TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: APRIL 19, 2004 CMR: 233:04

SUBJECT: 321 CALIFORNIA AVENUE APPLICATION BY TONY MONTOOTH FOR A REVISED CONDITIONAL USE PERMIT (CUP) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES (BEER, WINE, ALCOHOL) AT ANTONIO’S NUT HOUSE. THIS REQUEST FOR AN AMENDED USE PERMIT HAS BEEN FILED IN CONJUNCTION WITH THE EXISTING APPEAL REQUEST [03-AP-08] BY TONY MONTOOTH OF THE DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT’S APPROVAL OF AN AMENDED CONDITIONAL USE PERMIT IN JULY, 2003 TO ALLOW ALCOHOLIC BEVERAGE SERVICE AS A CONDITIONAL USE. ZONE DISTRICT: COMMUNITY COMMERCIAL COMBINING ZONE DISTRICT (CC(2)RP). ENVIRONMENTAL ASSESSMENT: EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT. FILE NOS. 04-UP-02.

RECOMMENDATION
Staff recommends that the City Council continue this application for a conditional use permit and an appeal of an existing use permit to a date uncertain.

DISCUSSION
On March 10, 2004, the Planning and Transportation Commission recommended approval of a new conditional use permit (04-UP-02) for alcoholic beverage service at 321 California Avenue, also known as Antonio’s Nut House. This recommendation would supercede the Director of Planning and Community Environment’s July 2003 decision, which modified the existing use permit (73-UP-13). This recommendation is
contingent upon the appeal request being withdrawn by Mr. Montooth, who is also the applicant for the new use permit.

Palo Alto Municipal Code Section 18.92.060 requires that the City Council take action on the appeal request within 30 days of the Commission’s recommendation. Due to scheduling conflicts, a public hearing on this item will not be possible until later this year.

This application will be placed on a future City Council agenda as a public hearing item.

**RESOURCE IMPACT**
There is no economic impact of this project to the City’s General Fund.

PREPARED BY: ________________________________________
STEVEN TURNER, PLANNER

DEPARTMENT HEAD REVIEW: _____________________________
STEVE EMSLIE
DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT

CITY MANAGER APPROVAL: ______________________________
EMILY HARRISON
ASSISTANT CITY MANAGER