

**P14-1139**  
**Exhibit A, Draft Conditions of Approval**  
**252 Main Street**  
**August 27, 2014**

**PROJECT SPECIFIC CONDITIONS OF APPROVAL**

**Planning Division**

1. The proposed business activities and operation approved by this Conditional Use Permit shall conform substantially to the narrative and project plans, Exhibit B, marked "Received August 7, 2014," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Zoning Administrator if found to be in substantial conformance to the approved exhibits.
2. If additional hours of operation or activities beyond that proposed in the applicant's written narrative, Exhibit B, marked "Received August 7, 2014," on file with the Planning Division, are desired, prior City review and approval is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. The approved hours of operation are as follows:  
  
Sunday through Wednesday from 11:00 a.m. to 10:00 p.m.  
Thursday from 11:00 a.m. to 11:00 p.m.  
Friday and Saturday from 11:00 a.m. to 12:00 a.m.  
  
There may be amplified music within the rear outdoor beer garden area up to two times weekly until 9:00 p.m. either Friday, Saturday, and/or Sunday only.
4. All activities shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulations).
5. Self-closing door mechanisms shall be installed on all exterior doors. The exterior doors of the establishment shall remain closed when not being used for ingress/egress purposes.
6. The establishment's windows shall remain closed during business hours.
7. The applicant (or designated representative of the business) shall regularly monitor the area outside the bar and any nearby parking area and take the appropriate action to pick up litter and ensure peace and quiet.

8. All employees shall dispose of waste or recyclables in the trash enclosure area on-site. Employees shall not dispose of waste or recyclables in the trash enclosure area prior to 8:00 a.m. or after 11:00 p.m.
9. There shall be no truck deliveries, parking lot sweeping, or garbage pick-up between the hours of 10:00 p.m. and 6:00 a.m.
10. Prior to business operation, small signs shall be installed in the interior of the building or near the exit doors requesting that customers not loiter outside and be courteous and quiet when leaving the business and any parking areas.
11. Employees shall maintain the area surrounding the tenant space/building in a clean and orderly manner at all times.
12. The applicant (or designated representative of the business) shall adhere to a "good neighbor" policy, meaning that the applicant/business representative/employees must respect the rights of neighboring properties and be aware of the impact of customers leaving late at night and their potential disturbance of residential neighbors. The applicant/business representative/employees shall:
  - Ensure the patrons' comply with the noise, parking, and outdoor smoking area requirements;
  - Pick up litter created by the business and the patrons on a regular basis in front of the business and by the adjacent neighboring businesses and residences, and, if needed, request City staff's assistance with enforcement on neighboring private properties;
  - Ensure the patrons do not loiter in front of the business and by adjacent neighboring businesses and residences, and, if needed work with City staff regarding the installation of enforceable no loitering signage; and
  - Post signage near exit doors alerting patrons to residential neighbors.
13. Alcoholic beverages shall not be heavily discounted in price. Prior to issuance of a tenant improvement permit or operation of the bar, the applicant shall submit an alcoholic beverage menu with pricing (including "happy hour" or other reduced-price alcohol promotions) for the review and approval of the Director of Community Development and Chief of Police.
14. The applicant shall obtain all necessary approvals from the Department of Alcoholic Beverage Control (ABC) prior to operation.

15. Except for the designated outdoor areas at the front and rear of the subject site, food and alcohol shall not be consumed outside the establishment. Alcohol service and consumption in the designated outdoor areas is allowed only upon specific approval by the Department of Alcoholic Beverage Control (ABC) and shall be subject to all ABC requirements. The applicant shall be responsible for supervising and controlling the activities of its customers within the designated outdoor areas. The applicant shall ensure that no disorderly behavior occurs in these designated outdoor areas, that food and drinks are not taken outside of the designated outdoor areas, and that there are no more customers in the designated outdoor areas than there are seats.
16. Prior to the start of employment, employees that serve alcohol shall undergo an alcohol training program, such as TIPS (Training for Intervention Procedures), designed to prevent intoxication, underage drinking, and drunk driving.
17. Food service shall remain open, with at least limited food service available to patrons, during the operating hours of the business.
18. The business shall comply with Chapter 9.24 (Smoking in Public and Work Places). The applicant shall provide a designated smoking area including ash/cigarette receptacle and related directional signage, if deemed necessary by the Director of Community Development after the business is in operation based on customer demand and/or complaints received from adjacent property owners/tenants regarding smoking.
19. A minimum of three bicycle parking spaces shall be provided and maintained. Bicycle racks shall: 1) be visible and accessible; 2) support the frame of the bicycle and not just one wheel; 3) allow the frame and one wheel to be locked to the rack; 4) allow the use of either a cable or U-shaped lock; 5) be securely anchored; 6) be usable by bikes with no kickstand; and 7) be usable by a wide variety of sizes and types of bicycles.
20. Any new building- or ground-mounted equipment, ducts, vents, blowers, satellite dishes, etc. shall be installed and located to not be visible from any public street, sidewalk, or parking area within a one block radius of the site. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be provided prior to occupancy.
21. Only gas grilling devices, fireplaces, pellet fueled wood heaters or EPA certified wood-burning appliances may be installed. The fireplace type shall be indicated on the floor plan submitted for issuance of a building permit.

22. No outside washing of floor mats, containers, equipment, etc. shall be conducted unless a contained wash area is provided on-site. The location of the wash area shall be subject to review and approval by the Director of Community Development and Chief Building Official. The wash area shall be covered and shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by the Dublin San Ramon Services District (DSRSD), or shall be collected in a containment area and removed regularly by a disposal and recycling service. If connected to the sanitary sewer, a structural control such as a sand filter or oil/ water separator shall be used, and a sign shall be posted prohibiting the dumping of hazardous materials. Other methods may be used subject to the approval of the Director of Community Development and Chief Building Official. The applicant shall instruct employees to conduct all such washing activities in this area.

### **Building and Safety Division**

23. The applicant or responsible party shall pay for additional sewer capacity for the subject use as determined by the Chief Building Official. The sewer fee shall be paid prior to issuance of a building permit and/or prior to operation.

### **Police Department**

24. As deemed necessary, the applicant shall provide security staff to the satisfaction of the Chief of Police.

## **STANDARD CONDITIONS**

### **Community Development Department**

25. The applicant shall pay all fees to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
26. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

## **Planning**

27. This Conditional Use Permit approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required, or the applicant or his or her successor has filed a request for extension with the zoning administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
28. If operation of the bar results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, odors, smoke, or other issues related to the outdoor grill area, or other factors verified by City enforcement staff, then notification of Conditional Use Permit and noise standard violations verified by the City enforcement staff shall be provided to the Planning Commission by City staff; the Planning Commission may schedule a public hearing to re-review the Conditional Use Permit; and at the public hearing the Planning Commission may revoke or may modify the Conditional Use Permit to require additional measures as necessary to address any issues.
29. Within six months of the establishment opening, the Director of Community Development shall re-evaluate the outdoor grill area to ensure no negative impacts on surrounding uses are being experienced. If it is determined there are negative impacts, the Director of Community development may revoke approval of this element or may modify the Conditional Use Permit to require additional measures as necessary to address any issues.
30. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.
31. No changes to the exterior of the building or site shall be made without prior approval from the Planning Division.

## **Building and Safety Division**

32. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

33. Tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
34. The building permit plan check materials for the proposed tenant improvements will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of approval, unless the applicant submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design and/or operation is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.

### **CODE REQUIREMENTS**

*Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.*

35. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved as part of a temporary conditional use permit. At no time shall spot lighting be used in conjunction with such grand openings and/or promotional events.

**END**

**Eric Luchini**

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**From:** George Dunder <george@pleasantonstation.com>  
**Sent:** Friday, August 15, 2014 3:09 PM  
**To:** Eric Luchini  
**Cc:** george@pleasantonstation.com  
**Subject:** P14-1139 McKay's Tap house

P14-1139  
7/15/14  
GEORGE DUNDER  
PLEASANTON STATION  
P14-1139

Hi Eric,

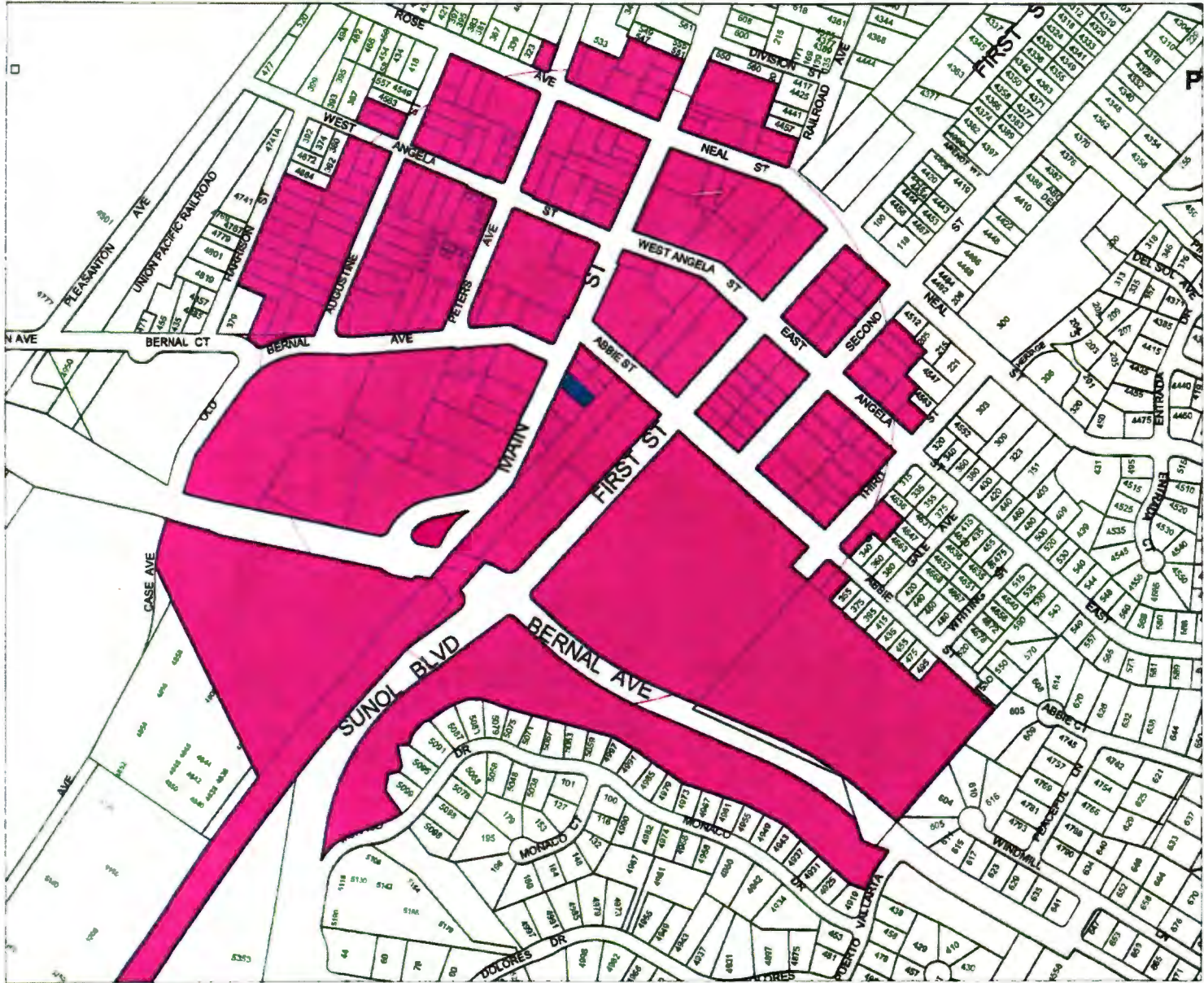
This e-mail is in regard to P14-1139 McKay's Tap house and Beer Garden. My name is George Dunder. I'm the General Partner of Dunder First Street Partnership II, which is the owner of 4713 First Street.

It's my understand that 252 Main Street is underway for zoning changes and has applied for a conditional use permit. While I'm completely in favor of improving this end of Main Street and McKay's Tap house could be an excellent addition it concerns me greatly that there appears to be no additional parking planned. There is public parking behind the property in what used to be the transportation corridor – but this area has not been improved to its capacity and the existing parking here is almost completely filled on a daily basis. During downtown events the parking is impacted to the point that people double park on our private parking area and also park illegally on First Street in front of 4713 & 4725 creating a dangerous situation for people leaving that parking lot. Even on most nonevent days, since the stairway was installed leading to Main Street most of this area is full and overflows onto private parking areas. Increasing the traffic/parking loads by installing a bar, and eventually expanding to accommodate 230 people would have drastic impacts on many of the local business. I would strongly oppose any of these changes without the addition of adequate parking resources especially since some existing resources are currently underutilized. I'll be happy to discuss this further with you or anyone involved in this project.

Thank you,  
George Dunder  
4713 First Street, Pleasanton

(925) 417-2224

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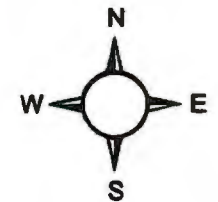
P14-1139, McKay's Taphol

City of Pleasanton

GIS

Department

252 Main Street



Printed 8/13/2014

EXHIBIT D