
TO: PLANNING COMMISSION

FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
JANET REESE, PLANNER II

APPLICATION: DEVELOPMENT PERMIT APPLICATION NUMBER 12-002

LOCATION: 191 SOUTH OAK PARK BOULEVARD, UNIT 3 (060-309-002)

SUBJECT: Request for a Use Permit to establish and operate a microbrewery and bar ("brewpub") in a 1,000 sq. ft. multi-tenant building.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit.

BACKGROUND

Existing Conditions:

The 88,006 square foot project site was developed with a warehouse building in 1975 and 1977 for a total warehouse facility of 11,000 square foot with 51 parking spaces on the northern half of the site. The southern half of the site remains undeveloped and vacant. Existing businesses include a sandwich shop, dog groomer, martial arts studio, and offices.

Data Summary:

Applicant Name: Michael Hiebner

Property Owner Name: Brad Forde

General Plan Designation: Retail and Commercial Services

Zoning: Shopping Center (C-S)

Surrounding Zoning & Existing Uses:

North: C-S-PD; commercial center

South: R-3-D#5; apartments

East: City of Arroyo Grande – Gateway Mixed-Use; vacant

West: C-S-PD; commercial center

DISCUSSION

The applicant is proposing a brewpub or microbrewery, which brews and sells beer on the premises. They can also distribute/sell their product for consumption off-site. The 1,000 square foot unit would have seating for approximately 25 people in the front half of the building consisting of tables and chairs and bar stools. The applicant would not offer food service, with

Please Review for the Possibility of a Potential Conflict of Interest:

None Identified by Staff

Laferriere

Blum

Evans

Alex

Coleman

Long

the exception of pre-prepared snacks (e.g., chips, nuts, etc.). The rear half of the unit would house the microbrewery with a capacity to brew approximately 1,500-2,500 gallons per year (six 100-gallon fermenters). The applicant has applied for a type 23 license from the Department of Alcoholic Beverage Control, which allows on-site and off-site sales, both retail and wholesale.

The applicant is proposing hours of operations from 10:00 a.m. to 11:00 p.m. Monday through Friday and 9:00 a.m. to 11:00 p.m. on weekends, with the peak hours of 5:00 p.m. to 9:00 p.m.. The proposed hours would allow the business to open one hour before a sporting event starting at 10:00 a.m. on a weekend and close at the end of a sporting event that starts in the early evening.

The proposed unit is located adjacent to other commercial uses. The closest residential use is approximately 250 feet to the south. Based on the small seating area and the business operating within the building (i.e. no outdoor operations), staff does not expect land use compatibility issues. The Police Department has reviewed the application and does not object to the proposed use subject to compliance with the conditions of approval.

However, the purpose of the Use Permit is to ensure that uses are compatible with surrounding uses and comply with the conditions of approval. If the applicant does not comply with City codes and/or the conditions of approval, a public hearing can be held to consider revocation of the Use Permit.

Parking

There are currently 49 parking spaces for the development. The Zoning Code requires one parking space per 250 gross square feet for office, retail, and service uses. For restaurants and bars, one parking space is required for every three seats, but no less than one space per 200 gross square feet. Based on the existing uses and proposed use, 56 parking spaces are required (reference Parking Table below), However, Zoning Code Section 9138.8(B) allows parking reductions based on different peak hour usage.

The Parking Table below indicates the number of parking spaces for each use and the peak hours of use.

Parking Table

Unit	Business	Unit Square Footage	Number of Required Parking Spaces	Parking Requirements Based on Peak Hours of Use	
				8:00 a.m.-5:00 p.m. Monday - Friday	After 5:00 p.m. Monday - Friday and/or weekends
1	Stacked Sandwiches	1,000	12	12	12
2	Pam's Beachside Grooming	1,000	4	4	
3	Proposed Brewpub	1,000	8		8
4	Systems & Marketing Solutions	1,000	4	4	
5	Mobility Therapy	1,000	4	4	
6	Forde Properties	1,000	4	4	
7	Vacant	1,000	4	4	
8	Full Circle Aikido	1,000	4		4
9	Youth One-Stop Business & Career Center	1,000	4	4	
10	Vacant	1,000	4	4	
11	Vacant	1,000	4	4	
	Total	11,000	56	44	24

Therefore, the existing 49 parking spaces on-site should be sufficient to accommodate the peak use during the day of 44 spaces and the evening and weekend peak use of 24 spaces based on the businesses different peak hour parking demand.

Noise

All businesses, regardless of type, are required to complying with the City's noise ordinance. If the business exceeded the maximum noise levels, or otherwise became a nuisance, a public hearing can be held to consider revocation of the Use Permit.

Odor

The applicant has informed staff that the brewery will produce a caramel-like odor, but due to the low number of fermenters, it should be very light, if detectible.

Conclusion

Staff believes that based on the small scale of the business with limited seating and the probability that peak usage would occur after 5:00 p.m. and on weekends, the proposed use is compatible with the site and surrounding area. However, as previously mentioned, if the applicant does not comply with City codes and/or the conditions of approval, a public hearing can be held to consider revocation of the Use Permit.

ENVIRONMENTAL REVIEW

The project qualifies for a Class 1 Categorically Exempt in accordance with the California Environmental Quality Act (CEQA). A Class 1 exemption (Section 15301) consists of projects involving negligible or no expansion of the existing facilities.

ALTERNATIVES

The Planning Commission has the following alternatives to consider:

1. Adopt the resolution approving the Use Permit; or
2. Provide alternative direction to staff; or
3. Direct staff to prepare a resolution denying the project with findings.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the resolution approving the Use Permit.

PUBLIC NOTIFICATION

On March 2, 2012, the public hearing notice was published in the Times Press Recorder. On March 1, 2012, the public hearing notice was mailed to all property owners within 300 feet of the property and posted as required by City code. In addition, the agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Draft Use Permit Resolution
2. Site Plan
3. Floor Plan

PLANNING COMMISSION RESOLUTION NO. 12-15**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GROVER BEACH
APPROVING A USE PERMIT FOR DEVELOPMENT PERMIT
APPLICATION NO. 12-02 (191 SOUTH OAK PARK BLVD, UNIT 3)**

WHEREAS, the Planning Commission for the City of Grover Beach has received for its review and consideration a Staff Report and presentation in connection with Development Permit Application No. 12-002 for a Use Permit to operate a brewpub at 191 South Oak Park Boulevard, Unit 3 (060-309-002); and

WHEREAS, the notice of Public Hearing was sent to adjoining property owners and advertised in the manner required by law; and

WHEREAS, the project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA), Class 1: Existing Facilities; and

WHEREAS, the Planning Commission of the City of Grover Beach has reviewed and considered the Use Permit for Application No. 12-02 at a Public Hearing on March 13, 2012; and

WHEREAS, the Planning Commission for the City of Grover Beach makes the following findings, in accordance with Municipal Code Section 9144.5 Use Permits, Subsection (B), subject to the conditions of approval contained herein:

1. As referenced in the staff report and as conditioned, the proposed use is found to be consistent with applicable provisions of the Planning and Zoning regulations of the City of Grover Beach. The site has a sufficient number of parking spaces available for the patrons of the site.
2. As conditioned, the proposed use will not be detrimental to the health, safety, and general welfare of the persons located in the neighborhood and the City of Grover Beach. The proposed use would not generate noise levels exceeding the maximum allowed in commercial zoning districts.

CONDITIONS OF APPROVAL:GENERAL

- G-1. This Use Permit will not take effect until the Applicant and Property Owner sign this Resolution agreeing to the terms and Conditions of Approval. Failure to sign within thirty (30) days shall constitute non-compliance with said conditions resulting in an automatic withdrawal of the approval.
- G-2. Failure to appeal the Planning Commission action or a specific condition imposed as provided in Section 9144.12 within five (5) working days of Planning Commission action shall be deemed as agreement to all conditions of approval.
- G-3. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which

City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.

- G-4. The project shall comply with all Federal, State, Local and City codes, regulations, and standards.
- G-5. The approval granted by this Resolution shall be valid for twenty-four (24) months of the Planning Commission final approval date, and shall expire unless the proposed use is commenced. Any request for a time extension shall be submitted prior to expiration.
- G-6. The approval granted by this Resolution may be revoked by the Planning Commission if any of the conditions herein are violated or the continuance of the use would be detrimental to the health, safety, and general welfare of the persons located in the neighborhood and the City of Grover Beach.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This Use Permit authorizes the operation of a microbrewery as shown on the attached Exhibit A.
- CDD-2. Prior to commencement of operations, permits shall be obtained from the County Health Department and State Department of Alcoholic Beverage Control.
- CDD-3. The hours of operation shall be between the hours of 9:00 a.m. and 11:00 p.m.
- CDD-4. The maximum occupancy of the unit shall be 49 people.

The following abbreviations reflect the agency and departmental requirements for the conditions stated above:

- G – General Condition
- CDD – Community Development Department Condition

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission for the City of Grover Beach **DOES HEREBY APPROVE** a Use Permit for Development Application No. 12-002.

On motion by _____, seconded by _____, and on the following roll-call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

the foregoing RESOLUTION NO. 12-15 was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City of Grover Beach Planning Commission on this 13th day of March, 2012.

_____, CHAIR

Attest:

BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR
SECRETARY TO THE PLANNING COMMISSION

ACCEPTANCE OF CONDITIONS

This permit is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by the Applicant and Property Owner or Authorized Agent. The undersigned hereby acknowledge the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions within the recommended time frames approved by the Planning Commission for the City of Grover Beach.

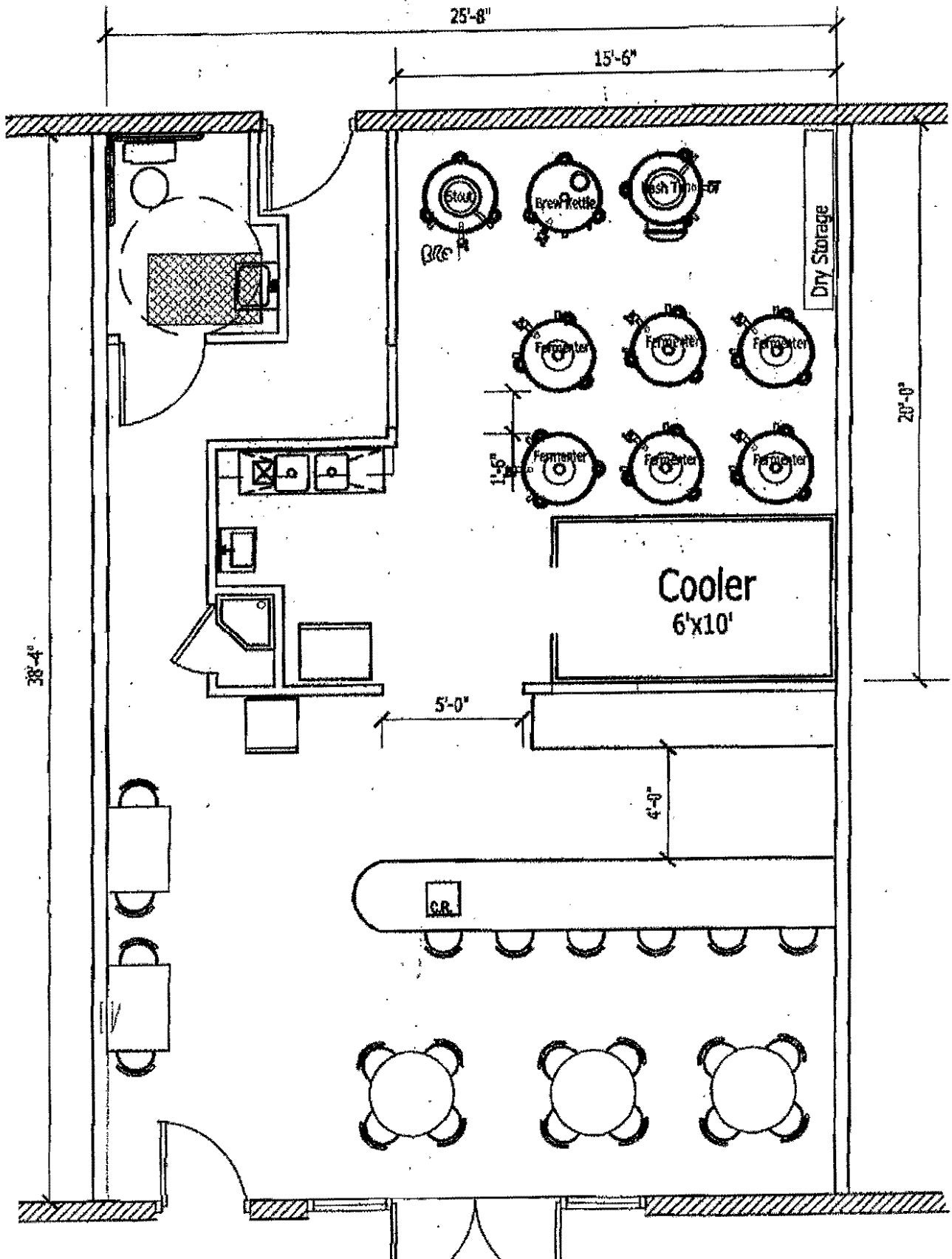
Applicant

Date

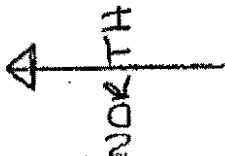
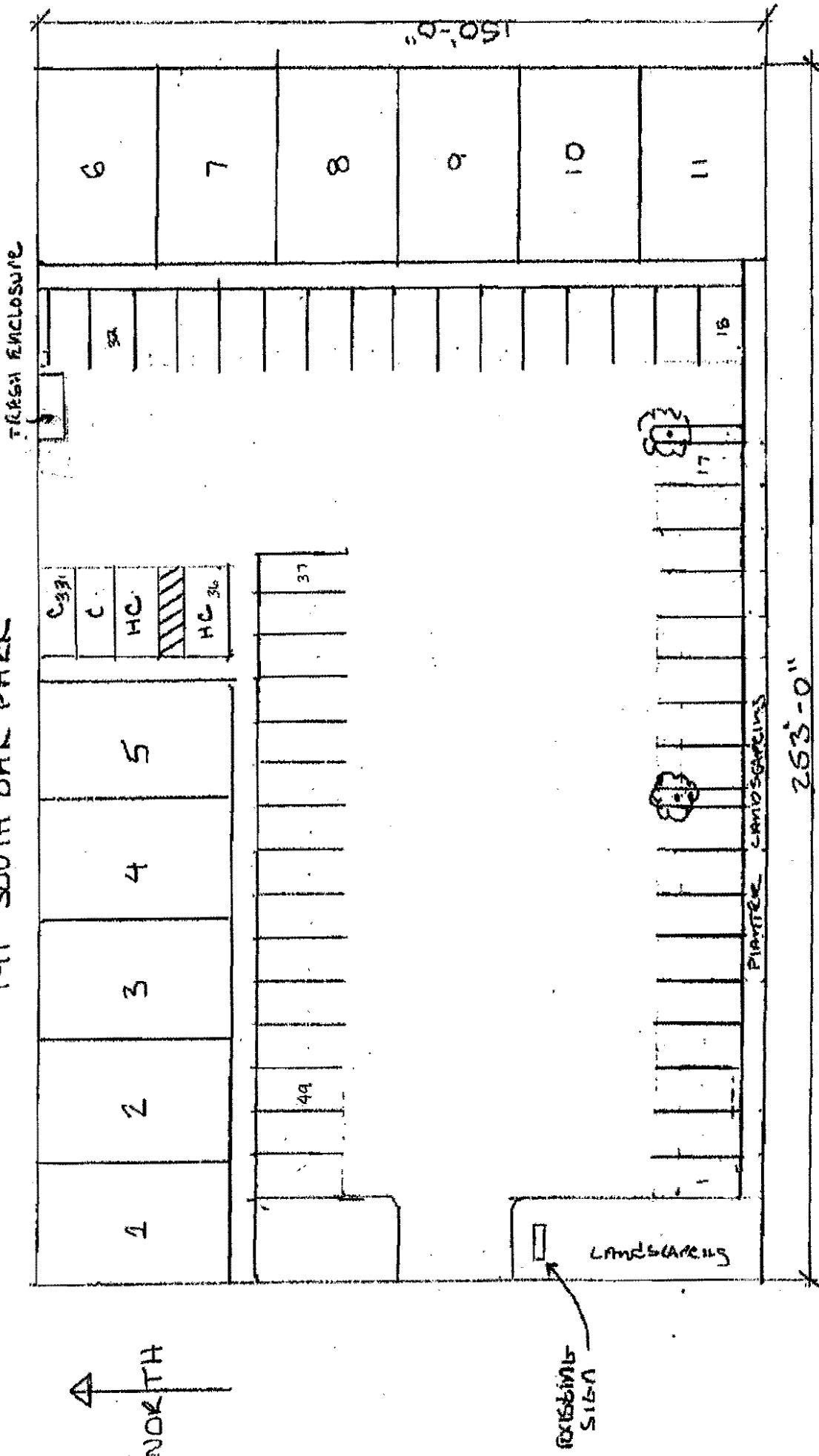
Property Owner or Authorized Agent

Date

Exhibit A



OAK PARK BUSINESS CENTER 191 SOUTH OAK PARK



ALL SURROUNDING DEVELOPMENT IS COMMERCIAL USE

- PARKING:**
- 47 - STANDARD (18'x9')
 - 2 - COMPACT
 - 2 - HANDICAP
 - 51 - TOTAL

SCALE 1" = 30'

