

Planning Commission Staff Report

November 13, 2013
Item 5.b.

SUBJECT:	P13-2382
APPLICANT:	Chabad of the Tri-Valley
PROPERTY OWNER:	Big Valley L.P.
PURPOSE:	Application for a Conditional Use Permit to operate a religious facility with tutoring at 1258 Quarry Lane, Suite G.
GENERAL PLAN:	General and Limited Industrial
ZONING:	Planned Unit Development – Industrial (PUD-I) District
LOCATION:	1258 Quarry Lane, Suite G
EXHIBITS:	A. Draft Conditions of Approval B. Proposed Plans and Applicant Narrative C. Location Map and Noticing Map

BACKGROUND

Chabad of the Tri-Valley is proposing to locate a religious facility and related tutoring operation within Suite G of the building located at 1258 Quarry Lane. The subject site is located within Valley Business Park, which is zoned Planned Unit Development (PUD) – Industrial District. Religious facilities and tutoring facilities are subject to Conditional Use Permit approval at this location.

SITE DESCRIPTION

Valley Business Park is located south of Valley Avenue and east of Santa Rita Road. The subject site is located on the west side of Quarry Lane and the proposed use will occupy an approximately 2,880 square foot suite within the 9,936 square foot building; parking is located to the front and rear. Properties adjacent to the site include office/light industrial uses to the north, south, and west, and a school across Quarry Lane and Boulder Street to the southeast (Quarry Lane School). Single-family residences are located across Valley Avenue further to the north, and further to the west beyond the boundary of Valley Business Park. Figure 1 shows an aerial photograph with the subject building outlined in blue, and includes pictures of the building and site (the numbered arrows in the aerial photograph correspond to the photographs underneath).



Photograph 1



Photograph 2

FIGURE 1: Aerial Photograph and Building Photographs

The building is comprised of four suites, three of which are occupied by: Brad Kinney Productions (Suite E), G&J Jones Enterprise (Suite F), and Extollo International Kids Against Hunger (Suite H). The subject use would occupy Suite G.

The site plan is shown in Figure 2, where the building is outlined in blue, the subject suite (Suite G) is highlighted in blue, and parking areas on the site are outlined in gold. The main pedestrian entrance to the building faces Quarry Lane, and a common driveway that also serves the building to the north at 1262 Quarry Lane provides access to the parking areas on the subject site. Currently, the subject site, the site directly to the north at 1262 Quarry Lane, and the site to west at 1032 Serpentine Lane are all owned by Big Valley L.P. However, there is no formal parking agreement or similar instrument in place that allows shared parking on these adjacent sites, and thus the on-site parking on the subject site would need to be adequate to serve the uses on the subject property. A total of 28 spaces are available on the

site (19 spaces in the front, 6 spaces in the back of the building, and 3 spaces located near the southwestern corner of the site).

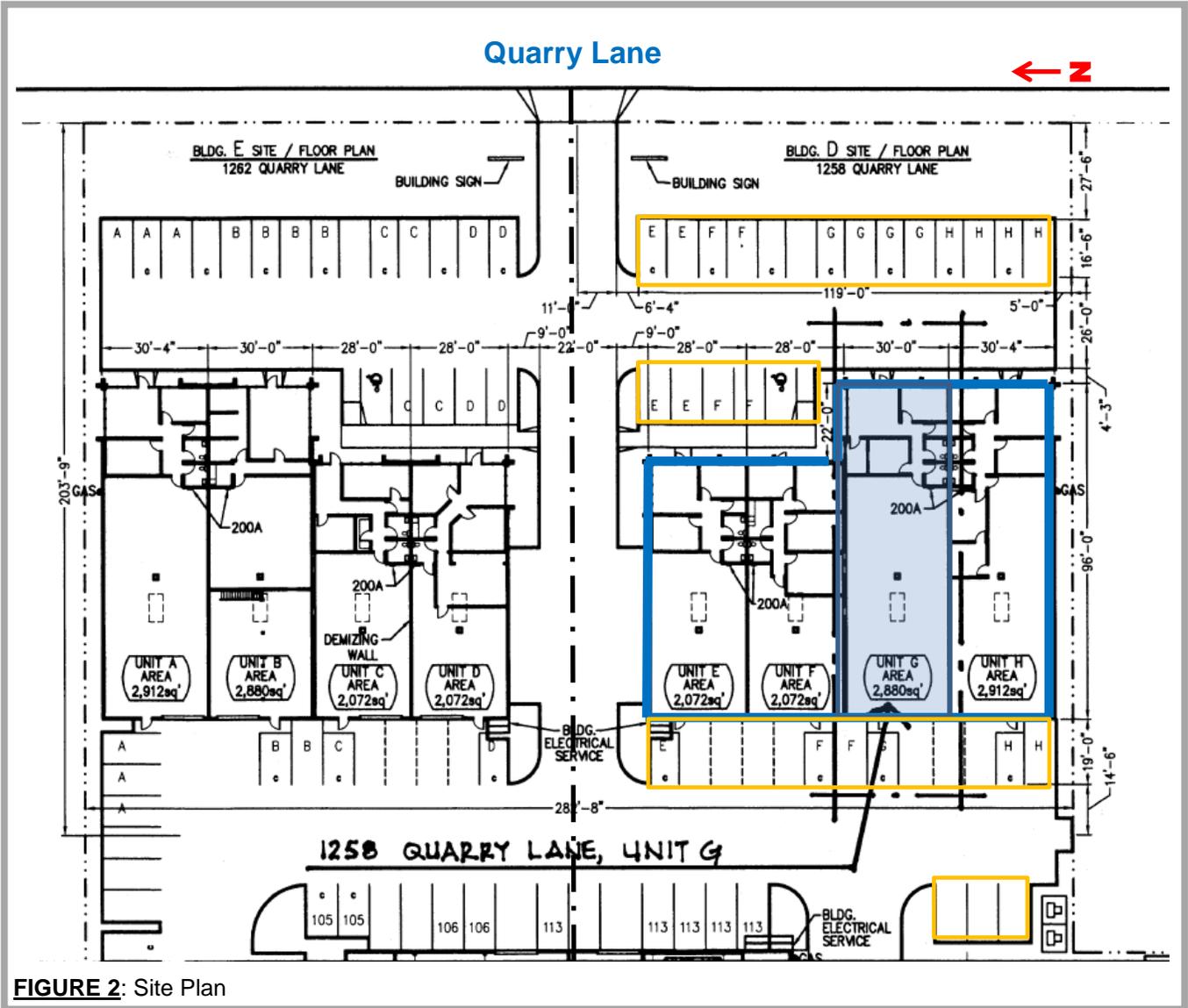


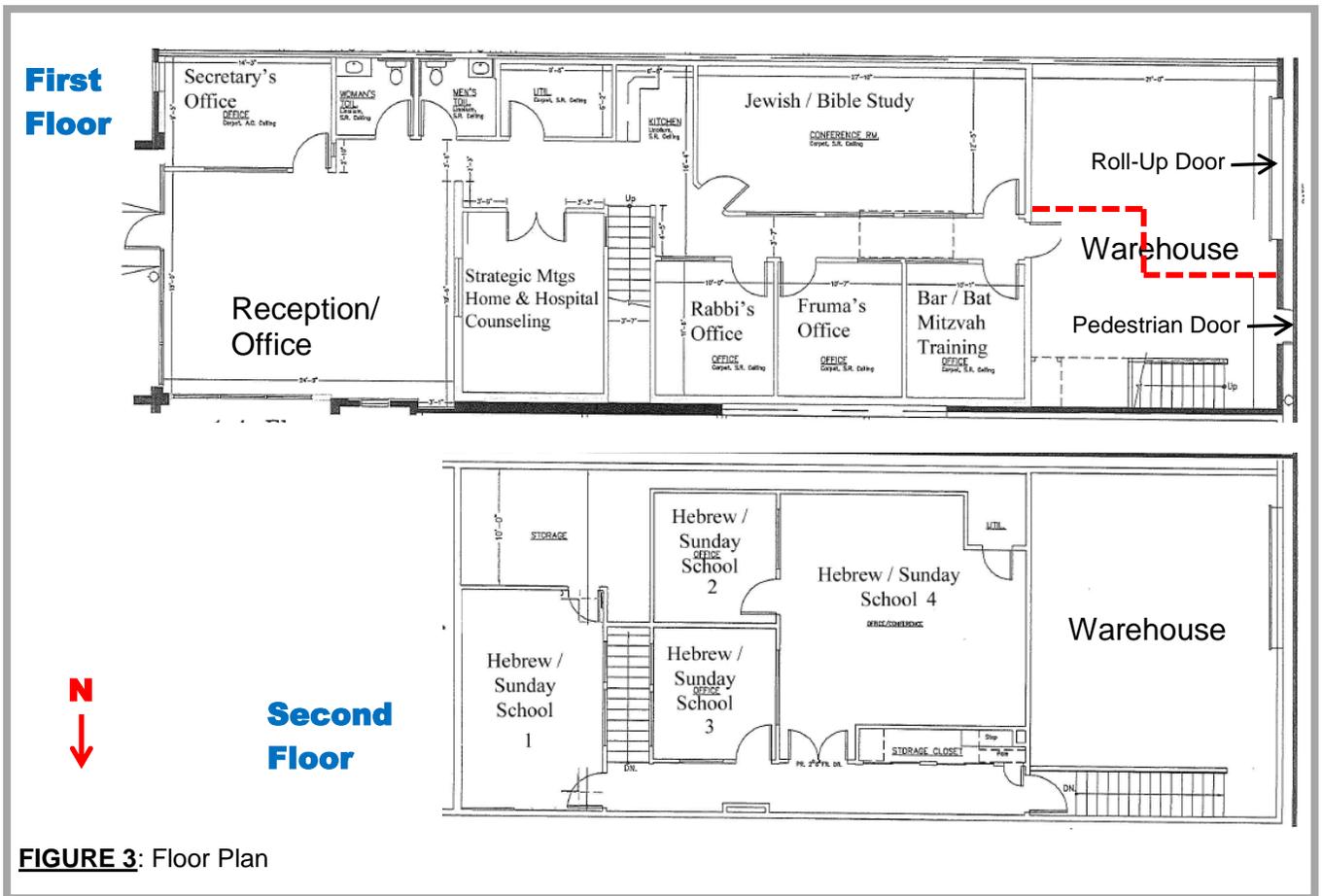
FIGURE 2: Site Plan

PROJECT DESCRIPTION

The proposed conditional use permit is to locate a religious facility and related tutoring operation at the subject location. The applicant’s narrative is attached to this report (Exhibit B) and describes the proposed use, which would be operated by Rabbi Raleigh Resnick and his wife, Fruma Resnick. No services are proposed, but as noted in the narrative, the use has various components including office, Bible/Jewish study, counseling, Bar/Bat Mitzvah training, volunteer/strategic planning meetings, and Hebrew/Sunday school. Office hours are Monday-Friday from 9:00 a.m. to 5:00 p.m., and the other uses are at various times. The majority of the operation occurs off-peak in the late afternoon or evening hours, or on Sundays.

With the exception of the Hebrew/Sunday school, Rabbi Resnick and Fruma Resnick will run the events and thus no more than two events at a time will occur. The maximum number of people at one time that could be at the facility on a weekday is 18 if a Bat Mitzvah and Bible/Jewish study occur concurrently (15 people for the Bible/Jewish study, 1 person for the Bat Mitzvah, and Raleigh and Fruma Resnick).

While Rabbi Resnick is at the facility to greet parents and students, the Hebrew/Sunday school sessions are run by Fruma Resnick and additional staff. The applicant indicates that a student to staff ratio is 5:1, which is compliant with the ratio determined to be acceptable for occupancy limitations by the Chief Building Official (the acceptable ratio is no more than 8 students per instructor; a condition of this use permit requires the applicant to meet this standard). The subject Conditional Use Permit application would allow a maximum of 15 students at the subject site, but the applicant in the future would like to pursue increasing this number to 60 students (at that time, a parking analysis would be conducted by staff and the applicant would most likely be required to secure parking on an adjacent property (or properties) through a formal parking agreement). The applicant has confirmed that none of the other businesses in the building operate on Sundays.



As indicated in the floor plan in Figure 3, the tenant space is two-stories, where the area at the rear of the suite (labeled as warehouse) has a vaulted ceiling. Since the rear pedestrian door functions as one of the two required emergency exits for the use, the applicant will be required

to construct a partition in the warehouse space to ensure the path of travel is free and clear and is also not used as storage space. An example configuration of this partition is shown with the red dotted line in Figure 3, and a condition of approval of this use permit requires the applicant to obtain approval for and construct this partition before operation of the subject use.

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 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. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

Land Use

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for the Valley Business Park permits uses such as offices, light manufacturing, and printing shops and requires CUP approval for uses such as religious facilities, tutoring facilities, gymnasiums and health clubs, indoor recreational and sports facilities, and schools/instructional businesses. The proposed use as a religious facility with tutoring is thus subject to conditional use permit approval.

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The buildings surrounding the subject building consists mainly of office and light industrial uses. Given that the other businesses operate during regular business hours (8:00 a.m. to 5:00 p.m.), the proposed use would be compatible with these businesses in that its peak use would occur when the other businesses are not open. Religious facilities have become a common use in and around business parks and they are typically regarded as “good neighbors.” Also, the site is not close to residential uses and thus the use is not expected to cause negative impacts related to noise, parking, or other objectionable influences.

Parking

A total of 28 parking stalls are located on the subject property. Since the size of the building is 9,936 square feet, the building was constructed at a parking ratio of 1 space per 355 square feet. The subject tenant space is 2,880 square feet and therefore 8 parking spaces are “theoretically” allocated to the suite. However, there are no assigned parking spaces, and parking is shared.

The Pleasanton Municipal Code requires parking for religious facilities to be based on either the number of fixed seats or the square footage of the space. Churches, community centers, and other places of public assembly need to provide “one parking space for every six fixed seats or one space for each sixty square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable.”

The proposed use will not have fixed seating. If Rabbi Resnick is leading a Bible/Jewish study on a Tuesday evening, and Fruma Resnick is leading a Bat Mitzvah at the same time, the

parking requirement based on code requirements would be 6 spaces for the Bible/Jewish study (based on a room size of approximately 346 square feet), and 2 spaces for the Bat Mitzvah training (based on a room size of approximately 115 square feet), for a total of 8 spaces. However, since the narrative indicates that up to 15 men could attend the Bible/Jewish study, and 1 person would attend for the Bat Mitzvah training, 18 parking spaces (including Rabbi Resnick and Fruma Resnick) is a realistic parking demand assuming everyone drives separately.

The square footage of the rooms for the Hebrew/Sunday school total approximately 832 square feet. On Sundays, since all rooms could be used simultaneously, and based on a parking requirement of 1 space for each 60 square feet, 14 parking spaces are required for the Hebrew/Sunday school operation. However, the students that would attend this part of the operation are not of driving age (kindergarten to 7th grade), and thus would be dropped off and picked up by a parent or other guardian. At a student to staff ratio of 5:1, 4 parking spaces for instructors and Rabbi Resnick are required, and an additional 15 spaces would be required to accommodate pick-up and drop-off (a total of 19 spaces). Since none of the other businesses in the building are open on Sundays, staff finds the 28 on-site parking spaces would accommodate the applicant's parking demand as long as the schedule for Hebrew/Sunday school has a 15-minute gap in-between class sessions to alleviate traffic and parking congestion at the beginning and end of each session.

Staff notes, however, that a conditional use permit (PCUP-203) was approved by the Planning Commission to allow piano and guitar instruction Monday-Friday from 3:30 p.m. to 8:30 p.m. (including private lessons and classes for 2 to 4 students) in Suite H of the subject building for Anderson-Siprashvili Music Academy. Since issuance of the conditional use permit, the tenant has vacated Suite H (and as noted earlier, this space is now occupied by Extollo International Kids Against Hunger, a different and unrelated use). However, since conditional use permits are tied to the location for which they are approved, another use operating in the same manner as the approved use permit could at a future time locate in Suite H of the subject building. If this were to occur, staff does not anticipate a conflict with either operation since the most substantive overlap between the previously approved conditional use permit and the subject use occurs on Tuesday evenings between 7:30 and 8:30 p.m. The narrative for PCUP-203 indicates a maximum of 6 students (2 separate 1-on-1 lessons, and a group of 4 students for digital keyboard lessons) would be present at one time. If each of these lessons had a separate instructor, and each student was dropped off/picked up separately, a total of 9 parking spaces would be required. If the subject use were to operate at full capacity on a Tuesday, and if everyone were to drive separately, 18 spaces would be required for the subject use, yielding a total parking demand of 27 spaces. The site has 28 parking spaces and would be able to accommodate this demand.

Since the peak hours of operation of the proposed use differ from adjacent businesses, since a 15-minute gap would be provided between classes to alleviate parking congestion, and since an adequate number of on-site parking spaces exist to accommodate peak operation, staff does not expect parking to be an issue. However, should parking problems occur in the future, staff has included a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Noise

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.” Staff does not find that noise will be of concern to tenants in buildings on adjacent sites. No music or public address system will be part of the use. A condition of approval requires all doors will remain closed unless being used for ingress and egress. Residential uses are not located close to the site and thus the noise from the use is not expected to be a concern to residents. Further, if noise becomes an issue, a condition of approval requires that the applicant may be required to install sound attenuating materials subject to the review and approval of the Community Development Director.

GENERAL PLAN CONSISTENCY

The Land Use Element of the General Plan states several goals, policies, and programs that support the proposed project.

- Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Staff finds that the intent of these policies is met by the proposed use in that it will be occupying an existing building. The subject space is currently vacant and the use would be occupying a space that is currently vacant. Also, if approved, the operation of the use would provide a community facility and a service to the residents of the City. Overall, the use is compatible with other uses within the development and will not result in an impact to parking, noise, or land use.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time this report was prepared, staff has not received any comments or concerns.

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 objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. Staff believes the proposed use, as conditioned, would be consistent with these objectives. The use would be conducted so as to not impact or interfere with the surrounding neighborhood, and the use will not generate any unusual demands on existing parking for the building or generate a large number of vehicle trips.

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 proximity to commercial and residential uses with minimum adverse impact. Staff believes the proposed use, as conditioned, will be compatible with the adjacent industrial park uses. The peak operations of the use would not coincide with the hours of operation of tenants on the subject property and thus the use would not result in impacts regarding parking, noise, or other objectionable influences. 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.

Religious facilities are a common use within or near residential and commercial/industrial areas in Pleasanton. The City’s past experience shows that these uses make “good neighbors.” The use will operate inside a fully enclosed building and will not impact tenants on neighboring properties or other businesses in terms of parking, noise, or other objectionable influences. The hours of operation of the facility’s peak activities differ from regular business hours and residential uses are not located in close vicinity of the proposed use. Further, the conditions of approval require the applicant to mitigate potential nuisances that may arise with the proposed use. 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.

The PUD zoning of the subject site permits the establishment of religious facilities and tutorial facilities subject to conditional use permit approval. The proposed use, as conditioned, would comply with applicable provisions of the governing PUD and

zoning ordinance. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code. Therefore, staff believes that this finding may be made.

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.

CONCLUSION

The conditional use permit will allow the Chabad of the Tri-Valley to locate at the subject site. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. The proposed use, as conditioned, will be compatible with the surrounding uses and properties and will not result in an impact to nearby businesses.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-2382 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P13-2382 subject to the conditions listed in "Exhibit A."

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