

Planning Commission Staff Report

August 24, 2011
Item 5.b.

SUBJECT: P11-0055

APPLICANT: Donna Flavetta / Grape Times Wine Bar and Bistro

PROPERTY OWNER: Kamal and Jas Johal

PURPOSE: Application for a Conditional Use Permit to operate a wine bar and bistro.

LOCATION: 4469 Railroad Avenue

GENERAL PLAN: Retail/Highway/Service Commercial. Business and Professional Offices

SPECIFIC PLAN: Downtown Specific Plan, Downtown Commercial Land Use Designation

ZONING: C-C (Central Commercial), Downtown Revitalization, and Core Area Overlay District

EXHIBITS:

- A. Draft Conditions of Approval
- B. Narrative, Draft Menu and Wine List, Floor Plan, and Site Plans dated "Received July 1, 2011"
- C. Planning Commission and City Council Meeting Minutes
- D. Location and Noticing Maps

BACKGROUND

Donna Flavetta, owner of Elliston Vineyards in Sunol, is requesting to operate a wine bar with food service within a portion of the subject building (4469 Railroad Avenue). The applicant is requesting to occupy the front portion of the mixed-use building, previously occupied by San Francisco Cigar Company. The rear portion of the building (4473 Railroad Avenue) is a residence. In 2005 the City Council approved an approximately 804-square-foot retail space addition to the front portion of the existing single-family home and related site improvements (e.g., three additional on-site parking spaces for the retail space). The Planning Commission and City Council meeting minutes for the addition are attached as Exhibit C for the Commission's consideration.

The proposed building is located within Downtown and is zoned C-C (Central-Commercial) District. Bars are conditionally allowed within Downtown with the approval of a Conditional Use Permit. Accordingly, the Conditional Use Permit application is before the Planning Commission for review and action.

SITE DESCRIPTION

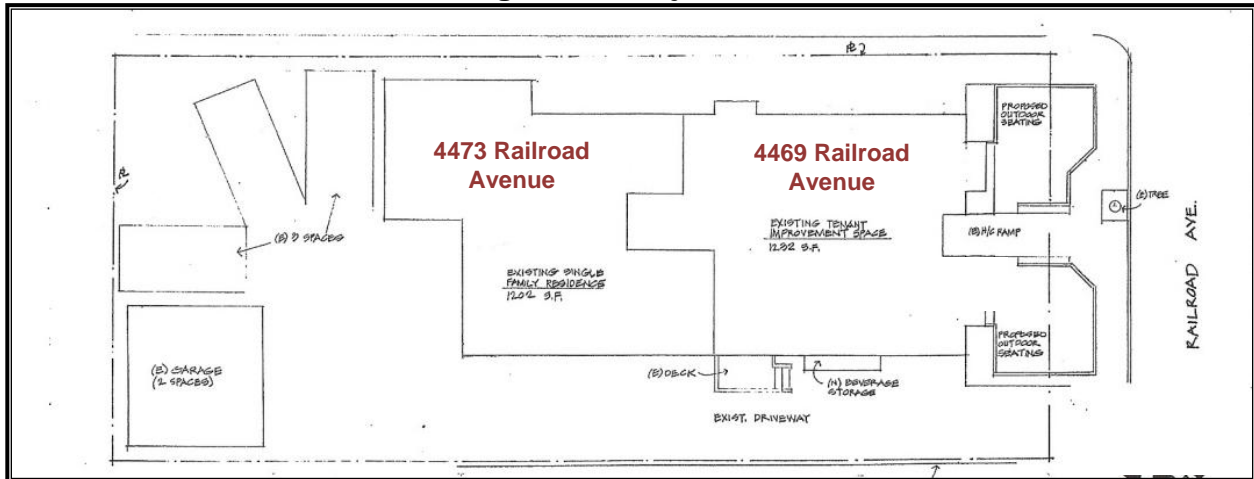
The subject site is an approximately 6,875-square-foot parcel located on the west side of Railroad Avenue, north of Neal Street. The applicant's site plan indicates that the single-story building contains an approximately 1,232-square-foot retail space at the front portion and an approximately 1,202-square-foot residence at the rear portion. The applicant's architect indicated that the prior owner had converted a portion of the residence into retail space without City approval/permit. A driveway on the south side of the building leads to three uncovered parking spaces and a two-car garage at the rear of the site.

The subject site is bordered on the south by Meadowlark Dairy, on the north by a multi-tenant building that has a hair salon in the front building and an architect's office on the second-floor of the rear building (separated by the drive aisle to 530 Main Street), and on the west by the parking lot of a multi-tenant building. The Firehouse Arts Center and Wayside Park are located to the east, across Railroad Avenue (please refer to Figure 1 below). The Downtown area is a mix of uses that include, but are not limited to; professional offices, retail and personal services, and restaurants.

Figure 1: Aerial Photo



Figure 2: Subject Site



PROJECT DESCRIPTION

The applicant is proposing to operate a wine bar that includes small plate appetizers, desserts, and espresso. The applicant will also occasionally host ancillary vintner events and private gatherings. The applicant's draft meal and wine menus are included in Exhibit B for reference. The proposed hours of operation are seven days a week from 11:00 a.m. to midnight; however, staff has added a condition of approval that the outdoor patio area will not be used after 10:00 p.m. (Exhibit A, No. 4). The applicant's narrative, site, and floor plan can be found in Exhibit B for the Commission's consideration.

The applicant is proposing to enlarge the front retail space by adding a 20-square-foot beverage storage area, resulting in an approximately 1,252-square-foot retail space. There would be approximately 34 seats at the bar and tables plus eight tables for standing customers. Additional seating would be provided in the outdoor drinking/dining area. A small kitchen and unisex bathroom are located at the rear of the tenant space. There would be no common hallway or internal access between the commercial and residential spaces.

As noted earlier, the applicant's architect indicated that the previous owner had enlarged the retail space into the residential space without City permit/approval. Staff will require the property owner obtain the necessary permit/approval for this conversion to ensure that the modifications to the residential unit meet Code requirements and the appropriate City fees are paid.

Design Review

The applicant is proposing to create an outdoor drinking/dining area at the front of the building, install new windows, and construct an approximately 20-square-foot beverage storage area on the south elevation of the building (please refer to Exhibit B). The new windows and storage addition will be constructed in the newer, front retail portion of the building. These requests

are being processed under a separate staff-level Design Review application. The Planning Commission will be notified of staff's action on a future Zoning Administrator Action Report.

ANALYSIS

Conditional uses are uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. The Land Use Element of the General Plan designates the subject property as "Retail/Highway/ Service Commercial, Business and Professional Offices" and the Downtown Specific Plan designates the subject property as "Downtown Commercial." The zoning for this site is C – C (Central – Commercial), and is located in the Downtown Revitalization and Core Area Overlay District which permits land uses such as personal services, retail, restaurants, and office uses and requires conditional use permit approval for bars and restaurants that serve alcohol after 10:00 p.m.

Staff considered the possible impacts that could result from late-night bar service, and believes that it will be compatible with the site and surrounding uses. Small plates of food will be provided until closing, the site does not abut residential uses, with the exception of the attached residential unit, and music and dancing is not proposed. Furthermore, the applicant is requesting to operate until midnight whereas some of the restaurant/bars in Downtown have been approved for service of alcohol past midnight.

Staff notes that some of the existing bars Downtown have created problems from time to time due to disorderly patrons, loud music, littering, etc. However, if operated as described in the applicant's narrative and as conditioned by staff, staff believes that the use would not generate or contribute to the problems associated with the other Downtown bars.

Noise

A proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to "promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions." As proposed, staff believes that noise from the wine bar would be minimal and would not negatively impact uses located adjacent to or on the subject site. All doors will remain closed during business hours and the patio will not be used after 10:00 p.m., further limiting potential noise impacts to surrounding tenants and properties. The applicant is not proposing live music or DJ's and would have to comply with the City's Noise Ordinance. Therefore, staff does not expect the proposed wine bar to be disruptive to adjacent uses and/or properties.

Parking

For properties zoned Central – Commercial (C-C) and located within the Downtown Revitalization District, the Pleasanton Municipal Code (PMC) does not require additional parking for a change in use of buildings that are older than five years, even if the new use generates a higher parking demand. However, the Planning Commission may require parking mitigation for a use if deemed necessary through the review of a Conditional Use Permit.

Unlike many other office and commercial buildings in the Downtown area, the subject property contains onsite parking. The site has three onsite parking spaces dedicated to the commercial portion of the building which were added in 2005 as a part of the retail addition. The two-car garage is for exclusive use of the residential unit and will not be used for patrons and/or staff of the wine bar.

As with many businesses in the Downtown, on-street parking is the primary location used by visitors while going to a bar, retail or personal service establishment, restaurant, or office. Condition of approval number 6 requires the applicant to encourage staff to utilize the onsite parking. Should parking-related problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Sewer Allocation

The current sewer allocation for the subject space is for retail use, which has a lower allocation rate than a wine bar. A condition of approval requires the applicant to pay the applicable sewer fees as determined by the Chief Building Official.

Pleasanton Downtown Vitality Committee

The Downtown Vitality Committee of the Pleasanton Downtown Association is scheduled to review the subject application at their August 24, 2011, meeting. Staff will inform the Planning Commission of the outcome of the Vitality Committee meeting.

Tenant Improvements

The Building Division has indicated that the applicant will need to install separate men's and women's bathrooms in the wine bar (a unisex bathroom is currently shown on the floor plan) and provide a one-hour wall separation between the wine bar and residential use. The tenant improvement plans would be subject to the review and approval of the Building and Safety Division, Director of Community Development, and the Livermore-Pleasanton Fire Department.

GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN

The General Plan acknowledges the unique, small-town character of the Downtown. It also encourages the continued improvement of the Downtown area's viability through the application of land use decisions. The Land Use Element states the following policy regarding the Downtown:

Policy 12: Preserve the character of the Downtown while improving its retail and residential viability and preserving the traditions of its small-town character.

The Downtown Specific Plan helps implement this General Plan policy. The goals and objectives of the Downtown Specific Plan include those which are related to strengthening the Downtown's economic base, increasing business viability, and providing adequate opportunities for people to gather as a community.

Staff finds that the proposed conditional use permit will implement these goals and policies as stated in the General Plan and the Downtown Specific Plan. The subject building has been vacant for a couple of years and the proposed use will contribute to the overall viability of the Downtown in encouraging people to not only utilize the wine bars services, but also to shop and enjoy other amenities in the Downtown. Therefore, the proposed use is consistent with the stated objectives of the City's General Plan and the Downtown Specific Plan.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff feels the proposed wine bar would be consistent with these objectives.

Objectives of the zoning ordinance for the Downtown Revitalization District include assuring appropriate development, revitalizing the economic growth and health of Downtown, fostering civic pride in the Downtown, stabilizing and enhancing the value of property, and creating and renewing proper relationships between tax revenues and real property and the costs of municipal services.

The Downtown area permits a variety of uses. Staff believes that the proposed wine bar is a small-scale establishment and that the proposed conditions of approval for the project would give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and surrounding properties. Furthermore, allowing the proposed wine bar is in accordance with the purposes of the Central Commercial zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas.

Staff believes the granting of the use permit is consistent with the objectives of the Central – Commercial and Downtown Revitalization District. In summary, staff believes this finding can be made.

B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.

With the recommended conditions, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions require adherence to hours of operation and parking to mitigate for possible impacts to adjacent uses and/or properties. The wine bar is required to adhere to the City's Noise Ordinance, which was designed to protect the peace, health, safety, and welfare of the citizens of the City. Furthermore, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. Therefore, staff believes that this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within 1,000-feet of the site. Staff has provided the location and noticing maps as Exhibit D for the Commission's reference. At the time this report was published, staff had not received any public comments.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed wine bar would provide a service to the community and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P11-0055 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P11-0055 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, namos@ci.pleasanton.ca.us