



MEETING DATE: 8/6/07
ITEM NO: 10
DESK ITEM

COUNCIL AGENDA REPORT

DATE: AUGUST 6, 2007
TO: MAYOR AND TOWN COUNCIL
FROM: ORRY P. KORB, TOWN ATTORNEY *OK*
SUBJECT: ADOPT RESOLUTION APPROVING A REQUEST FOR APPROVAL TO MODIFY AN EXISTING CONDITIONAL USE PERMIT TO ALLOW SERVICE OF BEER AND WINE WITH MEALS (MAIN STREET BURGERS) ON PROPERTY ZONED C-2. PROPERTY LOCATION: 20 S. SANTA CRUZ AVENUE, SUITE 200 FILE #U-07-142 PROPERTY OWNER: JOHN FEECE, SIERRA MANAGEMENT APPLICANT: ED RATHMANN

Attached are the conditions of approval (Exhibit A to proposed resolution) which were inadvertently omitted.

Attachment: Conditions of approval (Exhibit A)

PREPARED BY: **ORRY P. KORB**
Town Attorney

OPK:pg

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Reviewed by: _____ Assistant Town Manager *PSJ* Town Manager
_____ Clerk Administrator _____ Finance _____ Community Development

TOWN COUNCIL – JUNE 18, 2007
CONDITIONS OF APPROVAL

20 S. Santa Cruz Avenue, Suite #200
Conditional Use Permit U-07-142

Requesting approval to modify an existing conditional use permit to allow service of beer & wine with meals (Main Street Burgers) on property zoned C-2. APN 510-45-075.

PROPERTY OWNER: John Feece, Sierra Management

APPLICANT: Ed Rathmann

TO THE SATISFACTION OF THE DIRECTOR OF COMMUNITY DEVELOPMENT:

Planning Division

1. APPROVAL: This application shall be completed in accordance with all of the conditions of approval listed below and in substantial compliance with the plans noted as received by the Town on December 5, 2006 and approved by the Town Council on March 5, 2007. Any changes or modifications to the approved plans and/or business operation shall be approved by the Community Development Director or the Planning Commission, depending on the scope of the changes.
2. EXPIRATION OF APPROVAL: The Conditional Use Permit application will expire two years from the date of approval unless it is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
3. BUSINESS OPERATION. This approval is for a quality restaurant use, and is restricted to the areas shown on the approved plans. Any change in the type of business requires modification of the Conditional Use Permit.
4. HOURS OF OPERATION. Hours of operation are limited to 7:00 am to 11:00 pm daily.
5. SEATS. The maximum number of seats is 44 (26 indoors and 18 outdoors).
6. ALCOHOL SERVICE. The service of beer and wine is permitted only with meals. A meal is defined as a combination of food items selected from a menu (breakfast, brunch, lunch, or dinner). Appetizers such as popcorn, nachos, pretzels, potato skins, relish trays, etc. (hot or cold) are not meals. There shall be no separate bar for the restaurant.
7. ALCOHOL LICENSE: The applicant shall have an ABC license issued as required by that agency for alcohol service for all service features of the restaurant.
8. LIVE ENTERTAINMENT. No live entertainment is allowed.
- 9.. RECYCLABLE MATERIALS. The restaurant shall utilize recycled products whenever such a product is available.
10. REFUSE CANS. Employees of the business shall monitor the refuse can in the public right of way adjacent to the business and empty the can if full. A trash receptacle shall be located on the outdoor patio and maintained by Main Street Burger staff.
11. OUTDOOR UMBRELLAS. Outdoor umbrellas shall not have any writing, logos or emblems.
12. OUTDOOR PATIO. Any changes to the outdoor patio shall be approved by the Director of Community Development.
13. PORTER. A porter shall be available at all times to maintain the patio area.
14. STORAGE. Storage of outdoor furniture shall be located out of site from the street.
15. REVIEW. If the Director finds issues with trash or debris associated with this use, the Director will agendize the project for Planning Commission review. The Planning Commission will review the project and modify or add conditions as necessary.

16. LAPSE FOR DISCONTINUANCE. If the activity for which the Conditional Use Permit has been granted is discontinued for a period of one (1) year, the approval lapses pursuant to Section 29.20.340 of the Zoning Ordinance.

TO THE SATISFACTION OF THE POLICE CHIEF:

17. ALCOHOL SERVICE IN PATIO. Separation from public areas shall be provided to the satisfaction of the Police Chief and ABC. The separation and signage shall clearly establish that alcohol consumption is not allowed outside the patio area.
18. UNIFORMED SECURITY: Uniformed privately provided security guards may be required in or around the premises by the Chief of Police if alcohol related problems recur that are not resolved by the licensed owner.
19. CONSULTATION AND TRAINING: At the discretion of the Chief of Police, periodic meetings will be conducted with representatives from the Police Department for on-going employee training on alcoholic beverage service to the general public.
20. TRAINING MANUAL: The restaurant operator shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.
21. DESIGNATED DRIVER PROGRAM: The restaurant operator shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.
22. POSTING OF TAXICAB TELEPHONE NUMBERS: Taxicab telephone numbers shall be posted in a visible location.