

RESOLUTION NO: 11-002

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE CONDITIONAL USE PERMIT 11-001
(FIRESTONE RESTAURANT)
APN: 009-633-019

WHEREAS, Firestone-Walker, LLC, has filed a Conditional Use Permit (CUP) application to establish a sit-down restaurant in the existing 7,353 square foot building located at 1395 Vendels Circle; and

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a CUP for restaurants over 5,000 square feet in the M zoning district; and

WHEREAS, the Zoning Code requires that with the approval of a CUP that the Planning Commission makes a finding that “such a restaurant will not be detrimental to the City’s efforts to revitalize the downtown”; and

WHEREAS, a public hearing was conducted by the Planning Commission on February 8, 2011, 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, this application is Categorically Exempt from environmental review per Section 15332, infill, 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 makes the following finding:

1. The Planning Commission finds that the establishment, maintenance or operation of the restaurant 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.
2. The Planning Commission finds that the proposed restaurant will not be injurious or detrimental to property and improvements in the area or to the general welfare of the City because it shall comply with all applicable zoning, building and municipal codes.
3. By allowing the use, the Planning Commission finds that proposed restaurant would be consistent with the Business Park (BP) General Plan Land Use Category; and
4. By allowing the use, the Planning Commission finds that the proposed restaurant would not be detrimental to the City’s efforts to revitalize the downtown, since there are multiple successful restaurants currently operating in the downtown.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 11-001 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	Site Plan/Parking Lot Plan
B	Site Plan
C	Ramada (west) Elevation

2. This Conditional Use Permit (CUP) authorizes the establishment of a 7,353 square foot sit-down restaurant within the existing building located at 1395 Vendels Circle, where the project would be constructed and operate in a manner described in attached exhibits and as required by the conditions contained within this resolution.
3. This project approval shall expire on February 8, 2013, unless a building permit is issued for the project, or unless a time extension request is filed with the Community Development Department prior to expiration.
4. Prior to the issuance of a Business License, any necessary tenant improvement permits shall be applied for and the necessary work be completed to the satisfaction of the Building Department.
5. Prior to issuance of a Business License, a written agreement between the owner of the property at 1395 Vendels Circle and Firestone Walker LLC assuring the retention of the parking spaces for the principal use shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be recorded in the office of the county recorder and copies filed with the City prior to issuance of a Certificate of Occupancy or Business License for the principal use. The term of such an agreement shall be a minimum of fifteen years.
6. Prior to the installation of any identification signage, provide sign plans for review and approval by the DRC. The sign plan should include small monument signs at the entrances of the off-site parking areas that identify the parking areas as available for restaurant parking. Depending on the type of signage, building permits may need to be applied for.
7. The site shall be kept in a neat manner at all times and any landscaping shall be continuously maintained in a healthy and thriving condition.
8. All existing and/or new lighting shall be shielded so as to be directed downward in such a manner as to not create off-site glare or adversely impact adjacent properties. The style, location and height of the lighting fixtures shall be submitted with the building plans and be subject to approval by the Community Development Director or his designee.

9. 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.
10. The daily operations of this facility shall comply with Section 21.21.040 of the Municipal Code, Performance Standards:
 - A. Fire and Explosion Hazards. All activities involving and all storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire-suppression equipment and devices standard in industry and as approved by the fire department. All incineration is prohibited.
 - B. Radioactivity or Electrical Disturbance. Devices which radiate radio-frequency energy shall be so operated as not to cause interference with any activity carried on beyond the boundary line of the property upon which the device is located. Further, no radiation of any kind shall be emitted which is dangerous to humans. All radio transmissions shall occur in full compliance with Federal Communications Commission (FCC) and other applicable regulations.
 - C. Noise. No land use shall increase the ambient noise level as measured at the nearest residentially zoned property line to a level that constitutes a public nuisance.
 - D. Vibration. No vibrations shall be permitted so as to cause a noticeable tremor measurable without instruments at the lot line.
 - E. Smoke. Except for fireplaces and barbecues, no emission shall be permitted at any point from any chimney which would constitute a violation of standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - F. Odors. Except for fireplaces and barbecues, no emission shall be permitted of odorous gases or other odorous matter in such quantities as to constitute a public nuisance.
 - G. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission shall be permitted which can cause damage to health, animals, vegetations or other forms of property, or which can cause any excessive soiling at any point. No emissions shall be permitted in excess of the standards established by the San Luis Obispo County Air Pollution Control District (APCD).
 - H. Glare. No direct glare, whether produced by floodlight, high-temperature processes such as combustion or welding or other processes, so as to be visible

from any boundary line of the property on which the same is produced shall be permitted. Sky-reflected glare from buildings or portions thereof shall be so controlled by reasonable means as are practical to the end that said sky-reflected glare will not inconvenience or annoy persons or interfere with the use and enjoyment of property in and about the area where it occurs.

- I. Liquid or Solid Wastes. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accord with standards approved by the California Department of Health or such other governmental agency as shall have jurisdiction over such activities. Manufacturing, processing, treatment and other activities involving use of toxic or hazardous materials shall be designed to incorporate the best available control technologies and wherever technically feasible shall employ a "closed loop" system of containment.

- J. Transportation Systems Impacts. Vehicular, bikeway and/or pedestrian traffic, directly attributable to the proposed land use, shall not increase to a significant extent without implementation of adequate mitigation measures in a form to be approved by the city engineer. In determining significance of impacts, consideration shall be given to cumulative (projected build-out) capacity of streets and highways serving the land use. Mitigation measures required may include but not be limited to curb, gutter, sidewalk, street and/or alley, bikeway, transit related improvements and traffic signalization. Mitigation may be required as pursuant to the California Environmental Quality Act (CEQA), or as a condition of a discretionary review.

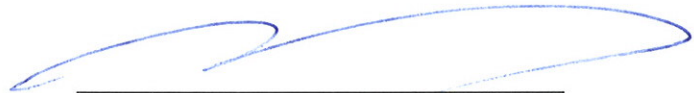
PASSED AND ADOPTED THIS 8th day of February, 2011 by the following Roll Call Vote:

AYES: Vanderlip, Garcia, Barth, Gregory

NOES: None

ABSENT: Holstine, Peterson, Treach

ABSTAIN: None



STEVE GREGORY, CHAIRMAN

ATTEST:



RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

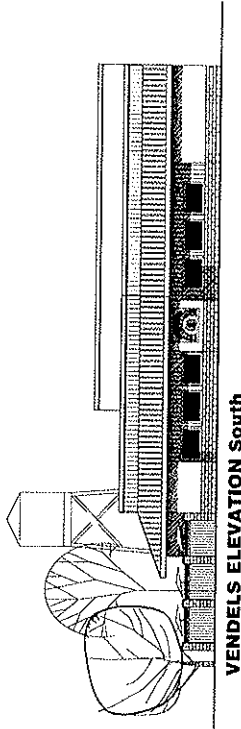


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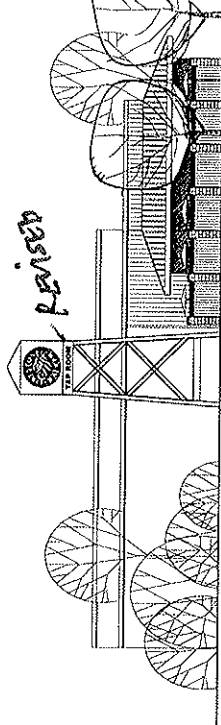
**NEW TAP ROOM
FIRESTONE WALKER
BREWING CO.**
VENDELS CIRCLE
PASO ROBLES, CA

LATEST REVISIONS		DATE	
NO.	DESCRIPTION	ISSUED	BY
1	FOR CONSTRUCTION		

SCALE	
SCALE	NOTED
1" = 10'-0"	
1" = 20'-0"	
1" = 30'-0"	
1" = 40'-0"	
1" = 50'-0"	
1" = 60'-0"	
1" = 70'-0"	
1" = 80'-0"	
1" = 90'-0"	
1" = 100'-0"	

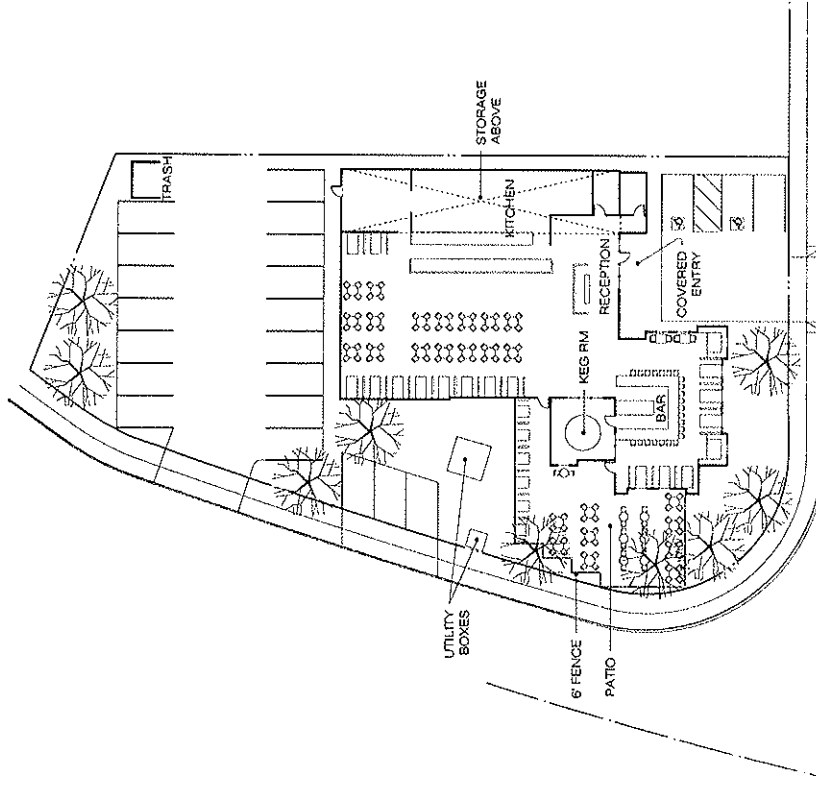


VENDELS ELEVATION South



RAMADA ELEVATION West

PROPERTY ADDRESS 1395 VENDELS CIRCLE
PROJECT TAP ROOM - RESTAURANT
SITE AREA APPROX. 20,000 SF
BUILDING AREA
MAIN FLOOR APPROX. 6541 SF
2ND LEVEL (STORAGE) APPROX. 512 SF
MEETING ROOM APPROX. 400 SF
OUTDOOR PATIO 1100 SF
PARKING ON-SITE 22



VENDELS CIRCLE
S89°51'40"E 506.01'

PLAN

SITE PLAN

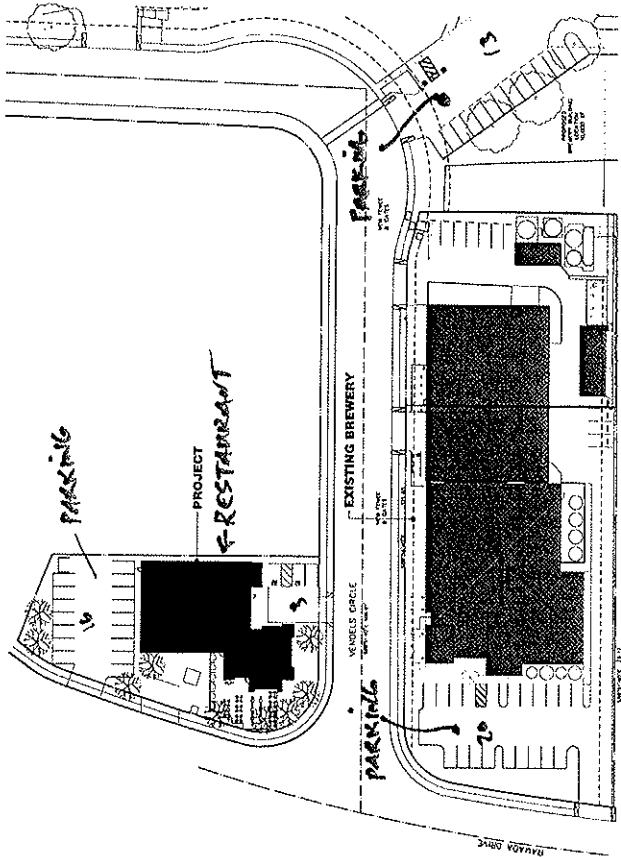


Exhibit A
Site Plan/Parking Plan
CUP 11-001
1395 Vendels Circle
(Firestone-Walker)

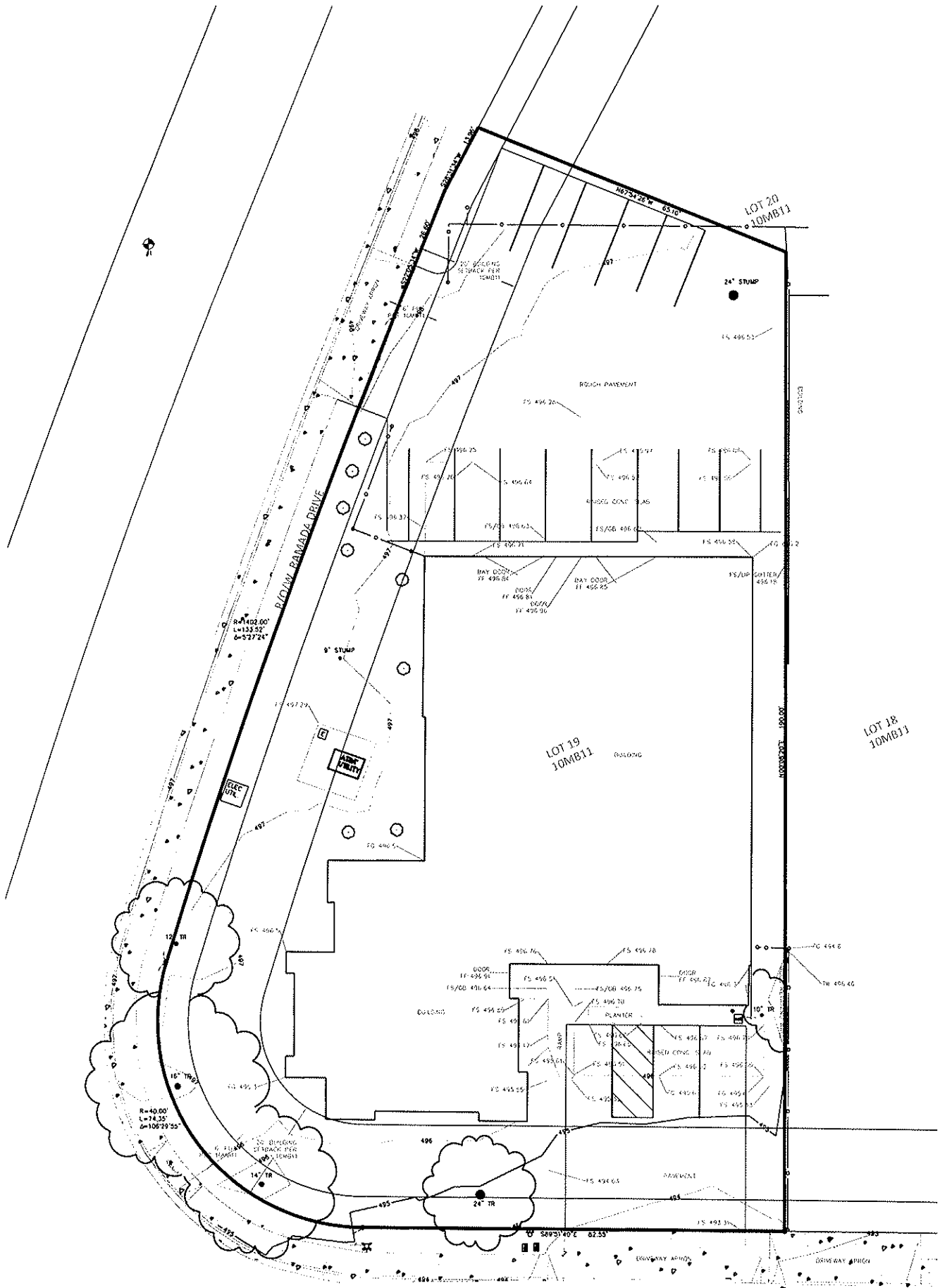


Exhibit B
 Site Plan
 CUP 11-001
 1395 Vendels Circle
 (Firestone-Walker)

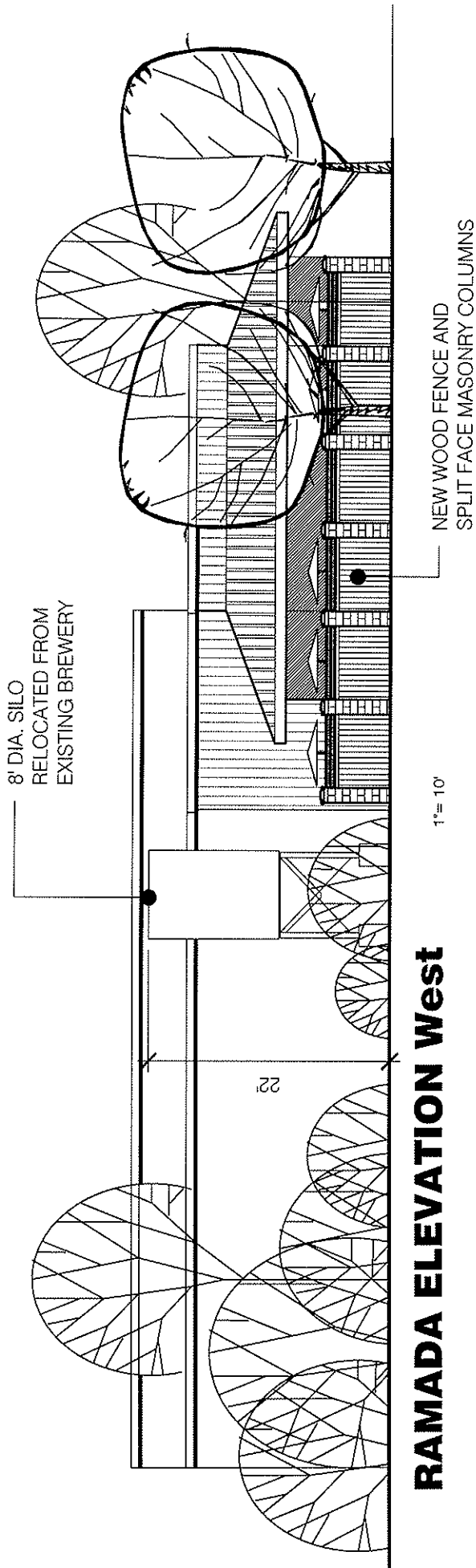


Exhibit C
 Ramada Elevation (west)
 CUP 11-001
 1395 Vendels Circle
 (Firestone-Walker)