



Planning Commission Staff Report

May 10, 2017
Item 5.a.

SUBJECT: P17-0051

APPLICANT: Wenbo Deng and Jing Cui, Spring Music Academy

PROPERTY OWNER: Tri-Valley Financial Solution, LLC

PURPOSE: Application for a Conditional Use Permit to operate a music school

LOCATION: 1024 Serpentine Lane, Suite 112

GENERAL PLAN: General and Limited Industrial

ZONING: PUD-I (Planned Unit Development - Industrial) District

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received March 17, 2017"](#)
- C. [Location and Notification Map](#)

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P17-0051 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant requests CUP approval to establish a music school at 1024 Serpentine Lane, Suite 112, in Valley Business Park. Music schools within Valley Business Park require Planning Commission review and approval of a CUP. (It should be noted that similar uses in straight-zoned commercial and office districts are permitted or subject to a Minor Conditional Use Permit.) As such, the CUP application is before the Planning Commission for consideration. As proposed, staff believes this use is consistent with the intent of the zoning district and will be compatible with the surrounding uses. There are other similar uses in this building and in the business park. 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.

BACKGROUND/HISTORY

Valley Business Park was approved under Ordinance No. 928 by the City Council on March 11, 1980 and modified in 2015 (PUD-80-01-15M) to conditionally permit music schools. The Valley Business Park is zoned PUD-I (Planned Unit Development-Industrial) District. The Business Park contains a variety of industrial uses including manufacturing, office and assembly as well as non-manufacturing uses including other music schools, and tutoring and daycare facilities.

Wenbo Deng and Jing Cui are representing Spring Music Academy and are requesting approval of a CUP to operate a music school with a maximum of six students at any one time at 1024 Serpentine Lane, Suite 112. The school would provide piano and vocal instruction for students between five and 12 years of age. The subject site is zoned PUD-I District. As stated above, music schools are conditionally permitted within the PUD-I District with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for consideration.

SITE AND AREA DESCRIPTION

The subject parcel is a flat and fully developed 1.31-acre parcel at the north end of Serpentine Lane within Valley Business Park. There is an approximately 15,514 square-foot single-story building constructed on the subject parcel that has been split into eight commercial condominiums under separate ownership. The subject condominium (Suite 112) comprises approximately 2,060 square feet. There are 60 shared parking spaces on the subject parcel. The subject parcel and building are accessible from two driveways off Serpentine Lane. Figure 1 below shows an aerial photograph of the subject parcel and building, and shows the site in the context of Valley Business Park. Valley Business Park includes a mix of uses such as: professional offices, light manufacturing and industrial uses, religious facilities, private schools, music schools (one within this building), and recreational facilities. A single-family residential development is located approximately 440 feet to the west of the subject suite.

PROPOSED PROJECT

The proposed use would share occupancy of the approximately 2,060 square-foot Suite 112 and operate a music school that offers piano and vocal instruction for students between five and 12 years of age. The existing co-tenant (financial services office) would continue to operate within the same suite. Below is comparison of the proposed operational schedules for each use:

Use	Schedule
Music School	Piano Instruction – Saturdays from 9:00 a.m. to 11:15 a.m.
	Vocal Instruction – Wednesdays from 6:10 p.m. to 8:15 p.m. and Saturdays from 4:00 p.m. to 6:10 p.m.
Financial Services Office*	Mondays, Tuesdays, and Fridays from 9:00 a.m. to 9:00 p.m.

*This tenant is not subject to Planning Commission review under this application as it is an existing tenant in compliance with the current zoning requirements.

Figure 1: Aerial Photograph



Piano instruction sessions would last approximately 30 minutes with a five minute break between each session. All piano instruction sessions would be one on one. Vocal instruction sessions would last approximately 60 minutes with a five minute break between each session. All vocal instruction sessions would include up to six students per session. Parents would be permitted to stay in the existing waiting room during each session. There will be one pianist, one conductor, and one coach on-site at all times (three staff total). Therefore, generally speaking, four to nine persons would be within the suite at any given time; however, the parents may occasionally wait as well, resulting in approximately five to 15 persons within the suite or nine cars on-site at any given time if one parent waits with each student per session.

The shared floor plan would consist of four offices (financial services office use only), a piano room, a vocal room, a waiting room, and a large multi-purpose room (hatched area on the floor plan in Exhibit B). The proposed use would only utilize the piano room, vocal room, and waiting room. No tenant improvements are proposed at this time. The subject suite has direct access to the parking areas that will be utilized by staff and parents dropping off and picking up students before and after each lesson.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

STAFF REVIEW/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 CUP's.

Land Use

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The PUD zoning for Valley Business Park permits uses such as offices and light manufacturing, and requires CUP approval for uses such as religious facilities, Heritage Schools, gymnasiums and health clubs, indoor recreational and sports facilities, and music schools. Therefore, if the CUP were granted, the proposed music school would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. The proposed use would be located in an existing multi-tenant building where the current tenants include another music school, a financial services office, a tutoring facility, a restaurant management company, a consulting firm, and several dental and other office uses. The adjacent land uses consist of similar uses. The nearest residential uses are located approximately 350 feet to the west.

The proposed use would be similar to other dance and music schools within Valley Business Park. To be sensitive to the other tenants within the subject building and to ensure that the proposed use would have minimal impact in terms of parking and circulation, the proposed use would operate after the normal business hours (8:00 a.m. to 5:00 p.m.) of most other uses during the week and on weekends when most of the other uses are closed. In addition, the proposed use would have staggered session times so that not all students would arrive and depart at the same time and a maximum of 15 persons would be within the suite at any given time (approximately nine cars on-site at any given time). Therefore, if the CUP were granted, the proposed use would be compatible with the surrounding uses.

Should future problems arise with the proposed use, 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 the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be an acceptable use on the subject property, as conditioned.

Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for the proposed use, and has determined that the proposed number of students and hours of operation would not have a significant impact on existing traffic levels, primarily because the proposed use would operate after the normal business hours (8:00 a.m. to 5:00 p.m.) of most other uses during the week and on weekends when most of the other uses are closed. In addition, the use would have staggered session times so that not all students would arrive and depart at the same time and a maximum of 15 persons would be within the suite at any given time (approximately nine cars on-site at any given time). Additionally, operating hours would not coincide with the AM/PM peak traffic hours for Pleasanton. However, should the applicant wish to increase the attendance and/or alter the hours stated in its narrative, review by the City's Traffic Engineer would be required to assess whether a traffic study would be required and whether payment of traffic impact fees and implementation of other mitigation measures would be warranted. Additionally, staff has recommended a condition of approval requiring that all parents/guardians be required to park in an available parking space and escort children to/from the facility during drop-off and pick-up; curbside drop-off and pick-up would be prohibited.

Parking

As previously mentioned, there is one existing single-story multi-tenant building on the subject site that is approximately 15,514 square feet in floor area and there are a total of 60 on-site parking spaces. The parking ratio at the subject site is one space per 259 square feet of gross floor area. Based on this ratio, there are approximately eight parking spaces theoretically allocated to the subject suite (2,060 square feet multiplied by 1 parking space/259 square feet = eight parking spaces). However, there are no assigned parking spaces in this development.

The Pleasanton Municipal Code parking standards require that educational facilities, such as a music school, provide one parking space for each employee and one parking space for every four students in grade 10 or above. Based on these requirements, the proposed use could generate a demand of up to three parking spaces at any given time based on the occupancy of:

- Three staff members = three parking spaces
- No students in grade 10 or above (all students will be five to 12 years of age) = zero parking spaces

However, given that up to six students of non-driving age will be present on-site at any one time, it is reasonable to assume that their parents/guardians will park to drop-off/pick-up and/or wait while students attend their respective sessions; therefore, the proposed use may generate a demand for up to six additional parking spaces at any given time.

Based on the analysis above, a total of nine parking spaces would be required at any given time for the proposed use. While only eight parking spaces are theoretically allocated to the subject suite, there is no assigned parking for the subject site and the proposed use would operate after the normal business hours (8:00 a.m. to 5:00 p.m.) of most other uses during the week and on weekends when most of the other uses are closed, as well as have staggered session times so that not all students would arrive and depart at the same time. Therefore, staff believes adequate parking (60 spaces) exists on-site to accommodate all existing and proposed uses.

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 use permit back to the Planning Commission for possible mitigation measures.

Noise

The subject parcel and building are in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Pleasanton Municipal Code states, *"No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA [A-weighted decibels] at any point outside of the property plane."*

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."

All proposed use activities would occur inside the subject building and any noise generated from these activities would be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. Furthermore, the subject building does not contain any operable windows, which will further reduce noise impacts on the surrounding area. To further minimize any noise impacts, staff is recommending the following conditions of approval:

- All doors must remain closed at all times during music school activities and/or business hours;
- The proposed use must inform their students and parents/guardians to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area; and
- The City shall have the right 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 persons allowed in the tenant space, and requiring sound/noise attenuation to be installed within the subject tenant space.

With the inclusion of the recommended conditions above, staff has determined that it is unlikely that the noise produced by the proposed use would adversely affect adjacent tenant spaces or be in excess of 75 dBA at any point outside of the property plane as prescribed by the Municipal Code since the proposed use would operate after the normal business hours (8:00 a.m. to 5:00 p.m.) of most other uses during the week and on weekends when most of the other uses are closed. Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants or residences to the west.

FINDINGS

The Commission needs 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. The subject building is located in Valley Business Park which has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. As conditioned, staff feels the proposed music school would be consistent with the zoning ordinance objectives and Industrial Park District purpose in that it would provide a music school in the community and the use would be conducted so as to not impact or interfere with the surrounding uses. The proposed music lessons will be conducted indoors and on a property with an adequate circulation system and parking supply to support the use. The applicant will also be required to mitigate any future nuisances that may occur as a result of the proposed use. 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.

Music schools and other educational facilities are common uses within or near residential and commercial/industrial areas in Pleasanton. The City's past experience shows that these uses are generally compatible with other uses. Music schools 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 believes the proposed use will not detrimentally affect surrounding uses. All streets around the site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, staff believes the proposed use 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 proposed use. Therefore, staff believes this finding can be made.

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

The site's PUD-I zoning conditionally permits the establishment of music schools. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP to the proposed use would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff believes this finding can be made.

ALTERNATIVES

The site conditionally allows music schools with approval of a CUP by the Planning Commission. The applicant seeks to operate a music school with a maximum of six students on-site at any given time. Staff believes this use is consistent with the intent of the zoning district. There are other similar uses in the same building and the immediate vicinity with the same zoning. However, staff believes other alternatives could include:

1. The Planning Commission could deny the CUP, limiting the number of music schools within the area to the current condition; or
2. The Planning Commission could approve the CUP to operate a music school with fewer students, modified hours of operation, etc.

Alternative 1 would preclude the establishment of a new music school for residents within the community seeking this type of service. Alternative 2 would allow for the establishment of a new music school but would reduce activity levels compared to the proposed project. Staff believes the proposed use will not adversely impact any existing uses or the surrounding area based on its modest attendance and proposed hours of operation (see narrative in Exhibit B). Therefore, staff believes the proposed use is appropriate for the site, and that no project alternatives should be pursued.

PROS/CONS

PROS	CONS
Allows for operation of a new local business and music school	Creates an educational use catering to young children in an area/on a site designed primarily for office and light industrial uses
Provides educational services for young children	
Consistent with zoning regulations	

PUBLIC NOTICE AND COMMENTS

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 map as Exhibit C for reference. At the time this report was published, staff had not received any public comments about the project.

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.

SUMMARY/CONCLUSION

As proposed, staff believes that the proposed use will be compatible with the surrounding businesses/offices 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. Staff believes that the proposed use will fulfill a community need and that the proposed location is appropriate.

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