

CITY OF CERES  
PLANNING COMMISSION  
MINUTES

August 2, 2010

**MEETING CALLED TO ORDER:** 6:00 p.m.

**ROLL CALL:**

**PRESENT:** Del Nero, Kachel, Kline, Molina, Smith

**ABSENT:** None

**ALSO PRESENT:** Planning/Building Manager Tom Westbrook, City Attorney Michael Lyions, Redevelopment/Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Administrative Secretary Linda Ryno

**PLEDGE OF ALLEGIANCE:**

The Pledge of Allegiance was led by Chairperson Smith.

**APPROVAL OF MINUTES:**

1. July 6, 2010.

It was moved by Commissioner Kachel, seconded by Commissioner Del Nero to approve the minutes as presented. Carried 5/0.

**CONFLICT OF INTEREST DECLARATION:**

None

**CITIZEN COMMUNICATION:**

None

**APPROVAL OF AGENDA AS POSTED (OR AMENDED) AND  
CERTIFICATION OF POSTING:**

It was moved by Commissioner Kline, seconded by Commissioner Kachel, to approve the agenda as posted. Carried 5/0.

**CONSENT CALENDAR:**

None

**NEW BUSINESS:**

None

**PUBLIC HEARING(S):**

2. Annual Review of CUP 08-18 for the operation of a bar/cocktail lounge with live entertainment at 3018 E. Service Road.

Associate Planner Michaels gave a report.

Commissioner Kline asked if Ceres had a policy regarding the hours for sale of alcoholic beverages. Mr. Kline also asked if, in the future, the police are called to the business and there is no annual review required, how staff would be notified of those calls?

Planning/Building Manager Westbrook responded that while Ceres doesn't have a policy, the Alcoholic Beverage Control Board does and it's 2 am. Mr. Westbrook also responded that due to the open line of communication between Public Safety and Planning, that he believes Planning Staff will be notified.

The public hearing was opened at 6:09 p.m.

Piara Sidhu, the applicant, stated his concurrence with the conditions in the resolution.

James Runyan, 3106 E. Service Road, Ceres, advised the Commission that he's spoken to code enforcement many times over issues on the site and that there has even been a dead fish and bottles thrown over the fence onto his property. He also stated his objection to the continued playing of music.

Commissioner Smith asked Mr. Runyan if he's filed complaints with the Police Department. Mr. Runyan responded that he's filed his complaints with code enforcement to include the concrete from the demolishment of the previous homes still being on his property and that he believes the bar/cocktail lounge should have been placed next to Mitchell Road instead of next to a residence.

Commissioner Del Nero asked what the distance was between his house and the perimeter fence? Mr. Runyan responded 14 or 15 feet. Planning/Building Manager Westbrook commented that the bar is approximately 275 feet from Mr. Runyan's home.

Chairperson Smith asked if the Commission could delay the hearing to ask for the record of calls made to code enforcement and the police? Planning/Building Manager Westbrook responded that during the review period, the police department responded

with all their records.

Mr. Sidhu advised the Commission that this was the first time he had heard about a garbage problem. He further commented that there is a dumpster between the bar and Mr. Runyan's home and that he's seen homeless people going through the garbage containers. Mr. Sidhu also commented that he wished Mr. Runyan would have contacted him prior to the meeting to advise him of any problems and that he would like to discuss the situation with Mr. Runyan, but that the construction debris is the responsibility of the property owner.

The public hearing was closed at 6:27 p.m.

Commissioner Molina asked if the bar was meeting the time requirements of the noise ordinance. Planning/Building Manager Westbrook responded the ordinance does not allow for amplified music past 10 p.m., only a juke box.

Commissioner Kline said that he recalled the original approval of the conditional use permit being for a sports bar and that live music wasn't mentioned. He further asked where it was mentioned in the conditional use permit that live music would stop at 10 p.m. Planning/Building Manager Westbrook responded that since it's a City Ordinance it doesn't necessarily have to be delineated in the conditions of approval.

It was moved by Commissioner Kline, seconded by Commissioner Smith, to adopt PC Resolution 10-14 with the following amendments:

B.1.e. The applicant is permitted to operate this facility during the following days and times:

i. 7 days per week (Sunday through Saturday): 8 am to 2 am

f. **OFF-SITE SALE OR CONSUMPTION IS PROHIBITED.** The sale of alcoholic beverage shall be prohibited between the hours of 1 am to 8 am. The applicant is permitted to serve alcohol on-site **only** in accordance and with proper permits issued by State of California Alcohol Beverage Control.

AYES: Kline, Smith

NOES: Del Nero, Kachel, Molina

ABSENT: None

Motion failed.

It was moved by Commissioner Kachel, seconded by Commissioner Del Nero to adopt PC Resolution 10-014 with the following amendment:

B.1.f. **OFF-SITE SALE OR CONSUMPTION IS PROHIBITED.** The sale of alcoholic beverage shall be prohibited between the hours of 2 am to 8 am. The applicant is permitted to serve alcohol on-site **only** in accordance and with proper permits issued by State of California Alcohol Beverage Control.

AYES: Del Nero, Kachel, Molina

NOES: Kline, Smith

ABSENT: None

Mr. Sidhu commented that after talking with Mr. Runyan, that Mr. Runyan mostly agrees with him. He also made mention of karaoke starting at 10 p.m.; at which time, Chairperson Smith referred the matter to Associate Planner Michaels as the public hearing was closed and voted upon. Mr. Michaels agreed to speak to Mr. Sidhu regarding the music requirements.

**PUBLIC MEETING(S):**

None

**UNFINISHED BUSINESS:**

None

**MATTER INITIATED BY PLANNING COMMISSION AND STAFF**

3. Update on Housing Element Process.

Planning/Building Manager Westbrook introduced Mark Niskanen of J B Anderson Planning who gave a brief presentation on the process.

No action is required by the Commission.

**ADJOURN AS THE PLANNING COMMISSION TO THE CERES DOWNTOWN  
REVITALIZATION AREA BOARD**

**CALL TO ORDER:** 6:58 p.m.

**ROLL CALL:**

**PRESENT:** Del Nero, Kachel, Kline, Molina, Smith

**ABSENT:** None

**ALSO PRESENT:** Planning/Building Manager Tom Westbrook, City Attorney Michael Lyions, Redevelopment/Economic Development Manager Bryan Briggs, Associate Planner James Michaels, Administrative Secretary Linda Ryno

**CONFLICT OF INTEREST DECLARATION:**

None

**NEW BUSINESS:**

1. Quarterly Report for period ending June 30, 2010.

R/ED Manager Briggs gave a report and advised the Commission that the Downtown Specific Plan will probably be before them in September.

Board Chairperson Smith thanked Mr. Briggs and said that the report was very well prepared and very helpful. She further commented that she felt the best part was to see that we came very close to our projected revenue in terms of assessments which means that even though things are not that great they're better than she thought. About \$1,100 down on assessments and that's not too bad. Ms. Smith also asked if R/ED Manager Briggs knew why the electricity and gas seemed excessive. Mr. Briggs responded that TID's costs have gone up 18%.

Commissioner Kline agreed with Chairperson Smith that the report was on it's way to be more of what they wanted, but he would like to see a line item on the allocation, such as Concerts in the Parks or the Farmer's Market to track how the money allocated is being spent.

It was moved by Boardmember Kachel, seconded by Boardmember Kline, to accept the quarterly report. Carried 5/0.

**RECONVENE AS THE PLANNING COMMISSION at 7:05 p.m.**

**REPORTS:**

Commissioner Molina commented that he would like to informally invite downtown merchants and advise them when there are discussions regarding CDRAB. Chairperson Smith commented that in her opinion, that as board members and commissioners, each and everyone is charged with the responsibility of communicating what their roles and actions are and further commented that she believes it's appropriate for him to say something is going to be on the agenda and invite the merchant to the meeting.

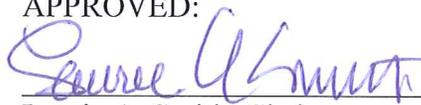
Commissioner Kachel agreed and shared he and Commissioner Kline's experience with their visits to the high schools to recruit interest in a student commissioner.

Commissioner Kline commented that he's had some complaints about the synchronization of the traffic signals relating to the Whitmore Overpass project. Planning/Building Manager Westbrook said that he would share the concerns with the Director of Public Works.

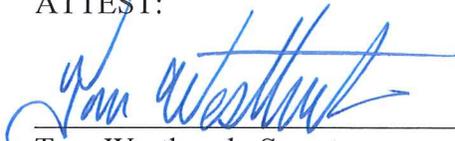
Commissioner Kachel said that once the other Commissioners have taken their on-line ethics training, he would like to hear their opinions as he felt there were wrong answers given.

**ADJOURNMENT:**

The Commission adjourned at 7:09 p.m. to the next regularly scheduled meeting of August 16, 2010.

APPROVED:  
  
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Laurie A. Smith, Chairperson

ATTEST:

  
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Tom Westbrook, Secretary