

CITY OF HERCULES

PLANNING AND BUILDING DEPARTMENT

TO: Chair McCoy and Members of the Planning Commission
FROM: Dennis Tagashira, Planning Director
FOR: Regular Planning Commission Meeting of November 16, 2009
SUBJECT: **CONDITIONAL USE PERMIT NO. 09-05, A Request To Allow On-Site Consumption of Beer, Wine and Distilled Spirits To be Served At A 2,059 Square Foot Restaurant In The Historic Overlay District.**

Applicant: Prathumrat (Kay) Sala Representing Sala Restaurant

Location: 1991 Railroad Avenue
Hercules, California

Assessor Parcel Number 404-170-026

1. RECOMMENDATION

That the Planning Commission:

- a. Request City staff present the staff report.
- b. Open the public hearing and receive testimony.
- c. Close the public hearing.
- d. Request clarification from staff or the applicant's representatives on issues related to Conditional Use Permit No. 09-05.
- e. Adopt a Resolution approving Conditional Use Permit No. 09-05 based on findings and subject to the attached conditions of approval.

2. PROJECT DESCRIPTION

The applicant of the existing restaurant, Kay Sala, requests Planning Commission approval of Conditional Use Permit No. 09-05 for the on-site consumption of beer, wine and distilled spirits at 1991 Railroad Avenue (also known as the "Civic Arts" building).

SUBJECT SITE. The subject property is a 2,059 square foot, single story restaurant on a 0.54 acre, rectangular-shaped parcel (Civic Arts) located on the south side of Railroad Avenue, west of Promenade Street, east of Santa Fe Avenue, and north of Bay Street. The site is south and east of the Hercules Waterfront Master Plan District. Railroad Avenue is a fully improved asphalt paved street providing primary access to the City's Historic Town Center; it is improved with curbs, gutters, and sidewalks. The restaurant was constructed in

approximately 1913. The western end of the site is improved with a neighborhood park and play structure for tots. The project site is just south of the *Waterfront District Master Plan*.

PREVIOUS DESIGN REVIEW APPROVAL. On October 2, 2006, the Hercules Redevelopment Agency received approval for the rehabilitation of the building in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings and with the California State Historic Building Code. The proposal included the following improvements:

- a. Remove the outside wood shake shingles and underlying asbestos, and install new plywood sheathing with black paper and new wood shingles. The new shingles retained the “banding” pattern of the Civic Arts and other nearby historic buildings.
- b. Replace deteriorated indoor plumbing.
- c. Replace the wood shingle roof with a composition shingle roof with some definite edges rather than flat composition shingles.
- d. Remove one brick chimney and replace the other brick chimney flue with a new brick-clad chimney flue.
- e. Replace all windows with similar wood-frame windows. Although the new windows would not have the glazing that adds historical value to the original windows, all but two of original window panes were shattered or removed. Retaining the existing windows was also impractical due to the degree of deterioration on the wood sashes and because the lead paint used around the existing wood mullions would have to be stripped, an expensive process. The replacement windows were either single-paned glass (like the originals) or double paned (for better energy efficiency).
- f. Replace the existing bathroom near the southeast corner of the house with two ADA-compliant bathrooms. An existing partition wall was moved 2 feet to the south to accommodate the new bathrooms.
- g. Retain the “mud room” entrance addition on the west side of the house. Although an addition, the “mud room” entrance is considered part of the historic fabric of the building because the addition was probably constructed in the 1930s or 1940s.
- h. Add a wheelchair lift to the northeast corner entrance.
- i. Eliminate an existing entry door at the northeast corner of the house.
- j. Patch and repair existing exterior brick walls.
- k. Repair the existing wooden screen enclosing the porch entrance on the north side of the house.
- l. Repair exterior wood trim, as needed.
- m. Install new painted sheet metal gutters and downspouts matching the profiles on the existing downspouts.
- n. Construct new wooden entrance steps and a painted metal rail for the northeast corner entrance.

In addition to the architectural improvements listed above, a number of site improvements were constructed in 2008-2009 including:

- a. A new paved parking lot surrounded by retaining walls and eight parking spaces at the east end of the site.
- b. A new outdoor dining terrace area wraps around the west side and southwest corner of the building.
- c. An enhanced trash enclosure has been constructed in the front portion of the parking lot.
- d. The site has been landscaped with a variety of new plantings, including a landscape buffer adjacent to the southern property boundary adjacent to the building and parking lot to provide visual screening for the existing residents located to the south, along Bay Street.
- e. A new privacy/sound wall has been constructed on the easterly side of the site to provide additional buffering for the residents along Bay Street.
- f. Two 12-foot high pole-mounted decorative light fixture are located in the parking lot area; these shielded fixtures have a 175-watt light bulb.

In October, 2006, the rehabilitated building was being considered to be adaptively reused with a tenant that had not yet been defined. A Thai restaurant had not been defined at the time the rehabilitation was approved by the Historic Architectural Review Board (Planning Commission).

3. GENERAL PLAN DESIGNATION AND CONFORMANCE

The 1996 adopted General Plan Land Use Map designates this property for “Public/Semi-Public—Park” (P/SP-P) uses. This land use designation is assigned to sites with existing parks and those intended for future development with parks and public recreation areas. Parks within the P/SP-P land use category are intended to be improved, preserving natural areas with facilities for active and passive recreation use, with full public access. Other public and semi-public uses associated and compatible with recreational use of a park may be allowed by use permit. The proposed rehabilitation of the existing building at 1991 Railroad Avenue is consistent with the P/SP-P land use designation. The reuse of the building with a restaurant was dependent on a Conditional Use Permit being approved by the Planning Commission.

Allowable density:	FAR of 0.10 to 0.40, with a typical FAR of 0.25
Maximum building height:	35 feet

The subject property is also in the boundaries of the Waterfront Now Initiative. The Waterfront Now Initiative was approved on July 22, 2008, and allows the on-site consumption of alcoholic beverages for restaurants through the review of a use permit.

4. ENVIRONMENTAL DETERMINATION

- a. Staff has determined that the proposed on-site consumption and sales of beer, wine and distilled spirits is Categorical Exempt per the California Environmental Quality Act Section 15321, Class 21 which consists of “actions by regulatory agencies to enforce or

revoke a lease, **permit**, license, certificate, or other entitlement for **use** issued, adopted, or prescribed by the regulatory agency or enforcement of a law, general rule, standard, or objective, administered or adopted by the regulatory agency. Such actions include, but are not limited to the following:

(2) The adoption of an administrative decision or order enforcing or revoking the lease, permit, **license**, certificate, or entitlement for use or enforcing the general rule, standard, or objective.”

No action needed from Planning Commission. Staff has determined that the proposed tenant improvements of the building falls under a list of classes of projects that have been determined not to have a significant effect on the environment, and is therefore exempt from the provisions of the California Environmental Quality Act (CEQA). These projects are identified as “Categorically Exempt” and do not require an environmental impact report or the filing of a negative declaration of environmental impact. Section 15301 and 15303 of the *CEQA Guidelines* identifies “Existing Facilities” (Class 1), and “New Construction or Conversion of Small Structures” (Class 3) as categorically exempt from CEQA, Class 1 consists of the operation, repair, maintenance, permitting, leasing, **licensing**, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of projects which might fall under Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

(a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;

(d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood.

Class 3 consists of construction and location of limited number of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The number of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include but are not limited to:

(c) A store, motel, office, **restaurant** or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area.

5. SURROUNDING LAND USE AND ZONING

The site is surrounded by single-family homes to the south and east and by open space parkland to the west. Immediately west of the project building, on a separate parcel, is an

improved neighborhood park, with undeveloped open space located west of the park. The residential properties south and east of the project site are zoned Residential Single Family Low Density, as are the three historic buildings just to the north of the site. The subject property, the open space and park lands located north and west of the site are all zoned “Historic Town Center”.

6. ANALYSIS

- a. **General Discussion.** The restaurant owner of 1991 Railroad Avenue, Prathumrat (Kay) Sala Representing Sala Restaurant, is requesting Planning Commission approval of Conditional Use Permit No. 09-05 to allow the on-site consumption of beer, wine and distilled spirits at a new sit-down restaurant. This building, also referred to as the “Civic Arts building” has been recently rehabilitated and restored with several upgraded improvements including a decorative sound wall, enhanced trash enclosure, and upgraded light standards. This building is currently undergoing interior tenant improvements to accommodate a sit-down restaurant. Originally constructed around 1913 as part of the factory housing for the Hercules Powder Company, the rehabilitation and restoration of this building includes the replacement of broken windows and deteriorated surface materials, construction of new bathrooms, preservation and a variety of other interior and exterior modifications.

In 2008, Conditional Use Permit No. 08-02 proposed a restaurant with 1,100 square feet in useable floor area. The hours of operation were from 11:00 a.m. to 10:00 p.m. Monday to Friday, with a breakfast service on the weekends, 9 employees per shift, 8 parking spaces improved for this parcel; n additional 57 parking spaces available along Railroad and Santa Fe Avenues. The current parking requirement for a local/family-owned restaurant is 10 parking spaces per 1,000 square feet of gross leaseable area; for a 1,100 square foot restaurant, 11 parking spaces are required to be provided; in addition a 570 square foot, half-moon-shaped patio area is available for diners wishing to dine outdoors; this outdoor area requires 6 parking spaces. The Sala restaurant has 8 parking spaces available for their customers and staff on-site. There are, however, a total of 57 parking spaces along Railroad and Santa Fe Avenues, from the Railroad Mini-Park on Santa Fe Avenue going along Railroad Avenue, up to Promenade Street.

WATERFRONT INITIATIVE. The Waterfront Now Initiative allows restaurants, cafes, and coffee shops in this location (page 1-9, Table 1.1: “Hercules Bayfront Composite Use Table”), and specifically identifies the “Civic Arts building site” parcel on page 1-7 as part of the Waterfront Initiative; approval of the Waterfront Now Initiative resulted in nullifying the previous denial recommendation for Conditional Use Permit No. 08-02, the proposed restaurant use.

A conditional use permit is still required for alcoholic beverage sales in the Civic Arts building according to the adopted Waterfront Initiative. The proposed hours for serving alcohol are the same as proposed for the restaurant CUP, 11:00 a.m. to 10:00 p.m. with extended alcoholic service available for champagne brunches offered on the weekend from 8:00 a.m. to 10:00 p.m.

- b. **Relevant Project/Property History.** The building was constructed around 1913 as housing for workers at the Hercules Powder Company. Although there is no record of improvements to the building, based on the evaluation by an architectural historian, the house originally contained four bedrooms and that two partition walls were subsequently removed to create two larger rooms. Since the former use of the building (subsequent to its use as a residence) was as a day care center, the architect assumed that the partition walls and other modifications were made to accommodate the day care use. The architect also noted that the existing front door did not exist in the original structure; it was added later as a modification to the building.

The Design Review Committee (DRC) conducted a meeting on Tuesday, August 22, 2006 to review the proposed rehabilitation of the existing 2,059 square foot historic, single story Civic Arts building. The DRC recommended approval of Design Review Permit No. 06-11 and Variance 06-03, and provided the following comments:

1. Revise the site plan to include concrete sidewalks at the driveway apron.
2. For security and aesthetics, install low-level up-lighting around the perimeter of the building.

On October 2, 2006, the Planning Commission approved Design Review Permit No. 06-11, a request to rehabilitate the existing 2,059 square foot Civic Arts building, and Variance No. 06-03, a request to encroach 10 feet into the 20-foot front yard setback.

On July 7, 2009, the Planning Commission denied Conditional Use Permit No. 08-02, a request to construct tenant improvements for a 2,059 square foot restaurant located at 1991 Railroad Avenue, based on the testimony of 8 residents who voiced opposition to the proposed restaurant at this location.

On July 22, 2008, the City Council approved an initiative called the “Waterfront Now Initiative”. The impact of the Waterfront Now Initiative on the Civic Arts building, and the Sala restaurant are as follows:

1. The Civic arts parcel was previously zoned “Public/Quasi-Public-Park”. The Waterfront Now Initiative changed this parcel to “Historic Town Center”. (Exhibit B of the Waterfront Now Initiative titled “City of Hercules Land Use and Zoning Map, May 27, 2008. Adopted by Initiative).
2. Previously, the City’s adopted zoning ordinance required a conditional use permit for a proposed restaurant be reviewed and approved by the Planning Commission. The Waterfront Now Initiative removed this requirement for a conditional use permit; a restaurant is a permitted use, and only a non-discretionary Business License is required to be obtained by the applicant. (page 1-7, table 1.1, “Hercules Bayfront Composite Use Table”). A business license is issued by the Finance Department, and does not require a public hearing or any discretion from City staff.
3. Previously, the City’s zoning ordinance required a conditional use permit (CUP) for the on-site consumption of alcoholic beverages (beer, wine and distilled spirits). The CUP requires a public hearing before the Planning Commission.

The Waterfront Now Initiative revised this CUP requirement, and requires a Minor Use Permit” be submitted with the proposed “alcoholic beverage sales”. The City of Hercules does not currently have a Minor Use Permit application or procedure adopted or in place for applicants to pursue the on-site consumption of alcoholic beverages. The City does have a Conditional Use Permit application and procedure for the on-site consumption of beer, wine and distilled spirits.

- c. **Code Requirement.** Section 50.200(2) of the Zoning Ordinance states Conditional Use Permits “are issued by the Planning Commission for conditional uses allowed within a district. The conditional use permit will usually include conditions of approval, mandatory review periods, and expiration periods as required at the discretion of the Planning Commission. In granting conditional approval, the Planning Commission may impose requirements and conditions with respect to location, siting, construction, maintenance, operation, duration, and overall development as deemed reasonable and necessary for the protection of adjacent properties and the public interest.”

d. Justification for Approval of Restaurant’s on-site consumption of beer, wine and distilled spirits application

- 1. *Consistency with General Plan Goals, Policies and Programs.*

The voter-approved Waterfront Now Initiative revised the General Plan land use designation of “Public Park” for the Civic Arts parcel to a “Historic Town Center” land use designation. The Civic Arts building is within the “Clubhouse Center” Building Form Standards of the Waterfront Initiative on page 1-7; the purpose of the Clubhouse Center is “to provide the flexibility of use required for the appropriate integration of the existing historic buildings.” Page 1-9 of the Initiative allows alcoholic beverage sales in the Clubhouse Center designation with the approval of a Minor Use Permit; the City of Hercules does not have currently a “Minor Use Permit” application, procedure, or process. However, the approval of a use permit for the requested alcoholic beverages, beer, wine and distilled spirits, at the Civic Art parcel would be consistent with the voter-approved “Waterfront Now Initiative” and the current general plan land use of “Historic Town Center”.

The on-site consumption of alcoholic beverages (beer, wine, and distilled spirits) in the development of a Thai restaurant in this vacant space is consistent with the General Plan. The project will help implement the Economic Development Element of the General Plan by providing a new and needed revenue source. It will help implement the goals of the Redevelopment Plan by strengthening the economic base of the City. As noted below, this project helps to implement a significant number of General Plan objectives and policies.

- a. “Provide for an economic base capable of supporting adequate community services in future years.” General Plan Objective 1.b.,page 1-2.

- b. “The City will be developed as an extension of an urbanizing area with a balance of residential, commercial, industrial, and public uses.” General Plan Policy 2.a., page 1-3.
 - c. “Develop a community that balances housing, jobs, and commercial opportunities.” Land Use Element Objective 2, page II-12.
 - d. “Develop non-residential Land Use Categories which reduce the need for residents to leave the community by providing a variety of shopping and service opportunities.” Land Use Element Policy 2B., page II-12.
 - e. “Emphasize employment-generating development which is lagging behind residential development.” Land Use Element Policy 2C, page II-13.
 - f. “Give favorable consideration to the following types of development: new retail development that would generate substantial new sales...” Land Use Element Policy 2C.3, page II-13.
 - g. “Create a strong and successful focus or center for business and activities that would provide services, shopping opportunities which would attract employees, clients and patrons from a regional area, while not disturbing existing residential and community oriented areas.” Land Use Element Policy 3D, page II-14.
 - h. “Develop sufficient employment and commercial tax generating uses to maintain a positive City government fiscal condition.” Land Use Element Objective 4, page II-15.
 - i. “Encourage uses that bring additional revenues (retail sales, property taxes) either directly or indirectly to the City.” Land Use Element Policy 4B, page II-15.
2. *Land Use Compatibility.* Staff feels the proposed Thai restaurant with alcoholic beverage service is compatible with the existing residential development in the area. The parking lot is partially below grade and shielded by retaining walls approximately 6 feet in height. The parking plan has been designed so that parked autos do not face toward existing homes on Bay Street or Promenade Street. A planted landscape buffer along the outer edges of the parking lot retaining walls further reduces the offsite spillage of light onto adjacent neighbors. The new 6-foot high decorative, sound wall on the eastern side of the property provides additional privacy and buffers the residences on Bay Street from any noise generated from the restaurant.
 3. *Design Review.* The use of similar wood shingles is consistent with the exterior materials of the existing house as well as with other homes within the Historic District. The wood shingles retain the “banding” pattern of the Civic Arts and other nearby historic buildings. The replacement roof shingles consist of high-

definition composition shingles with a distinct leading edge to emulate the appearance of the original wood shingles. The living room chimney is rebuilt with a wood frame and brick veneer to match the existing chimney; the kitchen chimney has been removed entirely.

Most of the existing windows in the house are double-hung, with wood sashes and single glazing. Larger fixed-pane tripartite windows are located in the major rooms facing the west or south, to take advantage of views of San Pablo Bay and Mount Tamalpais. All but two of original window panes have been shattered or removed, and the wooden sashes are highly deteriorated. The rehabilitation project replaced the windows with similar wood-frame windows, with either single-pane glass or double-pane glass for improved energy efficiency.

The house has been repainted with paint colors from the historic period of significance. The final colors have been selected; a three-color scheme consisting of:

1. A neutral body color, an earth-tone muted yellow, sand color (“Birdseye Maple”)
2. A trim color, an earth-tone blue-gray color (“Sycamore tan”) and
3. A sash/door color, a dark green-gray color (“Roycroft Bronze”) trim color consistent with the historic practice of the period.

The defining characteristics of the building—the low-pitched gable roof forms, prominent eaves, covered porches, tripartite windows in the major rooms, and double-hung windows elsewhere—have all been preserved.

4. *Consistency with Historic Design Guidelines.* The proposed rehabilitation work was reviewed by staff for consistency with the City’s *Design Guidelines for Historic Preservation*. The following analysis of the project’s consistency with the guidelines is provided for the Planning Commission’s review and consideration:

- a. The proposed addition is consistent with the following principles:

From page 9 of the *Hercules Design Guidelines for Historic Preservation*, Basic Principles for Preservation in Hercules:

1. “Respect the historic design character of the building.”
2. “Protect and maintain significant features and stylistic elements.”
3. “Preserve key character-defining features of the property.”
4. “Repair deteriorated historic features and replace only those elements that cannot be repaired.”

Consistency: The proposed rehabilitation preserves the defining characteristics of the building that comprise the contributing portion of the historic residence, such as low-pitched gable roof forms, prominent eaves, covered porches, tripartite windows in the major rooms, and double-hung

windows elsewhere. The project rehabilitates the historic façades preserving the original design. Many existing components have been retained and repaired, including some of the doors, the mud room entrance, porches, exterior trim, brick walls, and the existing wooden screen enclosing the porch entrance on the north side of the house. Only those elements that could not be feasibly repaired, such as windows, brick chimneys, roof shingles, some doors, and plumbing pipes, have been replaced. Where visible, the replacement components have been designed to match the original components, with the use of similar materials, where possible.

From page 11 of the *Hercules Design Guidelines for Historic Preservation*, Design Principles for Adaptive Reuse of Industrial and Civic Buildings:

- a. “Provide edges that are inviting to pedestrians.”
- b. “Provide outdoor spaces designed for public use.”
- c. “Provide pedestrian connections that link these buildings to the community.”
- d. “Minimize the visual impacts of automobiles.”
- e. “Locate primary entrances to face the street, not a parking lot.”

Consistency: The most visible façade of the building—the southern façade facing Railroad Avenue, which is also visible from portions of the adjacent park—is very pleasing in its aesthetic design. The building has been rehabilitated and the site landscaped; it provides very attractive and inviting edges to pedestrians. The proposed outdoor dining terrace furthers the goal of providing outdoor spaces for public use, while the existing sidewalk along Railroad Avenue provides pedestrian connections to the community, including the adjacent park and the nearby historic town center. The visual impacts of automobiles have been minimized through the placement of the parking lot partially below grade, surrounded by retaining walls and landscaping. While the entryway that functions as the new primary entrance would open to the parking lot, it actually faces the adjacent street (Railroad Avenue). A secondary entrance enclosed in a porch continues to be oriented toward Railroad Avenue.

- e. **Zoning Compliance.** With the exception of the front setback, for which a variance was granted, the existing house meets all setback requirements and regulations of the Public/Quasi-Public—Park District. The following chart illustrates the project’s compliance with the P/QP–P zoning regulations:

Development Parameter	Code Regulation	Existing/Proposed	Complies?
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Setbacks:			
Front	20 feet	10 feet	No*
Rear	20 feet	28 feet	Yes
Corner Side	20 feet	96 feet & 264 feet	Yes
Height	20 feet	19.5 feet	Yes
Lot:			
Size	n/a	1.69 acres	Yes
Coverage	20%	27.9%	Yes
Width	n/a		
Depth	n/a		
Density	0.10 to 0.40 FAR (typical FAR of 0.25)	0.087 FAR	Yes
Landscape Coverage	30%	apx. 41%**	Yes
Parking	10 spaces per 1,000 ft. GLA (17 spaces)***	57 spaces	Yes

* Variance approved.

** This calculation excludes the portion of the site currently developed with a park. When the park is included, the overall landscape coverage of the site is greater than 50 percent.

*** This parking requirement applies to local/family restaurant.

With 1,670 square feet of gross leaseable space, reuse of the Civic Arts Building as a restaurant would require 10 spaces per 1,000 square feet of gross leaseable area, for a total of 17 parking spaces. There are eight parking spaces striped in the parking lot on the Civic Arts parcel, and the 57 parallel spaces along Railroad and Santa Fe Avenues provide sufficient parking for the Sala Thai restaurant use.

7. ISSUES FOR PLANNING COMMISSION'S CONSIDERATION

The Planning Commission should consider if the restaurant's proposed on-site consumption of beer, wine and distilled spirits is in keeping with the Waterfront Now Initiative's intent to allowing alcoholic beverage consumption within proposed restaurants.

8. SPECIAL RECOMMENDED CONDITIONS

Sign Program

- a. Final Master Sign Program, including size, location, materials, lighting, and colors, is subject to approval by the Planning Manager. (Planning)

Parking Lot

- b. The storage of materials is not allowed in the parking lot. This prohibition includes materials in trucks and storage containers. (Planning)
- c. Outdoor display of materials and seasonal sales events are prohibited in front of the store entrance and in the parking area. (Planning)

Police

- d. The Police Department shall have authority to enforce all parking code violations. (Police Department)
- e. A physical barrier must be constructed establishing a boundary where alcoholic beverages may and may not be consumed within the outdoor patio area. (New condition from Police Department)***

Other

- e. There shall be no disturbances to the existing adjacent single family neighborhood along Bay and Promenade Streets from the restaurant use or the on-site consumption of beer, wine and distilled spirits at the Civic Arts building. (Planning)
- f. All outdoor refuse containers shall be screened in a manner acceptable to the Planning Director. (PL)
- g. Pallet storage is allowed only in the rear of the building. Pallets shall not be visible from public access areas. (PL)
- h. The project is subject to revocation by the Planning Commission as outlined in Sections 50.400 and 50.500 of the Zoning Ordinance if it has been determined that the applicant or successor(s) failed to abide by any conditions set forth in these Conditions of Approval or applicable laws of the City of Hercules. (PL)
- i. If the approved tenant for Conditional Use Permit No. 09-05, the on-site consumption of beer, wine, and distilled spirits at 1991 Railroad Avenue, ceases operation within the approved commercial space, or if the conditional use permit is abandoned, discontinued, or changed to another use for a period of six (6) months, Conditional Use Permit No. 09-05 shall be considered abandoned and shall no longer be valid, and reported to the Planning Commission.
- j. All exterior lighting fixtures including the two 12-foot high light standards in the parking lot shall consist of replica fixtures matching historic lighting fixtures appropriate to the building's style and employing low-wattage incandescent bulbs.

All exterior lighting fixtures shall provide shielded, downward-directed lighting.
(PL)

- k. The permitted hours for serving alcoholic beverages shall be limited to 11:00 a.m. to 10:00 p.m. with extended alcoholic service available for champagne brunches offered on the weekend from 8:00 a.m. to 10:00 p.m.

9. EXHIBITS

[Exhibit A](#) - Conditions of Approval

[Exhibit B](#) – Findings for Conditional Use Permit No. 09-05

[Exhibit C](#) – Resolution for Conditional Use Permit No. 09-05

10. ATTACHMENTS

Site Plan, Building Elevations, Floor Plans