



Planning Commission Staff Report

May 27, 2015
Item 5.a.

SUBJECT: P15-0231

APPLICANT: Pleasanton Academy of Music (PAM)

PROPERTY OWNER: Don Burdusis

PURPOSE: Application for a Conditional Use Permit (CUP) to operate a music school

LOCATION: 1024 Serpentine Lane, Suite 118

GENERAL PLAN: General and Limited Industrial

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

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received May 6, 2015"](#)
- C. [Location and Notification Map](#)

BACKGROUND

Valley Business Park was approved under Ordinance No. 928 by the City Council on March 11, 1980 and modified in 2015 (PUD-80-01-15M) to conditionally permit music schools. The Valley Business Park is zoned PUD-I (Planned Unit Development-Industrial) District. The Business Park contains a variety of industrial uses including manufacturing, office and assembly as well as non-manufacturing uses including other music schools, tutoring and daycare facilities.

Tatiana Kubatina is representing PAM and is requesting approval of a CUP to operate a music school with a maximum of two students at any one time at 1024 Serpentine Lane. The school would provide piano instruction for students between five and 14 years of age. The subject site is zoned PUD-I District. As stated above, music schools are conditionally permitted within the PUD-I District with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for review and action.

SITE AND AREA DESCRIPTION

The subject parcel is a flat and fully developed 1.31-acre parcel at the north end of Serpentine Lane within the Valley Business Park. There is an approximately 15,514 square-foot single-story building constructed on the subject parcel that has been split into eight commercial condominiums under separate ownership. The subject condominium (Suite 118), which is currently vacant, comprises approximately 1,050 square-feet. There are 60 shared parking spaces on the subject parcel. The subject parcel and building are accessible from two driveways off Serpentine Lane, including one immediately adjacent to the subject condominium. Figure 1 shows an aerial photograph of the subject parcel and building. Valley Business Park includes a mix of uses such as: professional offices, light manufacturing and industrial uses, religious facilities, private schools, other music schools, cheerleader training, and other sports and recreational facilities.

Figure 1: Aerial Photograph



PROPOSED PROJECT

PAM proposes to occupy the approximately 1,050 square-foot Suite 118 and operate a music school that offers piano instruction for students between five and 14 years of age.

The current condominium floor plan configuration, which will remain unchanged, consists of a bullpen/instruction area, a reception area, one office, and a storage closet. Other than adding soundproofing to the common wall shared with the adjacent condominium, no other immediate tenant improvements are proposed at this time. The subject condominium has direct access to

the parking areas that will be utilized by staff and parents dropping off and picking up students before and after each lesson.

The hours of operation are as follows: Thursday and Friday from 5:00 p.m. to 9:00 p.m. and Saturday and Sunday from 10:00 a.m. to 5:00 p.m.

Each lesson would last approximately 60 minutes with a five minute break between each lesson period. All lessons would be one on one. Initially there will be one piano with two instructors on-site, but PAM intends to add another piano in 2016, allowing for up to two lessons to occur at any one time; accordingly, as many as two staff and two students (four people total) will be on-site at any one time. PAM intends to enroll up to 10 students upon opening, ultimately growing to 20 students by the end of 2015, although a maximum of two students would be on-site at any one time even with the ultimate increase in student enrollment.

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 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 CUPs.

Land Use

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for the Valley Business Park permits uses such as offices, light manufacturing, and printing shops, and requires CUP approval for uses such as religious facilities, Heritage Schools, gymnasiums and health clubs, indoor recreational and sports facilities, and music schools. Therefore, if the CUP were granted, the proposed music school 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. PAM will be located in an existing multi-tenant building where the current tenants include a tutoring facility, a restaurant management company, a consulting firm, and several dental and other professional/medical office uses. The adjacent land uses consist of similar uses. The nearest residential uses are located approximately 320 feet to the west.

PAM is similar to other dance and music schools within Valley Business Park. To be sensitive to the other tenants within the subject building and to ensure that PAM would have minimal impact in terms of parking and circulation, PAM would operate after the normal business hours (8:00 a.m. to 5:00 p.m.) of most other uses during the week and have staggered lesson times so that not all students would arrive and depart at the same time and a maximum of four

persons would be on-site at any given time. Therefore, if the CUP were granted, PAM would be compatible with the surrounding uses.

Should future problems arise with PAM, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure PAM would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds PAM to be an acceptable use on the subject property, as conditioned.

Noise

The subject parcel and building are in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Pleasanton Municipal Code states, *“No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA [A-weighted decibels] at any point outside of the property plane.”*

The Pleasanton Municipal Code also states that a proposed conditional use must be in accordance 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.”

All proposed PAM activities will occur inside the subject building and any noise generated from these activities will be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. Furthermore, the subject building does not contain any operable windows, which will further reduce noise impacts on the surrounding area. Additionally, PAM will install soundproofing/sound insulation within the common wall shared with the adjacent condominium, as shown in Exhibit B. To further minimize any noise impacts, staff is recommending the following conditions of approval:

- All doors must remain closed at all times during activities and/or business hours; and
- PAM must inform their students and parents/guardians to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area.
- The City shall have the right to review the project again to add mitigating conditions should any future complaints regarding noise levels occur. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building and requiring additional soundproofing of the subject building.

With the inclusion of the recommended conditions above and the aforementioned soundproofing, staff has determined it is unlikely that the noise produced by PAM will adversely affect adjacent tenant spaces or be in excess of 75 dBA at any point outside of the property plane as prescribed by the Municipal Code. Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants or residences to the west.

Parking

As previously mentioned, there is one existing single-story multi-tenant building on the subject site that is approximately 15,514 square feet in floor area and there are a total of 60 on-site parking spaces. The parking ratio at the subject site is one space per 259 square feet of gross floor area. Based on this ratio, there are approximately four parking spaces theoretically allocated to the subject suite (1,050 square feet multiplied by 1 parking space/259 square feet = four parking spaces). However, there are no assigned parking spaces in this development. The Pleasanton Municipal Code parking standards require that educational facilities, such as a music school, provide one parking space for each employee and one parking space for every four students in grade 10 or above. Based on these requirements, PAM could generate a demand of up to two parking spaces at any given time based on the occupancy of:

- Two staff members = two parking spaces
- No students in grade 10 or above (all students will be five to 14 years of age) = zero parking spaces

However, given that up to two students of non-driving age will be present on-site at any one time, it is reasonable to assume that their parent/guardian will park to drop-off/pick-up and/or wait while students receive their lessons; therefore, PAM may generate a demand for up to two additional parking spaces at any given time.

Based on the analysis above, a total of four parking spaces would be required at any given time for the proposed use. Since four parking spaces are theoretically allocated for the subject suite, adequate parking exists on-site to accommodate all existing and proposed uses. Moreover, since the proposed use will operate after the normal business hours (8:00 a.m. to 5:00 p.m., Monday through Friday) of the other existing uses, the availability of on-site parking for the proposed use is anticipated to be more than adequate.

Therefore, based on the above parking analysis and recommended conditions of approval, staff believes that the proposed use would not adversely affect parking at the subject site or surrounding properties and that adequate parking exists on-site to accommodate all existing and proposed uses. However, should parking problems occur, staff has recommended a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Signage

No signage is proposed at this time. If PAM wishes to add signage, the proposed signage would be required to adhere to Valley Business Park sign guidelines and the Municipal Code.

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.**

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, staff feels 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, staff feels 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.**

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, staff feels 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, staff believes 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, staff feels 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 zoning conditionally permits the establishment of music schools. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP to PAM would be consistent with the City's ability to regulate zoning as

listed in the Municipal Code Chapter 18.124. Therefore, staff feels this finding can be made.

PUBLIC NOTICE

Notices of this application were 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 not received any public comments about the project.

VALLEY BUSINESS PARK OWNERS ASSOCIATION

The Valley Business Park Owners' Association has reviewed the application for the proposed use and found that it is in substantial compliance with Valley Business Park guidelines set forth in its Covenants, Codes & Restrictions (CC&Rs).

ENVIRONMENTAL ASSESSMENT

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

CONCLUSION

As proposed, staff believes that PAM will be compatible with the surrounding businesses and will not detrimentally affect the surrounding uses or residential properties. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the music school will fulfill a community need and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P15-0231 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P15-0231, subject to the conditions listed in Exhibit A.

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