

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: RON WHISENAND, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 11-003
(BOAR'S HOLE TAVERN)

DATE: JUNE 14, 2011

Needs: For the Planning Commission to consider a request filed by Shelly and Ron Roberson, to establish a beer and wine tavern with night club activities within the existing building located at 1242 Park Street. (APN: 009-044-013)

- Facts:
1. The space is located in the basement level of the building, which is accessed from a door fronting on Park Street.
 2. The 2,000 square foot space is currently vacant. Tenant improvement plans will be necessary to provide the amenities for the new business, as well as, make the necessary improvements to comply with Building and Fire Codes.
 3. The site is zoned TC-1 (Town Center) and has a Community Commercial (CC) General Plan Land Use designation.
 4. Table 5.3-1, Permitted Land Uses and Permit Requirements, of the Uptown/ Town Center Specific Plan (UTCSP) allows Bars and Cocktail Lounges (with dancing and live entertainment) with the approval of a Conditional Use Permit (CUP).
 5. As noted in the attached project description (Attachment 1) the Boar's Hole Tavern is proposing night club activities including live amplified music, karaoke and dancing. A pool table is also proposed to be located in the tavern.
 6. The applicants have met with the Police Captain to discuss the proposed activities and to review the security plan for the establishment. Conditions of approval have been added by the Police Department, which include the requirement for uniformed security personal to be on site during night club activities.
 7. Also noted in the letter are the hours of operation proposed for the Tavern, which are proposed to be 10:00am to 2:00am daily. To be consistent with other bars in the downtown a condition of approval of the CUP is for all activities to end by 1:00am.
 8. The Development Review Committee (DRC) reviewed this project at their meeting on May 23, 2011. The DRC was generally in favor of the project and recommended that the Planning Commission approve the CUP request, after discussion by the full Commission.

9. This application is Categorically Exempt (Class 32) from environmental review per Section 15332 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA).

Analysis
and

Conclusions: As noted above, a Tavern is a permitted use in the TC-1 zone, subject to the approval of a CUP. The CUP gives the Planning Commission the ability to require special conditions of approval to insure that a use is compatible with surrounding uses/businesses.

While generally the operation of a tavern during daytime and early evening hours may not create negative impacts to the surrounding uses, the night time activities, especially the noise from amplified music and dancing can be an issue. It does help that the proposed space is in the basement area which is below ground level. Since there are no windows and doors open to the outside, noise from the tavern is generally not as prevalent as establishments that do have windows and doors at or above street level. However, consistent with the conditions of approval required of other Taverns/Bars in the downtown the following condition has been added:

Noise from the night club activities of the establishment shall not exceed the following noise exposure thresholds as measured at the property line of the nearest sensitive receptor (or complaining land use):

*70db for residential and transient lodging uses;
77db for general office and commercial uses*

In the event there are other noise sources that conflict with obtaining an accurate reading for the night club, such as noise from a nearby business or pedestrians, the officer performing the test will need to use judgment relative to the noise source generating the complaint, how to best obtain the most accurate decibel reading, or waiting for a more appropriate time to perform the test.

Also consistent with other CUPs the Commission has approved for other downtown bars, the hours of operation for bar/night club activities shall end no later than 1:00am.

With the conditions of approval required with the CUP, the City will have the 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.

Policy

Reference: City of Paso Robles Zoning Code and Land Use Element of the General Plan, Economic Strategy.

Fiscal

Impact: None

Options: After consideration of any public testimony, the Planning Commission should consider the following options:

- a. Adopt the attached resolution granting approval of Conditional Use Permit 11-003, subject to standard and site specific conditions of approval.
- b. Amend, modify or alter the above noted options.

Attachments:

1. Applicant's Project Description
2. Resolution Approving CUP 11-003
3. Newspaper notice and mail affidavits

H:/Darren/CUPs/ CUP 11-003

Sierra Services Inc.

(DBA) The Boar's Hole

April 26, 2011

1242 Park Street, Paso Robles

(Basement level)

Project Description

The Boar's Hole is in a zone for commercial business, this business is something that my husband and I, have dreamed of for over 5 years, we would like to open a British style Pub or tavern with upscale fine beers and wines, with only prepackage snack foods to be served, no food will be prepared on premises, we can best describe it as a type of Cheer's Bar environment like seen on T.V., good friends, with happy socializing.

As of now the space is vacant with the exception of, exterior walls, a restroom, ventilation, heat & air, sprinklers systems and structural supports, the whole building has recently been renovated to specs filed with the county, and set up for a new businesses, our intended space at 1242 Park Street, will be constructed with inside cosmetics for a bar with structures for, office area, walk-in cooler, mop room, the bar, water drains, and storage space, only after all plans for approval have been submitted and approved from all of governing authorities from the City of Paso Robles, Environmental Health, and ABC Licensing.

Operations

Live entertainment: (with respect to noise levels to be non evasive to surrounding business)

Other Music: Karaoke, will be played on Fridays & Thursday's (with respect to noise levels to be non-evasive to surrounding business)

Back ground Music: Maybe played all other days during normal business hours, with the same respect to the noise levels to be non- evasive to surrounding business and customers.

The Boar's Hole's common area will be used as an entrance and exit, this area also services us with more restrooms for our customers, these exits we will monitored with video cameras. **NO LOITERING WILL BE ALLOWED or TOLERATED** in these common areas or exits.

Smoking policies: Will be for all employees and customers, to smoke in the designated areas according to the city and state laws and policies. **NO SMOKING inside.**

Attachment 1
Project Description
CUP 11-003
1242 Park Street
(Boar's Hole Tavern)

Hours of operations

All hours are subject to change with the amount of customers; if it is slow then the tavern will close early, but not any later than hours of operation below.

Monday	10:00 A.M. – 2:00 A.M.
Tuesday	10:00 A.M. – 2:00 A.M.
Wednesday	10:00 A.M – 2:00 A.M.
Thursdays	10:00 A.M. –2:00 A.M.
Fridays	10:00 A.M. – 2:00 A.M.
Saturdays	10:00 A.M – 2:00 A.M.
Sunday	12:00 A.M – 2:00 A.M.

NO illegal DRUGS or illegal activities of any kind will be permitted in or around The Boar's Hole, if they are found or suspected of these doings, the Paso Robles Police Department will be contacted and said persons will be reported and band forever from The Boar's Hole.

RESOLUTION NO. 11-XXX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PASO
ROBLES APPROVING CONDITIONAL USE PERMIT 11-003
APPLICANT – BOAR'S HOLE.

WHEREAS, Shelly and Ron Roberson have submitted an application for a Conditional Use Permit (CUP) 11-003, requesting to establish a beer and wine Tavern in the basement of the building located at 1242 Park Street (APN: 009-044-013); and

WHEREAS, along with the Tavern, the applicants are requesting the ability to have entertainment including amplified music, consisting of live music, bands, DJs and dancing (collectively, the "Nightclub Activities"); 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 11-003 subject to the following conditions:

1. This conditional use permit (CUP) authorizes the use of entertainment including amplified music which would include live music, bands, DJs and dancing (collectively, the "Nightclub Activities") as an accessory to the Tavern use. All Tavern and Nightclub Activities shall be conducted indoors and shall end no later than 1:00AM. See attached Exhibit A, Floor Plan.
2. Prior to commencing the business, the applicants shall apply and receive a Certificate of Occupancy for a Building Permit for tenant improvements, to make any necessary changes to bring the building into compliance with all necessary Building and Fire Codes related to the proposed change in use.
3. Doors and windows are to remain closed at all times while any type of music or entertainment is playing.
4. Any condition imposed by the City Council or 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.

5. 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.
6. This CUP shall be reviewed informally by the Planning Commission after a 90 day period from the time the entertainment activities have commenced, to determine whether the intent of loitering and noise nuisance is being deterred/controlled. In the event it is determined during this review that a nuisance exists, the Planning Commission may direct a public hearing be scheduled to consider additional mitigation measures.
7. Designated in-house or contracted private security guards are to be onsite during the hours of operation when entertainment is occurring. Entertainment consists of live or amplified music, paid events, dancing or other forms of live entertainment. A minimum of two uniformed and identifiable security guards shall be employed 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.
8. Interior and exterior surveillance cameras shall be in place to record activities in areas open to the public and patrons. The recorded activities shall be saved for seven (7) days and available to the Police Department for investigations related to criminal activity. The location and number of cameras shall be mutually agreed upon by the both the Police Department and business owner.
9. Prior to the installation of any exterior lighting, 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.
10. Noise from the night club activities of the establishment shall not exceed the following noise exposure thresholds as measured at the property line of the nearest sensitive receptor (or complaining land use):
 - 70db for residential and transient lodging uses
 - 77db for general office and commercial uses

In the event there are other noise sources that conflict with obtaining an accurate reading for the night club, such as noise from a nearby business or pedestrians, the officer performing the test will need to use judgment relative to the noise source generating the complaint, how to best obtain the most accurate decibel reading, or waiting for a more appropriate time to perform the test.

11. All existing and new signage (including temporary signs) shall comply with the City Sign Ordinance.

12. A security plan which includes a management training plan, employee and security resource placement, crowd control and security measures, and provisions for overflow customers shall be submitted to the Community Development Department for review, and shall be approved by the Community Development Director and the Police Chief. All server training shall be approved by the Department of Alcoholic Beverage Control. The business owner shall be responsible for on-going training to accommodate changes in personnel.
13. Prior to the commencement of the entertainment activities, all applicable Departments (including 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 14th day of June, 2011 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRMAN, STEVE GREGORY

ATTEST:

RON WHISENAND, SECRETARY OF THE PLANNING COMMISSION

PROJECT INFORMATION

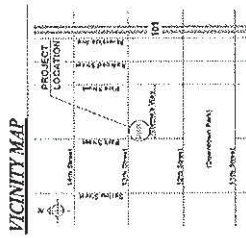
PROJECT NO. J-1100000000000000
 OWNER: BOAR'S HOLE RESTAURANT
 1242 PARK STREET, PASO ROBLES, CA 93445
 ARCHITECT: LARRY GABRIEL ARCHITECT
 1000 S. MAIN STREET, PASO ROBLES, CA 93445
 DATE: 06/03/2011
 PROJECT ADDRESS: 1242 PARK STREET, PASO ROBLES, CA 93445
 COUNTY: SAN BENITO
 CITY: PASO ROBLES
 STATE: CA
 ZIP: 93445

CODES

- 1. 190 CALIFORNIA BUILDING CODE
- 2. 190 CALIFORNIA ELECTRICAL CODE
- 3. 190 CALIFORNIA MECHANICAL CODE
- 4. 190 CALIFORNIA PLUMBING CODE
- 5. 190 CALIFORNIA FIRE CODE
- 6. 190 CALIFORNIA LANDMARK PRESERVATION CODE
- 7. 190 CALIFORNIA ENVIRONMENTAL CODE
- 8. 190 CALIFORNIA GREEN BUILDING CODE

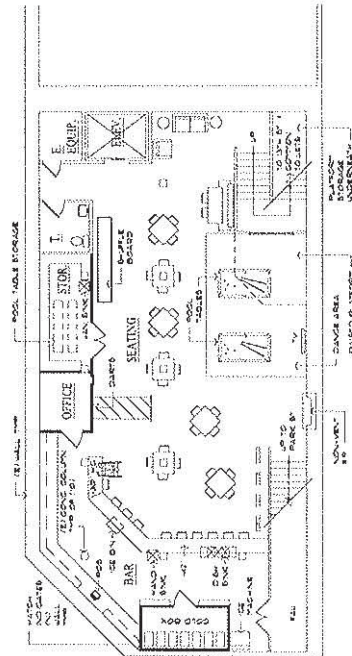
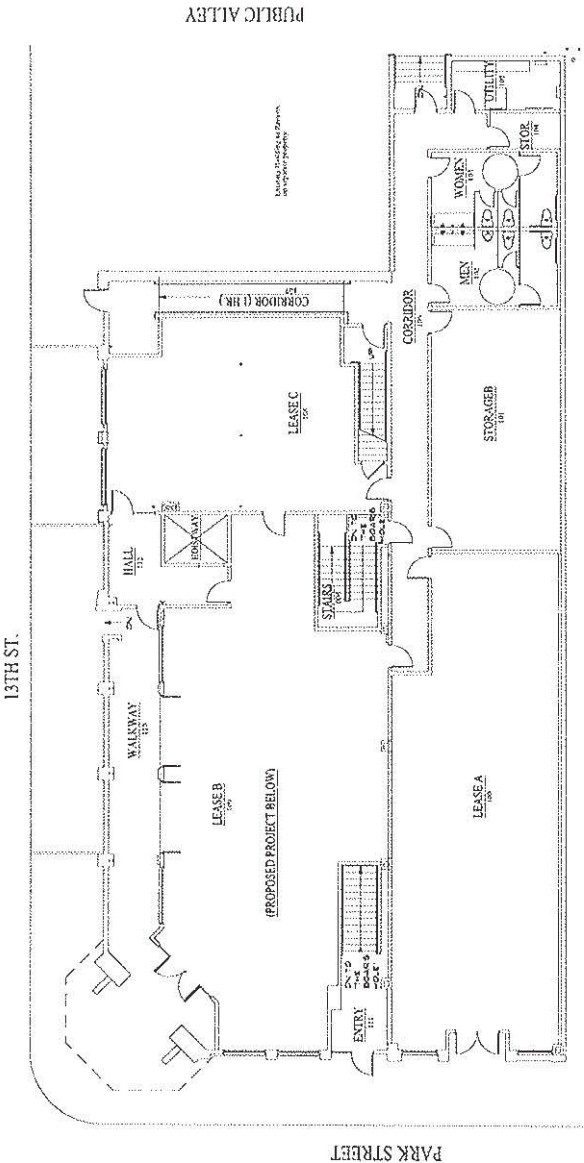
OCCUPANCY CALCULATION

USE	AREA (SQ. FT.)	USE GROUP	MIN. OCCUPANCY
RESTAURANT	1000	A-1	1.1
BAR	1000	A-2	1.1
OFFICE	1000	B-1	1.0
STORAGE	1000	S-1	1.0
WALKWAY	1000	U	1.0
HALL	1000	U	1.0
STAIRS	1000	U	1.0
TOILETS	1000	U	1.0
UTILITY	1000	U	1.0
ENTRY	1000	U	1.0
REAR PORCH	1000	U	1.0
TOTAL	10000		11.1



FLOOR PLAN
P1.0

6/3/2011



THE BOAR'S HOLE

Paso Robles, California

Exhibit A
 Floor Plan
 CUP 11-003
 1242 Park Street
 (Boar's Hole Tavern)



PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: Tribune

Date of
Publication: June 4, 2011

Hearing
Date: June 14, 2011
(Planning Commission)

Project: Conditional Use Permit 11-003 (Roberson)

I, Theresa Variano, 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: 
Theresa Variano

forms/newsaffi.691

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 11-003, a request filed by Shelly and Ron Roberson to establish a Tavern serving beer and wine within the existing building located at 1242 Park Street (the basement space).

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, June 14, 2011, 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 B. Nash, Associate Planner
June 4, 2011 6944687

AFFIDAVIT
OF MAIL NOTICES
PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Theresa Variano, 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 11-003 (Roberson) on this 3rd day of June, 2011.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Theresa Variano

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