

## Planning Commission Staff Report

May 9, 2007  
Item 6.b.

**SUBJECT:** PCUP-185/PV-163

**APPLICANT/  
PROPERTY OWNER:** Generations Healthcare of Pleasanton

**PURPOSE:** Applications for: 1) a modification to a previously approved conditional use (UP-71-13, Pleasanton Convalescent Hospital) to increase the number of beds from 129 to 139 at the existing convalescent facility; and (2) a variance from the Pleasanton Municipal Code to reduce the required parking from 125 spaces to the existing 99 spaces.

**GENERAL PLAN:** Medium Density Residential

**ZONING:** P (Public and Institutional) District

**LOCATION:** 300 Neal Street

**ATTACHMENTS:**

1. Exhibit A-1 – Site Plan with Existing Parking Area
2. Exhibit A-2 – Site Plan with Expanded Parking Area
3. Exhibit B-1 – Conditions of Approval with Existing Parking Area
4. Exhibit B-2 – Conditions of Approval with Expanded Parking Area
5. Exhibit C – Comments from the Public
6. Location Map

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### I. BACKGROUND

The original Condition Use Permit approval, UP-70-13, allowed the construction of a 100-bed convalescent facility at 100 Neal Street, between Second Street and Entrada Drive. This approval was modified prior to the construction of the facility. In February

1971, the Planning Commission approved UP-71-13 to allow the construction and operation of a 129-bed convalescent facility. Said convalescent facility was constructed in 1974 and it consisted of the following:

- Sixty (60) Two-Bed Rooms
- Nine (9) One-Bed Rooms
- Three (3) Day Rooms
- Nurse Stations and Medical Rooms
- Kitchen and Dining Lounge
- Occupational Therapy Room
- Resident's Lounge and Beauty Salon
- Utilities Rooms and Storage Rooms
- Nurse Lounge and Administrative Offices
- Four (4) Courtyards
- 99 Parking Spaces

In May 2003, Generations Healthcare (GHC), a southern California based entity, purchased the facility. The facility at the time of purchase was licensed by the State since 1995 for 139 beds and had a total of 78 on-site parking spaces. GHC has significantly invested in the facility by upgrading and renovating the interior and exterior: upgraded new carpeting and wallpaper, upgraded the furniture and room decor, reroofed the building, upgraded nurse stations, purchased new medical equipment, replaced HVAC system to provide better temperature control inside the building, and is in progress of reconstructing the courtyard areas, etc. The renovation has resulted in a better facility, a more attractive environment for the residents with more available courtyard areas. Additionally the parking lot has been recently repaved and restriped to maximize the number to the current 99 parking spaces.

In March 2006, Generations Healthcare applied to the City for a Planned Unit Development (PUD) project requesting that the southerly portion of their site be separated from the convalescent care facility in order to construct two, singly-family detached homes. During the entitlement process, staff believed that the existing use permit (UP-71-13) was in force, was being complied with and did not need to be amended in order to process the PUD application. The PUD was denied in September 2006 with a 5-0 vote. That decision was appealed to the City Council, yet to be considered. It was discovered after the Planning Commission decision that the State had issued a license to operate with 139 beds. Staff could find no record of a previous amendment to the original use permit. Therefore, the applicant has applied for an amendment to allow the increase from 129 beds to 139 beds and to approve a variance to reduce parking from the required 125 to the existing 99. The care facility has been operating for 30+ years without incident or complaint.

Residents on Neal Street raised the issue that facility's employees parked personal vehicles on Neal Street instead of using the facility's parking lot. This issue was promptly resolved when the facility director advised employees to use the parking lot.

Generations Healthcare of Pleasanton filed an application to amend UP-71-13 thereby to allow the facility to continue operate current 139 beds. With the requested modification, the applicant is also seeking variance approval to maintain the current 99 on-site parking whereas a total of 125 parking spaces would be required by the parking ordinance for operation of 139 beds.

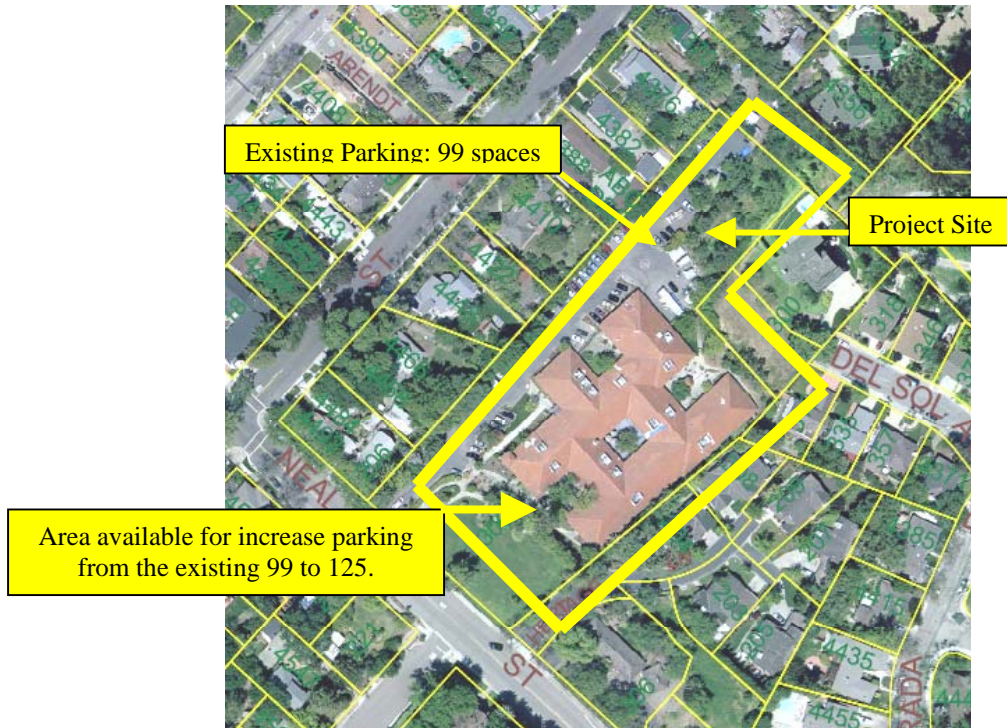
The project is before the Planning Commission to consider the merits of the request and to evaluate if the request is reasonable in that the facility has been operating thusly for some time. The Planning Commission will need to determine if the facility should be allowed to continue its current operations with 139 beds. This is with or without the required number of parking spaces as noted or require the facility to reduce the number of beds to 129. The Planning Commission would need to then determine the form of that reduction whether it should be immediate, or by setting a time limit, or by attrition of the resident population.

## **II. SITE DESCRIPTION**

Generations Healthcare of Pleasanton (GHC) is located on the east side of Neal Street, between Second Street and Entrada Drive. The facility is a one-story building, approximately 41,137 square feet in building area located on an approximately 3.54-acre site. A front lawn separates the facility from Neal Street. The existing redwood fence secures the facility and its courtyard areas. A paved driveway on the northwest side of the property provides access to the facility. A total of 93 parking spaces are available on site.

The site has a downhill slope from Neal Street toward the east (the existing facility) and the northeast. The slope in the front portion of the site is very gentle. It turns into a 2:1 slope and ending before the existing redwood fence. There is an approximately 10-foot elevation difference the front and the rear of the site. A healthy heritage-sized Valley oak is located near the front property line. A six-foot wide sanitary sewer easement, a gas main, and a generator are located just inside the existing fence.

The area in the front of the convalescent facility beyond the existing redwood fence is landscaped with sod and a few trees. A meandering walkway connects the driveway to a small sitting area. Access to the outside sitting area is via the existing walkway next to the facility's main entrance.



### III. PROJECT DESCRIPTION

The applicant requests that the convalescent care facility be allowed to continue to operate with 139 beds as licensed by the State. Furthermore, a request for a variance to reduce the required parking is also being considered. The applicant has been operating for 12 years with 139 beds without complaint and therefore believes that it is not necessary to expand the parking area. If the Planning Commission does not grant the requested parking variance, the applicant would be required to expand the existing parking lot in order to provide the required 125 parking spaces. The proposed parking would need to be constructed in the front of the site between Neal Street and the facility. A new driveway is proposed to facilitate circulation.

### IV. 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.

A variance may be granted with respect to off-street parking facilities if the Commission makes the findings that address traffic volumes and traffic flow compared between the current and anticipated use of the site.

## **Land Use**

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses.

The existing facility has been in operation since 1974. It has been operating for 12 years 139 beds, though without proper City approval; an amendment to the existing use permit. Except for the very recent concerns brought forward by Neal Street residents regarding facility employees parking on Neal Street, staff is not aware of any concerns or issues associated with the approved use permit or within the facility's operation in general. This issue of employee parking was discovered during the PUD planning process as described above. The parking issue has already been resolved as the facility director advises employees to use on-site parking. Therefore, staff considers the facility has been operating in a professional manner. If it continued to operate at a similar manner, staff does not believe the existing facility would generate any significant impacts to the surrounding residential properties.

## **Parking**

At the time of the original approval (UP-70-13), the facility was approved for 100 beds with a total of 88 parking spaces. UP-70-13 was later amended by UP-71-13 which allowed for a total of 129 beds with 99 parking spaces. Currently, the facility is operated at 139 beds with the same 93 unobstructed parking spaces<sup>1</sup>.

Section 18.88.030.D.4. of the Pleasanton Municipal Code has specific parking requirements for hospital, nursing homes, etc. It requires:

Two (2) spaces for each three (3) beds, one space for each two (2) employees, and one space for each staff doctor.

With the current operation of 139 beds, the convalescent facility has 64 staff members in the morning shift and 28 employees for the afternoon shift. There are no on-site staff doctors. The following table shows the parking spaces as required per parking ordinance and the number of parking spaces provided with the previous approvals and the current request:

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<sup>1</sup> Some of the parking area in the rear is occupied by storage containers.

	Current Proposal	Previously Approved CUPs	
<b>Case No.</b>	PCUP-185	UP-70-13	UP-71-13
<b>Number of Beds</b>	139 beds	100 beds	129 beds
<b>Number of Staff<sup>1</sup></b>	64 employees	46 employees	59 employees
<b>No. of Parking Spaces Provided</b>	78 unobstructed parking spaces: 93 spaces for beds 32 spaces for staff	88 available parking spaces: 67spaces for beds 23 spaces for staff	99 available parking spaces: 86 spaces for beds 30 spaces for staff
<b>No. of Parking Spaces Required<sup>2</sup></b>	125 parking spaces	90 parking spaces	116 parking spaces
<b>Parking Supply vs Demand</b>	93 spaces vs. 125 spaces	88 spaces vs. 90 spaces	99 spaces vs. 116 spaces
<b>Parking Deficit (-) Parking Surplus (+)</b>	- 32 parking spaces	- 2 parking spaces	- 17 parking spaces

<sup>1</sup> The number of employees is an estimated number based on the current 64 employees and 139 beds. It yields an employee/beds ratio of 1:2.17. Therefore, at 100 beds, there would be 46 employees ( $100/2.17=46$ ), and at 129 beds, there would be 59 beds ( $129/2.17=59$ ).

<sup>2</sup> The number required parking spaces is calculated:  
 At 100 beds -- A total of 90 parking spaces were required ( $100 \times 2/3 = 67$  for beds;  $46/2 = 23$  for employees;  $67 + 23 = 90$  spaces).  
 At 129 beds -- A total of 116 parking spaces were required ( $129 \times 2/3 = 86$  for beds;  $59/2 = 30$  for employees;  $86 + 30 = 116$  spaces).  
 At 139 beds -- A total of 125 parking spaces are required ( $139 \times 2/3 = 93$  for beds;  $64/2 = 32$  for employees;  $93 + 32 = 125$  spaces.)

It is evident that the current 93 parking spaces at the facility do not meet what is required by the parking ordinance. It falls 32 spaces short.

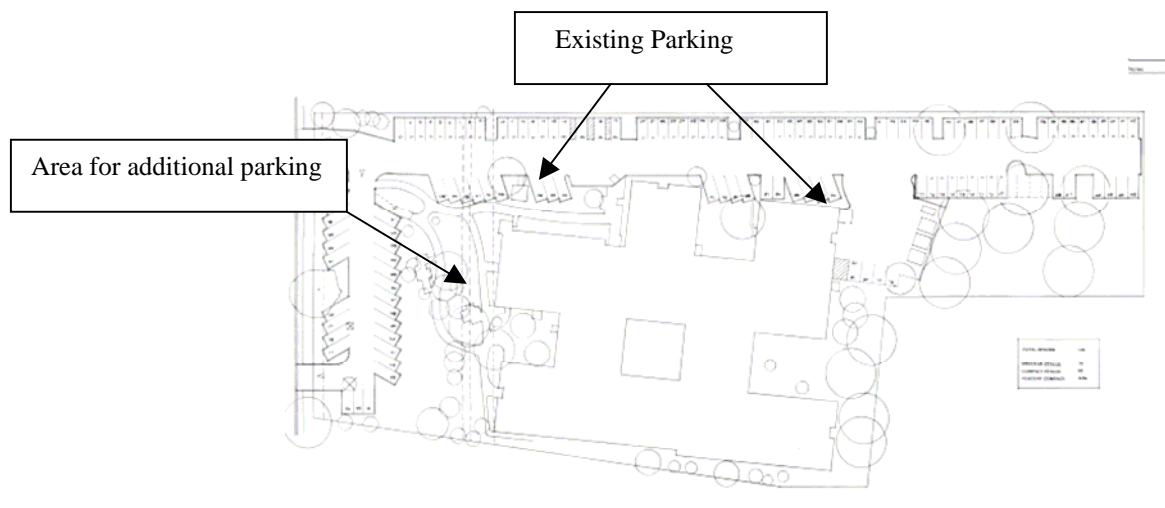
Parking Variance: Despite the fact the existing parking falls short from what is required by the Pleasanton Municipal Code, it appears that it is able to handle the parking demand from the facility's daily operation. The applicant requested parking variance based on the following:

- the current operation is supported by the existing parking, and it will continue to be supported by the existing parking;
- the on-site circulation would remain as it currently is; and,
- there would be no change to the existing ingress and egress routes.

Staff supports the requested parking variance based on the fact that the traffic volume and traffic flow from the facility would remain unchanged. As previously mentioned, staff is not aware of significant impacts to the existing residential neighborhood due to its operation. Some of the existing parking spaces in the area which was used for parking. Staff recommends that storage bins be removed so that this area could be used for parking purpose and that a total of 99 parking spaces would be available.

Expansion of the Existing Parking Lot: If the Planning Commission could not support the parking variance, the applicant proposes the following:

- Expand the parking lot to the front of the facility
- Provide an additional 25 parking spaces
- Restripe the parking space and include 40 percent of parking spaces as compact parking spaces; and,
- Add a new driveway on Neal Street to facilitate circulation.



Staff does not believe that it is necessary to expand the existing parking lot as the existing parking has functioned adequately for the past 12 years. As the operation of the facility continues as it currently is, the on-site parking should continue to support the demand.

### **Alternatives**

Generations has been operating for years with a State license to have 139 beds. This license is in conflict with the conditional use permit which restricts the number of beds to 129. There have been no complaints regarding the operation of the site—that is until there was consideration of the PUD to allow two new homes on Neal St. As to the variance discussion, the site is currently deficient in the number of parking spaces that were allowed at the time of approval. The approval was silent, did not require a variance, nor address the parking very well. For the Planning Commission to adequately consider the request to allow the expansion based on existing use, if the Planning Commission supported the increase to the existing number, but did not support the variance to maintain the parking at the existing number on site, the applicant would need to construct parking and the only available space to do so is on the site where the homes have been proposed originally that are awaiting the outcome of the bed count issue.

The Planning Commission will have three options:

1. Support staff recommendation to allow an increase from 129 beds to 139 beds and support a variance to not require additional parking per the Pleasanton Municipal Code;
2. Support staff recommendation to allow an increase from 129 beds to 139 beds and not support a variance and require additional parking be provided on site;
3. Not support the staff recommendation and require the applicant to reduce the number of beds from 139 to 129 requiring the applicant do so either immediately, or by attrition.

Staff did not feel it necessary to have a neighborhood meeting to discuss the alternatives in that the options above are essentially the only ones for consideration and that the issue is already known and understood in terms of the facility already operates with the existing number of 139 beds. The Commission will need to determine whether or not to reduce the number to 129 in light of the significant need within the community.

The applicant has indicated that if a reduction to 129 beds were the outcome, it constitutes a revenue shortfall of approximately \$1million per year and the existing waiting list will get longer.

Staff believes that the requested use permit and the variance should be supported for the following reasons:

1. The convalescent care facility has been in operation for the past 30+ years without incidents and complaints. It has been providing services much needed by this community and its surrounding areas.
2. The parking and circulation at the subject site supports the patient and staff load. The facility is to continue its operation; thus, the parking and circulation would continue to flow at its current pace.
3. Continuation of the 139-bed operation would not result in additional impact to the neighborhood.

## **V. PUBLIC NOTICE**

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. Staff has received voice messages from the public who have family members currently reside at GHC. Their concerns are reducing the number of beds would bring tremendous adverse impact to the community.



Joseph Harnan, 4582 Second Street, wrote to staff, stating parking and traffic concerns. Alma Maloch, 986 Lisbon Avenue, Livermore, wrote to staff, stating support of the request. Both written correspondence are attached at Exhibit C.

## **VI. FINDINGS**

The Planning Commission must make the following findings prior to 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.**

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 existing convalescent facility has been operating 139 beds for the past 12 years. Although operating at number without prior City approval, the facility has met the state licensing requirements, and that the facility has been operated in such a manner without significantly impacting onto the surrounding residential properties. If it continues to operate as it currently does, it would be consistent with the above-cited objectives.

**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.**

For the past 12 years, the facility has been operating at the current scale without altering The building envelope or changing its ingress and egress routes. No complaints regarding the operation of the facility has been filed with the City. In response to neighbors concerns of street parking, the facility's administration has advised its staff to use the parking lot thus to leave the street parking for residents. Despite parking shortage, the facility manages to cooperate without significant impact onto any of the residential street. The facility has been operated in a professional manner. Although located in a mid of a residential neighborhood, the facility has not been nuisance to the community, nor has it operation become detrimental to the public in general. Staff feels this finding can be made.

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

Granting a conditional use permit to Generations Healthcare of Pleasanton would be consistent with the City's ability to regulate the conditional use approval and related zoning regulations. Therefore, staff believes that the third finding can be made.

The Planning Commission must make the following findings prior to granting of a parking variance:

**1. Neither present or anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.**

In the past decade, the facility has been operating as a 139-bed facility with the same number of parking spaces. The concern staff has received was that the parking spaces in the front of the facility on Neal Street were used by employees. The facility management has advised the employees to use the parking lot, and this parking issue has been resolved. The facility will continue to operate as it currently is, i.e. the hours of operations, the patient load, number of staff, etc. would remain. Thus, the traffic volumes generated by the existing facility should not significantly impact the residential neighborhood. Based on the current practice, the existing on-site parking is able to accommodate the parking needs generated by the building could be accommodate by the facility.

**2. That the granting of the variance will not result in parking or loading of vehicles on public streets in such a manner as to interfere with free flow of traffic on the streets.**

Staff is not aware of any parking issue other than the street parking concern which has been resolved. The facility was approved with 129 beds and 99 parking spaces. It currently has 139 beds with 93 parking spaces (some of the parking spaces were blocked by storage containers). A condition of approval requires that applicant remove the storage bins and provide 99 on-site parking spaces. Thus, allowing the facility to operate with the current number of parking spaces on site would not result in significant impacts onto surrounding streets.

**3. The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this chapter.**

The existing ingress and egress of the site would remain unchanged. Thus, granting of the variance will not alter the existing ingress and egress pattern; therefore, it will not create a safety hazard or any other condition inconsistent with the objectives of this chapter.

**VII. 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.

**VIII. CONCLUSION**

Generations Healthcare of Pleasanton has been in Pleasanton since the early 1970s. It is a care facility that is much needed in the Tri-Valley area. Given that it is located in a residential neighborhood, careful consideration and evaluation have been given in terms of its activities and potential impacts to the residential properties.

In the past three decades, the facility has been operated in a professional manner and has kept its impacts (noise, traffic, parking, etc.) to the residential neighborhood to the minimal, set aside the fact that it has increased the number of beds without prior approval. The applicant has requested that the previously approved use permit UP-71-13 be amended and that the facility be allowed to operate at 139 beds. Based on its current operation, staff believes that it is durable.

**IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-185/PV-163 by taking the following actions:

1. Make the required conditional use and variance findings as listed in the staff report; and
2. Approve Case PCUP-185/PV-163 subject to the conditions listed in Exhibits B-1.

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