



## Planning Commission Staff Report

June 11, 2008  
Item 5.c.

**SUBJECT:** PCUP-222

**APPLICANT/  
PROPERTY OWNER:** Sherman Balch/SuperFranks

**PURPOSE:** Application for a conditional use permit to serve wine and beer in conjunction with food in an existing indoor recreational facility.

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** PUD-C (Planned Unit Development – Commercial)  
District

**LOCATION:** 5341 Owens Court

**ATTACHMENTS:**

1. Exhibit A, written narrative and floor plan, dated “Received, May 15, 2008”
2. Exhibit B, Proposed Conditions of Approval
3. Exhibit C, Location Map

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### I. BACKGROUND

On March 29, 2006, the Planning Commission approved SuperFranks (PCUP-161), a family-oriented indoor recreation facility focusing on children two to twelve years of age located at 5431 Owens Court, replacing the existing racquetball and fitness facility. SuperFranks is open to the general public and takes reservations for private parties. In addition to various children’s play areas within the facility, SuperFranks also has a food service area that has a menu board and serves fresh baked pizzas, salads, soft drinks, and coffee. The facility is open seven days a week from 10:00 a.m. to 8:00 p.m.

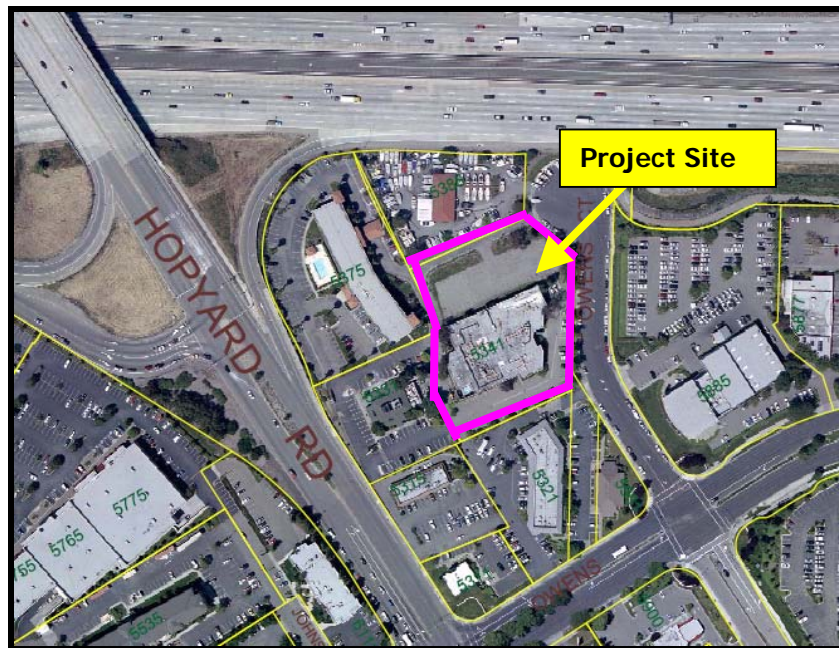
Liz Corbin, on behalf of SuperFranks, has submitted a conditional use permit requesting beer and wine service in conjunction with food. The subject site is located in the PUD-C (Planned Unit Development – Commercial) zoning district, which allows serving beer

and wine in a restaurant before 10:00 p.m. However, SuperFranks did not include alcohol service to adult patrons waiting on-site in the food service area. Therefore, a conditional use permit is required to add this service to the approved use.

## II. SITE DESCRIPTION

The subject site is an approximately two-acre site located on Owens Court behind the Burger King restaurant and across from the Mercedes Benz dealership. The site is relatively flat and is currently occupied by a two-story tilt-up building. A total of 107 surface parking spaces are located around the building and primarily on the north side. Access to and from the site is from Owens Court. A shared driveway between the subject site and the Pleasanton Inn serves as a secondary access.

The subject site is visible from Interstate 580, but it has minimal visible from Hopyard Road and/or Owens Drive. The site is surrounding by commercial establishments, such as restaurants, a motel, and other personal services.



**Project Location**

### **III. PROJECT DESCRIPTION**

Play areas at SuperFranks are located on both floors, with the majority of games, play areas, and party rooms on the first floor. A food service area is located in the middle of the facility and is accessible from various play areas.

Currently, the facility serves fresh baked pizza, salads, and soft drinks/juice to the patrons. The proposed beer and wine would be an added item to the adults and will be served in conjunction with food.

### **IV. ANALYSIS**

Like Pump It Up and BounceU, SuperFranks is a recreational place designed for elementary school-age children. Unlike the other facilities that focus on scheduled parties and serving foods in the party rooms via delivery service, SuperFranks is open to the general public and offers menu items to walk-in patrons as well as guests of private parties. At SuperFranks, food and drinks are served in the defined food service area as well as in the party rooms.

Staff has contacted Alcoholic Beverage Control Board and discussed the proposal with Anayn Alabanza. Ms. Alabanza indicated that the agency would allow beer and wine to be served in the food service area, provided the applicant receives approval from the City.

To ensure that serving beer and wine would be under control at SuperFranks, staff has added conditions of approval that restrict beer and wine service in the food service area in conjunction with food, prohibit special promotions and advertising on any alcoholic beverages, and require the food service staff to undergo a training program such as TIPS (Training for Intervention Procedures) that is designed to prevent intoxication, underage drinking, and drunk driving. Additionally, staff has added a condition to allow the review and possible revocation of this use permit should it result in any adverse impacts on the public health, safety, and general welfare.

### **V. PUBLIC NOTICE**

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. At the time this staff report is prepared, no one has contacted staff.

## VI. FINDINGS

The Planning Commission needs to make the following required findings prior to the granting of the proposed conditional use permit:

**A. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance 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. The proposed use is an incidental use to an existing indoor recreation facility where there is a food service area. As required by the conditions, the food service staff at the facility is required to undergo a training program such as TIPS (Training for Intervention Procedures) that is designed to prevent intoxication, underage drinking, and drunk driving. Based on the proposal and discussion in the staff report concerning land use, staff does not expect any potential adverse land use issues to result from the proposed beer and wine served at the food service area. Thus, staff believes this finding can be made.

**B. 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.**

The existing indoor recreation facility is located in a commercial area that has a variety of retail businesses, including but not limited to general retail shops, franchise businesses, restaurants, etc. As conditioned, staff believes that serving beer and wine to adult patrons would not generate any adverse impacts upon adjacent other businesses and patrons. Thus, staff feels this finding can be made.

The serving of beer and wine has been conditioned to adhere to all requirements of the Alcohol and Beverage Control agency. A condition of approval has been added to allow the review and possible revocation of this use permit should there be any adverse impacts on the public health, safety, and general welfare.

**C. The proposed conditional use will comply with each of the provisions of the Zoning Ordinance.**

Based on the proposal and staff's analysis of this proposed use, staff believes that granting a conditional use permit to the proposed use would be consistent with the

City's ability to regulate zoning regulations. Therefore, staff believes that the third finding can be made.

## **VII. ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1.

## **VIII. CONCLUSION**

As conditioned, staff believes that serving beer and wine at the food service area would be an ancillary service to the existing facility. Conditions of approval have been added which would ensure that the safety and general welfare of the surrounding businesses and the City in general would be maintained.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission make the required conditional use findings as listed in the staff report and approve Case PCUP-222 subject to the conditions listed in Exhibit B.

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