

SUBJECT: PUD-93-02-09M/PCUP-182

**APPLICANT/
PROPERTY OWNER:** Barnabas and Arpad Nagy

PROPOSAL: Applications for a major modification to the Ruby Hill PUD development plan to: 1) relocate the existing sales office toward Vineyard Avenue, 2) change the existing use from office to a restaurant, and 3) establish a pad location for a future single-family residence with design guidelines, and for conditional use permit to allow alcoholic beverage service at the restaurant after 10:00 p.m. Also Consider the Negative Declaration prepared for this project.

GENERAL PLAN: Agriculture and Grazing and Urban Growth Boundary Line.

ZONING: PUD (Planned Unit Development) – A/OS/LDR (Agriculture/Open Space/Low Density Residential) District.

LOCATION: 2001 Ruby Hill Boulevard

ATTACHMENTS:

1. Exhibit A: Written Narratives, Site Plan, Floor Plans, Building Elevations, Landscaping Plan, Design Guidelines, dated “Receive April 20, 2007”, Arborist Report, dated “Received April 27, 2007”, Traffic Report, dated “Received September 20, 2006”
2. Exhibit B-1: Proposed Conditions of Approval for PUD-93-02-09M
3. Exhibit B-2: Proposed Conditions of Approval for PCUP-182
4. Exhibit C: Letter from Peter MacDonald, dated “Received April, 2, 2007”
5. Exhibit D: Tri-Valley Conservancy Letter
6. Exhibit E: South Livermore Valley Area Plan

7. Exhibit F: Deed of Perpetual Agricultural Conservation Easement
 8. Exhibit G: Comments from Ruby Hill HOA and resident
 9. Exhibit H: Negative Declaration
 10. Location Map
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BACKGROUND

The subject site is located within the Ruby Hill Planned Unit Development (PUD-93-02). The overall development was originally approved by Alameda County prior to its annexation to the City of Pleasanton in 1993. Development of the site is subject to the County's planned development conditions of approval, the Ruby Hill Development Agreement, the South Livermore Valley Area Plan policies, and conformance to the Conservancy Easement with Tri-Valley Conservancy requirements. An existing conservation easement limits the amount of land not in grape production to a maximum of 2.5 acres.

Existing uses on the site are planted grapes and an existing two-story building previously used as the Ruby Hill sales office. Permitted uses within the 2.5-acre conservation easement include but are not limited to: homes, wineries, tasting rooms, restaurants, and lodging.

Signatures Properties, Inc. was the developer of Ruby Hill. In February 1994, a building permit was issued for the construction of a two-story to be used as a temporary sales office and information center for the Ruby Hill development. The access to and from the sales office is via Ruby Hill Boulevard, and the sales office is connected to the City sewer via a private sewer line and private sewer pump located under Ruby Hill Drive.

The applicant, Mr. Nagy, proposes to convert the existing sales office to a restaurant. Mr. Nagy has requested a major modification of the Ruby Hill development plan to create a future home site. He is also requesting consideration of a conditional use permit to allow alcohol sales after 10:00 p.m.

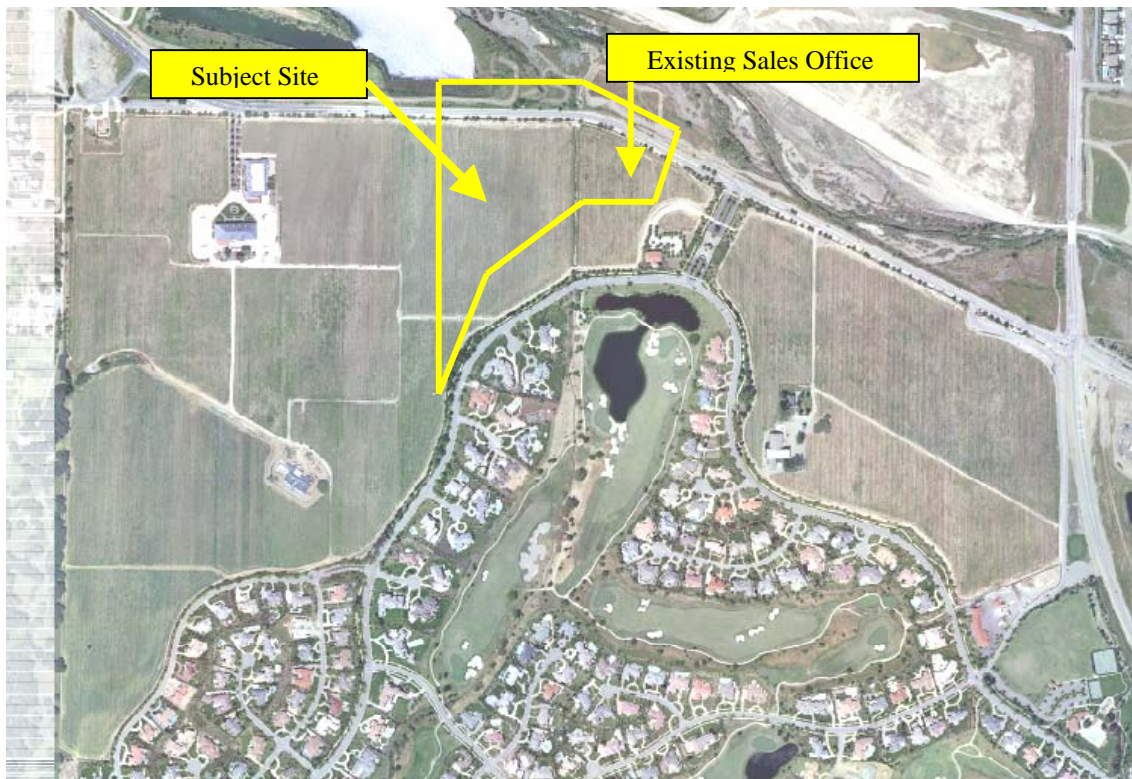
Major modifications are subject to review by the Planning Commission and by the City Council. Conditional Use Permit normally is subject to the approval by the Planning Commission. Since the proposed modification focuses on the restaurant use, staff thought it is necessary to have use permit be reviewed together with the PUD modification.

SITE DESCRIPTION

The subject site is a relative flat site located on the south side of Vineyard Avenue between the Mitchell Katz Winery and the signalized entrance to Ruby Hill. It is approximately 36 acres in size, a vineyard property, planted by Signature Properties with Ruby Hill development and operated by Wentz Brothers. Access to the site is provided by an existing driveway from Ruby Hill Boulevard before the entrance kiosk. A seasonal drainage channel running in a north-south direction bisecting through the property.

Surrounding uses are listed as the following:

North:	Gravel Quarries (Alameda County)
East:	Commercial (City of Livermore)
South:	Vineyards and Ruby Hill Development
West:	Vineyards and Ruby Hill Development



Site Location

PROJECT DESCRIPTION

The applicant proposes to modify the approved Ruby Hill Development plan to allow a restaurant use and to allow a building envelope for a future residence. Specifically the proposal includes the following:

- * Change the existing use of the building from sales office to restaurant;
- * Relocate the existing two-story, approximately 4,200-square-foot building toward Vineyard Avenue and to the east side of the seasonal drainage channel;
- * Create basement area for use as a wine cellar;
- * Construct a new driveway off Vineyard Avenue and a parking lot with 91 parking spaces exclusively for the restaurant use;
- * Remodel the building interior and operate a restaurant that serves dinner to the public daily and holds private functions during non-dinner hours;
- * Allow consumption of alcoholic beverages at the restaurant after 10:00 p.m.;
- * Establish a building envelope at the sales office building location for the construction of a future residence; and,
- * Review the proposed design guidelines for the future home.

When relocated, the building would be situated approximately 180 feet from Vineyard Avenue. It would be oriented northeasterly with the entryway directly facing the new driveway on Vineyard Avenue. A roundabout would be constructed in the front of the building to be used as a drop-off site for valet parking. The roundabout area will feature a fountain and decorative landscaping. The exterior of the building would remain as it currently is. The existing terrace area at the back of the building would be used primarily as the outdoor dining area when weather permits. This outdoor dining area would face southwest toward the vineyard, away from the existing residential properties at Ruby Hill. In addition to the terrace, the applicant proposes a courtyard located to the immediate south of the building. The proposed courtyard would be used exclusively during private functions. It would not be used as restaurant seating area.

The proposed restaurant would be open daily as follows:

- Sunday -Thursday: 9:00 a.m. to 10:00 p.m.
- Friday/Saturday, and the day before a Federal holiday: 9:00 a.m. to 11:00 p.m.

The applicant also proposes to host private functions at the restaurant. These functions may include weddings, corporate events, etc. In order to offset any scheduling conflict and any potential impacts to the restaurant patrons, Ruby Hill residents, and the public in general, the

private functions would take place during non-dining hours, i.e. between the hours of 10 a.m. to 5 p.m.

The dining area within the restaurant would be provided on both the ground and the upper floors. An elevator would be installed to provide access to those in need. At full capacity, the restaurant could accommodate 230 people, with 180 seats within the restaurant and 50 seats in the terrace area. A parking lot is proposed to the east of the site entrance. It would have a total of 100 parking spaces for restaurant staff and patrons.

Acoustic music would be played inside the restaurant and in the garden during private functions.

There would be no changes to the existing landscaping along Vineyard Avenue, except that the landscaping at the proposed entryway would be removed. The proposed landscaping scheme could be categorized as “perimeter landscaping” and “focused landscaping”.

A building pad for a future residence is also part of the application. The proposed residential building pad is the current location of the sale office building. Access to and from the proposed residence would be via the existing driveway off Ruby Hill Boulevard. To prevent restaurant patrons from entering the restaurant from Ruby Hill Boulevard, a gate would be installed at the end of the parking. This gate however would be accessible by emergency vehicles when needed.

Signage for the restaurant consists of a freestanding sign located at the entryway. The sign would be made of tempered glass with etched lettering.

The design elements of the future residence are listed in the proposed design guidelines. The home would be a Tuscan style home blending into the vineyard setting.

ANALYSIS

General Plan and Land Use

The subject site is designated by the Land Use Element of the Pleasanton General Plan for Agriculture and Grazing uses. The General Plan for this area encourages uses which relate to the outlying wine country and calls for creating an attractive gateway to the Livermore Valley wine country and implementing wine country architectural and landscape design themes throughout the corridor. The Vineyard Avenue Specific Plan contains similar land use objectives to encourage development of vineyard and related commercial uses.

The restaurant use is one of the uses allowed within the conservation easement area. It is an appropriate use for this site as it is closely affiliated with the vineyards and will retail some of the local wines. Restaurants are often located in the wine-growing regions and, as such, would promote local economy and would attract tourism. This is consistent with one of the policies of the South Livermore Valley Area Plan, adopted by Alameda County in 1993, which encourages the promotion of the area as a premier wine-producing center by encouraging appropriate tourist attractions and supporting uses such as the proposed event center and winery.

The proposal includes one future home site for a Tuscan style single-family residence. Ruby Hill was allotted to a housing cap of 850 residential units. In the past, two residential lots were combined into one for the construction of one single-family home, bringing the total residential lots in Ruby Hill from the original 850 lots to 849. The proposed home site for a single-family residential unit would bring the total number of unit back to the housing cap and is therefore in conformance the Ruby Hill PUD.

South Livermore Valley Agricultural Land Trust/Tri-Valley Conservancy

The subject site is covered by an agricultural conservation easement granted to the Tri-Valley Conservancy (TVC), formerly South Livermore Valley Agricultural Land Trust (SLVALT). This proposal was reviewed and supported by the Board of Directors of TVC. The conservation easement benefiting the TVC limits the non-vineyard use to a total of 2.5-acres of building envelope area. The building envelope is required to be one continuous piece, i.e. the restaurant area and the future home site would need to be linked via a driveway. The building envelope area includes the restaurant location, parking lot and area surrounding the restaurant, the patio area to the west of the restaurant building, the building area for a future residence and the driveway access to the home. The TVC requested that the applicant amend the conservation easement to clearly describe both building envelope, and the building envelope should be physically demarcated from the vineyard areas. As conditioned, the applicant would amend the easement by preparing and recording a metes and bounds description of the building envelope, and would then monument the property corners.

Fees

Ruby Hill development, including the subject site, is not part of the Vineyard Avenue Corridor Specific Plan area. By prior development agreement, the proposed development is not subject to the Citywide and area wide traffic mitigation fees. The applicant would be required to pay all required City fees, such as swage fee, traffic mitigation fee, etc. for this development. A condition of approval has addressed this issue.

Site Design

The proposed development has been reviewed by the Ruby Hill HOA at two separate meetings, and by a group of Ruby Hill homeowners whose homes might be the closest ones to the subject site on many occasions. The original proposal was to convert the existing sales office to a restaurant the existing location. The proposal included the outdoor dining area which created concerns from the neighboring Ruby Hill residents. The concerns were related to noise, lighting, parking, and utility service infrastructure.

In response to the residents' concerns, the applicant proposes to relocate the building from the current location, and to orient the building northeasterly so that the terrace dining area at the rear of the building would face the vineyards and the Palm Event Center to the west instead of facing the residential sites to the south. The proposed location is the furthest location possible from the existing residential uses so that all development would be contained within the allocated 2.5-acre area meanwhile not to disturb the existing drainage channel. The intention for this site design is to use the existing vineyard to separate the commercial use from the residential use, and to use the existing vineyard to shield any light and glare from vehicles at night.

The existing sales office location would be reserved for use as future home site.

Building Design

Restaurant Building: No significant changes are proposed to the exterior of the existing sales office building which will be relocated adjacent to Vineyard Avenue. This building is an existing two-story building with one terrace area on the front and one at the rear. The front terrace has steps and a ramp to lead to the restaurant. A valet zone is located near the front terrace, and a fountain is decorated with a formal knot garden. They together form a welcoming entry to the restaurant. The rear terrace would be enlarged on the sides to provide a comfortable seating area for up to 50 people. A courtyard area would be established, and this courtyard area would wrap around the rear terrace. A five-foot high old brick-and-stone wall would be constructed to at the southeast edge of the courtyard to separate the courtyard/terrace area from the existing vineyard.

A full basement would also be constructed to provide for a wine cellar and storage area.

The existing floor plan would be changed to accommodate a restaurant. The first floor would include a lounge, open dining, a piano area, kitchen, restrooms, and a banquet room. The second floor would be used primarily for dining and banquet use. The second floor has a small office area along with public restroom facility. Access to the second floor would be via two separate staircases, one for patrons and one for staff use. An elevator is also provided.

Future Residence: A building pad for a future residence is part of this application. The applicant has included design guidelines for a Tuscan style home. The design guidelines include a conceptual site plan that shows a U-shaped house with an interior courtyard facing east. The home would have S-type or similar style roof tiles in terracotta, stucco walls with stone veneer and wood framed doors and windows. The design guidelines specify the details for window trims, porches, eaves, etc. In addition the design guidelines include samples of homes that exhibit typical features of a Tuscan style home.

Great detail related to window treatments, color and stucco finish texture etc. would be reviewed during the design review process. Staff recommends this design review process be a Zoning Administrator review.

Parking

The Parking Ordinance requires one parking space for three seats in the dining area. It does not require parking for outdoor dining, as outdoor dinner is considered seasonal. At such, the proposed 180-seat dining area within the restaurant, it requires 60 parking spaces ($180/3=60$).

If the restaurant would host a banquet for special event, the maximum occupancy would be 180 people. This would be a parking demand of 90 people assuming that two people travel together. The proposed 100-space parking lot would have adequate capacity to handle the parking demand for either use.

The driveway to the restaurant and the parking area would have a permeable surface, such as pavers, cobble stone, turf, etc. to allow water to percolate through to meet the storm water management requirements. Handicap spaces would be provided near the restaurant entrance to meet the requirement of ADA and would likely require impervious pavement material.

The parking lot would be located along Vineyard Avenue and Ruby Hill Boulevard. The existing vineyards would screen the parking area, and help provide a seamless vineyard visual presence.

The residential site would continue to be accessed from Ruby Hill Boulevard.

Ruby Hill residents expressed various concerns relating to: 1) potential traffic congestion at the right turn lane on Vineyard Avenue onto Ruby Hill Boulevard; 2) potential traffic congestion on Ruby Hill Boulevard that may impede residential traffic, and 3) potential safety issues resulting from ingress and egress traffic.

The applicant has redesigned the site to mitigate the traffic concerns by proposing a new driveway from Vineyard Avenue exclusively for the restaurant. The existing driveway at Ruby Hill Boulevard would be used to access the proposed home site, and it would be used as an Emergency Vehicle Access (EVA). As conditioned, the applicant is required to install a gate at the eastern end of the parking lot. The specification of this gate should meet Fire Department requirements.

Traffic

The project was initially proposed as a restaurant facility that could accommodate approximately 300 people at one time. This capacity has generated concerns of possible vehicular trips on Vineyard Avenue if functions at the other nearby facilities were held around the same time. Thus, a traffic study was performed by Dowling and Associates to investigate the trip volume on Vineyard Avenue and the potential impacts on Vineyard Avenue and at various intersections. The study showed that the proposed facility would add trip volume to the existing traffic; however, the anticipated increase would not be significant. The report found that the proposed driveway on Vineyard Avenue is appropriate and that it would provide safe stacking distance, and deceleration for vehicle's ingress and egress. The report recommends mitigation measure to offset traffic congestion.

The City Traffic Engineer has reviewed the traffic report prepared by Dowling and Associates, and concurred that the proposed restaurant would not have significant impacts existing traffic.

Circulation

Private functions would be held at non-peak hours, therefore, anticipated traffic would be lessened. The proposed driveway located at approximately 500 feet west of the Vineyard Avenue/Ruby Hill Boulevard T-section provides a safe distance for vehicles exiting the restaurant site. To facilitate efficient site access for traffic on Vineyard, the City Traffic Engineer requires that the applicant install a left-turn pocket on Vineyard Avenue for westbound traffic entering the site and a deceleration lane for traffic exiting the site. As conditioned, the applicant is required to construct these improvements prior to opening of the restaurant.

Noise

Staff understands that the noise from outdoor activities is a concern of the Ruby Hill residents. For this reason, there is a general prohibition for outdoor music events/performances taking place in the courtyard, dining terrace, or any other outdoor area at the facility. Staff, however, believes that private functions, such as weddings and similar events, should be allowed to take place outdoor such as in the courtyard area to take advantage of the scenery. Staff believes it is

reasonable to request that acoustic-only music /voice accompaniment, e.g. acoustic guitar or piano, would be appropriate. Staff also believes that at such functions, it would be appropriate to include a string quartet. As proposed, outdoor functions would only take place from 10:00 a.m. to 5:00 p.m. As conditioned, all events taking place at the restaurant must conclude operation by 11:00 p.m. The outdoor dining area would be required to conclude prior to 9:00 p.m. The proposed hours, acoustic restrictions, and the distance from the facility to the residential sites would mitigate any of the perceived negative impacts Ruby Hill residents.

Acoustical and amplified music instruments, or a DJ are proposed for indoor events. Staff believes that any noise concerns would be mitigated through requiring windows and doors remain closed, but not locked, during business hours.

Terrace dining is strictly seasonal. There would be no heating lamps or light provided specifically for outdoor dining.

Easements

Mr. Peter MacDonald, attorney for the applicant, sent the City a letter on April 2, 2007, asserting that the Nagys have both a roadway and sewer easement for the benefit of 2001 Ruby Hills Boulevard.

Sewer Easement: Mr. MacDonald's letter states that when the sales office was constructed, because of gravity, sewer at the sales office was and still is connected to public sewer via a private sewer line and pump station located under Ruby Hill Drive. At that time, the owner, Signature, obtained a permit from the City for the sales office for 332 gallons per day of sewer capacity.

Mr. MacDonald further asserts that the private sewer line and pump station were included in the improvement plan for Ruby Hill development (Tract 6452). As such, the subject site has the rights to continue to use the private sewer line and the pump station. The rights of which, however, would be limited to the established sewer capacity of 332 gallons, which would not be sufficient for the restaurant use; but is adequate for the future residence.

The applicant proposes a separate sewer line for the restaurant use. This sewer line would be connected to the City's sewer main at Vineyard Avenue and Saffreno Way (near Fire Station No. 5). In order to overcome the uphill slope situation, the project engineer, RJA, proposes a forced main design. The City Engineer agrees with this plan in concept but will need design details to be submitted for review and approval prior to the issuance of a building permit. A condition has been included to address this issue.

Access Road Easement: In April 1994, the developer of Ruby Hill granted several private streets in Ruby Hill development, including Ruby Hill Boulevard, to the Ruby Hill Homeowners Association. Mr. MacDonald asserts that the subject site has a private easement for ingress and egress over Ruby Hills Boulevard. His letter states that “[t]hough such rights do not need to be perfected by usage, Signature’s use of Ruby Hills Blvd for ingress and egress from 2001 Ruby Hills Blvd further affirms the existing easement rights.” For these reasons, he asserts that the future residence has the right to use Ruby Hills Boulevard for ingress and egress.

Signage

A monument sign would be installed at the entrance to the restaurant fronting Vineyard Avenue. The sign would be tempered glass etched with the restaurant name “Liliom”. The glass would be set in a pedestal, clad in limestone. Lighting would be provided from the slot where the glass

inserted into the limestone. The concept of the sign is modern, and would be consistent with the proposed gourmet restaurant. Staff believes the concept is appropriate; however, additional detail is needed. As conditioned, the applicant is required to submit a revised sign proposal with details for review and approval by the Planning Director.

Arborist Report

HortScience Inc. surveyed and evaluated thirty-five (35) trees on site. Among them, 20 trees are located near the proposed home site, and the remaining 15 trees are at the proposed restaurant location. The trees represent five species; Coast live oak, London plane and Callery pear are among them. None of the trees are heritage-sized trees. The report states that 71% (20 trees) are in a good condition and the rest are in a moderate condition. The report recommends the removal of five trees (three London plane and two coast live oak) to accommodate the proposed driveway and the building relocations. The appraised values for these five trees are approximately \$5,540. As conditioned, the applicant is required to pay for the loss these trees at the appraised value.

Landscaping

New landscaping would consist of olive trees, palms, crape myrtle, and Italian cypress with various color shrubs, groundcover, and annuals grouped in the driveway, parking areas, in the fountain area and in the courtyard.

The proposed landscaping theme could be categorized as “perimeter landscaping” and “focused landscaping”. The perimeter landscaping is the landscaping planted along the Vineyard Avenue frontage and in at the parking lot. Italian cypress would be planted along the parking lot edge.

Ten planting islands are proposed among the parking stalls. They would be planted with groups of Mexican feather grass/ fruitless swan hill olive/ lavender or groups of rosemary/Italian cypress.

The focused landscaping is proposed near the restaurant entrance and at the foundation area and resembles a knot garden. The planting material chosen for this area are more of a decorative and ornamental specimens. Among a variety of roses and daylilies, the planting list includes bearded iris, common calla, veronica, seasonal annuals, etc.

Drainage

As proposed, the vineyards would receive all storm water runoff from the building and the parking areas. This approach has been reviewed and accepted by the Public Works/ Engineering Department and is the same methodology as the other sites nearby. As conditioned, the applicant is required to submit a drainage plan to the City Engineer for review and approval prior to the issuance of a building permit.

Public Comment

As previously mentioned, the original proposal was to convert the use of the existing building from office to restaurant at the current location. Many of the nearby residents responded unfavorably to the proposal, citing concerns of noise, lighting, traffic, parking, and utility service infrastructure.

To respond to the issues, the applicant met with a group of residents reside on East Ruby Hill Drive, Avio Court, Varese Court, and Santel Court on November 28, 2006. The residents indicated support of the project if the restaurant use would be relocated toward Vineyard Avenue further away from the existing residents.

On January 18, 2007, the Ruby Hill Homeowners Association first heard the proposal. The HOA agreed to schedule a special meeting to hear the details of the proposal. On February 26, 2007, the applicant presented the project to the HOA. The plans showed the restaurant relocated approximately 1,000 feet away from the closet home in Ruby Hill, and approximately 180 feet to the Vineyard Avenue as discussed with the residents in November 2006. The proposal also separated the private event functions from daily dining. Many issues were discussed, and HOA provided written comment summaries its comments.

Notices of the Planning Commission's public hearing on this item were sent to property owners, business tenants, and homeowners within 1,000 feet of the subject property.

Ms. Rosanne Hoffman, resident at 1751 Spumante Place, contacted staff via email. Ms. Hoffman addressed concerns relating to traffic, noise, and odors, and potential competition among restaurants.

PUD DEVELOPMENT PLAN MAJOR MODIFICATION FINDINGS

The Zoning Ordinance of the Pleasanton Municipal Code sets forth the purposes of the Planned Unit Development (PUD) District and the considerations to be addressed in reviewing a PUD Development Plan and any major modification of an approved development plan. The Planning Commission must make the following findings that the proposed modification of the PUD-93-02 conforms to the purposes of the PUD District, before making its recommendation.

1. Whether the proposed development plan is in the best interests of the public health, safety, and general welfare:

The proposed project as designed and conditioned meets all applicable City standards concerning public health, safety, and welfare, e.g., vehicle access, geologic hazards (new development not within a special studies zone), and flood hazards. The proposed development plan is designed in conformance with the Pleasanton General Plan designations for this site and all other relevant policies and programs. The applicant will be required to install a left-turn pocket and on Vineyard Avenue to facilitate efficient access to the site for westbound traffic and a decelerate lane on Vineyard Avenue. As proposed, there would be a total of 100 parking spaces provided in the parking area, which will adequately meet the event and daily parking demand. The number of proposed parking spaces greatly exceeds the number of spaces required by the Pleasanton Municipal Code.

The proposed building pad for the future residence would replace the existing sales office. This site is appropriate as the residence when constructed would act as a buffer between the restaurant and the existing homes on the south side of the Ruby Hill Drive. The proposed design guidelines of a Tuscan style home is appropriate for the vineyard setting.

Therefore, staff believes that this finding can be made.

2. Whether the proposed development plan is consistent with the Pleasanton General Plan:

The subject property is designated by the Land Use Element of the Pleasanton General Plan for Agriculture and Grazing uses. The site is adjacent to the Vineyard Avenue Corridor Specific Plan area, and the General Plan for this area encourages uses which relate to the outlying wine country and calls for creating an attractive gateway to the Livermore Valley wine country and implementing wine country architectural and landscape design themes throughout the corridor. The Vineyard Avenue Corridor Specific Plan similarly contains land use objectives to encourage development of vineyard related commercial uses.

There would be minimal changes to the exterior of the existing building. The decorative fountain, courtyard and extended terrace area in the rear would be complementary to the existing vineyards. Staff believes that it is appropriate for such use be located in wine-growing regions since people enjoy the vineyard setting for fine dining and private functions. The proposal is consistent with one of the policies of the South Livermore Valley Area Plan, which encourages the promotion of the area as a premier wine-producing center by encouraging appropriate tourist attractions and supporting uses such as the proposed fine dining restaurant.

Therefore, staff believes that this finding can be made.

3. Whether the proposed development plan is compatible with previously developed properties located in the vicinity of the plan:

Public street access to this site by the Vineyard Avenue Corridor Specific Plan would be from Vineyard Avenue. The proposed restaurant site is well separated from the existing homes in the Ruby Hill development. The building and surrounding landscaping would complement the architectural design of the existing commercial buildings in the vicinity.

Therefore, staff believes that this finding can be made.

4. Whether the proposed development plan is compatible with the natural, topographic features of the site:

Grading would be required to create a basement underneath the building. Minimal grading would be needed for other site improvements. The applicant would grade the site to drain towards the vineyard areas. In this manner, the vineyards would receive some storm water runoff from the buildings and parking areas.

Therefore, staff believes that this finding can be made.

5. Whether grading in conjunction with the proposed development plan takes into account environmental characteristics and is designed in keeping with the best engineering practices to avoid erosion, slides, or flooding, and to have as minimal an effect upon the environment as possible.

Requirements of the Uniform Building Code – implemented by the City at the Building Permit review – would ensure that building foundations and parking/driveway areas are constructed on satisfactorily compacted fill. Erosion control and dust suppression measures will be documented in the final subdivision map and will be administered by the City’s Building and Public Works Departments. All construction activities are limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices.

Therefore, staff believes that this finding can be made.

6. Whether adequate public safety measures have been incorporated into the design of the proposed development plan:

The proposed building is required to be designed and constructed to meet the requirements of the Uniform Building Code, other applicable City codes, and State of California mandated noise, energy, and accessibility requirements. All streets meet City standards and are adequate to handle anticipated traffic volumes. Adequate access is provided to all structures for police, fire, and other emergency vehicles.

Through the design of the proposed development in conjunction with the recommended conditions of approval, staff believes that all public safety measures will be addressed.

Therefore, staff believes that this finding can be made.

7. Whether the proposed development plan conforms to the purposes of the PUD District:

The proposed modification to the original Ruby Hill development plan approval sets forth the parameters for the design and operation of the event center and winery in a manner consistent with the Pleasanton General Plan and with the surrounding area. The proposed development plan modification implements the purposes of the City’s PUD Ordinance by providing uses consistent and supportive of the operations of the wine county. Through the proposed design augmented by the recommended conditions of approval, the project

will substantially conform to the requirements for development specified in the Pleasanton General Plan.

Therefore, staff believes that this finding can be made.

CONDITIONAL USE PERMIT FINDINGS

The Planning Commission must make the following findings prior to granting the conditional use permit for allowing serving alcoholic beverages after 10:00 p.m.:

1. The location of the proposed 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: protecting existing land uses from inharmonious influences and harmful intrusions; fostering harmonious, convenient, workable relationships among land uses; and insuring 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 believes that the proposed restaurant/bar would be consistent with these objectives. The proposed conditions of approval for the project will give the City appropriate controls to ensure that the use does not have any negative impacts on surrounding businesses and properties.

The General Plan encourages uses relating to the wine country and calls for creating an attractive gateway to the Livermore Valley wine country. Having a restaurant in the area that serve local wine is an appropriate use and it would promotes local wine-growing business and attracts tourism.

Therefore, staff believes that this finding can be made.

2. The proposed location of the conditional use and the conditions under which the conditional uses 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.

The proposed restaurant offers fine dining to local residents and the general public. The applicant proposes a separate driveway off Vineyard Avenue, thus, avoiding restaurant patrons entering the nearby residential development. As conditioned, staff does not anticipate that the proposed use will create adverse impacts on the residential community.

Staff feels that any areas of possible concern have either been mitigated by project design or conditioned so that the proposed use will meet all applicable Municipal Code requirements and would be operated in a non-nuisance manner. Furthermore, the applicant can be required to mitigate any future nuisances or problems. Therefore, if all the conditions of approval are complied with, staff feels the proposed/ restaurant will not detrimentally impact the surrounding properties, and staff believes that this finding can be made.

Therefore, staff believes that this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of this chapter.

The proposed conditional use is required to comply with all applicable sections of the Pleasanton Municipal Code and with PUD-93-02-9M, the PUD development plan and development plan modification governing the subject property. Conditions of approval for the operation of the restaurant would ensure its compliance with the City's zoning ordinance and with the PUD. By complying with the recommended conditions of approval, the proposed facility would meet the criteria for receiving a conditional use permit and would, therefore, comply with the intent of the Pleasanton Municipal Code and the PUD development plan.

Therefore, staff believes that this finding can be made.

ENVIRONMENTAL ASSESSMENT

A negative declaration was prepared in conjunction with the proposed development. Based on the Initial Study and Negative Declaration, the project would not have a significant effect on the environment. The proposed project plans have been revised to include building relocation, independent driveway to the restaurant, separating the regular dining hours from private event functions, and restriction on noise. These revisions have avoided significant effects or mitigated the project by design to a point where the effects are insignificant and there is no substantial evidence that the project as revised may have a significant effect.

CONCLUSION

The proposed restaurant and the future residential pad would establish a compatible use and would meet the goals of the Pleasanton General Plan and the South Livermore Valley Area Plan. It is appropriate to retain the existing building as it fits the existing silhouette. The design details specified in the design guidelines for the future residence carry many architectural features that

are seen in wineries of the Napa/Sonoma area. The fountain and the entrance are the focal point, while terrace and the inner courtyard area create an attractive, pedestrian-oriented space. The views of the restaurant as entering the site from Vineyard Avenue would reinforce the winemaking heritage of the Ruby Hill area and, additionally, would work well with the nearby Ruby Hill development. As proposed and conditioned, the project would be compatible with Ruby Hill.

STAFF RECOMMENDATION

Staff recommends the Planning Commission recommend approval of Case PUD-93-02-9M and Case PCUP-182 to the City Council by taking the following actions:

1. Find that the project will not have a significant effect on the environment, and adopt the resolution approving the Negative Declaration as shown in Exhibit I, and Find that the project has a De Minimis impact on the site's wildlife;
2. Find that the proposed major modification to the PUD Development Plan is consistent with the General Plan and the purposes of the PUD Ordinance, and make the findings as identified in the staff report and recommend approval of PUD-93-02-09M subject to Exhibit "B-1", Draft Conditions of Approval, and,
3. Make the Conditional Use Permit findings as stated in the staff report and recommend approval of PCUP-182 subject to Exhibit "B-2", Draft Conditions of Approval.

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