

ACTION MINUTES OF THE SANTA PAULA PLANNING COMMISSION

Tuesday, April 28, 2009

6:30 P.M.

CALL TO ORDER: Chairman Paul Skeels
PLEDGE OF ALLEGIANCE Commissioner Nasalroad
ROLL CALL:

Commissioners present: Steve Brown, Gary Nasalroad, Michael Sommer, and
Chairman Paul Skeels

Commissioners Absent: None.

Staff Present: Assistant City Attorney John Cotti, Deputy Planning
Director Stratis Perros, Assistant Planner Anna Arroyo,
and Secretary Audrey Ellington

FINAL AGENDA: No changes were requested, therefore the Agenda was final as
presented.

PUBLIC COMMENT: None at this time.

CONSENT CALENDAR:

A. Minutes of the Planning Commission Meeting on April 14, 2009

ACTION: Commissioner Nasalroad moved for approval the Minutes of April 14,
2009, as presented. Chairman Skeels seconded the motion that carried by a majority
roll call vote, with Commissioner Sommer abstaining because he was absent April 14,
2009.

PUBLIC HEARINGS:

A. **09-CUP-01**, A request for approval of a Conditional Use Permit to: 1) permit the
on-site sale of beer, wine, and distilled spirits (Type 47); and 2) allow incidental
entertainment in conjunction with the restaurant use on property located in the C-
G (General Commercial) zoning district. The General Plan land use designation
is Commercial. The project is determined to be Categorically Exempt from the
provisions of the California Environmental Quality Act (CEQA) based upon a
Class 1 (Section 15301) exemption.

Location: 125 S. 10th Street, APN 101-0-214-225

Applicant: Florence Ellwell

Verification of proper noticing: Chairman Skeels confirmed with Secretary Audrey
Ellington that the hearing was properly noticed
(posted, mailed, and advertised).

Declaration of conflicts: No conflicts reported.

Declaration of ex parte contacts: No ex parte contacts reported.

Open public hearing: Chairman Skeels opened public hearing Item A as described above. He then called upon staff to present the staff report.

Staff presentation: Deputy Planning Director Stratis Perros called upon Assistant Planner Anna Arroyo to present the project. Ms. Arroyo provided an outline of the staff report dated April 17, 2009, describing the proposed use of a restaurant and entertainment with the sale of alcohol for their dinner guests. Ms. Arroyo also noted that the Alcohol Beverage Control Board (ABC) reports that the restaurant will be located in Census Tract 6, where an overconcentration of alcohol licenses exists. However, Ms. Arroyo pointed out that the restaurant is in close proximity to the Central Business District, the proposed use is consistent with the Downtown Improvement Plan, and the applicant has signed in agreement with the Conditions of Approval. Therefore, staff believes that alcohol sales as described for this project is acceptable. She then gave staff's recommendation to adopt Resolution No. 3641 approving the request, subject to the Conditions of Approval listed in the Resolution.

Ms. Arroyo and Deputy Director Perros responded to questions from Commissioner Brown and Chairman Skeels explaining that the Census divisions included all types of alcohol licenses, and that the applicant would not be moving her existing alcohol license from her existing location, but would obtain a new additional license. Deputy Director Perros explained that the City and State ABC Department have the authority to allow additional restaurant alcohol licenses in areas where an overconcentration currently exists, under the findings for public convenience and necessity.

Commissioner Brown commented that he felt the Conditions of Approval for this type of permit should be consistent, and suggested that a Condition be added to require employee training for serving alcohol, as was recently required for the Irish Pub project.

Public Testimony: Chairman Skeels noted that the applicant and part of her family were seated in the audience and asked for their presentation of the project.

Diane Martinez, 701 N. Mil Street, and Henrietta Arreallano, the applicant's daughters, acted as Ms. Ellwell's representatives and spoke in support of the project. Ms. Martinez indicated that her mother had been in business for 34 years and was well aware of the responsibilities required for alcohol sales, and that they felt very capable of taking on those responsibilities. When questioned, Ms. Ellwell indicated from the audience that she would agree to provide the employee training for serving alcohol. Ms. Martinez also reported that an insurance company would be using the front adjoining tenant space, but currently no tenant had been secured for the rear unit.

Discussion: Commissioner Brown reminded the Commissioners that the City had recently passed an ordinance regulating the hours that alcohol could be served at locations near parks and schools, which would regulate this project. The Commissioners were in general agreement that this would be a good addition to the area, and that they were happy to support the request.

ACTION: Commissioner Nasalroad moved to adopt Resolution 3641 approving the requested Conditional Use Permit as indicated in Alternative 2 of the staff report, subject to the Conditions of Approval listed in the Resolution, with the addition of a Condition to require employee training for serving alcohol. Commissioner Brown seconded the motion.

Deputy Planning Director Perros noted that employee training for the serving of alcohol is provided within the Enforcement Agreement. The Planning Commissioners agreed to keep the motion as stated, that the Condition be added to the Resolution. The motion then carried by a unanimous roll call vote.

Hearing Closed.

NEW BUSINESS - No new business was scheduled at this time.

CITY COMMUNICATIONS

- A. Planning Department:** Deputy Planning Director Stratis Perros reported that there were items scheduled for both Planning Commission meetings in May.
- B. Planning Commission:** Commissioner Sommer reported that he would be out of the County and would not attend either of the meetings in May.

REQUEST FOR FUTURE AGENDA ITEMS: None at this time.

Deputy Planning Director Stratis Perros commented that Commissioner Nasalroad would be leaving the Planning Commission at the end of his term in June, and thanked Commissioner Nasalroad for the opportunity to work with him.

Commissioner Nasalroad commented that he has enjoyed serving on the Planning Commission and working with the Commissioners and staff.

ADJOURNMENT: The meeting was adjourned at approximately 6:55 p.m.



Stratis Perros
Deputy Planning Director

NOTICE: Actions by the Planning Commission on the above items cannot be appealed to the City Council after **5:00 p.m. on Monday, May 11, 2009**. Be advised that if you bring a legal challenge to a Planning Commission decision, you may be limited to raising only those issues you or someone else raised at the meeting or in written correspondence delivered to the Planning Commission at or before the meeting.

For further details of the discussions held in this meeting, a taped recording is available in the Planning Department office, for a period of approximately one year.

ae: Minutes Approved by Planning Commission May 12, 2009