

MEMORANDUM

TO: PLANNING COMMISSION

FROM: TERESA McCLISH, COMMUNITY DEVELOPMENT DIRECTOR

BY: MATTHEW DOWNING, ASSOCIATE PLANNER

SUBJECT: CONSIDERATION CONDITIONAL USE PERMIT 15-010; INCIDENTAL ON-SITE SALE OF BEER AND WINE WITH ASSOCIATED ARCHITECTURAL MODIFICATIONS; LOCATION - 924 WEST BRANCH STREET; APPLICANT - STARBUCKS COFFEE COMPANY; REPRESENTATIVE - SPENCER REGNERY, GPA, INC.

DATE: JANUARY 5, 2016

RECOMMENDATION:

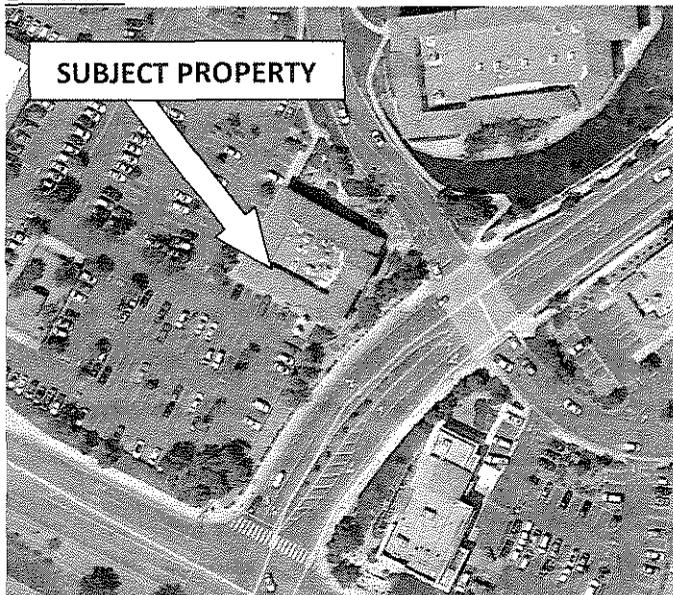
It is recommended that the Planning Commission review the proposed project and make a recommendation to the City Council.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Approval of the proposed project could see an increase in local sales tax revenue associated with increased afternoon business at the existing business. This item is related to the City's Economic Development efforts of the Critical Needs Action Plan.

BACKGROUND:

Location



PLANNING COMMISSION
CONSIDERATION OF CONDITIONAL USE PERMIT 15-010
JANUARY 5, 2016
PAGE 2

The subject property is located in the Five Cities Center (the "Center") and is previously developed. The architecture of the development is a traditional Mediterranean and Spanish style. Materials used in the center are stucco, dimensional trims, ceramic tiles, and variegated clay roof tiles. The applicant has submitted an application for a conditional use permit to add incidental on-site beer and wine sales to the existing Starbucks location in the Center. As part of the request, the applicant is proposing to install a new, three-foot, six-inch (3' 6") fixed guardrail along the southern frontage of the business.

Staff Advisory Committee

The Staff Advisory Committee (SAC) reviewed the proposed project on December 9, 2015. At that time, the SAC discussed various aspects of the project, including location of the guardrail, Americans with Disabilities Act (ADA) access, and the location of the use in relation to the remainder of the Center. The SAC was in support of the project and developed conditions of approval included in the attached resolution.

Architectural Review Committee

The Architectural Review Committee (ARC) reviewed the proposed guardrail installation on December 21, 2015. The ARC discussed the size and design of the outdoor seating area, support for increasing outdoor activity within the Center, design of the proposed guardrail and materials, and ADA clearance. The ARC was in support of the project as proposed.

ANALYSIS OF ISSUES:

Project Description

The applicant has submitted an application for a conditional use permit for the incidental, on-site sale and consumption of beer and wine at the Starbucks Coffee located in the Five Cities Center. Beer and wine sales are proposed from 12:00 pm to close, which is 10:30 pm Sunday through Thursday, and 11:30 pm Friday and Saturday. Beer and wine would be sold in individual servings for consumption by the customer on the Starbucks premises. Off-site consumption would not be permitted by the applicant. As an additional part of the request, the applicant proposes to install a fixed guardrail on the south side of the building to comply with Department of Alcoholic Beverage Control (ABC) requirements.

Municipal Code

The subject property is zoned Regional Commercial. Alcoholic beverage sales are a permitted use in the Regional Commercial zoning district with approval of a Conditional Use Permit. The Conditional Use Permit is intended to determine whether the proposed use should be permitted, by weighing the public need for and benefit to be derived from the use against any adverse impact it may cause.

**PLANNING COMMISSION
CONSIDERATION OF CONDITIONAL USE PERMIT 15-010
JANUARY 5, 2016
PAGE 3**

Neighboring Jurisdictions

Staff contacted several neighboring jurisdictions to inquire about the sale of beer and wine at Starbucks franchises in those locations. The City of San Luis Obispo indicated that while they had not received an application for Starbucks to sell beer and wine, coffee shops are considered restaurants and restaurants do not require permits for sale of beer and wine. The Cities of Pismo Beach and Atascadero also indicated that no applications had been received; however, Atascadero indicated there are several other coffee shops within the city that also sell beer and wine. Staff was unable to reach the City of Paso Robles for a response.

Guardrail Design

The guardrail is proposed to be three-feet, six-inches (3' 6") in height located along the southern frontage of the existing Starbucks location. The guardrail is proposed to be black metal with the lower two-thirds semi-closed with a heavy gauge wire and the upper third remaining open. The top of the guardrail is proposed to be wood, treated in a light stain and maintained on a regular basis as part of Starbucks' maintenance program. The purpose of the railing is to comply with ABC requirements for outdoor consumption of alcoholic beverages, if the proposed use for incidental beer and wine sales is approved. Total outdoor seating area will be 688 square feet, with access to the public from the west and inside the store. The proposed guardrail will narrow the public sidewalk area; however, minimum clearances for ADA are required to be maintained around the seating area.

ALTERNATIVES:

The following alternatives are provided for the Planning Commission's consideration:

- Adopt the attached Resolution recommending the City Council approve Conditional Use Permit 15-010;
- Modify and adopt the attached Resolution recommending the City Council approve Conditional Use Permit 15-010;
- Do not adopt the attached Resolution, provide specific findings, and direct staff to return with a Resolution recommending the City Council deny Conditional Use Permit 15-010; or
- Provide direction to staff.

ADVANTAGES:

The proposed use would add an additional choice of beverage to customers at the business, as well as increase potential for increased business sales during the afternoon hours. The proposed use would also be consistent with beer and wine sales in the adjacent restaurant.

DISADVANTAGES:

The proposed project would add alcohol sales to an area heavily traveled by minors. However, the applicant indicates legal requirements and staff training reduce consumption by underage individuals to minimum levels.

**PLANNING COMMISSION
CONSIDERATION OF CONDITIONAL USE PERMIT 15-010
JANUARY 5, 2016
PAGE 4**

ENVIRONMENTAL REVIEW:

Staff has reviewed the project in accordance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Procedures for the Implementation of CEQA and determined that the project is categorically exempt per Section 15301(a) of the CEQA Guidelines regarding existing facilities.

PUBLIC NOTIFICATION AND COMMENTS:

A notice of public hearing was mailed to all property owners within 300' of the property, published in the Tribune, posted at City Hall and on the City's website, and posted at the Site on Friday, December 25, 2015. The agenda and staff report were posted at City Hall and on the City's website on December 30, 2015. No comments have been received.

Attachment:

1. Project plans

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ARROYO GRANDE RECOMMENDING THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT 15-010; LOCATED AT 924 WEST BRANCH STREET; APPLIED FOR BY STARBUCKS COFFEE COMPANY

WHEREAS, the project site is located in the Five Cities Center and part of the Regional Commercial (RC) zoning district; and

WHEREAS, the applicant has applied for Conditional Use Permit 15-010 for the incidental, on-site sale of beer and wine at an existing Starbucks Coffee location; and

WHEREAS, the Planning Commission has reviewed this project in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Arroyo Grande Rules and Procedures for Implementation of CEQA and has determined the project is categorically exempt per Section 15301(a) of the CEQA Guidelines regarding existing facilities; and

WHEREAS, the Planning Commission of the City of Arroyo Grande has reviewed the project at a duly noticed public hearing on January 5, 2016; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, the following circumstances exist:

Conditional Use Permit Findings:

1. The proposed use is permitted within the subject district pursuant to the provisions of this section and complies with all the applicable provisions of this title, the goals, and objectives of the Arroyo Grande General Plan, and the development policies and standards of the City.

Alcoholic beverage sales are an allowed use in the Regional Commercial (RC) zoning district following approval of a conditional use permit per Section 16.36.030 of the Municipal Code.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

The incidental sale of alcoholic beverages at the existing coffee shop would not impair the integrity and character of the RC district in light of the stated purpose of the RC zoning district per Municipal Code Subsection 16.36.020(l) and conditions of approval developed for the project to help ensure integrity and character are maintained.

3. The site is suitable for the type and intensity of use or development that is proposed.

RESOLUTION NO.

PAGE 2

The site contains an existing coffee shop that is suitable for the incidental sale of beer and wine. Conditions of approval have been developed for the project to ensure the alcoholic beverage sales does not result in any adverse impacts on adjacent land uses.

4. There are adequate provisions for water, sanitation, and public utilities and services to ensure public health and safety.

The incidental sale of beer and wine is not anticipated to require addition provisions for water, sanitation, and public utilities and services. Therefore, there are adequate provisions for all utilities and services necessary to ensure public health and safety.

5. The proposed use will not be detrimental to the public health, safety or welfare or materially injurious to properties and improvements in the vicinity.

The incidental sale of beer and wine will not be detrimental to the public health, safety or welfare due to conditions of approval developed for the project to ensure public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Arroyo Grande hereby recommends the City Council approve Conditional Use Permit 15-010, as presented to the Planning Commission on January 5, 2016 and shown in Exhibit "B", attached hereto and incorporated herein by this reference as though set forth in full, with the above findings and subject to the conditions as set forth in Exhibit "A", attached hereto and incorporated herein by this reference.

On motion by Commissioner _____, seconded by Commissioner _____, and by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was adopted this 5th day of January, 2016.

RESOLUTION NO.
PAGE 3

LAN GEORGE
CHAIR

ATTEST:

DEBBIE WEICHINGER
SECRETARY TO THE COMMISSION

AS TO CONTENT:

TERESA MCCLISH
COMMUNITY DEVELOPMENT DIRECTOR

EXHIBIT 'A'
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT CASE NO. 15-010
924 WEST BRANCH STREET

This approval authorizes the sale of beer and wine for onsite consumption at the Starbucks Coffee located at 924 West Branch Street, with appropriate Alcoholic Beverage Control (ABC) permits.

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING DIVISION

GENERAL CONDITIONS

1. The applicant shall ascertain and comply with all Federal, State, County and City requirements as are applicable to this project.
2. The applicant shall comply with all conditions of approval for Conditional Use Permit 15-010.
3. This application shall automatically expire on January 5, 2018 unless a building permit is issued or an extension is granted pursuant to Section 16.12.140 of the Development Code.
4. The project shall occur in substantial conformance with the plans presented to the Planning Commission at the meeting of January 5, 2016 and marked Exhibit "B".
5. The applicant shall agree to indemnify and defend at his/her sole expense any action brought against the City, its present or former agents, officers, or employees because of the issuance of said approval, or in any way relating to the implementation thereof, or in the alternative, to relinquish such approval. The applicant shall reimburse the City, its agents, officers, or employees, for any court costs and attorney's fees which the City, its agents, officers or employees may be required by a court to pay as a result of such action. The City may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve applicant of his/her obligations under this condition.
6. A copy of these conditions and mitigation measures shall be incorporated into all construction documents.
7. All conditions of approval from Resolution No. 3157 and subsequent approvals shall remain in full force and effect, in addition to the conditions of approval contained herein.

BUILDING AND LIFE SAFETY DIVISION AND FIRE DEPARTMENT CONDITIONS

CBC/CFC

8. The project shall comply with the most recent editions of the California State Fire and Building Codes and the International Building and Fire Codes as adopted by the City of Arroyo Grande.

FIRE SPRINKLER

9. All buildings must be fully sprinklered per Building and Fire Department guidelines and per the California Fire Code. Provide evidence that the fire protection provided under the canopy area is adequate for the proposed project.

ENGINEERING DIVISION CONDITIONS

GENERAL CONDITIONS

10. The development shall provide safe accessible paths of travel, in accordance with Americans with Disabilities Act requirements.

POLICE DEPARTMENT CONDITIONS

11. Ensure all servers are qualified to serve alcoholic beverages.



VICINITY MAP

PROJECT ADDRESS:

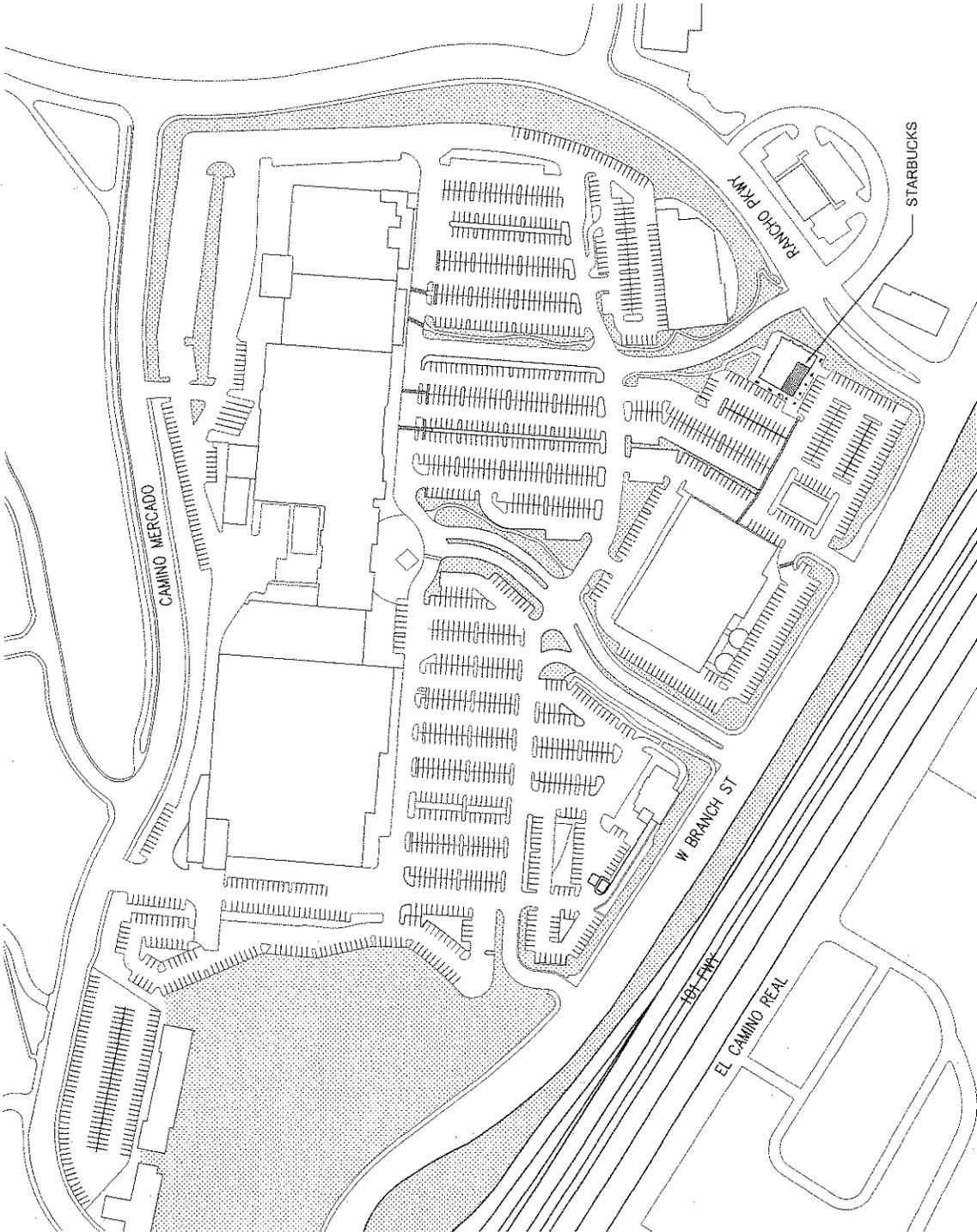
W BRANCH & RANCHO PKWY
 FIVE CITIES CENTER, 924 W BRANCH ST.,
 ARROYO GRANDE, CA 93420

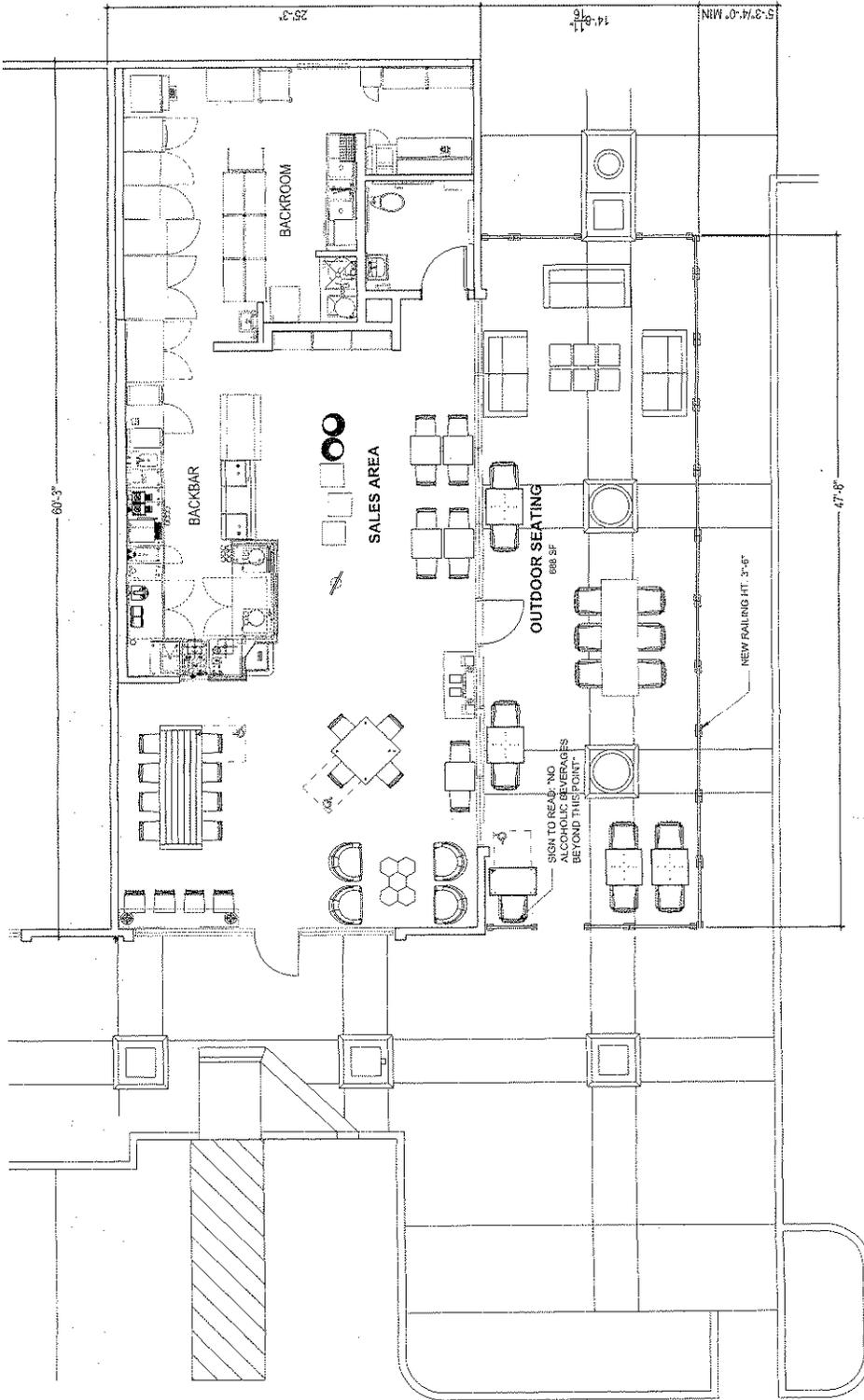
ARCHITECT:

ARCHITECTS ORANGE
 144 N. ORANGE STREET
 ORANGE, CA 92866
 CONTACT: JEFF RABBITT
 PHONE: (714) 639-9860
 FAX: (714) 639-5286

THE ATTACHED PLANS ARE IN SUBSTANTIAL CONFORMANCE
 APPLICABLE STATE, LOCAL AND OTHER LAWS REGULATING THE
 DEVELOPMENT.

EXHIBIT B





SEATING SUMMARY		INDOOR	OUTDOOR
EXISTING		30	27
PROPOSED		30	22

SCALE: 1/4" = 1'-0"

FLOOR PLAN

144 N ORANGE ST. ORANGE CA 92868



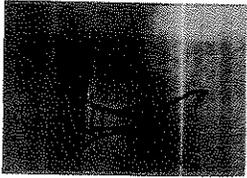
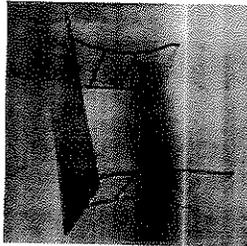


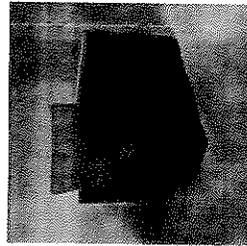
TABLE METAL



ID 12160: ADA TABLE METAL SUITE



CHAIR MODERN SUITE



ID 12706: CHAIR LOUNGE BASKET WEAVE SECTION CORNER

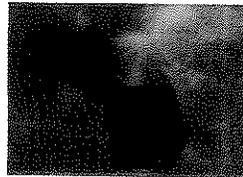
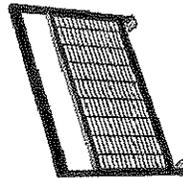


TABLE CONAL BASKET



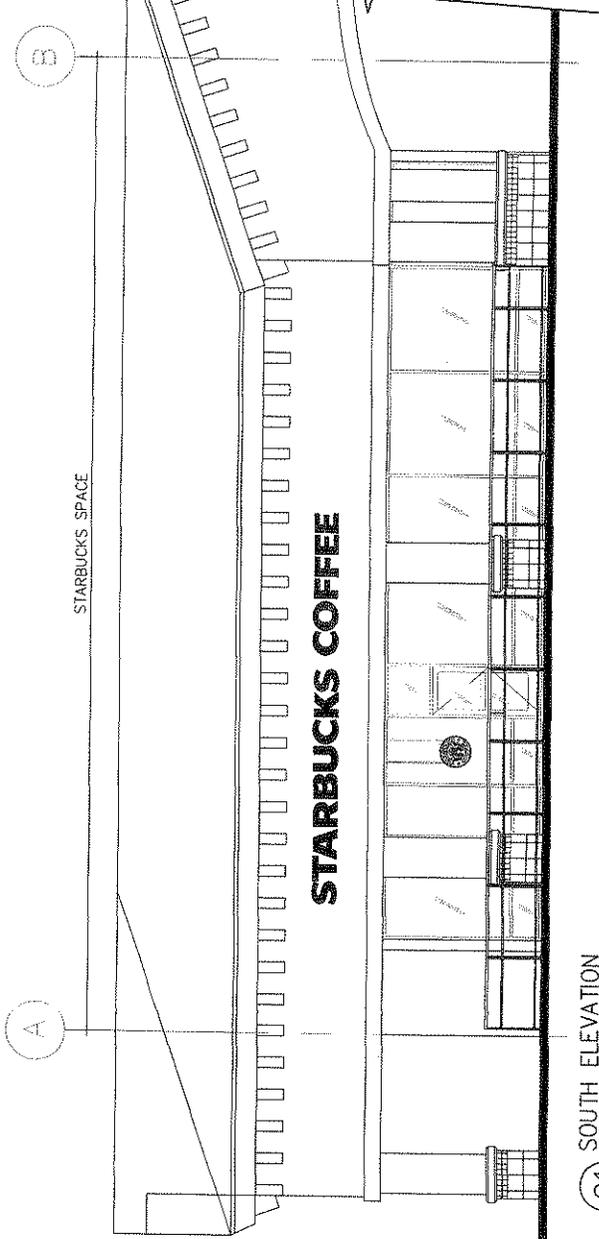
ID 16102: RAILING

ERIOR WORK LIMITED TO NEW. ING AND OUTDOOR SEATING. ERIOR FACADE AND SIGNAGE TO AIN.

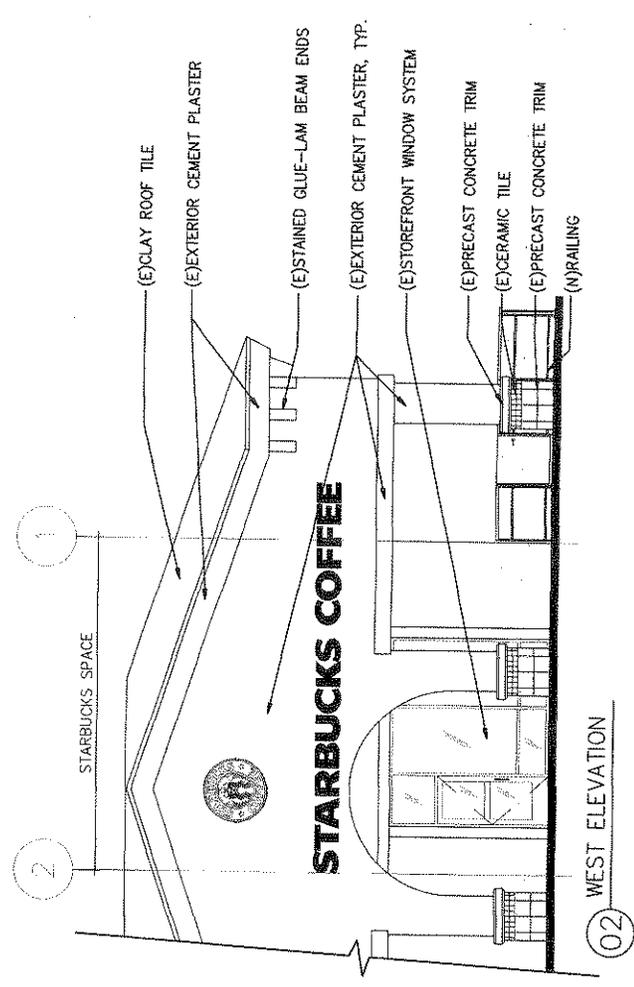


W BRANCH & RANCHO PKWY - Arroyo Grande, CA EXTERIOR ELEVATIONS

+26'-0"
+24'-6"
+19'-3"
+10'-0"
+0'-0" F.F.



01 SOUTH ELEVATION



02 WEST ELEVATION