

10.3

Agenda No: \_\_\_\_\_  
Key Words: Whiskey Barrel Use  
Permit, Appeal  
Meeting Date: April 19, 2022

## SUMMARY REPORT

# CITY COUNCIL

### ITEM INITIATED BY:

Raffi Boloyan, Community Development Director

### AUTHORIZED BY:

Jim Lindley, City Manager

### PREPARED BY:

Raffi Boloyan, Community Development Director



**SUBJECT: Appeal (APL 22-01) of Planning Commission's March 8, 2022 conditional approval of a Planning Application (PA 21-36) for a Conditional Use Permit (UP 21-02) to allow a pub/lounge (Whiskey Barrel 707) with outdoor seating at 178 North First St (APN 0115-082-090)**

### RECOMMENDATION I REQUESTED ACTION:

It is recommended that the City Council adopt the attached Resolution (Attachment 1), denying the appeal, and reaffirming the Planning Commission's March 8, 2022 approval of a Use Permit for a pub/lounge with outdoor seating.

### BACKGROUND:

**Site Conditions/Setting:** The subject site is located at 178 North First St, at the southeast corner of North First St and East B St and was the former home of Bank of America which closed in March 2017. The existing 5,106 sq. ft. building is the largest unoccupied business location in downtown Dixon. The site is located in the core downtown, next to The Frying Pan (158 North First St) and would be located near other similar businesses including the Pip Wine Bar (116 North First St), Dawson's Bar & Grill (105 North First St.), Bud's Pub & Grill (100 South First St.), and Luke's Lounge (221 North First St).

The property is further identified as Assessor's Parcel Number (APN) 0115-082-090 and is zoned Downtown Commercial (CD). The General Plan designation of the site is Downtown Mixed Use (DMU). While the zoning and General Plan land use designation would allow for residential uses to be located here and in adjacent buildings along North First Street (notably on the second and third floors above shops and businesses), no known residential has been found to exist along N First St. There has been a report of a potential residential use in a nearby building and staff is still

reviewing historical building permit records, some contained in off site storage, to determine if there is a legal residential use allowed in an adjacent building. Behind the site, to the southeast, east and northeast, there are properties that include residential uses in various forms, including single family, multifamily and mixed uses.

**Project Description:** On December 22, 2021, Edward Renger (applicant), on behalf of Tiffany Fabiani (owner), submitted a Planning Application (21-36) requesting a Conditional Use Permit (UP 21-02) to establish a new pub/lounge (Whiskey Barrel 707) within the existing building. Pursuant to Dixon Municipal Code Section 18.09.030A and C, a Conditional Use Permit is required for both the pub/lounge use and the permanent outdoor seating in the CD zoning district.

Per the description provided by the applicant and Ms. Fabiani's presentation before the Dixon Planning Commission, notable components of the proposed use would include the on-site sales of alcohol, live music and karaoke, limited food prep (no deep fryers), and outdoor patio which, seasonally, would include cornhole tournaments.

The applicant is proposing hours of operation of 12:00 p.m. - 2:00 a.m., seven days a week, with live music anticipated from 7:00 p.m. – 10:00 p.m.. Employees would be on site from 10:00 a.m. until 3:00 a.m. in order to open and close.

The existing on-site parking will be reduced by two parking spaces. On-site circulation is not proposed to change.

No significant exterior changes to the build or site are proposed, beyond potentially new paint on some portions of the building near the entrance, as well as the outdoor patio area that will be enclosed by a privacy fence and plantings. Therefore, no Design Review Permit is required.

Project plans, and the applicant's written narrative, that were included in the March 8, 2022 Staff Report to the Planning Commission, are included in this report as Attachment 3.

**Planning Commission Hearing:** On March 8, 2022, the Planning Commission conducted a public hearing on the project and ultimately adopted Resolution No. 2022-008, conditionally approving the Conditional Use Permit by a vote of 6-1 (Commissioner Hernandez-Covello dissenting). The dissenting Commissioner was supportive of the pub/lounge use and outdoor seating use and their no vote on the item was based on the belief that the design of the outdoor seating area should be able to come back to the Planning Commission for further review and approval.

The adopted Resolution is provided as Attachment 4. Both the Staff Report to the Planning Commission, and actual video from the meeting can be viewed at <https://www.cityofdixon.us/MeetingAgendasMinutesVideos> (then clicking on Archived Meetings, Planning Commission, 2022 and then clicking audio/video for the March 8, 2022 hearing date).

During the hearing, the Commission accepted the written and verbal staff report ([March 8, 2022 Planning Commission Staff report](#)), a presentation from the applicant and public comments. Public comments were provided from Haley Andrew, Austin Seale, an unidentified caller, Debra Dingman, and Jill Orr. Most of the verbal comments were in support of the project, while one comment from the unidentified caller was in opposition to the project.

Staff had also received five written comments for and against the project after the staff report was published. These comments were distributed to the Commission prior to the meeting. Copies of all written communications received prior to the March 8, meeting are included (Attachment 5).

During the Commission hearing, the questions/issues raised/discussed by the Planning Commission included:

- ***Extent of the exterior improvements, including how the outdoor seating area would appear and be accessed;***
  - The project application did not propose any significant exterior modifications, therefore, there was no requirement for a Design Review Permit. Minor changes that may be proposed, such as outdoor seating, minor repainting or other minor architectural changes would require an administrative Design Review. If at a future date, the applicant proposes major exterior changes, those would require application for and approval of a Design Review Permit by the Planning Commission.
  - One Commissioner (Hernandez-Covello) ultimately dissented in their vote to approve the project for this reason, as she was ok with the proposed CUP, but wanted to see the final design of the building again at a future PC meeting. The remaining Commissioners determined that as this was a CUP for the pub/lounge and the permanent outdoor patio seating area, that requiring this would be beyond the scope of what they were there to review that night. The remainder of the Planning Commissioners found that if there are any changes or revisions to the outdoor seating area, if they pose a substantial modification to the design of the building or the site, staff would require a Design Review by the Planning Commission, but based on the proposed design, the modifications were minor.
- ***Where would people congregate outside?***
  - A gathering of people outside the designated outdoor patio area seemed unlikely to the owner and applicant, but all efforts to ensure little to no disruption to pedestrian traffic flow along North First Street would be made by getting people inside in a timely manner.
- ***Should the hours of operation, especially outside, be more tightly regulated/limited?***
  - Commission considered this and ultimately, did not find need to further limit hours of operation.
- ***Extent of sound dampening being employed;***
  - Applicant indicated that the sound system installer has already visited the site and taken sound measurements with varying levels of sound under different situations. Those studies demonstrated that sound levels were not significant outside the building and did not penetrate or leave the building given the concrete block walls.
  - Questions were raised about what the extent of staff's condition of approval which required that an acoustical study be completed and submitted to staff prior to building permit issuance and that "Appropriate recommended noise attenuation measures made by the acoustical engineer be incorporated into the building permits to ensure noise impacts are minimized". Following a discussion of this, the Commission did not change the included condition of approval.

- ***Exterior lighting and rear neighbors;***
  - Changes to exterior lighting would be considered as part of the larger exterior changes and may be part of a future Design Review.
- ***Impacts to adjacent neighbors from bar smoke or other related activity;***
  - The designated outdoor patio area is on the front side of the building, around the corner from the apartment building, in a designated, screened location. It was concluded that the location would not impact rear yard neighbors or those on North First Street.
- ***Is security sufficient?***
  - The owner and applicant confirmed the number of security on staff at all times. In addition, a condition of approval was added by the Commission that security cameras be installed on the inside and outside of the building and would be subject to review and approval by the Dixon Police Department.
- ***Is the use a nightclub?***
  - A member of the public stated that State Department of Alcohol and Beverage Control (ABC) called the use a nightclub, so why didn't the City call it a nightclub? Staff clarified to the Commission that ABC defined the type of use as a nightclub for their purposes, based on their rules and regulations and criteria. ABC does not regulate land use in City of Dixon, as their authority is with issuing and regulating alcohol licenses throughout the State. The City of Dixon has land use authority within our jurisdiction and an adopted Zoning Ordinance that establishes our City's allowable land uses and how things are classified. Therefore, the proposed use and characteristics were evaluated in accordance with the City's Zoning Ordinance. That is the applicable regulatory document to determine whether use is permitted or conditionally permitted or not allowed.
  - In the Downtown Commercial Zoning District, there is no land use category called nightclub. The applicant presented the use as a pub/lounge and in reviewing the zoning ordinance and the characteristics of the proposed use, the most applicable land use type contained in the City's Zoning Ordinance is a category called "bar/microbreweries/pub." That sort of use is a conditionally permitted use in the Downtown Commercial Zoning District, therefore, the project applied for and is under the review of a use permit.
  - Staff's determination, to which the Commission concurred, was that the pub/lounge is most similar to bar/microbrew/pub and thereby a conditionally permitted use in this zoning district.
- ***How was noticing handled and was it adequately described?***
  - Staff detailed the that public noticing included both publishing of a public hearing notice in two local newspapers as well as mailing of the public hearing notice to property owners within 300 feet of the site. The staff report and agenda were also posted in accordance with city practice to post the agenda and staff report on the Friday before a hearing, which exceeds the 72 hours required by State law.
  - Staff noted ABC does have a separate noticing process and requirements for their consideration of the alcohol license, in which the City is not involved.

- In terms of whether the notice adequately described the project, staff reiterated that the notice provided the date, time and location of the public hearing, indicated that a use permit was required for a new use on the site, and identified that the use would include a bar/pub and outdoor seating. The notice also provided the phone and email of the planner, and encouraged anyone with questions to call or visit city hall ahead of the meeting to get more information or review the plans. No phone calls were received prior to the meeting.

## **ANALYSIS:**

Within the statutory appeal period, an appeal (AP22-01) of the Planning Commission's action was filed along with the required filing fee. The appellant, Ginger Emerson, both individually and on behalf of Old Town Neighbors, appealed the Planning Commission's approval of the Use Permit by submitting the required appeal form, written exhibits and fee, dated March 18, 2022 (Attachment 2), which cites the five points of appeal.

The appeal contains many various specific points of appeal, and the appeal letter in its entirety is attached. Staff has summarized the appeal points into main points below. Below in bold are the summary of the appeal points followed by a staff response:

***Appeal Point #1 — The Public Hearing on this item at the March 8<sup>th</sup> Planning Commission Meeting violated the Brown Act. The appeal alleges that the hearing violated the Brown Act in regards to issues with the description of the matter under consideration by the Commission and also questions whether all written comments were made part of the public record.***

Response: The public notice of the March 8, 2022 meeting is included as Attachment 6. This notice was published in two local papers and mailed to property owners within 300 feet. The notice accurately describes the address of the project, the requested entitlement of a Use Permit, the type of hearing that would be conducted, the hearing date/time/location, how to participate, and how to submit comments. The notice also clearly provides the name, phone and email of the project planner, encouraging anyone to contact the planner if there are any questions, or someone wants to review the plans ahead of the meeting.

As is the normal process, the public notice is mailed and published in local paper 10 days before a hearing. The notice also informs the public that the staff report will be available for review 72 hours before the hearing, and provides the web site where it will be posted.

In this particular case, there were no written comments received for this item when the staff report was finalized and posted on line. Given that the staff report must be published 72 hours before the meeting, any communication received after the reproduction efforts commence on the Thursday before a meeting are distributed directly to the Commissioners and made available for public review, if anyone comes in or asks to view the public comments.

In this case, the comments received after the staff report was copied were forwarded by email to the Commission as they were received, March 4, March 7 and March 8. These comment letters are provided (Attachment 5) and included the following:

- A copy of a protest letter from Ginger Emerson to the Department of Alcohol and Beverage Control (ABC) citing concerns about the proposed business being located near other uses such as schools, churches, and the presence of children. The letter further identifies concerns about long term impacts to the nearby residential neighborhoods, as well as traffic, parking, noise, and security. In addition, the letter calls the proposed use a night club and otherwise a potential public nuisance and should require a Public Convenience or Necessity determination due to an overconcentration of liquor licenses in the area. The letter concludes by saying that the use was not adequately identified in the Planning Commission public notice, that the use would constitute an “assembly use” and should not otherwise be allowed for as part of the zoning.
- Two letters were received from Deborah Allen, voicing concerns about the proposed use and its impacts on the surrounding uses, along with the public notice for the Planning Commission meeting. The letter stated concerns about potential noise, traffic, and what she believed to be an already over-concentration of liquor licenses in the area. The second letter noted concern with the description of the use in the public notice.
- A third letter was received from Matthew St. Amant, who supported the project and believed it would be a good fit for Dixon and the community.
- Lastly, an anonymous letter was received which includes a variety of comments, about various topics, including comments and concerns about the use in the location, concerns with live music, as well as more general, non-land use permit specific comments on social media, personal attacks, and many other comments not directly related to this land use permit or a use permit.

Copies of these letters were also provided to the applicant. The Commission received all letters and testimony provided during the hearing and considered such, along with the regulations, in reaching their decision.

***Appeal Point #2 – The Use is in violation of the Zoning Ordinance. Appellant claims the business is a nightclub, and therefore subject to an assembly use overlay and thus not allowed at this site.***

Response: The zoning ordinance for the Downtown Commercial zoning district has a clear category called “Bars, including microbreweries and pubs” and the proposed pub/lounge use was classified as such ([DMC 18.09.030.C](#)). The entire land use table for all commercial zoning districts can be found in [DMC 18.03.020](#). That type of use, requires a Conditional Use Permit, which was applied for, approved and currently under appeal.

The Assembly use is an overlay mapping designation was adopted by the City in 2006 to place the AU overlay on certain properties. In 2013, the City added to the Zoning Ordinance text the Overlay District as [DMC18.19](#). In reviewing the purposes of the overlay, it states:

*“The AU assembly overlay is added to particular parcels of land in order to permit assembly uses to be located as a permitted use on specific parcels that are suitable for this type of development. When a parcel is zoned for*

*AU assembly use overlay, all permitted and conditional uses permitted by the underlying zone remain permitted and conditional uses, respectively. In addition, assembly uses are permitted as provided in this chapter."*

The AU overlay was a way to identify where assembly use could go within the City as a permitted use. The regulation seems to pre-approve larger sites that were away from certain types of uses and along major roads that could accommodate an assembly use without having to go through the use permit process.

As can be seen the land use tables of the zoning ordinance, certain land uses have the designation of AU (Assembly Overlay) and in the commercial zoning districts, the AU applies to churches, gymnasiums, and meeting halls. The zoning ordinance (DMC 18.02.D) does not have a specific definition for "Assembly use" which states "*any land use that includes regular gatherings as a group to participate in, listen to or view an event, such as a class, meeting, show or worship service. Assembly uses include, but are not limited to: theaters, auditoriums, meeting halls, music or dance studios, gymnasiums, schools, nightclubs with entertainment, sports arenas, churches, and clubs or lodges. An assembly use shall not include a use where persons commonly arrive and depart at varying times, such as when shopping or dining in a restaurant". (underlined added for emphasis)*

In considering the appellant's contention that this use should be considered a nightclub or assembly use, a review of the definition for assembly use clearly states that an assembly use shall not include a use where people commonly arrive/depart at varying times. As proposed, this facility would be open 14 hours/day, and for nearly all that time, patrons would come and go as they please. Therefore, the classification as nightclub is not consistent with the definition in the zoning ordinance and the classification of the use as a pub/lounge is appropriate for the use.

To add confusion to the matter, there are multiple codes that Cities uses to regulate various components of development, and all codes may not be consistent with each other and are independent of each other. For example, the fire/building codes commonly use the term "assembly use" and anything classified as assembly use by the building code has a higher level of safety requirements. However, the fire code/building codes do not apply to land use and zoning, or vice versa.

Land use is regulated by the zoning ordinance, which has its own set of rules and definitions. In this particular case, a bar with the open area as proposed is considered an assembly use by the Fire and Building codes and would be required to meet all requirements for an assembly use established by the Fire/Building Codes. Staff notes, that any use with more than 49 people that can congregate would be considered an assembly use under fire/building code, including a yoga studio or gym that is large enough, restaurant, bar, as well as the more traditional assembly uses such as churches, gymnasiums, concert venues, etc.

The point is, from a land use perspective, the Zoning Ordinance is the applicable code/regulation to implement in terms of what sort so uses are allowed where, and what process is required to consider the use. The Fire/Building Code or ABC regulations, or other codes are not the appropriate regulations to apply or use in determining land use. Therefore, in this case, the use has been determined to be a bar/pub/lounge, and requires

a Use Permit, which has been applied, approved by the Planning Commission and currently under appeal.

***Appeal Point #3 – Police, Fire and Engineering Department reviews were based on erroneous description of the premises as pub/lounge and reviews did not take into account the use or undue concentration of liquor licenses in downtown.***

Response: Each department clearly understood what they were reviewing and evaluated the proposal against their applicable codes and standards. See Attachment 7.

As demonstrated in memorandums from each of the departments alleged to have misunderstood the project, all departments clearly understood the use, evaluated it in accordance with each department's applicable codes, regulations or perspective and provided appropriate comments which were addressed through plan revisions or conditions of approval.

For example, the Fire Department reviewed the proposal against the fire code and determined from a fire/building code perspective, the use would be considered an assembly use, and therefore required certain conditions of approval to address egress, capacity, sprinklers and alarms. As noted above, although the use may be an assembly use based on fire/building codes, this use is a type of use that the Zoning Ordinance, the regulating code for land use, clearly allows by use permit in the Downtown Zoning District, regardless of whether the fire code considers it an assembly use.

***Appeal Point #4 - There is already an undue concentration of liquor licenses in downtown. Action to approve was erroneous given the number of existing liquor license. Based on City policy, the Planning Commission was required to make a finding of Public Convenience or Necessity (PCN).***

Response: There is a fundamental issue that is misunderstood in this particular appeal point. The City does not have regulatory power to issue alcohol licenses; that is a function of the State Department of Alcohol and Beverage Control (ABC). With that note, the review of concentration of licenses and determination of whether there is an overconcentration is the sole responsibility of ABC. The City is not in a position to interpret, calculate or make determinations on items that are in the purview of the state.

If, ABC determines that there is an overconcentration of licenses, then ABC will indicate the overconcentration and inform the applicant that ABC cannot issue another license unless the City grants a Determination of Public Convenience or Necessity (PCN). So, to be clear, the City does not determine if a PCN is required, but if one is required, the applicant would submit to the City for a PCN and the City would process the request and consider whether a PCN should be granted through a public hearing.

In this particular case, ABC has provided the applicant and the city with a form (Form ABC 245, Attachment 8) that identifies that there is not an overconcentration of licenses. For this census tract, they identify that there are 8 on sale licenses allowed, and there are 5 on sales in the tract. This is the purview of ABC to make that determination and if there are issues or concerns about the data or it's reporting, those should be directed to ABC.

Following the Planning Commission hearing and receipt of the appeal, staff once again reached out to ABC and once again asked them to confirm if a PCN is required or not.

Staff was copied on a communication between the ABC inspector assigned to this application and the applicant. The email indicated that ABC has reviewed the matter again and that there is not an over concentration of licenses in the area (Attachment 8).

The appeal also cites a city policy from Dec 10, 1996 (included in the appeal letter) that authorized the Planning Commission to determine findings of public convenience or necessity in a tract that is unduly over-concentrated. As noted, above, this is a correct statement, but the determination of over-concentration by ABC is first required for the City, through the Planning Commission, to then consider a PCN, upon receipt of an application from an applicant. In this case, ABC has indicated that there is not an overconcentration of licenses in this area.

***Appeal Point #5 – Design Review was not conducted and findings were not made to support the proposed exterior changes to the building.***

Response: This issue was considered and discussed at the Planning Commission meeting. In general, the scope of changes proposed to the exterior is largely limited to creating an enclosed outdoor meeting space as well as possibly some new paint. Given the scope of the changes to the exterior of the building, a Design Review Permit was not required for the Planning Commission's review.

Outdoor seating, parking lot restriping, and minor painting at entry are the items identified in the plans for the exterior of the building. None of these items require Design Review per DMC 18.23 as they are not substantial changes, nor does the outdoor dining or the painting of the building considered substantial or require a building permit

The addition of outdoor seating does not require Design Review, but rather does require application for and approval of a use permit, which has been applied for and under consideration. Although one Commissioner expressed a desire for the Planning Commission to review the design of the outdoor seating area, staff explained that Design Review by the Planning Commission of the outdoor seating area is not required by the Zoning Ordinance. If the Commission desired to see additional details and return for Commission review of the outdoor seating area as a function for the Use Permit and evaluate the use, that is appropriate and the City has authority to do so, but the City does not have authority to require Planning Commission level design review for the outdoor seating based on its current regulations. The dissenting vote by Commissioner Hernandez-Covello, was solely based on the desire to have design review authority on the outdoor seating, and not the use of the outdoor seating area of the pub/lounge.

The Planning Commission elected not to require the outdoor seating area to return for further review by the Commission. Instead, the Planning Commission indicated its confidence in allowing staff to review any future changes to the outdoor seating area to determine whether it should be brought back to the Commission for further consideration. If it is determined that the changes are substantial (e.g. additions to the building, substantial new architecture or color changes, exterior changes that require a building permit, etc), this will trigger a requirement for a Planning Commission level review of the exterior changes to the building.

**General Plan Consistency:** Staff would also note and reaffirm that this type of project is in line with the vision of the [General Plan 2040](#). The Downtown area is established a Downtown Mixed Use land use designation and encourages entertainment, activity, including nighttime, to attract

residents and visitors to Downtown Dixon. Attachment 9 includes the key applicable General Plan goals, policies, and actions from the land use and economic elements. Key points are bolded to demonstrate how this use meets the intent and vision of the General Plan.

## **PUBLIC CORRESPONDENCE**

As of the reproduction of this staff report, two written communications have been submitted, 1) April 2, 2022 letter from Ginger Emerson to the Planning Commission citing violation of the Brown Act since there were two references to the Planning Commission adopting a Design Review Permit and the public notice and agenda did not reference a Design Review Permit and 2) March 29, 2022 email from Ginger Emerson asking for a refund of the appeal fee since the Planning Commission agenda referenced the old fee of \$250. Both comments are included (Attachment 10)

In response to the March 29, 2022 email, the City Clerk, in consultation with the City Attorney's office, has already responded apologizing for the error of the old appeal fee still being listed on the agenda, but indicating that the City's current master fee schedule is the current regulation and that is the fee schedule that the City must follow and that overrules any old fee holdover on a document. The Clerk's office is reviewing all Commission agenda templates to correct the error.

In regards to the April 2<sup>nd</sup> letter citing Brown Act violations for reference to Design Review approval in the Resolution, staff has consulted with the City Attorney's office.

- Staff concurs that the Resolution drafted by Staff and adopted by the Commission made two references to Design Review (one in the, "Now therefore be it resolved" paragraph on bottom of page 1, and a second on the 1<sup>st</sup> line of page 9). These unfortunately were two typos where a Design Review reference from a prior resolution was not updated to state Use Permit.
- While this is embarrassing and demonstrates the need for us to do a better job of more closely reviewing our resolutions, the resolution is extremely clear that the Resolution is for a Conditional Use Permit (See Title of Resolution, 1<sup>st</sup> whereas, 2<sup>nd</sup> whereas on page 1 and the "Now Therefore Be It Further Resolved" on page 3, along with the remaining text. These all reference that Use Permit as the planning entitlement required for this project.
- Regardless, after consultation with the City Attorney's office, it was determined that this is a script error, but regardless, still a non-substantive error. Thus, Staff will take this Resolution back to the Planning Commission at their May meeting to correct the non-substantive error and make sure the that record is clear to replace reference to "Design Review" in those two sections noted with "Use Permit". Staff thanks Ms. Emerson for pointing out this issue to make sure the record is as clear as possible.

Any additional written comments in favor or opposition to this matter that are submitted after Thursday 4/14, will be forwarded directly to the Council and made available to the public at the meeting or by visiting city hall.

## **FISCAL IMPACT:**

Required processing fees, as adopted by the City's master fee schedule, were submitted in conjunction by the applicant with the Use Permit application and by the appellant at the time of filing of the appeal.

If the project is approved, the project would be required to pay all required building and fire permit fees, associated with the review and inspection of the construction. A city business license will also be required to be obtained.

The use has the potential to be a catalyst for the downtown and generate patrons to visit the downtown and its various, retail, office and food and beverage establishments. This could result in increased sales for surrounding businesses, as well as additional sales tax generation for the City.

### **ENVIRONMENTAL IMPACT:**

The Commission's approval of the project included a determination that the project was exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to section 15301 (Existing Facilities) of the CEQA Guidelines which exempts interior and exterior alterations to existing buildings and Section 15311 (Accessory Structures) which exempt minor accessory structures to existing commercial.

### **ALTERNATIVES I OPTIONS:**

1. Deny the appeal and uphold the Planning Commission action to approve the project (*staff recommendation*); or
2. Deny the appeal and uphold the Planning Commission action to approve the project with modifications or additional conditions of approval; or
3. Continue the appeal hearing and direct staff or the applicant to return with responses or revisions; or
4. Grant the appeal and direct staff to return with a revised Resolution, granting the appeal and overturning the Planning Commission's approval.

### **ATTACHMENTS:**

1. Draft Resolution denying appeal and upholding Planning Commission 3/8/22 approval of Use Permit
2. Appeal letter from Ginger Emerson, individually and on behalf of Old Town Neighbors, 3/18/22
3. Planning Commission Resolution No 2022-008, approving the Conditional Use Permit
4. Project Description and Project Plans, submitted by the applicant
5. Written Comments received as a result of noticing prior to the March 8, 2022 Planning Commission meeting
6. Public Hearing Notice for March 8, Planning Commission Meeting
7. Memo from other City Departments
  - a. Fire Department
  - b. Engineering Dept.
  - c. Police Dept.
8. Communication from Department of Alcohol and Beverage Control
  - a. ABC Form 245

- b. Email from investigator, March 27, 2022
- 9. General Plan 2040 Excerpts
- 10. Public Comments received following the Planning Commission meeting and before April 19, 2022 City Council hearing

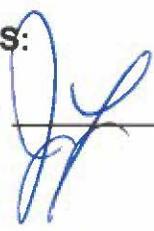
**Resources Referenced in this Report:**

[Staff Report to the Planning Commission](#) March 8, 2022

[Video proceedings from March 8, 2022 Planning Commission staff meeting](#) (starts at 13:00 into meeting)

Dixon General Plan 2040 <https://www.cityofdixon.us/GeneralPlan>

**APPROVALS:**

City Manager  \_\_\_\_\_ City Attorney: \_\_\_\_\_ Finance: \_\_\_\_\_

**RESOLUTION NO. 2022-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIXON DENYING AN APPEAL (AP22-001) AND UPHOLDING THE MARCH 8, 2022 PLANNING COMMISSION DECISION TO CONDITIONALLY APPROVE PLANNING APPLICATION (PA 21-36) FOR A CONDITIONAL USE PERMIT (UP 21-02) TO ALLOW A PUB/LOUNGE AND OUTDOOR SEATING LOCATED AT 178 NORTH FIRST STREET (WHISKEY BARREL 707) ASSESSOR'S PARCEL 0115-082-090**

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**WHEREAS**, on December 22, 2021, Edward Regner (applicant), on behalf of Tiffani Fabiani (owner), submitted a Planning Application (PA 21-36) for Conditional Use Permit approval (UP 21-02) for a new pub/lounge (Whiskey Barrel 707) as well as permanent outdoor seating area that will occupy the existing building at 178 North First Street. The property is further identified as Assessor's Parcel Number (APN) 0115-082-090. The property is zoned Downtown Commercial (CD). The General Plan land use designation is Downtown Mixed Use (DMU);

**WHEREAS**, Pursuant to Dixon Municipal Code Section 18.09.030A and C, a Conditional Use Permit is required for both the permanent outdoor seating, as well as the pub/lounge in the CD Zoning District;

**WHEREAS** the Dixon Planning Commission held duly a noticed public hearing on March 8, 2022 to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Community Development Department provided public notice identifying the applicant, describing the project and its location, and the date of the public hearing prior to the hearing. This notice was mailed to all property owners within 300 feet of the subject property;

**WHEREAS**, on March 8, 2022 the Dixon Planning Commission adopted Resolution No. 2022-008 by a 6-1 vote (Commissioner Hernandez-Covello dissenting) approving a Use Permit to allow a pub/lounge and outdoor seating;

**WHEREAS** on March 18, 2022, Ginger Emerson, individually and on behalf of the Old Town Neighbors group, submitted in a timely manner an appeal (AP22-01) challenging the Planning Commission's March 8, 2022 decision;

**WHEREAS** on April 19, 2022, the City Council held a duly noticed public hearing to consider the Appeal (APL22-01), and hear testimony on the project from the appellant, the applicant and the public. The Community Development Department provided public notice identifying the appellant and applicant, describing the project and its location, and the date of the public hearing prior to the hearing. This notice was mailed to all property owners within 300 feet of the subject property as well as those that were known interested parties who previously spoke or provided comment and notice was also published in two local papers;

**WHEREAS** the project is Categorically Exempt from the requirements of Categorical Exemption from the California Environmental Quality Act per Categorical Exemption, State CEQA Guidelines, Section 15301 (Class 1 Existing Facilities), which exempts interior and exterior alterations to existing buildings and Section 15311 (Accessory Structures) which exempt minor accessory structures to existing commercial; and

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council hereby denies the Appeal (APL22-01) and affirms the March 8, 2022 decision of the Planning Commission (Resolution No 2022-008) approving Planning Application (PA21-36) for a Use Permit (UP21-02) to allow a pub/lounge and outdoor seating at 178 N First St. The Council finds that the points of appeal cannot be supported for the following reasons. The points of the appeal are outlined below in ***bold/italics***, followed by the findings:

***Appeal Point #1 — The Public Hearing on this item at March 8<sup>th</sup> Planning Commission Meeting violated Brown Act. The appeal alleges that the hearing violated the Brown Act in regards to issues with the description of the matter under consideration by the Commission and also questions whether all written comments were made part of the public record.***

The Council finds that this appeal point does not have merit, based on the following:

- The public notice of the March 8, 2022 was published in two local papers and mailed to property owners within 300 feet. The notice accurately describes the address of the project, the requested entitlement of a Use Permit, the type of hearing that would be conducted, the hearing date/time/location, how to participate, and how to submit comments. The notice also clearly provides the name, phone and email of the project planner, encouraging anyone to contact the planner if there are any questions, or someone wants to review the plans ahead of the meeting.
- No written comment letters were received prior to the finalization and reproduction of the staff report and required posting of the staff report and agenda. Written comments were received after the staff report was being reproduced and prepared for posting and distribution, including:
  - Copy of a protest letter dated March 7, 2022 from Ginger Emerson to the Department of Alcohol and Beverage Control (ABC) citing concerns about the proposed business being located near other uses such as schools, churches, and the presence of children.
  - Letter received from Deborah Allen (dated March 3), voicing concerns about the proposed use and its impacts on the surrounding uses, along with the public notice for the Planning Commission meeting.
  - Email from Matthew St. Amant, who supported the project and believed it would be a good fit for Dixon and the community.
  - Letter received from Deborah Allen (dated March 5), voicing concerns about the working of the public notice.
  - Letter from an anonymous person (dated March 2022) which includes a variety of comments not clear on the scope of related to any land use matter.
- Therefore, although these comments were not in the staff report, they were appropriately distributed to the Commission separately, in a timely fashion as they were received by the City, and grouped into one delivery email a day, including emails to the planning commission on Friday March 4, Monday March 7 and Tuesday, March 8.
- In addition, receipt and distribution of these comments were noted in the verbal staff report presented at the hearing and made available to the public for inspection if anyone called, requested.

**Appeal Point #2 – The Use is in violation of the Zoning Ordinance. Appellant claims the business is a nightclub, and therefore subject to an assembly use overlay and thus not allowed at this site.**

The Council finds that this appeal point does not have merit, based on the following:

- The zoning ordinance for the Downtown Commercial zoning district has a clear category called “Bars, including microbreweries and pubs” and the proposed “pub/lounge” use was classified as such ([DMC 18.09.030.C](#)). The entire land use table for all commercial zoning districts can be found in [DMC 18.03.020](#).
  - That type of use, requires a Conditional Use Permit, which was applied for, approved, and currently under appeal; and
  - In addition, the Dixon Municipal Code also notes that outdoor seating requires a Conditional Use Permit and as such, was applied for, approved and currently under appeal.
- The Assembly use is an overlay mapping designation was adopted by the City in 2006 to place the AU overlay on certain properties. In 2013, the City added to the Zoning Ordinance text the Overlay District as [DMC18.19](#).
  - In reviewing the purposes of the overlay, it states: *“The AU assembly overlay is added to particular parcels of land in order to permit assembly uses to be located as a permitted use on specific parcels that are suitable for this type of development. When a parcel is zoned for AU assembly use overlay, all permitted and conditional uses permitted by the underlying zone remain permitted and conditional uses, respectively. In addition, assembly uses are permitted as provided in this chapter.”*
  - The AU overlay was a way to identify where assembly uses could go within the City as a permitted use. The regulation sought to pre approve larger sites that were away from certain types of uses and along major roads that could accommodate an assembly use without having to go through the use permit process.
  - As can be seen the land use tables of the zoning ordinance, certain land uses have the designation of AU (Assembly Overlay) and in the commercial zoning districts, the AU applies to churches, gymnasiums, and meeting halls.
  - The Zoning Ordinance (DMC 18.02.D) does have a definition for “Assembly use” which states *“any land use that includes regular gatherings as a group to participate in, listen to or view an event, such as a class, meeting, show or worship service. Assembly uses include, but are not limited to: theaters, auditoriums, meeting halls, music or dance studios, gymnasiums, schools, nightclubs with entertainment, sports arenas, churches, and clubs or lodges. An assembly use shall not include a use where persons commonly arrive and depart at varying times, such as when shopping or dining in a restaurant”.* (underline added for emphasis)
  - In considering the appellant’s suggestion that this use should be considered a nightclub or assembly use, a review of the definition for assembly use clearly states that an assembly use shall not include a use where people commonly arrive/depart at varying times. As proposed, this facility would be open 14 hours/day, and for nearly all that time, patrons would come as they please. Therefore, the classification as a pub/lounge is appropriate for the use.

- The point is, from a land use perspective, the Zoning Ordinance is the applicable code/regulation to implement in terms of what sort so uses are allowed where, and what process is required to consider the use. The Fire/Building Code or ABC regulations, or other codes are not the appropriate regulations to apply or use in determining land use. Therefore, in this case, the use has been determined to be a bar/pub/lounge, and requires a Use Permit, which has been applied, approved by the Planning Commission and currently under appeal.

***Appeal Point #3 – Police, Fire and Engineering Department reviews were based on erroneous description of the premises as pub/lounge and reviews did not take into account the use or undue concentration of liquor licenses in downtown.***

The Council finds that this appeal point does not have merit, based on the following:

- Each department clearly understood what they were reviewing and evaluated the proposal against their applicable codes and standards.
- All departments clearly understood the use, evaluated it in accordance with each department's applicable codes, regulations or purview and provided appropriate comments which were addressed through plan revisions or conditions of approval.
- Copies of the memorandums from Fire, Police and Engineering Department identifying their clear understanding of the project were included as part of the Council staff report.

***Appeal Point #4 - There is already an undue concentration of liquor licenses in downtown. Action to approve was erroneous given the number of existing liquor license. Based on City policy, Planning Commission was required to make a finding of public convenience or necessity.***

The Council finds that this appeal point does not have merit, based on the following:

- The City does not have regulatory power to issue alcohol licenses; that is a function of the State Department of Alcohol and Beverage Control (ABC).
  - The review of concentration of licenses and determination of whether there is an overconcentration is the sole responsibility of ABC. The City is not in a position to interpret, calculate or make determinations on items that are in the purview of the state.
  - If, ABC determines that there is an overconcentration of licenses, then ABC will indicate the overconcentration and inform the applicant that ABC cannot issue another license unless the City grants a Determination of Public Convenience or Necessity (PCN).
  - Therefore, the City does not determine if a PCN is required, but if one is required, the applicant would submit to the City for a PCN and the City would process the request and consider whether a PCN should be granted through a public hearing.
- In this particular case, ABC has provided the applicant and the city with an ABC 245, that identifies that there is not an overconcentration of licenses. For this census tract, they identify

that there are 8 on sale licenses allowed, and there are 5 on sale licenses in the tract. This is the purview of ABC to make that determination and if there are issues or concerns about the data or it's reporting, those should be directed to ABC.

- Following the Planning Commission hearing and receipt of the appeal, staff once again reached out to ABC, met with the assigned inspector on site, and once again asked them to confirm if a PCN is required or not and to verify the locations of licenses and what census tracts they are in; and
- Staff and the applicant were subsequently emailed by the ABC inspector assigned to this application which indicated that ABC has reviewed the matter again and that there is not an over concentration of licenses in the area.
- The appeal also cites a city policy from Dec 10, 1996 (included in the appeal letter) that authorized the Planning Commission to determine findings of public convenience or necessity in a tract that is unduly over concentrated.
  - As noted, above, this is a correct statement, but the determination of over concentration by ABC is first required for the City, through the Planning Commission, to then process and consider a PCN; and
  - In this case, ABC has indicated that there is not an overconcentration of licenses in this area.

***Appeal Point #5 – Design Review was not conducted and findings were not made to support the proposed exterior changes to the building.***

The Council finds that this appeal point does not have merit, based on the following:

- Given the scope of the changes to the exterior of the building, Design Review Permit is not required for Planning Commission review.
  - Outdoor seating, parking lot restriping, and minor painting at entry are the items identified in the plans for the exterior of the building.
  - None of these items require Design Review per DMC 18.23 as they are not substantial changes, nor does the outdoor dining or the painting of the building considered substantial or require a budding permit
  - The addition of outdoor seating does not require Design Review, but rather requires application for and approval of a use permit, which has been applied for and under consideration.
  - Although one Commissioner expressed a desire for the Planning Commission to review the design of the outdoor seating area, staff explained that Design Review by the Planning Commission of the outdoor seating area is not required by the Zoning Ordinance. If the Commission desired to see additional details return for Commission review of the outdoor seating area as a function of the Use Permit and the evaluate use, that is appropriate and the City has authority to do so, but the City does not have authority to require Planning Commission level Design Review for the outdoor

seating based on its current regulations. The dissenting vote by Commissioner Hernandez-Covello, was solely based on the desire to have Design Review authority on the outdoor seating, and not the use of the outdoor seating area of the pub/lounge.

- The Planning Commission elected not to require the outdoor seating area to return for further review by the Commission. Instead, the Planning Commission indicated its confidence in allowing staff to review any future changes to the outdoor seating area to determine whether it should be brought back to the Commission for further consideration if it becomes substantial enough of a modification to trigger Planning Commission review or other changes to the exterior of the building are proposed (e.g. additions to the building, substantial new architecture or color changes, exterior changes that require a building permit, etc).

**BE IT FURTHER RESOLVED**, the Dixon City Council reaffirms the Planning Commission March 8, 2022 approval of the Conditional Use Permit (UP21-02) based on the following findings:

**Use Permit Findings  
(UP21-02)**

1. The project as conditioned is consistent with the Dixon General Plan (DGP) for the following reasons:
  - a. The project would be consistent with the D (Downtown Mixed Use) land use designation;
  - b. The project would continue to be consistent with the DGP's policies and implementation plans within its Land Use and Community Character Element that promotes efficient use of resources by promoting in-fill development (DGP, Land Use and Community Character Element, Goal LCC-1, and Policies LCC 1.3 and 1.7, pg. 3-9);
  - c. The project would create a new business in the city's downtown that would provide an evening destination that would also complement neighboring businesses (DGP, Land Use and Community Character Element, Goal LCC-4, and Policies LCC 4.1-4.4, and Economic Development Element, Goal E-4, and Policies E-4.1 and E-4.7, pgs. 3-24 and 4-14); and
  - d. The project maintains the off-street parking that already existed on the property, which is one of the few Downtown Commercial locations that has off-street parking to begin with (DGP, Mobility Element, Policy M-5.6, pg. 5-27).
2. The Dixon City Council finds the proposed project is consistent with the Dixon Zoning Ordinance for the following reasons:
  - a. The project would be consistent with the Dixon Zoning Ordinance as the Downtown Commercial (CD) zoning district states that its purpose is to *"provide for an intensely developed central core downtown area of retail businesses, and complementary service establishments. . . This district is intended to encourage shoppers to visit several stores after parking or arriving by public transit and to encourage residents to live downtown. . . The intent of this district is to accommodate a mix of uses and to guide development to appropriate locations within the downtown area, consistent with the City General Plan"*. (DMC Section 18.09.010).



## Conditions of Approval

### Planning Department

1. Plans submitted for a Building Permit shall substantially conform to the application materials and plans identified as "Exhibit A," and received on December 22, 2021, with revisions submitted on January 4, 2022, and on file with the Dixon Community Development Department, except as modified by the conditions listed herein.
2. The allowable hours of operation are for public use are 12:00 p.m. to 2:00 a.m, seven days a week. Employees may arrive as early as 10:00 a.m. and leave as late as 3:00 a.m. in order to open and close operations. Live music, karaoke, and DJs or any noise generating uses, may perform no later than 10:00 p.m.. Minor modifications to these hours may be considered by staff on an administrative basis.
3. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the applicant to perform an acoustical study performed by a qualified acoustical engineer utilizing standard acoustical engineering methods which will consider outside impacts during the loudest times of operation, along with impacts during the late evening hours and potential special events. Appropriate recommended noise attenuation measures made by the acoustical engineer shall be incorporated into the building permits to ensure noise impacts are minimized.
4. Any future Sign Permit applications may be approved by City Staff (administratively) as long as the proposed signage complies with the City Sign Ordinance (Chapter 18.24) and the Dixon Downtown Design Guidelines.
5. Special uses not otherwise identified in the submitted applications materials may be considered and approved at a staff level if found minor and otherwise ancillary to the business by the Community Development Director.
6. The property shall be maintained in good condition at all times, including promoting pick up of any trash or litter on the site or surrounding areas generated from the use, maintenance of landscaping, cleaning of sidewalk, parking lot and outdoor patio area.
7. The applicant install security cameras on the outside of the building, along with the interior, subject to the review and approval of the Police Department.

### Engineering

8. Plot plan(s) containing site information such as property lines and easements, existing and proposed paving and hardscape, accessible paths of travel, name and width of adjoining streets and driveways, footprints of all existing and proposed structures, in addition to the items listed in this memorandum. See City of Dixon Engineering Design Standards for additional submittal requirements.
9. The Planning Application references modifications to the existing parking lot configuration to create an outdoor seating space. Applicant to submit a site plan showing existing vs proposed parking including dimensions for all parking/drive aisle, and dimensions and slopes for accessible parking stalls and access aisle. Please note that any restriping will need to conform to the City of Dixon standard parking stall dimensions. A copy of these standards is available via the following link:

[https://www.cityofdixon.us/media/Ordinances/Parking%20Stall%20Diagram%20\(PDF\).pdf](https://www.cityofdixon.us/media/Ordinances/Parking%20Stall%20Diagram%20(PDF).pdf)

10. The applicant shall provide verification that the proposed number of parking stalls meets the minimum City requirements.
11. The applicant shall denote the accessible path of travel between the public right-of-way to the building entrance and from the ADA parking stalls to the building entrance.
  - a. All accessible paths of travel must meet ADA and CBC requirements.
  - b. Applicant shall verify accessible path of travel along sidewalks abutting the property. In particular, the sidewalk along E B Street may have some pinch points between existing trees and light posts.
  - c. Applicant shall verify the path of travel from the main door (north) out to First Street (past the old bank teller windows), and potentially consider removing the existing median of curb and handrail to better facilitate safe travel through this area.
12. The parking lot exit onto North First Street to be maintained as right-turn egress only. Please plan to re-stripe the existing straight arrow to change into right-turn arrow.
13. Ingress to the site to be maintained as coming only from East B Street. Applicant to provide nature of the easement (if applicable) allowing access onto the site. Please plan to re-stripe the in and out arrows on that driveway.
14. Existing and proposed accessible parking stalls and access aisle shall meet ADA requirements for stall and aisle dimensions, striping thickness and colors and slope.
15. Please consider relocating "do not enter" sign (along First Street) to be more visible – move on standalone pole closer to street.
16. Refresh existing red striping on curb, remove gray striping on curb in front of store.
17. Lighting – please show on building permit plans that site lighting meetings City standards.
18. Public Rights of Way - All curb, gutter, sidewalk or other existing City facility damaged prior to or during construction shall be removed and replaced to City Standards. Any work in the public right-of-way shall:
  - a. Be in accordance with the latest edition of the City of Dixon's Engineering Standards & Specifications ("City of Dixon Standards").
  - b. Be in accordance with the Americans with Disabilities Act and the California Accessibility Standards under Title 24, Part 2 of the California Code of Regulations.
  - c. Require the issuance of an encroachment permit from the Engineering Department or Caltrans prior to the issuance of a building permit and prior to commencing work within the public right-of-way. The encroachment permit shall be signed off as complete, including submittal of record drawings, by the City Engineer/Public Works Director prior to occupancy of any building on the subject property.

- d. Require the submittal of a guarantee and warranty security at the discretion of the City Engineer in the amount of ten percent of the total cost of the public improvements. Such security shall guarantee and warrant the improvements for a period of one year following their completion and acceptance against any defective work or defective materials. Security shall be submitted prior to acceptance of the improvements to the satisfaction of the City Engineer.
  - e. Require a Caltrans encroachment permit for any work to be performed in the State right-of-way (State Highway 113) prior to issuance of a City of Dixon Engineering Division encroachment permit. The permit shall be signed off as complete by Caltrans prior to sign-off of the Engineering Division encroachment permit.
19. Public Sidewalk, Curbs, Gutters and Driveways - Any existing and/or proposed curb, gutter, sidewalk, driveways or curb ramps in the public right-of-way adjacent to the property shall be in accordance with the latest edition of the City of Dixon Standards & Specifications, the Federal American's with Disabilities Act (ADA) and the State of California Title 24 Accessibility Standards. When conflicts exist, the standard providing the greatest degree of accessibility shall prevail. As necessary, additional right-of-way and/or easements shall be dedicated to the City of Dixon.
20. Refuse and recycling shall be implemented in accordance with City Ordinance No. 9409, or its successor. The applicant shall submit information on how the proposed trash will be collected.
- All trash enclosures shall be large enough to accommodate both refuse and recycling dumpsters, as well as grease containers (if applicable). All trash enclosures shall be covered. The developer shall coordinate with the Recology Dixon at (707) 678-4026. The materials used on the exterior of the trash enclosure shall match those used on the building. The location of all trash enclosures shall be to the satisfaction of the Community Development Department and Dixon Sanitary Service.
21. Trash Enclosure(s): The proposed trash enclosures shall be graded to drain to a sanitary sewer connection and have a cover and perimeter berm/wall on all sides to prevent liquid from getting out or getting in.
22. Solid Waste & Recycling - Prior to approval of improvement plans, the Developer shall submit a recycling program for long-term handling of recycled waste from the Project Site. The program shall address waste generated by construction as well as commercial and industrial uses. Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling.
23. Plans showing all existing and proposed utilities including size, material and slope (gravity lines) for domestic and fire water, sanitary sewer, gas and storm drain utilities.
24. The applicant shall show proof that existing water lateral and backflow preventer meets CalWater standards, and proof of approval from CalWater.
25. The applicant shall obtain a Wastewater Discharge Permit from the Wastewater Division of the Engineering Department prior to Engineering approval of the Building Permit. Please note that a grease interceptor may be required in order to support the new food service proposed under this Use Permit.

26. Fat, Oils and Grease (FOG) - The project shall comply with Dixon Municipal Code Title 14, Chapter 14.01, Article VII "Discharges of Fats, Oils and Grease from Food Service Establishments."
27. The applicant to verify that existing sewer lateral is properly sized for proposed new uses.
28. The service lateral shall be inspected and video surveyed (CCTV) from the existing cleanout to the main prior sign off of the Building Permit. Any deficiencies in the sewer lateral shall be repaired, inspected and approved prior to sign off of the Building Permit.
29. If grade is being altered, provide existing and proposed grading showing the stormwater drainage scheme for the site. The grading plan shall include existing contours, and spot elevations for key site elements (finished floor elevation, overland release point etc). Please verify that there is no major ponding occurring on the site.
30. For any new major exterior changes that requires some level of Design Review approval, the applicant to provide landscape plan with existing and proposed landscaping for on-site and off-site. Existing landscaping would needs to include size and species of trees.
31. Please note that the existing trees along East B Street may need to be removed in order to be in compliance with the City's sidewalk regulations. This will be evaluated as part of the Building Permit review.

#### Fire

32. The change of occupancy requires this building to have an Automatic Fire Sprinkler System. This will require a separate construction permit directly from the Fire Department.
33. A fire control room was not included on the plans, and is required to have exterior access with door marking per 2019 Chapter 9 of California Fire Code.
34. If the vault is used for as proposed exiting requirements will need to be updated to allow emergency egress from the vault.

#### Standard Conditions

35. The applicant must obtain a building permit within one year after Planning Commission approval or apply to the Planning Commission for an extension of time to do so. If a building permit is not obtained within said one-year period or any extension thereof granted by the Commission, any approval granted by the Planning Commission shall automatically lapse and a new application will be required.
36. The applicant shall indemnify, defend, and hold harmless the City, and the officers, agents and employees of the City from any and all claims, damages and liability which may result from approval or implementation of the project (including, but not limited to, damages, attorney's fees, expenses of litigation, or costs of court). Provided, however, this duty to indemnify and defend shall not extend to any claim, suit or action arising from the active negligence or willful misconduct of the City or its officers, agents or employees. The applicant shall enter into an Indemnification Agreement with the City of Dixon

evidencing the foregoing. The standard agreement can be obtained from the Community Development Department.

37. Development Impact Fees for the necessary public facilities to serve this project must be paid for each building permit. The fees are based on the specifics of the plans as submitted. The fees, as applicable, may include:

- Waste Water Fee
- Drainage Improvement Impact Fee
- Police Facilities Fee
- Transportation Fee
- Fire Facilities Impact Fee
- Administrative Facilities Impact Fee
- Public Works Facilities Fee
- School Impact Fee
- Library Fee
- Water Connection Fee
- Solano County Capital Facilities Fee
- Park Fee

Note: A protest of any required dedications, reservations, or fees may be filed with the City Clerk in writing within 90 days of project approval. The protest must include the following items to be valid:

- The name, address, signature, and status of owner, applicant.
- A statement that the dedication, reservation, or payment is being made, or will be made under protest.
- Proof that payment has been made, or an agreement to make the dedications, reservations and pay fees when they are due.
- A statement of the factual elements of the dispute.
- The legal theory forming the basis for the protest.

Since legal theory is one of the required items, the protestor may wish to seek the advice of a private consultant prior to filing any protest.

**BE IT FURTHER RESOLVED**, unless the use is established or building permits related to the use are issued or a time extension is filed with the Community Development Department prior to its expiration, the Conditional Use Permit will lapse one year (1) year after the decision becomes final, or **April 19, 2023 at 5:00p.m.**

**PASSED AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF DIXON ON THE 19TH DAY OF APRIL, 2022 BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSENT:**

**ATTEST:**

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Kristin M. Janisch  
Elected City Clerk

---

Steven C. Bird  
Mayor

DRAFT



City of Dixon  
Community Development Department  
600 East A Street, Dixon CA 95620  
Tel: (707) 678-7000 Fax: (707) 678-0960

For office use only:

APL  
No. 22-61 Date 3/18/2022  
Fee 1475 Rec# 488788  
By Brandi A.

### APPEAL APPLICATION

Name of Person Appealing: Ginger Emerson, individually & on behalf of Old Town Neighbors

Address: [Redacted] Dixon CA 95620

Phone: [Redacted] Email: [Redacted]

Message:

Property Address/ Location Appealing: 178 North 1st (First) Street Dixon CA 95620

Appeal of Application Number (s): PA ~~21~~-36 & UP 21-02

Date of Decision: March 8, 2022

Check One:

- Appeal of Planning Commission Action
- Appeal of Staff/ Administrative Interpretation

Reason for appeal. Provide specific points of appeal and the basis for the appeal (attach additional sheets if necessary):

See attached 4 pages  
Plus 16 additional pages  
of documentation

I hereby certify that the facts and information contained in the application (and additional pages when needed) are true and correct to the best of my knowledge.

Ginger K. Emerson  
Signature of Applicant

March 18, 2022  
Date

individually and on behalf of Old Town Neighbors

Appeal procedures prescribed by Dixon Municipal Code DMC 18.40  
Appeal application to be accompanied by Fee in accordance with the City of Dixon Master Fee Schedule

**Specific Points and Basis of Appeal:**

**The Public Hearing for Item 9.1 on the Planning Commission Agenda of March 8, 2022 was held in violation of California Government Code 54954.2 under the Ralph M. Brown Act and Government Code 65090 and 65094 of Title 7 Chapter 2.7 (regarding land use public hearings). A cure or correct demand letter is in preparation to include issues with the general description and general explanation of the matter that was under consideration.**

**A public records request made subsequent to the hearing has raised the question of whether all written public comments were made part of the public record and whether those comments had been provided to the Planning Commission.**

**Furthermore, the findings made by the Planning Commission are contrary to policies and code of the City of Dixon in that:**

**The Use Is in Violation of the Zoning Ordinance:**

Copies of three sections of the City of Dixon Zoning Ordinance, as well copies of pertinent pages of the Dixon Strategic Plan were provided to the Planning Commission. That documentation made clear that the use proposed for the premises is in fact a nightclub. The code and strategic plan, as well as postings and statements by the applicant confirm that use. Under the City's Zoning Ordinance, a nightclub is an assembly use. As such, the site and premises under consideration do not meet the criteria for an assembly use.

The planned live music was described by the applicant as "concerts" with other references to "events" to be held on the premises with people queuing up for admission with a cover charge or participating in tournaments. It is unlike music offered by other establishments downtown in that people will come and go at set times for regular performances and other events at the Whiskey Barrel.

The Planning Commission irresponsibly and erroneously proceeded with adopting the Resolution without consideration of the Zoning Ordinance and the Strategic Plan. Rather they relied on erroneous assertions by City of Dixon staff, namely the Community Development Director, Mr. Raffi Boloyan.

**Police and Fire Department Review:**

Reviews by the Police and Fire Departments were based on the erroneous description of the use of the premises as a pub/lounge. Their reviews did not consider that the premises would be operated as a nightclub and therefore subject to approval as an assembly use.

Reviews by the Police and Fire Departments did not take into account the undue and over concentration of liquor licenses in the downtown core. At least 7 out of the 10 types 41,47 and 48 licenses in census tract 2534.02 are within barely over 500 feet of each other. The PIP wine bar with a type 42 license for both on sale and off sale consumption of alcohol is also located within the same approximately 500 plus foot distance. The number of on sale licenses currently allowed for the census tract is 8.

The Planning Commission irresponsibly and erroneously proceeded with the hearing and adoption of the Resolution without the benefit of legal counsel and without resolution of the conflicting documentation regarding the number of liquor licenses in census tract 2534.02. See attached census tract maps for the 2010 and 2020 census for comparison with census tract information on establishments with liquor licenses in the applicable tract.

**Engineering Department Review:**

Review by the engineering department was based on inaccurate information regarding the use of the premises as a pub/lounge rather than a nightclub.

The review by the Engineering Department did not address all issues related to the public alley running behind the Whiskey Barrel site.

The review did not address the public parking lot adjacent to the Whiskey Barrel site.

The review did not address traffic issues.

The review did not address all issues relevant to the impacted sidewalks.

The review did not address all parking issues relative to the use.

**The issue of nuisances (raised in written and spoken public comment) was not resolved.**

The findings are counter to Penal Code 370 which establishes that nuisances are an affront to residents' and business owners' quality of life.

**Requirement of a finding of "public convenience or necessity":**

City policy set forth at the City Council meeting of December 10, 1996 authorized the Planning Commission to determine findings of "public convenience or necessity" for both off sale and on sale liquor licenses in a census tract that is unduly or over concentrated with liquor licenses. Such a finding is relevant to the granting of a Conditional Use Permit.

Information provided by the applicant regarding the requirement of a finding of public convenience or necessity was not questioned. Regarding ABC status, Ms. Fabiani had written that a determination of whether a finding of public convenience or necessity might be required would be based on whether the Department of ABC received negative comments. While I dispute that is the sole basis on which a requirement for a PC or N is made, I would point out that the Planning Commission did not inquire as to when the time for protest to ABC expired. Neither City Staff nor the applicant clarified that the deadline for submittal of protests to ABC had not yet lapsed at the time of the Planning Commission meeting.

The Planning Commission acted irresponsibly and erroneously by relying solely on an assertion by Mr. Boloyan that the disputed numbers were of no bearing on the Commission's actions. In fact, when an undue or over concentration of liquor licenses exists, it is the Commission's responsibility to make a finding of "public convenience or necessity" before granting a Conditional Use Permit.

**Contradictions pertaining to design review:**

While the language of the adopted Resolution refers to design review on a number of pages, neither the 10 days in advance public noticing nor the description on the agenda included any reference to design review. Failure to notice a design review public hearing is in violation of the City of Dixon Zoning Ordinance Section 18.23.120 B 1 and will be addressed in my cure or correct demand letter. In addition, the Community Development Director, Mr. Boloyan, asserted (after the close of public comment) that design review was not required for approval of the Conditional Use Permit. Mr.

Greeley did not refute Mr. Boloyan's comment even though the public record, of which his past reports are a part, indicates otherwise. And the applicant, Ms. Fabiani has served multiple times on the City of Dixon Planning Commission and speaks to matters before the Commission on a regular basis.

**Disregard of General Plan and Zoning Ordinance policies and purposes in conflict with the findings.**

To be presented at the appeal hearing relative to public comment regarding noise, traffic, parking, land use, economic development, social justice, pertinent to public health, safety and welfare, as well as quality of life.

**Gravity of Actions by Staff and by the Planning Commission:**

Neither Staff nor the members of the Planning Commission sought the benefit of the City Attorney's services when matters of legal significance arose (such as to the number of liquor licenses in census tract 2534.02 and matters related to the City's Zoning Ordinance). As a result, a recommendation was made by City of Dixon staff and a Resolution has been adopted by the City's Planning Commission that may now be used to provide what amounts, at best, to highly questionable; if not false, information to the Department of Alcoholic Beverage Control. It should be pointed out to both City Staff and the Planning Commissioners that the California Department of Alcoholic Beverage Control (ABC) is an agency of the government of the State of California charged with the regulation of alcoholic beverages. The ABC was created by constitutional amendment effective January 1, 1955, as an independent department of the executive branch of the state government. The Planning Commissioners should be reminded of the oath they took upon their appointment: to uphold the constitution which, in this a case means ensuring that any Resolution adopted by their body, and to be relied upon by the Department of Alcoholic Beverage Control, is complete, entirely factual and absolutely accurate.

## NOTICE OF PUBLIC HEARING OF THE DIXON PLANNING COMMISSION

In accordance with the Government Code section 54653(d) and City of Dixon City Council Resolution No. 22-018, the Dixon Planning Commission will hold a remote PUBLIC HEARING to consider the following project:

**PROJECT:** 178 North First Street - Request for a Conditional Use Permit to have permanent outdoor seating area associated with a new pub/lounge that will occupy the existing building; APN: 0115-082-090; Zoning District: Downtown Commercial (CD); Tiffany Fabiani, owner/applicant; File No: PA21-38, UP 22-02

*The California Environmental Quality Act ("CEQA") requires that this project be reviewed to determine if a study of potential environmental effects is required. It has been determined that this project will not have a significant effect on the environment and no environmental review will be completed. This project qualifies for a Categorical Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15301, Class type 1, Existing Facilities. If the Planning Commission determines that this project is in an environmentally-sensitive area, further study may be required.*

**HEARING DATE & LOCATION:** Tuesday, March 8, 2022 at 7:00 pm. This meeting will not be physically open to the public. All members of the public may participate in the meeting via video conferencing at <https://us02web.zoom.us/j/9688211137?pwd=ZmZhc2RicUk0eUlnVklrc0p0c0pWazZ9> or via teleconference by calling (866) 900-8128, meeting ID: 968 821 1137, passcode: 604754 and will be given the opportunity to provide public comment.

**MORE INFORMATION:** Contact Scott Greeley, Associate Planner at (707) 878-7000 ext. 1115 or [sgreeley@cityofdixon.us](mailto:sgreeley@cityofdixon.us). You can also come to City Hall, 600 East A St, Dixon, CA 95620 to look at the file for the proposed project. The office is open weekdays from 9:00 a.m. to 4:30 p.m. You can also view the staff report after 12:00 p.m. on the Friday before the meeting at <https://www.cityofdixon.us/MeetingAgendas/Minutes/Videos>.

**WHAT WILL HAPPEN:** All interested parties are invited to remotely attend the public hearing to express opinions or submit evidence for or against the proposed application. Testimony from interested persons will be heard and considered by the Planning Commission prior to making any decision on the application.

**PUBLIC COMMENTS:** Prior to 4:30pm on the day of the meeting, written comments can be: 1) emailed to [PlanningCommission@cityofdixon.us](mailto:PlanningCommission@cityofdixon.us) or 2) mailed/dropped off to: City of Dixon, Planning Commission, 600 East A St, Dixon, CA 95620 and must be received by 4:30pm on the day of the hearing. Copies of written comments received will be provided to the Planning Commission and will become part of the official record, but will not be read aloud at the meeting.

You may remotely attend the public hearing at the time and location listed above, and provide comments during the hearing. To speak or provide comments during public comment period at the meeting, you may 1) via video conferencing click on "raise hand" 2) via teleconference press '9', or 3) email [comments/questions@publiccomment@cityofdixon.us](mailto:comments/questions@publiccomment@cityofdixon.us)

*At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b)(2)).*

*Appeals of decisions by the Planning Commission to the City Council shall be made in person at Dixon City Hall by completing the appeal application and submitting the required fee, within 10 calendar days of a decision (Dixon Municipal Code Sections 17.01.050 or 18.40).*

*Upon request, the agenda and the documents in the meeting agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City encourages those with disabilities to participate fully in the public meeting process. Any person requiring special assistance to participate in the meeting should call (707) 878-7000 (voice) or (707) 878-1488 (TTY) at least 48 hours prior to the meeting.*

Dixon Independent Voice February 25, 2022

# www.Independent



**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 611828 **Primary Owner:** BUD'S PUB & GRILL LLC

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BUD'S PUB & GRILL

## BUSINESS ADDRESS

100 S 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSE TYPES

### 47 - (ON-SALE GENERAL EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 27-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 26-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** Y **Duplicate:**

From License Number: 47-314990

**0 Fee Code:** P20 **Transfers:** Transferred On: 26-FEB-2020 **Conditions:**

CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE

### 58 - CATERER PERMIT

**License Type Status:** ACTIVE **Status Date:** 26-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 26-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** N **Duplicate:**

From License Number: 47-314990

**1 Fee Code:** P20 **Transfers:** Transferred On: 26-FEB-2020 **Conditions:**



**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 583718 **Primary Owner:** HISTORIC DAWSONS EST 1908, LLC

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

DAWSON'S

## BUSINESS ADDRESS

105 N 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** HISTORIC DAWSONS EST 1908, LLC

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## LICENSE TYPES

47 ON-SALE GENERAL EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 09-NOV-2017 **Term:** 12 Month(s)

**Original Issue Date:** 08-NOV-2017 **Expiration Date:** 31-OCT-2022 **Master:** Y **Duplicate:**

From License Number: 47-516330

**0 Fee Code:** P20 **Transfers:** Transferred On: 08-NOV-2017



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 397018 **Primary Owner:** LUKE, NATHAN ALEXANDER VIRGIL

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

LUKES LOUNGE

## BUSINESS ADDRESS

221 N 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** LUKE, NATHAN ALEXANDER VIRGIL

## LICENSE TYPES

48 - ON-SALE GENERAL PUBLIC PREMISES



**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 576988 **Primary Owner:** MOYO HANNA, INC. **Office of Application:**  
22 - CONCORD

## BUSINESS NAME

FRYING PAN THE

## BUSINESS ADDRESS

156 & 158 N FIRST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** MOYO HANNA, INC.

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## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 16-MAR-2017 **Term:** 12 Month(s)

**Original Issue Date:** 15-MAR-2017 **Expiration Date:** 28-FEB-2022 **Master:** Y **Duplicate:**

**0 Fee Code:** P20 **Transfers:**



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 576723 **Primary Owner:** SUTHAMMARIT, BOONYARIT

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BANGKOK GARDEN

## BUSINESS ADDRESS

119 NORTH 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** SUTHAMMARIT, BOONYARIT

**Licensee:** PAKSEE, JANNETTE

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE



STATE OF CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 619885 **Primary Owner:** HICKMAN, LINDSEY DAWN

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BARN & PANTRY THE

## BUSINESS ADDRESS

151 WEST A ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** HICKMAN, LINDSEY DAWN

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 615839 **Primary Owner:** HERNANDEZ VENEGAS, TRINIDAD

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

TAQUERIA PANCHITA

## BUSINESS ADDRESS

162 W A ST DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** HERNANDEZ VENEGAS, TRINIDAD

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE



**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 517616 **Primary Owner:** LUPITA'S ENTERPRISES, INC.

**Office of Application:** 22 - CONCORD

**BUSINESS NAME**

LUPITAS KITCHEN

**BUSINESS ADDRESS**

470 N ADAMS ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

**LICENSEE INFORMATION**

**Licensee:** LUPITA'S ENTERPRISES, INC.

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**LICENSE TYPES**

41 **ON-SALE BEER AND WINE - EATING PLACE**

**License Type Status:** ACTIVE **Status Date:** 24-SEP-2012 **Term:** 12 Month(s)

**Original Issue Date:** 10-APR-2012 **Expiration Date:** 30-JUN-2022 **Master:** Y **Duplicate:**

From License Number: 41-410684

0 **Fee Code:** P20 **Transfers:** Transferred On: 10-APR-2012 **Conditions:**

CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE



**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 605133 **Primary Owner:** DLONG AND SONS LLC

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BURGERIM

## BUSINESS ADDRESS

115 E DORSET DR , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** DLONG AND SONS LLC

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## LICENSE TYPES

41 ON-SALE BEER AND WINE - EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 10-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 07-FEB-2020 **Expiration Date:** 31-JAN-2022 **Master:** Y **Duplicate:**

**Fee Code:** P20 **Transfers:**



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 548476 **Primary Owner:** SALCEDO, NAYELY **Office of Application:**  
22 - CONCORD

## BUSINESS NAME

LA COCINA MEXICANA RESTAURANTE

## BUSINESS ADDRESS

105 E DORSET DR STE A, DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.03

## LICENSEE INFORMATION

**Licensee:** SALCEDO, NAYELY

## LICENSE TYPES

41 ON-SALE BEER AND WINE - EATING PLACE



**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 605448 **Primary Owner:** BARBARICYAWP LLC **Office of Application:**  
22 - CONCORD

**BUSINESS NAME**

THE PIP WINE BAR & SHOP

**BUSINESS ADDRESS**

116 N FIRST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

**LICENSEE INFORMATION**

**Licensee:** BARBARICYAWP LLC

**Company Information**

**OFFICER:** GRABISH, AMY BETH (MANAGING MEMBER)

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**42 ON-SALE BEER AND WINE - PUBLIC PREMISES**

**License Type Status:** ACTIVE **Status Date:** 24-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 21-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** Y **Duplicate:**

**0 Fee Code:** P20 **Transfers:**



STATE OF CALIFORNIA DEPARTMENT OF  
**Alcoholic Beverage Control**

**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 197602 **Primary Owner:** MOOSE LODGE 1120 **Office of Application:**  
22 - CONCORD

**BUSINESS NAME**

DIXON MOOSE LODGE

**BUSINESS ADDRESS**

180 W B ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

**LICENSEE INFORMATION**

**Licensee:** MOOSE LODGE 1120

**LICENSE TYPES**

51 - CLUB

Web

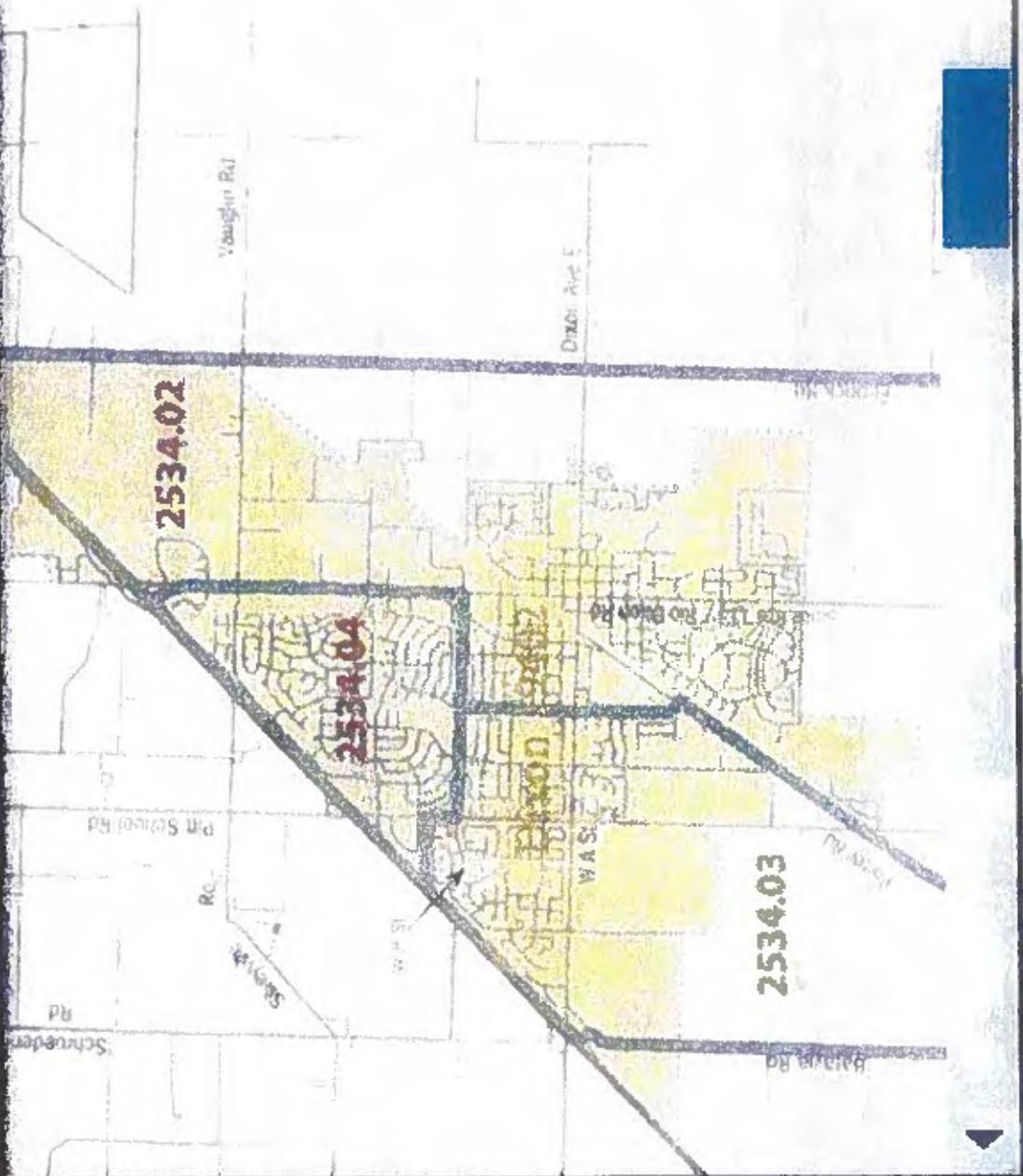
Friday, Feb 18, 2022 8:24 AM

[https://www2.census.gov/geo/maps/DC2020/PL20/st06\\_ca/censustract\\_maj](https://www2.census.gov/geo/maps/DC2020/PL20/st06_ca/censustract_maj)

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2020 census - Census Tract Reference Map



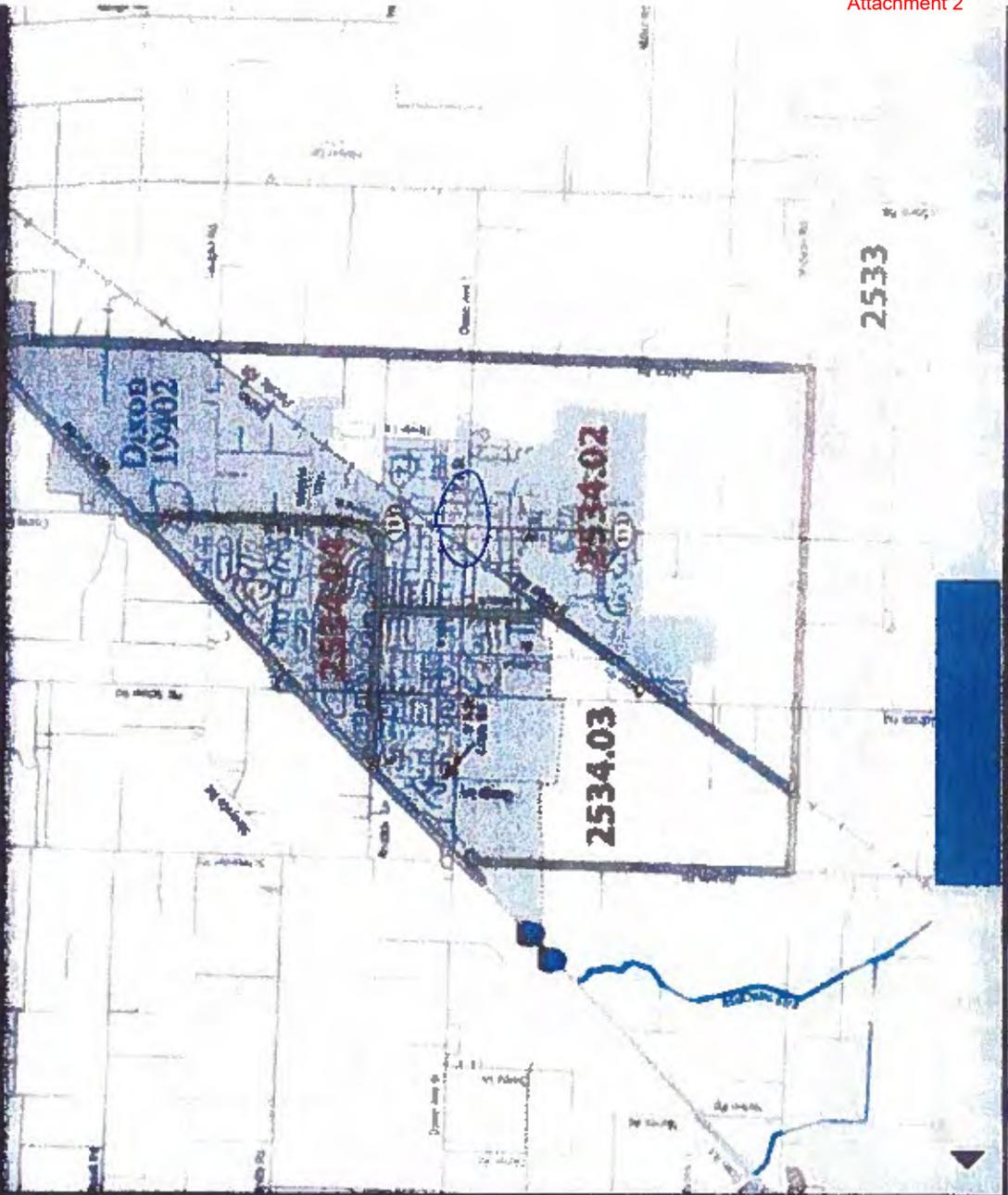
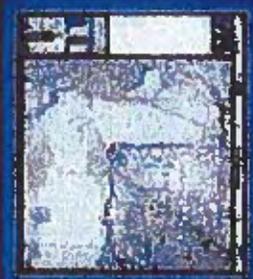
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2010 Census Census Tract Reference Map



NUMBER OF LICENSES AUTHORIZED  
BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SOLANO	438,527	981	1,383	2532.01	1,821	4	3
SOLANO	438,527	981	1,383	2532.03	4,179	4	3
SOLANO	438,527	981	1,383	2532.05	1,091	3	2
SOLANO	438,527	981	1,383	2532.06	3,688	3	2
SOLANO	438,527	981	1,383	2532.07	2,352	2	1
SOLANO	438,527	981	1,383	2532.08	5,174	5	3
SOLANO	438,527	981	1,383	2533.00	2,527	2	1
SOLANO	438,527	981	1,383	2534.02	1,481	8	6
SOLANO	438,527	981	1,383	2534.03	5,968	5	3
SOLANO	438,527	981	1,383	2534.04	5,815	5	4
SOLANO	438,527	981	1,383	2535.01	6,127	6	
SOLANO	438,527	981	1,383	2535.02	1,637	4	3
SOLANO	438,527	981	1,383	2536.00	4	0	0
SONOMA	484,207	467	629	1501.00	2,148	4	3
SONOMA	484,207	467	629	1502.03	6,536	9	7
SONOMA	484,207	467	629	1502.04	3,349	7	5
SONOMA	484,207	467	629	1502.05	3,077	8	6
SONOMA	484,207	467	629	1502.06	1,577	2	1
SONOMA	484,207	467	629	1503.01	4,033	6	6
SONOMA	484,207	467	629	1503.02	5,334	12	9
SONOMA	484,207	467	629	1503.05	4,853	8	8
SONOMA	484,207	467	629	1503.08	3,746	11	5
SONOMA	484,207	467	629	1504.01	2,257	5	3
SONOMA	484,207	467	629	1504.02	1,738	8	2
SONOMA	484,207	467	629	1505.01	4,471	9	7
SONOMA	484,207	467	629	1505.02	6,347	9	6
SONOMA	484,207	467	629	1505.03	7,217	15	11
SONOMA	484,207	467	629	1505.07	5,157	11	8
SONOMA	484,207	467	629	1505.09	4,988	10	7
SONOMA	484,207	467	629	1505.10	3,190	8	6
SONOMA	484,207	467	629	1505.11	4,180	9	8
SONOMA	484,207	467	629	1505.12	4,449	8	7
SONOMA	484,207	467	629	1507.01	4,774	10	7
SONOMA	484,207	467	629	1507.02	5,182	11	8
SONOMA	484,207	467	629	1508.01	4,061	10	7
SONOMA	484,207	467	629	1509.01	6,103	10	8
SONOMA	484,207	467	629	1509.02	3,841	7	5
SONOMA	484,207	467	629	1510.00	3,388	7	5
SONOMA	484,207	467	629	1511.00	4,355	10	7
SONOMA	484,207	467	629	1512.01	5,369	11	8
SONOMA	484,207	467	629	1512.04	3,651	7	5
SONOMA	484,207	467	629	1512.05	2,788	5	4
SONOMA	484,207	467	629	1512.06	5,117	11	8
SONOMA	484,207	467	629	1513.01	4,767	9	7
SONOMA	484,207	467	629	1513.05	5,533	11	8

**DIXON PLANNING COMMISSION**

**RESOLUTION NO. 2022-008**

**A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (UP 21-02) TO ALLOW A PUB AND OUTDOOR SEATING LOCATED AT 178 NORTH FIRST STREET (WHISKEY BARREL 707) ASSESSOR'S PARCEL 0115-082-090**

\*\*\*\*\*

**WHEREAS**, Edward Regner (applicant), on behalf of Tiffani Fabiani (owner), submitted a Planning Application (PA 21-36) for Conditional Use Permit approval (UP 21-02) for a new pub/lounge (Whiskey Barrel 707) as well as permanent outdoor seating area that will occupy the existing building at 178 North First Street. The property is further identified as Assessor's Parcel Number (APN) 0115-082-090. The property is zoned Downtown Commercial (CD). The General Plan land use designation is Downtown Mixed Use (D).

**WHEREAS**, Pursuant to Dixon Municipal Code Section 18.09.030A and C, a Conditional Use Permit is required for both the permanent outdoor seating, as well as the pub in the CD zoning district.

**WHEREAS** the Dixon Planning Commission held duly a noticed public hearing on March 8, 2022 to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Community Development Department has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearings prior to both hearings. This notice has been mailed to all property owners within 300 feet of the subject property.

**WHEREAS** the project is Categorically Exempt from the requirements of Categorically Exempt from the California Environmental Quality Act per Categorical Exemption, State CEQA Guidelines, Section 15301 (Class 1 Existing Facilities), because the proposed project includes the operation, leasing and minor alterations to an existing building with no expansion of use.

**WHEREAS**, the custodian of documents which constitute the record of proceedings upon which this decision is based is the Community Development Department.

**NOW THEREFORE BE IT RESOLVED**, the Dixon Planning Commission finds that the proposed Design Review is consistent with the Dixon General Plan 2040 and the Dixon Zoning Ordinance, as follows:

1. The project as conditioned is consistent with the Dixon General Plan (DGP) for the following reasons:
  - a. The project would be consistent with the D (Downtown Mixed Use) land use designation;

- b. The project would continue to be consistent with the DGP's policies and implementation plans within its Land Use and Community Character Element that promotes efficient use of resources by promoting in-fill development (DGP, Land Use and Community Character Element, Goal LCC-1, and Policies LCC 1.3 and 1.7, pg. 3-9);
  - c. The project would create a new business in the city's downtown that would provide an evening destination that would also complement neighboring businesses (DGP, Land Use and Community Character Element, Goal LCC-4, and Policies LCC 4.1-4.4, and Economic Development Element, Goal E-4, and Policies E-4.1 and E-4.7, pgs. 3-24 and 4-14); and
  - d. The project maintains the off-street parking that already existed on the property, which is one of the few Downtown Commercial locations that has off-street parking to begin with (DGP, Mobility Element, Policy M-5.6, pg. 5-27).
2. the Dixon Planning Commission finds the proposed project is consistent with the Dixon Zoning Ordinance for the following reasons:
- a. The project would be consistent with the Dixon Zoning Ordinance as the Downtown Commercial (CD) zoning district states that its purpose is to *"provide for an intensely developed central core downtown area of retail businesses, and complementary service establishments. . . This district is intended to encourage shoppers to visit several stores after parking or arriving by public transit and to encourage residents to live downtown. . . The intent of this district is to accommodate a mix of uses and to guide development to appropriate locations within the downtown area, consistent with the City General Plan"*. (DMC Section 18.09.010).
  - b. The business will offer another dining and drinking option along with its outdoor seating offers another complementary business to downtown Dixon and will help further vitalize the area and give residents and visitors an additional option while downtown.
3. The proposed project, as conditioned, is consistent with the mandatory findings (DMC Section 18.25.070) to recommend approval of the Conditional Use Permit application as specified below:
- a. The location of the conditional use is in accordance with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.
    - i. As discussed above, this project is consistent with the General Plan's D land use designation and the allowed uses in the Zoning Ordinance's CD zoning district. The potential impacts from noise to adjacent residential uses from things like outdoor dining and live indoor music however are potentially significant issues to nearby residential units, including those

potentially living on upper floors along North First Street as well as residences on the nearby North Second Street. A condition of approval is therefore added to require an acoustical study prior to building permit issuance:

- b. The location of the conditional use and the conditions under which it is being operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity.
  - i. As discussed in Section I (IV-V), the use is consistent with the intent of the General Plan and the Dixon Zoning ordinance. In addition, consideration by the Dixon Engineering, Fire, and Police Departments, along with Recology have been made with regards to this application, and it has been determined that it will not have an impact on the public's health, safety, or welfare. Lastly, as conditioned in Conditional Use Permit Finding 1, the use will complement the existing business' downtown as it will likely draw people to the area to shop and will not have a negative impact on properties in the vicinity. Therefore, the project is consistent with this finding.
- c. The location of the conditional use complies with the applicable provisions of the Zoning Ordinance.
  - i. As discussed in Section I (V), this project is consistent with the allowed uses in the Zoning Ordinance's CD zoning district. The outdoor patio area will help the Whiskey Barrel 707's business and complements the businesses in the area and should act as a draw to residents to the downtown by the residents of Dixon and those outside of the city limits. Therefore, the project is consistent with this finding.

**NOW THEREFORE BE IT FURTHER RESOLVED**, the Dixon Planning Commission hereby **conditionally approves** the Whiskey Barrel 707 Conditional Use Permit (UP 21-02) Planning Application (21-36) for a new pub/lounge (Whiskey Barrel 707) as well as permanent outdoor seating area, subject to the following conditions of approval:

#### Planning Department

1. Plans submitted for a Building Permit shall substantially conform to the application materials and plans identified as "Exhibit A," and received on December 22, 2021, with revisions submitted on January 4, 2022, and on file with the Dixon Community Development Department, except as modified by the conditions listed herein.
2. The allowable hours of operation are for public use are 12:00 p.m. to 2:00 a.m, seven days a week. Employees may arrive as early as 10:00 a.m. and leave as late as 3:00 a.m. in order to open and close operations. Live music, karaoke, and DJs or any noise generating uses,

may perform no later than 10:00 p.m.. Minor modifications to these hours may be considered by staff on an administrative basis.

3. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, the applicant to perform an acoustical study performed by a qualified acoustical engineer utilizing standard acoustical engineering methods which will consider outside impacts during the loudest times of operation, along with impacts during the late evening hours and potential special events. Appropriate recommended noise attenuation measures made by the acoustical engineer shall be incorporated into the building permits to ensure noise impacts are minimized.
4. Any future Sign Permit applications may be approved by City Staff (administratively) as long as the proposed signage complies with the City Sign Ordinance (Chapter 18.24) and the Dixon Downtown Design Guidelines.
5. Special uses not otherwise identified in the submitted applications materials may be considered and approved at a staff level if found minor and otherwise ancillary to the business by the Community Development Director.
6. The property shall be maintained in good condition at all times, including promoting pick up of any trash or litter on the site or surrounding areas generated from the use, maintenance of landscaping, cleaning of sidewalk, parking lot and outdoor patio area.
7. The applicant install security cameras on the outside of the building, along with the interior, subject to the review and approval of the Police Department.

### Engineering

8. Plot plan(s) containing site information such as property lines and easements, existing and proposed paving and hardscape, accessible paths of travel, name and width of adjoining streets and driveways, footprints of all existing and proposed structures, in addition to the items listed in this memorandum. See City of Dixon Engineering Design Standards for additional submittal requirements.
9. The Planning Application references modifications to the existing parking lot configuration to create an outdoor seating space. Applicant to submit a site plan showing existing vs proposed parking including dimensions for all parking/drive aisle, and dimensions and slopes for accessible parking stalls and access aisle. Please note that any restriping will need to conform to the City of Dixon standard parking stall dimensions. A copy of these standards is available via the following link:  
  
[https://www.cityofdixon.us/media/Ordinances/Parking%20Stall%20Diagram%20\(PDF\).pdf](https://www.cityofdixon.us/media/Ordinances/Parking%20Stall%20Diagram%20(PDF).pdf)
10. The applicant shall provide verification that the proposed number of parking stalls meets the minimum City requirements.

11. The applicant shall denote the accessible path of travel between the public right-of-way to the building entrance and from the ADA parking stalls to the building entrance.
  - a. All accessible paths of travel must meet ADA and CBC requirements.
  - b. Applicant shall verify accessible path of travel along sidewalks abutting the property. In particular, the sidewalk along E B Street may have some pinch points between existing trees and and light posts.
  - c. Applicant shall verify the path of travel from the main door (north) out to First Street (past the old bank teller windows), and potentially consider removing the existing median of curb and handrail to better facilitate safe travel through this area.
12. The parking lot exit onto North First Street to be maintained as right-turn egress only. Please plan to re-stripe the existing straight arrow to change into right-turn arrow.
13. Ingress to the site to be maintained as coming only from East B Street. Applicant to provide nature of the easement (if applicable) allowing access onto the site. Please plan to re-stripe the in and out arrows on that driveway.
14. Existing and proposed accessible parking stalls and access aisle shall meet ADA requirements for stall and aisle dimensions, striping thickness and colors and slope.
15. Please consider relocating "do not enter" sign (along First Street) to be more visible – move on standalone pole closer to street.
16. Refresh existing red striping on curb, remove gray striping on curb in front of store.
17. Lighting – please show on building permit plans that site lighting meetings City standards.
18. Public Rights of Way - All curb, gutter, sidewalk or other existing City facility damaged prior to or during construction shall be removed and replaced to City Standards. Any work in the public right-of-way shall:
  - a. Be in accordance with the latest edition of the City of Dixon's Engineering Standards & Specifications ("City of Dixon Standards").
  - b. Be in accordance with the Americans with Disabilities Act and the California Accessibility Standards under Title 24, Part 2 of the California Code of Regulations.
  - c. Require the issuance of an encroachment permit from the Engineering Department or Caltrans prior to the issuance of a building permit and prior to commencing work within the public right-of-way. The encroachment permit shall be signed off as complete, including submittal of record drawings, by the City Engineer/Public Works Director prior to occupancy of any building on the subject property.
  - d. Require the submittal of a guarantee and warranty security at the discretion of the City Engineer in the amount of ten percent of the total cost of the public improvements. Such

security shall guarantee and warrant the improvements for a period of one year following their completion and acceptance against any defective work or defective materials. Security shall be submitted prior to acceptance of the improvements to the satisfaction of the City Engineer.

- e. Require a Caltrans encroachment permit for any work to be performed in the State right-of-way (State Highway 113) prior to issuance of a City of Dixon Engineering Division encroachment permit. The permit shall be signed off as complete by Caltrans prior to sign-off of the Engineering Division encroachment permit.

19. Public Sidewalk, Curbs, Gutters and Driveways - Any existing and/or proposed curb, gutter, sidewalk, driveways or curb ramps in the public right-of-way adjacent to the property shall be in accordance with the latest edition of the City of Dixon Standards & Specifications, the Federal American's with Disabilities Act (ADA) and the State of California Title 24 Accessibility Standards. When conflicts exist, the standard providing the greatest degree of accessibility shall prevail. As necessary, additional right-of-way and/or easements shall be dedicated to the City of Dixon.

20. Refuse and recycling shall be implemented in accordance with City Ordinance No. 9409, or its successor. The applicant shall submit information on how the proposed trash will be collected.

All trash enclosures shall be large enough to accommodate both refuse and recycling dumpsters, as well as grease containers (if applicable). All trash enclosures shall be covered. The developer shall coordinate with the Recology Dixon at (707) 678-4026. The materials used on the exterior of the trash enclosure shall match those used on the building. The location of all trash enclosures shall be to the satisfaction of the Community Development Department and Dixon Sanitary Service.

21. Trash Enclosure(s): The proposed trash enclosures shall be graded to drain to a sanitary sewer connection and have a cover and perimeter berm/wall on all sides to prevent liquid from getting out or getting in.

22. Solid Waste & Recycling - Prior to approval of improvement plans, the Developer shall submit a recycling program for long-term handling of recycled waste from the Project Site. The program shall address waste generated by construction as well as commercial and industrial uses. Grass clippings, prunings and other organic waste resulting from open space maintenance are classified as clean waste and shall be made available for composting or recycling.

23. Plans showing all existing and proposed utilities including size, material and slope (gravity lines) for domestic and fire water, sanitary sewer, gas and storm drain utilities.

24. The applicant shall show proof that existing water lateral and backflow preventer meets CalWater standards, and proof of approval from CalWater.

25. The applicant shall obtain a Wastewater Discharge Permit from the Wastewater Division of the Engineering Department prior to Engineering approval of the Building Permit. Please note that a grease interceptor may be required in order to support the new food service proposed under this Use Permit.
26. Fat, Oils and Grease (FOG) - The project shall comply with Dixon Municipal Code Title 14, Chapter 14.01, Article VII "Discharges of Fats, Oils and Grease from Food Service Establishments."
27. The applicant to verify that existing sewer lateral is properly sized for proposed new uses.
28. The service lateral shall be inspected and video surveyed (CCTV) from the existing cleanout to the main prior sign off of the Building Permit. Any deficiencies in the sewer lateral shall be repaired, inspected and approved prior to sign off of the Building Permit.
29. If grade is being altered, provide existing and proposed grading showing the stormwater drainage scheme for the site. The grading plan shall include existing contours, and spot elevations for key site elements (finished floor elevation, overland release point etc). Please verify that there is no major ponding occurring on the site.
30. For any new major exterior changes that requires some level of Design Review approval, the applicant to provide landscape plan with existing and proposed landscaping for on-site and off-site. Existing landscaping would needs to include size and species of trees.
31. Please note that the existing trees along East B Street may need to be removed in order to be in compliance with the City's sidewalk regulations. This will be evaluated as part of the Building Permit review.

#### Fire

32. The change of occupancy requires this building to have an Automatic Fire Sprinkler System. This will require a separate construction permit directly from the Fire Department.
33. A fire control room was not included on the plans, and is required to have exterior access with door marking per 2019 Chapter 9 of California Fire Code.
34. If the vault is used for as proposed exiting requirements will need to be updated to allow emergency egress from the vault.

#### Standard Conditions

35. The applicant must obtain a building permit within one year after Planning Commission approval or apply to the Planning Commission for an extension of time to do so. If a building permit is not obtained within said one-year period or any extension thereof granted by the Commission, any approval granted by the Planning Commission shall automatically lapse and a new application will be required.

36. The applicant shall indemnify, defend, and hold harmless the City, and the officers, agents and employees of the City from any and all claims, damages and liability which may result from approval or implementation of the project (including, but not limited to, damages, attorney's fees, expenses of litigation, or costs of court). Provided, however, this duty to indemnify and defend shall not extend to any claim, suit or action arising from the active negligence or willful misconduct of the City or its officers, agents or employees. The applicant shall enter into an Indemnification Agreement with the City of Dixon evidencing the foregoing. The standard agreement can be obtained from the Community Development Department.
37. Development Impact Fees for the necessary public facilities to serve this project must be paid for each building permit. The fees are based on the specifics of the plans as submitted. The fees, as applicable, may include:

- Waste Water Fee
- Drainage Improvement Impact Fee
- Police Facilities Fee
- Transportation Fee
- Fire Facilities Impact Fee
- Administrative Facilities Impact Fee
- Public Works Facilities Fee
- School Impact Fee
- Library Fee
- Water Connection Fee
- Solano County Capital Facilities Fee
- Park Fee

Note: A protest of any required dedications, reservations, or fees may be filed with the City Clerk in writing within 90 days of project approval. The protest must include the following items to be valid:

- The name, address, signature, and status of owner, applicant.
- A statement that the dedication, reservation, or payment is being made, or will be made under protest.
- Proof that payment has been made, or an agreement to make the dedications, reservations and pay fees when they are due.
- A statement of the factual elements of the dispute.
- The legal theory forming the basis for the protest.

Since legal theory is one of the required items, the protestor may wish to seek the advice of a private consultant prior to filing any protest.

**BE IT FURTHER RESOLVED**, unless the use is established or building permits related to the use are issued or a time extension is filed with the Community Development Department

prior to its expiration, the Design Review will lapse one year (1) years after the decision becomes final, or **March 18, 2023 at 5:00p.m.**

This decision is final unless appealed to the City Council. An Appeal Application and a \$1,475.00 filing fee must be submitted to the front desk of City Hall, 600 East A Street, Dixon, before **5:00 p.m. on March 18, 2022.**

**ADOPTED** at a regular meeting of the Planning Commission of the City of Dixon, State of California, on the 8th day of March 2022:

AYES: COOLEY, DAVIS, DIAZ, KOSTER, MEDRANO, CALDWELL

NOES: HERNANDEZ-COVELLO

ABSENT: NONE

  
\_\_\_\_\_  
JACK CALDWELL, CHAIR  
DIXON PLANNING COMMISSION

Attest:



BRANDI ALEXANDER  
SENIOR ADMINISTRATIVE CLERK/SECRETARY

Hi Scott and Happy New Year!

I had to give up trying to follow-up with everything last week, it was a lost cause! I'll try to do my best to answer each question you have. First, Application for CUP is not currently available in pdf but I will work on getting you a scanned copy today. I believe Ken sent you the digital plans last week, if he did not, please let me know and I will resend them to you.

The CUP application should have had all of the operational details you are requesting in section 5 of our application submitted. The operational details are below (please let me know if you need more/specific information).

**Project Name**

The Whiskey Barrel

Live Music, Tavern and Specialty Tasting Room

**5. Operational Characteristics:**

**A. Maximum Number of Staff at any one time**

- Staff of 10: would include kitchen crew, bartender(s), wait staff/barback(s), management and security

**B. Hours of Operation:**

- Hours open to the public \*7 Days a week: 12pm – 2am
- \*Typical “open” hours Sunday through Thursday are 12pm – Midnight
- \*\*Friday and Saturday 12pm – 2am
- Operational hours while closed to public (clean-up and inventory/reset)  
7 days a week:  
Morning: 10am – 12pm  
Late Night: 2am–3am

**C. Projected “Peak” Hours of Operation (include total staff and public on site):**

- Sunday through Thursday: 6pm – 10pm -Estimated 50
- Friday and Saturday: 8pm – Midnight – Estimated 150

**D. The schedule and peak projected hours of operation for special events:**

- We don't having “special events” beyond scheduled events within normal hours of operation

**E. The schedule, frequency and nature of deliveries to the site:**

- Deliveries of all service and janitorial materials used for operation and sales (food, alcohol, cleaning supplies, equipment maintenance, etc.) would be during standard business hours of Monday through Friday 10am-5pm.

**F. Noise levels proposed for the nature of the operation of the project, specify what is causing various noise levels:**

- Interior Noise:

- Live Music (bands) on Friday and Saturday nights: Shows typically run from 7pm – 10pm.
- DJ/Music – Dancing
- Karaoke/KJ Music - Singing
- Social gathering/talking
- Jukebox Music
- Multi-Televisions for sporting events
- Pool Tables and accessory games (shuffleboard, dart boards, etc.)
- Exterior Noise:
  - Patrons gathering on the patio (people congregating and talking, laughing)
  - People standing in line on First Street to enter venue for a live music show (Friday and Saturday only)
  - (Seasonal) Lifesize Chess Board and Cornhole Tournament on proposed patio

**G. The path of travel for pedestrians and vehicles at the site:**

- Refer to proposed site plan

**Food/Alcohol:** We are intending to serve food during peak hours only, but we will not have deep fryers (no equipment with oil splatter or combustible material) nor a full service kitchen. We are proposing a limited commercial kitchen with refrigeration, air fryers and commercial food prep space to eliminate DFD's concern for oil splatter, triggering additional fire suppression requirements in a "full kitchen" (as previously discussed in an initial project review with DFD personnel). Alcohol is a significant part of our proposed use as we are proposing a Lounge, Event/Live Music Venue and Whiskey Tasting Room inside the old Bank Vault. We will be serving alcohol from the primary bar indoors and customers will be able to consume their food and beverage outdoors on the enclosed patio. Seasonally, we would like to have a portable bar outdoors for beer/wine purchase but all hard liquor will be purchased and poured from the sophisticated indoor bar only.

**Fire Suppression System and Water Usage:** Property owner has agreed to have installed a new fire suppression system to bring this old building up to code as it currently does not include a suppression system at all. The sprinkler system will be installed once we receive Use approval. To my knowledge, the property owner also discussed water tap requirements based on our proposed project with Cal Water to ensure we met their water flow requirements.

**Trash/Recology:** We have an extremely large, dedicated space for appropriate trash receptacles (assuming it will be a medium to large pull-up dumpster) in the back of the building. My plan was to reach out to recology once we have approval and order appropriate receptacles once we prepare for construction. Do you need this space called out on the plans? Can I modify an existing submitted plan to simply notate the dedicated space for recology use?

**ABC Status:** We were selected in the State's annual lottery for a type 47 or 48 liquor license. We are required to formally apply for our (ABC) license no later than January 9th, 2022. I have been in frequent contact with ABC and have inquired (per Rafi) specifically about the PCN? hearing process. I was told that PCN hearings specifically, are determined on a case by case basis, how many appeals/negative public comment(s) the state receives, ABC inspection results on preliminary application as well as the City's findings on our proposed use.

Renderings/Samples of Proposed Materials for Build Out: I have attached some sample renderings of interior design and lighting (so Commission can have a better sense of overall project) as well as sample materials for the exterior patio barricade, we do know DFD will require emergency exits for the outdoor patio. We are proposed auto-close gate fixtures (push bar) for easy exit from both the North and South sides of the patio. Our gates are intended and will have signage for emergency exit only use (to discourage anyone from allowing people to enter the patio that have not come through main building doors).

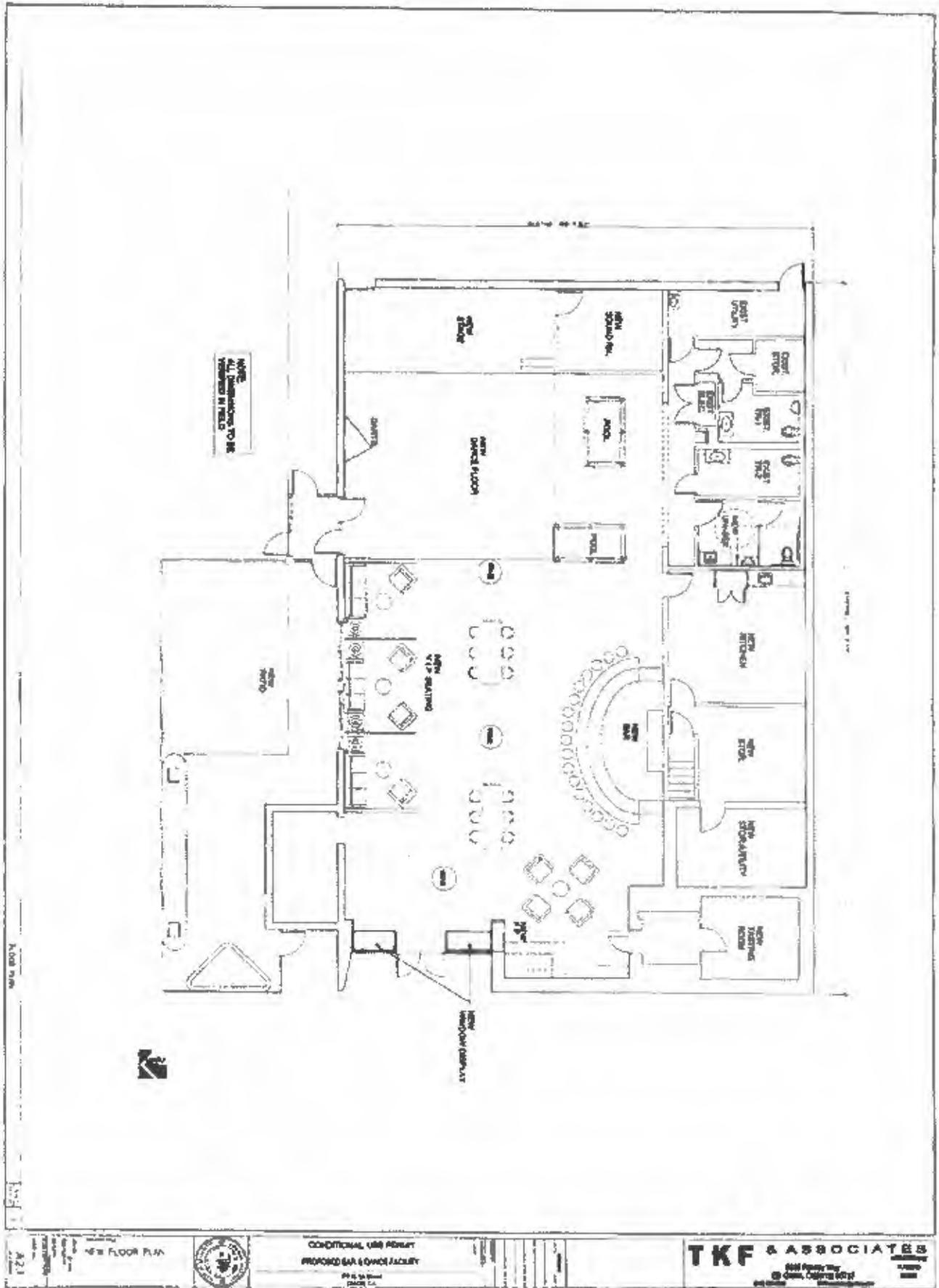
Additional Note: We do intend a complementary "Sober Driver" on hand for our local area patrons.

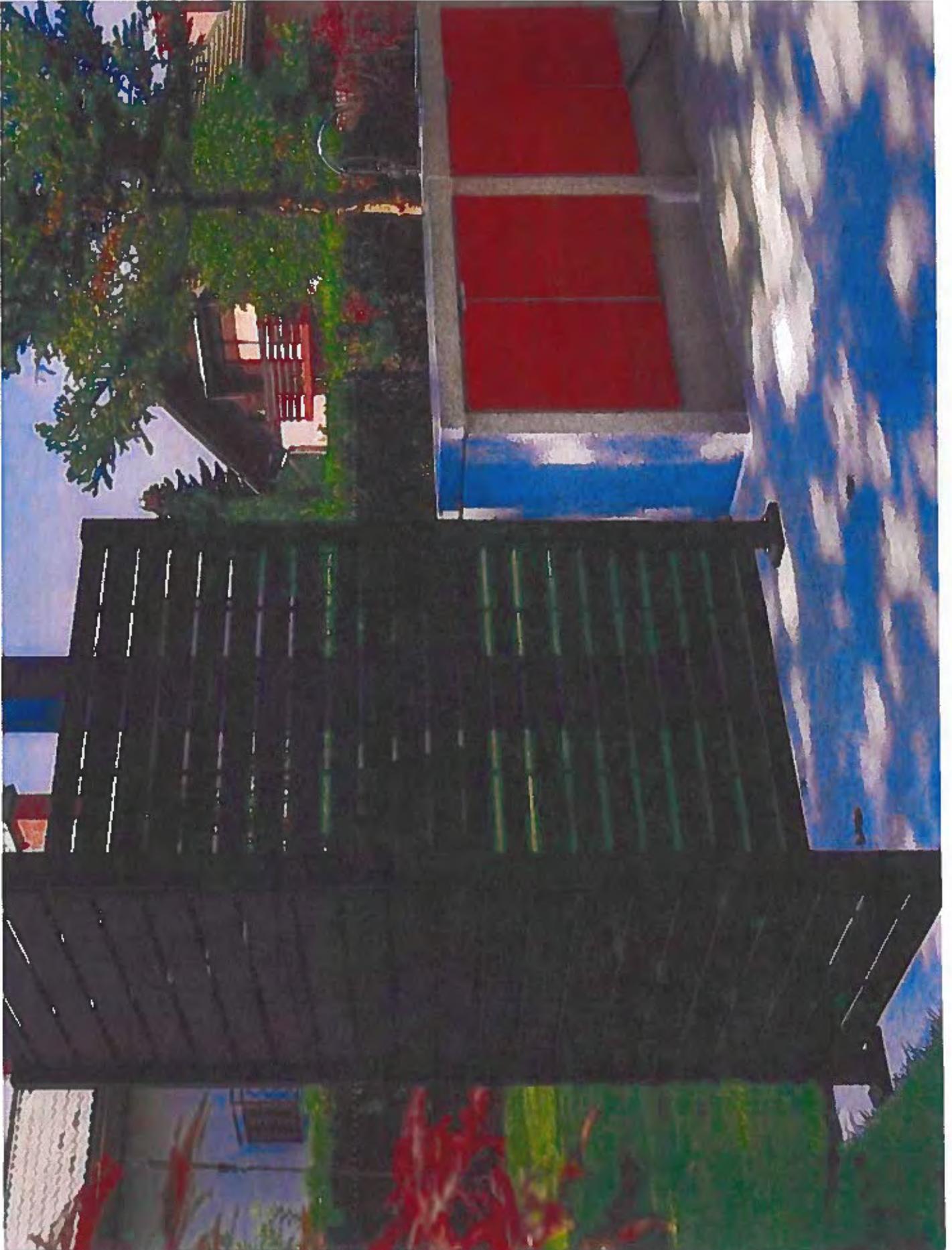
Signage: Lastly, we have a graphic designer currently working on developing our branding logos and signage. I should have the signage applications for your review by mid week next week. We will be proposing to use the existing, grandfathered box sign at the top of the building as well as signage on the southeast corner of the building as well as iron signage hung on the existing brick facade facing First Street, (main entrance side).

I hope this covers everything you need to prepare for the February PC Meeting???I'm available anytime to discuss our project further or answer any questions you may have, my cell phone is below.

Thank you for your time and effort!  
Tiffany







Hi Scott -

We plan to have 2 lounge/seating areas (each seating area equipped with 1 sofa, and 1 loveseat), and 4 tables that seat 4 each.

Example photo attached.

On Wed, Mar 2, 2022, 9:45 AM Scott Greeley <[SGreeley@cityofdixon.us](mailto:SGreeley@cityofdixon.us)> wrote:

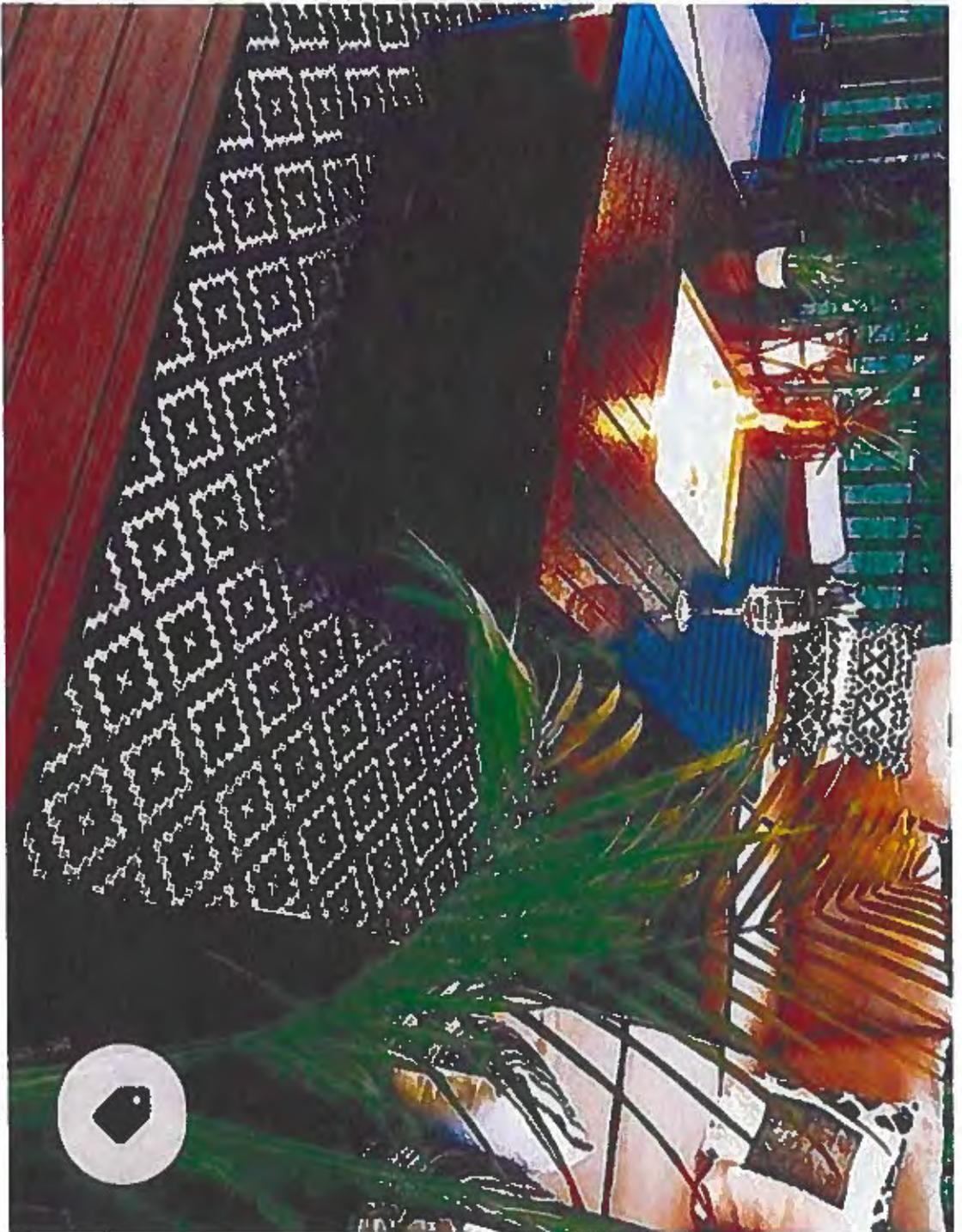
Tiffany or Ken,

I wanted to ask, as I expect it may come up at the PC next week, how many tables are you expecting to have outside? I can see the area called out, but I don't see tables or a table count identified.

Scott Greeley

Associate Planner, City of Dixon

(707) 678-7000 ext. 1115



**American Fire Glass**  
7.7K Followers

**Follow**

March, 2022

Dixon City Council, Planning Commission, Chamber, DDBA, Organizations & Individuals:

The "cat came out of the bag" a short while back about the plans for the old Bank of America building downtown. So far for the course those people objecting on Dixon 411 were accused of shaming the owners. Seems there's plenty of shame to go around.

Where better to start than with five hypocrites on the council. Don't dare forget the planning commission and the various do good organizations in town like the chamber of commerce, the downtown business group and all the others that say they promote the quality of life in our, too big for its britches, little city.

Check out the announcement made by liquor license applicant Renger's new "wifey", none other than Facebook 411 administrator, Tiffany Fabiani Renger (former planning commissioner who resigned from her last appointment). She let more than one cat loose. A brews and blues joint? Must not overlook their Facebook invitation: "So whether you are low down and dirty, or bad and boujee ... we got you!" With new hubby, Renger's connections to the bands of all genres they are offering "rediculous" live music.

Who are the low down and dirty that Fabiani Renger hope to attract with their Facebook post? Check it out on Urban Dictionary. The skeezy; skanky; shady; sordid; nasty; dirty; contemptuous; deceitful, that's who. Right downtown in the next block from long established homes, a couple doors down from a church and on the next corner from the library and a park. What about " ... we got you" the bad and boujee? Does Bad and Boujee "Smokin up cookie in the hotbox" ... "Cookin up dope in a crockpot" ... "Cookin up dope with an Uzi" ... "We got 30's and 100 rounds too (grrah)" ... "I don't trust nobody, grip the trigger" appeal to you all for historic downtown Dixon?

I get it. Free vulgar speech and a good time, but why not by the freeway like in the ole Kat Patch days? Ask any of your old timer friends about that joint? Instead a bank goes into the old Chevy's along the Interstate. What better spot for "low down and dirty, bad and boujee" nightlife. An area with an empty building or two and vacant lots away from residences, churches, schools, parks. Away from supportive housing for struggling to recover veterans. Away from poor families and old people on fixed incomes that could use a carton of milk much more than a taste of whiskey at another bar in a small downtown with way too many liquor licenses already.

With her invitation to the low down and dirty and bad and boujee, Fabiani put it all out there. Real "sensitive" to impacts on the neighbors, she says. Not buying any self serving 411 pitch, especially when legit objections are deleted.

Honorable council men, commissioners, chamber of commerce, DDBA and non-profit boards; a downtown location must fit better with your idea of small town character. Right? Forget about the Calvary Chapel mere feet away or the Catholic Church and school less than 500 feet. Forget about the public library, the improvement club park.. Forget about the B Street Safe Routes to School. Not any bars and nightclubs near your homes or the schools, parks and churches in your neighborhoods. Why should you care? Let the tenants of the city approved low income housing in the same block put up with it. Let the residents of the neighborhood all around deal with it, residents with young families or elderly or alone. All in the name of entertainment and economic development as long as it isn't in your backyard. Right, Mayor Bird? Weren't you the main man along with ex Chief of Police Fuller who didn't approve of a certain crowd hanging out at an air bnb near you? Former commissioners Ernest, Johnson, Hendershot before you took your seats on the council, as Dixon's big fish in a small pond, didn't you restrict the hours of a business downtown taking note of the neighbors and

churches? Not now, no way. No interest in providing for some quality of life for the little kids, the elderly and the low income folks living too close for comfort. Support your downtown Dixon cheerleaders ramping things up. Their "mommy juice" culture turned low down and dirty, bad and boujee.

Some say having a former planning commissioner running Dixon 411 Facebook has its benefits for those interested in gussying up downtown to the exclusion of many people living close by. Reading Facebook posts it seems that man lives by booze alone.

I'm more inclined to agree with your Chief of Police when he tells ladies at their club meeting not to believe everything you read on social media.

Honorable council men and commissioners ever hear the expression "your names are Mudd?" That goes for you too, Chamber and DDBA boards and any other organizations that condone Fabiani's venture. Be sure to let your members know that you won't be seeing my family and friends downtown or supporting any of your causes. If Whiskey Barrel or one more bar is deemed a public convenience and necessity downtown, we'll abandon Dixon businesses altogether and head to Davis or Vacaville. Once the word gets out about you encouraging the low down and dirty and bad and boujee to darty (drunken party) in downtown Dixon, we won't be the only ones. Sorry Bud and Cherie, you've been our favorites over all these years.

Why not file a protest against the liquor license you ask? I thought about it, but my loved ones and friends urged against it. Don't want any Uzi triggers pointed at me. Social media backlash is one thing, but guns speak louder than words. I'm no shrinking violet, but free speech comes at too high of a price for many of us nowadays. It's only for the low down and dirty, the bad and boujee.

Just spreadin' the word. No signature. I'll just hide behind anonymous for now. A true blue member of the intimidated, shakin' in our boots Silent Majority! Ever heard of us?

City of Dixon  
 Planning Commission  
 600 East A Street  
 Dixon, CA 95620

March 3, 2022

Dear Planning Commissioners:

This letter is intended as public comment for the public hearing for a Conditional Use Permit to have permanent outdoor seating associated with a pub/lounge that will occupy the existing building (old Bank of Amercia) at 178 North First (1<sup>st</sup>) Street, Dixon, CA 95620 (APN 015-082-090) Tiffany Fabiani is listed as the owner/applicant and the File No. is PA 21-36, UP 22-02.

The following comments are excerpts from the protest I am filing with the California Department of Alcoholic Beverage Control in regard to the application for a liquor license for the premises. The comments are relevant to a Conditional Use Permit for outdoor seating.

#### THE NORMAL OPERATIONS OF THE LICENSED PREMISES WOULD INTERFERE WITH THE QUIET ENJOYMENT OF MY HOME

Another bar so close to residences will add to the problems we contend with from the many bars that are already licensed in the area. For example:

##### Noise

The closest bar to my house is barely over a block away. The Whiskey Barrel will be about the same distance. Especially on weekends my sleep is regularly disturbed by noisy, rowdy customers gathering at and coming from the bar(s) during the night. By the time they get by my house on their way wherever they are headed, they are still very loud and rowdy. I admit I don't get out of bed to call the police, but at midnight or one or two in the morning all I want to do is to get back to sleep. I agree with my neighbors who ask "what would the police do anyway?" At least those on foot aren't the ones driving drunk and we are thankful for that. I believe that the 500 foot requirement for notification is not enough. The drunks who disrupt my family's sleep can't sober up in 500 feet. They keep on making noise down the street past my house to wherever they are going. As I understand it, loud, rowdy behavior is a sign of intoxication.

My house is old and has been in my family for years. I spent most of my childhood in the house and eventually inherited it from my mother. Many homes in the old part of town are not designed like modern homes in new subdivisions where bedrooms are typically at the rear of the house. I live on a corner and both bedrooms are on the street sides of the house. I don't know about insulation in my walls, but a lot of older homes are not well insulated. I do have replacement windows. But there is still nowhere to escape the noise of loud, rowdy bar customers congregating and cavorting out in the open only a block away or walking home on the sidewalks right outside my house. Like many other houses in the neighborhood mine does not have central air conditioning. I would like to be able to open my windows in the evening and during the night to cool the house off, but I can't because of my experiences with people roaming around at night when the bars are in full swing and at closing. The noise is too much even with the windows closed. Security is another concern.

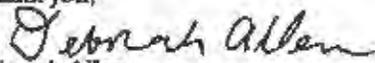
In a reply to someone who posted noise concerns on Dixon 411, the wife of the applicant claims that their place of business would not be any noisier than trucks travelling through town on 113. I think she needs to offer proof of how many big rigs drive through downtown Dixon in the middle of the night. I would say not many. Most are now taking Petrick Road. I grew up a block from 113 and have been back there for around 20 years. I don't remember ever being disturbed by the noise of a big rig in the middle of the night. The disturbances in the night originate from the bars downtown, not the big rigs.

#### LAST BUT NOT LEAST, I AM PROTESTING THE APPLICATION CONSIDERING THE SCHOOLS, CHURCHES, PARK AND LIBRARY IN THE IMMEDIATE AREA.

Public welfare and morals can't be preserved when liquor licenses are concentrated in an area where people make their homes and strive to raise their children and grandchildren with some sense of decency. While drinking alcohol and the behaviors it can elicit used to be strictly behind closed bar room doors, it is now on full display stretched out along the sidewalks on routes to churches, to schools, to the library and to the park. It is way past time to declare that enough is enough.

I hope you will take my concerns seriously and deny the Conditional Use Permit for permanent outdoor seating..

Thank you,

  
 Deborah Allen

Dear City of Dixon planning commission:

As a member of the community, I would like to express my strong support for the new business hoping to open in the city, Whiskey Barrel 707.

This project is important to me, specifically because this business brings a great opportunity for networking, and the ownership has indicated it will be hosting Diversity and Inclusion events, participating heavily in the local community, and helping to attract consumers to the Downtown business district. I plan on hosting events on behalf of a group I have sat as Chair for several years, PRIDE at UC Davis Health.

It is exciting to see local community members investing within the City of Dixon, and I am hopeful that the planning commission is also supportive of this prospective company. I am confident in the owners creating a regional draw of consumers to the community with hosted events. This business will help bring networking and community to the town, this is an opportunity for the City of Dixon to be able to help promote growth while being able to repurpose a building.

I am extremely grateful for the opportunity that the City of Dixon and the local community is providing with this initiative, and I again strongly recommend and support the renovation and revitalization of the building for the Whiskey Barrel 707 project. If you have any questions, or would like to discuss further please do not hesitate to contact me at [REDACTED]

Sincerely yours,

*Matthew St. Amant*

Matthew St. Amant

City of Dixon  
Planning Commission  
600 East A Street  
Dixon, CA 95620

March 5, 2022

Dear Planning Commissioners:

I have attached a letter I put together after seeing the public notice for a public hearing about a Conditional Use Permit for "permanent outdoor seating" for a pub/lounge in the old Bank of America building at 178 North 1<sup>st</sup> Street. Based on the wording of the notice in the Independent Voice on February 25, 2022, I focused my attention on the outdoor seating (see letter dated March 3, 2022). But now I have learned that a CUP for a pub/lounge is going to be decided at the same hearing. I don't believe that the city has complied with a 10 day notice requirement if 5 days before the scheduled hearing the public learns from a staff report that there is much more involved than only outdoor seating. As a homeowner whose family will be seriously affected, I don't appreciate a last minute switcheroo. I object to the Planning Commission deciding about either CUP until the city corrects its omission with a clear public notice.

In the meantime I am attaching my entire protest (instead of excerpts) concerning the liquor license. I am mailing my protest to the ABC department today. It does not even begin to cover my objections to a CUP for the pub/lounge. All I can say at this point is that the over the top plans for the Whiskey Barrel 707 in downtown Dixon don't seem at all compatible with the apartments across the alley and the neighborhood all around or with the churches, school, library and park so nearby. As I said in my protest letter it seems it is one more example of how the city supports "taking advantage of the disadvantaged."

Thank you,

*Deborah Allen*  
Deborah Allen

RECEIVED

MAR 8 2022

CITY OF DIXON

@ 11:10 AM JRG



My name is Deborah Allen and I live at 209 East C Street, Dixon, CA, 95620, within the area that received notification of a liquor license application for the Whiskey Barrel 707 at 178 North 1<sup>st</sup> Street in Dixon, CA 95620. The applicant is listed as Renger, Edward Michael.

I have never filed a protest before. But in this case I feel there are strong grounds for denial of the license. If my protest results in a hearing, I will either have to get a ride or appoint a representative. I don't drive out of town unless there is an emergency and I will not drive on the freeway.

## GROUNDS FOR PROTEST

### THE NORMAL OPERATIONS OF THE LICENSED PREMISES WOULD INTERFERE WITH THE QUIET ENJOYMENT OF MY HOME

Another bar so close to residences will add to the problems we contend with from the many bars that are already licensed in the area. For example:

#### Noise

The closest bar to my house is barely over a block away. The Whiskey Barrel will be about the same distance. Especially on weekends my sleep is regularly disturbed by noisy, rowdy customers gathering at and coming from the bar(s) during the night. By the time they get by my house on their way wherever they are headed, they are still very loud and rowdy. I admit I don't get out of bed to call the police, but at midnight or one or two in the morning all I want to do is to get back to sleep. I agree with my neighbors who ask "what would the police do anyway?" At least those on foot aren't the ones driving drunk and we are thankful for that. I believe that the 500 foot requirement for notification is not enough. The drunks who disrupt my family's sleep can't sober up in 500 feet. They keep on making noise down the street past my house to wherever they are going. As I understand it, loud, rowdy behavior is a sign of intoxication.

My house is old and has been in my family for years. I spent most of my childhood in the house and eventually inherited it from my mother. Many homes in the old part of town are not designed like modern homes in new subdivisions where bedrooms are typically at the rear of the house. I live on a corner and both bedrooms are on the street sides of the house. I don't know about insulation in my walls, but a lot of older homes are not well insulated. I do have replacement windows. But there is still nowhere to escape the noise of loud, rowdy bar customers congregating and cavorting out in the open only a block away or walking home on the sidewalks right outside my house. Like many other houses in the neighborhood mine does not have central air conditioning. I would like to be able to open my windows in the evening and during the night to cool the house off, but I can't because of my experiences with people roaming around at night when the bars are in full swing and at closing. The noise is too much even with the windows closed. Security is another concern.

In a reply to someone who posted noise concerns on Dixon 411, the wife of the applicant claims that their place of business would not be any noisier than trucks travelling through town on 113. I think she needs to offer proof of how many big rigs drive through downtown Dixon in the middle of the night. I would say not many. Most are now taking Petrick Road. I grew up a block from 113 and have been back there for around 20 years. I don't remember ever being disturbed by the noise of a big rig in the middle of the night. The disturbances in the night originate from the bars downtown, not the big rigs.

#### Traffic

Streets south and east of the railroad tracks in the downtown area are gridlocked during the day by school traffic. It is only in the evenings and on weekends that my family can look forward to any relief from traffic all around us. Another bar, especially one offering live entertainment, a big screen T.V. for viewing sporting events and a large area for outdoor seating will attract more and more traffic in the evenings and on the weekends. We deserve a break. The people in the old part of town have to put up with all the inconveniences and negative impacts. There are many seniors and people trying to live on limited incomes in the old neighborhoods. There are also many Hispanic people. I agree with a neighbor who calls it "taking advantage of the disadvantaged."

I worry about parking my car on the street because I know someone whose car was involved in a hit and run. It happened after dark. I believe it was on a Saturday night. At the time, they were told that most hit and runs are the result of drunk driving. There was also a horrible accident at the intersection of North 1<sup>st</sup> St. and B St. near to the spot where

the Whiskey Barrel is planned. A hit and run driver killed an elderly business woman and injured her husband. Under the circumstances, I don't know how it would ever be proven if he was driving under the influence. Any hit and run is one too many, putting lives and property at risk.

I AM PROTESTING ON THE GROUNDS THAT THERE IS ALREADY AN UNDUE OR OVER CONCENTRATION OF LIQUOR LICENSES IN THE AREA.

I would appreciate information on when enough will be enough liquor licenses in the downtown area. We already have Luke's, Bud's, Dawson's, the Frying Pan, Bangkok Gardens, Taqueria Panchita and the more recent additions of the Barn and Pantry and PIP Wine Bar. They are all located within about two blocks or less of each other and all serve liquor on site. The Moose Lodge has a bar and so does the Olde Vets Hall. The Olde Vets Hall is only open for catered events, operated by the same people who have Bud's. But, the others all have posted hours.

I question why we need another bar or nightclub or whatever the Whiskey Barrel purports to be within the length of the same two blocks. It seems that enough will never be enough.

There is nothing downtown that meets my needs, other than the one remaining bank and the library. Once in awhile a family member orders takeout from the Mexican restaurant or the Frying Pan, but that's it. I have to drive outside of downtown for my family's basic needs. Yet, the husband of a former Planning Commissioner is applying for a new liquor license and she sees fit to request a use permit for outdoor seating.

LAST BUT NOT LEAST, I AM PROTESTING THE APPLICATION CONSIDERING THE SCHOOLS, CHURCHES, PARK AND LIBRARY IN THE IMMEDIATE AREA.

Public welfare and morals can't be preserved when liquor licenses are concentrated in an area where people make their homes and strive to raise their children and grandchildren with some sense of decency. While drinking alcohol and the behaviors it can elicit used to be strictly behind closed bar room doors, it is now on full display stretched out along the sidewalks on routes to churches, to schools, to the library and to the park. It is way past time to declare that enough is enough.

DECLARATION:

I, Deborah Allen, DECLARE UNDER PENALTY OF PERJURY THAT I AM THE PROTESTANT HEREIN; THAT I HAVE READ THE ABOVE PROTEST AND KNOW THE CONTENTS THEREOF; THAT THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO THOSE MATTERS WHICH ARE THEREIN STATED ON INFORMATION AND BELIEF, AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

SIGNATURE: Deborah Allen  
DEBORAH ALLEN

DATE SIGNED: March 5, 2022

SIGNED AT: Dixon, CA 95620

ADDRESS: [REDACTED]  
DIXON, CALIFORNIA 95620

# PROTEST AGAINST ALCOHOLIC BEVERAGE LICENSE APPLICATION

- Refer to Form ABC-510, Information Regarding ABC License Application and Protests (Rev. January 2014), before completing and submitting your protest. The ABC-510 is located at [www.abc.ca.gov](http://www.abc.ca.gov) and in each district office.
- Please print legibly or type. Incomplete and/or illegible information will cause the protest to be rejected.
- You will be notified by letter whether or not your protest is accepted.
- If the Department recommends licensure, you will be afforded the opportunity to request a hearing on your protest.
- If a hearing is scheduled as to whether or not a license should be granted, you or your authorized representative will need to attend the hearing to testify and/or present evidence to support your protest, or your protest will be deemed abandoned.
- All protests submitted to the ABC are public records and are open to inspection pursuant to the California Public Records Act (CPRA). (Gov. Code sec. 6254 et seq.)
- A copy of all valid and verified protests (ABC-510-A) and Protestants'/Complainant's Declaration (ABC-128) will be provided to the applicant as part of the licensing process.

I hereby protest the issuance of a license under the Alcoholic Beverage Control Act to:

Renger, Edward Michael  
(Name(s) of Applicant(s))

For premises at:

178 North 1<sup>st</sup> (First) Street Dixon, CA 95620  
(Exact address of proposed premises)

on the grounds that:

See 11 page protest letter with ~~32~~<sup>31</sup> <sup>bx</sup> pages of supporting documents attached. Map was prepared by another Dixon resident.

Check here if additional sheets attached

1. Ginger K. Emerson  
PRINT (Name of Protestant)

. declare under penalty of perjury:

- (1) That I am the Protestant herein;
- (2) That I have read the above protest and know the contents thereof; and
- (3) That the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe to be true.

Ginger K. Emerson  
PROTESTANT'S SIGNATURE  
Dixon, California 95620  
SIGNED AT (City and State)

TELEPHONE NUMBER (Optional & non-public)

March 7, 2022  
DATE SIGNED

[Redacted] Dixon, California  
PROTESTANT'S ADDRESS (Full address - Street name & number, Unit or Apt. No., City, State, & Zip Code)  
95620

March 7, 2022

Department of Alcoholic Beverage Control  
Concord District Office  
1800 Sutter Street, Ste. 450  
Concord, California 94520

Re: Protest against pending liquor license

Applicant: Renger, Edward Michael

License # 631028

Business Name: Whiskey Barrel 707

Business Address: 178 North 1<sup>st</sup> Street, Dixon, Solano County, California 95620

To Whom It May Concern:

I am submitting a formal protest against a pending liquor license for applicant Renger, Edward Michael, owner of the Whiskey Barrel 707 located at 178 North 1<sup>st</sup> Street in Dixon, Solano County, California 95620. Please review the following grounds for denial of the application.

**The premises is located within the immediate vicinity of a private Catholic school, two churches and a public park adjacent to the public library. The premises is located at the corner of North 1st (First) Street and East B Street. B Street is a designated Safe Route to School:**

As stated above there are two churches located in the immediate vicinity of the Whiskey Barrel 707 location. The closest church is the Calvary Chapel located at 150 North 1<sup>st</sup> Street just steps away from the Whiskey Barrel premises. In addition to Sunday services, evening Bible studies have been held at the Chapel (at least during pre-Covid times). Funeral/memorial services have been held there as well. Saint Peter's Catholic Church at the corner of East A Street and South Second Street (105 South Second Street) was established in Dixon over 100 years ago. The Church website lists pre Covid Mass, Confession and other times when the Church is regularly occupied. There is a Saturday evening Mass, as well as Sunday services. Weddings and funerals are held frequently at the Church as are baptisms and confirmations. Meetings of various Catholic groups are also held at the location on 2<sup>nd</sup> Street. The Church site includes a social hall that is used by the Church community. It is my understanding that with the lifting of more Covid restrictions, religious services and other activities at both churches hope to return to their full schedules.

A private Catholic school, the Valley of the Sacred Heart Academy, is currently offering instruction at the site of St. Peter's Catholic Church at East A and South Second Streets. Instruction is both academic and faith based. It is my understanding that the Church has also purchased property (a number of lots) for construction of a new school directly across East A Street on the corner of East A and North 2<sup>nd</sup> Streets. For many months, a large sign on the site has announced plans for the new school and it displays an architectural rendering of the exterior of the building.

There is also a public park in the 200 block of North 1<sup>st</sup> Street next door to Dixon's only public library, a Carnegie listed on the National Registry of Historic Places. The Carnegie fronts East B Street across from the Whiskey Barrel site. It is still in use as a "quiet" area within the library. The main entrance to the library is on North First Street.

B Street is designated as a Safe Route to School. It directly aligns with the West B Street Undercrossing constructed a number of years ago for the purpose of providing an underground pedestrian crossing at the railroad tracks for the community, specifically for school children and bicyclists. East B Street right alongside the Whiskey Barrel site is a straight route from the undercrossing to the recently opened John Knight Middle School.

Considering that the school, library, park and churches are all, to one degree or another, geared to the needs of children, I agree with other community members who have concerns about protecting "public welfare and morals." It seems that some of our local city leaders and staff have lost sight of the idea "that it takes a village to raise a child." Not all families are traditional; many households are headed by a single parent. And it is not like in times long past when households could rely on just one breadwinner. I haven't heard the term "latchkey" children in a while, but no doubt children of a certain age are still left to their own devices after school and in the summer. Of course, as a former teacher, I am concerned for the sake of the children throughout the community, but I am particularly worried about the influence of another liquor establishment on the children living in or very near downtown Dixon. Are parents who are trying to instill moral values in their children expected to ban them from going to the park or library or just riding a bike or walking along B Street past the Whiskey Barrel to access the undercrossing? Some of the outdoor features proposed for the Whiskey Barrel seem akin to an "attractive nuisance" from a public welfare and morals perspective. Children will be curious about the tournaments the applicant is offering and even attracted to the patio seating. They will wonder about the lines of people waiting to get into the live entertainment. Seven o'clock is far from dark in the summer time and children in the neighborhood are still out. The "bar scene" is no longer within the confines of a building, as the plans for outdoor use at the Whiskey Barrel demonstrate.

We rightfully spend a great deal of time alerting children about trafficking. Do we consider how a teenage girl or even a young woman feels about being ogled as they walk down the sidewalk by some of the adult men hanging out at the outdoor seating offered by establishments like the Whiskey Barrel? Does it heighten their fears?

Just within the last day or so, I have received two copies of an anonymous letter addressed to city officials and apparently sent to various organizations and individuals in Dixon. I received one copy with my mail and another from someone else who had received it as well. Among other points the author of the letter raises questions about the type of environment that is being promoted by the Whiskey Barrel owners. It has been suggested that I include the letter attached to my protest so that it can be considered by your department.

**The premises is located in a residential area and the normal operation of the licensed premises would interfere with the quiet enjoyment of their property by the residents of the area:**

For the sake of economic development that a reinvented downtown promises, people living nearby are apparently asked to sacrifice any expectation of quiet enjoyment of their homes. The concerns of those residents about the impacts of noise, traffic and overflow parking; privacy and security are well documented in the public record of the City of Dixon.

Both the current Zoning Ordinance and the recently updated General Plan provide for residential uses in the downtown commercial core of Dixon. The General Plan Update passed in May of 2021 calls for incentives to provide housing on the upper floors of downtown commercial buildings. Zoning for the downtown core permits Single Room Occupancy on the upper floors of those downtown buildings. Providing zoning for SRO is a state requirement. In addition, the 2019 Strategic Plan prepared for the Dixon Fire Department references apartments on those upper floors. A number of years ago, the city approved low-income housing above commercial development at 165 East A Street on the same block as the Whiskey Barrel site. Another older apartment complex across the back alley from the Whiskey Barrel has provided affordable rental housing for Dixon residents for many years. Furthermore, the General Plan update at 3.6 references "there are charming residential neighborhoods within a few minutes walking distance of the commercial core." Those nearby neighborhoods in the next blocks have long been zoned RM 1 and RM 2 and have provided for a substantial portion of the City's multiple family housing, as well as more affordable single family rental properties. Some units are under Section 8 housing for low-income tenants. The neighborhoods surrounding downtown are also where Dixon's historic homes are located. Most are modest but nevertheless considered historic by the community. Affordable senior housing is located on North 2nd street about three blocks away from the Whiskey Barrel site. The La Esperanza housing development, providing an opportunity for owner occupied housing for low-income residents is in the same vicinity. The number of residences in or very near downtown should not be downplayed and discounted.

For years the residents of those neighborhoods have expressed concern (by petitioning the city) for the quiet enjoyment of their homes. During daylight hours during the week, the arterial and collector streets lined with residences are heavily impacted by traffic from the local schools. Taking the path of least resistance has school traffic spilling over onto neighborhood streets designated as "local residential" (contrary to the General Plan which calls for the city to discourage that pass-through traffic). I would point out that in the introduction to the General Plan update at 1-10, it is acknowledged that "Cal EPA screening data indicated that some census tracts in Dixon are among the most impacted in the state for ...traffic density." I have no doubt that had the Census Tract been identified it would include the downtown commercial core during school hours and as people come and go from work from newer neighborhoods to the south.

During daylight hours on weekdays, traffic contributes to noise. Overflow parking into residential neighborhoods also contributes to noise. It has only been in the evenings and on weekends, that area residents have enjoyed relief from traffic related noise. Adding an establishment on the scale of the Whiskey Barrel will definitely change all that. Weekend outdoor tournaments are proposed. One or more outdoor lounges are described. People arriving and lining up to get into a live music performance will be excited and more inclined to be noisy.

In the past, mitigation of noise was shifted to the residents with the distribution of a flyer suggesting that they close their doors and windows and turn up their TVs to drown out noise from a site under construction at the time. Many residents are concerned that mitigation of noise associated with the Whiskey Barrel will once again be left up to them.

A few days ago, an article in the Vacaville Reporter suggested that granting a Conditional Use Permit for the Whiskey Barrel would be a major step in making downtown Dixon a "nightlife hub." There was no mention of the impacts on nearby residential uses and no acknowledgement that nearby residents are entitled to the quiet enjoyment of their homes.

The building on the site was designed and used as a bank for years. Such a daytime use is far more compatible with nearby housing, the vast majority of which long preexisted any plan to reinvent downtown. It is of interest that the City's General Plan Land Use Matrix does not acknowledge and distinguish different types of commercial use. That matrix needs to be revisited if traditional daytime commercial uses downtown are going to be replaced with a concentration of nighttime uses. There is absolutely no similarity between noise generated in a commercial area by an office building or a specialty shop and that produced by a nightclub.

It needs to be pointed out that noise pollution has been labeled as the next big public health crisis and like all public health crises, it has been shown to disproportionately affect certain populations. Even lower levels of noise have been shown to have significant health impacts. Noise disrupts sleep and has been shown to have negative cardiovascular and metabolic effects. It can also have negative impacts on language development and learning outcomes in children.

I would suggest that the quiet enjoyment of one's property involves more than just peace and quiet. Peace of mind should also be a consideration. More activity in an area raises concerns about privacy. More activity, especially after dark raises concerns about security. More activity raises concerns about emergencies, both medical and fire. Over the years, residents living in and near downtown have repeatedly expressed concerns about public safety. The only fire station presently in Dixon is located on the other side of the railroad tracks from the downtown core and from homes to the south and east. A new fire station will also be located on the opposite side of the railroad tracks from the downtown commercial core and from the older neighborhoods surrounding the downtown. I believe that those peace of mind concerns for their safety and the protection of their homes warrants consideration of the City of Dixon Strategic Plan prepared for the Dixon Fire Department in 2019.

Information presented under the Community Risk Assessment of the Strategic Plan is particularly pertinent and I am providing copies of relevant pages. I would note that "Maximum Risk" is assigned to areas including: "Concentrations of theaters, cinemas, clubs, dance hall, bars and other areas with potential for large life loss." I would also point out that bars such as Dawson's and Bud's are included under illustrations of high occupancy facilities. Quoting from the Strategic Plan "These facilities include place of public assembly, churches and other facilities where large crowds will gather. They provide a risk of mass casualty incidents, as well as fires and potential terrorist incidents." While the City may be requiring a fire suppression system for the building, in and of itself, it will not address all types of mass

casualty incidents. And In conversation with a former fire division chief from another city, it is my understanding that fire suppression systems are designed to allow time to evacuate occupants of a building and to retard, but not to extinguish fires. On a related note, it is reasonable that establishments serving liquor, especially bars and nightclubs would have occupants that would require assistance in an emergency. Someone impaired to the degree that they would need the services of a "sober driver" being offered by the applicant would not be able to fend for themselves in an emergency.

From my perspective and that of other residents, an emergency event downtown, such as a fire, would put the homes in their neighborhood at peril. Recent catastrophic fires have been wind driven. In the case of a fire downtown, a north wind would drive fire into neighborhoods that are already considered high risk in terms of the having "concentrated areas of single or two-story multifamily dwellings." As already noted, the neighborhoods surrounding downtown have been zoned multiple family for many years. And two (two -story) apartment complexes, one less than 100 feet away, are on the same block as the Whiskey Barrel site. In addition, both historic and older homes in the surrounding neighborhoods are not sprinklered like homes in new subdivisions.

I would be remiss if I did not point out that, residents living on fixed and /or low incomes do not have the means to relocate away from the detrimental impacts associated with a concentration of nearby liquor licenses. Nor, do they have the disposable incomes to frequent such establishments. Social justice issues related to concentrating liquor licenses in an area inhabited by many low-income residents should be considered.

Other homeowners in the established, historic neighborhoods near downtown feel stuck as well. Even taking into account the potential sale of their homes (many modest bungalows), they feel priced out of relocating away from downtown by the skyrocketing housing market. Many property owners in the area are baby boomers and older residents. They shouldn't feel driven out of the homes they have restored and lived in for years because of some interest in concentrating bars/pubs/ lounges/ nightclubs in the downtown area, making it a "nightlife hub." Again, there seems to be a social justice issue involved. I am attaching a separate page on a type of displacement as it affects older residents.

Particularly in a housing shortage no resident should feel displaced to order to accommodate alcohol generated income for certain business. Housing is a necessity; bars/pubs/lounges/nightclubs are not.

**The premises and parking lot is located within 100 feet of a residence and the applicant has failed to establish that the operation of the licensed premises would not interfere with the quiet enjoyment of the property by the residents:**

Noise from the operation of the licensed premises and its parking lot will extend well beyond the building and lot as patrons come and go.

The premises back up to an alley that is otherwise quiet during evening, night and weekend hours. An apartment building at 145 North 2<sup>nd</sup> Street backs up to the east side of the alley and the Whiskey

Barrel site abuts the west side of the alley. The apartment complex is less than 100 feet from both the premises and the parking lot. The windows of certain units of the apartment complex open directly onto the alley. The alley is one way behind the apartments. It will allow vehicular ingress to the premises from East A Street. It will also serve as a route for pedestrians to come and go from the premises during business hours up and until closing. As one resident of the complex posted on Dixon 411

As someone who lives behind that old bank, I'm concerned about the noise and drunk people its going to bring to our quiet little apartment complex. Most people in my complex work 6 days a week. The noise on the weekends when we have to wake up early on a Saturday morning has me worried. Also where are they going to park? Just some concerns from one of your neighbors

A low-income apartment complex is located on the corner of East A and North 2<sup>nd</sup> Street on the same block diagonal from the Whiskey Barrel site. The address is 165 East A Street. Distance from the Whiskey Barrel premises might be barely over 100 feet. Furthermore, zoning in the downtown commercial core permits Single Room Occupancy housing in the above ground level floors of downtown commercial buildings. The recent General Plan Update of May, 2021 provides that the City will be looking for incentives to better utilize the second stories of buildings in the downtown core for such housing. The 2019 Strategic Plan by the Dixon Fire Department also references apartments in those buildings.

The outdoor seating will also be a source of noise for residents living within 100 feet and beyond, particularly for those occupying the upper floors of buildings on the same block, across the street and down the way. Residents living at distances considerably further than 100 feet are disturbed by patrons "congregating" outdoors at the existing bars downtown. Outdoor seating at the other establishments generates activity, particularly during evening and nighttime hours during the warmer months. Many nearby residents would prefer opening their windows rather than relying on air conditioning during those peak hours for electric usage and cost; but are discouraged by the noise of the nearby establishments.

Vehicular traffic is another issue that will affect residents in the immediate vicinity and beyond. For the residents of the apartment complex that backs up to the alley, exhaust fumes will be an issue. Both noise of more traffic coming and going and fumes will discourage them from opening windows in the heat of the summer.

Again, the City of Dixon Strategic Plan of 2019 prepared for the Dixon Fire Department is relevant, particularly in regard to the two apartment complexes on the same block as the Whiskey Barrel premises and any apartments or single room occupancies that exist or will exist on the second or third stories of downtown commercial buildings.

**Licensing the premises would create a public nuisance as defined in Penal Code Section 370:**

Urinating in public is a public nuisance in California. It is an affront to residents' and business owners' quality of life.

Over an extended period of time, police logs should reflect and witnesses will testify that I made numerous calls to the Dixon Police Department involving trespassing on my property late at night. On multiple occasions we found evidence of public urination on our front porch. On one occasion the responding officer tried to reassure us that we were not in danger by stating that the trespass on our porch was just "drunks" walking home from the bars. On another occasion, responding officers found and spoke with an individual on foot late at night along the side of my property. Although the trespass and urination continued, at a certain point I gave up on repeated calls to the police. Since the beginning of the pandemic however, I have not been alarmed by anyone on the porch late at night. And, we have not found evidence of urine.

I would point out that other nearby residents have witnessed public urination in the alleys in residential areas near downtown. A quote in the San Diego Free Press regarding public urination associated with bars got right to the point and is applicable to what residents near downtown deal with in Dixon. "The hospitality industry is always whining 'It's not OUR fault that our customers leave the bar and vomit and pee somewhere down the street or around the corner on their way home.' Well all I can say is, you drink a lot, you pee a lot and if toilets are not available, then you do it where you can." Just because public toilets are not available as bar patrons walk home in Dixon, shouldn't mean that I, or anyone else, should have to put up with "drunks" urinating on our private property or anywhere else. I would note that reports I've heard from family members and friends in another community that provided public toilets in a downtown area were alarming. Vagrants were sleeping in, having sex in and shooting up drugs in the toilets.

I would point out that information from the League of California Cities confirms that "Courts have ruled that the existence of a public nuisance regardless of fault by the license holder, may support the revocation of a license." I would suggest that exacerbating a nuisance should also be a consideration in the granting of a license.

Vehicular noise such as revving engines and cars peeling out, is also a nuisance or other type of violation. While serving as a Commissioner on the City of Dixon Transportation Advisory Commission, I questioned what could be done to address the complaints that were directed to me. I was told by the Dixon police officer on staff that the police department advises residents to get the make and model of the vehicle involved and the time of day that incidents occur. It is highly unlikely that residents, awakened late into the night when patrons are leaving a bar/nightclub, would be able to report any information about the vehicles involved. Even in the daylight hours, it is especially difficult for older residents with failing eyesight and mobility issues to attempt to collect information about a vehicle. When I repeated the advice from the officer, one senior lady exclaimed "all cars look alike to me." And as acknowledged by the Dixon police officer on staff, by the time the police arrive, the offender is long gone. As a consequence, many residents see no point in a call to police dispatch for a disturbance that, in all likelihood, will not be resolved.

One option for addressing nuisances might involve law enforcement regularly patrolling the vicinity near the bars/nightclubs and the surrounding residential neighborhoods. Of course, that would

involve the expenditure of public resources to accommodate a certain type of business, concentrated in a small area. Other communities have made that choice, one in particular did multiple studies that revealed an appalling number of citations issued for public urination in areas concentrated with liquor licenses. And it was noted that those only involved people who got caught. But it goes without saying that patrolling for nuisances associated with bars and nightclubs would involve taking valuable police resources away from other priorities.

**Issuance of the license would result in or add to an undue concentration of licenses:**

Issuance of a liquor license to Mr. Renger for his Whiskey Barrel 707 establishment would add to an already undue and over concentration of licenses, particularly in the downtown commercial core of Dixon very close to residential uses. Based on the most recent information from the ABC website updated in August of 2021, eight (8) on sale licenses are authorized for the tract which includes the downtown commercial area. Using various on-line sources, I have identified at least 7 on sale liquor licenses (numbers 41, 47 and 48) concentrated in very close proximity in downtown Dixon (a very small area within a much larger tract that includes at least 3 more on sale licenses). The downtown licensed establishments are clustered along the 100 and 200 blocks of North 1<sup>st</sup> Street; at the corner of the 100 block of South 1<sup>st</sup> Street and West A Street; and in the 100 block of West A Street. A wine bar in the 100 block of North 1<sup>st</sup> Street has a number 42 liquor license allowing for both the onsite consumption of liquor as well as the purchase for offsite consumption. It should be counted based on the on-site consumption. According to Google maps the distance between Luke's Lounge and the Barn and Pantry (at the far ends of the downtown commercial cluster of licensed establishments) is 0.1 miles (which is 528 feet). The travel time is listed as one minute. The other licensed establishments in the commercial core are in between. I would point out that there are also at least two other establishments with liquor licenses downtown, one for a lodge (bar) and the other associated with a catering business that owns and rents out the restored Olde Vets Hall.

I was perplexed to find that the staff report for the March 8, 2022 Planning Commission meeting did not reference all establishments in the downtown area or the larger census tract with type 41, 47 and 48 licenses. I was told on a call I made to the Department of Alcoholic Beverage Control that those license types (and possibly others) are used in a calculation of whether there is an undue or over concentration of licenses in the area. An accurate accounting of how many liquor licenses exist in the downtown area and the census tract needs to be provided by the City before any consideration of permitting the Whiskey Barrel or any other application for another license moves forward. While the applicable census track is large, the heavy concentration of liquor licenses is within the confines of a very small area downtown.

I also did not see any mention of the requirement for a finding of "public convenience and necessity" which I understand must be made by the Planning Commission if the area has more than the allowed number of licenses, which according to the ABC website is 8 (updated by ABC in August 2021 and downloaded by me in February of 2022). I have not found any notification of a hearing to determine

the "public convenience and necessity" to conditionally permit another bar/lounge in downtown Dixon.

**Not grounds, but confusion over the true or sole owner of the business to be licensed:**

While I understand that LLC status of the Whiskey Barrel does not require all owners to be named on an application for a liquor license, apparently that status was not clear to some residents who looked at the public notice on the building. It raised questions regarding ownership of the business. The required public notice posted on the building at 178 North 1<sup>st</sup> (First Street) lists Edward Michael Renger as the liquor license applicant for Whiskey Barrel 707. In the February 25<sup>th</sup> edition of the Independent Voice newspaper the City of Dixon published official notification of a public hearing for a Conditional Use Permit for outdoor seating for a pub/lounge at the Whiskey Barrel site which shows Tiffany Fabiani as the owner/applicant. Adding to the confusion, the staff report for the March 8, 2022 meeting of the Planning Commission states "On December 22, 2021, Edward Renger (applicant) on behalf of Tiffany Fabiani (owner) submitted a Planning Application (21-36) requesting a Conditional Use Permit (UP 21-02) to establish a new pub/lounge (Whiskey Barrel 707) within the existing building." I bring this up only to apprise the Department of the confusion it caused some members of the public.

**Licensing the premises is contrary to the provisions of the City of Dixon valid zoning ordinance:**

I am providing copies of a number of Chapters of the current City of Dixon Zoning Ordinance. First of all, I would call your attention to Chapter 18.09: CD Downtown Commercial District. Conditional uses are listed under Section 18.09.30. Under 18.09.30 C, "Bars including microbreweries and pubs" require a Conditional Use Permit.

According to the Notice of a Public Hearing printed in the Independent Voice newspaper on February 25, 2022, Ms. Fabiani applied for a CUP for "permanent outdoor seating associated with a new pub/lounge" at 178 North 1<sup>st</sup> Street. As I read and understood it, the notice did not reference a required application or public hearing relative to the use of the premises for a bar/lounge/pub, but only for the outdoor seating. However, a review of the staff report for the Planning Commission meeting of March 8, 2022 (available on line on March 4, 2022) indicates otherwise. Contrary to the public notice published on Feb. 25 which focused on a CUP for outdoor seating, the staff report states that the Planning Application requested a Conditional Use Permit to establish a pub/lounge. Staff further stated: "Pursuant to Dixon Municipal Code Section 18.09.030 A and C, a Conditional Use Permit is required for both the permanent outdoor seating, as well as the pub use in the CD zoning district. "

If it was the intent of the applicant and City of Dixon staff to address both the CUP for the bar/pub/lounge and the CUP for outdoor seating at the public hearing of March 8<sup>th</sup> 2022, the public notice was unclear and entirely misleading. The Zoning Ordinance addresses each requirement for a CUP specifically and separately, A, B, C and so on. An applicant might apply for one and not another. For example, a bar without outdoor seating or an outdoor seating addition.

I would add that the applicant, Mrs. Fabiani Renger has in the past, served multiple times on the Dixon Planning Commission. Both she and City Staff should understand the importance of clear and accurate noticing. Members of the public cannot adequately prepare for or address issues at a public hearing when the noticing is incomplete and misleading. It would be reasonable for a public notice to make clear the primary requirement for a CUP before it addresses a secondary reason. And, considering that the City of Dixon Planning Commission is still meeting remotely thereby limiting their exposure to Covid 19, it seems unreasonable to expect members of the public to review files at City Hall in order to determine the primary and true reason for the hearing that was improperly noticed. Under the circumstances any determination by the Planning Commission regarding Conditional Use Permits for the Whiskey Barrel would be inappropriate and could be grounds for appeal.

While "bars, including microbreweries and pubs" are allowed conditionally in the downtown commercial district, nightclubs are not. Unlike microbreweries and pubs, nightclubs are not specifically included in the code. Calling your attention to Chapter 18.02, Section 18.02.010 D, nightclubs are considered an Assembly Use. By definition: "Assembly use means any land use that includes regular gatherings as a group to participate in, listen to or view an event such a class, meeting, show or worship service. Assembly uses include, but are not limited to: theaters, auditoriums, meeting halls, music or dance studios, gymnasiums, schools, nightclubs with entertainment, sports arenas, churches, and clubs or lodges." Section 18.19.10 B of Chapter 18.19 governs criteria for an assembly use overlay on a parcel. That Section reads: "Except for parcels on which assembly uses existed prior to September 27, 2005, reclassification of property to include the AU assembly use overlay district shall be limited to parcels which meet the following criteria: 1. One (1) acre in size or larger 2. Located on collector or arterial streets as defined in the General Plan, and 3. Situated such that assembly uses are otherwise compatible with any existing or planned abutting use."

Granting Whiskey Barrel 707 a type 48 liquor license for nightclub consumption of alcohol would be contrary to the aforementioned Chapter and Sections of the Zoning Ordinance of the City of Dixon Municipal Code in that: nightclubs with entertainment are considered an assembly use. In order for a parcel to qualify for an assembly use overlay it must be at least one acre in size, or have been grandfathered in by City resolution. According to real estate sites advertising the lease of 178 North 1<sup>st</sup> Street, the parcel is 0.33 acres. I would point out that the applicant on her Dixon 411 post referred to her establishment as a lounge/nightclub. Regardless of an application for a Conditional Use Permit that refers to it as a pub/lounge, her intentions of establishing a nightclub are clear from reading her e-mail correspondence with the City's Planner (attached to the Planning Commission agenda of March 8, 2022 and available for review online at the City of Dixon website).

As already pointed out, even if granting a Conditional Use Permit for a nightclub was allowed by City code, it would require a finding of "public convenience and necessity" in an area already unduly and over concentrated with liquor licenses. Rather than a convenience, another on sale site for the consumption of alcoholic beverages in the limited confines of downtown Dixon would be a burden on the residents of the area, having a very detrimental impact on their quality of life.

**Conclusion:**

In closing I would refer to the Department of Alcoholic Beverage Control precedential decision of 2019, No 19-01-L, in regard to the filing of protests. Quoting from Conclusion of Law 20: "Indeed, there may be many reasons why an individual chooses not to, or is unable to file a protest against the issuance of a license." In this case, it is my understanding that the City Council and Planning Commission received a letter from a resident explaining his/her reasons for not filing a protest. The writer referred to "social media backlash" and the fact that Mrs. Fabiani Renger is the administrator of Dixon 411 where she has aired her plans for the Whiskey Barrel business and solicited support.

I would also point out that many residents would not be able to attend a hearing and understand that as a result, their protests would be dismissed. Many residents could not miss work; others have no transportation out of town. Some are older or in poor health, others are caring for small children. Those for whom English is a second language are uncomfortable testifying. And others fear retaliation. For those very same reasons, they may not be able to find a representative.

**Declaration:**

I Ginger K. Emerson, declare under penalty of perjury that I am the protestant herein; that I have read the above protest and know the contents thereof; that the same is true of my own knowledge except as to those matters which are therein stated on information and belief, and as to those matters I believe them to be true.

Ginger K. Emerson  
Protestant's Signature

Dixon, California 95620  
Signed At

March 7, 2022  
Date Signed

[Redacted] Dixon, CA  
Protestant's Address 95620

## NOTICE OF PUBLIC HEARING OF THE DIXON PLANNING COMMISSION

Attachment 5

In accordance with the Government Code section 54953(d) and City of Dixon City Council Resolution No. 22-018, the Dixon Planning Commission will hold a remote PUBLIC HEARING to consider the following project:

**PROJECT:** 178 North First Street - Request for a Conditional Use Permit to have permanent outdoor seating area associated with a new pub/lounge that will occupy the existing building; APN: 0115-082-090; Zoning District: Downtown Commercial (CD); Tiffany Fabiani, owner/applicant; File No: PA21-38, UP 22-02

*The California Environmental Quality Act ("CEQA") requires that this project be reviewed to determine if a study of potential environmental effects is required. It has been determined that this project will not have a significant effect on the environment and no environmental review will be completed. This project qualifies for a Categorical Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15301, Class type 1, Existing Facilities. If the Planning Commission determines that this project is in an environmentally-sensitive area, further study may be required.*

**HEARING DATE & LOCATION** Tuesday, March 8, 2022 at 7:00 pm. This meeting will not be physically open to the public. All members of the public may participate in the meeting via video conferencing at <https://us02web.zoom.us/j/9886211377?pwd=R2dxcz3rkbu5eQxdluvirkc0c1qWzz09> or via teleconference by calling (669) 800-9128, meeting ID: 988 621 1137, passcode: 604754 and will be given the opportunity to provide public comment.

**MORE INFORMATION:** Contact Scott Greeley, Associate Planner at (707) 678-7000 ext. 1115 or [sgreeley@cityofdixon.us](mailto:sgreeley@cityofdixon.us). You can also come to City Hall, 600 East A St, Dixon, CA 95620 to look at the file for the proposed project. The office is open weekdays from 9:00 a.m. to 4:30 p.m. You can also view the staff report after 12:00 p.m. on the Friday before the meeting at <https://www.cityofdixon.us/MeetingAgendasMinutesVideos>.

**WHAT WILL HAPPEN:** All interested parties are invited to remotely attend the public hearing to express opinions or submit evidence for or against the proposed application. Testimony from interested persons will be heard and considered by the Planning Commission prior to making any decision on the application.

**PUBLIC COMMENTS:** Prior to 4:30pm on the day of the meeting, written comments can be: 1) emailed to [PlanningCommission@cityofdixon.us](mailto:PlanningCommission@cityofdixon.us) or 2) mailed/dropped off to: City of Dixon, Planning Commission, 600 East A St, Dixon, CA 95620 and must be received by 4:30pm on the day of the hearing. Copies of written comments received will be provided to the Planning Commission and will become part of the official record, but will not be read aloud at the meeting.

You may remotely attend the public hearing at the time and location listed above, and provide comments during the hearing. To speak or provide comments during public comment period at the meeting, you may 1) via video conferencing click on "raise hand" 2) via teleconference press \*9, or 3) email comments/questions to [publiccomment@cityofdixon.us](mailto:publiccomment@cityofdixon.us)

*At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b)(2)).*

*Appeals of decisions by the Planning Commission to the City Council shall be made in person at Dixon City Hall by completing the appeal application and submitting the required fee, within 10 calendar days of a decision (Dixon Municipal Code Sections 17.01.050 or 18.40).*

*Upon request, the agenda and the documents in the meeting agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City encourages those with disabilities to participate fully in the public meeting process. Any person requiring special assistance to participate in the meeting should call (707) 678-7000 (voice) or (707) 678-1489 (TTY) at least 48 hours prior to the meeting.*

Dixon Independent Voice February 25, 2022

**Tiffany Fabiani - Renger** is in **Dixon, California**.

January 28 at 11:14 PM 🌐

Well its time to lay the rumors to rest and let the cat out of the bag... if you havent seen the public notice yet on the OLD BANK OF AMERICA BUILDING DOWNTOWN - as the proud poject owners, allow my husband Mickey and I to introduce you to the [#whiskeybarrel707](#)

We are preparing to open a brews, blues and whiskey tasting room, and live music venue. 😊 while we will have a fully stocked bar, the specialty whiskey/whisky tasting will be in the old bank vault, equipped with a fire place and old rustic lounge furniture (think 1940's cigar club).

Mickey is a man of many hats, and as a professional (and published) music photogrpaher, with touring bands hosted from all genres, the live music line-ups are going to be ridiculous!!!!

For the sports fanatics, We will also be hosting UFC fight night and just about every pro sporting event on a 200 inch (4k) t.v.

And for the ladies, gents and our non gender guests who prefer a more sophisticated lounge/nightclub experience, we will have a pro DJ, dancing and fully equipped VIP booths with bottle service - cuz we are all about that weekend night life too!

So whether you're low down and dirty, or bad and boujee... we got you! We'll be pouring "Mock"tails for the NA drinkers and sober drivers too, we won't forget about you! Good eats and a good time to be had by all!

— — — — —

March, 2022

Dixon City Council, Planning Commission, Chamber, DDBA, Organizations & Individuals:

The "cat came out of the bag" a short while back about the plans for the old Bank of America building downtown. So far for the course those people objecting on Dixon 411 were accused of shaming the owners. Seems there's plenty of shame to go around.

Where better to start than with five hypocrites on the council. Don't dare forget the planning commission and the various do good organizations in town like the chamber of commerce, the downtown business group and all the others that say they promote the quality of life in our, too big for its britches, little city.

Check out the announcement made by liquor license applicant Renger's new "wifey", none other than Facebook 411 administrator, Tiffany Fabiani Renger (former planning commissioner who resigned from her last appointment). She let more than one cat loose. A brews and blues joint? Must not overlook their Facebook invitation: "So whether you are low down and dirty, or bad and boujee ... we got you!" With new hubby, Renger's connections to the bands of all genres they are offering "rediculous" live music.

Who are the low down and dirty that Fabiani Renger hope to attract with their Facebook post? Check it out on Urban Dictionary. The skeevy; skanky; shady; sordid; nasty; dirty; contemptuous; deceitful, that's who. Right downtown in the next block from long established homes, a couple doors down from a church and on the next corner from the library and a park. What about " ... we got you" the bad and boujee? Does Bad and Boujee "Smokin up cookie in the hotbox" ... "Cookin up dope in a crockpot" ... "Cookin up dope with an Uzi" ... "We got 30's and 100 rounds too (grrah)" ... "I don't trust nobody, grip the trigger" appeal to you all for historic downtown Dixon?

I get it. Free vulgar speech and a good time, but why not by the freeway like in the ole Kat Patch days? Ask any of your old timer friends about that joint? Instead a bank goes into the old Chevy's along the Interstate. What better spot for "low down and dirty, bad and boujee" nightlife. An area with an empty building or two and vacant lots away from residences, churches, schools, parks. Away from supportive housing for struggling to recover veterans. Away from poor families and old people on fixed incomes that could use a carton of milk much more than a taste of whiskey at another bar in a small downtown with way too many liquor licenses already.

With her invitation to the low down and dirty and bad and boujee, Fabiani put it all out there. Real "sensitive" to impacts on the neighbors, she says. Not buying any self serving 411 pitch, especially when legit objections are deleted.

Honorable council men, commissioners, chamber of commerce, DDBA and non-profit boards; a downtown location must fit better with your idea of small town character. Right? Forget about the Calvary Chapel mere feet away or the Catholic Church and school less than 500 feet. Forget about the public library, the improvement club park.. Forget about the B Street Safe Routes to School. Not any bars and nightclubs near your homes or the schools, parks and churches in your neighborhoods. Why should you care? Let the tenants of the city approved low income housing in the same block put up with it. Let the residents of the neighborhood all around deal with it, residents with young families or elderly or alone. All in the name of entertainment and economic development as long as it isn't in your backyard. Right, Mayor Bird? Weren't you the main man along with ex Chief of Police Fuller who didn't approve of a certain crowd hanging out at an air bnb near you? Former commissioners Ernest, Johnson, Hendershot before you took your seats on the council, as Dixon's big fish in a small pond, didn't you restrict the hours of a business downtown taking note of the neighbors and

churches? Not now, no way. No interest in providing for some quality of life for the little kids, the elderly and the low income folks living too close for comfort. Support your downtown Dixon cheerleaders ramping things up. Their "mommy juice" culture turned low down and dirty, bad and boujee.

Some say having a former planning commissioner running Dixon 411 Facebook has its benefits for those interested in gussying up downtown to the exclusion of many people living close by. Reading Facebook posts it seems that man lives by booze alone.

I'm more inclined to agree with your Chief of Police when he tells ladies at their club meeting not to believe everything you read on social media.

Honorable council men and commissioners ever hear the expression "your names are Mudd?" That goes for you too, Chamber and DDBA boards and any other organizations that condone Fabiani's venture. Be sure to let your members know that you won't be seeing my family and friends downtown or supporting any of your causes. If Whiskey Barrel or one more bar is deemed a public convenience and necessity downtown, we'll abandon Dixon businesses altogether and head to Davis or Vacaville. Once the word gets out about you encouraging the low down and dirty and bad and boujee to darty (drunken party) in downtown Dixon, we won't be the only ones. Sorry Bud and Cherie, you've been our favorites over all these years.

Why not file a protest against the liquor license you ask? I thought about it, but my loved ones and friends urged against it. Don't want any Uzi triggers pointed at me. Social media backlash is one thing, but guns speak louder than words. I'm no shrinking violet, but free speech comes at too high of a price for many of us nowadays. It's only for the low down and dirty, the bad and boujee.

Just spreadin' the word. No signature. I'll just hide behind anonymous for now. A true blue member of the intimidated, shakin' in our boots Silent Majority! Ever heard of us?

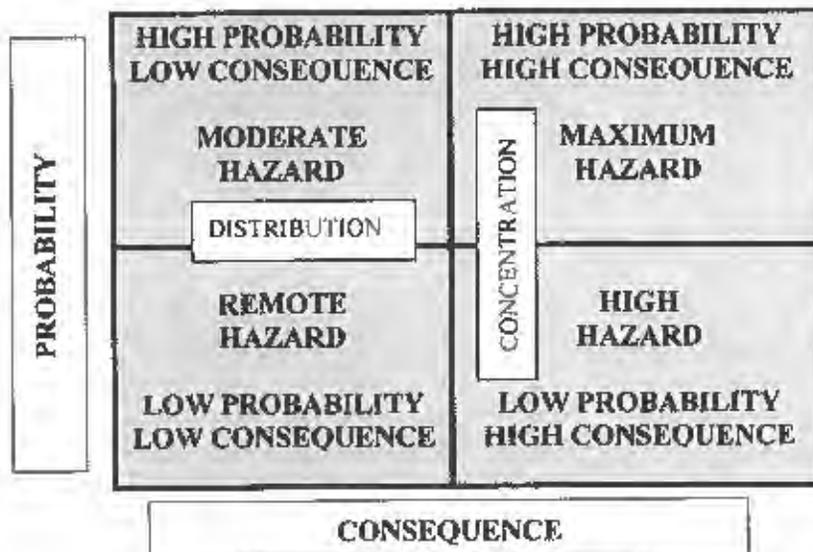
## 4 Community Risk Assessment

Risk is defined as the possibility of loss or injury or other unwelcome adverse circumstance or event. As a community we try to reduce the effects of the unwanted events through mitigation efforts prior to an emergency and using services such as police departments, public works and fire rescue.

### 1. RISK FACTORS AND CATEGORIES

Determining the fire and non-fire risks in a community provides the foundation to develop resource deployment strategies to reduce the effects of the unwanted events or circumstances. There are three primary components used in the risk assessment.

- Identification – what are the hazards faced by the community.
- Probability – the likelihood that an unwanted event will occur within a given period of time. Events that occur daily is highly probable while those that occur annually are less likely.
- Consequence – the measure of disparate outcome that can be defined by loss of life, loss of property and loss of historic values.
- Occupancy Risk – an assessment of the built upon area and the types of structures in the area, their occupancies, and any special risks that may be present.



The graph above illustrates the correlation between the probability of occurrence and consequences of that occurrence. The result of this graph then allows for the identification of the hazard class. The four hazard classes are defined as follows:

### **(1) Maximum Risk**

An area classified as maximum risk should be of substantial size and contain properties presenting a high risk of life loss, loss of economic value to the community, or large loss damage to property if destroyed. Such areas would ordinarily be the highest fire flow areas and have a high probability of events. The structures within them may lack built in fire protection features and may contain occupants not capable of self-preservation. Maximum risk areas include the following:

- Major shopping and business centers, large department stores, shopping malls, multi-story hotels, and office properties.
- Concentrations of high risk industrial and commercial properties including hazardous materials facilities.
- Concentrations of theaters, cinemas, clubs, dance halls, bars and other areas with potential for large life loss.
- Occupancies with occupants that may require assistance such as non-ambulatory or restrained persons (i.e., nursing homes and hospitals).
- Any occupancy over 10,000 square feet without built-in fire protection.
- Emergency medical, rescue, special operations incidents requiring multiple alarms.

Maximum risks frequently impact a fire agency's needs for multiple alarm capability and an adequate assessment of its ability to concentrate resources. Failure to identify these risks often results in the inability to effectively control these incidents.

### **(2) High Risk**

A high-risk area is defined as one that contains properties or hazards presenting a substantial risk of life loss, a severe financial impact on the community, or unusual potential damage to property if there is a fire and has a low probability of events. Examples of such areas include the following:

- Strip shopping centers and business centers not exceeding two stories,

- Concentrated areas of revenue generating properties or high job loss to the community if business is lost.
- Infrastructure facilities such as schools, city, state, and federal facilities.
- Properties deemed to be of historical value to the community.
- Any building with life safety and fire load beyond the reach of pre-connected hose lines (200 feet).
- Concentrated areas of single- or two-story multi-family dwellings.
- Any occupancy over 10,000 square feet with built-in fire protection not classified as a maximum risk.
- Emergency medical, rescue, special operations incidents requiring a first alarm.

### **(3) Moderate/Typical Risk**

An area is classified as a moderate fire risk when it contains built up areas of average size and the risk of life loss or damage to property if there is a fire in a single occupancy is usually limited to the occupants. In certain areas such as small apartment complexes, the risk of death or injury may be relatively high. Concentrations of property may vary, but generally will be of limited extent. Probability of fire events are high along with frequent, routine non-fire risks resulting in a service demand other than fire. Examples of moderate risk areas include the following:

- Developments of generally detached single family housing.
- Apartments with pre-connected hose line access (200 feet).
- Industrial or commercial buildings under 5,000 square feet without built in fire protection.
- Emergency medical, rescue, special operations incidents requiring three units or less.

These risks are often the greatest factor in the distribution of fire stations to ensure fair and equitable access to initial attack capability.

**(1) High Occupancy Facilities**

These facilities include place of public assembly, churches, and other facilities where large crowds will gather. They provide a risk of mass casualty incidents, as well as fires and potential terrorist incidents. The table below illustrates these types of facilities in the response area.

High Occupancy Facilities	
Anytime Fitness Center	1900 North Lincoln Street
Asian Garden	1145 Pitt School Road
Bud's Bar and Grill	100 South First Street
Burger King	1350 Stratford Avenue
Buster's Deli	700 Industrial Way
Buzzy B's Catering	231 North First Street
Calvary Chapel of Dixon	140 North First Street
Carl's Jr	125 Gateway Drive
Cattlemen's	250 Dorset Drive
Church of Christ	1115 Stratford Avenue
City Hall	600 East A Street
Cornerstone Baptist Church	185 West Cherry Street
Crossfit ASAP	1405 Market Lane
Dawson's	105 North First Street
Denny's	1250 Stratford Avenue
Dixon Aquatic Center	450 East Mayes Street
Dixon Community Church	955 East A Street
Dixon Dance	1910 North Lincoln Street
Dixon May Fair	655 South First Street
Dixon Senior Center	201 South Fifth Street
Dixon United Methodist Church	209 North Jefferson Street
DQ Equestrian Club	5183 Bryant Lane
Linde Lane Tea Room	140 North Jackson Street
Dreamland Farms	8127 Meridian Road
El Verduzco	1005 North Adams Street
Family Christian Center	700 North Adams Street
Fitness Evolution	1025 North Adams Street
Grace Fellowship Church	535 West H Street
Green River Tap Room	4513 Putah Creek Road
Habit Burger	1425 Ary Lane
Hall Memorial Park	450 East Mayes Street
Hall Memorial Park Skate Rink	Hall Park Drive
Huerta Arena	7736 Locke Road
Independent Order of the Odd Fellows	111 West A Street
Jack in the Box	150 Dorset Drive

## High Occupancy Facilities

Judy's Wild Wrangler Saloon	4823 Midway Road
L.D.S. Church	305 North Lincoln Street
La Cocina Restaurant	105 East Dorset Drive
Living Hope Church	410 Gateway Court
Mary's Pizza Shack	1460 Ary Lane
Mason Hall	159 North First Street
McDonald's	1410 Ary Lane
Midway RV Park	4933 Midway Road
Miracle Christian Worship Center	470 East H Street
Moose Lodge	180 West B Street
Noelting Horse Stables	6954 Lewis Road
Olde Veteran's Memorial Hall	231 North First Street
Pizza Guys	1455 Ary Lane
Punjabi Dhaba Restaurant	7800 Batavia Road
Round Table Pizza	825 North Adams Street
Seventh Day Adventist Church	4740 Allendale Road
St. Peter Church	105 South Second Street
Taco Bell	1420 Ary Lane
The Living Hope Church	159 North First Street
Veterans Memorial Hall	1305 North First Street
Wendy's	125 East Dorset Drive

## (2) Railways

The rail line through the Dixon area is operated by Union Pacific Railroad that moves freight along its lines. Amtrak also uses the rail line to provide passenger service between Sacramento and San Jose.



## A NOTE ON DISPLACEMENT

I would suggest that consideration of making downtown Dixon a “nightlife hub” include impacts on aging in place: “the ability to live in one’s own home and community safely, comfortably and independently, regardless of age, race, income, or ability.” While not widely documented, scholars suggest that there is a second consequence to gentrification referred to as indirect displacement. It affects those residents staying put in their neighborhoods. It is described as a social displacement where there is a change in “the feel, tastes, norms, and desires of an existing neighborhood, replacing the preferences or desires of existing residents.” Neighborhoods feel unwelcoming, even for longtime residents. One example cited in research I read refers to the establishment of new shops that feature expensive food or clothing conveying an implicit message about who can and should enter these spaces. According to the article, “For older adults especially, feeling ‘out of place’ can have implications for everyday life, perceived isolation, and overall well-being.” Many older adults, including but not limited to those of low or fixed incomes, in the residences surrounding Dixon’s downtown commercial core would attest to those feelings.

**Chapter 18.09****CD – DOWNTOWN COMMERCIAL DISTRICT****Sections:**

- 18.09.010 Purposes.
- 18.09.020 Permitted uses.
- 18.09.030 Conditional uses.
- 18.09.040 Screening and landscaping.
- 18.09.050 Performance standards.
- 18.09.060 Required yards.
- 18.09.070 Minimum lot size.
- 18.09.080 Height of structures.
- 18.09.090 Signs.
- 18.09.100 Off-street parking and loading facilities.
- 18.09.110 Design review.
- 18.09.120 General provisions and exceptions.
- 18.09.130 Zoning clearance.

**18.09.010 Purposes.**

The purpose of the CD downtown commercial district is to provide for an intensely developed central core downtown area of retail businesses, and complementary service establishments with residential uses located on or above the second floor. This district is intended to encourage shoppers to visit several stores after parking or arriving by public transit and to encourage residents to live downtown.

There is a significant architectural character in the buildings and development of the downtown area. This district emphasizes preserving, maintaining and encouraging the significant aspects of that architectural character.

The intent of this district is to accommodate a mix of uses and to guide development to appropriate locations within the downtown area, consistent with the City General Plan. [Ord. 13-008 § 2; Ord. 13-009 § 2(1); Ord. 15-002 § 14.]

**18.09.020 Permitted uses.**

The following uses shall be permitted:

- A. All uses permitted in the CN district.
- B. Government uses, including buildings, parks, playgrounds, and facilities.
- C. Single-family or multiple-family residential dwelling units, including single-room occupancy units (SROs), if located above the first floor of any structure.
- D. Those uses that are considered residential uses pursuant to State law (e.g., Health & Safety Code §§ 1267.8 and 1568.0831) if located above the first floor of any structure. Such uses are only permitted to the extent required by State law.
- E. Accessory structures located on the same lot as a permitted or conditional use.
- F. Accessory and temporary uses, subject to the provisions of Chapter 18.22 DMC.
- G. Windmills in conjunction with a permitted or conditional use.
- H. Transit stations. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.030 Conditional uses.**

The following uses shall be permitted upon the granting of a use permit as provided in Chapter 18.25 DMC:

- A. Outdoor restaurant seating. A cafe permit is also required on public property.
- B. Outdoor display of merchandise.
- C. Bars, including microbreweries and pubs.
- D. Massage establishments.
- E. Other uses found by the City Planning Commission to be consistent with the intent and purpose of this zone, considering location, size and design of the building, and the impact of the use on the neighboring retail businesses.
- F. Public utility facilities, including but not limited to pumping stations, power stations, drainage ways and structures, storage tanks, service yards and equipment buildings.
- G. Tattoo studios. [Ord. 13-008 § 2; Ord. 13-009 § 2(1); Ord. 15-002 § 15; Ord. 15-014 § 2.]

**18.09.040 Screening and landscaping.**

- A. All uses shall provide screening and landscaping as required in Chapter 18.33 DMC.
- B. All business services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, utility substations, outdoor dining areas, bus depots and transit stations. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.050 Performance standards.**

All uses and proposed uses shall be subject to the provisions of Chapter 18.28 DMC. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.060 Required yards.**

- There are no required front, side or rear yards, except in the following instances:
- A. On a reversed corner lot adjoining a key lot in an R district, the minimum street side yard shall be not less than one-half of the required front yard of the key lot.
  - B. The minimum side yard or rear yard adjoining an R district shall be twenty (20) feet.
  - C. One (1) foot shall be added to each required side yard or rear yard for each two (2) feet of height or fraction thereof by which a portion of a structure within thirty (30) feet of the nearest side or rear yard property line exceeds fourteen (14) feet in height. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.070 Minimum lot size.**

There is no minimum lot size for the CD district. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.080 Height of structures.**

The maximum height of any structure shall be fifty (50) feet. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.090 Signs.**

No sign or display of any character shall be permitted except as prescribed in Chapter 18.24 DMC. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.100 Off-street parking and loading facilities.**

Off-street parking and loading facilities shall be provided as prescribed in Chapter 18.27 DMC. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.110 Design review.**

All uses shall be subject to design review as prescribed in Chapter 18.23 DMC. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.120 General provisions and exceptions.**

All uses shall be subject to the general provisions and exceptions prescribed in Chapter 18.20 DMC. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

**18.09.130 Zoning clearance.**

A. The owner of a business shall obtain a zoning clearance permit from the City prior to engaging in any permitted or conditionally permitted use at any location in the CD downtown commercial district. The Community Development Director shall grant a zoning clearance permit upon determining that the proposed business use: (1) is a permitted use in the CD downtown commercial district, pursuant to this title or State law, or is the subject of a valid conditional use permit; and (2) complies with the applicable provisions of this title. The determination of the Community Development Director may be appealed to the City Planning Commission pursuant to Chapter 18.40 DMC.

B. Notwithstanding the provisions of subsection A of this section, a zoning clearance permit is not required prior to the occupying of a residential dwelling unit by its owners for residential purposes. The provisions of subsection A of this section shall, however, apply to residential dwelling units used for rental housing. [Ord. 13-008 § 2; Ord. 13-009 § 2(1); Ord. 15-002 § 16.]

**Chapter 18.02****DEFINITIONS**

## Sections:

18.02.010 Definitions.

**18.02.010 Definitions.**

For the purposes of this title, certain words and terms used herein are defined as follows:

A. All words in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all words in the plural number shall include the singular number, unless the natural construction of the wording indicates otherwise.

B. The word "shall" is mandatory and not directory.

C. The word "City" shall mean the City of Dixon, Solano County, California. The words "City Council" and "Council" shall mean the City Council of the City of Dixon. The words "City Planning Commission" shall mean the Planning Commission duly appointed by the City Council.

D. Definitions:

"Alley" means a public way permanently reserved primarily for a vehicular service access to the rear or side of properties otherwise abutting on a street.

"Alter" means any change, addition or modification in construction.

"Assembly use" means any land use that includes regular gatherings as a group to participate in, listen to or view an event, such as a class, meeting, show or worship service. Assembly uses include, but are not limited to: theaters, auditoriums, meeting halls, music or dance studios, gymnasiums, schools, nightclubs with entertainment, sports arenas, churches, and clubs or lodges. An assembly use shall not include a use where persons commonly arrive and depart at varying times, such as when shopping or dining in a restaurant.

"Athletic club" is a health and/or fitness center or gymnasium, which may include such facilities as an indoor sauna, common spa or hot tub or swimming pool, tennis, basketball, handball, racquetball, croquet/bocce ball courts, and other sports activities.

"Block" means the properties abutting on one (1) side of a street and lying between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, undivided land or watercourse.

"Breezeway" means a structure for the principal purpose of connecting the main structure in a site with another main structure or an accessory structure on the same site, not exceeding fourteen (14) feet in height.

"Brew pub" means a restaurant with a microbrewery as an accessory use. A brew pub may sell other beers than those produced on the premises. Off-sale of alcohol shall be limited to those beers produced on site.

"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels or property of any kind.

"C districts" means any CN, PAO, CC, CS, or CH zone districts.

**Chapter 18.19****AU – ASSEMBLY USE OVERLAY DISTRICT****Sections:****18.19.010 Purposes and criteria.****18.19.010 Purposes and criteria.**

A. The AU assembly use overlay district is added to particular parcels of land in order to permit assembly uses to be located as a permitted use on specific parcels that are suitable for this type of development, regardless of the underlying zoning district. When a parcel is zoned for AU assembly use overlay, all permitted and conditional uses permitted by the underlying zone remain permitted and conditional uses, respectively. In addition, assembly uses are permitted as provided in this chapter.

B. Except for parcels on which assembly uses existed prior to September 27, 2005, reclassification of property to include the AU assembly use overlay district shall be limited to parcels which meet the following criteria:

1. One (1) acre in size or larger;
2. Located on collector or arterial streets as defined in the General Plan; and
3. Situated such that assembly uses are otherwise compatible with any existing or planned abutting use. [Ord. 13-008 § 2; Ord. 13-009 § 2(1).]

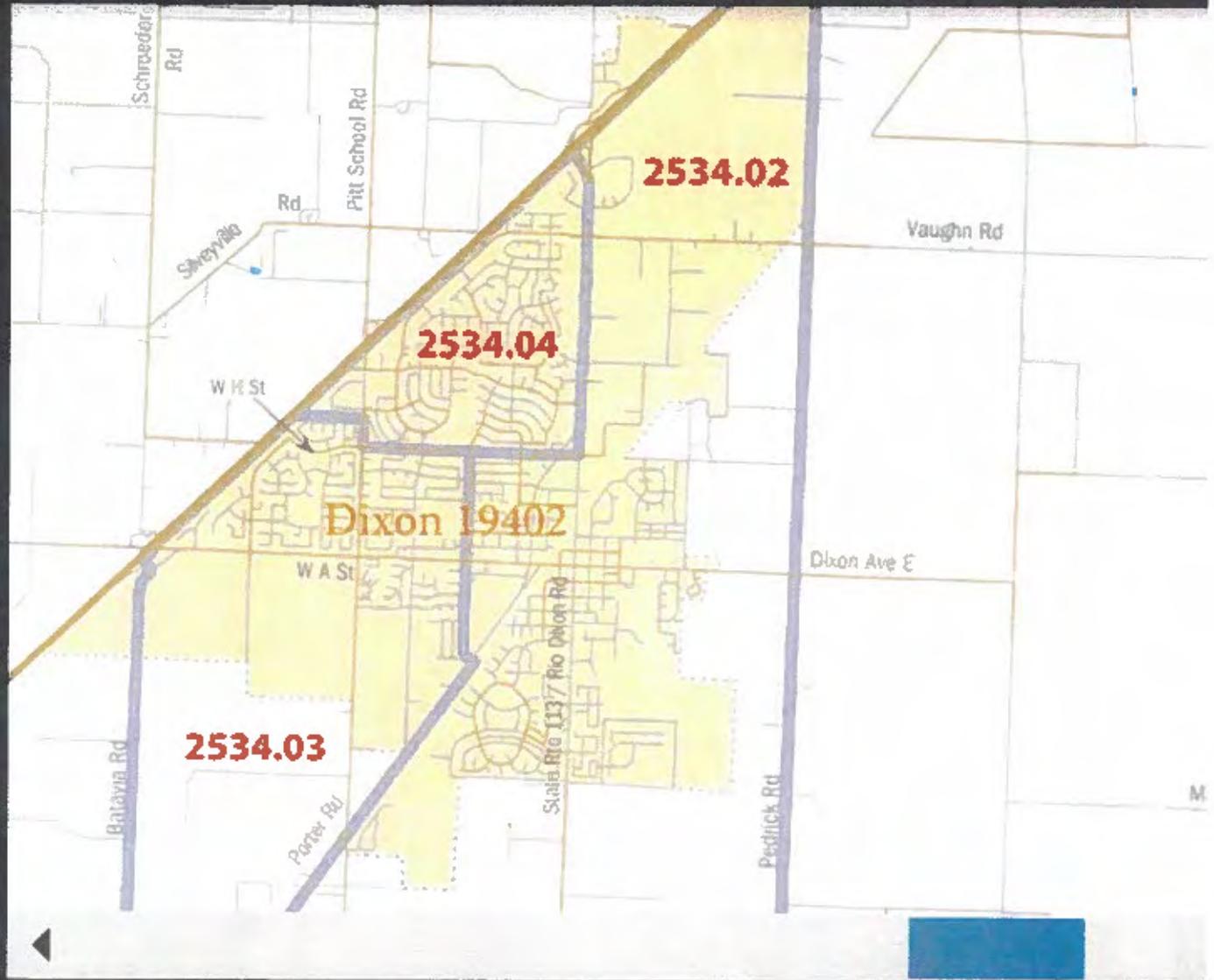
## DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

Attachment 5

## NUMBER OF LICENSES AUTHORIZED

## BY CENSUS TRACT

County Name	County Population	County Ratio On Sale	County Ratio Off Sale	Census Tract #	Census Tract Population	On Sale	Off Sale
SOLANO	438,527	981	1,383	2532.01	4,821	4	3
SOLANO	438,527	981	1,383	2532.03	4,179	4	3
SOLANO	438,527	981	1,383	2532.05	3,091	3	2
SOLANO	438,527	981	1,383	2532.06	3,688	3	2
SOLANO	438,527	981	1,383	2532.07	2,332	2	1
SOLANO	438,527	981	1,383	2532.08	5,173	5	3
SOLANO	438,527	981	1,383	2533.00	2,527	2	1
SOLANO	438,527	981	1,383	2534.02	8,381	8	6
SOLANO	438,527	981	1,383	2534.03	5,369	5	3
SOLANO	438,527	981	1,383	2534.04	5,815	5	4
SOLANO	438,527	981	1,383	2535.01	6,327	6	4
SOLANO	438,527	981	1,383	2535.02	4,637	4	3
SOLANO	438,527	981	1,383	9800.00	4	0	0
SONOMA	484,207	467	629	1501.00	2,148	4	3
SONOMA	484,207	467	629	1502.03	4,529	9	7
SONOMA	484,207	467	629	1502.04	3,559	7	5
SONOMA	484,207	467	629	1502.05	3,977	8	6
SONOMA	484,207	467	629	1502.06	1,247	2	1
SONOMA	484,207	467	629	1503.03	4,013	8	6
SONOMA	484,207	467	629	1503.04	5,834	12	9
SONOMA	484,207	467	629	1503.05	5,353	11	8
SONOMA	484,207	467	629	1503.06	3,746	8	5
SONOMA	484,207	467	629	1505.01	2,457	5	3
SONOMA	484,207	467	629	1505.02	1,736	3	2
SONOMA	484,207	467	629	1506.01	4,411	9	7
SONOMA	484,207	467	629	1506.02	4,347	9	6
SONOMA	484,207	467	629	1506.03	7,277	15	11
SONOMA	484,207	467	629	1506.07	5,157	11	8
SONOMA	484,207	467	629	1506.09	4,988	10	7
SONOMA	484,207	467	629	1506.10	3,956	8	6
SONOMA	484,207	467	629	1506.11	4,180	8	6
SONOMA	484,207	467	629	1506.12	4,449	9	7
SONOMA	484,207	467	629	1507.01	4,744	10	7
SONOMA	484,207	467	629	1507.02	5,187	11	8
SONOMA	484,207	467	629	1508.00	4,941	10	7
SONOMA	484,207	467	629	1509.01	5,104	10	8
SONOMA	484,207	467	629	1509.02	3,406	7	5
SONOMA	484,207	467	629	1510.00	3,359	7	5
SONOMA	484,207	467	629	1511.00	4,855	10	7
SONOMA	484,207	467	629	1512.03	5,269	11	8
SONOMA	484,207	467	629	1512.04	3,651	7	5
SONOMA	484,207	467	629	1512.05	2,786	5	4
SONOMA	484,207	467	629	1512.06	5,137	11	8
SONOMA	484,207	467	629	1513.01	4,467	9	7
SONOMA	484,207	467	629	1513.05	5,533	11	8

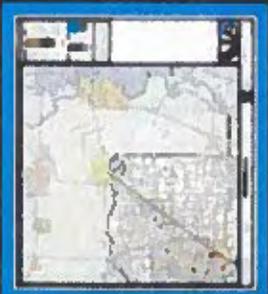




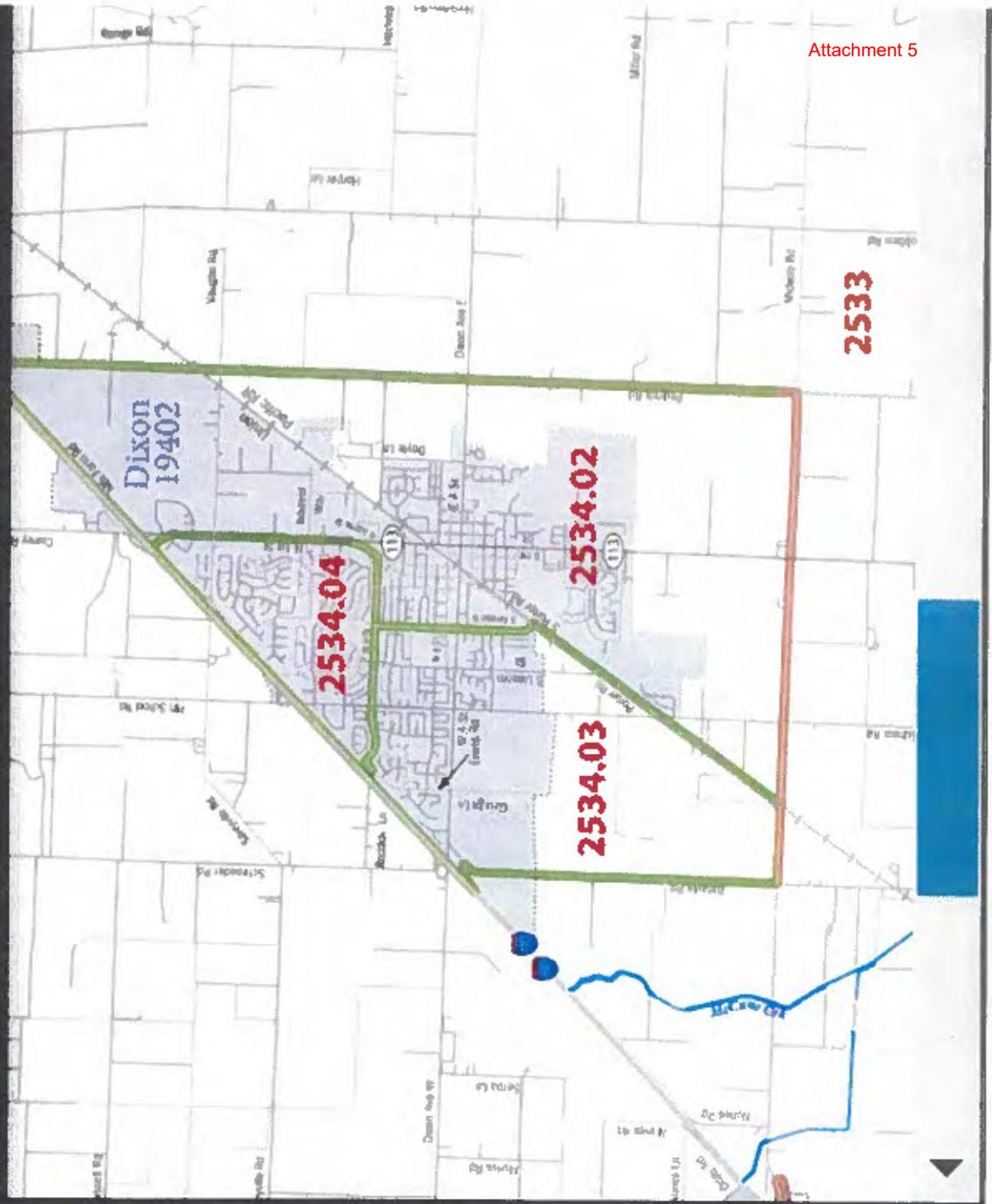
[https://www2.census.gov/geo/maps/dc10map/tract/st06\\_ca/c06095\\_solano](https://www2.census.gov/geo/maps/dc10map/tract/st06_ca/c06095_solano)

GO

2010 Census - Census Tract Reference Map



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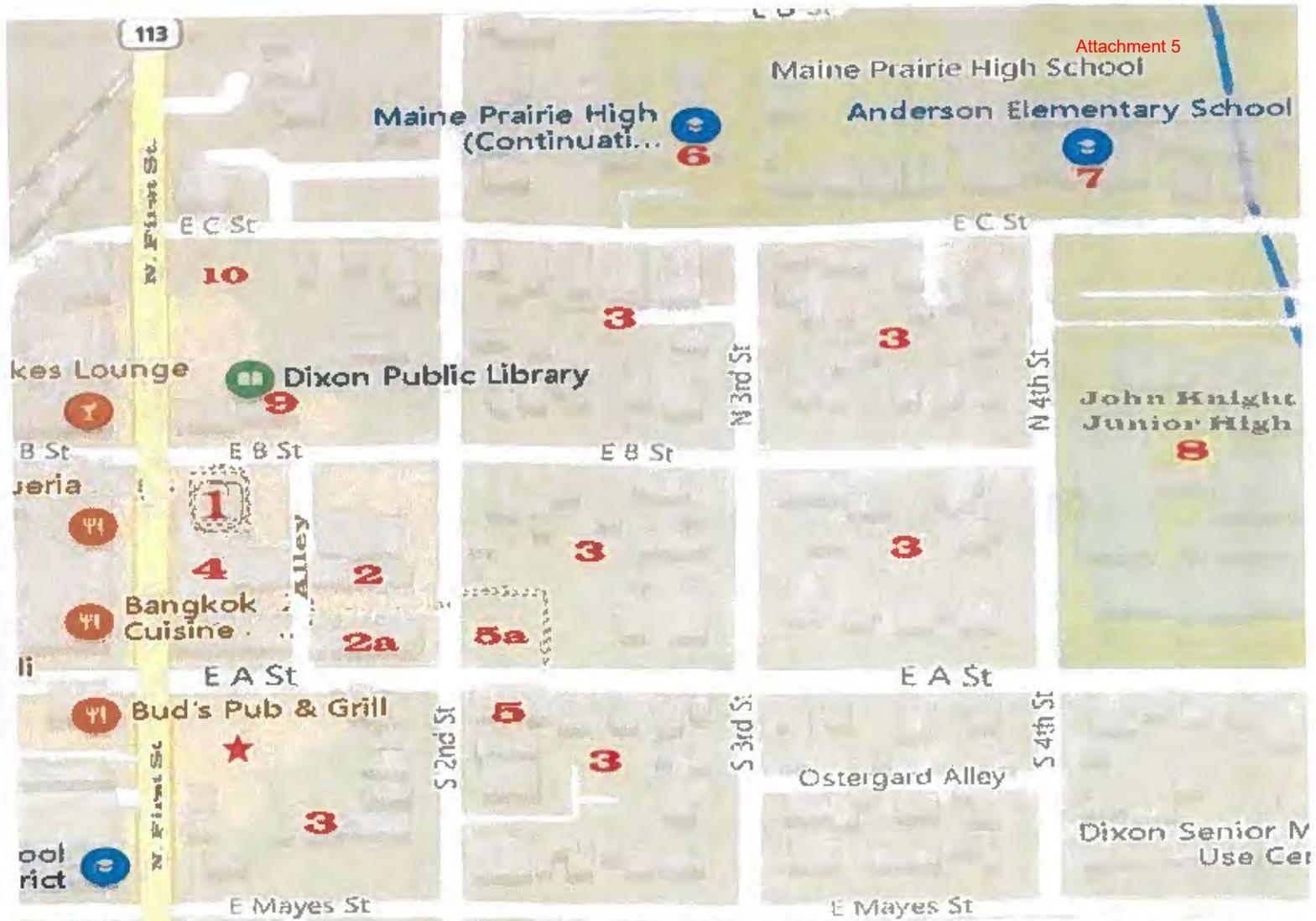
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2534.01

2534.02



- 1** 178 N. 1st Street—Bank of America building Proposed Whisky Barrel 707
- 2** 145 N. 2nd St. - Low income apartments
- 2a** 165 East A St. - Low income/section 8 Apartments
- 3** Residential areas
- 4** 150 N 1st St. - Calvary Chapel of Dixon (Church)
- 5** 105 S. 2nd St. - St. Peter's Catholic Church
- 5a** Propose Catholic School
- 6** 305 E C St. - Maine Prairie Continuation School
- 7** 414 E C St. - Anderson Elementary School
- 8** 455 E A St. - John Knight Middle School
- 9** 151 E. B St. - Historic Carnegie Library accessed from Main Entrance on 230 N. 1st St.
- 10** N. First St & E. C St. - Womens Improvement Club Park.
- \* Outdoor Entertainment Plaza



**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 611828 **Primary Owner:** BUD'S PUB & GRILL LLC

**Office of Application:** 22 - CONCORD

**BUSINESS NAME**

BUD'S PUB & GRILL

**BUSINESS ADDRESS**

100 S 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

**LICENSE TYPES**

**47 - ON-SALE GENERAL EATING PLACE**

**License Type Status:** ACTIVE **Status Date:** 27-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 26-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** Y **Duplicate:**

From License Number: 47-314990

**0 Fee Code:** P20 **Transfers:** Transferred On: 26-FEB-2020 **Conditions:**

CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE

**58 - CATERER PERMIT**

**License Type Status:** ACTIVE **Status Date:** 26-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 26-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** N **Duplicate:**

From License Number: 47-314990

**1 Fee Code:** P20 **Transfers:** Transferred On: 26-FEB-2020 **Conditions:**



CALIFORNIA DEPARTMENT OF

**Alcoholic Beverage Control****Report Date:** Sunday, February 20, 2022**LICENSE INFORMATION****License Number:** 583718 **Primary Owner:** HISTORIC DAWSONS EST 1908, LLC**Office of Application:** 22 - CONCORD**BUSINESS NAME**

DAWSON'S

**BUSINESS ADDRESS**

105 N 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04**LICENSEE INFORMATION****Licensee:** HISTORIC DAWSONS EST 1908, LLC**LICENSE TYPES****47 ON-SALE GENERAL EATING PLACE****License Type Status:** ACTIVE **Status Date:** 09-NOV-2017 **Term:** 12 Month(s)**Original Issue Date:** 08-NOV-2017 **Expiration Date:** 31-OCT-2022 **Master:** Y **Duplicate:**

From License Number: 47-516330

**Fee Code:** P20 **Transfers:** Transferred On: 08-NOV-2017



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 397018 **Primary Owner:** LUKE, NATHAN ALEXANDER VIRGIL

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

LUKES LOUNGE

## BUSINESS ADDRESS

221 N 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** LUKE, NATHAN ALEXANDER VIRGIL

## LICENSE TYPES

48 - ON-SALE GENERAL PUBLIC PREMISES

CA



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 576988 **Primary Owner:** MOYO HANNA, INC. **Office of Application:**  
22 - CONCORD

## BUSINESS NAME

FRYING PAN THE

## BUSINESS ADDRESS

156 & 158 N FIRST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** MOYO HANNA, INC.

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## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 16-MAR-2017 **Term:** 12 Month(s)

**Original Issue Date:** 15-MAR-2017 **Expiration Date:** 28-FEB-2022 **Master:** Y **Duplicate:**

**0 Fee Code:** P20 **Transfers:**

CA



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 576723 **Primary Owner:** SUTHAMMARIT, BOONYARIT

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BANGKOK GARDEN

## BUSINESS ADDRESS

119 NORTH 1ST ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** SUTHAMMARIT, BOONYARIT

**Licensee:** PAKSEE, JANNETTE

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE

CA



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 619885 **Primary Owner:** HICKMAN, LINDSEY DAWN

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BARN & PANTRY THE

## BUSINESS ADDRESS

151 WEST A ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

## LICENSEE INFORMATION

**Licensee:** HICKMAN, LINDSEY DAWN

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 615839 **Primary Owner:** HERNANDEZ VENEGAS, TRINIDAD

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

TAQUERIA PANCHITA

## BUSINESS ADDRESS

162 W A ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** HERNANDEZ VENEGAS, TRINIDAD

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE



**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 517616 **Primary Owner:** LUPITA'S ENTERPRISES, INC.

**Office of Application:** 22 - CONCORD

**BUSINESS NAME**

LUPITAS KITCHEN

**BUSINESS ADDRESS**

470 N ADAMS ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.02

**LICENSEE INFORMATION**

**Licensee:** LUPITA'S ENTERPRISES, INC.

**LICENSE TYPES**

**41 - ON-SALE BEER AND WINE - EATING PLACE**

**License Type Status:** ACTIVE **Status Date:** 24-SEP-2012 **Term:** 12 Month(s)

**Original Issue Date:** 10-APR-2012 **Expiration Date:** 30-JUN-2022 **Master:** Y **Duplicate:**

From License Number: 41-410684

**0 Fee Code:** P20 **Transfers:** Transferred On: 10-APR-2012 **Conditions:**

CODE 8 - SELF-INCORPORATION - HISTORICAL VALUE

CA



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 605133 **Primary Owner:** DLONG AND SONS LLC

**Office of Application:** 22 - CONCORD

## BUSINESS NAME

BURGERIM

## BUSINESS ADDRESS

115 E DORSET DR , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** DLONG AND SONS LLC

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## LICENSE TYPES

### 41 - ON-SALE BEER AND WINE - EATING PLACE

**License Type Status:** ACTIVE **Status Date:** 10-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 07-FEB-2020 **Expiration Date:** 31-JAN-2022 **Master:** Y **Duplicate:**

**0 Fee Code:** P20 **Transfers:**



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 548476 **Primary Owner:** SALCEDO, NAYELY **Office of Application:**  
22 - CONCORD

## BUSINESS NAME

LA COCINA MEXICANA RESTAURANTE

## BUSINESS ADDRESS

105 E DORSET DR STE A, DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.03

## LICENSEE INFORMATION

**Licensee:** SALCEDO, NAYELY

## LICENSE TYPES

41 - ON-SALE BEER AND WINE - EATING PLACE

CA



CALIFORNIA DEPARTMENT OF  
**Alcoholic Beverage Control**

**Report Date:** Sunday, February 20, 2022

**LICENSE INFORMATION**

**License Number:** 605448 **Primary Owner:** BARBARICYAWP LLC **Office of Application:**  
22 - CONCORD

**BUSINESS NAME**

THE PIP WINE BAR & SHOP

**BUSINESS ADDRESS**

116 N FIRST ST, DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

**LICENSEE INFORMATION**

**Licensee:** BARBARICYAWP LLC

**Company Information**

OFFICER: GRABISH, AMY BETH (MANAGING MEMBER)

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**42 ON-SALE BEER AND WINE - PUBLIC PREMISES**

**License Type Status:** ACTIVE **Status Date:** 24-FEB-2020 **Term:** 12 Month(s)

**Original Issue Date:** 21-FEB-2020 **Expiration Date:** 31-JAN-2023 **Master:** Y **Duplicate:**

**0 Fee Code:** P20 **Transfers:**

04



CALIFORNIA DEPARTMENT OF

# Alcoholic Beverage Control

**Report Date:** Sunday, February 20, 2022

## LICENSE INFORMATION

**License Number:** 197602 **Primary Owner:** MOOSE LODGE 1120 **Office of Application:**  
22 - CONCORD

## BUSINESS NAME

DIXON MOOSE LODGE

## BUSINESS ADDRESS

180 W B ST , DIXON, CA, 95620

**County:** SOLANO **Census Tract:** 2534.04

## LICENSEE INFORMATION

**Licensee:** MOOSE LODGE 1120

## LICENSE TYPES

51 - CLUB

PROOF OF PUBLICATION  
STATE OF CALIFORNIA  
County of Solano

I am a citizen of the United States and a resident of the County afore-said, I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the Dixon Independent Voice, newspaper of general circulation printed and published in the County of Solano, State of California, under date of November 24, 2008, by Superior Court Order Number FCS030046, that the notice, of which the annexed is printed copy (set in type not smaller than nonpareil) has been published in each regular and entire issues of said newspapers and not in any supplement therefore on the following dates, to wit:

February 25, 2022

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Natalie Miller

DATED: February 25, 2022

DIXON INDEPENDENT VOICE  
7144 FAIR OAKS BLVD., SUITE 5  
CARMICHAEL, CA 95608

PROOF OF PUBLICATION OF:

NOTICE OF PUBLIC HEARING

By: THE CITY OF DIXON

**NOTICE OF PUBLIC HEARING  
OF THE DIXON PLANNING COMMISSION**

In accordance with the Government Code section 54953(d) and City of Dixon City Council Resolution No. 22-018, the Dixon Planning Commission will hold a remote PUBLIC HEARING to consider the following project:

**PROJECT:** 178 North First Street - Request for a Conditional Use Permit to have permanent outdoor seating area associated with a new pub/lounge that will occupy the existing building; APN: 0115-082-090; Zoning District: Downtown Commercial (CD); Tiffany Fabiani, owner/applicant; File No: PA21-36, UP 22-02

The California Environmental Quality Act ("CEQA") requires that this project be reviewed to determine if a study of potential environmental effects is required. It has been determined that this project will not have a significant effect on the environment and no environmental review will be completed. This project qualifies for a Categorical Exemption from the provisions of the CEQA Guidelines under 14 CRR Section 15301, Class type 1, Existing Facilities). If the Planning Commission determines that this project is in an environmentally-sensitive area, further study may be required.

**HEARING DATE & LOCATION:** Tuesday, March 8, 2022 at 7:00 pm. This meeting will not be physically open to the public. All members of the public may participate in the meeting via video conferencing at <https://us62web.zoom.us/j/9886211137?pwd=r2dxz3rkbw9eqxdlvllrkc0qlwz09> or via teleconference by calling (869) 800-9128, meeting ID: 988 621 1137, passcode: 604754 and will be given the opportunity to provide public comment.

**MORE INFORMATION:** Contact Scott Grealey, Associate Planner at (707) 678-7000 ext. 1115 or [sgrealey@cityofdixon.us](mailto:sgrealey@cityofdixon.us). You can also come to City Hall, 600 East A St, Dixon, CA 95620 to look at the file for the proposed project. The office is open weekdays from 9:00 a.m. to 4:30 p.m. You can also view the staff report after 12:00 p.m. on the Friday before the meeting at <https://www.cityofdixon.us/MeetingAgendasMinutesVideos>.

**WHAT WILL HAPPEN:** All interested parties are invited to remotely attend the public hearing to express opinions or submit evidence for or against the proposed application. Testimony from interested persons will be heard and considered by the Planning Commission prior to making any decision on the application.

**PUBLIC COMMENTS:** Prior to 4:30pm on the day of the meeting, written comments can be: 1) emailed to [PlanningCommission@cityofdixon.us](mailto:PlanningCommission@cityofdixon.us) or 2) mailed/dropped off to: City of Dixon, Planning Commission, 600 East A St, Dixon, CA 95620 and must be received by 4:30pm on the day of the hearing. Copies of written comments received will be provided to the Planning Commission and will become part of the official record, but will not be read aloud at the meeting.

You may remotely attend the public hearing at the time and location listed above, and provide comments during the hearing. To speak or provide comments during public comment period at the meeting, you may 1) via video conferencing click on "raise hand" 2) via teleconference press \*9, or 3) email comments/questions to [publiccomment@cityofdixon.us](mailto:publiccomment@cityofdixon.us)

At the above time and place, all letters received will be noted and all interested parties will be heard. If you challenge in court the matter described above, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered at, or prior to, the above referenced public hearing (Government Code Section 65009 (b)(2)).

Appeals of decisions by the Planning Commission to the City Council shall be made in person at Dixon City Hall by completing the appeal application and submitting the required fee, within 10 calendar days of a decision (Dixon Municipal Code Sections 17.01.050 or 18.40).

Upon request, the agenda and the documents in the meeting agenda packet can be made available to persons with a disability. In compliance with the Americans with Disabilities Act, the City encourages those with disabilities to participate fully in the public meeting process. Any person requiring special assistance to participate in the meeting should call (707) 678-7000 (voice) or (707) 678-1489 (TTY) at least 48 hours prior to the meeting.

**DIXON FIRE DEPARTMENT**  
205 Ford Way Dixon, California (707) 678-7060

**MEMORANDUM**

**TO: Raffi Boloyan, Community Development Director**

**FROM: Todd McNeal, Fire Chief**

**DATE: 3/31/2022**

**SUBJECT: Fire Department Review of**

---

Raffi,

The Fire Department's Fire Marshal Chief Malone reviewed the business proposal "The Whiskey Barrel" located at 178 North 1<sup>st</sup> Street. He made the appropriate comments and conditions for the described use of the building. His analysis of the proposed project was based on "Assembly" occupancy and he applied the requirements from the Fire Code consistent with that occupancy classification with regards to egress capacity, sprinklers and alarms.

The Fire Department does not regulate or have jurisdiction over the concentration of Liquor Licenses issued to businesses.

Please contact me if you have any further questions or concerns.

Chief McNeal



## Inter-Office Memorandum

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**To:** Raffi Bolyan  
Community Development Director

**From:** William Garcia, PE  
Staff Augmentation Consultant

**Date:** April 6, 2022

**RE:** Whiskey Barrel 707  
Conditional Use Permit–Response to Appeal Letter

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The Engineering Division has reviewed the appeal letter submitted by Ginger Emerson dated 3/18/2022 regarding application PA 21-36 and UP 21-02 for the project titled "Whiskey Barrel 707." The Engineering Division has the following responses to the comments included under the "Engineering Department Review" section (page 2) of the appeal letter:

Appeal comment 1: Review by the Engineering Department was based on inaccurate information regarding the use of the premises as a pub/lounge rather than a nightclub.

**Engineering response: This distinction does not impact Engineering's review or the findings of the review.**

Appeal comment 2: The review by the Engineering Department did not address all issues related to the public alley running behind the Whiskey Barrel site.

**Engineering response: Engineering has evaluated the public alley behind the site and does not foresee any issues in terms of impact of the proposed project. The project does not request any "loading/unloading zone" which would be a potential impact. Please note that verification of existing parking counts and trash collection is performed by the City Building Department.**

Appeal comment 3: The review did not address the public parking lot adjacent to the Whiskey Barrel site.

**Engineering response: Engineering has evaluated the public parking lot adjacent to the project site and found that the proposed project will not have a substantial impact on public parking in the Downtown area. This is based on the presence of the on-site parking lot, as well as the results from the City's 2017 Parking Lot Utilization Study. This study showed that average parking utilization was under 50%, with the public parking lot in question (lot "E") having an average utilization of just 17%. Further, the 2017 study determined that the peak time period for parking lot utilization was from 10 AM to 3 PM, which is outside of the peak parking period of the proposed project.**

Appeal comment 4: The review did not address traffic issues.

**Engineering response: The requirement for a Transportation Impact Analysis (TIA) is initiated during the CEQA process. This project did not trigger CEQA, so no TIA was required.**

Appeal comment 5: The review did not address all issues relevant to the impacted sidewalks.

**Engineering response: The Engineering Division has reviewed the sidewalks adjacent to the site against all current City and State requirements and generated conditions of approval for the project accordingly.**

Appeal comment 6: The review did not address all parking issues relative to the use.

**Engineering response: Verification of the existing/proposed parking count against proposed land use is performed by the Building Department.**

# DIXON POLICE DEPARTMENT



April 6, 2022

TO: RAFFI BOLOYAN  
Community Development Director

FROM: Robert Thompson   
Chief of Police

Re: Appeal 22-01

Director Boloyan:

I am in receipt of the appeal 22-01 regarding the review the Police Department conducted in regards to the proposed WHISKEY BARRELL project. In response, please find the following:

The appellant erred in their assertion that our review was based on an "erroneous description of the use of the premises." The Police Department was fully aware of the intended use of the facility when we conducted our review. Further, it was with the intended use in mind when we made several specific security recommendations regarding cameras placed inside the business.

The appellant further erred in their assertion the Police Department failed to account for the number of liquor licenses in the downtown core. The Police Department was and remains fully aware of the number and location of businesses throughout the City that possess licenses issued by the State of California. This information was considered when the Police Department reviewed and provided comments to your office when this application was presented to us.

The Police Department's assessment of the application remains unchanged from anything provided in the appeal. We are confident we have applied all relevant information, policies, statutes, and ordinances in conducting our review and providing our assessment and comments.

**INFORMATION AND INSTRUCTIONS -**

**SECTION 23958.4 B&P**

- INSTRUCTIONS:** This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

**PART 1 - TO BE COMPLETED BY ABC**

**1. APPLICANT'S NAME**

RENGER, EDWARD MICHAEL

**2. PREMISES ADDRESS (Must include street name and city, state, zip code)**

178 N 1ST ST., DIXON, CA 95620-3026

**3. LICENSE TYPE**

48 - On-Sale General Public Premises

**4. TYPE OF BUSINESS**

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Full Service Restaurant                | <input type="checkbox"/> Hotel/Inn/Cafeteria | <input 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, Beer                  | <input type="checkbox"/> Fraternal Club        |
| <input type="checkbox"/> Bed & Breakfast                        | <input type="checkbox"/> Theater             | <input type="checkbox"/> Tavern, Beer & Wine           | <input type="checkbox"/> Wine Tasting Room     |
| <input type="checkbox"/> Wine only <input type="checkbox"/> All |  |  |  |
| <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"/> Drug/Variety Store                     | <input type="checkbox"/> Floral/Gift Shop    | <input type="checkbox"/> Convenience Market w/Gasoline |  |
| <input type="checkbox"/> Other describe:                        |  |  |  |

**5. COUNTY POPULATION**

438,527

**6. TOTAL NUMBER OF LICENSES ALLOWED**

On-Sale  Off-Sale

**7. #/100 OF LICENSES TO POPULATION (RATIO)**

On-Sale  Off-Sale

**8. CENSUS TRACT NUMBER**

2534.02

**9. NO. OF LICENSES ALLOWED IN CENSUS TRACT**

8  On-Sale  Off-Sale

**10. NO. OF LICENSES EXISTING IN CENSUS TRACT**

5  On-Sale  Off-Sale

11. IS THE ABOVE CENSUS TRACT DESIGNATION "RATED BY THE COUNTY"? (If "Yes" the total number of licenses to population in the census tract should be the total number of licenses to population for the entire county.)

- Yes, the number of existing licenses exceeds the number allowed
- No, the number of existing licenses is equal (less) than the number allowed

**12. DOES LAW ENFORCEMENT AGENCY MAINTAIN OFFENSE RECORDS?**

- Yes (Go to Item #13)
- No (Go to Item #20)

**13. CRIME REPORTING DISTRICT NUMBER**

X

**14. TOTAL NUMBER OF REPORTS, DURING FY**

X

**15. TOTAL NUMBER OF REPORTS IN ALL REPORTING DISTRICTS**

X

**16. AVERAGE NO. OF OFFENSES PER DISTRICT**

X

**17. TOTAL NO. OF DISTRICTS WITH ALL OFFENSES**

X

**18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT**

X

19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% or higher number of reported offenses in the January-June period of the previous year as determined from all crime reporting records in the jurisdiction of the local law enforcement agency.)

- Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- No, the total number of offenses in the reporting district is lower (than) the total number in item #17

**20. CHECK THE BOX THAT APPLIES (Circle A or B or C)**

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body or its designated subordinate officer or body to have them complete Section 2. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

**FOR DEPARTMENT USE ONLY**

PREPARED BY (Name of Department Employee)

BRANDON WALTON (ABC CONCORD) - 01/14/2022

ABC-245 (rev. 01-21)

Re: 178 N 1st Dixon Ca 95620

Whiskey Barrel - Dixon <[whiskeybarreldixon@gmail.com](mailto:whiskeybarreldixon@gmail.com)>

Mon 3/28/2022 9:06 AM

To: Tamber, Amarjit@ABC <[Amarjit.Tamber@abc.ca.gov](mailto:Amarjit.Tamber@abc.ca.gov)>

Cc: Raffi Boloyan <[rboloyan@cityofdixon.us](mailto:rboloyan@cityofdixon.us)>

Good morning Amarjit

This is good news! Thank you for the re-review. We have not yet submitted our Non-Interference Letter as we are waiting for validation (if any) of the protests received and in anticipation of whether or not we may be facing an ABC public hearing.

If there are any other docs missing or incomplete, I'll wait on word from you after review.

Many thanks again,

Tiffany

(707) 301-6155

On Mon, Mar 28, 2022, 8:37 AM Tamber, Amarjit@ABC <[Amarjit.Tamber@abc.ca.gov](mailto:Amarjit.Tamber@abc.ca.gov)> wrote:

Good Morning Tiffany,

Thank you for sending the documents in pdf format, I will review and advise further if needed. Please see attached census tract report from our LQS system. The census tract is not over concentrated.

Thank you,

Amarjit

**From:** Whiskey Barrel - Dixon <[whiskeybarreldixon@gmail.com](mailto:whiskeybarreldixon@gmail.com)>

**Sent:** Sunday, March 27, 2022 9:20 PM

**To:** Tamber, Amarjit@ABC <[Amarjit.Tamber@abc.ca.gov](mailto:Amarjit.Tamber@abc.ca.gov)>; Raffi Boloyan <[rboloyan@cityofdixon.us](mailto:rboloyan@cityofdixon.us)>

**Subject:** Re: 178 N 1st Dixon Ca 95620

**CAUTION: External Email.** Do not click on links or attachments unless you recognize the sender and know the content is safe.

Hi Amarjit -

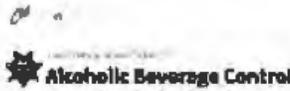
All of the submitted docs for our application have been attached in PDF. Because our declaration of mailing is so large, we will be sending that via email separately.

We are waiting to receive the results of PCN review (i.e. Census Tract/License disclosure doc attached) before we proceed with sending the last response needed to complete our application. If you can please advise on Monday, 3/27 whether or not we may be facing a required PCN in order to proceed, this would be greatly appreciated. I know Raffi, Community Development Director is also waiting on word to determine whether or not he can include a PCN hearing at Council level on April 19th (noticing deadline is Monday 3/28 in order to make that happen). I've copied Raffi on this email for follow-up as well.

Thank you!

Tiffany

707-301-6155



Search



Having trouble viewing the report?

Results for: Active On-Sale Retail Licenses

County: SOLANO County

Census Tract: 2534.02

Report Date: Thursday, March 24, 2022

Search

Results will be filtered as you type

0 Results

**License Number: 517616**

Status: ACTIVE  
 License Type: 41  
 Orig. Iss. Date: 06/30/2022  
 Expir. Date:  
 Primary Owner: LUPITA S ENTERPRISES, INC.  
 Premises Addr.: 470 N ADAMS ST,  
 Business Name: DIXON, CA 95620-2346  
 Geo Code: Census Tract: 2534.02  
 Business Name: LUPITA'S KITCHEN

04/08/2012  
 LUPITA S ENTERPRISES, INC.  
 LUPITA'S KITCHEN 4807

**License Number: 576723**

Status: ACTIVE  
 License Type: 4E  
 Orig. Iss. Date: 03/31/2021  
 Expir. Date:  
 Primary Owner: SYTHLIKHARDT, BOONYAMIT  
 Premises Addr.: 119 NORTH 1ST ST,  
 Business Name: DIXON, CA 95620-3025  
 Geo Code: Census Tract: 2534.02  
 Business Name: BANGOR GARDEN

02/13/2017  
 SYTHLIKHARDT, BOONYAMIT  
 BANGOR GARDEN 4881

**License Number: 611828**

Status: ACTIVE  
 License Type: 5B  
 Orig. Iss. Date: 01/31/2023  
 Expir. Date:  
 Primary Owner: BUD'S PUB & GRILL LLC  
 Premises Addr.: 100 S 1ST ST,  
 Business Name: DIXON, CA 95620  
 Geo Code: Census Tract: 2534.02  
 Business Name: BUD'S PUB & GRILL

02/26/2020  
 BUD'S PUB & GRILL LLC  
 BUD'S PUB & GRILL 4803

**License Number: 611828**

Status: ACTIVE  
 License Type: 47  
 Orig. Iss. Date: 01/28/2023  
 Expir. Date:  
 Primary Owner: BUD'S PUB & GRILL LLC  
 Premises Addr.: 100 S 1ST ST,  
 Business Name: DIXON, CA 95620  
 Geo Code: Census Tract: 2534.02  
 Business Name: BUD'S PUB & GRILL

01/28/2020  
 BUD'S PUB & GRILL LLC  
 BUD'S PUB & GRILL 4803

**License Number: 619885**

Status: ACTIVE  
 License Type: 41  
 Orig. Iss. Date: 02/28/2023  
 Expir. Date:  
 Primary Owner: HICKMAN, KIMSEY BAWN  
 Premises Addr.: 151 WEST A ST,  
 Business Name: DIXON, CA 95620  
 Geo Code: Census Tract: 2534.02  
 Business Name: BAWN & OLIVERTHE

11/13/2020  
 HICKMAN, KIMSEY BAWN  
 BAWN & OLIVERTHE 4807

**License Number: 397018**

Status: ACTIVE  
 License Type: 4B  
 Orig. Iss. Date: 05/31/2022  
 Expir. Date:  
 Primary Owner: LUKE, NATHAN ALEXANDER MINGH  
 Premises Addr.: 221 W 1ST ST,  
 Business Name: DIXON, CA 95620  
 Geo Code: Census Tract: 2534.02  
 Business Name: LUKES LOUNGE

06/17/2003  
 LUKE, NATHAN ALEXANDER MINGH  
 LUKES LOUNGE 4897

## Dixon General Plan 2040 Key Goals/Policies/Actions

### LAND USE AND COMMUNITY CHARACTER ELEMENT

#### LCC-4 Land Use Map

The land use category (Page 3-15 of General Plan) assigned to this area is Downtown Mixed Use and “applies to Dixon’s traditional downtown area and is intended to promote Downtown Dixon as an **attractive destination for residents and visitors to the community**. The area is envisioned as a walkable environment with direct pedestrian and bicycle connections to surrounding residential neighborhoods and to the downtown rail depot. The designation provides for a **full range of retail, employment, residential, entertainment, cultural**, civic, and personal service uses. Permitted non-residential uses include restaurants, apparel stores, specialty shops, theaters, bookstores, travel agencies, hotels/ motels and other similar uses **servicing a community-wide market and a larger visitor population**, as well as banks, financial institutions, medical and professional offices, and other general offices and community institutional uses. **Outdoor dining, live music**, and events are encouraged to support a lively atmosphere with activity throughout the day and the year....”

#### Goal

LCC-4: Reinforce the downtown area as the physical and cultural center of the city, recognizing its importance to the community’s sense of place.

#### Policies

LCC-4.1 **Establish a mix of daytime and evening uses downtown**, including restaurants, professional offices, **entertainment**, and housing to encourage activity throughout the day.

LCC-4.2 **Make Downtown Dixon the city’s primary district for** specialty retail, dining, **entertainment**, civic, social, and cultural uses.

LCC-4.3 Encourage infill development, adaptive reuse of existing buildings, and the restoration of historic structures to revitalize Downtown Dixon as a center of community activity.

LCC-4.4 Require active ground floor uses along First Street, East A Street and Jackson Street downtown and encourage outdoor dining and patio areas along street frontages and to the side and rear of buildings.

LCC-4.5 Attract commercial and retail uses that provide for the everyday needs of nearby residents to complement specialty retail and restaurants.

### ECONOMIC DEVELOPMENT ELEMENT

#### Goal

E-4: Establish and **support Downtown Dixon** as the city’s cultural focal point, the dominant community event area, and a **destination business and entertainment center that attracts both residents and visitors**.

#### Policies

E-4.1 **Recognize** that protecting local historic character and **providing a vital mix of daytime and evening uses is integral to the economic success of Downtown Dixon**.

E-4.2 Create design standards for public benches, lighting, waste receptacles, signage and landscape to provide a consistent visual thematic impression.

E-4.3 Promote and encourage context-sensitive, mixed use residential, office, retail, and restaurant development on infill sites downtown.

E-4.4 Actively support and promote locally owned small businesses that cater to the needs of Dixon residents and visitors to differentiate Downtown Dixon from other commercial areas of the city.

E-4.5 Foster attractive and safe public spaces and streets downtown through the implementation of the adopted downtown design guidelines and supporting public art and music programs.

E-4.6 Partner with the Downtown Dixon Business Association, the Dixon Library, and other groups to promote Downtown Dixon as a focal point for arts, **music**, culture, and **entertainment in the community**.

E-4.7 **Support** annual festivals, **live music**, and **regular events** that **contribute to the economic vitality of Downtown Dixon**.

#### Actions

E-4.A Consult property owners, real estate brokers, and developers to identify barriers and incentives for investments needed to transform second floor spaces into viable office and residential spaces.

E-4.B Explore the economic feasibility of **potential new business opportunities, such as** a theatre/ cinema, **brew pub**, ice cream shop, and other types of community-oriented businesses.

Hello Brandi,

April 2, 2022

Please find enclosed an original cure and correct, cease and desist letter to the Planning Commission and to you, as Clerk of the Commission. I have also included an additional copy for you, as well as copies for the City Attorney, the City Council and both the Elected and Administrative City Clerks. I will also be dropping by City Hall to hand deliver a copy to have date stamped for my records.

Thank you,  
Ginger Emerson

RECEIVED

APR 4 2022

CITY OF DIXON

April 2, 2022

Sent by Registered Mail, Return Receipt Requested  
and Hand Delivered Date Stamped

Chair Jack Caldwell and Planning Commissioners  
City of Dixon Planning Commission  
600 East A Street  
Dixon, California 95620

RECEIVED

Ms. Brandi Alexander, Clerk of the Planning Commission  
City of Dixon  
600 East A Street  
Dixon, California 95620

APR 4 2022

CITY OF DIXON

Dear Chair Caldwell, Commissioners and Ms. Alexander:

I am submitting this letter to notify the City of Dixon Planning Commission and its Clerk of substantial violations of the Ralph M. Brown Act at its March 8, 2022 meeting. Specifically, the Commission violated the Brown Act by taking action on the approval of Conditional Use Permit(s) for the Whiskey Barrel 707 located at 178 North First Street in Dixon, Agenda Item 9.1 because (1) the Commission took action, by discussion and making a finding, on an item not on its agenda for the meeting, and (2) the description of the agenda item was otherwise inadequate in that it was misleading and inconsistent with the Staff Report and the adopted Resolution. Under both sections 54960.1 and 54960.2, the Brown Act provides that either the District Attorney or other interested person may make certain demands of the legislative body to address violations of the Act. In that regard, this letter is sent pursuant to both Government Code section 54960.1 (cure/correct) and Government Code section 54960.2 (cease and desist).

(1)

**Cure and Correct: The Commission took action by discussion and by making a finding on an item, Design Review, not on the Agenda of its March 8, 2022 meeting.**

The nature of the violation is as follows:

The Planning Commission violated the Brown Act on March 8, 2022 by engaging in discussion and making a finding regarding Design Review for the Whiskey Barrel 707 located at 178 North First Street without adequate notice to the public on the posted agenda for that meeting. Government Code section 54954.2 (a) (1) requires posting of an agenda including a description of each item of business to be considered at a legislative body's meeting at least 72 hours prior to the meeting. This requirement applies unless the legislative body makes certain determinations, none of which were made by the Commission. The Commission held a discussion and made the finding related to Design Review for the Whiskey Barrel without announcing on the agenda that such action was under consideration.

On page 1, the signed and dated, adopted Resolution (2022-008) reads: "NOW THEREFORE BE IT RESOLVED, the Dixon Planning Commission finds that the proposed Design Review is consistent with the Dixon General Plan 2040 and the Dixon Zoning Ordinance, as follows ... ." And again, beginning on page 8, the adopted Resolution reads: "BE IT FURTHER RESOLVED, unless the use is

established or building permits related to the use are issued or a time extension is filed with the Community Development Department prior to its expiration, the Design Review will lapse one year (1) years after the decision becomes final, or March 18, 2023 at 5:00 p.m."

However, the posted agenda for the Planning Commission meeting of March 8, 2022 did not include any reference to Design Review in the description of Item 9.1. Rather, the agenda referred to a "remote PUBLIC HEARING" and read: "178 North First Street Request for a Conditional Use Permit to have permanent outdoor seating associated with a new pub/lounge that will occupy the existing building; APN 0115-082-090; Zoning District; Downtown Commercial (CD); Tiffany Fabiani, owner/applicant; File no. PA 21-36 UP 22-02."

Furthermore, at section 18.23.120, the City of Dixon Zoning Ordinance addresses the requirement of a noticed public hearing for Design Review. However, neither the 10 days in advance required public notice announcing a public hearing nor the agenda description pertaining to Item 9.1 made any reference to Design Review. Furthermore, after the close of public comment related to the Whiskey Barrel 707 matter, both the Community Development Director and the Vice Chair of the Commission stated that only the use and not the design of the project was under consideration. Yet, as pointed out above, the signed and dated, adopted Resolution clearly states that the action taken by the Planning Commission included a finding on Design Review.

During the course of the meeting, one Commissioner proposed what was referred to as a "friendly amendment" for additional review of the outdoor seating. Both that Commissioner and others discussed the enclosure around the outdoor seating. Another Commissioner questioned the size of the outdoor seating area. Another Commissioner questioned whether the building would be painted. And, so on and so forth.

I would also point out, that contrary to assertions made by the Community Development Director indicating that Design Review by the Planning Commission was not required, the Zoning Ordinance under section 18.23.100 B reads that "Commercial, office or industrial remodeling that would substantially alter the external appearance, including exterior painting for approval of selected colors." requires noticed Design Review. In this case, the request by the applicant was for "permanent" outdoor seating that will no doubt alter the external appearance of the premises with enclosures and/or in other ways.

Furthermore, a review of the public record subsequent to the meeting verifies that in the past, outdoor seating for other establishments was subject to Design Review by the Planning Commission (and contrary to the statement by the current Vice Chair was not only for seating that would encroach on the public right of way). In such past cases, the agenda for those prior meetings clearly stated that Design Review was under consideration for action by the Commission.

As you are aware, the Brown Act creates specific agenda obligations for notifying the public with a description of each item to be discussed or acted upon; and also creates the legal remedy of judicial invalidation of the illegally taken action. Pursuant to Government Code 54960.1, I demand that the Dixon Planning Commission cure or correct the aforementioned illegally taken action as follows: Reversal of the action taken by the Planning Commission granting conditional use(s) to the Whiskey Barrel 707 with formal and explicit withdrawal from any commitment

made with notice to all immediately affected persons; coupled with a disclosure at a subsequent meeting on the reasons why individual members of the involved legislative body took the position that they did with the full opportunity for informed comment by members of the public at the same meeting, notice of which is properly included on the posted agenda.

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action, or inform me of your decision not to do so. If you fail to cure or correct as demanded, I am entitled to seek judicial invalidation of the action in which case I would seek the award of court costs and reasonable attorney fees pursuant to my rights under the Brown Act. (Government Code section 54960.5)

In the event that it appears to you that the conduct of the Planning Commission specified herein did not amount to the taking of action, I call your attention to Government Code section 54952.6 which defines "action taken" for the purposes of the Act very expansively.

(2)

**Cease and Desist: The Planning Commission took action on an Item, the description of which was inadequate in that it was misleading and inconsistent with the Staff Report and the adopted Resolution. (Bold font added throughout for emphasis)**

The nature of the violation is twofold as follows:

**First:** An issue with the description of Agenda Item 9.1 was brought to the attention of both Staff and the Commission in written public comment submitted prior to the meeting. The aforementioned description was worded as "a request for a Conditional Use Permit for **permanent outdoor seating associated with a new pub/lounge to occupy the existing building.**"

At issue, in part, is whether the term "associated with" is sufficient to clearly inform the public that a Conditional Use Permit(s) was being sought for **both the pub/lounge and the outdoor seating**. In that regard it is significant that both the signed and dated, adopted Resolution and the Staff Report are worded differently than the agenda description or the public notice.

Resolution No. 2022-008 reads: "A RESOLUTION CONDITIONALLY APPROVING A CONDITIONAL USE PERMIT (UP 21-02) TO ALLOW A PUB AND OUTDOOR SEATING LOCATED AT 178 NORTH FIRST STREET (WHISKEY BARREL 707) ASSESSOR'S PARCEL 0115-082-090." It also reads: "WHEREAS Edward Renger (applicant), on behalf of Tiffany Fabiani (owner), submitted a Planning Application (PA 21-36) for Conditional Use Permit approval (UP 21-02) for a **new pub/lounge (Whiskey Barrel 707) as well as permanent outdoor seating area** that will occupy the existing building at 178 North First Street." I would note that the primary request for a Conditional Use Permit for the pub/lounge is specified. It would seem reasonable that wording referring to any accessory type use, such as outdoor seating, would follow as worded in the Resolution.

The staff report under "**project description**" reads: "On December 22, 2021, Edward Renger (applicant), on behalf of Tiffany Fabiani (owner) submitted a Planning Application (21-36) requesting a Conditional Use Permit (UP 21-02) to **establish a new pub/lounge (Whiskey**

**Barrel 707) within the existing building. Pursuant to Dixon Municipal Code Section 18.09.030 A and C, a Conditional Use permit is required for both the permanent outdoor seating, as well as the pub use in the CD zoning district."**

A reasonable person would question why the project description in the Staff Report would differ from the notice on the agenda. A reasonable person would question why three, simple, clarifying words included in the description in the Staff Report, "both" and "as well" were not made a part of the description on the agenda. "As well" was also used in the Resolution.

According to my research, the Court of Appeal in *Carlson v. Paradise Unified School District*, 18 Cal. App. 3d 196 (1971) concluded that an agenda item was "entirely misleading and inadequate to show the whole scope of the boards' intended plans." The court went on to state that "it would have taken relatively little effort to add to the agenda that this 'school site change' also included the discontinuance of a school site."

In the case of Agenda Item 9.1 before the Planning Commission on March 8, 2022, it would have taken "relatively little effort" or actually no effort at all to add "both" and "as well" to the description on the agenda and on the public notice. **If Staff thought that such clarification was necessary in the Staff Report, then it was likewise essential for public noticing as part of the agenda description.**

The circumstances that two individuals, who had both submitted protests to the Department of Alcoholic Beverage Control in regard to the project, read the Staff Report and learned that a Conditional Use Permit for the "pub/lounge" and for "permanent outdoor seating" were both under consideration, does not indicate that the description on the agenda was sufficient notice to the general public. The circumstances that another individual who submitted written public comment is known to work with the applicant on a social media site and had knowledge of the applicant's request is no indication that the description provided on the agenda was sufficient notice to the general public. The circumstances that only five other members of the public commented during the public hearing, at least two members of the Downtown Dixon Business Association familiar with the project and three others who spoke to their personal acquaintance with the applicant, does not indicate that the language on the agenda was sufficient notice to the general public.

Considering that valid concerns brought to the attention of Staff and the Commission about the inadequacy of the description for agenda item 9.1 were discounted during the Planning Commission meeting of March 8, 2022, a cease and desist demand is warranted. **The Planning Commission needs to recognize and acknowledge that under the Brown Act the public is not required to guess or surmise or search out the actions that a legislative body would be taking on an action.** The description, in and of itself, must be clear and understandable to the public.

**Second:** The signed and dated, adopted Resolution also reads: "WHEREAS the Dixon Planning Commission held a duly noticed public hearing on March 8, 2022 to consider the merits of the project, and hear testimony in favor of and in opposition to the project. The Community Development Department has provided public notice identifying the applicant, describing the project and its location, and the date of the public hearings prior to both hearings. The notice

has been mailed to all property owners within 300 feet of the subject property." Neither the description for Agenda Item 9.1 nor the required public notice referred to "hearings" (plural) or "both hearings." In this case it is unclear whether the mismatch between the noticing and the Resolution is a Brown Act noticing violation or some other problematic issue. It is unclear whether the Dixon Planning Commission intends that their finding (to approve Design Review, as evidenced by the Resolution, and their actions to grant both Conditional Uses for the Whiskey Barrel 707) somehow be considered as having taken place at separate hearings (plural). Should that be the case, then the public noticing and the description on the agenda should have so indicated. Regardless, either the legally required noticing was improper or the legally required Resolution is inaccurate.

I would also call your attention to the discrepancy in the number assigned to the Conditional Use Permit. The public notice and the agenda refer to **UP 22-02**. The Resolution refers to **UP 21-02**.

Accordingly, pursuant to Government Code section 54960.2, I hereby notify the Dixon Planning Commission and the Clerk of the Commission that the Commission must immediately cease and desist from acting on agenda descriptions that do not provide the public with sufficient notice of actions the body will be taking and/or are inconsistent with wording on Resolutions adopting the actions. Pursuant to Government Code section 54960.2, the Commission must respond to this letter within 30 days, providing me with its unconditional commitment to cease, desist from, and not repeat the violations described herein. If it does not, I may take legal action for such violations of the Brown Act.

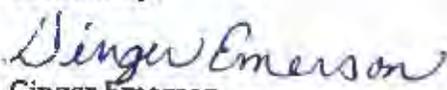
Before concluding, I need to reiterate and emphasize two other issues related to Agenda Item 9.1 that resulted in both improper noticing and improper actions taken by the Planning Commission on March 8, 2022. While it is my intention to address the matters in an appeal hearing before the City Council, I believe they warrant notice in this letter as well.

**First:** The use was incorrectly described and presented as a pub/lounge. Clearly, a **nightclub with entertainment is an assembly use as defined in Section 18.02.010 D of the City of Dixon Zoning Ordinance**. An assembly use is not allowed by right or conditionally in the Downtown Commercial Core (Sections 18.09.020 and 18.09.030 of the Zoning Ordinance) without consideration of an Assembly Use Overlay (Section 18.19.010) or by resolution as having existed prior to September 17, 2006. Therefore, the required public notice and the Planning Commission agenda incorrectly described the use under consideration as a pub/lounge when in fact the Whiskey Barrel will be operated as a nightclub.

**Second:** The requirement of a finding of "Public Convenience and Necessity" was not noticed in the description of actions to be taken by the Planning Commission in conjunction with the granting of a Conditional Use Permit for the premises. The number of on sale licenses in census tract 2534.02 was clearly in dispute with conflicting documentation presented to the Commission. It would have been reasonable for the Commission to seek resolution of the dispute before proceeding with any action to grant conditional uses to the Whiskey Barrel. Again, this issue involves far more than Brown Act noticing requirements and would seem more appropriately addressed at this point during the appeal process before the Council.

In closing I believe certain points made in my appeal application bear repeating in the context of this letter. **The Planning Commissioners should be reminded of the oath they took to uphold the Constitution of the State of California.** Pertaining to the matters herein, they must ensure that their actions are taken in accordance with the Brown Act. The Brown Act, also known as the California open meeting law, has a forcefully stated purpose: "In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created." (Government Code section 54950).

Yours truly,

  
Ginger Emerson

Cc: Douglas L. White, Attorney for the City of Dixon  
Mayor Steve Bird and Members of the Dixon City Council  
Kristin Janisch, Elected Dixon City Clerk  
Lupe Ruiz, Administrative Dixon City Clerk

**FW: Refund of Appeal Fee based on March 8, 2022 agenda information**

Brandi Alexander <BAlexander@cityofdixon.us>

Tue 3/29/2022 4:55 PM

To: Jim Lindley <JLindley@cityofdixon.us>

Cc: Raffi Boloyan <rboloyan@cityofdixon.us>

Good Afternoon,

Please see below. I am keeping an eye on Lupe's email while she is away, for time sensitive correspondence. This was received a bit ago.

Sincerely,



*Brandi Alexander*

Senior Administrative Clerk | City Clerk Department

Phone: (707) 678-7000 Ext: 1104

E-Mail: [balexander@cityofdixon.us](mailto:balexander@cityofdixon.us)



**From:** Ginger Emerson [REDACTED]  
**Sent:** Tuesday, March 29, 2022 4:44 PM  
**To:** Lupe Ruiz <LRuiz@cityofdixon.us>  
**Cc:** City Council <CityCouncil@cityofdixon.us>; Doug White <doug@whitebrennerllp.com>; Ginger Emerson [REDACTED]  
**Subject:** Refund of Appeal Fee based on March 8, 2022 agenda information

Good Afternoon, Lupe,

As you are aware, I submitted an application to appeal the March 8, 2022 decision of the Planning Commission regarding the Whiskey Barrel CUP to the City Council. I turned in the application on March 18, 2022 and was charged \$1475.00. In preparation for the appeal, I was reviewing the March 8, 2022 PC agenda and noticed the following information provided to inform the public of their rights. "Any party aggrieved or affected by a decision made by the Planning Commission may file an appeal within ten (10) calendar days after the decision, using the appeal form available at City Hall. **To file an appeal, complete the form and submit it with a \$250.00 filing fee to the City Clerk, City of Dixon ...**" Based on the March 8<sup>th</sup> agenda information, I am entitled to an immediate refund of \$1225.00. Please advise me of when that refund will be available to me.

Thank you,  
Ginger Emerson