

RESOLUTION NO.: 02-032

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 02010
(USHER)
APN: 009-093-035

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 bars in the C1 PD zone, and

WHEREAS, the applicant, George Usher, has filed a Conditional Use Permit application to open a bar serving beer and wine in the existing building located at 622 12th Street, and

WHEREAS, all uses and activities associated with the bar and restaurant will occur indoors, and

WHEREAS, if the Planning Commission approves a Conditional Use Permit for the use, staff would send a letter to the Department of Alcoholic Beverage Control for an alcoholic beverage license stating that the finding of public convenience and necessity has been made, and

WHEREAS, the public hearing was conducted by the Planning Commission on May 28, 2002, to consider the initial study prepared for this application, and to accept public testimony regarding this proposed environmental determination on the application, and

WHEREAS, a resolution was adopted by the Planning Commission approving a Negative Declaration status for this proposed use, and a Negative Declaration was prepared for the proposed application in accordance with the California Environmental Quality Act, and

WHEREAS, a public hearing was conducted by the Planning Commission on May 28, 2002, 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, the Planning Commission finds that the use will not have a significant effect on the environment and a Negative Declaration shall be prepared for the proposed use, 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 02010 subject to the following conditions:

SITE SPECIFIC CONDITONS

1. This Conditional Use Permit (CUP) authorizes the full use of the lot for the operation of a bar serving beer and wine with indoor uses that are accessory to the bar.
2. This CUP approval only authorizes the sale of beer and wine. If the applicant wishes to serve liquor in the future, an amendment to the Conditional Use Permit must be made.
3. All activities and uses must occur indoors under this CUP approval. Any outdoor activities will not be allowed.
4. Outside storage of materials shall not be permitted under this CUP approval.
5. This project is subject to the California Environmental Quality Act (CEQA), which requires the applicant to submit a \$25.00 filing fee for the Notice of Determination payable to "County of San Luis Obispo". The fee should be submitted to the Community Development Department within 24 hours of project approval, which is then forwarded to the San Luis Obispo County Clerk. Please note that the project may be subject to court challenge unless the required fee is paid.
6. All signs shall be subject to review and approval as required by Municipal Code Section 21.19 and shall require a separate application and approval prior to installation of any sign.
7. 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.

8. 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.
9. In the instance that activities 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.
10. A trash enclosure for the site shall be constructed of decorative masonry block compatible with the main buildings. Gates shall be view obscuring and constructed of durable materials such as painted metal or chain link with plastic slatting.
11. Undergrounding of overhead utilities is required with this project. In lieu of undergrounding at this time, the Applicant shall agree not to protest the formation of, and to participate in, a special district whose specific purpose is the future "undergrounding" of overhead utilities in this vicinity.

PASSED AND ADOPTED THIS 28th day of May, 2002, by the following roll call vote:

AYES: Calloway, Ferravanti, Johnson, Kemper, McCarthy, Steinbeck, Warnke

NOES: None

ABSENT: None

ABSTAIN: None

CHAIRMAN, ED STEINBECK

ATTEST:

ROBERT A. LATA, SECRETARY OF THE PLANNING COMMISSION