



PLANNING COMMISSION STAFF REPORT

ITEM NO. 5.1

DATE: March 18, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Hearing to consider a request for a Conditional Use Permit for a restaurant and entertainment venue in an existing Downtown commercial building. In addition to being a restaurant, the business would provide a variety of entertainment options on the weekends including country line dancing, live music, trivia nights, karaoke, mechanical bull riding, and private events. No exterior modifications are proposed.

RECOMMENDED ACTION

Staff recommends the Planning Commission adopt two separate resolutions:

1. Finding that the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301(a), Existing Facilities, which exempts minor interior or exterior alterations, and directing the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.
2. Approving Conditional Use Permit (CUP) 25-001, subject to the attached Conditions of Approval.

SUMMARY

The proposed project is located at 1790 First Street (see Location Map in Attachment 1), an existing commercial tenant space previously occupied by a restaurant (Buffalo Wild Wings). The space is located within the Downtown Boulevard Gateway District of the Downtown Specific Plan, which permits restaurants. The entertainment services are subject to the approval of a Conditional Use Permit because entertainment activities, such as live music, country line dancing, mechanical bull riding, and alcohol sales would continue after food service has concluded. Staff recommends approval of Conditional Use Permit (CUP) 25-001 for a restaurant and entertainment venue, subject to the conditions of approval. The Planning Commission's action is subject to a 15-day appeal period.

DISCUSSION

PROJECT DESCRIPTION

The applicant is proposing a premier restaurant and entertainment venue in downtown Livermore, offering rustic American cuisine focusing on comfort foods and an extensive drink selection. The

applicant's mission is to create a vibrant, welcoming destination for quality food, drinks, and entertainment, fostering community and unforgettable experiences. The establishment will provide entertainment services such as country line dancing, live music, trivia nights, karaoke, mechanical bull riding, and will allow private events. The target demographic age group is between 21-65 years old. The business will employ approximately 15-20 individuals including bartenders, kitchen staff, servers, and security. For more information on business operations, please see Attachment 3 - Business Plan.

Proposed operational specifics include:

Hours of Operations	Monday and Tuesday	Wednesday	Thursday	Friday and Saturday	Sunday
	Closed to the Public	12 p.m. to 9 p.m.	12 p.m. to 12 a.m.	12 p.m. to 2 a.m.	10 a.m. to 8 p.m.
Daily Operations	Open for private events only	Drink and Food Specials & Line Dancing	Drink and Food Specials & Trivia and Karaoke Night	Drink and Food Specials & Live Entertainment and Dancing	Brunch Specials and Sports Events

- Food Service - variety of appetizers, sandwiches, soup & salads, sides, and desserts.
- Beverage Service - variety of beer, wine, and distilled alcohol

As shown on the floor plan in Attachment 2, the front of the building includes the reception area at the entry, the stage and dance floor to the right of the entrance, and restrooms to the left separated by walls. The center of the building contains the dining area. A portion of the dining area closer to the stage and dance floor will be converted into entertainment space on Friday and Saturday nights. A private event room approximately 800 sq. ft. is located to the left of the dining area, in the center of the building, that can be rented out for events or parties. The mechanical bull is located in the middle of the restaurant and takes up approximately 100 sq. ft. The kitchen is located on the left side towards the back of the building and the main bar is located to the right, at the back of the building.

PROJECT SITE CONTEXT

The project site is located in Downtown and surrounded by a variety of commercial and residential uses as described in the table below:

	General Plan Designation	Zoning Designation	Existing Land Use
<u>North</u>	Downtown Area (DA)	Downtown Specific Plan (DSP) - Downtown Neighborhood North-Side	Multifamily Residential - Apartments
<u>South</u>	Downtown Area (DA)	Downtown Specific Plan (DSP) - Downtown Boulevard Gateway	Commercial - Gas Station
<u>East</u>	Downtown Area (DA)	Downtown Specific Plan (DSP) - Downtown Boulevard Gateway	Commercial - Restaurant

<u>West</u>	Downtown Area (DA)	Downtown Specific Plan (DSP) - Downtown Boulevard Gateway	Commercial - Retail
<u>Subject Site</u>	Downtown Area (DA)	Downtown Specific Plan (DSP) - Downtown Boulevard Gateway	Commercial - Restaurant

STAFF ANALYSIS

General Plan Designation

The General Plan designation is Downtown Area. The Downtown Area is a general designation that applies to the area traditionally known as Downtown Livermore. The Downtown Area encompasses 270± acres and supports a variety of mixed uses, including commercial, office, entertainment, cultural arts, lodging, and residential. The proposed use is consistent with this General Plan designation.

Zoning Designation

The Zoning designation is Downtown Specific Plan - Downtown Boulevard Gateway District. The purpose of the Downtown Boulevard Gateway District is to provide areas for commercial uses that support activities adjacent to the Downtown Core District. The primary intent of the plan area is to promote the continued development and revitalization of the City's pedestrian-oriented downtown, providing unique shopping, dining, entertainment, residential, and investment opportunities. The proposed use is consistent with this Zoning designation.

Discussion

Although the proposed use is consistent with General Plan and Zoning designations, this type of use has the potential to create secondary impacts (noise, loitering, etc.) affecting other uses in the area. The Livermore Police Department, Livermore-Pleasanton Fire Department, and Livermore Planning Division have developed a set of recommended conditions aimed at reducing the potential secondary impacts associated with this type of use.

General Operations

The applicant has proposed a business plan on which this permit is based. Staff recommends that general operations meet the following conditions of approval requirements:

Recommendation Condition of Approval 1: General Operations

Hours of Operation:

- Monday and Tuesday: closed to the public except for private events between 12 p.m. and 9 p.m.
- Wednesday: 12 p.m. to 9 p.m.
- Thursday: 12 p.m. to 12 a.m.
- Friday and Saturday: 12 p.m. to 2 a.m.
- Sunday 10 a.m. to 8 p.m.
- Opening hours may be earlier without modification to this conditional use permit.

Recommendation Condition of Approval 2: Soft Closings

Soft closing techniques help signal patrons that the end of the evening is approaching; and to encourage patrons to exit the establishment over a period of time, rather than all at once.

- Alcoholic beverage service shall be limited to wine and beer only after 1:00 a.m.; with all alcoholic beverage service ended no later than 1:30 a.m.
- Lighting levels shall be increased to full power at 1:30 a.m.
- Music levels shall be turned down at 12:00 a.m., consistent with the noise standards of the Downtown Specific Plan.

Recommendation Condition of Approval 3: Noise

The Noise Element of the General Plan establishes acceptable noise standards for the Downtown Boulevard Gateway District of 70 dBA from 7:00 a.m. to 12:00 a.m., and 60 dBA from 12:00 a.m. to 7:00 a.m. The applicant provided a noise study that evaluated sounds propagated to the outdoors from inside of the building (see Attachment 4). The overall sound level with indoor music was 44 dBA (measured at 3-feet away) from the closed back door of the building. Sound level at the nearest residential property line (measured at 136-feet away) was 24 dBA. The noise study concludes that the proposed indoor entertainment activities are expected to be in compliance with the Noise Element of the General Plan. The following conditions are recommended to ensure these standards are met.

- The project shall be subject to the noise standards for the Downtown Boulevard Gateway District. Exterior noise shall not exceed a maximum exterior decibel rating of 70 dBA from 7:00 a.m. to 12:00 a.m., and 60 dBA from 12:00 a.m. to 7:00 a.m.
- Exterior doors shall remain closed during times when live entertainment is provided or amplified sound is used. Amplified sound and entertainment shall not be permitted outdoors.

Right to Downtown Operations

The City adopted a Right to Downtown Operations Ordinance for the purpose of promoting a good neighbor policy within the Downtown Specific Plan area by advising purchasers, tenants, and users of property of the potential impacts associated with such purchase, occupation, operation or use, including, but not limited to, sounds, odors, traffic, light and glare, pedestrian activity, music, festivals, street construction and closures, traffic rerouting, railroad operations, outdoor sales, trash and recycling collection activities, 24-hour activity, and other permitted uses that may occur within the Downtown Specific Plan area, so that purchasers, tenants, and users will understand, acknowledge, and be prepared to accept such impacts.

Recommendation Condition of Approval 4: Security

When live entertainment and/or dancing is provided, professional security is imperative to ensure the safety and comfort of patrons and other businesses and persons in vicinity. To ensure that security is maintained, and to avoid loitering after closing, the following is recommended:

- Four professional security guards with valid California Guard Cards shall be provided on Fridays and Saturdays only. Security personnel shall be licensed and bonded, uniformed, and unarmed at

all times.

- Security personnel shall be present one-half hour prior to the beginning of live entertainment and/or dancing, and shall remain until one-half hour after closing.
- Security personnel shall be posted at all entrance and exit doors, and at any permitted outdoor seating areas, to prevent those under 21 years of age from gaining access and to prevent the passage of alcoholic beverages to non-patrons.

Recommendation Condition of Approval 5: Safe Way Home

In order to assist patrons in safely arriving home, the applicant shall provide a "Safe Way Home" service.

- The applicant shall provide a "Safe Way Home" service by offering to arrange a ride home for patrons.

Recommendation Condition of Approval 6: Permit Requirements

The applicant will be required to obtain a Dance Permit from the Livermore Police Department, a Liquor License from Alcohol and Beverage Control, and other necessary permits from the Alameda County Department of Environmental Health.

- The applicant shall obtain necessary permits and licenses from the Livermore Police Department, Alcohol and Beverage Control, and Alameda County Department of Environmental Health prior to serving food or alcoholic beverages, and prior to holding live entertainment and/or dancing within the premises. Dance Permit and Liquor License conditions shall be consistent with each other and with the conditions of this use permit.
- An annual Outdoor Dining Permit is required for outdoor dining/seating within the public right-of-way (sidewalk and flex zone). No outdoor dining/seating is requested or approved under this use permit.

Parking and Infrastructure

The project is required to provide 52 parking spaces based on the Development Code requirement of one parking space per three seats. The project site has approximately 71 shared on-site parking spaces and one bicycle parking stall in front of the building. Staff recommends adding four staple-style bicycle parking stalls on-site. An ample amount of parking spaces are available on-site. The site is served by existing infrastructure sufficient to meet the needs of the proposed use. No new infrastructure improvements are required.

Public Comment

Staff received one letter from the public for the project (see Attachment 8).

ENVIRONMENTAL DETERMINATION

The project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15301(a), Existing Facilities. Under this Categorical Exemption certain interior or exterior building alterations are exempt under CEQA.

RECOMMENDED ACTION

In order to approve a Conditional Use Permit, the Planning Commission must make specific findings, which are documented in the resolution. Based on staff's analyses above and the findings described in the Project Resolution (Attachment 6), staff recommends the Planning Commission find the Project, subject to Conditions of Approval (Attachment 7), provides a unique dining and entertainment experience that is consistent with the General Plan, Downtown Specific Plan - Downtown Boulevard Gateway District, and Livermore Development Code. Staff further recommends the Planning Commission find the Project would be compatible with the existing downtown uses surrounding area and contributes to the Downtown Livermore experience.

Staff recommends the Planning Commission take the following actions and approve a Conditional Use Permit for a restaurant and entertainment business in an existing commercial building.

Staff recommends the Planning Commission:

1. Adopt a resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301(a), Existing Facilities, which exempts minor interior or exterior building alterations, and instruct the Planning Manager to file the Notice of Exemption with the Alameda County Clerk.
2. Adopt a resolution to approve Conditional Use Permit (CUP) 25-001, subject to the attached Conditions of Approval.
3. Advise the applicant that the Planning Commission's action is final unless appealed to the City Council within 15 days.

ATTACHMENTS

1. Vicinity Map
2. Development Plans
3. Business Plan
4. Noise Study
5. Resolution - CEQA
6. Resolution - Project
7. Exhibit A - Conditions of Approval
8. Public Comment Letter

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