

## Planning Commission Staff Report

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April 15, 2009  
Item 6.b.

**SUBJECT:** PCUP-238

**APPLICANTS:** William Webster and Sandi Bohner (Little Valley Winery)

**PROPERTY OWNER:** Roy Moret

**PURPOSE:** Application for a Conditional Use Permit to operate a wine-tasting room, retail store, and outdoor seating area.

**GENERAL PLAN:** Retail/Highway/Service Commercial. Business and Professional Offices

**ZONING:** Central Commercial (C-C), Downtown Revitalization, Core Area Overlay District.

**LOCATION:** 739 Main Street, Suite J

**ATTACHMENTS:**

1. Exhibit A – Draft Conditions of Approval
2. Exhibit B – Floor Plan and Applicant’s Statement of Operation, dated “Received March 03, 2009”
3. Exhibit C – Pleasanton Downtown Association letter, dated March 10, 2009
4. Exhibit D – Location Map
5. Exhibit E – Noticing Map

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### I. BACKGROUND

The applicants, William Webster and Sandi Bohner, have been working in the Livermore wine industry for several years and own the Little Valley Winery (LVW). They are applying to the City to open a wine-tasting room with retail, vintner events, and an outdoor seating area at 739 Main Street in the Downtown.

The requested use is not specifically described in the Central Commercial (C-C) zoning district. However, staff believes it is similar in operation to a food market or liquor store, both of which are allowed in the C-C District with a Conditional Use Permit.

## II. SITE DESCRIPTION

The building in which the proposed wine-tasting room is located is near retail, skin and nail care services, bank services, offices, and restaurants on Main Street. The building is an existing two-story, multi-tenant building in the Downtown area. The building has nine (9) suites, six (6) of which are currently vacant.

The three (3) existing businesses include Beautiful Reflections Skin Care, The Nail Gallery, and The RL Brown Advisory Group (office).

The LVW tasting room is proposed to occupy the 975-square-foot vacant suite on the first floor at the corner of the building. Access to the wine-tasting room is via the public sidewalk along Main Street. A driveway off of Main Street provides access to the rear of the lot and on-site parking spaces. The unit also has secondary access at the rear of the building.



Figure 1.1: Building and parking lot layout

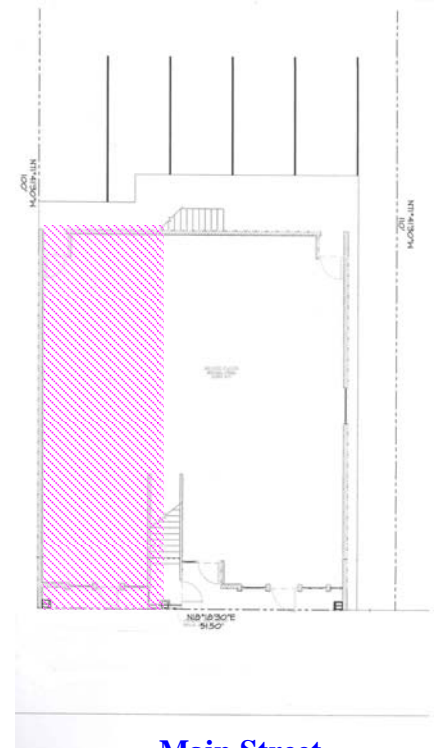


Figure 1.2: First floor suite location

### III. PROJECT DESCRIPTION

The applicant is requesting to:

1. Operate a wine-tasting room and outdoor seating area from 12:00 noon to 10:00 p.m. Friday through Sunday;
2. Sell wine and related clothing, gifts, and art;
3. Offer food samplings and culinary pairings in connection with wine selections; and
4. Host ancillary vintner events and participate in City-sponsored events.

The proposed floor plan illustrates shelving for displaying merchandise and seating for eating and wine-tasting.

### IV. ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

#### Land Use

In recent years, wine related retail businesses have emerged in downtown areas throughout the Tri-Valley area. These uses provide an economic opportunity for local agriculture and vintners and provide a unique and sophisticated experience for shoppers in the downtowns in which they are located.

Though wine-tasting rooms are not a use that is specifically listed in the Municipal Code, staff believes they are a use that is consistent with and advances the goals of the General Plan, Downtown Specific Plan, and is sufficiently similar to other uses allowed in the C-C District with a Conditional Use Permit.

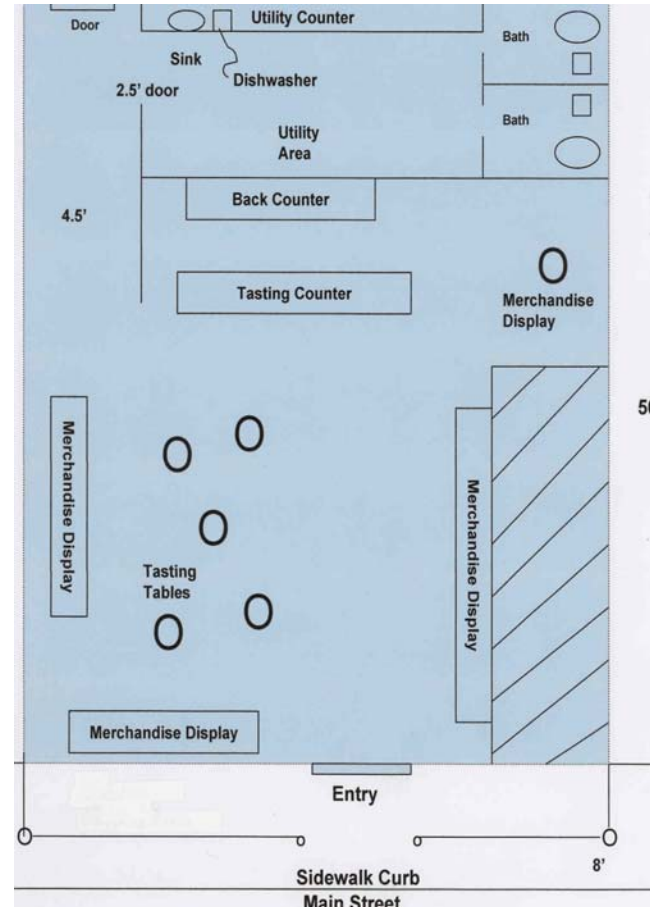


Figure 1.3: Floor Plan



Figure 1.4: Entrance to the suite

Staff believes that the proposed use supports the following Land Use (LU), Economic and Fiscal (EF), and Subregional (SubReg) Goals, Policies, and Programs of the General Plan:

- LU Policy 3: Preserve the character of the Downtown while improving its retail and residential viability and preserving the tradition of its small-town character.

Staff believes that the proposed use preserves the character of the Downtown by providing social opportunities while supporting the local agriculture. Additionally, the hosting of and participation in the local wine industry and City-sponsored events also contributes to the preservation of the small-town character of Pleasanton.

- EF Policy 1: Enhance Pleasanton's diversified economic base through an aggressive business retention and expansion program.

Staff believes the unique market focus of the proposed wine-tasting room promotes a diverse economic base in the Downtown area.

- SubReg Policy 1: Ensure that new development occurs in a compact community-centered pattern which supports existing communities, improves mobility, minimizes public infrastructure costs, protects natural resources, and support economic activity.

The location of the proposed wine-tasting room in the Downtown area, as opposed to providing wine-tasting facilities on the land that is used for agriculture, supports this policy.

- SubReg Policy 5: Encourage the continuation of agriculture uses in the Tri-Valley.

The offering of locally produced wines supports the local agriculture uses and therefore encourages the continuation of those uses within the Tri-Valley.

Staff believes that the proposed use supports the following Land Use (LU) and Community Character (CC) Elements Goals, Policies, and Programs of the Downtown Specific Plan:

- LU Policy 3: Preserve the character of the Downtown while improving its retail and residential viability and preserving the traditions of its small-town character.

As mentioned in the discussion of the General Plan, Land Use Policy 3, staff believes that this proposed use supports this policy of the Downtown Specific Plan.

- CC Goal 1: To preserve and enhance Downtown Pleasanton as a major focus of the community.

The LVW is a supporter, participant, and host of various vintner and City-sponsored events. Thus, staff believes that the proposed use will encourage and enhance the events in the Downtown area.

In addition to supporting and fostering the Goals and Policies of the General Plan and the Downtown Specific Plan, staff also believes that the proposed use will compliment the surrounding uses and will also enhance the activities in the Downtown and Downtown-affiliated events. The impacts of the proposed use are considered to be less than significant due to the scale and hours of operation of the proposed tasting room. A condition of approval is recommended stating that if land use conflicts arise in the future, the Conditional Use Permit may be referred to the Planning Commission for subsequent review and a public hearing.

### Noise

Acoustical music is proposed with the operations of the wine-tasting room to enhance the ambiance of the establishment. Staff believes that the music will also enhance the atmosphere of the Downtown. Staff has provided conditions of approval requiring the music to meet the noise standards as listed in the Pleasanton Municipal Code. Additionally, staff is recommending that the walls and ceiling be sound-attenuated to control the sound levels that are heard inside the other suites.

### Parking

For property zoned C-C and located in the Downtown Revitalization District, the Municipal Code does not require any additional parking for a change in use. However, the subject site contains approximately 13 parking stalls on-site, and the placement of the proposed use on the first floor takes advantage of direct access to the curb side parking available on Main Street.

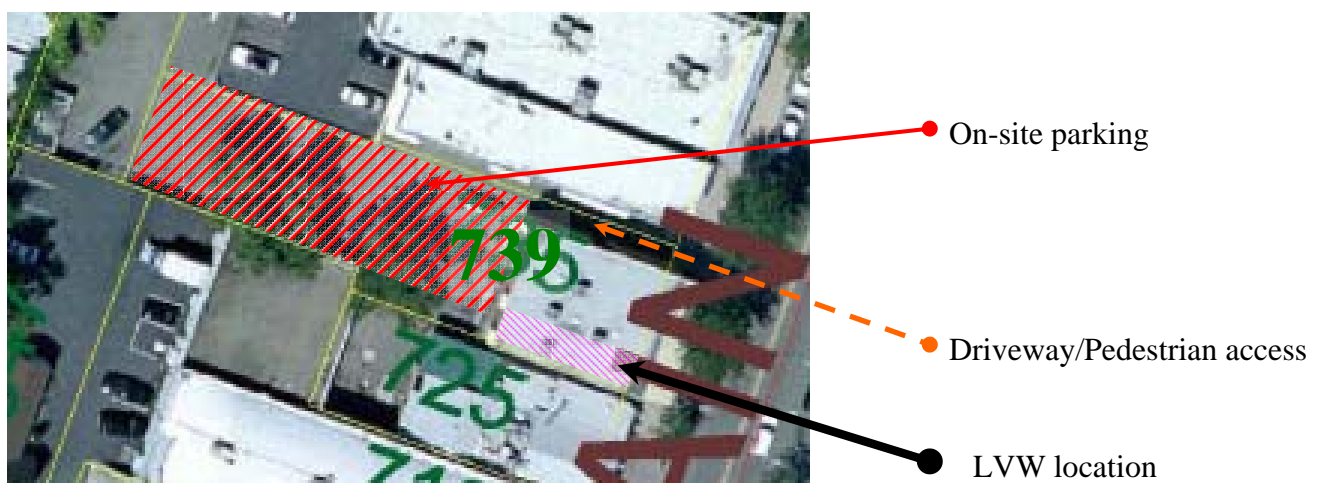


Figure 1.5: Parking Space Access

Staff believes that there would be adequate parking for the proposed use. Nevertheless, should parking-related problems occur, staff has included a recommended condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

#### *Pleasanton Downtown Association*

The application was referred to the Downtown Vitality Committee (DVC) of the Pleasanton Downtown Association (PDA). The DVC unanimously passed a motion supporting the proposed use. The letter is attached for reference (Attachment 3, Exhibit "C"). The letter states support of the proposed use as it helps to create a vibrant Downtown atmosphere.

## **V. FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the general commercial, Central – Commercial, and Downtown Revitalization District zoning ordinances and the purpose of the district in which the site is located.**

Objectives of the zoning ordinance for general commercial include providing appropriately located areas for retail stores, offices, service establishments, amusement establishments, and wholesale establishments offering commodities to the residents and the surrounding market area; and providing opportunities for retail stores and other businesses to concentrate in a mutually beneficial relationship to one another.

Objectives of the zoning ordinance for Central - Commercial zoning districts include maintaining compactness and encouraging more intensive development in Pleasanton's Central Business District.

The proposed wine-tasting establishment would bring a relatively high intensity use to an established commercial building on Main Street. Staff also believes that the intensity of the proposed use is compatible with the surrounding uses.

Objectives of the zoning ordinance for the Downtown Revitalization District include assuring appropriate development, revitalizing the economic growth and health of the Downtown, fostering civic pride in the Downtown Pleasanton, stabilizing and enhancing the value of property, and creating and renewing proper relationships between tax revenues of real property and the costs of municipal services.

The Downtown area permits a variety of compatible uses. Staff believes that the proposed tasting room is a small-scale establishment. The proposed conditions of approval for the project would give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and surrounding properties.

Staff believes the granting of the use permit is consistent with the objectives of the General Commercial, Central – Commercial, and Downtown Revitalization District zoning ordinances and the purpose of the District in which the site is located Downtown Revitalization zoning District. Therefore, staff believes that 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.**

Given the size of the establishment and the proposed ancillary events, the specialization of the market, and the limited nature of the wine sales, staff believes that the proposal will be compatible with the other Downtown uses and will not impact surrounding uses.

The proposed use will comply with the applicable Building and Fire Codes. In addition, the Police Department staff has had no objections to the proposed project. The streets leading to the site are designed per City standards and are signalized to provide safe access into and out of the site. Staff believes that any areas of possible concern have been addressed by the recommended conditions of approval so that the proposed use would meet all applicable Municipal Code requirements and would be operated in a non-nuisance manner. Finally, as conditioned, the use could be brought back to the Planning Commission if any unanticipated impacts occur.

Based on the aforementioned, staff believes that the project will not be detrimental to the public health, safety, or welfare. 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.**

The proposed Conditional Use Permit (PCUP-238) was found to comply with all relevant sections of the zoning ordinance. Based on the proposal, staff believes that the proposed use is similar in operation to other uses in the District which are permitted by a Conditional Use Permit and subject to the regulations of the related zoning codes. Therefore, staff believes that the third finding can be made.

## **VI. PUBLIC NOTICE**

Notices regarding the application for a Conditional Use Permit and related public hearing information were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments from any of these tenants or residents.

## **VII. ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, and Class 1. Therefore, no environmental document accompanies this report.

## **VIII. CONCLUSION**

Based on the analysis of this staff report, staff believes that the required findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained.

Staff recommends the Planning Commission approve the proposed wine-tasting room, which will add to the economic vitality and provide a unique dining and shopping experience within the Downtown.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case No. PCUP-238 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. PCUP-238 subject to the conditions listed in Exhibit "A".

*Staff Planner: Rosalind Rondash, Assistant Planner, 925.931.5607 or email: rrondash@ci.pleasanton.ca.us*