

January 9, 2012

Planning & Zoning Commission  
City of Albany  
1000 San Pablo Avenue  
Albany, CA 94706

Re: Strong Concerns - Proposed Brew Pub at 745 San Pablo Avenue

Dear P & Z Commissioners,

I'm writing in response to the application for a Conditional Use Permit for a brew pub at 745 San Pablo Ave. The Albany community has not clamored for and is not suffering for a lack of services that a brew pub provides. This community did not request this business, and in fact, San Pablo Ave. in Albany is currently over-concentrated with liquor outlets which have led to many problems like increased crime and public nuisance problems that spill over into residential areas.

Albany needs more diversity with merchants offering different services other than alcohol. Albany has too many alcohol businesses in such a small area. Based on this fact alone, the planning and zoning commission should rethink considering this application. As the Commission evaluates the application, I'm requesting strong consideration of the following conditions:

1. NIGHT-TIME OPERATING HOURS. **We agree with the Albany Police Department that operating hours of the beer pub shall not extend past 10:00PM.** This is very important. Operating hours beyond 10PM should invoke much stronger Conditional Use Permit (CUP) conditions since this business will be operating more like a traditional bar than a brew pub and should be regulated as such. It seems obvious that after 10:00PM the major business here will be serving alcohol, not food.
2. PARKING. Albany is a highly dense community and the parking and traffic problems caused by lack of required parking end up magnifying problems, especially with certain at-risk businesses, like liquor outlets. Parking in this applicant's area is already under an incredible strain at night and parking must be discussed and adequate parking arrangements located in commercially zoned areas must be arranged. Applicant meet parking needs by can lease nearby parking lots, or hire valet service for customers' cars, or some other method. **Customer parking in residential areas should be prohibited, and signage stating such should be prominently required and displayed for customers to read and comply at the business.** The original parking requirement of nine spaces is already too small for the size of the brew pub facility at 1800 sf which could accommodate up to 90 patrons (20sf/patron). The Planning & Zoning Commission has the power to evaluate and determine larger, more realistic parking requirements and should carry out that responsibility.
3. CLOSE PROXIMITY OF OTHER ALCOHOL OUTLETS. Albany has an over-concentration of on-sales alcohol outlets in a mixed commercial-residential area. Where outlets with the same general ABC license type congregate, police activity tends to rise if patrons go back and forth between the establishments, and congregate in public between outlets. **Presence of the Club Mallard across the street should be taken into account and is already a large problem, especially later at night from 9PM to 2AM.**

4. ALCOHOL OUTLET MONITORING PROGRAM. Applicant has agreed to participate in Albany's outlet program. One problem: this program has not been established yet. **The City of Albany should begin work immediately to complete monitoring program first, then the applicant will understand the operating expectations of the Albany community. This program should be in place before applicant's CUP is granted, and should include the following aspects:**

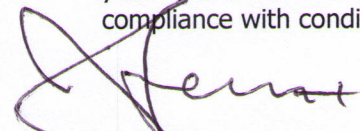
- RBS TRAINING AND CITY INSPECTIONS. Alcohol Monitoring Program shall include training in Responsible Beverage Service (RBS) for all management and serving personnel in contact with patrons within 90 days of hiring. First training shall be within 60 days of opening. RBS training curriculum and staff shall be selected only from vendors located on the California Alcoholic Beverage Control Department website; vendors must offer on-site training by a specialist with a training credential.

RBS training is very important to address the likelihood that after 10:00PM, the serving discipline will break down, allowing sales to minors, sales to inebriates, over-serving (pouring extra shots), and sales that by-pass server control (such as allowing bottle-service at a table).

5. CONDITIONAL USE PERMIT (CUP) APPROVAL LIMITED TO ABC LICENSE TYPE CURRENTLY UNDER CONSIDERATION. The relationship with the burger place next door needs fully clarified. What does "operate in conjunction with a neighboring hamburger establishment" mean? There needs to be a clear business plan that respects ABC limitations on food service at Type 40 Beer Bars. **CUP does not extend to approval of any upgrading or modification of ABC license without prior City approval.** City's approval of the Type 40 on-sales should explicitly exclude off-sales privileges.

- If proposing a restaurant, the ABC License should be restricted to beer & wine (Type 41).
- Meals will be required to be served during all hours of operation, and the kitchen must be open to prepare a full meal until 30 minutes before closing; and alcohol sales may not exceed one-third of total sales.
- If the establishment is applying for ABC Type 40 (Beer Bar) it is not permitted to serve meals (that would require a Type 41 license and a kitchen on the premises).

6. CONDITIONAL USE PERMIT DURATION & RENEWAL. If against all voiced concerns and objections, the Planning and Zoning Commission feels determined to grant this conditional use permit, the CUP will be valid for one year, with subsequent possible one year renewals based on Planning & Zoning Commission annual hearings to review compliance with conditions, effectiveness of conditions, to be amended as necessary.



Jordan Sampietro  
749 Madison Street  
Albany, CA 94706  
(510) 847-2011

# ATTACHMENT A







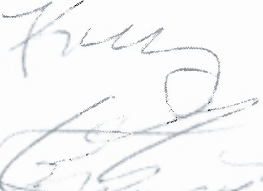
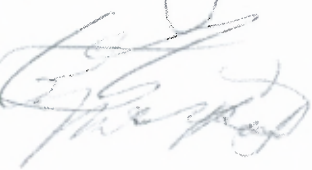
October 6, 2011

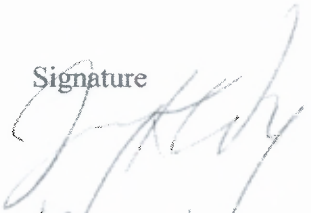
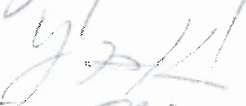


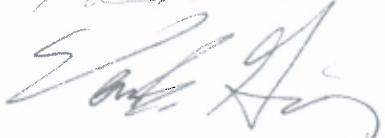
To Whom It May Concern:

We are residents of the condominium complex at 727 San Pablo Ave, Albany and we are writing to express our opposition to the proposed beer pub on 745 San Pablo Ave. Our major concerns are the following:

1. Safety/security – The beer pub is likely to lead to an increase in crime, including possible fights, public drunkenness, etc. Many of the residents of our complex have children, and do not want them to be exposed to these kinds of activities on their way to and from their home.
2. Noise – Currently residents on the San Pablo side of our complex experience significant noise from the Club Mallard. If a second drinking establishment is open late at night, this situation will certainly worsen. In addition to noise from any music and other activity inside the pub, it seems inevitable that beer drinkers will also congregate outside the pub late at night, leading to even greater disturbance.
3. Littering – Our complex has already experienced problems with non-residents leaving litter in our garbage area and the surrounding sidewalks. This is likely to become much worse with folks from the pub smoking and congregating on the street.
4. Parking – Our complex will be opening up two businesses downstairs soon, and with the extra demand from a new pub, parking could become a serious problem in this area.

Thank you for your attention to these issues.

Name:	Unit:	Phone:	Signature:
Ellen Robey	223	(510) 301-1631	
Subin Patel	212	(510) 325-5366	STATED
ROMAN	218	(510) 526-8560	
Orawin Juntanamalaga	214	(510) 863-2968	
BOSH LAHMAN	208	510 705 2263	
Janye He	209	510 - 488-8936	JH
GYANU Kishore	211	510 - 528 - 4924	Kishore
SHREJHA			
Qin Xu	202	415 - 254 - 4086	
Kerry Wong	225	(916) 206-1735	Kerry
GENET ALEMAN	201	(510) 234-3000	
Miki Bowling	207	570 647-9762	

Name:	Unit:	Phone:	Signature
Jimmy Wong	219	(510) 612-8168	
Touhan Kim	203	(650) 595-9810	
Sonam Choeden	213	(570) 316-8705	Choeden
Shannon L Dillon	210	(510) 524-6016	Shannon L Dillon
Roger Oberholzer	210	(510) 524-6016	Roger Oberholzer
Usama El-Said	220	510-253-5337	
Marcus Bryan	210	800 517-410-3484	
Van Giang	221	(570) 710-2345	
Jessica Starkiewicz	204	(510) 225-6340	Jessica Starkiewicz

**Anne Hersch**

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**From:** Jordan Sampietro [jsampietro@hotmail.com]  
**Sent:** Monday, October 10, 2011 10:25 PM  
**To:** Anne Hersch; Jeff Bond  
**Subject:** RE: Introduction/Proposed Beer Pub Application at 745 San Pablo Ave.

**Importance:** High

Dear Anne (& Jeff),

Welcome to the City of Albany.

I heard about this Brew Pub application and wanted to make sure that me and my neighbors had an opportunity to weigh in. While I personally enjoy Brew Pubs and would normally find myself supporting such a business, me and my neighbors find ourselves deeply concerned about these plans. While a bar monitoring program condition would be a good, solid step in the right direction, there are other essential conditions that should be required or the application denied. I won't outline the conditions here, but here are the main drivers and history.

\* It is well-known that San Pablo Avenue in Albany already has a very high-concentration of liquor outlet licenses. It is an area that is over-supplied with alcohol of all kinds. Why on earth are we considering adding more alcohol licenses? I think the Albany Police are busy enough.

\* At the location directly across from the proposed Brew Pub is the East Bay's largest regional bar, Club Mallard. This bar holds nearly 200 people, is open 365 days, and is a constant source of crime, fights, public nuisance, drunk driving, vandalism/property damage & disruption to residential neighbors. There is NO land use buffer (zero feet) between the Club Mallard and residents. This steals residents of the peaceful enjoyment of their homes and their public safety.

\* Parking. The Club Mallard is very large, and yet has only 4 off street parking spots. At nighttime the quiet residential areas become saturated with bar customers parking their cars, causing problems, and partying before and after their bar visit. There simply is NO more room to park cars in this area and residents are fed up. Businesses shouldn't be operating in residential areas. An appropriate level of parking facilities or arrangements (valet?) should be required. Other communities do it, so should Albany. This lack of parking is the root cause of the shoving of problems into residential areas.

\* If this Brew Pub application is approved, possibly regardless of any reasonable operating hours, this Brew Pub business as they close for the night will funnel more late night customers over to the Club Mallard, magnifying the already intolerable problems for this neighborhood. Has anyone thought of that?

I'd like to go over the conditions in detail to be added to any possible application to be considered. Please let me know a good time to provide these.

Albany is one of the highest density cities in Northern California, and as such land use regulation is extremely important in assuring community harmony. With no basic buffer zones between land uses in Albany it's pretty obvious why we have so many increasingly urban problems. I look forward to working with you.

Jordan Sampietro, Founder  
Albany Hill Neighbors Group

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**e:** [jsampietro@hotmail.com](mailto:jsampietro@hotmail.com)

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From: [ahersch@albanyca.org](mailto:ahersch@albanyca.org)  
To: [jsampietro@hotmail.com](mailto:jsampietro@hotmail.com)  
CC: [jbond@albanyca.org](mailto:jbond@albanyca.org)

Subject: FW: Introduction/Proposed Beer Pub Application at 745 San Pablo Ave.

Date: Wed, 28 Sep 2011 19:00:11 +0000

Good afternoon Jordan,

I recently started working for the City of Albany as the new staff planner in the Community Development Department and thought I would introduce myself.

This is a courtesy e-mail to let you know that we have a pending application for a Conditional Use Permit and parking exception for a proposed beer pub at 745 San Pablo Ave. The public hearing notices will be sent later this week and the item is scheduled for a study session only at the October 11, 2011 Planning Commission hearing. No action will be taken on the application at the hearing as it will be informational only. The operation is proposed to serve beer on tap and also beer to go, very similar to Solano Cellars on Solano Ave., except with beer rather than wine. This proposed business will operate in conjunction with a hamburger restaurant (already approved) in the neighboring space. An interior partition wall will conjoin the two spaces and they will operate in tandem. You are welcome to review the plans and provide comments on the application. We strongly encourage your participation on this project review.

To give you an idea about the hamburger restaurant you can refer to the link below.

<http://roamburgers.com/menu/>

To give you an idea about the beer establishment you can refer to the link below. The business proposed for Albany will not be Beer Revolution, but is based on this business operation.

<http://beer-revolution.com/>

Jeff explained your idea of a bar monitoring program for existing bar establishments in town. It is our intent to include a Condition of Approval for a bar monitoring program at this particular establishment. By including this condition, we can craft a program and determine its effectiveness, and modify as necessary for a broader ordinance to be considered at a later date.

If you have any questions, please feel free to contact me.

Sincerely,

**Anne L. Hersch, AICP**  
**City Planner** | City of Albany, CA  
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(510) 524-9359 fax  
E-Mail: [ahersch@albanyca.org](mailto:ahersch@albanyca.org)  
<http://www.albanyca.org>