



Planning Commission Staff Report

September 9, 2009
Item 8.b.

SUBJECT: Actions of the City Council, September 1, 2009

PAP-136, Councilmember Sullivan (PCUP-249, Joseph and Maricela Barone)

Appeal of the Planning Commission's approval to modify the existing Conditional Use Permit (UP-88-25) for the operation of Barone's Restaurant located at 475 St. John Street to allow outdoor music and entertainment. Zoning for the property is C-C (Central Commercial) District and Downtown Revitalization District.

Council denied the appeal, thereby upholding the Planning Commission's approval, as recommended by staff, with the modification of Condition No. 4 and the addition of a new condition (Condition No. 9) as follows:

4. *The applicants shall install a noise wall west of the stage in compliance with specifications recommended by a qualified noise professional and subject to the review and approval of the Director of Community Development. The applicants shall acquire noise level reading equipment adequate to monitor noise levels related to outdoor live music at the restaurant. The applicants shall monitor noise levels at the subject site property lines each evening live outdoor music occurs to prevent noise levels from exceeding levels allowed by the noise ordinance.*

9. *The subject Conditional Use Permit shall be reviewed by the Director of Community Development six months after its issuance to determine if the business is operating in a non-nuisance manner. If necessary, the Conditional Use Permit may be brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified.*

Vote: 3-2 (McGovern and Sullivan voted no).

PPOL-1, City of Pleasanton

Review and consideration of a Planning Policy regarding the definition and licensing of child care uses.

This item was continued to the October 7, 2009 meeting.

PRZ-27, City of Pleasanton

Consider amendments to Section 18.84.090 (Side and rear yards – Requirements and exceptions) of the Pleasanton Municipal Code regarding fencing.

Council approved the amendments.

Vote: 5-0

PRZ-43, City of Pleasanton

Consider amendments to Chapter 18.40 (O Office District) and Chapter 18.44 (C Commercial Districts) of the Pleasanton Municipal Code regarding massage establishment.

Council approved the amendments.

Vote: 5-0