#48

COUNTY OF SACRAMENTO
CALIFORNIA

For the Agenda of:
September 23, 2014
Timed: 10:45 A.M.

To: Board of Supervisors

From: Department of Community Development

Subject: PLNP2014-00074. 21st Amendment Liquor ABC License Hearing To Determine Whether Public Convenience Would Be Served By Issuance Of A Liquor License To 21st Amendment Liquor Store Located At 1555 Fulton Avenue, Suite A, Sacramento, CA 95825

Supervisorial District(s): Peters

Contact: Manuel Mejia, Senior Planner (916) 874-7934

Overview
The Board of Supervisors (Board) hears requests for public convenience/necessity (PCN) applications for liquor licenses within the unincorporated area, prior to issuance of a license by the State Department of Alcoholic Beverage Control (ABC) if the site is located within an over-concentrated census tract or a specified high crime reporting district. The applicant, who currently owns a Type 21 license and operates 21st Amendment Liquor Store at 1120 Fulton Avenue, requests an Off-Sale General (Type 21) license on Fulton Avenue, between Arden Way and Wittkop Way (previously a Pier One Imports store). The site is located in a sector designated as high crime by the Sheriff's Department (Sheriff), based on 2013 crime statistics and, if approved, will be located in a census tract that has an over-concentration of Off-Sale liquor licenses (Type 20 and Type 21) as set by ABC. The Sheriff will withdraw their opposition to the issuance of an additional liquor license in the census tract if all the conditions listed in their letter dated June 4, 2014 (Attachment 1) are met. The Arden Arcade Community Planning Advisory Council (CPAC) recommends approval (5-0 with all members present).

Recommendation
Make a Finding of Public Convenience for a Type 21 liquor license for 21st Amendment Liquor Store located on Fulton Avenue, between Arden Way and Wittkop Way.

Measures/Evaluation
The success of this decision can be measured by applying conditions for operations.

Fiscal Impact
Costs are covered by application fees.

BACKGROUND

The applicant comes to the County pursuant to the provisions of the Business and Professions Code Sections 23958 and 23958.4, which provide that the ABC shall deny an application for an on-sale/off-sale license if "issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses." The present formula for determining excess licenses within the same census tract is based upon one on-sale license per population of 947 within the census tract and one off-sale license per population of 1,524 within the census tract.

The Board has adopted a process for receiving applications, noticing of a public hearing by the Clerk and review of the applications. This process, as specified by the State, requires a letter from the Sheriff to be sent within 15 days that typically requests standard conditions be applied. The Board's findings of Convenience are based on these standard conditions, which will be applied by ABC on the license. The Board can also choose to deny the request.

DISCUSSION

21st Amendment Liquor Store which has been in business for 30 years is applying for an Off-Sale General (Type 21) license at 1555 Fulton Avenue, between Arden Way and Wittkop Way, in the Arden Arcade Community (Attachment 2). The justification letter (Attachment 3) is provided.

The owners of 21st Amendment Liquor Store recently purchased the site at 1155 Fulton Avenue, which was previously a Pier 1 Import Store. The new owners are planning to divide the building into four suites. The liquor/convenience store will be located in Suite A. The owners are proposing to relocate their existing Type 21 license located at 1120 Fulton Avenue (leased space) to this site which requires them to apply for a new PCN because the new location is in a different census tract. The new store will occupy approximately 3,000 square feet and the amount of shelf space and cooler area devoted to beer, wine, and liquor will be less than 25 percent of the floor area.

Analysis related to over-concentration. The requested license location is within Census Tract 55.06. The existing store is in Census Tract 56.06 (Attachment 4). Based on the population standard at the time of application, Census Tract 55.06 permits two off-sale licenses and there are currently six existing within the tract. The approval of this PCN will be the seventh establishment to sell off-sale alcohol within the census boundaries and the tract would continue to be in the over-concentrated category. In addition to the standard analysis by Census Tract, staff included a map showing all Type 20 and Type 21 licenses within a one-mile radius (Attachment 4). There are a total of 23 establishments that sell alcohol in this radius, 12 Type 20 and 11 Type 21.

Analysis related to crime. State law requires that if a liquor license is proposed to be located within a crime reporting district which exceeds the average for all such reporting districts within the jurisdiction by 20 percent, a finding of public convenience is required from the local governing entity. Census Tract 55.06 is shown as a high crime area based on the Sheriff's 2013 crime maps.

Conditions. Conditions will be placed on both the Sheriff's letter to the ABC and the business license. Both sets of conditions (referenced below) are necessary due to the individual enforcement power of ABC and the County of Sacramento.

Sheriff's Department Conditions:

- Maintain parking lot and ground free of litter

- Post signage – no loitering
- Post signage – no open container on premises or sidewalk

Business License Conditions:

- Security cameras shall be placed on the interior and exterior of the building. The tapes shall be kept for a minimum of 60 days. Operator shall register cameras in the Sacramento County Sheriff database.
- All inflatable/portable/A-frame signs are prohibited
- All Sacramento Development Code standards including parking, fencing, signage and landscaping shall apply

Security Measures. 21st Amendment Liquor trains all cashiers and managers to sell alcohol in compliance with California law. There are security cameras strategically placed on the alcohol displays and throughout the interior and exterior of the store. The new store location will have increased security at the rear of the property.

All surveillance footage will be saved for a minimum of six months and made available to the Sheriff's Department upon request. The parking lot is designed to be well lit which should discourage loitering. All of the above items will be placed as conditions on the business license.

Following are additional comments and recommendations:

A. Community Planning Advisory Council (CPAC):

This application was referred to the Arden Arcade CPAC and heard on July 24, 2014. Planning staff and the applicant both gave presentations. The members were advised that 21st Amendment Liquor has been in the Sacramento region for over thirty years and has been working with the Sheriff and the community. The CPAC members voted 5-0 (all members present) to recommend approval to the Board (Attachment 5).

B. Environmental Management Department - Environmental Health Division:

The Environmental Health Division had no negative comments about this application, nor any recorded history of problems with the applicant.

C. Treasurer-Tax Collector - Business Licensing Division:

The applicant has a current Business License (GNB32006-27595) and Tobacco License (TRB12006-50533). The applicant will have to reapply for new licenses with the change of location.

D. Sheriff's Department:

In his letter dated June 4, 2014, the Sheriff agreed to withdraw his opposition if the applicant agrees to the conditions listed in the letter.

Conclusion

Board approval of a PCN application is necessary due to high crime and over-concentration. The approval of this application would result in the census tract exceeding the maximum number of off-sale licenses by three. The Sheriff recommends withdrawal of their opposition if standard conditions are placed on the license. The applicant is in agreement with all conditions listed on the

Sheriff's letter. The CPAC has recommended approval and their comments are attached. Despite the change in conditions, staff is relying heavily on the Sheriff's recommendation and the fact that the CPAC was made aware of such recommendations. Staff, therefore, recommends approval of this application for a Finding of Public Convenience.

FINANCIAL ANALYSIS

Costs are covered by application fees.

Respectfully submitted,

LORI A. MOSS, Director
Department of Community Development

APPROVED:
BRADLEY J. HUDSON
County Executive

BY: _____
ROBERT B. LEONARD
Chief Deputy County Executive

Attachments:

ATT 1 - Sheriff's Condition Letter

ATT 2 - Project Location Map

ATT 3 - Letter of Justification

ATT 4 - One-mile Radius Map

ATT 5 - CPAC Referral Letter

SACRAMENTO COUNTY SHERIFF'S DEPARTMENT

Scott Jones
Sheriff

June 4, 2014

Manuel Mejia, Senior Planner
Department of Community Development-Planning and Environmental Review
827 7th Street, Room 230
Sacramento, California 95814

SUBJECT: PROTEST WITH CONDITIONS, 21st AMENDMENT LIQUOR, 1555 FULTON AVE ABC FILE #542563

Mr. Mejia,

The Sacramento County Sheriff's Department notified the California Department of Alcohol, Beverage control of it's decision to not protest the request for a premise to premise transfer of **21st AMENDMENT LIQUOR, 1555 FULTON AVE, FILE #542563.**

The Sacramento County Sheriff's Department has requested the following conditions be placed on the business,

1. The applicant shall be responsible for maintaining the parking area and exterior grounds free of litter and the adjacent sidewalk to the premise over which they have control.

2. Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs, no less than eighteen inches by twenty-four inches (18" x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two (2) inch block lettering the following:

   NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES

3. Licensee(s) shall post and maintain on the premises and in the parking lot used in conjunction therewith, notices or signs no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to patrons of the licensee(s) and parking lot and to persons on the public sidewalk stating in two(2) inch block lettering the following:

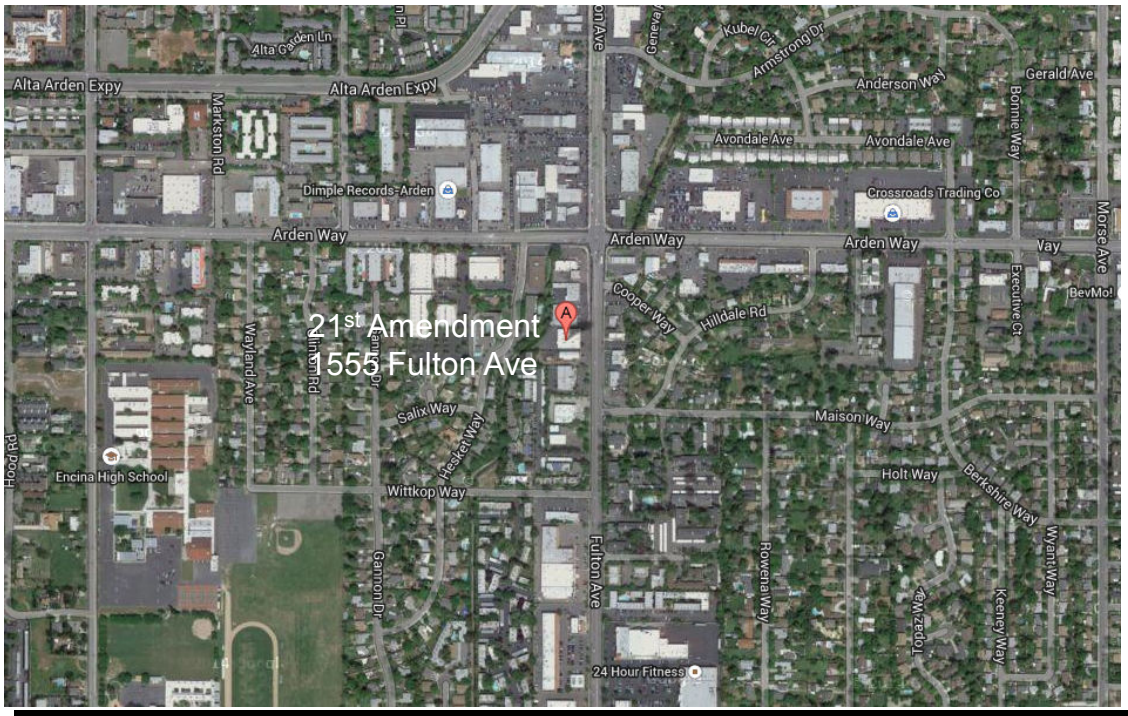
UNLAWFUL TO ENTER, BE OR REMAIN ON ADJACENT PARKING LOT OR ADJACENT PUBLIC SIDEWALK WITH AN OPEN ALCOHOLIC BEVERAGE CONTAINER. BP 25612.5 PC 647e (a); SCC 9.92.202

If you have any questions, please contact me at (916) 874-1024 or ceprice@sacsheriff.com.

Sincerely,

SCOTT R. JONES, SHERIFF

Deputy Charles Price
North Division



1. 21st Amendment Liquor from the air at 1555 Fulton Avenue.



2. 21st Amendment future location at 1555 Fulton Avenue.

CONTEXT PHOTOS	CONTROL #: PLNP2014-00074 21st Amendment Liquor 1555 Fulton Avenue	PARCEL NO.: 285-0040-020 DATE: 08-28-2014

County of Sacramento
Office of the County Executive
700 H Street Ste. 7650
Sacramento CA 95814

Sacramento Board of Supervisors

Attached is an application for a Letter of Public Convenience or Necessity as required by Sacramento County Code, Chapter 4.60 and regulations by the State of California, Department of Alcoholic Beverage Control for the issuance of an Off Sale General alcoholic beverage license.

I understand that I am applying to the Board of Supervisors to make a finding of Public Convenience or Necessity as it relates to selling alcoholic beverages in Census Tract 55.06.

I am currently licensed in a leased area located at 1120 Fulton Avenue, Suite A Sacramento, with a Off Sale General liquor license. I have owned and operated this store (21st Amendment Liquor) since June 20, 2006. This establishment has been operated in a very orderly manner with no disciplinary action during my entire operation.

I would like to move my business across the street to 1555 Fulton Avenue, Suite 1, Sacramento. My family has purchased this vacant building that was previously a Pier 1 Import store.

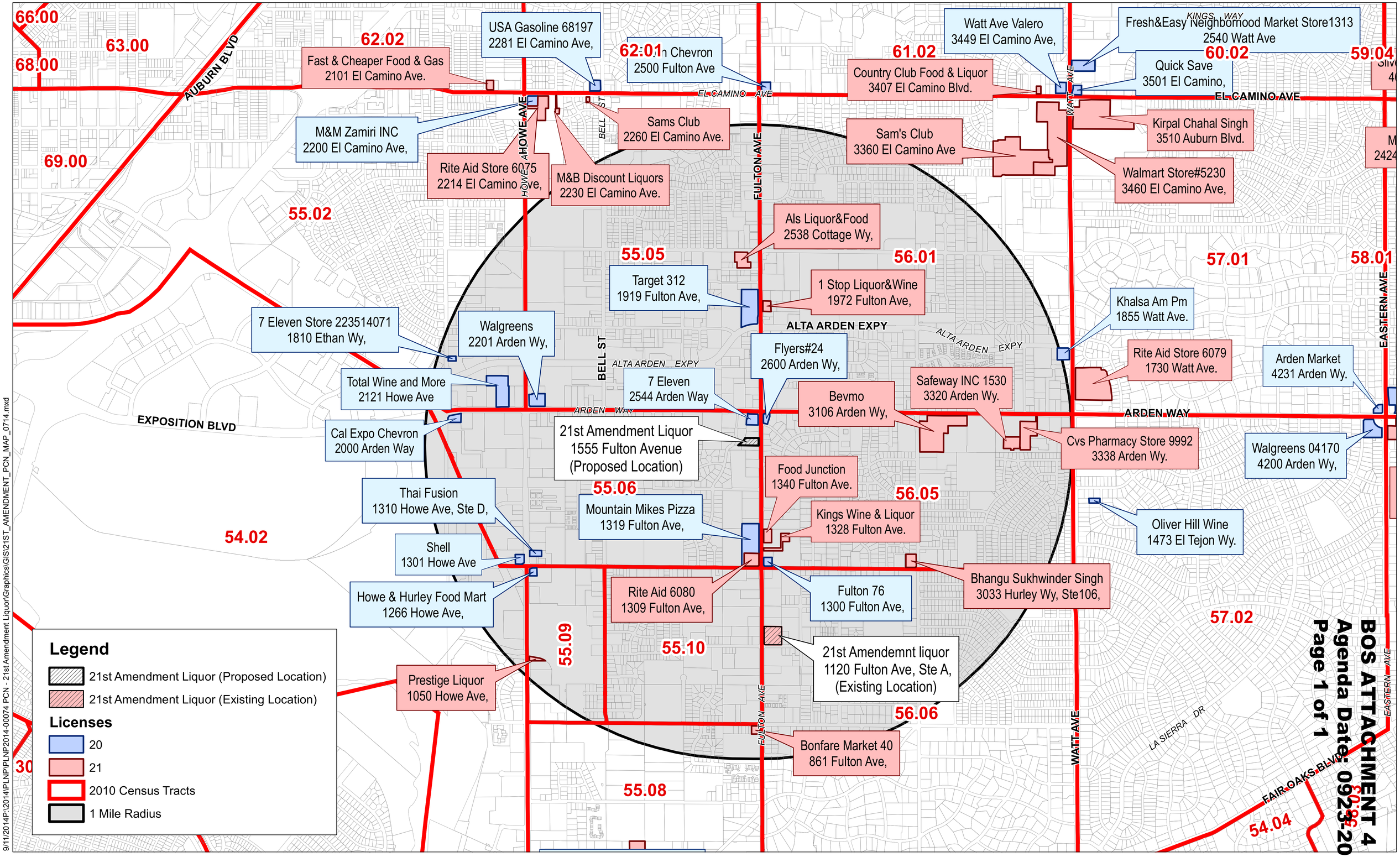
I have and will continue to provide a public convenience to the public and businesses in the Arden Arcade area as well as those who frequent the Fulton Avenue corridor. Besides alcoholic beverages, I will also be providing soda, snacks, cigarettes and limited grocery items. This new location is in a very commercial area.

The zoning permit's a liquor store per section 225-11 I,12. Conditions have been signed with the Alcoholic Beverage control for the new location (attached). There are no similar stores in census tract 55.06. In addition, we are not increasing liquor sales. I am simply moving my store across the street.

My phase one check for $631.00 and phase two check for $3,319.00 are attached, made out to Sacramento Board of Supervisors, Karyl Marsh, County Executive Office, 700 H Street, Suite 7630, Sacramento Ca 95814

Your cooperation in issuing this PCN letter would be appreciated

Sincerely



9/11/2014P:\2014\PLNP\PLNP2014-00074 PCN - 21st Amendment Liquor\Graphics\GIS\21ST_AMENDMENT_PCN_MAP_0714.mxd

BOS ATTACHMENT 4
Agenda Date: 09/23/2014
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PLNP2014-00074 - 21st Amendment Liquor - 1555 Fulton Avenue

PLANNER	
NOTICES	

~~CPAC REFERRAL~~

ATTACHMENT 5

BOS ~~ATTACHMENT 5~~
CPAC COMMUNITY
BOS Date: ~~September 23, 2014~~

	Y	N
DERA RELEASE	☐	☐

Date

21st Amendment Liquor

PROJECT NAME

PLNP2014-00074

CONTROL NO.

APPLICANT: Jasmeen Kaur
ADDRESS: 1120Fulton Avenue, Ste A
Sacramento, CA 95825

A.P.N.: 285-0040-020
CONTACT PERSON: Jasmeen Kaur
TELEPHONE: 916-483-6402

ZONING: LC
COM. PLAN: LC
GEN. PLAN: Comm

REQUEST: A request to have an Public Convienence or Neccessity (PCN) off-sale Type 21 (Full Liquor) Liquor License.
(Moving from one location to another. Different census tracts)

X PRIMARY CPAC **Arden Arcade**

☐ ADJACENT CPAC (If Applicable)

HEARING BODY: Booard of Supervisors

REVISED APPLICATION: ☐ DATE:

Planning Department Project Manager:	**Manuel Mejia**	RETURN BY: (Date)

ADVISORY COUNCIL COMPLETE THIS SECTION - PLEASE PRINT OR TYPE

1. Meeting date(s) at which proposal discussed: 7/24/14
2. Number of council members present: 5 Quorum: YES ☒ NO ☐
3. Is the proposal compatible with the area or neighborhood in which proposed: YES ☐ NO ☐
4. Summarize neighborhood response or reaction:

5. Motion by: Fletcher Seconded by: Thompson
6. Council recommendation: **APPROVAL** ☒ **DENIAL** ☐ **CONTINUE** ☐ Date:
7. Council vote on motion to reflect recommendation
   YES: 5 **NO:** 0 **ABSTAIN:** _____ **ABSENT:** _____
8. Comments/conditions on recommendation:
   Board of Supervisors is encouraged to reach agreement on new standardized condition to noted the community.

Investigating Member	Chairperson or Secretary	Date
	Dennis Yeast	7/24/14

FOR ADDITIONAL SPACE PLEASE USE REVERSE SIDE

Return to: SACRAMENTO COUNTY COMMUNITY PLANNING & DEVELOPMENT DEPARTMENT
827 - 7th Street, Room 230, Sacramento, CA 95814
ATTN: CPAC Secretary

REVISED 07/14/08

- Any more space in Lignan? no actually less but more storage
- More security at the rear of the property -
- rest of property in general wholesale/ merchandise.
- what is your current percent of single sales? More singles in to morning but not encouraged.