



Planning Commission Staff Report

December 9, 2015
Item 5.b.

- SUBJECT:** P15-0604
- APPLICANTS:** Nishit & Payal Gorli, Bottle & Bottega East Bay
- PROPERTY OWNER:** Conference Claimants Endowment Board California
- PURPOSE:** Application for a Conditional Use Permit to operate a wine art studio (group painting lessons with wine and beer service) for up to 40 attendees within an existing tenant space in the Bernal Plaza Shopping Center.
- LOCATION:** 6654 Koll Center Parkway, Suite 355
- GENERAL PLAN:** Business Park (Industrial/Commercial and Office)
- ZONING:** PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District
- EXHIBITS:**
- A. [Draft Conditions of Approval](#)
 - B. [Business Summary, Site and Floor Plans dated "Received October 13, 2015"](#)
 - C. [Location and Notification Map](#)

BACKGROUND

Nishit and Payal Gorli, franchise owners of Bottle & Bottega East Bay, propose to lease and occupy suite 355, an approximately 1,378 square-foot tenant suite, in the Bernal Plaza Shopping Center to operate hands-on art courses for up to 40 attendees with on-site wine and beer service. Bernal Plaza Shopping Center is zoned PUD-I/C-O District. Educational facilities with more than 20 students at any given time are conditionally permitted within the PUD-I/C-O District with the approval of a Conditional Use Permit (CUP). Accordingly, the CUP for this application is before the Planning Commission for review and action.

SITE AND AREA DESCRIPTION

The subject site is an approximately 4.27-acre parcel located on the northwest corner of the Bernal Avenue and Valley Avenue intersection. The parcel to the subject site's immediate north contains an approximately 22,668 square-foot, two-story multi-tenant office building; and the parcel to the southwest contains an approximately 7,096 square-foot restaurant (Mexico Lindo). The three parcels share a 371-space parking lot. Adjacent properties to Bernal Plaza

include the Alameda County Fairgrounds to the east, Pleasanton Gateway to the south and office uses to the north and west. Bernal Plaza itself is a one story, multi-tenant commercial/retail building totaling approximately 35,600 square feet in size, located within Koll Center Business Park. The uses within Bernal Plaza include personal care (e.g., dental practice), financial institution, and food services. There are three shared vehicle entrances to the shopping center from adjacent streets, one on Valley Avenue and two on Koll Center Parkway (see Figure 1).

Figure 1: Aerial Image of Bernal Plaza



PROPOSED PROJECT

The existing tenant space is approximately 2,955 square-feet in size. A new demising wall will be constructed within the space to create two new tenant suites, A and B. Bottle & Bottega proposes to occupy an approximately 1,378 square-foot suite (A) and offer art courses to individuals and groups. The business hours are 1:00 p.m. to 10:00 p.m. with each session lasting 1 ½ to 2 ½ hours with a maximum of 40 attendees with up to 4 staff members on-site. Drop-in hours are not proposed and courses open to the general public require signing up prior to attending the session. The courses offer step-by-step painting instruction and/or verbal guidance from one of the Bottle & Bottega artists. Those attending the courses must be at least 18 years old and alcohol consumption is permitted only for adults 21 years old and older.

The Bottle & Bottega staff member serving alcohol will have a California bartender certificate, check identification prior to serving alcohol, and will limit attendee consumption of alcohol if participants appear intoxicated. Bottle & Bottega will only have on-site sales of wine and beer. No other type of alcohol is proposed. Snack foods, such as bread and olive oil, will be provided during the sessions. When sessions occur, the applicant anticipates the peak hours to be between 7:00 p.m. and 9:00 p.m.

ANALYSIS

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUPs. The analysis in the following section focuses on impacts associated with the proposed art school.

Land Use

The Land Use Element of the General Plan designates the subject property as Business Park (Industrial/Commercial and Office), where a variety of non-residential uses are allowed. The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) and the PUD development plan specifies the uses that are permitted or conditionally permitted. Educational facilities are a conditionally permitted use within Bernal Plaza if more than 20 studio patrons are on-site at any given time. Staff believes that the art lessons are educational in nature and, therefore, the “educational facilities” use category of Bernal Plaza would be the appropriate use classification for the proposed business. If the requested use permit were granted, the educational art facility would be consistent with the PUD regulations.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. Bottle & Bottega will be located in an existing multi-tenant building where the current tenants include a beauty salon, restaurants, nail salon, tutoring center, massage studio, bank, dental office, and insurance company. The adjacent land uses consist of commercial, office, and light industrial uses. Staff believes that the proposed use would be compatible with existing uses within the Plaza and surrounding area because it would not generate substantial amounts of traffic or boisterous activities, and would have peak operations outside of the busy weekday lunch period. The proposed use is an educational business serving the community. Additionally, in the past, the Planning Commission has approved several similar educational business (i.e., music lesson or academic uses), located in similar commercial areas. Staff is not aware of land use issues associated with any of those businesses.

Staff does not anticipate problems with the alcohol service that can sometimes be found with bars. People will attend with the purpose of painting and (if 21 and over) have the option of consuming alcohol, unlike at a bar where the primary purpose of attending is to consume alcohol. The staff member serving the attendees will hold a license in bartending and will monitor how much an attendee has consumed.

Staff does not expect that the proposed use would create any adverse impacts on the surrounding uses. However, if problems do arise, the application could be brought back to the

Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified. Therefore, from a land use perspective, staff finds the use to be acceptable, as conditioned.

Noise

The subject parcel and building are in an area adjacent to office, commercial, and some light industrial uses (Koll Center Business Park), and a certain amount of noise is expected. The Pleasanton Municipal Code also states that a proposed conditional use must be in accordance with the objectives of the Zoning Ordinance. One of those objectives is to “Promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.”

Based on Bottle & Bottega’s project narrative and the fact that all proposed activities would occur inside of the subject suite, staff believes that it is unlikely that the noise generated during the proposed activities would exceed the Municipal Code standard or impact other building tenants. Patrons would be closely supervised by staff, and, due to the art-focused nature of the use, would be unlikely to engage in disruptive behavior that would adversely affect adjacent businesses. The applicant has indicated that low-level background music will be played that would not be audible to the other tenants.

Instruction would be provided at a typical speaker’s voice level and patrons would tend to have relatively quiet casual side conversations that would not be likely to carry to other tenant spaces. A recommended condition of approval requires that the exterior doors remain closed when not being used for ingress/egress purposes and that Bottle & Bottega inform all participants and staff not to loiter or make loud noises outside the building before or after courses.

Furthermore, staff has included a standard condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels occur. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building and requiring soundproofing of the subject suite.

Parking

There are 371 shared on-site parking spaces available to tenants and patrons of the three buildings (Mexico Lindo, adjacent office building, and Bernal Plaza) totaling approximately 68,566 square feet of combined building area. The parking ratio at the subject site is one space for every 185 square-feet of floor area. With the proposed educational art facility occupying approximately 1,378 square-feet of floor area, 8 parking spaces would theoretically be allocated to the proposed use based on the square footage of the tenant space. However, there are no assigned parking spaces within the subject site.

The Pleasanton Municipal Code parking standards require that educational facility uses provide one parking space for each employee and one parking space for every two students aged 16 or older. Based on these requirements, Bottle & Bottega could generate a demand of up to 24 parking spaces at any given time based on the occupancy of:

- Up to 4 staff members = 4 parking spaces
- Up to 40 patrons = 20 parking spaces

Based on the parking demand above, staff believes that the demand for 16 additional parking spaces beyond those theoretically allocated to the tenant space (24 required by Municipal Code minus the 8 parking spaces theoretically allocated to the use) could be met as discussed below.

The Plaza consists of businesses with various hours of operation. The bank, insurance office and dental practice have “regular” business hours (e.g., 8:00 a.m. to 5:00 p.m.), and the beauty salon, tutoring facility, and restaurants are open until 8:00 p.m. or later. With the exception of the salon and tutoring facility, the peak times are typically during the lunch hour (11:00 a.m. to 1:00 p.m.). The tutoring facility, located farthest from the proposed tenant space, has peak times between 2:30 p.m. and 6:30 p.m.; however it is open until 8:00 p.m. Businesses within the Plaza that are located closest to the proposed tenant space will be closed during Bottle & Bottega’s peak hours of operation (7:00 p.m. to 9:00 p.m.). Staff does not anticipate there would be a shortage of parking given that that majority of the businesses in the Plaza would be closed during the proposed use’s peak time and that the businesses which would be open during evening hours are located at a distance from the proposed use.

Staff believes that based on the projected number of attendees, the amount of time attendees would be on-site, and the hours of operation, parking should not be a problem. Staff has observed the site on multiple occasions during different times of the day, and believes that adequate parking exists to meet the demand of the proposed use. Therefore, based on the above parking analysis and recommended conditions of approval, staff believes that the proposed use would not adversely affect parking at the subject site or surrounding properties and that adequate parking exists on-site to accommodate all existing and proposed uses. However, should parking problems occur, staff has recommended a condition of approval that allows the Director of Community Development to refer the CUP back to the Planning Commission for possible mitigation measures.

Signage

No signage is proposed at this time. If Bottle & Bottega wishes to add signage, the proposed signage would be required to adhere to the comprehensive sign program for Bernal Plaza.

FINDINGS

The Commission would need to make the following findings prior to the granting of a use permit:

- 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.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and to ensure 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 the proposed educational facility would be consistent with these objectives. The proposed facility would be operated so as to not impact or interfere with the surrounding uses and would provide art instruction to the community.

The subject site is zoned PUD-I/C-O (Planned Unit Development–Industrial/Commercial-Office) District, which permits a variety of commercial uses. Staff believes that establishing an educational art facility in this shopping center would be 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. Furthermore, the City has allowed similar uses to be located in office, industrial, and commercial areas (e.g., IAA art school in Hacienda Business Park). Staff is not aware that any of these teaching-oriented businesses have created any impacts on surrounding businesses. The use permit, in staff's opinion, is in accordance with the objectives of the zoning district. Therefore, staff believes 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.

Art schools/studios, including private schools and tutoring centers, are a common use within or near commercial/industrial areas in Pleasanton. The City's past experience shows that these uses generally make "good neighbors." Art schools/studios generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. If the recommended conditions of approval are met, staff feels the art school will not detrimentally surrounding uses. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, staff believes the art school will have adequate off-street parking to meet project demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the art facility. Therefore, staff believes this finding can be made.

Staff does not anticipate problems with the alcohol service. Patrons would be closely supervised by staff, and, due to the art-focused nature of the use, would be unlikely to engage in disruptive behavior that would adversely affect adjacent businesses.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District zoning conditionally permits the establishment of an educational facilities with more than 20 patrons at any given time. In addition, the facility complies with all

relevant sections of the Zoning Ordinance. Granting a CUP to Bottle & Bottega would be consistent with the City's ability to regulate land uses per Chapter 18.124 of the Municipal Code. Therefore, staff believes this finding can be made.

PUBLIC NOTICE

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit C for reference. At the time this report was published, staff had not received any public comment.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

As proposed, staff believes that the Bottle & Bottega will be compatible with the surrounding businesses and will not detrimentally affect the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Should future problems arise with Bottle & Bottega, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure Bottle & Bottega would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds Bottle & Bottega to be acceptable on the subject property, as conditioned.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P15-0604 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P15-0604, subject to the conditions listed in Exhibit A.

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