

September 19, 2005

Matt Billings
Pleasanton Main Street Brewery
830 Main Street
Pleasanton, CA 94566

Dear Mr. Billings:

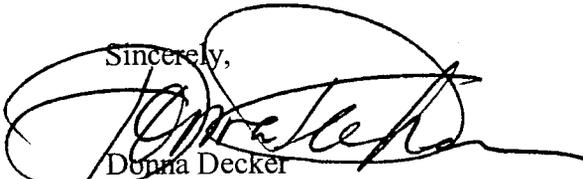
SUBJECT: Modification to UP-95-54

At its meeting of September 14, 2005, the Planning Commission approved the modification to UP-95-54, the approved conditional use permit for the Pleasanton Main Street Brewery, located at 830 Main Street, to allow hard liquor/spirits to be served. Approval was granted subject to the conditions of approval as listed in Exhibit B of the staff report.

Approval of the conditional use permit will become effective on September 29, 2005, unless appealed prior to that time. You may appeal this decision to the City Council by submitting an application for appeal, with a letter stating the basis for your appeal, to the Planning Department prior to the expiration date of the appeal (September 29, 2005).

If you have any questions concerning this matter, please feel free to call.

Sincerely,



Donna Decker
Principal Planner

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2005-46

RESOLUTION APPROVING THE MODIFICATION TO AN APPROVED CONDITIONAL
USE PERMIT FOR PLEASANTON MAIN STREET BREWERY,
AS FILED UNDER CASE UP-95-54

WHEREAS, Matt Billings has applied for a modification to an approved conditional use permit for the Pleasanton Main Street Brewery, located at 830 Main Street, to allow hard liquor/spirits to be served; and

WHEREAS, zoning for the property is C-C (Central Commercial), Downtown Revitalization, Core Area Overlay District; and

WHEREAS, at its duly noticed public hearing of September 14, 2005, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission made the following findings:

1. 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 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 ensuring 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, the proposal to serve hard liquor at the brew pub would not adversely impact the surrounding businesses and residences and would be consistent with these objectives.

The brew pub is located in the Downtown, which permits a variety of commercial, office, and residential uses. Allowing hard liquor to be served at the brew is in accordance with the purposes of the Central Commercial zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas. The existing conditions of approval for UP-95-54 give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. The

proposal to serve hard liquor at the existing brew pub is in accordance with the objectives of the zoning district; therefore, this first finding can be made.

2. 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.

The sale of hard liquor/spirits at the brew pub is not anticipated to generate adverse impacts on any of the surrounding properties due to the 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. In addition, the proposed use permit modification would not increase parking demand at the site. The sale of hard liquor/spirits at the brew pub will not detrimentally impact the surrounding properties; therefore, this second finding can be made.

3. 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. The proposed modification to the existing use permit complies with all relevant sections of this ordinance. Granting a conditional use permit to the applicant to allow hard liquor to be served at the existing brew pub is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124, "Conditional Uses." Therefore, this third finding can be made.

WHEREAS, the Planning Commission determined that the proposed conditional use would be compatible with the existing uses in the area.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves the modification to Case UP-95-54, the application of Matt Billings for a modification to an approved conditional use permit for the Pleasanton Main Street Brewery, located at 830 Main Street, to allow hard liquor/spirits to be served, subject to the conditions shown in Exhibit "B," attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

Resolution No. PC-2005-46
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THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 14TH DAY OF SEPTEMBER, 2005 BY THE FOLLOWING VOTE:

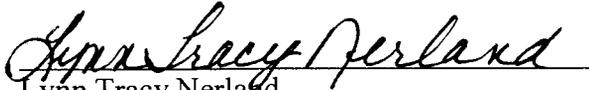
AYES: Commissioners Blank, Fox, Maas, Pearce, and Roberts.
NOES: None.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Arkin.

ATTEST:


Dawn G. Abrahamson
City Clerk


Trish Maas
Chairperson

APPROVED AS TO FORM:


Lynn Tracy Nerland
Assistant City Attorney

**EXHIBIT B
CONDITIONS OF APPROVAL**

**Modification to Case UP-95-54, Matt Billings
830 Main Street
September 14, 2005**

1. The approved activities/operation of the brew pub at 830 Main Street, Pleasanton Main Street Brewery, are modified to permit hard liquor/spirits to be served.
2. The applicant shall obtain all necessary approvals from the Department of Alcoholic Beverage Control prior to serving hard liquor/spirits.
3. Except as noted above, all previous conditions of approval for Case UP-95-54 shall remain in full force and effect.

{end}

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-95-76

RESOLUTION APPROVING THE APPLICATION OF MATT BILLINGS FOR A
CONDITIONAL USE PERMIT TO ESTABLISH A BREW PUB WITH FOOD
SERVICE AS FILED UNDER CASE UP-95-54

WHEREAS, Matt Billings has applied for a conditional use permit to establish an approximately 3,000 square foot brew pub with food service in a portion of an existing building located at 830 Main Street (former Cheese Factory); and

WHEREAS, zoning for the property is Central Commercial (C-C), Downtown Revitalization, Core Area Overlay District; and

WHEREAS, at their duly noticed public hearing of October 11, 1995, the Planning Commission considered all public testimony, relevant exhibits and recommendations of the City staff concerning this application; and

WHEREAS, the Planning Commission made the following findings:

- A. 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.

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, the proposed brew pub would be consistent with these objectives.

The site of the proposed use is located in the Downtown, which permits a variety of commercial, office, and residential uses. Brew pubs are in accordance with the purposes of the Commercial zoning district to provide locations to offer commodities and services to the residents of Pleasanton and surrounding areas. The proposed conditions of approval for the project give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and properties. The use permit for the brew pub is in accordance with the objectives of the zoning district.

- B. 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 proposed activities and hours of operation for the subject uses, it will not impact surrounding uses. The proposed use will have adequate on- and off-street parking to meet project demand. The brew pub would not sell hard liquor, would not play loud music, nor would it provide dancing areas for customers, which would reduce possible adverse impacts on the adjacent tenants and residents. Any areas of possible concern have been 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, the proposed brew pub will not detrimentally impact the surrounding properties.

- C. 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, as defined by the recently introduced zoning ordinance amendment addressing beermaking establishments. In addition, the proposed use complies with all relevant sections of this ordinance. Granting a conditional use permit to the applicant for a brew pub is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses."

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission determined that the proposed conditional use, as conditioned, would not detrimentally affect the surrounding uses or properties.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Case UP-95-54, the application of Matt Billings for a conditional use permit to establish an approximately 3,000 square foot brew pub with food service in a portion of an existing building located at 830 Main Street (former Cheese Factory), subject to the conditions shown on Exhibit "B" attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 11TH DAY OF OCTOBER 1995 BY THE FOLLOWING VOTE:

AYES: Commissioners Barker, Hovingh, McGuirk, Wright, and Chairman Lutz
NOES: None
ABSENT: None
ABSTAIN: None

DATE: October 11, 1995

ATTEST:

Peggy Ezidro
Peggy Ezidro
City Clerk

Harry F. Lutz
Harry Lutz
Chairman

APPROVED AS TO FORM:

Dennis Beougher
Dennis Beougher
Assistant City Attorney

EXHIBIT "B"
Conditions of Approval
Case UP-95-54

1. The beermaking operations of the subject use are contingent upon adoption of City Council Ordinance No. 1665, and shall not be established until the effective date of that ordinance.
2. The location and operation of the proposed use shall conform substantially to Exhibit A (the site plan, floor plan, and details of operation), dated "Received September 16, 1995", on file with the Planning Department, except as modified by these conditions.
3. The operation of the brew pub shall be limited to the following hours: 6:30 a.m. to 9:30 a.m. for beermaking 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, 10:00 a.m. to 12 midnight, Friday and Saturdays, and from 10:00 a.m. to 10:00 p.m. on Sundays for alcohol sales.
4. The use of the rear outdoor deck area shall be limited to daylight hours only.
5. In the event that the applicant proposes to modify the hours or other aspects of the business operation, or modify the exterior building or site, the modification shall be subject to the review of the Planning Director. The Planning Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
6. The applicant shall maintain the area surrounding the brew pub tenant space, outdoor deck areas, and parking lot in a clean and orderly manner at all times. The applicant shall monitor the area outside the brew pub to ensure peace and quiet. In the event that nuisances are created through the operation of the brew pub, either within the brew pub itself or by its patrons in the vicinity of the brew pub, the Planning Director may refer the conditional use permit to the Planning Commission for review at a public hearing. If necessary, the Planning Commission may add additional conditions of approval or may revoke the conditional use permit.
7. If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, litter, odors, loitering, fighting, or other factors, at the discretion on the Planning Director, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use

permit. Possible mitigation measures can include, but are not limited to: reducing the number of seats and/or tables, restricting the hours of operation, hiring security personnel, installing odor mitigating devices, and/or prohibiting alcohol consumption in the deck areas.

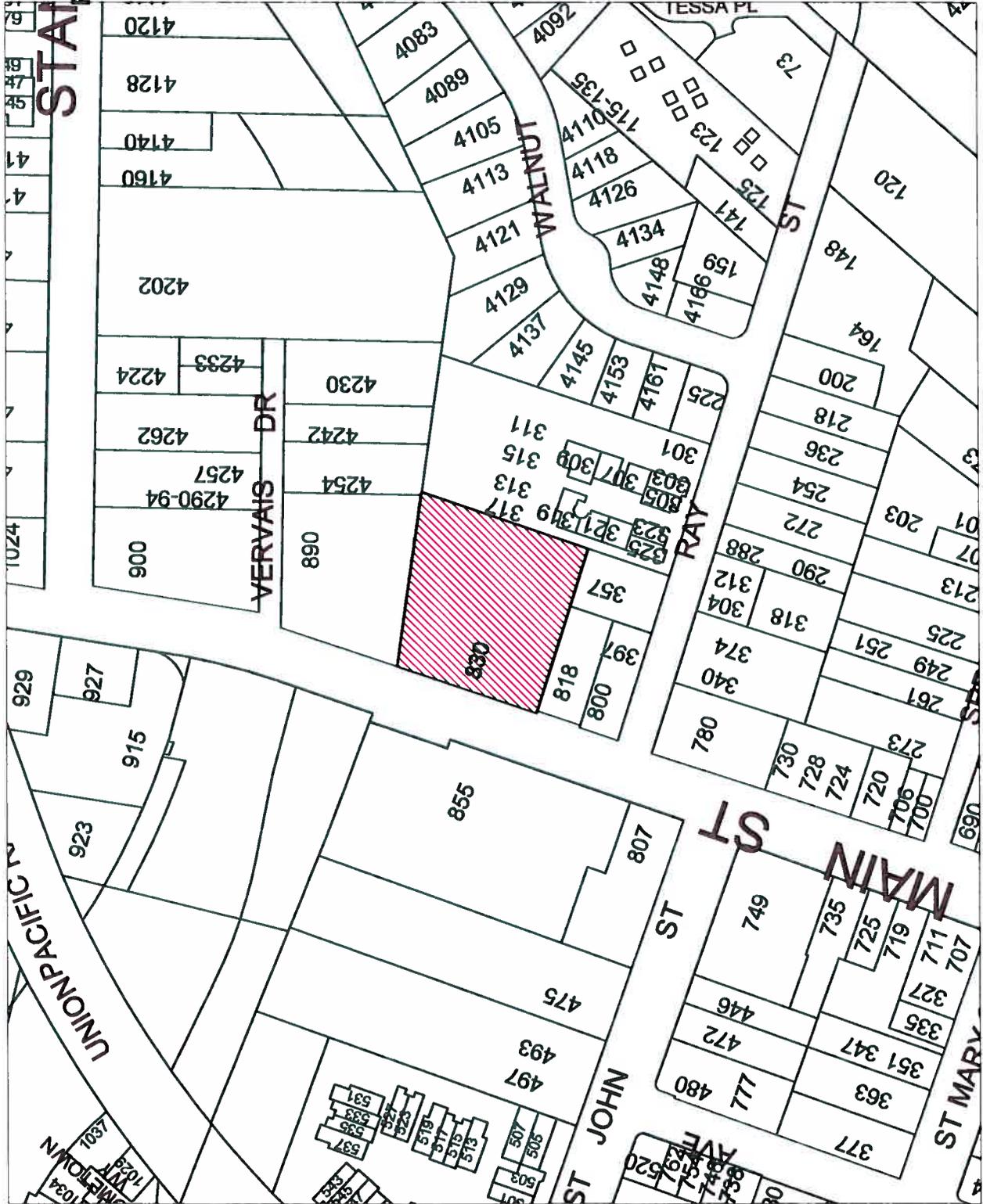
8. The kitchen shall remain open, with food items available to patrons, during the operating hours of the business.
9. Except for the outdoor deck areas, alcohol shall not be consumed outside the establishment. Alcohol service and consumption on the decks is allowed only upon specific approval by the Department of Alcoholic Beverage Control (ABC) and shall be subject to all ABC requirements. The applicant is responsible for supervising and controlling the activities of his customers within the outdoor dining areas. The applicant shall ensure that no disorderly behavior occurs in these areas, that drinks are not taken outside of the outdoor dining areas, and that there are no more customers in the deck areas than there are seats. The inability of the applicant to perform in this manner shall be cause for review and revocation of this use permit as it pertains to the service of alcoholic beverages in the outdoor dining areas.
10. The applicant (or designated representative of the business) shall be responsible for retrieving stray litter generated by this use, both within and around the outdoor dining areas and near the entry/exit doors of the establishment.
11. The applicant shall contact the Building, Police, Fire, and County Environmental Health Departments to determine all applicable requirements. The structure must be made to conform with all applicable occupancy requirements, codes, and ordinances. All future tenant improvements shall be included as part of this condition.
12. The specific design details of the rear deck refurbishment and front deck counter shall be subject to review and approval by the Planning Department prior to modification/installation.
13. The applicant shall obtain all necessary approvals from the Department of Alcoholic Beverage Control prior to occupancy.
14. The brew pub shall include a contained area for cleaning mats, containers, and equipment. The wash area shall be covered or shall be designed to prevent runoff onto or from the area. The area shall be connected to the sanitary sewer, subject to approval by 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 Planning Director and Director of Building Inspection. The applicant shall instruct employees to conduct all such washing activities in this area.

15. Trash receptacles shall be installed within both deck areas.
16. a. The parking lot shall be slurry sealed and striped in conformance with the site plan, Exhibit A, prior to occupancy of the use. Any changes to layout of the parking lot shall require prior approval by the Planning Director.
- b. The applicant and/or property owner shall install speed bumps in the parking lot meeting the City Engineer's standards. In addition, the applicant and/or property owner shall provide directional arrows on the one-way driveways. A final plan for the parking lot shall be submitted for review and approval by the Planning Director prior to occupancy of the use.
- c. The applicant and/or property owner shall install lighting to illuminate the rear parking lot during business hours. The applicant and/or property owner shall submit a final lighting plan for the parking lot for review and approval of the Planning Director prior to issuance of building permits. Lighting shall be directed away from adjacent residences and shall be designed so as not to produce glare on the adjacent residences.
17. All trash and refuse shall be contained completely within enclosures architecturally compatible with the main structure. The materials and color of the enclosure walls shall match the building walls and the gates shall be corrugated metal, solid wood, or other approved material. The trash enclosure area shall be completely covered. The location and design of the enclosure shall be designed to meet the requirements of the Urban Clean Water Runoff Program and shall be subject to the approval of the Planning Director. Trash containers shall be stored within the enclosure at all times, except when being unloaded.
18. The applicant and/or property owner shall install new wood "good neighbor" fencing on or near the southern property line of the subject property, between the parking lot and the 357 Ray Street residence, as shown on Exhibit C of the staff report. Said fencing shall be installed prior to occupancy of the business. The specific design and location of said fencing shall be subject to review and approval by the Planning Director prior to installation.

19. The applicant shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the main structure. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Director. All required screening shall be provided prior to occupancy.
20. All mechanical equipment shall be constructed in such a manner that noise emanating from it will not be perceptible beyond the property plane of the subject property in a normal environment for that zoning district.
21. If signing for the building is desired, a comprehensive signing program shall be submitted to the Planning Director for consideration under separate application. Said sign program shall be consistent with the Downtown sign ordinance regulations.
22. All restaurant facilities shall be equipped at all times with filtering devices to minimize odors and fumes.
23. No pool tables, video games, or pinball machines shall be allowed with the use.

{end}



828 & 830 Main Street

City of Pleasanton

GIS

Department

828 & 830 Main Street

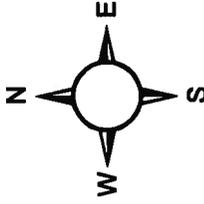


EXHIBIT E

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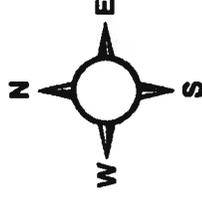
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City of Pleasanton

GIS

Department

Notification Area



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