

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: STATUS REPORT – CONDITIONAL USE PERMIT (CUP) 07-017
DATE: October 14, 2008

Needs: For the Planning Commission to be updated concerning the operation of the business and whether it is being conducted in compliance with the applicable conditions of the CUP.

Facts:

1. CUP 07-017 was approved by the Planning Commission on January 8, 2008. The CUP established a beer and wine bar with ancillary activities such as a putting green, live/recorded music, and a food service located at 1331 A Vendels Circle.
2. Condition number 3 of Resolution 08-001 (attached) requires staff to report back to the Planning Commission after six months regarding the operation of the business and if there have been any problems, complaints, or nuisances reported to the City.
3. There have been no complaints received by Code Enforcement, the Police Department, or the Community Development Department since the business has been in operation.

**Analysis
and**

Conclusions: There have been no significant issues that would jeopardize or cause for this CUP to be revoked. All conditions of approval are being complied with at this time.

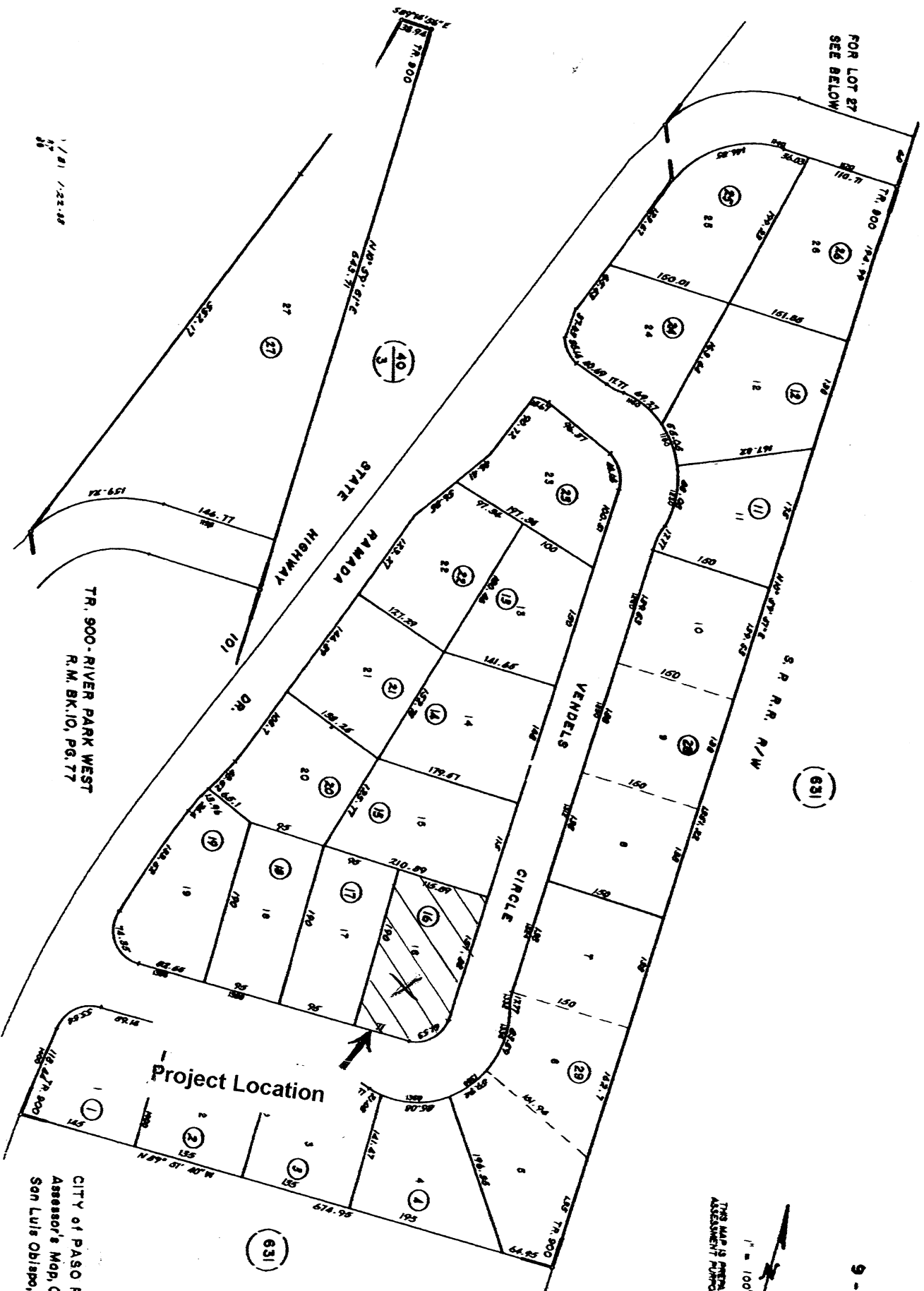
Options: After consideration of all public testimony, the Planning Commission should consider the following options:

- a. Allow the use to continue in accordance with P.C. Resolution 08-001.
- b. Amend, modify, or reject the above option.

Report Prepared By: Mathew Fawcett, Assistant Planner

Attachments:

1. Vicinity Map
2. Resolution 08-001



Attachment 1:
Vicinity Map

9-633-16

RESOLUTION NO.: 08-001

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

**Attachment 2:
Resolution**

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.
10. A designated outdoor smoking area shall be provided to the satisfaction of the Community Development Director. Adequate trash receptacles shall be provided and area maintained on a regular basis.

PASSED AND ADOPTED THIS 8th day of January 2008, by the following roll call vote:

AYES: Steinbeck, Flynn, Hodgkin, Holstine, Johnson, Tretch, and Peterson

NOES: None

ABSENT: None

ABSTAIN: None



CHAIRMAN ED STEINBECK

ATTEST:



RON WHISENAND, PLANNING COMMISSION SECRETARY