

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 12-004 (PASO ROBLES CARD ROOM)
APN: 008-051-024
DATE: APRIL 24, 2012

Needs: For the Planning Commission to consider a request by Rob and Amy Ezzell, to approve a Conditional Use Permit (CUP) to allow beer and wine sales at the existing Paso Robles Card Room.

- Facts:
1. The card room is located at 1124 Black Oak Drive.
 2. The Planning Commission approved CUP 05-0116, allowing for the establishment of the card room. The applicant at the time did not request to have the ability to serve alcohol, therefore CUP 05-012 did not allow for it.
 3. Table 5.3-1 of the Uptown Town Center Specific Plan (Specific Plan) requires the approval of a CUP for the on-site sale and consumption of alcohol for non-restaurant uses, in the Riverside Corridor (RC) district.
 4. The applicant has applied with Alcoholic Beverage Control (ABC), for the necessary licensing to sell alcohol. The ABC requires the City to approve the ABC license, which would include the approval of a CUP when required by the City.
 5. The Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15301 (existing facilities) of the State's Guidelines to Implement CEQA.

Analysis
and

Conclusions: As stated in the applicants letter (Attachment 1), the request for the sale of beer and wine is to complement the existing card room activities. The beer and wine would be served to the card room customers by a hostess.

This applicant has been reviewed by the Police Department, and Captain Burton has indicated that the request seems reasonable and the existing conditions within the Resolution 05-0116 (Attachment 2) related to security and surveillance would satisfy the addition of the alcohol sales.

Policy

Reference: Zoning Code, General Plan, Economic Strategy, Uptown Town Center Specific Plan

Fiscal

Impact: None

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

- a). Adopt the attached resolution granting approval of Conditional Use Permit 12-004, subject to conditions of approval.
- b). Amend, modify or alter the above noted options.

Attachments:

1. Applicant's Letter
2. Resolution 05-0116
3. Resolution approving CUP 12-004
4. Newspaper notice and mail affidavits

PASO ROBLES CENTRAL COAST CASINO

TELEPHONE: +1 (805) 226-0500
WWW.PASOROBLESPOKER.COM

1124 BLACK OAK
PASO ROBLES, CALIFORNIA 93446

PASO ROBLES

MAR 16 2012

Engineering Division

March 14, 2012

Mr. Darren Mash
Planning Department
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: A Conditional Use Permit application towards amending Res. 05-1116

Dear Mr. Mash:

Further to our recent conversations, we would like to initiate the process for a CUP expansion to our operating conditions in Resolution 05-1116 to allow us to serve wine and beer. This seems quite logical as we reside in a burgeoning wine capital; it is also critical to our ability to compete. We are seeking a simple amendment/supplement to the current "operating conditions" of 05-1116 that will allow this service. We will remain at a competitive disadvantage without it.

Enclosed please find our original Development Application Form and \$600 fee.

My brother Rob Ezzell and sister-in-law, Amy Ezzell, live locally and manage the business. They can be reached at any time at 805-225-0600.

Please feel free to process any and all remaining ingredients directly through them.

Sincerely,



Donald G. Ezzell

DGE/ab

Attachment 1
Applicant Letter
CUP 12-004
(Paso Robles Card Room)

RESOLUTION NO.: 05-0116

**A RESOLUTION OF
THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING CONDITIONAL USE PERMIT 05-012
FOR A CARD ROOM LOCATED AT 1124 BLACK OAK DRIVE
APN: 008-051-024
APPLICANT – DAVID STEARNS**

WHEREAS, Conditional Use Permit (CUP) 05-012 has been filed by David Stearns; and

WHEREAS, CUP 05-012 is a proposal to establish a card room business; and

WHEREAS, the City has concerns regarding safety and security of the proposed use particularly in relation to other land uses in the immediate area; and

WHEREAS, the location of the proposed use is in an area with an existing record of vice-related crime; and

WHEREAS, the location of the proposed use is not in an area routinely patrolled by the Paso Robles Police Department; and

WHEREAS, the location is in close proximity to a Highway 101 interchange; and

WHEREAS, the applicant has indicated he would be willing to provide uniformed security guards during the hours of operation for this proposed business to address security concerns to deter potential crime; and

WHEREAS, the Planning Commission held duly noticed public hearings on November 22, 2005 and December 13, 2005 to accept public testimony on this Conditional Use Permit application; and

WHEREAS, based upon the facts and analysis presented in the staff report, public testimony received the Planning Commission finds that the proposed business will not 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 if the business is in compliance with specific safety precautions as required in the Conditions of Approval in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 05-012 subject to the following conditions:

STANDARD CONDITIONS

1. The project shall be operated in substantial confor established by this resolution:

Attachment 2
Res. 05-0116
CUP 12-004

(Paso Robles Card Room)

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 05-012 is valid for a period of two (2) years from approval. Unless a business license has been issued the approval of CUP 05-012 shall expire on December 13, 2007. The Planning Commission may extend this expiration date for an additional three (3) years if a time extension application has been filed with the City along with the fees before the expiration date.
4. No underground or aboveground storage of hazardous materials shall be allowed on-site without first obtaining City approval.
5. No storage of trash cans or recycling bins shall be permitted within the public right-of-way.
6. Use and operation of the business and its appurtenances shall be conducted in compliance with the City's General Performance Standards for all uses (Section 21.21.040 of Chapter 21.21 Performance Standards of the City's Zoning Ordinance).

SITE SPECIFIC CONDITIONS

7. The applicant shall ensure that a uniformed security guard is employed during all hours as specified by the Chief of Police during business operation. Said uniformed security guard shall escort business customers to their vehicles upon request by customers.
8. The applicant shall install, operate and maintain the interior and exterior Surveillance Plan utilizing video cameras in locations as identified on the Surveillance Plan during all hours of business operation as provided in Exhibit A.
9. The applicant shall install, operate and maintain the interior and exterior Lighting Plan as identified on the Lighting Plan during evening hours of business operation as provided in Exhibit B.
10. Perimeter fencing (that does not utilize chain link) shall be installed along side and rear property lines.
11. A sign program application shall be submitted and reviewed by the Development Review Committee prior to approval and installation of any card room business signs. Signs shall specifically prohibit reference to the business as a casino.
12. This Conditional Use Permit application shall be reviewed by the Chief of Police annually to determine if this business has resulted in security/police incidents of concern to the Police

Department. If the Chief of Police determines that this business may be resulting in detrimental security and safety issues then the Conditional Use Permit shall be reconsidered by the Planning Commission to determine if the business and Conditional Use Permit should

PASSED AND ADOPTED THIS 13th day of December, 2005 by the following Roll Call Vote:

AYES: Commissioners – Holstein, Flynn, Hamon, Meneth, Johnson and Chair Steinbeck
NOES: Commissioners - None
ABSENT: Commissioners -None
ABSTAIN: Commissioners - Mattke



CHAIRMAN ED STEINBECK

ATTEST:

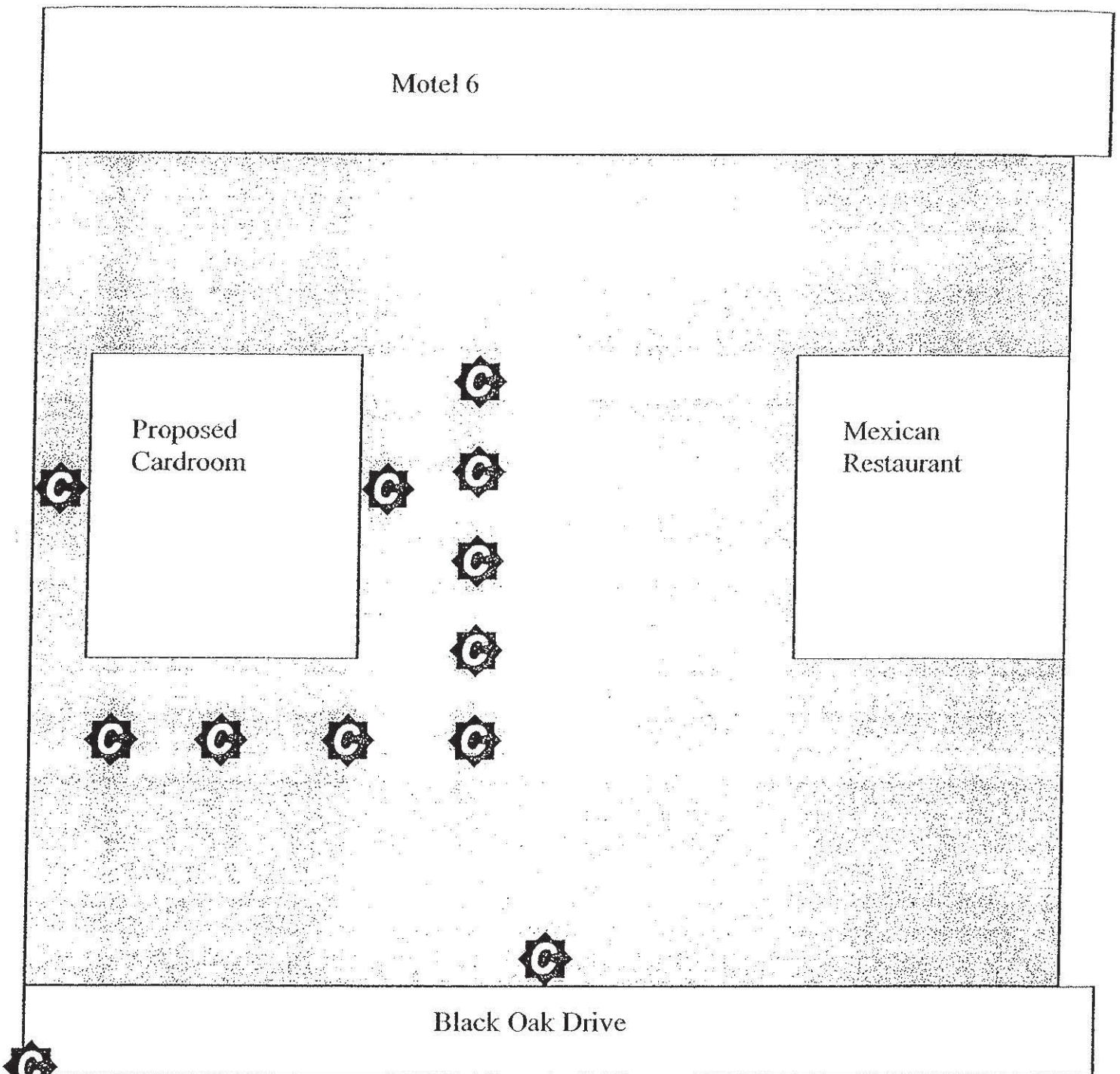


ROBERT A. LATA, PLANNING COMMISSION SECRETARY

Exterior Surveillance Plan

1124 Black Oak Dr.

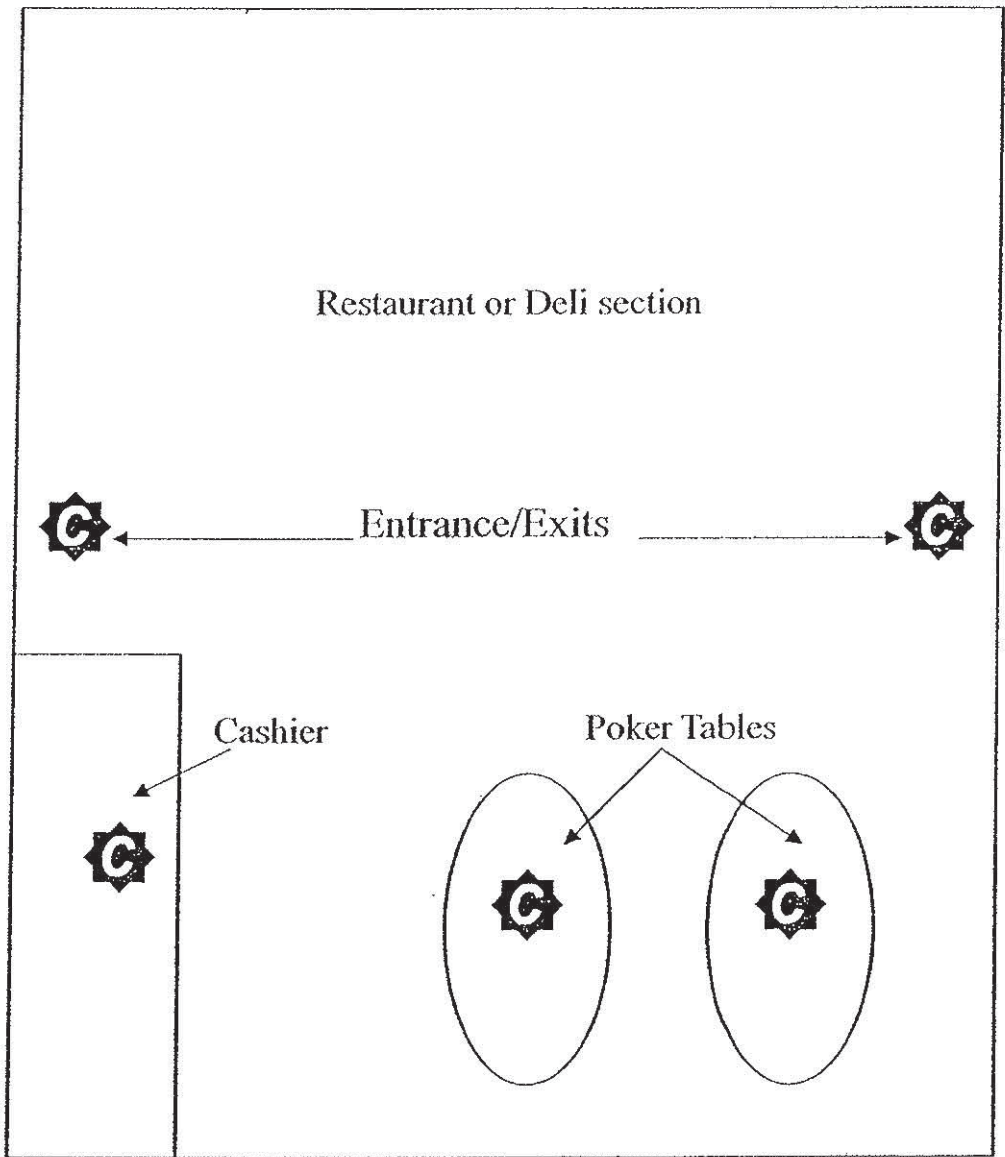
(Not to scale)



This symbol represents critical areas we want to cover: Both entrances, Parking entrance, and customer parking areas. Our goal is to cover the entire shaded area that will help reduce problems in the adjacent areas (Motel and Mexican Restaurant)

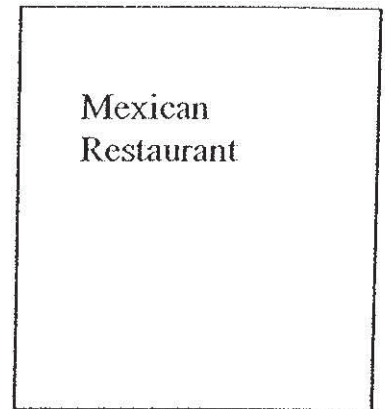
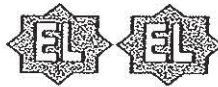
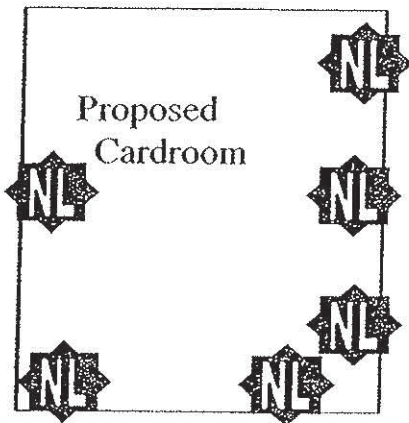
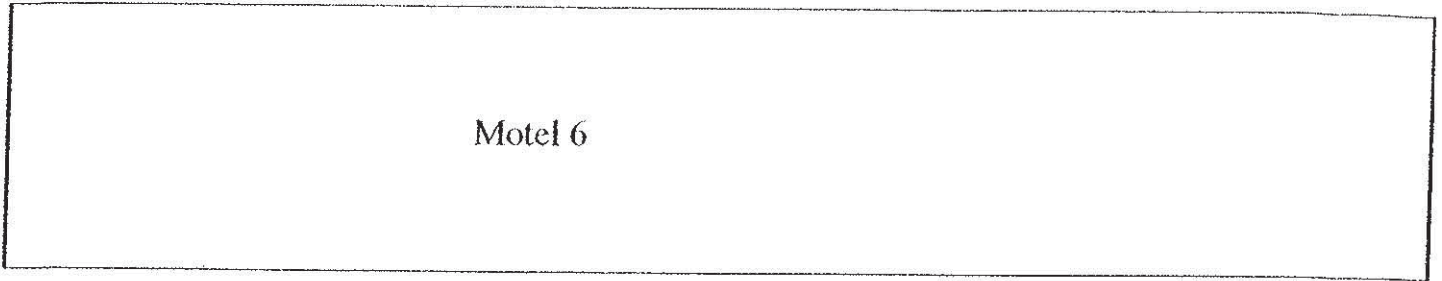
Interior Surveillance Plan

1124 Black Oak Dr.
(Not to scale)



This symbol represents critical areas to be covered by digital cameras. In addition, there will be an overview of the entire floor area that will be covered by a state of the art digital security system.

Exterior Lighting Plan



New Lighting Fixtures will be installed to illuminate even more key areas of entrances/exits, and parking areas. Trees will be trimmed to allow existing lighting to operate more efficiently.

 : Existing Lighting

 : New Lighting

RESOLUTION NO. 12-xxx

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 12-004
(PASO ROBLES CARD ROOM)
APN: 008-051-024

WHEREAS, the Planning Commission approved Conditional Use Permit (CUP) 05-012, allowing for the establishment of the card room; and

WHEREAS, the applicant at the time did not request to have the ability to serve alcohol, therefore the CUP 05-012 did not allow for it; and

WHEREAS, Table 5.3-1 of the Uptown Town Center Specific Plan (Specific Plan) requires the approval of a CUP for the on-site sale and consumption of alcohol for non-restaurant uses in the Riverside Corridor (RC) district; and

WHEREAS, the applicant has applied with Alcoholic Beverage Control (ABC), for the necessary licensing to sell alcohol, and the ABC requires the City to approve the ABC license, which would include the approval of a CUP when required by the City; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 24, 2012, 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, 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 and operation for the requested use and building would be consistent with the General Plan and not 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 12-004 subject to the following conditions:

1. The project shall be constructed so as to substantially conform with the following listed exhibits and conditions established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Floor Plan

2. This Conditional Use Permit (CUP) authorizes the sale of beer and wine for on-site consumption as an accessory to the existing Card Room, subject to any licensing and requirements by the Alcoholic Beverage Control, and subject to the conditions of approval and the exhibits within this resolution.

3. This CUP approval shall expire on April 24, 2014, unless a license by the ABC is issued for the use, or unless a time extension request is filed with the Community Development Department prior to expiration.
4. In the event that the Card Room use discontinues, and the business owner wishes to continue alcohol sales as a primary use (i.e. establish a beer and wine tavern) CUP 12-004 shall be brought back to the Planning Commission for review via a public hearing.
5. All conditions of approval within Resolution 05-0116 shall apply to this CUP allowing for the sale of beer and wine.
6. The site shall be developed and maintained in accordance with the approved plans and unless specifically provided for through the Conditional Use Permit process shall not waive compliance with any sections of the Zoning Code, all other applicable City Ordinances, and applicable Specific Plans.
7. Prior to occupancy, all conditions of approval shall be completed to the satisfaction of the City Engineer and Community Developer Director or his designee.
8. Any site specific condition imposed by the Planning Commission in approving this project 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 approval of this project. 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 for this approval.

PASSED AND ADOPTED THIS 24th day of April, 2012 by the following Roll Call Vote:

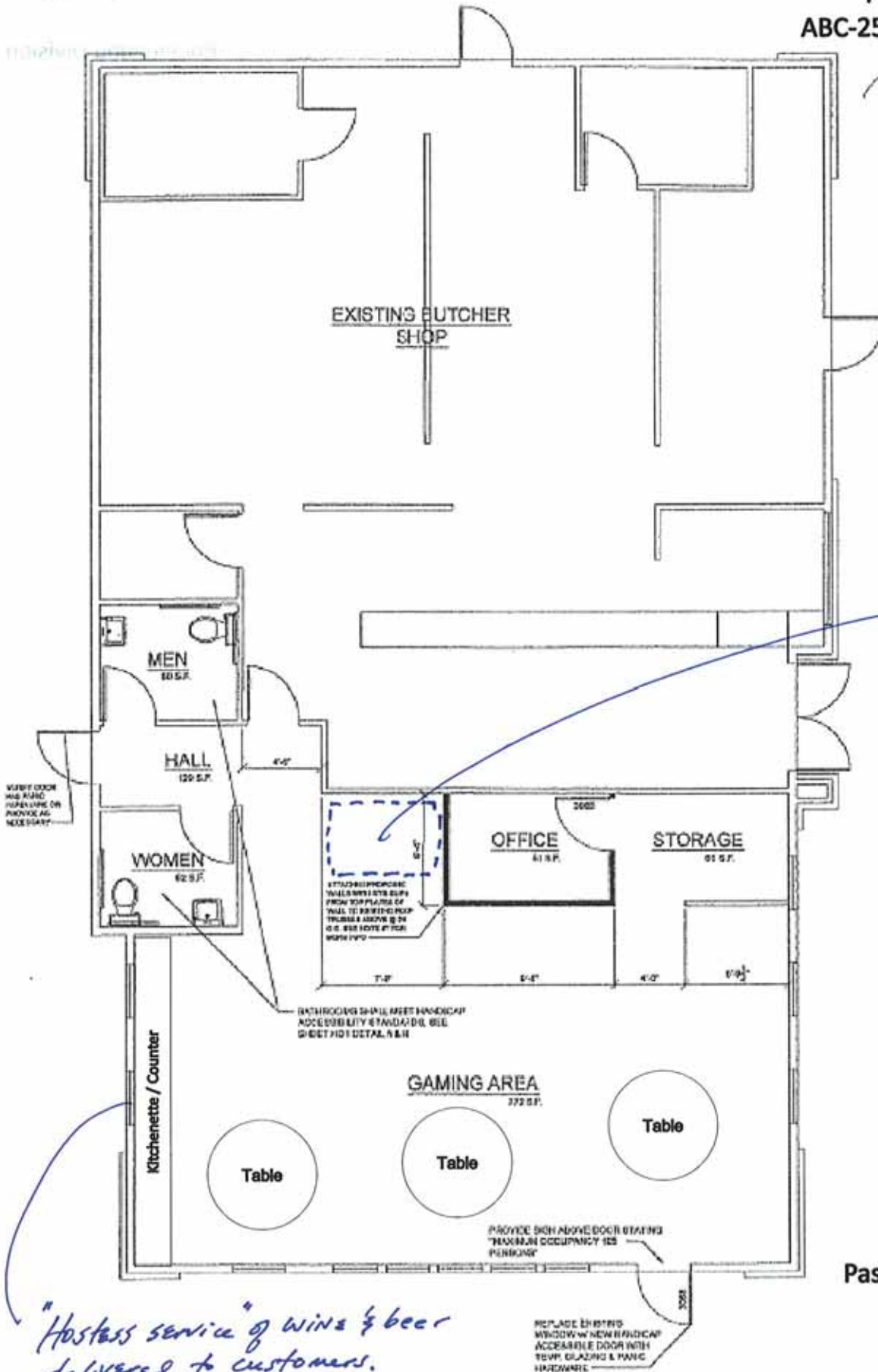
AYES:
NOES:
ABSENT:
ABSTAIN:

AL GARCIA, CHAIRMAN

ATTEST:

ED GALLAGER, SECRETARY OF THE PLANNING COMMISSION

PRCC, INC.
ABC-257 ATTACHMENT



PRCC, Inc.
d/b/a
Paso Robles Central
Coast Casino

"Hostess service of wine & beer delivered to customers."

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

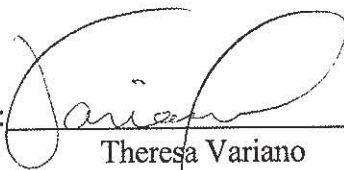
Newspaper: Tribune

Date of
Publication: April 12, 2012

Hearing
Date: April 24, 2012
(Planning Commission)

Project: Conditional Use Permit 12-004 (Paso Robles
Card Room)

I, Theresa Variano, 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: 
Theresa Variano

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 12-004, a request filed by Rob and Amy Ezzell, to establish the sale of beer and wine as an accessory to the card room use, at the Paso Robles Card Room, located at 1124 Black Oak Drive, APN: 008-051-024.

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, April 24, 2012, at which time all interested parties may appear and be heard.

Questions about this application may be directed to the Community Development Department at (805) 237-3970 or via email at planning@prcity.com. Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com provided that such comments are received prior to the time of the hearing.

This application is Categorically Exempt from environmental review per Section 15301 (Existing Facilities) of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

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.

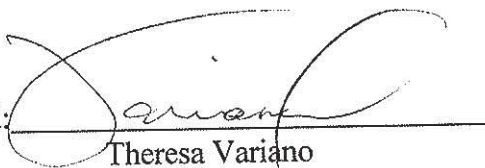
Darren Nash, Associate Planner
April 12, 2012 6982119

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Theresa Variano, 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 Permit12-004 (Ezzell/PR Card Room) on this 10th day of April 2012.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: _____


Theresa Variano