

Mayor
William Siegel
Mayor Pro Tem
Lois Wynne
Council Members
Eddie Neal
Willard Rodarmel



City of
LEMOORE
CALIFORNIA

Public Works/ Planning

711 W. Cinnamon Drive
Lemoore CA 93245
Phone (559) 924-6704
FAX (559) 924-6708

Staff Report

ITEM 2

To: Lemoore Planning Commission

From: Michael S. Hernandez, Assistant Planner; Steve Brandt, City Planner

Subject: Public Hearing to consider **CUP No. 2014-01**: a request to establish a Micro-Brewery with sales in an adjacent restaurant. The site is located at 238 C Street, Suites J and K.2

Recommended Action

City staff recommends that the Planning Commission conduct a public hearing to take testimony regarding CUP No. 2014-01. Following the public hearing, staff recommends that the Planning Commission consider the testimony given and approve the applicant's proposal with conditions.

Proposal

The applicant, Philip Wren, requests a Conditional Use Permit to establish a microbrewery in an existing building in Downtown District. A microbrewery by definition produces a limited amount of beer. Exact definitions vary, but the terms are typically applied to breweries that are much smaller than large-scale corporate breweries and are independently owned. The existing building is 312 sq. ft., it is currently vacant, and the applicant is proposing that there will not be any structural changes to the building. There will also be no physical changes to the exterior of the building. The applicant is proposing to brew at the site and sell to an adjacent property, which is a restaurant; the restaurant where the beer will be sold (Ocean City Chinese Restaurant) is approximately 100 ft. from the microbrewery.

There will be on-site grain mill that will run sparingly to crush the grains needed to brew the beer. It will run for approx 5 minutes per batch, with 3 batches per week planned. Other equipment consists of water pumps and burners. There will be an exhaust vent installed on the boiling side of the brewery. The boiling wort produces an aroma that is mainly comprised of boiling grain and hops. Besides the applicant, there will be one employee/partner assisting with the operation.

<u>Applicant</u>	Bird Street Brewery, Inc., Philip Wren
<u>Location</u>	238 C Streets, Suites J & K
<u>Existing Land Use</u>	Vacant office building (former motel)
<u>APN</u>	020-092-025
<u>Site Size</u>	312 sq. ft.
<u>Lot Size</u>	7,210 sq. ft.
<u>Zoning</u>	DMX-1
<u>General Plan</u>	Downtown Mixed Use

Adjacent Land Use, Zone and General Plan Designation

<u>Direction</u>	<u>Current Use</u>	<u>Zone</u>	<u>General Plan</u>
North	Alley,(Lemoore Real Estate, Ocean City Chinese Restaurant), and mixed use buildings	DMX-1	Downtown Mixed Use, Core
South	Offices (Kings Public Health, First Command Principal)	DMX-3	Downtown Mixed Use, Transitional
East	Parking Lot, mixed use buildings (Eric Verheul Physical Therapy, Plain Insane Graphics)	DMX-1	Downtown Mixed Use, Core
West	Mixed use buildings(Family Dentist, tattoo parlor, hair salon)	DMX-1	Downtown Mixed Use, Core

History

The existing building was the Old Motel Plaza. The current uses of adjacent rooms are office space. Some suites are currently vacant.

Zoning/General Plan

As stated In the City of Lemoore Zoning Ordinance, “DMX-1, Downtown Mixed Use, core. This district comprises the historical center of the downtown. The district is designated for retail, commercial, professional office, second story residential, public, and institutional uses. Retail and restaurant uses are generally the primary use at the site.” The microbrewery would be consistent with the intent of the Downtown Mixed Use designation in the General Plan.

Typically, microbreweries in downtown settings are established as an element of a restaurant/bar. In this case, the majority of the product will be moved in boxes by handtruck across the alleyway to the adjacent restaurant for sale at that location. No sales will take place at the 238 C Street location. Given the close proximity, Staff views the microbrewery and the restaurant as a combined use that is not dissimilar to a microbrewery that produces and serves from the same building.

Access and Traffic

C Street would serve as primary access in and out of the property. Alley access to the proposed property is also in place and access from D Street could also be used. Ingredients and supplies will be delivered via UPS/Fed Ex truck or by the applicant’s private vehicle. Most of the product will be handtrucked to the Ocean City Chinese Restaurant.

Environmental Assessment

Pursuant to CEQA Guidelines Section 15303, New Small Structures, it has been determined that this project is categorically exempt from additional CEQA Processes.

Approval Findings

A conditional use permit shall be granted only when the designated approving authority determines that the proposed use or activity complies with all of the following findings:

1. The proposed use is consistent with the general plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the microbrewery would serve as an extension of an existing restaurant.

2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The proposed use will not result in excessive amounts of traffic to the project site. The proposed structure will provide adequate space for its intended use.
3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The proposed site does provide sufficient parking and it is in close proximity to the restaurant that it will be serving.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity. The proposed use and related structures are compatible with the adjacent service facilities.

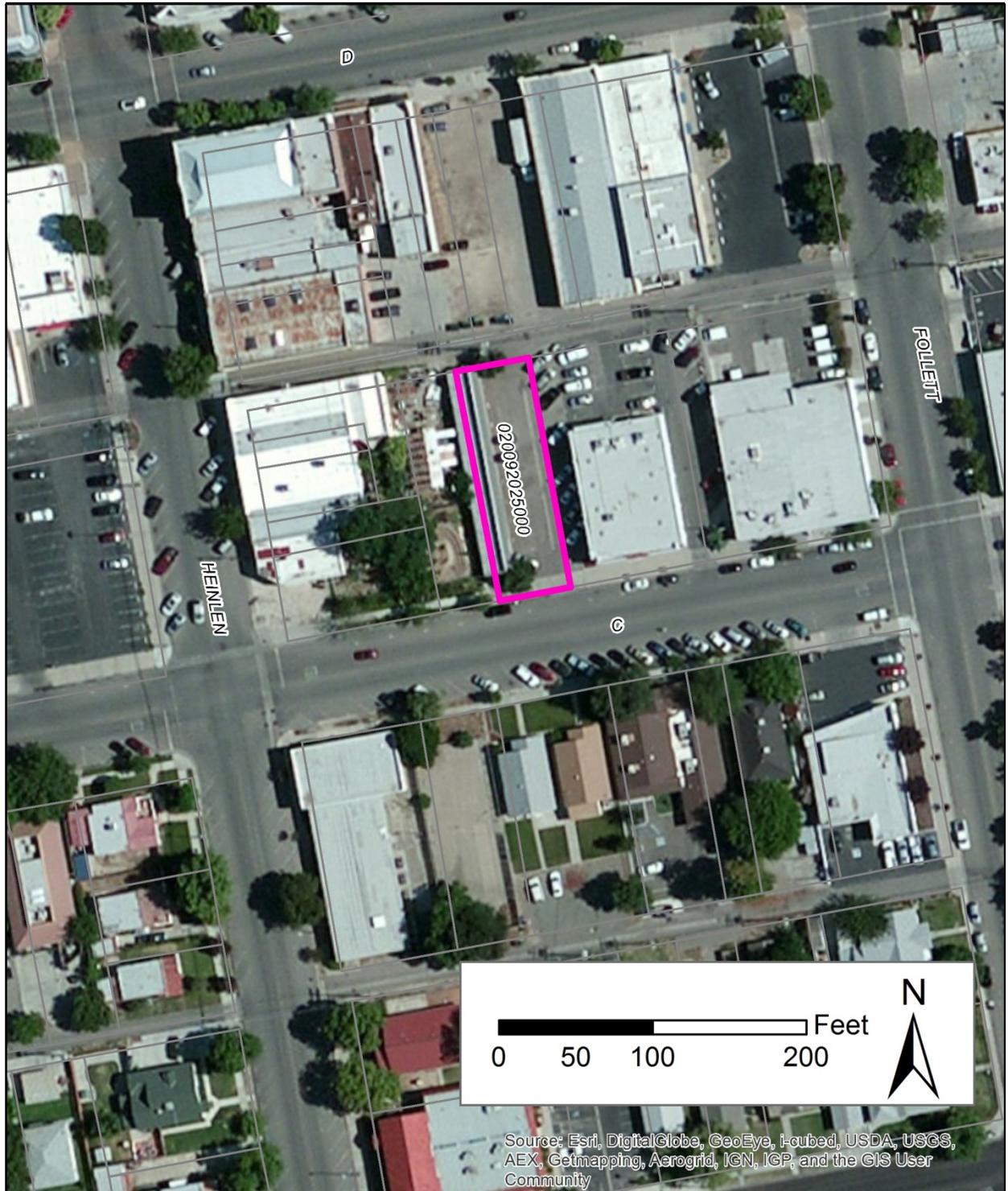
Recommended Conditions

Staff recommends the following conditions be applied to the approval of the Conditional Use Permit:

1. The operation shall be conducted in accordance with this conditional use permit. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the City.
2. The operation shall be conducted entirely within the building (Suites J & K). No storage of any kind shall occur outside the building.
3. No sales shall occur at the production site (Suites J & K).
4. Any expansion beyond Suites J & K of the site shall first require an amendment to this conditional use permit.
5. If the City receives complaints about odor or excessive noise, the applicant shall take reasonable and feasible measures to eliminate perceptible odor at the property line and/or reduce noise to within City Noise Ordinance standards.
6. The time limits and potential extensions and expiration of this conditional use permits are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Attachments

- Aerial Photo of Site
- Draft Resolution for Approval
- Exterior Sketch of Building
- Interior Sketch of Building
- Floor Plan



Aerial Photo of Site

Exhibit
1

RESOLUTION NO. 2014-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LEMOORE
APPROVING CONDITIONAL USE PERMIT NO. 2014-01 TO ALLOW A MICROBREWERY
LOCATED AT 238 C STREET, SUITES J AND K**

At a Regular Meeting of the Planning Commission of the City of Lemoore duly called and held on July 14, 2014, at 7:00 p.m. on said day, it was moved by Commission Member _____, seconded by Commission Member _____ and carried that the following Resolution be adopted:

WHEREAS, Bird Street Brewery, Inc., represented by Philip Wren, has requested a conditional use permit to allow a microbrewery located at 238 C Street, Suites J and K; and

WHEREAS, the proposed building is 312 square feet in size; and

WHEREAS, the zoning on the parcel is DMX-1 (Downtown Mixed Use); and

WHEREAS, the project is categorically exempt from CEQA requirements per the new small structures exemption in Section 15303 of the CEQA Guidelines.

WHEREAS, the Lemoore Planning Commission held a duly noticed public hearing at their July 14, 2014, meeting.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Lemoore hereby makes the following findings regarding the proposed conditional use permit:

1. The proposed use is consistent with the General Plan, any applicable specific plans, and all applicable provisions of this title. The proposed use of the building is consistent with the General Plan; the microbrewery would serve as an extension of an existing restaurant.
2. The establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case (location, size, design, and operating characteristics), be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such use or to the general welfare of the city. The proposed use will not result in excessive amounts of traffic to the project site. The proposed structure will provide adequate space for its intended use.
3. The site of the proposed use is physically suitable for the type, density, and intensity of the use and related structures being proposed. The proposed site does provide sufficient parking and it is in close proximity to the restaurant that it will be serving.
4. It will not be contrary to the specific intent clauses, development regulations, or performance standards established for the zoning district in which it is located. The proposed use and related structures are compatible with other land uses, transportation patterns, and service facilities in the vicinity. The proposed use and related structures are compatible with the adjacent service facilities.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Lemoore approves Conditional Use Permit No. 2014-01, subject to the following conditions:

1. The operation shall be conducted in accordance with this Conditional Use Permit. Any deviations from the approvals shall require an amendment to the prior approvals or approval of a new permit or entitlement(s) as determined by the City.
2. The operation shall be conducted entirely within the building (Suites J &K). No storage of any kind shall occur outside the building.
3. No sales shall occur at the production site (Suites J & K).
4. Any expansion beyond Suites J & K of the site shall first require an amendment to this Conditional Use Permit.
5. If the City receives complaints about odor or excessive noise, the applicant shall take reasonable and feasible measures to eliminate perceptible odor at the property line and/or reduce noise to within City Noise Ordinance standards.
6. The time limits and potential extensions and expiration of this Conditional Use Permit are established per Section 9-2A-9 of the City of Lemoore Zoning Ordinance.

Passed and adopted at a Regular Meeting of the Planning Commission of the City of Lemoore held on July 14, 2014, by the following votes:

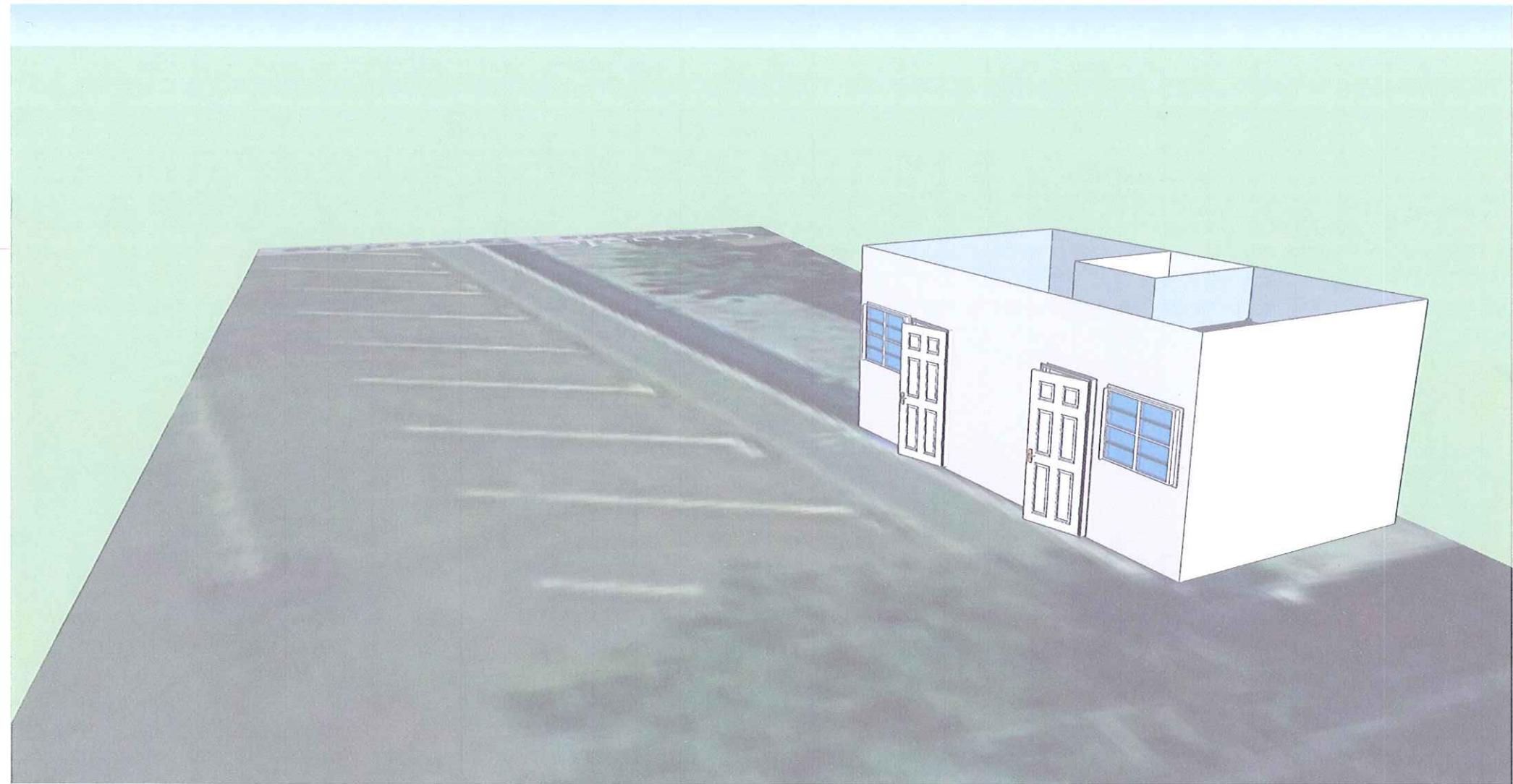
AYES:
NOES:
ABSTAINING:
ABSENT:

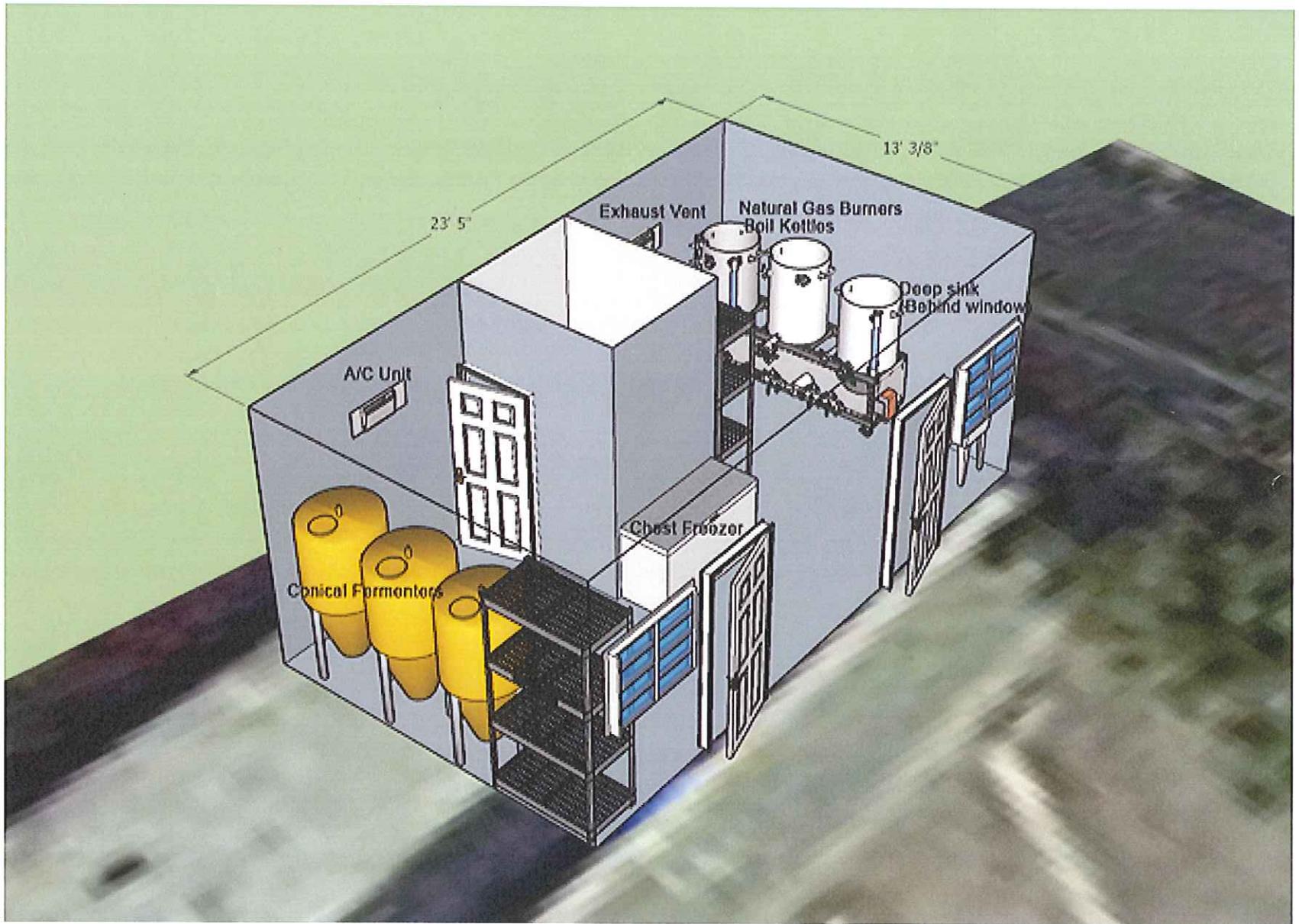
APPROVED:

Jeff Garcia, Chairperson

ATTEST:

Kristie Baley, Commission Secretary





238 C Street, J & K

