

## ADMINISTRATIVE HEARING AGENDA REPORT

**SUBJECT:** Re-review of a Minor Use Permit (MOD-0029-2025) that allows a restaurant with late night alcohol service, bar/tavern, and live entertainment at 1234 Broad Street in the Downtown Commercial (C-D) zone. This project is categorically exempt from environmental review (CEQA).

**PROJECT ADDRESS:** 1234 Broad Street      **BY:** Mallory Patino, Assistant Planner  
**FILE NUMBER:** MOD-0029-2025      Phone: (805) 783-7704  
**APPLICANT:** Libertine Brewing Company      Email: [mpatino@slocity.org](mailto:mpatino@slocity.org)  
**REPRESENTATIVE:** John Pranjic, Manager

### RECOMMENDATION

Maintain the existing Minor Use Permit (MOD-0029-2025), based on findings and subject to revised conditions of approval.

### SITE DATA

<b>Applicant</b>	Libertine Brewing Company
<b>General Plan Land Use Designation</b>	General Retail (GR)
<b>Zone</b>	Downtown Commercial (C-D)
<b>Site Area</b>	9,000 square feet
<b>Environmental Determination</b>	Categorically exempt from environmental review under CEQA Guidelines Section 15301 (Existing Facilities)



**Figure 1 – Project Site**

### SUMMARY

On January 14, 2015, the Planning Commission approved a Minor Use Permit (MUP) (USE-0406-2014) allowing a restaurant, brewery, and wine tasting at 1234 Broad Street. Since the approval of this Use Permit, Libertine Brewing Company (applicant) has continued its use as a restaurant under USE-0406-2014 and subsequent modifications. In 2019, the applicant requested to modify USE-0406-2014 to allow late hour alcohol service and live entertainment. On October 23, 2019, the Planning Commission approved the modification under MOD-0610-2019, which superseded USE-0406-2014. In 2025, the applicant requested to modify the MUP again to expand operating hours,

increase live entertainment offerings, allow for ticket sales and cover charges, and other minor modifications. On June 23, 2025, the Hearing Officer approved the modification under MOD-0029-2025, which superseded MOD-0610-2019.

Due to violations of the conditions of approval, the Community Development Director (Director) has referred the Minor Use Permit for re-review at an Administrative Hearing. Re-review of the Minor Use Permit may result in (a) added, modified, and/or removed conditions of approval to allow continuation of the restaurant with late night alcohol service, bar/tavern, and live entertainment uses in a manner compatible with existing and proposed uses in the vicinity; or (b) revocation if the required findings cannot be made.

## **1.0 PROJECT BACKGROUND**

### **1.1 Site and Setting**

The project site is a commercial parcel at the edge of the Downtown Commercial (C-D) zone, on the northeastern corner of Broad Street and Pacific Street. The parcel is entirely comprised of a one-story, multi-use, 8,737 square foot structure, that includes the restaurant and bar/tavern. Other uses in the space include a coffee shop and retail. Surrounding the project site on the north and west are retail and office uses that are also zoned as C-D. South of the project, across Pacific Street, is zoned as Office (O), and includes business and professional offices and residential units.

### **1.2 Prior Minor Use Permit Review and Approvals**

In 2014, the applicant applied for a Minor Use Permit (MUP) to convert a furniture store into a space intended to support a mix of uses including a restaurant, microbrewery, wine tasting, and retail. The Community Development Director referred the MUP to the Planning Commission for two reasons: 1) the property is at the edge of the Downtown Core and adjacent to an Office (O) Zone that allows residential uses; and 2) the proposed uses involve the manufacturing and consumption of alcohol and the City Council had shown heightened awareness of alcohol outlets in the Downtown (in 2012, the City Council adopted Zoning Amendments to address alcohol-related problems in the Downtown). On January 14, 2015, the Planning Commission approved the Use Permit allowing the restaurant, brewery, and wine tasting at 1234 Broad St. as USE-0406-2014 (Attachment A – PC Resolution No. PC-5623-15).

In 2019, the applicant requested a modification to USE-0406-2014 to allow late hour alcohol service and live entertainment, as well as expand the types of alcohol services to include spirits (hard liquor) for the restaurant at the project site. On October 23, 2019, the Planning Commission approved the Modification as MOD-0610-2019, which modified and superseded USE-0406-2014 (Attachment B – [PC Resolution No. PC-1011-19](#)). The modification allowed operating hours of 10:00 AM to 11:00 PM on Sunday through Wednesday, and 10:00 AM to 12:00 AM on Thursday through Saturday. The modification also restricted entertainment to the floor plans in the applicant's submitted project application materials; to two nights a week; and to small scale acts (such as a solo/duo performers) that provide background music for the restaurant between 6:00 PM to 11:00 PM, Thursday through Saturday, and for which no cover fee or ticket is required.

In 2025, the applicant requested to modify MOD-0610-2019 to extend operating and event hours, expand entertainment to a maximum of three days per week, add ticket sales and cover charges for events, allow flexible floor plans for events, and redirect the patron queue. While review of USE-0406-2014 and MOD-0610-2019 was referred to the Planning Commission, the approval of MOD-0610-2019 stated that any subsequent modifications shall be reviewed by the Community

Development Director. On June 23, 2025, the Hearing Officer approved the modification as MOD-0029-2025 (Attachment C - [MOD-0029-2025 Final Decision Letter](#)), which modified and superseded both previous approvals. The modification allowed operating hours of 10:00 AM to 12:00 AM on Sunday through Wednesday, and 10:00 AM to 2:00 AM on Thursday through Saturday, with outdoor operations restricted between 10:00 AM and 10:00 PM daily. The modification expanded entertainment to allow live entertainment, examples of which include, but are not limited to, amplified live or recorded music and/or dancing, comedy, disc jockeys, etc., or for which a cover fee or ticket may be required, to three days per week, to conclude no later than 10:00 PM on Sunday through Wednesday, and no later than 1:00 AM on Thursday to Saturday.

### **1.3 History of Violations and Code Enforcement Actions**

On November 6, 2025, San Luis Obispo City Police Officers contacted the Community Development Department (CDD) to report that the Police had received several calls for service relating to noise at 1234 Broad Street. The Officers requested Code Enforcement review the history of calls and any potential violations of the MUP. The Police records provided to CDD showed that eight calls<sup>1</sup> related to noise were responded to between December 2024 and November 2025, none of which resulted in a citation for violation of the Noise Ordinance. Of the eight calls for service, two were made after the Use Permit was modified on June 23, 2025. Based on this information, Code Enforcement immediately began a review of Libertine’s operations and conformance with MOD-0029-2025 and applicable City ordinances.

#### Notice of Violation

Code Enforcement determined that the business had violated several conditions of approval in their Use Permit and began coordinating with Libertine regarding these issues. A Notice to Correct Code Violation(s)/Notice of Violation (NOV; Attachment D) was issued to the business on January 8, 2026. The NOV stated that the business operations violated Conditions No. 5, 6, 7, 10, and 11, included below. During review, Code Enforcement determined that Building Permit BLDG-2253-2021, relating to permitting new floor plans, a new stage location, and associated occupancy changes, had been issued but was not finalized. The applicant’s operations utilizing such floor plans and stage location prior to finalizing the permit resulted in violation of Conditions No. 5, 6, and 7. Police records indicated that Officers, while responding to one<sup>2</sup> of the eight calls for service for noise complaints, asked the applicants to close a door after 10 PM, resulting in violation of Condition No. 10. Staff also found that an updated security plan was not on record, resulting in violation of Condition No. 11. As such, the Director referred the MUP for re-review at an Administrative Hearing.

*5. All uses allowed under approval of MOD-0029-2025 shall only utilize the floor plans represented in the applicant’s submitted project application materials attached to the staff report dated June 23, 2025 (for MOD-0029-2025) or the staff report dated October 23, 2019 (for MOD-0610-2019), unless approved by the Community Development Director in advance through a separate permit (e.g. special events permit). These floor plans do not extend into the lease spaces located along Pacific Street.*

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<sup>1</sup> Calls relating to noise were received on December 18, 2024, January 11, 2025, January 23, 2025, January 30, 2025, May 5, 2025, June 7, 2025, October 17, 2025, and October 30, 2025. All calls were responded to between 10:00 PM and 1:00AM.

<sup>2</sup> Officer response on December 18, 2024 noted to close one door.

6. *A Building Permit shall be issued for a change in occupancy and associated building and safety updates required for Layouts C, D, and E in the project application materials attached to the staff report dated June 23, 2025. Layouts C, D, and E shall not be implemented or utilized until said Building Permit is marked as “finaled.” Use of these layouts prior to a Building Permit being finaled may result in subsequent review of this Minor Use Permit during which conditions of approval may be added, deleted, or modified, or the permit may be revoked.*

7. *A Building Permit shall be issued for the use of the temporary stage in either location (Stage Location 1 or Stage Location 2 as shown on the project application materials attached to the staff report dated June 23, 2025). Stage use shall not be implemented or utilized until said Building Permit is marked as “finaled.” Use of the stage prior to a Building Permit being finaled may result in subsequent review of this Minor Use Permit during which conditions of approval may be added, deleted, or modified, or the permit may be revoked.*

10. *The applicant shall make affirmative efforts to minimize the potential for adverse noise and crowd impacts on adjacent establishments and nearby residences, including, but not limited to, ensuring that all windows and doors are closed during all ticketed or promoted entertainment events with amplified noise that would be above ambient noise levels. The applicant shall close all windows and doors no later than 10:00 PM, nightly.*

11. *Prior to utilization of the new floor plans and expanded entertainment events (as shown and described on the project application materials attached to the staff report dated June 23, 2025), the applicant shall submit a revised site plan/floor plan detailing the locations and duties of security staff and shall note regular maintenance/patrol of any patron lines (i.e. queue), to the satisfaction of the Community Development Department and Police Department. The security Plan shall include:*

- a. A detailed explanation of how the queue will be maintained and managed.*
- b. A detailed explanation to determine compliance with the City Noise Ordinance before, during, and at the conclusion of a musical event.*
- c. A detailed explanation of how maximum occupant load limits will be maintained.*
- d. A detailed explanation of how concert patrons will exit the building at the conclusion of a musical event.*

### Additional Noise Complaints

Since the November 6<sup>th</sup> outreach from the Police Department, as of February 17, 2026, there have been four additional calls relating to noise at the property. Three of these four calls, on December 4, 2025, December 11, 2025, and February 12, 2026, all made in the 10:00 PM hour, did not result in the issuance of a citation. The fourth call, on January 29, 2026, at 10:30 PM, resulted in issuance of a citation for a violation of the Noise Ordinance. Libertine pursued appealing the citation but could not file the appeal due to the citation’s issuance to an individual employee instead of the operating business. The citation was dismissed on February 18, 2026, by the City Attorney’s Office on the basis that the citation was issued to an individual employee and not the operating business. As such, at this time, Libertine does not have a confirmed violation of the Noise Ordinance.

### 1.3 Administrative Hearing Purview

Due to the violations of conditions of approval associated with the use, as summarized above, the Director has referred MOD-0029-2025 to be reviewed at an Administrative Hearing. To ensure on-going compatibility of the uses on the project site, conditions of approval may be added, deleted, or modified, or the Use Permit may be revoked.

## 2.0 PROJECT ANALYSIS

Staff evaluated the business operations and the violations against current conditions of approval. Staff recommends the Hearing Officer allow continuation of the Minor Use Permit, subject to updated findings and revised conditions based on the following analysis.

### 2.1 Conditions of Approval Compliance

As noted above, Libertine was issued a Notice of Violation on January 8, 2026 for non-compliance with Conditions of Approval No. 5, 6, 7, 10, and 11. Staff from Code Enforcement and the Police Department met with Libertine management in person on January 8, 2026, to discuss these violations and answer any questions.

Libertine responded to the NOV immediately. Conditions 5, 6, and 7 were addressed by finalizing a building permit (BLDG-2253-2021) on January 13, 2026, which included work relating to the change in occupancy, new floor plans, and temporary stage locations. To conform with Condition 11, Libertine provided CDD with their updated security plan on January 6, 2026. During the January 8<sup>th</sup> conversation, Libertine affirmed that they were committed to closing doors and windows nightly at 10 PM. The Police Department confirmed that Officers regularly patrolling downtown are aware of these requirements and would contact Code Enforcement if a violation of Condition No. 10 occurs again. Since the issuance of the NOV, there have been no confirmed violations of Condition No. 10.

### 2.2 Proposed Changes to Conditions

#### Updated Conditions

Staff recommends modifying Condition No. 9, as shown below, due to a portion of the original condition being satisfied through the approval of a building permit and the submittal of a security plan to City staff, however, maintenance of a security plan is still required for the project.

9. ~~Prior to utilization of the new floor plans and expanded entertainments events (as shown and described on the project application materials attached to the staff report dated June 23, 2025),~~ The applicant shall submit a revised maintain a site plan/floor plan detailing the locations and duties of security staff, and shall note including regular maintenance/patrol of any patron lines (i.e. queue), to the satisfaction of on file with the Community Development Department and Police Department. The security Plan shall include:
  - a. A detailed explanation of how the queue will be maintained and managed.
  - b. A detailed explanation to determine compliance with the City Noise Ordinance before, during, and at the conclusion of a musical event.
  - c. A detailed explanation of how maximum occupant load limits will be maintained.

- d. A detailed explanation of how concert patrons will exit the building at the conclusion of a musical event.*

Removed Conditions

Staff recommends removing original Conditions No. 6 and 7, which pertain to property improvements, from the proposed conditions of this re-review. These conditions have been satisfied through the submittal and finalization of a building permit, BLDG-2253-2021, which included review and approval of the new stage location, new floor plans, and change in occupancy load. It is also noted that these aspects of the property, including any future proposed changes, would continue to be regulated by Municipal Code and Building Code standards.

**3.0 ENVIRONMENTAL REVIEW**

The project is categorically exempt under Class 1, Existing Facilities; Section 15301 of the State California Environmental Quality Act (CEQA) Guidelines, because the project consists of operation of a business within an existing building located within an urbanized area that involves no expansion of an existing commercial building. The project does not include any modifications to existing structures or site improvements and will not have a significant effect on the environment.

**4.0 ATTACHMENTS**

- A - PC Resolution No. PC-5623-15
- B - [PC Resolution No. PC-1011-19](#)
- C - [MOD-0029-2025 Final Decision Letter](#)
- D - Notice of Violation for 1234 Broad St (01.08.2026)

**ACTION**

- Approve, based on findings and subject to conditions listed below
- Approve as modified, based on findings and subject to conditions listed below
- Deny
- Continue to: \_\_\_\_\_ to allow

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- Continue indefinitely to allow:

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## FINDINGS

### *Minor Use Permit*

1. As conditioned, the project is consistent with the Zoning Regulations and the 2012 Alcohol Outlet Regulations in place to reduce public safety problems associated with alcoholic beverage sales and provide for properly maintained alcohol outlets so that negative impacts generated by these activities are not harmful to the surrounding environment.
2. As conditioned, the use will not result in adverse effects to the general health, safety, and welfare of people living or working in the vicinity because conditions of the Use Permit approval have been adopted that will minimize potential disturbances as well as impacts to police resources and the community.
3. As conditioned, the use will not result in jeopardizing or endangering the public health or safety of persons residing or working in the surrounding area because the application is consistent with the existing bar/tavern use that involves a minor expansion of operating hours and live entertainment that is in line with the surrounding Downtown businesses.
4. As conditioned, the use will not result in violations to any applicable provision of any other City, State, or Federal regulation, ordinance or statute because conditions of the Use Permit have been established to regulate the operational characteristics to be consistent with existing City, State and Federal regulations.
5. The use is compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood because as conditioned, the Use Permit will minimize potential impacts such as noise consistent with the limitations established under the City's Noise Ordinance.
6. The proposed project is consistent with the General Plan, which designates the project site as Downtown Commercial (C-D) and General Plan Land Use Element Policy 4.3, Entertainment and Cultural Facilities, which states that "...Entertainment facilities, such as nightclubs and private theaters, should be in the downtown..."
7. The proposed project is consistent with the General Plan policy to locate, at the street level, restaurants, stores, and other uses benefiting from and contributing to pedestrian traffic (LUE 4.20.1).
8. The proposed use is consistent with Land Use Element Society and Economy Goal #27 to serve as the County's hub for entertainment and cultural services.

### *Environmental Determination*

9. The project is categorically exempt from provisions of the California Environmental Quality Act (CEQA) described in Section 15301 (Existing Facilities) of the CEQA Guidelines because the project consists of operation of a business within an existing building located within an urbanized area that involves no expansion of an existing commercial building, and does not include any modifications to existing structures or site improvements and will not have a significant effect on the environment.

## CONDITIONS OF APPROVAL

### *Planning Division – Community Development Department*

1. This Minor Use Permit shall be subsequently reviewed at a public Administrative Hearing if the City receives substantiated written complaints from any citizen, Code Enforcement Officer, or Police Department employee, which includes information and/or evidence supporting a conclusion that a violation of this Minor Use Permit, or of City ordinances or regulations or Police Department resources (calls for service) applicable to the property or the operation of the business, has occurred. At the time of the review, to ensure on-going compatibility of the uses on the project site, conditions of approval may be added, deleted, or modified, or the Director's Action Permit may be revoked.
2. The Minor Use Permit shall be reviewed by the Community Development Director for compliance with conditions of approval, or to determine whether a modification of the permit is necessary upon significant change to the businesses as represented in the applicant's submitted project application materials, or in the event of a change in ownership which may result in deviation from the project description or approved plans.
3. The hours of operation shall be restricted to 10:00 AM to 12:00 AM on weekdays (Sunday through Wednesday), and 10:00 AM to 2:00 AM on weekends (Thursday through Saturday) for all commercial activity. The hours of operation for all outdoor food services shall operate no earlier than 10:00 AM and shall not remain open later than 10:00 PM, daily.
4. Full food service shall be available at all times alcohol is served. The restaurant shall have restaurant service available during all hours of operation, consistent with the approved hours of operation for the proposed use.
5. All uses allowed under approval of MOD-0029-2025 shall only utilize the floor plans represented in the applicant's submitted project application materials attached to the staff report dated June 23, 2025 (for MOD-0029-2025) or the staff report dated October 23, 2019 (for MOD-0610-2019), unless approved by the Community Development Director in advance through a separate permit (e.g. special events permit). These floor plans do not extend into the lease spaces located along Pacific Street.
6. Live entertainment above the level that is compliant with the City's definition of ambient entertainment, shall be limited to three days per week, and shall conclude on weekdays (Sunday through Wednesday) no later than 10:00 PM and on weekends (Thursday to Saturday) no later than 1:00 AM.
7. Live or amplified entertainment shall not be allowed in any outdoor areas (i.e. Broad Street sidewalk dining). Acoustic or background music, consistent with the City's definition of ambient entertainment, is allowed in outdoor areas from 8:00 AM to 10:00 PM.
8. The applicant shall make affirmative efforts to minimize the potential for adverse noise and crowd impacts on adjacent establishments and nearby residences, including, but not limited to, ensuring that all windows and doors are closed during all ticketed or promoted entertainment events with amplified noise that would be above ambient noise levels. The applicant shall close all windows and doors no later than 10:00 PM, nightly.
9. The applicant shall maintain a site plan/floor plan detailing the locations and duties of security staff, including regular maintenance/patrol of any patron lines (i.e. queue), on file with the Community Development Department and Police Department. The security Plan shall include:

- a. A detailed explanation of how the queue will be maintained and managed.
  - b. A detailed explanation to determine compliance with the City Noise Ordinance before, during, and at the conclusion of a musical event.
  - c. A detailed explanation of how maximum occupant load limits will be maintained.
  - d. A detailed explanation of how concert patrons will exit the building at the conclusion of a musical event.
10. When a patron queue is needed, the applicant shall manage/patrol outdoor crowds and queuing as a result of this use. An orderly line of patrons awaiting entry that does not block public access on, or use of, the sidewalk or street shall be maintained. The patron queue shall start at the Broad Street main entrance and continue south along Broad Street (towards from Pacific Street). In the event the queue wraps around the building along Pacific Street, additional security staff shall be provided to maintain and manage the queue.
11. The site shall be maintained in a neat and orderly manner at all times. The applicant shall also be responsible for daily cleanup/maintenance of the adjacent public right-of-way.
12. This Use Permit is approved for ABC alcohol license designation “Eating Place” consistent with a restaurant use, and may not be exchanged for the “Public Premises” license type (Bar/Tavern).
13. Lease spaces fronting Pacific Street that include alcohol services such as wine tasting, or other alcohol uses, shall be subject to the provisions under the Zoning Regulations which requires separate Use Permits for tasting room type uses (Bar/Tavern), and shall be evaluated independently regarding operational characteristics and parking requirements.
  - a. Any expansion of the restaurant/brewery use within the separate lease spaces along Pacific Street shall be evaluated for parking requirements and may be subject to additional Parking In-lieu Fees.
14. The applicant shall not permit its patrons to leave the licensed premises with any alcoholic beverage or to consume alcoholic beverages on any property adjacent to the licensed premises under the control of the licensee(s).
15. To address complaints and minimize the need for police response to minor issues, an owner or manager shall be on premises at all times, and shall be available to be contacted by a City representative and/or adjacent property owner or tenant. The applicant shall provide a security plan and regularly update contact information to the City’s Police, Fire, and Community Development Departments and adjacent property owners and tenants, or any interested members of the public.
16. The applicant is responsible at all times for verifying the legal age of patrons, for monitoring patrons’ on-site alcohol consumption, and for declining to serve alcohol to patrons who demonstrate signs of intoxication or impairment associated with alcohol consumption, based on training provided to all staff.
17. All employees that will be handling and/or serving alcoholic beverages to customers shall attend and complete the California Alcohol Beverage Control's (ABC) "Licensee Education on Alcohol and Drugs" (L.E.A.D) and receive Certification prior to serving customers. L.E.A.D. Certifications shall be maintained on-site by the business owner and be made available upon request by the Police Chief. Other equivalent training be approved by the Police Chief.

18. The applicant shall be responsible for on-going security/safety training to accommodate changes in personnel.
19. The applicant shall maintain and operate a video recording system that records activity at all entrances and exits during all business hours. The video shall be of a quality suitable for later identification of customers and staff. It will be recorded in a manner that may be retrieved and provided to police immediately upon demand. Video data shall be retained for a minimum of 72 hours or as otherwise required by law.
20. Business shall be conducted in a manner that will not violate any provisions of the California Alcoholic Beverage Control Act, prohibiting the sale of alcohol to minors (§25658), maintaining the public health, morals, convenience, and safety (§25601); and taking reasonable steps to correct any objectionable conditions on the premises and immediately adjacent to the premises (§24200).
21. The maximum posted occupant load for each space shall not be exceeded at any time. This permit is strictly limited to allow only the occupant load for the premises as approved by the City of San Luis Obispo Fire Department. Occupant loads approved by the City of San Luis Obispo Fire Department shall be posted at all times.

*Code Compliance Notes*

22. The proposed project shall comply with all applicable requirements of the San Luis Obispo Municipal Code Chapter 9.12 (Noise Control) also known as the City's Noise Ordinance.

*Opportunity to Protest*

23. The applicant acknowledges and agrees that the project conditions of approval stated herein provide adequate and proper notice pursuant to Government Code 66020 of Applicant's right to protest any requirement for fees, dedications, reservations, or other exactions, and that any protest in compliance with Section 66020 must be made within ninety (90) days of the date that notice was given.

*Indemnification*

24. The applicant shall defend, indemnify, and hold harmless the City and/or its agents, officers, and employees from any claim, action, or proceeding against the City and/or its agents, officers, or employees to attack, set aside, void, or annul the approval by the City of this project, and all actions relating thereto, including but not limited to environmental review ("Indemnified Claims"). The City shall promptly notify the applicant of any Indemnified Claim upon being presented with the Indemnified Claim, and City shall fully cooperate in the defense against an Indemnified Claim.

*Disclosure*

25. The conditions of approval and additional information provided as code requirements and/or informational notes in this approval letter do not represent an exhaustive list of mandatory code requirements. The additional information provided is intended for the applicant's reference for subsequent permitting steps and requirements. If detailed construction documents for a building permit application are submitted, the project will be reviewed for code compliance, which may result in additional requirements that were not identified or reported in the planning review process.