City Council Report

915 I Street, 1st Floor
Sacramento, CA 95814
www.cityofsacramento.org

File #: 2016-01457 | December 6, 2016 | **Public Hearing Item 18**

Title: Ordinance Amending Subsection D of Section 17.404.030 of the Sacramento City Code Relating to Alcohol Sales for Off-Premise Consumption in Buildings Less than 15,000 Square Feet in the Broadway-Stockton Special Planning District (M15-011) [Noticed 11/23/2016; Passed for Publication 11/29/2016; Published 12/02/2016]

Recommendation: Conduct a public hearing and upon conclusion, pass an Ordinance amending the Planning and Development Code (Title 17) regarding alcohol sales for off-premise consumption in buildings less than 15,000 square feet in the Broadway-Stockton Special Planning District.

Location: The Broadway-Stockton Special Planning District, portions of District 5 and District 6 (Includes properties located adjacent to Broadway from Highway 99 on the west to Stockton Boulevard on the east; and properties adjacent to Stockton Boulevard between 2nd Avenue on the north and 65th Street on the south)

Contact: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

Presenter: Joy Patterson, Principal Planner, (916) 808-5607, Community Development Department

Department: Community Development Department, Planning Division

Attachments:
1-Description/Analysis
2-Title 17 Ordinance (Redline)
3-Title 17 Ordinance (Clean)
4-Broadway-Stockton Special Planning District Boundary Map
5-Off-Premise ABC Licenses Within the Broadway-Stockton SPD
6-Information on Off-Premise ABC Licenses Within the Broadway-Stockton SPD
7-Correspondence

Description/Analysis

Issue Detail: The Broadway-Stockton Special Planning District (SPD), established by the City Council in 2001, lists six uses that are prohibited in all zones in the district. One of these prohibited uses is alcoholic beverage sales for off-premises consumption in buildings with 15,000 square feet or less of gross floor area (17.404.030.D.5). The proposed amendment to Title 17 would change the wording to allow alcoholic beverage sales for off-premises consumption in a retail store with 15,000 square feet or less of gross floor area if 1) the shelving in the store did not exceed 10% of space devoted to the sale of alcoholic beverages; and 2) a conditional use permit was obtained from the Planning and Design Commission.

Policy Considerations: The proposed amendment, which would allow for a limited amount of alcohol sales for off-premise consumption in stores 15,000 square feet or less subject to a conditional use permit, is consistent with the goal of the Broadway-Stockton SPD is to assist in the revitalization and rehabilitation of existing and future developments located within the boundaries of the SPD.

Economic Impacts: Not applicable.

Environmental Considerations: This action is not a project subject to the California Environmental Quality Act (CEQA) because it involves only general policy and procedure making and does not have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (CEQA Guidelines, sections 15002(d), 15378, 15061(b)(3).)

Sustainability: Not applicable.

Commission/Committee Action: On July 21, 2016, the Planning and Design Commission reviewed a proposed text amendment that changed the prohibition to apply only to a store that has 15,000 square feet or less of gross floor area and would devote more than 50% of its gross floor area or shelving to alcoholic beverages. After reviewing the proposed amendment and listening to public testimony the commission voted to continue the item to its September 22, 2016, meeting for staff to provide additional information to the commission based upon their discussions of the evening.

On September 22, 2016, staff presented to the commission a revised text amendment that changed the prohibition to apply to a retail store that has 15,000 square feet or less of gross floor area and would devote more than 10% of its shelving to alcoholic beverages. After reviewing the revised amendment and listening to public testimony, a motion was made to forward a recommendation of approval of the proposed amendment to City Council. The

motion, by a vote of six ayes, three noes, and three absent, failed. Direction was given by the commission to forward a report to council, pursuant to Planning and Development Code section 17.916.010B, that no motion to approve a recommendation received enough votes to pass.

On October 18, 2016, the proposed ordinance was reviewed by the Law and Legislation Committee. The Committee, by a vote of two ayes, one no and one absent voted to forward and recommend approval of the proposed ordinance to the City Council. The Committee also recommended that the ordinance be amended to prohibit the sale of single cans of beer and distilled spirits. Staff has looked into this issue and concluded the most effective way to achieve the desired result is for staff to continue to work with the Department of Alcoholic Beverage Control ("ABC") in reviewing applications for ABC licenses. Staff can request (and has a practice of doing so) that the ABC include alcohol-specific regulations (e.g., no single cans of beer or spirits) in specific ABC licenses. The Law and Legislation Committee also recommended a two-year sunset clause be added to the ordinance, which is reflected in the draft before council.

Rationale for Recommendation: The goal of the Broadway-Stockton SPD is to assist in the revitalization and rehabilitation of existing and future developments located within the boundaries of the SPD. The proposed amendment is consistent with the original intent of the prohibition; to not allow the location of small retail stores that have as their primary product alcohol for consumption off-site, while allowing small retail stores that sell other goods to be permitted to include a limited amount of alcohol sales subject to conditional use permit approval. Allowing the smaller stores, with conditional use permit review and approval can result in businesses that are compatible with adjacent residential neighborhoods and can potentially occupy some of the existing smaller buildings along the two commercial corridors, assisting in the preservation and re-use of the unique and historic storefront buildings in the special planning district.

Financial Considerations: None.

Local Business Enterprise (LBE): Not applicable.

Background:

History: The Broadway-Stockton SPD has its roots in the redevelopment plans of the Oak Park area. Oak Park is one of the oldest communities in the City of Sacramento and is considered the city's first suburb. During the first part of the 20th century Oak Park had developed into a stable middle-class area of single-family homes with a thriving commercial area. By the late 1960s, however, the Oak Park area had deteriorated and, in 1973, the City created the Oak Park Redevelopment Project Area. The Sacramento Housing and

Redevelopment Agency (SHRA) began developing implementation strategies to improve the area including the acquisition of properties located at the northwest corner of Broadway and Stockton Boulevard and the southwest corner of 35th Street and 4th Avenue. Both sites included liquor stores that had contributed to problems in the community. Today both sites have been redeveloped; one with the Food Source grocery store and related commercial development and the second with parking for the 40 Acres commercial development and Globe Theater.

Prior to 1987, alcoholic beverage sales for off-premise consumption was a permitted use in commercial zones throughout the City of Sacramento, provided that a license was obtained from the California Department of Alcoholic Beverage Control (ABC). The City Council, concerned about the potential negative influences that alcoholic beverage sales could have on communities throughout the city, adopted an ordinance requiring that stores that wished to sell alcoholic beverages for off-premise consumption in a store that was 15,000 square feet or less would be required to obtain a conditional use permit from the Planning Commission. A store that was over 15,000 square feet and devoted 10% or more of its shelf space to the sale of alcohol was also required to obtain a use permit (Ordinance 87-077).

In 1994, to alleviate blight and obsolescence resulting from the construction of State Highway 99, the Sacramento City Council and the Sacramento County Board of Supervisors approved the adoption of the Stockton Boulevard Redevelopment Area. SHRA completed the Broadway-Stockton Urban Design Plan in 1998. The plan emphasized image enhancement and economic revitalization and recommended policy and land use changes to improve the area. (Resolution RA98-043).

On August 14, 2001, the Sacramento City Council adopted the Broadway-Stockton SPD as recommended by the urban design plan (Ordinances 2001-030 and 031). One of the provisions of the SPD ordinance was to add a list of prohibited and conditional uses in the SPD area and add definitions to the Sacramento City Code in Title 17 related to those special uses. The list of prohibited uses in the SPD adopted by the City Council in 2001 was as follows:

C. Prohibited Uses: In addition to other uses prohibited by this title in the underlying zones, the following uses are prohibited in all zones within the Broadway/Stockton SPD.

1. Auto Sales
2. Auto Storage
3. Bar

4. Bus and Other Transit Vehicle Maintenance Storage
5. Check Cashing Facility
6. **Liquor Store – 15,000 square feet or less of gross floor area**
7. Towing Service
8. Used Tire sales

The ordinance adopted by the City Council in 2001 also added the following definition to Title 17:

"Liquor Stores" A retail establishment which has more than fifty (50) percent of the shelving or gross floor area devoted to the public display and sale of alcoholic beverages for off-site consumption.

In 2013 the City adopted the Planning and Development Code, a comprehensive update of its' zoning regulations (Ord. 2013-0007). As a result of the update many of the regulations found in the SPDs, including the Broadway-Stockton SPD, were removed as they were redundant and no longer required. Terminology was also updated. Prohibited uses in the Broadway-Stockton SPD were updated as follows:

1. Auto—sales, storage, rental.
2. Bar; nightclub.
3. Transit vehicle—service, repair, storage.
4. Check-cashing center.
5. **Alcoholic beverage sales, off-premises consumption (15,000 square feet or less of gross floor area).**
6. Towing service; vehicle storage yard.

The update of the code also consolidated land use categories and removed definitions that were no longer used. Liquor store was one of the definitions that was removed.

The streamlining of the code inadvertently created a prohibition in the Broadway-Stockton SPD that previously did not exist. Prior to September 30, 2013, a retail business of 15,000 square feet or less in floor area, that proposed to sell alcoholic beverages for off-premises consumption but did not propose to have the majority of the retail space devoted to alcoholic beverage sales, could have applied for a conditional use permit from the Planning and Design Commission. The use permit would have been evaluated on its merits related to specific site

and could have been approved with conditions or, if not an appropriate land use, denied. After September 30, 2013, a retail store of l5,000 square feet or less in area, could not apply for a conditional use permit.

Proposed Amendment to the Broadway-Stockton SPD: The Broadway-Stockton SPD has now been in place for 15 years, since August of 2001. As noted above the prohibition on small liquor stores was put in to the SPD regulations as the area had crime and nuisance related issues related to the liquor stores in the area. Citywide, the conditional use permit (CUP) requirement for alcoholic beverage sales was relatively new, becoming effective for new stores in 1987 and then applying to existing stores that sold alcoholic beverages in 1993. Today, under the CUP process the Police Department is sent every CUP application received by the Planning Division. Police Department staff analyze crime data within a 500-foot radius of the site and within the past 24-month period and consult with ABC on potential conditions to decide to recommend support or denial of the request. Their analysis is communicated to Planning Division staff and information included in the CUP staff report. The application is also routed to other City departments and neighborhood groups for comments. If the commission approves the CUP, conditions of approval are placed on the store including: hours of operation; quantity and size of containers sold; alcoholic content of wines; percentage of shelf space devoted to alcoholic beverages; and a requirement that the establishment post in compliance with the City Code, signs prohibiting the possession of open alcoholic beverage containers or the consumption of alcoholic beverages on any property adjacent to the establishment under the control of the establishment's operator.

Staff finds that the original wording adopted by the City Council in 2001 was directed at liquor stores, i.e. stores that had alcoholic beverages sales as 50 percent or more of their gross floor area or shelf space. The intent of the original SPD requirement was not to prohibit smaller grocery stores, convenience markets and other retail stores from selling a limited amount of alcohol as part of their inventory of product. The adoption of the Planning and Development Code in 2013 inadvertently changed the wording in the SPD so these small stores could no longer apply for a CUP. Staff, therefore, recommends that the wording in the prohibitions be changed to make it clear that the prohibition on alcohol sales in stores that are 15,000 square feet or less applies to stores that have 10 percent or more of their shelf space in alcoholic beverage sales.

The proposed amendment to the code (Attachments 2 and 3) would change the wording of #5 above to read as follows:

5. **Alcoholic beverages sale, off-premises consumption, in a retail store that has 15,000 square feet or less of gross floor area and devotes more than 10% of its retail shelving (including refrigerated shelving) to alcoholic beverages).**

If the proposed amendment is adopted by the City Council, a store that is 15,000 square feet or less in size could apply for a conditional use permit from the Planning and Design Commission to sell alcoholic beverages if the shelving in the store did not exceed 10% of space devoted to the sale of alcoholic beverages. The use permit could be approved with conditions by the commission or the use could be denied. Any decision of the commission could be appealed to the City Council for final approval.

Planning staff developed the proposed amendment to the Planning and Development Code after reviewing the history of the special planning district, listening to testimony and discussion at the July 21, 2016, Planning and Design Commission public hearing, reviewing information on off-premise ABC licenses within the Broadway-Stockton SPD for the past five years (see Attachments 5 and 6) and reviewing the square footage and shelving space of conditional use permits approved over the past years for alcoholic beverage sales in stores less than 15,000 square feet outside of the special planning district area. The Police Department has not taken a position on the proposed amendment to the code. They have indicated, however, that, If the amendment to the SPD is approved, and an application for a conditional use permit is submitted, the Police will recommend conditions to the project to mitigate potential issues or recommend denial of the permit if conditions warrant.

The proposed ordinance also includes a sunset clause as recommended by the Law and Legislation Committee. The amendment would sunset in two years, December 31, 2018. After that date the language would revert to the previous language prohibiting the sale of alcoholic beverages for off-premise consumption in stores 15,000 square feet or less within the boundaries of the Broadway-Stockton Special Planning District.

Public/Neighborhood Outreach and Comments:

In the spring of 2016, staff reached out to representatives from the Oak Park Business Association, the Stockton Boulevard Partnership, the Sacramento Housing and Redevelopment Agency (SHRA), the Economic Development Department, and the Police Department. Letters from the Oak Park Business Association, the Stockton Boulevard Partnership and the Sacramento Asian Pacific Chamber of Commerce in support are attached. SHRA and Economic Development had no comment. The Police Department, as noted above, has indicated that they are not taking a position on the proposed amendment

Planning staff also contacted the Tahoe Park Neighborhood Association, the Oak Park

Neighborhood Association, the Tahoe Park Association, the Colonial Heights Neighborhood Association, and the Fruitridge Manor Neighborhood Association. The Tahoe Park Neighborhood Association, Oak Park Neighborhood Association, and Colonial Heights Neighborhood Association have written letters in opposition to the proposed special planning district text amendment. The Fruitridge Manor Neighborhood Association indicated that they had no comments at this time. The Tahoe Park Association did not comment.

Besides the correspondence discussed above, staff has received other emails and letters in support and opposition to an amendment to the SPD. Correspondence received by staff that was sent to the Planning and Design Commission on the proposal is attached for the City Council's reference (Attachment 7).

ORDINANCE NO.

Adopted by the Sacramento City Council
Date Adopted

AN ORDINANCE AMENDING SUBSECTION D OF SECTION 17.404.030 OF THE SACRAMENTO CITY CODE, RELATING TO THE BROADWAY-STOCKTON SPECIAL PLANNING DISTRICT

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

The city council finds the following:

1. As amended by this ordinance, the Planning and Development Code complements, supports, and facilitates the implementation of the goals, policies, and other provisions of the general plan and the city's specific plans and transit village plans; and

2. The amendments in this ordinance promote the public health, safety, convenience, and welfare of the city.

SECTION 2.

A. Subsection D of section 17.404.030 of the Sacramento City Code is amended to read as follows:

D. Prohibited uses. In addition to other uses prohibited in the underlying zones, the following uses are prohibited in all zones within the Broadway-Stockton SPD:~~.~~

1. Auto – sales, storage, rental.
2. Bar, nightclub.
3. Transit vehicle – service, repair, storage.
4. Check-cashing center.
5. Alcoholic beverage sales, off-premises consumption in a retail store that has ~~(~~15,000 square feet or less of gross floor area and devotes more than 10% of its retail shelving (including refrigerated shelving) to alcoholic beverages~~)~~.
6. Towing service; vehicle storage yard.

B. Subsection E is added to section 17.404.030 of the Sacramento City Code to read as follows:

E. The amendments to this section adopted in Ordinance No. _____ will sunset December 31, 2018.

C. Except as amended by subsections A and B above, all provisions of section 17.404.030 remain unchanged and in full effect.

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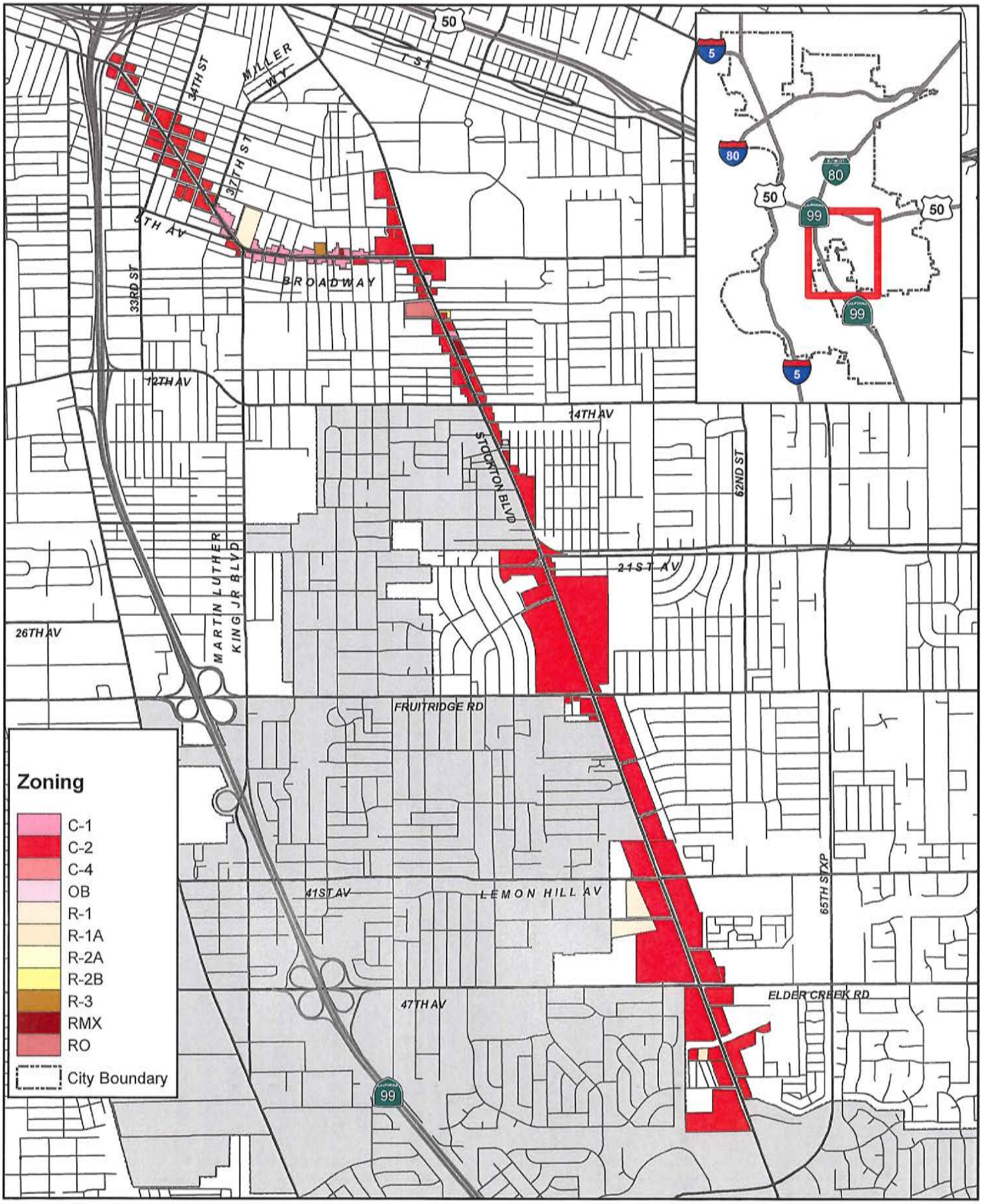

Broadway/Stockton Special Planning District Boundary Map

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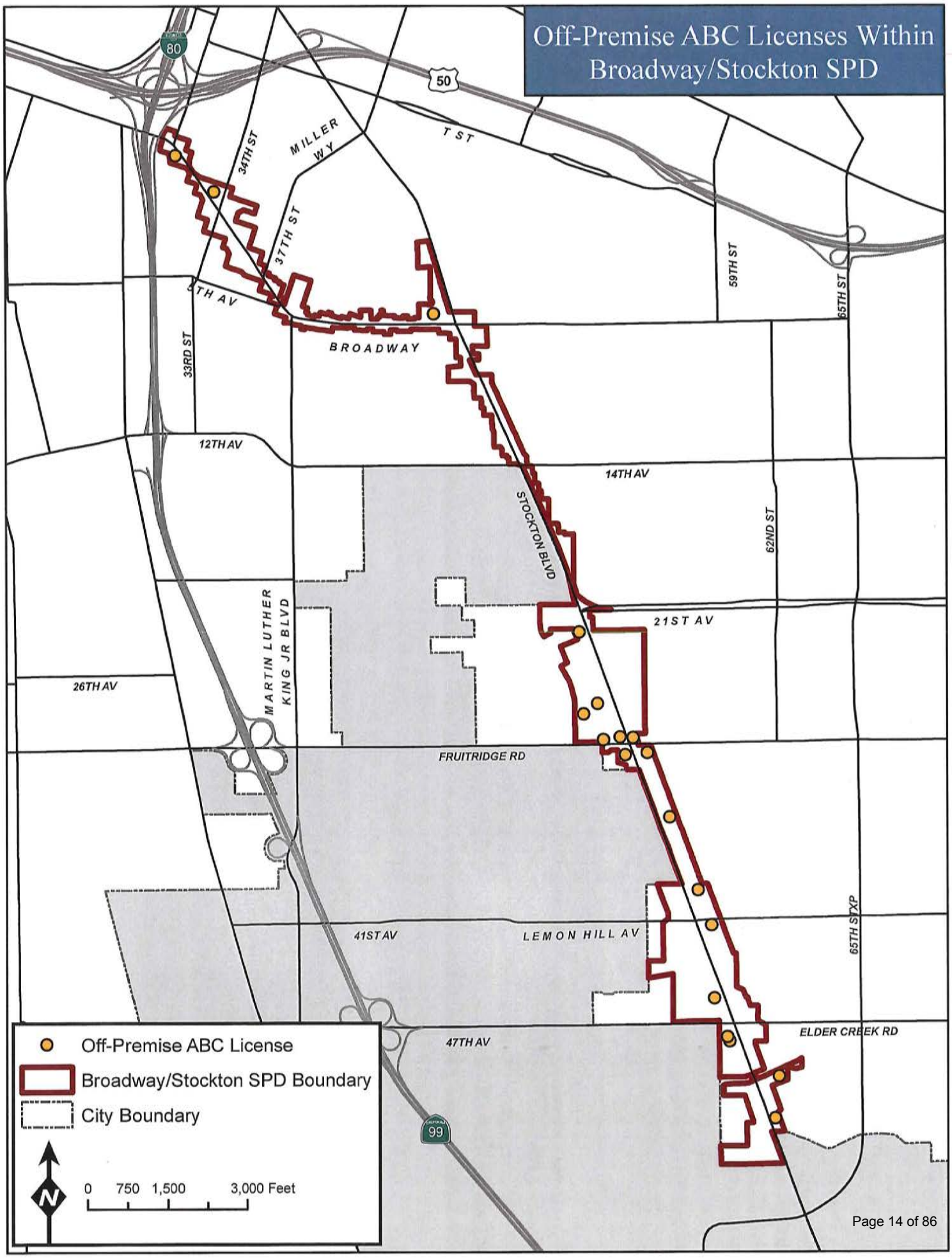
Off-Premise ABC Licenses Within Broadway/Stockton SPD
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34TH ST
37TH ST
59TH ST
65TH ST
33RD ST
BROADWAY
12TH AV
14TH AV
STOCKTON BLVD
62ND ST
21ST AV
MARTIN LUTHER KING JR BLVD
26TH AV
FRUITRIDGE RD
41ST AV
LEMON HILL AV
65TH ST XP
47TH AV
ELDER CREEK RD
99
Off-Premise ABC License
Broadway/Stockton SPD Boundary
City Boundary
N
0 750 1,500 3,000 Feet

Planning Information on Off-Premise ABC Licenses Within the Broadway-Stockton SPD

There are 19 active ABC Licenses within the Broadway-Stockton SPD. Staff looked up the address of each license and found the following information:

5818 Stockton Blvd. Gold Star Supermarket

In 1997 the Chief of Police denied a request for a Letter of Public Convenience or Necessity for the market. This action was appealed to the Planning Commission (P97-022). On June 12, 1997 the Planning Commission approved the appeal and granted the license.

6105 Stockton Blvd . Vinh Phat Supermarket

In 1998 the Chief of Police denied a request for a Letter of Public Convenience or Necessity for the market. This action was appealed to the Planning Commission (P98-064). On August 13, 1998 the Planning Commission approved the appeal and granted the license.

4940 Stockton Blvd. La Superior Supermercado

On June 26, 2003, the Planning Commission approved a Special Permit (CUP) to allow the sale of alcoholic beverage for off-site consumption in an existing 14,994 square foot market in the C-4 zone/ Broadway-Stockton Special Planning District. The neighborhood group C.A.R.E. did not object but requested the sale of single cans and/or bottles be prohibited. The Stockton Blvd. Partnership supported the request. The commission included 11 conditions of approval, recommended by Planning staff and the Police Department, on the permit.

6340 Stockton Blvd. Smart and Final

In August 1988, a Special Permit (CUP) was granted to the store to allow the sale of beer and wine for off-site consumption in the store (P88-285). In 2001 1940 square feet was added to the store and the Special Permit was no longer required (IR01-079). Three percent of the shelf space in the store is devoted to the sale of alcoholic beverages.

5399 Fruitridge Road Fruitridge AM PM

On July 12, 1990, a Special Permit (CUP) was granted by the Planning Commission to allow a 2,700 square foot 24-hour convenience market that would sell beer and wine for off-premise consumption at the site (P90-156). The project was noticed and there was no opposition to the proposal. The commission included 14 conditions of approval, recommended by Planning staff and the Police Department, on the permit.

5597 Stockton Blvd.	Chevron

On September 23, 2004, the Planning Commission approved a Special Permit (CUP) to allow the sale of alcoholic beverages for off-site consumption in an existing 2,020 square foot Chevron gas station in the Broadway-Stockton Special Planning District. The project was routed to three neighborhood associations and no comments were received. The commission included 16 conditions of approval, recommended by Planning staff and the Police Department, on the permit.

The city does not have planning files on the remaining 13 sites within the SPD that sell alcoholic beverages for off-site consumption. The remaining sites are:

6685 Stockton Blvd.	Economy Food and Liquor
6546 Stockton Blvd.	A & A Supermarket
5610 Stockton Blvd.	Rite Aid
5101 Fruitridge Road	Dollar Tree
5330 Stockton Blvd.	Foods Co.
6418 Stockton Blvd.	New Asia Supermarket
5621 Stockton Blvd.	Hollywood Market
5301 Fruitridge Blvd.	World Wines & Liquor
3100 Broadway	Bonfare Market
4401 Broadway	Food Source
6019 Stockton Blvd.	Capitol Liquor
6432 Stockton Blvd.	Pints N Fifths
3311 Broadway	Vacant Lot – Fresh and Easy Market Site*

*In 2008 the Design Review Board approved a 15,134 square foot Fresh and Easy Market at the site. An ABC permit was also obtained through the State of California. The market was never constructed. The ABC license, however, is currently active and can remain at the site or be sold and/or transferred by the owner of the license.

The Police Department ran calls-for-service statistics on the 19 sites in the SPD for the years 2011 to the present. Police and Planning staff reviewed the statistics and did not find anything alarming or out of the ordinary at the 19 sites. Crime is on a downward trend in the city and that was also seems to be the trend for the 19 stores.

From: **Ryan Murphy** <ryanpaulmurphy@gmail.com>
Date: Mon, Jul 13, 2015 at 5:11 PM
Subject: Stockton and Broadway SPD and 7-11 Project
To: Eric Guerra <EGuerra@cityofsacramento.org>, Bodipo50@gmail.com, burchillcitypc@gmail.com, cburke.realestate@gmail.com, ed@loftgardens.com, dcovill@cbnorcal.com, darryl.lucien@sbcglobal.net, todd.s.kaufman@gmail.com, ALofaso@sbcglobal.net, kimjoanmc@att.net, dnybo@wateridge.net, matt@mrpe.com, jyeepdc@gmail.com, darrellteatjr@yahoo.com, jschenirer@cityofsacramento.org, Frank Louie <fmlouie@sbcglobal.net>, tjohnson@oakparkba.com, stocktonblvdpartnership@msn.com
Cc: TPNA Land Use Committee <tpnalanduse@gmail.com>, Isaac Gonzalez <isaactpna@gmail.com>, Madelyn Kalstein <madelyn.kalstein@gmail.com>, bill motmans <bill.motmans@gmail.com>, Aerin Murphy <aerinmurphy@gmail.com>, Jack Ringer <jack.ringer@sbcglobal.net>, Larry Johnson <faynejohnson@gmail.com>, Nancy Shinn <nancyeshinn@gmail.com>, Patrick McDaniel <mcdanielp@gmail.com>, Stowers Monty <montystowers@comcast.net>, "Barron, Terrie" <barront@sacda.org>

Dear Councilmen, Commission Members and Regional Leaders,

Tahoe Park Neighborhood Association (TPNA) has taken great time and care to review two items in play that are not necessarily connected, but seem related. These items are up for approval in the near future by the Planning Commission.

1. Stockton/Broadway Special Planning District: It is our understanding that Joy Patterson produced a memo (attached) that was approved on consent calendar to review the SPD for the Broadway/Stockton corridors. The memo outlined that members of the community where engaged and are in support of the proposed changes. We would like to be included in this conversation. We have concerns that this would reverse the good work that this SPD has done over the last two decades. While some parts of Broadway and Stockton have changed, there are large sections that have not. We appreciate the opportunity to provide input to this important matter.

2. 7-11 Project at the corner of Broadway and Stockton: While not connected to the SPD changes, this project relies on the proposed changes above to move forward. Currently alcohol (in this case beer and wine) would not be allowed to be sold for off site consumption. As proposed, TPNA is not in support of the project. Attached you will find a list of concerns that TPNA has compiled after three meetings (three that included Mr. Louie and the Stockton Boulevard Partnership and two that included representatives of 7-11).

Please feel free to contact me with any questions or concerns.

Regards,
Ryan
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Ryan P. Murphy, CFP®
President, Tahoe Park Neighborhood Association
916-600-8540
ryanpaulmurphy@gmail.com

REPORT TO PLANNING AND DESIGN COMMISSION
City of Sacramento

2

CONSENT
June 25, 2015

To: Members of the Planning and Design Commission:

Subject: Special Planning Districts and Broadway-Stockton SPD Modifications (M15-011)

Location: Citywide and a portion of the Broadway-Stockton Special Planning District

Contact: Joy Patterson, Principal Planner, 916-808-5607

Recommendation: Staff recommends that the Planning and Design Commission initiate the study of amendments to the text of the Special Planning District (Title 17.400) and the Broadway-Stockton SPD (Title 17.404) sections of the Sacramento City Code and for staff to bring forward for review any appropriate amendments to allow the Planning Director to initiate amendments and to allow certain uses in a portion of the Broadway-Stockton SPD with a conditional use permit.

Background Information: In 1996 the Sacramento Housing and Redevelopment Agency and the City of Sacramento initiated the Stockton-Broadway Special Planning District to put in place a process that would capture the concerns of residents and merchants regarding inappropriate land use; lack of code enforcement and design standards; and encourage revitalization efforts for the commercial areas in the Oak Park and Stockton Boulevard Redevelopment Areas. One of the features of the SPD was to prohibit some commercial land uses otherwise permitted in the General Commercial (C-2) zone with a conditional use permit (Attachment 1).

It has been almost 20 years since the adoption of the SPD and may parts of the district have redeveloped and become active areas with residents desiring services that are currently prohibited in the area. Recently there has been discussion among some property owners and business associations to permit prohibited uses, such as bars and alcoholic beverage sales for off-premises consumption, with a conditional use permit as they are permitted in the rest of the city. The specific area proposed for review is the SPD north and south of Broadway to Stockton Boulevard and the northeast quadrant of Broadway and Stockton Boulevard (Attachment 2).

When interest is expressed by commissioners, councilmembers or staff on amending text to the Planning and Development Code (Title 17 of the City Code), the Planning Director has the authority to initiate an amendment to the code along with the Planning and Design Commission (with a vote of the commission) and the City Council (with a vote of the council). One exception to this process is in the case of amending the text of the Special Planning District sections of the code. Title 17.400.030 indicates that only

the Planning and Design Commission or City Council may initiate the proceedings to adopt, amend or remove text to the SPD chapter.

The Planning Director is requesting that the Planning and Design Commission vote to initiate an amendment so staff can review, evaluate and prepared a proposed amendment to the Broadway-Stockton SPD. The proposed ordinance will then be scheduled for a public hearing before the Planning and Design Commission and the City Council. The Planning Director also requests that the Planning and Design Commission initiate an amendment that would give the Planning Director the ability to initiate amendments to the SPD chapters in the same manner as other text amendments to Title 17.

Public/Neighborhood Outreach and Comments: Amendments to the SPD have been discussed by the Stockton Boulevard Partnership and the Oak Park Business Association. Outreach would be conducted and noticing of the public hearing to area neighborhood and business groups would be conducted as part of the initiation of the SPD text amendment process.

Environmental Considerations: An action by the Planning and Design Commission to direct staff to initiate work on amending the special planning district is part of the planning and administration process, and is not a project as defined by CEQA (CEQA Guidelines Section 15378(b)(2)).

Policy Considerations: The initiation of the proposed text amendments would result in determining whether or not it is necessary to prohibit certain uses in the SPD that are permitted in other parts of the city and allow for the opportunity for consistency between sections of the Planning and Development Code.

Respectfully Submitted By: Joy Patterson
Joy Patterson, Principal Planner

Recommendation Approved:

Joy Patterson
for Tom Pace, Interim Planning Director

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Attachment 1

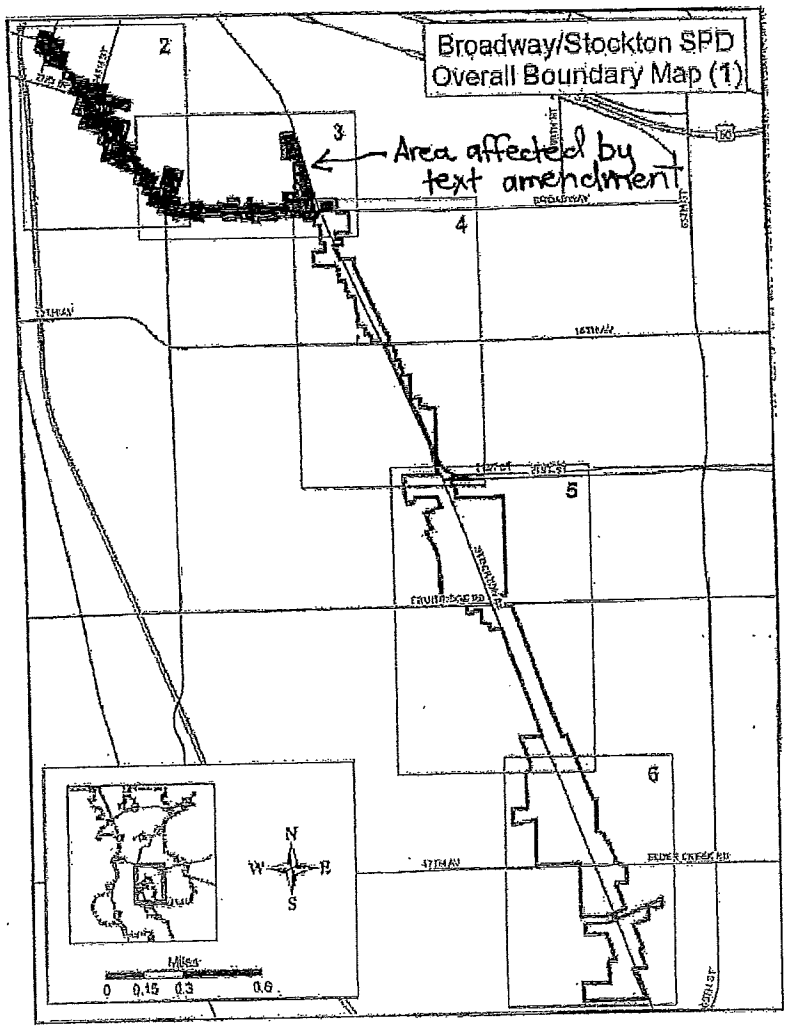
List of Prohibited Uses in Broadway-Stockton SPD
(17.404.030.D)

D. Prohibited uses. In addition to other uses prohibited in the underlying zones, the Following uses are prohibited in all zones within the Broadway-Stockton SPD.

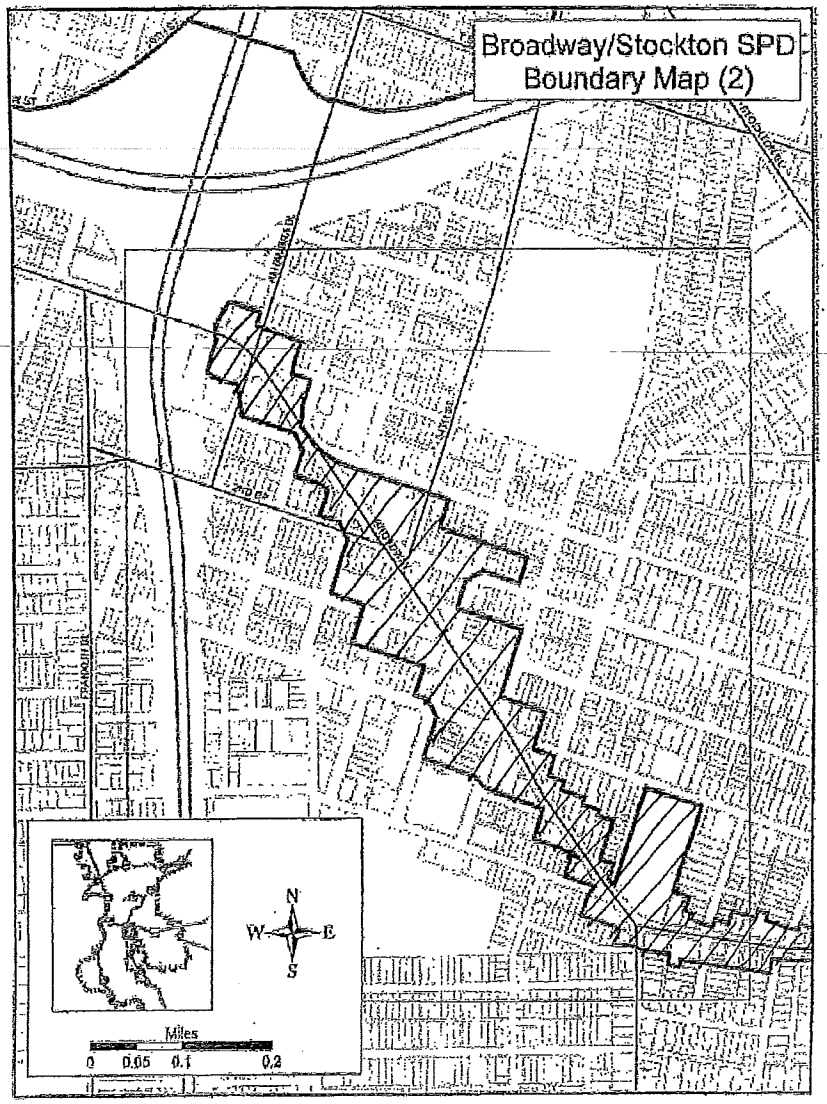
1. Auto—sales, storage, rental.
2. Bar; nightclub.
3. Transit vehicle—service, repair, storage.
4. ~~Check-cashing center.~~
5. Alcoholic beverages sales, off-premises consumption (15,000 square feet or less of gross floor area).
6. Towing service; vehicle storage yard.

17.404.020

Exhibit A—Map of Broadway/Stockton SPD Boundaries



17.404.020



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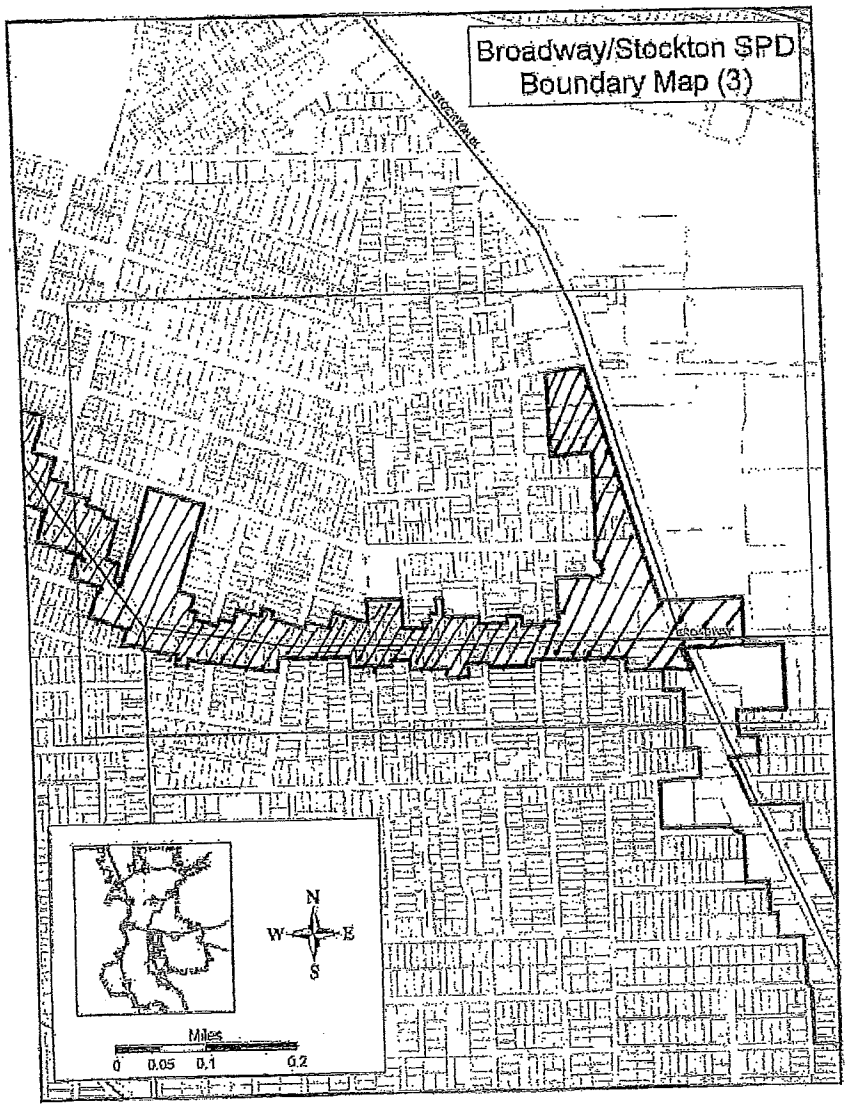

Broadway/Stockton SPD
Boundary Map (3)
STOCKTON BL
BROADWAY
N
W
E
S
Miles
0 0.05 0.1 0.2

Tahoe Park

neighborhood association

TAHOE PARK NEIGHBORHOOD ASSOCIATION

For more information: **www.tahoepark.org**

To whom it may concern:

This letter follows a meeting between the Tahoe Park Neighborhood Association (TPNA) and representatives involved in the proposed 7-Eleven project on the corner of Broadway and Stockton Boulevard. TPNA has a few concerns regarding the project, as outlined below.

- The community is adamant that any opposition to the 7-Eleven as proposed is separate from Frank Louie, his family, or his restaurant. Community support for Louie is unanimous, and his work to date is appreciated and valued. He has been a great asset to Tahoe Park, and we look forward to his continued good work in our neighborhood and in Sacramento. With that said, there are a few issues regarding this location being used as a 7-Eleven, specifically as proposed.
- Fresh food is available on the same street corner as this 7-Eleven. The Subway across the street makes fresh sandwiches to order. As a grocery store, Food Source across the street also sells fresh food. There is concern about the genuineness of the "fresh food" claim. Similar 7-Eleven stores nearby do sell pre-packaged sandwiches, but the great majority of the products sold are pre-packaged snack type foods, soda, alcohol, and tobacco. There are no, for example, salad bars, fresh to order options, delis, or local items made from scratch.
- The location of this 7-Eleven is within very close proximity to two other 7-Eleven stores, and numerous convenience stores. The 7-Eleven at 57th and Broadway has not been consulted regarding this project, which is of major concern. Specifically, the community wants existing businesses to thrive. A new 7-Eleven so close to that existing 7-Eleven may cause the existing store's sales to drop, and negatively affect their business, and thus negatively affect Tahoe Park. The community would like to see more communication about what has been done to ensure that the proposed location does not supersaturate the convenience store market in the local area.
- Safety is a major concern. Although the presentation included numerous examples of what 7-Eleven will do to ensure a safe location (shorter aisles, television screens showing real time activity going on in store, outdoor cameras, etc.), there is a concern about why all of the safety precautions are necessary,

and a worry that they are necessary because this is a specifically unsafe business. The location hours between 24/7, while convenient, is cause for concern because it means that activity will be going on at all hours of the night. The police department has confirmed that, with a 24-hour business, more calls come in for service.

- The availability of alcohol at this location is a major concern. Already, alcohol is available across the street at Food Source, including alcohol in the same and additional serving sizes as proposed by 7-Eleven. Alcohol is available throughout the neighborhood, and there is no neighborhood need for an additional location. Historically, liquor stores have been an adverse issue in this area, to the point that there is currently an ordinance limiting alcoholic beverage sales for off-premises consumption. The city previously spent taxpayer dollars to buy liquor stores in this area in order to avoid the crime and blight associated with it. This ordinance has been working for almost twenty years, and has contributed to a great boon to the community. There is no need to now take a step backward. The numbers provided by 7-Eleven regarding the floor space actually used for alcohol seem disingenuous. The numbers would be more sincere if they were looked at as number of doors in the cooler box area as a percentage of total cooler box doors, for example. The community would be interested in seeing the underlying data used to create the averages presented during the presentation, including highs, lows, and actual store numbers.
- Tahoe Park, and this corner of Tahoe Park specifically, is seeing a revival. There are new restaurants and businesses going in along Broadway through Oak Park and Tahoe Park. These businesses are, generally, local, mom-and-pop type shops and restaurants that are reviving the community and making a positive impact. Strip mall type shops, such as 7-Eleven, would retract from the image that has taken so long to build, and would be a step backward as far as neighborhood beautification and overall look and feel of the neighborhood.
- When 7-Eleven on 65th Street was opened, there were certain concessions that were discussed, included stopping alcohol sales at 10:00pm, not having certain signage, etc. 7-Eleven has not kept those promises. Will the lease between Louie and 7-Eleven include some provisions (separate from any ABC license restrictions) to ensure that, if the project does go through, these promises will be kept? Would Mr. Louie agree to enforce the terms of that lease, if the terms were included?
- Who will the franchisee be? Do they have a preexisting relationship with 7-Eleven? If so, where? Will the community have an opportunity to get to know the franchisee and ask her questions prior to final approval of the project? If so, when?

All concerns regarding the project as-proposed. TPNA is currently opposed to the project, but is open to reconsideration of the project and specific project issues if and when they are addressed by 7-Eleven.

Best,

Ryan Murphy, President
Tahoe Park Neighborhood Association

OAK PARK NEIGHBORHOOD ASSOCIATION

June 5, 2016

Joy Patterson, Principal Planner
City of Sacramento Community Development Department
300 Richards Boulevard
Sacramento, CA 95811
jpatterson@cityofsacramento.org

Re: Proposed Changes to the Broadway-Stockton Special Planning District

Dear Ms. Patterson,

The Oak Park Neighborhood Association (OPNA) appreciates the opportunity to be involved in the City of Sacramento's planning process. After considering the community impact the current Broadway-Stockton Special Planning District amendments as written, the OPNA opposes the proposed changes to the SPD. Thank you for the opportunity to provide feedback on this important matter.

The Oak Park Neighborhood Association is a community building organization that serves as a resource to inform and advocate for the quality of life in our neighborhood. Our boundaries are Highway 50 to the North, Stockton Boulevard to the East, Fruitridge Road to the South, and Highway 99 to the West.

OPNA administered an online survey of residents with 68 responses and a community discussion with over 50 residents. Most residents we spoke to are opposed to removing the current restriction on sites under 15,000 square feet that would sell alcohol for off site consumption. While our neighborhood is undergoing many positive changes there is still much work to be done, and residents are concerned that removing this important protection would negatively impact our community, particularly those who live East of Martin Luther King Jr. Boulevard.

After careful consideration and review of all input received, the OPNA Board of Directors has unanimously voted to oppose the proposed change to the Broadway-Stockton Special Planning District. Thank you for your time and attention to this important matter. Should you have any questions about our position, please do not hesitate to contact me.

Sincerely,

Tamika L'Ecluse, President
Oak Park Neighborhood Association
president@oakparkna.com
(916)741-7276

Broadway-Stockton Special Planning District Modifications
(M15-011)

Frank & Gloria Louie

April 6, 2016

Ms. Joy Patterson, Principle Planner
Planning & Community Development Dept.
300 Richards Blvd. Third Floor
Sacramento, CA 95811

Re: Amendment to Stockton-Broadway Special Planning District

Dear Ms. Patterson,

We are the applicants for a Conditional Use Permit and Letter of Public Convenience for my property at 4605 Broadway, in the City of Sacramento. We have applied for the above entitlements to allow a 24-hour convenience food market with restricted off-sale beer and wine sales (Type 20).

In order for the City to consider our request, we have also requested an amendment to the existing Stockton-Broadway Special Planning District to delete the existing prohibition against all off-sale alcohol sales, for just the portion of Stockton Blvd. south of Broadway and the portion of Broadway, east of Stockton Blvd. This needs to occur in order for the Conditional Use Permit and PCN to be considered.

To assist the City in considering the request to amend the Stockton-Broadway Special Planning District, We have submitted a justification statement and review of the historical improvements that have occurred since the prohibition was enacted. The improved business climate and significant investments that have occurred on both boulevards encourage the City delete the off-sale prohibition as it is no longer needed and is discouraging additional retail investment in the neighborhood.

Please feel free to contact us if we can provide you with any additional information, please contact us at the phone number below.

Very truly yours,

Frank Louie

Gloria Louie Gloria Louie

2833 Land Park Drive
Sacramento, CA 95818
916-524-6024 916-442-5292

Broadway-Stockton Special Planning District Modifications
(M15-011)

Why the Stockton-Broadway SPD Should be Amended

Oak Park is a densely populated, largely residential area intersected by commercial streets, including Broadway and Martin Luther King Jr. Boulevard. One of Sacramento's oldest communities and its first suburb, the neighborhood of Oak Park began as a sparsely developed farming community when first settled 150 years ago.

By the first part of the 20th Century, Oak Park had developed into a stable middle-class area of modest single-family homes. However, homeowners hard hit by the Depression, and then by the demands of World War II were unable to maintain or rehabilitate their homes.

After the war, those who could afford it left Oak Park for inexpensive new suburbs outside the central city. With the flight of middle-class homeowners, economic and social conditions in the area spiraled downward. By the late 1960's, Oak Park residents were calling for help to address widespread deteriorating housing and commercial property, inadequate public infrastructure, empty lots and abandoned buildings, refuse, and abandoned vehicles.

In 1973, the City of Sacramento established the Oak Park Redevelopment Project Area. Since then, in partnership with community members and businesses, the SHRA assembled small lots into larger parcels that support new development; improved streets and sidewalks; improved and expanded parks and community facilities; built affordable housing; and provided incentives and support for commercial and residential investment. All of these efforts were meant to improve the neighborhood, because the market would not. In the mid 1990's progress was made, but much was still needed, especially along the commercial corridors.

As a result, the Broadway/Stockton Urban Design Plan was completed in 1998. The community driven plan provided an integrated framework of principles, policies and concepts for improving the image and competitiveness of Stockton Boulevard and Broadway, and guided SHRA investments in public infrastructure and other improvements along the corridors.

The Plan recommended actions to regulate land use, focus economic development efforts, construct public improvements, implement transportation and circulation improvements, and strategically manage the business districts. Many of the recommendations were implemented including streetscape and lighting improvements, catalyst site development (40 Acres, Broadway Triangle), establishment of property based business improvement districts (Oak Park and

Stockton Blvd) and land use regulations in the form of the Oak Park Historic District and the Broadway/Stockton Special Planning District. The SPD, approved in 2001, is a tool which encourages mixed use development by allowing it by right in commercial zones, reduced parking standards and urban setback standards among its main components. It also discouraged uses that were detrimental at that time, including auto related uses, liquor sales, including bars and liquor stores.

There were several bars and liquor stores, which were detrimental to the community. Almost all of these businesses were either shut down or their businesses and structures removed. (See attached Map) These businesses included the notorious Warner's Rendezvous, the El Rancho Market, A&J liquors and Triangle Liquors.

These detrimental businesses have been replaced by other successful and viable businesses. Warner's Rendezvous and Springers Liquors were replaced by the Food Source Supermarket, Walgreens and Chase Bank. The A&J Market has been replaced by a Pharmacy. Triangle Liquors has been replaced by a successful barbershop and the El Rancho Market has been replaced with a Children's Medical Center.

Also, in the mid-2000's, SHRA and the City used redevelopment powers to purchased four corner liquor stores (not on Broadway or Stockton Blvd.), These included Days Liquor, Washington Liquor, Jay and Gee Liquor and Georges/Wat Phou Liquor. All together, these efforts resulted in positive impacts to the community including less crime, loitering and an improved image and business climate.

These actions, over many years and in conjunction with efforts by residents, business owners and organizations has set the stage for revitalization. In the last 5 years, several redevelopment projects, including 40 Acres, Broadway Triangle, 4th Avenue Lofts, McClatchy Park improvements, as well as public improvements, have catalyzed the private sector to invest in Oak Park. As was the intent of redevelop to support development (that the private sector would not) the private sector is now acting on its own.

New private investments include Arthur Henry's Supper Club and Ruby Room, Starbucks Coffee, Oak Park Brewing, Naked Coffee Roasters, and Broadway Coffee to name a few. Alcohol is sold at Old Soul @ 40 Acres, Oak Park Brewing and Arthur Henry's.

Unfortunately, the off-sales alcohol prohibition within the SPD has become a hindrance to some potential neighborhood serving businesses. Recently, a highly-desired delicatessen dropped its lease because it could not sell beer and wine to its customers due to the SPD prohibition. The types of alcohol businesses that created problems in the neighborhood have been removed and it is time to delete the prohibition from a portion of the SPD district that is seeing a renaissance.

Former Councilmember Hammond, who led the drive to establish the prohibition in her District acknowledges that the prohibition's time has come and gone, and now needs to be removed so new positive businesses can prosper in, and with Oak Park. The Oak Park Business Association and the Stockton Blvd Partnership have sent letters to the City in support of removing the prohibition from the SPD. (See attached letters)

The attached (Oak Park Renaissance Map) shows and identifies many (but not all) of the new buildings, businesses and residential projects that have been developed on both Stockton Boulevard and Broadway over the last 25 years. These include coffee shops, a new brewery, dinner houses, new senior residences, medical office buildings, retail stores, fast food restaurants, pharmacies, senior housing, residential apartments, a supermarket and most recently upscale condominiums and ground-floor retail.

A partial list of new structures, historic reuse of buildings, new businesses, new residential and mixed-use developments within these corridors is shown below:

Stockton Blvd

2001 Stockton Blvd.	Starbucks Coffee
2200 Stockton Blvd.	Planned Reuse of Historic Bottling Plant
2230 Stockton Blvd.	Medical Building
2248 Stockton Blvd.	Children's Medical Services
2330 Stockton Blvd.	New Medical Office Building
2356 Stockton Blvd.	New Residence Hotel
2700 Stockton Blvd.	New Office Building
2730 Stockton Blvd.	Remodeled DeVille Motel

Broadway-Stockton Special Planning District Modifications
(M15-011)

2830 Stockton Blvd.	New Senior Residence Complex
2900 Stockton Blvd.	New National Drug Store
2950 Stockton Blvd.	New Chase Bank Building
X St. & Stockton Blvd.	New Office Building
2nd. & Stockton Blvd.	New Medical Services Building
3000 Stockton Blvd.	Redeveloped Retail Center
	Broadway
3200 Broadway	Remodeled Coffee Shop
3300 Broadway	Redeveloped Historic Building for Retail
3417 Broadway	New Condominiums above Retail
3500 Broadway	Redeveloped Historic Building for Retail
3501 Broadway	Reuse of Historic building for Retail
3402 Broadway	Reuse of Historic building for Restaurant
3433 Broadway	New Condominiums above Retail
3434 Broadway	New Condominiums above Retail
3500 Broadway	Reuse of gas station for Plant Nursery
3514 Broadway	Reuse of Historic building for Brew Pub
3519 Broadway	Reuse of Building for new Service Business
3527 Broadway	Reuse of Historic building for Coffee Shop and Office
3527 ½ Broadway	Redevelopment of Building for new Coffee Shop.
3601 Broadway	Redeveloped Historic Building for Retail
3820 Broadway	New Residence Apartments
4401 Broadway	New Supermarket
4600 Broadway	County Medical Clinic & Offices
4601 Broadway	New Fast Food Restaurant

Broadway-Stockton Special Planning District Modifications
(M15-011)

LAUREN R. HAMMOND

1128 35th Avenue, Sacramento, CA 95822 ▪ 916-765-0047 ▪ lrn.hammond@gmail.com

October 21, 2015

Mr. Alan LoFaso
Chairman
Planning and Design Commission
300 Richards Blvd.
Sacramento, Ca 95815

Dear Mr. LoFaso:

This is a letter of support for a special use permit for an offsite alcohol license for 7-Eleven Corporation. The Oak Park Special Planning District which includes the Stockton / Broadway Corridor was passed soon after the community came together to advocate for the masterplan of both streets. It was the stepping stone of the Oak Park renaissance. I proudly represented this neighborhood and 18 others in my 13 years as City Councilmember for District 5.

The intent of the Special Planning District was to prohibit more liquor stores and other over represented businesses from locating on Broadway or Stockton Blvd. This idea had overwhelming support from neighbors and eventually the City Council.

During that time I helped bring a grocery store to the neighborhood after a 32 year absence. Raley's Food Source market was the economic catalyst for the Renaissance (which includes Stockton Blvd.) Sustaining the momentum became crucial. Jack and the Box, Walgreens and Washington Mutual now Chase bank located soon thereafter. This was the greatest monetary growth for the corridor.

The University of California at Davis, Medical Center, a beacon of hope for Oak Park residents have been partners in these endeavors. Local and national businesses provide services to the nearly 7,000 employees and keep sales tax dollars local. Other fresh food outlets and convenience stores with delis have arrived. A brewery is now coming to Oak Park and more residents repopulate the area. This is what we envisioned for the community.

Frank and Gloria Louie have been staples of the community for over twenty six years. Louie's restaurant is a great business that extends beyond Oak Park and Tahoe Park. It has been a favorite of local government staff, Members and the community. State Legislators love the food and service from Louie's catering.

Although we will miss the restaurant it is a business decision by the Louies to convert to a 7-Eleven. The proposed 7-Eleven would be a strong corporate store that can weather the ups &

downs of an uncertain economy. I hope you'll give the 7-Eleven Corporation due consideration for this permit. This will eliminate one onsite liquor license. Frank and Gloria will remain on location as property managers for Fairgrounds Plaza. As stewards of the community I know they will keep both the neighbors and business interests close to heart.

Sincerely,

Lauren Hammond

CC: Members of the Planning and Design Commission
Joy Patterson, Zoning Administrator

Oak Park Business Association P.O. Box 5783 Sacramento CA 95817 Ph. 916.452.9222 Fax 916.452.9222

Date: February 11, 2015

Attn: Brian Holloway
Subject: **Address:** 4605 Broadway, Sacramento, CA 95820
Project: 7-11 Food Market

To Whom it May Concern,

Today at our monthly board meeting Brian Holloway presented a proposed project for the location at 4605 Broadway, a property outside our PBID boundary. Currently occupied by the Louie's Chinese Restaurant, the proposal was to change the occupancy of that space to a new 7-11 Food Store.

Mr. Holloways presentation was for the sake of outreach and providing our board with the concept and proposed usage. It is the consensus of the board to support this proposed project in all respects. This vote of support came via the discussion of the value that this project would bring to the intersection, and the neighborhoods adjacent.

This new use, the proposed hours of operation and the variety of products that the Food Store would be offering, including alcohol sales was supported unanimously. The Food Store will be an asset to the corner, provide services and products to the surrounding businesses and neighborhoods. The UCDHS, Cal DMV, DOJ, adjacent neighborhoods in all directions will use the Food Store and the Food Store will truly provide a convenience to them all.

We support this new use and encourage your support as well as entitlements for the project proceed.

Sincerely,

Terrence Johnson

Terrence Johnson
Executive Director

Broadway-Stockton Special Planning District Modifications
(M15-011)

THE Stockton Boulevard
PARTNERSHIP

Date: February 12, 2015

Attn: Brian Holloway
Subject: **Address:** 4605 Broadway, Sacramento, CA 95820
Project: 7-11 Food Market

To Whom it May Concern,

Today at our monthly board meeting of the Stockton Blvd Partnership, we were presented with a proposed project located at 4605 Broadway, a property within our PBID boundary. The use is currently the long-standing Louie's Chinese Restaurant. The proposal to fill that space with a new 7-11 Food Store was presented by the project representative Brian Holloway in depth with a quorum present and Chairman Louie abstaining.

Although this presentation was not requesting nor requiring a board vote of approval, it was the consensus of the board to support the proposed project in all respects. This vote of support came via the discussion of the values that this project would bring to the intersection, the neighborhoods adjacent and quality of life along the Stockton Blvd Corridor and PBID.

The discussion supported this new use, the proposed hours of operation and the variety of products that the Food Store would be offering, including limited alcohol sales. It was held that this use would be an asset to the corner and would serve the surrounding industries that would benefit from its location, products and services. UCDHS, Cal DMV, DOJ, adjacent neighborhoods in all directions would all use the Food Store and truly it provide a convenience to them all.

We support this new use and encourage your support as well as entitlements for the project proceed.

Sincerely, Terrence Johnson

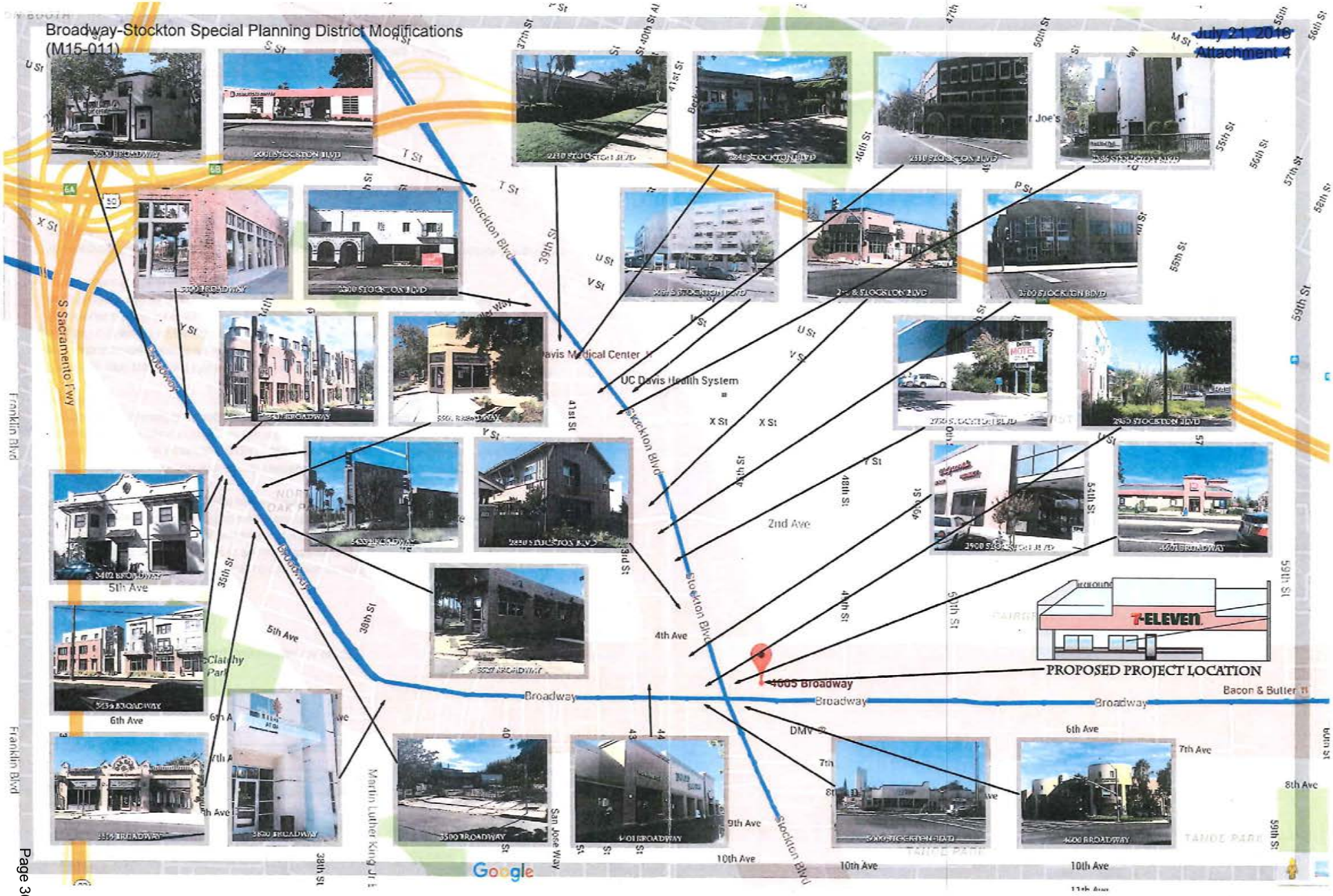
Terrence Johnson
Executive Director

5625 Stockton Boulevard • Sacramento, CA 95824 • Phone: 916-454-2469 • Fax: 916-454-6021
www.stocktonblvdpartnership.com

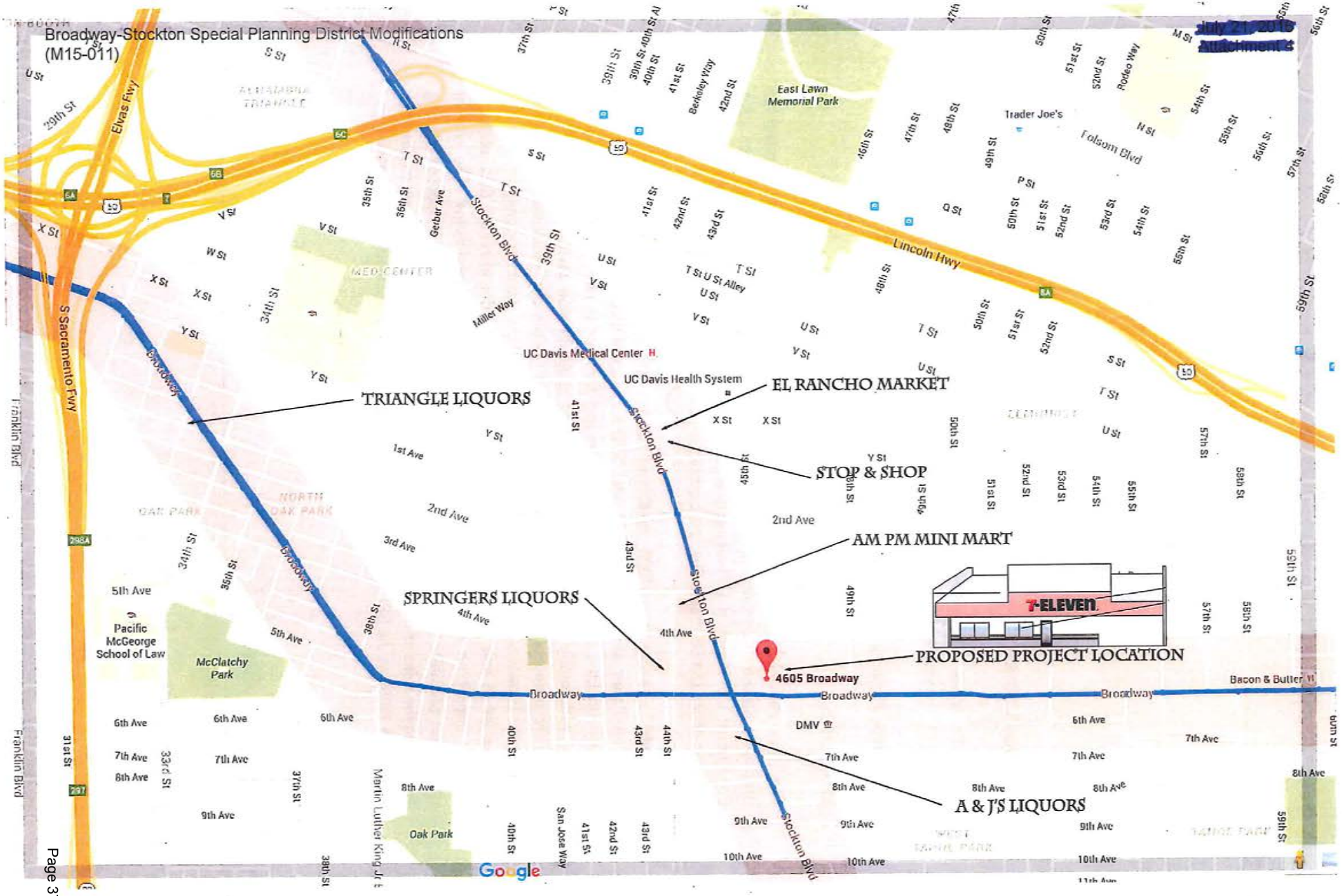
INVESTING IN THE BOULEVARD

Broadway-Stockton Special Planning District Modifications
(M15-011)

July 21, 2016
Attachment 4



Broadway-Stockton Special Planning District Modifications
(M15-011)



Tahoe Park
neighborhood association

Date: May 2, 2016

To: Joy Patterson, Principal Planner
City of Sacramento

RE: Special Planning Districts and Broadway-Stockton SPD Modifications

Ms Patterson,

The Tahoe Park Neighborhood Association (TPNA) has reviewed the proposal to amend the Broadway Stockton Corridor Special Planning District (SPD) through the addition of a Conditional Use Permit (CUP) clause to allow for the sale of liquor for offsite consumption in stores under 15,000 square feet, a use currently prohibited by the SPD.

From 1996 to as recently as 2006, the City of Sacramento has spent over two million dollars buying up liquor stores in the SPD. The SPD has contributed to the betterment of the Broadway Stockton Corridor for over 20 years and the area is now growing in a positive direction with family friendly uses and a flourishing neighborhood environment. The TPNA believes the proposed SPD amendment is contrary to multiple city initiatives underway to improve the Broadway corridor. Furthermore, the TPNA believes that amending the SPD will allow the issues and nuisance uses that once plagued the corridor to return, thus having a negative impact on the economic resurgence the corridor is experiencing. The current amendment prohibits the sale of liquor for offsite consumption and TPNA opposes opening the door to the sales of liquor for offsite consumption through a CUP amendment to the SPD. The TPNA believes the SPD should continue to function as is, without any modifications.

Respectfully,

Madelyn Kalstein

Madelyn Kalstein, TPNA President

Cc: Eric Guerra

Jay Schenirer

STATE CAPITOL
P.O. BOX 942849
SACRAMENTO, CA 94249-0007
(916) 319-2007
FAX (916) 319-2107

DISTRICT OFFICE
915 L STREET, SUITE 110
SACRAMENTO, CA 95814
(916) 324-4676
FAX (916) 327-3338

Assembly
California Legislature

KEVIN McCARTY
ASSEMBLYMEMBER, SEVENTH DISTRICT

COMMITTEES
CHAIR: BUDGET SUBCOMMITTEE NO. 2 ON EDUCATION FINANCE
BUDGET
EDUCATION
ENVIRONMENTAL SAFETY AND TOXIC MATERIALS
LABOR AND EMPLOYMENT
NATURAL RESOURCES

JOINT COMMITTEE
JOINT COMMITTEE ON FAIRS, ALLOCATION AND CLASSIFICATION

April 11, 2016

Sacramento Planning & Design Commission
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Re: Proposed modification of Stockton/Broadway Special Planning District

Dear Commissioners,

I would like to share my thoughts on an issue that has recently come before you. As a former Tahoe Park neighborhood leader, and later a Commissioner for the Sacramento Housing and Redevelopment Agency, I supported the collaborative, community-driven process to create a Stockton/Broadway Special Planning District. Specifically important to the effort was the necessity to curtail nuisance liquor sales. This process was a prime example of neighbors taking democracy into their own hands to address community concerns—in this case, the level of blight that used to plague the areas around the corner of Stockton Boulevard and Broadway. I'm proud to support the resulting Stockton/Broadway Special Planning District, which has done so much to revitalize the area.

Because of this, I must express my concern about undoing what has worked so well for our community and for Stockton Boulevard. This Special Planning District has enabled exactly the kind of economic development and community growth that it was created for. It has dramatically revitalized this area, and it continues to promote the vision of development that our community has had since we created the District.

Thank you for your thoughtful consideration on this matter, and thank you for the work that you do on behalf of Sacramento. I trust that you will dutifully examine the history and evidence involved in this issue to make the final determination of what sound public policy demands.

Sincerely,

Kevin McCarty

KEVIN MCCARTY
Assemblymember, 7th District

cc: Sacramento City Council

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www.vg-architects.com

February 18, 2016

Honorable Alan LoFaso, Chairman
Planning and Design Commission
City of Sacramento
300 Richards Blvd, Third Floor
Sacramento, CA 95811

Re: Stockton – Broadway Special Planning District Amendment.

Dear Mr. LoFaso,

Please forward to the Planning and Design Commission my support for the proposed amendment to the Stockton - Broadway Special Planning District (SPD). The proposed amendment would remove the absolute prohibition on sales of beer and wine off-premises consumption and replace it with a requirement that such sales be subject to a Conditional Use Permit. This is a very good solution and a necessary change for this portion of Oak Park.

As you may be aware, I have been involved in providing much of the development of new housing, retail space and mixed-use development in the northern portion of Oak Park. New residents moving to the neighborhood want new grocery stores, restaurants, brew pubs, delicatessens and similar neighborhood-serving retail and entertainment establishments. Importantly, these are the types of businesses that would typically include craft beer, family-label wines, growlers and similar offerings to their customers. These types of businesses cannot operate without an off-premise beer/wine license.

As Oak Park continues its resurgence as a desirable neighborhood, it is imperative that neighbors and businesses here are offered the same products as other City neighborhoods. I have lost one potential lease for a family-run deli in my development because of the existing alcohol prohibition contained within the SPD Ordinance.

For the continued evolution of Oak Park, please approve the proposed amendment to the Stockton – Broadway Special Planning District.

Regards,

Ron Vrilakas, Architect
The Broadway Triangle Development

Joy Patterson

From: Patrick McDaniel <mcdanielp@gmail.com>
Sent: Thursday, May 05, 2016 1:42 PM
To: Joy Patterson
Cc: Eric Guerra; Jay Schenirer; Bodipo50@gmail.com; cburke.realestate@gmail.com; dcovill@cbnorcal.com; todd.s.kaufman@gmail.com; lynnlenzi2@gmail.com; alofaso@sbcglobal.net; phil.pluckebaum@gmail.com; matt@mrpe.com; wangconnellypdc@gmail.com; jyeepdc@gmail.com
Subject: Proposed Broadway/Stockton SPD Modifications

Dear Ms. Patterson,

I am writing today to express my opposition to amending the Broadway Stockton Special Planning District to accommodate Frank Louie's desire to convert his restaurant at the intersection of Broadway St. and Stockton Blvd into a 7-11 that sells alcohol for the following reasons:

The Tahoe Park Neighborhood is currently a food desert surrounded by small markets that sell beer, wine and liquor. Two liquor stores exist in the Tallac Village shopping center alone. Two 7-11's that sell alcohol currently exist in close proximity to the neighborhood (65th and Folsom, and 57th & Broadway. The proposed 7-11 would be ¼ of a mile west of the existing older Broadway 7-11 and would compete directly with it. The existing 7-11 has a gas station and if it goes out of business as a result, Tahoe Park will be left with yet another abandoned gas station.

The City of Sacramento is either unable or unwilling to enforce its own regulations on businesses. For example, the Broadway Stockton Special Planning District bans the following undesirable businesses:

1. Auto Sales, storage, rental
2. Bar, nightclub
3. Transit vehicle-service, repair, storage
4. **Check-cashing center**
5. Alcoholic beverage sales, off premises consumption (15,000 square feet or less of gross floor area).
6. Towing service, vehicle storage yard

However, a check cashing center was allowed to open at the intersection of Broadway and Stockton in violation of the special planning district.

The 7-11 at the intersection of 65th and Folsom, contains large signs blocking its front windows and it sells alcohol after 10:00 PM, both violations of its Conditional Use Permit.

The fact is that there is no legitimate reason to amend the Stockton Broadway Special Planning District. The only reason the city is attempting to modify it to allow for a CUP for off-site alcohol sales in small businesses is

because the provision which disallows it conflicts with the desires of a politically connected business owner who wishes to open a 7-11 convenience store that sells alcohol. The proposal will do nothing to improve the community, only to make matters worse in the neighborhood.

Thank You,

Patrick McDaniel

Joy Patterson

From: Penelope Amadali <amadali@sbcglobal.net>
Sent: Tuesday, May 10, 2016 9:51 AM
To: Jay Schenirer; Joy Patterson
Subject: Stockton-Broadway Special Planning District

Greetings,

Having missed our recent OPNA meeting last Thursday, I just reviewed the handout regarding proposed changes to the Stockton-Broadway SPD. I am very concerned that this is being considered at this time.

Since purchasing my home here in 1991, Oak Park has been gradually pulling out of the dismal condition (socially and environmentally) it was allowed to fall into for such a long time. As anyone can see, we have almost reached the crest where the improvements may be able to continue from their own momentum. I do not believe we have accomplished that yet. The area is still vulnerable and the downward pull remains.

The stretch of Broadway from Alhambra to Stockton is remains active with drug sales and prostitution. Prior experience has shown that, where liquor is sold at our small neighborhood markets, alcoholics hang around and drug dealers also begin their trade. Just because 7-11 is a large corporation and wants to sell liquor, doesn't justify changing the hard-won 2013 change in the code. Of course, the code needs to be re-evaluated from time to time; however, this is not the time for a change. It would not be a healthy move for our community.

Thank you for taking the time to consider my views.

Penelope Amadali

From: Debbe Rizzo
To: Joy Patterson
Subject: Proposal to Amend the Broadway/Stockton Corridor Special Planning District
Date: Wednesday, May 11, 2016 4:46:53 PM

As a 42-year resident of Tahoe Park I urge you to leave the Planning District provisions in place.

Since the passage of the Special Planning District in 1996, I have noted improvement in the area, some of which can be attributed to the prohibition of off-site sales of alcohol in convenience stores with fewer than 15,000 square feet.

To amend or modify the District's provisions at this time would invite the same problems that caused city planners, city councilmembers, the police department and others to recommend passage of the ordinance in the first place. This would be a step backward and bad for our community.

Again, I urge you not to amend or modify the District's provisions.

Debbe Rizzo

Ms. Joy Patterson
Principal Planner
Community Development Department
City of Sacramento

February 4, 2016

Dear Ms. Patterson,

I'm writing in support of modifying the Broadway/Stockton Special Planning District to remove the prohibition on alcoholic beverage sales for off-premises consumption and to support approval of the proposed 7-Eleven located at Broadway and Stockton. I am a former president of the Tahoe Park Neighborhood Association, and I served as a city council appointed member on the Citizens Advisory Committee for the Broadway/Stockton Urban Design Plan. I am hopeful that my years of involvement in the planning process for the Broadway/Stockton business corridor may help to inform the approval process.

Originally in 2004, the Broadway/Stockton Special Planning District (SPD) prohibited: "Liquor Store – 15,000 square feet or less of gross floor area". I worked with Councilmember Dave Jones and the city's planning staff on drafting this alcohol sales prohibition. Later the SPD's language was updated to prohibit: "Alcoholic beverage sales, off-premises consumption (15,000 square feet or less of gross floor area)". Since the adoption of the original SPD, many of the economic and social conditions on Broadway between Stockton and Alhambra have greatly improved. Several of the vacant lots have been built-out, and numerous vacant buildings have been rehabilitated and are now supporting viable businesses. In the last decade restaurants, coffee shops, retail businesses and condominiums have been developed. Furthermore, increases in the area's level of disposable income from newer residents have expanded the commercial opportunities on the Broadway corridor. An example of these changes is the opening of the Oak Park Brewery, which remodeled an architecturally interesting older brick building and now attracts regional customers. The Oak Park Brewery demonstrates the positive contributions that a business with alcohol sales for off-premises consumption can provide. But other smaller venue business opportunities are not allowed under the current prohibition on alcohol sales for off-premise alcohol consumption, with less than 15,000 square feet.

I believe the Broadway/Stockton SPD's current "one size fits all" prohibition on alcohol sales for small venue businesses has outlived its usefulness and has now become an inhibiting factor for further economic development in the Broadway portion of the SPD. The community would be better served by allowing alcohol beverage sales for off-premises consumption, with less than 15,000 square feet of gross floor space, provided a conditional use permit is required. The requirement for a conditional use permit would allow the community to directly express any concerns regarding these types of businesses to the Planning and Design Commission during the approval process. Additionally, the requirement for a conditional use permit would provide the Planning and Design Commission with a legal basis for the denial of any project they determined to be inappropriate.

There are many voices from the community, and comments even from the same neighborhood may differ. I know that some residents representing Tahoe Park see themselves as the primary vested stakeholders, and may not value local businesses as being equally vested. Subsequently, as a member of the Tahoe Park neighborhood, I am voicing my support of Mr. Louie's proposed 7-Eleven project. By investing in neighborhood businesses on the Broadway/Stockton corridor, and through his leadership on the Stockton Boulevard Partnership, Mr. Louie has made a substantial contribution to improving the economic conditions and the quality of life in Tahoe Park and the surrounding neighborhoods. So, I respectfully request approval of the proposed 7-Eleven grocery and convenience store at Stockton and Broadway, approval for modification of the Broadway/Stockton SPD to allow conditional alcohol sales for off-premises consumption in venues with less than 15,000 square feet, and approval of a conditional use permit.

Sincerely Yours,

Don Meyers

Don Meyers
5228 9th Avenue
Sacramento, California

From:	Colleen Hawkins
To:	Joy Patterson
Subject:	Liquor Sales on Stockton Blvd
Date:	Wednesday, July 13, 2016 11:59:27 PM

Dear Joy, just want to join the "No More Liquor Sales on Stockton Blvd" campaign. I think it's extremely detrimental to the quality of life and the health of the neighborhood. Don't let $$$ overshadow the best decision. Thank you. Tahoe Park resident, Colleen Hawkins
Sent from my iPhone

Joy Patterson

From: Rose Cabral <racabral@ucdavis.edu>
Sent: Thursday, July 21, 2016 1:33 PM
To: Joy Patterson
Cc: Eric Guerra; Jay Schenirer
Subject: Broadway/Stockton Special Planning District

Good afternoon,

I would like to voice my concern for loosening the restrictions of alcohol sales in the Broadway/Stockton Special Planning District. I am urging City Planning to deny the proposal to loosen the restrictions of alcohol sales. I am glad the city is taking a look at this proposal, and would like to encourage the city to take a closer look at the purpose, intent and goals of the entire BSSPD. I think there are many areas where the BSSPD needs to be re-enforced along the Blvd. and I believe now is the time for the city to work together with residents to continue the work that began in 1996.

I frequently walk along Stockton Blvd and did so just this morning. Along the two mile route between 21st Avenue and the UC Davis Med Center I thought about what this historic passageway looked like years ago; the trolley car traveling along the center of the street, people eating at the famous Frasinetti's at the corner of San Francisco Blvd and Stockton, and neighborhood kids catching a show at the Colonial Theater.

I witnessed a much different picture this morning. Cars raced down the street at over 50 miles an hour, I passed a ghost bike placed in memory of Edwin Valentin who was killed on his bike less than a month ago, and I passed seven car dealers/tire sale businesses. I walked by numerous large empty lots, some of which are owned by the City of Sacramento and County of Sacramento. These lots are full of dumped garbage and hazardous waste. I also passed several stores where alcohol can be purchased. People can already get alcohol along the boulevard if they want it, the suggested modification does nothing to improve our neighborhoods.

I encourage you to say no to the conditional use permit and I also encourage you to take a look at what can be done to improve the boulevard. There are many people who would be interested in working together to continue positive improvements, similar to the changes that have been happening along Broadway in Oak Park and Del Paso Blvd. Thank you for your time.

Rose Cabral

Neighborhood Advocate
Colonial Heights - Tahoe Park - Sacramento Neighborhood Coalition
530.217.9537

Joy Patterson

From: kristin ford <serinkristin@gmail.com>
Sent: Thursday, July 21, 2016 1:55 PM
To: Joy Patterson
Subject: Opposition in allowing the CUP in the SPD of Tahoe Park

Good Afternoon Joy,

I just wanted to express my opposition regarding the above subject, specifically, alcohol being sold in the Tahoe Park area. Please express my opposition as well as all the others that have vocal about not wanting the SPD to be changed to allow alcohol to sold.

Thank you,

Kristin Ford

Joy Patterson

From: James Tucker <jamestucker78@yahoo.com>
Sent: Saturday, July 16, 2016 8:32 PM
To: Joy Patterson
Subject: SPD

I am not interested in changing the SPD in our neighborhood! We do not need more alcohol or junk food in a community we are investing so much money to make healthy!

James Tucker
Oak Park Resident

Sent from my iPhone

Joy Patterson

From: Barbara Steinberg <areyouthatwoman@gmail.com>
Sent: Saturday, July 16, 2016 9:41 PM
To: Joy Patterson
Cc: Eric Guerra; Jay Schenirer
Subject: ALCOHOL SALES AND CHANGE TO CONDITIONAL USE

July 16, 2016

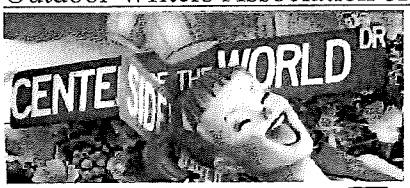
Dear Joy -

I am unable to attend the hearing on July 21, 2016 regarding the proposed changes for the Broadway Stockton Special Planning District conditional use permit for the sale of alcohol.

I oppose any changes to the current prohibition regarding small stores being allowed to sell off-site alcohol. There would be no benefit to the surrounding neighborhoods if this change is approved.

Thank you - Barbara

Barbara L. Steinberg
www.AreYouThatWoman.com
P.O. Box 160824
Sacramento, CA 95816
916/335-1522
Bay Area Travel Writers, Member
California Watchable Wildlife, Outreach Coordinator
Outdoor Writers Association of California, Board Member



Are You That Woman

Joy Patterson

From: Hali Rederer <hiking_fool@mac.com>
Sent: Saturday, July 16, 2016 10:45 PM
To: Joy Patterson
Subject: No 7-11 and NO changed to the SPD with regard to selling booze

To Patterson:

Bad plan on your part and our councilpersons part. Stop being or acting clueless. No thanks to consider allowing a 7-11. No thanks to changing- loosening SPD with regard to selling booze in or near Oak Park or West Tahoe Park or Stockton and/or Broadway or Stockton near Broadway anywhere between 14th and Stockton.

In Summary: No

Hali Rederer, Home Owner
District 5

Sent from my iPhone

Joy Patterson

From: Kim Pell <pellk@icloud.com>
Sent: Sunday, July 17, 2016 5:53 AM
To: Joy Patterson
Subject: Proposed Changes to BSSPD

My name is Kimberly Pell and I have lived near Broadway and 58th Streets in Tahoe Park for 15 years. I am vehemently opposed to recent changes proposed to the BSSPD to allow offsite alcohol sales by smaller businesses. This will take our neighborhood, as well as Oak Park, in the wrong direction. Many people have been working very hard to improve the quality of life in these areas and this will not help. We need more quality businesses, not another 7-11 or other convenience store. Thank you.

Sent from my iPhone

Joy Patterson

From: sheryl pinto <sherylpinto@att.net>
Sent: Sunday, July 17, 2016 3:56 PM
To: Joy Patterson
Subject: alcohol permit @ Stockton Blvd and Broadway

Dear J. Patterson,
I am writing to request that no additional permits be granted.
Sincerely,
Sheryl Pinto

Joy Patterson

From: Marsh Wildman <marshwildman@gmail.com>
Sent: Sunday, July 17, 2016 10:39 PM
To: Joy Patterson
Subject: Special Planning District at Stockton and Broadway

Please support the lifting of the ban on alcohol sales in the area of Stockton Blvd & Broadway.
There is a campaign being mounted in opposition to this effort that will harm small business. Please support small business.
Thank you

Joy Patterson

From: Tiffany Wilson <wilson.tiff@gmail.com>
Sent: Monday, July 18, 2016 6:47 AM
To: Joy Patterson
Subject: Broadway Stockton Special Planning District

Joy -

I am emailing today to express my opposition to the amendment of the Broadway Stockton Special Planning District to allow establishments under 15,000 square feet to sale alcohol for off site consumption. The city adopted the special planning district to mitigate issues affiliated with small liquor stores/convenience stores selling liquor for off site consumption. The city then spent $2 million dollars of tax payer money to buy back liquor license from various establishments to further mitigate the issue. In addition the city recently updated the language of the code for the ordinance to clarify and definie small liquor stores to further bolster the prohibition of the sale of liquor for off site consumption. Finally, a check cashing store was established in the district since the planning district was passed. Check cashing businesses are prohibited in the district. This is proof that the city does not have the resources to ensure that any conditions attached to a conditional use permit are adhered to in the absence of an "active" zoning administrator, simply having someone in the planning office with the title is insufficient.

The Broadway corridor has come a long way and made positive strides with the adoption of the district. Small, locally owned business is thriving in that area. Both Oak Park and Tahoe Park Neighborhood Associations are opposed to the amendment of the district. Please do not act for a few special interests and once again open the flood gates to problems the city and residents have worked so hard to prevent.

Tiffany Wilson

To: Members of the Planning and Design Commission July 19, 2016

From: Tom Harrington, resident of Tahoe Park

Subject: Public Hearing July 21, 2016 regarding M15-011 Ordinance amending Title 17.404.030 of the Sacramento City Code relating to modifications to the Broadway-Stockton Special Planning District (SPD) regarding alcohol sales for off-premise consumption

Dear Commissioners

It is premature to open up the entire Broadway/Stockton Special Planning District (BSSPD) to once again allow retail stores of less than 15,000 SF to sell alcohol for off- site consumption. Most of the BSSPD is still too fragile to reintroduce this type of retail outlet.

I have consulted two veteran law enforcement officers (one from the Sacramento PD and one from the Sacramento County Sheriff's Office) about their experience with this type of business. I specifically asked, in your experience in your patrol areas do small retail outlets that sell alcohol for off-site consumption cause an increase of service calls? They both responded that it all depended on the location. If the location of such a store is in an area with a stable neighborhood and businesses it would probably not be an issue of increased law enforcement presence. On the other hand, such a store in an area where both the neighborhood and businesses are struggling would likely require an increased law enforcement presence.

It is apparent that the special policies and prohibitions developed for the BSSPD accomplished some of the original vision for a portion of the corridor but much of the BSSPD is still in a fragile condition and it would be a mistake to re-introduce and allow small retail stores to sell alcohol for off-site consumption in those areas.

I recommend not changing the current prohibition in those fragile areas. Additional research and study will be needed to make that determination.

Sincerely,
Tom Harrington
5709 8th Ave
Sacramento, Ca 95820

Joy Patterson

From: Mark Harrington <sacgriz@gmail.com>
Sent: Wednesday, July 20, 2016 11:09 AM
To: Joy Patterson
Cc: Eric Guerra; Jay Schenirer
Subject: Broadway/Stockton Special Planning District

I am urging City Planning to deny loosening the restrictions of alcohol sales in the Broadway/Stockton Special Planning District.

The BSSPD as it is has made a marked positive difference in this area.

This district remains fragile. Stockton Boulevard is dotted with vacant lots that attract loitering and camping.The Boulevard has retained much of its prostitute/john activities. Local mothers and daughters walk on the Boulevard only when absolutely necessary due to frequent harassment. Attracting new businesses to fill the vacant lots can be challenging out of concern for female employees and customers.

The increased availability of alcohol for offsite consumption in this corridor is likely to exasperate the above and involve even more calls to already overextended law enforcement. Alcohol is available to citizens in this corridor in the 15,000 SF businesses. That access has been working well.

It is the nature of businesses to expand and increase profit. It is the nature of communities to provide safety and comfort for its residents. When these entities are in conflict, hopefully government can side with those who actually live in the community.

Please just say no to the Conditional Use Permit.

Mark Harrington
Colonial Heights

Joy Patterson

From: patris <artist_patris@yahoo.com>
Sent: Thursday, July 21, 2016 8:55 AM
To: Joy Patterson
Cc: Jay Schenirer
Subject: yes in favor of Broadway SPD

To Whom it May Concern,

I realize my email my be received too late to voice in on the changes to the Special Planning District for the Broadway corridor, but I wanted to voice my support for the proposed changes.

As a resident and business owner in Oak Park, I sat on the citizens committee when we first created the SPD. At that time, Oak Park was in terrible shape. We have come such a long way since that time and it is time to update the regulations.

Many residents fear the return to such dire circumstances that led to the creation of the SPD. However, it is my firm belief that we have turned the corner in social and economic revitalization and allowing smaller, community-owned businesses the option to add wine and beer sales to their business model will bring in more economic growth and dining/purchasing options for the neighborhood. Nobody wants to see the deluge of liquor stores return to our community. However, a charming little business that wants to sell local wines and beers in a small shop or deli would be an added plus to our growing business corridor.

We can still regulate and monitor these businesses to ensure they practice healthy community standards in the sale of alcohol.

Thank you for considering my opinion as the decision is being made at the commission.

Sincerely,
Patris
Oak Park resident and business owner
Patris Studio and Gallery
3460 2nd Avenue
Sacramento, CA 95817

Joy Patterson

From: Suzanne Cottle <suzannecottle@hotmail.com>
Sent: Thursday, July 21, 2016 10:27 AM
To: Joy Patterson
Cc: Eric Guerra
Subject: Lifting of alcohol ban in Stockton/Broadway SPD

Dear Ms. Patterson:

I want to express my opposition to amending the current restrictions prohibiting alcohol sales in stores less than 15,000 SF in the Stockton/Broadway Special Planning District. Allowing conditional use permits to sell alcohol for off-site use within the SPD would be a huge step backwards for this area. I have lived in Tahoe Park off of Stockton Blvd. for over 23 years and I remember the bars and liquor stores at that time that dotted Stockton Blvd. south of Broadway. It took many years and a lot of community effort to get these alcohol businesses closed and now the City wants to reverse those efforts. The petty crime and homelessness that Tahoe Park and surrounding neighborhoods are now experiencing cannot be adequately addressed by the City or Police Department, yet the City wants to add more alcohol sales to the area. There is already alcohol sold at the Food Source market on the corner of Stockton and Broadway and there are 3 businesses (a grocery store, liquor store and bar) selling alcohol barely a mile away at the Tallac Village Shopping Center located on 14th Avenue and 60th Street.

Why can't the City get a little bit more creative in approving businesses that add to the renaissance of the area instead of approving more places that sell alcohol.

Thank you for considering my position.

Joy Patterson

From: hudlink@aol.com
Sent: Thursday, July 21, 2016 10:48 AM
To: Joy Patterson
Subject: Relaxation of Alcohol Sales Rules

Dear Ms. Patterson:

As Colonial Heights residents, we oppose increasing access to alcohol in or near the neighborhood.

We recently mourned the death of a member of our church when he was killed on his bicycle by a hit and run driver on Stockton Blvd. Many neighbors have lost pets to drivers speeding through the residential streets of Colonial Heights in the past few months alone.

More alcohol increases speeding and wreckless driving.

Thank you for considering our views.

Jim Hudson and Sandra Young
Colonial Heights 21st Ave Residents

Sent from my iPhone

LAUREN R. HAMMOND

1128 35th Avenue, Sacramento, CA 95822 ▪ 916-765-0047 ▪ lrn.hammond@gmail.com

July 21, 2016

Mr. Alan LoFaso
Chairman
Planning and Design Commission
300 Richards Blvd.
Sacramento, Ca 95815

Dear Mr. LoFaso:

This is a letter of clarification about my support of modifications to the Broadway-Stockton Special Planning District (SPD). According to today's staff report on this matter the Mayor and Council adopted changes to the Zoning Code in 2013. The unintended consequence of that action prohibited smaller stores from applying for a conditional use permit for off premises alcohol sales license.

As I stated in my October 21, 2015 letter of support for the Louie 7-Eleven Project the intent of the Special Planning District was to prohibit more liquor stores and other over represented businesses from locating on Broadway or Stockton Blvd. This idea had overwhelming support from neighbors and eventually the City Council. The Special Planning District has worked. **Let me state this unequivocally. I continue to support the SPD. Anyone who says or writes otherwise is sadly mistaken.**

I support the modification proposed if it rectifies the mistake made by the zoning updates of 2013 and the Special Planning District remains in place.

Sincerely,

Lauren Hammond
Councilmember, Retired

CC: Members of the Planning and Design Commission
Joy Patterson, Zoning Administrator

Joy Patterson

From: Kate Gioia Singer <kgioiasinger@gmail.com>
Sent: Thursday, September 15, 2016 10:33 AM
To: Joy Patterson
Subject: Ordinance amending Title 17.404.030 of the Sacramento City

Dear Ms. Patterson,
I am writing as a concerned citizen regarding the potential amendment of Title 17.404.030 giving businesses under 15,000 sq ft the ability to sell alcohol. I am unable to attend the public hearing but wanted to voice my opinion on the matter.

We already have a difficult time with people drinking on Stockton Blvd. Recently we observed a man at a bus stop drinking and had his hands down the pants of a woman standing at the bus stop. In broad daylight. I can't imagine this amendment, if changed to allow sales, would make that sort of example any better. We routinely see examples where individuals are obviously under the influence and this is concerning as someone who drives this route daily.

I am not for this amendment. Thank you very much for your time and I hope this will be taken into consideration when discussing this matter.
Best,
Kaitlyn Singer
Resident of Colonial Heights

September 11, 2016

Joy Patterson, Principal Planner
Planning & Community Development Department
300 Richards Blvd, 3rd Floor
Sacramento, California 95811

RE: File # M15-011
Ordinance Amending Title 17.404.030 of the Sacramento City Code

Dear Ms.Patterson:

The Colonial Heights Neighborhood Association opposes the proposed amendment to the Sacramento City code to modify the requirements for alcoholic beverage sales for off-premise consumption. Our decision is based on a vote of members conducted at a regularly scheduled CHNA meeting held August 25, 2016, at the Colonial Heights Public Library.

Comments of Colonial Heights NextDoor.com participants have also been overwhelmingly in opposition to the amendment. We also note that a clear majority of letters and email messages from citizens in our neighborhood, which were included in the City Planning and Community Development Department August 22, 2016 report, opposed the proposed amendment.

The proposed amendment before the Planning Commission would have the likely outcome of affording 7-11, the largest U.S. retailer of cold beer and seller of the greatest number of single serve containers of beer, an opportunity to sell single serve alcoholic beverages for off-premise consumption with the Broadway Stockton Special Planning District. Other similar small retailers would likely follow.

A brief google search revealed an article called The Case for Closing Liquor Stores which supports the relationship between small alcohol retailers and violent crime. The more liquor stores, the more crime. The study can be found at https://www.thefix.com/content/liquor-store-violent-crime-compstat8751. We are also attaching the file.

We note there are available sources for the off-premise sale of alcohol at the nearby Food Source grocery and Walgreens at the corner of Broadway and Stockton Blvd and the last thing the City of Sacramento should foster is more liquor sales in this socio-economically vulnerable neighborhood. We believe the negative effects of increased alcohol sales outweigh any positive effects that might occur with increasing access to alcohol sales.

In conclusion, CHNA opposes the proposed amendment which we believe will lead to a proliferation of convenience and small liquor stores, with the inevitable check cashing businesses, tobacco retailers and other businesses whose products and services will destabilize and devitalize this tenuous SPD.

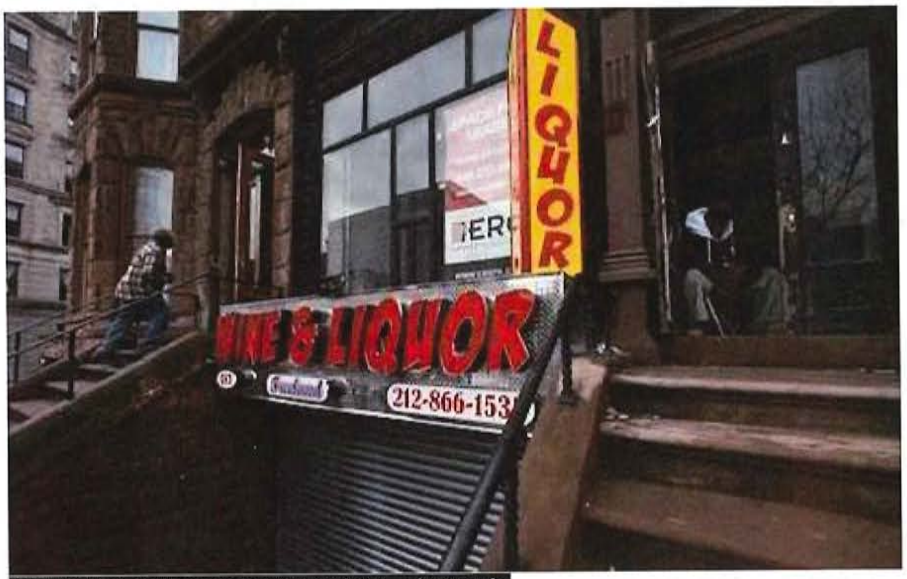
Sincerely,

Shirley Daffin
On behalf of the Colonial Heights Neighborhood Association

The Case for Closing Liquor Stores

By Susan Cheever 02/19/13

Violent crime has intractable causes like poverty, drugs and guns. But one cause—the number of businesses selling booze in a neighborhood—could be directly controlled. Should it be?



Shuttered liquor store in Harlem photo via

Liquor stores attract violent crime the way honey attracts flies. On many maps showing the location of both liquor stores and violent crime, the dots representing crime look like metal filings drawn to a powerful magnet—the booze outlet. Thediscovery that violent crime is related to places, not only people, and that about half of all crimes tend to occur in about 5% of locations, was made in New York City in the 1980s. Focusing on the role that alcohol outlets play in a city's violent crime patterns has vastly improved the effectiveness and efficiency of policing. But when it comes to the obvious logical conclusion—that the number of stores be dramatically reduced—public officials have balked. Putting small businesses out of business is not the American way.

Since the 1980s, this systematic approach has changed the way crime is dealt with in many states. So-called criminogenic places, or hot spots, often have poor lighting, transit stops, abandoned buildings, nightclubs and...liquor outlets. A mass of evidence showing the connection—in terms of both proximity and concentration—between liquor stores and crimes like murder, rape and assault has come from all over: Indiana, Riverside, California, Baltimore's John Hopkins

University, and the environmental think-tank thePacific Institute, using statistics from New Jersey to Australia, to name a few.

In a study at the University of California/Riverside comparing federal crime data for youths, ages 13 to 24, to a wide range of factors, including the density of liquor (and beer and wine) outlets, in 91 of the biggest US cities, researchers found that a higher concentration of booze businesses was significantly linked to higher rates of homicide. Access to alcohol was right up there with poverty, drugs, guns and gangs. And of all these causes, only liquor stores are even remotely susceptible to direct control. "Our findings suggest that reducing alcohol outlet density should significantly reduce the trends of youth homicide," said Robert N. Parker, co-author of the UC/Riverside study.

A related study found even more specific factors that further underscore the connection between liquor stores and crime: including more retail outlets that sell *single-serve containers of alcohol* in their coolers. Even *the percentage of cooler space* made a difference—the more space for loose Millers, grab-and-go Four Lokos and the like, the more violent crime.

The original observation was made by Jack Maple, a dapper, hard-drinking New York City transit cop—one of the most dangerous jobs in the city—back in the bad old 1980s when the city's subway system was a hive of robberies. On his apartment wall, Maple drew a detailed map—hundreds of pages—of the subway system, showing that most crimes happened in a few areas. Sitting at his table at Elaine's, a famous bar and restaurant that catered to writers and artists and other hard-drinking local celebrities, Maple, by then a lieutenant, bragged that he would cut violent subway crime in half. He did. By putting policemen in the hot spots where most crime happened, Maple made the subways safe. (New York's tenacious graffiti artists were able to elude the men in blue, however.)

The more retail outlets that sell single-serve containers of alcohol in their coolers—even the more cooler space for beer—the more violent crime.

Maple showed his maps to fellow transit policeman—and Elaine's regular—William Bratton. Bratton became NYPD police commissioner in 1994, expanding Maple's strategy to the department's method of mapping all crime, called CompStat ("Computer Statistics"). Now called "Operation Impact," it has cut crime in New York City (and in the many other big cities that have adopted it) to record lows. Bratton and Maple, who was promoted to deputy police commissioner for crime control strategies, were dubbed the Crime Fighting

Kings. Under Ray Kelly, police commissioner since 2003, crime has continued to fall, even as the NYPD itself has shrunk by 15%. In 2012 violent crimes hit a historic low in New York City.

The negative effects of liquor stores strike local neighborhoods whether they are poor or rich, according to studies at the University of California/Berkeley. "People purchase alcohol and consume it close by, and they become bold enough to do things they wouldn't ordinarily do," a California policeman says. "Or they consume it and become prey."

It's no surprise, however, that poor neighborhoods are hit harder. The most dangerous type of liquor store is one that offers to cash a check for a fee and then sells the check casher, say, a pint of Thunderbird. Booze-selling convenience stores, which are open late and store cash, are themselves the target of a high rate of robberies. An organic wine store on an upscale street is less vulnerable.

But the easiest solution—convert privately owned and run stores to state control—is utterly impractical, and arguably unfair to the store owner. The alcohol industry has a great deal of influence over federal and state politicians. Most of the reforms, or efforts, take place at the county or city level and involve new zoning laws restricting the number of liquor stores. But new laws do not apply to established businesses.

Public health officials can often find legal grounds to reduce the concentration of liquor stores if they look hard enough. For example, in Baltimore, which has long had progressive activist leadership in its health department, officials identified some 125 booze businesses that were operating in the middle of a residential block—a violation of zoning law. When a crackdown was announced—the shops were given two years to move or to stop selling booze—there was a massive outcry from the city's large Korean-American community. It turns out that these folks owned 90% of the "unlicensed" stores. The reform has stalled for the time being.

Despite the CompStat evidence, liquor and convenience stories are not viewed by most citizens as a pox on the health of society. True, they partake of the general stigma surrounding drinking and drunks, and they add nothing to the real estate value of the block. But they are open at times when other stores go dark—whether at night or in seriously bad weather. Retail stores stock not only beer and wine but also groceries. But while the stores may contribute to (not cause) violent crime, the employees who work there are themselves frequent victims.

When I was growing up, a liquor store was a hub for our entire family. Norman's Wines & Liquors on Spring Street in Ossining, New York, was our home away from home. A friendly guy always behind the counter, Norman was my alcoholic father's general-purpose local tradesman. He cashed checks, listened to

troubles, baby-sat when my father had errands to do, dispensed cases of gin, vermouth and whiskey and was an all-around factotum of stability in a sea of instability. He told me that I was pretty, he called my mother elegant, and he provided my brother with empty wooden crates for the building of hot rods. Spring Street was Ossining's second Main Street—a sketchy neighborhood near the famous Sing Sing prison.

Norman seemed like the quintessential small-town nice guy. Yet violent crime in innocent-seeming neighborhoods was one of the great themes in my father's literary work. Now even friendly Norman seems to me a symbol of the way liquor and trouble go together—whether it's in a computerized subway map, a local bar or a leafy suburban cul-de-sac.

Susan Cheever, a columnist for The Fix, is *the author of many books, including the memoirs* Home Before Dark *and* Note Found in a Bottle, *and the biography* My Name Is Bill: Bill Wilson—His Life and the Creation of Alcoholics Anonymous.

Joy Patterson

rom: Amy <amastersbc@yahoo.com>
Sent: Wednesday, September 21, 2016 7:19 PM
To: Joy Patterson
Subject: Alcohol sales in SPD

I am unable to attend the meeting, however I wanted to share that I am against allowing liquor sales in the SPD area specifically the proposed 7-11 that wants to operate at the Louie's site. I purchased a home approx 9 months ago in Colonial Heights knowing that this is a transitional neighborhood. I feel allowing alcohol sales will take this community backwards not forward. Very recently there has been a rash of activity in Colonial Heights - car break ins and such. Adding alcohol sales would potentially increase this type of activity and more

Sincerely
Amy Masters

Sent from my iPad

To: Members of the Planning and Design Commission September 19, 2016

From: Tom Harrington and Helen O'Mara, Tahoe Park Residents

Subject: Public Hearing September 22, 2016 regarding M15-011 Ordinance amending Title 17.404.030 of the Sacramento City Code relating to modifications to the Broadway-Stockton Special Planning District (SPD) regarding alcohol sales for off-premise consumption

Dear Commissioners

We remain opposed to modifying the Broadway-Stockton SPD regarding alcohol sales for off-premise consumption, even with the changes made to the Planning Department's proposal. It is premature to open up the entire Broadway/Stockton Special Planning District (BSSPD) to once again allow retail stores of less than 15,000 SF to sell alcohol for off- site consumption. Most of the BSSPD is still too fragile to reintroduce this type of retail outlet.

It is apparent that the special policies and prohibitions developed for the BSSPD accomplished some of the original vision for a portion of the corridor but much of the BSSPD is still in a fragile condition and it would be a mistake to re-introduce and allow small retail stores to sell alcohol for off-site consumption in those areas.

We recommend not changing the current prohibition in those fragile areas. Additional research and study will be needed to make that determination.

Sincerely,
Tom Harrington and Helen O'Mara
5709 8th Ave
Sacramento, Ca 95820

Joy Patterson

From: Camille Ali <cmllali@yahoo.com>
Sent: Tuesday, September 20, 2016 2:03 AM
To: Joy Patterson
Subject: File M15-011

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Dear Ms. Patterson

I am unable to attend this Thursday's Public Hearing re: the issue of alcohol sales along the Broadway-Stockton area.

My opinion is that we have an adequate number of businesses in this area that are already selling alcohol for off-premises consumption. As a long-term resident of Colonial Heights (I live on 52nd St. just off of Stockton Blvd), I have regular experience with many of the individuals that are buying alcohol at the stores currently licensed to sell alcohol.

I have observed many of these individuals walk out into traffic without regard for moving vehicles, ride bicycles the wrong way up the streets creating situations that are potentially dangerous to themselves and/or to drivers. At 1:30 am, I had an intoxicated woman enter my property (through a closed gate) and knock on my door claiming she was being chased. She was clearly intoxicated and there was no one chasing her.

As I said, I think we have plenty of locations where people can purchase alcohol. To have a conditional use permit (I'm assuming it would be for stores that are under 15,000 sq ft) would just open the door for many more people with questionable judgment to purchase alcohol quickly and throughout the local neighborhoods.

I do not support this proposed ordinance.

Thank you for considering my opinion. Please do no hesitate to contact me if you would like to discuss this further.

Camille Ali
Owner at 4300 52nd Street
Sacramento, CA 95820
916-801-8273 Cell

Joy Patterson

From: Barbara Steinberg <areyouthatwoman@gmail.com>
Sent: Tuesday, September 20, 2016 11:10 AM
To: Joy Patterson
Cc: Eric Guerra
Subject: Re: Notice for Broadway-Stockton Planning & Design Commission Hearing on Sept. 22

Follow Up Flag: Flag for follow up
Flag Status: Flagged

September 14, 2016

Dear Joy -

Going on record as opposing this change to the current alcoholic beverage sales for off-premise consumption in the Broadway-Stockton Special Planning District.

Sincerely -

Barbara

Barbara L. Steinberg
www.AreYouThatWoman.com
P.O. Box 160824
Sacramento, CA 95816
916/335-1522
Bay Area Travel Writers, Member
California Watchable Wildlife, Outreach Coordinator
Outdoor Writers Association of California, Board Member

Are You That Woman

On Wed, Sep 14, 2016 at 12:09 PM, Joy Patterson <JPatterson@cityofsacramento.org> wrote:

Please see the attached public notice for the Sept. 22, 2016 hearing. The meeting is in City Hall, first floor. It is a regular commission meeting and begins at 5:30 p.m.

Joy Patterson

From: Arlene Martinez <imblgrl66@yahoo.com>
Sent: Tuesday, September 20, 2016 12:49 PM
To: Joy Patterson
Subject: Fwd: Public hearing 8/22/16 - M15-011-Broadway-Stockton Special Planning

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Sent from my iPhone

Begin forwarded message:

From: Arlene Martinez <imblgrl66@yahoo.com>

To: jpattersob@cityofsac.org
Cc: eguerra@cityofsacramento.org
Subject: Public hearing 8/22/16 Special planning committee meeting. Stockton/Broadway

Hello Ms. Patterson,

In reference to the ordinance amending Title 17.404.030 of the modifications to the Broadway-Stockton special planning district regarding alcohol sales off premise consumption, I am 100% against the proposed modification! I hope this email will count as a NO vote to the referenced above.

As a single women resident on 7th Avenue near Stockton Blvd., it deeply concerns me that the area will be flooded with unsavory individuals 24/7. As it currently stands I am forced to avoid driving home after dark through the Stockton/Broadway cross streets. In addition to the safety aspect, our property values are going to decline. Myself and residents of Tahoe Park and Oak Park work hard and are proud of our homes. That will be taken away if the city starts allowing these meaningless type places barge into our neighborhood. It has been a long process for Tahoe Park to get to this point of being proud of our neighborhood. Fortunately with the hard work of our TPNA we have traveled a long road. To end it here would be a slap in the face to Sacramento City residents.

Regards
Arlene Martinez

Sent from my iPhone

Begin forwarded message:

From: Arlene Martinez <imblgrl66@yahoo.com>
Date: August 10, 2016 at 8:35:11 AM PDT
To: jpatterson@cityofsacramento.org
Cc: guerra.eric@gmail.com
Subject: Fwd: Public hearing 7/21/16-Agenda item M15-011-Broadway-Stockton Special Planning

Sent from my iPhone

Begin forwarded message:

> **From:** Arlene Martinez <imblgrl66@yahoo.com>
> **Date:** July 21, 2016 at 2:51:29 PM PDT
> **To:** jpattersob@cityofsac.org
> **Cc:** eguerra@cityofsacramento.org
> **Subject: Public hearing 7/21/16-Agenda item M15-011-Broadway-Stockton Special Planning**
>
> Hello Ms. Patterson,
>
> In reference to the ordinance amending Title 17.404.030 of the modifications to the Broadway-Stockton special planning district regarding alcohol sales off premise consumption, I am 100% against the proposed modification! I hope this email will count as a NO vote to the referenced above.
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>
> Regards
> Arlene Martinez
>
> Sent from my iPhone

sacasiancc.org

sacramento ASIAN PACIFIC chamber of commerce

2331 Alhambra Blvd. Suite 100, Sacramento, CA 95817 - Phone: (916) 446-7883 - Fax: (916) 446-7098

September 13, 2016

Jose Bodipo-Memba, Chairman
City of Sacramento, Planning & Design Commission
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

Dear Chairman Bodipo-Memba:

The Sacramento Asian Pacific Chamber of Commerce supports amending the Broadway-Stockton Special Planning District's (SPD) regulations, consistent with its original intent, to allow small retailers the limited ability to sell beer and wine with a Conditional Use Permit. The amendment, and concurrent 7-Eleven project at Broadway and Stockton Blvd, reflects fifteen years of positive change in the neighborhood surrounding the project. A recommendation reflects the City's continuing commitment to its small businesses.

The Sacramento Asian Pacific Chamber of Commerce is the largest ethnic chamber in the region. Formed in 1993, its mission is to build sustainable communities through economic development. The Sacramento Asian Pacific Chamber of Commerce represents the interests of the 6,000 Asian owned businesses within the Sacramento region. Our focus is Asian owned businesses, but we impact the over 37,000 small businesses that reside here.

The original language of the 2001 Broadway-Stockton SPD thoughtfully balanced the needs of the community by limiting stores that primarily sold alcohol and allowing small, responsible neighborhood markets to sell limited amounts of beer wine with a Conditional Use Permit. This approach successfully improved the area.

In 2013, during a broad Sacramento City Code cleanup, the City inadvertently altered the regulations in such a way that small retailers were completely prohibited from selling even a small amount of beer and wine in the District. This error gave an unfair advantage to large retail stores. This amendment allows small neighborhood oriented markets to compete in the District; providing options to residents wishing to walk or bike to the store.

The Sacramento Asian Pacific Chamber of Commerce supports a level playing field for its members, many of which own and run small retail outlets in the Sacramento area. The Chamber also supports Frank and Gloria Louie's 7-Eleven project at Louie's restaurant on Broadway and Stockton Blvd. Frank and Gloria have been strong members in our community for a long time, and shining examples of responsible small business leadership in Sacramento.

sacasiancc.org

sacramento ASIAN PACIFIC chamber of commerce

2331 Alhambra Blvd. Suite 100, Sacramento, CA 95817 - Phone: (916) 446-7883 - Fax: (916) 446-7098

The Sacramento Asian Pacific Chamber of Commerce supports small business owners, such as Frank and Gloria Louie, and supports the amendment to the Broadway-Stockton Special Planning District before the Commission. We encourage you to recommend this amendment to the City Council.

Sincerely,

Pat Fong Kushida

Pat Fong-Kushida
President/CEO

cc: Mayor Kevin Johnson
Councilmember Jay Schenirer
Councilmember Eric Guerra
City of Sacramento Planning and Design Commission
Joy Patterson

Joy Patterson

From: Josh Bartholomew <jilbartholomew@gmail.com>
Sent: Thursday, September 22, 2016 3:33 PM
To: Joy Patterson; bodipo50@gmail.com; cburke.realestate@gmail.com; dcovill@cbnorcal.com; lynnlenzi2@gmail.com; darryl.lucien@sbcglobal.net; todd.s.kaufman@gmail.com; alofaso@sbcglobal.net; phil.pluckebaum@gmail.com; matt@mrpe.com; wangconnellypdc@gmail.com; wdfarrell@hotmail.com; jyeepdc@gmail.com
Cc: Jay Schenirer; Eric Guerra
Subject: Proposed Amendment to Subsection of Code Relating to Broadway-Stockton Special Planning District

Dear Ms Patterson and Planning & Design Commissioners,

I am writing to voice my opposition to the proposed amendment regarding alcohol sales for off-premise consumption in a store with less than 15,000 square feet. As a resident of the nearby Colonial Heights neighborhood, I travel past the proposed site daily and see the very real struggles my neighbors experience. The proposed amending of existing code to introduce an additional site for sale of off-premise alcohol will do nothing to alleviate these struggles. In fact, I believe an argument can be made that the modification of this code, to allow 7-11 the ability to sell alcohol in an area already awash in drugs, liquor and crime, holds significantly more promise of negatively impacting the quality of life of those around it.

In reading the comments made by residents of the neighborhoods likely to be impacted by this proposal, it seems quite clear that to those familiar with the area's history and current challenges, increasing the availability of alcohol in this planning district is the wrong move in the current environment. Members of these neighborhoods are working diligently to make meaningful improvements to the quality of life experienced by those around and amongst us, and would appreciate the city working with us, not against us in this pursuit.

While crime statistics involving similar stores and permit situations may suggest that an increase in crime at these sites is unlikely, I would suggest that this is an irrelevant measure to myself and I suspect many of my neighbors. While I do not wish for crime to occur in these locations, I am certainly more concerned for the crime that directly impacts my neighbors and neighborhood as a by-product of alcohol consumption away from the proposed site, be it drunk driving, property crime or violence.

Lastly, on page 11 of your recommendation, it states "The amendment promotes the public health, safety, convenience, and welfare of the city." As a resident of a nearby neighborhood within the city, I would appreciate some clarification as to how amending the current code would do this. From my vantage point, it would have negative effects on public health, safety and welfare of the city while a weak argument could potentially be made for convenience. This 'convenience' does not justify jeopardizing the gains that have been made through many years of effort on the part of neighborhood residents. I strongly urge you to reject the proposed amendment.

Thank you.

Sincerely

Josh Bartholomew
Colonial Heights Resident