



By Email

March 10, 2018

To: Dawn Stolarow, Sacramento Police Department
Cc: Samantha Minor - District Four Representative, Vice-Mayor Hansen's Office
Evan Compton, City Planning Department

Re: Application for a letter of Public Convenience and Necessity for a Type 21 (Spirits) License at Pacific Market; 2500 P Street

Pacific Market is located in the Winn Park Historic District. Our Association represents property owners and residents in the District. Many have told us they are **strongly opposed** to the application for a Conditional Use Permit and Letter of Public Convenience and Necessity (PCN) to sell spirits at Pacific, or any market in a residential zone in the central city. The Association as a whole is strongly opposed.

Captain Norm Leong, City Planners and the Vice Mayor's Office have received many letters of opposition re: the application for a Conditional Use Permit (CUP). Most do not know there is a separate Police PCN process. The issues related to the CUP also apply to the PCN request, and we respectfully request the Police Department consider the CUP opposition letters as applicable to the PCN and consider them PCN opposition letters.

For the PCN to be approved, the applicant must show that the proposal will 1) not be detrimental to the character or development of the immediate neighborhood; or 2) demonstrate and economic benefit outweighs the negative impact to the community; or 3) demonstrate how the application provides a needed service not currently being met in the community; or 4) identify unusual circumstances present to justify a new retail alcohol outlet when there are already similar alcohol uses nearby. None of the four conditions above are met in this case and the Police can and should deny the PCN if only one of the four conditions are not met: I address each in detail below:

1: This store is on a residential zoned parcel in a residential area (R3-A). This use (a market and alcohol sales) is not allowed in any form in R3-A zones in the Zoning Code and is inconsistent with the Sacramento 2035 General Plan which designates this area as "Traditional Neighborhood Medium" (medium density). Alcohol was allowed many years ago and was then banned due to serious crime and vagrancy issues, especially in nearby parks. Hard alcohol sales are currently banned by the Zoning Code and is inconsistent with the soon to be adopted Central City Specific Plan which promotes "regulatory support" to reduce blight and crime to maintain and enhance existing Central City neighborhoods.

Pacific Market is on an R3A (residential) zoned site and the Sacramento Zoning Code Section 17.208.410 related to permitted uses in R3-A zones does not allow stores/markets or alcohol sales of any kind, not even as a conditioned or accessory use. The only market allowed is a 'community market' which is defined as a "temporary outdoor



Market, covering an area of 500 sq. ft. or less that sells agricultural products, including flowers”. Pacific Market is already operating as a non-conforming use in a residential neighborhood. Given that all alcohol sales are prohibited in R3-A and it is a significant change in the intensity of the use this PCN MUST be DENIED.

In addition; Sacramento City Zoning Code Section 17.232.090 re: change from a non-conforming use to another nonconforming use; states a CUP is required and may be approved if the nonconforming use is similar to **OR less intensive** than the existing non-conforming use. Allowing spirits is not only banned entirely by the current Zoning Code it is a significant intensification of the use which is why the State ABC licenses these types of sales differently. Due to both cited portions of the Zoning Code, this PCN MUST be DENIED.

The Sacramento 2035 General Plan Land Use Diagram notes this location as within the Traditional Neighborhood Medium Density land use category, with the predominant urban form focused on residential uses. Traditional neighborhoods include a “mix of single-family units, second units, duplexes, tri-plexes, four-plexes, and apartments” (General Plan page 2-48) and accurately describes the immediate neighborhood around Pacific Market. This use as a de facto neighborhood liquor store is totally out of character with the surrounding neighborhood. Liquor stores do not add value to a neighborhood and will impact efforts by the city to improve these areas. The City has spent the past year developing the Central City Specific Plan to increase housing opportunities downtown and draw new residents. The CCSP promotes a regulatory framework to “discourage blight and encourage ongoing maintenance and renovation of residential (and non-residential) property. Page 39 –Planning framework. Many remember the conditions on P street and the surrounding area when hard alcohol was allowed in residential areas, prior to the ban several years ago. We do not want to return to those conditions. We don’t recall the year hard alcohol was banned but seem to recall it coincided with the singles (beer, wine & spirits) ban. P Street was dangerous then and a law enforcement problem when hard alcohol was allowed. The area started to turn around when hard alcohol was banned. We believe the ban had a major impact on the neighborhood improving. Our safety is still a delicate balance. We have every reason to believe hard alcohol would bring those problems back based on first-hand experience. Please do not subject us to those conditions again.

2: Pacific is a small market that employs a few people. Adding hard liquor sales will not have a large economic impact on the neighborhood or larger community. The negative impacts and taxpayer cost for more police and Emergency Medical Services (EMS) calls, crime and vagrancy problems will far outweigh any increase in sales tax revenue or job creation from hard alcohol sales.

3: This need (for hard alcohol) is currently being met in this area. The State ABC license query system shows at least 7 type 21 licenses within a one-mile radius of the site. This census tract (Tract 13) is already over-concentrated with alcohol licenses as defined in state law. Per State ABC, every census tract in the Central City has an ‘undue



concentration' of both off site and onsite alcohol licenses. It is currently possible to purchase off site hard alcohol in several locations throughout the Central City including the Safeway at 19th and S, BevMo on J Street and the CVS and Rite Aid pharmacies. The Sacramento Natural Foods Co-Op is also applying for a license to sell hard alcohol. Approving an alcohol license of any kind in census tracts with 'undue concentration' requires a finding of 'convenience and necessity'. Given the number of commercially zoned locations in the Central City where hard alcohol is allowed in the Zoning Code, people can purchase hard alcohol easily. There is absolutely no reasonable way to make such a finding for this request. Additionally, all of the existing businesses are large enough and have enough staff (including security staff) to manage the sale of hard alcohol. While some small markets in residential neighborhoods try hard to be good neighbors, none of them have on site security or the capability to insure that they can manage additional alcohol sales.

Another thing to remember is that alcohol licenses stay with a property when it changes hands so, even if Pacific Market (or any other small market), has a good alcohol track record, there is absolutely no guarantee that a future owner will continue that track record. When alcohol sales are not controlled or conditions able to be enforced, entire neighborhoods are disrupted and residents, whether renters are owner occupants, are denied their legal right to the 'quiet enjoyment of property'. In the case of rental properties, when things go awry, good tenants leave and, even in a tight rental market, it is difficult to get other good tenants to take their place.

4: There are no special or unusual circumstance present here to justify this new and significantly more intense use (that is prohibited in the Zoning Code). The current owner has been operating successfully for 12 years. They have a diverse product offering and are always busy and appear to be operating successfully (profitably) now under the current rules. There is no demonstrated reason why hard alcohol sales need to be added. And while the owner / operator appears to be reaching out to the community in good faith, the use of selling hard alcohol is completely inappropriate in this location.

Risk Factors for our neighborhood:

When hard alcohol sales were allowed in residential areas, there were significant blight and vagrancy issues and many calls for services to PD and EMS. This area is already considered a high crime area (Police can confirm with their service calls data). Adding this use will make that worse. When hard alcohol was banned from residential areas, it is likely the ratio of calls for service related to alcohol issues decreased. Neighbors saw a marked improvement in the safety of the neighborhood. We expect the ratio of alcohol related PD and EMS calls to increase. And we expect more calls to nearby Winn Park two blocks east of the Market. We also expect an increase in general law enforcement activity in the area. Residents already experience dropped calls and expect that condition to worsen.



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PD can confirm these findings based on current and historical data. This neighborhood has a long history of law enforcement need and adding hard alcohol back into the neighborhood will increase law enforcement activity. Winn Park, two blocks away is already experiencing high incidences of homeless activity. Making hard alcohol easier to get closer to the park will exacerbate this problem.

The surrounding land uses are all residential and the market is a non-conforming use in a residential zone. This Census Tract is already over-concentrated with access to spirits in commercial zones within a few blocks. There is no shortage of hard alcohol close as State ABC notes this area is over-concentrated with alcohol licenses. There is not economic benefit for the community and only anticipated detrimental impacts. Thus, for all of the reasons noted above the public convenience and necessity is NOT served by this license. Please deny this PCN request.

In addition, approving this PCN sets a dangerous precedent of bringing back neighborhood liquor stores to the Central City, a practice banned many years ago due to serious crime issues. Many of the Police Department personnel we worked years ago have retired or moved to other positions. They will tell you how dangerous P Street was 20 years ago. After hard alcohol was removed from residential areas, the neighborhood and this area specifically began to improve. Many who live here today were not here then and don't have first-hand knowledge of what conditions were like when hard alcohol was allowed. Some have also said we're past the point of slipping backwards. We are not. We need the Police Department to be on the side of the citizens and deny this PCN.

If allowed, not only will it be a in violation of the Zoning Code, the precedent will be set for more hard alcohol license applications and subsequent approvals in residential areas. Containing the law enforcement problems it creates will be very difficult. The Police Department is already sometimes unable to answer citizen calls. This will make that situation much worse.

Some are trying to make this a popularity contest, pitting residents against the owner. This is not personal. Pacific is one of the better neighborhood markets in Midtown. This is about the bigger issue of allowing this use where it is prohibited and paving the way for other not so nice markets to do the same, opening a floodgate of problems that will be very hard to stop once unleashed.

For these reasons please deny the letter of Public Convenience and Necessity.

Thank you