



## Planning Commission Staff Report

August 24, 2016

Item No. 6.b.

**SUBJECT:** P16-0331

**APPLICANT:** Tri-Valley Korean Parents Association

**PROPERTY OWNER:** Timothy Smith

**PURPOSE:** Application for a Conditional Use Permit to operate a private non-commercial club

**LOCATION:** 3958 Valley Avenue, Suite A

**GENERAL PLAN:** General and Limited Industrial

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

**EXHIBITS:** [A. Draft Conditions of Approval](#)  
[B. Narrative, Site Plan, and Floor Plan dated “Received August 9, 2016”](#)  
[C. Emails from Cheri Raymond and Katie Watkins dated “July 18, 2016” and “July 19, 2016”](#)  
[D. Location and Notification Map](#)

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### STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P16-0331 by taking the following actions:

1. Make the required CUP findings as listed in the staff report; and
2. Approve Case P16-0331 subject to the conditions listed in Exhibit A.

### EXECUTIVE SUMMARY

The applicant, Tri-Valley Korean Parents Association (KPA), is requesting to continue operating a private non-commercial club within Suite A of the existing building located at 3958 Valley Avenue. Staff believes that the proposed use would provide a service to the community and is appropriate for the location as conditioned.

### BACKGROUND/HISTORY

The applicant began operating a private non-commercial club within the subject suite some time prior to 2014 without obtaining a CUP. The applicant was unaware that a CUP was required. In 2014, staff received a complaint that the applicant was blocking a drive aisle within the property

by holding outdoor activities in the parking lot. Staff subsequently informed the applicant that activities in the parking lot which block the drive aisle are prohibited and that a CUP would be required for the continued operation of the use. The subject site is located within the Valley Business Park and is zoned Planned Unit Development-Industrial (PUD-I) District. Non-commercial private clubs are permitted within the PUD-I District with the approval of a CUP. However, the hours of operation for all non-office or non-church activities are limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, for properties within Valley Business Park that border the residences on Kolln Street. After the applicant submitted a CUP application in February 2016 that included weekend programs, staff informed the applicant a PUD Minor Modification would also be required for the proposed weekend activities. On July 18, 2016, the Zoning Administrator approved a PUD Minor Modification to allow a private non-commercial club at the subject tenant suite to operate on the weekends. Weekend activities were deemed acceptable because Valley Business Park typically experiences relatively low activity levels during those days. Accordingly, the CUP application is before the Planning Commission for review and action.

### **SITE AND AREA DESCRIPTION**

The subject site is an approximately 4.3-acre parcel located at the northwest portion of Valley Business Park (Figure 1). The site is developed with three, one-story buildings totaling approximately 64,300 square feet of floor area. The subject one-story building, which is approximately 15,552 square feet in size and located in the western portion of the site, contains eight tenant spaces (Suites A through H). Current tenants include a mix of office and warehousing uses.

The subject site contains a parking lot with a total of 197 parking spaces, none of which are assigned to individual buildings/occupants. Other site improvements include landscaped areas, multiple trash enclosures, two access driveways off of Valley Avenue, two access driveways off of Serpentine Lane, and other improvements.

The subject site is bordered by residential uses to the north and west, and office/industrial uses to the south and east.





**Table 1: Proposed Activities**

<b>Activity</b>	<b>Day(s)</b>	<b>Time of Use</b>	<b># of People</b>	<b>Frequency</b>
Stretching class	Monday	9 to 10am	7	Weekly
Choir practice (adults)	Monday	10:30am to 12pm	15	Weekly
Guitar lesson	Tuesday	1 to 2:30pm	6	Weekly
Art lesson	Thursday	10am to 12pm	3	Weekly
Violin lesson (adults)	Thursday	3:30 to 5pm	5	Weekly
Book club meeting (middle school students)	Friday	4-5pm / 5-6pm	7	Monthly
Book distribution and members meeting	Saturday	9:30 to 11am	30	Monthly
Leadership training #1 (high school students)	Saturday	3 to 3:40pm	20	3 times a year
Seminar	Saturday	3 to 5pm	20	Once a year
Violin lesson (elementary students)	Sunday	10am to 1pm	4	Weekly
Food distribution	Sunday	3 to 3:30pm	30	Monthly
Leadership training #2 (high school students)	Sunday	3 to 3:40pm	20	3 times a year
Choir practice (middle school students)	Sunday	2 to 4pm	12	Weekly
Orchestra practice (middle school students)	Sunday	4:30 to 6pm	20	Weekly

The time of some of the proposed activities overlap, but none of the activities will take place concurrently. The leadership training and seminars on Saturdays and the food distribution activities and leadership training on Sundays will be scheduled so as to not conflict with one another. In addition, choir and orchestra practices on Sundays will be cancelled when there is food distribution or leadership training scheduled on the same day. Therefore, the number of people on site is not expected to surpass 30 at any time. For the activities with children (book club meetings, leadership training, violin lessons on Sundays, choir practices on Sundays, and orchestra practices), all children will be dropped off by their parents.

Staff expressed to the applicant concerns regarding the availability of parking for some of the proposed activities during weekdays when most of the other businesses on the subject property are operating. The applicant modified the schedule of operations to move the activities with higher parking demands to the weekends to avoid conflicts with other occupants of the business park.

The applicant previously held food distribution activities outdoors in the parking lot. The applicant would buy prepackaged kimchi and give away small packages to its members. As discussed earlier, staff received complaints regarding the applicant's outdoor activities, which blocked a drive aisle. The applicant has ceased outdoor activities since the City told them to

stop this activity. The applicant has also clarified that all activities will be conducted indoors and a condition of approval has been included to require this.

The floor plan includes a multipurpose room with no fixed seating where all the activities will take place, lobby, small office where a copier and books will be stored, storage room, and bathroom. No tenant improvements or changes to the exterior of the building are proposed. Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

## **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 Pleasanton Municipal Code (PMC) 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.

### Land Use

The subject site is located within the Valley Business Park, which has a General Plan designation of General and Limited Industrial and is zoned PUD-I District. Private non-commercial clubs are a conditionally permitted use in the Valley Business Park. Therefore, if the CUP were granted, the proposed use 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 Valley Business Park includes a mix of office and light industrial uses. The subject site is bordered by a residential neighborhood to the west. The closest residence is located approximately 100 feet west of the subject building and is buffered from the subject property by a sound wall. Staff is sensitive to potential land use conflicts that may result from the juxtaposition of non-residential and residential uses. Private non-commercial clubs may have “spill-over” effects on nearby residents related to parking, noise, and similar issues. The proposed use will not include any outdoor activity and staff does not expect the use to generate high noise levels (as discussed in greater detail below) that would pose a nuisance to surrounding building occupants and residents. Therefore, staff believes it is unlikely the proposed use would adversely impact the surrounding uses. In addition, other spillover effects on residential uses would be limited, as discussed in more detail below.

Should future problems arise, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible revocation, if necessary. In addition, staff has included conditions of approval that will ensure that the surrounding uses are not impacted due to noise or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject site as conditioned.

### Noise

The sound of singing during choir practice, musical instruments during orchestra practice and music lessons, and voices during club meetings and gatherings would be the primary noise sources at the subject site. The chamber orchestra will consist of eight violins, four violas, six cellos, and two flutes. No amplified music is proposed during any of the club activities.

The subject site is in an area containing industrial uses, and a certain amount of noise is expected. For industrial properties, the PMC establishes a maximum noise level of 75 dBA (A-weighted decibels) at any point outside of the property plane. As mentioned previously, the closest residence is located approximately 100 feet west of the subject building and is buffered from the subject property by a sound wall. Also, one of those objectives of the Zoning Ordinance 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.” There is one exterior door on the north side of the tenant space and the exterior windows are not operable.

Based on the project narrative, the fact that all proposed activities would occur inside of the subject suite, and the industrial nature of Valley Business Park, staff believes that it is unlikely that the noise generated during the proposed activities would exceed the PMC standard or impact nearby residences. The music lessons, choir practices, and orchestra practices are limited in size and there will be no amplified music playing at any time. Only the music lessons and choir practices would be conducted during weekdays and there is only one tenant space that shares a wall with the multipurpose room where these activities would take place. The proposed use should not generate more noise than is typical for an industrial area. Furthermore, the Tri-Valley KPA will not conduct any club activities after 6:00 p.m., when nearby residents may be more sensitive to noise. In addition, the City has not received any noise complaints since the applicant began operations.

The proposed use would also be subject to conditions of approval intended to minimize noise impacts, requiring measures such as keeping doors closed when not being used for ingress/egress. The proposed use would also need to comply with the City’s noise regulations. Therefore, staff believes that noise from the proposed use would not significantly impact uses located adjacent to or near the subject site.

### Parking

The subject site contains a total of 197 off-street parking spaces shared by all tenants and contains approximately 64,300 square feet of floor area. Therefore, the existing parking ratio for the site is approximately one parking space per 326 square feet of floor area. Based on this parking ratio and the floor area of the subject tenant space (1,150 square feet), the proposed private non-commercial club would be theoretically allocated four parking spaces (as there is no assigned parking on this site). Section 18.88.30.C.16 of the PMC establishes a parking ratio of one space per 60 square feet of floor area usable for seating if seats are not fixed for private non-commercial clubs. Based on this ratio and the approximately 624 square feet of floor area usable for seating (no fixed seats), the PMC would require 11 parking spaces for the proposed use.

Staff also evaluates how much parking a proposed use may actually generate based on maximum occupancy and proposed activities. The maximum number of people on-site at any one time will be 30 during the monthly bazaars and book distribution and members meetings. Each attendee will drive separately. Therefore, staff believes that the proposed use would generate a peak parking demand of 30 spaces.

However, as shown in Table 1 above, all of the club activities generating a parking demand of 20 or more spaces (assuming each attendee drives separately) will take place on the weekends

when most of the businesses operating on the subject property, which are primarily office and light industrial uses, will be closed. The peak parking demand during the weekdays will be 15 for the adult choir practices on Monday mornings. All the other activities on the weekdays will generate a parking demand of less than 10. The parking demand will exceed the theoretical allocation for the subject tenant suite and the PMC requirement for the proposed use by a few spaces for certain events during the weekdays. However, staff visited the subject site on the morning of June 24, 2016, which is a Friday and is representative of the availability of parking on a typical day, and observed ample available on-site parking (50 to 60 spaces). Staff believes the additional parking demand of a few spaces could be accommodated on site based on our parking counts. The applicant also conducted a parking availability survey for the parking areas in front of and along the western side of the building during club operations and observed that the parking supply could accommodate the expected demand. The survey indicates that there were three to ten spaces available in these parking areas during club operations. Please see the narrative (Exhibit B) for more details regarding the parking availability survey. In addition, the majority of the tenant spaces within the subject property are occupied by building contractors and similar construction related uses, which typically devote a significant portion of their floor area to warehousing/storage and generate a lower parking demand than office uses. Although there are two vacancies within the subject property, staff believes there would still be adequate parking even when these tenant spaces are occupied.

Therefore, staff believes that there will be an adequate parking supply for the proposed use. However, should parking-related problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the CUP back to the Planning Commission for possible mitigation measures.

#### Public Correspondence

The property manager, Cheri Raymond, and one tenant in the Valley Business Park, Katie Watkins, expressed concerns regarding the parking and noise impacts of the proposed use on nearby tenants in emails submitted to staff dated "July 18, 2016" and "July 18, 2016," respectively (Exhibit C). Ms. Raymond expressed concern over the parking demand of the proposed use exceeding the number of spaces that are allocated to the proposed use and the playing of loud music. Ms. Watkins expressed concern over the previous outdoor activities that blocked the drive aisle. Staff explained that outdoor activities will be prohibited and that the applicant is no longer proposing any activities with up to 30 attendees on weekdays. Staff also explained that the applicant is no longer proposing to play any amplified music for any of its activities. The property manager and tenant no longer have any concerns after staff provided this clarification.

#### **ALTERNATIVES**

The subject property is zoned for a mix of office and light industrial uses and the subject tenant space is surrounded by those uses. The proposed non-commercial private club is an allowed use that would meet the intent of the underlying zoning. Other alternatives include:

1. Denying the CUP application; or
2. Approving the CUP application with a more limited scope of activities.

The first alternative would require the Tri-Valley KPA to vacate the subject tenant suite and move to another location. This alternative would not be preferred because the subject tenant suite would be temporarily vacant and the Tri-Valley KPA, which offers a service to the community, would have to move to another location, and possibly another city. The second alternative would require the Tri-Valley KPA to eliminate key programs or find another location to hold certain activities. This alternative would not be necessary because the current location for these activities with the proposed conditions of approval would be appropriate from a land use perspective and would not result in adverse impacts on neighboring tenants and nearby residential uses. As part of the current application, Tri-Valley KPA rescheduled high-activity programs such that they would not coincide with peak periods of activity at Valley Business Park, and made other program adjustments to reduce the potential for disturbance (e.g., ending all activities at 6:00 p.m.). Thus the use, as conditioned, is appropriate for its location, and no further limitations on activities are warranted at this time.

**PROS AND CONS FOR THE PROPOSED PROJECT**

Pros	Cons
The City would be able to regulate the operations of the KPA with conditions of approval	The application, like any use of its type, has a small potential to generate land use incompatibilities, although staff believes the risk is low with the proposed operational program and identified conditions.
The KPA would be able to continue operating and providing community services to the residents of the City	The use would further the transition of Valley Business Park from industrial to non-industrial uses.
The subject tenant suite would continue to be occupied and there would not be a temporary vacancy	

**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.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land uses from inharmonious influences and harmful intrusions; 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 District and 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 zoning ordinance objectives because it would provide a service to the residents of Pleasanton



and surrounding areas. The proposed private non-commercial club would complement the existing uses and would not result in adverse impacts to circulation, parking, or noise. The applicant will also be required to mitigate any future nuisances that may occur as a result of the proposed use. As conditioned, staff believes that the proposed use would be consistent with the objectives of the Zoning Ordinance and the PUD-I District. Therefore, staff believes that 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.**

With the recommended conditions, staff finds that the proposal will not have a detrimental impact to the public health, safety, or welfare, or be materially injurious to the properties or improvements in the vicinity. In particular, conditions of approval require all activities to be conducted within the building and require doors to be closed when not being used for ingress/egress to mitigate for possible impacts to adjacent uses and/or properties. The proposed use is also required to adhere to the City's Noise Ordinance, which was designed to protect the peace, health, safety, and welfare of the citizens of the City. Furthermore, if a conflict arises with the operation of the organization, a condition of approval allows the Director of Community Development to determine if the proposal needs to return to the Planning Commission for further consideration or additional mitigation measures. Therefore, staff believes that 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 District zoning conditionally permits the establishment of private non-commercial clubs. In addition, as conditioned, the proposed use complies with all relevant sections of the City's Zoning Ordinance. Granting a CUP to the proposed use would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the PMC. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance and staff believes that this finding can be made.

**PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit C for reference. At the time this report was published, staff had received the emails from Cheri Raymond and Katie Watkins referenced earlier in the report.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Existing Facilities, Class 1) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Staff believes that the required CUP findings for the project can be met if the project is approved as conditioned. Conditions of approval have also been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the proposed private non-commercial club would provide a service to the community and that the proposed location is appropriate.

### **Reviewed/Approved By:**

Steve Otto, Senior Planner

Adam Weinstein, Planning Manager

Gerry Beaudin, Community Development Director