

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION
FROM: ED GALLAGHER, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONDITIONAL USE PERMIT 11-003, 90 DAY REVIEW (BOAR'S HOLE)
DATE: APRIL 10, 2012

Needs: For the Planning Commission to review the status of Conditional Use Permit 11-003, an existing Conditional Use Permit (CUP) allowing a beer tavern with afterhours amplified music and dancing for the Boar's Hole Tavern.

Facts:

1. The Boar's Hole Tavern is located at 1242 Park Street.
2. On June 14, 2011, the Planning Commission adopted Resolution 11-015 approving CUP 11-003, allowing for the establishment of a beer tavern with afterhours amplified music and dancing (see Attachment 2).
3. Condition No. 6 of Resolution 11-015 required that the CUP be reviewed by the Planning Commission after a 3-month time period, to determine whether the intent of loitering and noise nuisance is being deterred/controlled. This request for Planning Commission review is in order to meet Condition No. 6.
4. The attached memorandum from Captain Burton indicates that there have been past complaints related to the Boar's Hole from neighboring residents and businesses (see Attachment 1).

**Analysis
and
Conclusions:**

The Planning Commission's approval of the Boar's Hole CUP was based on conditions of approval added to the project by the Police, Fire, Building and Planning Departments to insure that impacts from the activities would not impact the neighboring businesses/residents.

Captain Burton indicates that although there have been past complaints, the management of the Boar's Hole has responded in a positive manner and adjusted their operation as needed. It is recommended that the CUP be reviewed again in 90 days.

Options: The Planning Commission is requested to take one of the actions listed below:

- A. Direct staff to bring back CUP 11-003 for an additional 90 day informal review to the Planning Commission;
- B. Direct staff to schedule CUP 11-003 for a public hearing to discuss the addition or modification of conditions of approval;
- C. Amend, modify, or reject the above-listed action.

Attachments:

- 1. Police Captain Memo
- 2. Resolution 11-0015



**PASO ROBLES POLICE DEPARTMENT
INTERDEPARTMENTAL MEMORANDUM**

To: Darren Nash, Associate Planner
From: Robert Burton, Police Captain
Date: 03/30/2012
Subj: The Boar's Hole 90 Day Conditional Use Permit Review

On June 14th, 2011 the Paso Robles Planning Commission approved the Conditional Use Permit (CUP) for The Boar's Hole tavern. The following has occurred since that date:

- 12/02/11 – Paso Robles Police Department received information from Alcohol Beverage Control (ABC) that nearby residents complained to ABC regarding loud music / patrons associated with The Boar's Hole. The application to ABC from The Boar's Hole did not disclose the neighboring residences.
- 12/02/11 – Paso Robles Police Department contacted The Boar's Hole to notify them their CUP was not approved yet and all entertainment activities should cease immediately until final approval from the Police Department.
- 12/05/11 – Paso Robles Police Department conducted a site inspection for security cameras and obtained the required security plan. The inspection revealed no issues and The Boar's Hole was given the approval to initiate entertainment activities.
- 12/06/11 – Complaint from neighboring business, Renditions Interiors, regarding bar patrons urinating, vomiting and leaving cigarette butts in front of their business.
- 12/30/11 – ABC conducted an undercover operation where The Boar's Hole sold alcohol to a minor. A citation was issued to the business.
- 03/01/12 – Alcohol Beverage Control modified The Boar's Hole ABC license based upon the complaints of noise and sale of alcohol to a minor. The new conditions are as follows:
 - Sales, service and consumption of alcoholic beverages shall be permitted only between the hours of 6:00 AM and 10 PM Sunday through Thursday, and 6:00 AM and Midnight Friday and Saturday.



**PASO ROBLES POLICE DEPARTMENT
INTERDEPARTMENTAL MEMORANDUM**

- Entertainment provided shall not be audible beyond the area under the control of the licensee(s) as defined on the ABC-257 dated April 19, 2011.

The Boar's Hole has responded in a positive manner with each incident and has adjusted their operation as needed. In addition, the Paso Robles Police Department has not received any other complaints regarding noise or unsanitary conditions since the original complaints in December.

However, based upon the above listed history it is my opinion there should be a second 90 day review period. This additional review period will allow the Police Department and City of Paso Robles to evaluate the business to ensure the CUP is appropriate and does not need further modification.

RESOLUTION NO. 11-015

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.
14. Receptacles for cigarette butts and trash shall be provided on the sidewalk in front of the entry door and/or anywhere necessary to provide for cigarette butts and trash for people associated with this establishment. The areas shall be cleaned and maintained on a daily basis.

PASSED AND ADOPTED THIS 14th day of June, 2011 by the following Roll Call Vote:

AYES: Treatch, Holstine, Peterson, Garcia, Barth, Vanderlip

NOES: None

ABSENT: None

ABSTAIN: Gregory



CHAIRMAN PRO-TEM, AL GARCIA

ATTEST:



ED GALLAGHER, SECRETARY OF THE PLANNING COMMISSION

PROJECT INFORMATION

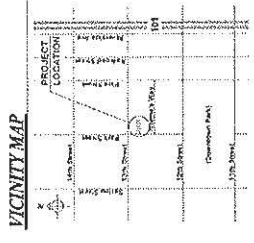
PROJECT NO: A-1100000000000000
DATE: 05/11/2011
PROJECT NAME: BOAR'S HOLE TAVERN
PROJECT ADDRESS: 1242 PARK STREET, PASO ROBLES, CA 93226
PROJECT CONTACT: LARRY GABRIEL, LGA@LGAARCHITECT.COM
PROJECT PHONE: (805) 761-1011
PROJECT FAX: (805) 761-1011
PROJECT WEBSITE: WWW.LGAARCHITECT.COM
PROJECT EMAIL: LGA@LGAARCHITECT.COM

CODES

- 1.00 CALIFORNIA BUILDING CODE
- 1.05 CALIFORNIA ELECTRICAL CODE
- 1.10 CALIFORNIA MECHANICAL CODE
- 1.15 CALIFORNIA PLUMBING CODE
- 1.20 CALIFORNIA FIRE CODE
- 1.25 CALIFORNIA SAFETY CODE
- 1.30 CALIFORNIA ENERGY CODE
- 1.35 CALIFORNIA ENVIRONMENTAL CODE
- 1.40 CALIFORNIA LANDMARKS AND HISTORIC PRESERVATION CODE
- 1.45 CALIFORNIA GREEN BUILDING CODE

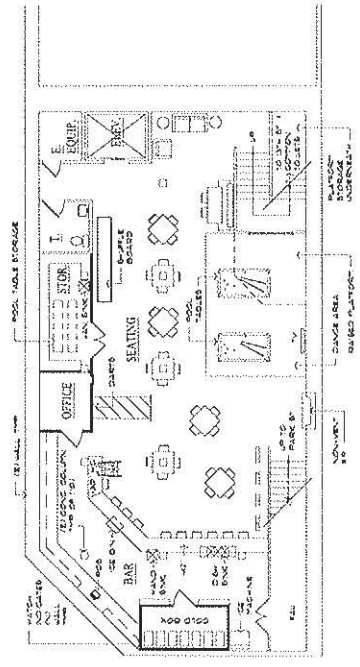
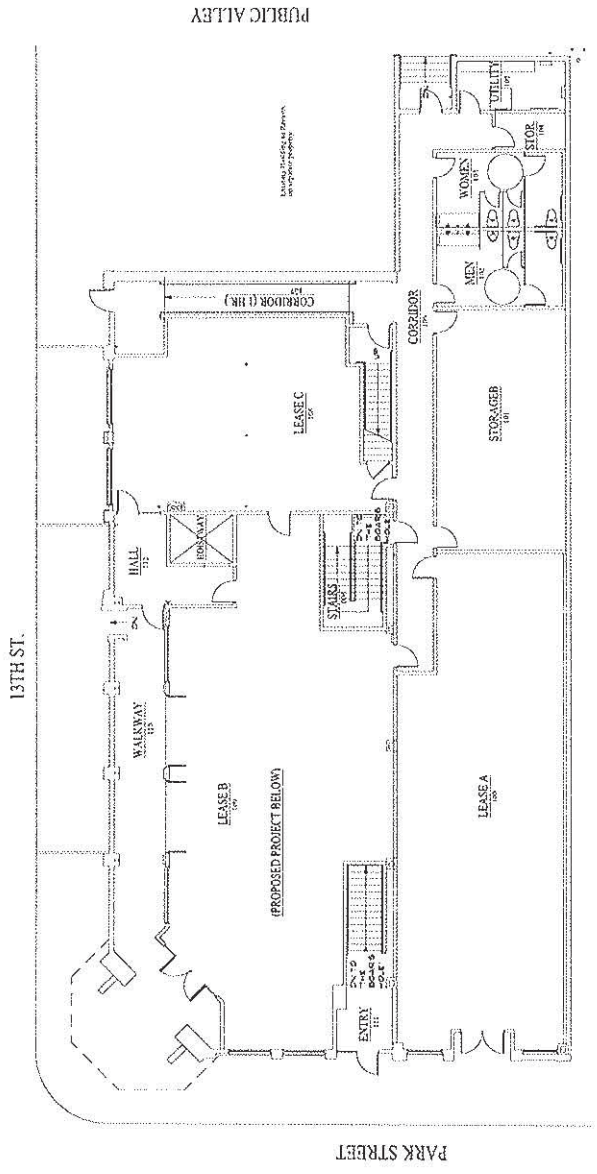
OCCUPANCY CALCULATION

AREA	AREA (SQ FT)	AREA (SQ M)	OCCUPANCY
BAR SERVICE	450	41.5	1.1
SEATING	1200	111.5	1.1
OFFICE	100	9.3	1.0
STORAGE	100	9.3	1.0
RESTROOMS	100	9.3	1.0
UTILITY	100	9.3	1.0
STAIRS	100	9.3	1.0
HALLS	100	9.3	1.0
ENTRANCE	100	9.3	1.0
TOTAL	2350	218.7	1.1



N **FLOOR PLAN**
SCALE: 1/8" = 1'-0"
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)

