



City of Paso Robles Planning Commission Agenda Report

From: Darcy Delgado, Assistant Planner

Subject: Conditional Use Permits (CUP) 16-006 (Wine Boss – Thomas Booth applicant)
1317 Park Street
To consider application recommendation to City Council for a CUP 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 Department of Alcoholic Beverage Control (ABC).

Date: January 10, 2017

Facts

1. The wine/beer lounge would be located within the existing building located at 1317 Park Street, 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 be open 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. Night club type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP.
6. There are three (3) parking spaces in at the front of the building, along Park Street. Since there is no change of occupancy 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.

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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. The Planning Commission's role is to offer a recommendation of the project as a whole, since the Conditional Use Permit is based on the determination that public convenience or necessity would be served.
11. The Development Review Committee (DRC) reviewed this project at their meeting on January 3, 2017, and were 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).

Options

After consideration of any public testimony, the Planning Commission should consider the following options:

1. Recommend approval of the project to City Council as follows:
 - a. Approve draft Resolution A; recommending approval of Conditional Use Permit 16-006, subject to site specific conditions of approval; and
 - b. Approve draft Resolution B; recommending the determination 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. Recommend approval of the project to City Council with modifications to either Resolution A and / or Resolution B;
3. Continue and refer back to staff for additional analysis.
4. Recommend the City Council deny the CUP and PNC applications based on findings.

Analysis and Conclusions

The Community Development Director and Police Chief 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. 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.

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.

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The Planning Commission will need to review this CUP request to determine if the proposed use is compatible in the TC-1 zone. The CUP gives the Planning Commission the ability to require special conditions of approval to insure that a particular use is compatible with surrounding uses

Project Summary

For the Planning Commission to consider 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).

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). Night club type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP. As part of the ABC

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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. Recommending 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, a marketing tool for the City.

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 Planning Commission meeting would allow staff 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

Positive: Expansion of entertainment uses within the Downtown core is consistent with the City's economic development goals.

Recommendation

Option 1 – Recommending 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) consistent with the surrounding Downtown uses, and the TC-1 zoning designation by the following actions:

- a. Approve draft Resolution A; recommending approval of Conditional Use Permit 16-006, subject to site specific conditions of approval; and

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- b. Approve draft Resolution B; recommending the determination 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;

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

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: 16-XXX

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
RECOMMENDING APPROVAL TO THE CITY COUNCIL
FOR CONDITIONAL USE PERMIT 16-006
AT 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, as part of the request for a Conditional Use Permit, the Planning Commission recommended to the City Council of the City of El Paso de Robles 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 Planning Commission on January 10, 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 Planning Commission 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 - Findings: based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission 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

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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 2- 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 3 - Approval: Conditional Use Permit 16-006 is recommended for approval 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 10th Day of January 2017 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN BOB ROLLINS

ATTEST:

WARREN FRACE, PLANNING COMMISSION SECRETARY

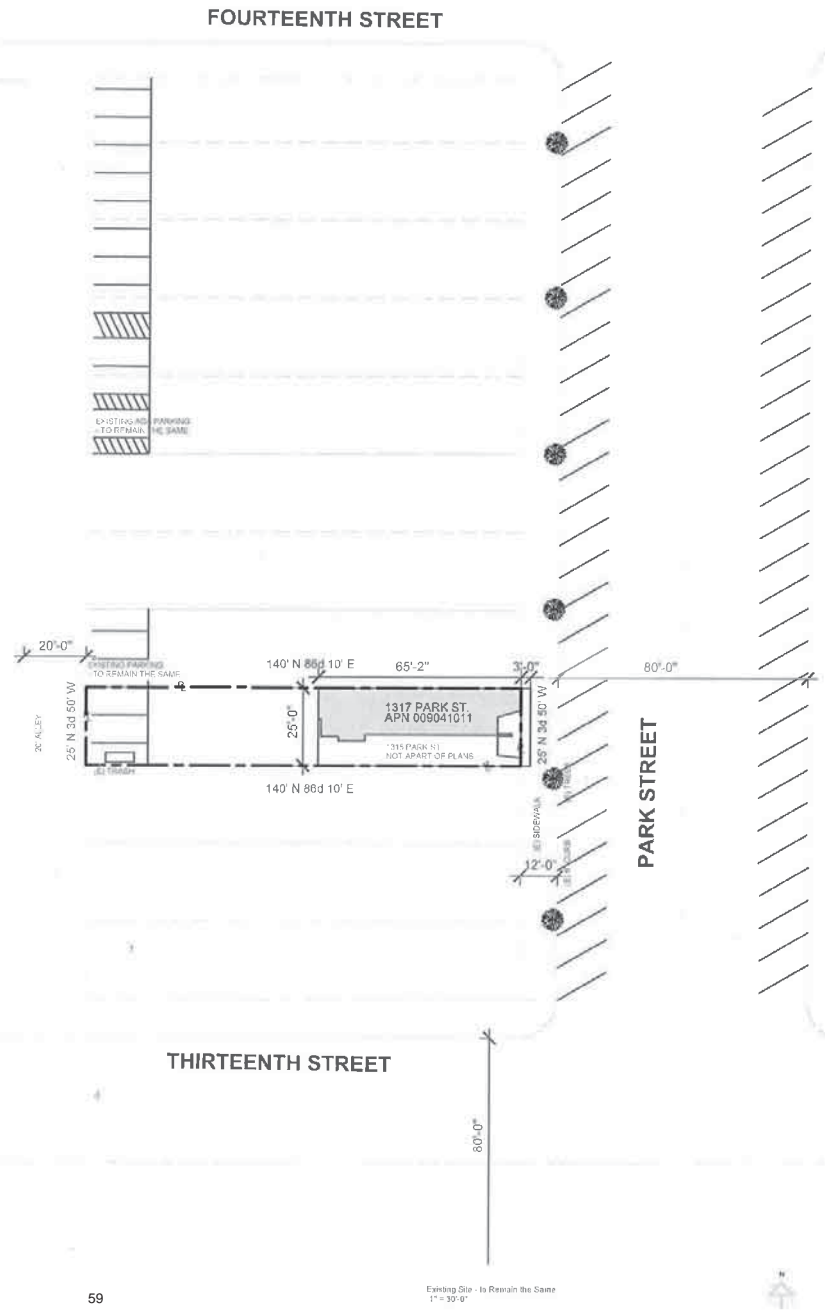
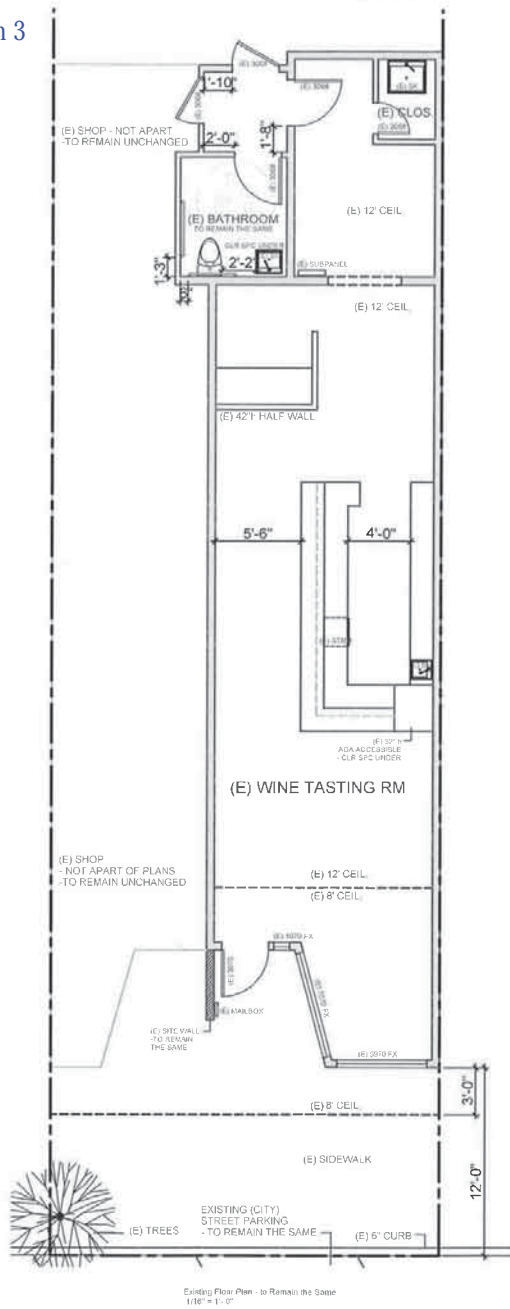
Exhibit A Project Conditions
Exhibit B Regulating Site Plan

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 Planning Commission in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission 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 Commission 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.



PROJECT INFORMATION

OWNER
Thomas Booth
1317 Park Street
Paso Robles, CA 93449

PROJECT REPRESENTATIVE
Cassandra Cheatham
10967 Swansea Pl.
San Diego, CA 92126
858-775-4162
cassandra.cheatham89@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 009041011
Legal: CY PR BL 24LT9

SCOPE:
Existing Building to Remain the same.
Existing Exterior 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

Attachment 4

Draft Resolution B

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
RECOMMENDING TO THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES
THE DETERMINATION THAT PUBLIC CONVENIENCE OR NECESSITY
WOULD BE SERVED WITH THE ISSUANCE OF A
TYPE 42 ALOCHOLIC BEVERAGE CONTROL LISENCE
AT 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, BE IT RESOLVED, that the Planning Commission recommends to the City Council of the City of El Paso de Robles 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.

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PASSED AND ADOPTED THIS 10th Day of January 2017 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CHAIRMAN BOB ROLLINS

WARREN FRACE, PLANNING COMMISSION SECRETARY



AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Darcy Delgado, 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 28^h day of December, 2016.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: Darcy Delgado
Darcy Delgado

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION
PROJECT NOTICING

Newspaper: The Tribune

Date of Publication: 12/30/16

Meeting Date: 01/10/17
 Planning Commission

Project: Conditional Use Permit (CUP 16-006).

I, Monica C Hollenbeck , employee of the Community Development Department, Engineering Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: Monica C Hollenbeck
 Monica C Hollenbeck

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission 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 Categorical Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

HEARING: The Planning Commission will hold a Public Hearing on Tuesday, January 10, 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
December 30, 2016 2853781