

Planning Commission Staff Report

February 25, 2009
Item 5.a.

SUBJECT: PCUP-237 (modification of PCUP-154)

**APPLICANT/
PROPERTY OWNERS:** Rimma Radayeva

PURPOSE: Application to modify a previously approved Conditional Use Permit (PCUP-154) to increase the number of instrument and vocal instructors from one to five at any one time and to extend the hours of operation from 10:00am to 9:00pm to 10:00am to 9:30pm.

GENERAL PLAN: General and Limited Industrial

ZONING: PUD-I

LOCATION: 1228 Quarry Lane Suite A

ATTACHMENTS:

1. Exhibit "A" – Draft Conditions of Approval
2. Exhibit "B" – Floor Plan, and Applicant's Statement of Operation, dated "Received January 29, 2009"
3. Exhibit "C" – Planning Commission Staff Report dated April 19, 2006 with attachments
4. Exhibit "D" – 1288 Quarry Associates letter dated February 10, 2009
5. Exhibit "E" – Location Map
6. Exhibit "F" – Noticing Map

I. BACKGROUND

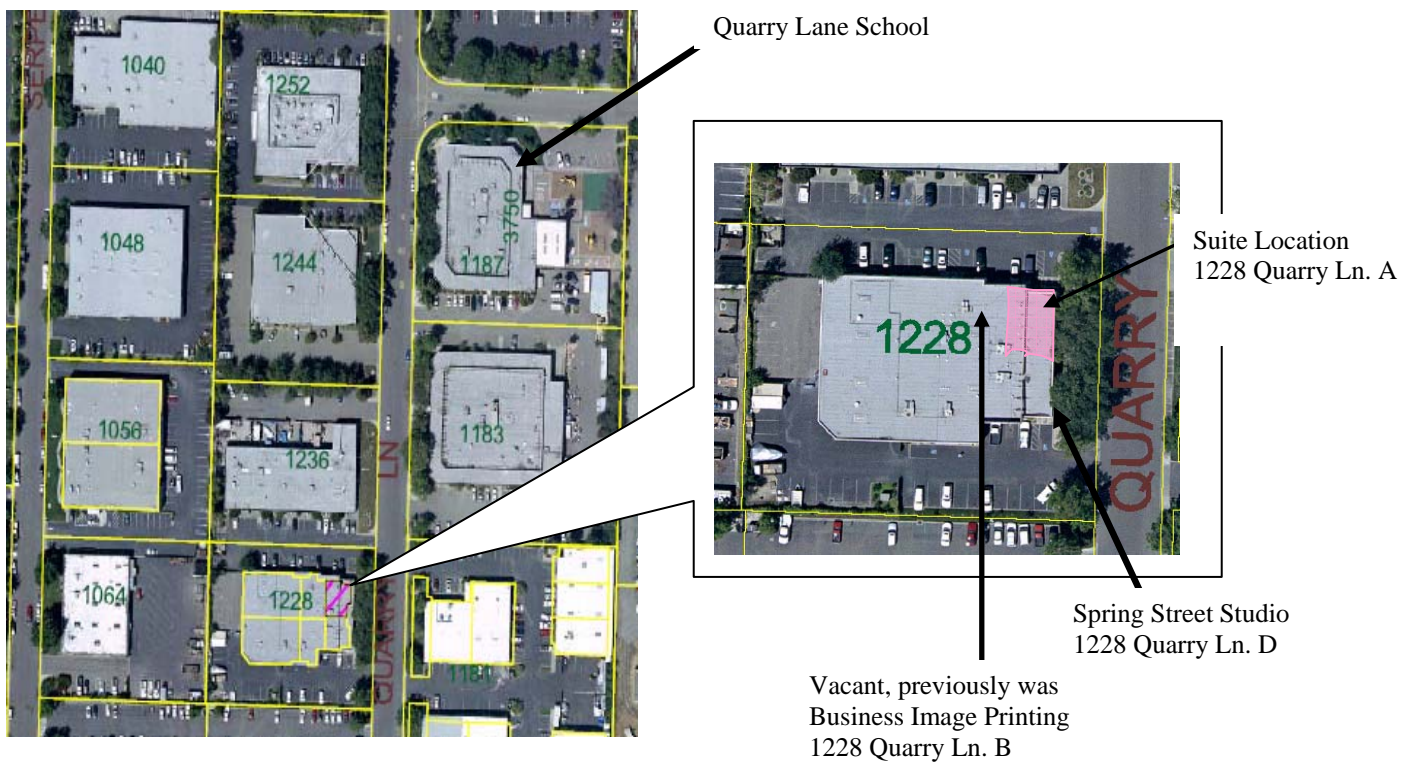
On April 19, 2006 the Planning Commission approved a Conditional Use Permit (CUP) for one-on-one piano lessons (PCUP-154) for Rimma Radayeva at 1228 Quarry Lane, Suite A. Staff has attached the April 19, 2006 staff report and conditions of approval for reference (Attachment 3).

Condition No. 3 of PCUP-154 indicates that changes to the project can be referred to the Planning Commission for consideration. Staff believes that the three requested modifications warrant Planning Commission review and approval.

II. SITE DESCRIPTION

The music studio is located in a 1,500-square-foot, owner-occupied suite. The building is an existing multi-tenant/owner building in the Valley Business Park. Access to the Radayeva Music Studio is via a driveway off of Quarry Lane (Figure 1.1). The Radayeva Music Studio is located in the corner suite of the building.

Figure 1.1: Building and parking lot layout



The suite is bound on two sides by other office and light industrial types of uses. Other businesses located in the complex include Spring Street Studios, Stone Grove, and Christy Manufacturing. The Quarry Lane School is located to the north of the subject site. There are no residential uses are close to this site.

III. PROJECT DESCRIPTION

The applicant is requesting the following:

1. To expand her existing music studio to include vocal and violin lessons in addition to the approved piano lessons,
2. Increase the number of instructors from one (1) to five (5) on-site at one time, and
3. To increase the hours of operation from 10:00am to 9:00pm to 10:00am to 9:30pm.

The proposed floor plan illustrates four (4) individual rooms, a waiting area, and an unused area between the hallway and room number 4. The floor plan also indicates that all common walls have already been sound proofed in conjunction with the previous conditional use permit approval (Figure 1.2). The music sessions are approximately one hour in length per student.

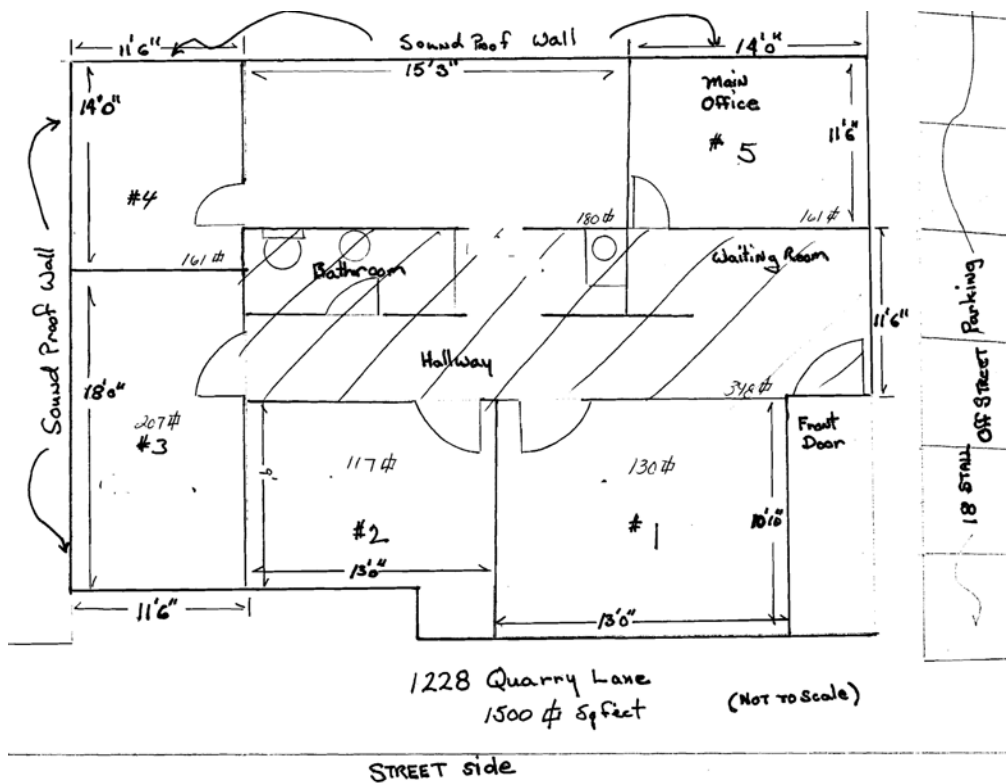


Figure 1.2: Floor Plan

IV. ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

Land Use

The majority of the businesses in the Valley Business Park have historically been office/warehouse uses. In recent years, educational and recreation-oriented businesses have located in the business park. These uses include another piano studio (PCUP-203), a tutoring facility (PCUP-186), a private school (PCUP-141), a dance studio (PCUP-167), and a gymnastic training facility (PCUP-108). These uses are similar in scope to this proposal.



Figure 1.3: Entrance to the suite

The Radayeva Music Studio has been in operation at this location since 2006. No complaints or conflicts with the surrounding tenants have been reported to staff. Additionally, the Property Owners Association has provided a letter supporting the proposed modification to the existing operations (Attachment 4).

Staff believes that the potential impacts of the increased number of instructors on the adjacent uses will be less than significant due to the scale and hours of operation of the studio. A condition of approval is included stating that if land use conflicts arise in the future, the conditional use permit may be referred to the Planning Commission for subsequent review and a public hearing.

Noise

The private piano, vocal, and violin lessons will be held in individual rooms with the doors closed. The applicant has already installed sound proofing on the common walls to address any noise issues associated with the existing use. Staff believes that noise levels from the tenant suite are adequately addressed with the sound proofing of the common walls to buffer the adjacent businesses. Additionally, the hours of operation in combination with the practice of providing individual lessons, as opposed to group lessons, will limit the level of music being generated at any given time.

Parking

For purposes of parking requirements, this use is being considered as an office use. The parking area provides 35 parking spaces. Four (4) of the 35 spaces are close to the entrance of the music studio suite and additional parking is provided on the nearby street, which is also in proximity to the entrance (Figure: 1.4).



Figure 1.4: Parking Space Access

The Pleasanton Municipal Code requires that office uses provide parking at a ratio of one parking space for every 300 square feet of gross floor area. The suite is approximately 1,500 square feet in size, thus a total of five (5) parking spaces would be needed. Staff believes that the parking demand for the proposed lessons can be accommodated primarily on-site. The location is a corner suite. It has direct access to ample on-street parking that could be utilized if needed.

Staff has conducted several site inspections during normal business hours and concludes that there is adequate parking available within proximity to the subject tenant space and would not impact adjacent uses.

Figure 1.5: Parking Space Parking Space Availability



The letter from the Property Owners Association indicates support of the project with a request that parking usage not increase measurably from the current usage (Attachment 4). As a point of clarification, the reference by the Property Manager to the “present usage” is a reflection of the fact that five (5) instructors have already begun using the facility in advance of the approval. If parking ever does become an issue with the use, a condition of approval has been included that states that if parking conflicts arise in the future, the conditional use permit may be referred to the Planning Commission for subsequent review and a public hearing.

V. FINDINGS

The following findings are the same as those made for PCUP-154, modified to reflect the proposed expansion. 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 ordinance and the purpose of the district in which the site is located.

Objectives of the zoning ordinance include: protecting existing land use from inharmonious influences and harmful intrusions; fostering harmonious, convenient, workable relationships among land uses; 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. As conditioned, the expansion of the existing trade school would be consistent with these objectives.

The site of the existing use is located in the Valley Business Park, which permits a variety of light industrial and office uses. Staff believes that the proposed expansion is still a small-scale trade school as approved by PCUP-154 in 2006. The proposed conditions of approval for the project would give the City the appropriate controls to ensure that the use does not have any negative impacts on the surrounding businesses and surrounding properties. The granting of the modification to the use permit would still be in accordance with the objective of the zoning district. Therefore, 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.

The unit has already been sound proofed as required by the conditions for PCUP-154. In addition, the private lessons would be held inside the tenant space in individually enclosed rooms. Staff believes the sound proofing of the walls and the private lessons mitigates the noises from proposed use; thus, staff does not believe that noise impacts will result.

Given the large number of parking spaces for the building, the availability of ample on-street parking, and the small demand for parking that the proposed use would generate during normal business hours, staff believes that the trade school has adequate parking to meet the demand and does not adversely impact the adjacent tenants.

The parking court provides direct access to each tenant suite and this suite also has direct access from on-street parking. Thus, operation of each business should not

interfere with one another and the exchange of students will not be across adjacent tenant spaces.

The streets leading to the site are designed per City standards and are signalized to provide safe access into and out of the site. Staff believes that any areas of possible concern have been conditioned so that the proposed use would meet all applicable Municipal Code requirements and would be operated in a non-nuisance manner. Furthermore, the applicant can be required to mitigate any future nuisances or problems. Therefore, 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 ordinance.

The existing Conditional Use Permit (PCUP-154) was found to comply with all relevant sections of the zoning ordinance. Based on the proposal for expansion of the existing use, staff believes that the proposed modifications are consistent with the original approval and the City's ability to regulate related zoning regulations. Therefore, staff believes that the third finding can be made.

VI. PUBLIC NOTICE

Notices regarding the application for a conditional use permit and related public hearing information were mailed to property owners and tenants within 1,000 feet of the subject property. At the time this report was prepared, staff had received no comments from any of these tenants or residents.

VII. ENVIRONMENTAL ASSESSMENT

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

VIII. CONCLUSION

The existing conditional use permit (PCUP-154) needs to be modified in order to expand the operations as requested by the applicant. The existing use has been successfully operating at this site for two years, respecting the adjacent uses. The applicant has installed sound proofing on the common wall and interior office walls, and the facility has not received any complaints. The expanded operation, as proposed, would continue to be a small scale establishment and would continue to be compatible with the surrounding uses and properties.

Staff recommends the Planning Commission approve the proposed expansion of the music school, which will continue to provide important exposure of the arts to the youth of this community.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. PCUP-237 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case No. PCUP-237 subject to the conditions listed in Exhibit "A".

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