CONSENT CALENDAR

Chair Decker stated that Items # 7 was a matter for the Consent Calendar this evening.

Commissioner Bruno requested that the words "high quality restaurant" be added to condition number 2 of the conditions of approval.

Chair Decker affirmed that there was no "stand alone bar" allowed for this application

SANTA CRUZ AVENUE NORTH 137/PRJ-987-090 (00.07)
Requesting modification to a Conditional use Permit to change the restaurant use and to allow the sale of beer and wine with meals as part of an existing restaurant operation (Rainbow Restaurant) in the C-2 zone. PROPERTY OWNER: Law Properties. APPLICANT: Hong Ngo/Paul Huynh.

Motion by Commissioner Morgan, seconded by Commissioner Pirzynski, to grant modification to Conditional Use Permit for 137 North Santa Cruz Avenue/PRJ-98-090 (Rainbow Restaurant) with the following conditions and findings:

CONDITIONS

137 N. Santa Cruz Avenue
Project Application PRJ-98-090

Requesting modification to a Conditional Use Permit to change the restaurant use and to allow the sale of beer and wine with meals as part of an existing restaurant operation (Rainbow Restaurant) in the C-2 zone.
PROPERTY OWNER: Law Properties
APPLICANT: Hong Ngo/Paul Huynh

TO SATISFACTION OF PLANNING DIRECTOR:
(Planning Department)

1. APPROVAL EXPIRATION: This approval will expire two years from the date of this approval (June 24, 2000) unless the approval is used before expiration. Section 29.20.335 defines what constitutes the use of an approval granted under the Zoning Ordinance.
2. RESTAURANT USE: A high quality, sit down, restaurant with alcohol beverage service is permitted.
3. HOURS: The hours of operation shall be limited to:

Sunday - Thursday	11:00 a.m. - 11:00 p.m.
Saturday - Monday	11:00 a.m. - 12:00 midnight

4. SEATING: The restaurant seating shall not exceed 36 seats.
5. TRASH: The area in front of and to the rear of the restaurant shall be kept clear of trash.
6. PLANTER BOX: The planter box in the parking lot area shall be kept clean and weeded regularly.
7. REUSABLE UTENSILS: All meals served on-site shall be on re-usable utensils.
8. ALCOHOL SERVICE: The service of alcohol for the restaurant 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.

TO THE SATISFACTION OF THE CHIEF OF POLICE:

9. GENERAL: The restaurant is subject to the following, as required by Resolution 1994-29:
   a. 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.
   b. 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.

c. All establishments shall use an employee training manual that addresses alcoholic beverage service consistent with the standards of the California Restaurant Association.

d. All licensed operators shall have and shall actively promote a designated driver program such as complimentary non-alcoholic beverages for designated drivers.

e. Taxicab telephone numbers shall be posted in a visible location.

FINDINGS

1. As required by Section 29.20.190 of the Town Code for granting a Conditional Use Permit the Commission finds:

   a. The proposed use of the property is desirable to the public convenience since beer and wine service will provide an amenity that is both compatible and complimentary with the existing restaurant meal service;

   b. The proposed use will not impair the integrity and character of the zone since the restaurant, with beer and wine service, is permitted by Town Code with a conditional use permit;

   c. That the proposed use will not be detrimental to the public health, safety, and welfare since conditions are being added to regulate the hours of operation and alcoholic beverage service;

   d. The proposed use will result in less Average Daily Vehicle Trips along Santa Cruz Avenue than the previous use, and is thus an improvement to the General Plan's circulation element for the downtown area.

2. As required by Resolution 1949-29 for policies regulating the sale of alcoholic beverages the Commission finds:

   a. Late night service will not adversely impact residential neighborhoods, as the sale of alcoholic beverages at the restaurant will be a complimentary service, and the hours of operation will comply with the Town's Alcohol Beverage Policy.

   b. The applicant does not have a history of complaints and non-compliance with local ordinances or the Alcohol Beverage Policy;

   c. The applicant has demonstrated a benefit to the community, as the restaurant will add a new specialty dining alternative to the downtown area.

Carried unanimously. Commissioner Jensen absent.