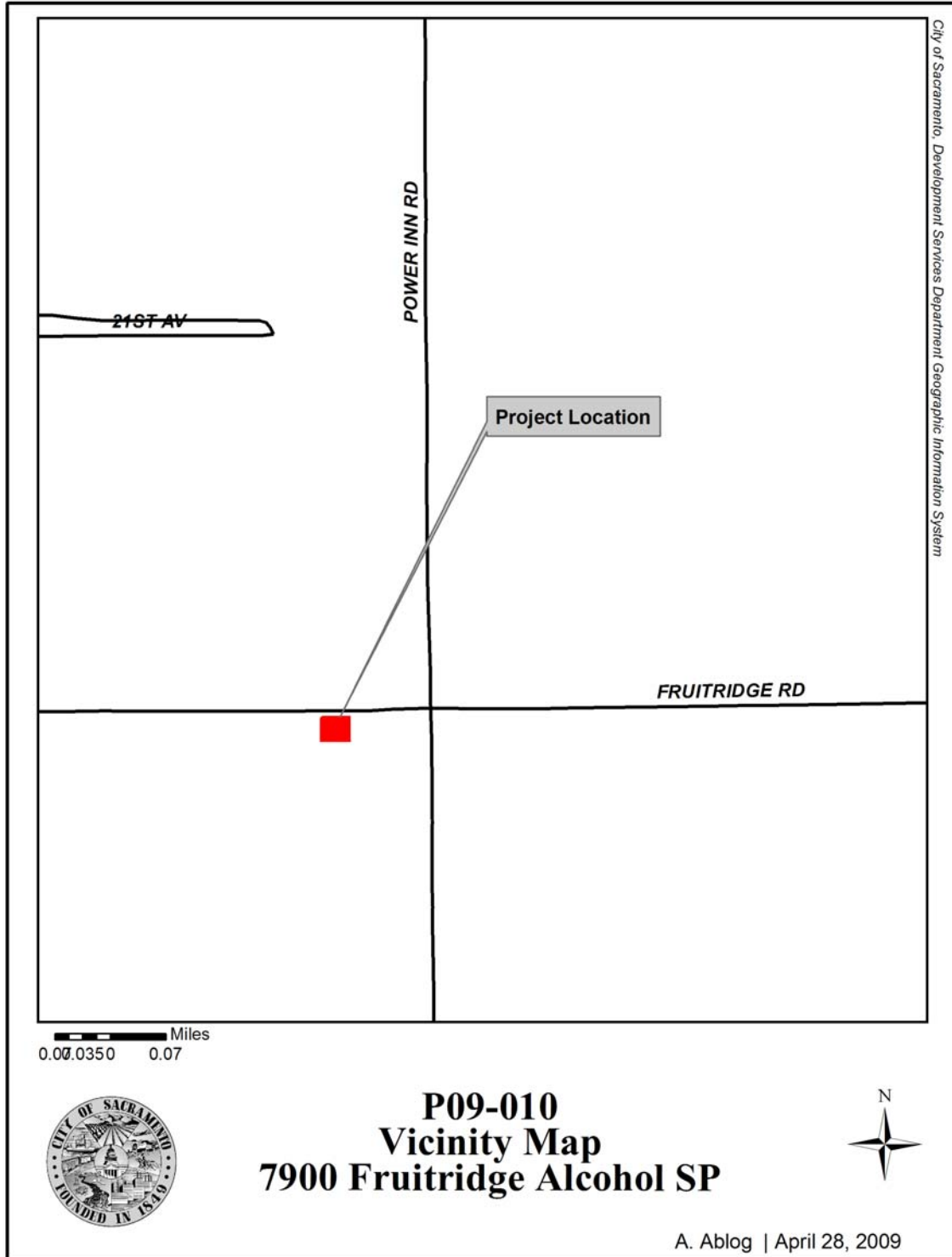




Vicinity Map



**Summary:** The applicant is requesting a Special Permit to allow the sale of alcoholic beverages from an existing service station/convenience market located in the General Commercial (C-2) zone at 7900 Fruitridge Road. This application has been reviewed by various city departments, including the Police Department. Amongst other conditions, the Police Department has placed conditions on the Special Permit that limit the sale of alcoholic beverages to Beer and Wine, prohibit single sales of beer, and allow alcoholic beverages to be sold between the hours of 6:00 a.m. and 11:00 p.m. Various neighborhood advisory groups were also notified of the proposal and staff has not received any comments in opposition to the project as of the writing of this report. Property owners within 500 feet of the site were also notified of the public hearing.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Suburban Corridor
<b>Existing zoning of site:</b> General Commercial (C-2)
<b>Community Plan Area:</b> Fruitridge Broadway
<b>Existing use of site:</b> Service Station/Convenience Market
<b>Property area:</b> 0.64 acres

**Background Information:** The requested alcohol sales are proposed to be located in an existing service station/convenience market. The existing use was legally established approximately 10 years ago, prior to the Special Permit requirement for service stations in the C-2 zone. Therefore, there are no prior Planning files on the subject site.

The existing service station is located on an existing strip of commercial uses on the south side of Fruitridge Road. To the east, commercial uses extend to Power Inn Road. To the west is a mix of commercial and residential uses. There are single-family homes to the south of the project site, and to the north, along the opposite side of Fruitridge Road.

**Public/Neighborhood Outreach and Comments:** Staff routed the proposal to various neighborhood groups and associations including the Avondale Glen Elder Neighborhood Association, the Power Inn Alliance, and the Army Depot Redevelopment Advisory Committee. Staff has not received any comments in opposition to the project as of the writing of this report. The applicant has met with the Avondale Glen Elder Neighborhood Association who has submitted a letter supporting the conditional approval of the requested Special Permit.

**Environmental Considerations:** The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Class 1, Section number 15301 which consists of the operation, repair or minor alteration of existing public or private structures or facilities involving negligible or no

expansion of capacity of an existing use beyond that existing at the time of the lead agency's determination.

**Policy Considerations:**

***General Plan***

The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Suburban Corridor, which is envisioned as auto-oriented, moderate-density retail, office, and residential corridors that support surrounding suburban neighborhoods. The proposed project is consistent with the Suburban Corridor designation in that:

- The service station/convenience market is an allowed retail use;
- The building height is between one and four stories; and
- The lot coverage does not exceed 50 percent.

The proposed project meets the 2030 General Plan goals and policies related to Suburban Corridors. The proposed development will be compatible with the surrounding commercial and residential and is accessible to alternate modes of transportation such as transit, walking and bicycling.

***Fruitridge Broadway Community Plan***

The policies contained in the Fruitridge Broadway Community Plan are organized to mirror the structure of the citywide 2030 General Plan elements. The Fruitridge Broadway Community Plan recognizes the Fruitridge commercial corridor as an opportunity area to promote new businesses, retain existing businesses, and redevelop underutilized sites.

**Project Design:**

***Land Use***

The applicant proposes to sell alcoholic beverages from an existing service station/convenience market located in the General Commercial (C-2) zone. The proposed Special Permit has been conditioned to only allow the sale of beer and wine. Beer has been conditioned to be sold in packages of six or more. Single sales of beer are prohibited. Wine has been conditioned to be sold in containers no less than 750ml.

Section 17.24.050(40) of the zoning code permits the sale of alcoholic beverage at this facility with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

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

The Zoning Ordinance also requires that the Planning Commission consider whether the proposed alcohol related use will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions. The subject site is adjacent to a residential neighborhood, but the nearest school and nearest park are more than 1000 feet from the subject site. There are two churches along 32<sup>nd</sup> Avenue to the south of the site, but staff believes that the conditions placed on the Special Permit will mitigate any negative impacts that can be generated by the use.

The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project consists of an additional use to a pre-existing building. Therefore, staff supports the proposed use based on the above findings.

### ***Access, Circulation and Parking***

The subject building is located at the southeast corner of Fruitridge Road and 79<sup>th</sup> Street. There are two driveways along Fruitridge Road and a single driveway at 79<sup>th</sup> Street. There are 13 existing parking spaces on the eastern side of the site. This exceeds the 8 spaced required for the 5,150 square foot commercial building. The proposed sale of alcohol does not affect the required amount of on-site parking. The applicant is not proposing any changes to the existing site plan.

### ***Height, Bulk and Setbacks***

The existing building meets the required height and setback standards. There are no proposed changes to the building that would alter the existing height and setback of the structure.

### ***Building design***

The existing service station consists of a 3,200 square-foot, single-story, main building with a two-story portion at the rear. There are six fuel pumps under a canopy adjacent to the Fruitridge road frontage of the property. The main building houses the convenience market which carries typical items on the sales floor and in the refrigerated

coolers at the rear of the store. The convenience market also features a small kitchen at the front of the store where food is prepared and sold. Alcoholic beverages for sale would be placed on the sales floor and in the refrigerated coolers.

Aside from the sales area, the building houses several office and storage areas. There are small office and storage areas to the rear of the sales counter. At the rear of the building, there is a two story section with a large storage area on the ground floor, and an office/employee lounge on the second floor. The rear section of the building adds 1,950 square feet to the building area for a total square footage of 5,150 square feet.

**Recommendation:**

Staff recommends the Planning Commission approve the requested entitlements with the conditions shown in Attachment 1 since the proposed project meets the General Plan goals and policies for the Suburban Corridor designation. Additionally, the proposal, as conditioned, will not adversely affect the peace or general welfare of the surrounding neighborhood.

Respectfully submitted by:



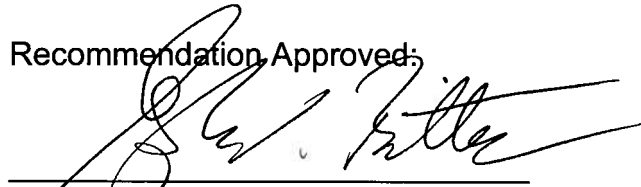
ANTONIO ABLOG  
Associate Planner

Approved by:



LINDSEY ALAGOZIAN  
Senior Planner

Recommendation Approved:



GREGORY BITTER  
Principal Planner

Attachments:

Attachment 1	Recommended Findings of Fact and Conditions of Approval
Exhibit 1A	Site Plan
Exhibit 1B	Floor Plan
Exhibit 1C	Elevations
Attachment 2	Land Use & Zoning Map
Attachment 3	Matrix Contact Information

**Attachment 1**  
**Recommended Findings of Fact and Conditions of Approval**  
**7900 Fruitridge Alcohol Sales (P09-010)**  
**7900 Fruitridge Road, Sacramento**

**Findings of Fact**

**A. Environmental Determination: Exemption**

1. 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 Section 15301, Existing Facilities, of the California Environmental Quality Act, as follows:
  - a. This project consists of the minor alteration of an existing structure by using the building for commercial/retail purposes.

**B. The **Special Permit** to allow the sale of alcoholic beverages for off-site consumption from an existing gas station/market on approximately 0.64 acres in the General Commercial (C-2) zone is **approved** subject to the following Findings of Fact:**

1. The proposed use, as conditioned, is not anticipated to adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood since conditions have been placed on the project restricting the quantities/volume of sale, hours of sale, and requiring video surveillance of the property.
2. The proposed use will not result in overconcentration of establishments dispensing alcoholic beverages within the general vicinity.
3. The proposed use will not enlarge or encourage the development of skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project consists of an additional use in a pre-existing building that is consistent with applicable General Plan and Fruitridge Broadway Community Plan policies.

**Conditions of Approval**

B. The **Special Permit** to allow the sale of alcoholic beverages for off-site consumption from and existing gas station/market approximately 0.64 acres in the General Commercial (C-2) zone hereby **approved** subject to the following conditions:

**Police**

- B1. The main cashier counter shall be equipped with a central station silent robbery alarm system and a telephone.
- B2. Alcohol sales are limited to the hours between 6 A.M. and 11 P.M.
- B3. Beer, ale, and/or malt beverages shall be sold in original factory packages of a six pack or greater, except malt based coolers. At no time, shall a single unit be sold individually, nor in conjunction with another brand/size container of beer and/or malt beverage to constitute a six-pack or larger quantity.
- B4. Wine and/or wine coolers must be sold in no less than 750 ml containers or 4-pack containers.
- B5. No distilled spirits shall be sold.
- B6. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- B7. Height markers which display height measures are required on the interior doorway of the business.
- B8. All exterior lighting fixtures shall be maintained and operational.
- B9. No public telephone/pay phone shall be allowed on the premises.
- B10. All exterior signs shall comply with PUD Guidelines, City of Sacramento Codes, and Ordinances.
- B11. Window signage is a barrier to security because it prevents officers and citizens who are passing by from seeing inside the business. Interior window signage shall comply with PUD Guidelines, City of Sacramento Codes, and Ordinances.
- B12. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the police department to prosecute all violators.

- B13. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. The proprietor, or their agent, shall immediately disperse anyone drinking on the property in order to prevent nuisance or unreasonable interference with adjacent properties.
- B14. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.
- B15. There shall be no video/arcade machines maintained upon the premises at any time.
- B16. All dumpsters must be kept locked.
- B17. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- B18. Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances.
- B19. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. (A DVR capable of storing 30 days worth of activity is preferable.)
- B20. The DVR must be kept in a secured area that is accessible only to management.

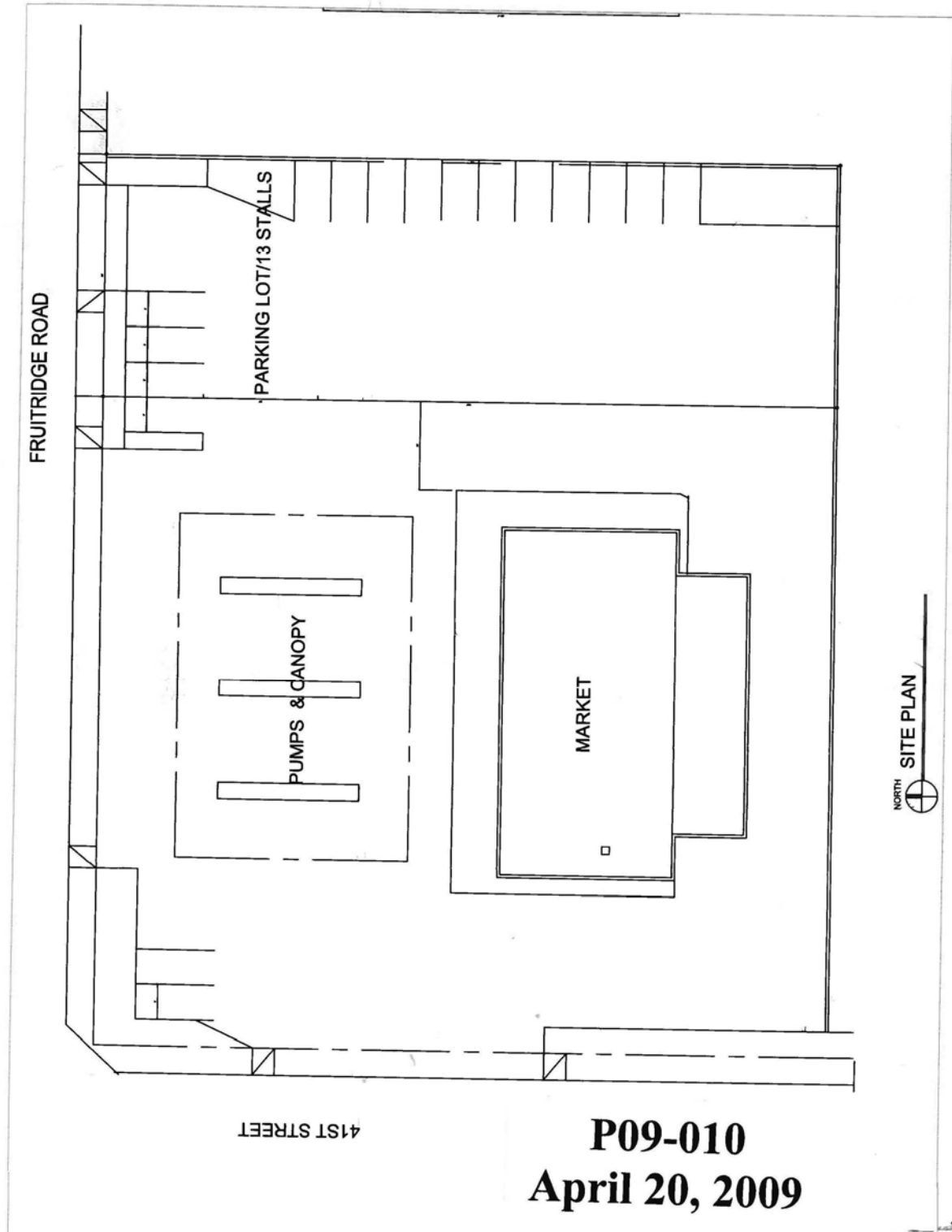


Exhibit 1B: Floor Plan

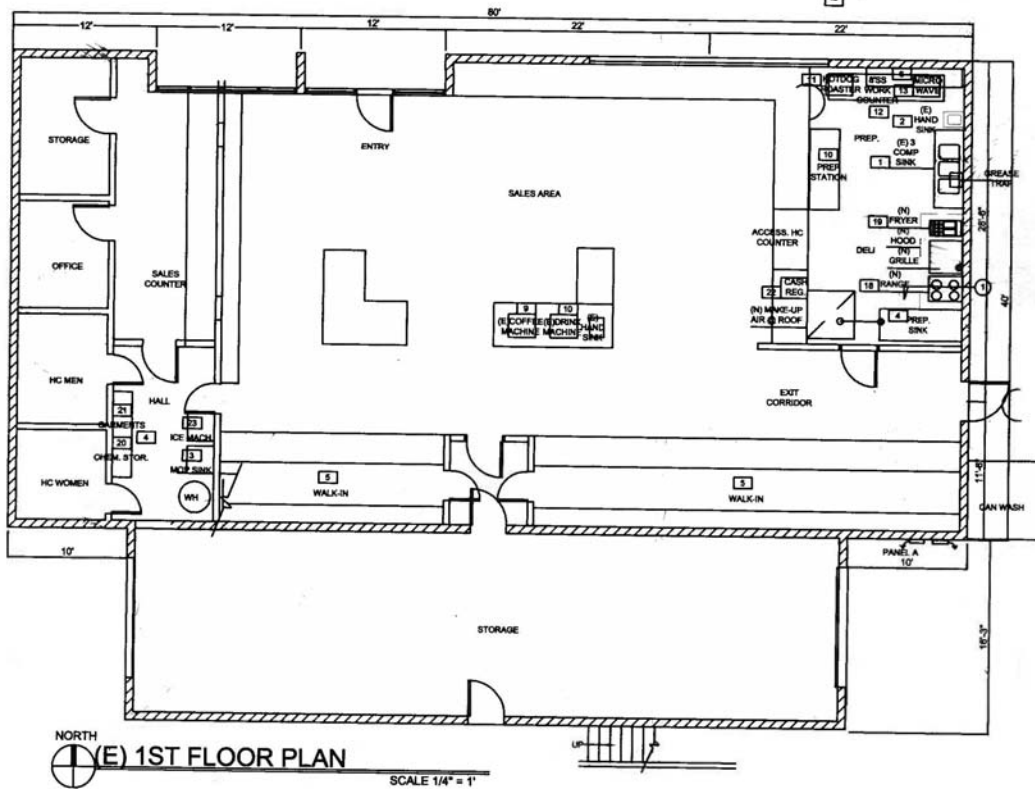
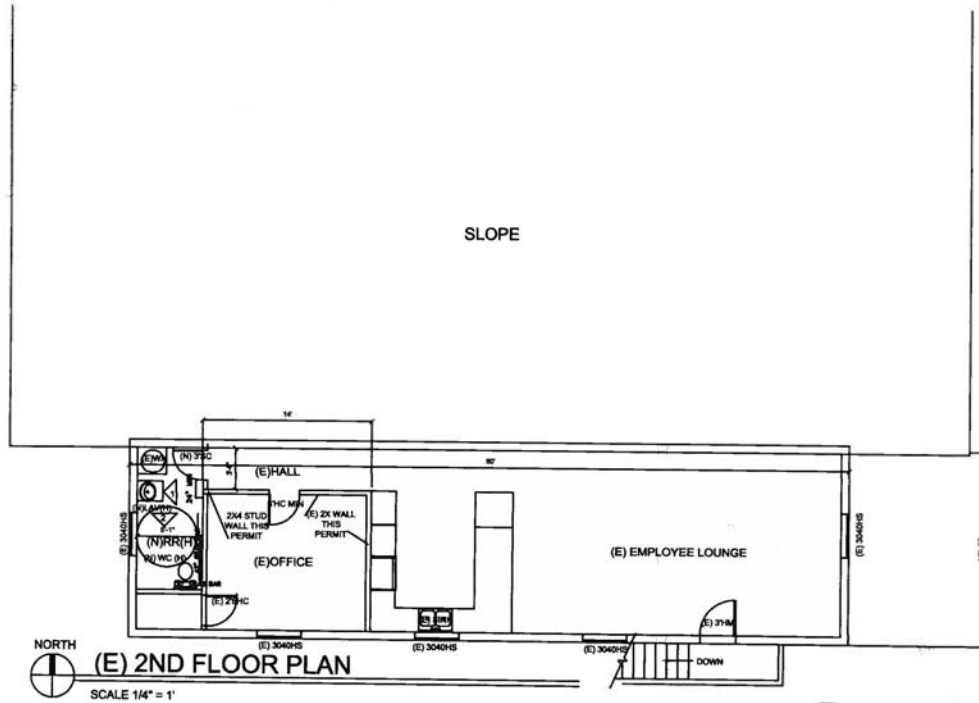
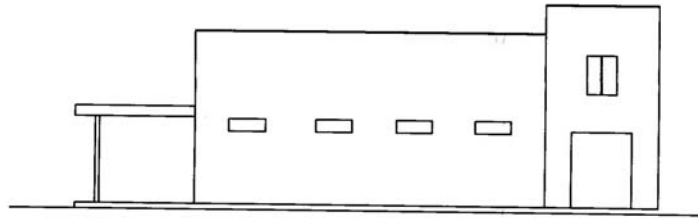
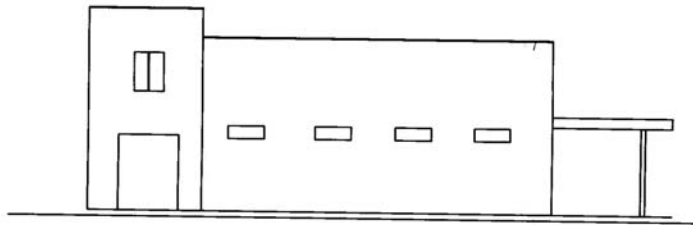


Exhibit 1C: Elevations



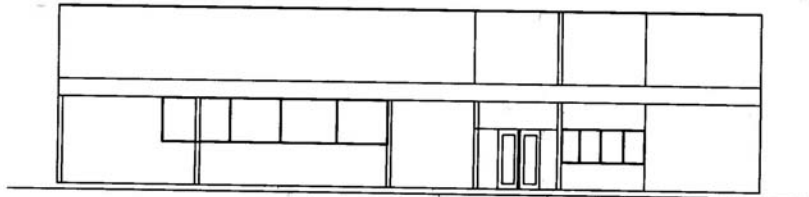
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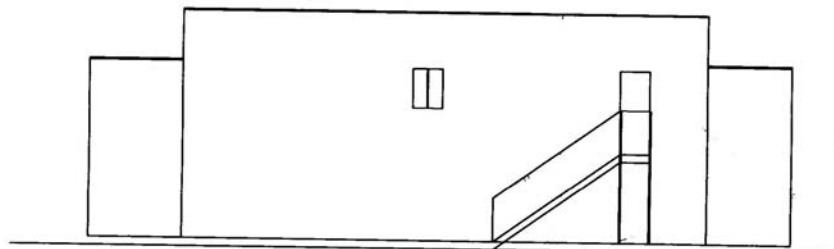
EAST ELEVATION

0 4 8FT



NORTH ELEVATION

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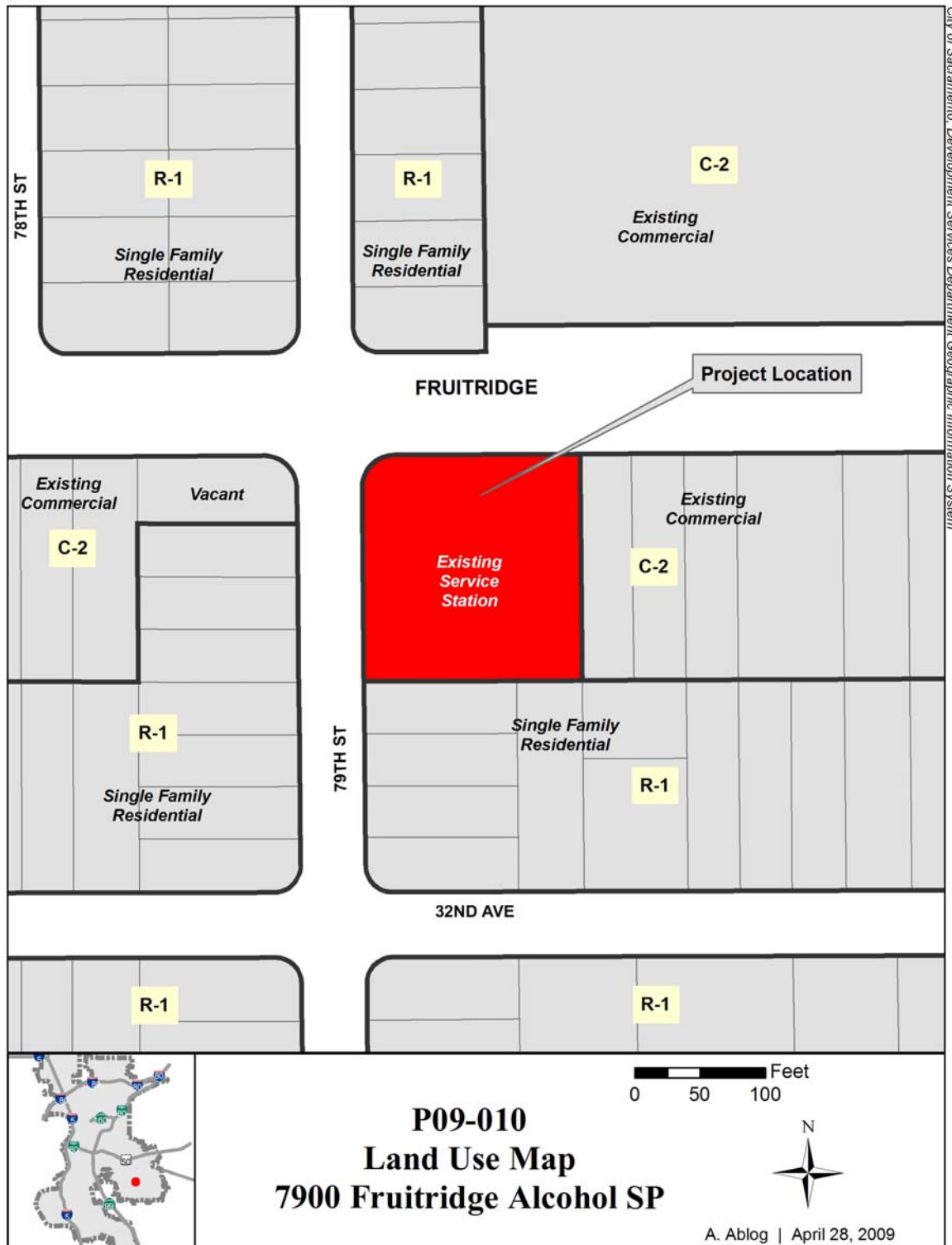


SOUTH ELEVATION

0 4 8FT

**P09-010**  
**April 20, 2009**

Attachment 2: Land Use & Zoning Map



## Attachment 3: Matrix Contact Information

<b>Department</b>	<b>Contact Person</b>	<b>Telephone</b>	<b>Email</b>
Current Planning	Antonio Ablog	808-7702	<a href="mailto:aablog@cityofsacramento.org">aablog@cityofsacramento.org</a>
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Traffic Engineering	Anis Ghobril	808-5367	<a href="mailto:aghobril@cityofsacramento.org">aghobril@cityofsacramento.org</a>
Utilities	Robert Armijo	808-11411	<a href="mailto:rarmijo@cityofsacramento.org">rarmijo@cityofsacramento.org</a>