

Planning Commission Staff Report

February 22, 2012
Item 5.a.

SUBJECT:	P11-0859 / P11-0860
APPLICANT:	Rajitha Sumanasekera / Little Flowers Montessori
PROPERTY OWNER:	Sim & Yoon LLC
PURPOSE:	Application for a Conditional Use Permit to operate a child care center in the Vintage Hills Shopping Center and for Design Review approval to construct an outdoor play area and new parking spaces at the rear of the building.
LOCATION:	3550 Bernal Avenue, Suites 115, 120, and 125
GENERAL PLAN:	Retail/Highway/Service Commercial; Business and Professional Offices.
ZONING:	PUD-C-N (Planned Unit Development – Commercial - Neighborhood) District.
EXHIBITS:	A. Draft Conditions of Approval B. Narrative, Site Plans, Playground Plans, Floor Plans, and Elevations, dated “Received December 30, 2011” C. E-mail from Kitty Chan dated “Tuesday, February 14, 2012” D. Location and Noticing Maps

BACKGROUND

In January 2011, the Planning Commission approved Rajitha Sumanasekera request for a Conditional Use Permit (PCUP-284) to operate Little Flowers Montessori at 11533 Dublin Canyon Road. The applicant has been operating at the Dublin Canyon Road location for the last six months and would now like to open a second location at 3550 Bernal Avenue, Suites 115, 120, and 125.

The proposed site is located within Vintage Hills Shopping Center and is zoned PUD-C-N (Planned Unit Development –Commercial – Neighborhood) District, which allows those uses that are permitted and conditionally permitted in the C-N (Neighborhood Commercial) zoning district of the Pleasanton Municipal Code (PMC). The C-N zoning district conditionally permits

“childcare centers” and, accordingly, the Conditional Use Permit application is before the Planning Commission for review and action.

The applicant has also applied for a Design Review application to construct an outdoor play area and new parking spaces at the rear of the building. Design Review applications of this nature are typically processed at staff level; however, staff is requesting the Planning Commission to take action on the Design Review request with the Conditional Use Permit.

SITE AND BUILDING DESCRIPTION

The subject site is located on the east side of Bernal Avenue and south of Tawny Drive (please refer to Figure 1 on page 3). The subject building is one-story and approximately 47,401 square-feet in area. The main entrance to the site is from Bernal Avenue with additional access being provided from Tawny Drive and Palomino Drive. The child care center is proposing to combine three suites within the building, Suites 115, 120, and 125, that has a combined square footage total of approximately 4,082 square feet. Other businesses currently within the shopping center include: a hair cutting salon (Cutt Company), a spa (Nirvana Day Spa), a frozen yogurt shop (Yogoholic), a laundry and dry cleaning shop (Vintage Hills Cleaners), a jewelry store (Gold N Time), a sushi restaurant (Kokoro Sushi), a dance studio (Spark Dance Studio), a 24-hour fitness facility (Anytime Fitness), a martial arts facility (Koryo Martial Arts), and a coffee shop (Coffee Ali).

Adjacent land uses consist mainly of residential uses, as multi-family townhome developments are located behind the shopping center to the east and south, a multifamily condominium development is located to the west across Bernal Avenue, and a multi-family condominium development and public park are located across Tawny Drive to the north. Staff notes that there is an approximately 7-foot tall masonry wall between the shopping center and the townhomes to the east of the subject site. Figure 1 on page 3 shows a vicinity map with an insert highlighting the subject property.

Please refer to the next page for Figure 1

Figure 1: Aerial View



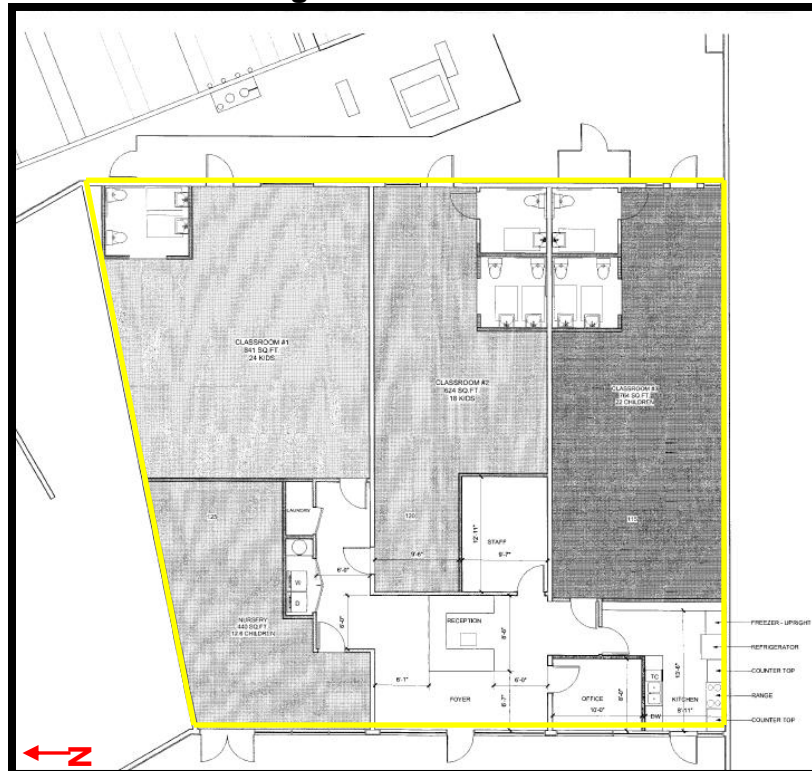
PROJECT DESCRIPTION

Little Flowers Montessori child care center offers Montessori based educational programs for children 18 months to 6 years of age. Each program is separated by age groups and would take place in separate classrooms. The programs focus on practical situations, coordination, and academic work (i.e., math and language). The child care center offers full-day programs five, three, or two days a week.

Little Flowers Montessori would occupy three tenant spaces within the building, approximately 4,082 square feet, and would consist of classrooms, an office, reception area, bathrooms, staff kitchen, and a staff meeting room. Please refer to Figure 2 on page 4 for the floor plan. As proposed, there will be up to 77 children attending the child care center and 11 employees. The child care center will operate year round, excluding holidays and typical academic breaks (i.e., winter and spring break), between the hours of 7:00 a.m. to 6:30 p.m. on weekdays only.

There is not a specific starting/ending time for programs with most drop-offs being staggered between 8:00 a.m. through 9:30 a.m. and pick-ups staggered between 5:00 p.m. through 6:00 p.m. There are no set times for when the children will use the proposed outdoor playground. The applicant has indicated that the playtime will occur between 9:30 a.m. and 11:30 a.m. and 2:30 p.m. and 4:30 p.m. for 30-40 minutes with the maximum number of children allowed outside at any time being 36. The teacher to child supervision ratio is one to six for children 18 months to 24 months, one to eight for children two years old to three years old, and one to 12 for every child three years old to six years old.

Figure 2: Floor Plan



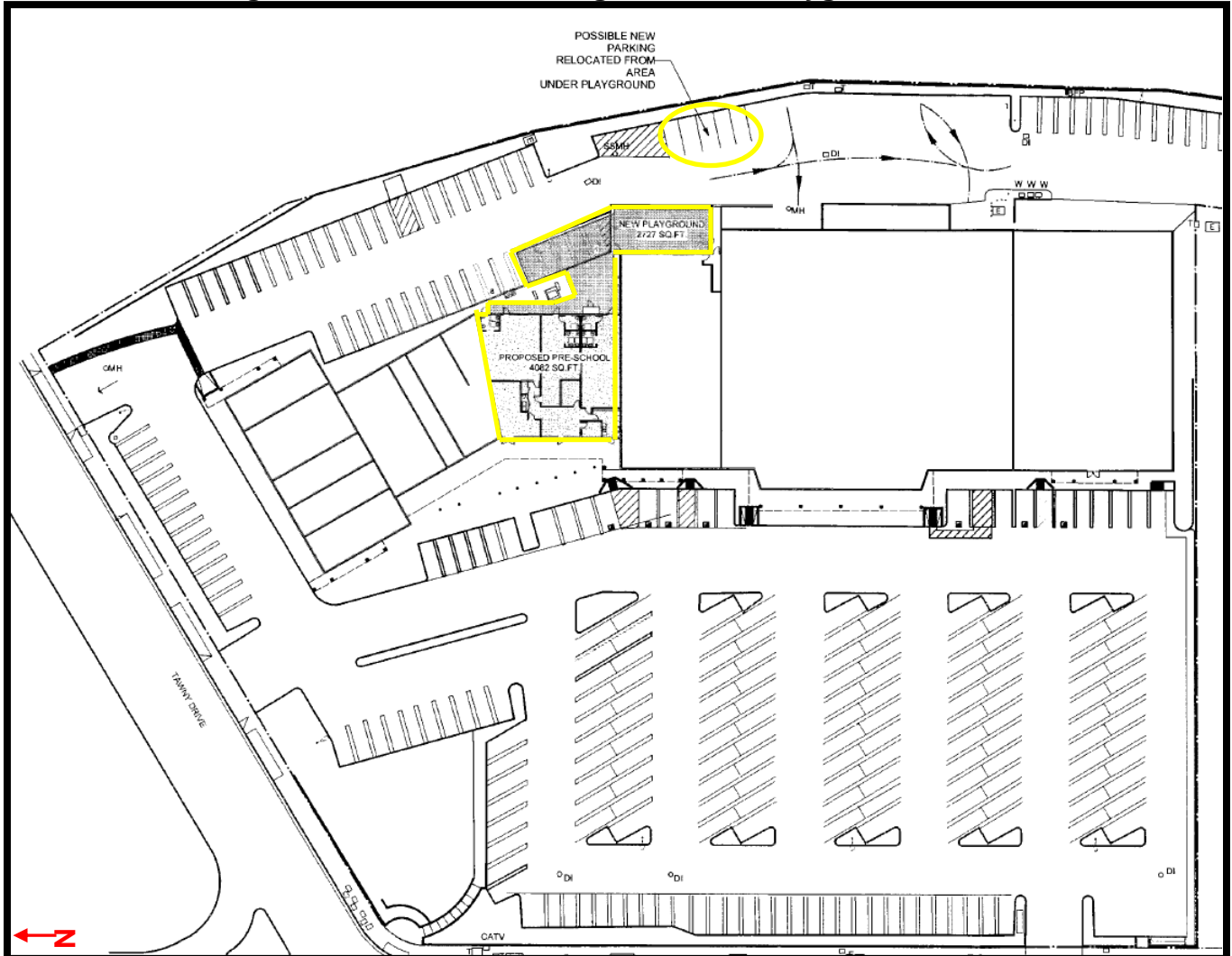
Design Review

Improvements and/or alternations to a site or building are processed as a staff level Design Review application. Since the outdoor area is dependent on the approval of the Conditional Use Permit, staff, therefore, is requesting that the Planning Commission review and take action on the Design Review application. The applicant is proposing the following improvements to the site and building:

- Relocate six parking stalls at the rear of the building for the construction of a new 2,727 square-foot, fenced playground area at the rear of the three tenant spaces that will be occupied by the child care center (please refer to Figure 3 on page 5). The applicant will install artificial turf, padding, and rubber bark throughout the playground area. Staff notes that the location and type of playground equipment to be installed can be found on sheet A-103 of Exhibit A.

- Install four new windows on the rear of the building and a metal fence around the existing utility meter. Please refer to the elevation sheet, A-501, in Exhibit B.

Figure 3: Relocated Parking Stalls and Playground Area



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 use permits.

General Plan

The subject property has a General Plan Land Use designation of Retail/Highway/Service Commercial; Business and Professional Offices land uses; which allows retail, commercial,

and educational uses. The proposed application is an educational child care center and, therefore, is consistent with the General Plan land use designation. The proposal would provide an educational facility for children under the age of 6; which is consistent with the following General Plan Programs, Policies, and Goals:

Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within exiting urban areas.

Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.

Policy 7: Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.

Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Zoning

The project site is zoned PUD-Neighborhood Commercial which permits the uses of the Neighborhood Commercial (C-N) District. Childcare centers are a conditionally permitted use in the C-N District and, therefore, if the Conditional Use Permit is approved, the proposed child care center would be consistent with the zoning designation.

Parking

There are 287 parking spaces that are shared with all of the tenants in the shopping center. With a combined floor area of 47,401 square-feet for the existing building, the parking ratio at the subject site is one space for every 165 square-feet of floor area. With the proposed child care center occupying approximately 4,082 square-feet of floor area, 25 parking spaces would, theoretically, be allocated to the proposed use. However, there are no assigned parking spaces.

Per section 18.88.030 (E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), nursery schools require one parking space for each employee, including teachers and administrators, and one space for each four students in grade 10 or above. The student parking requirement, one space for each four students, is not applicable since the children are below grade 10. With 11 employees, including the director, 11 parking spaces would be required for the proposed use per the PMC. The code-required parking demand for this use would be satisfied by the 25 parking spaces “allocated” to these tenant spaces based on the total tenant area.

Staff notes that section 18.88.030 of the PMC does not address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes that there would be adequate parking for drop-off/pick-up given that arrival and departure of cars is staggered and that the parents are only parked in the spaces for a short period of time. Therefore, based on this parking analysis, staff believes that the parking should be sufficient to accommodate the proposed use. However, should parking 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 (Exhibit A, No. 7). Possible mitigating conditions could include: reducing the number of students, modifying the arrival/departure times, etc.

The applicant is also proposing a Halloween party and birthday events. As indicated in the applicant's narrative (Exhibit A), parents will not be attending the Halloween party and only the parents of the child whose birthday is being celebrated will be allowed to attend the birthday event. Given the number of shared parking spaces (287), there will be enough parking to accommodate the parents attending their child's birthday event.

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." Most of the noise generated by the child care center will be from outdoor recreational time the children spend in the play area. Similar to their location at 11533 Dublin Canyon Road, the children will spend time outside for 30-40 minutes each day. The time outside is limited and staggered amongst the age groups. When the children are outside, it is unlikely that noise generated from the playground would exceed beyond the 70 dba allowed by the Pleasanton Municipal Code at the property line. The use located left (north) of the tenant space is a sushi restaurant (Kokoro Sushi) and the use located right (south) of the proposed tenant space is a drop-in, 24-hour fitness facility (Anytime Fitness). Since Anytime Fitness is a drop-in facility that typically doesn't have a large number of patrons during the times the children will be outside (between 9:30 a.m. to 11:30 a.m. and 2:30 p.m. to 4:30 p.m.), the noise generated by the children would not negatively impact the fitness facility. The sushi restaurant is open Tuesday through Saturday from 11:30 a.m. to 9:30 p.m. The restaurants peak times are during lunch (11:30 a.m. to 2:00 p.m.) and dinner (4:30 p.m. to 9:00 p.m.), which is offset to the outdoor playtime schedule (9:30 a.m. to 11:30 a.m. and 2:30 p.m. to 4:30 p.m.). To ensure that interior noise from the child care center does not impact adjacent tenants, a condition of approval has been added that the applicant shall be required to install noise attenuation along the common tenant walls to the ceiling (Exhibit A, No. 11). Furthermore, condition of approval No. 7 of Exhibit A requires that if noise problems arise in the future, the Conditional Use Permit may be amended or revoked should noise become an issue for adjacent tenants.

State Licensing

Little Flowers Montessori will be required to comply with licensing requirements as prescribed in Title 22 of the California Code of Regulations. Should the Conditional Use Permit be

approved, the applicant shall be required to secure a child care licensing permit with the State Department of Social Services-Community Care Licensing Division (CCLD). Please refer to condition of approval No. 8 in Exhibit A.

Design Review Criteria

The Planning Commission shall review site plans, landscaping plans, building architecture and such other plans and reports (grading plans, EIR/negative declarations, etc.) as may be required to preserve and enhance the city's aesthetic values and ensure the preservation of the public health, safety and general welfare. Per Chapter 18.20 of the Pleasanton Municipal Code, Design Review projects are evaluated by the following design criteria:

1. Preservation of the natural beauty of the City and the project site's relationship to it.

Staff analysis: The Design Review application is for the relocation of six parking stalls, installation of four new windows, a fence enclosure around the existing utility meter, and construction of an approximately 2,727 square-foot, fenced playground area at the rear of the proposed tenant spaces. Staff is of the opinion that the site and building modifications would not negatively affect the natural beauty of the City.

2. Appropriate relationship of the proposed building to its site, including transition with streetscape, public views of the building, and scale of buildings within its site and adjoining buildings.

Staff analysis: The Design Review application does not include the proposed construction of a building. The applicant is seeking approval for replacing parking stalls, new windows, fencing around the existing utility meter, and a fenced playground area, which will not contain structures.

3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character.

Staff analysis: Please refer to the analysis section of Design Review Criteria No. 2.

4. Preservation of views enjoyed by residents, workers within the City, and passersby through the community.

Staff analysis: The proposed site and building modifications will not block views of adjacent residents, workers within the City, or passersby through the community. Staff notes that this criteria relates to blocked views from the public right-of-way and not private areas to private areas and, therefore, all of the improvements located at the rear of the building would not block views of residents, workers within the City, or passersby through the community.

5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape.

Staff analysis: New landscaping or alterations to existing on-site landscaping is not proposed as a part of this project. However, staff has added a condition that requires the applicant to install a planter at the south end of the new parking spaces (No. 12 of Exhibit A).

6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape.

Staff analysis: Exterior lighting is not proposed nor is the applicant proposing to alter the existing exterior lighting. Staff notes that the children will not be using the playground area when it is dark.

7. Architectural style, as a function of its quality of design and relationship to building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings.

Staff analysis: Staff believes that the color and materials of the proposed playground fencing and utility fencing is appropriate for the architectural style and design of the existing building. The applicant is not proposing new mechanical equipment or other utility hardware with this project.

8. Integration of signs as part of architectural concept.

Staff analysis: No signage was proposed with this project. If the applicant wishes to add signage, the proposed signage would be required to adhere to Vintage Hills Shopping Center's sign program.

9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

Staff analysis: No miscellaneous structures, street furniture, or public art are proposed with this project.

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.**

One of the objectives of commercial zoning district is to provide educational centers. The zoning ordinance endeavors to foster a harmonious, convenient, workable relationship among land uses, protect land uses from inharmonious influences and

harmful intrusions, promote a safe, effective traffic circulation system, 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.

Staff finds that the operation of the child care center is consistent with these objectives. The proposed operation will not generate a substantial amount of noise. Furthermore, the applicant may be required to mitigate future nuisances created by the proposed use. In the past, the City has approved similar uses which have been operating in commercial zoning district without any land use conflict with other businesses in the surrounding area. Staff feels that the proposed child care center would be consistent with the above-cited objectives and, therefore, 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.

Based on the proposal, the child care center would be a compatible use to the adjoining uses. The number of parking spaces available on site exceeds the parking demands for the proposed use. Additionally, drop-off and pick-up times by the parents will be staggered which will help alleviate parking and traffic concerns. Furthermore, condition No. 9 of Exhibit A requires children to be dropped off/picked up in front of the tenant space to reduce noise impacts to the residents to the east. The proposed conditions of approval will ensure that the child care center will not operate in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. Therefore, staff feels that this finding may 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.

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff feels this finding can be made with the proposed conditions of approval.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. At the time this report was published, staff had received one email from Kitty Chan (please refer to Exhibit C). Ms. Chan is of the opinion that there will be traffic impacts on Palomino Drive given the drop off time of the children at the center and those dropping of children at Vintage Hills Elementary School. The City's Traffic Engineer does not believe the child care center would have a significant impact on Palomino Drive because parents going to/from the child care center would most likely enter/exit the parking lot from

Bernal Avenue or Tawny Drive. Furthermore, condition No. 9 of Exhibit A requires drop off/pick up of children at the front of the building and, therefore, reduces the likelihood of using Palomino Drive.

Staff has provided the location and noticing maps as Exhibit D for the Commission's reference.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation of a uses, 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 design review criteria and required findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P11-0859 (Conditional Use Permit) and P11-0860 (Design Review) by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P11-0859 and P11-0860 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, namos@ci.pleasanton.ca.us