

## Planning Commission Staff Report

January 25, 2012  
Item 5.a.

<b>SUBJECT:</b>	<b>P11-0941</b>
<b>APPLICANT:</b>	Tri-Valley Repertory Theatre
<b>PROPERTY OWNER:</b>	Bryan Bowers / Southwind Properties
<b>PURPOSE:</b>	Application for a Conditional Use Permit to operate a rehearsal studio for theater events and a kids camp program during school breaks.
<b>LOCATION:</b>	1020 Serpentine Lane, Suite 101 (Valley Business Park)
<b>GENERAL PLAN:</b>	General and Limited Industrial
<b>ZONING:</b>	PUD-I (Planned Unit Development – Industrial) District
<b>EXHIBITS:</b>	<ul style="list-style-type: none"><li>A. Draft Conditions of Approval</li><li>B. Narrative, Floor Plan, and Site Plan dated “Received December 2, 2011”</li><li>C. Approval Letter from Valley Business Park Architectural Committee</li><li>D. Location and Noticing Maps</li></ul>

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### BACKGROUND

In 1991, the Planning Commission approved Pleasanton Playhouse’s request for a Conditional Use Permit to allow for the establishment of a theatrical production and rehearsal facility at 1048 Serpentine Lane (UP-91-01). In 1996, the Planning Commission approved a modification to the use permit, filed under UP-96-23, which allowed the Pleasanton Playhouse to expand their use by constructing a stage and seating area for public performances. Tri-Valley Repertory Theatre (TVRT), formerly known as the Pleasanton Playhouse, is requesting to relocate their rehearsal studio and kids camp from their current location at 1048 Serpentine Lane, Suite 303 to 1020 Serpentine Lane, Suite 101 within Valley Business Park. TVRT would use the new space only for rehearsals and kids camp rehearsals; performances will not occur at the proposed location.

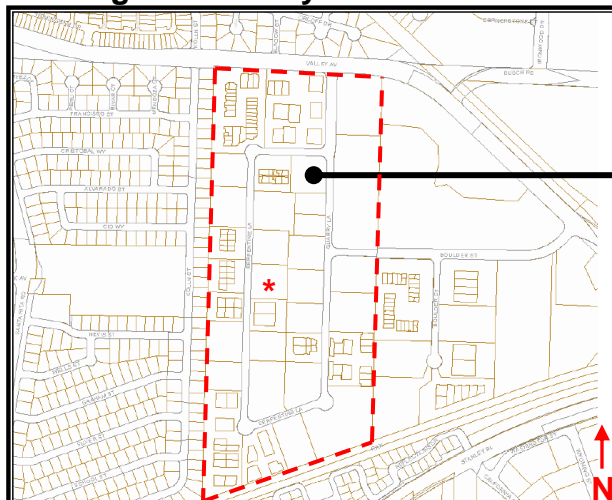
As described in the 1991 staff report for UP-91-01, the theater was classified as a combination of a recreational facility, non-commercial club or lodge, and a trade school; all of which are conditionally allowed in Valley Business Park. Since Conditional Use Permits run with the land

a new Conditional Use Permit is required if there is a change in location. Therefore, the proposed application is before the Planning Commission for review and action.

## SITE DESCRIPTION

The subject site is an approximately 57,225 square-foot parcel at the southwest corner of the intersection of Quarry Lane and Serpentine Lane. The subject building is a one-story, multi-unit building and is approximately 16,640 square-feet in area. A common hallway in the middle of the building provides interior access to each tenant suite. In addition to this access, each tenant suite has exterior doors that directly access the parking lot to the north and south. The subject site has 61 on-site parking spaces; however, there is shared parking with the adjacent site to the west which has an additional 59 parking spaces; making the total “on-site” parking spaces 120. The applicant is proposing to occupy approximately 2,335 square-feet of floor area (please refer to the floor plan in Figure 4 on page 4).

**Figure 1: Valley Business Park**



\*Current location at 1048 Serpentine Lane, Suite 303

**Figure 2: Subject Site**



Valley Business Park has a mix of uses that include, but are not limited to; professional offices, light manufacturing and industrial uses, and other uses, such as religious facilities, private schools, and cheerleader training and other sports and recreational facilities. The subject building is currently occupied with professional office uses, with one suite being occupied by a dental equipment manufacturer. The adjacent building (1024 Serpentine Lane) is occupied by office and medical office uses.

## PROJECT DESCRIPTION

TVRT will rehearse their Mainstage Musicals, Broadway Chorus, and Kids Camp within the new space. Theater shows and/or performances will not take place at the proposed location. Two volunteer staff members and an office manager will work in the office on Wednesdays and Fridays from 11:00 a.m. to 3:00 p.m. Depending on the play, rehearsals can involve children and adults and will take place Sunday through Thursday evenings between 7:00 p.m. – 10:30 p.m. and Saturdays from 10:00 a.m. – 5:00 p.m. The number of people attending a rehearsal for a play production averages at 10 with those rehearsing for a musical production averaging

at 30 people. Staff notes that those rehearsing for a play/musical do not attend rehearsals every evening since their role may not be in every act/scene. The only time all production members are on-site is during the last three days before the scheduled performance for a “directors run.” If necessary, occasional dance classes would occur between 5:00 p.m. – 7:00 p.m. These classes are done in preparation for auditions and typically only occur three weeks out of the year.

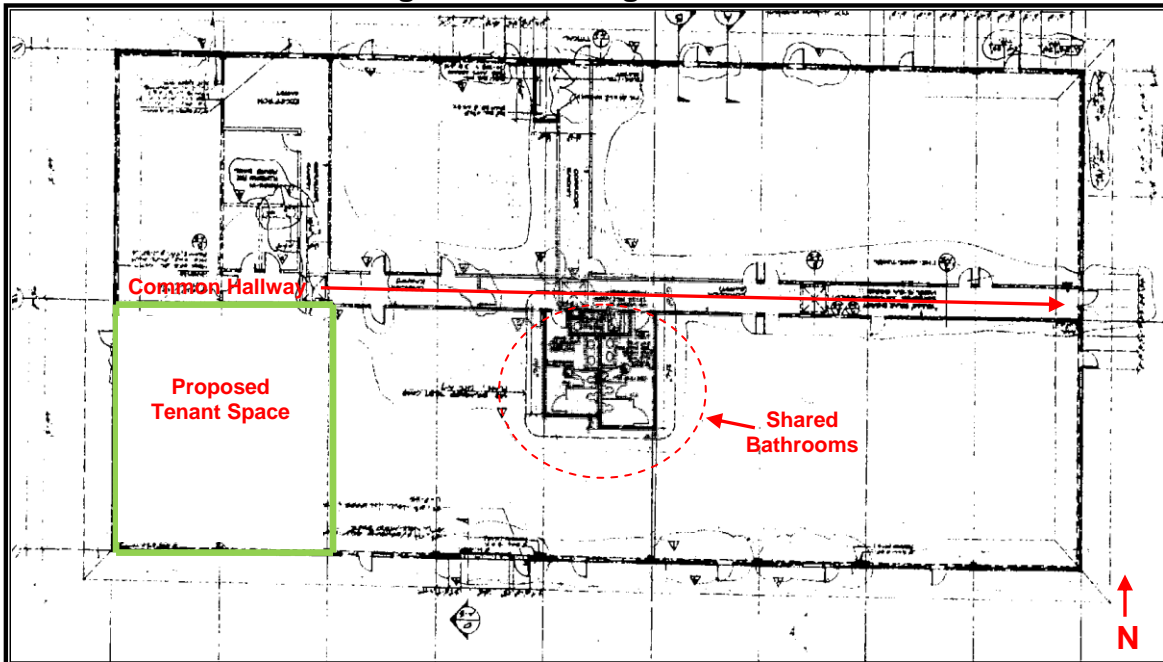
The kids camp takes place in late June and goes through early August and during the December winter school break. The kids camp is separated into two, two week sessions and two, one week sessions, totaling 6 weeks per year. The first two week session will be for children ages six through 11 and the second two week session will be for children ages nine through 13. The two, one week sessions will be reserved for those between the ages of 10 and 14. There will be one adult per six children with each session having a maximum of 24 children. The children will be taught how to stage a play in addition to learning choreography and music of the play. For the first week of their session, the kids camp will be held Monday through Friday from 9:00 a.m. – 3:00 p.m., except for Thursdays when the kids camp goes until 4:00 p.m. On the last Friday of the one- and two-week sessions, the children will conduct their production at an off-site location (e.g., the Firehouse Arts Center, Amador Valley Theater, etc.). There are two, 15-minute breaks and a 40 minute lunch break throughout the day with the children’s parents being responsible for supplying food and drinks for the children when they are dropped off.

The applicant has indicated that at least half of those who attend the evening and weekend rehearsals and those participating in the kids camp carpool to the site.

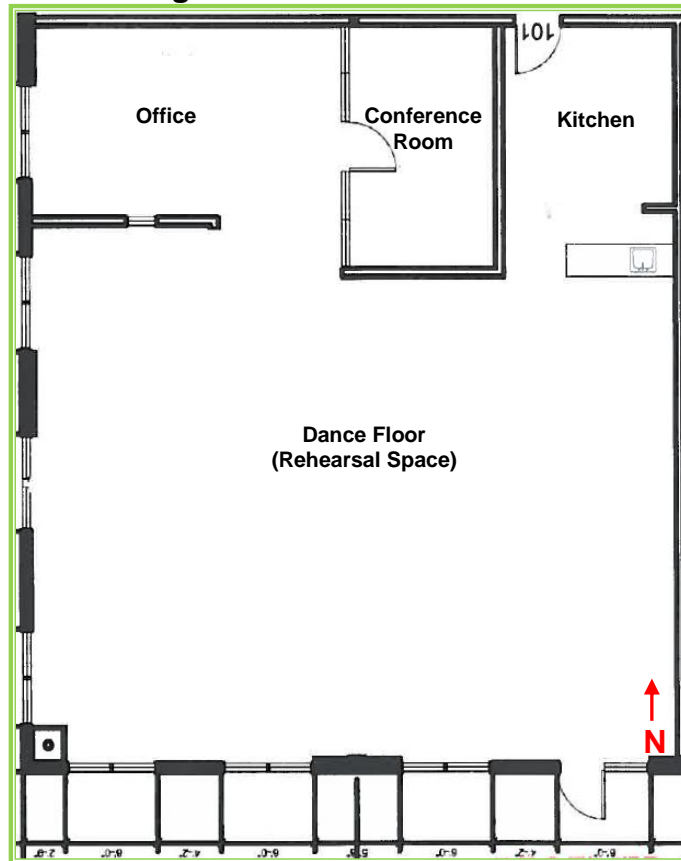
TVRT would occupy approximately 2,335 square-feet of tenant space that consists of an open dance floor/rehearsal space, office, and kitchen area. There are shared restroom facilities that are accessible in the common hallway of the building, located adjacent to the subject tenant suite (please refer to Figure 3 for the building floor plan and Figure 4 for the tenant floor plan).

**Please refer to the next page for Figure 3 and Figure 4**

**Figure 3: Building Floor Plan**



**Figure 4: Tenant Floor Plan**



## **ANALYSIS**

Conditional uses are 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.

### 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 Land Use Element of the General Plan designates the subject property as “General and Limited Industrial.” The current PUD zoning for Valley Business Park permits land uses such as offices, printing shops, laboratories, and light manufacturing, and requires conditional use permit approval for uses such as gymnasiums and health clubs, indoor recreational sports facilities, non-commercial clubs or lodges, trade schools, and daycare centers.

Although the majority of the businesses in Valley Business Park are office/warehouse uses, in recent years educational and recreational businesses and trade schools have located within the Park. These uses include tutoring centers, dance studios, daycares, music facilities, and a cheerleading and gymnastic training facility, all of which were businesses required to secure conditional use permits to be located in the Park. TVRT has been in operation at Valley Business Park for the past 21 years without complaint from Valley Business Park patrons or adjacent businesses.

When the proposed use is educational, instructional, recreational, or daycare, staff evaluates how that use integrates into surrounding uses. Staff is cautious about adjacent uses, knowing that although the existing business neighbors may not have an issue, future tenants may. This business park was primarily designed for light-industrial uses, and on several occasions, tenants have questioned whether having uses that have child components to their business close to construction, manufacturing, and other industrial uses is a good idea. In staff's evaluation, this use is compatible with the other uses in the Valley Business Park.

Furthermore, the subject site and building that they are proposing to occupy is unique in that it is an “office” building (i.e., no roll-up doors with large warehouse areas) that can better accommodate trade schools, office uses, daycares, etc. The site is also separated from the other “industrial” buildings. In the past, the Planning Commission has granted two Conditional Use Permits to the theater and, to staff's knowledge, the theater has not created any land use issues, safety concerns, or impacts within the Park or to adjacent uses.

### Parking

There are a total of 61 parking spaces located on the subject property. With a building area of approximately 16,640 square-feet, the parking ratio would be 1 space per 272 square-feet. The total square-footage of tenant space is approximately 2,335 square-feet, which would theoretically allocate eight parking spaces to TVRT. However, there are no assigned parking spaces in this complex.

Per section 18.88.030 (D) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), private clubs and lodges require one parking space for each 60 square-feet of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as determined by the Zoning Administrator. Applying this parking ratio would require 26 parking spaces for the rehearsal use (1,600 square-feet of rehearsal space at one parking space per 60 square-feet). With eight spaces “allocated” to TVRT, an additional 18 spaces would be required based on PMC parking requirements. Since the rehearsals occur during the evening hours when adjacent business/tenants are closed, TVRT would have access to most, if not all, of the 61 on-site parking spaces. With an average of 30 people attending rehearsals, up to half of which will carpool, and having access to the 61 on-site parking spaces, there would be sufficient parking for TVRT’s rehearsals.

Staff notes that there will be more than one use on the subject site: rehearsals and the kids camp. Therefore, section 18.88.030 (E)(2) (*Educational Facilities*) of the PMC would apply to the kids camp. Educational facilities, such as professional trades and music and dancing schools require one space for each employee and one additional space for each two students 16 years or older. With up to six employees and none of the children being 16 years or older, six parking spaces would be required for the proposed kids camp. Staff notes that section 18.88.030 (E)(2) of the PMC does not address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes that there would be adequate parking for drop-off/pick-up given that up to half of the parents carpool the children to the site and the parents are only parked in the spaces for a short period of time while they walk the child into and out of the building. Therefore, staff believes that the parking should be sufficient to accommodate the kids camp. However, should parking problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures (Exhibit A, No. 15).

### Noise

The subject site is in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject property, 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 seventy-five dBA at any point outside of the property plane.

Immediately outside, with the doors closed, staff believes the noise level from rehearsals and the kids camp would be able to adhere to the 75-dBA noise requirement of the Pleasanton Municipal Code.

The Pleasanton Municipal Code also states that 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 harmful intrusions.” As proposed, rehearsals will occur during off-peak business hours; however, noise produced from rehearsals and by the kids camp would include stage rehearsals, singing, and music from a piano or CD player for dance

numbers. To ensure that noise from TVRT does not impact adjacent tenants, a condition of approval has been added that the applicant shall be required to install noise attenuation along the common tenant wall to the ceiling (Exhibit A, No. 3). Staff has discussed this condition with the property owner and applicant. The property owner has agreed to this condition and will work with the TVRT regarding noise attenuation installation.

Staff believes that, as conditioned, noise from TVRT would not negatively impact future or existing uses located adjacent to the subject suite. All doors will remain closed during business hours, further limiting noise impacts to surrounding tenants and properties. Therefore, it is unlikely that the noise produced by the use will be in excess of 75 dBA at any point outside of the property plane as prescribed by code (P.M.C. §9.040.50).

### Tenant Improvements

The applicant is proposing to remove one non-load bearing office wall within the tenant space; no exterior changes are proposed. Tenant improvements would be subject to the review and approval of the Building and Safety Division and the Livermore-Pleasanton Fire Department.

### Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage would be required to adhere to Valley Business Park's sign program.

### Valley Business Park Architectural Committee

Prior to submitting a formal Conditional Use Permit application to the Planning Division, the applicant submitted the use request to Valley Business Park's Architectural Committee for their consideration. The Committee approved the applicant's request to relocate the rehearsal studio and kids camp to the proposed location. Staff has included the Committee's action letter as Exhibit C.

### State Licensing

Staff contacted the State Department of Social Services-Community Care Licensing Division (CCLD) to have them assess whether the kids camp would require any State licensing. Based on the information provided by the applicant, a Licensing Program Manager with CCLD determined that the kids camp would be exempt from licensure.

## **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 ordinances and the purpose of the district in which the site is located.**

The zoning ordinance endeavors to foster a harmonious, convenient, workable relationship among land uses, protect land uses from inharmonious influences and harmful intrusions, promote a safe, effective traffic circulation system, 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 business is proposed in Valley Business Park which is zoned Planned Unit Development – Industrial (PUD-I) and 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 within minimum adverse impact. Staff believes the proposed use, as conditioned, will be compatible with the industrial park uses. Rehearsals occur during adjacent tenants’ off-peak hours of operation and, therefore, TVRT would not interfere with the surrounding uses’ ability to operate. Furthermore, other child-oriented uses have operated within the subject building and staff had not received complaints regarding those uses when they were in operation. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use. In summary, staff believes 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.**

Based on the proposal, TVRT would continue to be a compatible use to the adjoining uses and Valley Business Park. The building that TVRT is proposed to occupy is freestanding with an on-site parking lot. The number of parking spaces available on site will accommodate the parking demands for the rehearsals since they occurring during the evening when adjacent businesses are closed. Additionally, up to half of the parents will carpool their children to the kids camp swhich will help alleviate parking and traffic concerns. The proposed conditions of approval will ensure that TVRT will not operate in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. Therefore, 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.**

Staff finds that, as conditioned, TVRT will comply with all provisions and requirements of the City’s zoning ordinance and the approved PUD development. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff believes this finding can be made with the proposed conditions of approval.

**PUBLIC NOTICE**

Notice of this application was sent to surrounding property owners and tenants within 1,000-feet of the site. Staff has provided the location and noticing maps as Exhibit D for the Commission’s reference. At the time this report was published, staff had not received any public comments.



## **ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that TVRT would continue to be complementary to the existing businesses and tenants in Valley Business Park.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve P11-0941 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P11-0941 subject to the conditions listed in Exhibit A.

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