



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

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

Project Name:	7900 Fruitridge Alcohol Sales	
Project Number:	P09-010	
Project Location:	7900 Fruitridge Road	
Assessor's Parcel No.:	027-0081-040	
Applicant:	Karim Sereis, Sereis Corp-Choice Gas	
Action Status:	Approved	Action Date: 9/24/2009

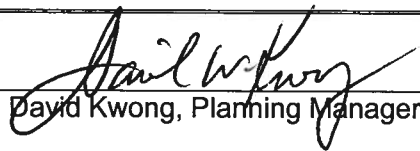
**REQUESTED  
ENTITLEMENT(S):**

A request to sell alcohol for off-site consumption at an existing gas station/market on approximately 0.64 acres in the General Commercial (C-2) zone located at 7900 Fruitridge Road

**ACTIONS TAKEN:**

A. Environmental Determination: Exempt (CEQA Guidelines Section 15301);	Approved
B. Special Permit to allow the sale of alcoholic beverages for off-site consumption from an existing gas station/market in the General Commercial (C-2) zone.	Approved

Action certified by:

  
David Kwong, Planning Manager

Sent to Applicant: 9/28/2009

By:   
Antonio Ablog

**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 10/5/2009. If the 10<sup>th</sup> day falls on a Sunday or holiday, the appeal may be filed on the following business day.

**Attachment 1**  
**Approved Findings of Fact and Conditions of Approval**  
**7900 Fruitridge Alcohol Sales (P09-010)**  
**7900 Fruitridge Road, Sacramento**

**Findings of Fact**

**A. Environmental Determination: Exemption**

1. 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 15301, Existing Facilities, of the California Environmental Quality Act, as follows:
  - a. This project consists of the minor alteration of an existing structure by using the building for commercial/retail purposes.

**B. The **Special Permit** to allow the sale of alcoholic beverages for off-site consumption from an existing gas station/market on approximately 0.64 acres in the General Commercial (C-2) zone is **approved** subject to the following Findings of Fact:**

1. The proposed use, as conditioned, is not anticipated to adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood since conditions have been placed on the project restricting the quantities/volume of sale, hours of sale, and requiring video surveillance of the property.
2. The proposed use will not result in overconcentration of establishments dispensing alcoholic beverages within the general vicinity.
3. The proposed use will not enlarge or encourage the development of skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project consists of an additional use in a pre-existing building that is consistent with applicable General Plan and Fruitridge Broadway Community Plan policies.

**Conditions of Approval**

- B. The **Special Permit** to allow the sale of alcoholic beverages for off-site consumption from and existing gas station/market approximately 0.64 acres in the General Commercial (C-2) zone hereby **approved** subject to the following conditions:

**Police**

- B1. The main cashier counter shall be equipped with a central station silent robbery alarm system and a telephone.
- B2. Alcohol sales are limited to the hours between 6 A.M. and 11 P.M.
- B3. Beer, ale, and/or malt beverages shall be sold in original factory packages of a six pack or greater, except malt based coolers. At no time, shall a single unit be sold individually, nor in conjunction with another brand/size container of beer and/or malt beverage to constitute a six-pack or larger quantity.
- B4. Wine and/or wine coolers must be sold in no less than 750 ml containers or 4-pack containers.
- B5. No distilled spirits shall be sold.
- B6. Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- B7. Height markers which display height measures are required on the interior doorway of the business.
- B8. All exterior lighting fixtures shall be maintained and operational.
- B9. No public telephone/pay phone shall be allowed on the premises.
- B10. All exterior signs shall comply with PUD Guidelines, City of Sacramento Codes, and Ordinances.
- B11. Window signage is a barrier to security because it prevents officers and citizens who are passing by from seeing inside the business. Interior window signage shall comply with PUD Guidelines, City of Sacramento Codes, and Ordinances.
- B12. The applicant shall post the property No Trespassing / No Loitering in accordance with section 602(k) of the California Penal Code, and sign an enforcement agreement with the police department to prosecute all violators.
- B13. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. The proprietor, or their agent, shall immediately disperse anyone drinking on the property in order to prevent nuisance or unreasonable interference with adjacent properties.

- B14. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.
- B15. There shall be no video/arcade machines maintained upon the premises at any time.
- B16. All dumpsters must be kept locked.
- B17. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- B18. Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances.
- B19. The recording device shall be a digital video recorder (DVR) capable of storing a minimum of 7 days worth of activity. (A DVR capable of storing 30 days worth of activity is preferable.)
- B20. The DVR must be kept in a secured area that is accessible only to management.