



## Planning Commission Staff Report

---

August 27, 2014  
Item 5.c.

- SUBJECT:** P14-1139
- APPLICANT:** McKay's Taphouse and Beer Garden
- PROPERTY OWNER:** Monte R. Macer Sr.
- PURPOSE:** Application for a Conditional Use Permit (CUP) to operate a bar with extended hours until 11:00 p.m. on Thursdays and 12:00 a.m. on Fridays and Saturdays
- LOCATION:** 252 Main Street
- GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Professional Offices
- SPECIFIC PLAN:** Downtown Specific Plan, Downtown Commercial Land Use Designation
- ZONING:** C-C (Central Commercial), Downtown Revitalization, Core Area Overlay, Downtown Hospitality Central Core Area District
- EXHIBITS:**
- A. [Draft Conditions of Approval](#)
  - B. [Narrative, Sample Menu, Site Plan, and Floor Plan dated "Received August 7, 2014"](#)
  - C. [Email from George Dunder dated "Received August 15, 2014" indicating concerns related to lack of area parking](#)
  - D. [Location and Notification Map](#)

---

### BACKGROUND

Barbara and Josh McKay, sole proprietors of the proposed McKay's Taphouse and Beer Garden, are requesting to operate a beer and wine bar with an outdoor beer garden and limited food service within the existing building at 252 Main Street. The building was originally constructed in 1938 as a single-family residence, and later converted for retail and office uses. The most recent tenants included Serenity Stoneworks (decorative water fountain dealer), the Bracelet Bar (jewelry store), and a guitar lesson studio. The building is currently vacant.

The subject site is located within the Downtown and is zoned C-C District. Pursuant to the Pleasanton Municipal Code (PMC), bars are conditionally allowed within the C-C District with the approval of a CUP. Additionally, the City has adopted Downtown Hospitality Guidelines aimed at enhancing hospitality within the commercial district through concepts such as providing more service establishments for residents and more choices of places to go at night, creating an inviting ambiance that is pedestrian friendly and provides an atmosphere where people want to meet and gather, and nightlife opportunities reflective of the community composition. These guidelines provide specific performance standards (hours of operation, noise, music and entertainment, alcohol service, etc.) for proposed uses but also reflect the CUP requirements contained in the PMC for bars, including restaurants desiring to serve alcohol beyond 11:00 p.m. Proposed bars that conform to these standards shall receive expedited application processing and review including placement on the consent calendar of the first available Planning Commission agenda. Accordingly, the CUP application with recommended conditions of approval is before the Planning Commission for review and action.

The applicant will be submitting a staff-level Design Review application to make minor exterior modifications (canopies, new building awnings, outdoor furniture, etc.) and tenant improvements (installation of new rear doors, bars, furniture, restrooms, American with Disabilities Act (ADA) improvements, etc.) to the existing building. That application will be reviewed by staff and the Planning Commission will be notified of staff's action on a future Zoning Administrator Action Report.

## **SITE AND AREA DESCRIPTION**

The subject site is an approximately 6,050-square-foot parcel located on the east side of Main Street, north of Bernal Avenue, south of Abbie Street, and adjacent to the intersection of Main Street and Old Bernal Avenue (Figure 1). The existing two-story building with basement, currently vacant, is approximately 1,425 square feet in size and the interior has been reconfigured numerous times on each level to accommodate a wide range of uses over the years subsequent to its use as a residence (Figure 2). An existing single-story, 192-square-foot detached accessory structure is located behind the existing building, adjacent to the northern property line. Other existing site improvements include a fenced and gated front patio area adjacent to Main Street, a fenced and gated rear yard area, and a driveway off Main Street along the north side of the existing building. The City's General Plan designates the main structure on the subject site as historic. In 1988, the City Council designated the main structure as a building of "Secondary" historical significance. Moreover, in 2001, the main structure was designated a heritage resource by the Downtown Specific Plan Technical Supplement.

The subject site is bordered on the north by a single-story multi-tenant retail/office building and parking lot, on the south by a two-story multi-tenant retail building and parking lot, on the east by a two-story multi-tenant retail/office building and the City's public parking lot within the former Southern Pacific Railroad corridor purchased from the County in 2008, and on the west by First Republic Bank across Main Street.

**Figure 1: Aerial Site View**



**Figure 2: Street View of Subject Site and Existing Building**



**Note: Photo of subject site occupied by previous tenants. As noted above, the subject site is currently vacant.**



## **PROPOSED PROJECT**

The applicant is proposing to occupy and utilize all three levels of the existing 1,425 square-foot building to operate a beer and wine bar with an outdoor beer garden and food service (Figure 3). Level 1 (basement) will include informal lounge-type seating and restrooms and will be accessible to patrons via stairs from the interior of Level 2 and from four exterior doors, one of which will be a folding glass door at the rear of the building that will lead to the outdoor beer garden in the rear of the site. Level 2 (main level) will include a bar with stool seating, food preparation area, as well as a variety of table seating. This level is accessible via a door at the front of the building. Level 3 will include more lounge-type seating, an office, restroom and storage space. This level will only be accessible via stairs from the interior of Level 2.

The 675-square-foot front patio along Main Street will have seven round tables with chairs, and two long tables with benches, and be covered using overhead canopies. The 2,197-square-foot beer garden at the rear of the site will include a bar, outdoor grill for food preparation, outdoor fire pit lounge area, several long tables with benches, and several rectangular, ADA height-compliant tables with chairs, and will be covered by overhead canopies. The single-story detached accessory structure behind the building will remain and be used for dry storage, food refrigeration, and keg refrigeration.

The total maximum proposed occupancy is 230 patrons (39 within the building, 45 within the front patio, and 146 within the rear beer garden). Additionally, the ownership/management will be on-site daily, and a minimum of three employees will be on-site at any given time. The proposed hours of operation for both the indoor and outdoor areas are Sunday through Wednesday from 11:00 a.m. to 10:00 p.m., Thursday from 11:00 a.m. to 11:00 p.m., and Friday and Saturday from 11:00 a.m. to 12:00 a.m. Live lightly amplified music is proposed only within the rear outdoor beer garden area up to two times weekly until 9:00 p.m. on either Friday, Saturday and/or Sunday. The music will be setup adjacent to the rear property line (northeast corner of site) and will face the main building. No on-site parking is proposed. Food service is proposed, meaning that all food will either be: 1) prepared off-site, re-heated and served on site; or 2) be prepared inside at the designated area behind the bar and/or cooked at the proposed outdoor grill area. A sample menu is attached in Exhibit B.

Please see the attached site plan, floor plan, and narrative (Exhibit B) for additional information on the proposed use.

## **ANALYSIS**

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits. Staff notes that the Downtown Hospitality Guidelines are intended to minimize the impacts of the proposed use on neighboring uses and compliance allows for expedited CUP application processing and review.

### Land Use

The proposed use is located in a commercially zoned area of Downtown Pleasanton, containing mixed land uses including retail, office, hotel, and residential uses. The closest residentially zoned property is located approximately 315 feet from the rear (east) property line of the subject site, and is buffered by a City parking lot, a two-story commercial building, and First Street. Staff is sensitive to potential land use conflicts in the Downtown between the existing residents living near or in the commercially zoned part of Downtown. Furthermore, commercial uses may have “spill-over” effects on those residents related to parking, hours of operations, noise, or similar issues. The Downtown Hospitality Task Force looked carefully at the specifics of restaurant and bar operations and tried to achieve a balance between maintaining the quality of life for Downtown residents and the objective of having a vibrant Downtown with businesses and activities which draw people to the area both during the day and at night.

Additionally, the Downtown Hospitality Task Force produced guidelines which provide standards by which a bar should operate to be considered for expedited review and use of amplified music. Staff has incorporated the standards into the recommended conditions of approval for this application (Exhibit A).

### Noise

Patrons’ voices and amplified music would be the main noise sources at the subject site. The proposed hours of operation for both the indoor and outdoor areas are 11:00 a.m. through 10:00 p.m. Sunday through Wednesday, 11:00 p.m. on Thursdays, and 12:00 a.m. on Fridays and Saturdays. The applicant is proposing lightly amplified music only within the rear outdoor beer garden area up to two times weekly until 9:00 p.m. on either Friday, Saturday and/or Sunday, consistent with the City’s Downtown Hospitality Guidelines.

A proposed conditional use must be in accord with the objectives of the Zoning Ordinance. One of those objectives is to promote the stability of existing land uses that conform to the General Plan and to protect them from inharmonious influences and harmful intrusions. The proposed use would be subject to conditions of approval prescribed by the Downtown Hospitality Guidelines, such as keeping windows and doors closed when not being used for ingress/egress. In addition, as conditioned, the proposed use would need to comply with the City’s noise regulations. Therefore, staff believes that noise from the bar would not significantly impact uses located adjacent to or near the subject site.

### Parking

For properties zoned C-C District and located within the Downtown Revitalization District, the PMC does not require additional parking for a change in use of buildings that are older than five years, even if the new use generates a higher parking demand. However, the Planning Commission may require parking mitigation for a use if deemed necessary through the review of a CUP.

The subject site has not historically provided any on-site parking and realistically does not have the development capacity to accommodate such an improvement without drastically altering the existing site. Accommodating parking on the site could require widening the existing driveway, resulting in the demolition of a portion of the existing building and the detached accessory structure to meet City standards, thus eliminating the rear outdoor beer garden area and potentially affecting the historical character of the main structure. Accordingly, no on-site parking is proposed or required.

As with many businesses in the Downtown, on-street parking is the primary parking source used by visitors while patronizing a bar, retail or personal service establishment, restaurant, or office; however, there is off-street public parking available behind the site as well. More importantly, a 2013 City parking survey of public and private parking lots, as well as on-street public parking within the Downtown, indicated that a total of 975 parking spaces are available at any given time, while the highest peak demand during the survey was approximately 770 spaces. It is noteworthy to mention that this survey did not include the on-street parking on Main Street between Old Bernal Avenue and Bernal Avenue. Thus, the total available parking supply within the Downtown is actually larger than the survey indicated. Moreover, the 54-space public parking lot behind the subject site was included in the survey and during the midday peak and evening peak (7:00 p.m.) times, only 23 to 40 and 15 to 24 spaces were occupied, respectively. Staff notes that special event days were not surveyed. Should parking-related problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the CUP back to the Planning Commission for possible mitigation measures. As a condition of approval, the applicant would also be required to provide on-site bike parking spaces, to reduce demand for off-site motor vehicle parking spaces.

#### Building, Police, and Fire Review

The Building Division and Fire Department have reviewed the proposed use and do not have concerns with the proposal. Any physical design issues will be addressed with the forthcoming Design Review application. The Police Department also reviewed the proposal and has determined security staff will not be required based on the project description.

#### Sewer Allocation

The current sewer allocation for the subject space is for retail use, which has a lower allocation rate than a bar/restaurant. A condition of approval requires the applicant to pay the applicable sewer fees as determined by the Chief Building Official.

#### Pleasanton Downtown Vitality Committee

The Pleasanton Downtown Vitality Committee reviewed the subject application. The Committee unanimously voted in support of the project. However, a few members expressed concerns about parking, in particular George Dunder, who also submitted an email to staff dated "Received August 15, 2014," (Exhibit 3). Parking, as it relates to this proposed use, is addressed in this report.

## FINDINGS

The Commission needs to make the following findings prior to the granting of a use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land uses from inharmonious influences and harmful intrusions; and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff feels the proposed bar would be consistent with these objectives.

The subject site is zoned C-C and is located in the Downtown, which permits a variety of commercial, office, and residential uses. Bars are in accordance with the purposes of the C-C District in that they offer commodities and services to the residents of Pleasanton and surrounding areas. The proposed operations would be consistent with the Downtown Specific Plan's goals of increasing the economic diversity of the area and the objectives of the Downtown Hospitality Guidelines. The proposed conditions of approval for the project provide the City the ability to ensure that the proposed use meets its conditions of approval. Staff believes the proposal is consistent with the objectives of the Zoning Ordinance and the C-C District, and therefore, this finding can be made.

- B. That the proposed location of the conditional 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 the properties or improvements in the vicinity.**

With the recommended conditions, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions require adherence to hours of operation to mitigate for possible impacts to adjacent uses and/or properties. The bar is required to adhere to the City's Noise Ordinance, which was designed to protect the peace, health, safety, and welfare of the citizens of the City. Furthermore, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. Therefore, staff believes that this finding can be made.

**C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.**

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's Zoning Ordinance. As with any CUP, this CUP may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

**PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit C for reference. At the time this report was published, staff has only received the email from George Dunder referenced in the previous section of this report.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Existing Facilities, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

**CONCLUSION**

Staff believes that the required CUP findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed bar would provide a service to the community and that the proposed location is appropriate.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case P14-1139 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P14-1139 subject to the conditions listed in Exhibit A.

Staff Planner: Eric Luchini, Associate Planner, 925-931-5612 or [eluchini@cityofpleasantonca.gov](mailto:eluchini@cityofpleasantonca.gov)