

Planning Commission Staff Report

January 26, 2011
Item 5.a.

- SUBJECT:** PCUP-284 / PUD-81-02-03m
- APPLICANT:** Rajitha Sumanasekera / Little Flowers Montessori
- PROPERTY OWNER:** Michael Lee
- PURPOSE:** Application for: (1) a Minor Modification to the approved Planned Unit Development (PUD-81-02) to: (a) designate preschools as conditionally permitted uses; (b) construct an outdoor playground area; and (c) construct an approximately 156-square-foot electrical room addition to the existing building; and (2) a Conditional Use Permit to allow a preschool within an existing building.
- LOCATION:** 11533 Dublin Canyon Road
- GENERAL PLAN:** Retail/Highway/Service Commercial; Business and Professional Offices.
- ZONING:** PUD-C-O (Planned Unit Development – Commercial - Office) District.
- EXHIBITS:**
- A. Draft Conditions of Approval
 - B. Narrative, Site Plans, Floor Plans, Elevations, 3D Views, and Landscaping Plan dated "Received October 1, 2010"
 - C. Permitted and Conditionally Permitted Uses
 - D. Location and Noticing Maps
 - E. Health Risk Assessment dated "Received November 18, 2010"

BACKGROUND

Farmers Insurance Group received Planned Unit Development plan approval (PUD-81-02) in 1981 to construct a four-story regional office building and single-story claims office building on a single parcel located at 11555 Dublin Canyon Road. The claims office building was approved as a claims office only with the uses for the regional building approved for general offices, including but not limited to business, professional, and administrative offices.

In 1984, Farmers received approval to subdivide 11555 Dublin Canyon Road in order to have the regional and claims buildings on separate parcels. The regional building remained at 11555 Dublin Canyon Road with the claims building now located on a separate parcel, 11533 Dublin Canyon Road (the subject site). The subdivision did not change the zoning designation and the uses for the two sites remained the same as those approved with the PUD (i.e., claims office and office uses). In 2004, Farmers ceased operation at the claims building at 11533 Dublin Canyon Road and sold the property. Since the claims office was the only use allowed for the building the new owner, Michael Lee, applied for and received approval for a PUD modification (PUD-81-02-01m) that allows office, mixed office/warehousing, and medical uses as permitted uses, subject to certain limitations. In January 2006, the City approved a second modification to the PUD (PUD-81-02-02m) that allowed fitness facilities as conditionally permitted uses. Please refer to Exhibit C for the list of uses currently permitted or conditionally permitted at 11533 Dublin Canyon Road. A Conditional Use Permit for a fitness facility (Anytime Fitness) was approved by the Planning Commission on January 25, 2006. The fitness facility has since relocated to 3500 Bernal Avenue (Vintage Hills Shopping Center), leaving the subject building vacant.

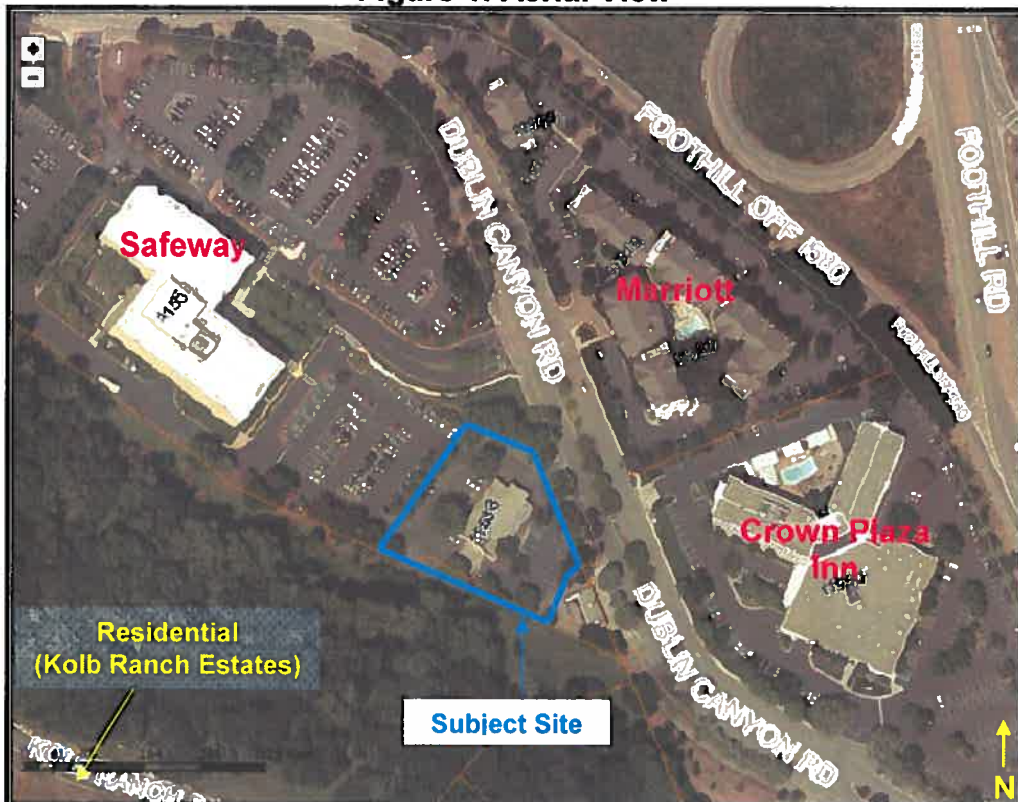
The Conditional Use Permit currently before the Planning Commission (PCUP-284) is for a preschool that wishes to occupy the now vacant claims center at 11533 Dublin Canyon Road. The applicant, Rajitha Sumanasekera, has also applied for a minor modification to the approved PUD plan (PUD-81-02-03m) to: 1) designate preschools as a conditionally permitted use; 2) construct a playground area; and 3) construct an approximately 156-square-foot utility room addition to the building. Staff is currently processing this modification. The Director of Community Development takes action on minor modification requests with the Planning Commission and City Council being notified of the action on a future Zoning Administrator Action Report. Action by the Planning Commission is not necessary unless the Commission has concerns with the request.

SITE DESCRIPTION

The subject site is located on the west side of Dublin Canyon Road. The subject building is one-story and approximately 7,298 square-feet in area. The site is adjacent to the four-story Safeway Corporate office building and parking lot (previously the Farmers Insurance Group's regional building) to the west, hotels to the east and northeast and forested open space and residential uses to the south. Access to the site is from Dublin Canyon Road with 69 parking spaces currently available to the building.

Please refer to Figure 1 on the next page

Figure 1: Aerial View

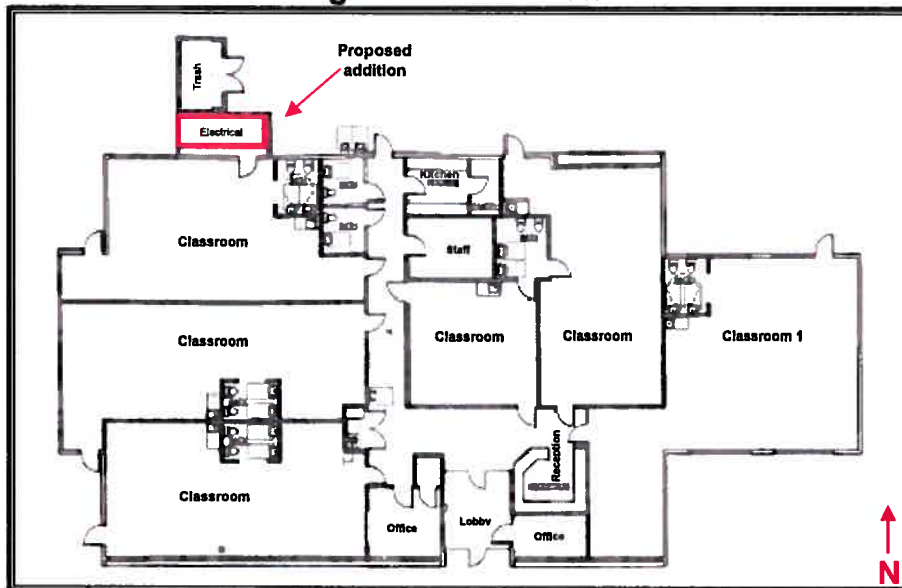


PROJECT DESCRIPTION

Little Flowers Montessori preschool offers Montessori based educational programs for children 18 months to Kindergarten. Each program is separated by age groups and would take place in separate classrooms. The programs focus on practical situations, coordination, and academic work (i.e., math and language). The preschool offers full-day programs five, three, or two days a week.

Little Flowers Montessori would occupy the entire building, approximately 7,298 square-feet, and would consist of classrooms, offices, reception area, bathrooms, and a staff kitchen and meeting room. As proposed, there will be 140 children attending the preschool and 20 employees. The preschool will operate year round, excluding holidays and typical academic breaks (i.e., winter and spring break), between the hours of 7:00 a.m. to 6:30 p.m. on weekdays only. There is not a specific starting/ending time for programs with most drop-offs being staggered between 8:00 a.m. through 10:00 a.m. and pick-ups staggered between 5:00 p.m. through 6:00 p.m. Please refer to Figure 2 on the next page for the floor plan.

Figure 2: Floor Plan



PUD Modification

Improvements and/or alternations to a building or parcel that is zoned Planned Unit Development (PUD) are processed as a PUD modification, similar to Design Review applications for properties/buildings in "straight" zoning districts. Therefore, in addition to requesting that preschools be added as a conditional use to the PUD, the applicant is also proposing the following with the minor modification request:

- Remove 13 parking stalls on the southeast side of the lot for a new playground area.
- Construct an approximately 156 square-foot electrical room (Please refer to Figure 2 above).
- Remove the roll-up doors in "classroom 1" and replace with windows (Please refer to Figure 2 above), and
- Enhance the landscaping with additional shrubs and ground cover throughout the site.

Please refer to Figures 3 and 4 on the next page for existing and proposed site plans.

The site and building modifications have been reviewed by City staff and are considered minor in nature. Conditions of approval for the improvements/alternations will be added to the minor modification request, if approved by the Director of Community Development. Action from the Planning Commission is not required.

Additional project information regarding Little Flower's Montessori can be found in Exhibit B of this report.

Figure 3: Existing

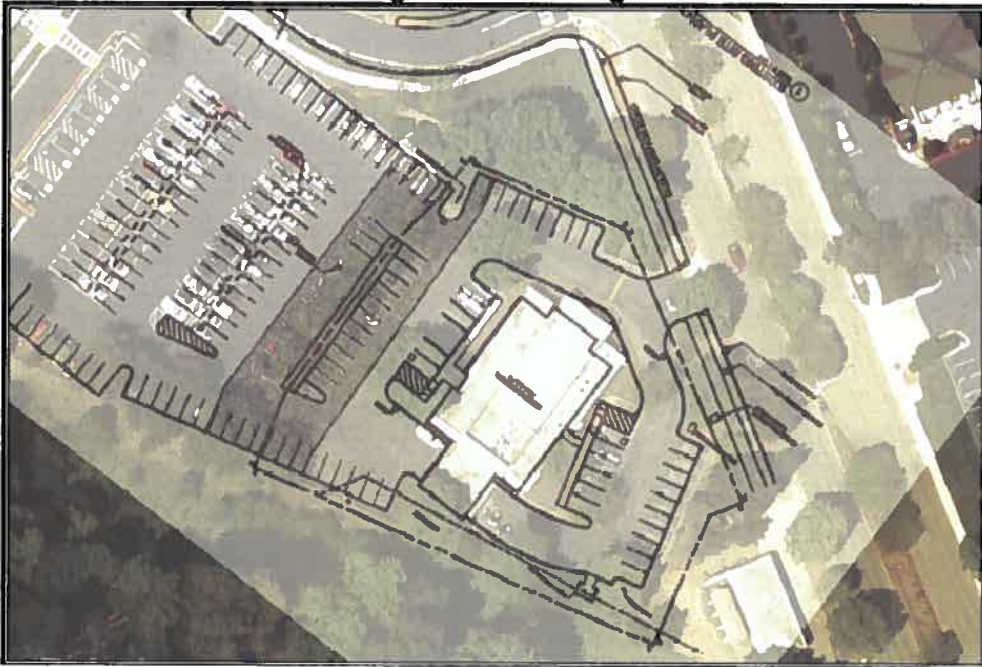
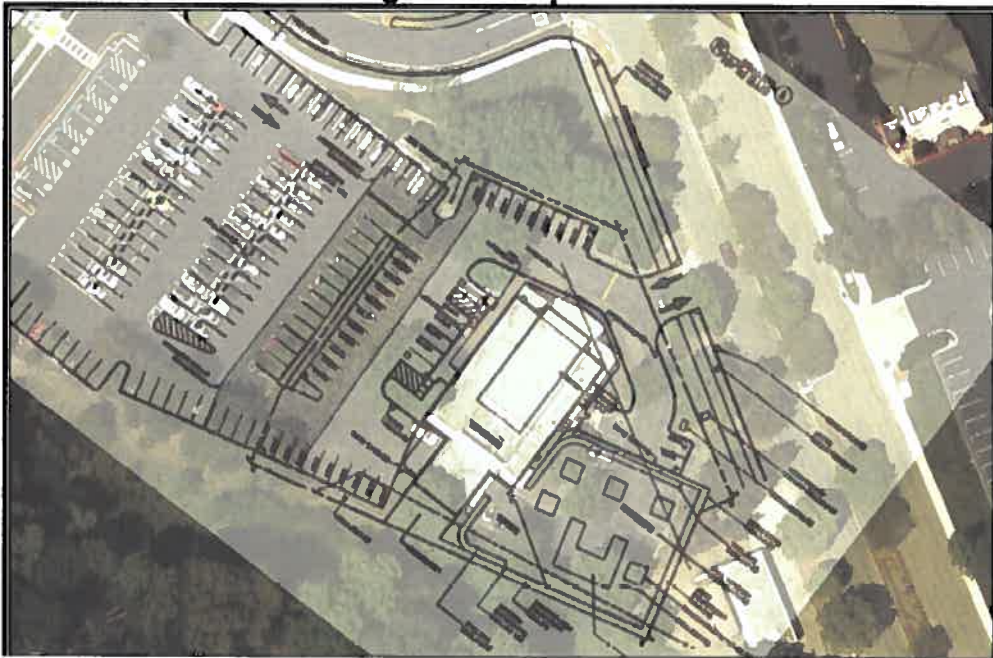


Figure 4: Proposed



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.

General Plan

The subject property has a General Plan Land Use designation of Retail/Highway/Service Commercial; Business and Professional Offices land uses; which allows retail and commercial uses. The proposed application is a personal service and, therefore, is consistent with the General Plan land use designation. The proposal would provide an educational facility for children under the age of 5; which is consistent with Policy 7 of the General Plan's Public Facilities and Community Programs Element: "encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages."

Zoning

The subject site is zoned PUD-C-O (Planned Unit Development – Commercial – Office) district. Although office uses were part of the original zoning designation for this site, the PUD did not include any other commercial uses, with the exception of fitness facilities. Preschool facilities are conditionally permitted uses in other commercially zoned districts and, therefore, if the PUD modification is approved, the proposed preschool would be consistent with the allowed uses in other commercial districts.

PUD Minor Modification

Minor modifications to an approved PUD plan are reviewed and acted on by the Director of Community Development, with the action being forwarded to the Planning Commission and City Council on a future action report. The minor modification does not require action by the Planning Commission, however, if the Planning Commission supports the proposed minor modification to allow a preschool as a conditionally permitted use at the subject location, the Commission should indicate so prior to taking action on the proposed Conditional Use Permit. Staff notes that the Director of Community Development will take action on the minor modification request on January 27, 2011.

Parking

When the two Farmers buildings were subdivided, a parking agreement was established between the two properties. As shown on sheet A-101 of Exhibit B, there are 34 parking spaces that are shared between 11533 and 11555 Dublin Canyon Road. The subject site (11533 Dublin Canyon Road) has 35 parking spaces that are not a part of the agreement and are exclusive to the site. However, 13 parking spaces, not within the easement area, will be eliminated in order to accommodate the proposed playground area. As proposed, excluding the easement parking, there would be 22 parking spaces available on-site.

Per section 18.88.030 (E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), nursery schools require one parking space for each employee, including teachers and administrators, and one space for each four students in

grade 10 or above. The student parking requirement, one space for each four students, is not applicable since the children are below grade 10. With 20 employees, including the director, 20 parking spaces would be required for the proposed use. As proposed, 22 parking spaces would be available on-site and with 20 parking spaces being required, the use would have a surplus of 2 parking spaces and would, therefore, meet the parking requirements.

Staff notes that section 18.88.030 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 arrival and departure of cars is staggered and that the parents are only parked in the spaces for a short period of time. Therefore, based on this parking analysis, staff believes that the parking should be sufficient to accommodate the proposed use. However, should parking problems occur (e.g., parents or staff are parking in Safeway's parking spaces), 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. 6). Possible mitigating conditions could include: reducing the number of students, modifying the arrival/departure times, etc.

The applicant is also proposing special events (e.g., holiday celebrations, ceremonies, etc.) throughout the year that parents are invited to attend. As shown on Exhibit B, there are 34 shared parking spaces available to the site. Given the number of shared parking (34) spaces and on-site parking spaces (22), there may not be enough parking to accommodate parents attending special events. Prior to allowing special events, the applicant will have to demonstrate that they have a parking plan that will accommodate special events (e.g., an agreement with 11555 Dublin Canyon Road to use some of their on-site parking). A condition of approval has been added to reflect this requirement (Exhibit A, No. 12).

Furthermore, on the applicant's site plan, a portion of the shared parking spaces are proposed to be designated as "staff" or "visitor" parking. However, these spaces are for shared use with the adjacent property (11555 Dublin Canyon Road), and are not allowed to be designated for a specific use/property. Staff has added a condition of approval that prohibits designating these spaces since both properties have rights to use the spaces (Exhibit A, No. 11).

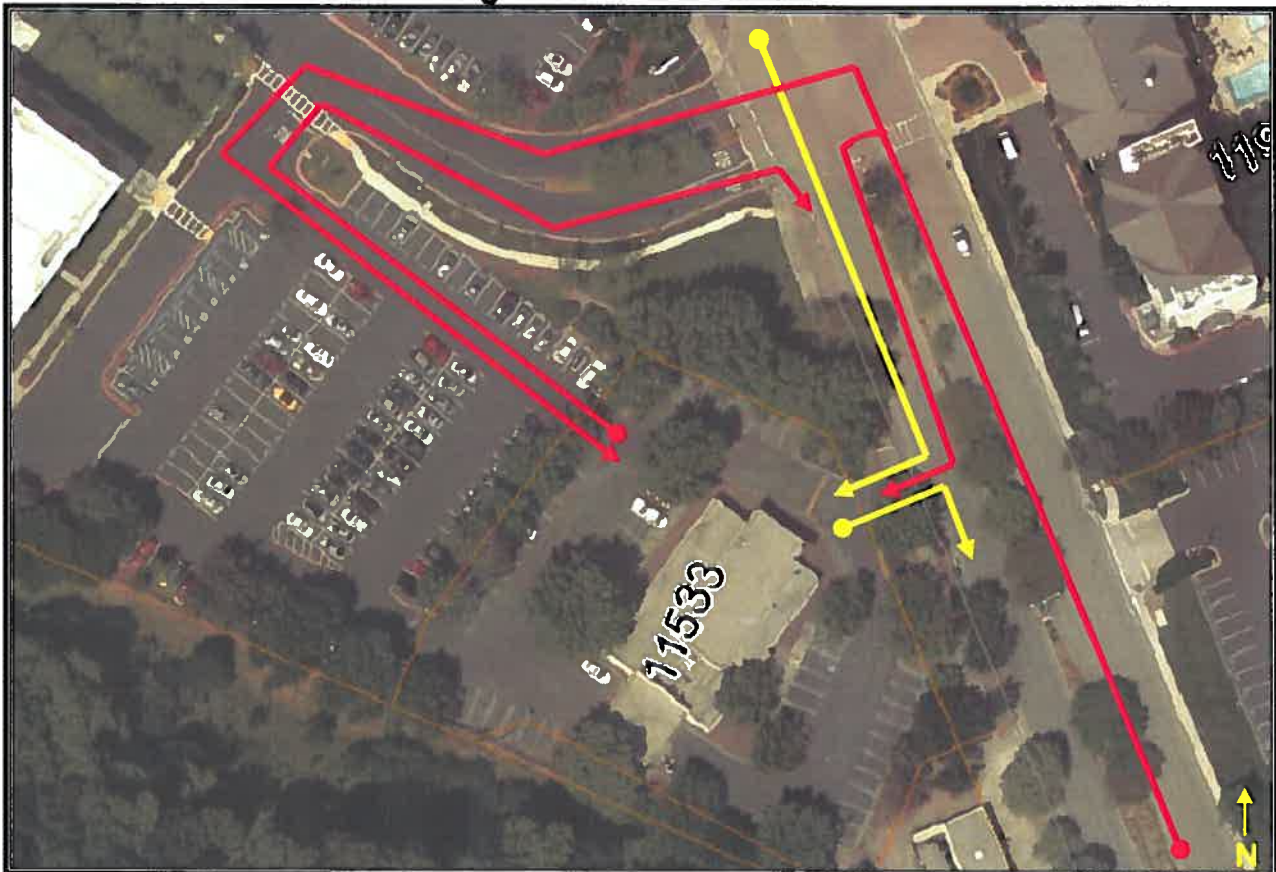
Traffic

The subject site is located near a busy intersection, Foothill Road and Dublin Canyon Road. Dublin Canyon Road is a four-lane street serving as the frontage road parallel to Interstate 580; however, there is a greater amount of traffic on Foothill Road when compared to the traffic volume on Dublin Canyon Road. The City's Traffic Engineer has reviewed the proposal and has determined that, based on the number of trips and time distribution of the trips, a traffic study is not required; however, the project would be required to pay traffic impact fees. Staff has added a condition of approval to reflect this requirement (Exhibit A, No. 10).

Circulation

The subject site can be accessed from Dublin Canyon Road by entering from the adjoining Safeway site, if going northbound on Dublin Canyon Road, and directly to the site if traveling southbound on Dublin Canyon Road. There is not a break in the landscape median to allow for direct access to the site when traveling northbound on Dublin Canyon Road. However, U-turns at the median break, located at the entry of the adjoining parcel, can be made. The two properties (11533 and 11555 Dublin Canyon Road) also have an ingress/egress easement that allows 11555 Dublin Canyon Road to act as the “main” entrance/exit for cars traveling northbound on Dublin Canyon Road. Please refer to Figure 5 below. Cars can only directly enter the subject site if they are already traveling south on Dublin Canyon Road. This also applies to cars directly exiting the subject site; cars exiting would be required to turn right (south) on Dublin Canyon Road.

Figure 5: Site Circulation



State Licensing

Little Flowers Montessori will be required to comply with licensing requirements as prescribed in Title 22 of the California Code of Regulations. Should the Conditional Use Permit be approved, the applicant shall be required to secure a child care licensing permit with the State Department of Social Services-Community Care Licensing Division (CCLD).

Noise

Most of the noise generated by the preschool will be from outdoor recreational time the children spend in the play area, which is located away from adjacent businesses on the southeast side of the property. The applicant's narrative indicates that the children will spend time outside for 30-45 minutes each day. The time outside is limited and staggered amongst the age groups. The closest office building is the Safeway Corporate office building, however, it is unlikely that noise generated from the playground would exceed beyond the 70 dba allowed by the Pleasanton Municipal Code at the property line. Furthermore, the playground is located "behind" the subject building which further buffers any noise generated by the children utilizing the playground. Therefore, it is unlikely that noise will be an issue.

Signage

Sheet A-701 of Exhibit B offers size and location of the future wall sign. However, colors, illumination, and mounting details are not provided. A condition has been included that the applicant will submit for a Sign Design Review application prior to installation of any signs (Exhibit A, No. 9).

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.

One of the objectives of commercial and office zoned districts is to provide personal service establishments. 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.

Staff finds that the operation of the preschool is consistent with these objectives. The proposed operation will not generate a substantial amount of traffic or noise. Furthermore, the applicant may be required to mitigate future nuisances created by the proposed use. In the past, the City has approved similar uses which have been operating in the commercial-office zoning districts without any land use conflict with other businesses in the surrounding area. Staff feels that the proposed preschool would be consistent with the above-cited objectives and, therefore, 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, the preschool would be a compatible use to the adjoining uses and the nearby office use (Safeway Corporate office). The building that the preschool is proposed to occupy is freestanding with an on-site parking lot. The number of parking spaces available on site exceeds the parking demands for the proposed use and the City Traffic Engineer has determined that the traffic volume generated from the proposed use is minimal when compared to the previous uses (i.e., claims office). Additionally, drop-off and pick-up times by the parents will be staggered which will help alleviate parking and traffic concerns. The proposed conditions of approval will ensure that the preschool 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 feels 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, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the approved PUD development plan if the proposed minor modification is approved by the Director of Community 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 feels 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. At the time this report was published, staff had not received public comments. Staff has provided the location and noticing maps as Exhibit D for the Commissions reference.

ENVIRONMENTAL ASSESSMENT

Per the California Environmental Quality Act (CEQA), there are air quality guidelines and thresholds that certain uses, such as preschools, are required to adhere to based on their proximity to a pollution source. Given that the subject location is within close proximity to Interstate 680, a Health Assessment Report (HAR) was required. The HAR concluded that the proposed use was below the threshold requirements and mitigation measures were not necessary. The HAR report can be found in Exhibit E for reference. Furthermore, this project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation

of a uses, permitted or conditionally permitted, within an existing building. Therefore, no other environmental document accompanies this report.

CONCLUSION

Based on the analysis of this staff report, staff believes that the required findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve PCUP-284 by taking the following actions:

1. Support the minor modification (PUD-81-02-03m) to allow preschools as a conditionally permitted use at the subject location;
2. Make the required conditional use findings as described in the staff report; and
3. Approve PCUP-284 subject to the conditions listed in Exhibit A.

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