



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

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Old Sacramento General Store
Project Number: P08-107
Project Location: 1019 2nd Street
Assessor's Parcel No.: 006-0073-047
Applicant: Hossein Entezari
Action Status: Approved Action Date: 01/22/08

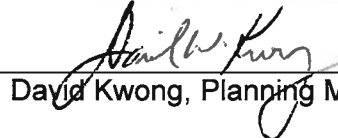
**REQUESTED
ENTITLEMENT(S):**

- A. Environmental Determination: Exempt per CEQA Section 15061(b)(3)
- B. Special Permit to allow beer and wine sales in the Central Business District (C-3) zone.

ACTIONS TAKEN: On 01/22/09, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval:

- A. Environmental Determination: Exempt per CEQA Section 15061(b)(3)
- B. Approved the Special Permit to allow beer and wine sales in the Central Business District (C-3) zone.

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 01/23/2009

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 Design 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 07/03/06. 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:

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 CEQA Guidelines Section 15061(b)(3), Review for Exemption of the California Environmental Quality Act Guidelines as follows:

This project consists of a request to obtain permission to sell beer and wine in an existing retail store in the Central Business District (C-3) zone. The project will require a Special Permit for alcohol sales.

A project is exempt from CEQA if the activity is covered by the general rule that CEQA applies to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

B. The Special Permit for beer and wine sales in an existing retail store in the Central Business District (C-3) zone is hereby approved based upon the following findings:

- 1) The proposed use will not adversely affect the peace or general welfare of the surrounding area, in that the project is conditioned to minimize any potential negative activity that could result from the sale of alcohol by the business;
- 2) The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages, in that there are no other permits for off-site alcohol sales within Old Sacramento and the Police Departments has issued and required Letter of Public Convenience and Necessity;

- 3) The proposed use will not enlarge or encourage the development of a skid row or blighted area, in that the project is conditioned consistent with the applicant's intent to have the off-site alcohol sales cater primarily to Old Sacramento tourists and visitors;
- 4) The proposed use, in providing a convenience amenity for visitors will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the proposal does not conflict with the Retail, Entertainment and Tourism Strategy, outlined in the 2005 Downtown Sacramento Redevelopment Strategy, which simply states that "Old Sacramento will do fine if it refreshes its attractions and makes sure visitors have a pleasant experience every time."

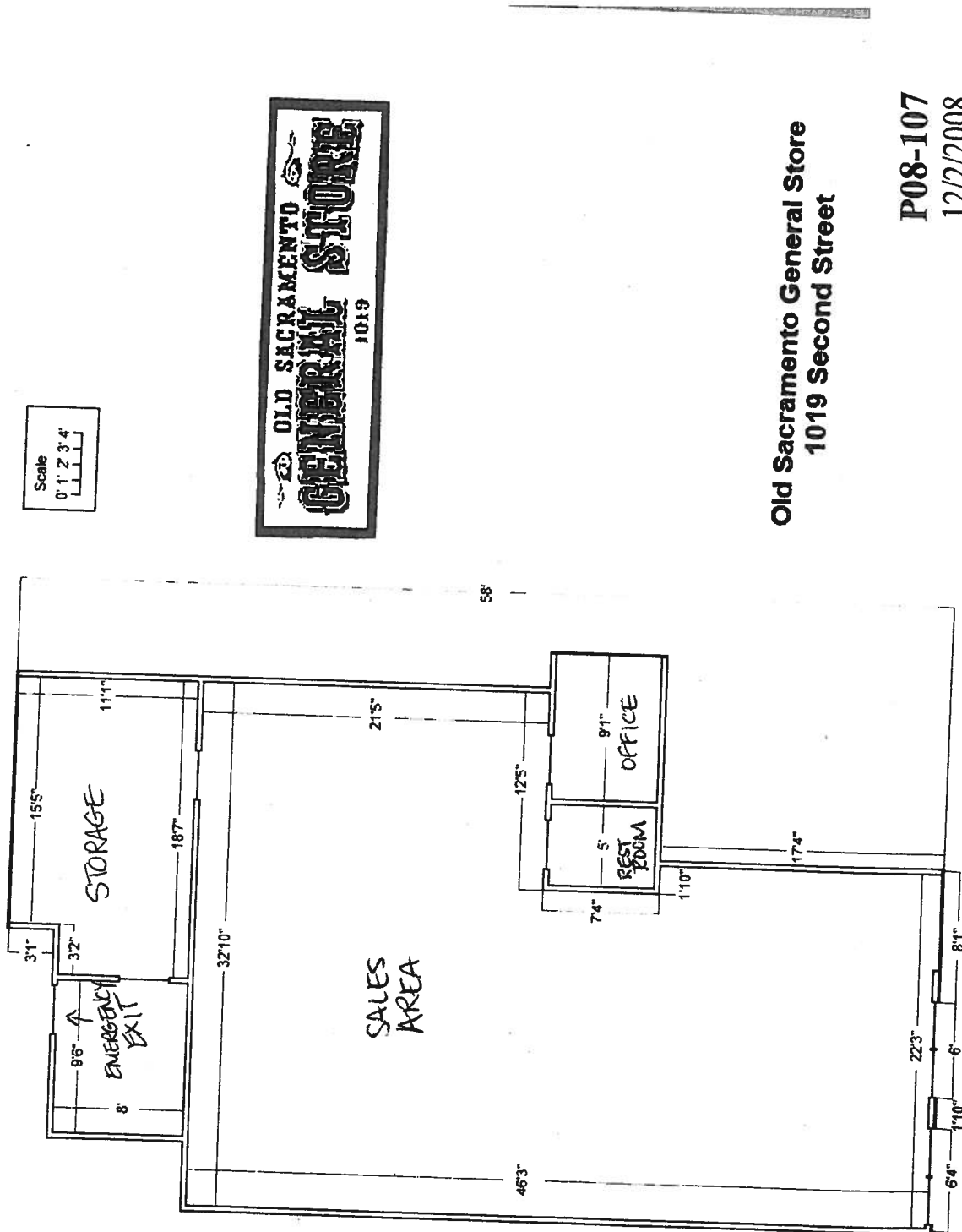
Conditions Of Approval

- B. The Special Permit for beer and wine sales in an existing retail store in the Central Business District (C-3) zone is hereby approved subject to the following conditions of approval:

POLICE

- B1. The sale of fortified wines is prohibited.
- B2. The sale of alcoholic beverages shall only be permitted between the hours of 9:00 a.m. and 9:00 p.m.
- B3. There shall be no cups, glasses, or similar receptacles commonly used for the drinking of beverages sold, furnished, or given away at the premises in quantities of less than twenty-four in their original multi-container package.
- B4. Beer, malt beverages, and wine coolers shall not be sold in single units regardless of size. At no time shall a single unit be sold individually, or in conjunction with another brand/size container.
- B5. The sale of wine shall be in bottles or containers no smaller than 750 ml., except for wine based coolers.
- B6. No wine shall be sold with an alcoholic content greater than 15% by volume.
- B7. No alcoholic beverages shall be consumed on any property adjacent to the licensed premises under the control of the licensee.
- B8. No more than 5% of the square footage of the premises will be used for the sale of alcoholic beverages (Storage areas are not included in this calculation).
- B9. Refrigerated alcohol shall be limited to a maximum of one 7 foot wide (3-door) refrigerator. This shall be in addition to the 5% of square footage allowed in condition B8.

Exhibit 1A-Site Plan



P08-107
12/2/2008

Old Sacramento General Store
1019 Second Street