

RESOLUTION NO: 07-0040

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 and dancing as an accessory to the restaurant use. The amplified music and dancing is restricted to 12:00 midnight cutoff on Friday, Saturday and Sunday nights and national holidays. 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 three (3) 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 plan 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. The applicant shall submit a sound mitigation plan to be prepared and implemented prior to the commencement of the night club operations to the satisfaction of the Community Development Director.
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 27th day of March 2007, by the following roll call vote:

AYES: Flynn, Steinbeck, Holstine, Treach, Johnson

NOES: Menath, Withers

ABSENT: None

ABSTAIN: None

CHAIRMAN MARGARET HOLSTINE

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY