

PLANNING DIVISION STAFF REPORT PLANNING COMMISSION MEETING

AUGUST 22, 2013

Prepared by: Gina McColl, Associate Planner

ITEM V-A: CONDITIONAL USE PERMIT - SAMMY'S ROCKIN ISLAND BAR & GRILL - 238 VERNON STREET - FILE# 2013PL-045 (CUP-000088)

REQUEST

The applicant requests approval of a Conditional Use Permit to allow live music and dancing within the existing restaurant Sammy's Rockin Island Bar & Grill.

Applicant – Innova Vernon Street, Jon Yip Property Owner – KMS Vernon Street, Stephen Pease

SUMMARY RECOMMENDATION

The Planning Division recommends that the Planning Commission take the following action:

- A. Adopt the three (3) findings of fact for the Conditional Use Permit; and
- B. Approve the Conditional Use Permit subject to eight (8) conditions of approval.

SUMMARY OF OUTSTANDING ISSUES

There are no outstanding issues. The applicant is in agreement with the recommended conditions of approval.

BACKGROUND

The subject property is located at 238 Vernon Street, between the Washington Boulevard underpass and Lincoln Street, in the Downtown Specific Plan DT-6 - Vernon Street district, as shown in Figure 1 and Figure 2. The property is currently developed with a two-story restaurant, Sammy's Rockin Island Bar & Grill. The establishment has been operating as a restaurant since 2012 and would like to offer live music and space for dancing following dinner service on Thursday, Friday and Saturday nights. Per the Roseville Zoning Ordinance, a restaurant that offers music and space for dancing is considered a nightclub.

The Downtown Specific Plan, adopted in 2009, identifies the Old Town and Vernon Street districts as entertainment districts. To support the vision for Downtown, nightclubs are either principally permitted or conditionally permitted in the Old Town and Vernon Street district. Due to Sammy's being located within the Vernon Street district, a conditional use permit is required to offer the live music and dancing. The Downtown Code outlines design and operating requirements that will be required as part of a conditional use permit request to add the nightclub activities.

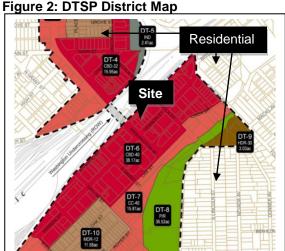
PROJECT DESCRIPTION

The applicant's request is to allow live music and space for dancing within the existing restaurant. As shown on the floor plan (Exhibit A), live music performances would occur on the stage along the wall opposite of the main bar. During performances some tables and chairs would be moved to create an approximately 20 foot by 13 foot dance floor. The remaining tables and chairs will stay in place. The applicant is proposing to offer live music from 8:00 pm to 11:00 pm on Thursday nights and from 10:00

pm to 1:00 am on Friday and Saturday nights. Some additional performances may be scheduled throughout the week. The live music will account for 10% of the time the establishment is open.

Figure 1: Project Location





FINDINGS/EVALUATION

Section 19.78.060 of the City of Roseville Zoning Ordinance requires that three findings be made in order to approve a Conditional Use Permit. The three findings are listed below in **bold italics** and are followed by an evaluation of the proposal in relation to each finding.

1. The proposed use or development is consistent with the City of Roseville General Plan and any applicable Specific Plan.

The request is to allow an existing restaurant to add live music and dancing to their operations. This request is consistent with the City of Roseville General Plan land use designation of Central Business District, which anticipates a mix of uses including restaurant and entertainment uses. The request is also consistent with the Downtown Specific Plan, which encourages entertainment venues. The General Plan and Downtown Specific Plan rely on the Downtown Code, through the requirement for a conditional use permit, to address any potential conflicts between the proposed nightclub activities and the surrounding uses.

2. The proposed use or development conforms with all applicable standards and requirements of the Zoning Ordinance and the Downtown Code.

The establishment is located within the Downtown Specific Plan (DTSP) area. Properties within the DTSP area are subject to the standards and requirements within the Downtown Code. The Downtown Code is a comprehensive document that guides development in the Downtown; the Zoning Ordinance applies when the Downtown Code is silent on a subject. With respect to this application, the Downtown Code Section 7.4 addresses the standards and regulations for nightclubs. Per the Downtown Code Section 7.4, a conditional use permit (CUP) is required to add the nightclub activities because Sammy's is located in the DT-6 Vernon Street District. The Zoning Ordinance contains the process for obtaining a conditional use permit. The application is evaluated to ensure that the use will conform to the design and operation standards for nightclubs outlined in the Downtown Code, as summarized and evaluated below.

Design Standards

Storefront – The restaurant will maintain the existing ground floor glass storefront to reinforce the pedestrian environment consistent with the Downtown Code guidelines.

Construction Standards – The building complies with the Building Division construction standards for a restaurant. The proposed activities will not create a change in use, per the Building Code, that would require a building permit nor does it affect the occupancy, means of egress, accessibility, or sanitary facility design standards.

Room Capacity – Maximum room capacity and exit identification have been provided in accordance with the Building Division regulations. With the addition of the live music and space for dancing, the maximum posted room capacity remains the same and shall not be exceeded (Condition #7).

Fire Equipment – Fire equipment has been regulated, designed and provided in accordance with the Roseville Fire Department and building regulations. No additional modifications are required to address fire safety.

Lighting – The establishment provides and shall maintain outside lighting in a manner that would illuminate the adjacent sidewalk at a minimum of 0.5 foot-candles (Condition #2).

Smoking Areas – Outdoor smoking areas shall be designed and located in a secured illuminated area that does not adversely impact passing pedestrian traffic and minimizes impacts to adjacent residential. Since Sammy's is a restaurant, smoking is prohibited within 50 feet of the establishment and a smoking area will not be provided. Therefore there will not be impacts to pedestrians. There are no residential areas adjacent to the establishment.

Noise – All feasible noise-reducing techniques shall be employed. As this is an existing building, not located near sensitive receptors (i.e. residential), the existing brick building construction and keeping doors closed during performances, are acceptable noise-reducing techniques.

Operating Requirements

Dance/Entertainment Permit – The applicant has a valid Entertainment Permit with the Police Department.

Hours of Operation – Patrons shall only be allowed in the nightclub from 8:00 am to 2:00 am and entertainment shall be between the hours of 1:00 pm and 1:30 am (see the Operations Plan).

Alcohol Beverage Control – The establishment shall comply with the conditions and restrictions imposed by the Department of Alcohol and Beverage Control (ABC) for the service of alcohol, which will be enforced by the ABC.

Room Capacity – As mentioned, at no time shall the maximum room capacity be exceeded.

Pyrotechnic Effects – For the safety of patrons and people and properties in the vicinity, pyrotechnic special effects and displays are prohibited (see the Operations Plan).

Interior Lighting – The minimum interior lighting of six foot-candle power at floor level, except during performances, will be maintained. No changes to the existing lighting are proposed.

Trash Receptacles – The establishment has sufficient trash receptacles to meet the Refuse Division requirements. Additionally, Sammy's will be responsible for ensuring the sidewalk within 50 feet of the establishment is free of debris. On a monthly basis, Sammy's will need to arrange to have the sidewalk pressure washed (see the Operations Plan).

Outdoor Seating – Outdoor seating for the restaurant was previously reviewed and approved based on the criteria in the Downtown Code. No changes are proposed

Noise Impacts – The property is not located near residential. Noise generated from the establishment shall not exceed the maximum levels outlined in the Roseville Municipal Code (see Condition #3).

Sanitation Facilities – Queuing patrons shall be allowed to gain access to the restrooms within the establishment (see the Operations Plan).

Security Provisions – The establishment is required to provide security via a private licensed and bonded company to ensure that the environment is safe for patrons and persons in the vicinity and adequate crowd control is in place so as not to create an unnecessary burden on the Roseville Police Department. The minimum security measures have been addressed in the Operations Plan and in Condition #6.

3. The location, size, design and operating characteristics of the use or development is compatible with and shall not adversely affect or be materially detrimental to the health, safety, or welfare of persons residing or working in the area, or be detrimental or injurious to public or private property improvements.

Sammy's Downtown location is surrounded by a mix of commercial development. The area has existing entertainment venues as envisioned by the DTSP. As mentioned in Finding #2 above, Sammy's will conform with the performance standards from Section 7.4 of the Downtown Code that where developed to promote entertainment venues such as nightclubs within the Downtown, while ensuring that the nightclub uses are compatible with and will not adversely affect the surrounding persons, uses and properties. Additionally, Sammy's is not located near residential development. The nearest residential district is at least 800 feet away and significant features, such as the railroad tracks, the creek, and other multi-story buildings provide a buffer between Sammy's and the nearest residential districts (see Figure 2). Therefore noise from Sammy's should not adversely impact the residential properties.

Sammy's is an existing restaurant that has been designed and constructed to be compatible with the Downtown Code design standards; no modifications to the building are needed to add the live music and dancing.

The applicant has provided an Operations Plan (Exhibit B) to address the Downtown Code operating requirements. As described in detail in Finding #2 above, the plan addresses hours of operations, queuing lines for patrons, restroom access, noise reduction, trash/maintenance requirements, and security. Additional conditions of approval have been added to ensure the use remains compatible with the area and the Downtown Code. With the Operations Plan and the Conditions of Approval, the use is compatible with and will not adversely affect persons, public or property in the surrounding area.

CONCLUSION

Based on the analysis contained in this staff report and as conditioned, staff finds that the proposed project is consistent with the findings needed to approve the CUP and meets the requirements of the General Plan, Zoning Ordinance and DTSP; and therefore, the required findings to approve the entitlements can be made.

PUBLIC OUTREACH

A legal notice was mailed to the Enwood Neighborhood Association. Additionally, legal notices were mailed to property owners and residents within a 300 foot radius of the project site. To date, no comments have been received by staff.

ENVIRONMENTAL DETERMINATION

This application is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines pertaining to alternations to existing facilities, and pursuant to Section 305 of the Roseville CEQA Implementing procedures.

RECOMMENDATION

The Planning Division recommends that the Planning Commission:

- A. Adopt the three (3) findings of fact as discussed in the staff report for the Conditional Use Permit Sammy's CUP 238 Vernon Street FILE# 2013PL-045 (CUP- 000088);
- B. Approve the Conditional Use Permit Sammy's CUP 238 Vernon Street FILE# 2013PL-045 (CUP- 000088), with the eight (8) conditions of approval listed below.

CONDITIONS OF APPROVAL FOR CUP- 000088:

- 1. The project is approved as shown and described in Exhibits A B and as conditioned or modified below. (Planning)
- 2. The establishment shall maintain outside lighting in a manner that would illuminate outside queuing lines at minimum of 0.5 foot-candles. (Planning)
- 3. At no time shall the noise generated from the establishment exceed the maximum allowed noise levels established by the Roseville Municipal Code. (Planning)
- 4. The establishment shall operate in accordance with the approved operations plan. (Planning)
- 5. No pyrotechnic special effects or displays are permitted. (Fire)
- 6. The operator shall provide security via a private security company that is licensed and bonded. When open for entertainment, the operator shall provide a minimum of two security guards to admit patrons and monitor exterior and interior areas when levels are below 100 persons. When occupancy exceeds 100 persons, the operator shall provide additional guards to adequately control the environment at a ratio of one guard per additional 50 people (or any fraction thereof). The operator is responsible for providing a safe environment.

Front door security shall be present when open for entertainment and shall check identification to verify age requirements, monitor occupancy, screen for weapons, and direct security to prohibit further entry when maximum occupancy is reached.

Outdoor security shall also be present when a crowd is waiting to gain access to the building, Security officers shall be responsible for providing an organized method of maintaining a line that will not block public sidewalks, driveways, or surrounding businesses doorways.

Security personal shall be visible at the primary entrance at closing of the entertainment business and shall remain until patrons are dispersed. Security shall not permit crowds and/or patrons to loiter in the front of or in the immediate vicinity of the nightclub after closing. (Planning)

- 7. At no time shall the maximum room occupancy be exceeded. (Building)
- 8. A valid Entertainment Permit shall be maintained with the Police Department. (Police)

EXHIBITS

- A. Floor Plan
- B. Operations Plan

Note to Applicant and/or Developer: Please contact the Planning Division staff at (916) 774-5276 prior to the Commission meeting if you have any questions on any of the recommended conditions for your project. If you challenge the decision of the Commission in court, you may be limited to raising only those issues which you or someone else raised at the public hearing held for this project, or in written correspondence delivered to the Planning Director at, or prior to, the public hearing.