

RESOLUTION NO. PC-2020-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT (CUP) AT 1024 SERPENTINE LANE, SUITE 116, AS FILED UNDER CASE NO. P20-0711

WHEREAS, on July 30, 2020, Alexander Lazarev on behalf of Pleasanton Academy of Music applied for Conditional Use Permit (CUP) approval to operate a music school at 1024 Serpentine Lane, Suite 116; and

WHEREAS, zoning for the property is PUD-I (Planned Unit Development – Industrial) District; and

WHEREAS, music school uses are a conditionally permitted use in the subject District, and require Planning Commission approval of a CUP; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, Existing Facilities; and

WHEREAS, on September 23, 2020, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties.

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written agenda reports and all public comment and testimony:

Section 1: Findings for Conditional Use Permit Approval (P20-0711)

With respect to the approval of the Conditional Use Permit application, P20-0711, the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

- 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 near 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 because of the proposed use.

- 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 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, 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, 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.

- 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 for the proposed use would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124.

Section 2: The Planning Commission hereby approves Case No. P20-0711, the application of Alexander Lazarev on behalf of Pleasanton Academy of Music to operate a music school at 1024 Serpentine Lane, Suite 116, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 3: This resolution shall become effective immediately upon its passage and adoption.

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PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on September 23, 2020, by the following vote:

Ayes: Commissioners Allen, Brown, O'Connor, Pace, Ritter

Noes: None

Absent: Commissioner Balch

Abstain: None

ATTEST:



Melinda Denis
Secretary, Planning Commission

DocuSigned by:



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Herb Ritter
Chair

APPROVED AS TO FORM:



Julie Harryman
Assistant City Attorney

**EXHIBIT A, ATTACHMENT 1
CONDITIONS OF APPROVAL**

**P20-0711
1024 Serpentine Lane, Suite 116
September 23, 2020**

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted for an application for a Conditional Use Permit to operate a music school located on Assessor Parcel No. 946-4547-286-00 at 1024 Serpentine Lane, Suite 116. Development shall be substantially as shown on the project materials listed below:

- a. Project narrative and plans, Exhibit B, for Pleasanton Academy of Music, dated "Received" on July 30, 2020, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed development shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits. Planning Division approval is required before any changes are implemented in site design, grading, architectural design, house colors or materials, green building measures, landscape material, etc.
2. **EXPIRATION – CONDITIONAL USE PERMIT:** This Conditional Use Permit (CUP) approval will lapse and shall become void 1 year following the date on which the CUP became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.
3. **APPEAL PERIOD:** The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code unless the applicant submits a signed statement acknowledging the plan check fees may be forfeited in the event the approval is overturned on appeal, or the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the appeal period.

4. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including without limitation, reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

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Conditional Use Permits

5. All doors shall remain closed at all times during activities and/or business hours. (***Project Specific Condition***)
6. The applicant shall 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. (***Project Specific Condition***)
7. **MAINTENANCE:** The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
8. **MODIFICATIONS:** If additional hours of operation or activities beyond what is stated in the "Approved Plans" are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
9. **CONDITIONAL USE PERMIT REVIEW:** If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.
10. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
11. **SIGNAGE:** This approval does not include approval of any signage for Pleasanton Music Academy. If signs are desired, Pleasanton Music Academy shall submit an application to the City for review and approval prior to sign installation. (***Project Specific Condition***)
12. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
13. **RELOCATION:** If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.
14. **BUILDING PERMIT:** Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work.