

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2015-13

RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
TATIANA KUBATINA, PLEASANTON ACADEMY OF MUSIC,
AS FILED UNDER CASE P15-0231

WHEREAS, Tatiana Kubatina, Pleasanton Academy of Music, has applied for a Conditional Use Permit to operate a music school at 1024 Serpentine Lane, Suite 118; and

WHEREAS, zoning for the property is PUD-I (Planned Unit Development – Industrial) District; and

WHEREAS, at its duly noticed public hearing of May 27, 2015, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities; and

WHEREAS, the Planning Commission made the following findings:

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.

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, 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, 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.

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, 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, 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, this finding can be made.

3. 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 Conditional Use Permit to Pleasanton Academy of Music would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, this finding can be made.

WHEREAS, the Planning Commission determined that the music school would not be detrimental to the existing uses in the area.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Case P15-0231, the application of Tatiana Kubatina, Pleasanton Academy of Music, for a Conditional Use Permit to operate a music school at 1024 Serpentine Lane, Suite 118, subject to the Conditions of Approval shown in Exhibit A, attached hereto and made part of this case by reference.

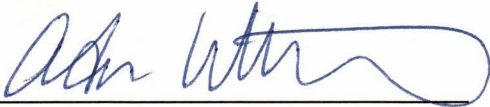
Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

Resolution No. PC-2015-13
Page Three

THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 27TH DAY OF MAY 2015 BY THE FOLLOWING VOTE:

AYES: Commissioners Nagler, Piper, and Ritter
NOES: None
ABSTAIN: None
RECUSED: Commissioner Balch
ABSENT: Commissioners Allen and O'Connor

ATTEST:



Adam Weinstein
Secretary, Planning Commission

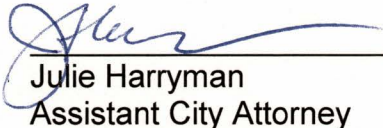
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Herb Ritter
Acting Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL**

**P15-0231, Tatiana Kubatina
Pleasanton Academy of Music
1024 Serpentine Lane, Suite 118
May 27, 2015**

PROJECT SPECIFIC CONDITIONS OF APPROVAL

1. The proposed music school activities and operations approved by this Conditional Use Permit shall conform substantially to the narrative and project plans, Exhibit B, marked "Received May 6, 2015," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
2. If additional hours of operation, number of students or staff, or activities beyond that proposed in the applicant's narrative, Exhibit B, dated "Received May 6, 2015," on file with the Planning Division, are desired, prior City review and approval is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
3. The music school capacity shall be limited to a maximum of two students and two staff present on-site at any one time.
4. If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion on the Community Development Director, this conditional use permit may be submitted to the Planning Commission for its subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, including imposing traffic impact fees, or may revoke said conditional use permit. Possible mitigation measures can include, but are not limited to: modifying the hours of operation, reducing the number of persons inside the subject building, or other measures deemed necessary by the Planning Commission.
5. The exterior doors of the building shall remain closed when not being used for ingress/egress purposes.
6. The applicant shall inform all students/parents/guardians/staff not to loiter or make loud noises outside the buildings before or after instruction.

STANDARD CONDITIONS

Community Development Department

7. The applicant shall pay all fees to which the use may be subject prior to operation. The type and amount of the fees shall be those in effect at the time the permit is issued.
8. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys' fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

Planning

9. If the applicant wishes to relocate the use to a new address and/or suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
10. This Conditional Use Permit approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year, the applicant initiates the use, or the applicant or his or her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.
11. The applicant and/or employees shall maintain the area surrounding the subject tenant space in a clean and orderly manner at all times.
12. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
13. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.

CODE REQUIREMENTS

Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

Planning

14. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings.

Building

15. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
16. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
17. Prior to occupancy, the applicant shall contact the Building and Safety Division and Fire Marshal to ensure that the proposed use of the subject building/structures meet Building and Safety and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

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