



REPORT TO PLANNING AND DESIGN COMMISSION City of Sacramento

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PUBLIC HEARING
October 11, 2012

To: Members of the Planning and Design Commission

Subject: Vintage (P12-023)

A request to operate a bar/nightclub in an existing building in the C-3-SPD (Central Business District Special Planning District) Zone.

- A. Environmental Determination: Exempt (per CEQA Guidelines Section 15301, existing facilities)
- B. Special Permit to establish alcohol sales for a bar/nightclub in the C-3-SPD zone, located at 1415 L Street.

Location/Council District:

1415 L Street, Sacramento, CA
Assessor's Parcel Number: 006-0116-013
Council District 4

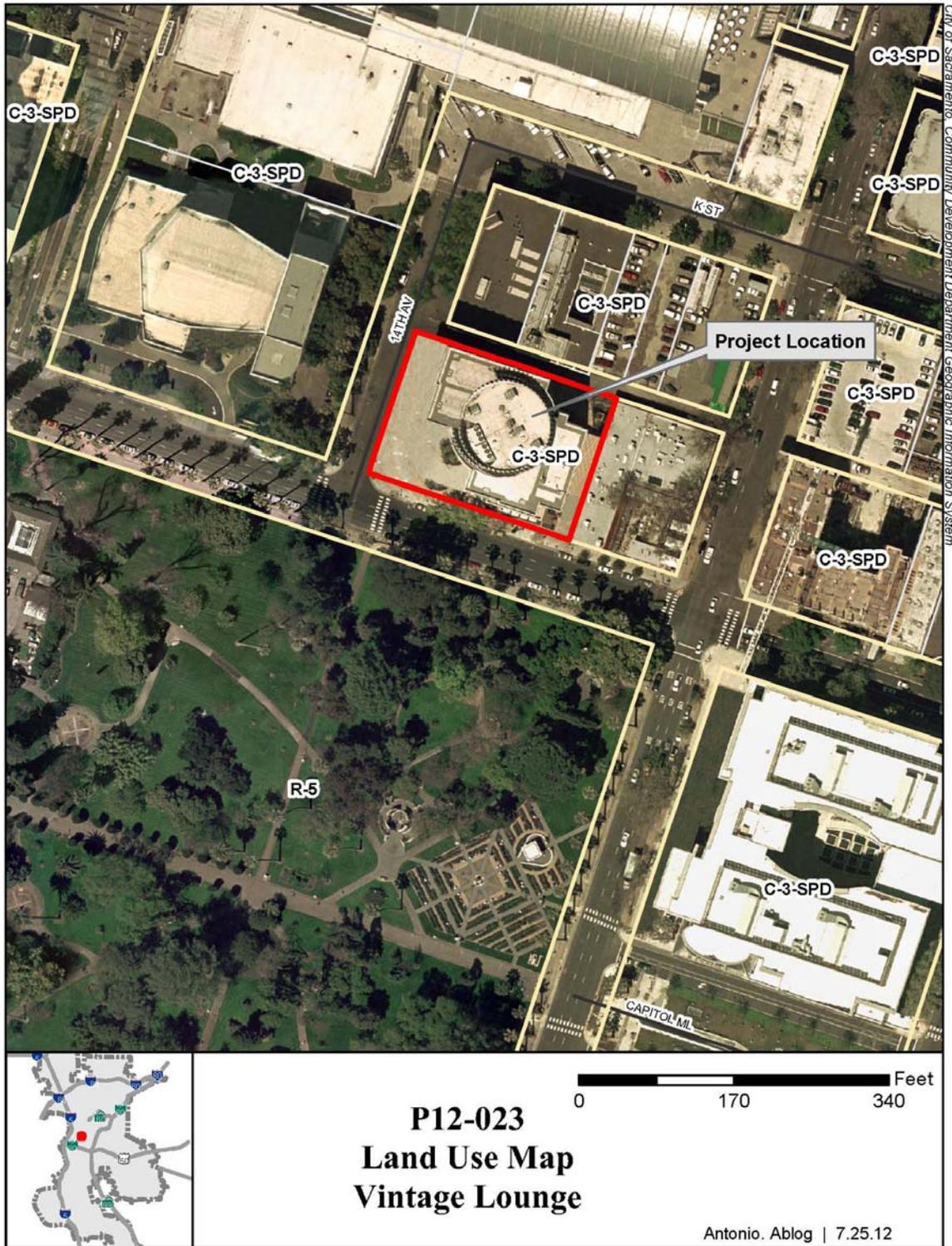
Recommendation: Staff recommends the Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Commission has final approval authority over items A and B above, and its decision is appealable to City Council.

Contact: Antonio Ablog, Associate Planner, (916) 808-7702
Stacia Cosgrove, Senior Planner, (916) 808-7110

Applicant: Robert Simpson/Randy Paragary, Vintage Restaurant Group LLC, 2351 Sunset Drive #170235, Rocklin, CA 95765

Owner: Valley View Investors, LLC, 7700 Collegetown Drive #101, Sacramento, CA 95826

Summary: The site is currently developed with the 12-story Meridian Plaza office building with a ground floor restaurant. The applicant is requesting to establish a 1,985 square foot bar/nightclub in an area that serves as the bar area for the existing restaurant. **At the time of writing this report, there were no outstanding issues or concerns regarding the project.**



Background and Entitlement History: On April 26, 2001, the Planning Commission approved a Special Permit to construct a 12-story, 243,689 square foot office building on the subject site. The office building has since been constructed. An existing restaurant occupies the first floor of the building along the L Street frontage. The site is surrounded by a mix of office, restaurant, hotel, and entertainment uses. Capitol Park is directly south of the subject site.

Table 1: Project Information
General Plan designation: Central Business District (FAR 3.0-15)
Existing zoning of site: Central Business District (C-3-SPD)
Special Planning District: Central Business District
Existing use of site: Office/Restaurant
Property area: 0.86 Acres

Public/Neighborhood Outreach and Comments: Early notices were sent to the Capitol Area R Street Association, Boulevard Park Neighborhood Association, and the Midtown Neighborhood Association. No comments were received in response to the early notice. Public hearing notices were mailed to property owners within 500 feet of the subject site and to the neighborhood groups that received early project notifications. The site was also posted more than ten days in advance of the public hearing. Staff had not received any comments at the time of writing this report.

Environmental Considerations: The Environmental Services Manager has determined the project is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines (Section 15301). This section applies to projects involving minor alterations to existing structures. The proposed project involves minor interior upgrades without any increases to floor area.

Policy Considerations: The subject site is designated as Central Business District (CBD) on the General Plan Land Use and Urban Form Diagram. The vision for the CBD is a vibrant downtown core that will continue to serve as the business, governmental, retail, and entertainment center for the city and the region. The proposed use is consistent with this General Plan Designation. Additionally, the proposed project is consistent with the following General Plan Goals:

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

Development Review. *The City shall continue to include the Police Department in the review of development projects to adequately address crime and safety, and promote the implementation of Crime Prevention through Environmental Design principles. (PHS 1.1.7)*

Alcohol Beverage Control (ABC) License:

The applicant is seeking a Type 48 ABC License. This type of license allows the general sale and consumption of alcoholic beverages and is the license type reserved for bars and nightclubs (as opposed to a restaurant). Minors are not allowed to enter and remain and hard liquor is allowed to be served until 2:00 a.m. Food service is not required with this license type, but small plate food items will be available from the restaurant next door.

The State Department of Alcohol and Beverage Control (ABC) has reviewed this project. The applicant is moving an existing license from another site (815 L Street) to the subject site. Since the existing license is being moved within the same census tract, ABC is not requiring a Letter of Public Convenience or Necessity.

Land Use

The applicant proposes to operate a bar/nightclub at the subject location. The subject space currently acts as the bar area for an existing restaurant. The applicant intends to section off this bar area to create a stand-alone "upscale lounge," designed to act as a meeting place for tenants of the existing office building as well as legislators at the Capitol and Lobbyists. Seating is proposed throughout the bar area, with one section that can be rearranged for a dance area. The applicant intends to install the appropriate fencing in order to utilize the existing outdoor seating area for this project. While the proposal will close one of the connections to the existing restaurant, the other connection, to the rear of the tenant space, will remain. This will allow the proposed use to share restroom facilities with the existing restaurant.

The proposed hours of operation will be Monday through Friday from 4:00 p.m. until 2:00 a.m., and Saturday and Sunday from 8:00 p.m. until 2:00 a.m. During the day, music will be played for ambiance only, with DJ music later in the evening. The DJ music will require a separate entertainment permit.

Section 17.24.050(40) of the zoning code permits the sale of alcoholic beverage at this facility with the issuance of a special permit. In evaluating special permit proposals of this type, the Commission is required to make the following findings:

1. The proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood.
2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages.
3. The proposed use will not enlarge or encourage the development of a skid row or blighted area.
4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.

The Zoning Ordinance also requires that the Planning and Design Commission consider whether the proposed alcohol related use will detrimentally affect nearby residentially

zoned areas, and give consideration to the distance of the proposed use from residential buildings and from churches, schools, hospitals, public parks, playgrounds, day care centers, and social welfare institutions. Even though the use is within proximity to a public park (Capitol Park), various conditions have been placed on the project to provide staffing for outdoor areas, to provide security during weekend evenings, and that limit sale to on premise consumption only. Staff believes that such conditions would mitigate any negative impacts that can be generated by the use.

The proposed use is located in CBD for which one the goals is to serve as the center for entertainment in the city and region. Furthermore, the use will not increase the concentration of establishments dispensing alcoholic beverages in the general vicinity of the project because the license is moving from one nearby location to the subject site. The proposed use will not enlarge or encourage the development of skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the project will utilize an existing commercial space that currently houses a similar use. Therefore, staff supports the proposed use based on the above findings.

Access, Circulation and Parking

The subject site is located at the southwest corner of L Street and 14th Street. The site is occupied by an existing office building with a ground floor restaurant. Entry to the bar will be via an existing building entry located on L Street. The proposed use does not affect the required amount of on-site parking as bar and restaurant uses are not required to provide parking when located in the CBD. Should it be needed, there is an existing sub-grade parking garage accessible via 14th street that is provided to meet the parking requirement for the entire building.

Building design and signage

No exterior modifications or site improvements are proposed as a part of this project. Any new exterior signage is required to meet city code requirements. Any future signage will require a sign permit. Any future patio modifications will be reviewed by Design Review as part of the encroachment permit process.

Conclusion: Staff recommends approval of the project since the proposal: a) enhances the Central Business District as the center of entertainment for the city and region; b) locates a business in a tenant space with similar existing operations; and c) has been reviewed and conditioned by the Police Department who provided conditions of approval for the Special Permit.

Respectfully submitted by:



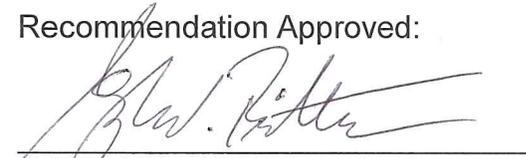
ANTONIO ABLOG
Associate Planner

Approved by:



STACIA COSGROVE
Senior Planner

Recommendation Approved:



GREGORY BITTER, AICP
Principal Planner

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Exhibit A	Floor Plan

**Attachment 1
Proposed Findings of Fact and Conditions of Approval
For Vintage (P12-023)
1415 L Street**

Findings Of Fact

- A. Environmental Determination:** Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **Section 15301 (Existing Facilities)** of the California Environmental Quality Act as the proposed project involves minor interior upgrades without any increases to floor area.
- B. The Special Permit** to establish alcohol sales for a bar/nightclub in the C-3-SPD zone located at 1415 L Street is **approved** subject to the following Findings of Fact:
1. The proposed use, as conditioned, is not anticipated to adversely affect the peace and general welfare of the surrounding residential and commercial neighborhood since conditions have been placed on the project to provide staffing for outdoor areas, to provide security during weekend evenings, and that limit sale to on premise consumption only.
 2. The proposed use will not result in undue concentration of establishments dispensing alcoholic beverages in that the ABC license required to sell alcohol at the subject site will be transferred from a different location in the same census tract.
 3. The proposed use will not enlarge or encourage the development of skid row or blighted area in that the project has been coordinated with the Police Department to provide on-site security measures.
 4. The proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation in that the proposed project will replace the existing bar area for an existing restaurant.

Conditions Of Approval

The **Special Permit** to establish alcohol sales for a bar/nightclub in the C-3-SPD zone located at 1415 L Street is **approved** subject to the following conditions of approval:

Planning

1. A sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the in a conspicuous location near the front entrance as a Good Neighbor Policy measure. The contact person shall be responsible for coordinating with nearby businesses and residents to ensure there is no detrimental noise, light, or other issues that would affect their peace and welfare.

Public Works

2. Construct standard improvements as noted in these conditions pursuant to chapter 18 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. All improvements shall be designed and constructed to the satisfaction of the Department of Public Works. Any public improvement not specifically noted in these conditions shall be designed and constructed to City Standards. **This shall include street lighting and the repair or replacement/reconstruction of any existing deteriorated curb, gutter and sidewalk fronting the property along L Street per City standards and to the satisfaction of the Department of Public Works;**

Police

Alarm Systems

3. The main cashier/counter shall be equipped with at least one central station silent robbery alarm system and a telephone.

Alcohol Sales/Entertainment

4. Alcohol sales are limited to the hours between 10:00 AM and 2:00AM.
5. The sale of alcoholic beverages for consumption off the premises is prohibited.
6. Proprietor shall comply with both ABC and Entertainment permit conditions (if applicable).
7. There shall be no entertainment provided on the patio at any time.
8. There shall be no entertainment provided after 1:00 AM.

Doors

9. Any rear door used to admit employees or deliveries shall be equipped with a wide angle peep hole to screen persons before allowing entry.

10. Height markers which display height measures are required on the interior doorway of the business. This may be creatively designed and does not have to be a generic measuring tape strip.

Lighting & Landscaping

11. All exterior lighting fixtures shall be maintained, operational, and vandal resistant. Lighting shall be coordinated with the landscaping plan to ensure proper illumination and visibility is maintained. If the landscaping overwhelms the lighting and reduces visibility in and out of the restaurant and or nightclub/bar, it will create an environment for crime to occur.
12. In order to preserve visibility shrubs that mature around 2'-3' tall and bushes or trees with canopy no lower than 8' tall shall be used.
13. The outside lighting plan shall address issues such as shadows that will be created by awnings, canopies, and/or overhangs that are planned to be used. Lighting solutions under these structures shall be implemented.

Patrons

14. Patrons under the age of 21 years shall not be allowed inside the establishments carrying a type 48 ABC license.

Site Security

15. Signs shall be posted prohibiting consumption of alcoholic beverages outside of the business or in the parking areas. The proprietor, or their agent, shall immediately disperse anyone drinking outside the establishment in order to prevent nuisance or unreasonable interference with adjacent properties.
16. The proprietor or his agent is responsible for reasonably controlling the conduct of persons on or immediately adjacent to the site and shall immediately disperse loiterers in order to prevent nuisance or unreasonable interference with adjacent properties.
17. All illegal activities observed on or around the business shall be promptly reported to the Police Department. All personnel shall cooperate with local law enforcement during any investigation regarding a crime to and or at the businesses.
18. The patio area shall be under the supervision of the licensee or employees during hours of operation.
19. The proprietor shall have a minimum of two security agents working Thursday-Saturday 9:00 PM to closing. One security agent shall monitor

the hallway leading into the adjoining restaurant where the restrooms are located. The second security officer shall monitor the patio.

- 20.** The security agents shall be properly trained regarding the appropriate security tactics and measures used for night club venues and bars. All security agents shall possess valid certification and carry proof of certification upon their person when on duty.
- 21.** The boundaries of the patio will be clearly defined and designated by physical barriers to separate it from the public sidewalk and adjacent private property which is not under the exclusive control of the licensee(s). These barriers and boundaries, as approved and designated on ABC-257, shall not be changed without prior approval of the Department of Alcoholic Beverage Control.
- 22.** Signs will be posted on all entrance/exits of the patio restricting removal of alcoholic beverages.

Trash

- 23.** The applicant shall be responsible for the daily removal of all litter generated by the businesses, from the subject site, adjacent properties, and streets.
- 24.** Outside patio areas shall be equipped with city approved cigarette disposal devices.

Video Surveillance

- 25.** Cameras: Closed-circuit color video cameras shall be employed to monitor the cash registers, entrances, exits, pay telephones and near bathrooms. It is also recommended that a surveillance camera be placed near the safe(s) to assist with investigations involving internal theft.

The camera system shall minimally include:

- One high resolution color day/night camera complete with an auto iris varied-focal lens fitted to cover entry and exit of patrons on each public entrance/exit.
 - Heated weatherproof external housing for cameras used for external coverage of entrances.
- 26.** Surveillance Equipment: Each System shall have constant time/date generation and the date time generator will have to conform to the standard time/daylight savings time standards for that given year.

- Each location should run surveillance independently with each having its own devoted operating system. This would aid in onsite security as well as investigations.

27. Digital Recording: The recording device shall be comprised of:

- A digital video recorder (DVR) capable of storing 30 days worth of activity.
- Have an onboard CD/DVD re-writer, and or USB 2.0 or greater for evidence recovery.
- A CD-R/DVD-R medium if a CD/DVD is used to transfer the digital CCTV images from a CCTV digital hard drive.
- Playback software capable of being written to the CD-R/DVD-R/USB 2.0 or greater at the same time of writing the CCTV images.
- Software capable of playing back the images at full screen resolution with forward, reverse replay, including pause and slow motion.
- SAVE AS feature so that a still image can be saved and exported to an external system in a Windows based image format (i.e. BITMAP, TIFF, PNG, or JPEG).
- Capable of downloading/copying all the stored CCTV footage to another medium in its native format (i.e. an external hard driver) to allow the footage to be played back via a Windows based computer.

28. Cameras shall be placed in high risk areas and positioned to increase visibility and clarity. There shall be at least two exterior cameras covering L Street and the area along the west side of the building. The exterior patio shall have complete video coverage.

29. The DVR shall be kept in a secured area that is accessible only to management.

30. There shall be at least one member of the managerial staff on-site during hours of operation who is able to assist law enforcement with viewing and obtaining footage.

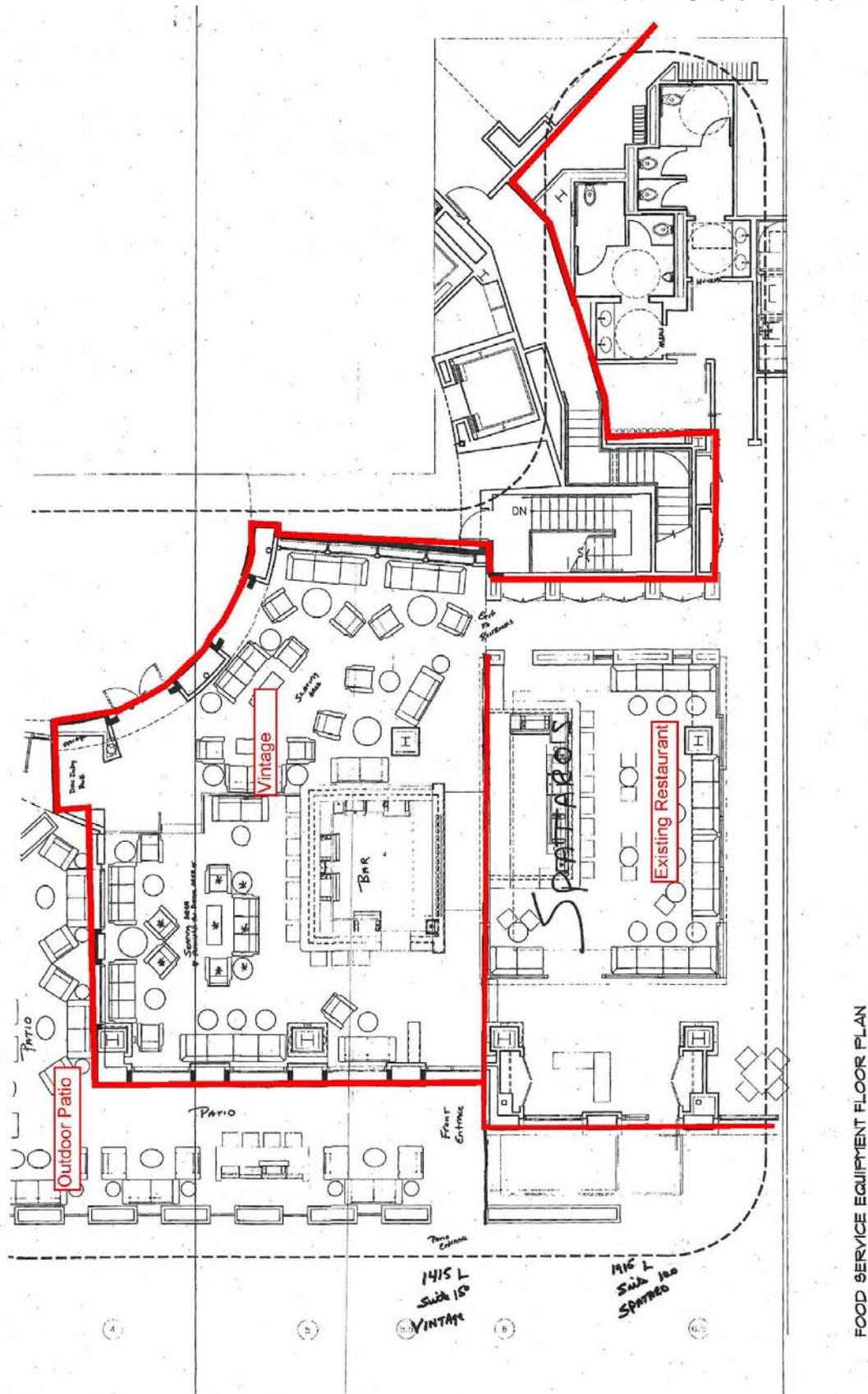
Advisory Notes:

Planning

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

ADV2. A signed copy of the Affidavit of Zoning Code Development Standards and each of the pages of this Record of Decision shall be scanned and inserted as a general sheet(s) in the plan set for any building permit submittal associated with this project.

Exhibit A: Site and Floor Plan



FOOD SERVICE EQUIPMENT FLOOR PLAN