



CITY OF PETALUMA

POST OFFICE BOX 61
PETALUMA, CA 94953-0061

David Glass
Mayor

12 May 2004

Mike Harris
Mike Healy
Bryant Moynihan
Mike O'Brien
E. Clark Thompson
Pamela Torliatt
Councilmembers

Ms. Jan Rosen
Ms. Sylvie de Segur
725 B Street
Petaluma, CA 94952

RE: Conditional Use Permit and
Determination of Public Convenience and Necessity for
Anexie Inc., dba Infusions
146 Kentucky Street, APN 006-281-007

Dear Ms. Rosen and Ms. de Segur:

At the meeting of May 11, 2004, the Petaluma Planning Commission considered your request for a Conditional Use Permit to authorize the operation of an Alcoholic Beverage Establishment with live entertainment, and also the request that a Determination of Public Convenience or Necessity be made and the findings forwarded to the State of California Alcoholic Beverage Control in favor of the issuance of an ABC Type 48 – on-sale general license to allow the sales of alcohol at 146 Kentucky Street, based on the findings and subject to the conditions listed below.

Findings for the Conditional Use Permit:

1. The proposed Alcoholic Beverage Establishment with live entertainment, as conditioned, will conform to the requirements and intent of the General Plan, as the use is appropriate for the area in which it is proposed to be located, and is a small business as encouraged by the General Plan.
2. The proposed Alcoholic Beverage Establishment with live entertainment, is consistent with the requirements set forth in Zoning Ordinance Section 21-430.24(A)(1 through 13), as conditions have been imposed to regulate operating characteristics.
3. The proposed Alcoholic Beverage Establishment with live entertainment will not constitute a nuisance or be detrimental to the public welfare of the community, as a Conditional Use Permit will provide a benefit to the community by virtue of its presence, and provide the ability to regulate the Alcoholic Beverage Establishment. Furthermore, conditions have

Community Development
Department
11 English Street
Petaluma, CA 94952
E-Mail
cdd@ci.petaluma.ca.us

Code Enforcement
Phone (707) 778-4469
Fax (707) 778-4498
E-Mail
codeenforcement@
ci.petaluma.ca.us

Engineering
Phone (707) 778-4301
Fax (707) 778-4498

Inspection Services
Phone (707) 778-4301
Fax (707) 778-4498
To Schedule Inspections:
Phone (707) 778-4479

Permits
Phone (707) 778-4301
Fax (707) 778-4498

Planning
Phone (707) 778-4301
Fax (707) 778-4498

been imposed as conditions of approval to address any potential adverse operating characteristics which have the potential to create a nuisance.

4. The proposed Alcoholic Beverage Establishment with live entertainment has been reviewed under the provisions of the California Environmental Quality Act (CEQA Guidelines, and pursuant to Section 15061(b)(3) of the CEQA Guidelines has been found to be exempt per the general rule that there is no possibility that the activity may have a significant effect on the environment.
5. That the record of proceedings of the decision on the project is available for public review at the City of Petaluma Community Development Department, Planning Division, City Hall, 11 English Street, Petaluma, California.

Findings for the Determination of Public Convenience or Necessity:

1. The proposed use is within a census tract which, pursuant to State Assembly Bill 2897 which amended Section 23958 of the Business and Professions Code, is considered to have an undue concentration of retail liquor licenses. The Planning Commission finds that, pursuant to Section 23958.4(b)(2), this license should be issued to Anexie Inc., dba Infusions, because:
 - a. The sale of beer, wine and spirits will provide a convenience to the patrons;
 - b. The sale of beer, wine and spirits is necessary to ensure the economic viability of the business;
 - c. Although Anexie Inc., dba Infusions proposes to be located within a census tract which experiences an undue concentration of retail alcohol licenses, the sale of alcohol will not create a nuisance or be detrimental to the public health or welfare, as conditions relating to security will limit the potential for nuisances.
2. Per Resolution No. 96-56 N.C.S. the Police Department has reviewed the above referenced application requesting that a determination be made and the finding(s) forwarded to the State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be served by the issuance of an ABC license (Type 48 – On-Sale General Public Premise) to allow the retail sales of alcohol at 146 Kentucky Street. The Police Department reviewed the subject area for the period January 1, 2003 to the present, and finds that based on the reports generated, an increased burden for Police services is not anticipated at

this location given the proposed operating characteristics of the wine bar/lounge.

3. Per Resolution No. 96-56 N.C.S. the Fire Marshal's office in the Fire Department has reviewed the above referenced application requesting that a determination be made and the finding(s) forwarded to the State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be served by the issuance of an ABC license (Type 48 – On-Sale General Public Premise) to allow the retail sales of alcohol at 146 Kentucky Street. Based on the details in the submitted application, an increased burden for Fire services is not anticipated at this location.

From the Community Development Department:

Planning Division:

1. This Conditional Use Permit authorizes Anexie Inc., dba Infusions to operate an Alcoholic Beverage Establishment with Live Entertainment at 146 Kentucky Street, APN 006-281-007.
2. Per Zoning Ordinance Section 21-430.16(A) and (B), this conditional use permit is issued to Jan Rosen and Sylvie de Segur, the principals of Anexie Inc., dba Infusions, and may not be assigned or transferred without notification to the Community Development Director. Additionally, notification of a transfer of a conditional use permit shall be required prior to any change in an interest in a partnership or ownership of ten percent (10%) or more of the stock of a corporation to any person not listed on the application filed March 31, 2004.
3. The hours of operation for the alcoholic beverage establishment and live entertainment shall be limited, as proposed by the applicants to 7:00AM to 2:00AM, 7 days per week. Hours of operation for office use may be 24 hours, 7 days per week.
4. Any physical expansion of the facility, or expansion as to the nature of the business (type of ABC license, etc.) shall require an amendment to this Conditional Use Permit. Future use of the basement shall be limited to storage only.
5. The bar/lounge shall be operated in such a manner so that it at no time violates zoning standards regarding noise generation. As such, at times that live entertainment is offered the door(s) to the bar/lounge shall remain closed. At no time shall business activities exceed the Performance Standards specified in Zoning Ordinance Section 22-301 and/or the 1987 General Plan.

6. Any proposed exterior changes to the building shall be subject to Site Plan and Architectural Review approval.
7. A Conditional Use Permit for an alcoholic beverage establishment with live entertainment may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the conditional use permit or add/modify conditions of approval.
8. The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commission, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

Building Division:

9. A building permit shall be required for the tenant improvement.

From the Police Department:

Conditional Use Permit:

1. The operation of an alcoholic beverage establishment shall be the responsibility of the permittees personally (if the applicants are the permittee) or a manager or designated responsible employee of the permittee at all times. The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Police Chief and Community Development Director in writing whenever any change is made.
2. The permittees personally (if the applicants are the permittees) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
3. All employees and managers shall complete a program recognized by the Department of Alcoholic Beverage Control (ABC) at a qualified Responsible Beverage Service Program prior to the commencement of a new business or within ninety (90) days of hire for new employees. The permittees and/or manager of an alcoholic beverage establishment shall

maintain on the premises a file containing the certificates of training for all employees.

4. The alcoholic beverage establishment shall be operated in such a manner so that it or its patrons at no time violate the Petaluma Municipal Code, the Zoning Ordinance and/or the Penal Code standards regarding noise generation. Should complaints be received regarding noise disruption the applicant shall take reasonable and practical steps as directed by the Police Chief and Community Development Director to reduce the intensity, number and/or occurrences of these disruptions.
5. Prior to commencement of use, the business owner shall submit to the Chief of Police a detailed security plan. The plan shall include, but not be limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff. The plan shall be submitted for review and approval by the Chief of Police. Such plan shall be amended prior to any change in operations including, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Chief of Police within 14 days of the change in business operations.
6. The Chief of Police shall be notified by the first day of each month of the live entertainment calendar, so as to be aware of the nights live entertainment is offered.
7. Bar/lounge personnel shall check identification (I.D.) to insure that the clientele are of legal age to enter.
8. The permittees and/or manager shall be responsible for ensuring that the sidewalk is kept clear of patrons during business hours so as to not impede pedestrian traffic.
9. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC will constitute sufficient cause or basis for review and possible revocation of a conditional use permit.

From the Fire Marshal

1. The building permit application for the tenant improvement shall comply with the Uniform Fire and Building Codes for an assembly occupancy.

From the Water Resources and Conservation Department

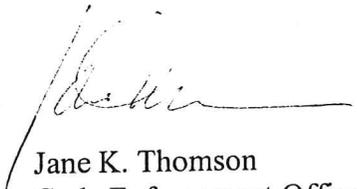
1. Verify that the existing service will provide maximum water demands for domestic, irrigation and any Fire Department requirements.
2. Provide reduced pressure principal backflow prevention devices on water service per city standards 876.01

Within fourteen (14) calendar days following the date of a decision of the Planning Commission (May 11, 2004), the decision may be appealed to the City Council by the applicant or by any other interested party. If no appeal is made within that time, the decision shall be final. An appeal shall be addressed to the City Council in writing and shall be filed with the City Clerk. The appeal shall state specifically the grounds for the appeal and the relief sought by the appellant. The appeal fee as specified by Resolution 2004-028 N.C.S. as adopted by the City Council shall accompany said appeal.

In any case where a conditional use permit has not been used within one (1) year after the date of granting thereof, the permit shall be revoked unless (30) days prior to the one (1) year expiration date, renewal of the permit for an additional period of not more than one (1) year shall be approved by the Community Development Department. If after the one (1) year extension period has expired, a conditional use permit has not been used, then without further action the permit shall be revoked and be null and void.

Should you have any questions regarding this letter, I may be reached Monday through Friday, 8AM to 5PM at (707) 778-4469.

Sincerely,



Jane K. Thomson
Code Enforcement Officer

c: Troy Wright, State of California Department of Alcoholic Beverage Control, 50 D Street, Suite 130, Santa Rosa, CA 95404
Helen Issel, Tr. et al, P.O. Box 593, Sonoma, CA 95476
Police Department
Project File #04-CUP-0181-CR
s:planningcommission\letters\146KentuckyInfusions

APPLICATION RESPONSE FORM
State of California Department of Alcoholic Beverage Control

Applicant's name: Anexie Inc., dba Infusions. ABC file #412347

Premises address: 146 Kentucky Street, Petaluma, California
Assessor's Parcel #006-281-007

Please circle one

The intended use is allowed and approved	yes	no	
or			
The intended use requires a conditional use permit	<input checked="" type="radio"/> yes	no	n/a
If a use permit is required, has one been filed for?	<input checked="" type="radio"/> yes	no	n/a
or			
If a use permit is required has it been approved?	<input checked="" type="radio"/> yes	no	n/a

***** Please attach the City of Petaluma May 11, 2004 Conditional Use Permit conditions of approval to this license request. Specifically, hours of operation shall be limited to 7AM and 2AM.**

If yes, date of approval: May 11, 2004

Name: Jane K. Thomson *JKT*
Title: Code Enforcement Officer
City/Department: City of Petaluma Community Development Department

Date: 12 May 2004

Phone #: 707.778.4469

Return to:

Troy Wright
State of California
Department of Alcoholic Beverage Control
50 D Street, Suite 130
Santa Rosa, CA 95404

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE(S)

ABC 211 (6/99)

TO: Department of Alcoholic Beverage Control
50 D Street
Room 130
Santa Rosa, CA 95404
(707) 576-2165

File Number: 412347
Receipt Number: 1464254
Geographical Code: 4903
Copies Mailed Date: April 15, 2004
Issued Date:

DISTRICT SERVING LOCATION: SANTA ROSA
First Owner: ANEXIE INC
Name of Business: INFUSION
Location of Business: 146 KENTUCKY ST
PETALUMA, CA 94952
County: SONOMA

Is premise inside city limits? Yes Census Tract 1507.01

Mailing Address: 263 PHOTINIA PLACE
PETALUMA, CA 94952
(If different from premises address)

Type of license(s): 48

Transferor's license/name: 345201 / HUFF & CROWD Dropping Partner: Yes No X

Table with 7 columns: License Type, Transaction Type, Fee Type, Master, Dup, Date, Fee. Rows include 48 ON-SALE GENERAL license transactions and a total fee of \$2,147.00.

Have you ever been convicted of a felony? No
Have you ever violated any provisions of the Alcoholic Beverage Control Act, or regulations of the Department pertaining to the Act? No

Explain any "Yes" answer to the above questions on an attachment which shall be deemed part of this application.

Applicant agrees (a) that any manager employed in an on-sale licensed premise will have all the qualifications of a licensee, and (b) that he will not violate or cause or permit to be violated any of the provisions of the Alcoholic Beverage Control Act.

STATE OF CALIFORNIA County of SONOMA Date: April 15, 2004

Under penalty of perjury, each person whose signature appears below, certifies and says: (1) He is an applicant, or one of the applicants, or an executive officer of the applicant corporation, named in the foregoing application, duly authorized to make this application on its behalf; (2) that he has read the foregoing and knows the contents thereof and that each of the above statements therein made are true; (3) that no person other than the applicant or applicants has any direct or indirect interest in the applicant or applicant's business to be conducted under the license(s) for which this application is made; (4) that the transfer application or proposed transfer is not made to satisfy the payment of a loan or to fulfill an agreement entered into more than ninety (90) days preceding the day on which the transfer application is filed with the Department or to gain or establish a preference to or for any creditor or transferor or to defraud or injure any creditor of transferor; (5) that the transfer application may be withdrawn by either the applicant or the licensee with no resulting liability to the Department.

Applicant Name(s)

Applicant Signature(s)

ANEXIE INC

See 211 Signature Page

Troy Weigert

LEGAL RECOURSE STATEMENT: Persons commenting orally or in writing are advised to raise all pertinent issues at this state of review so that possible solutions may be implemented or adopted at the earliest opportunity. If you challenge the action taken by the City of Petaluma in court, you may be limited to raising only those issues you or someone else raised during the public review process, or in written correspondence delivered to the City at or prior to the conclusion of the public review process.

CONSENT CALENDAR:

Consent Calendar items are typically routine in nature and are considered for approval and/or recommendation by the Planning Commission with a single action. The Planning Commission may remove items from the Consent Calendar for discussion. If members of the public wish to comment on Consent Calendar items, they should do so during "Public Comment."

- I. ANNEXIE INC., DBA INFUSIONS**
146 Kentucky Street, APN 006-281-007
File: 04-CUP-0181-CR
Planner: Jane K. Thomson

Consideration of a Conditional Use Permit to authorize the operation of an Alcoholic Beverage Establishment (bar/lounge) with Live Entertainment, and a determination be made and the findings forwarded to the State of California Alcoholic Beverage Control (ABC) that Public Convenience or Necessity would be served by the issuance of an ABC Type 48 license (On-sale General – Public Premise) to allow the sale of alcohol at 146 Kentucky Street.

PUBLIC HEARING:
NEW BUSINESS:

- II. RIVERVIEW SUBDIVSION, McNear Avenue at Mission Drive**
AP No.: 019-210-017, 019, 027, 030, 031, 037
File: 03-PRZ-0187
Planner: Jayni Allsep

Applicant is requesting a recommendation to the City Council of a proposal to 1) prezone the property at McNear Avenue near Mission Drive totaling 22.9 acres to Planned Unit Development (PUD); 2) to annex the prezoned property to the City of Petaluma and 3) to subdivide a 17.11-acre portion of the property into 63 residential lots.

1 CITY OF PETALUMA, CALIFORNIA
2 MEMORANDUM
3

4 *Community Development Department, Planning Division, 11 English Street, Petaluma, CA 94952*
5 *(707) 778-4301 Fax (707) 778-4498 E-mail: planning@ci.petaluma.ca.us*

6
7 DATE: 11 May 2004 AGENDA ITEM NO. CONSENT
8
9 TO: Planning Commission
10
11 FROM: Jane K. Thomson, Code Enforcement Officer
12
13 SUBJECT: Consideration of a Conditional Use Permit and
14 Determination of Public Convenience or Necessity for
15 Anexie Inc., dba Infusions at
16 146 Kentucky Street, APN 006-281-007
17 Project File No(s). 04-CUP-0181-CR
18

19 **RECOMMENDATIONS**

20
21 Staff recommends that the Planning Commission approve the Conditional Use Permit for an Alcoholic
22 Beverage Establishment, and make the determination that public convenience or necessity would be
23 served by the issuance of a Type 48 Alcoholic Beverage License to Anexie Inc., dba Infusions at 146
24 Kentucky Street, subject to the attached draft findings and conditions of approval.
25

26 **PROJECT SUMMARY**

27
28 **Project Planner:** Jane K. Thomson, Code Enforcement Officer
29

30 **Project Applicant:** Jan Rosen and Sylvie de Segur
31

32 **Property Owner:** Helen Issel, Tr. Et Al
33

34 **Nearest Cross Street to Project Site:** Washington Street
35

36 **Property Size:** 8,000 sq.ft. (entire building is 8,000 sq.ft., proposed bar/ounge is 3,500 sq.ft.)
37

38 **Site Characteristics:** Commercial Building
39

40 **Existing Use:** Vacant
41

42 **Proposed Use:** Alcoholic Beverage Establishment with Live Entertainment
43

44 **Current Zoning:** Central Commercial (C-C)
45

46 **Proposed Zoning:** Central Commercial (C-C)

1
2
3 **Current General Plan Land Use:** Community Commercial

4
5 **Proposed General Plan Land Use:** Community Commercial

6
7 **Subsequent Actions if Project is Approved:** Determination and finding(s) forwarded to the State of
8 California Department of Alcoholic Beverage Control (ABC).

9
10 **PROJECT DESCRIPTION**

11
12 **APPROVAL REQUESTED**

13
14 Jan Rosen and Sylvie de Segur, the principals of Anexie Inc., dba Infusions, are requesting a
15 Conditional Use Permit (CUP) to authorize the operation of an Alcoholic Beverage Establishment
16 (bar/lounge) with Live Entertainment at 146 Kentucky Street. Proposed hours of operation for the
17 bar/lounge are Monday through Sunday, 7:00AM to 2:00AM. As a permitted use, the office may be
18 operated seven days per week, 24 hours per day. Ms. Rosen and Ms. de Segur will manage the
19 business together, and employ four (4) to eight (8) employees. No formal kitchen is proposed to be
20 operated; any food service needed will be catered from the Waterfront Grill (owned by Jan Rosen).

21
22 The applicants are also requesting that a determination be made and the finding(s) forwarded to the
23 State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be
24 served by the issuance of an ABC license (Type 48 – On sale General – Public Premise) to allow the
25 sale of alcohol at 146 Kentucky Street, Assessor’s Parcel Number 006-281-007.

26
27 **SETTING**

28
29 The building is located on the east side of Kentucky Street, south of Washington Street (please see
30 attached Location Map). The building is currently vacant, however there is a tenant improvement in
31 progress for a tanning salon in an adjacent space.

32
33 **STAFF ANALYSIS**

34
35 **Conditional Use Permit**

36
37 **Alcoholic Beverage Establishment**

38
39 The proposed bar/lounge is located in an area zoned for retail commercial businesses and offices.
40 There are no sensitive uses such as churches, or hospitals in the immediate neighborhood. The
41 Petaluma Hotel, located at the northwest corner of Washington and Kentucky has been a source of
42 complaints in the past, but this has largely been due to past activities at the Phoenix and at Kodiak
43 Jack’s, not the Kentucky Street bars. The proposed bar/lounge is considered a compatible use, due to
44 the proposed hours of operation and the stated operating characteristics, and its similarity to other
45 Kentucky Street venues.

1 Live Entertainment

2
3 The applicants propose to offer a limited amount of live entertainment, typically in the evening,
4 although live music would be offered for private parties/events. Although the bar/lounge will be
5 subject to the city's noise ordinance, staff recommends that the doors remain closed when live
6 entertainment is offered. This condition has been consistently imposed on other bars.

7
8 Other Activities

9
10 As indicated in their letter of application, the bar/lounge is proposed to be available during the day for
11 meetings, wine releases, seminars, fashion shows, and other such like events, hence the request that the
12 operating hours commence at 7AM.

13
14 The property is located in the downtown parking assessment district, therefore on-site parking is not
15 required.

16
17 **Public Convenience or Necessity**

18
19 From the Planning Division:

20
21 The Department of Alcoholic Beverage Control (ABC) has determined that an undue concentration of
22 facilities that are licensed to sell alcohol exists in the census tract in which the subject site is located.
23 This evaluation and determination is made exclusively by the ABC, based on their determination that
24 the ratio of on-sale retail licenses to population in the census tract or census division in which the
25 applicant premises are to be located, exceed that permitted. The ABC has informed the city that based
26 on the subject property's location in Census Tract 1507.01 (see attached map), which currently has 46
27 licenses where only 7 are permitted, State law requires the City to make the determination that the
28 issuance of an additional license in this census tract would serve the public convenience or necessity
29 (PCN determination).

30
31 Staff has considered the PCN request, and is able to support a determination that the issuance of an
32 additional license in this census tract would service the public convenience or necessity pursuant to the
33 provisions of Resolution 96-56 N.C.S. As required by the City Council, the project was referred to
34 both the Fire and Police Departments for their input. The following summarizes their responses:

35
36 Police Department: The Police Department reviewed the subject area for the period January 1, 2003 to
37 the present. Detective Frye's written comments from April 16, 2004 are attached, with the
38 recommendations included as conditions of approval.

39
40 Fire Department: The Fire Marshal's written comments from April 20, 2004 are attached, with the
41 recommendations included as conditions of approval.

42
43 **General Plan Consistency:**

44
45 The General Plan Land Use designation for this site is Community Commercial, which allows for retail
46 businesses and service establishments such as stores, bars, lounges, and offices. The proposed use is
47 consistent with this designation.

1 **Zoning District Consistency:**

2
3 The property is zoned C-C (Central Commercial), which allows for alcoholic beverage sales and live
4 entertainment with a conditional use permit in this district.
5

6 **PUBLIC COMMENTS**

7
8 On April 28, 2004, a public notice was published in the Argus Courier, and mailed to all property
9 owners and occupants within 500 ft. of the project site. To date, staff has received no public
10 comments.
11
12

13 **ENVIRONMENTAL REVIEW**

14
15 The project has been reviewed under the provisions of the California Environmental Quality Act
16 (CEQA Guidelines). Pursuant to Section 15061(b)(3) of the CEQA Guidelines (Exempt per the
17 general rule that there is no possibility that the activity may have a significant effect on the
18 environment), no further environmental review is required.
19

20 **ATTACHMENTS**

21
22 Attachment A: Draft Conditional Use Permit Findings
23 Draft Findings for Public Convenience and Necessity Determination
24

25 Attachment B: Draft Conditions of Approval
26

27 Attachment C: Location Map
28

29 Attachment D: Applicant's Letter of Application and Project Narrative
30 Zoning Affidavit/Undue Concentration Worksheet
31 Planned Operation Worksheet/Licensed Premises Diagram
32

33 Attachment E: Census Tract Map
34

35 Attachment F: Resolution 96-56 N.C.S. regarding Public Convenience or Necessity
36

37 Attachment G: Memo from Petaluma Police Department
38

39 Attachment H: Memo from the Fire Marshal's Office
40

41 Attachment I: Floor Plan
42

DRAFT FINDINGS

Anexie Inc., dba Infusions
146 Kentucky Street, AP No. 006-281-007
File # 04-CUP-0181-CR

Findings for the Conditional Use Permit:

1. The proposed Alcoholic Beverage Establishment with live entertainment, as conditioned, will conform to the requirements and intent of the General Plan, as the use is appropriate for the area in which it is proposed to be located, and is a small business as encouraged by the General Plan.
2. The proposed Alcoholic Beverage Establishment with live entertainment, is consistent with the requirements set forth in Zoning Ordinance Section 21-430.24(A)(1 through 13), as conditions have been imposed to regulate operating characteristics.
3. The proposed Alcoholic Beverage Establishment with live entertainment will not constitute a nuisance or be detrimental to the public welfare of the community, as a Conditional Use Permit will provide a benefit to the community by virtue of its presence, and provide the ability to regulate the Alcoholic Beverage Establishment. Furthermore, conditions have been imposed as conditions of approval to address any potential adverse operating characteristics which have the potential to create a nuisance.
4. The proposed Alcoholic Beverage Establishment with live entertainment has been reviewed under the provisions of the California Environmental Quality Act (CEQA Guidelines, and pursuant to Section 15061(b)(3) of the CEQA Guidelines has been found to be exempt per the general rule that there is no possibility that the activity may have a significant effect on the environment.
5. That the record of proceedings of the decision on the project is available for public review at the City of Petaluma Community Development Department, Planning Division, City Hall, 11 English Street, Petaluma, California.

Findings for the Determination of Public Convenience or Necessity:

1. The proposed use is within a census tract which, pursuant to State Assembly Bill 2897 which amended Section 23958 of the Business and Professions Code, is considered to have an undue concentration of retail liquor licenses. The Planning Commission finds that, pursuant to Section 23958.4(b)(2), this license should be issued to Anexie Inc., dba Infusions, because:
 - a. The sale of beer, wine and spirits will provide a convenience to the patrons;
 - b. The sale of beer, wine and spirits is necessary to ensure the economic viability of the business;

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c. Although Anexie Inc., dba Infusions proposes to be located within a census tract which experiences an undue concentration of retail alcohol licenses, the sale of alcohol will not create a nuisance or be detrimental to the public health or welfare, as conditions relating to security will limit the potential for nuisances.

2. Per Resolution No. 96-56 N.C.S. the Police Department has reviewed the above referenced application requesting that a determination be made and the finding(s) forwarded to the State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be served by the issuance of an ABC license (Type 48 – On-Sale General Public Premise) to allow the retail sales of alcohol at 146 Kentucky Street. The Police Department reviewed the subject area for the period January 1, 2003 to the present, and finds that based on the reports generated, an increased burden for Police services is not anticipated at this location given the proposed operating characteristics of the wine bar/lounge.

3. Per Resolution No. 96-56 N.C.S. the Fire Marshal’s office in the Fire Department has reviewed the above referenced application requesting that a determination be made and the finding(s) forwarded to the State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be served by the issuance of an ABC license (Type 48 – On-Sale General Public Premise) to allow the retail sales of alcohol at 146 Kentucky Street. Based on the details in the submitted application, an increased burden for Fire services is not anticipated at this location.

DRAFT CONDITIONS OF APPROVAL

Anexie Inc, dba Infusions
146 Kentucky Street, AP No. 006-281-007
File # 04-CUP-0181-CR

From the Community Development Department:**Planning Division:**

1. This Conditional Use Permit authorizes Anexie Inc., dba Infusions to operate an Alcoholic Beverage Establishment with Live Entertainment at 146 Kentucky Street, APN 006-281-007.
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3. The hours of operation for the alcoholic beverage establishment and live entertainment shall be limited, as proposed by the applicants to 7:00AM to 2:00AM, 7 days per week. Hours of operation for office use may be 24 hours, 7 days per week.
4. Any physical expansion of the facility, or expansion as to the nature of the business (type of ABC license, etc.) shall require an amendment to this Conditional Use Permit. Future use of the basement shall be limited to storage only.
5. The bar/lounge shall be operated in such a manner so that it at no time violates zoning standards regarding noise generation. As such, at times that live entertainment is offered the door(s) to the bar/lounge shall remain closed. At no time shall business activities exceed the Performance Standards specified in Zoning Ordinance Section 22-301 and/or the 1987 General Plan.
6. An proposed exterior changes to the building shall be subject to Site Plan and Architectural Review approval.
7. A Conditional Use Permit for an alcoholic beverage establishment with live entertainment may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the conditional use permit or add/modify conditions of approval.
8. The applicants/developers shall defend, indemnify, and hold harmless the City or any of its boards, commission, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable State and/or local statutes. The City shall promptly notify the

1 applicants/developers of any such claim, action, or proceeding. The City shall coordinate in the
2 defense. Nothing contained in this condition shall prohibit the City from participating in a
3 defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs,
4 and the City defends the action in good faith.

5
6 Building Division:

- 7
8 9. A building permit shall be required for the tenant improvement.
9

10 **From the Police Department:**

11
12 Conditional Use Permit:

- 13
14 1. The operation of an alcoholic beverage establishment shall be the responsibility of the
15 permittees personally (if the applicants are the permittee) or a manager or designated
16 responsible employee of the permittee at all times. The permittee shall designate the names of
17 all such managers and designated responsible employees in the application and shall advise the
18 Police Chief and Community Development Director in writing whenever any change is made.
19
20 2. The permittees personally (if the applicants are the permittees) or a manager or a designated
21 responsible employee shall be on the premises at all times during the conduct of business.
22
23 3. All employees and managers shall complete a program recognized by the Department of
24 Alcoholic Beverage Control (ABC) at a qualified Responsible Beverage Service Program prior
25 to the commencement of a new business or within ninety (90) days of hire for new employees.
26 The permittees and/or manager of an alcoholic beverage establishment shall maintain on the
27 premises a file containing the certificates of training for all employees.
28
29 4. The alcoholic beverage establishment shall be operated in such a manner so that it or its patrons
30 at no time violate the Petaluma Municipal Code, the Zoning Ordinance and/or the Penal Code
31 standards regarding noise generation. Should complaints be received regarding noise
32 disruption the applicant shall take reasonable and practical steps as directed by the Police Chief
33 and Community Development Director to reduce the intensity, number and/or occurrences of
34 these disruptions.
35
36 5. Prior to commencement of use, the business owner shall submit to the Chief of Police a
37 detailed security plan. The plan shall include, but not be limited to, the periods of time and
38 staffing levels for security personnel, duties, responsibilities and qualifications of security staff.
39 The plan shall be submitted for review and approval by the Chief of Police. Such plan shall be
40 amended prior to any change in operations including, but not limited to, the periods of time and
41 staffing levels for security personnel, duties, responsibilities and qualifications of security staff
42 for review and approval by the Chief of Police within 14 days of the change in business
43 operations.
44
45 6. The Chief of Police shall be notified by the first day of each month of the live entertainment
46 calendar, so as to be aware of the nights live entertainment is offered.
47
48 7. Bar/lounge personnel shall check identification (I.D.) to insure that the clientele are of legal age
49 to enter.
50
51 8. The permittees and/or manager shall be responsible for ensuring that the sidewalk is kept clear
52 of patrons during business hours so as to not impede pedestrian traffic.

- 1
2 9. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations.
3 Suspension of the applicant's license by the ABC will constitute sufficient cause or basis for
4 review and possible revocation of a conditional use permit.
5

6 **From the Fire Marshal**
7

- 8 1. The building permit application for the tenant improvement shall comply with the Uniform Fire
9 and Building Codes for an assembly occupancy.
10

11 **From the Water Resources and Conservation Department**
12

- 13 1. Verify that the existing service will provide maximum water demands for domestic, irrigation
14 and any Fire Department requirements.
15
16 2. Provide reduced pressure principal backflow prevention devices on water service per city
17 standards 876.01
18
19
20
21
22

23 h:\jkt\cup\146KentuckyInfusionsSr



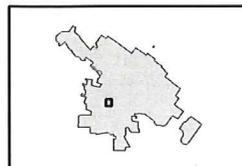
Project Site
 Infusion Bar & Lounge
 146 Kentucky St.

 GIS Division
 Date: 4/12/2004


DISCLAIMER:
 These maps or plans were compiled and/or digitized via electronic means utilizing
 many source documents. It is intended to be representative of source property
 legal and geographic history within the City of Petaluma, CA and does not
 constitute an opinion of Record Title for any use and the accuracy
 of the information presented herein for legal descriptions, requirements of
 actual construction or for any other purpose for which this map was not intended.

Location Map
146 Kentucky St.
 City of Petaluma
 California

Legend
 Parcel Boundaries



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INFUSIONS

Location:
146 Kentucky Street
Petaluma, CA 94952

Owners:
Jan Rosen and Sylvie de Segur
Anexie Inc

Proposal: The establishment of a bar/lounge in the space formerly occupied by Buena Sera Restaurant. The area encompasses approximately 3,500 square feet including restrooms, hallways, bar, customer seating, small dance floor and music/entertainment area. The upscale establishment will offer unique service to visitors to downtown Petaluma. A location, not now available, to host such special events as:

- Day time meeting location for community groups
- Wine releases by local wineries
- Wine seminars for small groups and the local wine trade
- Small group meetings, which include the service of fine liquor
- High-end fashion shows for local businesses to display their wares
- Private events and parties
- Live music, limited
- Liquor company events for new releases

The bar/lounge will provide a small, intimate dance floor and offer a limited amount of entertainment opportunities. Amplification of music will be kept to a minimum with the intent that the interior noise is not heard outside of the building while the front and rear doors are closed.

All City codes will be met and the Owner/Manager of the facility, Jan Rosen, will work closely with the Police Department to insure that all requirements of the regulations for the operation of an Alcoholic Beverage Establishment and guidelines for the determination of a finding of public convenience and necessity are met by the daily operation of the facility. Located in the center of a downtown block, the establishment will fit nicely as an asset for the afternoon and evening ambiance of downtown entertainment activities and provide an upscale respite for visitors and residents. The proposed location is not within close proximity to any sensitive uses (residential neighborhoods, churches, schools, parks). The nearest of these uses is located approximately 450 feet to the north, across Washington Street.

The proposed lounge will be an amenity to downtown Petaluma, and will be run with the same quiet grace that the other Rosen businesses are operated.

- Infusions will not create any extra burden on the Police or Fire Departments because we will have our own security and also we are not attracting a young crowd. There will be a dress code. I have had liquor licenses since 1976 and at the present time, I have two licenses in Petaluma, with no problems ever. In 1983, we had live music and again we experienced no problems. Because we have always had a reputation of high end establishments, which is created both by atmosphere and price points, we have never had any problems.
- There are no bars/lounges in Petaluma that cater to the mature customer so we will be filling that void. The bar will also be used during the day for special events, meetings i.e. PVP, Morning Rotary Meetings etc. We are obtaining a 48 liquor license. If there is a need to provide food for these events or meeting, I own two restaurants in Petaluma and can bring food and pastries to the premises.
- Currently, I own a restaurant with a bar and my customers are always telling me that they have no where to go after dinner to relax and continue their evening. I would have created that place where my restaurant is now, but there is no room for at that location. Therefore, I have been looking for a location for the past few years. I believe that 146-148 Kentucky Street is the perfect place for the Bar/Lounge. The history of my company is to fill a need for the community. We believe Infusions will do just that.
- Alcohol sales are vital to the function of our business; however we will have a selection of non-alcoholic drinks. Alcohol sales will make up approximately 90% of our sales.
- We will definitely be compatible with the surrounding businesses because our clientele will be both local and from other areas. They will no doubtedly be shopping and eating in the downtown area.
- The proposed use will not have any adverse effect on the welfare of the area residents.
- By issuing the License, we will serve the community because it will give people a place to go which does not currently exist in Petaluma, Santa Rosa or Marin. We will be introducing Petaluma to many new people. Infusions will have events and be very community minded. We are proposing to open at 7 a.m. in order to do community events, continental breakfast meetings, seminars, wine release events and wine seminars. We will be coordinating the wine events with the local markets so that once the people become educated about the new wines, they will then go to the local markets and purchase their wines.

Thursday, April 8, 2004

Anexie, Inc., dba Infusions
146 Kentucky Street

The proposed bar/lounge requires a CUP for alcohol sales per Zoning Ordinance 12-416, and a CUP for Live Entertainment per Zoning Ordinance 12-417. This project is exempt per CEQA Section 15061(b)(3). PCN is required per the ABC.

Conversation this date with Jan Rosen regarding incomplete items:

1. Operating characteristics of the Bar/Lounge:
Days: Monday through Sunday
Hours: 7:00AM through 2:00AM
of Employees: 4 to 8

2. Operating characteristics of the Office:
Days: Monday through Sunday
Hours: 24 hours/day

3. Building Details:
Number of seats: 120
Facility size: 3500 sq.ft. (one floor @ 28' x 125'), however applicants are negotiating with the owner for use of the basement for storage

4. Live Entertainment/Music:
Hours: Noon to 1:30AM
Type: Classical to jazz to rock

5. Exterior Improvement(s):
No façade improvements are proposed at this time



Community Development Department

11 English Street
Petaluma, CA 94952

Email: cdd@ci.petaluma.ca.us

Code Enforcement
Phone: (707) 778-4469
Fax: (707) 778-4498

Engineering
Phone: (707) 778-4301
Fax: (707) 778-4498

Inspection Services
Phone: (707) 778-4301
Fax: (707) 778-4498

Permits
Phone: (707) 778-4301
Fax: (707) 778-4498

Planning
Phone: (707) 778-4301
Fax: (707) 778-4498

To schedule inspections: (707) 778-4479

Environmental Impact Questionnaire

(To be completed by project applicant or property owner - information provided on this form will be used to prepare an Initial Study to assess the environmental effects of your project)

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Date Filed: 3/31/04
Project Name: 146 Kentucky St.

A. General Information:

- Applicant Name: JAN Rosen / Sylvie de Ségur
Mailing Address: 125 B Street
Phone Number: 778-1788
- Property Owner (if different from applicant): Helen Issel, TR et al
Mailing Address: P.O. Box 593 Sonoma, CA 95476
Phone Number: 707-996-1041
- Street Address of Project (if no address, indicate location - i.e., northwest corner of XXX Street and XXX Avenue): 146 Kentucky St.
- Assessor's Parcel Number(s): portion of 006-281-007
- Type of Permit(s)/Approval(s) Requested: CUP for Alcoholic Beverage Establishment
- List and describe any other related permits and/or public agency approvals required for this project, including those required by city, regional, state, or federal agencies (i.e., U.S. Army Corps of Engineers, California Department of Fish & Game, etc.): ABC license (pending)
- Is this site listed on the State Hazardous Waste and Substances Sites List: NO
- Existing Zoning District: Central Commercial w/ Downtown Historic DIST. overlay
- Previous approvals or submittals related to this project, including Preliminary Review:
Project name and file number: N/A

Date of previous approval/review: N/A

Environmental documentation prepared (i.e., Initial Study, Negative Declaration, or Environmental Impact Report): _____

10. If the project involves a variance, conditional use permit, rezoning, or General Plan amendment application, clearly state the characteristics of the project which trigger the need for such an application: ABE per Sec. 12-416 of Zoning Ordinance

GO ON TO NEXT PAGE

B. Project Description:

1. Proposed use of the site (provide detailed description or attach Project Narrative): on-site sale of alcohol beverages - bar and lounge.

2. Site size (in acres and square feet): _____

3. Square footage of proposed construction: ~ 3500 SQ. FT.

4. Number of floors of construction and building height: one

5. Amount of off-street parking provided: parking district (garage)

6. Proposed construction schedule, including phases if incremental development: tenant improvements

7. For proposed *Residential* use:
Number of units: _____
If single family - total square footage: _____
If multi-family - unit sizes: _____
Range of sale or rental prices: _____
Household size expected: _____

8. For proposed *Commercial* use:
Type of commercial use (i.e., Neighborhood Commercial, Highway Commercial, etc.): _____
Neighborhood, City or regionally oriented: City oriented, some regional
Square footage of sales area: _____
Square footage of loading facilities: _____

9. For proposed *Industrial* use:
Estimated number of employees per shift: _____
Square footage of loading facilities: _____

10. For proposed *Public/Institutional* use:
Describe type of use: _____
Estimated number of employees per shift: _____
Estimated occupancy: _____
Square footage of loading facilities: _____
Community benefits to be derived from project: _____

11. For proposed *Mixed Use*:
Describe types of uses: _____
Square footage of each type of use: _____
Ratio of parking provided for each type of use: _____

C. Environmental Effects: Are any of the following items applicable to the project or will the project result in any of the potential impacts identified below? Respond to each question and provide additional information on any item checked "yes" (*attach additional sheets if necessary*):

		Yes	No
1.	Change in existing features of any bays, tidelands, or hills, or substantial alteration of ground contours, including any grading (also see Question #6). If yes, explanation: _____ _____		X
2.	Change in quality or quantity of any ocean, bay, lake, stream, river, marsh, or ground water, or alteration of existing drainage patterns. If yes, explanation: _____ _____		X
3.	<u>Change in scenic views or vistas from existing residential areas or public lands or roads.</u> If yes, explanation: _____ _____		X
4.	Change in development patterns, scale, or character of the area in the vicinity of the project. If yes, explanation: <u>Downtown Petaluma is a local + regional destination; an upscale lounge will support the expansion of evening activities through the theater project.</u>		X
5.	Is the site on filled land or have a slope of 10 percent or more. If yes, explanation: _____ _____		X
6.	<u>Change in topography due to grading.</u> If yes, provide the existing average slope. <u>Indicate the greatest change in elevation due to grading:</u> _____ _____		X
7.	Result in the removal or damage to any trees or rock outcroppings. If yes, explanation: _____ _____		X
8.	Result in significant amounts of solid waste or litter. If yes, explanation: _____ _____		X

		Yes	No
9.	Use or disposal of potentially hazardous materials, such as toxic substances, medical wastes, flammable materials, or explosives. If yes, explanation: _____ _____		X
10.	Change in dust, ash, smoke, fumes, or odors in the vicinity. If yes, explanation: _____ _____		X
11.	Change in existing noise or vibration levels in the vicinity (use of heavy equipment, pneumatic tools, significant truck traffic, etc.) If yes, explanation: _____ _____		X
12.	Change in demand for municipal services, including police, fire, schools, water, sewer, etc. If yes, explanation: <u>The proposed lounge is designed for the mature visitor to Petaluma, no increased services are anticipated.</u>		X
13.	<u>Change in existing circulation patterns or result in substantial amounts of additional traffic. If yes, explanation: While the lounge is intended to be a draw to clients - it is anticipated that customers will also visit other downtown restaurant and retail uses.</u>		X
14.	Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.): _____ _____		X
15.	<u>Is the site adjacent to, or within the vicinity of, any creeks, wetlands, the Petaluma River, parks, marsh, agricultural lands, open space, or airport. If yes, explanation:</u> _____ _____		X
16.	<u>Have any prior environmental studies been completed for the project site. Studies would include noise, geologic or geotechnical, traffic, hydrology, tree preservation, cultural resources, etc. If yes, list and provide copies:</u> _____ _____ _____		X

		Yes	No
17.	<p><u>Is the site potential habitat for threatened or endangered fish, wildlife, or plant species. If yes, explanation:</u> _____</p> <p>_____</p> <p>_____</p>		X
18.	<p><u>Are there existing structures on the site. If so, explain their current use and age. Will any structures be demolished. If yes, explanation:</u> <u>Existing building was recently reconstructed following a fire.</u></p> <p>_____</p> <p>_____</p>		X
19.	<p><u>If the site is vacant, provide information on the previous use:</u> <u>prior to fire: Restaurant: Buena Sera with alcoholic beverage license</u></p> <p>_____</p> <p>_____</p>		X
20.	<p><u>Is the site or structure of known historical or cultural significance. Is the site within an historic district. If yes, explanation:</u> <u>Downtown Historic District - reconstruction of structure after complete destruction by fire</u></p> <p>_____</p> <p>_____</p>	X	
21.	<p>Please attach labeled photos of the site and the surrounding area.</p>		

Please note that, depending upon the nature of the application, additional studies or analysis may be required including, but not limited to, traffic, tree preservation, noise, and soils.

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits, if applicable, present, to the best of my ability, the data and information required for this initial evaluation of this project, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

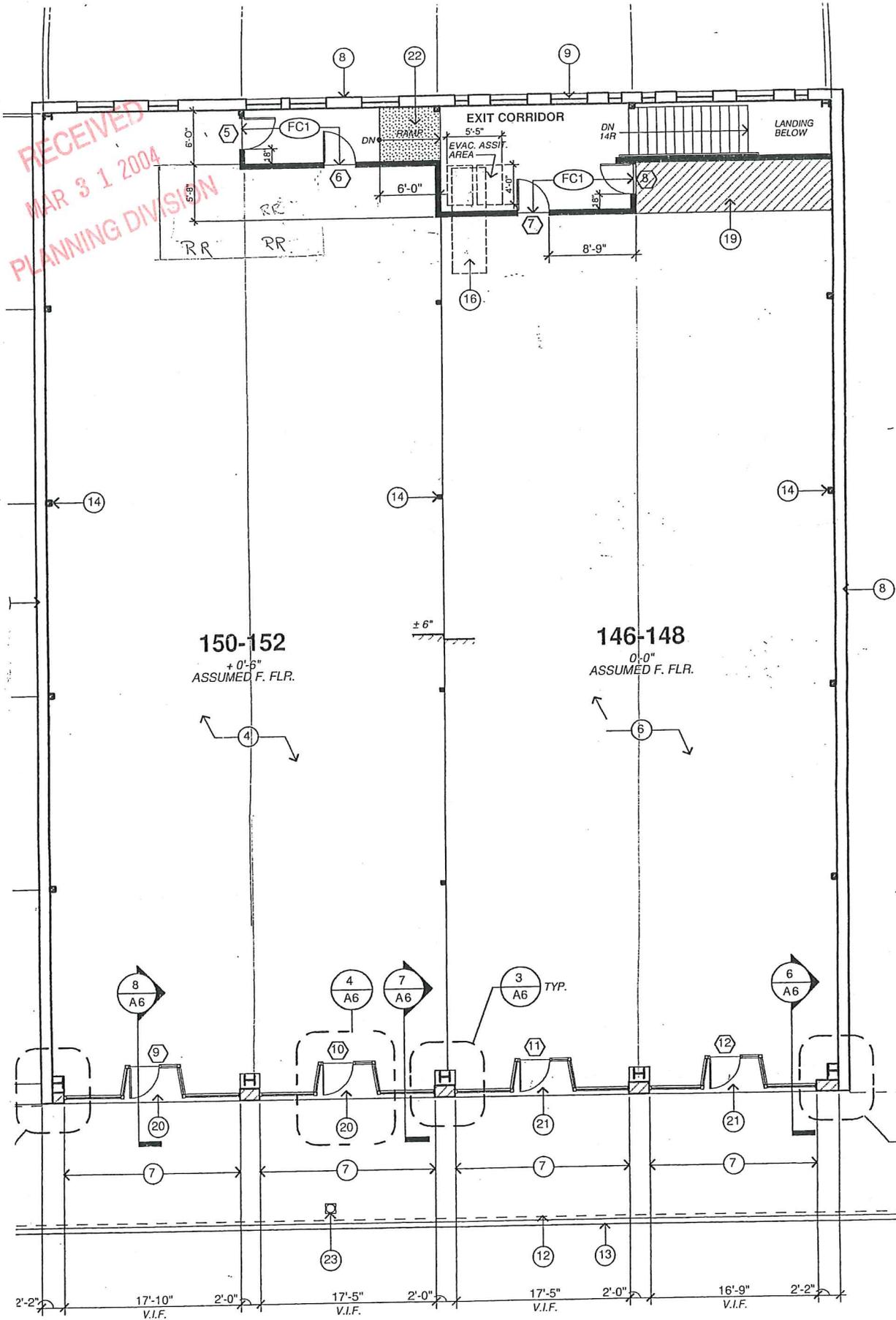


Signature of Applicant / Property Owner (circle one)

March 15, 2004
Date

On Behalf of (if Applicant is other than the Property Owner):

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Department of Alcoholic Beverage Control
PLANNED OPERATION (RETAIL)

SECTION I - FOR ALL RETAIL APPLICANTS

1. APPLICANT NAME(S) ANEXIE, INC 2. LICENSE TYPE(S) 48

3. PREMISES ADDRESS (Street number and name, city, zip code) 146 KENTUCKY ST PETALUMA 94952 4. NEAREST CROSS STREET WASHINGTON

5. TYPE OF BUSINESS (Choose one that best describes the planned operation)

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Cafeteria/Hofbrau	<input checked="" type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input checked="" type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast	<input type="checkbox"/> Theater	<input type="checkbox"/> Wine Tasting Room	
<input type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Variety/Drug Store	<input type="checkbox"/> Gift Shop/Floors	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

6. PATRON CAPACITY 130

7. SURROUNDING AREA
 Commercial Rural
 Residential Industrial
 Other

8. PREMISES IS LOCATED IN
 Free Standing Building
 Shopping Center (Name):
 10 Units or Less More than 10 Units

9. FOOD SERVICE
 None Minimal Full Meals

10. PARKING LOT? Yes No

11. PATIO? Yes No

12. WILL YOU HIRE A MANAGER? (Rule 57.5) Yes No

13. WILL YOU HAVE A FOOD LESSEE? (Rule 57.7) Yes No

14. MEAL TYPE
 Dinner House Seafood American Greek Indian French
 Fast Food/Deli Other: Chinese Korean Italian Thai
 Pizza/Pasta Japanese Other:

15. TYPE OF FOOD

16. HOURS OF FOOD SERVICE
 BREAKFAST HOURS From: To:
 LUNCH HOURS From: To:
 DINNER HOURS From: To:

17. OPERATING HOURS

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Opening Time	7AM						
Closing Time	2AM						

18. ENTERTAINMENT (One or more may apply. Please describe any entertainment with an asterisk (*) below)

<input type="checkbox"/> None	<input checked="" type="checkbox"/> Amplified Music	<input checked="" type="checkbox"/> Patron Dancing	<input type="checkbox"/> Card Room
<input checked="" type="checkbox"/> Recorded Music	<input checked="" type="checkbox"/> Live Entertainment *	<input type="checkbox"/> Bikini/Topless/Exotic	<input checked="" type="checkbox"/> Movies
<input type="checkbox"/> Juke Box	<input type="checkbox"/> Floor/Stage Shows	<input type="checkbox"/> Pool/Billiard Tables	<input type="checkbox"/> "Hot Spot"/Lottery
<input type="checkbox"/> Other	<input type="checkbox"/> Karaoke	<input type="checkbox"/> Amateur/Pro Sports Events	<input type="checkbox"/> Video/Coin-Operated Games

*Description: JAZZ COMBO

19. PREMISES IS LOCATED ON
 Major Thoroughfare Secondary Street Other

20. TYPE OF STRUCTURE
 Single Story Two-Story
 Multi-Story - Number of stories:

21. PASS-THROUGH WINDOW? Yes No

22. FIXED BARS? Yes - how many: 1 No

23. WHAT PERCENTAGE OF YOUR TOTAL SALES WILL BE ALCOHOLIC BEVERAGES? 90%

FOR ABC USE ONLY

24. INFORMATION GIVEN (R-27, R-107, Sec. 25612.5, Sec. 23700.5, etc.) 25. DATE ENTERED INTO CABIN

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Department of Alcoholic Beverage Control
LICENSED PREMISES DIAGRAM (RETAIL)

State of California
GRAY DAVIS, Governor
Business, Transportation & Housing Agency
MARIA CONTRERAS-SWEET, Secretary

APPLICANT NAME (Last, first, middle) ANEXIE, INC

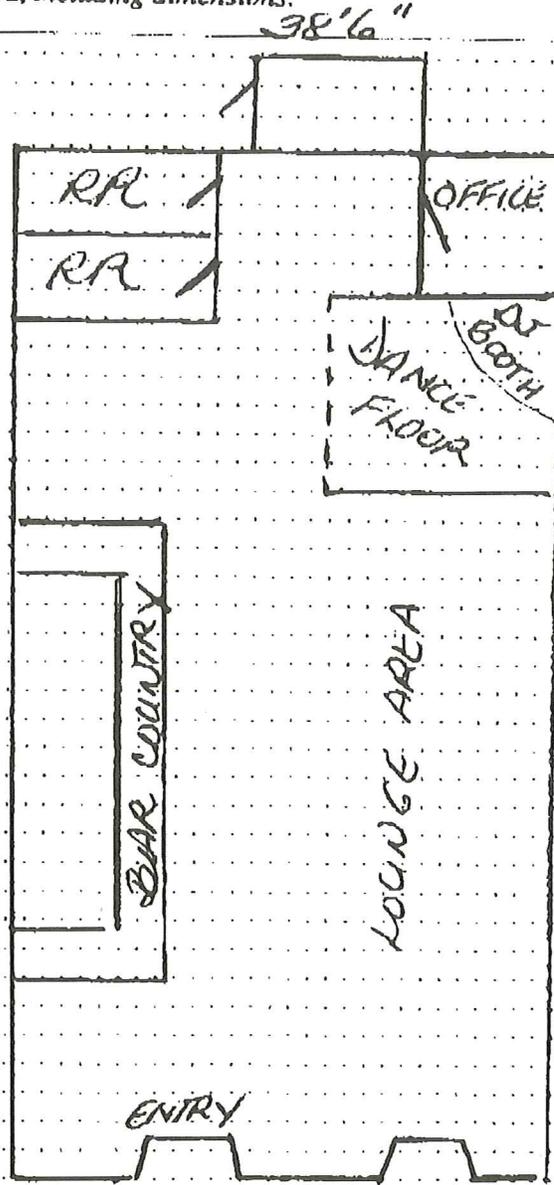
PREMISES ADDRESS (Street number and name, city, zip code) 146 KENTUCKY ST. PETAHUMA 94952

2. LICENSE TYPE 48

4. NEAREST CROSS STREET WASHINGTON

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions.

DIAGRAM



NOT TO SCALE

It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required) [Signature]

DATE SIGNED 3/24/04

FOR ABC USE ONLY

PRINTED NAME _____

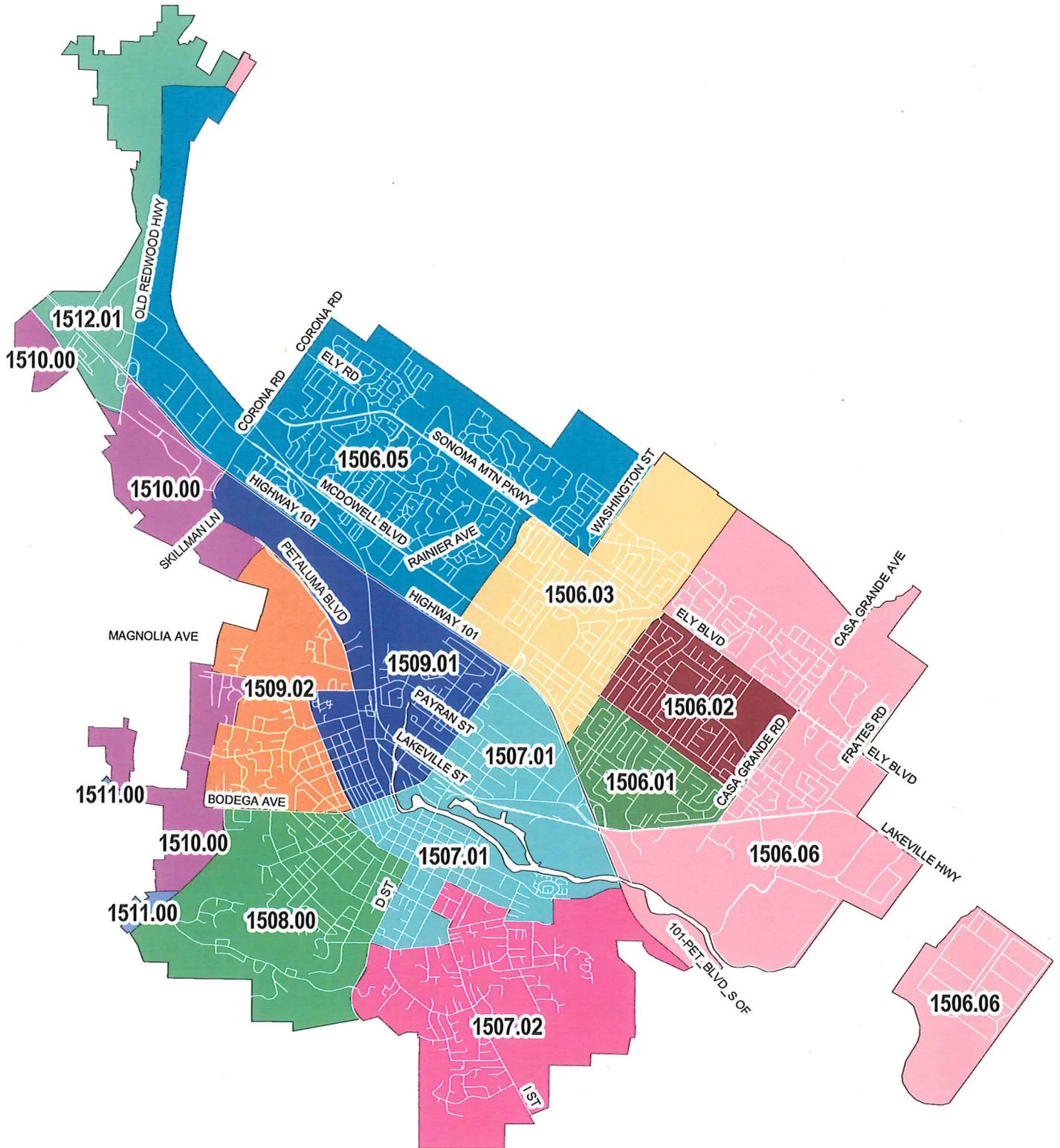
INSPECTION DATE _____

CONTINUED CORRECT (Signature) _____

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Census 2000 - Census Tracts

City of Petaluma, CA



Resolution No. 96-56 N.C.S.
of the City of Petaluma, California

1
2
3 **RESCINDING RESOLUTION 95-157 N.C.S. AND ESTABLISHING**
4 **GUIDELINES TO BE UTILIZED IN MAKING DETERMINATIONS OF**
5 **PUBLIC CONVENIENCE OR NECESSITY PURSUANT TO THE**
6 **REQUIREMENTS OF**
7 **BUSINESS AND PROFESSIONS CODE SECTION 23958.4**
8
9

10 **WHEREAS**, pursuant to Business and Professions Code Section 23958.4(b)(2),
11 the Department of Alcoholic Beverage Control (ABC) may grant certain types of
12 alcoholic beverage licenses as set forth in said section; and
13

14 **WHEREAS**, this section precludes the ABC from issuing new licenses within
15 an area identified as experiencing an undue concentration of licensed facilities unless
16 the City Council (as the local governing body of the area in which the applicant's
17 premises are located) determines that the public convenience or necessity would be
18 served by the issuance of said license; and
19

20 **WHEREAS**, the City Council may delegate the duties of determining whether
21 or not public convenience or necessity are met to a subordinate agency or zoning,
22 planning, or law enforcement official; and
23

24 **WHEREAS**, the City Council adopted Resolution 95-157 N.C.S. which
25 established the procedure by which the City of Petaluma will address determinations of
26 public convenience or necessity pursuant to the Business and Professions Code;
27

28 **WHEREAS**, the present procedure does not contain criteria to be employed in
29 making determinations of public convenience or necessity and, the City Council desires
30 to establish formal criteria or guidelines to assist in making more thoughtful and
31 consistent determinations.
32

33 **NOW, THEREFORE, BE IT RESOLVED** that the City Council finds that it
34 is necessary to establish guidelines to be utilized in making determinations of public
35 convenience or necessity pursuant to the Business and Professions Code.
36

37 **BE IT FURTHER RESOLVED** that the City Council hereby concludes that,
38 pursuant to Business and Professions Code Section 23958.4(b)(2) the authority and
39 duty to determine whether or not public convenience or necessity would warrant the
40 issuance of a license notwithstanding a determination that there is undue concentration
41 of licenses as defined in Business and Professions Code section 23958.4(a), shall, from
42 the date of the adoption of this Resolution, by the Planning Commission of the City of
43 Petaluma.
44

45 **BE IT FURTHER RESOLVED** that the City Council hereby rescinds
46 Resolution 95-157 N.C.S. and finds this action to be exempt from the requirements of
47 the California Environmental Quality Act pursuant to the General Rule and establishes
48 the following Guidelines to be utilized in making determinations of public convenience
49 or necessity:

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Determinations of public convenience or necessity shall be made with the following guidelines taken into consideration:

1. Determinations shall be made by the Planning Commission. Actions on determination requests may be appealed to the City Council.
2. Input and recommendation from the Police and Fire Departments should be obtained. This input should cover the activity in the area for a period determined by the Police Chief, to be adequate to show history, or lack thereof, of problems in the neighborhood. The Police Chief should also offer a projection regarding the increased burden for Police services which might be created by the issuance of an additional license;
3. Evidence and/or arguments provided by the applicant addressing the public convenience or necessity that would be served by the additional license;
4. The nature of the proposed use;
5. The extent to which alcohol sales are related to the function of the proposed use and the possibility of the use operating in a viable fashion without alcohol sales;
6. The proximity of the proposed licensed premise to sensitive land uses such as residences, schools, churches, parks, etc. and the effect that existing (and the proposed) licensed premises (may) have on such sensitive land uses;
7. The compatibility or suitability of the proposed use with the uses and/or character of the surrounding area;
8. The effect that the proposed use may have on the welfare of the area residents;
9. The public convenience or necessity which would be served to the community (both immediate and the broader Petaluma area) by the issuance of an additional license;

resound:lk3

Under the power and authority conferred upon this Council by the Charter of said City.

REFERENCE:

I hereby certify the foregoing Resolution was introduced and adopted by the Council of the City of Petaluma at a (Regular) ~~(Special)~~ meeting on the 20th day of February, 1996, by the following vote:

Approved as to form


.....
City Attorney

AYES: Hamilton, Stompe, Read, Shea, Vice Mayor Barlas, Mayor Hilligoss

NOES: Maguire

ABSENT: None

ATTEST:


.....
City Clerk


.....
Mayor

CITY OF PETALUMA, CALIFORNIA
MEMORANDUM

Police Department, 969 Petaluma Boulevard North, Petaluma, CA 94952
(707) 778-4372 Fax (707) 778-4476 E-mail: police@ci.petaluma.ca.us

DATE: 16 April 2004

TO: Jane K. Thomson, Code Enforcement Officer
Community Development Department

FROM: Martin D. Frye, Street Crimes Unit 

SUBJECT: Anxie, Inc. dba Infusions
146 Kentucky Street, APN 006-281-007
Conditional Use Permit Application
Public Convenience or Necessity Determination

Conditional Use Permit Application

The Police Department has reviewed the application for a Conditional Use Permit to authorize the establishment of an Alcoholic Beverage Establishment with Live Entertainment, and requests the following conditions of approval be considered by the Planning Commission:

1. The operation of an alcoholic beverage establishment shall be the responsibility of the permittees personally (if the applicants are the permittee) or a manager or designated responsible employee of the permittee at all times. The permittee shall designate the names of all such managers and designated responsible employees in the application and shall advise the Police Chief and Community Development Director in writing whenever any change is made.
2. The permittees personally (if the applicants are the permittees) or a manager or a designated responsible employee shall be on the premises at all times during the conduct of business.
3. All employees and managers shall complete a program recognized by the Department of Alcoholic Beverage Control (ABC) at a qualified Responsible Beverage Service Program prior to the commencement of a new business or within ninety (90) days of hire for new employees. The permittees and/or manager of an alcoholic beverage establishment shall maintain on the premises a file containing the certificates of training for all employees.
4. The alcoholic beverage establishment shall be operated in such a manner so that it or its patrons at no time violate the Petaluma Municipal Code, the Zoning Ordinance and/or the Penal Code standards regarding noise generation. Should complaints be received regarding noise disruption the applicant shall take reasonable and practical steps as directed by the Police Chief and Community Development Director to reduce the intensity, number and/or occurrences of these disruptions.
5. Prior to commencement of use, the business owner shall submit to the Chief of Police a detailed security plan. The plan shall include, but not be limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff. The plan shall be submitted for review and approval by the Chief of

Police. Such plan shall be amended prior to any change in operations including, but not limited to, the periods of time and staffing levels for security personnel, duties, responsibilities and qualifications of security staff for review and approval by the Chief of Police within 14 days of the change in business operations.

6. The Chief of Police shall be notified by the first day of each month of the live entertainment calendar, so as to be aware of the nights live entertainment is offered.
7. Bar/lounge personnel shall check identification (I.D.) to insure that the clientele are of legal age to enter.
8. The permittees and/or manager shall be responsible for ensuring that the sidewalk is kept clear of patrons during business hours so as to not impede pedestrian traffic.
9. The applicant shall comply with Alcoholic Beverage Control (ABC) laws and regulations. Suspension of the applicant's license by the ABC will constitute sufficient cause or basis for review and possible revocation of a conditional use permit.

Public Convenience or Necessity Determination

Per Resolution No. 96-56 N.C.S. the Police Department has reviewed the above referenced application requesting that a determination be made and the finding(s) forwarded to the State of California Alcoholic Beverage Control (ABC) that public convenience or necessity would be served by the issuance of an ABC license (Type 48 – On-Sale General – Public Premise) to allow the retail sales of alcohol at 146 Kentucky Street

The Police Department reviewed the subject area for the period January 1, 2003 to the present. Based on the reports generated, an increased burden for Police services is not anticipated at this location given the proposed operating characteristics of the wine bar.

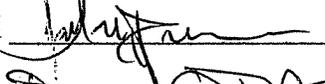
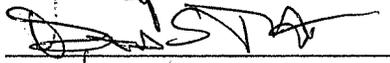
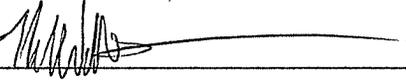
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To: Geoff Bradley,

Name: *New Club/Lounge*
The Rocks!

With the purchase of Infusions Lounge at 146 Kentucky St, Petaluma, Jasper O'Farrells Bar, LLC will meet and follow all conditional use permit requirements. All current conditions and use of the business will remain the same.

Jasper O'Farrells Bar, LLC

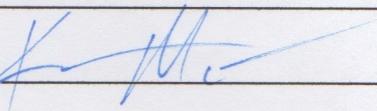
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Owner: John M Personeni		Date: <u>10/1/09</u>
Owner: David S Thurston		Date: <u>10/1/09</u>
Owner: Nicolas D Wells		Date: <u>10/1/09</u>

To: Ellen Hill,

With the purchase of, "the Rocks," at 146 Kentucky St, Petaluma, Notato LLC will meet and follow all conditional use permit requirements. All current conditions and use of the business will remain the same.

Notato, LLC

Member: Brian Tatko  Date: 3-14-14

Member: Kelton McMullen  Date: 3-14-14