



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

300 Richards Boulevard, Sacramento, CA 95811

Project Name: Naked Lounge Alcohol Sales
Project Number: P09-021
Project Location: 1111 H Street, Sacramento, CA 95814
Assessor's Parcel No.: 002-0156-024
Applicant: Chris Pendarvis, Naked Coffee/My Friend William, Inc., (916) 804-5624,
1500 Q Street, Sacramento, CA 95814
Action Status: Approved with amended conditions Action Date: 07/23/09

REQUESTED ENTITLEMENT(S): A. Environmental Determination: Categorical Exemption pursuant to CEQA Guidelines Section 15301; and
B. Special Permit to allow the sale of an alcoholic beverage in a coffee shop in the General Commercial (C-2) zone.

ACTIONS TAKEN: On 07/23/09, 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) with amended conditions.

Action certified by:


David Kwong, Planning Manager

Sent to Applicant: 07/27/2009

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 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 08/03/09. 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: 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 an alcoholic beverage in a coffee shop 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 hours of sale and limiting sale to on premise consumption only.
2. There is not a high concentration of establishments dispensing alcoholic beverages in the general vicinity of the project. The proposed use is also located in the Cultural and Entertainment District in which the City supports entertainment facilities to create a vibrant 24-hour city.

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 is a result of redeveloping a pre-existing building and the use is consistent with applicable General Plan and Central City Community Plan policies.

Conditions Of Approval

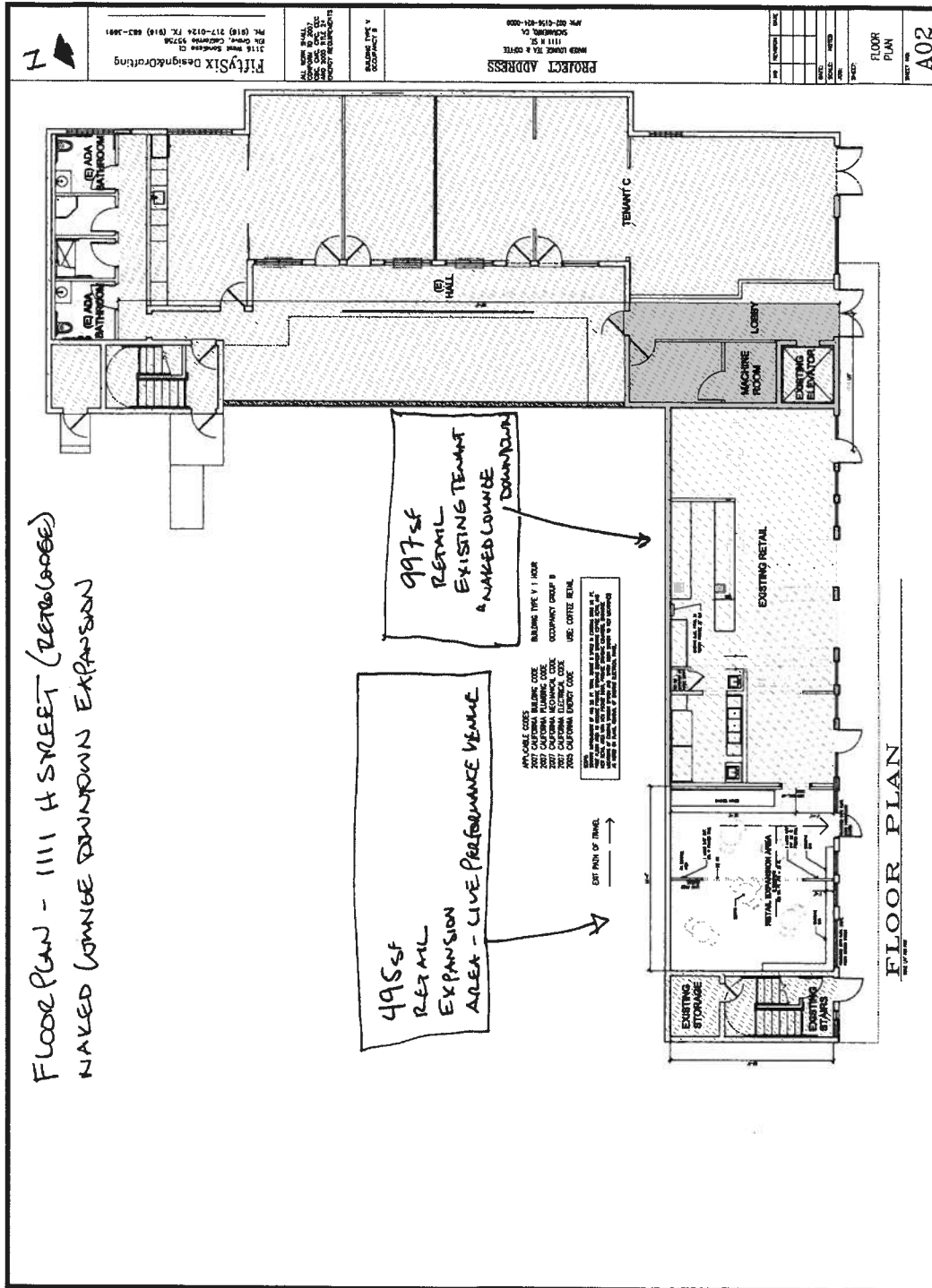
- B. The **Special Permit** to allow the sale of alcoholic beverage in a coffee shop in the General Commercial (C-2) zone is hereby **approved** subject to the following conditions:

General

- B1. If necessary, applicant shall obtain an entertainment permit from the Business Compliance Division of the Code Enforcement Department.

Police

- B2. ***Sales, service and consumption of alcoholic beverages, consistent with a Type 40 license, shall be permitted only between the hours of 12:00 p.m. (noon) to 12:00 a.m. (midnight). (Amended by Planning Commission on July 23, 2009)***
- B3. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
- B4. ***Petitioner(s) shall not allow their patrons or the general public to loiter or congregate on the City sidewalks or any property adjacent to the 1111 H Street property (RetroLodge Project). The 1111 H Street property includes the building, parking lot, patio area, and private sidewalk located between the building and parking lot. (Amended by Planning Commission on July 23, 2009)***



FLOOR PLAN - 1111 H STREET (ZERO BASE)
NAKED LOUNGE DOWNPOUR EXPANSION