



staff report

Agenda Item No.

D-1

To: City of Imperial Planning Commission

From: Jorge Galvan, AICP, Planning Manager

Date: August 26, 2015

**Subject: Conditional Use Permit Request #15C06
Pentagonal Brewing
115 North Imperial Avenue, Imperial, CA 92251**

Background

The Planning Commission previously approved a Conditional Use Permit (CUP) allowing Pentagonal Brewing Company to operate a microbrewery with a tasting room at 418 East Barioni Boulevard, Imperial CA 92251. That site is no longer available and Pentagonal Brewing Company is instead opening up their business at 115 North Imperial Avenue (between Crazy Horse Clothing and Key's Bargains). Conditional Use Permits are only valid for the address/location for which it was originally approved. It does not stay with business if it decides to relocate. A new Conditional Use Permit is required.

Pentagonal Brewing is requesting approval for a Conditional Use Permit (CUP) to allow the operation of a small brewery and tasting room with craft beer sales for on-site and off-site consumption. The business will be located at 115 North Imperial Avenue occupying Suites B and C. The proposed microbrewery will initially produce approximately 30 barrels a month (930 gallons) with possible expansion in the future. A tasting room is included in the project site where patrons can sample various craft beer produced by the company. Beer will also be sold directly to consumers via growler fills (refillable bottles ranging in size from 32 ounces to 128 ounces) for off-site consumption. The majority of the beer produced by the company will be sold wholesale to a distributor.

The Brewery will consist of fermentation tanks, bright tanks, and a brew house with a potential 230 seat tasting room once the applicant expands the facility. Opening of business is contingent upon acquiring state, local, and county licenses. There are plenty of parking spaces to the west side of the property. Pentagonal intends to hire approximately 5-6 employees. The proposed use will require a Type 23 license (small beer manufacturer) from the California Department of Alcohol Beverage Control (ABC) before beginning operations.

The subject site is located on northwest corner of Barioni Boulevard and Imperial Avenue within Arellano's Clock Tower Plaza. The property is currently zoned V-C Village Commercial which is intended as the social and civic heart of the City with small retail shops, outdoor dining in a vibrant, pedestrian friendly and family-oriented atmosphere.. The Zoning Code does not list microbreweries as being permitted in any zone but provides a process for which the Planning Commission can make a determination that microbreweries and similar to and not more detrimental than those currently allowed by right or by conditional use permit.



Pentagonal Brewing will occupy approximately 2,000 square feet. The production of beer consists of heating grains and water to extract fermentable sugars. The resulting liquid will then be transferred to fermentation tanks where it will remain for a period of time for conversion to beer. The beer will then be transferred to kegs and sold to restaurants throughout the valley.

There are more than 20 breweries in the San Diego County, but Pentagonal Brewery would be the first brewery to be established in the Imperial Valley.

Evaluation

The Zoning Ordinance provides flexibility in the regulation of uses to ensure that unusual characteristics of certain uses are properly addressed in furtherance of the Imperial Zoning Ordinance. Section 24.19.340 of the City of Imperial Zoning Ordinance requires that the Commission make specific findings be made when reviewing a CUP. The required findings are listed below in ***bold italics***, followed by an evaluation.

- 1. That the proposed location, size, design, and operating characteristics of the proposed use is in accord with the Title and Purpose of this Ordinance, the Purpose of the zone in which the site is located, the Imperial General Plan, and the development policies and standard of the City.***

The proposed project site is located within the V-C Village Commercial zone which, amongst other things, is intended as the social heart of the City. Land uses within

this zone are intended to be less intensive than those in other commercial zones. San Diego County has been identified as the craft beer capital of California and the trend of craft breweries as social destination is catching on in Imperial Valley. The V-C zone and the proposed site in particular is the perfect site for a brewery. The proposed brewery can jumpstart Downtown Imperial as a social and nightlife destination for Valley residents. While there patrons will be restricted to those over the age of 21, having a microbrewery in Downtown Imperial does not deter from the objective of a family-oriented atmosphere.

2. *That the proposed location, size, design, and operating characteristics of the proposed use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.*

A Type 23 beer manufacturer license allows the production of up to 60,000 barrels of beer per year. Pentagonal Brewing only intends to produce approximately 360 gallons per year with possible expansion based on local demand. This Staff Report analyzes the impact of the proposed brewery if it were to produce 500 barrels of craft beer per year.

Beer produced at the project site will largely be done through manual methods without the use of large, industrial machinery so noise from the production process is not a major concern. Brewing will be conducted on the front part of the building which will be at least 115' away from the nearest residential structure. The brewing process will be conducted within an enclosed facility which will be nearly inaudible to the surrounding uses. Background music will be played in the tasting room but the sound levels will be the same as that found in coffee shops. Noise from delivery trucks may be audible and bothersome to the residents of the proposed Worthington Square mixed-use development but the noise will be intermittent and infrequent. The level of noise resulting from the microbrewery would be similar to those permitted within the V-C zone.

The brewing process does produce some odor. During the initial process known as "mashing," a sweet, sugary aroma may be detected. The amount of odor produced by the microbrewery would be consistent to that of a restaurant or small bakery.

The tasting room component of the microbrewery can seat up to 230 people but the lack of food availability and full beer serving will keep the maximum number of people to 30 patrons at any given time. Sufficient parking (as defined in the V-C zone as it relates to the "park once" strategy for Downtown Imperial) is available for the patrons and the amount of traffic generated by the project will be minimal and within the capacity of surrounding streets.

3. *That the proposed Conditional Use will comply with each of the applicable provisions of the Zoning Ordinance, except for any approved Variance.*

The proposed facility shall comply with all provisions of the Zoning Ordinance.

Environmental Compliance

The project is categorically exempt from the California Environmental Quality Act (CEQA) under Class 3, Section 15303 of the Guidelines. CEQA identifies this as Class 3 Conversion of Small Structure exemption and is listed in Title 14, Article 19, Section 1503 of the California Code of Regulations. A Class 3 exemption consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structure from one use to another where only minor modifications are made in the exterior of the structure.

Recommendation

Staff recommends the Planning Commission conduct a public hearing to receive comments for and against the project. Unless sufficient evidence to the contrary is presented at the public hearing, Staff recommends approval of **Resolution PC2015-10** approving a conditional use permit for the Pentagonal Brewery located at 418 East Barioni Boulevard subject to Conditions of Approval.

Respectfully Submitted,



Jorge Galvan, AICP
Planning and Development Director