

Summary: The applicant is requesting a Special Permit to sell beer and wine in an existing 1,190 square foot retail space. **Staff recommends approval of the project,** subject to the conditions listed in Attachment 1. The recommendation for approval of the Special Permit is based on the project's consistency with the existing General Plan, Central City Community Plan and zoning designations for the site, as well as policies of the General Plan and Central City Community Plan.

Table 1: Project Information
General Plan designation: Community Neighborhood Commercial and Offices
Community Plan designation: Multi-use
Existing zoning of site: Central Business District (C-3)
Existing use of site: 3 story retail/office
Property area: .09± net acres

Background Information: The applicant is requesting a Special Permit to sell beer and wine in an existing 1,190 retail space. The space currently functions as a general store, providing both snack foods and staples, travel necessities, gift items, and sundries tailored to the needs of Old Sacramento visitors. The store currently operates from 9am to 7pm Monday through Saturday and 10am to 6pm on Sunday. The applicant does not propose to alter the hours of operation as a result of this application. The applicant is making the request as a response to customer feedback indicating a desire for bottles of wine to buy as gifts. The applicant also wishes to sell beer as a small part of their inventory to serve visitors to the area, as there are currently no off-sale beer and wine stores within 10 blocks of Old Sacramento. The project requires a Special Permit to serve beer and wine in a retail establishment of less than 15,000 square feet.

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.

Public/Neighborhood Outreach and Comments: The site is located within the boundaries of the Old Sacramento Business Association. The project plans were sent to the Association and no comments were received. Landowners within a 500-foot radius of the project site were also notified of the project proposal. No concerns regarding the project have been expressed as of the writing of this report.

Environmental Considerations: The Environmental Services Manager has determined that the project, as proposed, is exempt from environmental review pursuant to CEQA Section 15061(b)(3), which states: "CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen

with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.”

Policy Considerations:

General Plan: The site is designated Community Neighborhood Commercial and Office in the City’s General Plan. The existing retail use is consistent with this designation and the request to sell beer and wine does not substantially change the nature of the general store.

The project proposal is consistent with Goal A of the Sacramento General Plan Commerce and Industry Element in which states “ensure that all areas of the City are adequately served by neighborhood/community shopping districts” (SGPU 4-16) and also supports Policy 1 “Actively support efforts to develop visitor and convention facilities in the downtown area.” There is currently not a retail establishment with an off-sale beer and wine license within 10 blocks of Old Sacramento, and, therefore, the proposed project will provide a convenience amenity to Old Sacramento visitors.

Central City Community Plan: The site is designated Multi-use in the Central City Community Plan. The existing and proposed use is consistent with this designation.

The proposal is consistent with the Commercial Goal “Provide for a range of commercial activities which meet the needs of the residents, employees, and visitors to the Central City” (p.7) and the sub-goal “continue the development of historic Old Sacramento as a major tourism entertainment and cultural area in the region.”

General Plan Update Vision and Guiding Principles: While the City’s General Plan is being updated, the City Council has adopted a vision for the future of the City as well as several guiding principles to help achieve this vision. This was done to ensure that new developments submitted during the ongoing update comply with the goals and policies that are being incorporated into the General Plan through the update. In providing a convenience amenity for visitors to Old Sacramento while being subject to conditions intended to enhance security, this proposal complies with the following the guiding principles:

1. Create a vibrant downtown that serves as a regional designation for the arts, culture, and entertainment while accommodating residents that live, work and gather in the city center.
2. Improve coordination among residents and businesses and police, fire, planning, transportation, and other City departments to address security issues and achieve safe neighborhoods.

Zoning

The project site is zoned Central Business District (C-3). The general store is allowed by right in this zone, and the proposed sale of beer and wine is allowed by approval of a Special Permit.

Building Design/Height and Area Requirements

The project involves an existing use in an existing structure and involves no exterior modifications. Therefore, there are no issues related to building design or height and area requirements related to this project.

Special Permit for a Beer and Wine Sales

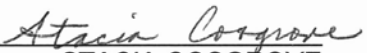
The zoning code states that retail stores of less than 15,000 square feet are required to obtain a Special Permit from the Planning Commission for the sale of alcoholic beverages. The proposed project has been conditioned by the Police Department to discourage public drinking while enabling the sale of quality regional beers and wines to Old Sacramento visitors. Specifically, the project has been conditioned to: 1) prohibit the sale of fortified wines, 2) limit the hours of alcohol sales, 3) prevent the sale of beverage cups in small numbers intended for immediate usage, 4) prevent the sale beer, wine coolers, or malt beverages in single units, 5) prevent the sale of wine in single serving containers, 6) limit the amount of store space allocated to the sale of alcoholic beverages, and 7) prevent the refrigeration of alcoholic beverages.

To grant the Special Permit, the Planning Commission is required to make the following findings:

- 1) The proposed use will not adversely affect the peace or general welfare of the surrounding area.
- 2) The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
- 3) The proposed use will not enlarge or encourage the development of a skid row or blighted area.
- 4) The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

It is staff's position that the above findings can be made for the above described project. The project is in an area which does not have an overconcentration of off-sale beer and wine licenses, and consequently has received the required Letter of Public Convenience and Necessity from the Police Department. Further, the Police Department conditions proposed for the project (described above and detailed in Attachment 1) discourage the blighting effect of public alcohol consumption while allowing a convenience amenity and gift purchasing opportunity for visitors to Old Sacramento.

Respectfully submitted by: 
MARK KRAFT
Associate Planner

Approved by: 
STACIA COSGROVE
Senior Planner

Recommendation Approved:


GREGORY BITTER
Principal Planner

Attachments

- | | |
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| Attachment 1 | Recommended Findings of Fact and Conditions of Approval |
| Exhibit 1A | Site Plan |
| Attachment 2 | Letter of Public Convenience and Necessity |
| Attachment 3 | Vicinity Map |
| Attachment 4 | Land Use and Zoning Map |
| Attachment 5 | List of Matrix Team Members |

**Attachment 1
Proposed Findings of Fact and Conditions of Approval
Old Sacramento General Store (P08-107)
1019 Second Street**

Findings Of Fact

A. Environmental Determination:

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **CEQA Guidelines Section 15061(b)(3), Review for Exemption** of the California Environmental Quality Act Guidelines as follows:

This project consists of a request to obtain permission to sell beer and wine in an existing retail store in the Central Business District (C-3) zone. The project will require a Special Permit for alcohol sales.

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

B. The Special Permit for beer and wine sales in an existing retail store in the Central Business District (C-3) zone is hereby approved based upon the following findings:

- 1) The proposed use will not adversely affect the peace or general welfare of the surrounding area, in that the project is conditioned to minimize any potential negative activity that could result from the sale of alcohol by the business;
- 2) The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages, in that there are no other permits for off-site alcohol sales within Old Sacramento and the Police Departments has issued and required Letter of Public Convenience and Necessity;
- 3) The proposed use will not enlarge or encourage the development of a skid row or blighted area, in that the project is conditioned consistent with the applicant's intent to have the off-site alcohol sales cater primarily to Old Sacramento tourists and visitors;
- 4) The proposed use, in providing a convenience amenity for visitors will not be contrary to or adversely affect any program of redevelopment or

neighborhood conservation in that the proposal does not conflict with the Retail, Entertainment and Tourism Strategy, outlined in the 2005 Downtown Sacramento Redevelopment Strategy, which simply states that “Old Sacramento will do fine if it refreshes its attractions and makes sure visitors have a pleasant experience every time.”

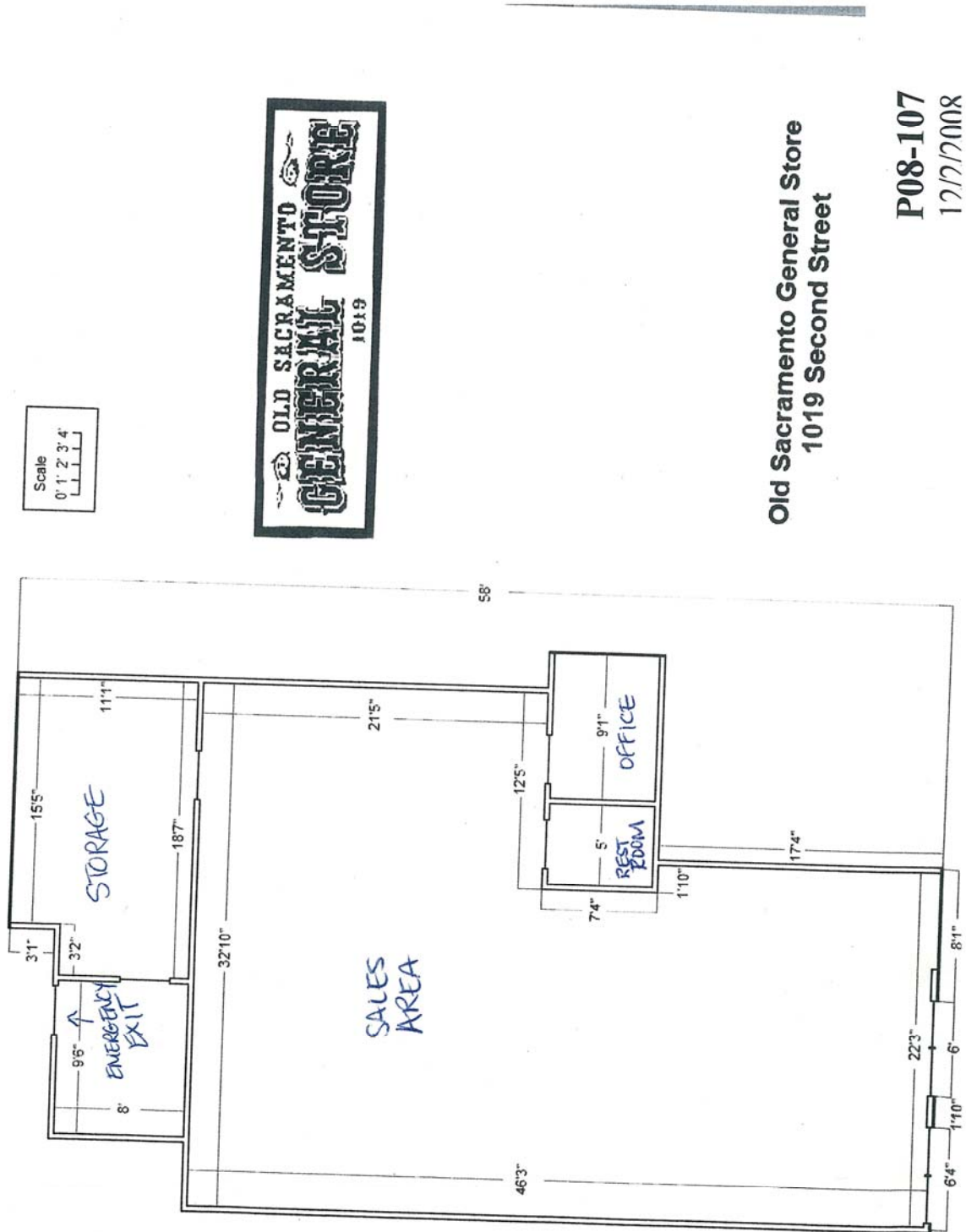
Conditions Of Approval

- B. The Special Permit for beer and wine sales in an existing retail store in the Central Business District (C-3) zone is hereby approved subject to the following conditions of approval:

POLICE

- B1. The sale of fortified wines is prohibited.
- B2. The sale of alcoholic beverages shall only be permitted between the hours of 6:00 a.m. and 7:00 p.m.
- B3. There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages sold, furnished, or given away at the premises in quantities of less than twenty-four in their original multi-container package.
- B4. Beer, malt beverages, and wine coolers shall not be sold in single units regardless of size. At no time shall a single unit be sold individually, or in conjunction with another brand/size container.
- B5. The sale of wine shall be in bottles or containers no smaller than 750 ml., except for wine based coolers.
- B6. No wine shall be sold with an alcoholic content greater than 15% by volume.
- B7. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- B8. No more than 5% of the square footage of the premises will be used for the sale of alcoholic beverages (Storage areas are not included in this calculation).
- B9. Alcohol shall not be refrigerated at any time.

Exhibit 1A-Site Plan



Attachment 2-Letter of Public Convenience and Necessity

DEC-17-2008 11:05
Oct 10 2008 13:31

ALCOHOLIC BEVERAGE CNTRL
IN DISCRETION

916 227 2745

P.01/01



DEPARTMENT OF
POLICE

CHIEF OF POLICE
RICK BRAZIEL

DEPUTY CHIEFS
SAM SOMERS, JR.
BRIAN LOUIE

CITY OF SACRAMENTO
CALIFORNIA

October 10, 2008
Ref. No.: 10-4

3770 FREEPORT BLVD., SUITE 100
SACRAMENTO, CA
95822-3516

PH 916-808-0870
FAX 916-808-0818
www.sacpd.net

Lori Ajax
District Administrator
Alcohol Beverage Control
3321 Power Inn Road, Suite 230
Sacramento, CA 95826

Dear Ms. Ajax:

The Sacramento Police Department has completed the investigation for the Old Sacramento General Store located at 1019 Second Street. The Police Department feels that Public Convenience or Necessity will be served.

Sincerely,

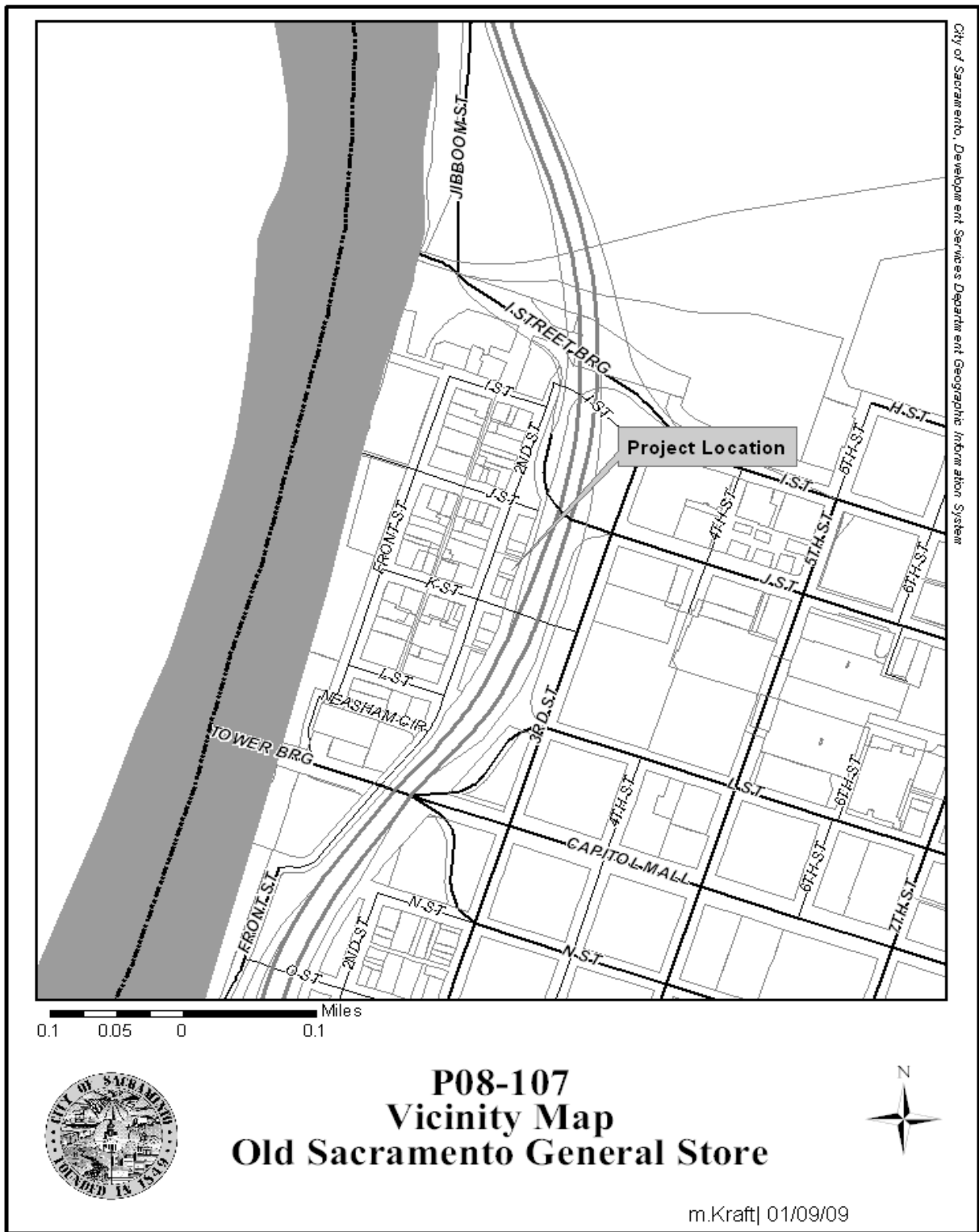
Mike McCarthy, Captain
Sacramento Police Department

MM:ig

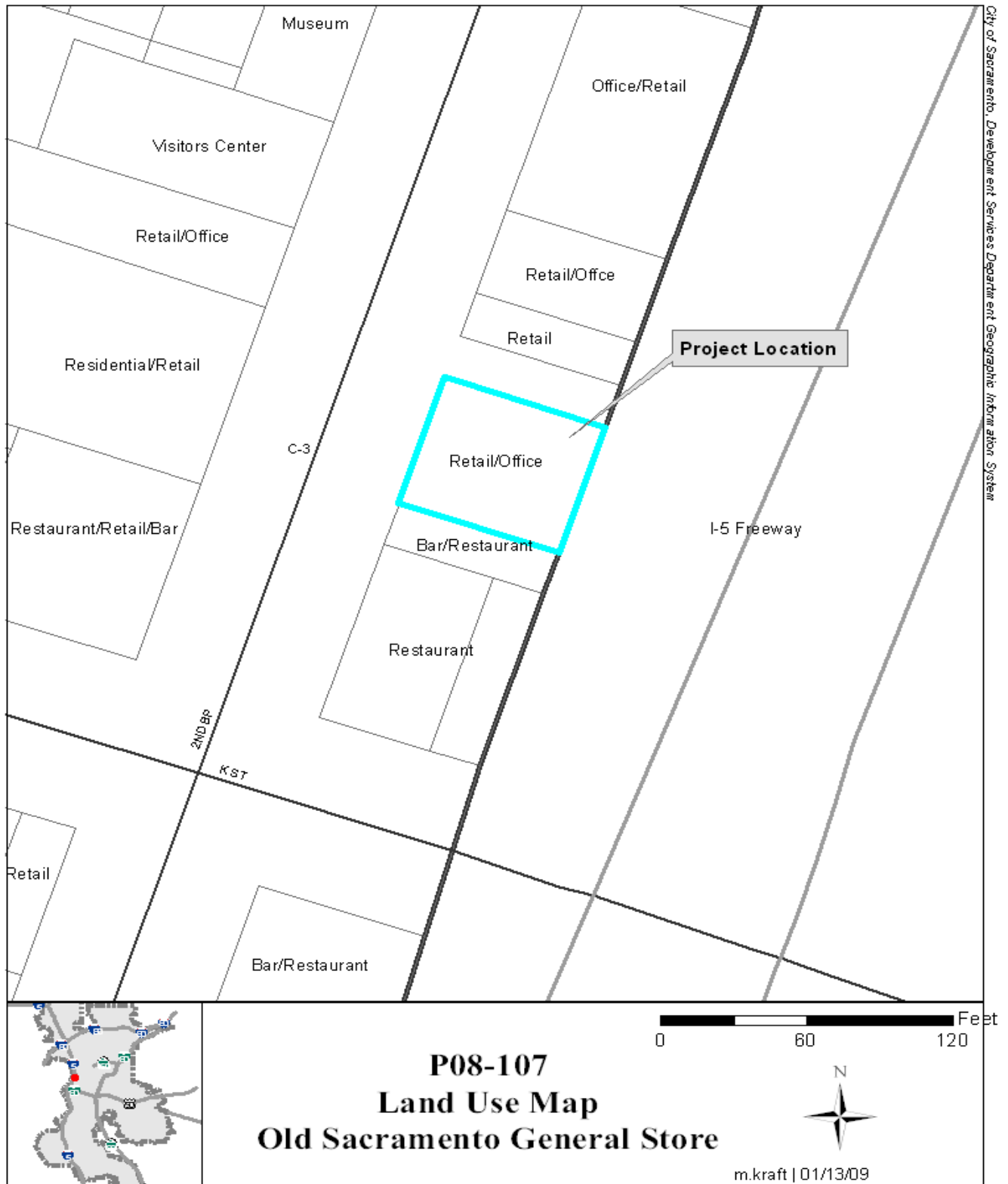
This mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.

TOTAL P.01

Attachment 3-Vicinity Map



Attachment 4-Land Use and Zoning Map



Attachment 5-

List of Matrix Team Members

Department	Contact Person	Telephone	Email
Current Planning	Mark Kraft	808-8116	mkraft@cityofsacramento.org
Transportation	Anis Ghobril	808-5367	aghobril@cityofsacramento.org
Utilities	Inthira Southyanon	808-1473	isouthyanon@cityofsacramento.org
Environmental	Scott Johnson	808-5842	sjohnson@cityofsacramento.org
Fire	King Tunson	808-1358	ktunson@cityofsacramento.org
Parks	Dana Allen	808-2762	dallen@cityofsacramento.org
Streets	Stephanie Frasier	808-3725	sfrasier@cityofsacramento.org
Police	Chris Taylor	808-0867	ctaylor@cityofsacramento.org
Building	Luba Vlasenko	808-8799	lvlasenko@cityofsacramento.org