

## Planning Commission Staff Report

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June 9, 2010  
Item 5.a.

**SUBJECT:** PCUP-268

**APPLICANT:** Michael Gemma

**PROPERTY OWNER:** Bank of America

**PURPOSE:** Application for a Conditional Use Permit to operate a beauty salon in an existing building.

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

**SPECIFIC PLAN:** Downtown Specific Plan - Office Land Use Designation

**ZONING:** Office (O), Downtown Revitalization, Core Area Overlay District

**LOCATION:** 287 Old Bernal Avenue

**ATTACHMENTS:** Exhibit A, Draft Conditions of Approval  
Exhibit B, Site Plan, Floor Plan, and Narrative  
Exhibit C, Location Map  
Exhibit D, Noticing Map

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### BACKGROUND

Michael Gemma, applicant, is proposing to operate a beauty salon within the existing single-story building located at 287 Old Bernal Avenue. Operation of a barbershop/beauty salon is a conditionally permitted use within an Office (O) zoning district. Accordingly, the applicant has applied for a Conditional Use Permit to conform to this requirement. Conditional Use Permits require review and action by the Planning Commission and, therefore, the application is before the Planning Commission for its consideration.

## SITE DESCRIPTION

The subject property is located on the northeast corner of Old Bernal Avenue and Augustine Street and consists of an office building with three parking spaces located behind the structure.

**Subject Site**

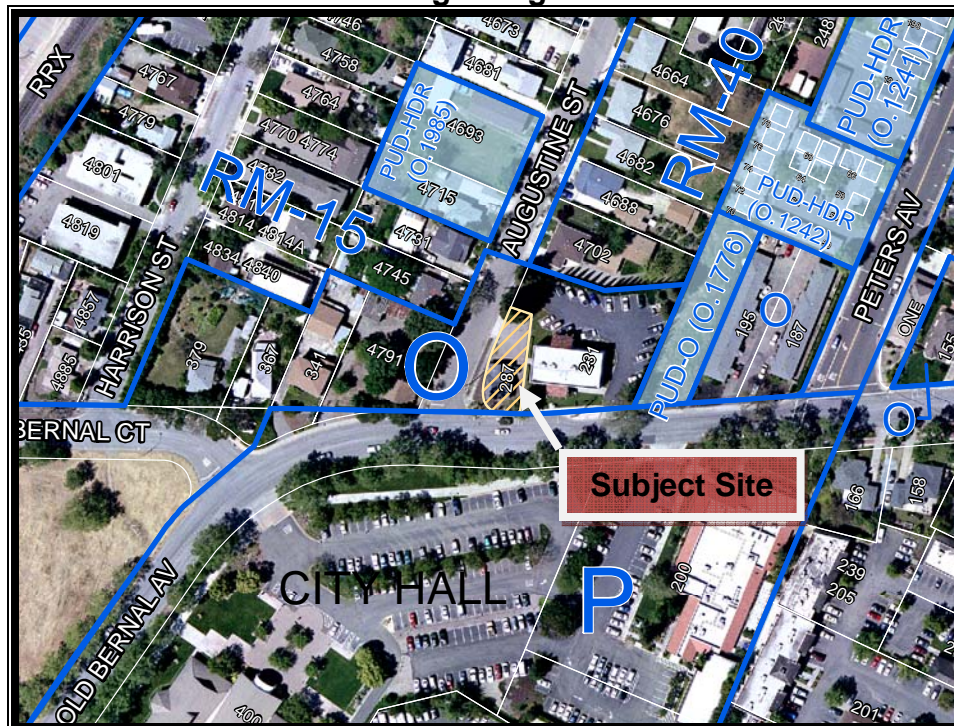


**287 Old Bernal Avenue**



The site is approximately 4,416 square-feet in size and is adjacent to residential properties to the west, a multi-tenant office building and its respective parking to the east and north, and the City Hall/Library parking lot to the south. The single-story building was constructed in 1919, is approximately 881 square-feet in size and was retained as a residence until it was legally converted into an office building in 1972.

## Zoning Designations



## **PROJECT DESCRIPTION**

The applicant proposes to operate a salon that provides hair services only. This will include styling, cutting, coloring, permanent waving, straightening, and hair extensions with ancillary hair product sales. Although the applicant's narrative states there will be five employees, the applicant has indicated that there will be up to three employees to start, with a maximum of four, including himself. However, he will be the only one providing services until such time that he decides to rent out additional styling stations. The salon will be open Monday through Friday from 8:00 a.m. to 8:00 p.m., Saturdays 8:00 a.m. to 6:00 p.m., and closed on Sundays.

The proposed use will require improvements to the site and building in order to meet the requirements of the Americans with Disabilities Act (ADA). These improvements will require securing a Design Review Permit (PDR), which will be processed at staff level, and separate permits from the Building and Safety Division. The Planning Commission will be notified of the action of the PDR on a future Zoning Administrator Action Report.

## **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. Additionally, the conditions of approval for this application have been composed to address possible conflicts with surrounding land uses. These conditions aim to balance the request of the applicant with the public health, safety, and welfare of the neighboring area.

The discussion below provides an analysis of the proposed conditional use.

### Land Use

The proposed use is located within Downtown Pleasanton and is within the Office (O) zoning district, which allows for uses that are in keeping with the objectives of the office district. Uses in this district include, but are not limited to, administrative, business and professional offices, financial services, and medical offices.

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. As stated earlier, surrounding uses include residences, an office, and a City parking lot. Staff does not expect that the proposed use would create any adverse impacts on the surrounding uses. Hair salons have been operating for years in the city without any apparent adverse impacts on the surrounding businesses or residents since no complaints have been reported to the City. Furthermore, the subject site does not immediately abut a residential property and would be operated entirely indoors, reducing potential noise impacts on the nearby residences. Therefore, from a land use perspective, staff finds the proposed use to be acceptable, as conditioned.

### Hours of Operation

The applicant will operate during typical “office hours,” 8:00 a.m. to 5:00 p.m., and up to 8:00 p.m. on weekdays. On weekends, the salon will be open on Saturdays from 8:00 a.m. to 6:00 p.m. Staff finds that the hours of operation are acceptable and would not adversely impact the adjacent uses. Furthermore, the majority of the salon operation is occurring when people are typically at work, 8:00 a.m. to 5:00 p.m., further limiting potential impacts on the adjacent residential neighborhood.

### Noise

A proposed conditional use must be in accord 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.” As proposed, staff believes that noise from the salon would be minimal and would not negatively impact uses located adjacent to the subject site. Blow dryers would generate the most noise, but would be periodically used and would be within the noise limits allowed in the PMC. All doors will remain closed during business hours, further limiting potential noise impacts to surrounding tenants and properties. Therefore, staff does not expect the proposed salon would be disruptive to adjacent properties.

### Parking

For property zoned Office and located within the Downtown Revitalization District, the PMC does not require additional parking for a change in use of buildings that are older than five years, even if the new use generates a higher parking demand. However, the Planning Commission may require parking mitigation for a use if deemed necessary through the review of a Conditional Use Permit.

Unlike many other office and commercial buildings in the Downtown area, the subject property contains onsite parking. The site has three parking spaces onsite, located at the rear of the subject building. In order to adhere to ADA requirements, the parking space located closest to Augustine Street, labeled “1” on Exhibit B, will be restriped for an ADA space with its respective loading zone being located on the west side of the stall, east of the interior side of the public sidewalk.

As with many businesses in the Downtown, on-street parking is the primary location used by visitors while going to a commercial or personal service establishment, restaurant, or office. Condition of approval number 4 (Exhibit A) requires the applicant to encourage clients and staff to utilize the onsite parking or on-street parking on Old Bernal Avenue to reduce on-street parking on Augustine Street. Staff believes that there would be adequate parking for the proposed use and that the potential parking-related impacts on the adjacent residents and businesses would be minimized, as conditioned. Nevertheless, should parking-related problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### Sewer Allocation

The current sewer allocation for the subject site is for office use, which has a lower allocation rate than a barbershop/salon. A condition of approval requires the applicant to pay the difference in sewer allocation as determined by the Director of Operations Services (Exhibit A, condition 6).

### Pleasanton Downtown Vitality Committee

The Downtown Vitality Committee of the Pleasanton Downtown Association has reviewed this use permit request and is in support of the proposed use.

## **PUBLIC NOTICE**

Notices regarding the proposed application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. As of the publication of this staff report, staff has not received comments pertaining to this application. Staff has provided the noticing map as Exhibit D for the Commission's reference.

## **GENERAL PLAN AND DOWNTOWN SPECIFIC PLAN**

The General Plan acknowledges the unique, small-town character of the Downtown. It also encourages the continued improvement of the Downtown area's viability through the application of land use decisions. The Land Use Element states the following policy regarding the Downtown:

*Policy 12: Preserve the character of the Downtown while improving its retail and residential viability and preserving the traditions of its small-town character.*

The Downtown Specific Plan helps implement this General Plan policy. The goals and objectives of the Downtown Specific Plan include those which are related to strengthening the Downtown's economic base, increasing business viability, and providing adequate opportunities for people to gather as a community.

Staff finds that the proposed conditional use permit will implement these goals and policies as stated in the General Plan and the Downtown Specific Plan. The subject building has been vacant for a couple of years and the proposed use will contribute to the overall viability of the Downtown in encouraging people to not only utilize the salon services, but also to dine, shop, and enjoy other amenities in the Downtown. Therefore, the proposed use is consistent with the stated objectives of the City's General Plan and the Downtown Specific Plan.

## **FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

The zoning ordinance endeavors to foster a harmonious, convenient, and workable relationship among land uses, while protecting land uses from inharmonious influences and harmful intrusions. Additionally, the office district provides opportunities for uses of a semicommercial character to locate outside of commercial districts by providing adequate space, including off-street parking of automobiles, and protects offices and semicommercial uses from the noise, disturbance, traffic hazards, safety hazards, and other influences incidental to certain commercial uses.

Staff finds that the operation of the salon, as conditioned, is consistent with these objectives because it will result in the utilization of an existing vacant building that contains onsite parking. The proposed conditional use permit furthers the overall objectives of the General Plan and the Downtown Specific Plan in that it will encourage vitality within the Downtown by bringing in more visitors during the daytime and evening hours. 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.**

As conditioned, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions require adherence to hours of operation and parking to mitigate for possible impacts to adjacent residences. The client to stylist ratio is 1:1, which will limit the impacts associated with noise, parking, or other nuisances. Further, if a conflict arises with the operation of the business, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures (Exhibit A, condition 8). 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 Municipal Code which apply to Conditional Uses.**

The Pleasanton Municipal Code states that because of the unusual or uncharacteristic nature of some proposed land uses, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The proposed use has conditions of approval to ensure that the applicable provisions of the Pleasanton Municipal Code are met and that adjacent businesses and residences will not be adversely impacted. The salon will provide a benefit to the community providing a needed service and by bringing people to the Downtown area. Therefore, staff believes that this finding can be made.

## **ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation of a use, permitted or conditionally permitted, within an existing building. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Based on the analysis of this staff report, staff believes that the required findings for the proposal may be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses in the Downtown area. The recommended conditions of approval have been carefully considered and constructed to address potential conflicts with adjacent land uses and to maintain the safety and general welfare of the surrounding area.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve PCUP-268 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve PCUP-268 subject to the conditions listed in Exhibit A.

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