

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 06-006 - APN: 008-051-023&024
(APPLICANT: RUTH FLORENCE)

DATE: FEBRUARY 27, 2007

Needs: For the Planning Commission to consider an application filed by Ruth Florence on behalf of the 7 Puertos Restaurant, requesting to allow after hours amplified music and dancing for the existing restaurant.

Facts:

1. The site is located at 1144 Black Oak Drive (See attached Vicinity Map, Attachment 1).
2. The site is located within the C3 (Commercial/Light-Industrial) Zoning District, and within the Commercial Service (CS) General Plan Land Use category.
3. Table 21.16.200 of the Zoning Code requires the approval of a Conditional Use Permit for dance halls in the C3 Zoning District.
4. As described in the attached project description (Attachment 2) the applicant's are proposing to have amplified music (DJs & live bands) and dancing within the restaurant. The activities would be limited to Friday and Saturday nights from 7:00pm to 1:00am.

**Analysis
and**

Conclusions: Both the Police Chief and the Emergency Services Battalion Chief have reviewed this Conditional Use Permit request.

The Police Chief provided an E-mail dated January 8, 2007, (Attachment 3) outlining concerns related to the proposed use. The Chief recommended site specific conditions be included in the Conditional Use Permit requiring security measures including but not limited to, uniformed security guards, security fencing, surveillance and lighting.

The Battalion Chief provided a memo dated January 11, 2007, (Attachment 4) explaining that the restaurant in its current configuration does not meet the building and fire code standards in relation to exiting requirements for the type of use requested by the applicants. A condition of approval has been added to the CUP requiring that all necessary building and fire codes shall be met prior to commencing the proposed entertainment activities.

The applicants are aware of the required conditions of approval by both the Police Department and the Emergency Services Department and are agreeable to meeting the conditions. Furthermore, they have hired an Architect to review the building and fire codes and are comfortable that tenant improvements can be made to the building to meet the required codes.

Additional conditions have been added regarding limited hours of operation, sign code compliance, controlling noise impacts on neighbors, and the ability for the Planning Commission to review of this CUP within 6-months after the beginning of operation.

Reference: Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, Economic Strategy and CEQA.

Fiscal Impact: None.

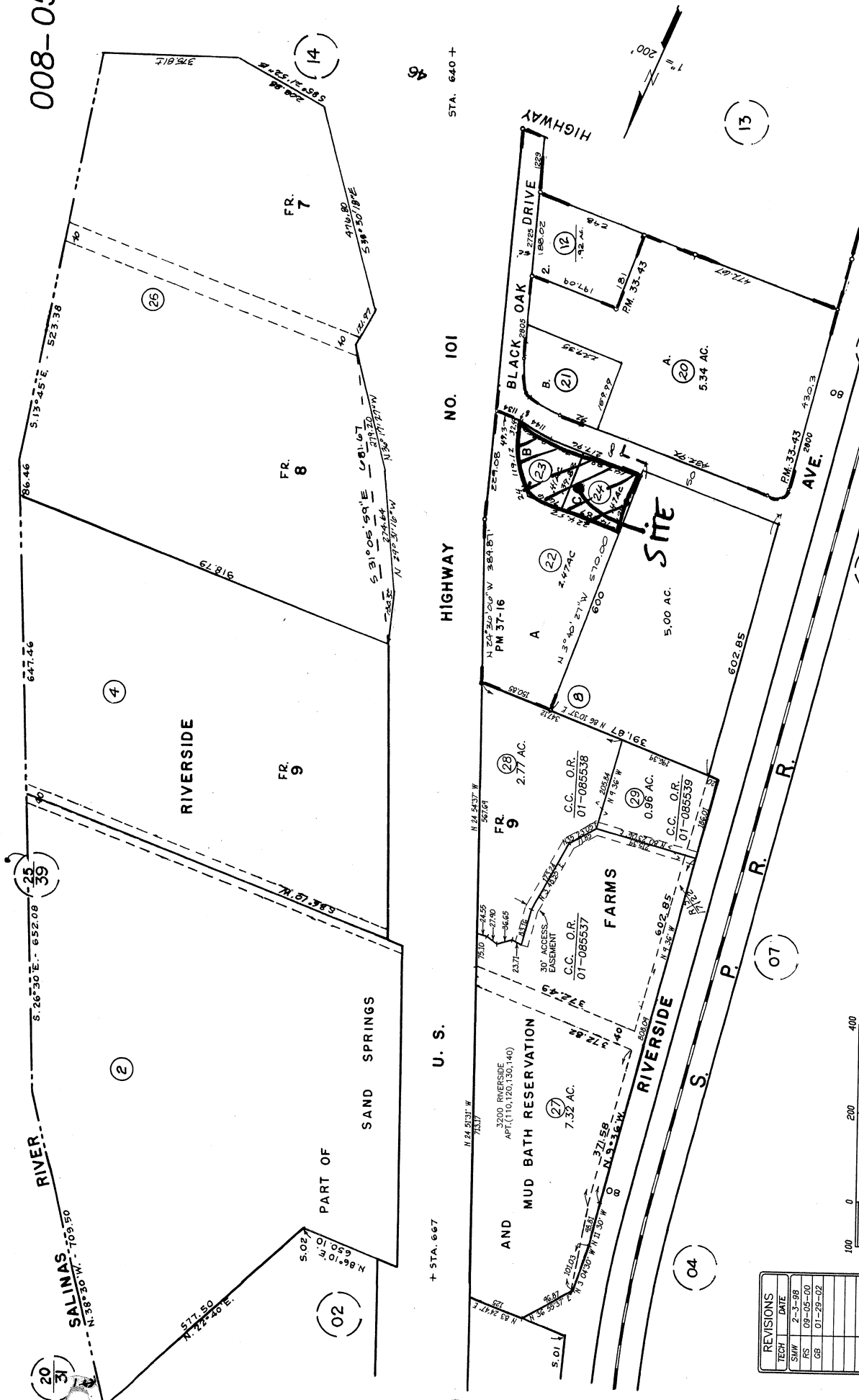
Options: After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- A. Adopt the attached Resolution approving Conditional Use Permit 06-006;
- B. Amend, modify, or reject the above-listed action;

Attachments:

1. Vicinity Map
2. Applicant's Project Description
3. Police Chief E-mail, dated January 8, 2007
4. Battalion Chief Memo, dated January 11, 2007
5. Resolution to Approve the Conditional Use Permit 06-006
6. Newspaper and Mail Notice Affidavits

H:\darren\cup\7Puertos\PCReport



CITY OF PASO ROBLES
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA.
 BOOK 008 PAGE 051

RIVERSIDE FARMS, R.M. Bk. A, Pg. 169
 TRACT 821, R.M. Bk. 10, Pg. 58

Vicinity Map
CUP 06-006
(7-Puertos)

REVISIONS	TECH	DATE
	SJM	2-3-98
	RS	09-05-00
	GB	01-23-02

100 0 200 400
 THIS MAP IS PREPARED FOR
 ASSESSMENT PURPOSES ONLY.
 SJM
 2-3-98

City of Paso Robles
Att: Associate Planner
Mr. Daren Nash
1000 Spring St.
Paso Robles, CA

Paso Robles
OCT 19 2006
Planning Division

RE: Application Response Entertainment License

Dear Mr. Nash:

This letter is intended to clearly explain our purposed request for an Entertainment License.

El 7 Puertos Restaurant is a full service restaurant which serves some of the best seafood cuisine with great, friendly service, offering our clients a superior environment for Paso Robles and surrounding communities.

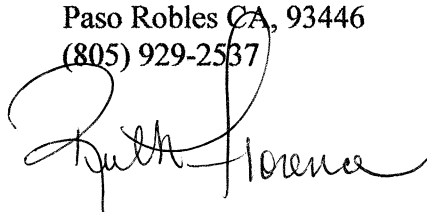
The entertainment will consist of selected DJ's and live band music which will take place within the confines of our premises. Hours of performances will be from 7:00 pm to 1:00 am on an occasional Friday nights with a live band on Saturday nights only along with qualified securities . Full menu will be available during these hours.

I am willing to be cooperative in complying with all police and fire department concerns and instructions to demonstrate the willingness of being a responsible business establishment. I believe this will be a positive a tribute to the community. The entertainment will only help enhance a very successful business.

Thank you and your planning department for making this process available. If you have any questions, please do not hesitate to contact me.

Thank you for your cooperation in this matter.

El 7 Puertos Restaurant
1144 Black Oak Dr.
Paso Robles CA, 93446
(805) 929-2537



Attachment 2
Project Description
CUP 06-006
(7-Puertos)

Darren Nash

From: Dennis Cassidy
Sent: Monday, January 08, 2007 10:55 AM
To: Darren Nash; Lisa Solomon; Kevin Taylor; Ken Johnson; Jim App; Ron Whisenand
Subject: FW: Los 7 Puertos Restaurant

Planning Commission:

I have expressed my concerns regarding security needs ie lighting, noise mitigation, fencing, surveillance cameras, uniformed security for all night clubs and dance halls in the City of Paso Robles where alcoholic beverages are served in conjunction with entertainment and dancing. CUP conditions need to be placed on these type of business establishments to protect the public and help reduce police responses to these types of businesses.

In the case of this applicant (7 Puertos Restaurant), they wish to change their original status from a restaurant to a restaurant/night club. Certain restrictions can be placed on their ABC licesne, however not all concerns can be addressed through ABC licensing. Below I will list our concerns with this application and mitigation measures that should be included in the CUP to protect the public and reduce police responses.

We do have neighborhood compatibility issues with the music/entertainment aspect of this business change due to the location proximity to the motel. Travellers will use the motel during evening hours to sleep and nightclubs genreally generate noise issues and complaints during the evening hours between 10:00 PM and 2:00 AM. These types of complaints result in police calls for service. The other issue for the planning commisssion to consider is the "Gateway" issue to the City and the types of businesses we allow at our gateways. Restaurants, motels, service stations provide travellers easy access at the 46/101 corridor and present a friendly, helpful and welcoming atmosphere to travellers and local residents alike. I'm not sure that nightclubs and casinos present the proper image at our "Gateway".

The following are necessary security requirements to be included in a CUP if this business change should be approved.

1. Uniformed contract private security guards to be onsite during the hours of operation when entertainment is occuring. A minimum of two uniformed security guards should be contracted by the business owner.
2. Security perimeter fencing to limit night club patrons from accessing neighboring businesses. Separation of this business from the neighboring businesses (motel etc.) will limit foot traffic.
3. Security lighting in the exterior perimeter and parking area to protect patrons and their vehciles from vandals and other types of crime.
4. Interior and exterior surveillance cameras to record activities in areas open to the public and patrons. This will help law enforcement gather needed information when crimes occur.
5. Noise level restrictions. The music generated from inside of the applicant's business should not be audible to the surrounding/neighborng businesses.

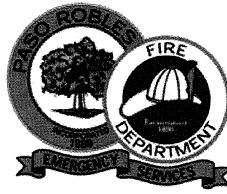
These CUP requirements are pretty much industry standards for night club/ entertainment establishments in cities and help maintain security and safety for patrons and neighbors alike. They also assist local law enforcement is preventing and solving crime and maintaining order. I strongly urge the planning commission to consider the neighborhood compatibility issue and if allowed, require the applicant to comply with the CUP requirements identified in conditions 1 through 5 listed above.

If the Commission should have any additional questions concerning the content of this memo, I can be contacted at 227-7520.

Yours for Professional Law Enforcement,

Dennis J. Cassidy, Chief of Police

Attachment 3
Police Chief E-mail
CUP 06-006
(7-Puertos)



Paso Robles Department of Emergency Services

To: Darren Nash, Associate Planner
From: Kevin Taylor, Battalion Chief
Cc: Ken Johnson, Fire Chief
Subject: CUP 06-006, 1144 Black Oak Drive
Date: January 11, 2007

Thank you for the opportunity to review the application for CUP 06-006.

Adopted code (California Building Code and California Fire Code) does not permit the use requested by the applicant as the existing building configuration does not provide appropriate exiting. To comply with operative building and fire code standards an additional exit would be required at least forty-five (45) feet from the existing exits on the West side of the building. The North exit, located near the kitchen, does not meet the requirement proposed as it requires travel through the kitchen which is not permitted.

Please remind the applicant that any modifications to the building would require building permits and may require fire permits dependent upon scope.

Thank you again for the opportunity to comment and please don't hesitate to contact me with any questions or comments.

Attachment 4
Battalion Chief Memo
CUP 06-006
(7-Puertos)

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 06-006
(Florence – 7 Puertos)
APN: 008-051-023 & 024

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a conditional use permit for dance clubs in the C3 zone, and

WHEREAS, the applicant, Ruth Florence on behalf of the 7 Puertos Restaurant, has filed a conditional use permit application to add dancing activities with amplified music to the existing restaurant located at 1144 Black Oak Drive, and

WHEREAS, a public hearing was conducted by the Planning Commission on February 27, 2007, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request, and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301c of the State's Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 06-006 subject to the following conditions:

1. This conditional use permit (CUP) authorizes the use of entertainment including amplified music by both a DJ and live bands as an accessory to the restaurant use. All activities shall be kept indoors.
2. The hours in which the entertainment activities may occur shall be limited to Friday and Saturday nights from 7:00pm to 1:00am. Doors and windows shall be kept closed at all times that amplified music is being played.

3. Any condition imposed by the Planning Commission in granting this conditional use permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.
4. All new and/or existing site and building mounted lighting shall be fully shielded so that light is directed downward and stays on-site. Cut sheets for new lighting fixtures or shields shall be submitted to the Community Development Department for approval prior to installation.
5. This CUP shall be reviewed after a six (6) month period at which time the project would be reviewed at an informal Planning Commission meeting to determine whether the intent of loitering and noise nuisance is being deterred/controlled. In the event that it is determined during this review that a nuisance exists, the Planning Commission can direct that a public hearing be scheduled to consider additional measures.
6. In the instance that activities as described in the project description become a nuisance and complaints are made, the following condition shall be applied to the establishment: Doors and windows are to remain closed at all times while any type of music or entertainment is playing.
7. Uniformed contract private security guards to be onsite during the hours of operation when entertainment is occurring. A minimum of two uniformed security guards shall be contracted by the business owner.
8. Security perimeter fencing to limit night club patrons from accessing neighboring businesses. Separation of this business from the neighboring businesses (motel etc.) will limit foot traffic. Prior to the installation of fencing, a fence plan indicating location of the fence, height and materials shall be reviewed and approved by the Police Chief and the Planning Department.
9. Security lighting in the exterior perimeter and parking area to protect patrons and their vehicles from vandals and other types of crime. Prior to the installation of any exterior lighting, a lighting plans shall be submitted for review and approval by the Police Chief and the Planning Department. Any new and existing exterior lighting shall be fully shielded.
10. Interior and exterior surveillance cameras to record activities in areas open to the public and patrons. This will help law enforcement gather needed information when crimes occur.

11. Noise level restrictions. The music generated from inside of the applicant's business should not be audible to the surrounding/neighborhood businesses.
12. Prior to commencing the entertainment activities, the applicants shall apply for a Building Permit for tenant improvements to make the necessary changes to the building in order for it to comply with all necessary Building and Fire Codes related to the proposed change in use.
13. All existing and new signage (including temporary signs) shall comply with the City Sign Ordinance.
14. Prior to the issuance of a Certificate of Compliance/ commencement of the entertainment activities, all of the Departments involved (Building, Fire, Police & Planning) shall insure that all of the conditions of approval listed in this resolution have been satisfied to the satisfaction of each department representative.

PASSED AND ADOPTED THIS 27th day of February 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

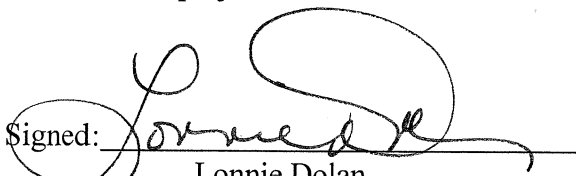
Newspaper: Tribune

Date of Publication: February 14, 2007

Meeting Date: February 27, 2007
(Planning Commission)

Project: Conditional Use Permit 06-006
(7 Puertos Restaurant/Florence)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

forms/newsaffi.691

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider Conditional Use Permit 06-006, a request filed by Ruth Florence on behalf of the 7 Puertos Restaurant to establish the ability to have live amplified music and dancing as an accessory to the existing restaurant. The site is located at 1144 Black Oak Drive.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, February 27, 2007, at which time all interested parties may appear and be heard.

Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing.

If you challenge the Conditional Use Permit application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Darren R. Nash, Associate Planner
February 14, 2007

6537970

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Gevorg Nazaryan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 06-006, A request to establish the ability to have live amplified music and dancing as an accessory to the existing restaurant. (Applicant: Ruth Florence on behalf of the 7 Puertos Restaurant) APN: 008-051-023, on this 13th day of February, 2007.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Gevorg Nazaryan