



REPORT TO PLANNING COMMISSION City of Sacramento

6

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING
February 9, 2012

To: Members of the Planning Commission

Subject: Red Rabbit Restaurant (P11-091)

A request to modify or remove conditions of approval related to the provision of valet parking, off-site security, and to waive up to thirteen (13) additional parking spaces for a restaurant and bar at 2718 J Street and located in the General Commercial Midtown Commercial Overlay, Alhambra Corridor Special Planning District (C-2-MC-SPD) zone.

- A. Environmental Determination:** Categorical Exemption pursuant to CEQA Guidelines Section 15301 (Existing Facilities);
- B. Special Permit Major Modification** to amend special permit conditions of approval and to waive up to thirteen (13) additional parking spaces.

Location/Council District:

2718 J Street

Assessor's Parcel Number: 007-0111-006

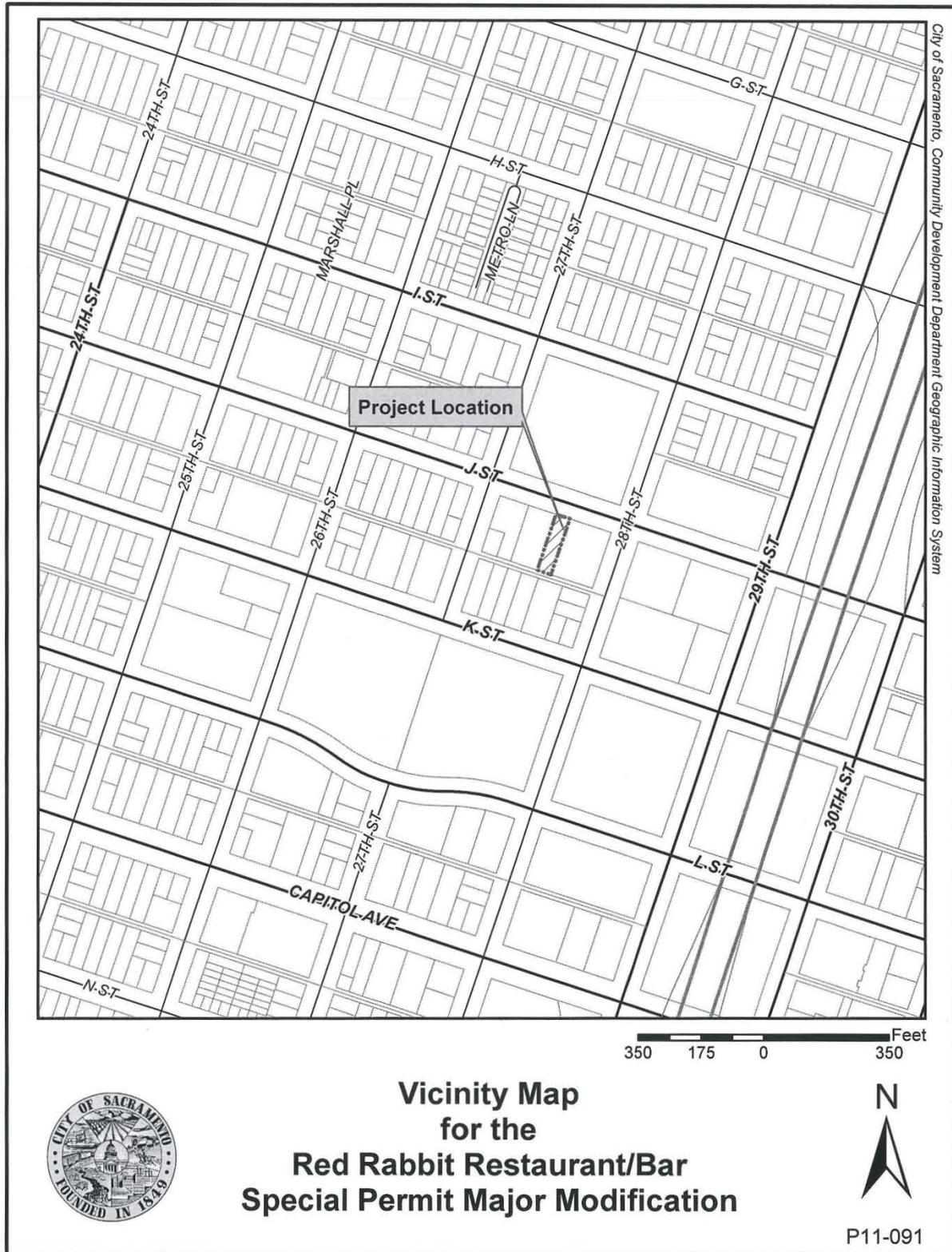
Council District 4

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 and B above and its decision may be appealed to the City Council. At the time of writing this report, there were outstanding issues and the item is considered to be controversial.

Contact: Kimberly Kaufmann-Brisby, Associate Planner, 916-808-5590; Stacia Cosgrove, Senior Planner, 916-808-7110

Applicant: Randy Paragary-Paragary Restaurant Group, 1403 28th Street, Sacramento, CA 95816, 916-452-3335

Owner: BVPG Ventures, LLC, 1801 I Street, Suite 200, Sacramento, CA 95811, 916-446-7599 (LLC-Brian Vail, Pete Geremia)



Summary: In 2007, the retail tenant space at 2718 J Street received a Planning Commission Special Permit to waive parking and for offsite parking, allowing the space to be occupied by a 120 seat restaurant. The current restaurant applicant is requesting to modify conditions of approval placed on those special permits. The conditions proposed for modification deal with reducing the days of the week valet parking is required and reducing the required off-site security patrol area. The applicant also proposes to add 40 restaurant seats, for a total of 160 seats, therefore the applicant requests to waive additional parking spaces. The restaurant use itself is allowed by-right in the General Commercial (C-2) zone.

The project is consistent with all applicable policies and staff supports the request with the modified conditions as proposed. Staff notified all property owners within a 500-foot radius of the project site regarding this public hearing and has received opposition letters from a number of Midtown residents. The two affected neighborhood groups, Midtown Neighborhood Association and the Marshall School-New Era Park Neighborhood Association, provided letters outlining their concerns. The letters indicate that they are generally supportive of the proposed business provided it maintains some form of the current conditions of approval to address neighborhood concerns. Staff believes that the amended conditions as presented in this staff report are a good balance between what the neighborhood groups have said they can accept and what the business owners can reasonably provide. **The project is considered to be controversial.**

| |
|--|
| Table 1: Project Information |
| General Plan designation: Urban Corridor Low |
| Existing zoning: General Commercial, Midtown Commercial overlay, Alhambra Corridor Special Planning District (C-2-MC-SPD) |
| Existing use of site: Restaurant - 120 seats |
| Property area: 6,400 square feet, Restaurant area-3,819 sq. ft. |

Background Information: On August 23, 2007, the Planning Commission approved, with conditions, special permits for off-site parking and reduced parking for the 120 seat 2718 J Street restaurant (P07-112) in the former Radio Shack building (a retail use). Specific conditions of approval addressing off-site valet parking, security, and the off-site parking lot were added during the commission hearing.

Subsequent to the planning commission approval, the restaurant space was developed then operated as G.V. Hurley's for more than a year before the restaurant closed. The Red Lotus restaurant then operated in the same space for a period of time. On May 27, 2010, a complaint was filed with the Community Development Department (CDD) Code Enforcement Division regarding noncompliance with the conditions of approval concerning the provision of valet parking and security.

In response to the complaint, the property owner filed an application with the planning division which requested a major modification to the special permit to remove the conditions of approval related to the provision of valet parking and security (Z10-117) on July 30, 2010. Staff then worked with the applicant for several months to obtain the necessary project information for the application processing to continue. On September 11, 2011, the Red Lotus restaurant closed. On November 22, 2011, the application for the Red Rabbit restaurant special permit major modification was submitted, and elevated by the Zoning Administrator to be heard at the Planning Commission level due to neighborhood concerns.

Specifically at issue are two conditions placed on the 2007 special permit: 1) A condition requiring that valet parking service be offered by the restaurant at this location from 5 p.m. to 2:30 a.m. on weekdays, and from the restaurant opening hour until 2:30 a.m. on weekends, and 2) A condition requiring the restaurant to provide security services on the blocks surrounding the restaurant. The area to be covered by the security patrols is from 26th to 28th streets, and J Street to G Street.

Public/Neighborhood Outreach and Comments: Early Project Notification was sent to the Marshall School New Era Park Neighborhood Association, the Midtown Neighborhood Association, and the Midtown Business Association. Staff received several responses to the Early Project Notification from the neighbors and the neighborhood groups. Staff attended a Marshall School-New Era Park Neighborhood Association meeting in December where the applicant's team presented the Red Rabbit restaurant concept with a question and answer period afterward. The applicant also met with neighbors at several other meeting and social occasions to present the restaurant concept and to learn about resident concerns. The concerns raised during the meetings related to ongoing neighborhood challenges in dealing with the loud and rude late night behavior of bar patrons that choose to park in the residential neighborhoods.

After several meetings with neighbors and staff, the applicant agreed to amend the original proposal to remove the security and valet parking conditions altogether and instead is now requesting to modify the terms of the conditions. The original valet parking condition required the provision of valet parking all nights of the week. The applicant proposes to provide the valet parking on Friday and Saturday nights only; those are the nights that neighbors agree are the most heavily impacted on-street parking evenings. The original security condition required the provision of security patrols for an area bounded by G to J Street and 26th to 28th Streets, Thursday through Saturday. The reduced patrol area, which is supported by the Marshall School-New Era Park Neighborhood Association, is proposed to be reduced in two directions to an area bounded by 27th to 28th and I to J streets, maintaining the same hours and nights of the patrol requirement.

Please see Attachment 2 for the redlined condition changes. Staff believes the proposed condition changes are a fair compromise and address a majority of the neighborhood associations' concerns that can be addressed with this project.

Staff has received a number of comment letters outlining concerns about ongoing challenges with the lack of available on-street parking for the J Street restaurants and nightclubs (and other late night venues throughout Midtown) and the impact the parking has on the adjacent neighborhoods; late night disruptions and vandalism in the outlying neighborhood perceived to be caused by J Street restaurant and nightclub patrons; health impacts on the young and older individuals from late night neighborhood disruptions; and anticipated impacts that would be generated by the Red Rabbit restaurant. All the neighborhood letters are included as Attachment 5 of this report.

Staff appreciates the neighbors' concerns related to the ongoing challenges of living in an ever evolving urban landscape. The applicant will be maintaining the security patrols on the same schedule as previously required and will be providing the required valet parking on the nights anticipated to be busy enough to warrant the valet. Unfortunately, many of the bad behaviors as outlined in the attached letters, beyond those which can be dealt with by the required security patrols, are beyond the scope and purview of this project. If live music is proposed for the restaurant, an Entertainment Permit, issued by the City, is required. The Entertainment Permit may also have conditions placed on it at the time that it is issued.

Prior to this public hearing, a public notice was sent notifying all property owners within a 500 foot radius of the project site regarding this public hearing and staff posted the site with a public notice. As previously noted, comments and concerns regarding the project have been received by staff and are included as Attachment 5 of this report.

Environmental Considerations: The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that it is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, Existing Facilities. The project is a request to amend an existing restaurant's security and valet parking services requirements and to waive additional parking spaces for the restaurant's use.

Policy Considerations:

The 2030 General Plan land use designation for the project site is Urban Corridor Low. The site is zoned General Commercial and is within the Midtown Commercial Overlay zone, the Alhambra Corridor Special Planning District, and is also within the Central City Design Review District (C-2-MC-SPD). The restaurant use is allowed by right in the C-2-MC-SPD zone and the condition revisions and parking waiver require modifying the previous special permit.

The project is consistent with the Urban Corridor Low Density land use designation in that the restaurant use is a component of a complete and well-structured neighborhood as defined in the 2030 General Plan (pg. 2-16). Also, the Urban Corridor Low Density designation includes multi-story structures and more intense uses at major intersections, lower intensity uses adjacent to neighborhoods, and access to transit service throughout.

The designation allows for a mix of horizontal and vertical mixed-use development and single-use commercial and residential development that includes compatible public and quasi-public, and special uses, which would include the restaurant use. The restaurant use is also consistent with the Midtown Commercial Overlay zone which encourages active pedestrian uses along the J Street Corridor from 20th to 28th streets and also allows restaurant uses by right. The Alhambra Corridor Special Planning District (SPD) also allows restaurant uses by right. The project as proposed, complies with the SPD goal of providing the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors.

2030 General Plan:

The 2030 General Plan designates the subject parcel as Urban Corridor Low Density. The proposal is consistent with the following General Plan policies:

- Neighborhoods as a Basic Unit. Recognizing that Sacramento's neighborhoods are the basic living environments that make-up the city's urban fabric, the City shall strive through its planning and urban design to preserve and enhance their distinctiveness, identity, and livability from the downtown core to well integrated new growth areas (LU2.1.1).
- Complete and Well-Structured Neighborhoods. The City shall promote the design of complete and well-structured neighborhoods whose physical layout and land use mix promote walking to services, biking, and transit use; foster community pride; enhance neighborhood identity; ensure public safety; are family-friendly and address the needs of all ages and abilities (LU 2.1.3).

The addition of the Red Rabbit restaurant and bar would contribute to the complete and well-structured neighborhood and would preserve the distinct identity and livability of Midtown. The applicant, Randy Paragary, has owned and operated several successful and unique restaurants in the midtown and downtown area, which have enhanced the urban fabric, added to the distinct neighborhood identities, and livability. The Red Rabbit restaurant's business concept is one fostering a neighborhood clientele with customer and employee loyalty, purveying globally inspired comfort food, a craft bar, encouraging restaurant patrons to utilize off-street parking-when driving, but capitalizing on the walkability of midtown whenever possible.

Smart Growth Planning Principles:

"Smart Growth" is a term coined by the United States Environmental Protection Agency (USEPA) as an umbrella term for the many initiatives intended to address some of the negative consequences of urban sprawl. Smart Growth generally occurs when development patterns are sustainable and balanced in terms of economic objective, social goals, and use of environmental/natural resources. The following Smart Growth principle applies to the proposed project:

- Promote distinctive, attractive communities with a strong sense of place, including the rehabilitation and use of historic buildings.

The proposed project has been designed to incorporate the Smart Growth principle noted above by promoting the location's walkable location, valet and off-street parking options, and rehabilitating the building's brick façade which all help define the strong sense of place.

Land Use:

Special Permit Major Modification

The Red Rabbit restaurant proposes to be open seven days a week, serving lunch Monday through Friday and dinner nightly. Lunch service would typically run from 11:30 a.m. to 2:30 p.m. and dinner would be served until 10 p.m. on week nights and until 11 p.m. on Friday and Saturday nights. The restaurant would be a full-service restaurant including the sale of alcoholic beverages. Bar service would be available during all hours the restaurant is open which could be until 2 a.m., depending on customer demand. The Red Rabbit restaurant's business concept is one of fostering a neighborhood clientele with customer and employee loyalty, purveying globally inspired comfort food, a craft bar, encouraging restaurant patrons to utilize off-street parking-when driving, but capitalizing on the walkability of midtown whenever possible.

The applicant proposes to modify conditions of approval related to valet parking and offsite security by reducing the number of nights the provision of valet parking is required and to reduce the security patrol area by several blocks. The applicant does not intend to use the offsite parking lot identified in the 2007 special permit, located at 30th & I Street (3001 I Street).

Parking: The applicant proposes to increase the restaurant seating capacity by forty (40) seats, to a total of 160 seats. The restaurant parking requirement is one parking space provided per three seats. Currently the site is allowed 120 restaurant seats by virtue of the previous approval. The site's parking requirements are as follows:

| Table 2: Parking | | |
|------------------------------|--|---|
| Use | Required | Provided |
| 120 seat restaurant (2007) | 1 parking space per 3 seats = 40 spaces | Three (3) onsite spaces at the alley |
| Original Retail Use Credit * | | 1 parking space credit per 400 gross square feet of original building area = 8 spaces |
| Spaces Waived (P07-112) | | 32 spaces |
| Subtotal | 40 spaces | 40 spaces |
| Additional 40 seats (2012) | 13 additional parking spaces | Zero (0) (additional waiver requested) |
| TOTAL | 53 spaces | 53 spaces |

* The P07-112 project analysis did not correctly calculate the parking requirements for the project to take into account the spaces the parcel should have been "credited," due to the

building having been constructed prior to the City's current parking requirements being in effect. Based upon the original square footage of the building (3,336 square feet), the building should have been credited with eight (8) parking spaces at 1:400 for retail uses. [per City Code Section 17.64.010(H)] Effectively, the number of parking spaces that actually needed to be waived to establish a 120 seat restaurant was 32 spaces (not 37 spaces).

Valet Parking: The applicant proposes to provide valet parking from 6 p.m. to closing on Friday and Saturday nights. These are the nights that neighborhood residents have identified as being the most impacted by people utilizing on-street parking. As such, these are the nights when valet parking may be expected to be the most active. According to the Parking Division's 2011 parking study, on-street parking availability along K, J, and I streets is impacted but some spaces are typically available between the hours of 7 p.m. to 9 p.m. and 10 p.m. to 12 a.m.

Relatively recently the former Carrow's site at J and 28th streets was converted into a surface parking lot with approximately sixty off-street parking spaces available to rent. The lot is within one block of the restaurant on the same side of J Street, across 28th Street. This parking lot did not exist when the original special permit was approved in 2007, expanding the availability of off-street parking in the immediate area. The applicant has indicated they will valet park cars to this surface lot; the lot will also still be available for self-parking. Valet parking must comply with the requirements found in City Code Section 10.46.

The parking lot is currently in building plan check review where a determination will be made as to whether the lot complies with the Zoning Code Development standards for parking space width, depth, and maneuvering area. If the parking lot meets the standards the owners will then be required to submit for a Temporary Surface Parking Lot permit through Code Enforcement. If the lot does not comply with the development standards, the owners will be required to file for a special permit to waive the parking standards.

Security: The 2007 special permit to waive parking was approved with an unusual condition requiring any business occupying this specific restaurant space to provide the surrounding neighborhood blocks with regular security patrols. The boundaries of those patrols included 26th to 28th Streets, and J to G Streets, Thursday through Saturday, 11pm – 2:30am.

Several of the property/business owners in this area (including the owner of the subject site) formed the Sutter Property and Business Improvement District (Sutter PBID), taxing themselves to provide services that no single business or property owner could afford. The Sutter PBID currently operates a security patrol in this same area. The security condition is proposed to be modified to reduce the required patrol area to a more reasonable area and to acknowledge that a secondary party, like the PBID, may provide the security to fulfill the requirements of the condition. Staff has also added additional language to this condition to make clear its intent. The Police Department has reviewed the project's conditions of approval and has no outstanding concerns.

Offsite Parking at 30th & I Street: The Red Rabbit Restaurant does not propose to utilize the lot located at 30th & I Street (3001 I Street) for offsite valet parking. There are other valet parking areas now available that are much closer to the subject site. Subsequently, all conditions that reference the offsite lot at 30th & I Street are proposed to be removed.

Waiver of Up to Thirteen (13) Additional Parking Spaces: The applicant is requesting to modify the special permit to waive up to 13 additional parking spaces, bringing the total number of seats allowed for a restaurant use to 160 seats. Staff supports the request to waive additional parking due to the site being located on an urbanized commercial corridor, having good access to transit and very walkable, and with the amended conditions of approval.

Good Neighbor Policy Conditions: Staff is proposing to add several typical “good neighbor” conditions to the special permit. They are listed as conditions B6 and B7 in this report. The new conditions address the identification of a 24-hour contact, addressing neighborhood concerns in a timely manner, educating patrons on parking options, and litter removal.

The applicant proposes to amend special permit conditions, which requires modification of a special permit per Section 17.212.070 of the Zoning Code. The modification was determined to be a major modification by the zoning administrator as allowed in Section 17.212.070(B). Because the project was identified as controversial, the Zoning Administrator elevated the hearing level to the Planning Commission per Section 17.212.070(C)(2) of the Zoning Code.

The City’s Zoning Code, Section 17.212.010, specifies the findings required for the approval of the special permit or major modifications of same. In evaluating special permit modification proposals of this type, the Commission is required to make the following findings:

A. A special permit shall be granted upon sound principles of land use.

The project is based upon sound principles of land use in that:

- a. The parking waiver and condition modifications are consistent with the Midtown Commercial Overlay zone which encourages active pedestrian uses along the J Street Corridor from 20th to 28th streets and also allows restaurant uses by right;
- b. The project site is located on a commercial corridor where more active uses are expected to occur and in an urbanized area that is well served by transit. The provision of valet parking to a nearby parking lot will help mitigate the neighborhood on-street parking impacts resulting from the parking waiver and the provision of security patrols around Marshall Park will provide additional eyes on the street to help maintain the neighborhood peace and quiet late at night.

B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:

- a. Adequate parking alternatives are available nearby to compensate for the thirteen parking space waiver, including the surface parking lot across 28th Street and the provision of valet parking for customers;
- b. The applicant will maintain area security patrols to help limit “nuisance” behavior by customers;
- c. The applicant will establish a “Good Neighbor” policy to address neighborhood issues in a timely manner, will post information regarding off-street parking available in the area, and will be required to police the area around the business daily for all litter generated by the business;
- d. The Sacramento Police Department has reviewed the project and project conditions and has found the conditions satisfactory.

C. The special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The project complies with the objectives of the general or specific plan for the area in which it is to be located in that:

- a. The condition modifications comply with the objectives of both the General Plan and the Midtown Commercial overlay in that the restaurant would contribute to the complete and well-structured neighborhood and would preserve the distinct identity and livability of Midtown;
- b. The project complies with the Alhambra Corridor Special Planning District goal of providing the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors.

Access, Circulation, and Parking

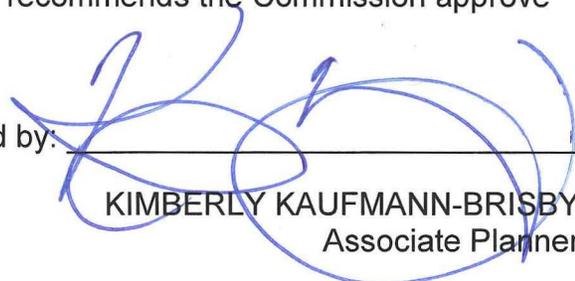
The site has good access to local, arterial, and regional roadways. The current proposal to add forty (40) seats requires the provision or waiving of 13 parking spaces. Because there is no opportunity to provide the required parking onsite, the applicant has requested to waive the 13 spaces. To help mitigate the waiver the applicant will provide valet parking Thursday through Saturday nights, will post parking information both at the restaurant and on the website, and will encourage patrons to avoid parking in the residential neighborhoods as well as to employ mass transit when feasible.

The Red Rabbit restaurant’s business concept is one fostering a neighborhood clientele with customer and employee loyalty, purveying globally inspired comfort food, a craft bar, encouraging restaurant patrons to utilize off-street parking-when driving, but capitalizing on the walkability of midtown whenever possible.

Conclusion:

Because the special permit modification request is consistent with the 2030 General Plan, and the restaurant is anticipated to be a positive contribution to a complete and well-structured neighborhood, and will contribute to the distinct identity and livability of Midtown, staff is in support of the proposal and recommends the Commission approve items A and B.

Respectfully submitted by:


KIMBERLY KAUFMANN-BRISBY
Associate Planner

Approved by: 
STACIA COSGROVE
Senior Planner

Recommendation Approved:

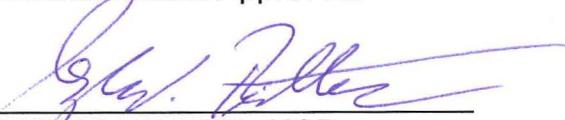

GREGORY BITTER, AICP
Principal Planner

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Attachment 1
City Planning Commission Record of Decision
Recommended Findings of Fact
Red Rabbit Restaurant Special Permit Major Modification (P11-091)

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 during the project hearing, the Planning Commission finds that the Project is exempt from review under **Section 15301, Existing Facilities** of the California Environmental Quality Act, as follows: The project is a request to amend an existing restaurant's security and valet parking services and to waive additional parking spaces for an additional forty seats, which is a negligible expansion of an existing use.

B. The **Special Permit Major Modification** to amend special permit conditions of approval and to waive up to thirteen (13) additional parking spaces is approved subject to the following Findings of Fact:

1. The project is based upon sound principles of land use in that:
 - a. The parking waiver and condition modifications are consistent with the Midtown Commercial Overlay zone which encourages active pedestrian uses along the J Street Corridor from 20th to 28th streets and also allows restaurant uses by right;
 - b. The project site is located on a commercial corridor where more active uses are expected to occur and in an urbanized area that is well served by transit. The provision of valet parking to a nearby parking lot will help mitigate the neighborhood on-street parking impacts resulting from the parking waiver and the provision of security patrols around Marshall Park will provide additional eyes on the street to help maintain the neighborhood peace and quiet late at night.
2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. Adequate parking alternatives are available nearby to compensate for the thirteen parking space waiver, including the surface parking lot across 28th Street and the provision of valet parking for customers;
 - b. The applicant will maintain area security patrols to help limit "nuisance" behavior by customers;
 - c. The applicant will establish a "Good Neighbor" policy to address neighborhood issues in a timely manner, will post information regarding off-

- street parking available in the area, and will be required to police the area around the business daily for all litter generated by the business;
- d. The Sacramento Police Department has reviewed the project and project conditions and has found the conditions satisfactory.
3. The project complies with the objectives of the general or specific plan for the area in which it is to be located in that:
- a. The condition modifications comply with the objectives of both the General Plan and the Midtown Commercial overlay in that the restaurant would contribute to the complete and well-structured neighborhood and would preserve the distinct identity and livability of Midtown;
 - b. The project complies with the Alhambra Corridor Special Planning District goal of providing the opportunity for a balanced mixture of uses in neighborhoods adjacent to transit facilities and transportation corridors.

Conditions of Approval

- B.** The **Special Permit Major Modification** to amend special permit conditions of approval and to waive up to thirteen (13) additional parking spaces is approved subject to the following conditions of approval:

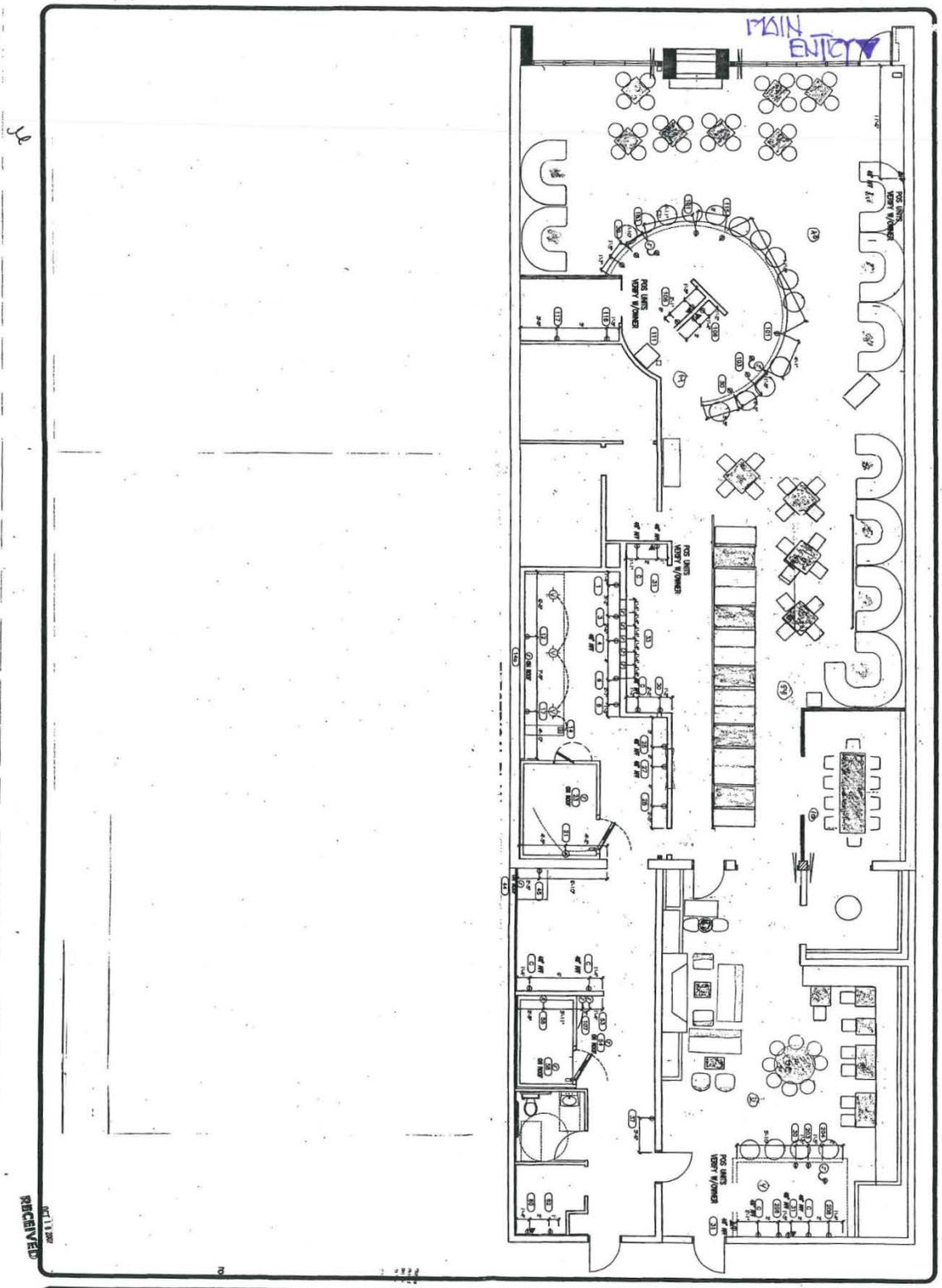
Planning:

- B1. Applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction.
- B2. Any project modification is subject to review and approval by Planning Division staff and may result in the need for additional entitlements.
- B3. A total of thirteen (13) additional parking spaces are waived with this application (P11-091). This results in a maximum number of 160 restaurant seats allowed onsite (excluding sidewalk café seating located in the right-of-way). Any additional seats in excess of 160 seats will require review by the Planning Division and may result in the need for additional entitlements.
- B4. The applicant shall provide security service Thursday through Saturday to patrol the residential area from 27th to 28th streets and I to J streets between the hours of 11:00 p.m. and 2:30 a.m. The applicant shall also provide security service during the same hours and patrol the same area noted above on any Sunday preceding a Monday holiday. The security service shall maintain order for said area and shall, to the best of their ability and authority, prevent any activity which would interfere with the area residents' quiet enjoyment of their property. The security service requirement shall be considered fulfilled if the nighttime security

is provided by a second party in the manner and for the area and schedule previously cited.

- B5. Valet parking service shall be available from 6 p.m. until midnight or closing, whichever is earlier, on Friday and Saturday nights.
- B6. The business shall establish a Good Neighbor Policy which includes, but is not limited to the following:
 - a. The applicant shall post, in a conspicuous location, pertinent contact information including a valid contact person, with telephone number, who may be contacted on weekends, holidays, and evenings should issues develop. The 24-hour emergency contact number and contact person shall be kept current.
 - b. The applicant/developer shall make a good faith effort to meet, in a timely manner, with any concerned neighbor(s) regarding project issues and shall be responsible for coordinating with nearby residents to ensure there is no detrimental noise, light, or other project related issues that would affect the peace and welfare of the neighborhood.
 - c. The applicant shall make information available for customers regarding neighborhood parking options.
- B7. The applicant is responsible for the daily removal of all litter generated by the business from the project site, immediately adjacent properties, and the business' J Street frontage.
- B8. The applicant shall provide copies of the Affidavit of Zoning, including all project conditions of approval on a plan sheet(s) when submitting to the building division for plan check review.

Exhibit B-1 Floor Plan



RECEIVED
OCT 11 2011

| | | |
|--|------|-------------------------------------|
| FS-4 | DATE | XXXXX |
| | BY | XXXXX |
| FOODSERVICE EQUIPMENT | | |
| 2718 "J" STREET SACRAMENTO, CA. 95817 | | |
| | | MYERS RESTAURANT SUPPLY, INC. |

Exhibit B-2 Red Rabbit Signage

Sign Of Light
 9499 Highland Park Dr.
 916-416-1212

Project: Red Rabbit
 Location: Dtnw Sacramento
 Date: 1-4-12
 Revised:
 Drawing #: 1
 Option #:

Job Description:

Layout for Exterior signs.

A-
 Double Faced (D/F)
 sign with exposed neon.
 Can to be constructed with
 aluminum skin and frame, finish
 color (TBD) To be mounted with
 brackets.
 COPY:
 'The RED RABBIT
 Kitchen & Bar' and Rabbit logo

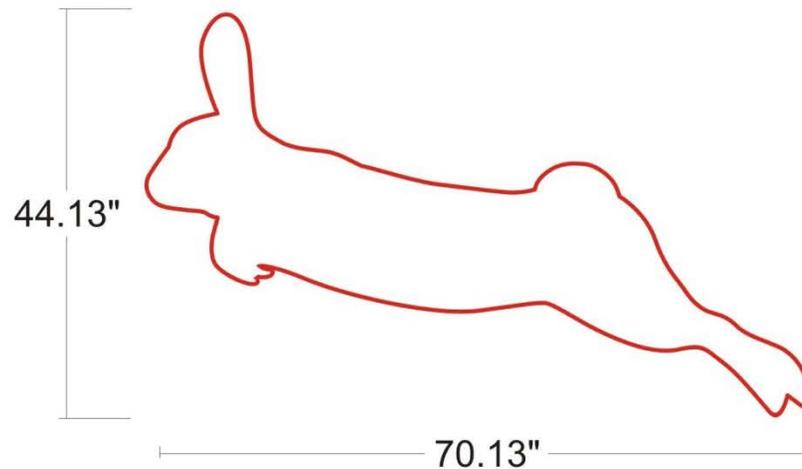
B:
 Exposed neon tube (Ruby Red) in
 the shape of Rabbit Logo. Mounted
 to facade.

C:
 Vinyl graphics for front entrance.
 "The RR Kitchen & Bar"
 Approx 12.5" wide X 26" tall

APPROVAL

Landlord:

Tenant:



February 9, 2012

Subject: Red Rabbit Restaurant (P111-091)

Sign Of Light

9499 Highland Park Dr.
916-416-1212

Project: Red Rabbit
Location: Dtown Sacramento
Date: 1-4-11
Revised:
Drawing #: 1
Option #:

Job Description:

Hanging Wall Sign
Elevation proof.

Double Faced (D/F)
sign with exposed neon.
Can to be constructed
with aluminum skin and
frame, finish color (TBD)
To be mounted with
brackets.

COPY:
'The RED RABBIT
Kitchen & Bar'
and rabbit logo

APPROVAL

Landlord: _____

Tenant: _____



Attachment 2 – Project Conditions Redline

P11-091 Red Rabbit Draft Conditions of approval-Redline

The project conditions listed below are proposed to be amended:

Planning:

- B-C.3 ~~The maximum seating in the restaurant shall be limited to 120 seats. Changes to the number of seats will require additional review by Planning Department staff.~~ *A total of thirteen (13) additional parking spaces are waived with this application (P11-091). This results in a maximum number of 160 restaurant seats allowed onsite (excluding sidewalk café seating located in the right-of-way). Any additional seats in excess of 160 seats will require review by the Planning Division and may result in the need for additional entitlements.*
- B-C.6 ~~Valet parking service shall be available from 5 p.m. until 2:30 a.m.~~ *6 p.m. until midnight or closing, whichever is earlier on weekdays and from the opening hour until 2:30 a.m. on weekends Friday and Saturday nights.*
- B-C.24 ~~The offsite parking location shall be utilized exclusively for valet parking from 5:00pm to 2:00am, Monday through Friday and all day Saturday and Sunday beginning November 1, 2007, and ending November 1, 2027, as specified in the parking agreement.~~
- B-C.25 ~~Certificates of occupancy shall not be issued until November 1, 2007, which is the commencement of the parking lease.~~
- B-C.26 ~~The applicant shall provide security service Thursday through Saturday to patrol the residential area from 27th to 28th streets and I to J streets between the hours of 11:00 p.m. and 2:30 a.m. The applicant shall also provide security service during the same hours and patrol the same area noted above on any Sunday preceding a Monday holiday.~~ *The security service shall maintain order for said area and shall, to the best of their ability and authority, prevent any activity which would interfere with the area residents' quiet enjoyment of their property. The security service requirement shall be considered fulfilled if the nighttime security is provided by a second party in the manner and for the area and schedule previously cited.*
- B-C.27 ~~The City is working with various office/commercial buildings in the area to allow the use of their parking garages after normal business hours. The applicant shall work with the City and /or Sutter General Hospital to provide an additional 40 parking spaces in the Sutter Garage or another off-street parking garage in the area in which the City is able to facilitate the use of these garages.~~
- B-C.28 ~~Valet parking shall be free for vehicles displaying handicap placards.~~

- B-C.29 ~~Ingress and egress to the 3001 I Street parking spaces located off the alley shall be from 30th Street.~~
- B-C.30 ~~The valet services shall use the alley only between 30th Street and the east property line of the 30th Street property (the entire alley is not to be used for valet vehicular use in order to satisfy the concerns of the residential development to the east).~~
- B-C.31 ~~The Special Permit for off-site parking at 3001 I Street shall be subject to termination after one year from the date of issuance of an occupancy permit for the restaurant it serves if the Planning Commission, after a noticed public hearing, determines that the off-site parking use:~~
- ~~1. Is incompatible with the then existing surrounding land uses;~~
 - ~~2. Has caused adverse environmental impacts to surrounding land uses; or~~
 - ~~3. Has not complied with the conditions imposed upon the special permit for mitigating the impacts generated by the use.~~

New Conditions:

1. The business shall establish a Good Neighbor Policy which includes, but is not limited to the following:
 - a. The applicant shall post, in a conspicuous location, pertinent contact information including a valid contact person, with telephone number, who may be contacted on weekends, holidays, and evenings should issues develop. The 24-hour emergency contact number and contact person shall be kept current.
 - b. The applicant/developer shall make a good faith effort to meet, in a timely manner, with any concerned neighbor(s) regarding project issues and shall be responsible for coordinating with nearby residents to ensure there is no detrimental noise, light, or other project related issues that would affect the peace and welfare of the neighborhood.
 - c. The applicant shall make information available for customers regarding neighborhood parking options.
2. The applicant is responsible for the daily removal of all litter generated by the business from the project site, adjacent properties, and the business' J Street frontage.

Attachment 3 - Midtown Neighborhood Association letter



Midtown Neighborhood Association

P.O. Box 162555

Sacramento, CA 95816-2555

www.sacmidtown.org

Matt Piner
Chair
 Bruce Holmes
Vice Chair
 Margaret Piner
Treasurer
 Bill Burg
Secretary

City of Sacramento Planning Dept.
 300 Richards Blvd., 3rd Floor
 Sacramento, CA

January 13, 2012

RE: Red Rabbit Restaurant & Bar P-11091

To: Ms. Kimberly Kaufman-Brisby et al,

Vivian Gerlach
 Marion Millin
 Samara Palko
 Barbara Steinberg
Members-at-Large

The Board of Midtown Neighborhood Association advocates for maintaining quality of life conditions for residents in Midtown, and is the N.A. where this new business is located – MNA has the following comments regarding this application to assure they are good neighbors:

Karen Jacques
Member Emeritus

- 1) Maintain the existing conditions or accept new ones ONLY if they address the same issues (namely parking, security and noise in the surrounding residential areas).
- 2) Valet parking may be substituted with a validated parking program or some other verifiable and enforceable off-site parking program, which can encourage clientele low cost or free parking in a safe, secure area. For example, instead of a valet – they can have a parking attendant. This can be a “win-win” for the patrons, the establishments and for neighbors. Having patrons park for free in surrounding residential areas is not acceptable.
- 3) Security conditions must be maintained due to the concentration of bars on this street and the park across the street that can be an attractant for late night criminal activity. We would have this required of all the bars on this block if we could – to share the expense – both for patrons and for neighbors.
- 4) Other valet parking conditions – free parking for HC placards – is not as important to us. Valet parking would be an important option for any special events or for busy weekends – for example – Second Saturday.

In general, our Board feels that these conditions are important since they remain with the address. This well-meaning and even potentially well-managed applicant may not always be the tenant – it is the location and the cumulative impact of the block that is an issue, not necessarily the tenant.

Those that benefit from the concentration of businesses here – the business owners – need to bear the costs of the impacts their patrons have on the surrounding areas. If they can be creative in solving and mitigating the problems that some of their patrons bring to the surrounding streets – noise, litter, vandalism, attracting criminal elements (mugging, assault, robbery, vehicle theft and burglary) – then we are supportive of this new business on the block.

Best regards,

Matthew Piner,
 Board Chair
 916-444-7115 Office
 916-802-7863 Cell
 Pinerworks@sbcglobal.net

Attachment 4 - Marshall School-New Era Park Neighborhood Association letter

MARSHALL SCHOOL/NEW ERA PARK NEIGHBORHOOD ASSOCIATION

P. O. Box 62271
Sacramento, CA 95819
916-919-6656
marshall.newera@gmail.com

January 20, 2012

Kimberly Kaufmann-Brisby, Associate Planner
City of Sacramento
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Re: The Red Rabbit Kitchen & Bar ("The Red Rabbit")
Applicant - P11-091

Dear Ms. Kaufmann-Brisby:

The purpose of this correspondence is to provide comments to the application by The Red Rabbit at 2718 J Street. These comments are submitted on behalf of the Marshall School/New Era Park Neighborhood Association ("Marshall School").

The Red Rabbit team and residents of Marshall School have participated in discussions regarding The Red Rabbit's request to be relieved of conditions relating to the valet parking (B-C.6; B-C.28 & B-C.30). There is a concern among residents that if there is no provisions for the parking for the customers of The Red Rabbit that will cause a negative impact on the livability for the residents who live closest to 2718 J Street. The following modification was developed from discussions and following a meeting on December 19, 2011, between The Red Rabbit team and members of the community.

Marshall School requests the valet parking provision be amended to the following:

Parking:

- a. Valet parking 5 p.m. to Midnight on Friday and Saturday, and for any special events; OR
- b. Provide 40 parking spaces for customers.

Revising the condition will allow The Red Rabbit to either provide valet parking during peak business times or secure the appropriate number of parking spaces as required by applicable parking ordinances.

Kimberly Kaufmann-Brisby, Associate Planner
January 20, 2012
Page 2

The Red Rabbit also seeks to be relieved of its requirement to provide night time security (B-C.26) because the Sutter Business Improvement District ("Sutter PBID") has begun instituting security patrols. Residents of Marshall School are certainly grateful that the security patrols have been undertaken by the Sutter PBID. There are concerns, however, regarding the wholesale removal of this condition. Marshall School supports the following modification to the night time security requirement.

Security:

- a. **Area to be patrol reduced: J Street to I Street and 28th Street to 27th Street.**
- b. **Modify requirement to read: Petitioner shall have sufficient uniformed security guards, certified by the Department of Consumer Affairs, from the hours of 11:00 p.m. to 2:30 a.m., Thursday through Saturday to maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents. The security service requirement will be deemed complied with if nighttime security is provided by a second party.**

This modification contemplates transferring the day-to-day management of the security to the Sutter PBID and relieves The Red Rabbit of the task of hiring and managing a security force. It also lessens the geographic area that The Red Rabbit is responsible for patrolling. The modification also preserves the security requirement if the Sutter PBID ceases to provide security.

It is the goal of the proposed modifications to Special Permit P07-112 is to protect and preserve the livability of the residential neighborhood directly to the north of 2718 J Street, while providing some flexibility for The Red Rabbit to operate their business with fewer restrictions and limitations. We appreciate that The Red Rabbit team has been very open and forthcoming with their intentions. We also appreciate that they have taken our concerns to heart and have considered compromises that will benefit their business and protect our neighborhood.

Very truly yours,

Ed Trujillo

Ed Trujillo
Co-Chair

Very truly yours,

Julie Murphy

Julie Murphy
Co-Chair

ET/JAM

cc: MSNEP Board Members
Council member Rob Fong, District 4

Attachment 5 – Neighborhood Letters

Ash Roughani

ASH ROUGHANI
615 28th Street, Apt. B
Sacramento, CA 95816
916.835.9607 | ash@ashrockdigital.com

January 27, 2012

Kimberly Kaufinann-Brisby, Associate Planner
City of Sacramento
Community Development Department
300 Richards Boulevard, 3rd Floor
Sacramento, CA 95811

Re: The Red Rabbit Kitchen & Bar ("The Red Rabbit") Applicant - PI 1-091

Dear Ms. Kaufinann-Brisby:

I realize that this letter is being submitted past the official deadline for comments, but I would appreciate its consideration to the extent practicable.

In short, I believe that any requirements imposed on Red Rabbit that are not imposed on Bar West (and perhaps even older establishments located on the same block) are unfair. Therefore, I'm opposed to any such "uneven" requirements that might be imposed on Red Rabbit to the exclusion of other similar businesses along the 2700 block of J Street.

The Red Rabbit project has the potential to be a rising tide that lifts all boats. To the extent that the operators are burdened by unevenly applied parochial restrictions or forced to subsidize benefits to the general public, we would be unfairly singling out one entity among several – putting Red Rabbit at a competitive disadvantage. If Red Rabbit's presence negatively impacts the local neighborhood, then any externalities ought to be mitigated in a collaborative way that acknowledges shared responsibility among all businesses that contribute to the same undesirable impacts.

Sincerely,

/s/ Ash Roughani
Ash Roughani

Aja Uranga-Foster

Kimberly Kaufmann-Brisby

From: Aja [ajacalifornia@gmail.com]
Sent: Friday, January 27, 2012 2:27 PM
To: Kimberly Kaufmann-Brisby
Cc: Marshall New Era
Subject: Re: Neighbor's comment letters regarding issues with Red Rabbit proposal

Hi Kimberly,
I understand that today is the deadline for feedback about the Red Rabbit project. Please see my comments below. Thank you.

Regarding: Red Rabbit Restaurant at 28th and J
From: Aja Uranga-Foster, Marshall School New Era Resident and MSNENA Social Committee Member

The requests from Red Rabbit sound very reasonable. I have the new wording that was presented to the MSNENA below. I am excited for the restaurant to open. And on a personal note, I used to work with Matt Nurge and I have a lot of faith in his ability to dilligently run a business. That and he loves Midtown. I would just request that the management there agree to stay communicative with the neighborhood leadership-- if complaints come in for any reason, they can be addressed as a group.

I would also like to state for the record that the "complainers" about Red Rabbit have not taken the time to have face-time with us collectively as a neighborhood group, ie at our neighborhood holiday party, nor have they done more than verbally attack over email like, in my view, whiny cowards. It would be great if they could learn how to communicate like grown ups to our faces as neighbors, and to the faces of these new restaurateurs at Red Rabbit.

Here are my picks for the new Red Rabbit permit wording below. I think the language is very reasonable.

Parking:

a. Valet parking available as an option 5 p.m. to Midnight on Friday and Saturday, and for any special events

Security:

b. Modify requirement to read: Petitioner shall have sufficient uniformed security guards, certified by the Department of Consumer Affairs, from the hours of 11:00 p.m. to 2:30 a.m., Thursday through Saturday to maintain order therein and prevent any activity which would interfere with the quiet enjoyment of their property by nearby residents. The security service requirement will be deemed complied with if nighttime security is provided by a second party

To Add to the security modification-- I think a "group" patrol person for the 28th & J block is the best option. I expect that the crowd at Red Rabbit will be very mellow based on the "vibe" the team there seems to be designing..

Just my two cents as a resident here. Thank you.

--

Aja Uranga-Foster
mob: +1 916 221 2429

Susan Rabinovitz

Kimberly Kaufmann-Brisby

From: Marshall New Era [marshall.newera@gmail.com]
Sent: Thursday, January 26, 2012 9:18 AM
To: Kimberly Kaufmann-Brisby; Stacia Cosgrove
Cc: Sonny Mayugba
Subject: Fwd: Red Rabbit Application

Ladies:

I think you may not have received this email back in December. It looks like Ms. Rabinovitz had the wrong email address.

Julie Murphy

----- Forwarded message -----

From: Susan Rabinovitz <susan@j27gallery.com>
Date: Fri, Dec 30, 2011 at 4:26 PM
Subject: Red Rabbit Application
To: susan@j27gallery.com, kkbrisy@cityofsacramento.org
Cc: randy@paragarys.com, Lynn Mayuba <lynn@sacramentoexpress.com>, denise.coleman@gmail.com, Julie Murphy <julieamurphy28@gmail.com>

Hello Kimberly,

As a business partner, j27 Gallery, 2728 J St, and property owner (for 12 years), within Winn Park / Midtown Neighborhood Association, I wanted illustrate my support of the Red Rabbit Kitchen & Bar. Normally, I do not like to get involved with the politics of businesses and residents. However, I feel I need to speak up and show support for the Red Rabbit Kitchen & Bar.

I firmly believe that in an effort to better our economy and our community, we, the residents and the fellow business owners, should allow entrepreneurial endeavors especially when the businesses will be owned and operated by local residents. In addition to the Red Rabbit Kitchen & Bar filling a building vacancy, it will also add jobs to the neighborhood.

As for the ABC restrictions, please allow the Red Rabbit Kitchen & Bar to create their vision of a competitive business and eliminate these restrictions. As a community, we should allow businesses to have the tools to effectively execute their vision and create a successful operation.

In a poor economy (or any other economy), we should embrace the Red Rabbit Kitchen & Bar and their efforts to cultivate a thriving City of Sacramento.

Thank you in advance for your time and considering my thoughts. If you require clarification, please contact me immediately at susan@j27gallery.com or call [916.716.2319](tel:916.716.2319).

Cheers,

Susan Rabinovitz
Partner / Artist
j27 Gallery

Dale Kooyman

Kimberly, I am unable to attend future meetings about this subject issue, so please treat what is in blue font below as a letter, or oral testimony, print in hard copy (you may have to convert all to black) and enter the following comments and attachments into the record for staff and the Planning Commission to read and take into consideration when making decisions on the subject bar/club. It is long but so is the history, effects on our well being and damage to our core neighborhoods.

The attachments are extremely important. They are scientific studies conducted in other cities that show increased crime and serious health effects to all residents and neighboring non-alcohol businesses who are victims of the noise and vandalism committed by inebriated alcohol customers after nightclubs and bars close when they return to their cars parked in front of our homes and apartments. Removing conditions on the RR will exacerbate these problems. Such problems are especially severe to individuals and neighborhoods when a city allows over concentrating of alcohol outlets in areas such as exists in Midtown. In view of email imperfections, please let me know if all five don't come through.

I am cc'ing individuals as if they were in the audience to hear if this were oral testimony. I am attaching several important studies and documents which detail studies that I am asking your help in that you also copy and give to the Planning Commission for the hearing or whatever your procedure is.

Planning Commission Testimony: (a summary is at the end followed by the names of the studies submitted as attachments as well as the attachments)

I. Background - My name is Dale Kooyman, 801 21st Street, Sacramento 95811 (443-5543). I bought my house in 1976 when Midtown was a slum. I have lived in it ever since, remodeling, restoring, etc. enjoying an increasing quality of life until significant **recent destructive changes** were thrust upon my neighbors and me the last few years.

Like many others before and after me, we believed Midtown was too valuable a city resource to see it continue to deteriorate and allow the city follow through on its plans to demolish our never-to-be-seen-again quality of materials, workmanship and wide range of housing architecture. As some of you may know, the city planned to replace these homes with rows of two and three story cheaply built apartments in which to isolate the low and very low income from upper income neighborhoods.

Instead of wholesale destruction of Midtown's quality and historic homes, we early residents knew a better way. In spite of **opposition from then city management and Planning**, our varied backgrounds, knowledge, skills and abilities enabled us, **without government redevelopment funding**, to cooperatively create and preserve a quality of life that would attract more residents, families with children and a mix of ethnic, age and income groups who could live safely, compatibly and peacefully next each other. While our residents are of mixed income, we are as **85% plus rental and predominantly low income (census facts)**.

The city and many businesses too often overlooks that, through private investment, we turned into reality the goal of many cities' **expensive public funded redevelopment areas**, which sometimes are not that successful. So I ask that you please honor those **privately funded accomplishments**, and the fact that **we still know what is best for our residential**

neighborhoods to solve the threat we are now facing as I define below. As in those past days, today we have better ways, listed below, to solve the crisis residents are now facing. Just as we would never presume to dictate to you, city management, and staff what is best in your suburban neighborhoods, we **ask that extend to us that same courtesy.**

II. Defining the Problem - It is unethical, if not cheating us resident taxpayers, that Midtown and Sutter PBID receive in excess of **\$47,000 public tax dollars annually** levied against the city's properties within those properties with no return benefit to residents. In addition, businesses received **\$5,000 in CDBG** to form the original PBIDs plus **\$5,000** from city budget to contract with Responsibility Hospitality Institute [RHI] to **resolve admitted problem impacts that the alcohol entertainment businesses cause nearby core residents**). RHI funding was to create a dialogue between business and affected residents to assist **those residential areas to get help!** Add to that largely **unknown** public funding for the "Entertainment Committee," to which a **PD officer is assigned with related taxpayer costs!**

From all of these tax dollars, **residents have received to date ZERO benefit!** Instead, the alcohol businesses' attitude toward us resembled more closely a "flip of the bird" when, among other comments, MBA staff said that businesses had told them that "we're not going to spend any of (taxpayer) money outside the PBID," and they haven't!

As the attached studies reveal, the underlying issues here are much broader than just removing conditions when this particular Type 47 alcohol license is transferred to new nightclub owners. Or even Midtown. The effects and handling the fallout of **over concentrating alcohol outlets** (as now exists in Midtown) and needed **limits and controls have been troublesome issues for some years in many states and cities.** Consequently, some of these more **progressive cities** and/or other groups **conducted studies.** All are very relevant to this discussion. **If Sacramento applied these results as other cities have done,** that action could resolve Midtown residents' concerns and damages incurred. (I have truncated these studies to focus on elements most relevant to us and enable you to read more quickly.)

We Midtown residents **now** find that our past successes to create and preserve our historic neighborhoods are now **threatened to be destroyed** by the growing over concentration of **regional serving serving alcohol outlets** (nightclubs/bars featuring entertainment in many cases) in or adjacent to our historic neighborhoods. **It is important to remind staff and commissioners again that we welcome and patronize the great variety of Midtown luncheon and dinner houses,** which **serve alcohol** with food and observe nationwide standard operating hours as defined in a nationwide survey conducted by the National Restaurant Association. **But those hours are not what Red Rabbit "restaurant" owners/investors have stated as their intent to operate;** hence, our serious concerns about adding another alcohol outlet in Midtown with nightclub hours.

One of our past successful goals was to attract **luncheon and dinner houses** with menu price ranges to serve both **our many lower income residents and our more fortunate higher income families.** Examples include Zelda's Pizza, Spaghetti Factory, Chicago Fire Pizza, Moxie's, Marika's, Noah's Bagels, Jalapeno's, I Love Teriyaki, Tea Cup Cafe, etc. etc. These eating places have been a **healthy addition to our neighborhoods.** They also serve regional customers, but those patrons respect our neighborhoods and do not act as if Midtown has become a

"party" place to let off steam at the expense of residents. Please understand that the on-going danger to our neighborhoods is not from those luncheon and dinner houses or the behavior of their customers!

The **threat to core** adjacent residential neighborhoods began one nightclub, one bar, one entertainment venue at a time **after** former city manager, Bill Edgar retired. The city's first subsequent manager ignored this gradual developing change, and then his replacement management "team" openly advocated for nightclubs and bars to proliferate, as **pictured and reported in the media**, ("youth need to gather to talk" - near quote).

This encouraged many **alcohol outlets to call themselves "restaurants," instead of night clubs and locate in Midtown. They found that they could serve with city approval some food but still insist on operating the hours of bars/nightclubs with various forms of entertainment as a draw.** These places justify those hours as "musts" in order for them to make a profit. **BUT from a business economic sense, the reality is that those "musts" raise the question as whether there is really a market for their kind of food.** After all, the above named long time successful luncheon and dinner houses merely *augment* their profit with alcohol--about 25 to 30% of sales they have told me when I asked them.

bar/nightclub examples whose owners say or said that they were or are going to be a "restaurant" include proposed Red Rabbit, existing BARWest, Harlow's, Ink, Streets of London (which started out as a restaurant), River Rock Tap House (which was originally Taco Loco, then Tex Mex and has now turned into an extremely loud raucous noisy no-food bar in the sidewalk patio). There are many others.

It is the **over concentration of these alcohol outlets, which has created a "party" scene that is doing the damage to our core adjacent neighborhoods. It is their customers who park in front of our houses and return to their cars drunk, disorderly, awakening us and our children repeatedly in one night alone but also weekend after weekend with their screaming, hooting, shouting, cursing, fighting, littering, vomiting, urinating on our yards and houses and vandalizing our landscaping and homes and apartment houses, breaking our picket fences and using the staves as weapons all of which misbehavior increased police enforcement and our costs, etc.** Unfortunately, limitations of our police Call Center prevent staff from having an accurate count of the volume of "calls for service" from Midtown residents to report get PD help.

The city's failure to assist residents **abdicates its responsibility to protect violation of our constitutional right to quiet enjoyment of our property, which ABC tries to uphold but city management and staff sit idly by.** After all, none of them are affected. None of them would put up with this, so **please don't force more upon us and expect us to endure even more by removing the RR conditions.**

The following attached studies verify effects about which residents have complained over and over: ***Health Effects of Noise, How Alcohol Outlets Affect Neighborhood Violence and More Alcohol Sales Means More Neighborhood Violence.***

I am also attaching **USC alcohol study research entitled "Study finds direct relationship between number of businesses selling alcohol and the level of violent offenses in an area."** When you read that attachment, you will note that former **Calif Assembly Speaker and now congresswoman, Karen Bass was a South Central**

resident then and participated in the study. She concurred with the study group when researchers said, **"the results only confirm what residents of poor communities have been saying for years." That is what we have been saying for years now but have been ignored by our city and elected officials.** So we are not alone in our complaints. This is your opportunity to decide responsibly what to do in the RR case before it is too late for us.

Congresswoman Bass was no "whiner" (as we've been derogatorily called) but she had the foresight to listen to neighborhood residents **who knew firsthand what over concentrating alcohol sellers in an area does to attract crime and cause other neighborhood and non-alcohol business decay factors. Just as important, we know what is needed to improve our neighborhoods.** We are on the same page as those South Central residents. **So please follow Congresswoman's lead and listen** to our message too because it is the same as theirs.

Also significant is a near quote from the owners of a Midtown "dinner house" that sells alcohol with its meals. Owners said initially, and have continued to maintain, that **they and "other restaurants, bars, clubs" are "guests in our neighborhood and are here because of what we did to improve our neighborhoods."** They added that their **"goal has been to run a profitable business in a way that attracts diners who respect those successes"** and their dinner house "continues to be a welcome guest" in our neighborhood. **That is the attitude that Red Rabbit and other nightclubs and bars should have too, but apparently don't.**

III. Red Rabbit (RR) Issue Under Review: City management, Planning staff and Planning Commission members should **not** remove or modify conditions previously imposed at **2718 J Street**, where the owners of the Red Rabbit are in the process of transferring the **ABC Type 47** conditional license to their ownership.

Planning should make its decision based on:

1. Accepting and being guided by ABCs designation of Midtown as having "undue concentration" of alcohol outlets, the results of studies I have attached, the concerns we residents most affected have expressed **and averting the damage being done to our core neighborhoods.**

While it is true that some residents I know may speak in favor of RR and related over concentration of alcohol outlets, most don't, if **any** do, have children, do not live in the "core" affected area, have not been victims of noise and vandalism, their properties are walled off by high iron fences and they are not aware or have not read or have chosen to ignore the results of studies made in other cities or may have ties to like businesses.

2. Setting policies that require the high profit alcohol outlets to furnish **free/cheap** and safe parking to their customers and employees. **Granting variances and removing requirements only exacerbate the problems we face as described elsewhere in this testimony and the attached studies.**

3. Holding alcohol outlets (bars, nightclubs) **accountable** for providing adjacent or nearby free/cheap parking for their employees and customers when owners/investors contend late hours and alcohol sales are a "must," to make a profit. The city rightfully considers for other businesses the provision of parking is a "cost of doing business." As a result, it has a guiding "formula" for most businesses to provide parking spaces to their employees and customers.

If that cost is too high for high profit alcohol outlets, then that may very well be a message to investors that those kind of businesses cannot and should not operate profitably in Midtown. But instead of acting on this message, those same investors try, with city approval, to manipulate the market to effect their profitability, **passing on many of the fallout costs to the core adjacent residents and police department.**

As the attached studies show, **"undue concentration"** of such establishments do **not** contribute to successful neighboring businesses and residents' wellbeing or property

values but unfortunately **do attract crime and increase police costs**. Neither those businesses nor core neighboring residents should be **sacrificed for the profitability of a few**.

4. Applying the Central City Parking Master Plan's survey findings, which confirmed that there is scarce to no available on-street parking in the core area of nearby residential streets after residents return home from work. If the commission removes the **existing requirements** on the RR address, then that **will increase** the number of alcohol customers who then **park for free** in front of our homes and apartments, which will **in turn cause even more severe adverse impacts to our residents and their children when the destructive inebriated alcohol drinkers return late at night/early morning to their cars and speed away**.

Further, you will perpetuate the parasitic relationship of entertainment nightclubs/bars, whose customers' criminal and previously described other misbehavior **suck the life out of the existing vitality and quality of life and pass on the costs to those core residents** in those core neighborhoods as well as our police department.

Solutions IV - There are solutions to the previously stated, long standing severe and worsening neighborhood impacts as described above and detailed in the attached studies. It is clear that these impacts stem from city management's policies which are responsible for promoting nightclub/bar customers parking free in front of homes and apartments in adjacent and nearby core areas. These scientific studies show that not only residential neighborhoods experience more violent crime and other damaging impacts but adjacent and **neighboring non-alcohol businesses are also adversely impacted**.

Guidelines that should be used when crafting solutions:

a. the city and businesses must **respect and be guided by the 1977 U. S. Supreme court decision (Arlington Va. case)**, which ruled that **residents are entitled to preferential parking on their streets** when adjacent business employees and customers take up residents' parking spaces. The city must **end its lax compliance** to that decision, which has actually **mised nightclubs and bar businesses into reliance on such street parking at the expense of residents**.

b. Similarly, city decisions and alcohol nightclubs/ bar outlets **must not violate residents' constitutional right to "quiet enjoyment of property"**—especially that caused by previously described alcohol customers' misbehavior. PD resources are stretched too far to rely on PD enforcement alone. **Help from the offending alcohol outlets is needed**.

c. Follow and cooperate more with **ABC**. To the extent possible, **ABC** places on alcohol outlets **operating conditions**, which are intended to eliminate those quiet enjoyment of property violations or at least minimize impacts to residents. **BUT** the city has demonstrated little cooperation with **ABC**, and businesses have largely ignored their "good neighbor" obligations to Midtown residents.

There is no doubt that if these rights had been so **flagrantly violated in upscale neighborhoods** east and south of Midtown, there would have been a **class action suit by now**. But Midtown **consists of low income neighborhoods** that to date have not had the resources to litigate, so the city and alcohol businesses have had no concern.

Proposed Workable Solutions:

1. **Problems that the city create, the city can eliminate** - Realizing that the problems city management created, even under prior management, current management can change course to correct. One solution with a **long term goal** in mind, is for the city to review the **Vallejo** study, meet/speak with nearby Vallejo officials, adopt and implement limits and

controls as described in the studies done in Vallejo and South Central Los Angeles.
See *Vallejo, Calif Case Study 2* and *USC Alcohol, Business and Crime*

2. Implementation of short term and immediate solutions - Recognizing that more short-term and immediate remedies to problems are possible too. One major remedy is to eliminate these previously described neighborhood-killing impacts to the core residential areas. This can be done quickly by **eliminating free parking** in front of those homes and apartments most impacted by **specifically targeted expansion of Residential Preferential Parking Programs** to which residents are entitled under of the 1977 U.S. Supreme Court decision.

Not that anyone cares (as Midtown Business PBID staff so stated when they callously said that impacted residents should move if they didn't like what was happening), but **I have personally incurred over \$400 of property damage** during the last three and one half years from drunks I observed vandalizing my sprinkler system, plants, arbor and shrubbery for which I or my business neighbor below will not be reimbursed.

His costs were **\$300** when angry drunks were seen uprooting and tossing onto the park strip in front of my house a newly planted ornamental tree. **More cost** yet when neighbors saw angry drunks throwing large pots with plants into the street, breaking them and then sped away cheering loudly at their "achievement." I'm sure the **commission** doesn't approve of such vandalism; and if it were happening in **your neighborhoods**, you would insist the city take corrective action to remove causal factors.

Another cost to all, including the city, was when my next door neighbors abandoned their dream to buy a house in Midtown and moved, vowing "never to return." They told me that on the day following their three year old son had been awakened by loud hooting and hollering. The lad looked down from his bedroom window to see **two male drunks urinating** against their rental house and their female companions shrieking with laughter. Does the city consider that acceptable behavior? Does the city want a Midtown without children? Apparently, because both are what it is promoting.

3. Elimination of free parking in front of residents' homes and apartments - Eliminating free parking on the affected streets can also be achieved by implementing policies that promote utilization of numerous private parking lots **within the PBID** which are vacant and/or chained off after daytime employees go home. While that would take longer and require more city staff effort, the city under management's direction should compile a count of the location addresses, number of spaces available, correlate to alcohol outlets locations and **work with those business through the PBID to provide parking for alcohol customers closer and more safely to the alcohol outlet**. This in turn reduces the city's PD and resident victims' costs.

The goals of those efforts should be focused on the benefits to fellow businesses through cooperative sharing of spaces. Small charges to business users or their customers could increase business revenues for private lot owners.

We were been told by both PBID and city staff that businesses **refuse** to share their parking lots because they **do not want their parking lots strewn with litter, trash, broken bottles, glasses, drug needles, broken shrubs and watering systems in their planters and hose down urine and vomit**. MBA staff said we should expect such damage to our properties because we live in an "urban environment." **That is not only unreasonable and unfair but shows total disregard for residents! After all, the PBID employs a cleanup crew while residents plagued with the same problems must bear the labor and costs themselves.**

4. Revision of relevant city codes and ordinances - Revising city codes and ordinances that define restaurants, nightclubs, bars and other alcohol selling outlets to bring them more into **conformity with ABC** and compliance with the city's **Public Necessity and Convenience** codes. We started working on that with PD and ABC toward the end of the Edgar's management, but that cooperation suddenly disappeared after the Portland management team arrived.

Equally serious and at heart of the problem is city's failure to admit and distinguish clearly

a. the differences between ABC's **Type 47** and **Type 48** licenses and ABC imposed **operating** conditions on those licenses.

b. **Type 47** ABC licenses are granted to an establishment that plans to serve primarily and obtain its profits from serving **food**. Beer, wine and distilled spirits are served because **customers want to drink those beverages in conjunction with their food**. I've listed above examples of such luncheon and dinner houses (restaurants), the operating hours of which are consistent with the standard operating hours in the nationwide survey of the National Restaurant Association.

These ABC licenses typically **cost about \$1,000**. In addition, ABC staff places **operating conditions** on that establishment's conditional license and its parking lot which, which staff believe the licensee can enforce to ensure or minimize **nearby residents' constitutional right to quiet enjoyment of property is not violated**. It is not within ABC's jurisdiction to set any conditions related to on-street parking. That is left to the city, which unlike other cities, Sacramento does nothing about.

c. **Type 48** licenses are granted when the establishment **may or may not serve food** but its **primary goal is to earn a profit by serving beer, wine and distilled spirits** with food. IF that alcohol seller, typical a bar or nightclub, serves food, its main efforts are directed toward attracting those customers who are primarily interested in **drinking those beverages and enjoying entertainment**, which has been advertised, promoted and is provided. I've listed above examples of these alcohol outlets. These licenses cost a heftier **\$5,000** or thereabouts.

d. Further and extremely important is that in order for ABC to grant a **Type 48** conditional license, the applicant must show that its operation **meets the requirements of the city's Public Necessity and Convenience Codes (PN&C)**. When ABC determines that an area, such as the central city, already has an **"undue concentration"** of alcohol outlets, it will not grant such conditional licenses **unless** the city voices no objection.

As a result, ABC's final decision defers to the city to object or not object. If no objection, then ABC will grant, but it still places operating conditions on the alcohol outlet and its parking lot--often stricter than a Type 47. Such conditions are placed within its authority and obligation under law to ensure or minimize the possibility of that the licensee's operation and its customers behavior "under the control" of the licensee does **not violate nearby residents' constitutional right to quiet enjoyment of property**.

BUT Sacramento city has turned this orderly lawful process on its head by

(1) its lax application, if applied at all, of the **PN&C Codes**. This laxity compounds the situation because the city rarely imposes any meaningful conditions or restrictions on such alcohol outlets.

Examples include {1} failure to address customer parking in front of residential neighbors' homes and apartment houses, which is a known troublesome factor (as described above). That falls under the city's jurisdiction but it usually **ignores or grants variances**. **AND {2}** the city sets no city requirements as to **how much of the alleged "restaurant's" income is to come from food sales and how much from alcohol sales**. Such a requirement would ensure that the business actually operates as a restaurant instead of a nightclub. **AND {3}** no hours are set when a chef must be on duty to prepare food. Advance preparation and later convection oven or microwaving reheating of certain menu items can substitute for a chef's presence. **AND {4}** no attention is paid to whether **planned operating hours** are consistent with a nightclub or National Restaurant Association survey guidelines. These guidelines detail closing hours at no later than **11:00 p.m. not the typical late operating hours of a nightclub**.

(2) failing to admit that owner/investors are well aware of the city's lax **PN&C Codes** and parking requirements. This sends the message to **Red Rabbit** or any other alcohol selling applicant that they can escape being defined as a nightclub by calling themselves "restaurants." They know full well that the city will not oppose an additional "restaurant" anywhere in the city.

Consequently, owners/investors are free to declare that their "restaurant's" **operating the hours will reflect nightclub/bar hours** of closing at 2:00 or close to 2:00 a.m. Contrast that with the **DIVE bar/night club in the CBD**, which had to meet the **PN&C codes--in an area that has little residential! Totally backwards**.

(3). **acknowledging** the difference between **customer behavior of diners in Type 47 license** establishment which is a **luncheon/dinner house** AND holders of of a **Type 47 license** which operates as a **nightclub/bar**, providing entertainment as a major draw until very late closing hours.

In contrast to real restauranteurs who have told us that they respect their residential neighbors, **the latter have told us that they have no control over or responsibility for the behavior of a customer who got drunk or caused trouble in their establishment once he/she leaves the establishment** This ignores the fact that the drunk would **not have been there in the first place** had that nightclub/bar not been there to serve alcohol or provide entertainment to attract customers who have those "party" attitudes.

The recent opening of **BARWEST** is an example of owner applicants/investors who strongly insisted to residents, media, etc. that they were going to open and operate as a "restaurant" (although its name **BAR** and advertising told an opposite story but city officials approved of it anyway, apparently ignoring the inconsistency between dinner house and nightclub/bar hours. **Now, too late, those neighbors who have frequented the bar find it is a bar/nightclub operating under a TYPE 47 "restaurant" license.**

Again, as described above, **the city can correct the cause of problems residents face**. Instead, it just ignores them.

5. The city's focus for nightclubs providing entertainment should be in **Downtown's CBD**. That should be the **entertainment center** for Sacramento. Downtown is not yet heavily residential and when it develops, it will be multi structure residential so residents will be far less affected. The CBD is now primarily business and hotel visitors with hundreds of convenient parking spaces in city owned garages, which are available to nightclub customers.

Midtown alcohol nightclub and entertainment businesses should not compete with or draw the nightlife out of the CBD, which it is doing now. It is counter productive financial folly to **subsidize the CBD with millions of Redevelopment dollars to open the nightclubs and promote entertainment there while simultaneously promoting competitive nightlife and entertainment in Midtown.**

In addition, that competition **costs more in police enforcement** to cover a large spread out Midtown area AND the CBD. There would be considerable savings if PD could concentrate its limited resources in a much more geographically compact area such as the CBD.

6. The city should focus on preserving and promoting a quality of life that attracts mixed racial and range of income **families with children in Midtown.** For sometime there has been a "Tots Playground" in Marshall Park immediately across the street from the Red Rabbit. That should send a message right there that there are numerous children in the neighborhood who will be negatively affected (please see Vito's Sgromo's attachments **Children and Lack of Sleep, Snooze or Lose and A slightly sleepy sixth-grader will perform in class like a mere fourth-grader**).

Vito will be attaching to his testimony those studies which show serious damaging effects to **children** who are affected by noise and sleep interruption such as inebriated nightclub/bar customers cause. You would not want these for your children and Midtown's children should not be victims either.

7. The city should make decisions and policies that **protect the health and wellbeing of ALL affected Midtown residents.** Please see my attachment entitled "**Sleep is Key to Cardiac Health.**" Midtown has many seniors, disabled and otherwise healthy individuals but are on various medications as I'm sure some of you are. **Serious health effects result to all ages** when those drunk from alcohol create loud angry noise and vandalism when returning to their cars parked in front of residents homes and apartments. **These serious results are not to be laughed off or taken lightly as some council members and MBA staff and businesses have done.**

8. The city should make decisions and policies that preserve Midtown's residential economic and ethnic mix and compatibility. That is the goal of other cities' redevelopment efforts, and they would consider, if not envy, **Midtown's demographics as a model of success.** This is especially **remarkable in view of the fact that Midtown is 85% plus rental and mostly low income.** Where else do you find this mix?

But Sacramento has and still does not honor that accomplishment in Midtown. Consequently, it is time to put an **end to city management, staff and prior Planning Commissions' long history of prejudice** against Midtown's low income neighborhoods.

V. Summary: Normally, summaries come at the beginning of presentation as kind of an overview to a topic, but am entering here because I'm not sure how much sense it would make at the beginning absent informative details.

First, all of the health and quality of life problems identified and supported with attached studies, can largely be alleviated, if not eliminated, to core area neighbors by eliminating or even limiting the **free parking for nightclub/bar customers in front of our homes and apartments.**

This free parking, **which RR is seeking approval for**, is the primary factor which results in too many of alcohol customers returning drunk and angry to their cars and, before speeding away, engage in the vandalism and excessively loud misbehavior which wakes core residents and their children up in the late night early morning hours. Not to be ignored are attached scientific studies that have shown **serious health effects not only to children but many adult individuals** as well when subjected to those conditions.

We had little to none of this destructive behavior prior to the over concentration of nightclubs and bars in Midtown. And contrary to what owners and supporters of these alcohol outlets say but do not live in the core areas affected, we know well the **differences between misdeeds of homeless and vandal criminal and other misbehaviors of inebriated alcohol outlet customers.**

All of this destruction began and intensified as more and more entertainment bars/nightclubs located in the MBA and Sutter PBIDs resulting from the **prior city management "team's" advocacy** and appears now to be promoted by the **new manager** as well. **This promotion is contrary to good city policy as the attached scientific studies show.** In fact, the studies show that over concentration of alcohol outlets creates **much more violent crime** than other areas of a city, increases police costs **and** will gradually destroy these fragile residential neighborhoods when affected residents give up and move. **And as other cities have experienced, the entertainment businesses then close for lack of customers and follow the exodus, leaving the are for "Redevelopment."**

Finally, the attached studies show how far **Sacramento lags far behind other cities** which have taken action to **limit and control** such establishments in order to reduce the crime that is attracted and the damage that occurs to neighboring businesses and residents when there is over concentration of alcohol outlets. Sacramento must begin to do likewise.

1. Health Effects of Noise, 2. How Alcohol Outlets Affect Neighborhood, 3. More Alcohol Sale Sites Means More Alcohol Related Violence, 4. USC Alcohol, Business and Crime, 5. Vallejo. Calif Case Study 2

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World Health Organization 2011 report

Health effects of noise

Noise causes a wide range of health effects, including:

- sleep disturbance;
- cardiovascular effects;
- damage to work and school performance;
- hearing impairment including tinnitus.

To assess the health gains of reducing noise levels, experts drew the following conclusions on exposure-response relationships.

Sleep disturbance

To some degree, the immediate effects of sleep disturbance in adults are quantified through:

- the number and duration of nocturnal awakenings;
- the number of changes in sleep stage;
- the number of electroencephalographic arousals;
- global changes in total amount of sleep stages or in their time organization (sleep architecture).

Exposure-response curves exist for awakenings, based on laboratory results and self-assessment questionnaires. "...'

The long-term effects of poor sleep in children exposed to noisy sleep environments are still very uncertain and too early to conclude because long term effect studies have not been done as yet. For example, the potential for developing adult insomnia needs evaluation.

Cardiovascular effects

Among other non-auditory health endpoints, short-term changes in circulation including blood pressure, heart rate, cardiac output and vasoconstriction, as well as stress hormones have been studied in experimental settings for many years. "..."

Loss of productivity in adults

Noise has negative impacts on cognitive performance. “. . .”. These adverse impacts of noise on cognitive performance can lead to a reduction in the productivity at work and the learning performance at school.□

Learning impairment in children

Children chronically exposed to loud noise (enough noise to wake them up) **show impairments in attention, memory, problem-solving ability and learning to read.**

Hearing impairment

“” Noise is an underestimated threat that can cause a number of short- and long-term health problems, such as for example sleep disturbance, cardiovascular effects, poorer work and school performance, hearing impairment, etc.

“”

Who is most affected?

Some groups are more vulnerable to noise. **As children spend more time in bed than adults, they are more exposed to night noise. Chronically ill and elderly people are more sensitive to disturbance.** Shift workers are at increased risk because their sleep structure is under stress. **In addition, the less affluent** who cannot afford to live in quiet residential areas or have adequately insulated homes, are likely to suffer disproportionately.

Nuisance noise at night can lead to an increase in medical visits and spending on sleeping pills, which affects families' budgets and countries' health expenditure. The gap between rich and poor is likely to increase if governments fail to address noise pollution.

Children, noise and health

Impairment of early childhood development and education caused by noise **may have lifelong effects on academic achievement and health.** “”

- consistent evidence that noise exposure harms **cognitive**

performance;

- consistent association with **impaired well-being and motivation** to a slightly more limited extent;
- moderate evidence of **effects on blood pressure and heart rate increase.**

“.....”

HOW ALCOHOL OUTLETS AFFECT NEIGHBORHOOD VIOLENCE

Kathryn Stewart, Resource Center

Pacific Institute for Research and Evaluation

Introduction

Neighborhoods where bars, restaurants and liquor and other stores that sell alcohol are close together suffer more frequent incidences of violence and other alcohol-related problems, according to recent research by the Prevention Research Center and others. The strong connection between alcohol and violence has been clear for a long time - but now we know that this connection also relates to the location of places that sell alcohol.

Government agencies with authority over land-use and/or liquor licenses can help fight crime and blight and improve quality of life by controlling licenses to sell alcohol and the location of licensees. Governments can make rules that set minimum distances between alcohol outlets; they can limit new licenses for areas that already have outlets too close together; they can stop issuing licenses when a particular location goes out of business; and they can permanently close outlets that repeatedly violate liquor laws.

This paper presents some of the questions and answers about alcohol sales outlets and alcohol problems - especially the relationship between outlet location and violence.

What is the relationship between outlet density and

violence?

A number of studies have found that in and near neighborhoods where there is a **high density of places that sell alcohol, there is a higher rate of violence**. That is, when bars, liquor stores, and other businesses that sell alcohol are close together, more assaults and other violent crimes occur.

Some of the important findings about outlet density and violence are described below.

- In a study of Camden, New Jersey, **neighborhoods with alcohol outlet density had more violent crime (including homicide, rape, assault, and robbery)**. This association was strong even when other neighborhood characteristics such as poverty and age of residents were taken into account.
- In a study of 74 cities in Los Angeles County, California, **a higher density of alcohol outlets was associated with more violence**, even when levels of unemployment, age, ethnic and racial characteristics and other community characteristics were taken into account.
- In a **six-year study** of changes in numbers of alcohol outlets in 551 urban and rural zip code areas in California, **an increase in the number of bars and off-premise places (e.g., liquor, convenience and grocery stores) was related to an increase in the rate of violence**. These effects were largest in poor, minority areas of the state, those areas already saturated with the greatest numbers of outlets.³
- **In neighborhoods where there are many outlets that**

sell high-alcohol beer and spirits, more violent assaults occur.

- **Large taverns and nightclubs and similar establishments that are primarily devoted to drinking have higher rates of assaults among customers.**

A larger number of alcohol outlets and a higher rate of violence might be expected in poorer neighborhoods or in neighborhoods with a larger population young people. But as the research described above shows, even when levels of poverty and the age and the ethnic background of residents are taken into account, **a high density of outlets is strongly related to violence regardless of a neighborhood's economic, ethnic or age status.**

All of the characteristics of alcohol outlet location can be important. It is easy to see that a town/area with many bars, restaurants, and stores that sell alcohol could be different from one that has fewer outlets. **It is also easy to see that a neighborhood that has a bar on each corner and a liquor store on each block has a completely different environment than one that has few outlets or none at all.**

Other characteristics of the environment make a difference, too. For example, a strip of bars near a college campus presents a different environment from a similar density of bars in an upscale city center and also different from a similar density in a poor neighborhood. But in each case, some form of increased violence would be expected as compared to comparable areas with fewer alcohol outlets.

A study of changes in outlet density over time as related to violence in California found that regardless of other neighborhood characteristics, an increase in outlets increased violence. In neighborhoods with a high minority population and low incomes, the effect was more than four times greater than for the statewide sample

What implications do these findings have for state and local licensing policies?

The research strongly suggests that limits on outlet density can be an effective means of reducing alcohol problems, especially violence. States and communities can use controls on the number and location of alcohol outlets as a tool for reducing violence, creating a safer and healthier alcohol environment, and improving the quality of life of a community.

What other alcohol policies are important?

Alcohol is a legal and widely consumed commodity; but it is also a commodity that can create a variety of serious health and social problems. Alcohol policies are an important tool for preventing these problems. Every day, states and communities make decisions about the sale of alcohol: who can sell it, when and where it can be sold, who it can be sold to. State and local laws and policies control many aspects of the system by which alcohol is manufactured, marketed, sold, purchased, and consumed.

Regulations serve a variety of purposes, for example, they help ensure that tax revenues are collected. But the regulation of the business of selling alcohol goes beyond

economic concerns. **Each element of the regulatory system provides opportunities for creating a healthier social environment with respect to alcohol.**

For example, regulations can prevent unsafe sales practices - such as prohibiting all-you-can-drink specials that encourage intoxication. Regulations can control advertising and promotion that appeals to minors and establish the minimum age and training qualifications for people who sell and serve alcohol. Each type of regulation has the potential to ensure that alcohol is consumed in a safe and healthy manner.

More Alcohol Sales Sites Mean More Neighborhood Violence, New Research Finds

ScienceDaily (Feb. 21, 2010) – More alcohol sales sites in a neighborhood equates to more violence, and the highest assault rates are associated with carry-out sites selling alcohol for off-premise consumption, according to new research released Feb. 21 by two Indiana University professors.

Using crime statistics and alcohol outlet licensing data from Cincinnati, Ohio, to examine the spatial relationship between alcohol outlet density and assault density, Department of Criminal Justice professor William Alex Pridemore and Department of Geography professor Tony Grubestic found that off-premise outlets appeared to be responsible for about one in four simple assaults and one in three aggravated assaults.

The findings were released at a press briefing entitled "Using Geographic Information Systems and Spatial Analysis to Better Understand Patterns and Causes of Violence" and presented as part of the Feb. 18-22 annual meeting of the American Association for the Advancement of Science in San Diego, Calif.

"A higher density of alcohol sales outlets in an area means closer proximity and easier availability to an

intoxicating substance for residents," Pridemore said. "Perhaps just as importantly, alcohol outlets provide a greater number of potentially deviant places. Convenience stores licensed to sell alcohol may be especially troublesome in this regard, as they often serve not only as sources of alcohol but also as local gathering places with little formal social control."

Using different suites of spatial regression models, the researchers found that adding one off-premise alcohol sales site per square mile would create 2.3 more simple assaults and 0.6 more aggravated assaults per square mile. Increases in violence associated with restaurants and bars were smaller but still statistically significant, with 1.15 more simple assaults created when adding one restaurant per square mile, and 1.35 more simple assaults per square mile by adding one bar.

"We could expect a reduction of about one-quarter in simple assaults and nearly one-third in aggravated assaults in our sample of Cincinnati block groups were alcohol outlets removed entirely," Grubestic noted. "These represent substantial reductions and clearly reveal the impact of alcohol outlet density on assault density in our sample."

The study examined 302 geographic block groups that encompassed all of Cincinnati, with each block group containing about 1,000 residents. Block groups are

subdivisions of census tracts and represent the smallest unit available for socioeconomic analysis using data from the Census Bureau.

Crime statistics from January through June 2008 provided by the Cincinnati Police Department found 2,298 simple assaults and another 479 serious assaults had occurred in the study area during that time. The location of each of these criminal events was geocoded to show the precise location where they occurred. The researchers, using data from the Ohio Division of Liquor Control for Hamilton County, Ohio, then used the same geocoding techniques to spatially aggregate the city's 683 unique alcohol sales outlets into those block groups. The arithmetic mean, or average, density of assaults was 69 per square mile, while the average density of alcohol outlets per square mile was 20.

The researchers pointed to possible implications from the research on both public policy and on future research within the field of criminology. Pridemore said ecological studies of alcohol and violence similar to this one, while appearing more and more over the past 20 years in journals of disciplines like public health, geography and epidemiology, have been rare in criminology journals.

"We believe that alcohol outlets, as a source of community-level variation in levels of interpersonal violence, deserve greater attention in the

criminological literature," he said. "The nature of our findings should encourage further investigation of the nature of the ecological association between alcohol, violence and other negative outcomes within communities."

Grubestic said explanations for crime ecological theories like collective efficacy, social disorganization and social cohesion rely on elements like poverty, ethnic heterogeneity, residential mobility, anonymity of community members and willingness to intervene on another's behalf, are difficult to remedy through public policy. That is not the case with alcohol outlet density, he said.

"Alcohol outlet density, on the other hand, is much more amenable to policy changes," Grubestic pointed out. "Unlike other negative neighborhood characteristics that often seem intractable, regulating the density of outlets, and to some extent their management, can be readily addressed with a mixture of policies by liquor licensing boards, the police and government agencies that regulate land use."

In this 16-year old study **Karen Bass**, former Speaker of Calif Assembly and now Congresswoman from her area recognized the damage that over concentrating alcohol sellers does to other business and residential neighborhoods even then and was an organizer to reduce alcohol outlets.

Business, Alcohol & Crime By LISA RESPERS, Los Angeles Times, May 1, 1995

RESEARCH: Study finds direct relationship between number of businesses selling alcohol and the level of violent offenses in an area.

A recently released study by a group of USC researchers has found a **direct correlation between the number of alcohol outlets in an area and the rate of violent crime.**

The study--conducted by Richard A. Scribner, David P. MacKinnon and James H. Dwyer--was the first to scientifically examine the **relationship between the density of liquor stores and bars and violent crime rates in the communities they serve.** It was carried out over four years.

Using 1990 census figures and data from state agencies, the team studied 74 cities in Los Angeles County and found that **each liquor outlet contributed an average of 3.4 violent crimes a year to each city.**

The researchers looked at cities with a population of 10,000 or more and examined both on-sale liquor sites, such as bars and restaurants, and off-sale outlets, such as mini-markets and liquor stores. Dwyer, an epidemiologist, said that even by statistically controlling for the variation of unemployment rates in the communities--which is also considered an indicator of crime rates--the findings still

showed a connection between the availability of alcohol and crime.

“.....”

Karen Bass, one of the key organizers of a campaign to reduce the number of liquor stores and bars in South-Central Los Angeles, questioned the need for the abundance of such establishments.

"Let's not negate the fact that South-Central needs commercial activity, but commercial activity that helps, not that drains the community," she said. Bass joins a number of community activists, politicians and law enforcement officials who say the findings by the USC researchers, which were published last month in the American Journal of Public Health, only confirm what residents of poor communities have been saying for years.

“.....”

Day One, a community-based organization in Pasadena that deals with problems of substance abuse, joined Pasadena police last year to study arrests over a two-week period and found that alcohol was a factor in many of the arrests involving violent crime.

Cmdr. Mary Schamder of the Pasadena Police Department said the city has had success with a hospitality program that trains restaurant and bar employees how to serve drinks more responsibly. **She also pointed to an absence of alcohol served at the Rose Bowl during the World Cup soccer games and the relatively few arrests during the event as evidence that alcoholic beverages contribute to crime.**

"Any time you have alcohol involved there is an increased

chance of violence," Pasadena Police Lt. Bruce Linsenmayer said. "It's pretty much what you would call a truism."

" "

"The fact that there is now scientific evidence to back up what residents have been saying is critical," said Sylvia Castillo, associate director of the Community Coalition. "The decision makers are going to have to pay heed."

My comment: Apparently too many Sacramento city decision makers are still oblivious to and ignore this scientific evidence

U. S. Department of Justice Bureau of Justice Assistance***Case Study 2: Vallejo, California***

For over a decade, the Vallejo Alcohol Policy Coalition (VAPC) of Vallejo, California, a community-based organization, has collaborated closely with the Vallejo Police Department and other **groups to reduce the negative effects of alcohol sales and consumption on the community**. Employing a broad range of actions, from enforcing laws regulating alcohol outlets to neighborhood revitalization efforts, this **collaboration has created a measurable improvement in the reduction of alcohol-related crime and the general rate of violent crime in the city**.

The California Alcohol Beverage Control (ABC) Department **has been an active supporter of coalition projects, adding weight and authority to the enforcement of alcohol policies** in this locality. VAPC worked closely with the agency's Licensee Education on Alcohol and Drugs program (LEAD) to develop a Responsible Beverage Service (RBS) curriculum for Vallejo, and the state provided VAPC with a letter of support for the curriculum to be distributed to merchants. **This training began in 1995 and is required for Vallejo alcohol retail establishments to obtain a Conditional Use Permit**. A 6.5 percent reduction in calls for police service occurred in the year following the introduction of RBS training. This translated into a 20 percent reduction in the number of hours of police time spent responding to calls.

The Vallejo Police Department received a grant from the state ABC Department to enforce underage drinking laws which included a responsible beverage service training

component, and VAPC and LEAD co-trained local merchants. An ABC Department administrator attends VAPC meetings when new permit applicants make their business plan presentations in order to provide technical support on conditions that can be attached to a new liquor license (including RBS training for servers).

VAPC supported the passage of a "Deemed Approved" ordinance that created performance standards for alcohol outlets. The Vallejo Police Department and the community vigorously enforced the ordinance following its passage in August of 1998. Project staff compared data on police calls for service in the last 10 months of 1998 with data for the first 10 months of 1999 and found a reduction of 53 percent.²⁷

VAPC also worked with the Vallejo Police Department to implement undercover operations testing compliance with alcohol sales to minors. In a two-year period (1997 to 1999), the compliance rate increased from 74 percent to 98 percent.²⁸

Neighborhood revitalization was another important component of the VAPC program. **Neighborhoods with multiple environmental problems were targeted for intervention by law enforcement, code and building departments,** and other key city agencies and organizations beginning in 1998. The driving force was the notion that intensive revitalization in one area **would result in the reduction of crime citywide, not just moving problems from one part of the city to another part.**

While the interventions were multi-level efforts, liquor law enforcement was an important component of the process.

After these interventions began, the city of Vallejo experienced a 22 percent drop in crimes often linked to alcohol, including such violent crimes as assault and battery, which dropped by 25 percent. “. . . .”

Clara Smith

Kimberly Kaufmann-Brisby

From: Clara Smith [kunsch.clara@sbcglobal.net]
Sent: Wednesday, January 25, 2012 2:48 PM
To: Kimberly Kaufmann-Brisby
Cc: David Kwong; ILee Muller; Robert King Fong; Lisa Nava; Jessica Equihua; Janine Martindale; 'Trimble Jeanette'; 'STARR Marilyn'; 'Fuentes Paul'; 'Jacques Karen'; 'Wendel Tom'; 'Sgromo Vito'; 'DAMJANOVIC MARTHA'; KOOYMAN Dale
Subject: RE: Red Rabbit bar/club planning commission testimony
Importance: High

My name is Clara Smith and I live at 2604 N St., Apt. C, Historic Midtown, Sacramento, CA 95816. I am a Senior resident (77 years of age) and own rental property in Midtown. Due to my heart/health condition, I am unable to go to any more meetings on the clubs and bars that are destroying our lovely neighborhoods. It is outrageous that the city forces all these dives on us!

Please don't remove any of those conditions on the Red Rabbit. How you city authorities cannot see beyond the present to the future astounds me. Isn't that what should be part of your job? To take the whole Midtown picture into consideration? Isn't that what planning is supposed to be about?

I bought, rehabbed, and have lived in my N Street Victorian for nearly 20 years. I was a self-employed accountant with my office in one of my properties. I retired early a few short years ago. I have had healthy caring neighbors and used to love and be so happy living in my neighborhood. But I have found my neighborhood deteriorating increasingly into a bad and stressful state, which is caused by bar goers who park free in front of my house and on other nearby streets. It is ridiculous.

Constantly these last few years, I stand by helpless while car loads of noisy, loud, destructive youths park their vehicles along my curb and amble off to drink their fill and then stagger back in the late night/early morning, **now making much noise and tossing beer bottles, food stuffs, paper napkins, misc. papers, advertisements, etc. around along with other junk (sometimes even personal underwear and one time a needle!) and all too often vomit, which means I have to lug out my watering hoses, which is not easy and then I work hard to clean the sidewalks off. And the gutters attract vermin and become filthy and the city only sweeps them once a month. (When I am well enough I sweep them each Monday morning).**

There are two bar clubs on Capitol Ave., just two ½ blocks away and even closer is a nightclub after hours joint—I say joint because that is what it is. I don't know who owns it, but they should take responsibility by placing a pretty collection container out front and possibly even at my end of the block. They should also take responsibility by controlling the people who get drunk – or better yet, don't sell them so much they do get drunk! I do remember when Councilman Cohn, supported this place staying open after 2:00 a.m. (now 4 a.m.) and said drinkers could sober up on sandwiches or maybe he said dancing too. Anyway, you can bet that would not have happened if his home were as close to this joint as mine is!!!

That was foolishly naïve, and we think he knew better. We opposed it staying open later because we knew what would happen. But he didn't want to hear what really would be. After the bar closes, these scofflaws come out to their cars parking for free in front of our homes, take beer out of their vehicle trunks and drink it while standing in a group in the street or on sidewalks. I am awakened by this noise. I see them signal each other when they see police in the distance and pour whatever beer is left into the street, onto the sidewalk or the park strip or gutter. Many times they start arguing, cursing and fighting each other!

I knew a former manager of the apartments close to that joint. He told me he was leaving his job because of frustration and stress since good tenants were no longer applying to rent the apartments that face the street in his four story

building. He said he had spent money repeatedly to replace shrubs and flowers in front of his building only to have them picked, pulled, or destroyed in one manner or another by the drunks. **They would also ring tenants' buzzers, laughing that they were waking him and other tenants.** He said the buildings' reputation is preceding it, and Sutter medical employees, for example, who work varying shifts, need their sleep, so they would only rent the back apartments or they no longer applied.

As to my own health, I feel certain after reading the attachments, particularly the Cardiac one that my past stroke and worsening heart problems were/are aggravated by the noise, if not outright caused by the bar's patrons.

Mr. Kooyman describes all of this accurately in his email to you, Ms. Kaufman. It happens all over when there is a bar a couple of blocks away from our homes. I even spent a large amount of money to "brick in" much of my park strip to avoid repeated flower and plant damage/theft. This noisy destructive activity continues well into the early morning as late as 4:30 a.m., particularly on Friday, Saturday, and Sunday a.m. but sometimes Thursday too.

I am a heart patient and have had one stroke. My doctor has advised me to reduce my stress and get seven or more hours of sleep each night. I am not able to do that because I am forced to endure the noise and other bad behavior conditions that several of these nearby bars create. I would leave, but I have worked too hard for nearly 20 years to make my property picture perfect and I am too old to start over again somewhere else. I am trapped for the rest of my life here. I hope you feel my frustration and will help put a stop to this uncontrolled and rapid growth of bars and restaurants that pretend to be fine eating houses, but end up being another dive that attracts the very conditions I am complaining about here and now!

Thanking you in advance for any relief you can give to citizens like me.

Sincerely,

Clara Smith, 77 years of age.
2604 N St., #C
Historic Midtown
Sacramento, CA 95816
(916) 737-6666
Kunsch.clara@sbcglobal.net

From: dale kooyman [mailto:kooyman801@gmail.com]
Sent: Sunday, January 22, 2012 10:46 PM
To: Kimberly Kaufmann-Brisby
Cc: Kwong david; muller Ilee; Fong Robert; Nava Lisa; Equihua Jessica; Martindale Janine; Trimble Jeanette; STARR Marilyn; Smith Clara; Fuentes Paul; Jacques Karen; Wendel Tom; Sgromo Vito; DAMJANOVIC MARTHA
Subject: Red Rabbit bar/club planning commission testimony

Kimberly, I am unable to attend future meetings about this subject issue, so please treat what is in blue font below as a letter, or oral testimony, print in hard copy (you may have to convert all to black) and enter the following comments and attachments into the record for staff and the Planning Commission to read and take into consideration when making decisions on the subject bar/club. It is long but so is the history, effects on our well being and damage to our core neighborhoods.

The attachments are extremely important. They are scientific studies conducted in other cities that show increased crime and serious health effects to all residents and neighboring non-alcohol businesses who are victims of the noise and vandalism committed by inebriated alcohol customers after

Jeanette Trimble

Kimberly Kaufmann-Brisby

From: Jeanette Trimble [jeanette@sbcbglobal.net]
Sent: Tuesday, January 24, 2012 5:41 PM
To: Kimberly Kaufmann-Brisby
Cc: David Kwong; Lee Muller; Robert King Fong; Lisa Nava; Jessica Equihua; Janine Martindale; kunsch.clara@sbcbglobal.net; paul.fuentes@abc.ca.gov; threegables@macnexus.org; tdwendel@earthlink.net; vsgrono11@comcast.net; mad50plus@msn.com; kooyman801@gmail.com; rx4rd@mac.com
Subject: Re: Red Rabbit bar/club planning commission testimony

Ms Kaufmann-Brisby:

I completely agree with Mr. Kooyman's written testimony regarding the proposal to remove the conditions on the Red Rabbit night club. His attachments on what other cities are doing to control alcohol sellers just shows how far behind Sacramento is and the exhorbant ways it is costing us in policing, maintenance, and quality of life.

I firmly believe that the noise and vandalism produced by people in our neighborhood during their drunken treks to and from the bars are a contributing factor to some of my health problems ie: high blood pressure, anxiety and depression.

We residents invest our money and time into our homes in Midtown to improve the area and our quality of life, while City Management, our former councilment and Planning staff who approve the over concentration of alcohol sellers in the Midtown and Sutter PBIDs work against us to destroy that quality of life.

I live on Q Street, just four short blocks (two blocks for one) from three clubs/bars. I cannot attend the hearing because I must park on the street and if I don't have a parking place before 7:00PM, I will be forced to some distance away because bar customers take the parking spaces, then wake us with their noisy voices and car door slamming when the leave at closing time. The bars and clubs do not provide parking for their patrons, nor do they pick up the trash those same patrons scatter up and down the sidewalks. Nearly every weekend my sleep is disturbed by drunks, yelling, cursing and/or fighting as they stagger by.

I'm sure that our limited police force does what it can to control drunks' vandalism but the reality of ABC's determination of undue concentration of alcohol licenses in Midtown adds to limiting their (police) ability and adds to those costs. As the attached studies have shown, in contrast to what we have been told by our former councilman, there is no way the alcohol sales are bringing in enough revenue to pay for those police and other costs. They certainly have not paid the cost for any of the vandalism that I have endured.

No city manager, staff or commission member would ever tolerate the things that happen on our streets, sidewalks and properties from drunks staggering by and parking for free in our neighborhoods. You've heard and read it all by now, so I'm not going to repeat, except to say that my sleep is disturbed nearly every weekend by shouting, fighting, cursing.

In addition, when I assess next day, the damage done by these drunks, I find vomit over the fence on my roses, broken bottles, slats from my fence broken off or kicked in and tossed on the walkway. I have to pay for those repair

Please start supporting US instead of the alcohol sellers. Thank you.

Jeanette Trimble
2426 Q Street
Sacramento, CA 95816

916-446-2966

Thank you.

-----Original Message-----

From: dale kooyman <kooyman801@gmail.com>
To: Kimberly Kaufmann-Brisby <KKaufmann-Brisby@cityofsacramento.org>
Cc: Kwong david <DKwong@cityofsacramento.org>; muller Ilee <imuller@cityofsacramento.org>; Fong Robert <rkfong@cityofsacramento.org>; Nava Lisa <LNava@cityofsacramento.org>; Equihua Jessica <jequihua@cityofsacramento.org>; Martindale Janine <JMartindale@cityofsacramento.org>; Trimble Jeanette <jeanettetrimble@sbcglobal.net>; STARR Marilyn <STARRSTRUK@aol.com>; Smith Clara <kunsch.clara@sbcglobal.net>; Fuentes Paul <paul.fuentes@abc.ca.gov>; Jacques Karen <threegables@macnexus.org>; Wendel Tom <tdwendel@earthlink.net>; Sgromo Vito <vsgromo11@comcast.net>; DAMJANOVIC MARTHA <mad50plus@msn.com>
Sent: Sun, Jan 22, 2012 5:46 pm
Subject: Red Rabbit bar/club planning commission testimony

Kimberly, I am unable to attend future meetings about this subject issue, so please treat what is in blue font below as a letter, or oral testimony, print in hard copy (you may have to convert all to black) and enter the following comments and attachments into the record for staff and the Planning Commission to read and take into consideration when making decisions on the subject bar/club. It is long but so is the history, effects on our well being and damage to our core neighborhoods.

The attachments are extremely important. They are scientific studies conducted in other cities that show increased crime and serious health effects to all residents and neighboring non-alcohol businesses who are victims of the noise and vandalism committed by inebriated alcohol customers after nightclubs and bars close when they return to their cars parked in front of our homes and apartments. Removing conditions on the RR will exacerbate these problems. Such problems are especially severe to individuals and neighborhoods when a city allows over concentrating of alcohol outlets in areas such as exists in Midtown. In view of email imperfections, please let me know if all five don't come through.

Marilyn Starr

Kimberly Kaufmann-Brisby

From: Marilyn [starrstruk@aol.com]
Sent: Monday, January 23, 2012 1:10 PM
To: Kimberly Kaufmann-Brisby
Cc: David Kwong; I Lee Muller; Robert King Fong; Lisa Nava; Jessica Equihua; Janine Martindale; jeannettrimble@sbcglobal.net; kunsch.clara@sbcglobal.net; paul.fuentes@abc.ca.gov; threegables@macnexus.org; tdwendel@earthlink.net; vsgromo11@comcast.net; mad50plus@msn.com; kooyman801@gmail.com; rx4rd@mac.com
Subject: Re: Red Rabbit bar/club planning commission testimony

Ms Kaufmann-Brisby.

My name is Marilyn Starr. I live between P and Q on 23rd Street. I can be reached at 498-9218. Please add my letter as testimony to the Planning Commission.

Please do not remove the conditions of the alcohol license that Red Rabbit is asking to be removed when it is transferred.

I applaud the message that Dale Kooyman sent to you and cc'd to me. I have known Dale for many years and have always admired his ability to research and share information on important matters - especially matters concerning quality of life issues in Midtown. I have lived in Midtown for many years. My husband, son and I moved to Midtown when it was considered a "throw away" neighborhood. We bought here because we loved the socio-economic mix of residents, the mix of architecture, the stunning canopy of trees, the restaurants, theaters, coffee houses, art galleries and individually owned shops. It was such a walk/bike friendly neighborhood.

Leaving the suburbs to move here was quite a risk in those days. Most of our friends thought we were crazy to take such a chance - especially with a child. Then it was called "downtown" and most of the houses were in a sad state of disrepair. Drug use was rampant, many of the houses had been turned into drug manufacturing places. So-called "massage parlors" were everywhere. It was a haven for prostitutes and every kind of illegal activity you can imagine.

But, we were so taken with what the area had to offer we took a chance. My son was in high school and I wanted him to have an urban experience which I considered more valuable than cruising around in cars and going to the mall.

We soon met what we called "pioneers" - those residents who had been here for some time and were struggling to bring what had been an elegant area back to life. From day one, we joined in those efforts. We sort of banded together and formed committees to clean up the alleys, paint out the graffiti, remove the abandoned tv's, dirty diapers, and ugly garbage that people from the "better" neighbors didn't want, so dumped it on us. Even our nearest neighbors (East Sacramento) considered us a dumping ground.

We formed a committee to find and record the rich history here. We identified the historic names of the neighborhoods and **began calling the area "Midtown" to help give it an identity.** My husband and a neighbor designed, built and installed signs to personalize and further give identity to the neighborhoods. Recently, all of the historic work paid off in the fact that Boulevard Park has been added to the National Register of Historic Places - quite an honor and well-deserved.

We had a few years to enjoy our successes and of course assumed it would just get keep getting better...and safer.

Consequently, to see what is happening here recently is a heart breaker. Now I rarely go out in the evenings because I consider it too dangerous to walk our streets or even come back to find a place to park. This is why I will not be attending the Red Rabbit hearing. The crime is coming back, the people who had worked so hard to make the area attractive and comfortable are leaving. Removing conditions on Red Rabbit will only make it worse, I believe.

Recently I had some wonderful neighbors who moved here from Savannah, Ga because they love historic areas and architecture. They were only here a few months before they moved out because there were too many bars, too much crime and vandalism. They were also concerned about their health - never being able to get a whole night's sleep. The last straw for them was when an **inebriated person hacked down their front picket fence in the middle of the night**, really scaring them. They actually thought the vandals were not going to stop with the fence, but try and get into the house.

I would not be able to estimate the number of individuals who spent endless hours (adding up to years) to make Midtown a respected and desirable place to live. Obviously those efforts were successful - but unfortunately that success has made it **a draw for an element that can only be destructive and hazardous to those of us who chose to stay in spite of what may be a losing battle. I also think it is ironic that after all of our efforts and successes, we are seen as whiners and trouble makers. What a cruel fate.**

I hope you will read and apply the research that Mr. Kooyman has provided in hope that it may not be too late to reverse the trend and disrupt the residential/commercial balance.

Marilyn Starr

-----Original Message-----

From: dale kooyman <kooyman801@gmail.com>
To: Kimberly Kaufmann-Brisby <KKaufmann-Brisby@cityofsacramento.org>
Cc: Kwong david <DKwong@cityofsacramento.org>; muller llee <imuller@cityofsacramento.org>; Fong Robert <rkfong@cityofsacramento.org>; Nava Lisa <LNava@cityofsacramento.org>; Equihua Jessica <jequihua@cityofsacramento.org>; Martindale Janine <JMartindale@cityofsacramento.org>; Trimble Jeanette <jeanette.trimble@sbcglobal.net>; STARR Marilyn <STARRSTRUK@aol.com>; Smith Clara <kunsch.clara@sbcglobal.net>; Fuentes Paul <paul.fuentes@abc.ca.gov>; Jacques Karen <threegables@macnexus.org>; Wendel Tom <tdwendel@earthlink.net>; Sgromo Vito <vsgromo11@comcast.net>; DAMJANOVIC MARTHA <mad50plus@msn.com>
Sent: Sun, Jan 22, 2012 5:46 pm
Subject: Red Rabbit bar/club planning commission testimony

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Suzy Tyler

Kimberly Kaufmann-Brisby

From: smdtyler@aol.com
Sent: Tuesday, January 24, 2012 9:19 PM
To: Kimberly Kaufmann-Brisby
Subject: Red Rabbit liquor license

Ms. Kaufmann-Brisby,

I trust you received and read the statement from Dale Kooyman regarding the Red Rabbit issue. I feel he has said it all, and very well. I can only add my voice to his to assure you that he is not alone in his viewpoint. I have lived near 28th and J Street since 1999, and the noise and nuisances keep getting worse with each new bar and club that opens along the block. Please, please take the neighborhood residents' concerns seriously. We deserve a safe, quiet, clean place to live.

Thank you.
Suzy Tyler
911 28th Street

Vicki Valine

Kimberly Kaufmann-Brisby

From: Vickie Valine [vivaline@cwo.com]
Sent: Wednesday, January 25, 2012 10:38 AM
To: Stacia Cosgrove; Kimberly Kaufmann-Brisby
Cc: Ed and Edie Trujillo; Julie Murphy; Dale Kooyman; Vivian Gerlach; Jessica Equihua; Lisa Nava; Robert King Fong; ILee Muller; Eric Whalen; Samara Palko; Bill Burg; Bill Burgua; Suzy Tyler; Jim and Yvonne Berdan; Matt Valine; Carrie Pedersen; Scott Pedersen; Matt Piner; David Kwong
Subject: Personal Response to Red Rabbit Restaurant and Bar's request for removal of certain conditions of Special Permit P07-112 regarding 2718 J Street Property

January 25, 2012

Kimberly Kaufmann-Brisby, Associate Planner
Community Development Department-Current Planning Division
300 Richards Blvd., Room 300, Sacramento, CA 95811
916-808-5590

My Personal Response (as a nearby Resident) to Red Rabbit Restaurant and Bar's (2718 J Street) request for Special Permit—Major Modification to remove certain conditions of Special Permit P07-112 approved by the City of Sacramento Planning Commission Record Decision on 8/24/07.

My Background: I have lived in Midtown Sacramento for over 30 years now, in 3 apartments (the first 6 years) and have owned 2 homes (the last 24 years). I have now lived at 2801 G Street for 10 years.

My husband and I love to walk to Midtown restaurants during the day and at night, and we bring many friends with us to enjoy our walk-able neighborhood. We enjoy the varied restaurants and food, and I look forward to the Red Rabbit's concept of an International menu.

My Concerns: Because I live 3 1/2 blocks from the address where the Red Rabbit R&B will presently be located, I feel compelled to respond to the Red Rabbit Group's request to remove pre-existing conditions placed on the address of 2718 J Street by the City of Sacramento Planning Commission on 8/24/07.

I know many neighbors and neighborhood groups got involved in the process in 2007 to have so much feedback into the process, and I would hate for all that work to get thrown away because the Red Rabbit Group doesn't like being bound by those pre-existing conditions.

Parking is and has been a challenge. In the Central City Parking Master Plan Final Report as adopted by the Sacramento City Council in September 2006, it states "As confirmed by the parking surveys, on-street parking is considered fully occupied (97 percent) on a Friday evening between 7:00 and 9:00 p.m." Other off-street parking options need to be found.

The Red Rabbit Group's point that they are "not a nightclub" is contradicted by the fact that they are applying for a waiver in their ABC License to be able to stay open until 2 a.m., yet no food will be served after 10 p.m. on weekdays, and 11 p.m. on Fridays and Saturdays. To quote from the Group's Application: "Bar service will be available during all hours that the restaurant is open which could be until 2 a.m. depending on customer demand [*emphasis added*]." (Page 8 of Application.)

My Response to "2718 J Street Restaurant Statement of Intent "
Seeking to remove the following conditions (page 7 of Application):

B-C.6 - Evening valet parking services.

In 2007, the neighbors said "Enough!" and went to the Planning Commission to request that cars valet parked instead of parked in our neighborhood. (Hence, the existence of that condition in the Special Permit P07-112.) Three of the other four restaurants on J Street had been long-established before our neighborhood became impacted from people seeking free parking in front of our home.

There is already a white zone along J Street (that the City provided at the five restaurants' request in front of the J Street restaurants, but the restaurants are no longer using the white strip for the valet parking (as stated in Red Rabbit's Application, pp. 8-9). So, will the white zones now be converted back to paid parking, if the Red Rabbit gets the condition removed??

B-C.26 - Security services on weekend nights.

The patrons of J Street spots wander into the surrounding neighborhood looking for their cars that they parked in a "free" zone. Some of these patrons are very loud, boisterous, and argumentative to the top of their lungs. Many weekend (and even weekday) nights my husband and I wake up from these drunk patrons wandering by our house.

I KNOW the surrounding neighbors of the J Street nighttime restaurants/bars would appreciate having some security services on weekend nights. Even though we have HEARD that there is a Sutter District Security Guards, none of my neighbors (up to and including J Street) have seen any of those guards around during the weekend evenings.

The Security Services provided by the Sutter District is inadequate, and until the service level is determined to be adequate, Red Rabbit (and other willing business owners) should provide Security Services on weekend nights, per the 2007 Special Permit. We are not trying to pick Red Rabbit out; we just don't have the opportunity to retroactively impose conditions on other pre-existing long-term businesses. As other restaurants join the Midtown area, they should have the same conditions established to protect the neighborhood.

B-C.28 - Free valet parking for handicapped placard vehicles

How mean can the Red Rabbit Group be? OF COURSE they should have free valet parking for vehicles displaying handicap placards, and the other restaurant owners should BE SHAMED into doing the same thing!

B-C.30 - Use of off-site lot for valet parking.

Other neighbors have brought up ideas to the Planning Commission that existing parking lots around the area should be utilized to mitigate the impact of patrons parking in the neighborhood. If these ideas are implemented and successful, then the need for valet parking no longer exists. Until that time, the requirement should stay. As a response to Red Rabbit's comment that the Carrow's lot has 60 parking places: The Red Rabbit stated that it will seat approximately 160 people. If you estimate 2 people per car, then you still have 20 parking spaces lacking, for this RESTAURANT, Not even taking into account the other four restaurants on the block.

SUMMARY: The root cause of all our neighbors' complaints is inadequate parking available from the restaurants, leaving patrons to park in the surrounding neighborhood, which is where the problems start. We cannot put conditions on the pre-existing restaurants; we can only work with NEW RESTAURANTS, and Red Rabbit qualifies as a new restaurant. The argument that the conditions are "unfair" doesn't hold water when your purpose is to make the surrounding neighborhood livable and peaceful.

At our Marshall School/New Era Park Neighborhood meeting in December 2011, the Red Rabbit Group attended and presented their informational slideshow. After questioning by one of our neighbors (my husband), the Red Rabbit Group spokesman stated that they believed that their business model would be successful, even if the conditions were still in place.

Therefore, I strongly urge the Planning Commission to not remove, modify or amend any of the conditions in Special Permit P07-112 to the property at 2718 J Street. Please help us keep our neighborhood livable.

Sincerely,

Vickie H. Valine
2801 G Street
Sacramento, CA 95816
(916) 662-6012; vhvaline@cwo.com

Vito Sgromo

January 23, 2012

Kimberly Kaufmann-Brisby, Associate Planner
Community Development Department-Current Planning Division
300 Richards Blvd., Room 300, Sacramento, CA 95811
kkbrisby@cityofsacramento.org
916-808-5590

Response to the proposed Red Rabbit Bar and Restaurant Removal or amendments to the August 24, 2007 Planning Commission Record of Decision for the 2718 J Street Property.

Background: I was present at the August 24, 2007 Planning Commission meeting with the owners of the 2718 J Street property and city staff. The current conditions were approved due to the crime, pollutions and vandalism caused by the patrons of the alcohol businesses located at J Street between 28th and 27th Streets, calling themselves, "The Block."

Since 2007 the following crime incidents are indications that these conditions should **not** be removed or amended.

October 10, 2008. The alcohol business at "The Block" sponsored an after Second Saturday party that was so out of control that the crowds begin to riot, J Street had to be closed down and required at least 6 police cars to arrive to disperse the crowd and open J Street.

June 27, 2009. The alcohol businesses at "The Block" sponsored a concert and a Sacramento King's Basketball Rookie Presentation that not only violated city of Sacramento noise and street ordinances but fireworks caused fire damage to park, children's activity center and park trees.

August 6, 2009. Sacramento Bee reports" **Sacramento officials try to calm fears sparked by midtown robberies**" The article details how the robberies took place, "...the three post-midnight stickups while people filed home from nightclubs and bars..." The article also documents the increase

crime generated by the alcohol businesses, "There were 11 street robberies in midtown in July. There were seven in July 2008."

November 25th, 2010. Sacramento Bee Reports, "**Spate of robberies has midtown residents wary**" The reporter writes, "A recent spike in late-night armed robberies in Sacramento's midtown neighborhood has exasperated the business community and area residents. "

November 27, 2010. Sacramento Bee Reports, "**Gunmen shoot 2 members of family walking to midtown eatery**" The article states " A family of four walking to a restaurant in midtown Sacramento was confronted by two men, who exchanged angry words with the family and then shot two of them, one a 10-year-old boy, police said."

March 21, 2011. At the city of Sacramento Neighborhood Advisory Committee meeting Sacramento City Police publically stated that the location, J Street between 28th and 27th Streets is a problem location.

Parking

2006. Central City Parking Master Plan

Final Report as Adopted by Council September 2006

"As confirmed by the parking surveys, on-street parking is considered **fully occupied (97percent) on a Friday evening between 7:00 and 9:00 P.M.**"

The conditions listed above have not changed but have gotten worse with addition alcohol and entertainment businesses at "The Block" at 28th and J Streets.

Negative long term Effects.

The increased noise, crime and vandalism caused by the patrons who park in the nearby residential neighborhoods of the alcohol businesses at "The Block", J Street between 28th and 27th Streets have serious long term effects on the increasing number of children who live here and residents in the nearby residential neighborhoods. See below and attached documentations.

The city of Sacramento has acknowledged the increase number of children by adding in 2009 a small children's playground in Marshall Park directly across the street from the alcohol businesses at "The Block" J Street between 28th and 27th Streets.

Finally I strongly urge the Planning Commission to take the above evidence into consideration and not drop, change or amend any of the conditions to the property at 2718 J Street. It is too destructive to our children now and responsible decisions should be made not to make it worse.

Thank you.

Vito Sgromo

711 28th Street

Sacramento, CA 95816

SEE BELOW: I have abbreviated these two studies and articles to focus specifically on the impacts of interrupted sleep and lack of sleep that my two children and other children in the neighborhood suffer no less than three to four nights a week because of shouting and screaming drunk alcohol customers walking back to their cars parked in front of our houses and apartments.

Although these studies and articles describe in detail various and numerous family matters, school situations, over scheduled activities and other possible environmental situations, the significance is that regardless of the causes, kids whose sleep is interrupted and consequently get insufficient sleep, are going to suffer various serious side effects--often lasting a lifetime. These include but are not limited to learning disabilities, mood swings and highly temperamental or emotional reactions, and inability to get along with others.

It is difficult enough for parents as it is without adding sleep deprivation caused by noisy drunks fighting and screaming adding to it. We parents can follow all the suggestions in these articles to help our kids get more sleep but those mean nothing when outside sources such as we experience are forced upon us.

<http://nymag.com/news/features/38951/>

Snooze or Lose

Over stimulated, overscheduled kids are getting at least an hour's less sleep than they need, a deficiency that, new research reveals, has the power to set their cognitive abilities back years.

. By Po Bronson
. Published Oct 7, 2007

(Photo: Martine Fougeron)
"Morgan is a 10-year-old fifth-grader in Roxbury, New Jersey. . . ."

How to Get Kids to Sleep More

Despite a reasonable bedtime of 9:30 p.m., she would lay awake in frustration until 11:30, sometimes midnight, clutching her leopard-fur pillow. During the day, she was noticeably crabby and prone to crying easily. Occasionally, Morgan nearly fell asleep in class. According to surveys by the National Sleep Foundation, 90 percent of American parents think their child is getting enough sleep. The kids themselves say otherwise. In those same surveys, 60 percent of high schoolers report extreme daytime sleepiness. In another study, a quarter admit their grades have dropped because of it. Over 25 percent fall asleep in class at least once a week.

The raw numbers more than back them up. Half of all adolescents get less than seven hours of sleep on weeknights. By the time they are seniors in high school, according to studies by the University of Kentucky, they average only slightly more than 6.5 hours of sleep a night. Only 5 percent of high-school seniors average eight hours. Sure, we remember being tired when we went to school. But not like today's kids.

It has been documented in a handful of major studies that children, from elementary school through high school, get about an hour less sleep each night than they did 30 years ago. While parents obsess over babies' sleep, this concern falls off the priority list after preschool. Even kindergartners get 30 minutes less a night than they used to. There are many causes for this lost hour of sleep.

Until now, we could overlook the lost hour because we never really knew its true cost to children.

Using newly developed technological and statistical tools, sleep scientists have recently been able to isolate and measure the impact of this single lost hour. Because children's brains are a work-in-progress until the age of 21, and because much of that work is done while a child is asleep, this lost hour appears to have an exponential impact on children that it simply doesn't have on adults.

The surprise is how much sleep affects academic performance and emotional

stability," A few scientists theorize that sleep problems during formative years can cause permanent changes in a child's brain structure: damage that one can't sleep off like a hangover. It's even possible that many of the hallmark characteristics of being a tweener and teen-moodiness, depression, and even binge eating-are actually symptoms of chronic sleep deprivation.

A slightly sleepy sixth-grader will perform in class like a mere fourth-grader.

<http://www.webmd.com/sleep-disorders/guide/children-sleep-problems>

Sleep Problems in Children

Children and adolescents need at least nine hours of sleep per night. Sleep problems and a lack of sleep can have negative effects on children's performance in school, during extracurricular activities, and in social relationships.

A lack of sleep may cause:

- . Accidents and injuries
- . Behavior problems
- . Mood problems
- . Memory, concentration, and learning problems
- . Performance problems
- . Slower reaction times

Signs of Sleep Problems in Children

Talk to your pediatrician if your child exhibits any of the following signs of a sleep problem:

- . Snoring
- . Breathing pauses during sleep
- . Problems with sleeping through the night
- . Difficulty staying awake during the day
- . Unexplained decrease in daytime performance
- . Unusual events during sleep

Tips for Helping Your Child's Sleep Problem

- . Establish a regular time for bed each night and do not vary from it. Similarly, the waking time should not differ from weekday to weekend by

more
than one to one and a half hours.

"."

.
. Make sure the noise level in the house is low.

.
. There should be no loud noise, television, radio, or music playing
while the
child is going to sleep. "."

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Reviewed by David Hirsch, MD on February 25, 2010
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<http://smoothparenting.wordpress.com/2010/05/05/effects-of-lack-of-sleep-in-children>

Effects of Lack of Sleep in Children

May 5, 2010 by smoothparenting

The less sleep children get, the more likely they are to perform poorly in school, to become depressed, and to have a poor sense of self-worth, according to a study of 2,259 Illinois middle school students published in the January-February 2004 issue of Child Development.

As these kids progressed through the middle school years, if the amount of sleep dropped (as it often does), there also tended to be a further drop in grades, and self-esteem and an increase in depression. As a general rule of thumb, most middle schoolers thrive best on an average of about 9 hours of sleep. Those in high school may do well with 8 hours; those in elementary school often do better with at least 10. Younger children need even more.

Sometimes lack of sleep is seen as a badge of honor. But at any age, getting optimum sleep improves health. It also helps people feel better about themselves and about the world. And it is a simple way to improve performance at almost anything people care about.

Recent research has verified that chronic poor sleep results in daytime tiredness, difficulties with focused attention, low threshold to express negative emotion (irritability and easy frustration), and difficulty modulating impulses and emotions (Seminars in Pediatric Neurology, Mar

1996). These are the same symptoms that can earn kids the diagnosis of attention deficit hyperactivity disorder (ADHD, ADD).

Research in sleep laboratories has shown that some kids are mislabeled with ADD when the real problem is chronic, partial sleep deprivation. When children are identified with symptoms of ADD, often no one thinks to explore the child's sleeping habits, and whether they might be responsible for the symptoms.

When parents of children with ADD are interviewed, they usually identify their kids as poor or restless sleepers (Journal of Pediatric Psychology, Jun 1997), and wake up more often at night than their peers (Pediatrics, Dec 1987).

As parents, we all know what it feels like to be grumpy, contrary, and "not at our best" from lack of sleep. If our kids often feel this way, we owe it to them to find solutions to this problem.

"Sleep is a vital asset for a child's health and overall development, learning and safety," says Richard L. Gelula, National Sleep Foundation's chief executive officer. "Many children are not sleeping enough and many experience sleep problems. What is troublesome is that the problems start in infancy."

Healthy sleep habits from an early age are essential to Happiness, Self-Esteem, and Success.

Sources:

National Sleep Foundation

<http://www.drgreene.com/article/sleep-deprivation-and-adhd#ixzz0n3e6UJK3>

<http://www.scholastic.com/parents/index.php?CID=1907>

Sleep Better for Better Behavior

Eye-opening facts about babies, children, and sleep - and advice on how to get everyone snoozing soundly.

As a parent, you've probably been craving sleep since the minute your first child was born. But did you ever stop to wonder if your children were getting enough shut-eye? According to recent reports, chronic sleep deprivation is creeping downwards on the age scale, and it's having negative effects on everything from children's ability to learn to their behavior. In her latest book, *Sleepless in America: Practical Strategies to Help Your Family Get the Sleep It Deserves*, child development and education expert Mary Sheedy Kurcinka discusses how lack of sleep affects the whole family.

The editors of Scholastic's *Parent & Child* magazine talked to Kurcinka to find out more.

How much sleep do children need?

Kurcinka: In the first year, infants need 14 to 18 hours out of 24. As a rule, think 10 hours at night and the remainder during daytime naps. Toddlers need 13 hours, and up to about 18 or 19 months, they should still be getting two naps a day and 10 hours at night. Many parents report that their preschoolers have stopped napping, but many probably still need at least a rest during the day. Statistics show that preschool-age children who go for 8 to 9 hours without a rest are 86 percent more likely than kids who do nap to end up in the emergency room.

What is the link between lack of sleep and a child's behavior?

Kurcinka: A young child who is chronically sleep-deprived has trouble managing his emotions. He might have an explosive temper, easily hurt feelings, or a lack of patience. He may be clumsy and accident-prone, and will also be more wired and frenzied in play. An overtired child in school may have trouble focusing and paying attention in class. He may become forgetful and make silly mistakes. He also may talk excessively and constantly bug you, siblings, and classmates - all of which are ways he is trying to stimulate himself and regain focus. In social situations, an overtired child might have more conflicts with other kids, or be bossy, demanding, and not open to guidance.

P&C: That sounds a lot like attention deficit disorder.

Kurcinka: It does - and in fact, 20 to 25 percent of kids with ADD may also have a sleep disorder. This is not to say that all children diagnosed with

ADD or ADHD are actually just sleep-deprived, but it would be wise, when we see that sort of behavior, to look first at how much sleep that child gets. Improving sleep could in fact improve behavior, as well as focus and school performance.

What is your advice for preschoolers and older children who might not take naps?

Kurcinka: Older children may not nap anymore, but that doesn't mean they don't need to sleep or at least rest during the day. While you certainly can't force a child to sleep, you can initiate a rest or siesta time at your house. Take a look at some preschools; they often have a scheduled rest time in the middle of the day. And, of course, the big surprise is that many kids who don't nap at home will fall asleep during rest time at school. Tell your child that, during rest time, she can do whatever she likes as long as it's quiet and solitary - so no TV, no videos or computer games, and no playdates. She can read - or you can read together. She can do puzzles or color. If she's truly sleepy, she'll have the opportunity to fall asleep. If you were at the mall or a playdate, she wouldn't fall asleep, but if she dozes off during quiet time, that's your cue that she actually needed to sleep.

You've said that even babies and toddlers may not be getting enough sleep. But what about times you try to put the baby down and he seems more jumpy than sleepy?

Kurcinka: That child is probably already overtired. Parents don't always recognize the signs of tiredness in their baby or toddler, or they misread or ignore sleepy cues, like rubbing eyes or getting cranky or fussy. When that happens, they miss the sleep window, a period of time when it's relatively easy to get a baby to fall asleep. When a baby or child stays awake past that window, he gets wired, hopped up, and then can't easily drop off. His behavior seems to say, "I'm not sleepy," when in fact the opposite is true. Then the mistake gets compounded when the parents think the baby will simply sleep later the next day to make up for the lost sleep, and that doesn't happen. Poor sleep is a cumulative problem; the less you sleep one day, the less you sleep the next.

For that reason, I advise parents to be vigilant about finding their child's sleep window, and sticking to it as much as possible. That means if your baby is sleepy at a certain time each afternoon, then you should be sure to be at home and ready to put him down at that time. Don't run errands, schedule playdates, or attend baby classes. When parents say that these classes are important for their child's development, I counter by saying that nothing is more important for maximizing your baby's brain development than sleep.

A recent study reports that TV viewing by infants and toddlers may be associated with irregular sleep. What do you think about this?
Kurcinka: It's true. When babies and young children watch TV, a couple of things happen. First, obviously, it's stimulating to watch TV. But over-exposure to light is also a problem. When a baby is watching TV in the evening, her body clock can be tricked by the lights coming from the television into thinking it is daytime. For older children, the issue often becomes fighting to stay awake to watch the end of a show. Then, they miss that sleep window and their body secretes cortisol, a stress hormone that keeps them awake. And again, you have that cumulative problem of lack of sleep leading to less sleep, and so on.

<http://www.wral.com/news/local/story/100392/>

A Lack Of Sleep Can Have Lasting Effects On Children

DURHAM - it is important for your child's health to get a good night's sleep.

A child who sleeps soundly through the night is every parent's dream. However, getting to that point can be a nightmare. ". . . ."
When their children do not get enough sleep, the Saunders find it easy to notice the effects.

"Usually, late in the day, after not having a good night's sleep, it's harder to get them engaged into the routine of getting back to bed even though you'd think it would be easier because they'd be worn out. But they're kind of just cranky," said Bill.

"Then homework becomes more difficult, everything is a little more challenging," said Maria.

According to experts, a chronic lack of sleep can lead to real problems, like not being able to concentrate in school, hyperactivity and even stunting a child's growth.

"It's one of the causes, believe it or not, of short stature," said Kravitz.

"Kids who aren't growing well, it's not just growth hormone deficiency, but poor sleep. Because growth hormone is released while you sleep."

So how much sleep does a child need?

- . On average, a 5-year-old should get about 10 hours a night.
- . By age 8 or 9, a child needs about nine hours of sleep.
- . By the time a child is a teenager, the amount of sleep goes up again to 12 to 15 hours a night.

" "

A recent study done at Brown University showed 37 percent of children in kindergarten through fourth grade suffer through sleep-related problems. Kravitz suggests parents ask the following questions to help pinpoint the problem:

- . First, is the child getting enough hours in bed?
- . Is the child getting up several times during the night?
- . Is the child snoring or gasping for air?

The study found that 10 percent of children have a snoring problem which leads to arousals during the night and they have trouble falling back to sleep.

- . Reporter: Debra Morgan
- . Photographer: John Cox
- . Web Editor: Michelle Singer

Linda Perry

Monday, January 30, 2012

Kimberly Kaufmann-Brisby, Associate Planner
Community Development Department – Current Planning Division
300 Richards Blvd, Sacramento, CA 95811

RE: Red Rabbit

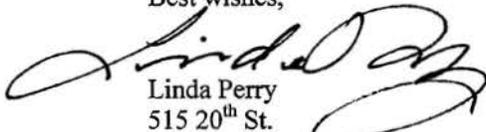
Dear Kimberly,

It is really not in my nature to write a letter for or against a business opening in Midtown Sacramento. However, I feel the need to speak up for The Red Rabbit. I have been shocked by the some of the letters that I have read that were sent to you. I have lived in Midtown for 22 years, and if I had never been here, I would assume that Midtown is a war-zone after reading those letters. For the past 22 years I have watched this neighborhood grow and thrive. Midtown is safer than ever before, and we have the restaurants, clubs and coffee shops to thank for making our neighborhood safer and more vital.

From the meetings that I went to it seemed that the two neighborhood association had agreed to certain compromises for the Red Rabbit, but, in the letters that I read it seems like these citizens are asking you not to approve the amendments. I am tired of a few squeaky wheels bullying the rest of us and making Midtown inhospitable to businesses. I also feel that it is wrong to punish a new business for the actions of clubs that were established before any of us even lived in Midtown.

Please consider my support in favor of The Red Rabbit and the reasonable amendments that they have requested. Feel free to call me with any questions or concerns, I tried to keep this letter brief even though I feel that I could speak on this topic in more detail. It looks like you have plenty of long letters to read. Thank you for your attention to this concern.

Best wishes,



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Attachment 6 – Land Use and Zoning Map

