



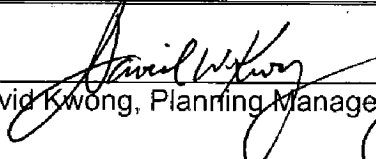
**CITY OF SACRAMENTO PLANNING COMMISSION
RECORD OF DECISION**

New City Hall, 915 I Street, 3rd Floor, Sacramento, CA 95814

Project Name: Bacchus Wine Bar
Project Number: P06-037
Project Location: 1915 S Street
Assessor's Parcel No.: 010-0023-007-0000
Applicant: Desiree Caldwell, 3838 Watt Avenue, Suite D404, Sacramento, CA 95821
Action Status: Approved with Amended Conditions Action Date: 10/26/06

- REQUESTED ENTITLEMENT(S):**
- A. Environmental Determination: Exempt (Section 15301)
 - B. Special Permit for a wine bar in the General Commercial (C-2 SPD) zone in the R Street Corridor Special Planning District.
 - C. Special Permit to allow the sale of alcoholic beverages for off-premises consumption.
 - D. Special Permit to allow valet services [WITHDRAWN BY STAFF]
 - E. Special Permit to waive parking for the wine bar and retail store. [WITHDRAWN BY STAFF]
 - F. Variance to waive the 50% shading requirements for parking.
 - G. Variance to reduce the maneuvering area for parking spaces.

ACTIONS TAKEN: On 10/26/06, the Planning Commission took the following actions based on the attached findings of fact and subject to the attached conditions of approval: Approved items A-C and F-G and items D-E were withdrawn by staff.

Action certified by: 
David Kwong, Planning Manager

Sent to Applicant: 10/27/06

By: 
Staff Signature

NOTICE OF PROTEST RIGHTS

The above conditions include the imposition of fees, dedications, reservations, or other exactions. Pursuant to California Government Code section 66020, this Notice of Decision serves as written notice to the project applicant of (1) the amount of any fees and a description of any dedications, reservations, or exactions imposed, and (2) that the applicant may file a protest against the imposition of those fees, dedications, reservations, or other exactions within 90 days of the date of this approval, which is deemed to be the date that the fees, dedications, reservations, or other exactions are imposed. If the payment of a fee is imposed as a condition of approval, but the amount of the fee is not stated in this Notice of Decision and is not otherwise available to the applicant on a fee schedule or otherwise, the 90 days protest period will begin to run when the applicant is notified of the amount of the fee.

For purposes of this notice, the following fees are deemed to be imposed upon approval of the first discretionary entitlement for the subject development project and are subject to the protest procedures set forth in Title 18 of the Sacramento City Code as indicated: North Natomas Public Facilities Fee, Transit Fee, and Drainage Fee (SCC 18.24.160); North Natomas Land Acquisition Fee (SCC 18.24.340); North Natomas School Facilities Fee

(SCC18.24.710); Jacinto Creek Planning Area Facilities Fee (SCC18.28.150); Willow Creek Project Area Development Fee (SCC 18.32.150); Development Impact Fees for the Railyards, Richards Boulevard, and Downtown Areas (SCC 18.36.150); Habitat Conservation Fee for the North and South Natomas Community Plan Areas (18.40.090); and Park Development Impact Fee (18.44.140).

The time within which to challenge a condition of approval of a tentative subdivision map, including the imposition of fees, dedication, reservation, or other exaction, is governed by Government Code section 66499.37

EXPIRATION

TENTATIVE MAP: Failure to record a final map within three years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within three years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

VARIANCE: Any variance involving an action which requires a building permit shall expire at the end of three years unless a building permit is obtained within the variance term.

PLAN REVIEW: Any plan review shall expire at the end of three years unless a building permit is obtained within the plan review term.

NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezoning, special permits and variances.

APPEALS

Appeals of the Planning Commission decision of this item to the City Council must be filed at 915 I Street, New City Hall, 3rd Floor, within 10 calendar days of this meeting, on or before 11/05/06. If the 10th day falls on a Sunday or holiday, the appeal may be filed on the following business day.

Findings Of Fact

- A. ENVIRONMENTAL DETERMINATION:** The proposed project is exempt from environmental review pursuant to CEQA Guidelines (CEQA Section 15301). Section 15301 allows for interior and exterior alterations of existing facilities to be categorically exempt from CEQA guidelines.
- B. & C. The SPECIAL PERMITS** to allow the sale of alcohol for a wine bar and the sale of alcohol for off-premises consumption in the General Commercial (C-2) zone and located in the R Street Special Planning District are approved subject to the following Findings of Fact:
- a. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use in that:
 1. the proposed use will not adversely affect the peace or general welfare of the surrounding neighborhood since the wine bar and wine retail store will not be allowed to sell hard liquor.
 2. the proposed use will not result in undue concentration of establishments dispensing alcoholic beverages since there are no other establishments within a three block radius exclusively selling wine and beer.
 3. the proposed use will not enlarge or encourage the development of a skid row or blighted area since the property is being renovated and the sale of alcohol for off-premises consumption will be limited from 8 am to 10 pm.
 4. the proposed use will not be contrary to or adversely affect any program of redevelopment or neighborhood conservation.
 - b. The proposed project will not be detrimental to the public welfare, nor result in the

creation of a public nuisance in that:

1. the subject site will be remodeled and the project will encourage additional renovations of the surrounding properties.
 2. the project site is located along a commercial corridor where similar goods and services are located.
- c. The proposed project is consistent with the City of Sacramento General Plan and Central City Community Plan land use designation of General Commercial by providing cultural and entertainment activities in the Central City.

~~D. & E. The **SPECIAL PERMITS** to allow valet parking and to waive parking for a wine retail store and wine bar in the General Commercial (C-2) zone and located in the R Street Special Planning District are approved subject to the following Findings of Fact:~~

- ~~1. Sound Principles of Land Use. A special permit shall be granted upon sound principles of land use in that the project is designed to be pedestrian friendly and compatible with surrounding commercial uses.~~
- ~~2. The proposed project will not be detrimental to the public welfare, nor result in the creation of a public nuisance in that valet services will be used in the evening hours which is the peak time for the number of customers visiting the site.~~
- ~~3. The proposed project is consistent with the City of Sacramento General Plan and Central City Community Plan land use designation of General Commercial by encouraging compact and centralized development which does not encroach into residential areas. [Deleted by Staff]~~

F. & G. The **VARIANCE** to waive the 50% tree shading requirement and to reduce the maneuvering area for new parking spaces are approved subject to the following Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that the variance would be granted to other property owners facing similar circumstances since the placement of the adjacent lightrail line has contributed to an irregularly shaped parcel;
2. Granting the variance would not be detrimental to the public welfare and not result in the creation of a public nuisance in that the owner is providing two A.D.A. accessible spaces for patrons of the business.
3. Granting the variance does not constitute a use variance in that a wine retail store and wine bar are allowed in the General Commercial (C-2) zone with the issuance of a Special Permit.
4. The proposed project is consistent with the City of Sacramento General Plan and Central City Community Plan land use designation of General Commercial promoting the rehabilitation and revitalization of existing commercial centers.

Conditions Of Approval

The **SPECIAL PERMITS** to allow the sale of alcohol for a new wine bar in the General Commercial (C-2 SPD) zone and located in the R Street Corridor Special Planning District and to allow the sale of alcoholic beverages for off-premises consumption are hereby approved subject to the following conditions:

General

1. The applicant shall obtain all necessary building and/or encroachment permits prior to commencing construction. The building shall be constructed per submitted plans.
2. Any other changes or modifications to the site will require additional Planning review and approval.
3. The applicant shall comply with the conditions of approval contained in the Design Review approval (DR06-057).

Environmental

4. Remove the floor tiles as identified in Section 6 and 8 (pages 13-15) of the Level One Environmental Site Assessment (Phase 1) prepared for the site. The tiles should be removed and disposed of in the appropriate way under the self remedial and certification program.

Development Engineering

5. Repair or replace/reconstruct any existing deteriorated curb, gutter and sidewalk fronting the property along "S" street per City standards and to the satisfaction of the Development Engineering Division;
6. Any encroachment into the public right-of-way (Awnings, doors, etc) would require a revocable encroachment permit and is subject to all the requirements of said permit. The applicant shall apply for the encroachment permit and must comply with all the requirements of that permit to the satisfaction of the Development Engineering Division;
7. The site plan shall conform to A.D.A. requirements in all respects;
8. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Development Engineering Division;

Police

9. The sale of alcohol shall be limited to beer and wine only, no hard liquor sales allowed.
10. Beer, regardless of size, shall not be sold in quantities of less than one six pack.
11. Wine coolers shall not be sold in quantities of less than factory packs of four.
12. No advertising of beer or wine sales shall be allowed on exterior signs or window signs on the site.
13. ~~The word beer, wine or liquor shall not appear in the name or on any signs. [Deleted by Planning Commission.]~~
14. The hours of operation of the market shall be 8:00 a.m. to 10:00 p.m.
15. The applicant shall provide a licensed, uniformed security guard during all entertainment activities.
16. The applicant shall post the property "No Trespassing" and sign an agreement with the Police Department to prosecute all violators. This agreement shall be kept on file on the premises and in the Police Department.
17. Applicant shall work with the **North** Patrol Police Facility to ensure that the property is posted for "NO Loitering" in accordance with 602(k) P.C. An agreement is to be filed with the Police Department, which will allow officers to remove loiterers and reflects to operator/owners agreement to prosecute.
18. No public pay telephones shall be maintained on the exterior of the premises.
19. Signs shall be posted prohibiting consumption of alcoholic beverages in the business or in the parking areas. Signs shall read: "*It is unlawful to enter or remain on these premises, adjacent parking lot, or adjacent public sidewalk with an open alcoholic beverage container. P.C. 647e(a)*" - plus any appropriate local ordinances. Signs will be clearly visible to the patrons of the business parking lot and to persons on the public sidewalk.
20. All illegal activities observed on or around the business shall be promptly reported to the Police Department.
21. Business rules shall be posted in the business interior in a conspicuous place.
22. There shall be no video/arcade machines maintained upon the premises at any time.

23. The applicant shall be responsible for the daily removal of all litter generated by the business, from the subject site, adjacent properties and streets.
24. The applicant shall agree to a "good neighbor policy." The "good neighbor policy" shall require that if any significant problems arise and the City receives complaints about the use, the City will commence with Special Permit revocation hearings at the cost of the property owner. The revocation hearing shall be at the discretion and direction of the Planning Commission.
25. No live music or amplified music shall be installed or be audible in the sidewalk area.
26. Restaurant windows shall be left unobstructed to all viewing of the interior of the business by patrolling police and so that the outdoor seating area is visible for monitoring from inside the restaurant.

The ~~SPECIAL PERMITS~~ to allow valet parking services and to waive parking for a wine store and wine bar are hereby approved subject to the following conditions:

27. The applicant will ~~enter into a valet service agreement and shall submit an agreement to staff that meets the industry standard.~~ [Deleted by staff.]

Advisories

Parks:

- As per City Code, the applicant will be responsible to meet his/her obligation regarding Title 18, 18.44 Park Development Impact Fee, due at the time of issuance of building permit. The Park Development Impact Fee due for this project is estimated at \$509. This is based on 3395 SF of commercial use at the in-fill rate of \$.15 per SF. Any change in these factors will change the amount of the PIF due. The fee is calculated using factors at the time that the project is submitted for building permit.

Police

- All handicapped, compact loading/unloading, and delivery parking spaces shall be clearly marked with pavement markings and appropriate signs.
- Parking lots, aisles, passageways, recesses, and grounds contiguous to buildings shall be provided lighting with sufficient wattage to provide adequate illumination for the safety and security of vehicles and pedestrians using the site during the hours of darkness or diminished lighting. Such lighting shall be equipped with vandal-resistant covers/lenses.
- A lighting level of 1- 2 foot candles minimum maintained at ground level is required in all vehicle and pedestrian areas.
- All exterior doors shall be adequately illuminated at all hours with their own light source.
- Exterior door, perimeter, canopy, and parking area lights shall be controlled by photocell and shall remain on during the hours of darkness or diminished lighting.
- All entrances to the parking areas shall be posted with appropriate signs per 22658(a) CVC, to assist in removing vehicles at the property owner's / manager's request.
- All alarm plans shall be approved by The Sacramento Police Department's Alarm Unit.
- Access into miscellaneous storage areas should be strictly controlled.
- As much care as possible shall be taken not to impair the view of the passing patrol units outside the business. Use of such restrictors, as potted plants, draperies, reflective window treatments, etc. should be closely monitored.
- Windows shall be constructed so that when the window is locked it cannot be lifted from the frame (sliding).
- The sliding portion of a sliding glass window shall be on the inside track.
- Window locking devices shall be capable of withstanding a force of 200 pounds in any direction.
- Secondary locking devices are required on ground floor windows.
- The address number of every commercial building shall be illuminated during the hours of darkness so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six inches in height and of a color contrasting with the background.
- While closed for business after dark, the site must be sufficiently lit by use of interior night lights.

- Exterior door, perimeter, parking area, and canopy lights shall be controlled by photocell and shall be left on during hours of darkness or diminished lighting.
- The jamb on all aluminum frame swinging doors shall be so constructed or protected to withstand 1600 pounds of pressure in both a vertical distance of three inches and a horizontal distance of one inch each side of the strike.
- Glass doors shall be secured with a deadbolt lock with a minimum throw of one inch. The outside ring should be free-moving and case hardened.
- Doors with glass panels and doors with glass panels adjacent to the door frame shall be secured with burglary-resistant glazing or the equivalent, if double-cylinder deadbolt locks are not installed.
- On pairs of doors, the active leaf shall be secured with the type of lock required for single doors in this section. The inactive leaf shall be equipped with automatic flush extension bolts protected by hardened material with a minimum throw of three-fourths inch at head and foot and shall have no door knob or surface-mounted hardware. Multiple point locks, cylinder activated from the active leaf and satisfying the requirements, may be used in lieu of flushbolts.
- Any single or pair of doors requiring locking at the bottom or top rail shall have locks with a minimum of one throw bolt at both the top and bottom rails.
- Doors with panic bars will have vertical rod panic hardware with top and bottom latch bolts.
- Employee/pedestrian doors shall be of solid core wood or hollow sheet metal with a minimum thickness 1-3/4 inches and shall be secured by a deadbolt lock with a minimum throw of one inch.
- Outside hinges on all exterior doors shall be provided with nonremovable pins when pin type hinges are used or shall be provided with hinge studs, to prevent removal of the door.
- Any rear door used to admit employees or deliveries shall be equipped with a 180 degree viewing device to screen persons before allowing entry.
- Any office which contains a safe or will be used to count receipts shall be equipped with a 180 degree viewing device.
- Commercial establishments having one thousand dollars or more in cash on the premises after closing hours shall lock such money in an approved type money safe with a minimum rating of TL-15 or class "C". The cash on hand in the registers shall be limited, and frequent drops into the safe should be made. The safe should be equipped with duress alarm capability.
- The cash register area shall be covered by a CCTV system with a recorder.



SACRAMENTO CITY PLANNING DIVISION
915 I Street, Suite 300, New City Hall, Sacramento, CA 95814
(916) 808-5656 x2

Application taken by: Dan Waters/ Date:3/09/06

Project Location: 1915 S street
Assessor's Parcel No.: 010-0023-007
Owner: Desiree Caldwell
Address: 2609 Rochon Way
Applicant: Desiree Caldwell
Address: 3838 Watt Ave, Bldg D404

REQUESTED ENTITLEMENT(S): Item A: Environmental Exemption (CEQA Section 15301);
Item B: Special Permit for a wine bar in the General Commercial (C-2 SPD) zone in the R Street Corridor Special Planning District;
Item C: Special Permit to allow the sale of alcoholic beverages for off-premises consumption;
Item D: Special Permit to allow valet parking services;
Item E: Special Permit to waive parking for a wine store and wine bar;
Item F: Variance to waive the fifty percent (50%) shading requirement for parking;
Item G: Variance to reduce the maneuvering area for parking spaces.

ACTIONS TAKEN: Items A-G approved

Sent to Applicant: 2/05/07
Date

By: 
Leah Castro
Customer Service Representative

EXPIRATION

TENTATIVE MAP: Failure to record a final map within two years of the date of approval or conditional approval of a tentative map shall terminate all proceedings.

SPECIAL PERMIT: A use for which a Special Permit is granted must be established within two years after such permit is issued. If such use is not so established, the Special Permit shall be deemed to have expired.

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NOTE: Violation of any of the foregoing conditions will constitute grounds for revocation of this permit. Building permits are required in the event any building construction is planned. The County Assessor is notified of actions taken on rezonings, special permits and variances.

Original to Applicant
Copies: File & Permit Book

P06-037



Development Services
Department

CITY OF SACRAMENTO
CALIFORNIA

New City Hall
915 I Street, Suite 300
Sacramento, CA 95814
Phone: 916/808-5656 x3
Fax:

Date: 2/05/07
Sacramento County Assessor
Real Property Support
3701 Power Inn Road #3000
Sacramento, California 95826-4329

RE: 010-0023-007

Pursuant to Section 65862 of the Government Code of the State of California, we are hereby notifying your office of the following action taken by the City of Sacramento with respect to the above-numbered property:

- Item B: Special Permit for a wine bar in the General Commercial (C-2 SPD) zone in the R Street Corridor Special Planning District;
- Item C: Special Permit to allow the sale of alcoholic beverages for off-premises consumption;
- Item D: Special Permit to allow valet parking services;
- Item E: Special Permit to waive parking for a wine store and wine bar;
- Item F: Variance to waive the fifty percent (50%) shading requirement for parking;
- Item G: Variance to reduce the maneuvering area for parking spaces.

Yours truly,

Leah Castro
Customer Service Representative

Cc: Desiree Caldwell (OWNER)

As owner of record of the above mentioned property, you are hereby notified pursuant to Government Code Section 6863.5 that the County Assessor has been notified of the granting of a zoning change, variance, special permit or other action for your property.