

RESOLUTION NO: 17-003

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
RECOMMENDING APPROVAL TO THE CITY COUNCIL
FOR CONDITIONAL USE PERMIT 16-006
AT 1317 PARK STREET
(THOMAS BOOTH - WINE BOSS)
APN: 009-041-011**

WHEREAS, the applicant, Thomas Booth, has filed a Conditional Use Permit (CUP) application to allow the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC); and

WHEREAS, Table 5.3-1 of the Uptown Town Center Specific Plan (Specific Plan) of the City of El Paso de Robles requires approval of a Conditional Use Permit for bars and cocktail lounges, which would include wine/beer lounges, in the TC-1 (Town Center) zoning district; and

WHEREAS, as part of the request for a Conditional Use Permit, the Planning Commission recommended to the City Council of the City of El Paso de Robles the determination that Public Convenience would be served by the issuance of a Type 42 ABC license for Wine Boss at 1317 Park Street, based on the wine lounge establishment being consistent with similar establishments in the Downtown; and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301 (existing building) of the State's Guidelines to Implement CEQA; and

WHEREAS, a duly noticed public hearing was conducted by the Planning Commission on January 10, 2017, 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.

Section 1 - Findings: based upon the facts and analysis presented in the staff report, public testimony received and subject to the conditions listed below, the Planning Commission makes the following findings:

1. The proposed use is consistent with the General Plan and Uptown / Town Center Specific Plan; and
2. The proposed use satisfies the applicable provisions of this Paso Robles Zoning Ordinance; and
3. The establishment, and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use; and
4. That the proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development; and

5. That the proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved in conjunction with the project, or beyond the normal traffic volume of the surrounding neighborhood; and

Section 2- Environmental Determination: This projects qualifies for as categorically exempt from environmental review per Section 15301 (existing building) of the California Environmental Quality Act Guidelines.

Section 3 - Approval: Conditional Use Permit 16-006 is recommended for approval subject to the following:

1. This Conditional Use Permit (CUP) authorizes the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC), as shown on Exhibit B (Site Plan).
2. The project shall be constructed so as to substantially conform with the following listed exhibits established by this resolution:

<u>EXHIBIT</u>	<u>DESCRIPTION</u>
A	Project Conditions
B	Regulating Site Plan

PASSED AND ADOPTED THIS 10th Day of January 2017 by the following Roll Call Vote:

AYES: Commissioners Barth, Donaldson, Agredano, Davis, Brennan and Chairman Rollins.

NOES:

ABSENT: Commissioner Burgett

ABSTAIN:



CHAIRMAN BOB ROLLINS

ATTEST:



WARREN FRACE, PLANNING COMMISSION SECRETARY

Exhibit A Project Conditions
Exhibit B Regulating Site Plan

Exhibit A

Conditions of Approval – CUP 16-006

Planning Division Conditions:

1. This Conditional Use Permit (CUP) authorizes the establishment of a beer/wine lounge within an existing commercial building with the determination that Public Convenience or Necessity (PCN) would be served by the issuance of a Type 42 license by the Department of Alcoholic Beverage Control (ABC).
2. This CUP limits alcohol sales and consumption to beer and wine. Any changes to the ABC license type shall require amendment to this conditional use permit.
3. The hours of operation will be Sunday through Thursday from 2:00 PM until 10:00 PM, and on Friday and Saturday from 2:00 PM until 12:00 AM.
4. Night club type entertainment, such as but not limited to live bands, amplified music and dancing are prohibited with this CUP
5. The project shall substantially conform to Exhibit B, Site Plan.
6. Receptacles for cigarette butts and trash shall be provided on the sidewalk in front of the entry door and/or anywhere necessary to provide for cigarette butts and trash for people associated with this establishment. The areas shall be cleaned and maintained on a daily basis.
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.

