



Council Agenda Report

From: Darcy Delgado, Assistant Planner

Subject: Conditional Use Permit (CUP) 16-006 (Wine Boss – Thomas Booth applicant)
1317 Park Street
Consideration of a recommendation from the Planning Commission to approve a Conditional Use Permit for a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the California Department of Alcoholic Beverage Control (ABC).

Date: February 7, 2017

Facts

1. On January 10, 2017, the Planning Commission recommended approval of Conditional Use Permit (CUP) 16-006, allowing the establishment and operation of a wine/beer lounge within the existing building located at 1317 Park Street, subject to ABC licensing requirements. See Attachment 1, Vicinity Map.
2. The building is located in the TC-1 (Town Center) zoning district and has a Downtown Commercial (DC) General Plan Land Use designation.
3. Table 5.3-1 of the Uptown/ Town Center Specific Plan requires a Conditional Use Permit (CUP) for bars and cocktail lounges, which would include wine/beer lounges in the TC-1 zone.
4. The Wine Boss business would be a lounge that would serve a small selection of wine and beer paired with limited food options. Mr. Booth proposes the business's hours of operation be Sunday through Thursday from 2:00 PM until 10:00 PM, and on Friday and Saturday from 2:00 PM until 12:00 AM. The California State Department of Alcohol and Beverage Control (ABC) has confirmed these hours as part of the applicant's application to receive an ABC License.
5. As part of this CUP, there would be a house music system, which includes digital background music and an occasional piano player. Nightclub type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP.
6. There are three parking spaces in at the front of the building, along Park Street. Since there is no change of building occupancy in accordance with the Building Code, nor is there an increase of square footage proposed with this conditional use permit request, no additional parking is required.
7. As part of the Conditional Use Permit process, Mr. Booth has applied for a Type 42 license with the ABC to authorize the sale and on-site consumption of wine and beer.
8. It has been determined by ABC staff that there is an "undue concentration" in relation to the number of alcohol related licenses that currently exist in that area of the City (Census Tract 0101.02). As a result of the undue concentration, California Code Section 23958.4 requires that "the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or

body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance.

9. The City was notified by the ABC that it is necessary for the City to make a finding of public convenience in relation to the request for a Type 42 license at 1317 Park Street.
10. Since the City Council is the City's governing body, the Council has the ability to make a determination that either a public convenience or necessity would be served by the issuance of a Type 42 License.
11. The Development Review Committee (DRC) reviewed this project at its meeting on January 3, 2017, and was in favor of the conditional use permit request.
12. This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).
13. The Planning Commission held a public hearing on January 10, 2017 to considering the applications and voted to recommend the City Council approve the conditional use permit and that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the California Department of Alcoholic Beverage Control (ABC).

Options

1. Approve the project by taking the following actions:
 - a. Approve draft Resolution A; approving Conditional Use Permit 16-006, subject to site specific conditions of approval; and
 - b. Approve draft Resolution B; determining that Public Convenience or Necessity would be served by the issuance of a Type 42 ABC license for the Wine Boss located at 1317 Park Street;
2. Approve the project with modifications to either Resolution A and / or Resolution B;
3. Refer back to Planning Commission and/or staff for additional analysis.
4. Deny the CUP and PNC applications based on findings.

Analysis and Conclusions

On January 10, 2017, the Planning Commission recommended approval of Conditional Use Permit 16-006, allowing the establishment and operation of a wine/beer lounge within the existing building located at 1317 Park Street, subject to ABC licensing requirements.

The Police Chief along with Planning staff have reviewed the request to establish a beer and wine lounge in the Downtown. This request to sell wine and beer is consistent with other uses in the Downtown, such as wine tasting rooms. Under the ABC License requirements, a Type 42 license allows the applicant to sell a variety of different seller's wines as opposed to wine tasting rooms which are limited to selling the winery's own selection. The Type 42 license also allows for the sale and on-site consumption of beer.

As part of the ABC license process, public notification to residents within 500-feet of the property requesting the ABC license is required. ABC staff indicated they received one phone-inquiry which resulted in the ABC limiting the applicant's hours of operation. These hours of operation are reflected in the conditions of approval. No other public comments or objections were received from residents as part of the Wine Boss license process.

The proposed use is consistent with the purpose of the TC-1 Zoning District, subject to the conditions of approval within the Conditional Use Permit. A finding of public convenience or necessity by the City Council for the Wine Boss lounge would seem appropriate and be consistent with other uses in the Downtown.

General Plan / Zoning Consistency

The zoning is TC-1 which applies to the area occupied by Paso Robles' historic Downtown. The TC-1 zone conditionally allows bars and cocktail lounges, which would include wine/beer lounges.

Neighborhood Compatibility / Site Design Issues

The applicant has provided a site plan and floor plan of the existing building (See Exhibit B to Attachment 2, Site Plan). No changes to the interior space are proposed. Since the occupancy of the building is not changing, no additional parking is required. The surrounding blocks are majority commercial uses, including a barber shop and retail shop immediately adjacent to the site. Various second story residential apartments are located in the vicinity of the project site, which is characteristic of the mixed use Downtown by having first floor commercial and second floor residential.



As part of the applicant's request, the proposed use will also include background music and an occasional piano player (See Attachment 2, Applicant's Statement). Nightclub type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP. As part of the ABC license process, public notification to residents within 500-feet of the property requesting the ABC license is required. ABC staff indicated they received one phone-inquiry from a nearby resident. The inquiry resulted in the ABC limiting the applicant's hours of operation. The project has been conditioned to reflect these hours of operation in order to make the use more compatible with the surrounding uses.

Architecture and Appearance

The applicant has indicated the exterior awning material is proposed to be replaced with a brick veneer tile, however, this will need to be reviewed by the Development Review Committee (DRC) once more information on this request has been provided. A condition of approval has been added to ensure any future façade alterations be approved by the DRC.

CEQA issues

This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Options

Option 1. Approval of the beer/wine lounge with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC) would be consistent with the surrounding Downtown uses, and the TC-1 zoning designation. Additionally, the City promotes itself as a wine destination through the Travel Paso Robles Alliance.

Option 2. Option 2 takes into account that the proposed use may require additional conditions of approval to make it more compatible with surrounding uses, such as limiting the hours of operation. As part of the ABC license process, public notification to the residents within 500-feet of the property was required. As a result, the ABC has already limited the applicant's hours of operation.

Option 3. Continuing the item to a future City Council meeting would allow staff or Planning Commission to work with the applicant and further review the compatibility of the use as it is proposed.

Option 4. Option 4 takes into account that there is an "undue concentration" in relation to the number of alcohol related licenses that currently exist in the Downtown and that the City may consider limiting the issuance of PCN determinations. However, consistency with the City's tourism and economic development goals should be considered, as the City has branded itself as a wine destination to encourage visitation by wine tasters.

Fiscal Impact

Minor positive fiscal impact would be expected from addition wine bars in the Downtown zone. Expansion of entertainment uses within the Downtown core is consistent with the City's economic development goals.

Recommendation

Option 1:

- a. Approve draft Resolution A; approving Conditional Use Permit 16-006, subject to site specific conditions of approval; and
- b. Approve draft Resolution B; determining that Public Convenience or Necessity will be served by the issuance of a Type 42 ABC license for the Wine Boss located at 1317 Park Street;

Attachments

1. Vicinity Map
2. Applicant's Statement
3. Draft Resolution A
4. Draft Resolution B
5. Mail affidavit
6. Newspaper affidavit

Attachment 1

Vicinity Map



Project Site
1317 Park Street

**Conditional Use Permit
Project Description**

**1317 Park St., Paso Robles,
CA 93446**

**Thomas Robert Booth
ABC License-42 Applicant**

WINE BOSS

First and foremost, thank you very much for your time and consideration in regards to this matter. Having my own wine lounge has been a dream of mine since entering the industry here 10 years ago. My experience working in Paso Robles at various wineries and tasting rooms has made this city and its people very dear to me. The picture I want to paint is that of a wine lounge and not that of a “bar” or “tavern” as the ABC License 42 states. I understand the wording is ambiguous but throughout this proposal, I will explain why I chose this specific license, how I plan to operate and drive commerce, and how I will serve the local community in a respectful manner.

For the sake of introduction, I am Thomas Robert Booth and I obtained a B.S. degree in Wine and Viticulture from Cal Poly, San Luis Obispo in 2010 concentrating in both Enology and Wine Business. I fell in love with the wine industry in Paso Robles and never felt the need to move as I witnessed our wine commerce expand and grow in popularity exponentially. It has led to some beautiful developments around downtown and in parallel, increased our population. The rural wineries and tasting rooms are obviously huge magnets for tourists and locals alike but it’s also driving business towards Paso’s epicenter AKA the downtown city park. That’s when my entrepreneurial spirit had this idea.

While it’s true Paso Robles has a good number of establishments that serve alcohol, whether they are tasting rooms or restaurants, a very high demand is being met by our ever growing population and tourism. My goal is to help meet that demand in a very charming fashion with a matching atmosphere. I chose the license 42 because no other license would permit me to sell smaller, local and boutique brands who can’t quite afford their own tasting room. I also would like to serve a few taps of beer as it has less alcohol than wine and I’ve heard so many tourists demand for it after a long day of wine tasting. It is my hopes that the city can see why I’d prefer to be looked at as a lounge after I explain my operations and intent below.

The city, in my opinion, needs a place with a relaxing, comfortable atmosphere where locals and exhausted tourists can go at the end of the day. I would have a series of flights and a decent inventory of wine for customers to choose from. I will have 3 or 4 taps of local beers as well as non-alcoholic selections to choose from. They may pair their preferred beverage with little bites

I am permitted to serve. I will have no live bands but I would like to have a piano player maybe once a week or biweekly. Digital music will be on the jazzy or swing side since my ultimate theme is Art Deco. I'm an old soul raised on Humphrey Bogart and Jimmy Stewart movies so I'd like to mimic their classy vibe. At all costs, I will keep the music within the range of my store only. This leads me to my hours of operation:

Monday and Tuesdays I will be closed.

Wednesday and Thursday I hope to be open from 4PM – 12AM

Friday and Saturday I hope to be open from 3PM – 1:30AM

Sunday 2PM – 10PM

(I will be the store's only employee for the first year).

I understand some of these hours might be a stretch but I will be very respectful of my neighbors, which luckily there are very few residents if any. I've certainly been one of those locals who goes out around 11 PM with very little options besides a couple bars. The bar scene is often times not that desirable if you just want to relax with a drink. Of course, I will be compliant and obey whatever restrictions both the city and state ordain.

My landlord and I spared no expense having the environmental reports completed as we wanted to make sure the property was sound and in safe condition. Please see report attached. I had a representative from an architectural firm perform measurements and draw the floor plans attached. We answered the elevations and site plan questions to the best of our abilities as we are not making any alterations except from the façade. We felt changing the façade to match that of Thomas Hill Organics was important not only for our image but also to give Park Street esthetic continuity and a beautiful city appeal. The interior is 100% consistent with the previous tasting room's (Arroyo Robles) application. Everything is completely ADA compliant.

In short, I signed a 5 year contract with my landlord to be a charming staple of this town. I've met so many locals working tasting rooms and I want to meet their demands. I've met so many smaller local wine business owners and I want to

Attachment 2

raise their brands awareness. I will be as charitable as possible and serve Paso Robles in any way I can. I will use all my marketing efforts and experience to drive commerce into our city by making Wine Boss one of the classiest joints in town. Thank you again for your time and consideration.

Attachment 3

Draft Resolution A

RESOLUTION NO: 17-XXX

**A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 16-006
(1317 PARK STREET - THOMAS BOOTH - WINE BOSS)
APN: 009-041-011**

WHEREAS, the applicant, Thomas Booth, has filed a Conditional Use Permit (CUP) application to allow the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC); and

WHEREAS, Table 5.3-1 of the Uptown Town Center Specific Plan (Specific Plan) of the City of El Paso de Robles requires approval of a Conditional Use Permit for bars and cocktail lounges, which would include wine/beer lounges, in the TC-1 (Town Center) zoning district; and

WHEREAS, on January 10, 2017, the Planning Commission recommended approval of Conditional Use Permit 16-006, subject to ABC licensing requirements; and

WHEREAS, as part of the request for a Conditional Use Permit, the City Council of the City of El Paso de Robles has made the determination that Public Convenience would be served by the issuance of a Type 42 ABC license for Wine Boss at 1317 Park Street, based on the wine lounge establishment being consistent with similar establishments in the Downtown; and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA; and

WHEREAS, a duly noticed public hearing was conducted by the City Council on February 7, 2017, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request; and

WHEREAS, based upon the facts and analysis presented in the staff report and public testimony received and subject to the conditions of approval listed below, the City Council finds that the establishment, maintenance and operation for the requested use and building would be consistent with the General Plan and not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Findings: based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the City Council makes the following findings:

1. The proposed use is consistent with the General Plan and Uptown / Town Center Specific Plan; and

2. The proposed use satisfies the applicable provisions of this Paso Robles Zoning Ordinance; and
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and
5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood; and

Section 3. Environmental Determination: This projects qualifies for as categorically exempt from environmental review per Section 15301 (existing building) of the California Environmental Quality Act Guidelines.

Section 4. Approval: Conditional Use Permit 16-006 is approved subject to the following:

1. This Conditional Use Permit (CUP) authorizes the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC), as shown on Exhibit B (Site Plan).
2. The project shall be constructed so as to substantially conform with the following listed exhibits established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Project Conditions
B	Regulating Site Plan

PASSED AND ADOPTED THIS 7th Day of February 2017 by the following Roll Call Vote:

AYES:
 NOES:
 ABSENT:
 ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk

Exhibit A Project Conditions
 Exhibit B Regulating Site Plan

Exhibit A

Conditions of Approval – CUP 16-006

Planning Division Conditions:

1. This Conditional Use Permit (CUP) authorizes the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC).
2. This CUP limits alcohol sales and consumption to beer and wine. Any changes to the ABC license type shall require amendment to this conditional use permit.
3. The hours of operation will be Sunday through Thursday from 2:00 PM until 10:00 PM, and on Friday and Saturday from 2:00 PM until 12:00 AM.
4. Night club type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP
5. The project shall substantially conform to Exhibit B, Site Plan.
6. Receptacles for cigarette butts and trash shall be provided on the sidewalk in front of the entry door and/or anywhere necessary to provide for cigarette butts and trash for people associated with this establishment. The areas shall be cleaned and maintained on a daily basis.
7. Any condition imposed by the City Council in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the City Council shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Council finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Conditional Use Permit.

VICINITY MAP Exhibit B



Site: 1317 Park Street
 Paso Robles, CA 93449

PROJECT INFORMATION

OWNER
 Thomas Booth
 1317 Park Street
 Paso Robles, CA 93449

PROJECT REPRESENTATIVE
 Cassandra Cheatham
 10867 Swansea Pl.
 San Diego, CA 92128
 858-775-4162
 cassandra.cheatham8@gmail.com

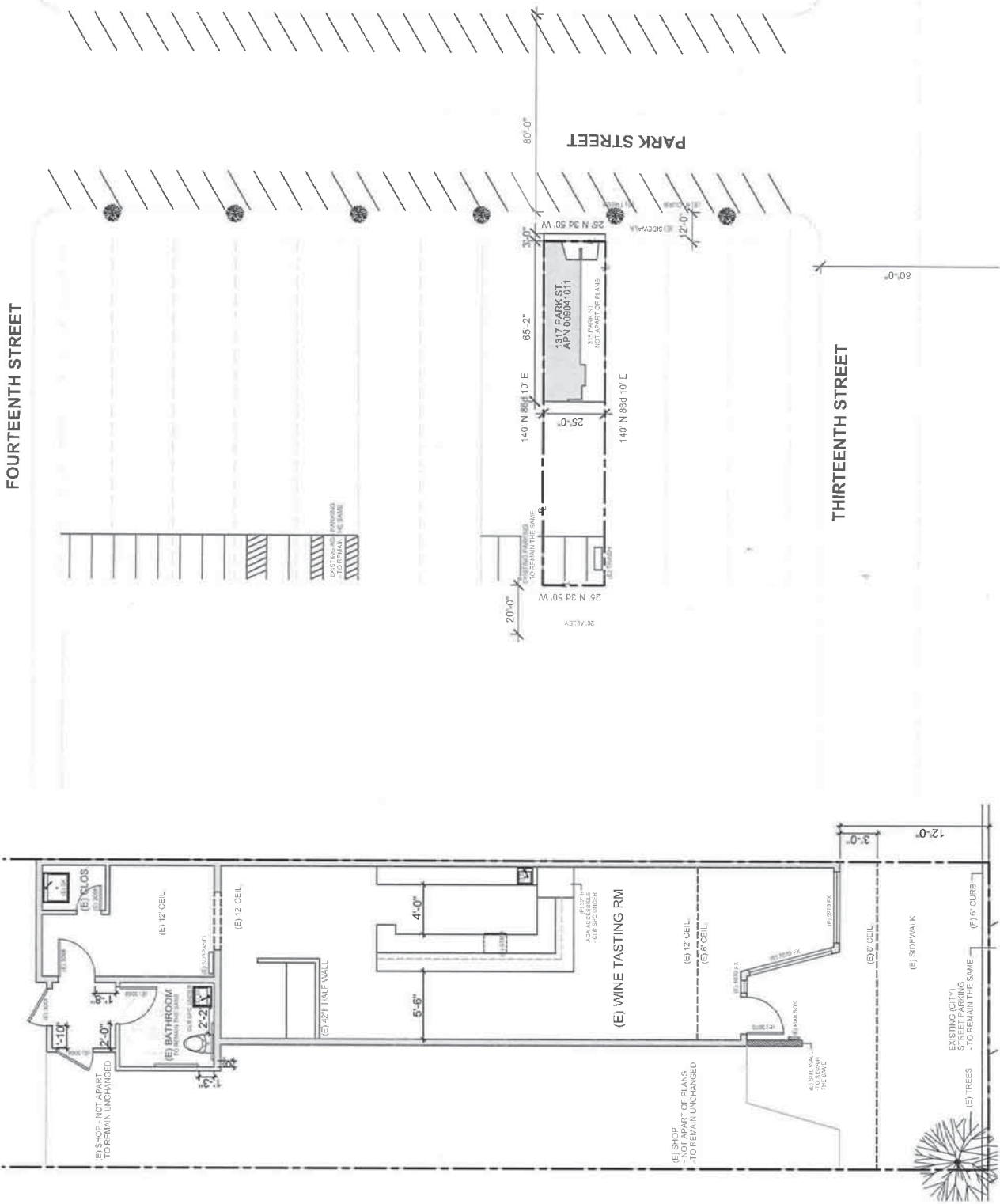
PROJECT SUMMARY
 Gross Floor Area: 910 sq. ft.
 Commercial Tenant Improvement
 Existing City Parking provided
 Net Site Area: 7000 sq. ft.

SITE LOCATION
 1317 Park Street
 Paso Robles, CA 93449
 APN 008561011
 Legal: CY PR BL 24L T9

SCOPE:
 Existing Building to Remain the Same.
 Existing Exterior or awning material to be replaced with Chicago Antique Brick Veneer Tile

WineBoss
Wine Tasting Room
 1317 Park Street Paso
 Robles, CA 93446

Site Plan
 A001
 CC Agenda 2-7-17



Existing Site - to Remain the Same
 1" = 30'-0"

Attachment 4

Draft Resolution B

RESOLUTION NO. 17-XXX

**A RESOLUTION OF
THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES
DETERMINING THAT PUBLIC CONVENIENCE
WOULD BE SERVED WITH THE ISSUANCE OF A
TYPE 42 ALOCHOLIC BEVERAGE CONTROL LISENCE
(1317 PARK STREET - WINE BOSS)
APN: 009-041-011**

WHEREAS, Thomas Booth has applied for a Type 42 license with the ABC to authorize the sale of beer and wine for on-site consumption at 1317 Park Street; and

WHEREAS, it has been determined by ABC staff that there is an “undue concentration” in relation to the number of alcohol related licenses that currently exist in that area of the City (Census Tract 0101.02); and

WHEREAS, as a result of the undue concentration, California Code Section 23958.4 requires that “the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance; and

WHEREAS, the City Council is the City’s governing body and has the ability to make a determination of Public Convenience or Necessity; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. All of the above recitals are true and correct and incorporated herein by reference.

Section 2. Finding of Public Convenience: The City Council of the City of El Paso de Robles hereby determines that Public Convenience would be served by the issuance of a Type 42 ABC license for Wine Boss at 1317 Park Street, based on the wine lounge establishment being consistent with similar establishments in the Downtown.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 7th Day of February 2017 by the following Roll Call Vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Steven W. Martin, Mayor

ATTEST:

Kristy Buxkemper, Deputy City Clerk



**AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Monica Hollenbeck, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 16-006, on this 24th day of January, 2017.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Monica C Hollenbeck
Monica Hollenbeck

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JAN 28 2017

City of Paso Robles
Community Development Dept

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 2891467
CITY OF PASO ROBLES

STATE OF CALIFORNIA

SS.

County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JANUARY 25, 2017 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

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



(Signature of Principal Clerk)
DATED: JANUARY 25, 2017
AD COST: \$239.58

**CITY OF PASO ROBLES
NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Council will hold a Public Hearing to consider the following project:

APPLICATION: Conditional Use Permit (CUP 16-006), a request to establish a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC).

APPLICANT: Thomas Booth

LOCATION: 1317 Park Street; Assessor's Parcel Number 009-041-011

ENVIRONMENTAL DETERMINATION: This application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

HEARING(S): The Planning Commission held a Public Hearing on Tuesday, January 10, 2017 to consider this item, and on a 6-0 vote recommended that the City Council approve the application.

The City Council will hold a Public Hearing on Tuesday, February 7, 2017, at 6:30 p.m. at the Library Conference Center, 1000 Spring Street, Paso Robles, California.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed application may be mailed to the Community Development Department, or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearings.

If you challenge the application in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission or City Council at, or prior to, the public hearings.

Copies of the staff report pertaining to this project will be available for review at the Community Development Department on the Thursday preceding each hearing (copies are available for purchase for the cost of reproduction). If you have any questions, please contact the Community Development Department at (805) 237-3970.

Darcy Delgado
Assistant Planner
January 25, 2017

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