



Agenda Item No. 13

Staff Report

Date: September 14, 2023

To: Mayor Brekhus and Council Members

From: Alex Lopez-Vega, Assistant Planner

Subject: Wine Bar Use Permit-
3 Ross Common, Project Application No. CUP23-0005

Recommendation

Town Council consideration of conditional approval of use permit to allow a Wine Bar for on-site tastings and retail sales of beer and wine for consumption off-site and consideration of Resolution 2338.

Project Summary

Owner:	Jeff Koblick
Applicant:	Adnan Daken and Dena Bliss
Location:	3 Ross Common
A.P. Number:	073-273-13
Zoning:	C-L (Local Service Commercial)
General Plan:	PS (Public Service)
Flood Zone:	AE (High Risk Area)

Project Description

The applicants, Adnan Daken & Dena Bliss, are requesting a Use Permit for a wine bar to serve wine and beer on-site and retail sales of those products for off-site consumption. The proposed site will also serve snacks, including cheese and meat boards. The wine bar would have three employees and an estimated patronage of 20-30 customers per day. The proposed hours of operation are from 2:00 p.m. to 9:00 p.m., no more than six days a week, days to be open yet to be determined.

Background

The Wine Bar is proposed for community residents and visitors to enjoy wine and beer tastings within an existing commercial space at 3 Ross Common. Those products would be offered as well

as retail products for off-site consumption. The applicant, Adnan Daken has 20 years of experience in the wine tasting industry. Adnan Daken operated a wine bar in San Francisco for 11 years and last year opened a wine bar in Larkspur. Dena Bliss is a real estate broker with Ascend Real Estate and her team services the Bay Area with a focus on Marin County.

Discussion

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants, and professional offices. The Town encourages the community to support these businesses to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.” Other General Plan goals and policies related to the downtown are as follows:

- 2.1 Sustainable Practices (c) Preserve uses in the commercial area of the town that serve local residents and reduce the need to drive to other areas.
- 8.4 Downtown and Ross Common. Maintain the Town-owned Ross Common areas linked to uses and activities at Ross School and linked to the Town’s downtown area as the central recreation, gathering and local shopping area of Ross. Maintain the downtown area as an attractive, pedestrian-friendly, small retail/business area. Encourage smaller-scale housing units mixed with commercial uses.
- 8.5 Downtown Commercial Uses. Create a warm, friendly, attractive and economically viable shopping environment in the downtown by encouraging local-serving commercial uses that create a pedestrian feel in the Downtown, especially in ground-floor storefront locations. Create an attractiveness to the Downtown commercial area through regulation of signage, awnings, and other façade treatments, and through public improvements.
- 8.6 Gathering Places. Encourage and enhance community gathering places such as downtown, the Ross Common and the post office. Support the activities of Ross Recreation, Ross School, and the Marin Art & Garden Center.
- Relevant General Plan “New Ideas” 8.B Modify Downtown Commercial Zoning. Revise commercial zoning in the Downtown to prohibit offices in storefront locations, to encourage mixed use housing, and to encourage uses that are local-serving and would contribute to the vitality of downtown.

The project site is also located within the Local Service Commercial (C-L) zoning district. Pursuant to Section 18.20.020, the purpose of the C-L zoning district is to allow for “uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit. A food establishment requiring on-sale liquor or beer and wine licenses are subject to approval of a Use Permit.

Currently, the downtown has four food establishments (e.g., Tony Tutto's, Crown and Crumpet, Marche aux Fleurs, and Trattoria Fresco Restaurant). Staff believes the proposed use would be consistent with the General Plan goals and policies in that the use would contribute to the activity and economic vitality of the downtown, consistent with applicable goals, policies, and programs in the General Plan. Additionally, the use would provide a community gathering opportunity with wine and beer tasting and a complimentary menu of foods which currently does not exist in downtown.

Alternative actions

1. Continue the project for modifications; or
2. Make findings to deny the application.

Public Comment

Public Notices were mailed to property owners within 300 feet of the project site. At the time of writing the staff report there were no public comments received.

Environmental review (if applicable)

The project is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under CEQA Guideline Sections 1, Class 1 (Existing Facilities) as the project would have a negligible or no expansion of the existing use.

Fiscal, resource and timeline impacts

If approved, the project would not have any fiscal impacts to the Town.

Attachments

1. Resolution No. 2338
2. Project Application
3. Project Plans
4. Project Materials

ATTACHMENT 1

TOWN OF ROSS

RESOLUTION NO. 2338

A RESOLUTION OF THE TOWN OF ROSS APPROVING USE PERMIT FOR A WINE BAR TO SERVE WINE AND BEER AND SELL BEER AND WINE ON A RETAIL BASIS AT 3 ROSS COMMON, APN 073-273-13

WHEREAS, prospective tenants Adnan Daken and Dena Bliss, have submitted a Use Permit application for a wine bar to serve wine and beer and sell beer and wine on a retail basis at 3 Ross Common, Assessor's Parcel Number 073-273-13 (the "project"); and

WHEREAS, the project was determined to be categorically exempt from further environmental review pursuant to the California Environmental Quality Act (CEQA) Guideline Section 15301 *—additions to existing structures*. No exception set forth in Section 15301.2 of the CEQA Guidelines applies to the project including, but not limited to, Subsection (a), which relates to impacts on environmental resources; (b), which relates to cumulative impacts; Subsection (c), which relates to unusual circumstances; or Subsection (f), which relates to historical resources; and

WHEREAS, on September 14, 2023, the Town Council held a duly noticed public hearing to consider the proposed project; and

WHEREAS, the Town Council has carefully reviewed and considered the staff reports, correspondence, and other information contained in the project file, and has received public comment; and

NOW, THEREFORE, BE IT RESOLVED the Town Council of the Town of Ross hereby incorporates the recitals above; ratifies the findings set forth in Exhibit "A", and approves the project, subject to the Conditions of Approval attached as Exhibit "B".

The foregoing resolution was duly and regularly adopted by the Ross Town Council at its regular meeting held on the 14th day of September 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Elizabeth Brekhus, Mayor

Cyndie Martel, Town Clerk

EXHIBIT "A"
FINDINGS
3 ROSS COMMON
APN 073-273-13

A. Findings

I. In accordance with Ross Municipal Code Section 18.44.030, a Use Permit is approved based on the following finding-

The establishment, maintenance, or conducting of the use for which the use permit is sought will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, or general welfare of persons residing or working in the neighborhood of the use and will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the neighborhood:

The Use Permit would further the Town's General Plan goals and policies relative to encouraging economically viable local serving uses that will contribute to the pedestrian feel of the Downtown. Furthermore, the project would not be detrimental to the public welfare or injurious to properties in the neighborhood as the project would need to demonstrate compliance with all regulatory agencies, such as the Town of Ross Building Department and Public Works Department, in addition to the Marin Council Environmental Health Services Department.

II. In accordance with Ross Municipal Code Section 18.20.030(b), a Use Permit is approved in the Local Service Commercial District based on the following findings-

(1) The use permit is consistent with the public welfare:

There will be no impact to the public welfare as the sale of beer and wine is required to be reviewed by the California Department of Alcoholic Beverage Control (ABC). Serving beer and wine requires mandated training and all employees will be trained to serve beer and wine.

(2) The proposed use will not be detrimental to or change the character of adjacent or neighboring properties in the area the use is proposed to be located:

The proposed use will be in an existing structure that has no onsite parking. No exterior modifications are proposed. The proposed location is a downtown commercial district, which is appropriate for the proposed use.

(3) The property on which the proposed use is to be located is suitable for the proposed use:

The property is suitable for the proposed use in that it is located in a commercial building occupied by other services compatible with a food establishment business.

(4) The traffic-generating potential and/or the operation of the proposed use will not place an unreasonable demand or burden on existing municipal improvements, utilities or services:

The project applicants indicated there will be three employees and approximately 20-30 patrons daily. Therefore, there will be no adverse impacts are expected to the existing municipal improvements, utilities or services.

(5) Adequate consideration has been given to assure protection of the environment:

The use permit is categorically exempt from CEQA and has been determined to have no impact to the environment.

(6) The proposed use is consistent with applicable zoning provisions and the objectives of the general plan; and

The project site is also located within the Local Service Commercial (C-L) zoning district. Pursuant to Section 18.20.020, the purpose of the C-L zoning district is to allow for “uses necessary for the convenience of the residents of the town.” The C-L zoning district permits a variety of commercial uses that are either permitted uses (i.e., no Town Council action required) or that require a Use Permit. A food establishment requiring on-sale liquor or beer and wine licenses are subject to approval of a Use Permit.

The project site is located within the Local Service Commercial General Plan Land Use Designation. Accordingly, the General Plan states “the downtown area is home to an eclectic variety of retail stores, restaurants and professional offices. The Town encourages the community to support these businesses in order to maintain their viability and to sustain a timeless “country village” appeal to the Downtown area.” The proposed use at the project site would further this General Plan goal.

(7) Adequate consideration has been given to assure conservation of property values, the suitability of the particular area for the proposed use and the harmony of the proposed use with the planned development and future land use of the general area.

The proposed use is located in the C-L district, which is suitable for the use. Additionally, the proposed use is in harmony with the existing and planned land uses in the area.

EXHIBIT "B"
CONDITIONS OF APPROVAL
3 ROSS COMMON
APN 073-273-13

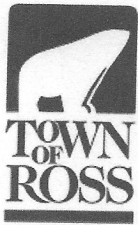
The following conditions of approval are hereby approved by the Town Council:

1. This approval authorizes a Use Permit to allow a Wine Bar to serve wine and beer on-site and retail sales of those products for off-site consumption and related complimentary food sales at 3 Ross Common, Assessor's Parcel Number 073-273-13, consistent with the approved project description, including, but not limited to, business hours from 2:00 p.m. to 9:00 p.m., six (6) days a week.
2. The applicant shall obtain any and all required building permits prior to commencement of work.
3. Any encroachment into the public right of way, such as for installation or replacement of awnings, signage, or seating, requires a revocable encroachment permit reviewed and approved by the planning department and issued by the Director of Public Works.
4. An increase of the square footage (such as expansion into the basement area of the business), intensity of operation, or a significant change in the proposed business from the approved description, shall be subject to Town Council approval.
5. The applicant shall comply with the Town noise regulations. Any new equipment, new vents, or mechanical equipment shall operate within the noise limits. There shall be no amplified music as part of this use.
6. The applicant shall comply with all requirements of the California Department of Alcohol and Beverage Control. The applicants are responsible for complying with all local, state, and federal laws and securing permits from any other local, state or federal agencies, such as the Marin County health department.
7. All trash and recycling shall be accommodated on site in covered receptacles. The Town may require the applicant to provide additional trash receptacles if found to be necessary.
8. Employees shall periodically check the area near the store to clean up any containers, napkins and other debris discarded by customers and empty the trash containers in and near the store if they become too full.
9. The applicant is responsible for ensuring that all improvements comply with accessibility regulations, regardless of whether a building permit is required for the work.
10. Prior to installation of any new signage, including any interior signs that are visible from the exterior, the applicant shall submit plans for the signs to the Town planning department staff for approval

and or shall be subject to Town Council approval. No exposed neon tubing for signing or decoration is permitted.

11. In the event that any of the conditions of this approval are not satisfied, the Planning Department shall first notify the applicant and, if correction is not made, notice a hearing to be set before the Town Council to determine whether the Town should revoke the approval.
12. No changes to the approved plans and use shall be permitted without prior Town approval.
13. The applicants and/or owners shall defend, indemnify, and hold the Town harmless along with its boards, commissions, agents, officers, employees, and consultants from any claim, action, or proceeding against the Town, its boards, commissions, agents, officers, employees, and consultants attacking or seeking to set aside, declare void, or annul the approval(s) of the project or because of any claimed liability based upon or caused by the approval of the project. The Town shall promptly notify the applicants and/or owners of any such claim, action, or proceeding, tendering the defense to the applicants and/or owners. The Town shall assist in the defense; however, nothing contained in this condition shall prohibit the Town from participating in the defense of any such claim, action, or proceeding so long as the Town agrees to bear its own attorney's fees and costs and participates in the defense in good faith.

ATTACHMENT 2



Town of Ross

Planning Department

Post Office Box 320, Ross, CA 94957

Telephone (415) 453-1453, Ext. 121 Fax (415) 453-1950

www.townofross.org

PLANNING APPLICATION FORM

Type of Application (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> Advisory Design Review | <input type="checkbox"/> Minor Exception |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Non-conformity Permit |
| <input type="checkbox"/> Basement and Attics Exception | <input type="checkbox"/> Accessory Dwelling Unit |
| <input type="checkbox"/> Certificate of Compliance | <input type="checkbox"/> Tentative Map |
| <input type="checkbox"/> Demolition Permit | <input type="checkbox"/> Tentative Map Amendment |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Design Review- Amendment | <input checked="" type="checkbox"/> Use Permit |
| <input type="checkbox"/> Final or Parcel Map | <input type="checkbox"/> Variance |
| <input type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Zoning Ordinance |
| <input type="checkbox"/> Hillside Lot Permit | <input type="checkbox"/> Amendment Other: |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Other: |

To Be Completed by Applicant:

Assessor's Parcel No(s): 073-273-13

Project Address: 3 Ross Commons, Ross, CA

Property Owner: GP Marin Real Estate LLC, Attn. Jeff Koblick

Owner Mailing Address (PO Box in Ross): P.O. Box 776

City/State/Zip: Ross, CA 94957

Owner's Phone: 415-407-0022

Owner's Email: jeffkoblick@icloud.com

Applicant: Adnan Daken / Dena Bliss

Applicant Mailing Address: 114 Hawthorne, Apt. A

City/State/Zip: Larkspur, CA 94939

Applicant's Phone: 415-360-5863

Applicant's Email: dena @ ascendre.com ; guae 123 @ gmail.com

Primary point of Contact Email: ☒ Owner ☐ Buyer ☐ Agent ☐ Architect

To Be Completed by Town Staff:

Date Received: _____

Application No.: _____

Zoning: _____

Planning 5300

Tree Permit 5305

Fee Program Administration 5315-05

Record Management 5316-05

Record Retention 5112-05

Technology Surcharge 5313-05

TOTAL FEES: _____

Date paid: _____

Make checks payable to Town of Ross. Fees may not be refunded if the application is withdrawn.

SIGNATURE:

I hereby authorize employees, agents, and/or consultants of the Town of Ross to enter upon the subject property upon reasonable notice, as necessary, to inspect the premises and process this application.

I hereby authorize Town staff to reproduce plans and exhibits as necessary for the processing of this application. I understand that this may include circulating copies of the reduced plans for public inspection. Multiple signatures are required when plans are prepared by multiple professionals.

I further certify that I understand the processing procedures, fees, and application submittal requirements.

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application form and all the exhibits are complete and accurate. I understand that any misstatement or omission of the requested information or of any information subsequently requested shall be grounds for rejecting the application, deeming the application incomplete, denying the application, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the Town of Ross. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this application was signed at

Ross

, California on

8/1/22

Jeff B. Hobbs

Signature of Property Owner(s) and Applicant(s) Signature of Plan Preparer

Notice of Ordinance/Plan Modifications

- ☐ Pursuant to Government Code Section 65945(a), please indicate, by checking this box, if you would like to receive a notice from the Town of any proposal to adopt or amend the General Plan, a specific plan, zoning ordinance, or an ordinance affecting building permits or grading permits, if the Town determines that the proposal is reasonably related to your request for a development permit.

Alternate Format Information

The Town of Ross provides written materials in an alternate format as an accommodation to individuals with disabilities that adversely affect their ability to utilize standard print materials. To request written materials in an alternate format please contact us at (415) 453-1453, extension 105.

Written Project Description – *may be attached.*

A complete description of the proposed project, including all requested variances, is required. The description may be reviewed by those who have not had the benefit of meeting with the applicant, therefore, be thorough in the description. For design review applications, please provide a summary of how the project relates to the design review criteria in the Town zoning ordinance (RMC §18.41.100).

The 3 Ross Commons Wine Bar is a community space for residents and guests to

come for wine and beer tasting. The hours of operation will be from 2 PM to 9 PM.

The Wine Bar will be open 6 days per week and with an average of 20-30 customers.

The Wine Bar will also serve snacks, including cheese and meat boards and will sell

beer and wine on a retail basis.

The owners of the 3 Ross Commons Wine Bar are Adnan Daken and Dena Bliss.

Adnan operated a wine bar in San Francisco for 11 years and last year opened a wine

bar in Larkspur. He has 20 years of experience in the wine tasting industry.

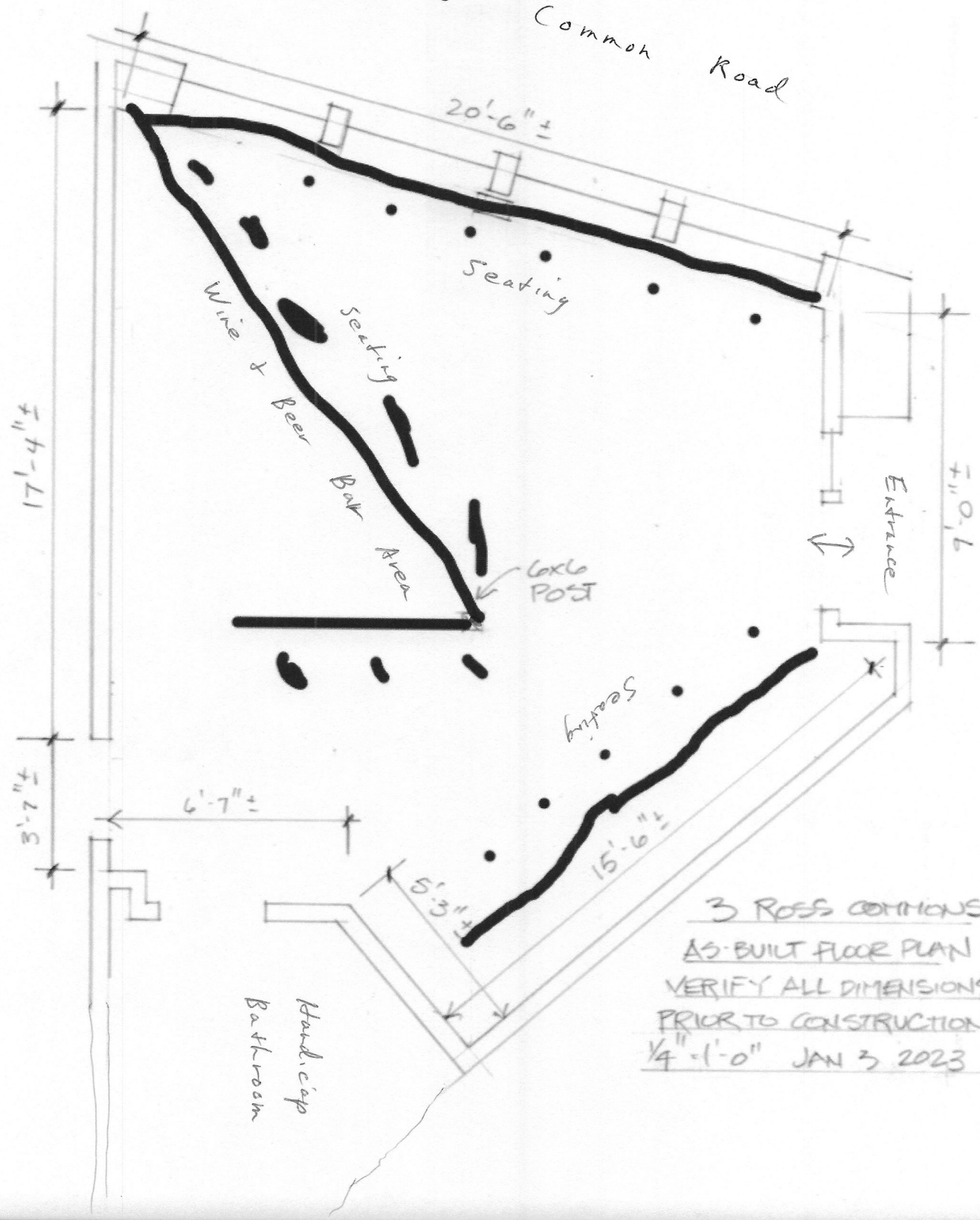
Dena lives in San Rafael and is a real estate broker with Ascend Real Estate. Her

team services the Bay Area with a focus on Marin County.

Attached is a layout of the Wine Bar which consists of a bar area for serving, plenty of

seating and a handicap bathroom space.

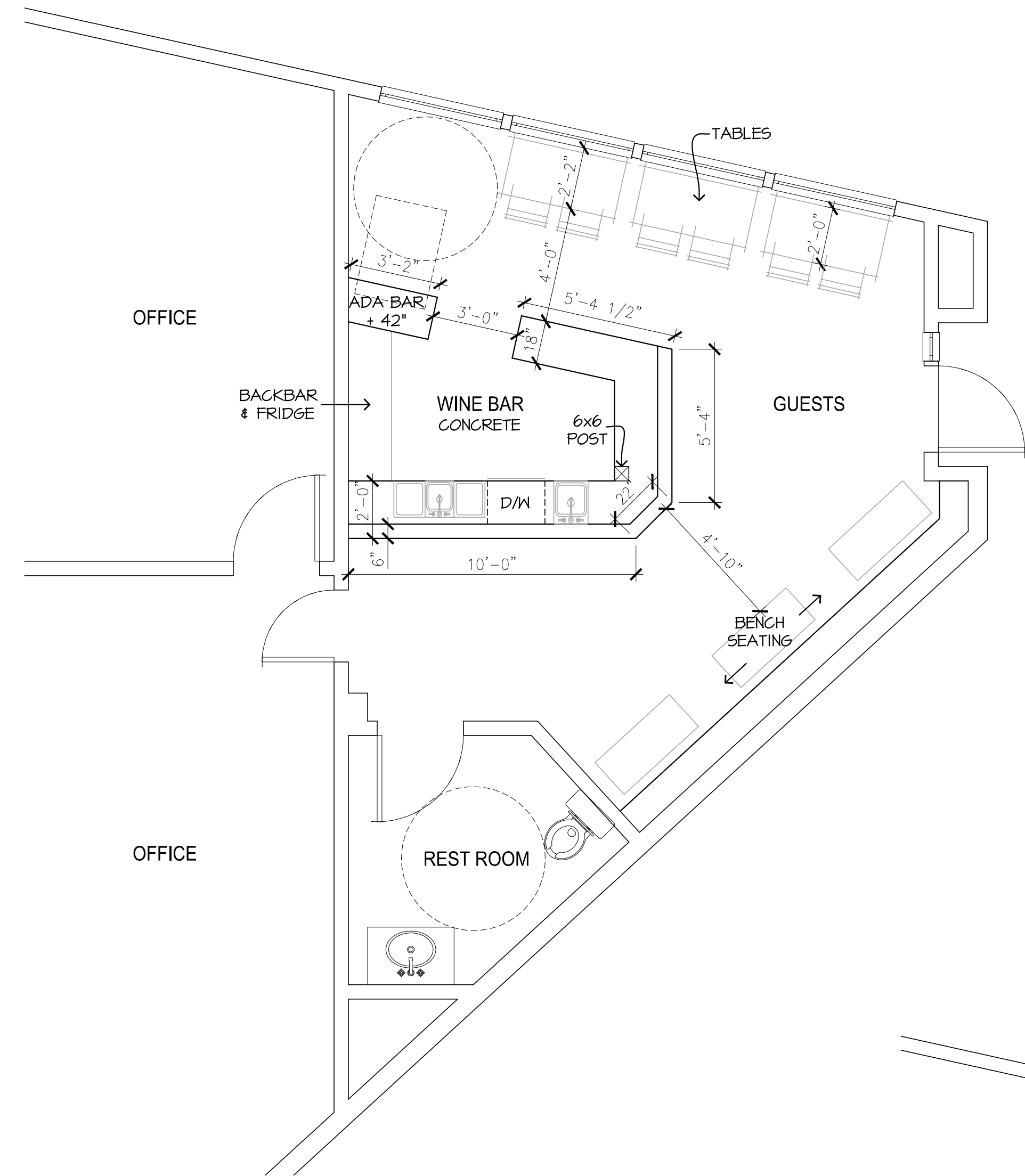
Ross Common Road



3 ROSS COMMONS
AS-BUILT FLOOR PLAN
VERIFY ALL DIMENSIONS
PRIOR TO CONSTRUCTION
1/4" = 1'-0" JAN 3 2023

(Office Spaces)

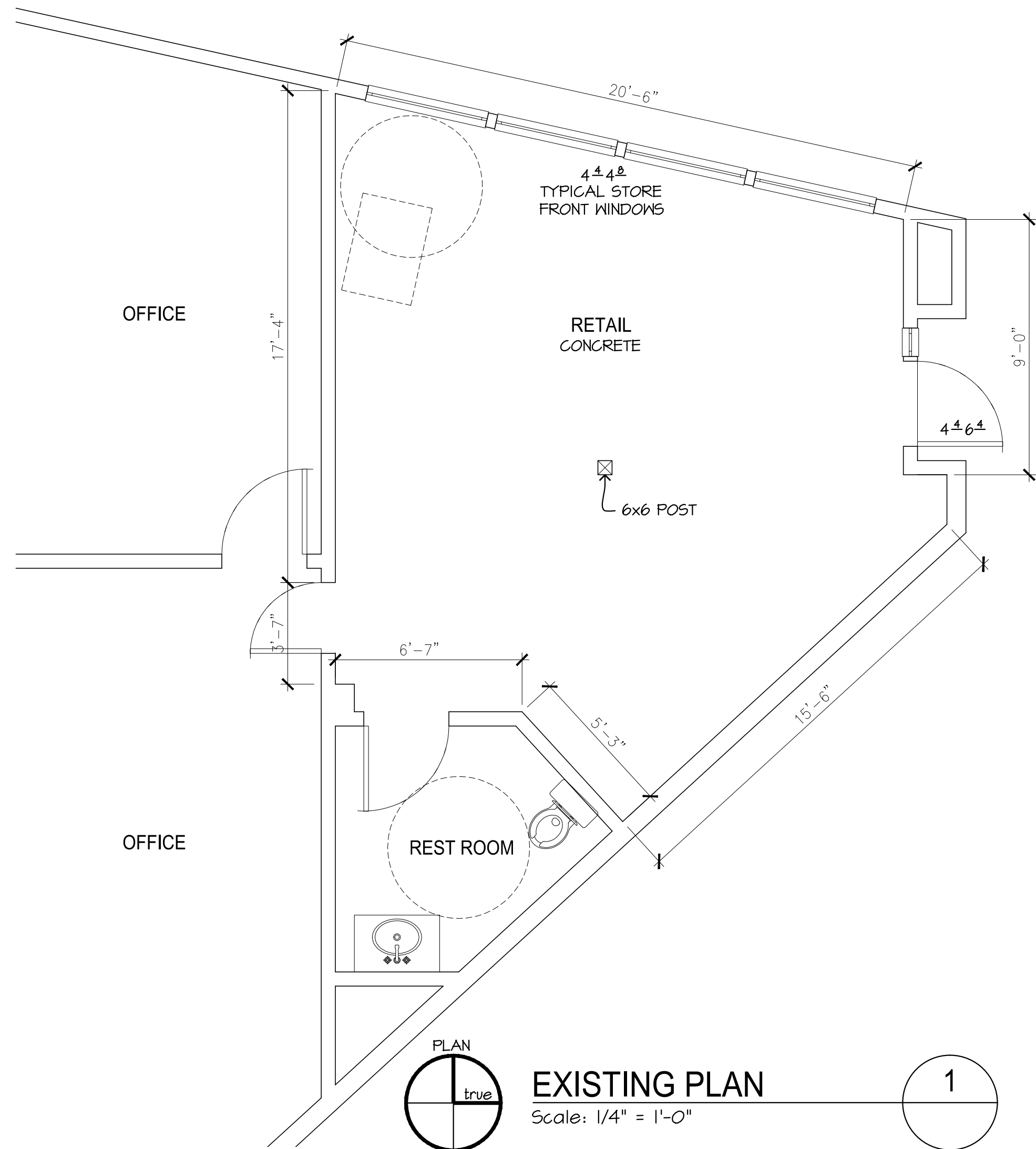
ATTACHMENT 3



PLAN
true
PROPOSED PLAN
Scale: 1/4" = 1'-0"
2



STREET VIEW
3



PLAN
true
EXISTING PLAN
Scale: 1/4" = 1'-0"
1

SHEET INDEX RESIDENCE:

A1 Sheet Index, Project Data, Vicinity Map,
Existing & Proposed Plans

PROJECT ADDRESS:

3 Ross Commons
Ross, CA

APPLICANTS / PROPERTY OWNER:

6 Oz. Wine Bar
3 Ross Commons
Ross, CA

SCOPE OF WORK:

REMODEL EXISTING STORE FRONTAGE.

APN:

-

OCCUPANCY:

B

STORIES:

2 Story Building

CONSTRUCTION:

VB

SPRINKLERS:

Existing

APPLICABLE BUILDING CODES:

2022 CALIFORNIA BUILDING ADMINISTRATIVE CODE

2022 CALIFORNIA BUILDING CODE (CBC)

2022 CALIFORNIA RESIDENTIAL BUILDING CODE

2022 CALIFORNIA EXISTING BUILDING CODE (CEBC)

2022 CALIFORNIA GREEN BUILDING STANDARDS CODE (CGBSC)

2022 CALIFORNIA MECHANICAL CODE (CMC)

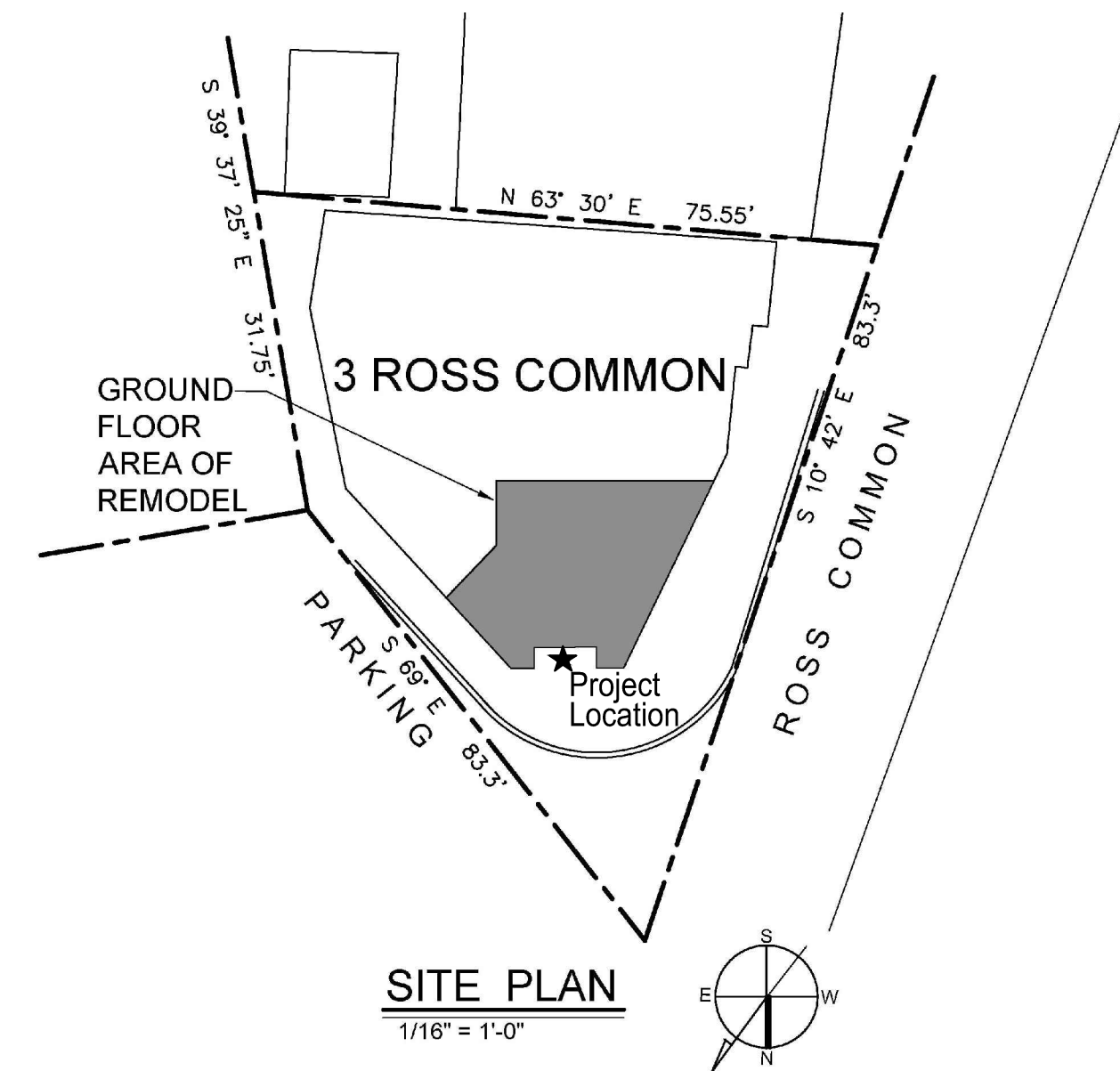
2022 CALIFORNIA PLUMBING CODE (CPC)

2022 CALIFORNIA ELECTRICAL CODE (CEC)

2022 CALIFORNIA ENERGY CODE (CEnc)

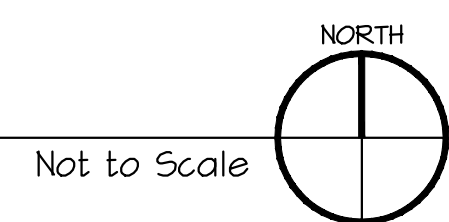
2022 CALIFORNIA GREEN CODE

2022 MARIN COUNTY CODE



SITE PLAN
1/16" = 1'-0"

Vicinity Map



Revision	Date

Architectural Drafting:
n2k CAD Services
314 12th Street
Petaluma, CA 94452
707.718.6414
info@n2kCAD.com

Drawings for:
**Ascend
Wine Bar**

3 Ross Commons
Ross, CA

DRAWN n2k
ISSUED Review
DATE September 5, 2022
SCALE AS NOTED
0" 1/4" 1/2" 1"
SHEET

A1

ATTACHMENT 4

6oz Mood Board

- Soft/Warm Caramel Leather & Cowhide
- Black & White
- Blonde Woods
- Brass/Bronze/Gold Tones
- Minimal
- Subtle Greenery
- Pops of Personality (Photography, Objects)

