

**CITY OF CLOVERDALE
PLANNING COMMISSION
RESOLUTION NO. 003-2012**

**A RESOLUTION OF THE CITY OF CLOVERDALE PLANNING COMMISSION APPROVING A
CONDITIONAL USE PERMIT (CUP 002-2012) TO ALLOW A RESTAURANT AT 1198-C
SOUTH CLOVERDALE BOULEVARD
(APN 116-310-065)**

WHEREAS, an application for a Conditional Use Permit was submitted by Ken French and Wilairux Horpibulsuk to allow a restaurant, offering in-house dining and take out service including the sale of beer and wine, in an existing multi-tenant commercial building located at 1198-C South Cloverdale Boulevard; and

WHEREAS, the Cloverdale Zoning Ordinance allows restaurants in the Service Commercial S-C zoning district subject to Conditional Use Permit approval; and

WHEREAS, the proposal is consistent with the Service Commercial S-C land use designation which is intended for heavier commercial uses, including restaurants; and

WHEREAS, as required by California Government Code Section 65090, the Planning Commission of the City of Cloverdale gave legal notice of a public hearing on the proposed Conditional Use Permit application; and

WHEREAS, the Planning Commission held a public hearing on February 1, 2012, for the purpose of reviewing the proposed Conditional Use Permit application and considered all written and verbal communication, including the staff report; and

WHEREAS, the applicant and members of the public were present to speak on the application; and

WHEREAS, the Planning Commission finds that this project is exempt from the California Environmental Quality Act (CEQA) under §15301, Existing Facilities; and

WHEREAS, the Planning Commission has determined that the findings required by Section 18.03.050 of the Zoning Ordinance have been met. Based on the application information and the information contained in the staff report, the following findings have been made:

1. The proposed use is permitted within the subject district pursuant to the provisions of section 18.03.050 and complies with all the applicable provisions of this ordinance, the goals, and objectives of the Cloverdale General Plan, and the development policies and standards of the City.

Restaurants are permitted uses in the Service Commercial S-C zoning district subject to Conditional Use Permit approval. The proposed use would be located in an existing commercial building and only minor interior improvements to the building are proposed. Adequate parking exists to accommodate the proposed use. An administrative sign permit will be required for any proposed signage,

consistent with the approved Planned Sign Program. The proposed project would comply with the standards and provisions of the Zoning Ordinance, including parking requirements. The proposed project furthers the goals and objectives of the General Plan by assisting in the provision of jobs/housing balance, locating a new business in an otherwise vacant commercial space, and upgrading an existing building.

2. The proposed use would not impair the integrity and character of the district in which it is to be established or located.

The proposed project would locate a new business in a vacant commercial space, previously occupied by a similar use, adjacent to other existing commercial uses. The proposed use does not include any outdoor uses that could potentially impair the integrity or character of the district.

3. The site is suitable for the type and intensity of use or development that is proposed.

The site is zoned for and developed with an existing commercial building which was previously the subject of a Conditional Use Permit, Design Review and Planned Sign Program (CUP 18-05; Resolution 19-05). The conditions of approval associated with that application require issuance of a conditional use permit prior to occupancy and a separate sign application in conformance with the approved Planned Sign Program.

The site has been historically utilized for commercial purposes and the building was originally designed to house three tenants. The proposed use is similar to those previously located in the unit and adequate parking exists for the proposed use.

4. There are adequate provisions for water, sanitation and public utilities and services to ensure public health and safety.

The site contains an existing commercial building with existing services which was previously the subject of a Conditional Use Permit, Design Review and Planned Sign Program (CUP 18-05; Resolution 19-05). Adequate provisions for water, sanitation and public utilities and services exist to ensure public health and safety.

5. The proposed use will not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

The site contains an existing commercial building which was previously the subject of a Conditional Use Permit, Design Review and Planned Sign Program (CUP 18-05; Resolution 19-05). The conditions of approval associated with that application require issuance of a conditional use permit prior to occupancy and a

separate sign application in conformance with the approved Planned Sign Program. Locating a new business in an otherwise vacant space would reduce the potential for public nuisances including trespassing, loitering and vandalism. The proposed use is similar to those previously located in the unit and will not be detrimental to the public health, safety, or welfare or materially injurious to properties and improvements in the vicinity.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Cloverdale does hereby grant a Conditional Use Permit to allow a restaurant, offering in-house dining and take out service including the sale of beer and wine, in an existing multi-tenant commercial building located at 1198-C South Cloverdale Boulevard subject to the conditions listed below:

Planning:

1. Conditional Use Permit approval is granted to allow a restaurant offering in-house dining and take out service including the sale of beer and wine, within Unit C (comprised of approximately 1,000 square feet) of an existing multi-tenant commercial building located at 1198-C S. Cloverdale Boulevard, Cloverdale, CA as summarized above and shown in the application materials submitted to the Community Development Department. The applicant shall adhere to the Conditional Use Permit application materials (CUP 002-2012) and the conditions of approval. Any deviation from the conditions of approval requires Planning Department or Planning Commission approval.
2. This approval is subject to appeal within 10 consecutive days from the date of approval.
3. All conditions of this Conditional Use Permit are necessary to protect the general health, safety and welfare, and to minimize or eliminate adverse environmental effects of the project. If any condition of this permit is held to be invalid by a court, then the entire permit shall be invalid. The Planning Commission specifically declares that it would not have issued this permit unless all of the conditions herein are held as valid.
4. This permit shall be subject to revocation or modification by the Planning Commission if the Commission finds that there has been a) noncompliance with any of the foregoing conditions, or b) the Commission finds that the use for which this permit is hereby granted is so exercised as to be substantially detrimental to persons or property in the neighborhood of the use. Any such revocation shall be preceded by a public hearing noticed and heard pursuant to the City of Cloverdale Municipal Code.
5. This Conditional Use Permit CUP 002-2012 shall expire, and become null and void, two years from the date of approval unless exercised through the commencement of the business or a written request for an extension of time is

submitted to the Community Development Department prior to the expiration date and an extension is granted by the Planning Commission.

6. The approval of this permit shall be subject to the latest adopted Ordinances, Resolutions, Policies and fees of the City of Cloverdale.
7. Approval is granted to allow operation of a restaurant, offering in-house dining and take out service including the sale of beer and wine, Monday through Friday from 11 a.m. – 9 p.m. and Saturday and Sunday from 4 p.m. – 9 p.m. No outdoor seating or entertainment is allowed.
8. Sale and consumption of any alcoholic beverages is subject to applicant's compliance with all applicable laws and subject to requesting and granting of all applicable licenses and/or permits required by the California Department of Alcoholic Beverage Control. Evidence of the required licenses and/or permits shall be provided to the Community Development Department upon receipt.
9. No modifications to the exterior of the building shall occur without prior approval by the Community Development Department.
10. A sign permit application shall be submitted and approved by the Community Development Department prior to the installation of any and all signage, pursuant to the design specifications of the approved Planned Sign Program (CUP 18-05; Resolution 19-05).

Building:

11. All new construction and/or building modifications shall meet the latest adopted building and fire safety codes. Required building permits shall be obtained prior to construction.
12. Two dining spaces shall be designed to be handicapped accessible in conformance with the standards of the Americans with Disabilities Act.

Fire District:

13. Any tenant improvements, changes in fire or alarm systems, shall be forwarded to the fire protection district for review and approval.
14. Knox box access keys will be placed in the building's Knox box by fire personnel as soon as the unit "C" locks are re-keyed for the new tenant.
15. Fire extinguisher type and locations will be verified by the local fire authority for compliance as prescribed by the 2010 California Fire Code (CFC).
16. Hood systems shall comply with all state and local fire codes and conform to current NFPA standard.
17. Emergency contact information cards will be filed with the Cloverdale Police Department.
18. Please verify that the building at 1198 South Cloverdale Blvd has a current fire sprinkler system five-year certification.

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Resolution No. 003-2012 was duly adopted on this the 1st day of February, 2012,
by the following roll call vote: (4-ayes, 0-noes)

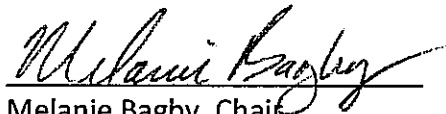
AYES in favor of: Vice Chair Shanahan, Commissioner Riefkohl, Chair Bagby, Commissioner
Munselle

NOES:

ABSTAIN:

ABSENT:

Approved:



Melanie Bagby, Chair

Attested:



Roberto Bartoli, Deputy City Clerk