

**AGENDA
SPECIAL MEETING OF THE
SAN JACINTO PLANNING COMMISSION**

January 17, 2018
7:00 p.m.

2045 S. San Jacinto Ave
San Jacinto Unified School District Board Room
San Jacinto, California

1. **ORGANIZATION**
 - 1.1 CALL TO ORDER
 - 1.2 ROLL CALL
 - 1.3 PLEDGE OF ALLEGIANCE
2. **PUBLIC COMMENTS**
3. **CONSENT CALENDAR**
4. **PUBLIC HEARINGS**
 - 4.1 MUP 17-05 – Minor Use Permit for the On-site Sale of Beer and Wine at the Ceviche Bar “Los Mareados” and VAR 17-03 to allow the On-site sales within 100 feet of a residence - located at the southeast corner of State Street and North Brinton Street in the Industrial Light (IL) Zone ((APN's 435-124-001, 002, 030, 035)
5. **STAFF REPORTS**
6. **BUSINESS ITEMS**
 - 6.1 Directors Report
7. **COMMISSIONER COMMENTS**
8. **ADJOURNMENT**

“If you wish to challenge any action of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission at, or prior, to the public hearing.”

"SB 343 Brown Act" Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to meeting is available for public inspection at the San Jacinto City Hall located at 595 S. San Jacinto Street, San Jacinto, CA 93583-Administration Building.

It is the intention of the City of San Jacinto to comply with the Americans with Disabilities Act (ADA) in all respects. If, as an attendee or a participant at this meeting, or in meetings on a regular basis, you will need special assistance beyond what is normally provided, the City will attempt to accommodate you in every reasonable manner. Please contact City Hall at (951) 537-6358, at least 48 hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible

I, Angela Walton, City Clerk of the City of San Jacinto, do hereby certify that I caused to be posted the foregoing agenda this 11th day of January 2018, as required by law.



Angela Walton, City Clerk

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January 17, 2018

TO: Chairperson and Members of the Planning Commission

REQUESTED BY: Mary E. Lanier, Planning Consultant

APPROVED BY: Bob Brady, Special Project Manager

SUBJECT: MUP 17-05 – Minor Use Permit for the On-site Sale of Beer and Wine at the Ceviche Bar “Los Mareados” and VAR 17-03 to allow the On-site sales within 100 feet of a residence - located at the southeast corner of State Street and North Brinton Street in the Industrial Light (IL) Zone ((APN’s 435-124-001, 002, 030, 035),

APPLICANT: Renata Olivo
Ceviche Bar “Los Mareados”
109 South State Street
San Jacinto, Ca 92583

RECOMMENDATION:

Staff recommends that the Planning Commission:

ADOPT Resolution No. _____ approving Planning Case: MUP 17-05 (Minor Use Permit) and Variance 17-03 based on the findings outlined in the staff report and summarized in the attached findings; and

DETERMINE that this proposed project is considered to be a Class 1 Categorical Exemption (Existing Facilities) pursuant to Section 15301 of the California Environmental Quality Act Guidelines.

DESCRIPTION:

A request by Renata Olivo for a Type 41 (on-site sale beer and wine) License and Live Entertainment for Ceviche Bar “Los Mareados”, located at 109 South State Street Suite B, in an existing commercial building, within the Industrial Light (IL) Zone.

BACKGROUND:

On October 11, 2017, the applicant submitted an application for a Minor Use Permit (MUP) to allow a Type 41 ABC License (on-sale beer and wine) and Live Entertainment for the Ceviche Bar “Los Mareados” restaurant in an existing commercial building. A Variance Application was also submitted to permit the sale of alcohol within 100 feet of

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a residence.

DISCUSSION:

Ceviche Bar "Los Maredos" is a full-service restaurant serving authentic Mexican seafood platters. The small restaurant located in an existing commercial building along the commercial industrial corridor of State Street. The corridor includes a wide range of commercial, industrial, and residential uses. Surrounding property uses include vacant land to the north and west and residential to the east and south. Currently operating, the restaurant serves a range of seafood and is requesting to add beer and wine to the menu, as well as, karaoke and live entertainment. The sale of alcohol is proposed to be ancillary to the primary restaurant use.

The business hours of operation are 9:00 a.m. to 11:00 p.m. Monday through Thursday and 9:00 a.m. to 2:00 a.m. Friday through Sunday. However, with the addition of alcohol sales and the proximity of residential uses, the closing hour is conditioned to be 12:00 a.m. (midnight). A Condition of Approval has been included that requires food service to be operational, during hours that alcohol is served. Seating capacity is 107.

As a small center, parking is limited. Entertainment is proposed in the evening, which is off-peak for other businesses and will allow additional parking availability. A condition for all parking to be onsite.

ALCOHOL SALES:

The business is located with Census Tract 436.02, which allow three on-site alcohol licenses. Ceviche Bar would be the second on-site license with the Tract. Therefore, a Public Finding of Convenience and Necessity is not required.

VARIANCE:

Development standards for uses that include alcoholic beverages also state that the business shall not be located within 600 feet of a public or private school, church, public park, youth facility or other similar use. The business meets this requirement, as there are no sensitive uses within 600 feet. The Development Code also restricts alcohol sales within 100 feet of residential zone or residence. The restaurant is located within 100 feet, as there is a residence to the east, behind the building. Therefore, a Variance is requested. There is no exterior door or direct access to the residence. The Development Code includes a provision for the approving authority to approve a variance for properties within 100 feet when notification is provided to surrounding properties within 1,000 feet.

ENTERTAINMENT:

In addition to on-site beer and wine, the restaurant is proposing karaoke and live entertainment. Karaoke is the primary entertainment, with live entertainment on

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weekends. It is envisioned that live entertainment will include small bands of 2 to 3 persons. All entertainment is proposed within the building and is conditioned to be self-contained, with no music heard on the exterior of the building and no outdoor entertainment.

Conditions of Approval have been included for maintaining the property and addressing potential nuisances.

MINOR USE PERMIT FINDINGS OF FACT:

1. The proposed use is consistent with the General Plan, in that the Land Use Designation is Industrial, which allows a mix of support commercial uses to serve businesses and surrounding residents.
2. The proposed use is allowed within the Industrial Light (IL) Zone and complies with the provisions of the Development Code and Municipal Code, as conditioned.
3. The design, location size, and operating characteristics of the restaurant are compatible with the existing and future uses in the vicinity, due to its primary "restaurant operations" for the surrounding community.
4. The site is physically suitable and the on-site alcohol sales will occur in an existing building that has adequate parking, access for public and emergency vehicles from the both Brinton Street and State Street, is located within approximately one and a half miles of both police and fires services, and has utility services provided to the building.
5. The on-site alcohol sales will be included in an existing restaurant that currently serves the neighborhood and with the Conditions of Approval for maintenance and graffiti removal will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and Commercial Downtown Zone.
6. The applicant agrees in writing to comply with all Conditions of Approval imposed for the Minor Use Permit.
7. The Ceviche Bar Los Mareados restaurant, with on-site alcohol sales and live entertainment, will not be detrimental to surrounding properties and neighborhoods, with the Conditions of Approval that require the property to post signs for no loitering, provide information on the dangers of alcohol, compliance limiting exterior noise, graffiti removal, and employee training on alcohol requirements. Furthermore, the property includes adequate parking to serve the business, with shared parking, onsite circulation for pedestrians is available and handicap access and path of travel must be striped and maintained.

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8. As conditioned, amplified live entertainment will take place inside the structure only, not be heard on the exterior of the building, and there are no exits behind the building adjacent to the residential neighborhood.
9. The proposed use will not adversely affect the welfare of residents in the area, since the primary use is a full-service restaurant, in addition to the sale of beer and wine and entertainment. There is not an undue concentration of alcohol sales in the Census Tract, therefore a Public Finding of Convenience and Necessity is not required.

VARIANCE FINDINGS OF FACT:

1. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification;

The project site is located in the Industrial Light Zone, which allows a range of uses. The location of the building is within a hundred feet of residential uses, however, no there are exterior doors in the rear of the building. This limits direct access to the residential area.

2. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification;

The Industrial Light Zone permits on-site alcohol sales within a restaurant. Other businesses within the Zone are permitted the on and off-site sale of alcohol. State Street is a major thoroughfare throughout the City and provides a range of Commercial and industrial uses. A recent change to the Development Code put a provision in place that puts new restaurants at a disadvantage with on-site sales.

3. Approving the Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated;

The Project is designed and will be operated similarly to other neighboring projects.

4. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel.

With the Variance, the Project, as conditioned and designed, is a permitted use and is designed to be generally in compliance with the regulations and zoning of the subject site. It will operate much like the other recent projects approved in Downtown San Jacinto.

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CONCLUSION:

Staff finds that it is reasonable to allow on-site sales of beer and wine and live entertainment the existing Ceviche Bar Los Mareados, based on the Findings of Fact and the Conditions of Approval imposed for the project.

ENVIRONMENTAL ANALYSIS:

The project is considered to be a Class 1 Categorical Exemption (Existing Facilities) pursuant to Section 15301 of the California Environmental Quality Act Guidelines.

PUBLIC NOTICE AND COMMENTS:

Notices were also mailed to all property owners with 1,000-feet of the subject site. The City received one comment, with concerns on the alcohol sales on a busy street and the potential impact of noise to the residential neighborhood and a request for further discussion. Two residents expressed concern about potential noise at the Director's Hearing. Due to the need for the Variance for alcohol sales within 100 feet of a residence, the project was scheduled for a Planning Commission Hearing.

ATTACHMENTS:

1. Resolution _____
2. Conditions of Approval
3. Location Map
4. Zoning Map
5. General Plan Map
6. Pictures

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RESOLUTION _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JACINTO, CALIFORNIA, APPROVING MINOR USE PERMIT NO.17-5 AND VARIANCE 17-03 TO PERMIT ON-SITE ALCOHOL SALES AT CEVICHE BAR "LOS MAREADOS" AT 109 SOUTH STATE STREET

WHEREAS, Ceviche Bar "Los Mareados" filed an application on October 11, 2017, for a Minor Use Permit for on-site sales of beer and wine in an existing restaurant and a Variance for alcohol sales within 100 feet of a residence/residential zone ("Applications"), located at 109 South State Street. ("Subject Site");

WHEREAS, the property affected by the Application is within the Industrial Light Zone (IL) zoning district;

WHEREAS, the Application was reviewed, studied, and found to be exempt from the California Environmental Quality Act ("CEQA") as more fully described below;

WHEREAS, on January 17, 2018, the Planning Commission of the City of San Jacinto ("Commission") conducted a duly noticed public hearing on the Applications at which time all persons wishing to testify in connection with the Applications were heard and the Application was comprehensively reviewed; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SAN JACINTO RESOLVES AS FOLLOWS:

SECTION 1. Based on the entire record before the Commission, all written and oral evidence presented to the Commission, and the findings set forth in this Resolution, the Commission grants Minor Use Permit (MUP) No. 17-05 and Variance (VAR) 17-03 to permit on-site sales of beer and wine in an existing restaurant, Ceviche Bar "Los Mareados" restaurant on the Subject Site, and subject to the Conditions of Approval.

SECTION 2. Based on the entire record before the Commission and all written and oral evidence presented to the Commission, including the staff report, the Commission finds as follows:

A. The restaurant with the on-site sale of beer and wine is consistent with the General Plan, in that it is located within the Industrial designation, which promotes a mix of commercial uses to serve the surrounding industrial uses and area residents.

B. The proposed use is allowed within the Industrial Light Zone and complies with the provisions of the Development Code and Municipal Code, as

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conditioned.

C. The design, location size, and operating characteristics of the restaurant are compatible with the existing and future uses in the vicinity, in that it provides a full services restaurant, with on-site beer and wine and entertainment to the surrounding community.

D. The site is physically suitable and the alcohol sales will occur in an existing restaurant and building that has existing shared parking, access for the public and emergency vehicles and shares parking with adjacent commercial uses are located within a 2 miles of both police and fires services and has utility services provided to the building.

E. The off-site alcohol sales will be included in an existing restaurant and building that currently serves the neighborhood and with the Conditions of Approval for maintenance and graffiti removal will not adversely affect the public convenience, health, interest, safety, or general welfare, constitute a nuisance, or be materially injurious to the improvements, persons, property, or uses in the vicinity and Industrial Light Zone.

F. The applicant agrees in writing to comply with all Conditions of Approval imposed by the Planning Commission for the Minor Use Permit.

G. The Ceviche Bar "Los Mareados", with on-site alcohol sales will not be detrimental to surrounding properties and neighborhoods, with the Conditions of Approval that require the property to post signs for no loitering, provide information on the dangers of alcohol, compliance limiting noise, graffiti removal, and employee training on alcohol requirements. Furthermore, the property includes shared parking to serve the business, onsite circulation for pedestrians is available and handicap access and path of travel must be striped and maintained.

H. The proposed use will not adversely affect the welfare of residents in the area, since it is an existing restaurant and provides full-service food, in addition to the sale of beer and wine and on-site entertainment.

I. There are special circumstances applicable to the subject property (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification, as the project site is located in the Industrial Light Zone, which allows a range of uses. The location of the building is within a hundred feet of residential uses, however, no there are exterior doors in the rear of the building. This limits direct access to the residential area.

J. Strict compliance with Development Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification; proposed use will not adversely affect the welfare of residents in the area, since it is an existing restaurant and provides full-service food, in addition to the sale of beer and wine and on-site entertainment.

K. The Industrial Light Zone permits on-site alcohol sales within a restaurant. Other businesses within the Zone are permitted the on- and off-site sale of

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alcohol. State Street is a major thoroughfare throughout the City and provides a range of commercial and industrial uses. A recent change to the Development Code put a provision in place that puts new restaurants at a disadvantage with on-site sales.

L. Approving the Variance would not constitute a grant of special privileges inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated, as the Project is designed and will be operated similarly to other neighboring projects.

M. The requested Variance would not allow a use or activity that is not otherwise expressly authorized by the regulations governing the subject parcel. With the Variance, the Project, as conditioned and designed, is a permitted use and is designed to be generally in compliance with the regulations and zoning of the subject site. It will operate much like the other recent projects approved in Downtown San Jacinto.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented, the Planning Commission finds the MUP complies with CEQA for the following reasons:

This proposal is located in an existing facility and is a Class 1 Exemption, pursuant to Section 15301 of the California Environmental Quality Act

PASSED, APPROVED AND ADOPTED this 17th day of January 2018.

Planning Commission Chairperson

ATTEST:

Planning Commission Secretary



CONDITIONS OF APPROVAL MUP 17-05/VAR 17-03

PLANNING COMMISSION DECISION DATE: January 17, 2017

APPLICANT: Renata Olivo
Ceviche Bar "Los Mareados"
109 State Street
San Jacinto, CA 92583

PROJECT LOCATION: 109 State Street

ACCEPTED AND AGREED TO BY: _____
Renata Olivo Date

PLANNING DIVISION

General Conditions

-
1. The approval of this Project, for the on-site sale of beer and wine off-site alcohol sales (Type 41 on-site sale beer and wine license), shall comply with the development standards for the Industrial Light (IL) Zone and all other Development Code requirements.
 2. The effective date of issuance of this Minor Use Permit 16-06/Variance 17-03 is February 2, 2018, fifteen (15) days following its approval by the Director. The approval will lapse if the use has not commenced within two (2) years from the date upon which the approval was granted.
 3. MUP 17-05 shall become null and void, if not implemented, on or before February 2, 2020 (two calendar years from the effective date), unless a time extension is approved by the City's applicable review authority. Applications for time extensions must be received prior to the expiration date.
 4. The applicant is advised that the businesses or uses which this Minor Use Permit is granted cannot be legally implemented on the subject property until all conditions of approval of this case have been met to the satisfaction of the Planning Department.
 5. The applicant agrees to indemnify, hold harmless, and defend the City, its officials, officers, agents, and employees, from any and all liability, claims, actions or proceedings that may be brought arising out of its approval of this permit, and any approvals associated with the Project, including, without limitation, any CEQA review or approval, except to the extent caused by the negligence of the City.

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6. The applicant shall pay any outstanding planning application or processing fees within ten (10) days of City's request therefor and prior to permits being exercised. Failure to do so will be grounds for revocation of the Minor Use Permit SPDR-17-05.
7. This approval may be revoked if the Project is operated or maintained in violation of any law or in a manner that constitutes a nuisance or adversely affects the public health, safety, or welfare.
8. All plans submitted to the City shall be in substantial conformance with the plans in this approval as conditioned. This condition applies to site plans, grading plans, landscape plans, building plans, elevations, and all other illustrations, text, or plans submitted to the City in connection with the Project.
9. The Project shall fully and continually comply with all applicable conditions of approval, State, Federal and local laws in effect at the time the permit is approved and exercised and which may become effective and applicable thereafter. Failure to do so will be grounds for Code Enforcement actions, revocation or further legal action.
10. Signs shall be permitted in accordance with Chapter 17.335 – Sign Regulations of the Development Code. Any signs including; exterior mounted, monument, and window signs shall be subject to separate review and assessment. A separate sign application, including fees and additional sets of plans, will be necessary prior to sign permit issuance.
11. The City shall the right to annually inspect the facility to ensure compliance with the conditions of approval and to recover its actual costs related to such inspections from the property owner or tenant.
12. All provisions of the City's Noise Ordinance, Municipal Code Section 8.40, shall apply to the Business to avoid impacts to the surrounding residences.
13. During hours of operation, when karaoke, amplified, and/or live music is operational, all business exterior doors must be closed.
14. No outdoor entertainment is permitted. All entertainment must be conducted inside the building.
15. Noise emitted, as a result of karaoke, amplified, and/or live music must be contained inside the building, where the business is operational, so it cannot be heard in the adjacent residential neighborhood.
16. Business hours of operation shall be 9:00 a.m. to 11:00 p.m. Sunday through Thursday and 9:00 a.m. to 12:00 a.m. (midnight) on Friday and Saturday. To modify closing hours, a request for modification of Minor Use Permit shall be submitted.
17. The kitchen shall be operational and serving food during business hours of operation.

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18. All parking shall be provided onsite.

Operational Conditions

19. The applicant shall maintain a City of San Jacinto Business License and shall conform to the City of San Jacinto Municipal Code and the Development Code.
20. The applicant shall conform to the regulations of the Department of Alcoholic Beverage Control.
21. A license shall be issued and maintained by the California Department of Alcohol Beverage Control for a Type 41 (Off-site Sale Beer & Wine).
22. Any proposed intensification of alcohol sales (including the sale of general alcohol and spirits under a Type 21 license) will require a modification to this Conditional Use Permit.
23. No displays of beer or wine shall be located within five feet of the business entrances.
24. The parking lot and walkway areas in front of the subject business must remain clean.
25. All landscaped areas shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris.
26. Lighting and landscaping in all open areas shall be planned to prevent areas of darkness, obscurity or other conditions which would jeopardize safety and encourage vandalism. Lighting shall be indirect, hooded and positioned so as not to reflect onto adjoining property or public streets.
27. All building and parking lot signage must be in compliance with the City of San Jacinto Development Code and obtain necessary permits, as applicable.
28. The business shall be fully visible from a public street with an unobstructed view for public safety.
29. The business shall have lighting to provide illumination for security and safety of parking and access areas at no less than one-foot candle of lighting at ground level.
30. The premises shall be posted to indicate that it is unlawful for any person to drink or consume any alcoholic beverage in any public place or posted premises.
31. All requirements of Chapter 9.24 – Consumption of Tobacco, Alcohol, Alcoholic Beverages and Marijuana by Person Under the Age of Eighteen shall be maintained.
32. Within forty-eight (48) hours of any graffiti being painted or marked upon the premises or on any adjacent area under the control of the property own-

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er/permittee, the property owner/permittee shall report the graffiti to the San Jacinto Code Enforcement Department and remove or paint over the graffiti.

33. The permittee shall remove litter from the premises, public sidewalks and parking lots daily, and shall keep the areas swept weekly to prevent debris buildup. Trash cans shall be added and "No Littering" signs shall be posted on the premises.
34. Loitering is prohibited on or around the premises. "No Loitering" signs (size and location to be determined by the City) are required.
35. The owner and management of each establishment selling alcoholic beverages shall provide ABC approved and/or certified training for all employees who sell or serve alcoholic beverages at the first available opportunity or no later than thirty (30) days from the employee's date of employment.
36. The permittee shall maintain records which reflect separately the gross sale of alcoholic beverages and the gross sales of all other products of the licensed business. Said records shall be kept no less frequently than on a quarterly basis and shall be made available to the Police Department within five (5) business days following notice.

Fire Department Conditions

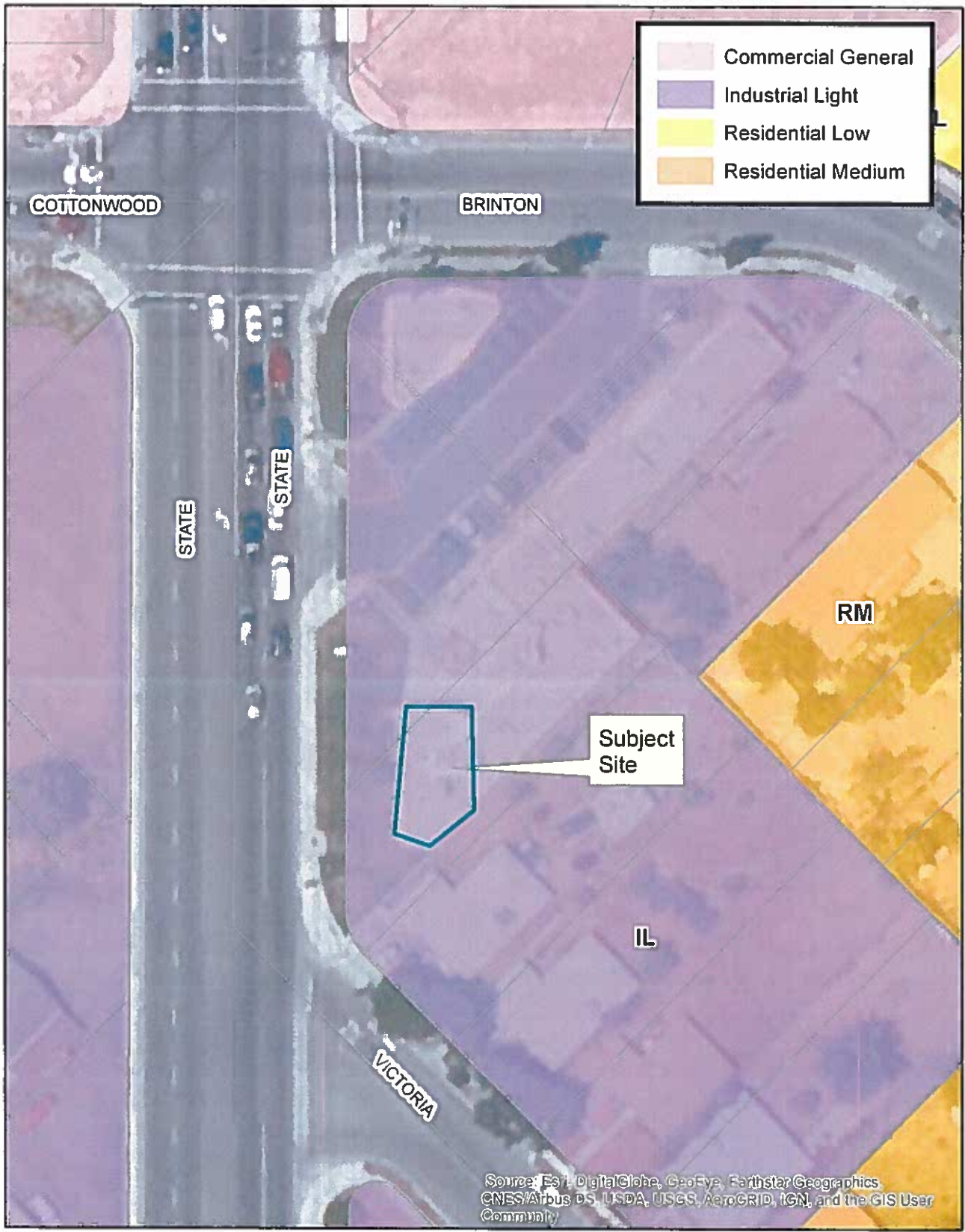
37. **HYDRANT LOCATION** - Fire hydrants shall be located within 400' of all exterior portions of the structures, along required fire apparatus access roads, and adjacent to public streets in the quantities and up to the maximum distance as required by California Fire Code and Riverside County Fire Department.
38. **HYDRANT FIRE FLOW** - Fire hydrant(s) shall be capable of delivering fire flow as required by the California Fire Code and Riverside County Fire Department standards.
39. **ADDRESS** - The address shall be posted per Riverside County Fire Department standards and will be clearly visible from public roadway.
40. **FIRE DEPARTMENT ACCESS** = Fire Department apparatus access shall be provided to within 150 feet of all portions of all buildings. Driveway loops, fire apparatus access lanes and entrance curb radius should be designed to adequately allow access of emergency fire vehicles.



MUP 17-05 Locational Map



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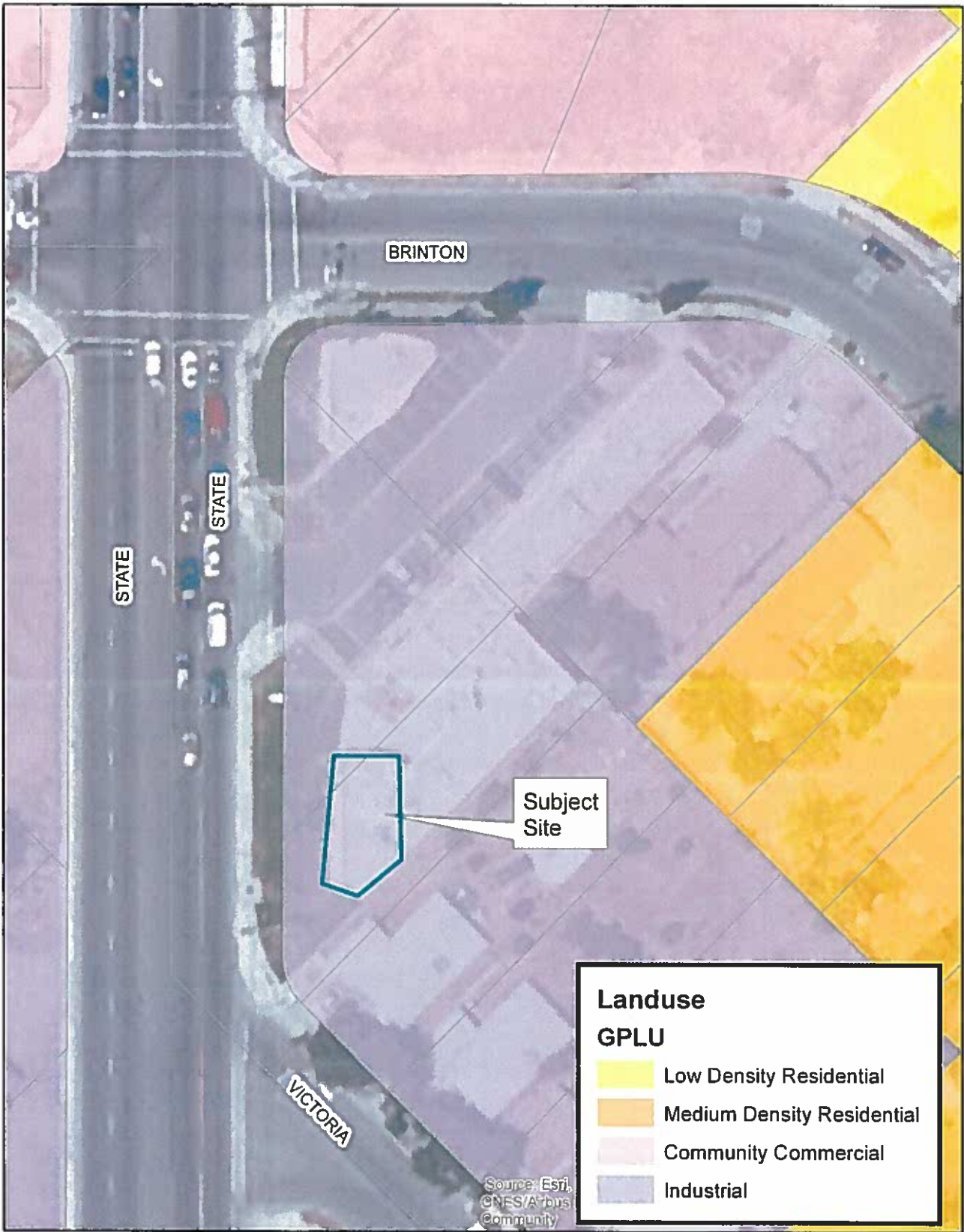


Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



MUP 17-05 Zoning Map





MUP 17-05
General Plan Map



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Google Maps 146 State St



Image capture: May 2017 © 2018 Google

San Jacinto, California

 Google, Inc.

Street View - May 2017



