



# AGENDA

## PLANNING COMMISSION

**TUESDAY SEPTEMBER 28, 2021**

***The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.***

**Notice is hereby given that the Planning Commission will hold a Regular Meeting, on September 28, 2021 in the City Council Chambers, 155 West Durian Avenue, Coalinga, CA. Persons with disabilities who may need assistance should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. Anyone interested in translation services should contact the City Clerk at least 24 hours prior to the meeting at 935-1533 x113. The Meeting will begin at 6:00 p.m. and the Agenda will be as follows:**

CALL MEETING TO ORDER (6:00 PM)

Pledge of Allegiance

CHANGES TO THE AGENDA

ROLL CALL

**Commissioners:**

*Chairman Sailer  
Vice Chairman Jacobs  
Commissioner Helmar  
Commissioner Garza  
Commissioner Pruitt*

**Staff:**

*Sean Brewer, Assistant City Manager  
Marissa Trejo, City Manager*

PUBLIC COMMENTS

***Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during***

*the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.*

#### INFORMATION/CONSENT CALENDAR

1. Approve Minutes - 8-24-21
2. Approve Minutes - 9-14-21

#### PUBLIC HEARINGS

1. Approval of a Conditional Use Permit for 555 E. Elm Ave for the Approval of a Beer and Wine License

#### DISCUSSION AND/OR POTENTIAL ACTION ITEMS

#### DEPARTMENT REPORTS

#### COMMUNICATIONS

1. Staff Announcements
2. Commissioner Announcements
3. Chairman Announcements

#### ADJOURN



## **Staff Report- Chairman and Planning Commission**

**Subject:** Approve Minutes - 8-24-21  
**Meeting Date** September 28, 2021  
**Project Location:** 155 W Durian Ave., Coalinga, CA  
**Applicant:** N/A  
**Owner:** N/A  
**Prepared By:**

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### **I. RECOMMENDATION:**

### **II. BACKGROUND:**

### **III. PROPOSAL AND ANALYSIS:**

### **IV. FISCAL IMPACT:**

### **V. REASONS FOR RECOMMENDATION:**

#### **ATTACHMENTS:**

##### **Description**

- ☐ 8-24-21 Meeting Minutes

# MINUTES

## PLANNING COMMISSION

155 W. Durian Avenue, Coalinga, CA 93210  
Tuesday, August 24, 2021

*The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.*

### CALL MEETING TO ORDER (6:00PM)

Pledge of Allegiance

### CHANGES TO THE AGENDA

None

### ROLL CALL

Commissioners: Chairman Sailer  
Vice Chairman Jacobs  
Commissioner Helmar  
Commissioner Garza - Absent  
Commissioner Pruitt

Staff: Assistant City Manager, Sean Brewer  
Public Works and Utilities Coordinator, Larry Miller  
City Clerk, Shannon Jensen

### PUBLIC COMMENTS

*Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.*

None

### INFORMATION/CONSENT CALENDAR

1. Approve Minutes – 6-22-2021
2. Approve Minutes – 6-8-2021

*Motion by Helmar, Second by Pruitt to Approve Information/Consent Calendar Item Nos. 1 and 2. Motion **Approved** by a Roll-Call 4/0 Majority Vote. (Garza – Absent).*

## **PUBLIC HEARINGS**

1. Planning Commission Consideration of Conditional Use Permit 21-07 and Further Adopting Resolution No. 021P-010 Approving a Sign Request for the High Times Cannabis Retail Facility at 286 N. 5th Street

Assistant City Manager Sean Brewer gave a brief overview of the item.

Chairman Sailer opened the Public Hearing for comment, hearing none, Chairman Sailer closed the Public Hearing.

*Motion by Pruitt, Second by Helmar to Adopt Resolution No. 021P-010 Approving a Sign Request for the High Times Cannabis Retail Facility at 286 N. 5th Street. Motion **Approved** by a Roll-Call 4/0 Majority Vote. (Garza – Absent).*

## **DISCUSSION AND/OR POTENTIAL ACTION ITEMS**

None

## **DEPARTMENT REPORTS**

None

## **COMMUNICATIONS**

1. Staff Announcements

None

2. Commissioner Announcements

None

3. Chairman Announcements

None

## **ADJOURN 6:35PM**

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Chairman/Vice Chairman

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Shannon Jensen, City Clerk

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Date



## **Staff Report- Chairman and Planning Commission**

**Subject:** Approve Minutes - 9-14-21  
**Meeting Date** September 28, 2021  
**Project Location:** 155 W Durian Ave., Coalinga, CA  
**Applicant:** N/A  
**Owner:** N/A  
**Prepared By:**

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### **I. RECOMMENDATION:**

### **II. BACKGROUND:**

### **III. PROPOSAL AND ANALYSIS:**

### **IV. FISCAL IMPACT:**

### **V. REASONS FOR RECOMMENDATION:**

#### **ATTACHMENTS:**

##### **Description**

- ☐ 9-14-21 Meeting Minutes

# MINUTES

## PLANNING COMMISSION

155 W. Durian Avenue, Coalinga, CA 93210  
Tuesday, September 14, 2021

*The Mission of the City of Coalinga is to provide for the preservation of the community character by delivering quality, responsive City services, in an efficient and cost-effective manner, and to develop, encourage, and promote a diversified economic base in order to ensure the future financial stability of the City for its citizens.*

### **CALL MEETING TO ORDER (6:00PM)**

Pledge of Allegiance

### **CHANGES TO THE AGENDA**

None

### **ROLL CALL**

Commissioners: Chairman Sailer  
Vice Chairman Jacobs  
Commissioner Helmar  
Commissioner Garza  
Commissioner Pruitt

Staff: Assistant City Manager, Sean Brewer  
Public Works and Utilities Coordinator, Larry Miller  
City Clerk, Shannon Jensen

### **PUBLIC COMMENTS**

*Under Government Code 54954.3 members of the audience may address the Commission on any item of interest to the public or on any agenda item before or during the Commission's consideration of the item. State law prohibits the Planning Commission from acting on non-agenda items.*

None

### **INFORMATION/CONSENT CALENDAR**

1. Planning Commission Review and Approval of a (1) year extension of Planning Application No. CDA 18-02 Related to an Approved Commercial Cannabis Cultivation Facility Planned to be Located at 9840 Cody Street

*Motion by Helmar, Second by Jacobs to Approve Information/Consent Calendar Item No. 1. Motion **Approved** by a 5/0 Majority Voice Vote.*

## **PUBLIC HEARINGS**

None

## **DISCUSSION AND/OR POTENTIAL ACTION ITEMS**

None

## **DEPARTMENT REPORTS**

None

## **COMMUNICATIONS**

1. Staff Announcements

None

2. Commissioner Announcements

None

3. Chairman Announcements

None

## **ADJOURN 6:02PM**

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Chairman/Vice Chairman

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Shannon Jensen, City Clerk

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Date





## Staff Report- Chairman and Planning Commission

**Subject:** Approval of a Conditional Use Permit for 555 E. Elm Ave for the Approval of a Beer and Wine License

**Meeting Date** September 28, 2021

**Project Location:** 555 E. Elm Ave, Coalinga, CA 93210

**Applicant:** Mohammed Ali, 555 E. Elm Ave, Coalinga CA 93210

**Owner:** Mohammed Ali, 555 E. Elm Ave, Coalinga CA 93210

**Prepared By:** Sean Brewer, Assistant City Manager

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### I. RECOMMENDATION:

Staff recommends approval of Conditional Use Permit 21-08 by adopting Resolution No. 021P-011 with conditions.

### II. BACKGROUND:

On September 1, 2021 the Community Development Department received a Conditional Use Permit application for the sale of alcohol (Beer and Wine Type 20 ABC License) at the Grocery Store located at 555 E. Elm Ave. Staff accepted the application on September 7, 2021 and began processing the application for a conditional use permit.

The requirements of a conditional use permit are intended to prevent problems associated with commercial establishments involved in the sale of alcohol for consumption on-site (on-sale) or off-premises (off-sale), and to prevent over-concentration. It has been demonstrated that such establishments can adversely affect nearby commercial and residential uses and can create substantial demands for police services. Therefore, the purpose of the CUP is to establish regulations to govern land uses involved in the dispensing of alcoholic beverages.

### III. PROPOSAL AND ANALYSIS:

General Plan/Zoning Consistency: The property located at 555 E. Elm Ave is currently an active grocery store (Tropicana). The sale of alcohol in the General Commercial (CG) zoning is permitted subject to a conditional use permit. The issuance of conditional use permit for this use is permitted and consistent with that of the General Plan Land Use Goals and Policies and Zoning Regulations.

Location: 555 E. Elm Ave (Map Attached)

Operations: The sale of alcohol will be within the grocery store and beer and wine will be the only permitted

beverages to be sold on these premises according to the ABC license application. No spirits will be sold at this location. All sales will be monitored by the department of alcoholic beverage control and strictly enforced. This location previously had a beer and wine license and from the City's knowledge did not cause an adverse effect to the surrounding area or cause increased police presents.

Since this permit will be for a grocery store and not a bar or other establishment that may host special events, it is not anticipated that there will be a need for additional security and noise attenuation. Hours of operation will be limited to those of the grocery store and conditions will ensure that there is lighting satisfactory to the police department to enhance security.

Surrounding Uses: The project site is located E. Elm Ave, a major aerial street that bisects the City east and west. Elm Ave has a mix of Residential, Public/Semi-Public and Commercial and Mixed Uses along the corridor which is not anticipated to be impacted by the proposed use.

Direction	Use
North	Residential Uses
South	Commercial
East	Commercial
West	Residential

Staff has determined that there are no land use compatibility and/or transitional concerns related to the placement and approval of this use.

#### Public Notification

Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

#### Environmental Clearance

Staff has determined that this approval is not a project under CEQA as there are no anticipated impacts from the service station selling alcoholic beverages.

#### **IV. FISCAL IMPACT:**

None determined at this time.

#### **V. REASONS FOR RECOMMENDATION:**

A Conditional Use Permit shall only be granted if the Planning Commission determines that the project as submitted or as modified conforms to all of the following criteria. If the Planning Commission determines that it is not possible to make all of the required findings, the application shall be denied. The specific basis for denial shall be established for the record. Staff feels that these findings have been met and recommend approval of conditional permit 16-01.

**General Plan consistency: Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;**

**Neighborhood compatibility: The location, size, design, bulk, coverage, density, traffic generation**

**and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties;**

**Asset for the neighborhood: The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.**

**ATTACHMENTS:**

**Description**

- ❑ Application - CUP 21-08
- ❑ Resolution 021P-011 - Tropicana ABC License Approval

**CITY OF COALINGA**  
**CONDITIONAL USE PERMIT APPLICATION**

**CUP 21-08**

Application Number

Date

**APPLICANT INFORMATION:**

Applicant/Property Owner: Mohammed Ali  
Mailing Address: 555 E Elm Ave Coalinga CA 93210  
Telephone Number: (559)-328-7566 Assessor Parcel Number: 822209994  
Property Location: 555 E Elm Ave Coalinga CA 93210  
Legal Description (lot, block, Tracts, etc.) lot

**PROPERTY USE INFORMATION:**

Current Zoning: Commercial  
Existing Number of Lots: 1 Proposed Number of Lots: 1 Area of Parcel: 800148026  
Proposed Use: Commercial / Supermarket - grocery store

(If additional space is required attach separate sheet of paper)

Describe any new structures or improvements associated with use (indicate total square footage of structures).  
none

(If additional space is required attach separate sheet of paper)

Describe operational characteristics of use (hours of operation, number of employees, vehicle traffic to and from use, parking requirements, etc.)

Hours of operation : 8am - 10pm , 15 Employees

The undersigned applicant has the ability and intention to proceed with the actual construction work in accordance with these plans (as approved) within one year from the date of approval and the applicant understands the this conditional use permit, if granted, becomes null and void and of no effect if the applicant does not commence with the actual construction work in accordance with these plans with one year from the date of approval of this application and diligently proceed to completion. An extension to commence the work at a later date may be granted by the planning commission, upon the written petition of applicant for such extension before the expiration of the one-year period. The applicant understands that the Commission may also establish a deadline date for the completion of said project.

Signature of BOTH the APPLICANT and RECORDED PROPERTY OWNER(S) are required below as applicable.

The forgoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.



Signature of APPLICANT/AGENT

Mohammed Ali

Name of APPLICANT/AGENT (Please Print)

555 E Elm Ave Coalinga CA 93210

Mailing Address

(559)-328-7566

Telephone Number



Signature of OWNER

Mohammed Ali

Name of OWNER (Please Print)

555 E Elm Ave. Coalinga CA 93210

Mailing Address

(559)-328-7566

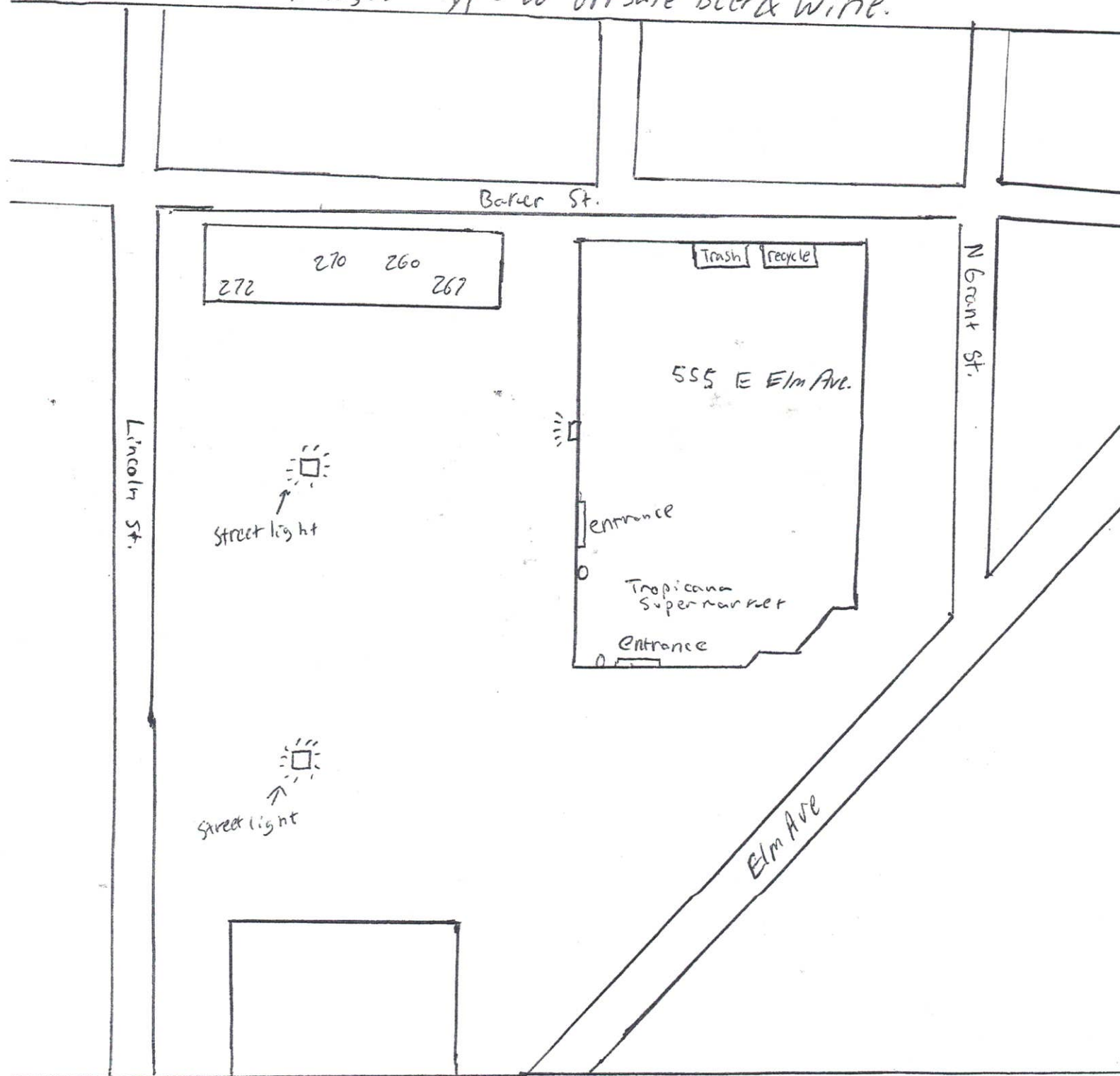
Telephone Number



This is a site plan depicting the location holding (will hold) the beer license which is "Tropicana Supermarket" which will be and is address as Coalinga Foods Inc. on the <sup>license.</sup> ~~license~~  
This is done to the best of my ability.

Hours of Operation are 8am to 10pm all days of the week.

Type of Alcohol license: Type 20 offsale Beer & Wine.



○ = trash cans

☐ = Street lighting

if further information needed  
contact: (559) 328-7566

## INFORMATION AND INSTRUCTIONS -

## SECTION 23958.4 B&amp;P

- Instructions This form is to be used for all applications for original issuance or premises to premises transfer of licenses.
- Part 1 is to be completed by an ABC employee, given to applicant with pre-application package, with copy retained in holding file or applicant's district file.
  - Part 2 is to be completed by the applicant, and returned to ABC.
  - Part 3 is to be completed by the local governing body or its designated subordinate officer or body, and returned to ABC.

## PART 1 - TO BE COMPLETED BY ABC

## 1. APPLICANT'S NAME

COALINGA FOODS, INC.

## 2. PREMISES ADDRESS (Street number and name, city, zip code)

555 E Elm Ave, Coalinga CA 93210-1512

## 3. LICENSE TYPE

20 - off sale B&amp;W

## 4. TYPE OF BUSINESS

<input type="checkbox"/> Full Service Restaurant	<input type="checkbox"/> Hofbrau/Cafeteria	<input type="checkbox"/> Cocktail Lounge	<input type="checkbox"/> Private Club
<input type="checkbox"/> Deli or Specialty Restaurant	<input type="checkbox"/> Comedy Club	<input type="checkbox"/> Night Club	<input type="checkbox"/> Veterans Club
<input type="checkbox"/> Cafe/Coffee Shop	<input type="checkbox"/> Brew Pub	<input type="checkbox"/> Tavern: Beer	<input type="checkbox"/> Fraternal Club
<input type="checkbox"/> Bed & Breakfast:	<input type="checkbox"/> Theater	<input type="checkbox"/> Tavern: Beer & Wine	<input type="checkbox"/> Wine Tasting Room
<input type="checkbox"/> Wine only	<input type="checkbox"/> All		
<input checked="" type="checkbox"/> Supermarket	<input type="checkbox"/> Membership Store	<input type="checkbox"/> Service Station	<input type="checkbox"/> Swap Meet/Flea Market
<input type="checkbox"/> Liquor Store	<input type="checkbox"/> Department Store	<input type="checkbox"/> Convenience Market	<input type="checkbox"/> Drive-in Dairy
<input type="checkbox"/> Drug/Variety Store	<input type="checkbox"/> Florist/Gift Shop	<input type="checkbox"/> Convenience Market w/Gasoline	
<input type="checkbox"/> Other - describe:			

## 5. COUNTY POPULATION

1,023,358

## 6. TOTAL NUMBER OF LICENSES IN COUNTY

On-Sale Off-Sale 1,120

## 7. RATIO OF LICENSES TO POPULATION IN COUNTY

On-Sale ☒ Off-Sale

## 8. CENSUS TRACT NUMBER

80

## 9. NO. OF LICENSES ALLOWED IN CENSUS TRACT

4

## 10. NO. OF LICENSES EXISTING IN CENSUS TRACT

8

On-Sale ☒ Off-Sale

## 11. IS THE ABOVE CENSUS TRACT OVERCONCENTRATED WITH LICENSES? (i.e., does the ratio of licenses to population in the census tract exceed the ratio of licenses to population for the entire county?)

- ☒ Yes, the number of existing licenses exceeds the number allowed
- ☐ No, the number of existing licenses is lower than the number allowed

## 12. DOES LAW ENFORCEMENT AGENCY MAINTAIN CRIME STATISTICS?

- ☐ Yes (Go to Item #13)
- ☒ No (Go to Item #20)

## 13. CRIME REPORTING DISTRICT NUMBER

## 14. TOTAL NUMBER OF REPORTING DISTRICTS

## 15. TOTAL NUMBER OF OFFENSES IN ALL REPORTING DISTRICTS

## 16. AVERAGE NO. OF OFFENSES PER DISTRICT

## 17. 120% OF AVERAGE NUMBER OF OFFENSES

## 18. TOTAL NUMBER OF OFFENSES IN REPORTING DISTRICT

## 19. IS THE PREMISES LOCATED IN A HIGH CRIME REPORTING DISTRICT? (i.e., has a 20% greater number of reported crimes than the average number of reported crimes as determined from all crime reporting districts within the jurisdiction of the local law enforcement agency)

- ☐ Yes, the total number of offenses in the reporting district equals or exceeds the total number in item #17
- ☒ No, the total number of offenses in the reporting district is lower than the total number in item #17

## 20. CHECK THE BOX THAT APPLIES (check only one box)

- a. If "No" is checked in both item #11 and item #19, Section 23958.4 B&P does not apply to this application, and no additional information will be needed on this issue. Advise the applicant to bring this completed form to ABC when filing the application.
- b. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for a non-retail license, a retail bona fide public eating place license, a retail license issued for a hotel, motel or other lodging establishment as defined in Section 25503.16(b) B&P, or a retail license issued in conjunction with a beer manufacturer's license, or winegrower's license, advise the applicant to complete Section 2 and bring the completed form to ABC when filing the application or as soon as possible thereafter.
- ☒ c. If "Yes" is checked in either item #11 or item #19, and the applicant is applying for an off-sale beer and wine license, an off-sale general license, an on-sale beer license, an on-sale beer and wine (public premises) license, or an on-sale general (public premises) license, advise the applicant to take this form to the local governing body, or its designated subordinate officer or body to have them complete Section 3. The completed form will need to be provided to ABC in order to process the application.

Governing Body/Designated Subordinate Name:

Coalinga CERT COUNCIL

## FOR DEPARTMENT USE ONLY

PREPARED BY (Name of Department Employee)

AR

ABC-245 (rev. 01-11)



**PART 2 - TO BE COMPLETED BY THE APPLICANT (If box #20b is checked)**

21. Based on the information on the reverse, the Department may approve your application if you can show that public convenience or necessity would be served by the issuance of the license. Please describe below the reasons why issuance of another license is justified in this area. You may attach a separate sheet or additional documentation, if desired. Do not proceed to Part 3.

22. APPLICANT SIGNATURE

23. DATE SIGNED

**PART 3 - TO BE COMPLETED BY LOCAL OFFICIALS (If box #20c is checked)**

The applicant named on the reverse is applying for a license to sell alcoholic beverages at a premises where undue concentration exists (i.e., an over-concentration of licenses and/or a higher than average crime rate as defined in Section 23958.4 of the Business and Professions Code). Sections 23958 and 23958.4 of the Business and Professions Code requires the Department to deny the application unless the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. Please complete items #24 to #30 below and certify or affix an official seal, or attach a copy of the Council or Board resolution or a signed letter on official letterhead stating whether or not the issuance of the applied for license would serve as a public convenience or necessity.

24. WILL PUBLIC CONVENIENCE OR NECESSITY BE SERVED BY ISSUANCE OF THIS ALCOHOLIC BEVERAGE LICENSE?

☐ Yes

☐ No

☐ See Attached (i.e., letter, resolution, etc.)

25. ADDITIONAL COMMENTS, IF DESIRED (may include reasons for approval or denial of public convenience or necessity):

26. CITY/COUNTY OFFICIAL NAME

27. CITY/COUNTY OFFICIAL TITLE

28. CITY/COUNTY OFFICIAL PHONE NUMBER

29. CITY/COUNTY OFFICIAL SIGNATURE

30. DATE SIGNED



# RESOLUTION 021P-011

## A RESOLUTION OF THE CITY OF COALINGA PLANNING COMMISSION APPROVING WITH CONDITIONS CONDITIONAL USE PERMIT APPLICATION NUMBER 21-08 FOR THE SALE OF ALCOHOL AT THE TROPICANA GROCERY STORE LOCATED AT 555 E. ELM AVE

WHEREAS, the City of Coalinga Community Development Department has received an application for a Conditional Use Permit for the sale of alcoholic beverages located at the Tropicana Grocery Store located at 555 E. Elm Ave; and

WHEREAS, the Planning Commission held the scheduled and noticed public hearing on September 28, 2021 to take testimony with regard to the proposed application, and;

WHEREAS, Public hearing notices were sent to all property owners within 300 feet of the site as required by Local and State law.

WHEREAS, the Planning Commission has determined that this project is not a project under CEQA and requires no further environmental review, and;

WHEREAS, the Planning Commission completed its review of the proposed development and information contained in the staff report and has considered the testimony received during the public meeting process and comments provided via mail, and;

WHEREAS, the Planning Commission has made the following findings based on the development proposal:

**General Plan Consistency.** Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable plan that the City has adopted;

**Neighborhood Compatibility.** The location, size, design, bulk, coverage, density, traffic generation and operating characteristics of the proposed project are consistent with the purposes of the district where it is located, and will not have an adverse effect on the neighborhood and surrounding properties; and

**Asset for the Neighborhood.** The nature, use and architectural/design features of the proposed development make it attractive, functional and convenient. The proposed development enhances the successful operation of the surrounding area in its basic community functions, or provides an essential service to the community or region.

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NOW THEREFORE BE IT RESOLVED, that the Planning Commission approves the proposed sale of alcohol at the above location with conditions (Exhibit A):

PASSED AND ADOPTED, by the City of Coalinga Planning Commission at a regularly scheduled meeting held on the 28<sup>th</sup> Day of September 2021.

AYES:

NOES:

ABSTAIN:

ABSENT:

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Planning Commission Chairman/Vice Chairman

ATTEST:

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City Clerk/Deputy City Clerk

## **Exhibit A**

### **General On-going Procedural and Operational Conditions of Approval – Conditional Use Permit 21-08 (555 E. Elm Ave – Sale of Alcohol)**

**REVISIONS:** Any proposed change to the approved use or activity on the site shall require submittal, review and approval of an additional land use application.

**EXPIRATION:** This approval shall become null and void if all conditions have not been completed and the occupancy or use of the land has not taken place within one (1) year of the effective date of conditional approval.

**LICENSES:** Prior to selling alcoholic beverages, the applicant shall obtain the appropriate license from the California State Department of Alcoholic Beverage Control and must follow the conditions of said license at all times.

**CONTINUOUS EFFECT:** All of the conditions of this approval are continuously in effect throughout the operative life of the project for the uses approved. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the use provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.

**PROPERTY MAINTENANCE:** The tenant and/or property owner shall continually maintain the property and its infrastructure so that it is visually attractive and not dangerous to the health, safety and general welfare of both its employees, patrons and surrounding properties.

**SIGNAGE:** All signage related to the sale of alcoholic beverages shall be in accordance with temporary sign regulation in the City's planning and zoning code.

**POLICE DEPARTMENT:** Should the Police Department determine that the sale of alcohol at this location has become an excessive burden on police services the Police Department may remedy the situation by recommending to the Planning Commission revoke the Conditional Use Permit.

**ADDITIONAL CONDITIONS:**

1. The applicant shall defend, indemnify, and hold harmless the City or any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the City, its boards, commissions, agents, officers, or employees to attack, set aside, void, or annul the approval of the project when such claim or action is brought within the time period provided for in applicable state and /or local statutes. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith.

2. This use permit shall be subject to revocation by the Planning Commission at such time as any of the following conditions are found to exist:
  - a. Conditions of approval have not been fulfilled;
  - b. The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
  - c. The use has resulted in a substantial adverse impact on public facilities or services.