



## Planning Commission Staff Report

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October 25, 2006  
Item 5.a.

**SUBJECT:** PCUP-180

**APPLICANT:** Huai Ming Chang/Salon Art

**PROPERTY OWNER:** Bruce Salimi/Bay Investment Group

**PURPOSE:** Application for a conditional use permit to allow an art school within an existing building.

**GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Profession Offices

**ZONING:** C-C (Central – Commercial) District and Downtown Revitalization District

**LOCATION:** 173 Spring Street, Suite 250

**ATTACHMENTS:**

1. Location Map
2. Exhibit A, Written Narrative, Site Plan, and Floor Plans
3. Exhibit B, Draft Conditions of Approval
4. Exhibit C, Public Comments

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### BACKGROUND

Huai Ming Chang has been teaching art classes in Fremont since 1999 and would like to open a second business in Pleasanton to teach students professional drawings techniques and fine arts knowledge. Mr. Chang has submitted an application to allow an art school on the second floor of an existing building at 173 Spring Street. The subject site is zoned C-C (Central – Commercial) and is also in the Downtown Revitalization District. As stated in the Commercial District regulations, schools in this district require a conditional use permit and are subject to review and approval by the Planning Commission.

## SITE DESCRIPTION

The subject site is an approximately 16,883 square-foot parcel located in Downtown Pleasanton, on the north side of Spring Street near the Railroad Avenue cross street. The existing two-story building is approximately 7,340 square-feet in floor area and contains several tenant suites. Salon Art proposes to occupy only one of the suites located on the southern second floor portion of the building, approximately 569 square-feet, as indicated on the floor plan of Exhibit A. There is a common entryway on the south (front) elevation of the building that provides interior access to the tenant suites. The proposed art school will be located on the second floor, suite 250, and will share the restroom that is located within the second floor common hallway with the other tenants. Within the shared entryway, the proposed tenant suite has one interior door that would provide access to the school.



Proposed tenant suite  
for Salon Art

On site shared parking can be accessed from Spring Street, with a total of 24 parking spaces, and additional off street parking is provided on Spring Street and Railroad Avenue.

Existing businesses on the subject site are primarily office uses with a few personal service businesses, such as a dentist office and message therapy. The adjacent tenant uses to the proposed art school would be Tranquility and Walker Law office. The subject site abuts the Adobe Plaza to the north, The Valley Times Contra Costa Newspaper to the east, and residential and commercial/service buildings to the west and south.

## PROJECT DESCRIPTION

Salon Art consists of two teachers and offers three different levels of classes, beginning, intermediate, and advanced, with 6 students attending each class. For the most part, the classes are instructed in a small group environment at various times throughout the week, primarily in the afternoon and in the early evening. The art school is a large open area and will consist of individual workstations. The

classes are pre-scheduled, with drop off's not permitted, and last approximately an hour and a half (1 ½). As stated in the written narrative, the art school focuses on technique and fine arts knowledge for children ages 7-16. The table below illustrates the days and times that the art classes are scheduled to occur with the anticipated number of attendees.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
					<i>Class I</i> 10:30a-12:00p	<i>Class I</i> 10:30a-12:00p
		<i>Class I</i> 2:00p-3:30p			<i>Class II</i> 1:30p-3:00p	<i>Class II</i> 1:30p-3:00p
<i>Class I</i> 3:30p- 5:00p	<i>Class I</i> 3:30p- 5:00p	<i>Class II</i> 3:30p-5:00p	<i>Class I</i> 3:30p- 5:00p	<i>Class I</i> 3:30p- 5:00p	<i>Class III</i> 3:00p-4:30p	<i>Class III</i> 3:00p-4:30p
<i>Class II</i> 5:00p-6:30p	<i>Class II</i> 5:00p-6:30p	<i>Class III</i> 5:00p-6:30p	<i>Class II</i> 5:00p-6:30p	<i>Class II</i> 5:00p-6:30p	<i>Class IV</i> 5:00p-6:30p	<i>Class IV</i> 5:00p-6:30p

Staff would like to note that a 15 minute break between sessions is typically required in order to prevent simultaneous drop off's and pick-ups of the students; however because of the low attendance of students staff did not require 15 minute breaks. To ensure that traffic or parking would not be an issue, staff has included a condition of approval that allows the City to review the project again and add mitigating conditions should any complaints regarding traffic or parking occur.

## ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

### Land Use

The subject site is zoned C-C (Central – Commercial) and is required to adhere to the Pleasanton Municipal Code for all uses that are permitted or conditionally permitted. As such, an art school is conditionally permitted in the C-C district. If the requested use permit were granted, the tutoring business would be consistent with the C-C zoning district.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. There is a mix of residential/office/commercial/personal service uses surrounding the subject site.

In September 2003 the Planning Commission approved a condition use permit (PCUP-94) allowing a guitar studio to be located at 4625 First Street on the first floor. The guitar studio provides music lessons Monday through Saturday. Staff is unaware of any land use problems associated with the guitar studio since opening. In December 1990, the City allowed a piano

studio to be located at 4337 First Street. The piano studio is open daily and piano lessons are offered throughout the day. Staff is also unaware of any land use problems associated with the piano studio. Furthermore, in October 2003, the Planning Commission approved a use permit for a small-scaled tutoring business to be located at 855 Main Street, on the second floor (Pleasanton Hotel). In June 2004, the Planning Commission approved a use permit for another tutoring business to be located at 231 Old Bernal Avenue (Achievement Learning Center). Staff is not aware that of land use issues associated with either business.

All of the above referenced businesses, whether in the musical field or focusing on academics, are similar in use to the proposed art school and are also located in the downtown area. Thus, staff believes that the proposed art school would be a compatible use.

### Noise

Based on the proposal, staff considers the art school to be a quiet use as instructions would be provided at a low-volume voice level and that students would focus on painting and drawing exercises. Additionally, as proposed, the classes are off set from normal business peak hours with some sessions being held when the other office uses in the building are closed. Therefore, staff does not believe that the proposed art school would be disruptive to the neighboring businesses/tenants.

To ensure that noise would not be an issue, staff has included a condition of approval that allows the City to review the project again to add mitigating conditions should any complaints regarding noise occur at the proposed art school.

### Parking

The subject business is located in Downtown Pleasanton, where additional parking would not normally be required for new tenants to locate in an existing building. However, since the proposed use requires a use permit, staff feels that it is appropriate to review potential parking issues that may be associated with the proposed art school.

There are a total of 24 parking spaces provided on site with three of those spaces allocated to an existing use in the building, Accurate Auto Sales. Therefore, a total of 21 parking spaces are currently available to the other uses on the subject site with additional off-street parking provided on Spring Street and Railroad Avenue.

The Pleasanton Municipal Code requires one parking space for each instructor and one parking space for every two students 16 years of age and older. As stated in the written narrative, each art class would consist of two instructors and 6 students. Based on this parking ratio a total of 5 parking spaces would be needed for the art school (two parking spaces for the instructors, and 3 parking spaces for students and parents who have to drive their children to the art classes). Staff conducted site visits to the subject property during the hours that the art school would be open

and found that there were at least 10 available parking spaces. Thus, based on staff's site visits and the parking ratio, the proposed use will adhere to the parking standards based on the City's Ordinance.

In the event that future parking problems do occur, staff has added a condition of approval that would allow the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such issues.

### Building Code Requirements

The Building and Safety Division reviewed the proposal and noted that the Building Code requires a student-to-teacher ratio of 4:1, since the use is located on the second floor, in order for kindergarten, first and second grade students to attend. If the art school has a higher student to teacher ratio, then students in kindergarten, first, and second grade shall not be allowed to attend the school. Staff has included a condition of approval to reflect this requirement.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. Staff received comments from 2 adjacent businesses. Their concerns are:

- That it will be difficult to maintain a quiet and secluded adult environment;
- The proposed art school is inconsistent with the other tenant uses on the second floor;
- Complaints about noise coming from the use of the common stairs, hallways, entry way, and the proposed suite, from the kids and teacher activities, will be inevitable;
- That it is not a good environment for children or children's classes because the buildings offices aren't sufficiently sound-proofed;
- That the schedule of the art school will be frustrating for the tranquility center;
- That sharing the restroom with the existing uses already causes inconveniences; and
- That the tranquility center requires a tranquil environment which the art school would impinge upon.

Staff believes that these concerns are primarily mitigated by the proposed hours of operation. However the limited number of restrooms could be inconvenient; therefore, staff has added a condition of approval that requires providing adequate water to rinse tools out with.

## FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed business:

**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.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; 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. The proposed art school would provide instruction lessons to local children. In the past, the City has allowed similar uses to be located in the Downtown area. Staff is not aware that any of these teaching-oriented businesses has created any impacts on surrounding businesses.

The subject site is zoned C-C (Central – Commercial) district, and it is in the Downtown Revitalization District, where a mix of office/commercial/personal service uses surrounds it. Based on the proposal, staff considers the art school to be a quiet use as instructions would be provided at a low-volume voice level, and that students would focus on paintings and drawing. Staff does not feel that the proposed art school would be disruptive to the neighboring businesses/tenants.

For the reasons stated above, staff believes that this 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.**

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The applicant would be required to receive all Building and Safety Division permits for any future tenant improvements. The proposed art school would be located in a multi-tenant building where the majority of the businesses are office uses. Based on the proposal, some of the art classes would be held during off-peak business hours and after the office uses in the building are closed. In addition, the proposed art school offers learning sessions that would require concentration from the students. Thus, staff does not believe that the proposed art school would be disruptive to other businesses/tenants in the same building or on the same site. Furthermore, based on the parking analysis of the staff report, sufficient parking is available. In addition, adequate and safe ingress and egress into and out of the site is provided. In summary, staff feels this finding can be made.

**3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.**

The Central Commercial District standards conditionally permit the establishment of schools/instructional businesses. Granting a conditional use permit would be consistent with the City's ability to regulate related zoning regulations. Therefore, staff believes that the third finding can be made.

**ENVIRONMENTAL ASSESSMENT**

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Section 15301 Class 1. Therefore, no environmental document accompanies this report.

**CONCLUSION**

Staff is of the opinion that the proposed art school would be complementary to the existing businesses and tenants in the Downtown area. Staff believes that the business is providing a beneficial service to the community by providing a place for children to have a creative and educational activity. Also of benefit, the Downtown provides parents with the opportunity to patronize the existing eateries, businesses, and services that are available downtown.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-180 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-180 subject to the conditions listed in Exhibit B.

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