



# REPORT TO PLANNING COMMISSION City of Sacramento

# 5

915 I Street, Sacramento, CA 95814-2671

**PUBLIC HEARING**  
**September 8, 2011**

To: Members of the Planning Commission

**Subject: Capitol Beer and Tap Room (P11-031)**

A request to establish a 1,583 square foot beer tasting room with alcohol sales for both onsite and offsite consumption in the Shopping Center (SC-PUD) zone and located in the Campus Commons Planned Unit Development.

- A.** Environmental Determination: Exempt (CEQA Guidelines Section 15061(b)(3), No Significant Effect);
- B.** Special Permit to allow an onsite beer tasting room on approximately 7.66 acres in the Shopping Center (SC-PUD) zone and located in the Campus Commons Planned Unit Development;
- C.** Special Permit to allow retail alcohol sales for offsite consumption on approximately 7.66 acres in the Shopping Center (SC-PUD) zone and located in the Campus Commons Planned Unit Development.

**Location/Council District:**

2220 Fair Oaks Boulevard, Suite B, Sacramento, CA

Assessor's Parcel Number 295-0381-003

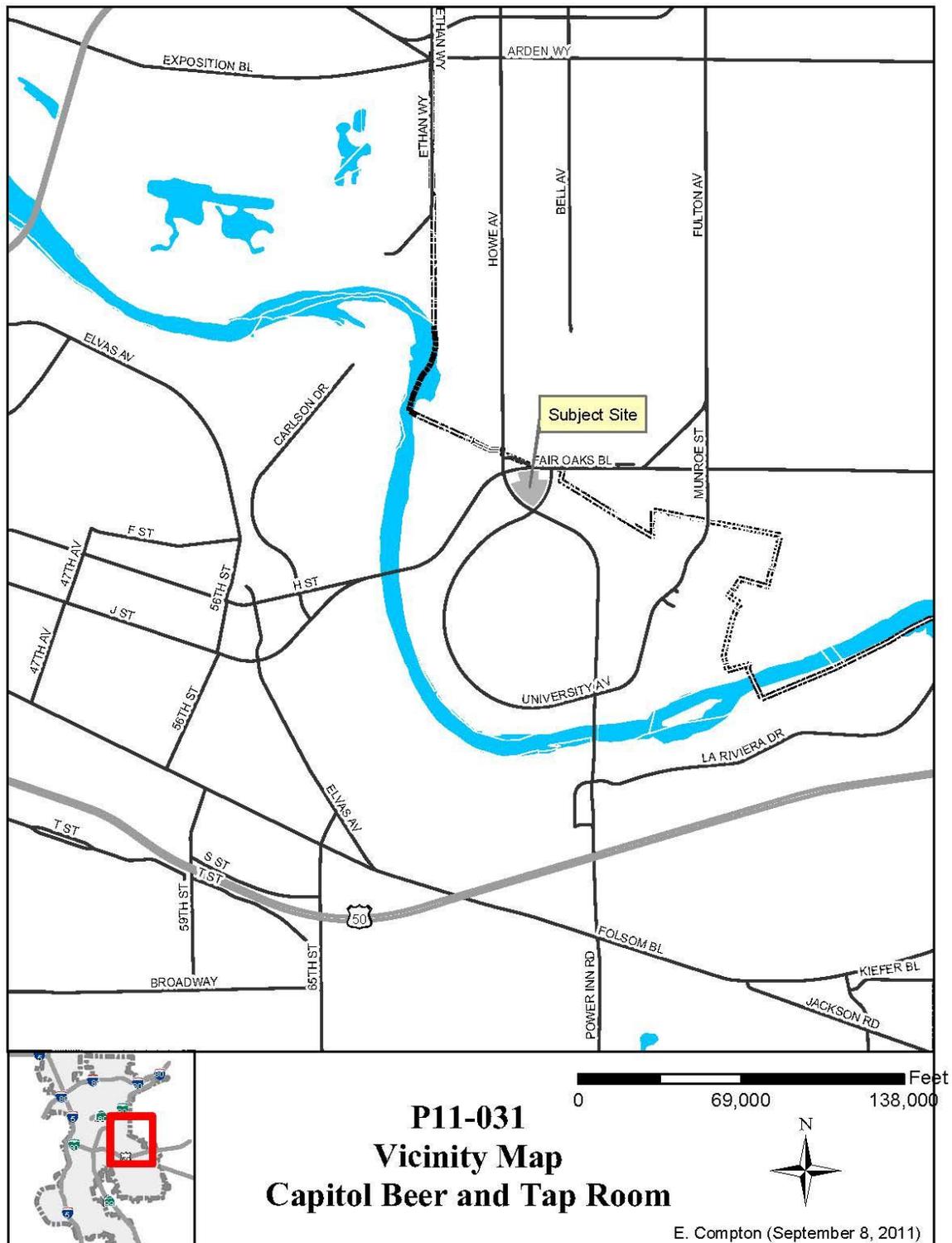
Council District 3

**Recommendation:** Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A-C above, and its decision is appealable to City Council.

**Contact:** Evan Compton, Associate Planner, (916) 808-5260  
Stacia Cosgrove, Senior Planner, (916) 808-7110

**Applicant:** Darryl Chinn, Darryl Chinn Architects, (916) 761-6956, 2612 J Street, Suite #2, Sacramento, CA 95816

**Owner:** Capitol Beer and Tap Room LLC, (Partners of LLC: Patti Aguirre and Ken Hotchkiss), 2025 S Street, Suite 201, Sacramento, CA 95811



**Summary:** The site is currently developed with a shopping center with multiple buildings and tenant spaces. The applicant is requesting to establish a 1,583 square foot beer tasting room with alcohol retail sales in an existing 13,600 square foot multi-tenant building. **At the time of writing this report, there were no outstanding issues or concerns regarding the project.**

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Employment Center Mid Rise (FAR .35 to 2.0)
<b>Existing zoning of site:</b> Shopping Center (SC-PUD)
<b>Existing use of site:</b> Retail Shopping Center
<b>Property area:</b> 333,670 square feet or 7.66± acres

**Background and Entitlement History:** On October 22, 1968 the City Planning Commission adopted Resolution #79 establishing the Campus Commons Planned Unit Development (PUD). On February 13, 1973 the Planning Commission approved a Special Permit to development a shopping center and an amendment to the sign criteria.

**Public/Neighborhood Outreach and Comments:** An early notice was sent to the Sierra Oaks Neighborhood Association and the Campus Commons Homeowner's Association on June 13, 2011. Public hearing notices were mailed to property owners within 500 feet of the subject site, the Sierra Oaks Neighborhood Association, and the Campus Commons Homeowner's Association. The site was also posted more than ten days in advance of the public hearing. Staff had not received any comments at the time of writing this report.

**Environmental Considerations:** The Environmental Services Manager has determined the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15061(b)(3)). This section states the activity is not subject to CEQA 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.

**Policy Considerations:** The subject site is designated as Employment Center Mid Rise on the General Plan Land Use and Urban Form Diagram. Employment Center Mid Rise areas play a critical role in accommodating new businesses and creating new jobs. The combination of high-density buildings and low site coverage in existing employment centers provides the opportunity for new infill development in these areas with complementary uses that transforms the existing single use areas into more self-sufficient mixed-use areas with reduced dependence on automobile transportation.

#### 2030 General Plan Policies:

**Cultural and Entertainment Centers.** *The City shall actively support the development of cultural, education, and entertainment facilities and events in the city's centers to attract visitors and establish a unique identity for Sacramento. (LU 5.1.3)* Staff finds that

business will provide an opportunity for the community to sample craft beers and local brews, host tastings with expert brewmasters from California, and sell industry magazines in the retail store.

**Development Review.** *The City shall continue to include the Police Department in the review of development projects to adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles. (PHS 1.1.7)* The Police Department reviewed the proposal, issued a letter of Public Convenience or Necessity, and has placed conditions of approval on the project to address safety issues.

### **Alcohol Beverage Control (ABC) License:**

The applicant is seeking both Type 20 (Off Sale Beer and Wine) and Type 42 (On Sale Beer and Wine-Public Premises) licenses. The Type 20 license authorizes the sale of beer and wine for consumption off the premises where sold. The Type 42 license authorizes the sale of beer and wine for consumption on or off the premises where sold. No distilled spirits may be on the premises. Minors are not allowed to enter and remain. Food service is not required although the applicant is proposing a small deli with cheeses, fine dips, deli cuts, chocolate, and beer appropriate snacks.

The State Department of Alcohol and Beverage Control (ABC) determined this project is located in an area deemed to be overconcentrated with alcohol licenses. This figure is based on licenses issued per number of residents in the area.

Census Tract 54.04 includes the area bounded by Fair Oaks on the north, Howe Avenue on the west, the American River on the south, and Estates Drive on the east. Most of the census tract is located in the County of Sacramento with the exception of the westernmost portion which includes the University Shopping Center site.

Due to the overconcentration, the applicant applied to the Chief of Police for a letter of public convenience or necessity as required by ABC. The Police Department conducted an investigation as prescribed in the City Code Section 5.08 and noticed residents and property owners within 1,000 feet of the project site. The Police Department finished their review and issued a letter of public convenience or necessity. (See Attachment 4)

### **Land Use**

The applicant proposes to sell alcoholic beverages for offsite consumption in addition to serving alcohol onsite for a bar/tasting room. A Planning Commission Special Permit is required for the alcohol sales for offsite consumption because the store is less than 15,000 square feet and the shelf space allocated to alcoholic beverages exceeds ten percent of the total shelving in the store. The bar/tasting room serving alcohol onsite also requires a Planning Commission Special Permit. Per Section 17.24.050(40) of the zoning code, the Planning Commission is required to consider whether the proposed retail sales and bar/tasting room will detrimentally affect nearby residentially zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care

centers, and social welfare institutions. There are two residential care facilities and apartments located to the north of Fair Oaks Boulevard in the County of Sacramento which is approximately 130 feet from the subject site. Table 2 below provides information regarding uses in the general vicinity of the subject site. Staff is unaware of any churches, schools, hospitals, parks, playgrounds, day care centers or social welfare institutions within 500 feet of the subject site.

<b>Land Use</b>	<b>Location</b>	<b>Estimated Distance from Site</b>
Asbury Park Nursing and Rehab	2257 Fair Oaks Boulevard	130 feet
Residential Apartments	2241 Fair Oaks Boulevard	130 feet
Gardens Health Care	2221 Fair Oaks Boulevard	165 feet
Campus Commons Residential Units	University Avenue and Howe Avenue	265 feet
Mosaic Law Congregation	2300 Sierra Boulevard	900 feet
Episcopal Diocese of Northern California	350 University Avenue	905 feet
Kaiser Permanente Medical Offices	2345 Fair Oaks Boulevard	1125 feet
American River Parkway	Cadillac Drive and Feature Drive	1505 feet

In evaluating special permit proposals of this type, the Planning Commission is required to make the following findings:

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that: a) the alcohol related use is located at the intersection of major streets including Howe Avenue and Fair Oaks Boulevard, b) the closest residential uses are located on the north side of Fair Oaks Boulevard which is approximately 130 feet away from the subject site, and c) the business has been conditioned to restrict a minimum bottle size and packaged quantity for sales.

2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the Police Department has reviewed the project and issued a letter stating that Public Convenience or Necessity is served.
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the establishment a) allows a business to occupy a vacant tenant space in a shopping center; and b) the business has limited hours of operation.
4. The proposed use will not be contrary to the General Plan which designates the site as Employment Center Mid Rise because it allows commercial, retail, and service uses.

Staff believes that the Planning Commission can make adequate findings as required to approve the project. Staff does not have any objections to the requested entitlements.

### Access, Circulation and Parking

The 7.66± acre site shares two driveways along Fair Oaks Boulevard, two driveways along University Avenue, and two driveways along Howe Avenue. The existing design minimizes curb cuts along the street frontages and allows shared access with the multiple buildings on the site. There is no requested change to the driveways with the current proposal.

The proposed tenant space for the Capitol Beer and Tap Room is located in a building that is part of the University Shopping Center. The shared parking for the entire shopping center was reviewed and it was determined there is adequate parking onsite for the Capitol Beer and Tap Room. The chart below indicates there are 13 surplus parking spaces on the site since the uses require 386 spaces but there are currently 399 spaces in the shared parking lot.

<b>Tenant</b>	<b>Address</b>	<b>Required Parking</b>	<b>Proposed Parking</b>	<b>Difference</b>
AT&T Wireless	2228 Fair Oaks	1/250 for 2,145 sqft	9	No
Country Waffles	2244 Fair Oaks	1 per 3 seats for 140 seats	47	No
701 Salon	448 Howe Avenue	1/250 for 2,298 sqft	9	No
Banderas	2232 Fair Oaks	1/250 for 6,364 sqft*	25	No

Citibank	436 Howe Avenue	1/400 for 2,423 sqft	10	No
Eastern Empire	460 Howe Avenue	1 per 3 seats for 89 seats	30	No
Greek Village Inn	65 University Avenue	1/250 for 1,770 sqft	7	No
CVS Pharmacy	400 Howe Avenue	1/250 for 5,600 sqft	22	No
Morrow's Tailor	482B Howe Avenue	1/250 for 750 sqft	3	No
New Life Shoe Repair/Gregory Jewelry	480 Howe Avenue	1/250 for 780 sqft	3	No
Pat Davis Design	442 Howe Avenue	1/250 for 1,112 sqft	4	No
Safeway Store	424 Howe Avenue	1/250 for 27,336 sqft	109	No
Sleep Well	2216B Howe Avenue	1/250 for 2,922 sqft	12	No
Starbucks	458 Howe Avenue	1 per 3 seats for 28 seats	9	No
Swanson Cleaner	69 University Avenue	1/250 for 1,175 sqft	5	No
Perfect Eyebrow	466 Howe Avenue	1/250 for 921 sqft	4	No
Thorne Realty Office	478 Howe Avenue	1/275 for 976 sqft	4	No
Tokyo Fro's	2224 Fair Oaks Avenue	1 per 3 seats for 80 seats	27	No
University Capital Management Office	472 Howe Avenue	1/275 for 894 sqft	3	No

University Village Copy	446 Howe Avenue	1/250 for 1,390 sqft	6	No
Sacramento Medical Oasis	440 Howe Avenue	1/200 for 1,200 sqft	6	No
Capitol Beer and Tap Room	2220 Fair Oaks Boulevard	1 per 3 seats for 41 seats	14	No
Urgent Care	484/482A Howe Avenue	1/200 for 4,759 sqft	19	No
<b>Totals:</b>			386 spaces	399 spaces

\*The Zoning Code allows up to 10% of the gross square footage of tenant spaces in a shopping center to be occupied for restaurant at a retail ratio of 1/250 therefore only that portion of restaurant beyond 10% is subject to the restaurant ratio of 1 per 3 seats.

**Building design and signage**

No exterior modifications or site improvements are proposed as a part of this project. Any new exterior signage is required to meet city code requirements. Any future signage will require a sign permit.

**Conclusion:** Staff recommends approval of the project since the proposal: a) provides a cultural, educational, and entertainment experience involving beer tasting at a prominent intersection of two major streets; b) locates a business in a vacant tenant space within a well established shopping center; and c) has been reviewed and conditioned by the Police Department who issued a letter of public convenience or necessity.

Respectfully submitted by:   
 EVAN COMPTON  
 Associate Planner

Approved by:

  
 STACIA COSGROVE  
 Senior Planner

Recommendation Approved:

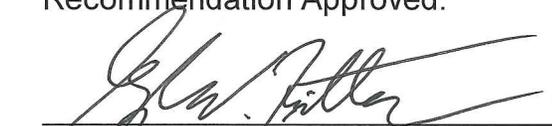
  
 GREGORY BITTER, AICP  
 Principal Planner

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**Attachment 1**  
**Proposed Findings of Fact and Conditions of Approval**  
**Capitol Beer and Tap Room (P11-031)**  
**2220 Fair Oaks Boulevard, Suite B**

**Findings Of Fact**

**B. 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 **Section 15061 No Significant Effect** of the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**B/C.** The **Special Permits** to establish a beer tasting room and retail alcohol sales for offsite consumption in the Shopping Center (SC-PUD) zone and located in the Campus Commons Planned Unit Development are **approved** subject to the following Findings of Fact:

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood in that: a) the alcohol related use is located at the intersection of major streets including Howe Avenue and Fair Oaks Boulevard, b) the closest residential uses are located on the north side of Fair Oaks Boulevard which is approximately 130 feet away from the commercial tenant space, and c) the business has been conditioned to restrict a minimum bottle size and packaged quantity for sales.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the Police Department has reviewed the project and issued a letter stating the Public Convenience or Necessity is served.
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area in that the establishment a) allows a business to occupy a vacant tenant space in a shopping center; and b) the business has limited hours of operation.
4. The proposed use will not be contrary to the General Plan which designates the site as Employment Center Mid Rise because it allows commercial, retail, and service uses.

**Conditions Of Approval**

The **Special Permits** to establish a beer tasting room and retail alcohol sales for offsite consumption in the Shopping Center (SC-PUD) zone and located in the Campus

Commons Planned Unit Development are **approved** subject to the following conditions of approval:

Planning

1. A sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the building storefront as a Good Neighbor Policy measure. The contact person shall be responsible for coordinating with nearby businesses and residents to ensure there is no detrimental noise, light, or other issues that would affect their peace and welfare.
2. Should the tasting room be eliminated in the future, additional planning review and approval shall be required to operate a standalone bar.
3. Any expansion of the retail sales area beyond the proposed 420 square feet shall require additional planning review and approval.
4. Any expansion of the tasting area beyond the proposed 394 square feet or 41 seats shall require additional planning review and approval.
5. A signed copy of the Affidavit of Zoning Code Development Standards and each of the pages of this Record of Decision shall be scanned and inserted as a general sheet(s) in the plan set for any building permit submittal associated with this project.

Sacramento Area Sewer District

6. The property is currently connected to public sewer. Sewer service shall continue to be provided by SASD infrastructure to the existing sewer service lateral. Required modifications, if any, shall be to the satisfaction of SASD. SASD design standards shall apply to any sewer construction and/or modification.
7. Additional sewer impact fees will be required and shall be paid before the issuance of a building permit.

Police

8. The main cashier counter shall be equipped with a central station silent robbery alarm system and a telephone.
9. Whenever alcohol is sold, served, or consumed, there shall be an employee on site who has completed the California Department of Alcoholic Beverage Control Licensee Education On Alcohol and Drugs training course: <http://www.abc.ca.gov/programs/lead.html> (If California ABC ceases to offer the course, this condition is null. )
10. Alcohol sales shall be limited to the hours between 11AM and 9PM Monday through Thursday, 11AM and 12PM Friday and Saturday, and 11AM and 6PM on Sunday.

- 11.** 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 smaller than 24 ounces be sold individually for off sale consumption.
- 12.** Wine and/or wine coolers for off sale consumption shall be sold in no less than 750 ml containers or 4-pack containers.
- 13.** No distilled spirits shall be sold.
- 14.** Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- 15.** All exterior lighting fixtures shall be maintained and operational.
- 16.** No public telephone/pay phone shall be allowed on the premises.
- 17.** The proprietor, or their agent, shall immediately disperse anyone drinking on the property in order to prevent nuisance or unreasonable interference with adjacent properties.
- 18.** 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.
- 19.** There shall be no video/arcade machines maintained upon the premises at any time.
- 20.** All dumpsters shall be kept locked.
- 21.** The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
- 22.** Closed-circuit color video cameras shall be employed to monitor the cash registers and the entrances.
- 23.** 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.)
- 24.** The DVR shall be kept in a secured area that is accessible only to management.

Advisory Notes:

*Planning*

ADV1. Any modification to the attached plans shall be subject to review and approval by Planning Department staff prior to the issuance of building permits.

*Solid Waste*

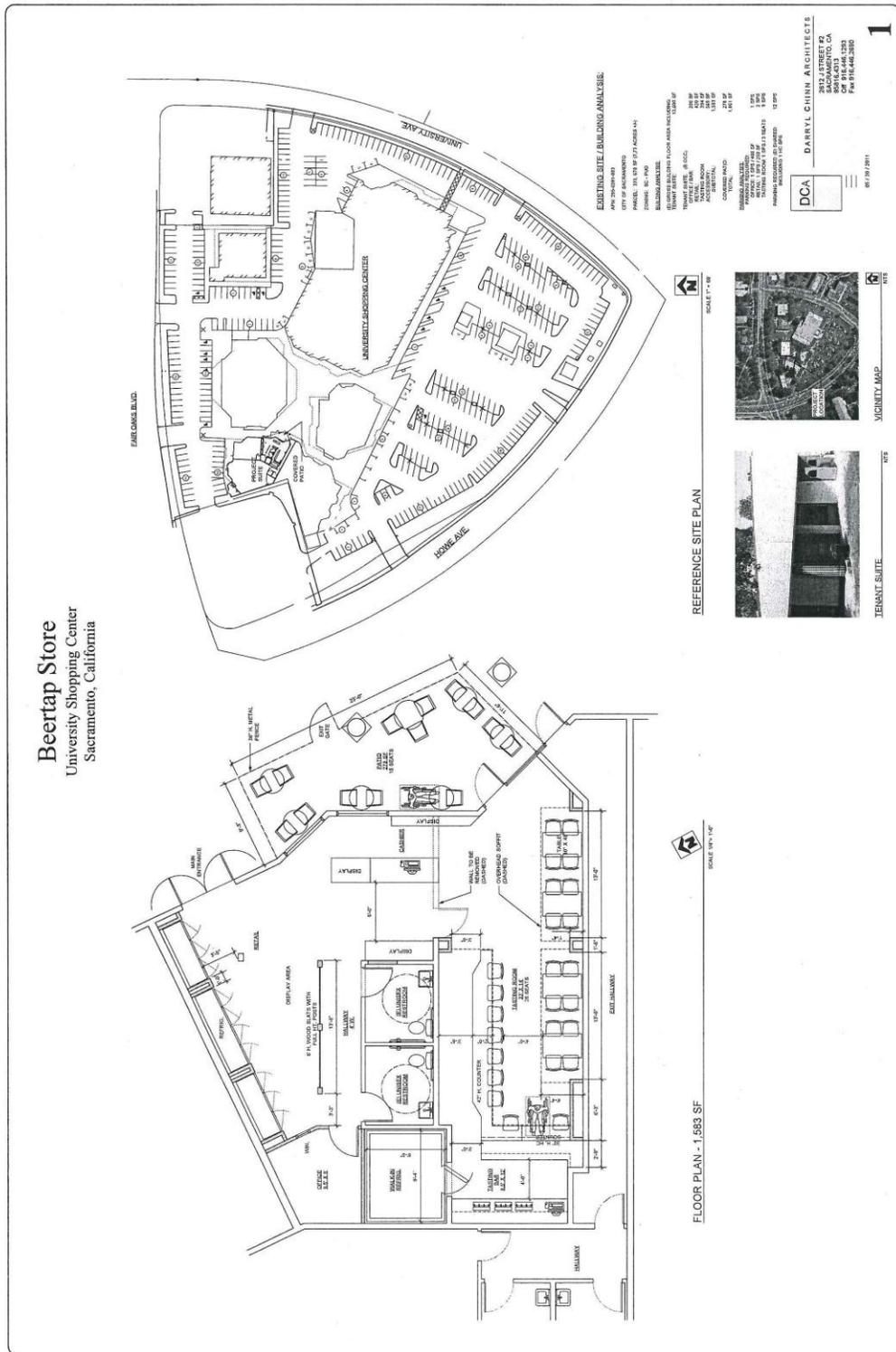
ADV2. The project shall meet the city code requirements outlined in Chapter 17.72 (Recycling and Solid Waste Disposal Regulations).

*Police*

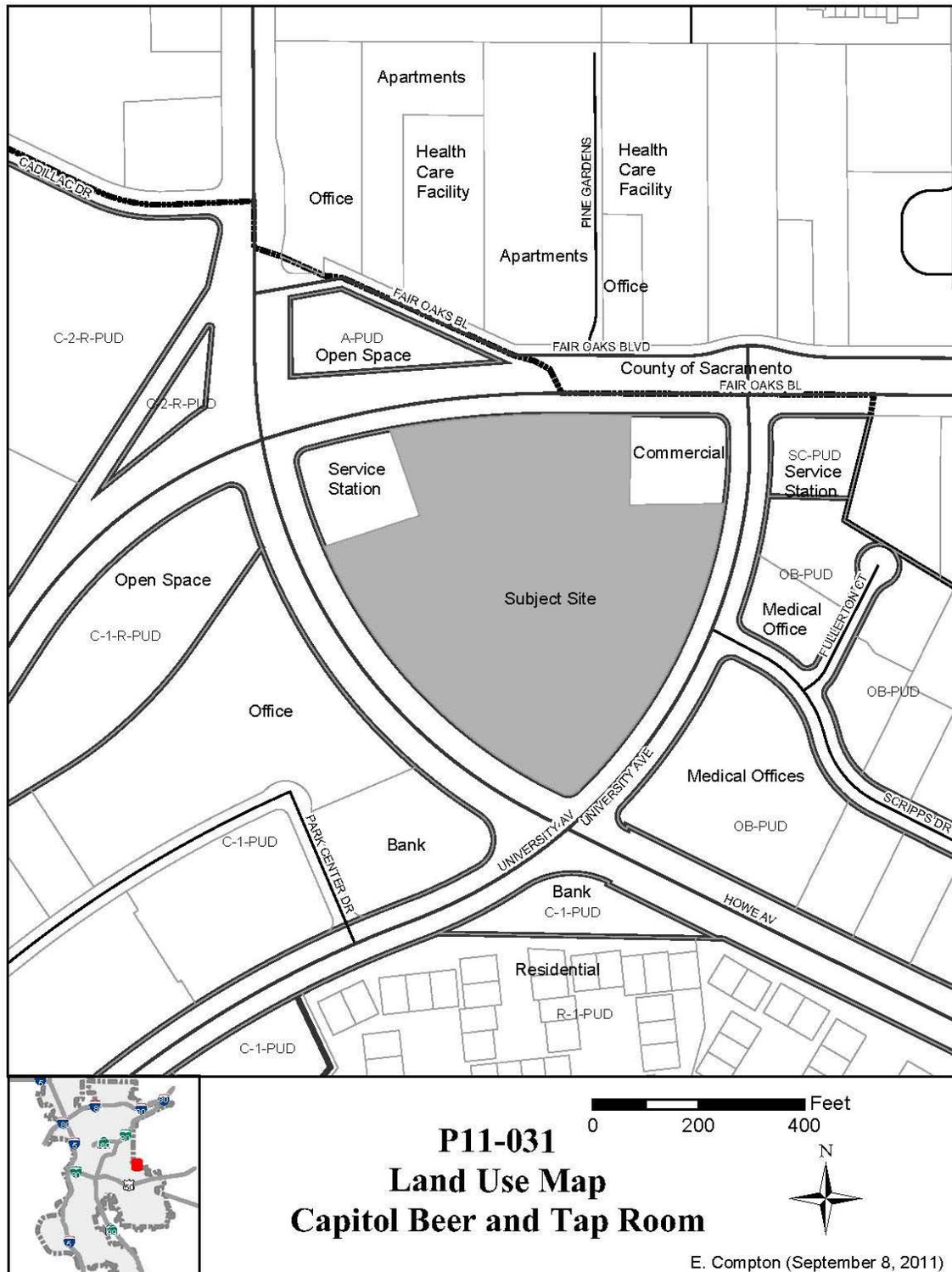
ADV3. Television style monitors should be mounted in a visible location near the entrance so that patrons can clearly see their activities are being monitored when they come through the front door.

ADV4. Closed-circuit color video cameras should also be used in the parking lot area to create comprehensive coverage. Parking lot cameras often make an immense difference during the investigation of a crime.

Exhibit A: Site and Floor Plan



Attachment 2: Land Use and Zoning Map





Attachment 4: Public Convenience or Necessity Letter



DEPARTMENT OF  
POLICE

CHIEF OF POLICE  
RICK BRAZIEL

DEPUTY CHIEFS  
SAM SOMERS, JR.  
BRIAN LOUIE

CITY OF SACRAMENTO  
CALIFORNIA

August 25, 2011  
Ref. No.:08-04

5770 FREEPORT BLVD., SUITE 100  
SACRAMENTO, CA  
95822-3516

PH 916-808-0800  
FAX 916-808-0818  
www.sacpd.org

Paul Fuentes  
District Administrator  
Alcohol Beverage Control  
3321 Power Inn Road, Suite 230  
Sacramento, CA 95826

Dear Mr. Fuentes:

The Sacramento Police Department has completed the investigation for Capitol Beer & Tap Room LLC located at 2220 Fair Oaks Blvd, Ste B. The Police Department feels that Public Convenience or Necessity will be served.

Sincerely,

  
Sherri Scruggs  
Program Analyst, Metro

*The mission of the Sacramento Police Department is to work in partnership with the Community to protect life and property; solve neighborhood problems, and enhance the quality of life in our City.*