

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 07-017 / 1331A VENDELS CIRCLE
APN: 009-633-016 (APPLICANT: NOEL A. MONTELEONE)
DATE: JANUARY 8, 2008

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

- Facts:**
1. The property is located at 1331A Vendels Circle (see attached vicinity map).
 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.
 7. The application was continued from the December 11, 2007 meeting to the January 8, 2008. This action was taken due to the Air Pollution Control District's concern of a possible land use compatibility issue.
 8. Since the continuance, the Air Pollution Control District has found no compatibility issues between the proposed use and existing uses. (See attached email.)

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.

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.

Policy

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 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. Air Pollution Control District Response
7. Resolution to Approve the Conditional Use Permit 07-017
8. Newspaper and Mail Notice Affidavits

011-07-017

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

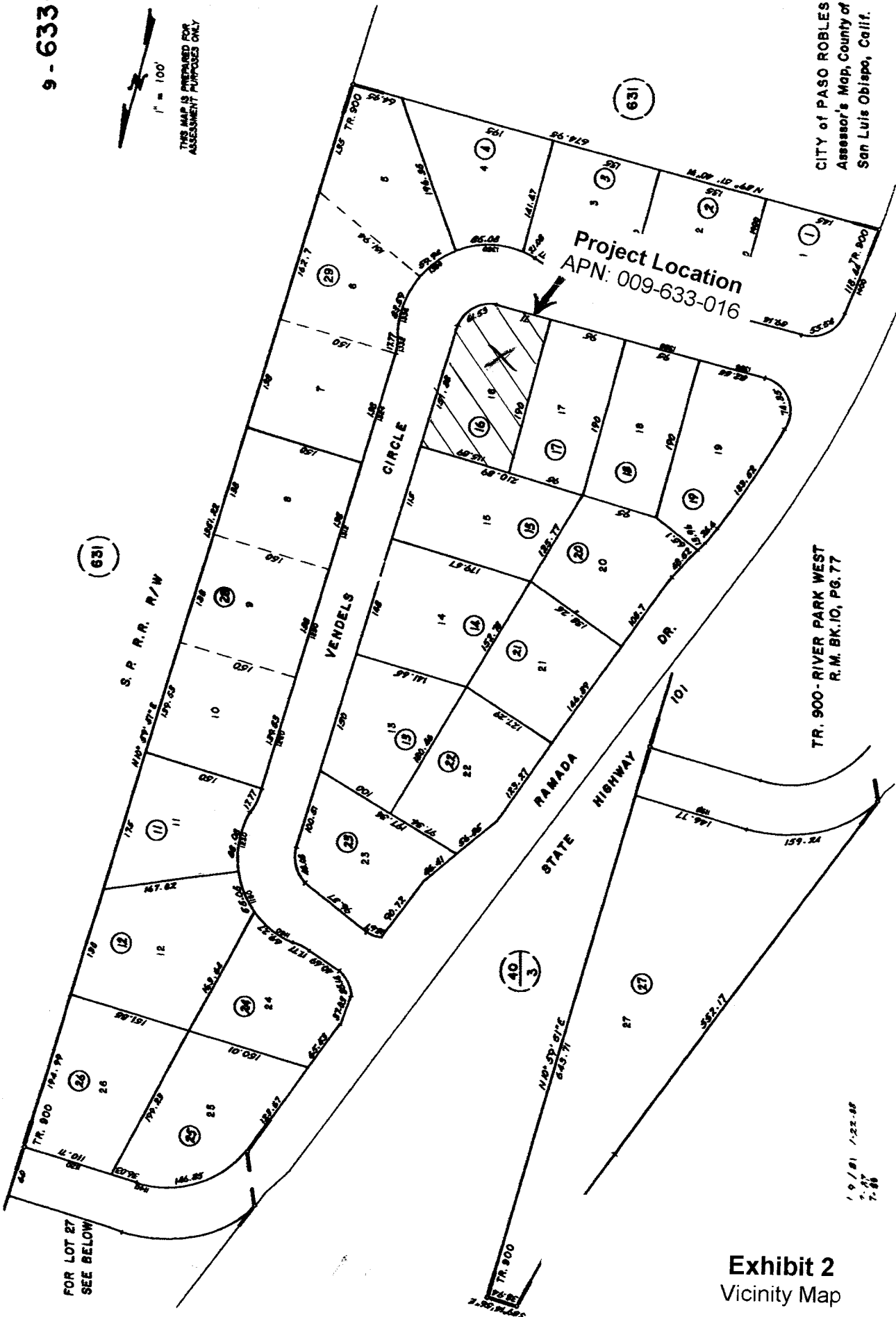
9-633-16



1" = 100'
THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY

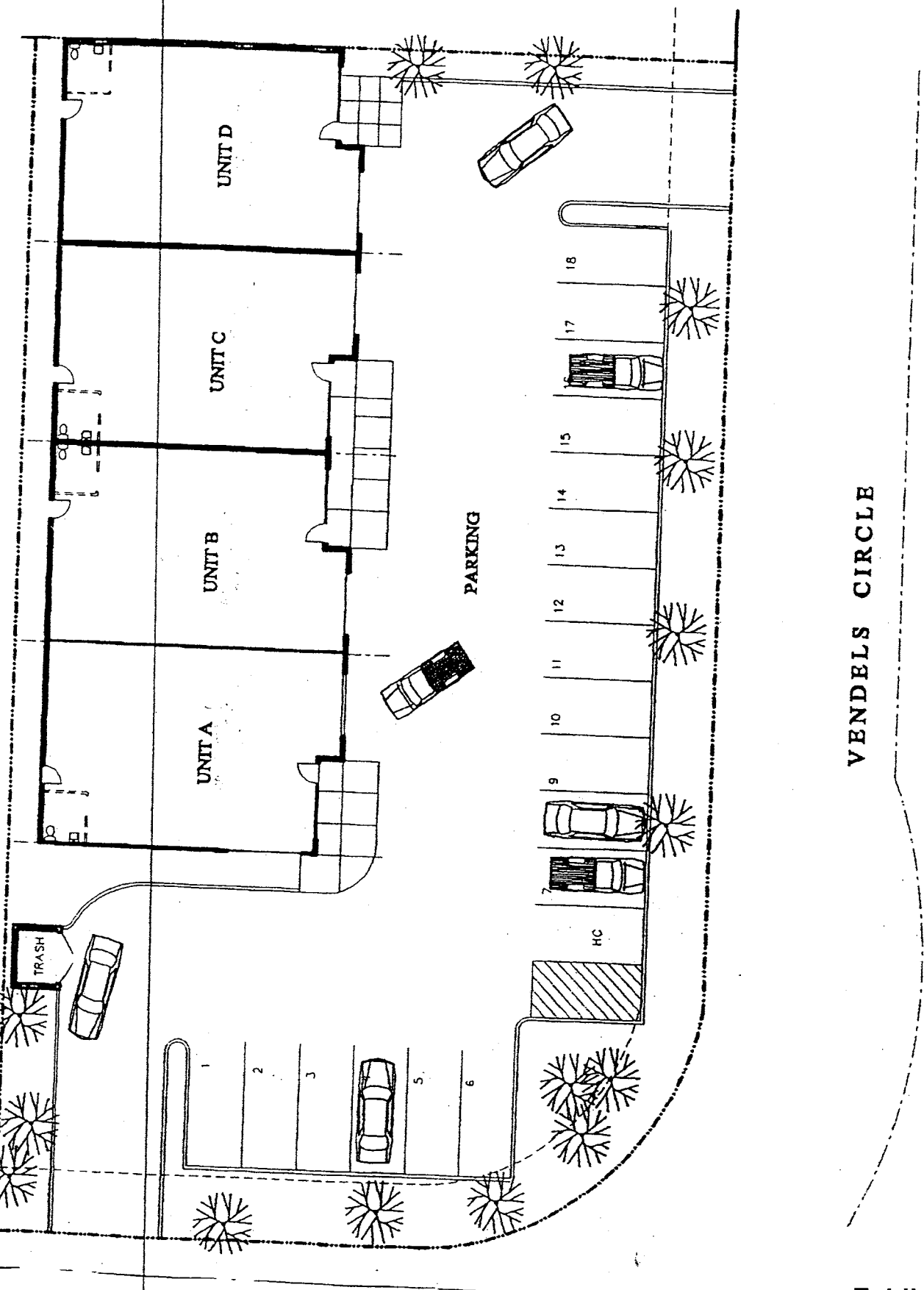
CITY OF PASO ROBLES
Assessor's Map, County of
San Luis Obispo, Calif.

Project Location
APN: 009-633-016



FOR LOT 27
SEE BELOW

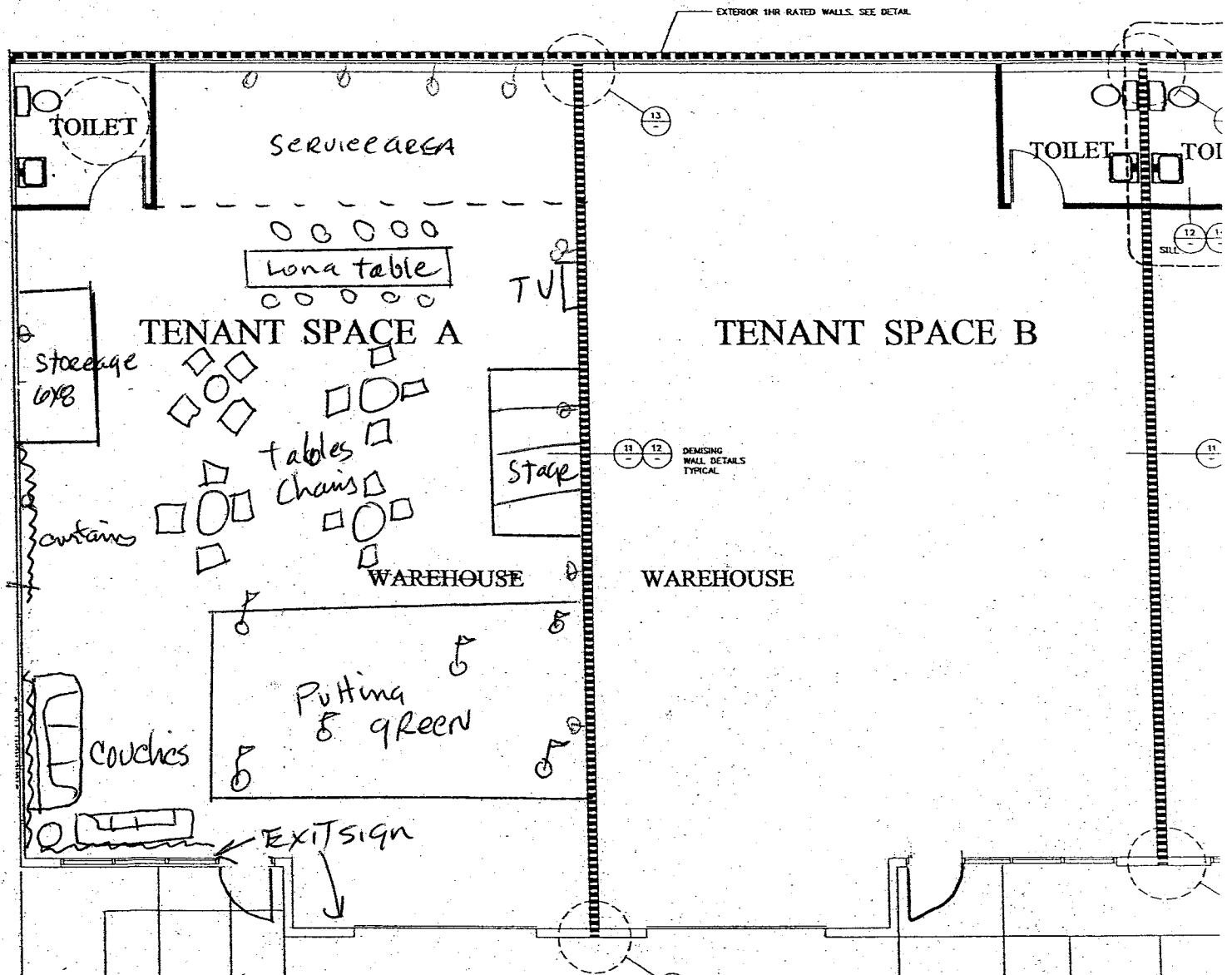
Exhibit 2
Vicinity Map



VENDELS CIRCLE

CONCEPTUAL SITE AND ELEVATION 1"=20'

Exhibit 3
Site Plan



Monteleone's
 Rock
 1331 Vandels CR1
 215-3743

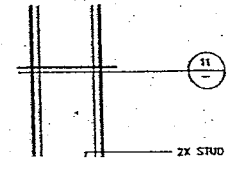
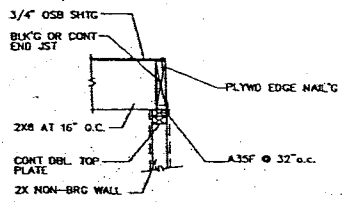
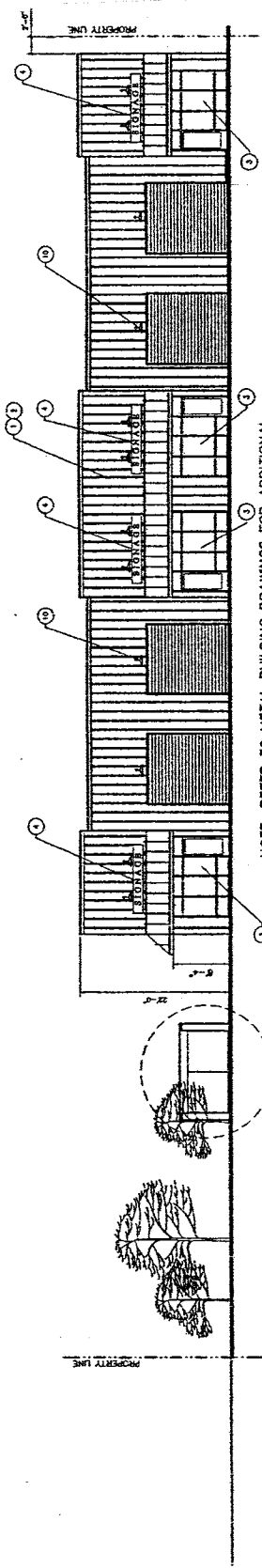


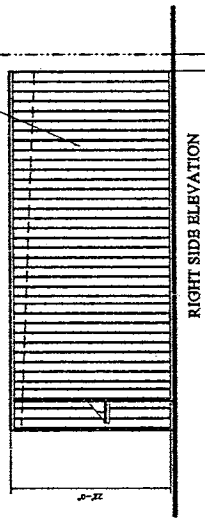
Exhibit 4
 Proposed Floor Plan



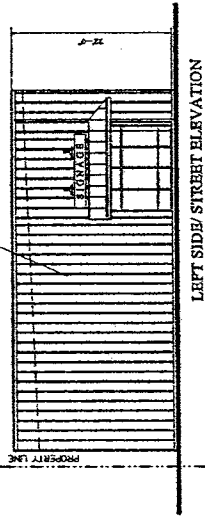
NOTE: REFER TO METAL BUILDING DRAWINGS FOR ADDITIONAL INFORMATION AND SPECIFICATIONS

REFERENCE NOTES

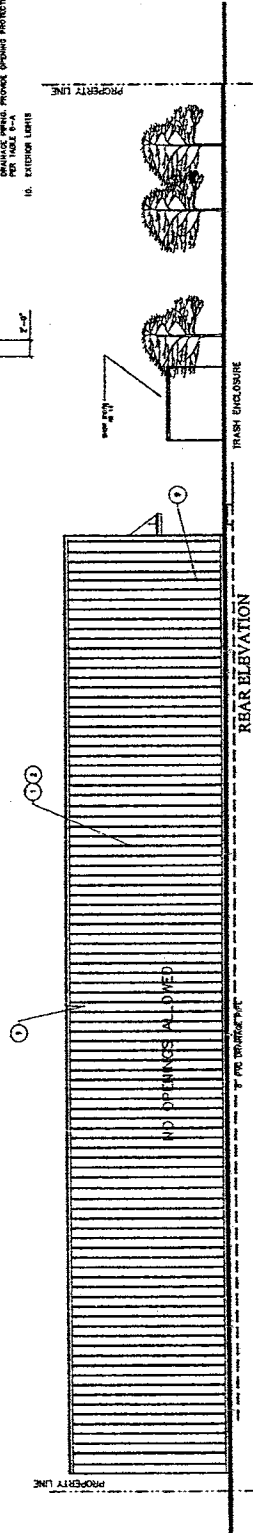
1. PREPARED METAL BUILDING
2. PREPARED METAL BRIMS
3. EXCEPT AT EACH CORNER
4. TRIMMAGE BY SEPARATE FINISH
5. 12'-0" ROLL-UP DOORS
6. METAL ROOF/WALLS
7. EXTERIOR LANDSCAPE WITH TREES AND SHRUBS
8. STREET TREES AND LANDSCAPING
9. METAL TRAILER AND DOWNPOUT TO UNDERGROUND PER HOLES 2'-4"
10. EXTERIOR LIGHTS



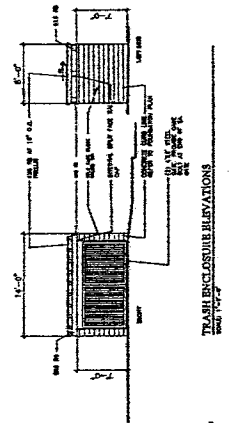
RIGHT SIDE ELEVATION



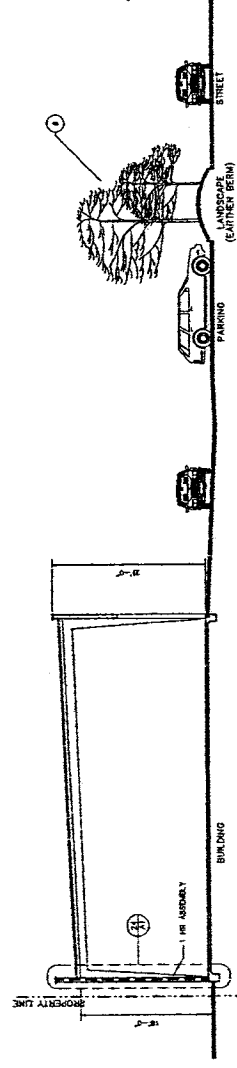
LEFT SIDE/ STREET ELEVATION



REAR ELEVATION



TRASH ENCLOSURE ELEVATIONS



SITE / BUILDING SECTION

EXTERIOR ELEVATIONS AND SITE SECTION

SCALE: 1"=8'-0"

Mathew Fawcett

From: amutziger_apcd@co.slo.ca.us
Sent: Monday, December 17, 2007 3:52 PM
To: Mathew Fawcett; Susan DeCarli
Subject: Response for: Re: 1331 Vendels Circle Unit A

Matt and Susan,
The subject on my previous email was incorrect. The response I sent was our response, not a draft response.
Andy Mutziger
Air Quality Specialist
San Luis Obispo County Air Pollution Control District
(805) 781-5956
fax: (805) 781-1002
www.slocleanair.org

----- Forwarded by Andrew Mutziger/APCD/COSLO on 12/17/2007 03:48 PM -----

Andrew
Mutziger/APCD/COS
LO

12/17/2007 03:48
PM

MFawcett@prcity.com, "Susan
DeCarli" <SDeCarli@prcity.com>

To

CC

Subject

Response for: Re: 1331 Vendels
Circle Unit A

Matt and Susan,

This email is APCD's response to your question about compatibility between the existing Nu-Way Cleaner and proposed adjacent wine and beer tavern at 1331 Vendels Circle, Unit A in southern Paso Robles.

Through the CEQA review and comment period the APCD evaluates the compatibility of development and the proximity to toxic sources. In April 2005, the California Air Resources Board (ARB) issued a guidance document titled Air Quality and Land Use Handbook (ARB Handbook). In this document, the development of sensitive land uses, such as homes, in close proximity to rail yards, gasoline dispensing facilities and dry cleaners etc. was highlighted as a health concern due to the increased exposure to air pollution and diesel exhaust. ARB studies show that air pollution levels can be significantly higher in close proximity to these sources and the ARB recommends that agencies avoid siting sensitive land uses (e.g., residents, school) within 1,000 feet of a rail yard, within 300 feet of a large gas station (3.6 million gallons per year), within 500 feet of high capacity highways or within 300 to 500 feet of a dry cleaning operation.

The proposed wine and beer tavern does not qualify as a sensitive receptor as defined by the State or APCD. However upon request by your agency the APCD further evaluated the compatibility of the two land uses. The 75 pound capacity Multimatic SL755 dry cleaning machine at Nu-Way Cleaner uses perchloroethylene (PERC), a toxic air contaminant that is scheduled to be phased out by 2021 as required by the California Air Resources Board's Air Toxic Control Measure for the dry cleaning industry. The machine has integral primary and secondary controls. The operations at Nu-Way Cleaner have a SLO County APCD permit to operate (#377-4) with six permit conditions that specifically defines additional control

measures to minimize toxic PERC emissions. The APCD has not quantified the risk associated with this dry cleaning business.

Since the proposed conditional use permit for the tavern does not include sensitive receptors as defined by the State or the APCD, a human health risk assessment is not required through the APCD's CEQA review process. That said, if the applicant or the City wants to define the risk to the proposed development, the APCD or APCD approved consultant can be contracted for these services.

Andy Mutziger
Air Quality Specialist
San Luis Obispo County Air Pollution Control District
(805) 781-5956
fax: (805) 781-1002
www.slocleanair.org

"Matt Fawcett"
<MFawcett@prcity.com>
12/12/2007 09:25 AM
To
<amutziger@co.slo.ca.us>
cc
Subject
1331 Vendels Circle Unit A

Hi Andy,

I am not completely sure of what exactly Susan explained, but we basically have a use permit application for a beer and wine tavern to go into an existing shell building as shown in the attached site plan. If you can't make out the uses around the site shown on the APN I sent you, I would be happy to clarify. Thank you for your help.

MATHEW FAWCETT - ASSISTANT PLANNER

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF PASO ROBLES

MFAWCETT@PRCITY.COM - 805-237-3970

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, during the December 11, 2007 hearing the application for CUP 07-017 was continued to the January 8, 2008 Planning Commission hearing to resolve a concern from the Air Pollution Control Districts over possible land use compatibility conflicts; and

WHEREAS, a public hearing was conducted by the Planning Commission on January 8, 2008, 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 Categorically 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 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 8th day of January 2008, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

CHAIRMAN

RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

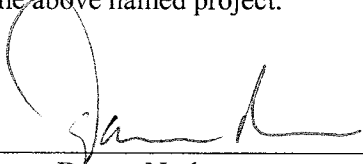
Newspaper: TELEGRAM-TRIBUNE

Date of Publication: November 28, 2007

Meeting Date: December 11, 2007
Planning Commission

Project: To Consider a Request for a
CUP for beer tavern, by Noel A.
Monteleone at 1331-A Vendels
Circle.

I, Darren Nash, 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: 
Darren Nash

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, Mathew Fawcett, 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: 
Mathew Fawcett

forms\mailaffi.691