

RESOLUTION NO.: 08-020

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, The Planning Commission adopted Resolution 07-040 approving CUP 07-001 on March 27, 2007; and

WHEREAS, condition No. 4 of the resolution 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; and

WHEREAS, condition No. 5 of the resolution requires the addition of the following condition in the instance that the activities become a nuisance and complaints are made:

Doors and windows are to remain closed at all times while any type of music or entertainment is playing

and;

WHEREAS, the Police Department has received complaints related to excessive noise from Downtown Brew; and

WHEREAS, a public hearing was conducted by the Planning Commission on April 22, 2008, 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 continue to allow 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. Background music during typical restaurant activities is permitted and not subject to this Conditional Use Permit.

2. Doors and windows are to remain closed at all times while any type of music or entertainment is playing. Additionally the following noise mitigation measures shall be implemented to reduce noise levels from the balcony as described in the Noise Mitigation Plan provided by the applicant on April 22, 2008, see attachment A:
 - a. Locking and/or monitoring doors to the balcony which face south on Pine Street to minimize the impact of any noise to Hotel Cheval. See attached diagram.
 - b. Installing sound absorbent material in awning over balcony.
 - c. Installing glass paneling on the south facing portion of the balcony. See attached diagram.
(Note: conditions above are subject to any necessary building code requirements as determined by the Building Official. Conditions 2b & 2c shall be completed by June 24, 2008)
3. 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.
4. 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.
5. This CUP shall be reviewed informally by the Planning Commission after a 30 day period and again 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 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.
6. Designated in-house or contracted private security guards 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.
7. Interior and exterior surveillance cameras 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.

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. 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. All existing and new signage (including temporary signs) shall comply with the City Sign Ordinance.
11. 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.
12. Prior to the 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 22nd day of April 2008, by the following roll call vote:

AYES: Treach, Flynn, Holstine, Johnson, Peterson, Steinbeck

NOES: None

ABSENT: Hodgkin

ABSTAIN: None

CHAIRMAN ED STEINBECK

ATTEST:

RON WHISENAND, PLANNING COMMISSION SECRETARY

DOWNTOWN BREWING CO.

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MEMORANDUM

TO: Mr. Darren Nash, Associate Planner
FROM: Timothy L. Hodge, Owner
DATE: April 22, 2008
RE: Sound Mitigation Plan

The purpose of this memorandum is to outline the steps Downtown Brewing Co. has undertaken and would be willing to undertake in accordance with Section 9 of our Conditional Use Permit.

Mitigation Steps Already Implemented:

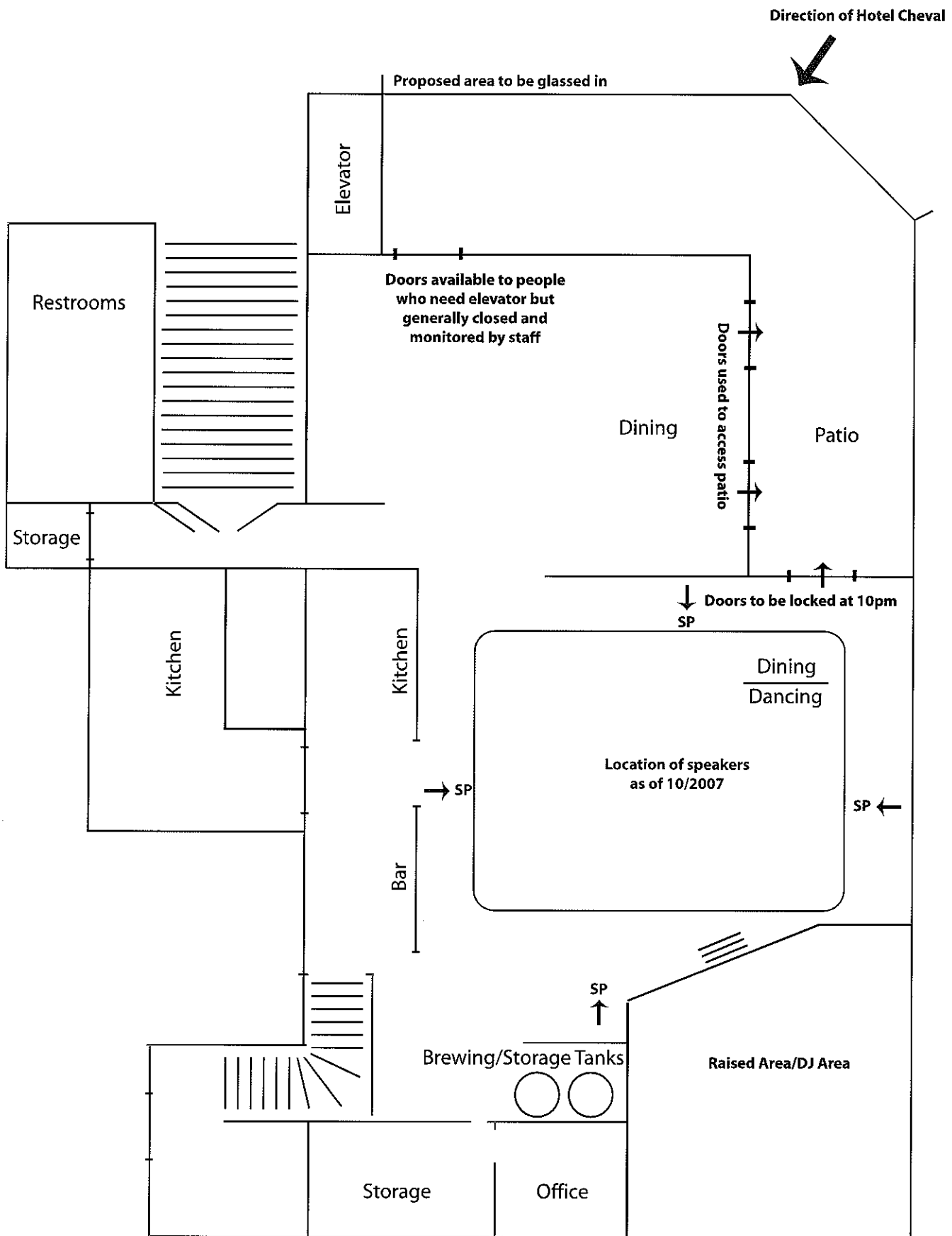
1. Doors to the balcony are kept closed as much as possible. Patrons still, however, use them for access to the balcony. They are never propped open.
2. Solid panels were installed on the railing of the balcony to create a solid surface to help with noise.
3. As of October of last year all speakers were reoriented to that they would not directly face any of the doors to the balcony. See attached diagram.
4. Sound absorbent material was added to the interior of the premises to keep the sound from "bouncing". This in conjunction with the reorientation of the speakers has helped keep sound from the interior from getting outside.
5. Utilizing doors to the balcony that are not facing south down Pine Street for access to the balcony. See attached diagram.

Mitigation Steps to be Considered:

1. Locking and/or monitoring doors to the balcony which face south on Pine Street to minimize the impact of any noise to Hotel Cheval. See attached diagram.
2. Installing sound absorbent material in awning over balcony.
3. Installing glass paneling on the south facing portion of the balcony. See attached diagram.

Please contact me with any questions or comments.

Attachment A
Sound Mitigation Plan
CUP 07-001
(Downtown Brew)



Downtown Brewing Co. PASO ROBLES • 1108 Pine Street., Paso Robles, Ca