

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 07-017 / 1331 A VENDELS CIRCLE
APN: 009-633-016 (APPLICANT: NOEL A. MONTELEONE)
DATE: DECEMBER 11, 2007

Needs: For the Planning Commission to consider a request to establish a beer and wine bar located at 1331A Vendels Circle.

- Facts:
1. The property is located at 1331A Vendels Circle.
 2. The site's General Plan designation is Business Park (BP), and it is zoned as Manufacturing - Planned Development Overlay (M-PD), which is consistent with the General Plan designation.
 3. Table 21.16.200 of the Zoning Code requires the approval of a Conditional Use Permit (CUP) to establish bars (including beer and wine taverns) in the (M) Zoning District.
 4. As described within the attached project description, the applicant proposes a beer and wine tavern that also includes: providing food either prepared off-site and/or pre-packaged; indoor putting green; and live and recorded music. Hours of operation are proposed to be 12 pm to 12 am Tuesday through Sunday.
 5. The site has 19 existing parking spaces. The existing parking will not be impacted by the proposed use, as described in the following parking analysis.
 6. The proposed use will create a net increase of 15 P.M. peak hour trips. The additional trips will not significantly impact operations at highways 46 West and 101 as discussed in the following Analysis below.

Analysis
and

Conclusion: The Police Chief and the Emergency Services Departments have reviewed the Conditional Use Permit request. The Police Chief has recommended site specific conditions be included if the Planning Commission approves this CUP. These conditions include: 1) uniformed security guards during live music; 2) surveillance cameras; 3) exterior lighting improvements; and 4) restriction of loitering outside of the business or the parking lot.

Emergency Services included a condition of approval that requires all necessary building and fire codes be met prior to operation of the business.

The proposed use requires one parking space per 200 square feet of area used for the bar. This would require six parking spaces. The remaining uses on the site include 3,000 square feet for manufacturing, and 1,200 square feet for offices which requires

a total of 13 parking spaces. Thus, the existing 19 parking spaces are adequate to meet the parking demands of the site of the proposed use and the existing businesses.

With conditions of approval the City has the ability to regulate potential impacts that could result from this use. The proposed CUP for a bar and associated activities appear reasonable at this location, and would not result in land use compatibility nuisances to surrounding businesses or properties such as noise, loitering, or other disturbances. Conflicts with the adjacent land uses should be rare occurrences due to the fact that the neighboring uses are generally daytime uses, and the busiest hours for the bar are intended to be in the evenings.

All projects in the vicinity of the Highway 46 West and 101 interchange were conditioned to participate in an assessment district to pay for improvements to the interchange so that the level of service (LOS) of the interchange will be in compliance within the City's adopted level of service in the General Plan Circulation Element. The additional trips could not significantly impact or affect the existing LOS at the interchange since the peak hours of the proposed bar would be later in the evening than the worst case peak hour at the interchange. The City engineer has determined the proposed use will not require further traffic mitigations. Development impact fees were paid upon completion of the building, to mitigate the project's share of traffic impacts at the interchange.

Policy

Reference: The General Plan outlines uses that would be acceptable in the BP land use category, including "compatible convenience" uses that could help support business park type uses. With approval of the CUP the Commission can make the findings that the proposed tavern use would be compatible or not.

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 07-017; or
- b. Amend, modify, or reject the above-listed action.

Attachments:

1. Applicant's Project Description
2. Vicinity Map
3. Site Plan
4. Proposed Floor Plan
5. Elevations
6. Resolution to Approve the Conditional Use Permit 07-017
7. Newspaper and Mail Notice Affidavits

CUV 07-017

NOEL MONTELEONE
560 OLIVE ST.
MORRO BAY. CA 93442
805 215 3743
SITE ADDRESS:
1331A VENDELS CRL.
PASO ROBLES. CA 93446

SEPTEMBER 19, 2007

Paso Robles

SEP 19 2007

Planning Division

CDD Planning Division
1000 Spring St.
Paso Robles, Ca. 93446

This is a project description for a Minor Conditional Use Permit for 1331A Vendels Crl. Paso Robles, Ca.

Requested for this site is a beer and wine tavern, 21 and older with a ABC 42 license. The sight will have snacks and packaged foods, no cooked food service, live and recorded music, and a practice putting green with five holes. Following the Health Department appraisal guide lines, the site has one uni-sex restroom, coved flooring in the service and restroom areas, and a 9KW hot water heater in accordance with our sink volumes.

Respectfully.

**Noel Monteleone
Sole Proprietor**

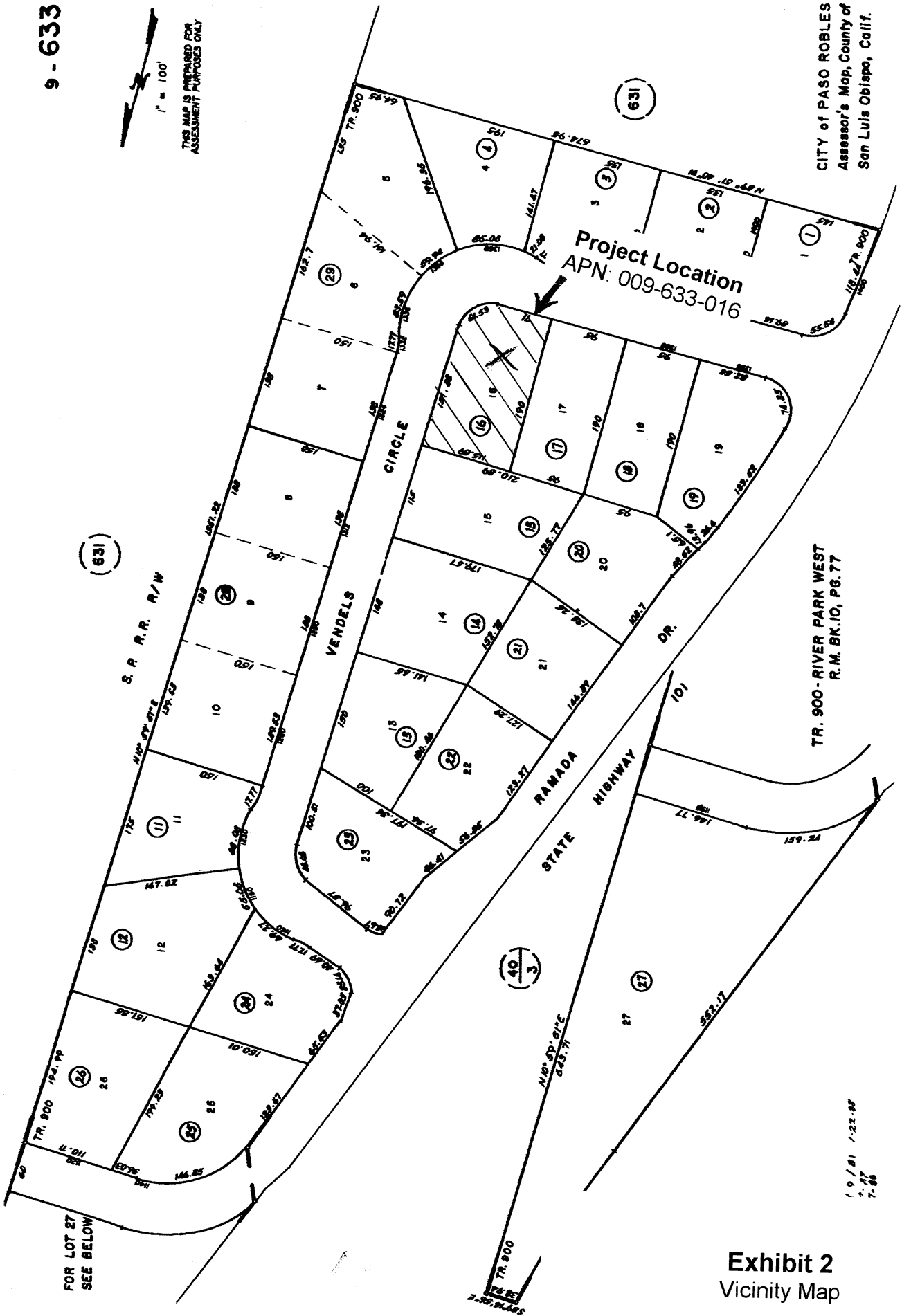
Exhibit 1
Project Description

9-633-16



THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY

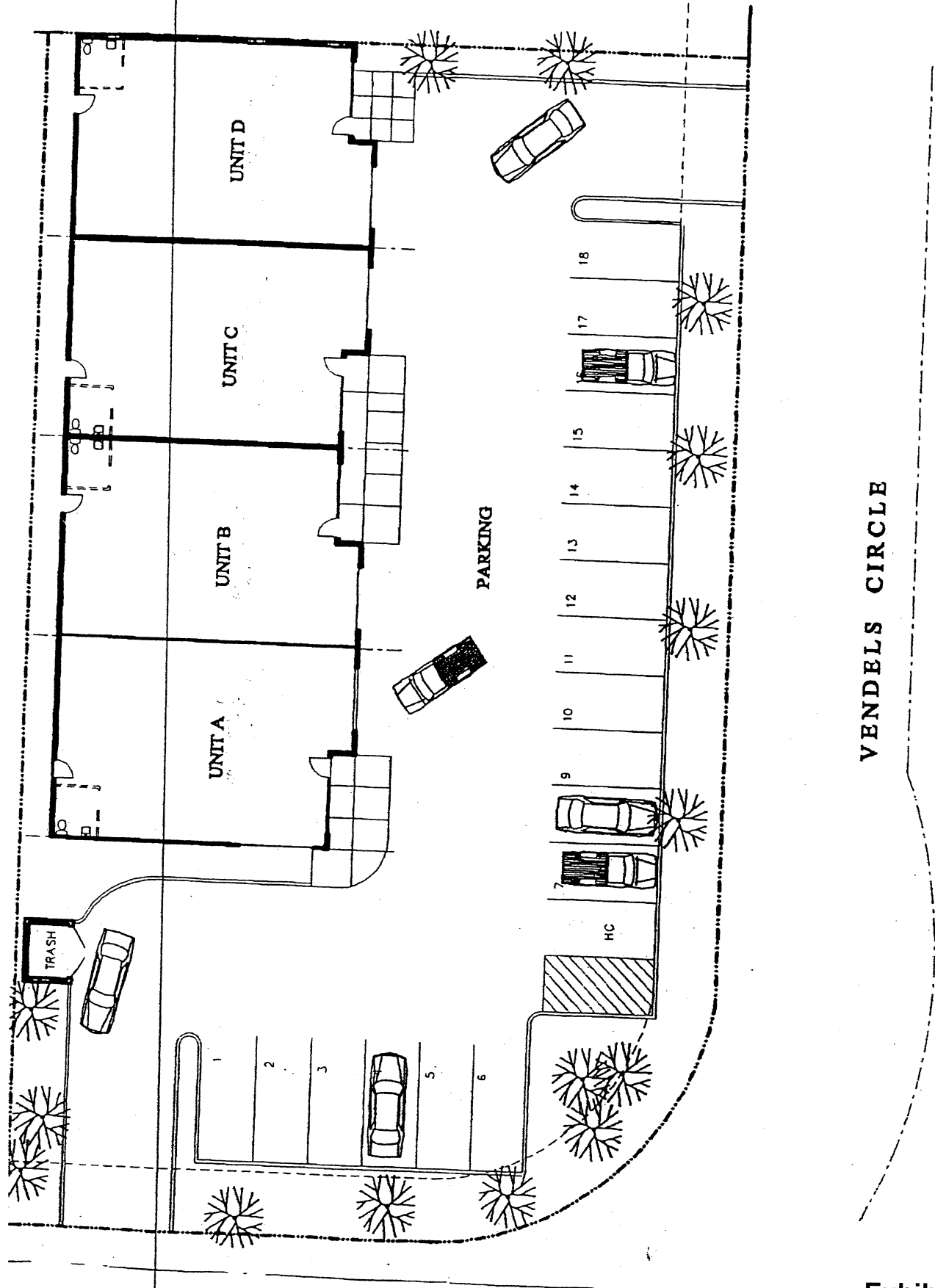
CITY OF PASO ROBLES
Assessor's Map, County of
San Luis Obispo, Calif.



Project Location
APN: 009-633-016

FOR LOT 27
SEE BELOW

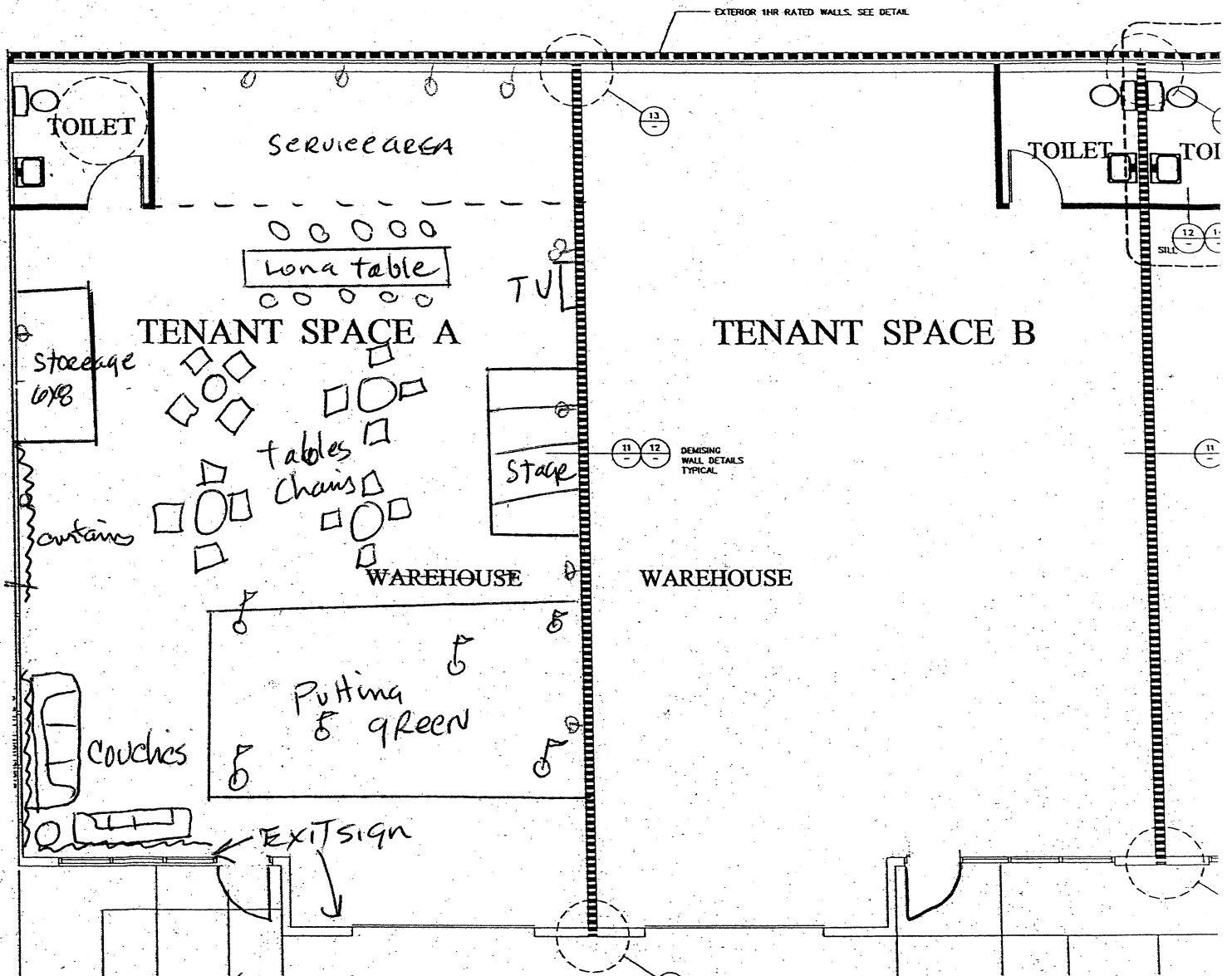
Exhibit 2
Vicinity Map



VENDELS CIRCLE

CONCEPTUAL SITE AND ELEVATION 1"=20'

Exhibit 3 Site Plan



Monteleone's
Rock
1331 Vendels CRE
215-3743

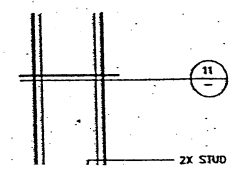
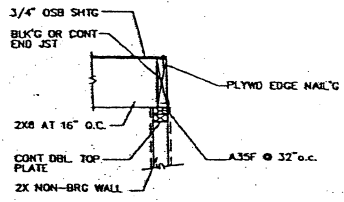
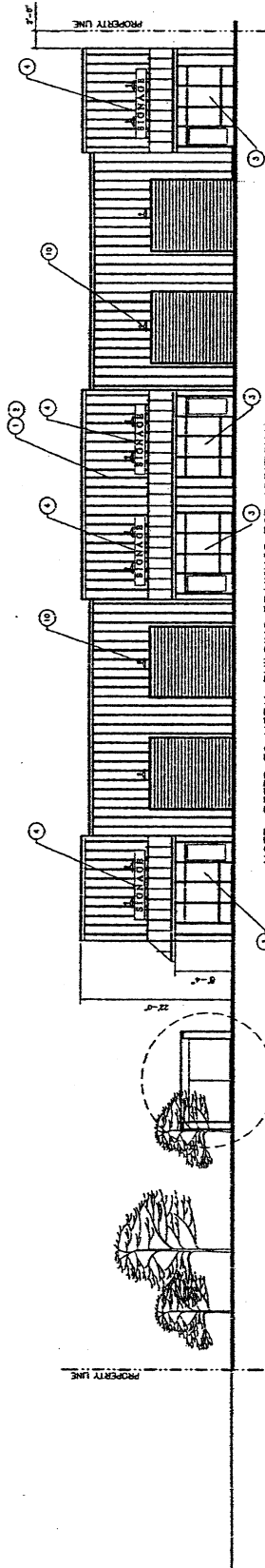


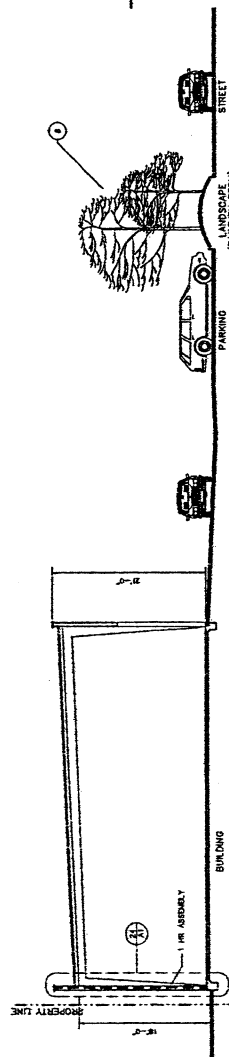
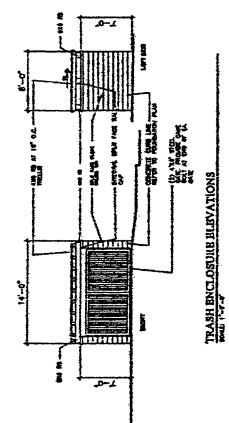
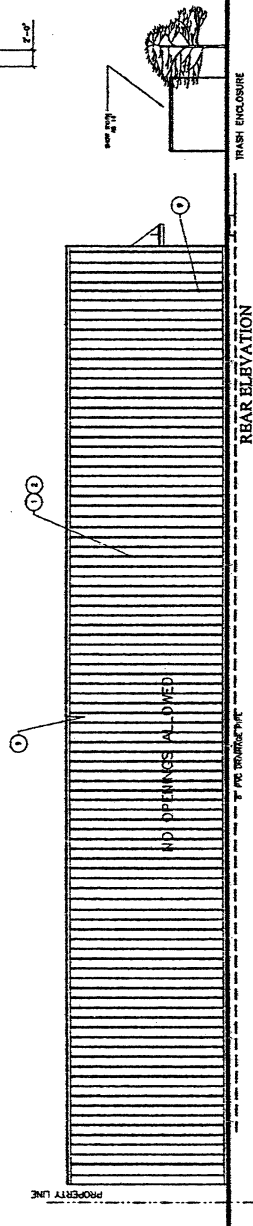
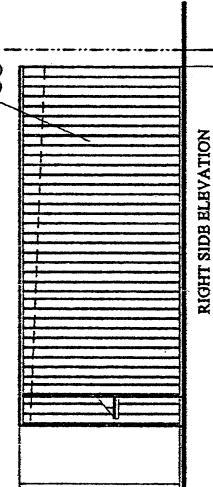
Exhibit 4
Proposed Floor Plan



REFERENCE NOTES

1. UNFINISHED METAL BUILDING
2. FINISHED METAL BUILDING
3. DOWNSPOUT AT EACH TRIMM
4. TRIMM FINISH BY SEPARATE PARTY
5. 12'-0" ROLL-UP DOORS
6. METAL ROOF/HANGAR
7. EXTERIOR LANDSCAPE BEING REFER TO LANDSCAPE PLAN
8. STREET TREES AND LANDSCAPING
9. DOWNSPOUTS OF THE UNDERGROUND GARAGE SHALL PROVIDE DRAINAGE PROTECTION
10. EXTERIOR LIGHTS

NOTE: REFER TO METAL BUILDING DRAWINGS FOR ADDITIONAL INFORMATION AND SPECIFICATIONS



EXTERIOR ELEVATIONS AND SITE SECTION
SCALE: 1"=8'-0"

Exhibit 5
Elevations

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 07-017
AT 1331A VENDELS CIRCLE
APPLICANT: NOEL MONTELEONE
APN: 009-633-016

WHEREAS, Section §21.16.200 of the City of El Paso de Robles' Zoning Code requires approval of a Conditional Use Permit for bars in the M-PD zone; and

WHEREAS, the applicant, Noel Monteleone, has proposed a Conditional Use Permit to establish a beer and wine bar and ancillary activities such as a putting green, live/recorded music, and food service at 1331A Vendels Circle; and

WHEREAS, the proposed use is compatible with the surrounding land uses, and it will not significantly impact traffic congestion at the Highway 46 West and 101 interchange; and

WHEREAS, conditions have been included to control potential impacts resulting from a bar use such as: increased exterior lighting fixtures; uniformed security guards; surveillance cameras; to increase the safety of the site; and

WHEREAS, a public hearing was conducted by the Planning Commission on December 11, 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; and

WHEREAS, this application is Categorical Exempt from environmental review per Section 15301 Existing Facilities, Class 1 of the State's Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation of the requested bar would provide for a compatible convenience use to the existing business park area; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation of the requested bar will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the vicinity of the proposed use, or be injurious or detrimental to property and improvements in the area 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 07-017 subject to the following conditions:

1. This Conditional Use Permit (CUP) authorizes the use of a beer and wine bar, pre-packaged food or food prepared off-site, a putting green, and live/recorded music. The hours of operation shall be restricted to 12:00 pm to 12:00 am Tuesdays through Sunday. All activities shall be conducted indoors.
2. 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.
3. This CUP shall be reviewed by staff after six months from date of operation at which time staff will report back to the Planning Commission on whether the business is being conducted in compliance with the applicable conditions and if there have been any problems, complaints, or nuisances reported to the City. In the event that it is determined during this review that a nuisance has resulted from the use, the Planning Commission may direct that a public hearing be scheduled to consider the Conditional Use Permit.
4. One uniformed and one non-uniform private security guard shall be onsite during the hours of operation when live entertainment is occurring. The security guards shall be on duty until one hour after the business has closed to control loitering.
5. The applicant shall install interior and exterior surveillance cameras. The applicant shall first receive approval of a surveillance camera plan by the Police Department prior to operating this business.
6. Security lighting on the building exterior and parking area shall be installed. Prior to the installation of any exterior lighting, a lighting plan shall be submitted for review and approval by the Police and Planning Departments. Any new and existing exterior lighting shall be fully shielded in compliance with Zoning Code §21.21.040 General performance standards for all uses (H).
7. Prior to commencing the operation of the business, the applicants shall obtain Building Permits for any tenant improvements and comply with all required Building and Fire Codes related to the proposed change in use.
8. All business signage (including temporary signs) shall comply with the City Sign Ordinance. A sign permit shall be approved prior to installation of any business signs.

9. Prior to the issuance of a Certificate of Compliance/opening of the business, all of the Departments involved (Building, Fire, Police & Planning) shall ensure that all of the conditions of approval listed in this resolution have been satisfied.

PASSED AND ADOPTED THIS 11th day of December 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

THE *Newspaper of the Central Coast*
TRIBUNE

RECEIVED
NOV 29 2007
Engineering Division

3825 South Higuera • Post Office Box 112 • San Luis Obispo, California 93406-0112 • (805) 781-7800

In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD #6665229
CITY OF PASO ROBLES

STATE OF CALIFORNIA
ss.
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates, to-wit; NOVEMBER 28, 2007 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.


(Signature of Principal Clerk)

DATED: NOVEMBER 28, 2007
AD COST: \$77.94

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 07-017, a request filed by Noel A. Monteleone, to establish a beer and wine bar in a Manufacturing (M) zoning district. The site is located at 1331 A Vendels Circle.

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, December 11, 2007, at which time all interested parties may appear and be heard. The proposed project will be available for review at the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446, on the Thursday before the scheduled date of this hearing. Copies will be available for purchase for the cost of reproduction.

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. Should you have any questions regarding this application, please call Mathew Fawcett at (805) 237-3970.

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.

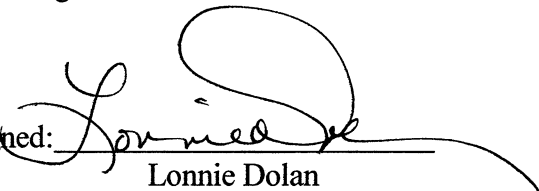
Mathew Fawcett, Assistant Planner
November 28, 2007 6665229

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, 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 07-017 (Monteleone – 1331A Vendels Circle) on this 27th day of November 2007.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Lonnie Dolan

forms\mailaffi.691