



Planning Commission Staff Report

April 24, 2013 ~~April 10, 2013~~
Item 5.b.

- SUBJECT:** P13-0332
- APPLICANT:** Pleasanton Main Street Brewery (Matt Billings).
- PROPERTY OWNER:** Ted and Corrine Mavridis.
- PURPOSE:** Application to modify the approved conditional use permit for the Pleasanton Main Street Brewery to allow it to expand into the adjoining tenant space formerly occupied by the El Jarrito Restaurant.
- GENERAL PLAN:** Retail, Highway, and Service Commercial; Business and Professional Offices.
- ZONING:** Zoning for the property is the C-C (Central Commercial), Downtown Revitalization, Core Area Overlay District.
- LOCATION:** 830 Main Street (Pleasanton Main Street Brewery) and 828 Main Street (El Jarrito Restaurant).
- EXHIBIT:**
- A. Draft Conditions of Approval, dated April 10, 2013.
 - B. Site Plan, Preliminary Floor Plan, Details of Operation, Menu, and Interior/Exterior Photographs, dated "Received, March 18, 2013."
 - C. Excerpt of the Downtown Hospitality Guidelines Pertaining to Bars and Restaurants Serving Alcohol after 11:00 p.m.
 - D. Resolution No. PC-95-76, dated October 11, 1995, and Resolution No. PC-2005-46, dated September 14, 2005.
 - E. Location and Notification Maps.

I. BACKGROUND

Proposal

Matt Billings, owner/operator of the Pleasanton Main Street Brewery, proposes to expand his brew pub/restaurant into the adjoining tenant space formerly occupied by the El Jarrito Restaurant. As permitted by UP-95-54, the operation of the brew pub is limited to the following hours: 6:30 a.m. to 9:30 a.m. for beer making activities, and from 10:00 a.m. to 10:00 p.m., Monday through Wednesday, 10:00 a.m. to 11:00 p.m., Thursdays, 11:00 a.m. to 12:00 midnight on Friday and Saturdays, and from 10:00 a.m. to 10:00 p.m. on Sundays for alcohol sales. The applicant stated to staff that the former El Jarrito restaurant closed at 11:00 p.m. (Restaurants offering alcohol with food past 11:00 p.m. require a Conditional Use permit issued by the Planning Commission.)

The Director of Community Development determined that the applicant's proposal is a substantial change from the previous Conditional Use Permit and, therefore, requires Planning Commission review at a public hearing.

The Pleasanton Main Street Brewery

On October 11, 1995, the Planning Commission approved the application for a conditional use permit (Case UP-95-54) to allow an approximately 3,721 square foot, 102-seat brew pub with a restaurant, Pleasanton Main Street Brewery, within a portion of the former Cheese Factory building located on 830 Main Street (Exhibit D). On September 14, 2005, the Planning Commission modified UP-95-54 to allow the Pleasanton Main Street Brewery to serve hard liquor in addition to the previously approved beer and wine with food (Exhibit D).

With its approval of Case UP-95-54, the Planning Commission required that any request to modify Case UP-95-54 be first reviewed by the Director of Community Development, who may then approve the modification at the staff level or refer the matter to the Planning Commission if the Director of Community Development judges the proposed modification to be substantial.

II. SITE DESCRIPTION

The project site is an approximately 1.2-acre parcel located near the north end of the Pleasanton Downtown. The subject property is bordered on its south side by a retail building (818 Main Street), on its east side and southeast side by office and commercial uses (325 and 357 Ray Street, respectively), and on its entire north side by the Arroyo Del Valle. The Pleasanton Hotel is located on the west side of Main Street directly opposite the Pleasanton Main Street Brewery. An entrance (only) driveway from Main Street is located between the building's north side and the Arroyo Del Valle and accesses the parking area behind the building. An exit (only) driveway is provided from the parking area to Ray Street.

III. PROPOSED PROJECT

The applicant proposes to expand the operations of the brew pub into the adjoining, approximately 1,290-square-foot tenant space formerly occupied by the El Jarrito Restaurant by utilizing the restaurant's kitchen and dining area. Exhibit B includes the site plan of the building with the brew pub and restaurant, preliminary floor plan, operation details, brew pub menu, and interior/exterior photographs for the applicant's proposal.

The proposed operating hours of the former restaurant's kitchen and dining area would match the operating hours of the brew pub: 10:00 a.m. to 10:00 p.m., Monday through Wednesdays, 10:00 a.m. to 11:00 p.m., Thursdays, 11:00 a.m. to 12:00 midnight on Friday and Saturdays, and from 10:00 a.m. to 10:00 p.m. on Sundays for alcohol sales. (The outdoor dining areas in front of the brew pub and former restaurant would remain. The existing brew pub and restaurant sign will remain.

The applicant stated that the former El Jarrito restaurant sign will be removed and may be replaced – any request for new signage will be reviewed under a separate application for sign design review in accordance with the sign standards of the Downtown Revitalization District. The applicant would add an opening to the interior partition that presently separates the Pleasanton Main Street Brewery from the El Jarrito restaurant. The applicant stated to staff that the present seating of the brew pub and former restaurant will be modified slightly to accommodate the proposed interior change. No other changes to the site or to the interior areas of the brew pub and restaurant are proposed.

The restaurant's current front and rear entrances, kitchen, storage, and bathroom facilities would remain. The applicant would continue to use the brew pub kitchen to prepare short-order items, such as sandwiches, burgers, etc., for the brew pub and the restaurant's kitchen would be used to prepare sit-down dining items. Beer, wine, and mixed drinks would be provided from the bar area in the brew pub. For now, the applicant would replace the restaurant's former menu with the brew pub menu. Over time, the brew pub menu will change to more sit-down-type cuisine.

IV. ANALYSIS

Brew pubs and bars are conditionally permitted uses in the C-C district. Conditional uses are uses that, by their nature, require individual review to ensure that the impacts that may be associated with their use will be regulated and minimal.

Pleasanton Main Street Brewery has been operating from this location for nearly 17 years without any apparent impacts on the surrounding businesses or residents. The proposal would continue the current operations of the brew pub and restaurant with the only difference being a revised menu and cuisine for the restaurant, one hour extension of the former restaurant's operating hours to 12:00 midnight on weekends, revised name and signage, and the internal connection between the two tenant spaces. Staff doesn't believe these changes would create new impacts to the surrounding properties as long

as the brew pub owner continues to run the establishment in a non-nuisance manner, which he has proven over 17 years of operations.

For the C-C zoned properties located within the Downtown Revitalization District, the Municipal Code does not require additional parking for a change in use. Parking for the brew pub and restaurant is provided in the rear parking lot, and on-street parking is also available. The former restaurant's seating would remain the same. Thus, staff does not believe the applicant's proposal would increase the demand on parking.

The proposal has been reviewed by the Planning and Building Divisions of the Department of Community Development and by representatives of the Pleasanton Police Department and the Livermore-Pleasanton Fire Department. The consensus is that the applicant's proposal continues the current operations and, therefore, would not be a problem for this location and area of the City. However, if problems verified by the City's code enforcement staff do arise, the Director of Community Development can have the application brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified or revoke the use permit, if necessary.

Downtown Hospitality Guidelines

The Pleasanton Main Street Brewery is located in a commercially zoned area of Downtown Pleasanton containing mixed land uses including retail, office, hotel, and residential uses. The adopted Downtown Hospitality Guidelines provides standards (Exhibit C) by which an establishment serving alcohol past 11:00 p.m. would operate 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 that draw people to the area during the day and at night. If not already addressed by the prior Conditional Use Permit conditions, staff has incorporated these standards into the draft conditions of approval for this application (Exhibit A). The applicant concurs with these requirements.

Pleasanton Downtown Association

The application was referred to the Downtown Vitality Committee of the Pleasanton Downtown Association (PDA). The Committee passed a motion unanimously supporting the applicant's request.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners within 1,000 feet of the subject property. At the time that the Planning Commission staff report was written, staff had not received any additional written or verbal comments. Staff will forward to the Planning Commission any new public comment received after publication of the staff report

VI. FINDINGS

The Planning Commission must make the following findings prior to prior to modifying a conditional use permit for the operation of the Main Street Brewery:

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.

The brew pub and former restaurant are located in Downtown Pleasanton, which permits a variety of commercial, office, and residential uses. The proposal would expand the opportunities for table service of the current business operations. Therefore, it is in accordance with the purposes of the Central Commercial zoning district to provide locations that offer a variety of commodities and services to the residents of Pleasanton and surrounding areas.

Objectives of the zoning ordinance include protecting existing land uses from inharmonious influences and harmful intrusions; foster harmonious, convenient, workable relationships among land uses; and insure that public and private lands are ultimately used for the purposes which are most appropriate and beneficial to the City as a whole. By allowing existing Downtown businesses that have not adversely impacted surrounding businesses and residences to grow and/or continue, the applicant's proposal would be consistent with these objectives of the zoning district. The draft conditions of approval give the City the appropriate controls to ensure that the uses do not have any negative impacts on the surrounding businesses and properties. 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.

Expanding the brew pub restaurant is not anticipated to generate adverse impacts on any of the surrounding properties due to applicant's proven ability to run his business in a non-nuisance manner and due to the existing conditions of approval that will ensure that the safety and general welfare of the surrounding neighborhood is maintained. The proposal would only combine two former separate businesses into a single business with no significant change in operations. Staff does not believe that the proposed use permit modification would increase parking demand at the site and, therefore, would not detrimentally impact the surrounding properties. 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 site's Central Commercial zoning conditionally permits the establishment of brew pubs and bars. In staff's opinion, the proposed modification to the existing use permit complies with all relevant sections of the Central Commercial district and with the standards of the Downtown Hospitality Guidelines pertaining to establishments serving alcohol past 11:00 p.m. Granting a conditional use permit

to the applicant to expand the brew pub and restaurant is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses." Therefore, staff believes that this finding can be made.

VII. CONCLUSION

The Pleasanton Main Street Brewery has been operating without any significant problems to the adjacent tenants or surrounding residents since opening approximately 17 years ago. Staff believes that expanding the brew pub and restaurant into the adjacent tenant space would not produce any adverse impacts on the adjacent tenants or neighbors due to litter, noise, odor, parking, traffic, or other objectionable influences. The existing and proposed conditions of approval will ensure that the safety and general welfare of the Downtown and surrounding area are maintained. Staff believes the proposal merits favorable action by the Planning Commission.

VIII. ENVIRONMENTAL ASSESSMENT

Projects of this nature are 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.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-0332 by taking the following actions:

1. Make the conditional use findings as listed in the staff report; and
2. Approve Case P13-0332, subject to the conditions listed in Exhibit B.

Staff Planner: *Marion Pavan, Associate Planner, (925) 931-5610, mpavan@cityofpleasantonca.gov*

P13-0332
Exhibit A, Conditions of Approval

Pleasanton Main Street Brewery Expansion
828 and 830 Main Street
~~**April 10, 2013**~~
April 24, 2013

SPECIAL CONDITIONS OF APPROVAL
Planning

1. Except as revised by this approval, all previous conditions of approval for Case UP-95-54, including the modification approved by Planning Commission Resolution No. PC-2005-46, shall remain in full force and effect.
2. The applicant shall obtain a Building Permit from the Building Department and any other applicable City permits for the project prior to the commencement of any construction.
3. The applicant shall submit a final seating plan for the former restaurant tenant space to the Planning Division prior to the commencement of any construction.
4. If additional hours of operation, change of activities, or seating changes beyond what is stated in the applicant's written narrative, dated "Received, March 18, 2013," on file with the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
5. All activities of the brew pub and restaurant shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulation).
6. Self-closing door mechanisms shall be installed on all exterior doors.
7. The establishment's windows shall remain closed during business hours.
8. The exterior doors of the establishment shall remain closed when not being used for ingress/egress purposes.
9. The applicant (or designated representative of the business) shall regularly monitor the area outside the brew pub and restaurant and the parking lot and shall take the appropriate action to pick up litter and ensure peace and quiet.
10. 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. The employees shall not dispose of waste or recyclables outside prior to 8:00 a.m. or after 11:00 p.m.
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:
 - a. Ensure the patrons’ comply with the noise, parking, and outdoor smoking area requirements;
 - b. Pick up litter created by the business and the patrons on a regular basis in front of the business and by adjacent neighboring businesses and residences, and, if needed, request City staff’s assistance with enforcement on neighboring private properties;
 - c. 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,
 - d. Post signage near exit doors alerting patrons to residential neighbors.
13. 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.
14. The business shall comply with Chapter 9.24 of the Pleasanton Municipal Code (Smoking in Public and Work Places).
15. If operation of the brew pub/restaurant results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, or other factors verified by City enforcement staff, then notification of conditional use permit and noise standard violations verified by 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 such as noise monitoring by the business owner if there was a noise violation.
16. This approval does not include approval of any new signage for Pleasanton Main Street Brewery. If signs are desired, the Pleasanton Main Street Brewery shall submit a sign proposal to the City for review and approval prior to sign installation. All signs shall conform to the sign standards of Chapter 18.74, Downtown Revitalization District, of the Pleasanton Municipal Code.

STANDARD CONDITIONS OF APPROVAL
Planning

17. The proposed use shall be operated in substantial conformance to Exhibit B, dated "Received, March 18, 2013," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans and operations may be allowed subject to the approval of the Director of Community Development.
18. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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, 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.
19. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.
20. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer 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 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.
21. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.
22. 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 by temporary conditional use permit as part of a decorating plan in conjunction with shopping center promotional events. At no time shall spot

lighting be used after 10:00 p.m. in conjunction with such grand openings and/or promotional events.

23. There shall be no outdoor storage.
24. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
25. This conditional use permit approval will lapse one year from the effective date of approval unless the Pleasanton Main Street Brewery receives a business license for the former El Jarrito tenant space, 828 Main Street.

CODE REQUIREMENTS

Planning

(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.)

26. Prior to occupying the former El Jarrito tenant space, the Pleasanton Main Street Brewery shall obtain any applicable State licensing.

CODE REQUIREMENTS

Fire

(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.)

27. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.
28. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame- producing devices, asphalt/tar kettles, etc.
29. The building (s) covered by this approval shall conform to the requirements of the California Building Code currently in effect, the California Fire Code currently in effect and the City of Pleasanton Ordinance 2015.

CODE REQUIREMENTS
Building

(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.)

30. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

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