



# REPORT TO PLANNING COMMISSION City of Sacramento

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915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
August 11, 2011

To: Members of the Planning Commission

**Subject: El Camino Walgreens Alcohol Sales (P11-012)**

A request to allow beer and wine sales at an existing 11,431 square foot pharmacy located in the General Commercial (C-2) Zone.

- A. Environmental Determination: Categorical Exemption pursuant to CEQA Guidelines Section 15301 (existing facilities); and
- B. Special Permit to allow beer and wine sales at an existing pharmacy.

**Location/Council District:**

840 El Camino Avenue, Sacramento, CA 95815

Assessor's Parcel Number 275-0054-030

Council District 2

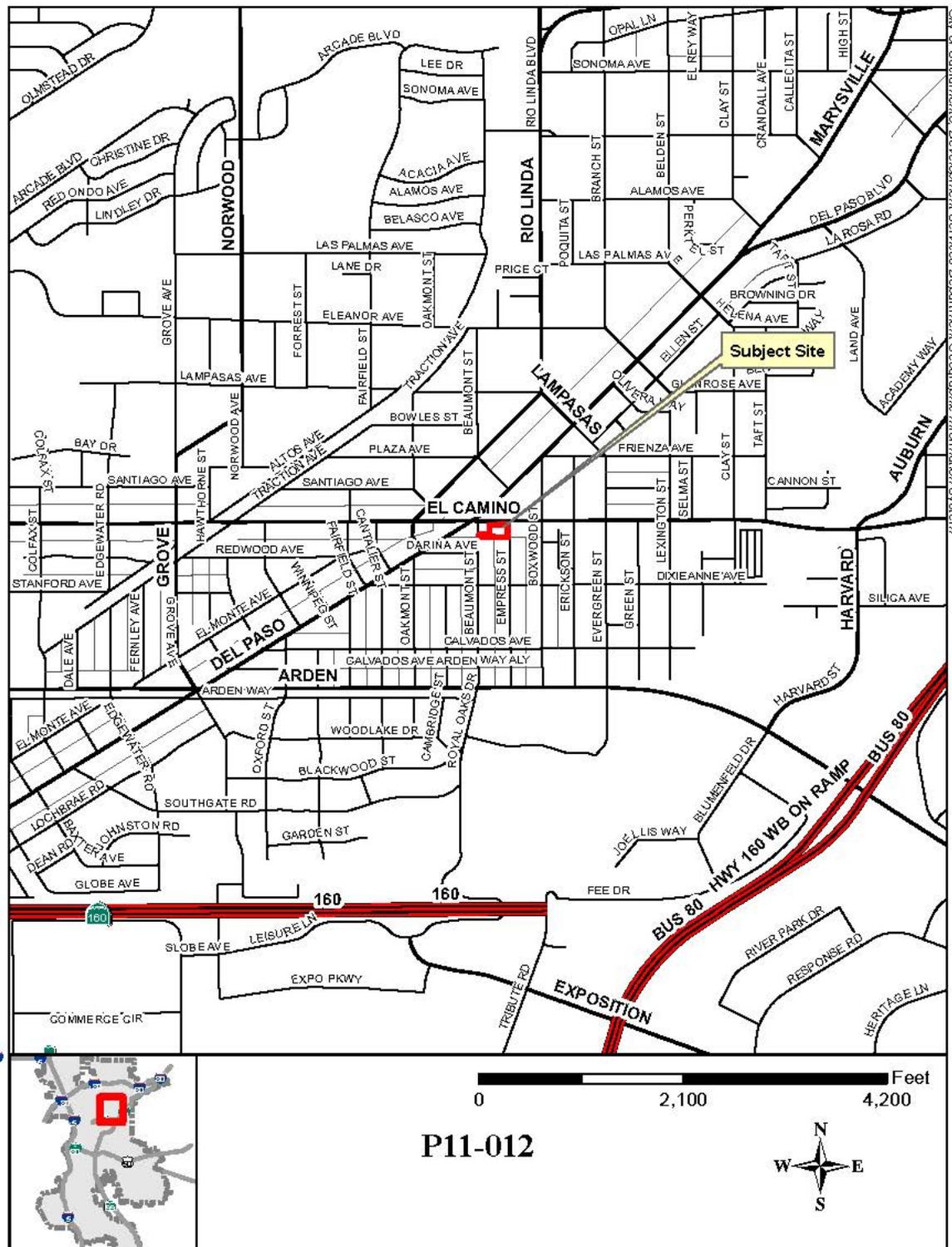
**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A and B above, and its decision is appealable to City Council. **At the writing of this report, staff has not received any opposition to the proposal from the surrounding neighborhood and the project is considered to be non-controversial.**

**Contact:** Antonio Ablog, Associate Planner, (916) 808-7702; Lindsey Alagozian, Senior Planner, (916) 808-2659

**Applicant:** Seth Merewitz for Walgeen Co, Best Best & Krieger LLP, 400 Capitol Mall, Ste. 1650

**Owner:** Byron Navid, 20480 Blauer Drive, Ste A, Saratoga, CA 95070

Vicinity Map



P11-012

**Summary:** The applicant is requesting a Special Permit to allow the sale of beer and wine from an existing pharmacy located in the General Commercial (C-2) zone at 840 El Camino Avenue. This application has been reviewed by various city departments, including the Police Department. Amongst other conditions, the Police Department has placed conditions on the Special Permit that limit the sale of alcoholic beverages to beer and wine, prohibit single sales of beer, and limit the sale of alcoholic beverages to the hours between 8:00 a.m. and 11:00 p.m.

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| <b>Table 1: Project Information</b>                            |
| <b>General Plan designation:</b> Urban Corridor Low (0.25 FAR) |
| <b>Existing zoning of site:</b> General Commercial (C-2)       |
| <b>Community Plan Area:</b> North Sacramento                   |
| <b>Existing use of site:</b> Pharmacy                          |
| <b>Property area:</b> 0.96± acres                              |

**Background Information:** The subject site is currently occupied by an 11,431 square-foot Walgreens store that was approved in 2008 (P07-116). There are commercial uses to the east, west, and north of the site. There is a residential neighborhood to the south, but there is an existing surface parking on commercially zoned parcels lot that buffers the pharmacy store from the residential uses. The proposed beer and wine sales will occur inside the existing store with no exterior modifications.

**Public/Neighborhood Outreach and Comments:** Staff routed the proposal to various neighborhood advisory groups and sent early notifications of the proposal to the Del Paso Boulevard Partnership, Woodlake Neighborhood Association, Harmon Johnson Neighborhood Association, and the Swanston Estates Neighborhood Association. Staff only received comments from the Del Paso Boulevard Partnership which has no opposition to the project so long as the Police Department conditions are met. Property owners within 500 feet of the site have also been notified of the public hearing. As of the date of this report, no additional comments have been received.

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

### **Policy Considerations:**

#### ***General Plan***

The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan Update designation of the subject site is Urban Corridor Low, which provides for, auto-oriented, moderate-density commercial and residential uses including compatible public, quasi public and special uses. The proposed beer and wine sales at an existing pharmacy is consistent with this land use designation in that the Urban Corridor Low designation allows for retail, service, and office uses. Furthermore, the proposed beer and wine sales is consistent with Goal LU 6.1 of the General Plan that promotes meeting the local and citywide need for retail and services.

### **Project Design:**

#### ***Land Use***

The applicant proposes to sell alcoholic beverages from an existing pharmacy located in the General Commercial (C-2) zone. The proposed Special Permit has been conditioned to only allow the sale of beer and wine. Beer has been conditioned to be sold in packages of six or more with malt based coolers allowed in factory packages of four or greater. Single sales of beer are prohibited. Wine has been conditioned to be sold in containers no less than 750ml with wine coolers allowed in packages of four or more.

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

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

The Zoning Ordinance also requires that the Planning Commission consider whether the proposed alcohol related use will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions. The subject site is adjacent to a residential neighborhood, but the nearest park, Winner's Circle Park is more than 800 feet from the subject site. The nearest school facility is over 1000 feet away at 670 Dixianne Avenue. Staff believes that the conditions placed on the Special Permit will mitigate any negative impacts that can be generated by the use.

The proposed beer and wine sales will not occur in an area with any existing undue concentration of establishments dispensing alcoholic beverages. A letter of Public Convenience or Necessity will not be required by the state Alcoholic Beverage Control if the Special Permit is approved. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project consists of an additional use to a pre-existing building.

### ***Site Plan/Height, Bulk and Setbacks***

The site plan and building conform to the Special Permit approved in 2008. No exterior changes are proposed.

### ***Alcohol Sales***

The store consists of an 11,431 square-foot, single-story building. There is a drive through window for the Pharmacy. Beer and wine will be stocked on existing refrigerated and unrefrigerated space toward the east side of the store. A total of 88 square feet of the 9,000 square-foot sales area is proposed for beer and wine sales.

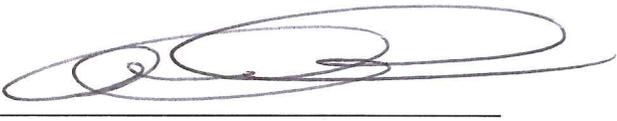
The beer and wine sales request has been reviewed by the Police Department. They have added several conditions to the project specific to alcohol sales including:

- Alcohol sales are limited to the hours between 8 A.M. and 11 P.M.;
- Beer/ ale shall be sold in original factory packages of a six pack or greater and malt based coolers shall be limited to packages of four or more;
- Wine and/or wine coolers must be sold in no less than 750 mil or 4-pack
- No distilled spirits shall be sold;
- Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas
- Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances. Closed-circuit video cameras shall also be installed to monitor all four exterior sides of the building.

Staff believes that the above conditions, in addition to the remaining project conditions, will prevent the proposed use from becoming a nuisance to the adjacent neighborhood.

### **Conclusion:**

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

Respectfully submitted by: 

ANTONIO ABLOG  
Associate Planner

Approved by:   
LINDSEY ALAGOZIAN  
Senior Planner

Recommendation Approved:

  
GREGORY BITTER  
Principal Planner

Attachments:

- |              |   |
|--------------|---|
| Attachment 1 | Recommended Findings of Fact and Conditions of Approval |
| Exhibit 1A   | Site Plan   |
| Exhibit 1B   | Floor Plan  |
| Attachment 2 | Land Use & Zoning Map                                   |

**Attachment 1**  
**Recommended Findings of Fact and Conditions of Approval**  
**El Camino Walgreens Alcohol Sales (P11-012)**  
**840 El Camino Ave, Sacramento**

**Findings of Fact**

**A. Environmental Determination: Exemption**

1. Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under Section 15301, Existing Facilities, of the California Environmental Quality Act, as follows:
  - a. This project consists of the minor alteration of an existing structure by using the building for commercial/retail purposes.

**B. The **Special Permit** allow beer and wine sales at an existing pharmacy is **approved** based on the following Findings of Fact:**

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

**Conditions of Approval**

- B. The **Special Permit** to allow beer and wine sales at an existing 11,431 square foot Walgreens store located in the General Commercial (C-2) zone is hereby **approved** subject to the following conditions:

**Police**

- B1. Alcohol sales are limited to the hours between 8 A.M. and 11 P.M.
- B2. Beer and/or ale shall be sold in original factory packages of a six pack or greater. Malt based coolers shall be sold in original factory packages of a 4-pack or greater. At no time, shall a single unit be sold.
- B3. Wine and/or wine coolers must be sold in no less than 750 ml containers or 4-pack containers.
- B4. No distilled spirits shall be sold.
- B5. All exterior lighting fixtures shall be maintained and operational.
- B6. No public telephone/pay phone shall be allowed on the premises.
- B7. All exterior signs shall comply with City of Sacramento Codes, and Ordinances.
- B8. Window signage is a barrier to security because it prevents officers and citizens who are passing by from seeing inside the business. Interior window signage shall comply with City of Sacramento Codes, and Ordinances.
- B9. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the police department to prosecute all violators.
- B10. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. The proprietor, or their agent, shall immediately disperse anyone drinking on the property in order to prevent nuisance or unreasonable interference with adjacent properties.
- B11. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.
- B12. There shall be no video/arcade machines maintained upon the premises at any time.
- B13. All dumpsters must be kept locked.

- B14. All litter generated by the business or otherwise accumulated shall be removed daily from the subject site, adjacent properties, and streets.
- B15. Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances. Exterior cameras often make an immense difference during the investigation of a crime. Closed-circuit video cameras shall also be installed to monitor all four exterior sides of the building.
- B16. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. (A DVR capable of storing 30 days worth of activity is preferable.)

Exhibit 1A: Site Plan

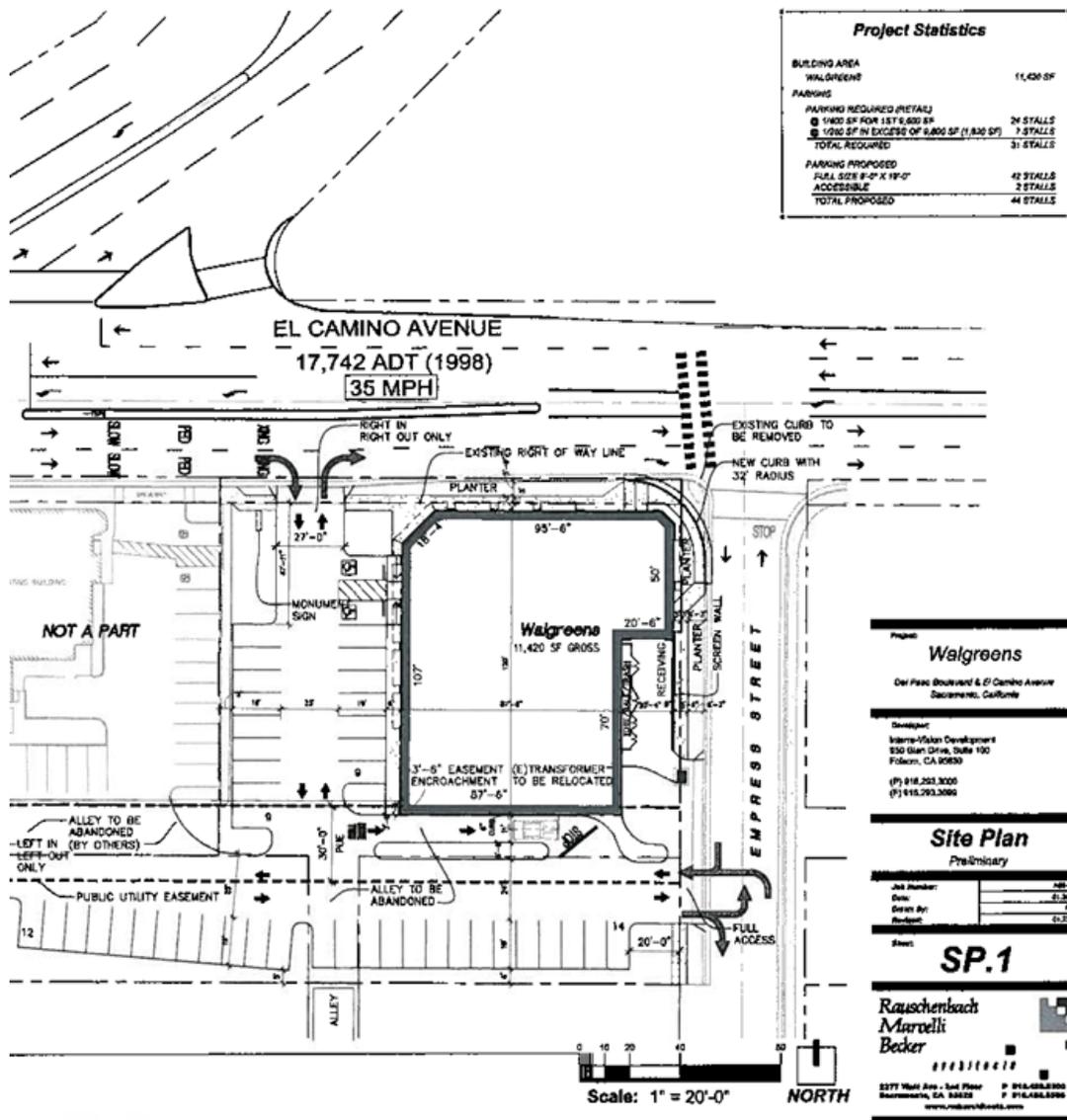
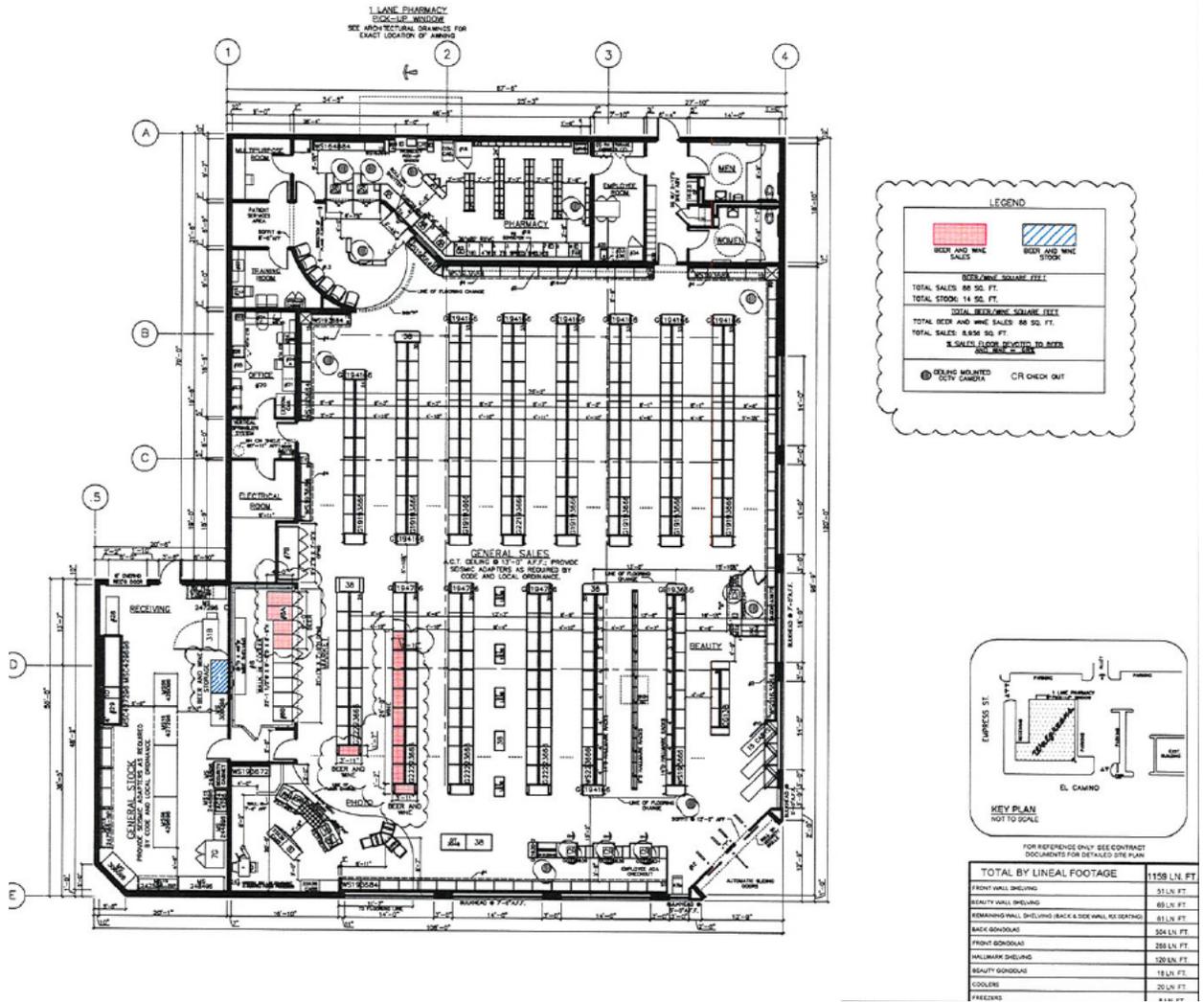


Exhibit 1B: Floor Plan

Beer and Wine Shelf Space Depicted in Red



Attachment 2: Land Use & Zoning Map

