

PLANNING COMMISSION MEETING

No New Business will be Considered by the Planning Commission after the Hour of 11:00 p.m. unless a Majority of the Planning Commission Determines to Continue beyond that Hour.

Memorandums: Memorandums relating to agenda items are on file in the Planning Department. If you have questions regarding the agenda, you may call the Planning Dept. (805) 524-1500 ext. 113 or visit the Planning Dept. in City Hall for information. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Planning Dept. in City Hall during normal business hours.

AGENDA

ITEM	REFERENCE
1. CALL TO ORDER	
2. PLEDGE OF ALLEGIANCE	
3. ORAL COMMUNICATIONS This is the opportunity for citizen presentations or comments not related to agenda items, but within responsibility of the Planning Commission (Please do not exceed 5 minutes per topic).	
4. CONSENT CALENDAR	
4a. Minutes of the May 19, 2010 Planning Commission Meeting.	Copy
5. PUBLIC HEARING	
5a. <i>Modification #1 to CUP 92-01.</i>	Memo
Request: Change Alcoholic Beverage Control License From Type 41 (On Sale Beer & Wine) to Type 47 (On Sale General; Beer, Wine and Distilled Spirits).	
Location: 1145 Ventura Street Zoning: Commercial Highway (CH)	
Applicant: Mario Galvez, Owner, Ay Chihuahua Restaurant.	
Recommendation: Adopt Planning Commission Resolution 10-848, Approving the Applicant's request to change the ABC License from Type 41 to Type 47.	Reso

6. REPORTS and COMMUNICATIONS

6a. Community Development Director

Oral

6b. Planning Commission

Oral

7. ADJOURNMENT

7a. The Planning Commission adjourns to the next regular scheduled Planning Commission meeting on August 18, 2010, 6:30 p.m., in the City Council Chambers, City of Fillmore, 250 Central Avenue, Fillmore, CA 93015.

Next Regular City Council Meeting
July 13, 2010

PLEASE NOTE: If you challenge the actions 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 the public notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing (Calif. Gov't Code § 65009).

Any legal action by an applicant seeking to obtain judicial review of the Planning Commission's decision on a hearing listed on this agenda may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure Section 1094.6

In compliance with Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Secretary at (805) 524-1500-113, 48 hours prior to the meeting in order for the City to make reasonable arrangements to ensure accessibility to this meeting. (28 CFR 35.102-35.104 ADA Title II)

**PLANNING COMMISSION
CITY OF FILLMORE
250 CENTRAL AVENUE
FILLMORE, CA 93015**

**May 19, 2010
REGULAR MEETING
6:30 PM**

MINUTES

CALL TO ORDER

6:31 p.m., Chair Douglas Tucker called the Planning Commission meeting to order, and led the assembly in the Pledge of Allegiance. Planning Commissioners present: Chair Douglas Tucker, Vice Chair Tom Fennell, Mark Austin, Vance Johnson and Diane McCall. Staff present: Community Development Director Kevin McSweeney, City Attorney Theodore Schneider, City Engineer Tom Scott, Assistant Planner Manuel Minjares and Planning Secretary Denise Beauduy.

ORAL COMMUNICATIONS

There were no comments.

CONSENT CALENDAR - Approved

The Consent Calendar consisted minutes of the February 17, and April 21, 2010 Planning Commission meetings.

It was moved and seconded to approve the Consent Calendar as submitted. Motion: Johnson; Second: McCall.

- a. February 17, 2010 Minutes: Ayes: Johnson, McCall and Tucker. Noes: None. Abstain: Austin and Fennell. Absent: None. Motion Carried 3:0.
- b. April 21, 2010 Minutes: Ayes: Austin, Fennell, Johnson and Tucker. Noes: None. Abstain: McCall. Absent: None. Motion Carried 4:0.

SCREENING

SCR 10-01 Screening for the rebuild of a Single Family Dwelling unit on a 3.750 sq. ft. lot (25' x 150'); Applicant: Bill Lindsay, PO Box 1025, Santa Paula, CA, 93061.

6:33 p.m., Mr. Minjares presented the staff report and stated the site is addressed as 333 Mountain View and is located between two other 25-foot wide lots. Mr. Minjares said the unit that was demolished was setback two feet (2'- 0") from the north property line and the Applicant would like to rebuild the unit to the previous building envelope. Mr. Minjares said the project was reviewed by the Staff Review Committee and said SRC was concerned with issues relating to the aesthetics of the unit and off-street parking. The Applicant is currently working with Planning staff to develop scenarios for the parking issues, and he is proposing two options.

Mr. Minjares said both options show the dwelling (2'- 0") from the north property line:

Option A, provides a 40-foot long driveway that provides parking in the front of the unit.

Option B, provides a shared driveway with an easement from the adjoining property, and the construction of a 2-car garage in the rear of the property.

Mr. Bill Lindsay, Applicant, stated he had taken a blighted uninhabitable structure and removed it to clean up the area, and he is looking for input from the Planning Commission as to how to proceed with the rebuild.

Mr. McSweeney stated the project will require a Development Permit, and a Variance could be warranted because of the size of the property. Mr. McSweeney stated the Planning Commission has the ability to reduce development standards for the entitlements.

Planning Commission Questions and Comments

Commissioner Johnson, referring to Mr. McSweeney's statement about a variance, said the Planning Commission will have to make findings to grant the variance and the Conditions of Approval would run with the property. Commissioner Johnson said if the neighbor to the south agrees to the easement, it would most likely be quid pro quo. The neighbor would probably agree to the easement if the neighbor benefits from the easement. Mr. Lindsay said if he can not reach agreement for an easement, he still wants to beautify the neighborhood. Mr. Lindsay said he has been required to underground utilities. Mr. Lindsay said he is considering the marketability of the property, and it is difficult to market a 10-foot wide home.

Commissioner McCall acknowledged Mr. Lindsay's comments about the easement, and asked if there was an agreement for future property maintenance. Mr. Lindsay responded that he would have to work with the neighbor.

Commissioner Fennell asked Mr. Lindsay which option he would choose from a business standpoint. Mr. Lindsay stated his preference for Option A because of the close proximity of the adjacent homes; off-street parking could be added to the property.

Commissioner Austin asked Mr. Lindsay if the home is for rent or resale and would he consider placing it into the affordable housing stock. Mr. Lindsay responded the home would be for rent for now, and he would consider offering it as an affordable unit.

Commissioner Johnson commented that affordable housing is needed for low and very low income families. Since this is the first house in this neighborhood to be rebuilt, it is important to fit with the City's General Plan. Mr. Lindsay said, prior to the demolition of the home, he could have consulted with a Structural Engineer and had it rebuilt. Mr. Lindsay stated now the project has encumbered a significant cost for improvements to the curb and gutter. Mr. Lindsay said he has gone for the best for the city.

Commissioner Tucker questioned if the carport is in use now. Mr. Minjares responded the carport on the adjacent property, but he did not know if it was actually used. Commissioner Tucker said he would like to hear what the Fire Dept. has to say about Option A. Mr. McSweeney said the California Building Code requires fire rated walls and the Fire Dept. requires the windows to be removed when a building is five feet or less from the property line.

Mr. Brady Rourke, Architect, stated the wall on the two foot setback is a 1-hour rated wall.

Discussion of Options A and B

Regarding Option A and the issue of aesthetics, Mr. Rourke said the developer could install grass pave mow strips in the driveway. Mr. Rourke said his client was considering a carport instead of a garage. Mr. Lindsay interjected and said a garage could be considered. Mr. Rourke said another option could be a tandem carport with rock accents to tie in with the aesthetic of the home.

As for the grass pave, Commissioner Johnson stated the Zoning Ordinance requires pavement. Commissioner Johnson stated his preference for Option B with a rear loaded two-car garage and a deed restriction on the property. Commissioner Johnson said the garage is really important. Option A, Commissioner Johnson said he would require a single car garage not a carport.

Commissioner McCall said that Option B makes the most sense; however, it may be difficult to obtain an easement. Commissioner McCall said Option A needs either a porte-cochere or a garage and suggested a new proposal with the house moved further back on the lot.

Commissioner Fennell stated he was not in favor of shared driveway. Opt A, Commissioner Fennell said could work. Option B, Commissioner Fennell said a carport could be an option; an up-front garage could look nice.

Commissioner Austin supported Option A with a carport if the carport looks nice and fits in the neighborhood. Commissioner Austin agreed with Commissioner McCall's suggestion to move the house further back on the lot. Commissioner Austin also suggested flipping the house on Option A.

Commissioner Tucker referred to Option B and said he was not in favor of a shared driveway. Commissioner Tucker suggested the Applicant comeback with a few more options. Commissioner Tucker said a 10-foot wide building is not appropriate suggested an 18-foot wide building with a 2-car garage in front of the building.

Commissioners: Austin, Fennell, McCall and Tucker agreed that while Option B was preferable, cars parking in the driveway could be an issue and supported Option A, and the parking structure could be either a garage or carport in the front portion of the property.

Commissioner Johnson stated he is not happy with a carport and said we should require a garage and remain true to the Development Standards.

REPORTS and COMMUNICATIONS

Mr. McSweeney gave an update on the following project:

Maggie Apts. – Temporary Occupancy has been issued. City staff will not issue Final Occupancy until the developer is in agreement with the amount of the DIF's that are owed to the City. The developer and City staff has been working together and are coming closer to agreement. The issue is the square footage of the new building is below the square footage of the previous building, that was demolished, and the developer would receive credits. The DIFs are significantly more than the developer anticipated.

Commissioner Tucker suggested CEQA training for the next meeting if there is nothing on the agenda.

ADJOURNMENT – 7:18 PM

There being no further business to come before the Planning Commission, the meeting was adjourned to the next regular Planning Commission Meeting scheduled for June 16, 2010, 6:30 p.m. in the City Council Chambers, 250 Central Avenue, Fillmore, CA 93015.

Denise Beauduy
Planning Secretary



CITY OF FILLMORE

CENTRAL PARK PLAZA
250 Central Avenue
Fillmore, California 93015 -1907
(805) 524-3701 • FAX (805) 524-5707

Item 5a.

June 23, 2010

TO: Planning Commission

THROUGH: Kevin McSweeney, Community Development Director 

FROM: Manuel Minjares, Assistant Planner

SUBJECT: Modification #1 to Conditional Use Permit 92-01, 1145 Ventura Street, Mario Galvez, Applicant – Request to Modify Liquor License from Type 41 (On-Sale Beer & Wine) to Type 47 (On-Sale General)

SUMMARY:

The Applicant, Mario Galvez, filed an application to modify Conditional Use Permit 92-01 by changing the restaurant's ABC license from type 41 (On Sale Beer & Wine – Eating Place) to type 47 (On Sale General – Eating Place), which would allow the restaurant to serve hard liquor in addition to beer and wine that their current license allows to customers eating onsite.

RECOMMENDATION:

The Planning Department staff recommends the Planning Commission take the following action:

1. Adopt Resolution 10-848, approving modification #1 to Conditional Use Permit 92-01 subject to one added condition to the original (CUP 92-1) conditions.

ANALYSIS:

Project Description

On July 9, 1992, the Planning Commission approved CUP 92-1 by Resolution 92-359 to allow the establishment of the restaurant at its current location, 1145 Ventura Street, and allowed the restaurant to serve alcohol. The business owner subsequently obtained a Type 41 alcohol license from the state's Alcohol Beverage Control (ABC) office to serve beer and wine to customers eating onsite. The business has been operating since then with this type of license.

On June 2, 2010, the business owner filed an application to modify CUP 92-1 by changing the alcohol license to allow the restaurant to serve hard liquor on site in addition to the other type of alcoholic beverages previously allowed. The business

owner is not proposing to make any improvements to the interior or exterior of the building or to the parking area in the front of the building. Therefore, new construction is not proposed. The original conditions imposed on CUP 92-1 will remain in full force and in effect and one new condition has been added requiring the applicant to obtain proper permits from ABC prior to serving distilled spirits (hard liquor).

Zoning & General Plan

The zoning of the site is "CH" for Commercial Highway and the General Plan designation is the same. The existing land use on the property conforms to the Zoning Ordinance and the General Plan. The proposed change the alcohol license would not conflict with the zoning or General Plan designation of the site.

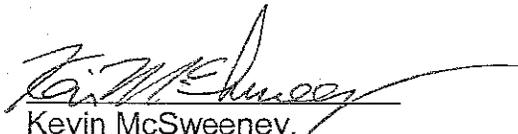
Entitlements Needed & Review Authority

Section 6.04.0610 (D) of the Zoning Ordinance states that approval of a CUP by the Planning Commission is required for restaurants serving alcoholic beverages onsite. In accordance with this provision, the proposed modification to the CUP requires approval from the Planning Commission as well.

California Environmental Quality Act (CEQA)

As proposed this petition is exempt from further review under Class 1, Existing Facilities, section 15301, because the restaurant is existing and new construction is not proposed.

Concur:


Kevin McSweeney,
Community Development Director

Attachments:

1. Resolution 10-848, Modification to Conditional Use Permit 92-1
2. Revised Conditions of Approval to CUP 92-1
3. Vicinity Map

J:\PLANNING\Staff Reports\CUP\Mod #2 to CUP 92-01,1145 Ventura St, Ay Chihuahua Liquor License Change .doc

**CITY OF FILLMORE
PLANNING COMMISSION RESOLUTION**

**GRANTING
MODIFICATION TO CONDITIONAL USE PERMIT 92-1
TO ALLOW AN EXISTING RESTAURANT TO SERVE
HARD LIQUOR IN ADDITION TO
BEER AND WINE TO ONSITE PATRONS**

**“AY CHIHUAHUA” RESTAURANT
1145 CENTRAL AVENUE
APN 052-0-114-255**

WHEREAS, The Planning Commission has been petitioned to grant a modification to Conditional Use Permit 92-1 for the purpose of allowing an existing restaurant to serve onsite beer, wine, and distilled spirits in accordance with a Type 47 alcohol license at an existing restaurant located at 1145 Ventura Street, also known as “Ay Chihuahua”; and

WHEREAS, The Community Development Director caused a notice of date, hour and place for a public hearing on June 23, 2010 before the Planning Commission published on June 10, 2010 in the Fillmore Gazette and mailed to the applicant and all property owners within 300 feet of the exterior boundaries of the subject property in accordance with Section 6.04.8015 of the Fillmore Zoning Ordinance; and

WHEREAS, the City of Fillmore Planning Commission finds the following as fact:

1. The modification of Conditional Use Permit 92-1 is specifically for the property located at 1145 Ventura Street, A.P.N. 052-0-114-255, and is not transferable to another property.
2. The applicant and business owner is Mario Galvez, 916 River Street, Fillmore, CA 93015.
3. The property owner is Abdo McHammel, 1149 Ventura Street, Fillmore, CA 93015.
4. The project consists of changing the existing alcohol license for an existing restaurant to Type 47 allowing the sale of beer, wine, and distilled spirits onsite. New construction is not proposed.
5. The project was reviewed and documented per the requirements of the California Environmental Quality Act (CEQA) and is considered categorically exempt per CEQA Section 15301(a) Existing Facilities.
6. All written and oral comments and correspondence on the project have been responded to and incorporated accordingly.
7. One condition has been added and the original conditions imposed on CUP 92-1 will remain in full force and in effect. As previously conditioned the project complies with the provisions of the Zoning Ordinance and Municipal Code.

8. Based on the above findings, supporting environmental documentation, oral and written testimony, the staff report (dated June 23, 2010), and the record as a whole, the Planning Commission finds the following, as required by the "Conditional Use Permit" and Alcohol Beverage Control License section of the Zoning Ordinance (Section 6.04.7020 and 6.04.615):
 - a. Onsite sale of beer, wine & distilled spirits is associated with an approved existing restaurant facility.

9. The Fillmore Municipal Code identifies findings that are required for the granting of Conditional Use Permits. These findings are hereby incorporated by reference and summarized below:
 - a. The project is permitted within the CH zoning district and complies with all applicable requirements, because the restaurant is existing and operating with an approved alcohol license and the CUP modification requested to change the license from type 41 to type 47 for beer, wine & distilled spirits is permitted for this type of facility in this zone as provided in section 6.04.0615 (3) (A) of the Zoning Ordinance.
 - b. The project is consistent with the General Plan in that the property is designated as Commercial Highway (CH), the zoning of the site conforms to this designation, and the existing land use is permitted in this zone with approval of a Conditional Use Permit from the Planning Commission.
 - c. The project shall be compatible with existing and future projects in the area in that the surrounding area consists of residential uses and retail uses, including restaurants. The original conditions of approval imposed on CUP 92-1 remain in full force and in effect.
 - d. Approval of the project is in compliance with the requirements of CEQA in that the project is categorically exempt per section 15301(a) Existing Facilities.
 - e. There will be no potential significant adverse effects from the project on the environment in that the onsite sale of beer, wine & spirits is associated with an existing restaurant that has been determined to be categorically exempt per section 15301(a) "Existing Facilities" of the California Environmental Quality Act.
 - f. The project site is physically suitable for the type and density/intensity of the proposal in that the proposed use will be within an existing commercial building which is not proposed to expand, and that the onsite sale of beer, wine and spirits is permitted by the zoning ordinance with the approval of a Modification to the Conditional Use Permit.
 - g. There are adequate provisions for utilities and public health/safety in that the existing commercial building is served by existing utilities and Ventura County Health Permits have been issued for the new restaurant.

- h. The project will not be detrimental to the public health and safety in that the project does not propose to expand the restaurant or make other physical changes to the facility that could cause adverse traffic impacts, excessive noise, odors, or compromise the structural safety of the building to the restaurant's customers and surrounding properties. The applicant will be required to abide by all original conditions imposed on the restaurant and will receive proper permits from the State Department of Alcohol and Beverage Control for purposes of their alcohol license.

According to the Fillmore Municipal Code, all of the above findings must be made by the Planning Commission in order to grant a modification to a Conditional Use Permit. Based on the public testimony, staff report, conditions, environmental documentation and, the record as a whole, the Planning Commission finds that the project satisfies the required findings.

NOW, THEREFORE, BE IT RESOLVED that based upon the above facts, the Fillmore Planning Commission does hereby adopt Planning Commission Resolution 10-848 for the purpose of approving a modification to Conditional Use Permit 92-1.

PASSED and ADOPTED by the Planning Commission of the City of Fillmore on this 23rd day of June 2010 by the following votes:

Ayes:
Noes:
Abstain:
Absent:

Douglas Tucker, Chair
Planning Commission

ATTEST:

Denise Beauduy
Planning Secretary

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CONDITIONAL USE PERMIT 92-1
CONDITIONS OF APPROVAL
Galvez, "Ay Chihuahua" Mexican Restaurant

*Modification #1; Request to change the alcohol license from
Type 41 (Onsite Beer & Wine) to Type 47 (Onsite Beer, Wine, & Distilled Spirits)*

Original Conditions

General

1. This permit is granted for the land as described in the application, and shown as Exhibit "S" (Site Plan), dated July 9, 1992 and shall not be transferable to any other property.
2. The location of structures, roadways, landscaping and other features or improvements shall substantially conform to Exhibit "s" (Site Plan), dated July 9, 1992.
3. This permit shall become null and void within twelve (12) months from the date of its issuance (July 9, 1993), unless the proposed use has been diligently pursued.
4. No premises may be occupied until: 1) a zone clearance is obtained from the Community Development Department, with all required signatures, 2) an occupancy inspection is conducted by the Building Inspector and Fire Chief, and 3) a Certificate of Occupancy is granted by the Building Inspector. The applicant shall comply with all conditions of this permit prior to approval of occupancy unless occupancy is approved by the Community Development Director.
5. Prior to the issuance of a building permit, the applicant shall acknowledge, in writing, an understanding that the provisions of this resolution govern the future use and development of the property covered by the application for this permit. The use by the applicant of any activity or structure authorized by this permit shall constitute acceptance of all conditions and obligations imposed by the City on this permit. The applicant by said acceptance waives any challenge as to the validity of these conditions.
6. The applicant agrees as a condition of approval of this permit, to defend, at the sole expense of applicant, any action brought against the City based upon approval of this permit. The applicant shall reimburse the City for any costs and attorney's fees that the City may be required to pay as a result of any such action. The City may, at its sole discretion, participate in the defense of such action, but such participation shall not relieve the permittee of the obligations under this condition.
7. Prior to the issuance of a building permit, a reproduction of all conditions of approval as adopted by the Planning Commission shall be incorporated as a full-sized blue-line page into all sets of construction documents for this project.

8. The conditions of approval shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections and the like, which may or may not be shown on the improvement plans.
9. No construction shall begin prior to obtaining all required signatures on the zone clearance for the project.
10. The applicant shall indemnify, exonerate and hold harmless, the City of Fillmore and all officers and employees thereof, against all claims, demands and causes of action arising out of improvements constructed for this project.
11. The cost of all plan-checking and inspections related to on- and off-site public improvements, shall be borne by the applicant.
12. If any hazardous waste is encountered during the construction of this project, all work shall be immediately stopped and Ventura County Environmental Health Department, the Fire Department, the Sheriffs Department and the City Inspector shall be notified immediately. Work shall not proceed until the clearance has been issued by all these agencies.

Utilities

13. Refuse enclosures shall be constructed in accordance with the approved plate and standards provided by the Community Development Department. Enclosures shall be located on the site plan prior to approval of the zone clearance, and shall be subject to the approval of the Community Development Director. Enclosures shall be constructed and finished in a manner to match the major design elements of the main structure, with such finish indicated clearly on the building plans.
14. The refuse enclosure located adjacent to the structure shall comply with the requirements of the Fire Chief.
15. No premises may be occupied until the building permit is finalized and the Building Inspector grants a certificate of occupancy. No certificate of occupancy will be granted until the building site has been cleared of debris, and safe, clear access has been provided to the site.
16. On-site utility service shall be installed underground in accordance with approved Exhibit "S" (Site Plan, dated July 9, 1992).

Parking, Streets, and Access

17. Curb cut widths and design shall conform to the currently adopted Fillmore City standards.
18. The parking lot area shall be slurry sealed and striped for a minimum of 13 parking spaces (including 1 handicapped space) in accordance with the standards and requirements of the City Engineer and the City Code.
19. Any street, sidewalk or curb that is damaged by the applicant or the applicant's agent(s)/employees, shall be repaired by the applicant.

Water

20. The applicant shall install adequately sized water services and water meters per current City of Fillmore Public Works standards.
21. A backflow prevention device shall be installed per the Superintendent of Public Works and the Ventura County Cross-Connection Control Inspector.
22. The locations of water services shall be marked on the curb face in conformance with the City of Fillmore Public Works requirements.

Landscaping

23. Landscaping for the project shall, to the extent feasible, consist of drought-tolerant species.
24. The three planter areas designated on Exhibit "s" shall be landscaped and automatically irrigated according to an approved landscaping and irrigation plan. The applicant may prepare the landscaping and irrigation plan. The plan shall be submitted to the City for review and approval. Building permits will not be issued until the City approves the landscaping plan. All landscaping shall be installed and approved prior to the issuance of a Certificate of Occupancy.
25. All trees shall be a minimum of 24-inch box size, except where the City Landscape Architect recommends a lesser size for a particular species. All shrubs and vines shall be a minimum of 5-gallon size, except as specified by the Community Development Director. All plant materials shall remain tagged with the species type until the City inspects the landscaping. Root barriers shall be installed for any trees that are within 10 feet of a curb, gutter or sidewalk.
26. All landscaping must be maintained in satisfactory condition.

Lighting

27. No lighting shall be of the type or in a location, such that it will constitute a hazard to vehicular traffic, on either private property or public streets. The maximum height of light standards shall not exceed 28 feet. To prevent damage from automobiles, light standards shall be mounted on reinforced concrete pedestals or be otherwise protected.
28. All roof-mounted heating and/or cooling equipment shall be recessed and/or screened from view. All other rooftop equipment, including vents, stacks, flashing, etc., shall be painted to match the roof color of the primary structure.
29. All electrical and mechanical meters, panels, breakers, ducts, conduits and raceways, shall be screened, enclosed in cabinets or otherwise treated in a fashion which renders them architecturally compatible with the structures. The manner of treatment shall be subject to the approval of the Community Development Director.
30. Security lighting shall be installed at entrances and throughout the parking area and shielded security lighting shall be installed in the back of the building.

Fire Prevention

31. All driveways shall have a minimum vertical clearance of 13 feet, 6 inches.
32. The applicant shall provide on-site fire protection, as determined by the Fire Chief. Adequate fire protection shall be installed and be in service, prior to obtaining any building permits. The applicant shall maintain passable vehicular access to all buildings and fire hydrants as required by the Fire Chief.
33. Fire hydrant valves shall be maintained free of all obstructions in a manner deemed satisfactory by the Fire Chief.
34. No burning of combustible refuse material shall be permitted on the subject property.
35. Address numbers, a minimum of six (6) inches in height, shall be installed prior to occupancy. The numbers shall be illuminated and be of contrasting color to the background, and shall be readily visible at night.
36. A permit shall be obtained from the Fillmore Fire Chief for the handling and storage and use of all flammable, combustible, and hazardous materials.
37. State Fire Marshall-approved smoke detectors shall be installed as directed by the Fillmore Fire Chief.
38. The kitchen facilities must meet commercial kitchen fire codes.

Special Conditions

39. No onsite activities shall be authorized earlier than 6 a.m. or later than 10 p.m. No deliveries shall occur between 8 p.m. and 7 a.m. The applicant must file a Temporary Use Permit application with the City in order to request any onsite activities earlier or later than the above stated hours.
40. Applicant and property owner agree to cooperate with adjacent property owner to the east, when that property develops, for joint access and parking.
41. Tenant improvement plans must be submitted for plan check review. The plans must show compliance with health, handicapped access, electrical safety, restroom adequacy, and exit regulations.
42. If and when storefront rehabilitation funds become available for this building, the applicant and the property owner agree to participate in the rehabilitation program.
43. A maximum of 10 seats will be allowed in the customer area. Any increase in the number of seats will require modification of this permit.
44. Prior to installation of any sign age, a sign permit application shall be filed with the City. The square footage of sign area shall not exceed that permitted by the Fillmore City Code.
45. The applicant shall pay, upon application for building permits, all costs to the city associated with the processing of the permits for this project.

46. The applicant shall install appropriate signage prohibiting abandoned vehicles, as approved by the Fillmore Sheriffs Department.
47. Prior to occupancy the applicant and the property owner shall agree to join a city lighting district to pay energy costs associated with lights fronting this site.
48. The applicant shall post the occupancy load of the restaurant in a conspicuous place within the building.
49. Permits shall be obtained from the Ventura County Environmental Health Division and the Ventura County Air Pollution Control District prior to operation of the kitchen.
50. Alcohol may be served in the restaurant subject to approval of a liquor license by the State Alcohol Control Board.
51. Trash enclosures where any food-related trash is deposited shall be emptied on a daily basis. Dumpsters for food-related trash shall be supplied with closeable lids, and shall be kept closed at all times.
52. Trash shall not be allowed to accumulate outside of a trash enclosure, nor shall it accumulate within an enclosure but outside of a dumpster or other approved receptacle.
53. All necessary measures shall be taken to ensure that the accumulation of trash does not attract animals or insects.
54. The applicant shall be responsible for the removal of any significant accumulation of trash associated with the restaurant This includes trash on site, on any nearby properties, including vacant lots, and on any public right of way.

Modification 1 – Added Condition

55. The Applicant shall obtain a license from the state department of Alcoholic Beverage Control to sell distilled spirits prior to serving distilled spirits to its customers.

Douglas Tucker, Chair
Planning Commission

Mario Galvez, Business Owner

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