



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

300 Richards Blvd., 3rd Floor, Sacramento, CA 95811

Project Name: Cheers Bar and Grill
Project Number: P08-021
Project Location: 1620 West El Camino Avenue
Assessor's Parcel No.: 274-0410-005
Applicant: Scott Stevens, 916-759-5879
Action: Items A and B approved. Action Date: June 26th, 2008

**REQUESTED
ENTITLEMENT(S):**

- A. **Environmental Determination:** Categorical Exemption pursuant to CEQA Guidelines Section 15301;
- B. **Special Permit** for the sale of alcoholic beverages for on-site consumption.

ACTIONS TAKEN: On 06/26/2008, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

Action certified by: 
for David Kwong, Planning Manager

Sent to Applicant: 06/26/2008

By: 
Staff Signature

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

(SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); 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 300 Richards Blvd., 3rd Floor, within 10 calendar days of this meeting, on or before 07/07/2008. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

A. Environmental Determination: Categorically Exempt

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under Section number 15301, Existing Facilities of the California Environmental Quality Act Guidelines as follows:

This project consists of a Special Permit for existing Type 48 liquor license for existing bar.

This project consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

B. The Special Permit for the sale of alcoholic beverages for on-site consumption is approved subject to the following Findings of Fact and Conditions of Approval:

1. The project, will not adversely affect the peace or general welfare of the surrounding neighborhood in that the bar and grill has been in operation at the same location since 1996 and caters to a local clientele. The bar had one citation issued in 2006 for serving alcoholic beverage to a minor (decoy) for which their ABC license was suspended for 15 days. A penalty fee of \$3,000 was paid in lieu of the suspension and currently no active disciplinary action is in effect. Since that

time, there is no record of additional infractions.

To maintain the peace the bar employs security guards all nights of the week from 9 p.m. to close with one guard on-duty from Sunday through Thursday and two guards on duty both Friday and Saturday nights. The Police Department has conditioned the bar to keep the front doors of the establishment closed at all times except in the case of an emergency thereby minimizing noise intrusion into the area.

2. The project will not result in an undue overconcentration of establishments dispensing alcoholic beverages in that of the 38 on-sale alcoholic beverage licenses, distributed throughout the 95833 zip code area, just four (4) of the licenses are for bars exclusive of food sales.
3. The project will not enlarge or encourage the development of a skid row or blighted area in that the bar is within the Creekside Oaks PUD and is part of an established shopping center that is well maintained. Additionally, the land area designated for shopping center use, both in the community plan and in the PUD, was designed to ensure a balance between the supply and demand of commercially zoned property available in the area providing incentive for the shopkeepers to maintain their establishments in good order.
4. The project will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project site is not within a redevelopment or neighborhood conservation area. The nearest grade school is approximately one-half mile distant from the shopping center and the Natomas High School is over a mile away near the intersection of Truxel and San Juan roads.

Conditions Of Approval

B. Special Permit: The **Special Permit** for the sale of alcoholic beverages for on-site consumption is approved subject to the following conditions of approval:

Police Department

1. The front doors shall be kept closed at all times during the operation of the premises except in cases of emergency.
2. Entertainment provided shall not be audible beyond the area under control of the licensee(s).
3. Between the hours of 9:00 p.m. and 2:00 a.m. or at any time the premises are providing entertainment, the licensee shall provide two uniformed security guard(s), licensed by the California State Department of Consumer Affairs, in the parking lot and shall maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby neighbors.

