



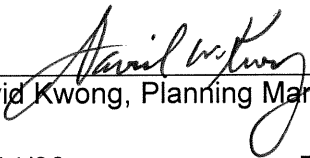
**CITY OF SACRAMENTO PLANNING COMMISSION  
RECORD OF DECISION**

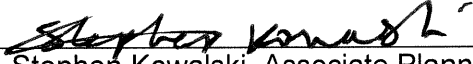
New City Hall, 915 I Street, 3<sup>rd</sup> Floor, Sacramento, CA 95814

Project Name: Bel Air Aisle 1 Gas Station Alcohol Sales  
Project Number: P06-067  
Project Location: 3200 Arena Blvd.  
Assessor's Parcel No.: 225-2040-002  
Applicant: Raley's / Bel Air (contact person: Michael K Gates)  
Action Status: Approved with Conditions Action Date: 07/13/06

**REQUESTED ENTITLEMENT(S):** Request to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone.  
A. Environmental Determination: Exempt pursuant to CEQA Section 15061(b)(3); and  
B. Special Permit to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone.

**ACTIONS TAKEN:** On 07/13/06, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:  
Approved entitlements A and B listed above.

**Action certified by:**   
David Kwong, Planning Manager

Sent to Applicant: 07/14/06 By:   
Stephen Kowalski, Associate Planner

**NOTICE OF PROTEST RIGHTS**

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee (SCC 18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC 18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

#### **EXPIRATION**

**TENTATIVE MAP:** Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

**SPECIAL PERMIT:** A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

**VARIANCE:** Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

**PLAN REVIEW:** Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

**NOTE:** Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

#### **APPEALS**

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 07/24/06. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

**Adopted Findings of Fact and Conditions of Approval  
Bel Air Aisle 1 Gas Station Alcohol Sales (P06-067)  
3200 Arena Boulevard**

**Adopted Findings of Fact:**

- A. Environmental Determination:** On July 13, 2006, the Planning Commission found that the project is exempt from environmental review pursuant to Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines.
- B.** On July 13, 2006, the Planning Commission approved the **Special Permit** to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone based on the following Findings of Fact:
1. The proposal is based upon sound principles of land use in that:
    - a. The proposed use will not adversely affect the peace and general welfare of the surrounding neighborhood;
    - b. The proposed use will not result in an undue concentration of establishments selling alcoholic beverages in the subject neighborhood in that, along with the Bel Air supermarket, it will be only the second use permitted to sell alcoholic beverages in the Gateway West/Cambay West neighborhood west of Interstate 5;
    - c. The proposed use will not enlarge or encourage the development of a skid row or blighted area; and
    - d. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.
  2. The proposal will not be detrimental to the public or result in the creation of a public nuisance in that it will be conditioned by the Police Department so as not to generate a potential increase in crime to the area.
  3. The proposal is consistent with the policies of the General Plan and the North Natomas Community Plan in that it provides a commercial service that meets the everyday needs of the residents of, and visitors to, the neighborhoods west of Interstate 5.

**Adopted Conditions of Approval:**

- B. On July 13, 2006, the Planning Commission approved the **Special Permit** to allow a gas station convenience store to sell alcoholic beverages for off-site consumption in the General Commercial (C-2-PUD) Zone subject to the following conditions:

**GENERAL:**

- B1. The applicant shall obtain all necessary licenses from the Department of Alcoholic Beverage Control (ABC) prior to commencing sales of alcoholic beverages.
- B2. A minimum of two (2) employees of the Raley's / Bel Air Corporation shall be present in the convenience store during all business hours.
- B3. Business hours shall be limited from 6:00 AM to 11:00 PM, seven days a week.

**POLICE DEPARTMENT:**

- B4. Beer, ale and/or malt liquor shall be sold in manufacturer packaging only, and containers of 16 oz. or less cannot be sold in single units and shall not be sold in quantities of less than one manufacturer six-pack
- B5. Wine coolers, whether made with wine or malt products, in containers of 16 oz. or less, cannot be sold in single-unit containers and shall not be sold in quantities of less than manufacturer packs of four.
- B6. The sale of wine shall be limited to bottles no smaller than 750 ml., except for wine-based coolers.
- B7. No advertising of beer or wine sales shall be allowed on any exterior signage or window signs on the site.
- B8. The words "beer", "wine", or "liquor" shall not appear in the name of the business or on any signage on the site.
- B9. The applicant shall install buzzers on doors of all cold boxes containing alcoholic beverages to notify the store clerk when the doors are open.