



## **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 also 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**

This applicant is applying for an Off-Sale Beer/Wine (Type 20) license at the La Popular Market store located at 9180 Kiefer Boulevard on the south side of Kiefer Boulevard approximately 155 feet west of Tallyho Drive in the Cordova Community (Attachment 2). The application (Attachment 3) and the justification letter (Attachment 4) are attached.

La Popular Market occupies a 16,000 square foot building and has been operating at this location on Kiefer Boulevard since 2011. The store is located in the Shopping Center (SC) zone, which allows food markets like La Popular to operate with incidental sales of alcohol. They were issued a General Business License (GNB32011-52324) and a Tobacco License (TRB2011-51015) in 2011. The amount of space to be designated for display of beer and wine is less than 10% of the store’s total floor area. The applicant indicates in their justification their desire to provide a one stop shop for their customers.

Planning staff conducted a site visit on November 25, 2012 and photos were taken of the project location as well as other existing businesses with off sale Type 20 licenses within the same Census Tract. Photos were also taken of businesses with Type 20 and 21 licenses within a one-mile radius of the project site (Attachment 5).

Analysis related to over-concentration. The requested license location is within Census Tract 91.11 (Attachment 6). Based on the population standard at the time of application, there were three off-sale licenses allowed and three issued. The approval of this application would result in the census tract exceeding the maximum number of off-sale licenses by one. In addition to the standard analysis by Census Tract, staff also includes a map showing all Type 20 and Type 21 licenses within a one-mile radius (Attachment 7). There are a total of seven establishments that sell alcohol in this radius, three Type 20 and four 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. At the time the application was filed, Census Tract 91.11 was shown as a high crime area based on the Sheriff's 2010 crime maps.

Following are additional comments and recommendations:

A. Community Planning Advisory Council (CPAC):

This application was referred to the Cordova CPAC and heard on November 15, 2012. Planning staff and the applicant both gave presentations. The members were advised that La Popular Market has been operating at this location since 2011 and has a good working relationship with the Sheriff and the community. There was no community opposition. The CPAC members voted 5-0 (three absent) to recommend approval to the Board (Attachment 8).

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 had an active Business License (GNB 32011-52324) since 2011.

D. Sheriff's Department:

The Sheriff's letter, dated August 16, 2012, (Attachment 1) was requested by the applicant prior to their submittal for a PCN with the Planning Division. The Sheriff agreed to withdraw their opposition if the applicant agreed to the set conditions listed in the Sheriff's letter. The applicant has agreed to the conditions, including but not limited to, ending the sale of alcohol at 10 p.m.

D. Additional Comments or Correspondence:

La Popular Market has a good working relationship with the Rosemont Community Association which sent a letter of support (Attachment 9). The Sacramento District Office of ABC advises that there are no protests filed against the issuing of a beer/wine license at this location. No community opposition has been reported.

## **CONCLUSION**

La Popular market is located at 9180 Kiefer Boulevard. Board approval of a PCN application is necessary due to overconcentration and location with a crime reporting area. The approval of this application would result in the census tract exceeding the maximum number of off-sale licenses by one. Regarding crime issues, 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 the Rosemont Community Association has sent a letter of support. Staff, therefore, recommends approval of this application for a Finding of Public Convenience.

Respectfully submitted,

APPROVED:  
BRADLEY J. HUDSON  
County Executive

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LORI A. MOSS, Director  
Department of Community Development

By: \_\_\_\_\_  
ROBERT B. LEONARD  
Chief Deputy County Executive

Attachments:

- ATT 1 Sheriff's Condition Letter
- ATT 2 Project Location Map
- ATT 3 Application
- ATT 4 Letter of Justification
- ATT 5 Site Visit Photos
- ATT 6 Census Tract
- ATT 7 One-mile Radius Map
- ATT 8 CPAC Referral Letter
- ATT 9 Letter from the Rosemont Community Association

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**SACRAMENTO COUNTY**



**SHERIFF'S DEPARTMENT**

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**Scott R. Jones**  
*Sheriff*

August 16, 2012

Licensing Representative Laura Meeks  
Department of Alcoholic Beverage Control  
2400 Del Paso Road, Suite 155  
Sacramento, CA 95834

**SUBJECT: MODIFIED PROTEST WITH CONDITIONS, LA POPULAR SUPER MARKET, FILE #520315**

Dear Licensing Representative Laura Meeks:

The Sacramento County Sheriff's Department wishes our Protest with Conditions for the issuance of ABC Type 21 License # 520315 to La Popular Super Market at 9180 Kiefer Blvd, #A.

1. Sales and service of alcohol beverages shall be permitted only between the hours of 7am and 10pm each day of the week.
2. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee(s) shall be removed or painted over within 72 hours of being applied.
3. The rear doors of the premises shall be equipped on the inside with an automatic locking device and shall be closed at all times and shall not be used as a means of access by patrons to and from the licensee's premises. Temporary use of these doors for delivery of supplies does not constitute a violation.
4. The petitioner(s) shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
5. Beer and/or malt beverages shall be sold in original factory of a six-pack or greater, except wine based coolers. At no time shall a single unit be sold individually or in conjunction with another brand/size container of beer and/or malt beverage to constitute a six pack or larger quantity.
6. The sale of wine shall be in bottles or containers no smaller than 750ml.
7. There shall be no exterior advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

August 16, 2012

Page 2 of 2

8. 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**

9. 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**

10. The exterior of the premises, including adjacent sidewalks and all parking lots under control of the licensee(s), shall be illuminated during all hours of darkness during which the premises are open for business in a manner so that persons standing in those areas at night are identifiable by law enforcement personnel. However, the required illumination shall be placed so as to minimize interference with the quiet enjoyment of nearby residents of their property.
11. There shall be no amusement devices/activities maintained upon the premises at any time.

If you have any further information or have any questions, please feel free to contact me at (916) 875-5852.

Sincerely,

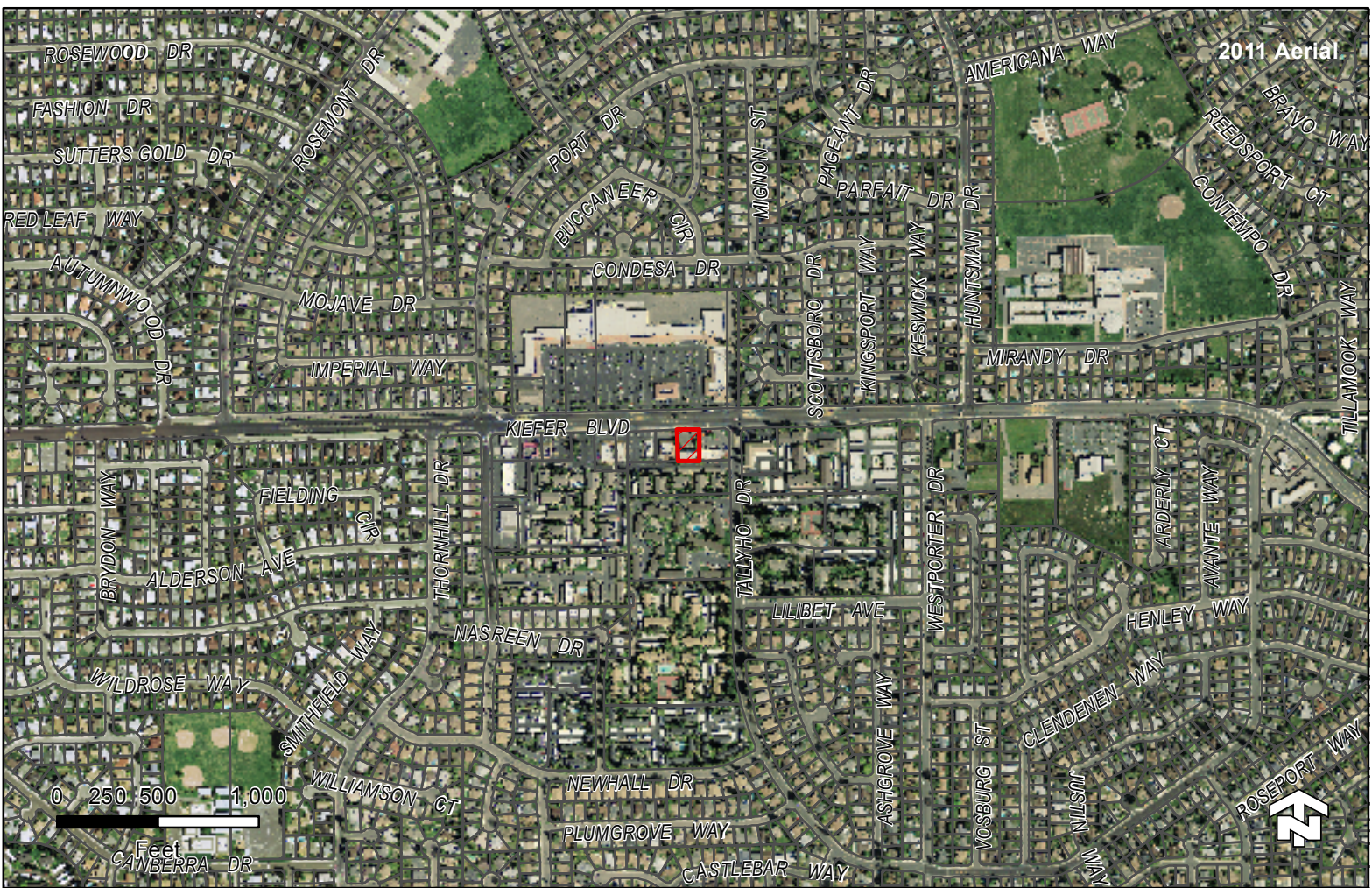
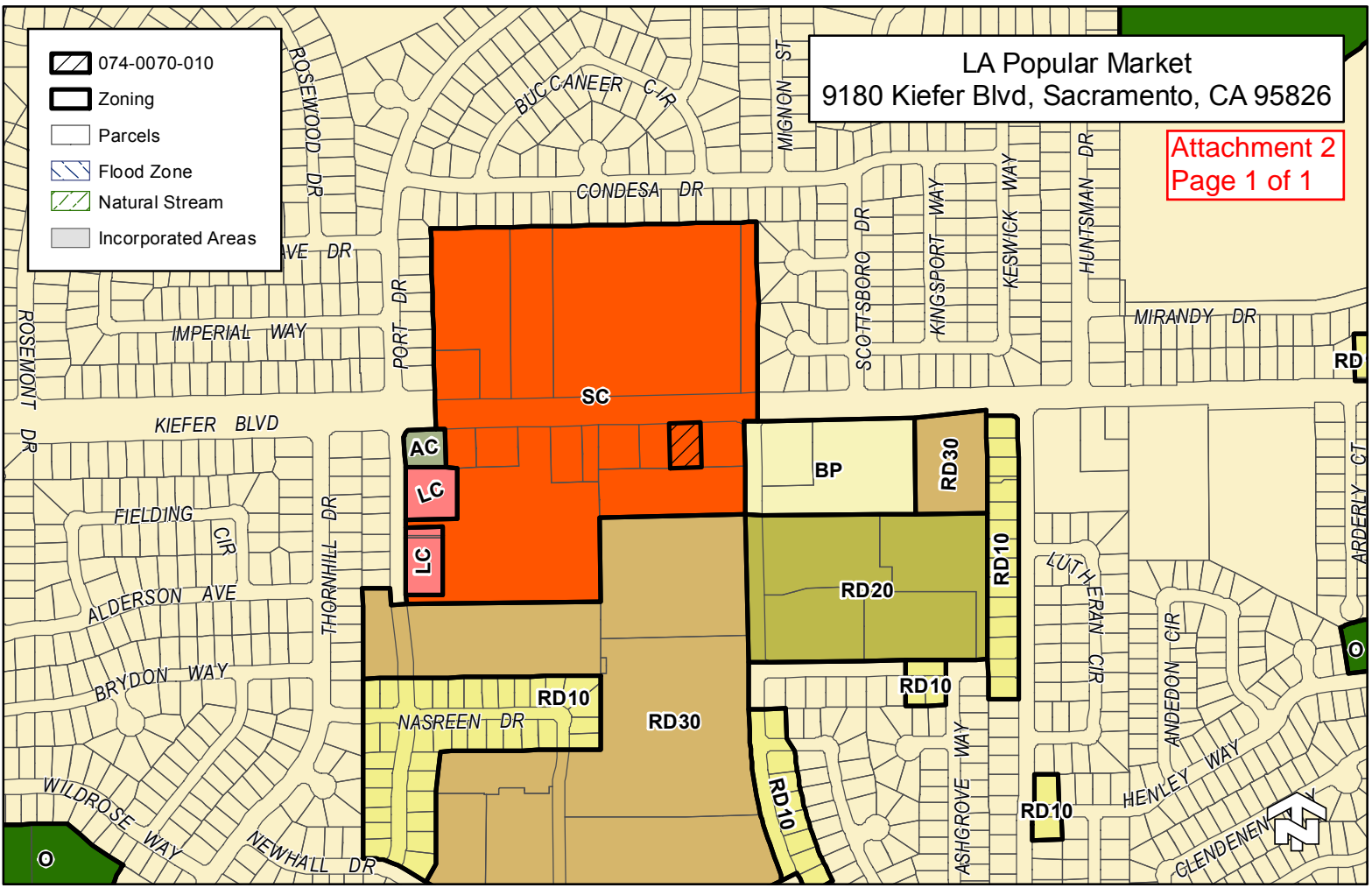
Scott R. Jones, SHERIFF

Heidi Herrera #719  
Crime Prevention Specialist  
Sacramento County Sheriff's Department  
East Division

LA Popular Market  
9180 Kiefer Blvd, Sacramento, CA 95826

Attachment 2  
Page 1 of 1

- 074-0070-010
- Zoning
- Parcels
- Flood Zone
- Natural Stream
- Incorporated Areas





PLNP 2012 - 00133

RECEIVED

# COUNTY OF SACRAMENTO PCN APPLICATION FORM

SEP 12 2012

PLANNING DEPT  
County of Sacramento

Application to the Sacramento County Board of Supervisors for a Letter of Public Convenience/Necessity (PCN) Relating to the Sale of Alcohol within the Unincorporated Area. Please see accompanying instructions for completion and filing.

**This application must be typed.**

Application Date 08-27-2012 Acceptance Date \_\_\_\_\_

Name of Business <b>LA POPULAR MARKET</b>	Assessor's Parcel No <b>074-0070-010-0000</b>
Address <b>9180 KIEFER BLVD. UNIT A</b>	Telephone <b>(916) 875-0700</b>
City/State/Zip <b>SACRAMENTO, CA 95826-5106</b>	Census Tract No

Type of Business GROCERIES MARKET Hours of Operation: 7:00 am 10:00pm

Is the Business Operating now? YES  NO  How Long? 08-25-2011

Is opening of business contingent upon granting of Liquor License: YES  NO

If the business is not open yet what is the anticipated date of opening? n/a

Type of ABC License 20 Date of Posting 04-18-2012

Has an application been submitted to ABC: YES  NO  ABC License # \_\_\_\_\_

*Name of applicant should match the applicant named on the ABC license.*

Applicant	Name: <b>Fernanda Gomez Palacios Manuel Pineda Palacios</b>	Contact: <b>Mnuel Pineda Palacios</b>
	Address <b>5605 CARMELA WAY</b>	City/State/Zip <b>SACRAMENTO, CA 95822</b>
	Telephone: <b>(916)868-9841</b>	e-mail address: Fax number:

*Please complete if this application is submitted by someone other than the applicant.*

Agent	Name: <b>RAUL H SOTO</b>	Contact: <b>SAME</b>
	Address <b>2700 Fruitridge RD.Ste.A</b>	City/State/Zip <b>Sacramento, CA 95820</b>
	Telephone: <b>(916) 428-1065</b>	e-mail address: <b>raulhsoto916@yahoo.com</b>

Relationship to Applicant:  Agent  Other (Please specify) friend

**Continued on page two**

PLNP 2012 - 00133

Name of Business **LA POPULAR MARKET**

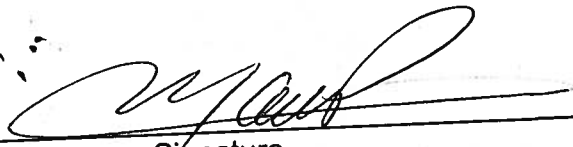
Is a Conditional Use Permit Required? Yes \_\_\_\_\_ No x \_\_\_\_\_ Don't know \_\_\_\_\_

Has been applied for: \_\_\_\_\_ Has been Issued\* \_\_\_\_\_ When? \_\_\_\_\_

- If yes, attach copy of CUP

License application filed with ABC: YES  NO  Date Filed: \_\_\_\_\_

Reason for PCN: *over-concentration* \_\_\_\_\_ *High crime* \_\_\_\_\_

  
\_\_\_\_\_  
Signature

Date: 08-29-12

\_\_\_\_\_  
Signature

Date: \_\_\_\_\_

*This application will not be accepted until all of the information and accompanying documents are complete and submitted along with appropriate fees. See attached information sheet.*

Return completed application to: **Community Planning & Development Department  
Attention: Manuel Mejia  
County of Sacramento  
827 7th Street, Room 230  
Sacramento, CA 95814**

PLNY 2012 - 00133

RECEIVED

SEP 12 2012

PLANNING DEPT  
County of Sacramento

La Popular Market

9180 Kiefer Blvd. Unit A

Sacramento, CA 95826-5106

Manuel Mejia, Senior Planner

Sacramento County

827 7<sup>th</sup> St. Room 230

Sacramento, CA 95814

Dear, Mr. Mejia:

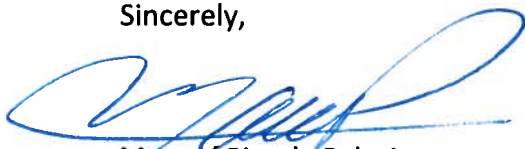
I am writing this letter of justification in regard to the beer and wine application (type 20) for my business located at the above address, based in the following.

A beer and wine license will complement my business; which, under the economic situation I badly need it. This addition will help me to cope with the cost for being in business and be able to provide employment for others as well as providing for my family.

I would like to point out that a license of this type was previously issued to this location.

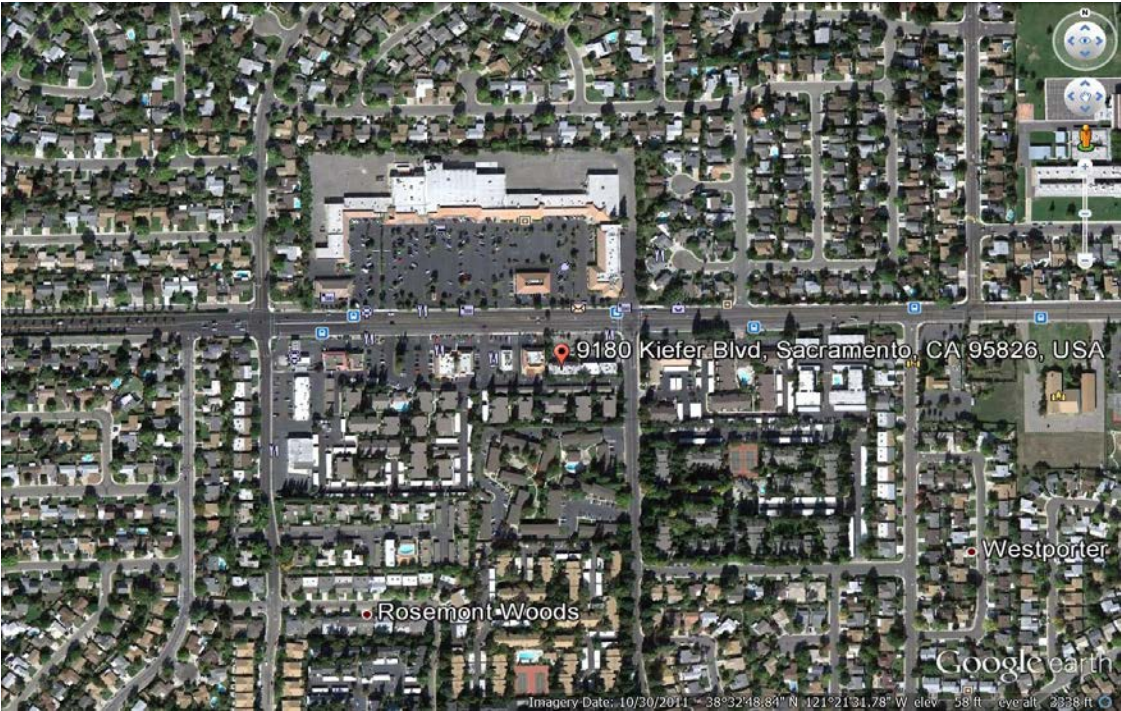
I have contacted the Rosemont Community Association and have received their Ok. Also have received a letter from the County Sheriff's Department as a modified protest with conditions to which I will abide to the letter.

Sincerely,



Manuel Pineda Palacios



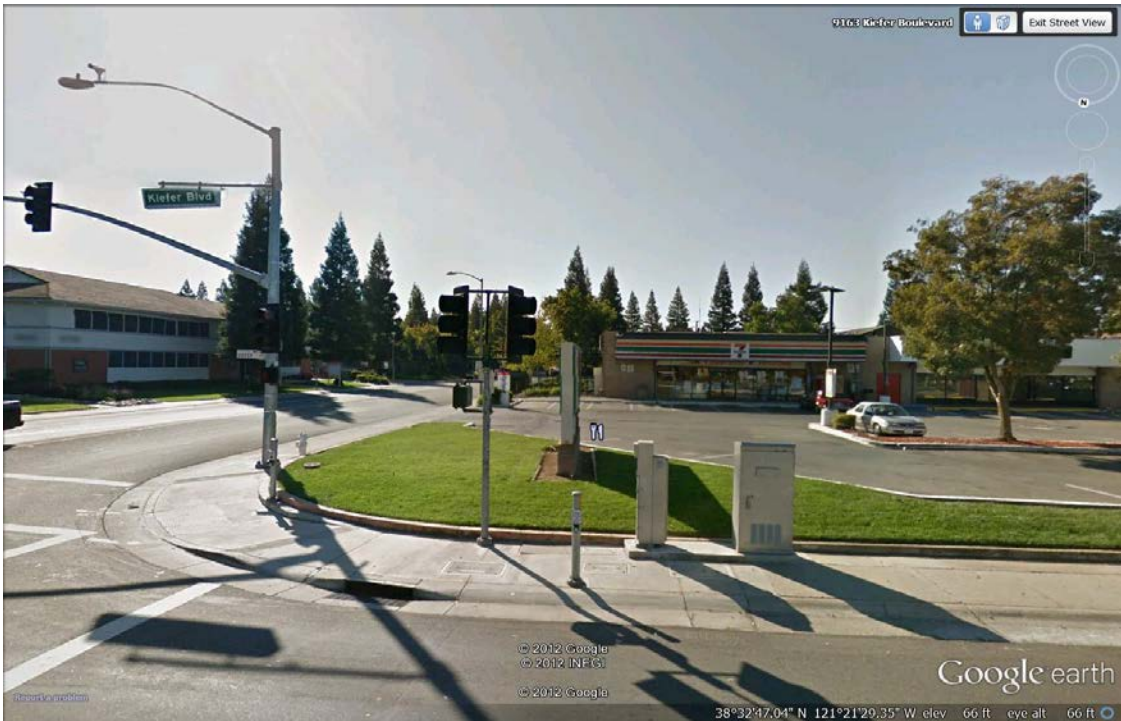


1. La Popular Market from the air



2. La Popular Market - 9180 Kiefer Boulevard

<p>CONTEXT PHOTOS</p>	<p>DESCRIPTION: <b>La Popular Market</b> 9180 Kiefer Boulevard</p>	<p>CONTROL #: PLNP2012-00133 PARCEL #074-0070-010-0000  DATE: 11-25-2012</p>
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1. 7-Eleven - 9210 Kiefer Boulevard



2. Rosemont Wine & Liquor – 9106 Kiefer Boulevard- 9180 Kiefer Boulevard

CONTEXT  
PHOTOS

DESCRIPTION:  
**La Popular Market**  
9180 Kiefer Boulevard

CONTROL #: PLNP2012-00133  
PARCEL #074-0070-010-0000

DATE: 11-25-2012



1. Rosemont Shell - 9100 Kiefer Boulevard



2. EZ Stop – 3625 Southport Drive

CONTEXT PHOTOS	DESCRIPTION: <b>La Popular Market</b> 9180 Kiefer Boulevard	CONTROL #: PLNP2012-00133 PARCEL #074-0070-010-0000  DATE: 11-25-2012
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1. Rite-Aid - 9133 Kiefer Boulevard



2. Save Mart Market - 9137 Kiefer Boulevard

CONTEXT  
PHOTOS

DESCRIPTION:  
**La Popular Market**  
9180 Kiefer Boulevard

CONTROL #: PLNP2012-00133  
PARCEL #074-0070-010-0000

DATE: 11-25-2012



1. TS Food Mart – 9408 Kiefer Boulevard

<p>CONTEXT PHOTOS</p>	<p>DESCRIPTION: <b>La Popular Market</b> 9180 Kiefer Boulevard</p>	<p>CONTROL #: PLNP2012-00133 PARCEL #074-0070-010-0000 DATE: 11-25-2012</p>
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**California Department of Alcoholic Beverage Control  
For the County of SACRAMENTO - (Retail Licenses)  
and Census Tract = 91.11**

Report as of 9/13/2012

3 Allowed  
3 Issued

	License Number	Status	License Type	Orig. Iss. Date	Expir Date	Primary Owner and Premises Addr.	Business Name	Mailing Address	Geo Code
1)	<a href="#">176297</a>	ACTIVE	48	11/22/1985	7/31/2013	CUNNINGHAM, BERT 3637 SOUTHPORT DR SACRAMENTO, CA 95826  Census Tract: 0091.11	CUNNINGHAMS MUSHROOM		3400
2)	<a href="#">289858</a>	ACTIVE	21	11/15/1993	1/31/2013	GREWAL, KARAMJIT K 9106 KIEFER BLVD SACRAMENTO, CA 95826  Census Tract: 0091.11	ROSEMONT WINE & LIQUOR		3400
3)	<a href="#">334302</a>	ACTIVE	41	8/27/1997	2/28/2013	BRENNAN, CHARLES PAUL 9138 KIEFER BLVD SACRAMENTO, CA 95826  Census Tract: 0091.11	ROUND TABLE PIZZA	1830 VERNON ST, STE 1 ROSEVILLE, CA 95678	3400
4)	<a href="#">377973</a>	ACTIVE	20	10/22/2001	9/30/2012	KAPAL, ASHOK KUMAR 9100 KIEFER BLVD SACRAMENTO, CA 95826  Census Tract: 0091.11	ROSEMONT SHELL		3400
5)	<a href="#">386616</a>	ACTIVE	20	3/27/2003	2/28/2013	GILL, JASVINDER KAUR 3625 SOUTHPORT DR SACRAMENTO, CA 95826-5129  Census Tract:	E Z STOP 1		3400

						0091.11			
6)	<a href="#">446278</a>	ACTIVE	41	11/30/2006	10/31/2012	DA KU LLC 3631 S PORT DR SACRAMENTO, CA 95826-5129  Census Tract: 0091.11	SA RANG BANG		3400

*- - - End of Report - - -*

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





PLANNER	
NOTICES	

# CPAC REFERRAL

DERA RELEASE	Y <input type="checkbox"/>	N <input type="checkbox"/>
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**10-09-2012**

**La Popular Market**

**PLNP2012-00133**

Date

PROJECT NAME

CONTROL NO.

APPLICANT: <u>Fernanda Gomez Palacios</u>	A.P.N.: <u>074-0070-010</u>	ZONING: <u>SC</u>
ADDRESS: <u>5605 Carmela Way</u>	CONTACT PERSON: <u>Raul Soto</u>	COM. PLAN: <u>Commercial</u>
<u>Sacramento, CA 95822</u>	TELEPHONE: <u>916-428-1065</u>	GEN. PLAN: <u>Comm/Office</u>

**REQUEST:** A request to have an Public Convenience or Necessity (PCN) off-sale Type 20 (Beer and Wine) Liquor License.

**Location:** The property is located on the south side of Kiefer Boulevard approximately 155 feet west of Tallyho Drive. (at 9180 Kiefer Boulevard)

**PRIMARY CPAC**  
Cordova

**ADJACENT CPAC** (If Applicable)

HEARING BODY: Booard of Supervisors

REVISED APPLICATION:  DATE: \_\_\_\_\_

Planning Department Project Manager:	<b>Manuel Mejia</b>	RETURN BY: _____ (Date)
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**ADVISORY COUNCIL COMPLETE THIS SECTION - PLEASE PRINT OR TYPE**

1. Meeting date(s) at which proposal discussed: November 15, 2012
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: Request for application supported by Rossmore Community Association (letter part of application).  
No other public comment received by this body.
5. Motion by: DEE BAWARDON Seconded by: Paul Bowers
6. Council recommendation: APPROVAL  DENIAL  CONTINUE  Date: \_\_\_\_\_
7. Council vote on motion to reflect recommendation  
YES: 5 NO: 0 ABSTAIN: 0 ABSENT: 3
8. Comments/conditions on recommendation:  
Adden #12 condition - no onsite alcohol consumption.

See Attached

Dee Bawardon  
Investigating Member

Paul Bowers  
Chairperson or Secretary

11/16/12  
Date

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





P.O. Box 277194 Sacramento, CA 95827 [www.rosemontca.org](http://www.rosemontca.org)

June 27, 2012

Diana Pineda  
La Popular Market  
9180 Kiefer Blvd.  
Sacramento, CA 95826

Dear Diana:

I am pleased to report that the Rosemont Community Association board at its June meeting voted to support your request for a liquor license to sell beer and wine.

While we do have concerns about the number of liquor outlets in your area of Rosemont, we understand how important being able to include beer and wine in your inventory is to the success of your business. We are confident that you share our concern and will use all caution to properly control the sale of these products.

We are delighted you have chosen Rosemont for your store, and we wish you all the best success. We look forward to working with you as we strive to develop a network of local business owners in an effort to enhance the business climate here in Rosemont.

Again, we are pleased you are here in Rosemont and we hope you find our community a great place to do business.

Sincerely,

Terry Dugan  
Vice President  
Rosemont Community Association