%) by volume.
3. Wine coolers, whether made with wine or malt products, shall not be sold in quantities of less than a factory four-pack.
4. Sales and delivery of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 11:00 PM each day of the week.



ITEM #  
PAGE 14GERALD FORSMAN  
PAGE 2

5. Applicant shall post and maintain on the premises and in the parking lot used in conjunction therewith notices clearly visible to the patrons of the establishment 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. 26.01.024(c).

6. Site shall be posted for no loitering.
7. There shall be no video machine maintained upon the premises at any time.
8. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
9. No public pay telephones shall be maintained on the interior or exterior of the premises.

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

MP:SR:slr