

BOARD OF ZONING ADJUSTMENT  
RESOLUTION NO. 2018-03

A RESOLUTION GRANTING AN EXCEPTION FOR REDUCED PARKING TO  
CONTENTMENT BREWING COMPANY TO ALLOW THE CONVERSION OF A  
MANUFACTURING BUILDING TO A MICROBREWERY WITH RETAIL SPACE  
AND TASTING ROOM/BAR

WHEREAS, an application for an exception to the parking standards of Section 10-5.102 of the Modesto Municipal Code (MMC) to permit the conversion of a manufacturing building to a microbrewery with retail space and tasting room/bar at 208 Campus Way was filed by Contentment Brewing Company on March 16, 2018; and

WHEREAS, MMC Section 10-5.104 authorizes the Board of Zoning Adjustment to consider and approve requests for parking reductions with a non-discretionary action subject to criteria specified in MMC Section 10-5.104; and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on April 26, 2018, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the request for a parking reduction is exempt from CEQA, pursuant to Section 15301 of the CEQA Guidelines, which exempts "Existing Facilities"; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Adjustment that it finds and determines that:

1. The applicant has submitted sufficient information to indicate the normal hours of operation of such uses or activities do not substantially coincide or overlap with each other and/or the peak hour parking demand;
2. The adjacent properties will not be adversely affected relative to parking because of the availability of on-street parking during the brewery's hours of operation;
3. The development is located near available on-street parking or other available parking areas;
4. Transit and ride sharing alternatives are available near the development and will be promoted with incentives;
5. The request is exempt from CEQA, pursuant to Section 15301 of the CEQA Guidelines, which exempts "Existing Facilities".

BE IT FURTHER RESOLVED by the Board of Zoning Adjustment that the application of Contentment Brewing Company to grant an exception to the parking standards to allow reduced parking to permit the conversion of a manufacturing building to a microbrewery with retail space and a tasting room/bar be approved with the condition below:

1. Microbrewery retail and taproom opening time for weekdays must be as follows:

During the Fall and Spring Semesters, as scheduled by Modesto Junior College, the tasting room/bar may open at 4:00pm

Any other time opening hours on weekdays may be at 3:00pm

- 2. That the property owner and developer shall, at their sole expense, defend, with counsel selected by the City, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding.

The foregoing resolution was introduced at the regular meeting of the Board of Zoning Adjustment held on April 26, 2018, by Board Member Vohra, who moved its adoption, which motion was seconded by Board Member Selover and carried by the following vote:

Ayes:	Goriel, Moradian, Roddick, Selover, Vohra, Rodriguez
Noes:	Blom
Absent:	None
Recused:	None

BY ORDER OF THE BOARD OF ZONING ADJUSTMENT OF THE CITY OF MODESTO.

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Patrick Kelly, Secretary