

Planning Commission Staff Report

October 27, 2010
Item 5.b.

SUBJECT: PCUP-282

APPLICANT: Mark Anderson

PROPERTY OWNER: AHM 4430 Willow Investors, LLC

PURPOSE: Application for a Conditional Use Permit to operate a music studio at 4430 Willow Road, Suite M.

GENERAL PLAN: Business Park (Industrial, Commercial, and Office) and Mixed Use

ZONING: Planned Unit Development – Industrial/Commercial-Office District

LOCATION: 4430 Willow Road, Suite M

EXHIBITS:

- A. Draft Conditions of Approval
- B. Applicant Narrative and Project Plans
- C. Hacienda Owners Association Approval
- D. Location Map
- E. Noticing Map

BACKGROUND

The applicant, Mr. Mark Anderson, proposes to establish a music studio at the subject location in order to provide music lessons. The subject site is located within the Hacienda Business Park and is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial–Office). Music schools are conditionally permitted uses at the subject property and thus the applicant has filed the subject Conditional Use Permit application.

The applicant currently has a music studio located at 1258 Quarry Lane, Suite H, and would like to relocate to the subject location with this Conditional Use Permit application.

SITE DESCRIPTION

The site is located within Hacienda Business Park, near the intersection of Willow Road and West Las Positas Boulevard. Commercial buildings are located to the north and south of the subject site and are also located across the Chabot Canal to the west. Thomas Hart Middle School is located across Willow Road to the east. Figure 1 below shows a vicinity map, photos, and an aerial view of the area surrounding the subject building. The approximate location of Suite M has been highlighted in turquoise.



FIGURE 1: VICINITY MAP, PHOTOS AND AERIAL PHOTOGRAPH OF SUBJECT PROPERTY

The approximately 33,440-square-foot building consists of 15 commercial condominium spaces, each of which has a separate pedestrian entryway. Parking is located around the perimeter of the building as indicated in Figure 2. Parking and vehicular access easements allow tenants and visitors of the subject property to utilize the 58 parking spaces on the property directly to the north at 4440 Willow Road. The proposed music studio will be located in Suite M of the building, which is approximately 1,796 square feet in size and is currently vacant. An office use will occupy Suite O and a Conditional Use Permit application to operate a church in Suites L and N has been submitted for consideration by the Planning Commission. Existing uses in the building include two dental offices (Suites A and E) and one after-school tutoring facility (Suite C).

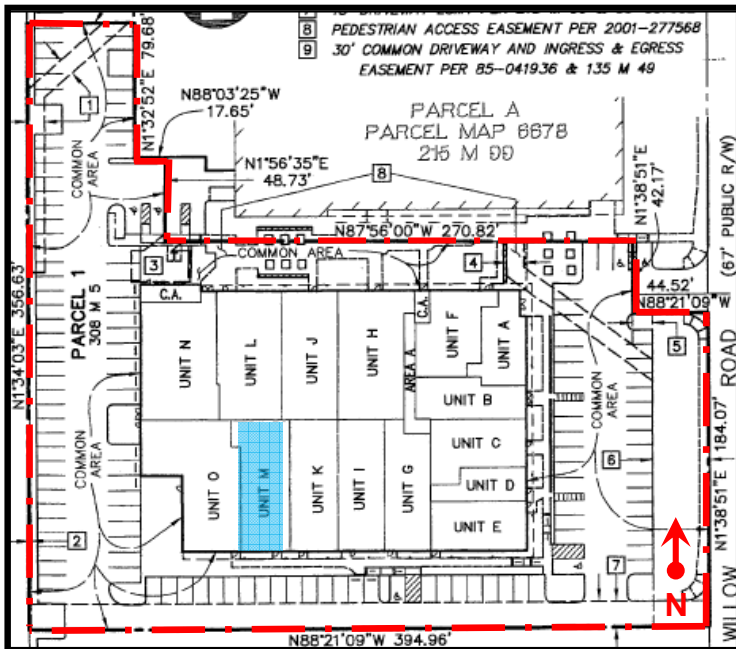


FIGURE 2: SITE PLAN FOR 4430 WILLOW ROAD

PROJECT DESCRIPTION

The proposed conditional use permit is to operate a music school in Suite M of the subject building. Music lessons for piano, voice, woodwind instruments, string instruments, guitar, and brass instruments will be provided at the studio and will consist of either small group or individual lessons. Students of the music school vary between the ages of 3 to 60 years old. Approximately 10 students are older than 16 years (of driving age). A narrative for the proposed use is attached to this staff report as Exhibit B. The applicant's floor plan, also attached as Exhibit B, indicates that the interior of the space will be divided into several rooms to allow for lessons to be conducted simultaneously. Restroom facilities exist within the tenant space.

Days and Hours of Operation

The music lessons will be conducted primarily after school hours, between 3:30 p.m. and 8:30 p.m. Monday – Friday. Additional lessons will be held on Saturdays between 9:00 a.m. and 1:00 p.m. Private piano lessons will take place on Tuesday (10:00 a.m. – 11:00 a.m.), Wednesday (9:00 a.m. – 11:00 a.m.), and Thursday mornings (10:00 a.m. – noon).

Number of Instructors and Students

The music school currently has 11 instructors, but may expand its staff to 12 or 13 in order to accommodate additional demand if necessary. However, only 4 instructors are on-site at any given time. Each "studio" room may have 1 student, for a total of 5 students and each "classroom" may have up to 4 students, for a total of 12 students. If all studios and all classrooms were operated with the maximum capacity, then a total of 17 students may be at the music studio at a given time. A front desk receptionist will also work at the music studio, for a maximum total of 22 people at any given time. The applicant does not, however, expect that all classrooms will be utilized at full capacity at a single time and also does not expect that the both the classrooms and studios will be used at full capacity simultaneously. Although 17 students could theoretically be at the music studio simultaneously, the applicant estimates that 13 students at any given time is a more realistic student population.

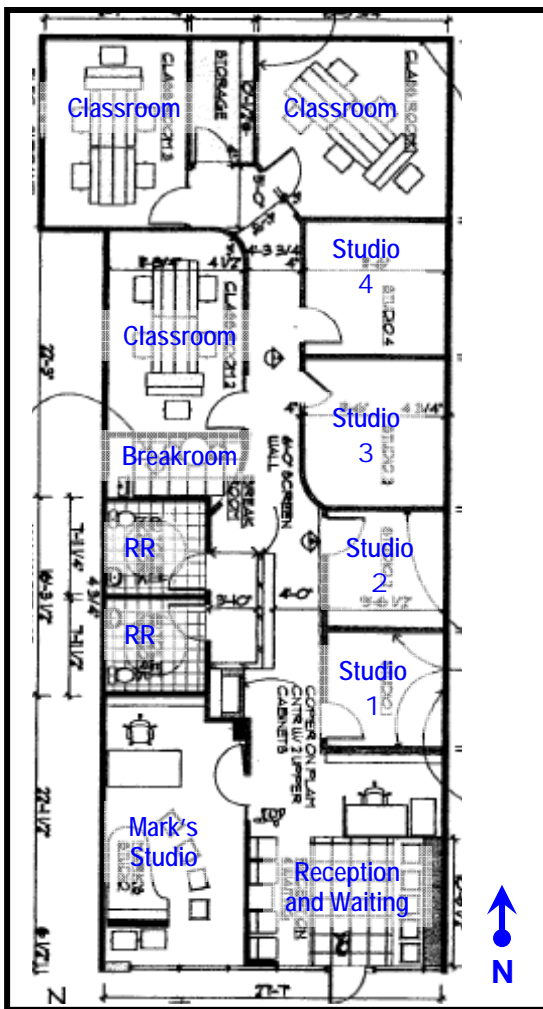


FIGURE 3: FLOOR PLAN

Noise During Music Lessons

The piano lessons are typically conducted with headphones so that the student can hear his/her playing, but the music is not audible beyond the perimeter of the tenant space. The perimeter walls of the tenant space will have soundproof drywall (QuietRock 525) and the walls dividing the studio spaces will have sound-proofing material made of cork that will assist with preventing noise pollution to other tenants within the building. Additionally, the applicant has indicated that lessons for woodwind and brass instruments will take place after 6:00 p.m. so that any potential noise from these lessons does not impact adjacent businesses that operate during normal business hours. These lessons will take place in Studios 1 and 2, which are near the eastern perimeter of the subject tenant space and adjacent to Suite K, which is currently vacant.

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. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

Land Use

The subject site has a General Plan designation of Business Park (Industrial, Commercial, and Office) and Mixed Use. The property is zoned Planned Unit Development – Industrial/Commercial–Office (PUD-I/C-O) District and is designated as Research and Development/Light Manufacturing Planning District (IPD) in the Hacienda Business Park. Music schools are subject to Conditional Use Permit approval at the subject site.

One of the primary objectives in reviewing a Conditional Use Permit application is to ensure that impacts to adjacent land uses are minimal. The proposed music studio will be located in a building that currently has office and medical uses and may also include a religious facility. The adjacent land uses consist of commercial and public institutional uses and a substantial buffer exists between the subject site and residential land uses. The nearest residential uses are located across Hopyard Road to the west in the Val Vista neighborhood and across West Las Positas to the south in the Parkside neighborhood.

The proposed hours of operation of the music studio on weekdays are between 3:30 p.m. and 8:30 p.m. and on Saturdays will be from 9:00 a.m. and 1:00 p.m. Private piano lessons will occasionally take place during the mid-mornings of Tuesday, Wednesday, and Thursday. The applicant has indicated that lessons which will take place in the late afternoon will consist of piano lessons with headphones or other quieter instruments that will not result in a noise impact to surrounding tenant spaces.

The building currently has three tenants and may have two additional tenants in the near future. The three existing tenants consist of two dental offices in Suites A and E and a tutoring facility in Suite C. A church has applied for a Conditional Use Permit to occupy Suites L and N and an office use is expected to occupy Suite O. The dental offices and the office will operate during normal business hours. The tutorial facility in Suite C operates Monday – Friday between 3:30 p.m. and 8:00 p.m. with a maximum of 12 students and 3 teachers. The proposed church will have most of its members attend on Sundays (which does not coincide with the timings for the music studio), but will have a fellowship meeting on Friday evenings from 7:30 p.m. to 9:30 p.m., when approximately 45 members of the church will meet. The church will also have a prayer meeting from 7:30 p.m. to 9:30 p.m. on Tuesdays with approximately 15 people and a bible study group with approximately 20 people on Thursdays from 10:00 a.m. to noon. Table 1 below summarizes the *overlapping* days and timings, and provides a maximum number of people for the proposed music studio, proposed church, and existing tutoring facility.

	PROPOSED MUSIC STUDIO	PROPOSED CHURCH	EXISTING TUTORING	TOTAL
TUESDAY	3:30pm to 8:30pm 22 people maximum (17 students and 4 teachers, 1 staff person)	7:30pm to 9:00pm Approximately 15 people	3:00pm to 8:00pm 15 people maximum (12 students and 3 teachers)	Approximately 52 people maximum between 7:30pm & 8:00pm
THURSDAY	10:00am – noon Approximately 2 people	10:00am – noon Approximately 20 people	None.	Approximately 22 people maximum between 10:00am & noon
FRIDAY	3:30pm to 8:30pm 22 people maximum (17 students and 4 teachers, 1 staff person)	7:30pm to 9:30pm Approximately 45 people	3:00pm to 8:00pm 15 people maximum (12 students and 3 teachers)	Approximately 82 people maximum between 7:30pm & 8:00pm

TABLE 1: SUMMARY OF OVERLAPPING OPERATIONAL TIMINGS

As noted in Table 1, Friday evenings is when the operation of the three uses together results in the largest number of people on the site. However, given that 132 parking spaces exist on the subject property and an additional 58 are located on the property to the north, the uses will not cause a conflict for parking. Additionally, although the timings for the music studio, church, and tutoring facility overlap, the operations do not begin and end at exactly the same time and the overlap occurs only for a half-hour between 7:30 p.m. and 8:00 p.m. Thus, staff expects the music studio to be compatible with other existing and proposed uses on the property.

Parking and Circulation

A total of 132 parking stalls are located on the subject property. The property to the north has 58 parking spaces, yielding a total of 190 spaces that may be utilized by students of the music studio as well as visitors of other businesses within the subject property. Since the size of the building is 33,440 square feet, the building was constructed at a parking ratio of 1 space per 253 square feet. The subject suite for the music school, Suite M, is approximately 1,796 square feet and thus approximately 7 parking spaces are theoretically allocated to the suite.

The Municipal Code parking standards for music schools require one space for each employee plus one space for each two students 16 years or older (driving age). Based on these code requirements, the use could generate a demand of up to 14 parking spaces based on a maximum occupancy of 17 students at least 16 years of age, four instructors, and one staff person. However, the applicant indicates that the majority of the students are less than 16 years old, with approximately 10 students 16 years or older. The Municipal Code parking demand would be 10 spaces (with 10 students 16 years or older and 5 employees). However, the applicant indicates that rarely would all 10 of the 16 years or older students be at the facility at the same time and staff believes that the 7 “allocated” parking spaces and the remaining parking spaces would accommodate the parking demand. Furthermore, the maximum occupancy at the music studio starts at 3:30 p.m. and at earlier times there would be fewer students and employees present.

Staff notes that the Municipal Code parking requirement does not directly address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint since the majority of students would be driven by parents or guardians. The applicant indicates, however, that the classes will be scheduled such that there are 10- to 15-minute breaks in between sessions. This allows the instructor to prepare for the next student and also alleviates parking demand and potential congestion that may occur if class timings overlapped.

Access to the site is provided by three driveways off of Willow Road. These driveways would evenly disperse traffic to and from the site and its parking areas. Therefore, circulation is not expected to be an issue. If parking or circulation problems occur in the future, staff has included a condition of approval that allows the Director of Community Development to refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

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 objectionable intrusions.” The PMC establishes noise limits for industrial zoned properties. For Industrial-zoned properties, PMC Section 9.04.050 states that

No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same on industrial property, a noise level in excess of 75 dBA at any point outside of the property plane, unless otherwise provided in this chapter.

The perimeter walls (except the front/southern wall), of the tenant space will have soundproof drywall (QuietRock 525) to assist in preventing sound pollution to adjacent tenant spaces. To further mitigate sound pollution from disturbing adjacent tenants and other music students, sound-proofing material will be installed in-between individual studio rooms. These measures are intended to provide physical mitigation for sound pollution from the subject suite to surrounding tenants and properties. Additionally, the applicant indicates that the lessons for woodwinds or brass instruments would be scheduled after 6:00 p.m. and the subject suite is located adjacent to Suite K, which is currently vacant. Staff finds these physical modifications and operational measures to be adequate to address potential noise pollution from the music school. Also, since other commercial and public institutional uses provide substantial buffer between the site and residential uses, staff believes that the proposed music school will not be concern to residents. If concerns regarding noise arise in the future, a condition of approval allows the Director of Community Development to refer the Conditional Use Permit back to the Planning Commission for possible mitigation measures.

GENERAL PLAN CONSISTENCY

The Land Use Element of the General Plan states several goals, policies, and programs that support the proposed project.

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

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

- Program 8.2: Use the City's development review procedures to minimize intrusions into existing neighborhoods.

- Program 15.2: Promote the location of business services in Pleasanton to support industrial, commercial, and office complexes.

The proposed music studio will further these goals and programs in that it will provide an amenity to the community in that it will provide a location for music lessons. The music school is currently located in Pleasanton and approval of the subject Conditional Use Permit will allow the business to remain in Pleasanton. The tenant space is currently vacant and the music studio will be occupying a suite within an existing building that is not currently utilized. Additionally, mitigation measures and conditions of approval are required for the use in order to prevent noise pollution, issues regarding parking and circulation, and other harmful intrusions. The use is compatible with other uses within the building and uses surrounding the property.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has not received any comments or concerns.

The Hacienda Owners Association has reviewed the proposal and provided a letter indicating approval of the music school. This correspondence is attached to this staff report as Exhibit C.

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 ordinance and the purpose of the district in which the site is located.

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring 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 site is zoned PUD-I/C-O District and is designated as Research and Development/Light Manufacturing Planning District (IPD) in the Hacienda Business Park which generally has the characteristics of the City's I-P (Industrial-Park) District. One purpose of the I-P District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact.

Staff believes the proposed use as conditioned would be consistent with the objectives of the zoning ordinance and the Industrial-Park District purpose in that it would provide a beneficial service to the community by allowing people to learn about music. Residential uses will not be impacted by parking, noise, or other potential impacts that may occur from the proposed use. Additionally, the sound-attenuating measures and operational hours for the brass and woodwind instruments proposed by the applicant will assist in minimizing potential noise impact to surrounding tenants. The majority of the students will have music classes when surrounding businesses are not in operation and thus conflicts regarding parking or circulation are not expected to occur. Staff believes that this finding may 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.

The proposed music studio will be operated in a manner such that the public health, safety, and welfare will not be compromised. Staff does not expect significant concerns to arise from the proposed use since the music academy's hours of operation, proposed sound-attenuating measures, and teacher-to-student ratio will ensure that it operates in harmony with the surrounding uses. Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use or possible future use. Staff believes 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.

The PUD zoning of the subject site permits the establishment of private schools subject to conditional use permit approval. The proposed use, as conditioned, would comply with applicable provisions of the governing PUD and zoning ordinance. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. The proposed music academy, as conditioned, may be integrated as a use within the existing building without a detrimental impact to the surrounding properties or to the City in general. Therefore, staff believes that this finding may 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. Therefore, no environmental document accompanies this report.

CONCLUSION

The Conditional Use Permit will allow the New World Music Academy to locate in Suite M of the building located at 4430 Willow Road. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use, as conditioned, will be compatible with the surrounding uses and properties and will not result in an impact to neighboring tenants and nearby businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-282 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-282 subject to the conditions listed in “Exhibit A.”

Staff Planner: Shweta Bonn / Assistant Planner / (925) 931-5611 / sbonn@ci.pleasanton.ca.us