



Planning Commission Staff Report

July 13, 2011

Item 6.b.

SUBJECT: PCUP-185/P11-0043

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

PURPOSE: Applications for: (1) a modification to a previously approved conditional use permit (UP-71-3, Pleasanton Convalescent Hospital) to increase the number of beds from the approved 129 to the currently operating 139 at the existing convalescent facility; and (2) design review approval for on-site modifications including removing existing landscaping to add 10 parking spaces and removing the existing freestanding tower element located near the southwest corner of the building.

GENERAL PLAN: Medium Density Residential

ZONING: P (Public and Institutional) District

LOCATION: 300 Neal Street

EXHIBITS:

- A-1. Draft Conditions of Approval for PCUP-185
- A-2. Draft Conditions of Approval for P11-0043
- B. Project Written Narrative, Site Plan, and Floor Plan
- C. Parking Study Prepared by Kimley-Horn and Associates
- D. Comments from the Public
- E. Planning Commission Resolution No.1070 Approving UP-71-3
- F. Location Map
- G. Project Notification Map

I. BACKGROUND

The original 1970 Conditional Use Permit approval, UP-70-13, allowed the construction of a 100-bed convalescent facility at 300 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-71-3 to allow the construction and operation of a 129-bed convalescent facility with 99 parking spaces after the applicant acquired additional land for the facility. The 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
- ▣ Utility and Storage Rooms
- ▣ Nurses' Lounge and Administrative Offices
- ▣ Four (4) Courtyards
- ▣ 99 Striped Parking Spaces¹

In May 2003, Generations Healthcare (GHC), a southern California based entity, purchased the facility. The State license showed that the facility is licensed for 139 beds.

In March 2006, GHC applied for Planned Unit Development (PUD) rezoning and development plan approval to construct two single-family homes at the southerly portion of the site (i.e. the front landscaped area)². During the entitlement process, it was brought to staff's attention that the existing convalescent facility was not operating in conformance with the original conditional use permit approval. Specifically, it is operating with 139 beds, 10 more beds than what was approved by the conditional use permit. As a result, GHC filed an application to amend the original conditional use permit (UP-71-3); thereby, requesting permission to allow continued operation at the current capacity of 139 beds, the capacity it is licensed for by the State.

The subject matter was scheduled for the Planning Commission on July 11, 2007. In response to the public hearing notice, surrounding residents raised a number of issues related to the original approval and the facility's operation, including the intended use of the front landscaped area, on-site parking adequacy, noise caused by delivery/service trucks, appropriate site identification, etc. The applicant indicated its willingness to work with the residents/neighbors to address their concerns. As such, staff requested that the scheduled hearing be continued until such a time that the issues raised by the residents/neighbors are addressed and resolved.

¹ The current parking lot has a total of 93 striped parking spaces.

² The PUD application was subsequently withdrawn.

After a four-year long effort, it is believed that an agreement has been reached between the residents and the applicant. This revised proposal now before the Commission includes language to preserve the front area of the site as open space and part of the facility; adding additional parking spaces to alleviate off-site parking concerns; installation of a new signage to provide better and more efficient site identification, and a new "sound attenuating" fence to address noise concerns.

The application is now before the Planning Commission to determine if the facility should be allowed to continue its current operation with 139 beds.

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, approximately 41,137 square foot building located on an approximately 3.54-acre site. A front lawn separates the facility from Neal Street. An 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 and a 93-space parking lot.



Subject Site

The site has a downhill slope from Neal Street toward the east (the existing facility) and the northeast. The slope starts gently from the street, then steepens into a 2:1 slope ending at the

existing redwood fence located to the south of the building, creating an approximately 10-foot elevation difference between the front and the rear of the site. A healthy heritage-sized Valley oak tree is located near the front property line. A six-foot wide sanitary sewer easement and a gas main are located just inside the existing redwood fence.

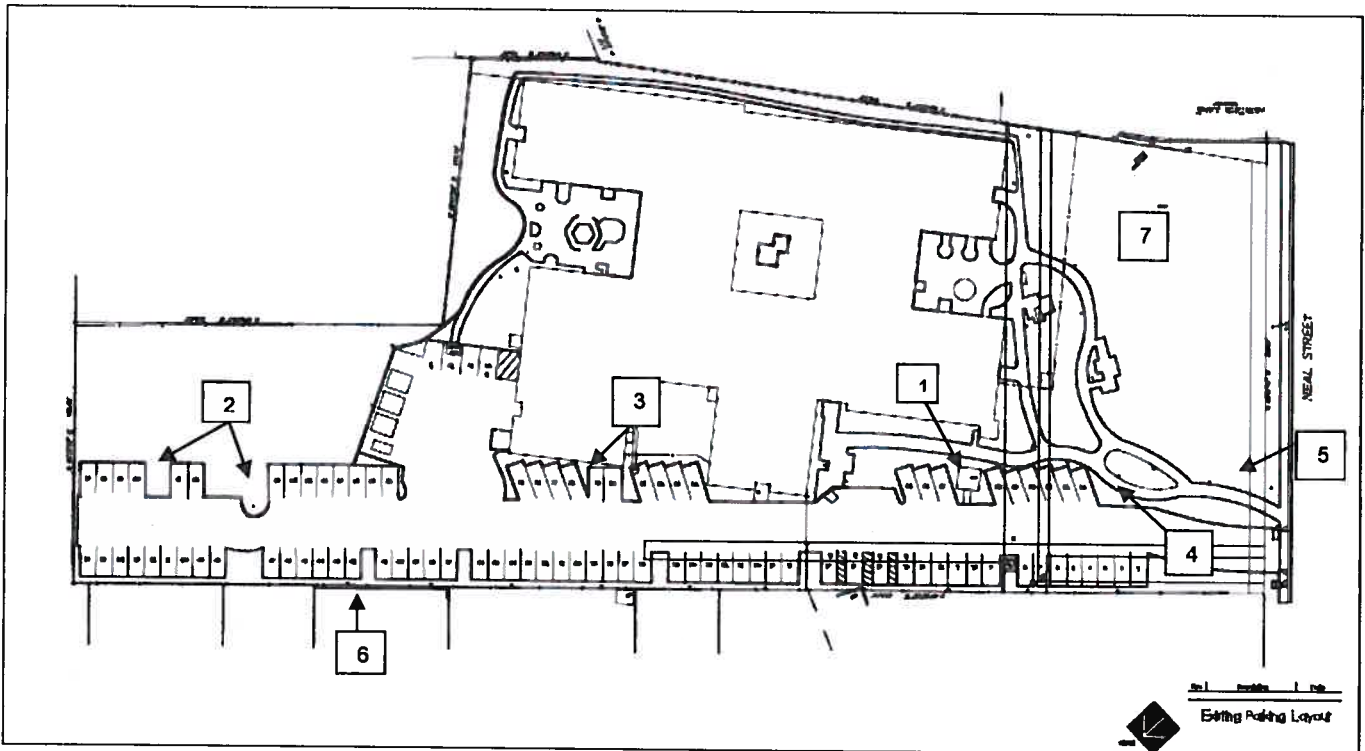
The area in the front of the convalescent facility between the existing redwood fence and Neal Street is landscaped with a lawn and a few trees. A meandering walkway connects the driveway to a small sitting area. Access to the outside sitting area is via the existing walkway next to the facility's main 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. With this request, and to address and respond to neighbors' concerns, the applicant also proposes the following (see corresponding numbered areas on site plan on the following page):

1. Demolish the existing freestanding tower element which is currently situated in the front portion of the site and construct additional parking spaces in this area;
2. Remove two landscaped areas and construct additional parking;
3. Change diagonal parking spaces to perpendicular parking spaces to gain additional parking spaces;
4. Modify the existing walkway to create additional parking spaces;
5. Install a monument sign in the front of the site to provide improved site and business identification;
6. Constructing a 7'-11" tall "sound attenuating" fence³ between the subject site and the property located at 4410 Second Street on the common property line to alleviate noise concerns raised by that property owner; affected shrubs will be replanted.
7. Continue to maintain the front of the site as an open area for the facility;
8. Operate a physical therapy clinic as an ancillary use to the existing skilled nursing facility. The physical therapy clinic would only be offered to those who were prior residents of the facility who had started their physical therapy when they were residents and who seek to return to the facility to complete the remaining program. This physical therapy clinic is limited to five patients a day and is not open to those who were not residents at the facility.

³ The proposed sound attenuating fence is a redwood fence that has insulating foam between the boards to better block noise.



Existing Site Plan

IV. 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 their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for modifications to an existing use permit that has been referred by the Director of Community Development.

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. Prior to the previously proposed PUD application which brought forward the non-compliance issue in regard to the operation, staff was not aware of concerns or issues associated with the previously approved use permit or with the facility's operation in general.

The application in question is to allow its current operation of 139 beds, which is 10 beds more than what was originally approved. With this requested conditional use permit amendment, the applicant proposes mitigation measures to improve on-site parking, noise attenuation, and site identification. These mitigations have been reviewed and found agreeable by the surrounding neighbors. The proposed mitigation measures would make the operation of the existing 139-bed convalescent facility more considerate for the surrounding neighbors; thus, it would have less impact on the surrounding residential properties.

Should future problems arise from this use, a condition allows the City to bring the application back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified. Therefore from a land use perspective, staff finds the expanded use to be acceptable, as conditioned.

Parking

The parking ordinance allows a change of use or a building to be enlarged without providing additional parking if the number of required spaces increases by less than 10 percent. The proposed expansion increases the number of required parking by six percent (118 spaces for 129 beds and 125 spaces for 139 beds) and would comply with this exemption. Therefore, the 10-bed increase is not required to provide additional off-street parking based on the parking ordinance requirements. However, parking impacts can be reviewed as part of a conditional use permit.

Parking adequacy was one of the concerns raised by the neighbors. In the past, some employees and visitors utilized street parking on Neal Street; this had caused inconvenience to the residents. The issue has since been corrected as employees and visitors were advised to utilize on-site parking instead of street parking. Although the original approval had 99 parking spaces; the site currently has 93 striped parking spaces⁴.

The current facility has 93 parking spaces, which is less than the 99 spaces approved for the 129-bed facility and less than the 125 spaces that would normally be required for a new 139-bed convalescent hospital. The applicant is proposing to add 16 on-site parking spaces, resulting in a total of 109 parking spaces. The facility has been operating with 139 beds for at least 15 years⁵ and the applicant stated there has always been adequate parking for the facility. Except for the time that employees were parking on the street, staff is not aware of any parking issues with the operation of this facility. However, since the 109 spaces is less than the Municipal code would require for a new 139-bed facility, staff requested the applicant to have a parking study conducted by a transportation consulting firm to verify that there is adequate parking for the use.

The parking study, prepared by Kimley-Horn and Associates, Inc. is attached as Exhibit C. The parking survey was conducted Thursday, June 16, 2011, through Saturday, June 18,

⁴ Per the applicant, there have been 93 striped parking spaces since they acquired the facility in 2003.

⁵ Staff has a copy of the 1996 license which indicated 139 beds; the applicant's written narrative states it has been operating with 139 beds over 30 years.

2011, during the morning and afternoon peak times at the facility (i.e., the periods covering staff shift changes). The survey data show that the maximum number of parking spaces occupied during the morning period was 52, or 56% of the existing parking lot capacity, and that the maximum number of parking spaces occupied during the afternoon peak was 74, or 80% of the existing parking lot capacity, based on the current 93-space parking lot.

The parking study also compared the data collected from the on-site survey and that listed in the ITE (The Institute of Transportation Engineers) Parking Generation Manual, 4th Edition. The ITE Manual, through case studies, listed that, for a 139-bed nursing home, the average parking demand for a weekday is 49 spaces with a projected maximum of 86 spaces and that for a weekend is 29 spaces with a projected maximum of 31 spaces. Kimley-Horn found that the proposed 109 spaces exceed the current demand based on the survey and ITE's rate based on case studies. The City's Traffic Engineer concurred with the findings in the parking study.

Therefore, based on the parking survey and historical parking demand of the facility, staff believes that there will be adequate parking for the use. 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.

Parking for Outpatient Clinic

This application also requests the operation of an Outpatient Clinic for those who were prior residents of the facility who had started their physical therapy when they were residents and who seek to return to the facility to complete the remaining program. The proposed Outpatient Clinic will be held in the Rehabilitation Gym (see floor plan, Exhibit B). Four parking spaces would be designated for use by the clinic. After being discharged from the facility, patients will be chauffeured to their therapy appointments. Most times, the driver returns to pick up the patient instead of waiting on site.

As the Kimley-Horn study indicated, the proposed 109 on-site spaces would exceed the maximum parking demand projected by ITE of 86 parking spaces and the peak parking demand of 75 spaces during the parking survey. Therefore, designating four parking spaces for outpatient clinic use would unlikely impact the availability of on-site parking.

Site Modifications

Site modifications have been proposed focusing on creating additional parking for the facility. Specifically, the following is proposed:

Two landscaped areas in the rear parking lot on the east side would be removed. These two areas currently contain trees and shrubs. Staff has visited the site with the City's Landscape Architect. None of the trees that would need to be removed are heritage-sized trees. There is an existing non-heritage-size oak in the vicinity further up the hill. This tree would not be

impacted. A Monterey pine, which is a heritage-size tree, is also in the vicinity. This tree is in poor condition as it has been infested with disease; thus, an approval to remove this tree would be considered if an application is filed. With the removal of the landscaped areas, retaining walls approximately four feet in height would be constructed. As conditioned, the new retaining walls would match the color and material of the existing retaining walls and have proper drainage.

As the requested removal affects only a small portion of the existing landscaped area, staff finds that the request is acceptable.



Landscaped Areas in Rear Parking Lot

The tower element (pictured on the right) in the front of the site would be removed. This tower has been used as one of the storage areas of the facility. Staff does not believe that the tower is an integral part of the site or building design and can be removed.

Additionally, the walkway in the front lawn area would be rearranged to continue to provide a pathway for the residents and visitors; a new "sound attenuating" fence will be built on the common property line between the facility and 4410 Second Street; the diagonal parking spaces would be restriped to perpendicular parking spaces to gain additional parking spaces;

Tower To Be Removed

a portion of the existing walkway in the front

of the property would be modified to create additional parking spaces; and a sign application would be filed with the City for the installation of a monument sign in the front of the site in order to provide needed site identification. The following aerial map notes the proposed site modifications and their respective locations.





Staff believes that the proposed modifications are acceptable. The modified walkway would continue providing a pedestrian path between the Neal Street sidewalk and the facility. The sound attenuating fence would address the adjoining neighbor's concerns and the sign would provide better site identification for visitors so that the surrounding residents would not be disturbed by visitors asking for directions to the facility.

Neighborhood Outreach

Over the years, the applicant continued working with the neighbors to address their concerns regarding parking, use of the site, signage, and sound mitigation. It is believed that the proposal included in this conditional use permit is a result of collaboration between the applicant and the neighbors.

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 received an email from Ms. Hathily Winston. She thought that the subject application is to add an additional ten beds instead of "legalizing" the existing 10 beds that were not part of the original approval. Her email is attached as an exhibit to this staff report.

Barbara Jernstedt, resident at 4440 Entrada Drive, emailed staff voicing objections for using the front lawn area for the additional 10 beds and parking. Staff has responded by explaining the proposal and that the front lawn is not to be modified. Ms. Jensteadt stated that staff's explanation has answered her concerns.

Dustin Boyce, resident at 4546 Second Street, contacted staff. Mr. Boyce asked the reason for removing the tower and the locations of the affected landscaped areas. After staff's explanation, Mr. Boyce stated his concerns have been addressed.

VI. FINDINGS

The Planning Commission must make the following findings prior to granting the requested amendment of 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.**

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 since at least 1996. Although operating at this capacity without prior City approval, the facility has met the state licensing requirements, and the facility has been operating without significantly impacting the surrounding residential properties. With the proposed mitigation for additional parking spaces, noise attenuation, and site identification, the operation of the facility would be consistent with the above-cited objectives and 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.**

For the past years, the facility has been operating at the current capacity without altering the building envelope or changing its ingress and egress routes. In response to neighbors' concerns of street parking, the facility's administration has advised its staff to use the parking lot thus leaving the street parking for surrounding residents. Although located amid a residential neighborhood, the facility has not been regarded as a nuisance to the community, nor has its operation become detrimental to the public in

general. The facility would improve its current operation by installing additional on-site parking, new signage to better identify the facility, a sound-attenuating fence to reduce noise generated by delivery services, and by maintaining the front portion of the site as an open area for the facility. 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 ordinances.

As conditioned, the proposed modifications to the existing use permit would comply with all applicable provisions of the Zoning Ordinance. 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 this finding can be made.

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

This convalescent facility 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 a minimum notwithstanding the fact that it has increased the number of beds without prior City approval. The applicant has requested that the previously approved use permit UP-71-13 be amended and that the facility be allowed to continue operating at its current 139 beds. With the proposed onsite modifications and the parking analysis prepared by a transportation consultant, staff believes that this request is supportable.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-185/P11-0043 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case PCUP-185 subject to the conditions listed in Exhibit A-1 and approval case P11-0043 (Design Review) subject to conditions listed in Exhibit A-2.

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