

**TO:** HONORABLE CHAIRMAN AND PLANNING COMMISSION  
**FROM:** RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** CONDITIONAL USE PERMIT 07-001 - APN: 009-106-015, 016, 017 & 009-103-012, 013  
(APPLICANT: DOWNTOWN BREW)  
**DATE:** MARCH 27, 2007

**Needs:** For the Planning Commission to consider an application filed by Timothy L. Hodge on behalf of Downtown Brew PR, LLC, requesting to allow after hours amplified music and dancing for the existing restaurant.

**Facts:**

1. The restaurant is located at 1108 Pine Street.
2. The site is located within the C3-PD (Commercial/Light-Industrial, Planned Development Overlay) Zoning District, and within the Community Commercial (CC) General Plan Land Use category.
3. Table 21.16.200 of the Zoning Code requires the approval of a Conditional Use Permit for dance halls in the C3 Zoning District.
4. As described in the attached project description, the applicant's are proposing to have amplified music and dancing within the restaurant. The request is to have house/jukebox music on a nightly basis during business hours until 2:00am. Music via a DJ along with dancing would typically be on weekend nights from 10:00pm-2:00am.

**Analysis  
and**

**Conclusions:** Both the Police Chief and the Emergency Services Battalion Chief have reviewed this Conditional Use Permit request.

The Police Chief recommended site specific conditions be included in the Conditional Use Permit requiring security measures including but not limited to, uniformed security guards, surveillance and lighting.

The Battalion Chief added a condition of approval to the CUP requiring that all necessary building and fire codes shall be met prior to commencing the proposed entertainment activities.

With the conditions of approval required that will insure the City's ability to regulate the entertainment activities and to enforce the conditions as necessary, the request to allow the entertainment activities would seem reasonable at this downtown location, since it would meet the intent of the Economic Strategy by

enhancing the downtown to a mixed use dining, entertainment, culture and shopping destination.

**Reference:** Paso Robles General Plan and EIR, Paso Robles Zoning Ordinance, Economic Strategy and CEQA.

**Fiscal Impact:** None.

**Options:** After opening the public hearing and taking public testimony, the Planning Commission is requested to take one of the actions listed below:

- A. Adopt the attached Resolution approving Conditional Use Permit 07-001;
- B. Amend, modify, or reject the above-listed action;

**Attachments:**

1. Applicant's Project Description
2. Resolution to Approve the Conditional Use Permit 07-001
3. Newspaper and Mail Notice Affidavits

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Conditional Use Permit Request:

Downtown Brewing Co., located at 1108 Pine Street, is applying for a Conditional Use Permit to conduct the following business activities during the times noted:

1. Provide music via jukebox/house sound system—during normal business hours of 11:00 a.m. to 2:00 a.m.;
2. Provide music via DJ—typically during evenings from 10:00 p.m. to 2:00 a.m.; and
3. Occasionally host live entertainment, e.g. small bands, both amplified and acoustic—typically during weekend afternoons or on evenings from 10:00 p.m. to 2:00 a.m.

The above listed activities in the evening would likely be accompanied by dancing.

To address the concerns of the City of Paso Robles regarding the safety of patrons and the public with respect to the evening activities, Downtown Brewing Company will take the following steps:

1. Installation of an electronic video surveillance system which will monitor, among other, the entrance to the establishment (front door/stairwell). Such surveillance recordings will be kept for a minimum of 90 days.
2. Downtown Brewing Co. will have adequate staff, including doormen, to ensure the safety of our patrons and to handle any incidents that arise in our establishment.
3. Downtown Brewing Co. will hire additional contract security staff if requested by the Paso Robles Police Department to do so, which we understand will only be in the event that Downtown Brewing Co. is hosting a type of event that the Police believe will create extra security issues.

RESOLUTION NO: \_\_\_\_\_

A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF EL PASO DE ROBLES  
TO APPROVE CONDITIONAL USE PERMIT 07-001  
(Downtown Brewing Co.)  
APN: 009-106-015, 016, 017 & 009-103-012, 013

WHEREAS, section 21.16.200 of the Municipal Code of the City of El Paso de Robles requires approval of a conditional use permit for dance clubs in the C3-PD zone, and

WHEREAS, the applicant, Timothy L. Hodge on behalf of Downtown Brew restaurant, has filed a conditional use permit application to add dancing activities with amplified music to the existing restaurant located at 1108 Pine Street, and

WHEREAS, a public hearing was conducted by the Planning Commission on March 27, 2007, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit request, and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15301c of the State's Guidelines to Implement CEQA; and

WHEREAS, based upon the facts and analysis presented in the staff report, and public testimony received and subject to the conditions of approval listed below, the Planning Commission finds that the establishment, maintenance or operation for the requested use or building applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Conditional Use Permit 07-001 subject to the following conditions:

1. This conditional use permit (CUP) authorizes the use of entertainment including amplified music which would include the "house" sound system and by DJs as an accessory to the restaurant use. All activities shall be kept indoors.
2. Any condition imposed by the Planning Commission in granting this conditional use permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the conditional use permit.

3. All new and/or existing site and building mounted lighting shall be fully shielded so that light is directed downward and stays on-site. Cut sheets for new lighting fixtures or shields shall be submitted to the Community Development Department for approval prior to installation.
4. This CUP shall be reviewed after a six (6) month period at which time the project would be reviewed at an informal Planning Commission meeting to determine whether the intent of loitering and noise nuisance is being deterred/controlled. In the event that it is determined during this review that a nuisance exists, the Planning Commission can direct that a public hearing be scheduled to consider additional measures.
5. In the instance that activities as described in the project description become a nuisance and complaints are made, the following condition shall be applied to the establishment: Doors and windows are to remain closed at all times while any type of music or entertainment is playing.
6. Uniformed contract private security guards to be onsite during the hours of operation when entertainment is occurring. A minimum of two uniformed security guards shall be contracted by the business owner. The security guards shall stay on duty until 1-hour after the business has closed to help control loitering within and outside the business.
7. Interior and exterior surveillance cameras to record activities in areas open to the public and patrons. This will help law enforcement gather needed information when crimes occur.
8. Security lighting in the exterior perimeter and parking area to protect patrons and their vehicles from vandals and other types of crime. Prior to the installation of any exterior lighting, a lighting plans shall be submitted for review and approval by the Police Chief and the Planning Department. Any new and existing exterior lighting shall be fully shielded.
9. Noise level restrictions. The music generated from inside of the applicant's business should not be audible to the surrounding/ neighboring businesses.
10. Prior to commencing the entertainment activities, the applicants shall apply for a Building Permit for tenant improvements as necessary, to make the necessary changes to the building in order for it to comply with all necessary Building and Fire Codes related to the proposed change in use.
11. All existing and new signage (including temporary signs) shall comply with the City Sign Ordinance.
12. Prior to the issuance of a Certificate of Compliance/ commencement of the entertainment activities, all of the Departments involved (Building, Fire, Police & Planning) shall insure that all of the conditions of approval listed in this resolution have been satisfied to the satisfaction of each department representative.

PASSED AND ADOPTED THIS 27<sup>th</sup> day of March 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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CHAIRMAN MARGARET HOLSTINE

ATTEST:

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RON WHISENAND, PLANNING COMMISSION SECRETARY

PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL  
PROJECT NOTICING

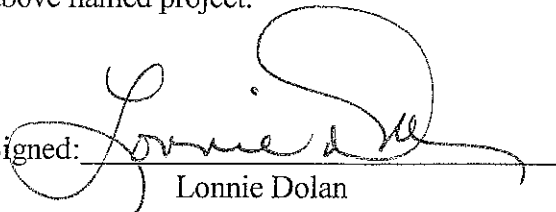
Newspaper: Tribune

Date of Publication: March 14, 2007

Meeting Date: March 27, 2007  
(Planning Commission)

Project: Conditional Use Permit 07-001  
(Downtown Brew, LLC)

I, Lonnie Dolan, employee of the Community  
Development Department, Planning Division, of the City  
of El Paso de Robles, do hereby certify that this notice is  
a true copy of a published legal newspaper notice for the  
above named project.

Signed:   
Lonnie Dolan

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NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of El Paso de Robles will hold a Public Hearing to consider Conditional Use Permit 07-001, a request filed by Timothy Hodge on behalf of Downtown Brew LLC, to establish the ability to have amplified music and dancing as an accessory to the existing restaurant. The site is located at 1108 Pine Street.

This hearing will take place in the City Hall/Library Conference Room, 1000 Spring Street, Paso Robles, California, at the hour of 7:30 PM on Tuesday, March 27, 2007, at which time all interested parties may appear and be heard.

Comments on the proposed Conditional Use Permit may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the hearing.

If you challenge the Conditional Use Permit application 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.

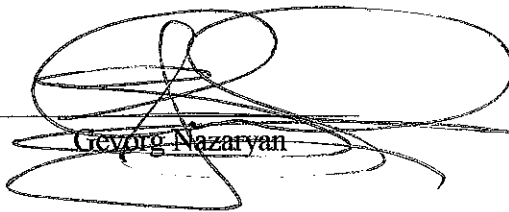
Darren R. Nash, Associate Planner  
March 14, 2007 6551987

**AFFIDAVIT**  
**OF MAIL NOTICES**  
**PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING**

I, Gevorg Nazaryan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for Conditional Use Permit 07-001 A request to establish the ability to have live amplified music and dancing as an accessory to the existing restaurant. (Applicants: Timothy L. Hodge / Downtown Brewing Co.) APN: 009-106-015, 016, 017 & 009-103-012, 013 on this 13<sup>th</sup> day of March, 2007.

City of El Paso de Robles  
Community Development Department  
Planning Division

Signed:



Gevorg Nazaryan

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