

TO: HONORABLE CHAIRMAN AND PLANNING COMMISSION

FROM: WARREN FRACE, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: CONDITIONAL USE PERMIT 11-012 (AMENDMENT) PASO ROBLES BREWING CO.

DATE: JULY 28, 2015

Needs: For the Planning Commission to consider a request by Shawn Copen, to amend Conditional Use Permit (CUP) 11-012 to allow nightclub activities at an existing brewery and tavern, located at 525 Pine Street, Ste. A (APN: 009-261-010).

- Facts:
1. The 2,160 square foot space is currently used as a tavern and brewery facility with storage.
 2. The site is located within the TC-2 (Town Center) zoning district and has a Community Commercial (CC) General Plan Land Use designation (see Vicinity Map, Attachment 1).
 3. Table 5.3-1 of the Uptown Town Centre Plan (Specific Plan) permits "Bars and Cocktail Lounges" (with dancing and live, amplified entertainment), with the approval of a CUP.
 4. As noted in the attached project description (Attachment 2), the proposed amendment would maintain the ability to brew beer and add night club activities in two phases, eventually removing brewing activities while reserving the right to brew beer at the location at a later date.
 5. The proposed First Phase would allow nightclub activity within the existing tavern space. The Second Phase would allow the nightclub activity to be moved into Unit A, where brewery activities are currently located. This would increase capacity of the floor space for nightclub activities (See Attachment 3, Floor Plan).
 6. Also noted in the letter are the hours of operation proposed for the night club activities which are proposed to be from 7:00 pm to 10:00 pm Thursdays, 8:00 pm to 12:00 am Fridays and Saturdays, and 5:00 pm to 9:00 pm on Sundays.
 7. 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 Conclusion:

The TC-2 zone allows for the addition of night club activities, defined as "amplified music and dancing" with 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.

The building is surrounded by the mini-storage facility to the south, the Post Office to the west, Pine Street and the railroad to the east, and a veterinary clinic and an office use to the north.

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. In this case the proposed use is surrounded by uses that are not sensitive to noise and/or hours of nightclub activities would not conflict with surrounding daytime-oriented uses, such as the office. 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

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. The addition of night club activities at this location would also seem to be a compatible use for the area.

There are five parking spaces in the parking lot in front of the building currently utilized for the brewery. Additional public parking areas near the site include diagonal parking across 6th Street at Robins Field and along Pine Street beginning at the north-east corner of 6th and Pine. Non-residential uses in the TC-2 zone are required to have one parking space for each 400 square feet. With the additional square footage in Phase Two, the total square footage for the property is 1,377 square feet. This would require 3.4 parking spaces. The current five parking spaces are above the minimum requirements for this location.

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

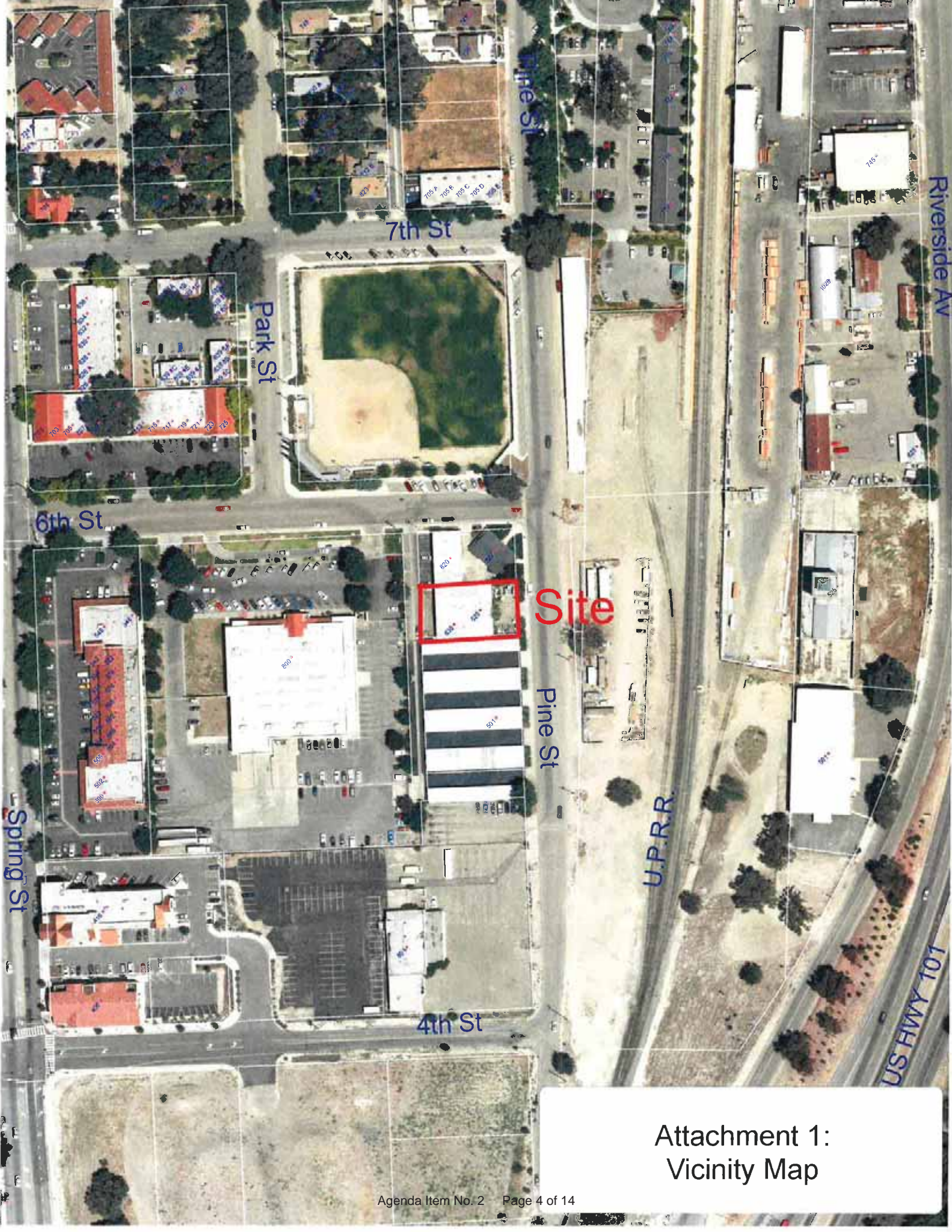
Fiscal Impact: None.

Options: The Planning Commission may consider one of the following options:

1. Adopt the attached Resolution granting approval of the amendment to Conditional Use Permit 11-012, subject to standard and site specific conditions of approval;
2. Amend, modify, or reject the above options.

Attachments:

1. Vicinity Map
2. Applicant's Project Description
3. Floor Plan
4. Resolution to Approve CUP 11-012
5. Public Notice Affidavits
6. Letter from Debra Rettig-Gallant



Site

Attachment 1:
Vicinity Map

Dear planning division of Paso Robles,

The intent of this letter is to modify existing conditions of conditional use permit #11-012 for The Pour House, located at 525 Pine St (parcel #009-261-010). What we are presenting is a two phase approach as can be seen from the attached floorplan drawings. At this time we wish to ask for approval of live amplified music and dancing, from here on out to be referred to as "nightclub activity", in our existing floorplan. In order to do so, and with guidance from JK Engineering, we have determined that it will require expanding the ladies bathroom to two stalls and the addition of a urinal in the men's room. At a later date and as finances permit we would like to move the nightclub activity into unit A and increase capacity at that time. The aforementioned changes to allow nightclub entertainment in the existing space will not affect occupancy. This is in no way meant to negate the existing allowed conditional use of brewing beer at this location as we have in the past. We would like to reserve that right for a later date.

Requested hours of Nightclub activity are to be as follows:

Monday:	None
Tuesday:	None
Wednesday:	None
Thursday:	7:00pm to 10:00pm
Friday:	8:00pm to 12:00am
Saturday:	8:00pm to 12:00am
Sunday:	5:00pm to 9:00pm

Concerning any issues of noise, we feel that levels will be easily controllable as the music will be kept inside. And considering the small size of the room, music levels will have to be kept at reasonable levels in order to maintain a comfortable atmosphere for guests. Doing business as we have been, there has been no complaints of noise to my knowledge, and we will strive to ensure that that does not happen by adhering to any noise decibel element thresholds in force. Also, a sound engineer will be on duty and in control through a mixing board of the performer's mics, guitars, etc at all times live music is occurring.

Other issues concerning nightclub entertainment during these hours and with this type of establishment are security and surveillance. We have an existing surveillance system in place that is recording at all times, and it will be upgraded as needed as expansion into unit A takes place. All indoor and outdoor areas are well lit for the safety of our patrons and staff. On nights with live entertainment, security will be in place in the form of easily identifiable uniformed staff. In addition I, the owner, will be there to run sound for the music, oversee operations, and assist with security on the majority of those busier nights. In the past 5+ years, we have had very little reason for visits from the police department. We attribute that to the fact that we do not tend to attract younger, rowdier crowds, the live music we choose tends to appeal to the 30+ crowd, and we do not sell hard alcohol.

The Pour House has worked hard to maintain our stellar reputation as a safe and fun place for our community, and we have no intention of letting that change. The addition of live music as we are planning it will not change our existing focus and target market. No noticeable changes are foreseen in doing so. We are merely laying the ground work for future expansion as our community and downtown grow. We intend to grow with it and see this proposal as our blueprint to allow us to do so and become an even more vibrant part of this community.

Sincerely,

Shawn S. Copen (Owner/Operator)

**Attachment 2:
Applicant's Project Description**

REVISION LOG

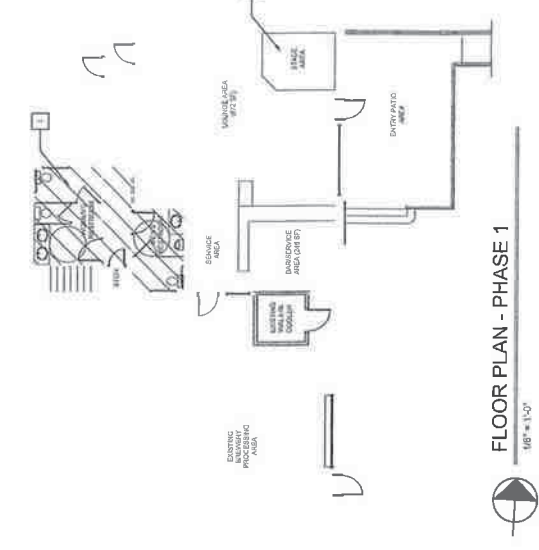
NO.	DESCRIPTION	DATE

These drawings are the architect's work product and are prepared for the use of the client. They are not to be used, copied, or reproduced in any manner without the written consent of Kenji Nagahara Architects and are to be used only for the project and location specified. The architect assumes no responsibility for the construction of the project or for any delays or omissions that may occur.

FOR NAME: _____
 CONTRACT NO: _____
 SHEET NO: _____
 TOTAL SHEETS: _____
 DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 APPROVED BY: _____
 PROJECT: _____
 LOCATION: _____

Floor Plan

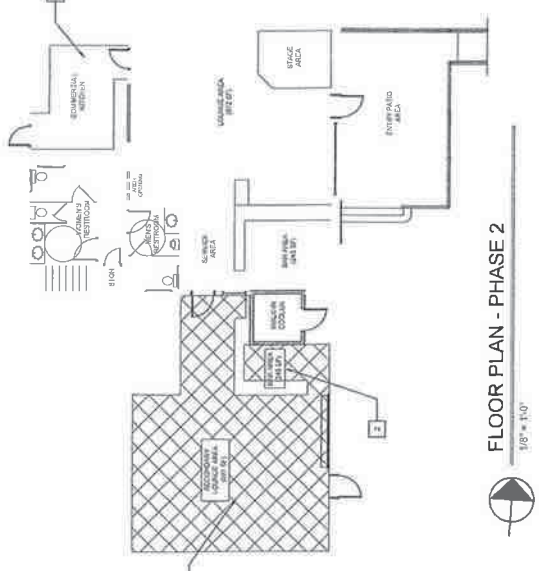
A-2



FLOOR PLAN - PHASE 1
1/8" = 1'-0"

FLOOR PLAN - PHASE 1 CALLOUTS

- REMODEL EXISTING MAINS AND WOMEN'S RESTROOM FOR ADA AND COMPLIANCE WITH CALIFORNIA ACCESSIBILITY STANDARDS.
- MUSIC SHALL BE PLAYED AT NEW STAGE LOCATED WITHIN LOUNGE AREA.



FLOOR PLAN - PHASE 2
1/8" = 1'-0"

FLOOR PLAN - PHASE 2 CALLOUTS

- CONVERT PORTION OF EXISTING PROCESSING AREA INTO NEW LOUNGE AREA.
- CONVERT PORTION OF EXISTING PROCESSING AREA INTO NEW BAR SERVICE AREA.
- CONVERSION OF EXISTING VACANT SPACE INTO A COMMERCIAL KITCHEN AREA.

RESOLUTION NO: _____

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF EL PASO DE ROBLES
TO APPROVE AMENDMENT TO CONDITIONAL USE PERMIT 11-012
(THE POUR HOUSE)
APN: 009-261-010

WHEREAS, Shawn Copen has submitted a request to amend to Conditional Use Permit (CUP) 11-012, to permit entertainment including amplified music, consisting of live music, bands, DJs, and dancing (collectively, "Nightclub Activities") in addition to the established tavern and brewery located at 525 Pine St, Ste. A; and

WHEREAS, Table 5.3-1, Permitted Land Uses and Permit Requirements, of the Uptown/Town Centre Specific Plan (UTCSP) permits Bars and Cocktail Lounges (with dancing and live, amplified entertainment) with the approval of a Conditional Use Permit (CUP); and

WHEREAS, this application is Categorically Exempt from environmental review per Section 15332 of the State's Guidelines to Implement CEQA; and

WHEREAS, a public hearing was conducted by the Planning Commission on July 28, 2015, to consider the facts as presented in the staff report prepared for this project, and to accept public testimony regarding this conditional use permit amendment request; 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 makes the following findings:

1. The establishment, maintenance and operation for the requested use and building would be consistent with the adopted codes, policies, standards, and plans of the City, specifically the General Plan & Uptown/Town Centre Specific Plan; and
2. The proposed use will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the vicinity of such proposed use, or be injurious or detrimental to property and improvements in the area or to the general welfare of the City since the business will provide for adequate security, such as lighting, surveillance cameras, security personnel and comply with noise regulations; and
3. The proposed use is compatible with, and is not detrimental to, surrounding land uses and improvements by incorporating conditions of approval to manage safety and noise related impacts, and the property meets the required parking standards; and
4. The proposed use accommodates the plan-wide objectives of the Uptown/Town Centre Specific Plan by providing a wider range of land uses and amenities in the area south of downtown; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve the amendment to Conditional Use Permit 11-012, subject to Exhibit A and 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. 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.
3. Designated in-house or contracted private security guards are to be onsite during the hours of operation when nightclub activities are occurring. A minimum of two identifiable security staff shall be employed by the business owner and shall stay on duty until 1 hour after the business has closed to help control loitering within and outside the business.
4. 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.
5. 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.
6. 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
7. All existing and new signage (including temporary signs) shall comply with the City Sign Ordinance.

8. A security training plan for employees and security measures shall be prepared and approved by the Community Development Director and the Police Chief. The business owner shall be responsible for on-going training to accommodate changes in personnel.
9. 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.
10. Receptacles for cigarette butts and trash shall be provided outside the business entrance 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 28th day of JULY, 2015 by the following Roll Call Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

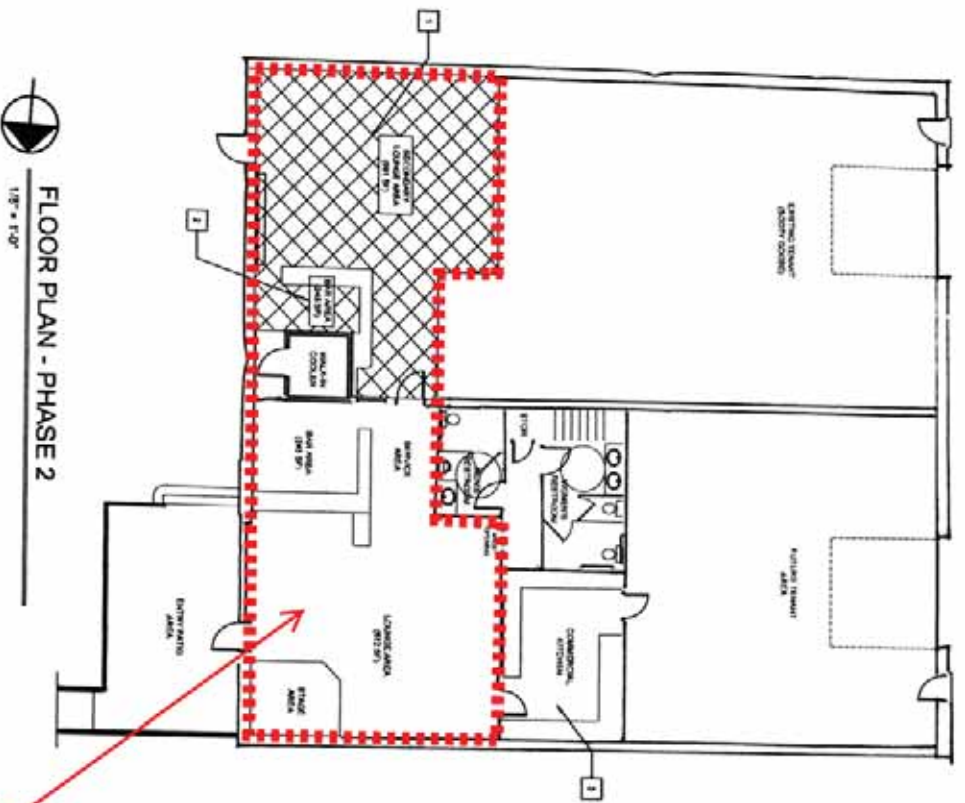
VINCE VANDERLIP, CHAIRMAN

ATTEST:

WARREN FRACE, SECRETARY OF THE PLANNING COMMISSION

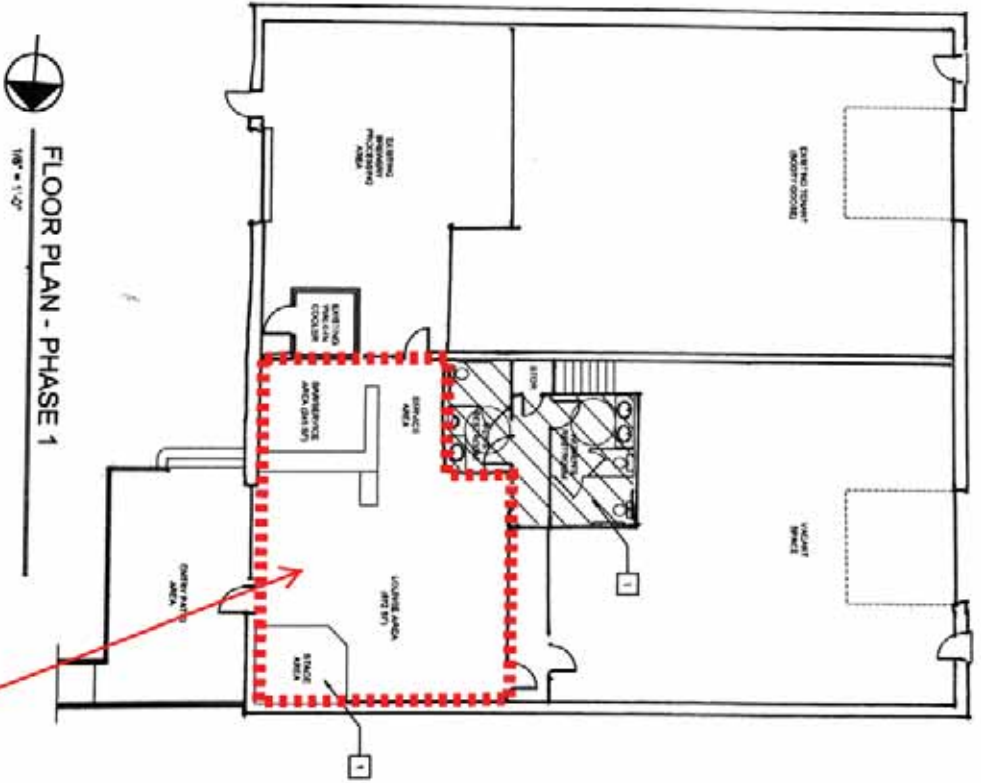
**Exhibit A
Floor Plan**

- FLOOR PLAN - PHASE 2 CALLOUTS**
1. CONVERT PORTION OF EXISTING PROCESSING AREA INTO NEW LOUNGE AREA
 2. CONVERT PORTION OF EXISTING PROCESSING AREA INTO NEW BAR SERVICE AREA
 3. CONVERT PORTION OF EXISTING VACANT SPACE INTO A COMMERCIAL KITCHEN AREA



Phase 2 -
Nightclub activity area

- FLOOR PLAN - PHASE I CALLOUTS**
1. REIMAGE EXISTING MEN'S AND WOMEN'S RESTROOM FOR ADA AND CODE REQUIREMENTS FOR LOUNGE AREA
 2. MUSIC SHALL BE PLAYED AT NEW STAGE LOCATED WITHIN LOUNGE AREA



Phase 1 -
Nightclub activity area

ARCHITECTURE • GRAPHICS • DESIGN •
KEN M. NAGAHARA
 Principal
 Ph. (805) 238-5501
 610 10th Street, Suite
 A Paso Robles, Ca.
 93446

PLAN PREPARED FOR:
THE FOUR HOUSE
 525 PINE STREET
 PASO ROBLES, CA 93446

REVISION LOG

REV.	DESCRIPTION	DATE

These drawings are the intellectual property of Ken M. Nagahara and his firm. No part of these drawings shall be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Ken M. Nagahara and his firm. PROJECT NO. 18-000001

**AFFIDAVIT
OF MAIL NOTICES**

PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Amanda Ross, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for the Conditional Use Permit Amendment 11-012 to allow establishment of nightclub activities in addition to the current tavern and brewery use at 525 Pine Street, Suite A on this 14th day of July, 2015.

City of El Paso de Robles
Community Development Department
Planning Division

Signed: 
Amanda Ross

**Attachment 5:
Public Notice Affidavits**

THE *Newspaper of the Central Coast*
TRIBUNE

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In The Superior Court of The State of California
In and for the County of San Luis Obispo
AFFIDAVIT OF PUBLICATION

AD # 1845135
CITY OF PASO ROBLES

STATE OF CALIFORNIA
County of San Luis Obispo

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen and not interested in the above entitled matter; I am now, and at all times embraced in the publication herein mentioned was, the principal clerk of the printers and publishers of THE TRIBUNE, a newspaper of general Circulation, printed and published daily at the City of San Luis Obispo in the above named county and state; that notice at which the annexed clippings is a true copy, was published in the above-named newspaper and not in any supplement thereof – on the following dates to wit; JULY 17, 2015 that said newspaper was duly and regularly ascertained and established a newspaper of general circulation by Decree entered in the Superior Court of San Luis Obispo County, State of California, on June 9, 1952, Case #19139 under the Government Code of the State of California.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)

DATED: JULY 17, 2015

AD COST: \$155.94

CITY OF EL PASO DE ROBLES
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 on Tuesday, July 28, 2015, at 7:30 p.m. at the City of El Paso de Robles, 1000 Spring Street, Paso Robles, California, in the City Council Chambers, to consider the following project:

A request filed by Shawn Copen to amend Conditional Use Permit (CUP 11-012) to include entertainment and amplified music, consisting of live music, bands, DJs, and dancing (collectively, "Nightclub Activities") in addition to the established tavern and brewery located at 525 Pine St, Ste. A.

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

The application and staff report may be reviewed at the Community Development Department, 1000 Spring Street, Paso Robles, California. Copies may be purchased for the cost of reproduction.

Written comments on the project may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 or emailed to planning@prcity.com, provided that the comments are received prior to the time of the public hearing. Oral comments may be made at the hearing. Should you have any questions regarding this application, please call Amanda Ross at (805) 237-3970 or by email at aross@prcity.com.

If you challenge the project 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.

Amanda Ross
Planning Intern
July 17, 2015

1845135

RECEIVED
JUL 21 2015
City of Paso Robles
Community Development Dept.

Kristy Buxkemper

From: Rettig-Gallant, Debra <dgallant@hrblock.com>
Sent: Wednesday, July 22, 2015 3:40 PM
To: Kristy Buxkemper
Subject: RE: prioposed night club at Pour House

I am not sure that their current permit allows it, but they have live music often, I feel that is a noise issue.

Debra Rettig-Gallant
H & R Block
San Luis Obispo County
Franchise Owner
805 674-1455, cell

From: Kristy Buxkemper [KBuxkemper@prcity.com]
Sent: Wednesday, July 22, 2015 3:31 PM
To: Rettig-Gallant, Debra
Cc: Planning Staff
Subject: RE: prioposed night club at Pour House

Ms. Rettig-Gallant,

Thank you for your comments regarding Conditional Use Permit 11-012 for the Pour House. I will provide the Planning Commission with a copy of your comments and this item will be heard at the next scheduled Planning Commission meeting on July 28th.

Have a wonderful afternoon!

Best Regards,

Kristy L. Buxkemper
City of Paso Robles, Community Development Department
Planning and Engineering Divisions
1000 Spring Street
Paso Robles, CA 93446
805-237-3970
fax: 805-237-3904

From: Rettig-Gallant, Debra [mailto:dgallant@hrblock.com]
Sent: Wednesday, July 22, 2015 3:16 PM
To: Kristy Buxkemper
Subject: prioposed night club at Pour House

I am the owner and operator of the H & R Block, located next door to the Pour House at 527 Pine St. I am also one of the owners of my unit.

We have had several problems, since they have moved next door. Every night all of the street parking is full. People smoke on the patio within 15 feet of my building. The smoking makes it impossible for us to open our windows. Often, I will come in to beer bottles on my front landscaping. They have not been a good neighbor.

I am writing my opposition to this conditional use permit.

Debra Rettig-Gallant

Debra Rettig-Gallant

H & R Block

San Luis Obispo County

Franchise Owner

805 674-1455, cell