



AGENDA
April 13, 2016
CITY OF CITRUS HEIGHTS
PLANNING COMMISSION
Community Center
6300 Fountain Square Drive, Citrus Heights, CA

1. CALL MEETING TO ORDER

2. ROLL CALL

Commission Members: Blair, Dawson, DeCelle, Doyle, Fox, Lagomarsino, Chair Cox

3. FLAG SALUTE

4. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the audience may address the Commission on any item within the jurisdiction of the Commission or on any agenda item. If you wish to address the Commission, please fill out a speaker identification form and hand it to the Commission Secretary. When you are called upon to speak, step forward to the podium and state your name clearly for the record. Those wishing to speak on non-agenda items will be called upon at the beginning of the meeting. Those wishing to speak for or against an agenda item will be called upon at the beginning of the meeting. Those wishing to speak for or against an agenda item will be called upon after the presentation by the City Planning department and the Applicant for that agenda item.

5. CONSENT CALENDAR

Approval of the meeting minutes for February 24, 2016

6. PUBLIC HEARING

a. TENTATIVE PARCEL MAP - 6140 & 6150 AUBURN BOULEVARD

The applicant is requesting approval of a Tentative Parcel Map to subdivide an existing parcel resulting in two lots. Project Planner: Lagura

Documents: [AUBURN BLVD AND DESIMONE LN STAFF REPORT AND ATTACHMENTS 04-13-16.PDF](#)

b. IN & GO MARKET - 12417 FAIR OAKS BOULEVARD

The applicant is requesting approval of a Use Permit Modification to change the operation of an existing convenience store by increasing the square footage and adding distilled spirits to the product mix. This item was continued from the February 24, 2016 PC hearing. Project Planner: Bermudez

Documents: [IN AND GO MARKET STAFF REPORT WITH ATTACHMENTS 04-13-16.PDF](#)

7. REGULAR CALENDAR

Planning Commission Academy Debriefing.

8. ADJOURNMENT

The agenda for this meeting of the Planning Commission for the City of Citrus Heights was posted at the sites listed below on or before the close of business at 5:00 p.m. on the Friday preceding the meeting.

City of Citrus Heights, 7927 Auburn Boulevard, Citrus Heights, CA
Rusch Park Community Center, 7801 Auburn Boulevard, Citrus Heights, CA
Sacramento County Library, Sylvan Oaks Branch, 6700 Auburn Boulevard, Citrus

Heights, CA

Any writings or documents provided to a majority of the City of Citrus Heights Planning Commission regarding any item on this agenda will be made available for public inspection at City Hall located at 7927 Auburn Boulevard, Citrus Heights, CA.

If you need a disability-related modification or accommodation, including auxiliary aids or services to participate in this meeting, please contact Karen Ramsay at 916-727-4742, at least 2 days prior to the meeting.

Pursuant to Sections 65009 (b) (2), of the State Government Code "If you challenge any of the above projects in court, you may be limited to raising only those issues you or someone else raised at the public hearing(s) described in this notice, or in written correspondence delivered to the city Planning Commission at or prior to, this public hearing".



**CITY OF CITRUS HEIGHTS
PLANNING DEPARTMENT STAFF REPORT
PLANNING COMMISSION MEETING**

April 13, 2016

Prepared by: Nick Lagura, Associate Planner

REQUEST

The applicant requests approval of a Tentative Parcel Map to subdivide a commercial parcel resulting in a separate lot for each building onsite, currently addressed as 6140 and 6150 Auburn Boulevard.

Applicant: Timothy Blair, PLS
Surveyor's Group, Inc.
9001 Foothills Blvd. #180
Roseville, CA 95747

Owners: Ethan Conrad
Ethan Conrad Properties, Inc.
1300 National Dr. #100
Sacramento, CA 95834

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A. Approve the Tentative Parcel Map to subdivide an existing parcel currently developed with two commercial buildings at 6140 and 6150 Auburn Boulevard subject to the findings and conditions of approval contained in the staff report.

BACKGROUND

The property is currently developed with two commercial buildings and associated site improvements such as landscaping, lighting, parking, access, and drainage improvements. Access to the site is via two existing driveways on Desimone Lane and a third driveway on Auburn Boulevard.

The site was formerly home to a furniture retailer and a second hand store. The buildings are currently unoccupied and have remained unoccupied since the former tenants left the site in 2015.

Surrounding uses consist of a smog test facility to the north across Desimone Lane, apartments to the south and east and a tire shop to the west. The project setting is summarized in the following table below:

Table I

Location:	6140 and 6150 Auburn Blvd. adjacent to southeast corner of Auburn Blvd and Desimone Ln. (see Attachment – 1).
APN:	229-0043-002
Parcel Size:	1.71 acres
REACH Neighborhood:	The project is within the boundaries of the Park Oaks Neighborhood Association (#5). A comment letter was sent to

	the Neighborhood Association after the application was submitted to the City in February 2016. Staff has not received any comments from the neighborhood association at this time.
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Table II

LOCATION	ZONING	GENERAL PLAN LAND USE	ACTUAL USE OF PROPERTY
On-Site	LC	General Commercial	Commercial Buildings
North	LC	General Commercial	Smog Test Facility
South	RD20	Medium Density Residential	Apartments
East	RD30	High Density Residential	Apartments
West	GC	General Commercial	Tire Shop

Tentative Parcel Map

Tentative Parcel Map – *Description of Request*

The applicant requests approval of a tentative parcel map to subdivide a commercial parcel resulting in a separate lot for each building currently onsite.

Tentative Parcel Map - *Analysis*

Title 22 of the Citrus Heights Municipal Code and the California Subdivision Map Act require that findings be made in order to approve a Tentative Parcel Map. The required findings are listed below in italicized bold print and are followed by an evaluation of the map in relation to each finding.

1. The proposed map is consistent with the General Plan and Zoning Ordinance and the design or improvement of the proposed subdivision with the General Plan.

The General Plan land use designation is General Commercial (GC) which provides for a range of retail uses, services, restaurants, professional and administrative offices, and other similar and compatible uses. The proposal is consistent with the General Plan in that the creation of two parcels will be contained wholly within the project site, currently developed with two commercial buildings and associated site improvements.

Additionally the buildings meet all setback requirements in the LC zone. There is no minimum lot area, width and depth in the Limited Commercial zone.

2. The site is physically suited for the type and proposed density of development.

The site is currently developed with two commercial buildings and associated site improvements. No new development is being proposed as part of this request. Furthermore, there are no minimum lot dimensions in a commercial zone. As long as new development complies with the City's commercial development standards new commercial lots may vary in size. Table III depicts the proposed lot size for each parcel:

Table III

Proposed Parcels	
Parcel 1	0.99 Acres
Parcel 2	0.71 Acres

3. ***The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems.***

As noted earlier the site is currently developed with two commercial buildings and associated site improvements. The existing buildings are currently connected to public services and will continue to be serviced by public service agencies.

4. ***The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.***

Reciprocal Access and Maintenance Agreements

Cross access easements and reciprocal parking will be required to ensure shared access and parking onsite if the parcels are sold to different owners. The conditions of approval require the applicant to place a note on the map that indicate cross access easements and shared parking will be provided upon sale of each parcel ensuring that future tenants will have access to existing driveways and parking when parcels are sold to separate owners.

Parking

The site consists of 58 existing parking spaces including accessible parking. The map proposes 39 parking spaces on Parcel 1 which exceeds the number of spaces needed for the existing building on this parcel (23 spaces needed). Parcel 2 requires 33 parking spaces; however, the map proposes only 29. To provide the required number of parking spaces on Parcel 2 the applicant will record a reciprocal parking agreement on each parcel ensuring that future tenants will have sufficient parking on each lot.

Tentative Parcel Map - Conclusion

Based on the information provided in the analysis above, staff recommends approval of the Tentative Parcel Map subject to the findings and conditions of approval contained in the staff report.

ENVIRONMENTAL DETERMINATION

This project is categorically exempt from the CEQA requirements under Class 15 of the CEQA Guidelines as a minor land division of four parcels or less.

SUMMARY/RECOMMENDED ACTION

The Planning Department recommends that the Planning Commission take the following actions:

- Motion 1: Adopt the four (4) findings of fact as stated below for the Tentative Parcel Map and approve the map, subject to the conditions of approval contained in the staff report;
- *The proposed map, which would subdivide a commercial parcel, is consistent with the General Plan and the design or improvement of the proposed subdivision within the General Plan.*
 - *The site is physically suited for the type and proposed density of development. The site is currently developed with two commercial buildings and associated site improvements such as ingress/egress, parking, landscaping, lighting, drainage facilities and other public services.*
 - *The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage and the type of improvements are not likely to cause serious public health problems in that the project has direct access to the public right-of-way and provides all necessary public easements.*
 - *The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed parcel map. All parcels currently have access to the public right-of-way and public utility easements are included as standard conditions of approval.*

TENTATIVE PARCEL MAP CONDITIONS OF APPROVAL

- 1) Comply with all adopted City of Citrus Heights Codes and regulations, including but not limited to the Citrus Heights Municipal Code & Zoning Ordinance, Uniform Building Code and Uniform Fire Code and Sacramento County Environmental Health Department Standards.
- 2) The development approved by this action is the creation of two (2) commercial lots as described in the staff report and all associated Exhibits and Attachments. [Planning]
- 3) The tentative parcel map is valid for two (2) years from the date of approval by the Planning Commission; expiration of the map would be two (2) years after the Planning Commission's approval, April 13, 2018, unless a time extension has been granted. [Planning]
- 4) The applicant shall include a note in the final parcel map which states that cross access easements and reciprocal parking agreements are to be provided upon sale of each parcel and remain in effect upon subsequent sales. [Planning]
- 5) The applicant shall record, prior to recording the final map and at the owner's expense, and execute a maintenance agreement between future owners of Parcels 1 and 2 to ensure continued maintenance on shared driveways and landscaping including irrigation and any other shared improvements onsite. The agreement shall be in a form acceptable to the City and shall require that deed restrictions be placed on Parcel 1 and 2 upon recordation of said parcel map. [Planning]

- 6) The existing buildings are currently connected to public sewer. Sewer service shall continue to be provided by SASD infrastructure to the existing sewer service lateral. [SASD]
- 7) Each parcel and building with a sewage source shall have a separate connection to the SASD public sewer system. [SASD]
- 8) Subdividing the property will require payment of sewer impact fees. Applicant shall contact the Permit Service Unit at (916) 876-6100 for sewer impact fee information prior to a final parcel map. [SASD]
- 9) Applicant shall have all water related infrastructure shown on a set of Improvement Plans in compliance with SSWD's Regulations governing Water Service as well as Improvement Standards and Technical Specifications. [SSWD]
- 10) Applicant shall pay all applicable water related fees to SSWD per Regulations. [SSWD]
- 11) Applicant shall grant easements to SSWD for both existing and proposed SSWD water related infrastructure located on parcels. Easement widths shall meet current SSWD Standards. [SSWD]
- 12) Applicant shall ensure that any relocation of existing water related infrastructure shall be depicted in the plans and performed at applicant's expense. [SSWD]
- 13) Applicant shall record an easement for water utilities across proposed Parcel 2 for the benefit of proposed Parcel 1. Proposed Parcel 1 and proposed Parcel 2 currently receive water service from a water main located on proposed Parcel 2. [SSWD]
- 14) Applicant shall separate the existing single domestic water service entering the buildings. Buildings currently receive one domestic water service from a water main located on proposed Parcel 2. Applicant shall apply for and construct a separate domestic water service from the water main located on Desimone Lane, meeting SSWD Standards and County of Sacramento Standard Construction Specifications. The new domestic water service shall service Proposed Parcel 1. The existing domestic water service shall serve only Proposed Parcel 2. [SSWD]
- 15) Applicant shall upgrade the existing domestic water service on proposed parcel 2 to meet current SSWD Standards and County of Sacramento Standard Construction Specifications by installing a reduced pressure backflow device. [SSWD]
- 16) Applicant shall upgrade the existing fire hydrants in compliance with SSWD's Regulations and Standards. [SSWD]
- 17) Applicant shall install all public/SSWD water related infrastructure shown on the SSWD-approved improvement plans. [SSWD]
- 18) Applicant shall achieve Final Acceptance for all public/SSWD water related infrastructure shown on the SSWD-approved improvement plans. [SSWD]
- 19) Applicant shall show proposed water line and easement on Parcel Map. [SSWD]
- 20) The applicant shall meet the requirements of the Sacramento Metropolitan Fire District. [Fire]

- 21) The applicant shall display transit information in prominent locations within the business for both patrons and employees. A request form to order transit information materials is available on the RT website, www.sacrt.com. [RT]
- 22) The applicant shall contact all service providers prior to any work on their facilities.
- 23) Developer agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Tentative Parcel Map challenging the validity of the Tentative Parcel Map or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Tentative Parcel Map. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein. [Planning]

Attachments:

1. Vicinity Map
2. Tentative Parcel Map, reduced

Exhibit A – Tentative Parcel Map



North

CITY OF CITRUS HEIGHTS

6140 & 6150 Auburn Blvd.

PM 16-01

Auburn-Desimone Tentative Parcel Map

Scale: None

Attachment 1



**CITY OF CITRUS HEIGHTS
PLANNING DIVISION STAFF REPORT
PLANNING COMMISSION MEETING**

April 13, 2016

Prepared by: Alison Bermudez, Associate Planner

REQUEST:

The applicant is requesting approval of a Use Permit Modification to change the operation of an existing convenience store by increasing the store's square footage and adding distilled spirits to the product mix.

File Name and & Numbers: In & Go Market – File # UPMOD-15-08

Project Address & APN: 12417 Fair Oaks Blvd – APN# 233-0440-027-0000

Applicant: In & Go Market c/o Amy Sidhu 835 Fieldstone Ct, Folsom, CA 95630

Property Owner: Le Jo, Inc., 1820 Professional Drive Suite 1, Sacramento, CA 95825

SUMMARY RECOMMENDATION:

The Planning Division recommends that the Planning Commission:

- A. Approve a Use Permit Modification to expand the tenant space and allow the addition of distilled spirits at an existing store located at 12417 Fair Oaks Blvd, subject to the Findings and Conditions of Approval contained in the staff report.

BACKGROUND:

The Planning Commission reviewed this project at their February 24, 2016, hearing. Following staff's presentation, the Commission questioned whether the nearby medical facility known as "Urgent Care Now" would be considered a "sensitive use" and prohibit In & Go Market from upgrading their alcohol license since the Zoning Code requires a 500 foot separation between alcohol establishments and "sensitive uses" (schools, parks, hospitals, clinics, etc.). To allow staff time to do further research on the medical facility, a continuance was granted to this meeting. After research, the City Attorney and Planning staff determined that this project is exempt from the separation requirement since In & Go Market was in business prior to the opening of the nearby medical facility.

In & Go Market is a 1,336 square foot convenience store that has been in operation since 2006. The applicant has owned and operated the store for more than two years. From 2006 to 2014, the store sold a variety of convenience items including drinks, snacks, pet food, dairy products, and other household sundries (no alcohol was sold). In 2014, the applicant was approved for a Use Permit and a Letter of Public Convenience and Necessity (PCN) by the City that allowed the store to add beer and wine to the product mix.

The current project is to increase the size of the store by 710 square feet and expand the product offerings to include imported distilled spirits, craft beers, and a variety of sophisticated beverages. Expanding the store offerings will reclassify the store from a "convenience store" to an "off-sale liquor establishment" and requires an amendment to the previously approved Use Permit.

The project setting is summarized below:

Location:	12417 Fair Oaks Blvd – southwest corner of Greenback and Fair Oaks Blvd
Tenant Space Size:	Approximately 2,046 square feet (including a proposed expansion of 710 square feet).
REACH Neighborhood:	11 – Birdcage Heights Neighborhood Association who had no objections to the project.

The shopping center includes a variety of service providers including hair and nail salons, optometrist, massage therapist, urgent care, and an insurance office.

ZONING AND LAND USES:

LOCATION	ZONING	GENERAL PLAN LAND USE	ACTUAL USE OF PROPERTY
On-Site	Limited Commercial	General Commercial	Retail Center
North	Shopping Center	General Commercial	Retail Center
South	Business Professional	General Commercial	Office Building
East (Unincorporated Sacramento County)	Limited Commercial	Commercial Office	Retail/Condominium Homes
West	Limited Commercial	General Commercial	Retail Center

PROJECT DESCRIPTION

In & Go Market currently is an existing convenience store located at the southwest corner of Greenback and Fair Oaks Boulevard. The applicant is requesting a modification to a previously approved Use Permit that would allow a 710 square foot expansion and the addition of distilled spirits to the product mix.

As described in Exhibit A, the existing convenience store proposes to add distilled spirits that would reclassify the store from a “convenience store”¹ to an “off-sale alcohol establishment”². The expanded product lines would include specialty wines and liquors along with a broad selection of craft beers.

The store operating hours would remain the same, 7:00 am to 11:00 pm Sunday through Thursday and 8:00 am to Midnight, Friday and Saturday.

¹ **Convenience Store.** A neighborhood serving retail store of 3,500 square feet or less in gross floor area, which carries a range of merchandise oriented to daily convenience shopping needs.

² **Off-Sale Liquor Establishments.** An off-sale liquor establishment shall mean any establishment which is applying for or has obtained a liquor license from the California Department of Alcoholic Beverage Control (ABC) including, but not limited to, type 20 (off-sale beer and wine) and type 21 (off-sale general) for selling alcoholic beverages in an unopened container for the consumption off the premises. This definition does not include food markets, supermarkets, drugstores or any other retail establishment in which off-sale of alcoholic beverages constitute less than 20 percent of total sales.

Use Permit Modification– *Analysis of Request*

The Citrus Heights Zoning Code requires a Use Permit for off-sale liquor establishments. Approval of a Use Permit requires that findings be made by the Planning Commission in order to recommend approval for a Use Permit. The required findings for the Use Permit are listed below in ***bold italics*** and are followed by an evaluation of the applicant's request in relation to the required findings.

- ***Off-sale alcohol establishments are allowed within the Limited Commercial (LC) zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;***
- ***The proposed use is consistent with the General Plan;***

The project site is located within the Fair Oaks Plaza Shopping Center and is zoned LC (Limited Commercial). Off-sale alcohol establishments are allowed by Use Permit within the LC zoning district. The proposed project is in conformance with the General Plan designation (General Commercial), in that this designation provides for a variety of service uses and other compatible uses.

The operation of an off-sale liquor establishment is regulated by various sections of the Zoning Code including Section 106.42.020 that does not allow an off-sale alcohol establishment to be located within 500-feet of a "sensitive" use. Sensitive uses include places such as schools, parks, and health care facilities. Operating within the shopping center is a health care facility known as "Urgent Care Now". After research and discussions with the City Attorney, it was determined that In & Go Market would be exempt from the separation requirement between the market and Urgent Care Now based upon Zoning Code Section 106.42.020.C that provides an exception to the distance separation requirements between existing alcohol establishments and sensitive uses.

- ***The design, location, size, and operating characteristics of the retail store is compatible with the existing and future land uses in the vicinity;***

Since the inclusion of beer and wine into the store's product mix in 2014, the store has not caused an increase in calls for service or other policing issues within the center or nearby surroundings. Therefore staff does not believe that allowing the addition of distilled spirits to the product mix will not be detrimental to public health, safety, comfort or general welfare provided the applicant complies with all applicable conditions.

The building area for the proposed location appears to be in good condition and the applicant does not propose any exterior modifications.

Based upon the above information and the provided conditions of approval, staff supports this required finding.

- ***The site is physically suitable for a retail store including density and intensity of the use, including access, utilities, and the absence of physical constraints; and***

The existing center is fully serviced by completed infrastructure including roads, sidewalks, and utilities and the applicant proposes no exterior changes to the building. The center has existing

parking light standards that provide illumination for the center. Based upon the above information, staff supports this required finding.

- ***Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the store is located.***

Staff worked in conjunction with the Police Department on the proposed project. The Police Department reviewed the proposal including the store's interior layout, security plan, and the location's surroundings. Calls for service within the shopping center were analyzed and the Police Department found that calls appear to be routine in nature and did not appear excessive.

Within the surrounding area of the location, alcohol is sold at the CVS Pharmacy, which is located outside the city limits at 8101 Greenback Lane. Beyond the CVS, the nearest off-sale alcohol is BevMo, which is located near the corner of Greenback Lane and Sunrise Blvd, nearly one-half mile away.

Based upon this review, staff does not believe that the proposed business will pose a strain to police services or anticipate any incidents that may be injurious to the use and enjoyment of other property within the vicinity. The addition of the store will not impede the normal and orderly development of surrounding properties, which is already fully developed.

OTHER REQUIRED APPROVALS

In & Go Market has filed an application with the Department of Alcoholic Beverage Control to obtain an off-sale liquor license (Type 21) for distilled spirits. ABC has notified the applicant that a Letter of Public Convenience and Necessity (PCN) must be approved prior to the issuance of the alcohol license. The City Council is the approving authority on PCNs and they have the ability to approve or deny the PCN. If either the State or the City denies the submitted application, the applicant will not be able to move forward with the project as approval from both agencies is required. The City Council is expected to review the project at their hearing on May 12, 2016.

PUBLIC OUTREACH

The notice of application was sent to the Birdcage Heights Neighborhood Association (NA #11). As of the writing of this report, no objection was received.

A public hearing notice for the February 24, 2016, hearing was published in a general circulating newspaper and mailed to property owners within 500 feet of the project boundaries. At the February 24th hearing the project was continued to today's meeting and renoticing of the project was not required.

ENVIRONMENTAL DETERMINATION

This project is Categorical Exempt from the requirements of the California Environmental Quality Act under Section 15301 – Existing Facilities.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the following motion:

1. Approve the Use Permit modification to allow the operational change from a convenience store to an off-sale liquor establishment located at 12417 Fair Oaks Blvd, subject to the Findings and Conditions of Approval contained in the staff report.

FINDINGS FOR APPROVAL OF USE PERMIT MODIFICATION (FILE # UPMOD-15-08)

- *Off-sale alcohol establishments are allowed within the Limited Commercial (LC) zoning district and complies with all other applicable provisions of the Zoning Code and Municipal Code;*
- *The proposed use is consistent with the General Plan;*
- *The design, location, size, and operating characteristics of the retail store is compatible with the existing and future land uses in the vicinity;*
- *The site is physically suitable for a retail store including density and intensity of the use, including access, utilities, and the absence of physical constraints; and*
- *Granting the permit would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zoning district in which the store is located.*

CONDITIONS OF APPROVAL FOR USE PERMIT MODIFICATION (FILE # UPMOD-15-08)

1. The following conditions of approval shall apply to the operation located at 12417 Fair Oaks Boulevard and these conditions supersede the conditions of approval in UP-14-03.
2. The applicant shall comply with all State Regulations, City of Citrus Heights Codes and Regulations, including but not limited to the Citrus Heights Municipal Code and Zoning Code, Building Code; Fire Code and Sacramento County Environmental Health Department standards. The applicant must obtain approval from the Building Department expansion into the adjoining space. The Building Department review will include assessment of the accessibility to the site and may require site alterations.
3. The Use Permit Modification shall become void if not exercised within one year from date of approval unless a time extension has been granted. The Use Permit shall be deemed "exercised" when the applicant has actually commenced the use on the site in compliance with the conditions of approval. (Planning)
4. The Use Permit is deemed to run with the land and remains valid through change of ownership. The Use Permit will expire if the approved use is ceased for a time greater than six months. (Planning)
5. The applicant shall maintain a minimum of two bicycle racks in an appropriate location near the primary entrance. (Planning)

6. The business shall operate in accordance with Exhibit A, including the hours of operation of 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to Midnight on Friday and Saturday. (Planning)
7. The business may not display any banners and/or portable signs without proper permits through the Planning Division. At no time shall any signs be installed or displayed off-site. (Planning)
8. The applicant shall ensure all exterior lights are operational and in good working order. Any non-working lights or lights that become unoperational shall be repaired or replaced in a timely manner and shall comply with Zoning Code Section 106.35. (Planning)
9. The noise levels generated by the operation of such establishment shall not exceed 60 dBA on adjoining properties zoned for residential purposes and 65 dBA for commercially zoned property. (Planning)
10. A public telephone listing is required. (Planning)
11. It shall be the responsibility of the applicant to provide all employees with the knowledge and skills that will enable them to comply with their responsibilities under law. The knowledge and skills deemed necessary for responsible alcoholic beverage service shall include the following topics and skills development:
 - a) State laws relating to alcoholic beverages, particularly ABC and penal provisions concerning sales to minors and intoxicated persons, driving under the influence, hours of legal operation, and penalties for violations of these laws.
 - b) The effects of alcohol on the body, and behavior, including how the effects of alcohol affect the ability to operate a motor vehicle.
 - c) Methods for dealing with intoxicated customers and recognizing underage customers. (Planning)
12. The business shall provide litter and trash receptacles at convenient locations inside and outside the premises. The site shall be keep free of litter and the applicant shall be responsible for the removal of litter from adjacent property and streets that results from this project. (Planning)
13. No more than 25 percent of the combined total window area may be covered with signage, advertising, etc. as described in the signage regulations section of the Zoning Code. (Planning)
14. Along with building security with building security systems and employee training, the following minimum measures shall be implemented as a measure to resist crime attempts:
 - a) Store shall have an interior layout that provides visibility for the cashier e.g. low display counters, two-way mirrors, or other methods that would provide visibility including corners or hidden areas;

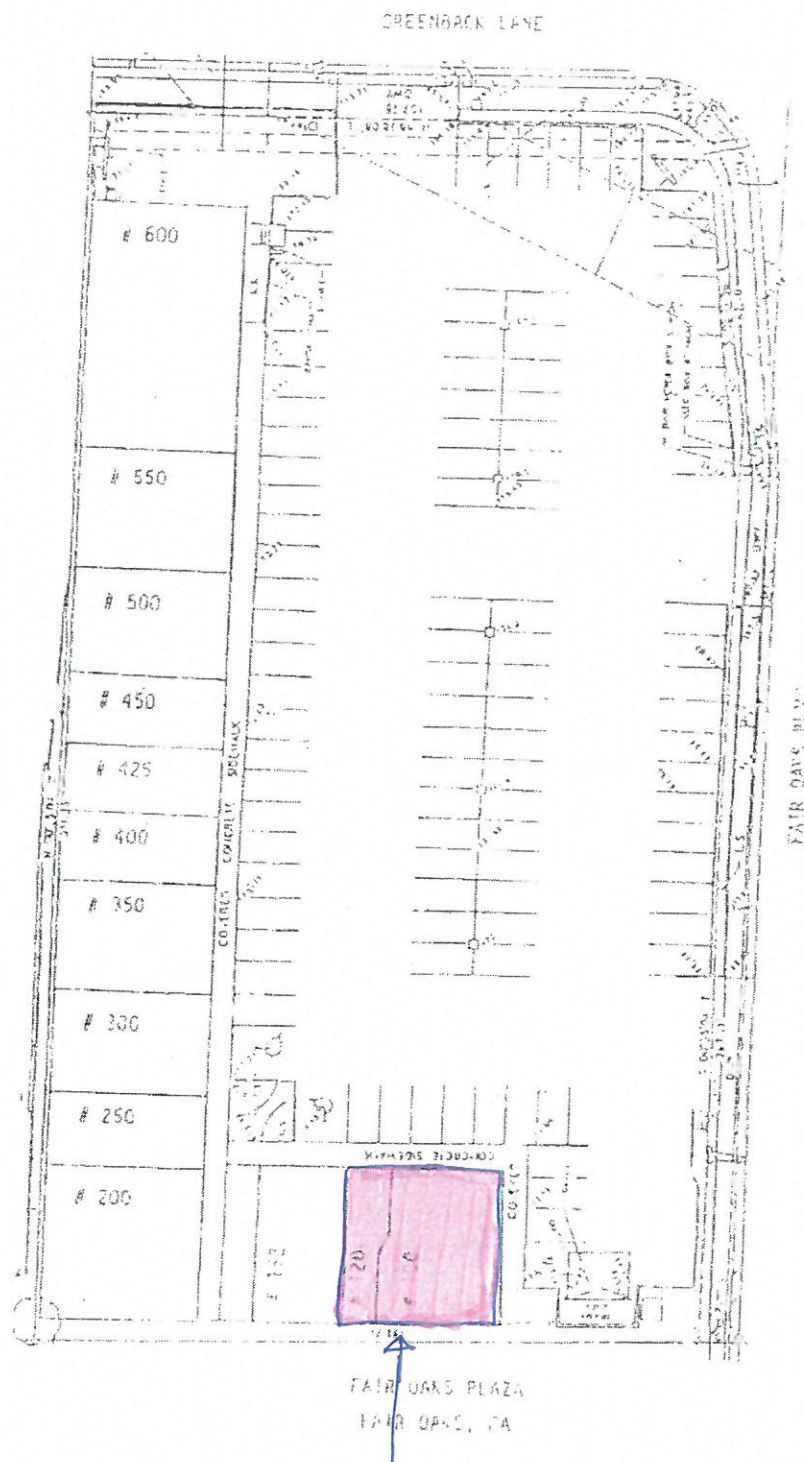
- b) The cashier station shall be designed to be visible from the parking area. Windows or doors shall not be blocked with posters or signs. Counters shall be maintained free from excess displays to enhance the visibility of the cashier station;
 - c) A timed drop safe shall be provided adjacent to the cashier station. Premises shall be posted accordingly;
 - d) The installation of height tape next to exit;
 - e) A prominently displayed video camera for identifying criminals. The video camera should include a device that records 24 hours of video directly on to a DVD/DVR recorder; and
 - f) The owner shall maintain a library of the recorded digital video for a minimum of 7 days.
 - g) Alternative methods must be approved by the Chief of Police. (Planning)
15. Any violations of the conditions of approval could result in the revocation or modification of the Use Permit and/or the imposition of fines and penalties as allowed under Code. (Planning)
16. The applicant agrees to indemnify, defend, and hold harmless the City, its officials, officers, employees, agents and consultants from any and all administrative, legal or equitable actions or other proceedings instituted by any person not a party to this Permit challenging the validity of the Agreement or any Project Approval or any Subsequent Project Approval, or otherwise arising out of or stemming from this Agreement. Developer may select its own legal counsel to represent Developer's interests at Developer's sole cost and expense. The parties shall cooperate in defending such action or proceeding. Developer shall pay for City's costs of defense, whether directly or by timely reimbursement on a monthly basis. Such costs shall include, but not be limited to, all court costs and attorneys' fees expended by City in defense of any such action or other proceeding, plus staff and City Attorney time spent in regard to defense of the action or proceeding. The parties shall use best efforts to select mutually agreeable defense counsel but, if the parties cannot reach agreement, City may select its own legal counsel and Developer agrees to pay directly or timely reimburse on a monthly basis City for all such court costs, attorney fees, and time referenced herein.

Attachments:

- 1. Vicinity Map
- 2. Photos of Store's Exterior and Shopping Center
- 3. Floor Plan
- 4. Police Department Memo

Exhibits:

- A: Letter of justification, security plan, operational plan

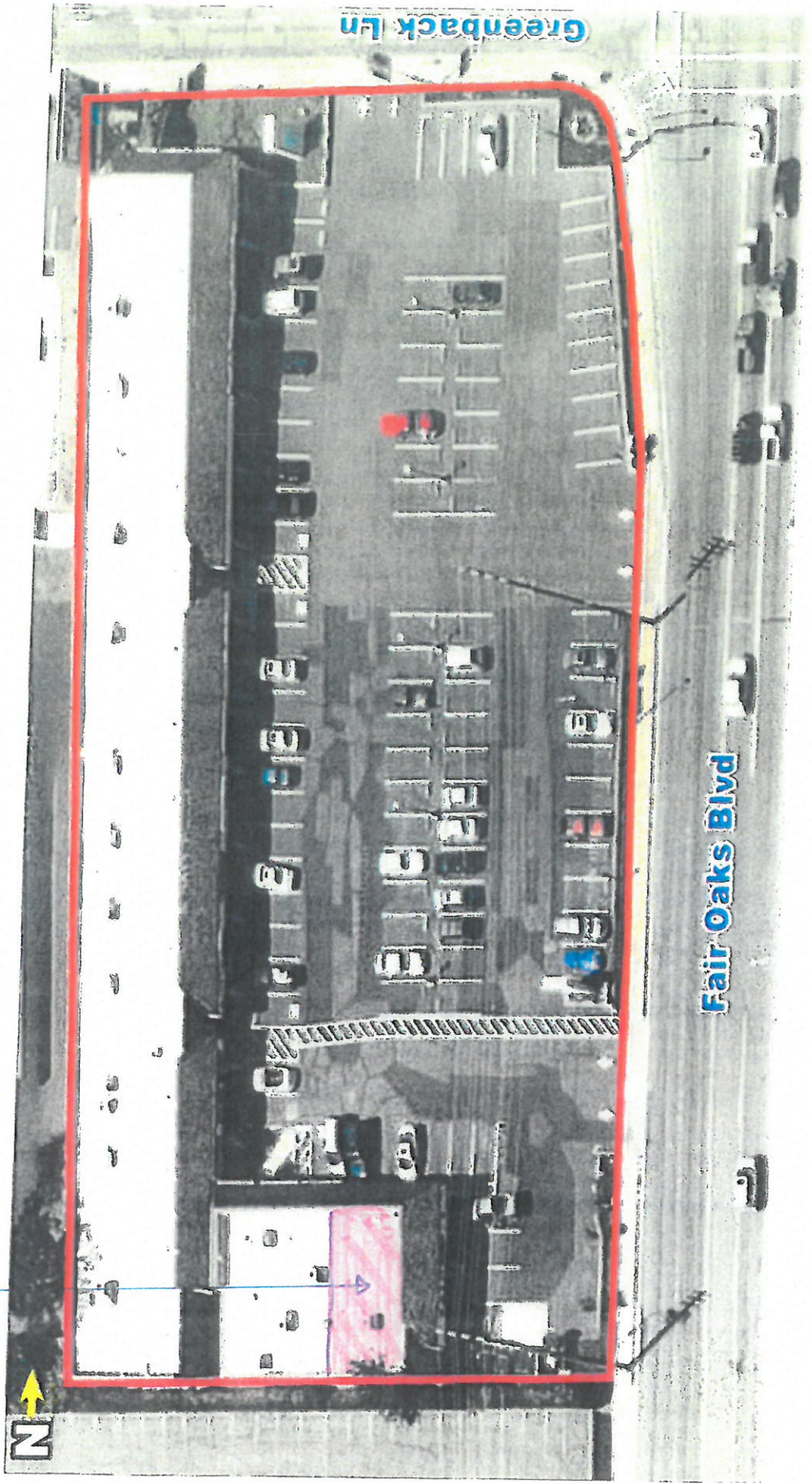


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In 2 to Market







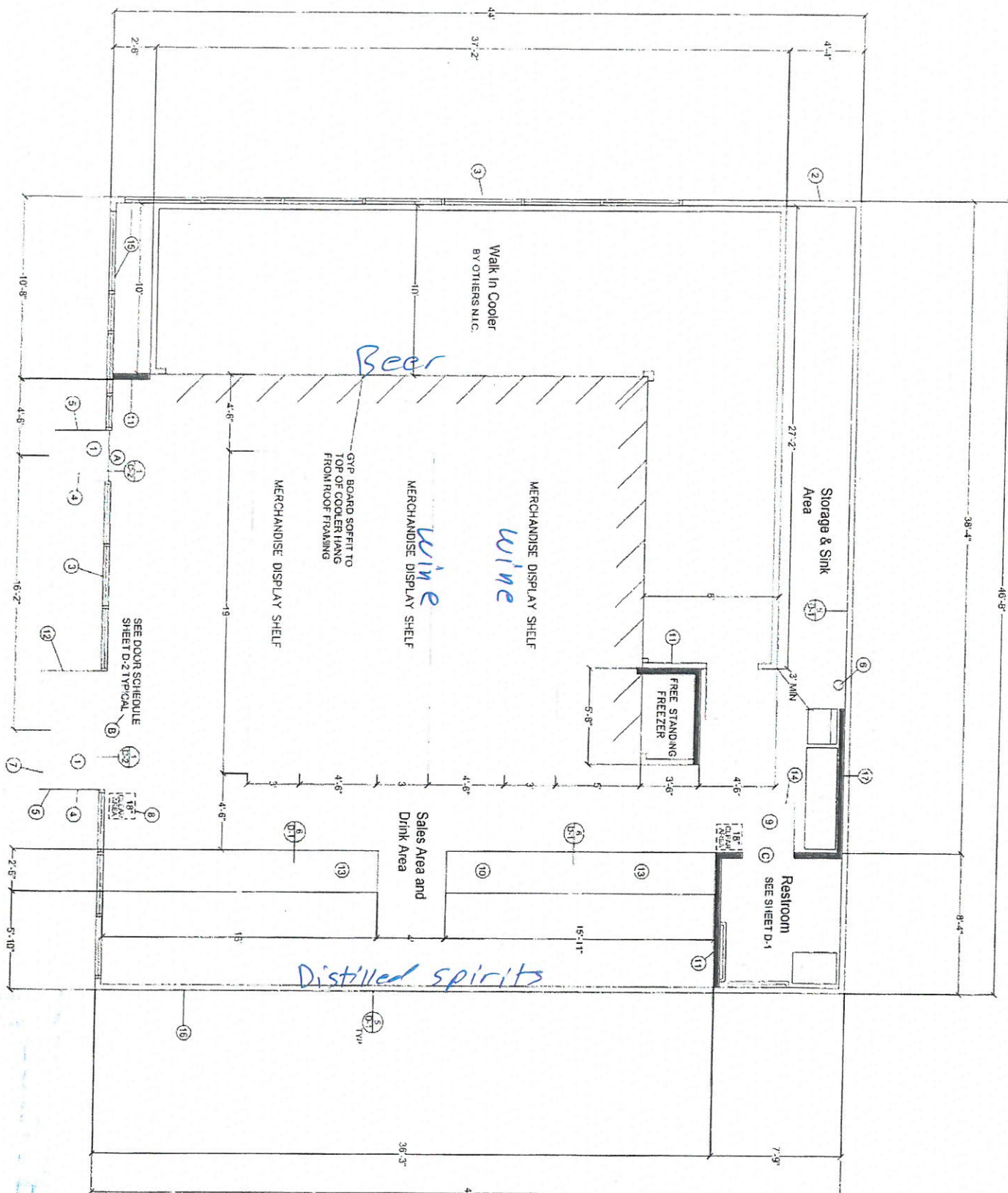
Greenback Ln

Fair Oaks Blvd

N

In 2 to Market

BY: **P**
NOV 12



10012003



CITRUS HEIGHTS POLICE DEPARTMENT



MEMORANDUM

DATE: 12/21/15

TO: City of Citrus Heights Planning Division

FROM: Citrus Heights Problem Oriented Policing Unit

SUBJECT: In & Go Market; 12417 Fair Oaks Blvd.

The Citrus Heights Police Department has conducted a review of the proposed full alcohol license for In & Go Market at 12417 Fair Oaks Blvd. The review process included a site inspection, a review of surrounding businesses that currently have alcohol licenses, a CPTED evaluation, a review of the proposed security plan, and an analysis of calls for service for 12417 Fair Oaks Blvd.

The inspection process included a review of businesses within the same census tract. One other establishment at Madison and Sunrise, in the same census tract, was located with retail off sale license. There is a CVS Pharmacy that sells alcohol located across the street from this proposed location but is located in a different census tract and in Sacramento County jurisdiction. The next closest alcohol retail outlets are the Sprouts Grocery Store and the BevMo that are located near the intersection of Greenback Lane and Sunrise Boulevard, nearly one-half mile away.

The proposed layout of the In & Go Market appears satisfactory regarding the environmental design and lighting. The store will be well lit with bright lights near the entrance and exits of the store. The parking lot will have lighting in numerous and strategic areas to ensure security during night time hours. Shrubbery and vegetation does not appear to be an issue with this location.

The owner of the store is planning on internal building and layout changes within the next several weeks. The proposed changes include removing a section of walling in order to accommodate additional space for liquor and alcohol sales. This proposed section will be located behind a newly constructed counter immediately adjacent to where the existing one currently sits.

The proposed security plan submitted by In & Go Market appears to be on standard with general security plans and practices of other similar establishments who sell alcohol. The plan includes keeping alcohol displayed in cases away from the front doors of the business, and cameras monitoring the aisles where alcohol will be displayed. There will be additional surveillance cameras around the exterior of the business. Additionally, employees will receive training in current alcohol licensing laws.

An analysis was conducted of calls for service to 12417 Fair Oaks Blvd. There did not appear to be any noticeable trends or above average number of calls to the location when compared to other similar business in Citrus Heights. At this time, the Citrus Heights Police Department does not object to the addition of distilled spirits for In & Go Market located at 12417 Fair Oaks Blvd.

Lt. Jason Russo
Citrus Heights Police Department
Problem Oriented Policing Unit

Request for Conditional Use Permit and
Letter of Public Convenience or Necessity
In & Go Market – 12417 Fair Oaks Blvd. #100 Citrus Heights

Amarjeet (Amy) Sidhu, owner of In & Go Market Inc., respectfully requests a Use Permit and Letter of Public Convenience to upgrade her current beer and wine license to include distilled spirits.

The applicant has owned In & Go Market for a little more than two years and she and her husband have owned several ABC licensed convenience markets in Sacramento and El Dorado Counties for many years with a clean history and no ABC or city ordinance violations.

They are part of the Citrus Heights Chamber of Commerce and have won "Best Convenience Store" in Citrus Heights by the Chamber of Commerce in 2012 and were issued a plaque (see attached).

They have owned one licensed market in Camino, CA (El Dorado County) for 15 years now with no ABC violations and they also own a check cashing business in Citrus Heights. Applicants have an established history of responsible ownership of small markets and continue in that practice with two active businesses here in Citrus Heights (please see attached).

In & Go Market is located in an existing commercial shopping center built in 1982 with over 17,300 sq. ft. of retail and office space and built on a 1.57 acre lot of land. In & Go Market is approximately 2,046 square feet and will offer an exclusive array of high-end and imported distilled spirits, wines and craft beers. Currently the business is operating more as a convenience market but will focus on offering a wider and more sophisticated level of distilled spirits and other alcoholic beverages that the average convenience market does not provide to its customers.

The owners are also looking to expand the premises to include the vacant adjacent suite, so aside from the high-end alcohol the business will still be able to provide its patrons and the neighboring residents a variety of products ranging from pet food, car oil and accessories to charcoal, paper towels, children's toys, snack foods, hot coffee and pre-

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paid phone cards, pre-packaged burritos and sandwiches, laundry items, gelatos, hats and gloves, dairy products, canned foods, an ATM machine, Lottery, etc. – all tailored to the needs and convenience of the Citrus Heights community. Proposed alcohol sales are expected to be between 30-50% of gross sales and will be an integral part of the business. There are approximately 20 coolers of which alcohol encompasses 8 coolers. Wine will be sold in 750ml. containers. Distilled spirits will be only stored behind the clerk's counter and will be available upon request.

In & Go Market will be owner-operated with 2-3 employees. The owners' commitment to responsible retailing is of the utmost importance. Owners and employees have been trained to ABC standards in selling age-restricted items such as alcohol and tobacco, knowing symptoms of possible intoxication in case they need to deny a sale to a patron. All patrons under the age of 30 years of age will be asked for valid legal identification and have the ID checked via an ID scanner verifying legal age prior to any sale of alcohol. All owners and employees will sign ABC mandatory Clerk Affidavits informing them of alcohol related-laws and violations / penalties.

The owners are committed to doing their part in maintaining as much of a "Green" business as possible. A bicycle parking facility will be added for patrons who choose to ride their bikes as opposed to driving their cars. All cardboard and other materials will be recycled. The windows of the premises are tinted all around keeping the business cooler in the summer and adding to a reduction in the need to use the air conditioning unit. New energy efficient coolers and appliances have been added.

Security:

The owners and employees will be vigilant about patrolling the exterior area and parking lot for litter, loitering and anything else. There are (11) eleven closed circuit video surveillance cameras monitoring the cash register area, inside of the premises and the exterior as well to create comprehensive coverage. Live monitors are located by the clerk's counter and in full view for employees and patrons so that they can clearly see their activities are being monitored. Video surveillance cameras will record interior and exterior activity and maintain said

recordings for 7 days and be available to the Citrus Heights Police Department for viewing.

The store has a cash drop box in the storage room for quick deposits of store funds so the cash register never has an excessive amount of money.

If there are any issues, owners and employees will telephone police if necessary. Any litter near the business will be removed daily from the area, parking lot and adjacent properties. There are no outside telephones to be used by patrons, minimizing loitering, etc. and the outside premises is properly lighted in order to view all areas of the building and parking lot. The outside already has posted signs indicating "No Loitering" is allowed in addition to signs pertaining to the Alcohol Laws. There will be no video/arcade games maintained upon the premises. All dumpsters are secured and enclosed. Again, the store is owner-operated and the owner will be available at anytime to assist the police department in any manner. The interior of the store is protected with a sliding iron gate that secures the front windows and entrances from break in.

The store windows will be clear of signs and advertisements, thus allowing a clear and unobstructed view of the interior and cash register area for police officers and anyone else.

Letter of Public Convenience or Necessity

In & Go Market is listed in Census Tract 81.39. According to the Department of ABC data, two off-sale licenses are allowed in this census tract and there are currently two active licenses – one of which is the In & Go Market beer and wine license. If the applied-for type 21 license is approved, the owners will cancel the type 20 beer and wine license, thus not adding any new license to the census tract and not causing an over concentration of alcohol licenses.

The one license inside this census tract is located 1.60 miles away near Madison Ave./Sunrise Blvd. (Shell Gas at 7901 Madison Ave.) The nearest ABC licensed store east of the premises is located 1.58 miles away at 8696 Greenback Ln. (Quick Stop). North of the premises is CVS,

which is in a different census tract and is located in Sacramento County, which does not help generate taxes for Citrus Heights. After CVS there are no other stores for several miles. West of the premises 0.71 mile away, the closest ABC stores are BevMo, Walgreens and Sprouts located by Sunrise and Greenback Ln.

According to the Department of ABC, the crime statistics that the City of Citrus Heights Police Department sends them indicates that this particular reporting district is considered a high crime area; this is what triggers the need for the Letter of Public Convenience. It should be noted the premises is located in a busy and large retail and commercial part of Citrus Heights.

There are no schools, playgrounds, parks, churches, child care centers or other "sensitive" or consideration points within the vicinity of the market. The proposed addition of distilled spirits to an already existing beer and wine retail market would not adversely affect the peace or general welfare of the surrounding neighborhood. In fact, it will enhance the convenience for the patrons so they will not have to travel further for their shopping needs; this will allow them to have a one stop shopping experience to select from a variety of unique liquors, European wines and specialty micro brews along with fresh brewed coffee, pet food for the cat, cereal for tomorrow's breakfast as well as a multitude of other food and beverage items. The store provides an easy in and out shopping experience that nearby residents or busy patrons on the go can appreciate.

The owners understand the city's concerns about residents crossing Fair Oaks Blvd. to come to the store but the owners say most of the store's customers that walk come from the apartment complexes behind the store and on the same side of Fair Oaks Blvd. They say the families that live across Fair Oaks Blvd. in the apartments tend to drive and not walk.

The hours of operation will be 7am to 11pm Sunday through Thursday and 7am to 12am midnight on Friday and Saturday.

On November 10, 2015, I reached out to the Birdcage Heights Neighborhood Association via email and explained that the applicants would be applying for a CUP and ABC alcohol license at said premises

and asked for their thoughts and comments regarding upgrading the alcohol license. To date, I have not received a reply.

The owners would like to offer fair and equitable access to nearby residents and the community as a whole who would like the large selection of exclusive alcoholic beverages while shopping for other items.

In addition, the applicants will comply with all City of Citrus Heights Codes and Regulations as well as the laws and regulations of the Department of ABC.

Because In & Go Market is shifting its product line and operations to a more refined store with high-end liquors, wines and beers, the owners will be requesting single sales of craft and micro beers.

In & Go Market is a good neighbor and community partner and wishes to continue its positive relationship with the Citrus Heights community and business partnership in the area. Thank you for your consideration of this application for both the Conditional Use Permit and Letter of Public Convenience for an alcohol license upgrade.

Building Renovation

The landlord will be renovating the exterior of the store and will be adding a new In & Go Market sign and will also be upgrading the facade of the Fair Oaks Plaza shopping center, thus the exterior will look "like new" according to the landlord.

Please feel free to contact our consultant, John Sutton, with any questions, comments or meetings.

John Sutton
916-337-3028

Sincerely,

Amy Sidhu - In & Go Market Inc.



Congratulations
In & Go Market
Voted
"Best Convenience Store"

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Citrus Heights

MEMBER



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of commerce

BY:

NOV 12 2015

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California Department of Alcoholic
Beverage Control
License Query System Summary
as of 11/4/2015

License Number: 557829	
Primary Owner: IN & GO MARKET INC	
ABC Office of Application: 23 - SACRAMENTO	
Doing Business As: IN & GO MARKET	
Address: 12417 FAIR OAKS BLVD STE 100 Census Tract: 0081.39	
City: CITRUS HEIGHTS County: SACRAMENTO	
State: CA Zip Code: 95628	
Licensee: IN & GO MARKET INC	
Company Information	
OFFICER: SIDHU, AMARJEET KAUR (PRESIDENT/SECRETARY)	
OFFICER: SIDHU, AMARJEET KAUR (TREASURER)	
STOCKHOLDER: SIDHU, AMARJEET KAUR	
1) License Type: 20 - OFF-SALE BEER AND WINE	
License Type Status: ACTIVE	
Status Date: 28-JUL-2015	Term: 12 Month(s)
Original Issue Date: 27-JUL-2015	Expiration Date: 30-SEP-2015
Master: Y	Duplicate: 0 Fee Code: P40
License Type was Transferred On: 27-JUL-2015 FROM: 20-557391	
License Type was Transferred On: TO: 20-562007	
2) License Type: 21 - OFF-SALE GENERAL	
License Type Status: PENDING	
Status Date: 02-NOV-2015	Term: 12 Month(s)
Original Issue Date:	Expiration Date:
Master: Y	Duplicate: 0 Fee Code: P40
License Type was Transferred On: FROM:	
... No Active Disciplinary Action found ...	



California Department of Alcoholic
Beverage Control
License Query System Summary
as of 11/9/2015

Current owners of this store for 15 years

License Information
License Number: 434689
Primary Owner: CAMINO FOOD CENTER INCORPORATED
ABC Office of Application: 23 - SACRAMENTO
Licensee Name
Doing Business As: CAMINO FOOD CENTER
Business Address
Address: 4124 CARSON RD Census Tract: 0313.01
City: CAMINO County: EL DORADO
State: CA Zip Code: 95709
License Information
Licensee: CAMINO FOOD CENTER INCORPORATED
Company Information
OFFICER: SIDHU, KULJIT SINGH (PRESIDENT)
OFFICER: SIDHU, AMARJEET KAUR (SECRETARY/ASST SEC)
License Types
1) License Type: 21 - OFF-SALE GENERAL
License Type Status: ACTIVE
Status Date: 09-MAR-2006 Term: 12 Month(s)
Original Issue Date: 09-MAR-2006 Expiration Date: 30-NOV-2015
Master: Y Duplicate: 0 Fee Code: P0
Condition: CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE
License Type was Transferred On: 09-MAR-2006 FROM: 21-362300
Disciplinary Action
... No Active Disciplinary Action found ...
Disciplinary History
... No Disciplinary History found ...
Hold Information
... No Active Holds found ...
Escrow
... No Escrow found ...



California Department of Alcoholic
Beverage Control
License Query System Summary
as of 11/9/2015

Prior Owners of this store

Source: 100-100-100
License Number: 417680
Primary Owner: SIDHU, AMARJEET KAUR
ABC Office of Application: 23 - SACRAMENTO
Architect Name:
Doing Business As: PONY EXPRESS MARKET
Address: 6151 PONY EXPRESS TRL Census Tract: 0313.02
City: POLLOCK PINES County: EL DORADO
State: CA Zip Code: 95726
Licensed Information:
Licensee: SIDHU, AMARJEET KAUR
Licensee: SIDHU, KULJIT SINGH
License Type:
1) License Type: 21 - OFF-SALE GENERAL
License Type Status: CANCELED
Status Date: 05-APR-2005 Term: 12 Month(s)
Original Issue Date: 05-APR-2005 Expiration Date: 31-MAR-2011
Master: Y Duplicate: 0 Fee Code: P0
Current Disciplinary Action:
... No Active Disciplinary Action found ...
Disciplinary History:
... No Disciplinary History found ...
Hold Information:
... No Active Holds found ...
Escrow:
... No Escrow found ...

- - - End of Report - - -

For a definition of codes, view our [glossary](#).