

## Planning Commission Staff Report

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March 28, 2007  
Item 5.a.

- SUBJECT:** PCUP-190
- APPLICANT:** Claudette McDermott / Poetry on Canvas
- PROPERTY OWNER:** Mitch Pereira / PSJV
- PURPOSE:** Application for a conditional use permit to operate an art studio Monday through Friday 10:30 a.m. - 6:00p.m. and Saturday and Sunday 11:00a.m. - 1:00p.m. for students ages 14 and up on the second floor of a building currently under construction.
- GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Professional Offices
- ZONING:** PUD-C-O (Planned Unit Development-Commercial-Office) District and Downtown Revitalization District
- LOCATION:** 55 West Angela Street, Suite C
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A, Written Narrative, Site Plan, and Floor Plans dated "Received March 6, 2007"
  3. Exhibit B, Draft Conditions of Approval

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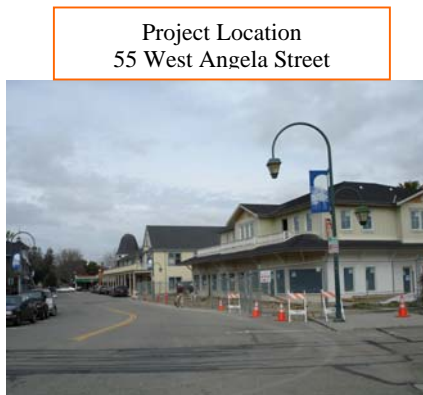
### BACKGROUND

Claudette McDermott would like to open a retail sales business in Pleasanton that would include sales of fine art, jewelry, greeting art cards, and poetry. Her business would also include teaching art classes consisting of oil and acrylic painting and art card making. Ms. McDermott has submitted an application to allow art classes on the second floor of a building that is currently under construction at 55 West Angela Street. The subject site is zoned PUD-C-O (Planned Unit Development-Commercial-Office) and is also in the Downtown Revitalization District. As stated in the PUD development plan, the uses allowed on the subject site are those that are permitted and conditionally permitted uses in the Central Commercial (C-C) District.

Schools and/or instructional business in the C-C 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 19,283 square-foot parcel located in Downtown Pleasanton, on the north side of West Angela Street in the Pleasanton Station development. The parcel abuts the railroad tracks to the east, an existing building to the west, with Neal Street located north and West Angela on the south. The building that is currently under construction will be a two-story commercial/office building approximately 7,865 square-feet in floor area and will contain several tenant suites. Poetry on Canvas proposes to occupy approximately 963 square-feet, suite C, on the second floor shown in Exhibit A. There are common entries on the south (front) and north (rear) elevations of the building that provide interior access to the tenant suites with the proposed art school sharing restroom facilities, located in the common hallway, with other tenants. Within the shared entryway, the proposed tenant suite has one interior door that would provide access to the school and one exterior door within the suite that provides access to the roof-deck.



On site shared parking will be accessed from East Angela or behind the building on Neal Street, with a total of 55 parking spaces, and additional off street parking is provided on West Angela and Neal Street.

Existing businesses surrounding the subject site are primarily retail and personal service businesses. The adjacent businesses include Senro Japanese Bar and Grill to the rear, Panda Mandarin Cuisine, Sugar Shack, and Primrose Bakery to the front, and Craft Gallery to the west (left).

## PROJECT DESCRIPTION

Poetry on Canvas offers a variety of different classes with up to 5 students attending each class with each student providing their own supplies. The art school is a large open area and will

consist of individual workstations. Small portable tables and easels will be provided, if necessary, to allow for proper room configuration. The classes are pre-scheduled and, depending on the class (i.e. painting or card making), each lasts approximately a half hour to an hour with 1 instructor and up to 5 students per session. As stated in the written narrative, the art classes are for students ages 14 and up. The table below illustrates the days and times that the art classes are scheduled to occur.

| <b>Monday</b>                        | <b>Tuesday</b>                       | <b>Wednesday</b>                     | <b>Thursday</b>                      | <b>Friday</b>                        | <b>Saturday</b>                            | <b>Sunday</b>                              |
|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|--|--|
| 10:30a- 12:30p                       | 10:30a- 12:30p                       | 10:30a- 12:30p                       | 10:30a- 12:30p                       | 10:30a- 12:30p                       | <i>Private<br/>Classes</i><br>11:00a-1:00p | <i>Private<br/>Classes</i><br>11:00a-1:00p |
| <i>Studio Classes</i><br>1:00p-3:00p | <i>Studio Classes</i><br>1:00p-3:00p | <i>Studio Classes</i><br>1:00p-3:00p | <i>Studio Classes</i><br>1:00p-3:00p | <i>Studio Classes</i><br>1:00p-3:00p |  |  |
| 4:00p-6:00p                          | 4:00p-6:00p                          | 4:00p-6:00p                          | 4:00p-6:00p                          | 4:00p-6:00p                          |  |  |

Although the applicant’s written narrative states that cleaning the supplies would consist of a jar of water and a jar of thinner and papertowels that the students bring and depart with, this would not be considered proper disposal of hazardous materials. Therefore, staff has added a condition of approval that the applicant shall work with City staff to ensure that materials are being properly disposed.

## **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 PUD-C-O (Planned Unit Development – Commercial - Office) where the PUD development plan allows uses that are permitted or conditionally permitted in the Central Commercial (C-C) District. As such, an art school is conditionally permitted in the C-C district. If the requested use permit were granted, the art school 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 office/commercial/personal service uses surrounding the subject site.

In September 2003 the Planning Commission approved a condition use permit 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 August of 2006 the Planning Commission approved two use permits for tutoring schools also located in the downtown area; Tutoring Club of Pleasanton, 260 Main Street, and Mathnasium, 4725 First Street. The tutoring schools are open daily with

classes/sessions offered throughout the day. Staff is also unaware of any land use problems associated with the two schools. Furthermore, in October 2006, the Planning Commission approved a use permit for an art school, Salon Art, to be located at 173 Spring Street, on the second floor. Staff is not aware of land use issues associated with the business.

All of the above referenced businesses, whether in the musical/arts 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/or craft exercises. Additionally, as proposed, some of the classes are off set from normal business peak hours with some sessions being held when office uses are typically closed. Therefore, staff does not believe that the proposed art school would be disruptive to the neighboring businesses/tenants.

### 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.

A total of 55 parking spaces will be available to the uses on the subject site with additional off-street parking provided on West Angela, Neal Street and Main Street. 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 one instructor and 5 students. Based on this parking ratio a total of 3 parking spaces would be needed for the art school (one parking space for the instructor, and 2 parking spaces for students who have art classes). Staff conducted site visits to the subject property during the hours that the art school would be open and although the parking lot has yet to be constructed staff found that there were at least 5 available off-street 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 when the parking lot is provided.

### Building Code Requirements

No tenant improvements are currently proposed with this application. Any future tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department.

## Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage shall be processed through the standard City procedures for sign design review.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns.

## **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 residents. 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 PUD-C-O (Planned Unit Development – Commercial - Office) 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 classes to be a quiet use as instructions would be provided at a low-volume voice level, and that students would focus on paintings and crafts. In addition, some of the art classes would be held when office are typically closed. Staff does not feel that the proposed art classes 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 with the majority of the businesses intended on being retail/office uses. Based on the proposal, some of the art classes would be held during normal off-peak business hours and after office are typically 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 PUD development plan conditionally permits the establishment of art/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**

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of structures involving no expansion of use beyond that existing are categorically exempt (Section 15303, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Furthermore, in-fill development projects that can be adequately served by all required utilities and public services, that are consistent with the General Plan and zoning regulations, and would have no significant effects on traffic, noise, air quality, or water quality are also categorically exempt (Class 32) from CEQA. Staff believes that the project meets the conditions of the Class 3 and 32 exemptions. 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 in the Downtown area. Staff believes that the business is providing a beneficial service to the community by providing a place for residents to have a creative and educational activity. Also of benefit, the Downtown provides students 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-190 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-190 subject to the conditions listed in Exhibit B.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613 or [namos@ci.pleasanton.ca.us](mailto:namos@ci.pleasanton.ca.us)