

# Planning Commission Agenda Report

July 11, 2018  
Item 5.a.

**SUBJECT:** P18-0051

**APPLICANT:** Shengmeng Education Center

**PROPERTY OWNER:** Southwind Properties, LLC

**PURPOSE:** Application for Conditional Use Permit approval to operate a tutoring facility.

**LOCATION:** 6691 Owens Drive

**GENERAL PLAN:** Business Park (Industrial/Commercial and Office)

**ZONING:** PUD-I/C-O (Planned Unit Development – Industrial/Commercial – Office) District

**EXHIBITS:**

- A. [Draft Resolution and Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received May 30, 2018"](#)
- C. [Location and Notification Map](#)

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## STAFF RECOMMENDATION

Staff recommends the Planning Commission approve Conditional Use Permit (CUP) Case No. P18-0051, based on the findings and subject to the draft conditions of approval in Exhibit A.

## EXECUTIVE SUMMARY

The applicant requests CUP approval to operate a tutoring facility for up to 60 students at any given time at 6691 Owens Drive, within the Pleasanton Park Business Center. At this location, tutoring facilities with more than 20 students on-site at a time require Planning Commission review and approval of a CUP. As proposed and conditioned, staff finds the use is consistent with the intent of the General Plan and objectives of the zoning district and will be compatible with the surrounding uses.

## BACKGROUND

Hong Chen, representing Shengmeng Education Center (SME), is requesting approval of a CUP to establish a tutoring facility with a maximum of 60 students on-site at any one time at 6691 Owens Drive. The subject site is zoned PUD-I/C-O District. Tutoring facilities with more than 20 students on-site at a time are conditionally permitted within this zoning district with the approval of a CUP.

## SITE AND AREA DESCRIPTION

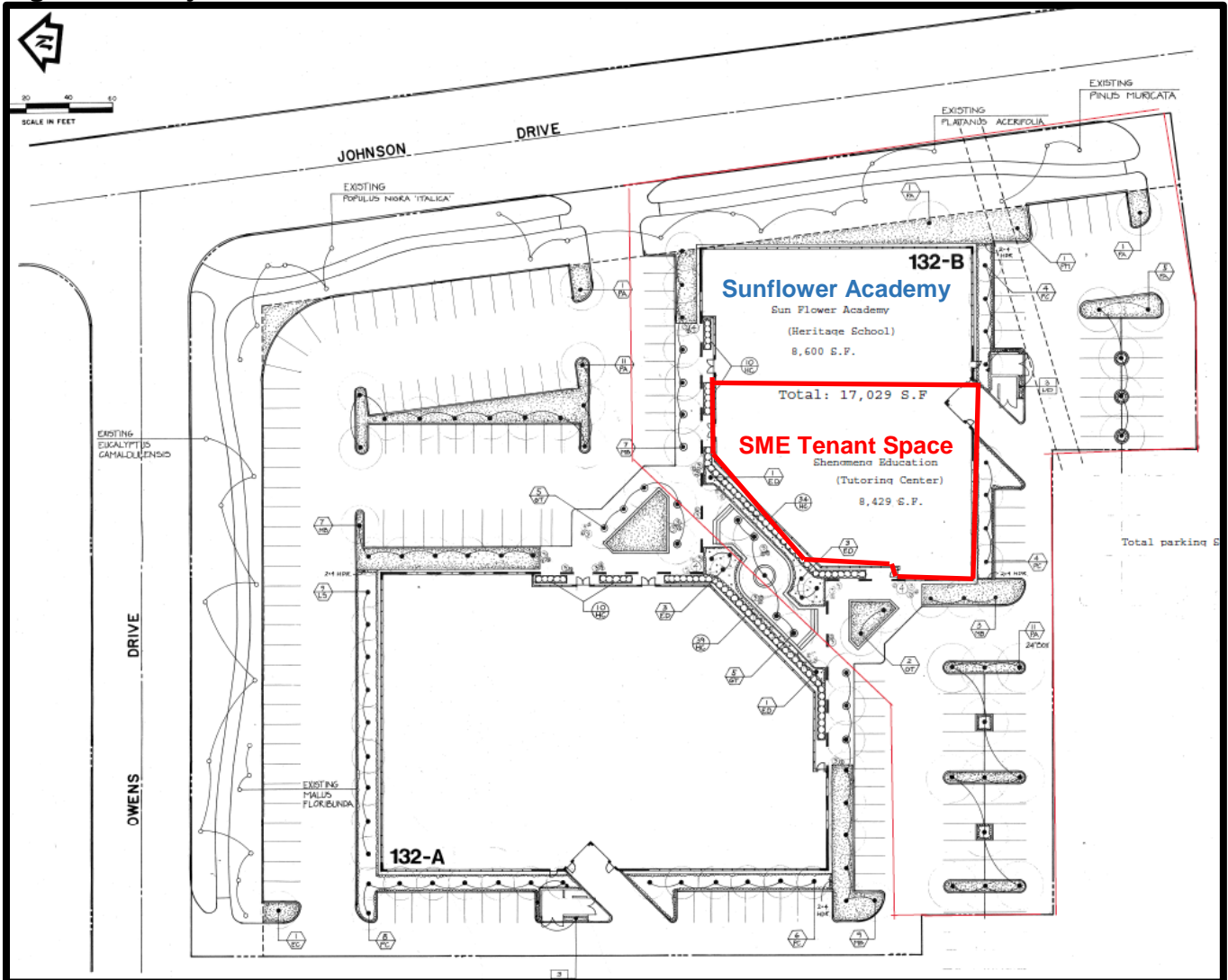
The subject site is approximately 1.31 acres in area and is located on the west side of Johnson Drive (see Figure 1). The site is part of Pleasanton Park Business Center, which comprises multiple parcels, containing single-story buildings of various sizes. The subject building is approximately 17,029 square feet in area and currently has one other tenant (Sunflower Academy Heritage School at 6693 Owens Drive) besides the proposed use (See Figure 2). Uses within the business park and nearby consist mainly of office and commercial uses; there are two tutoring facilities to the west of the project site at 6640-6642 and 6665 Owens Drive.

Primary access to the site is provided by two shared driveways from Johnson Drive; however, the subject site is accessible by multiple shared secondary driveways from the Owens Drive loop that serve as primary access for the other buildings within the larger office complex. There are a total of 63 shared on-site parking spaces within the subject site.

**Figure 1: Aerial photograph of subject site**



**Figure 2: Subject site and tenant location**



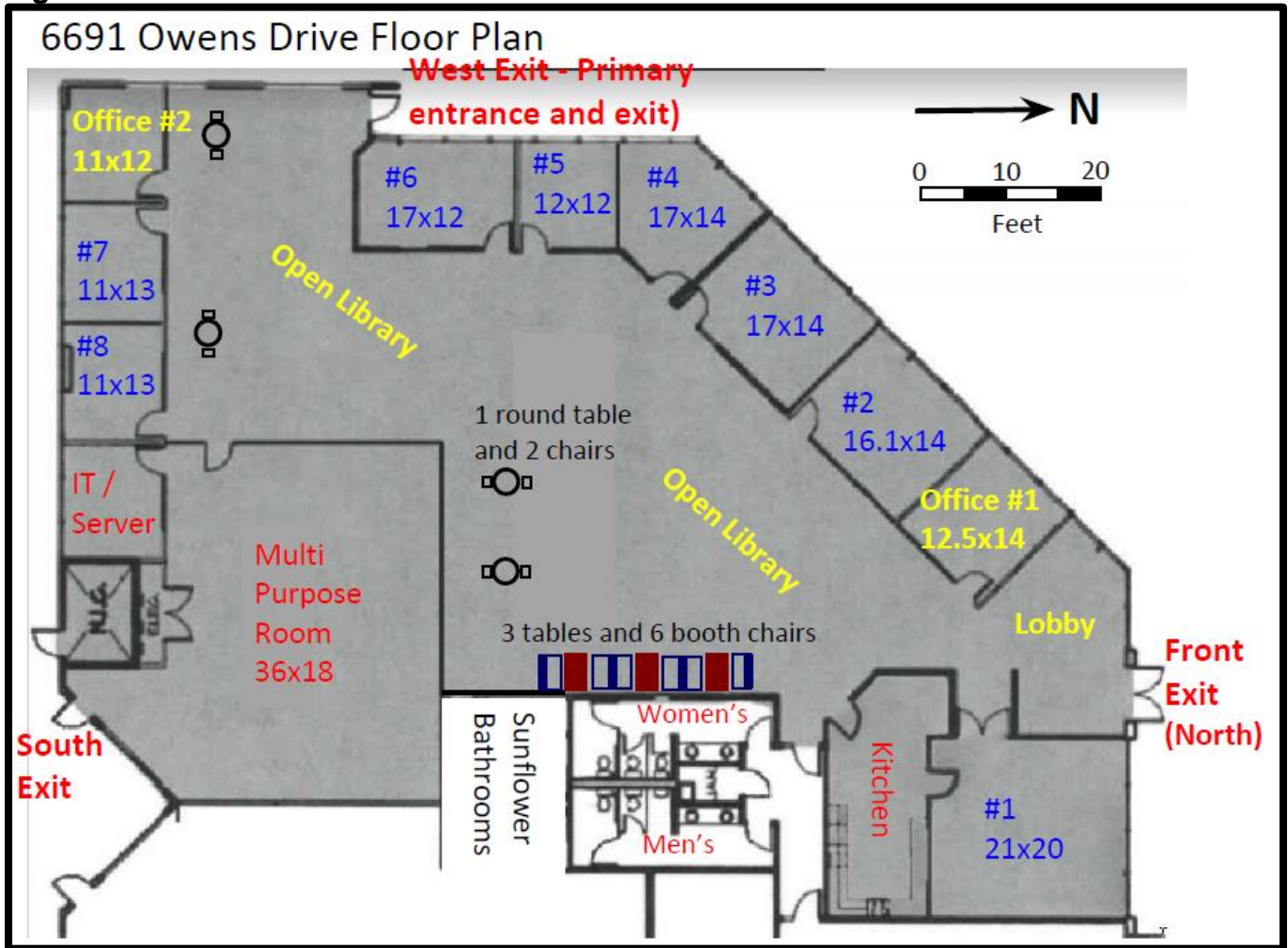
The facility would operate year-round Monday through Friday from 3:50 p.m. – 9:00 p.m., Saturdays from 9:00 a.m. to 8:30 p.m., and Sundays from 1:30 p.m. – 8:30 p.m. Each grade has varying drop-off and pick-up times with a 20-minute gap between the late afternoon tutoring session that ends at 6:10 p.m. and the early evening tutoring session that starts at 6:30 p.m. The evening tutoring session (7:00 p.m. to 9:00 p.m.) would have an hour overlap with the early evening tutoring session. Each grade includes two to four tutoring or homework sessions that are generally structured to last approximately 90 minutes to two hours per session. A total of eight classrooms are proposed with two - 26 students per classroom with one or two instructors, depending on the class size.

Students during the first afternoon session are not driving age (grades four through seven) and SME does not offer transportation services to/from the facility. The applicant has indicated that many parents/guardians are working during the start of the first afternoon session and cannot transport students to the facility. Therefore, student attendance during the weekday is relatively low (maximum of 14 students on-site) during the first session. The student attendance during weekday evenings would peak at 56 students during the overlap of the two evening tutoring sessions. The applicant is proposing a maximum of 60 students and 12 staff members on-site

during the weekday evenings and weekends. Staff notes although 50 students are indicated in the narrative, the applicant wants to accommodate any overlap of potential students seeking to enroll that may be on site during sessions or students waiting for transportation from a parent/guardian.

In addition to the eight classrooms, the floor plan consists of two offices, private bathrooms, open library area, a staff kitchen, and a multi-purpose room (see Figure 31). The open library and multi-purpose room are utilized while children are waiting for instruction to begin or to be picked up by a parent/guardian. The applicant is not proposing any exterior or interior changes to the building.

**Figure 3: Floor Plan**



See the attached narrative and project plans, Exhibit B, for additional information.

**STAFF REVIEW/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 CUP's.

## Land Use

The subject site has a General Plan designation of Business Park (Industrial/Commercial and Office) and is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District. The City approved a PUD Minor Modification (Case No. PUD-80-14-12M) for Pleasanton Park that conditionally permits tutoring facilities with more than 20 students on-site at any given time. Accordingly, the applicant has applied for a CUP. If the CUP is granted, the proposed tutoring facility would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect on, and compatibility of a proposed use with surrounding uses, including consideration of the operational characteristics of the project with respect to nearby uses.

The facility will be located on a parcel within a larger office complex, primarily occupied by office uses, as well as a variety of other uses, including tutoring facilities. Uses beyond the office complex consist of office, commercial, and light industrial uses. There are no residential uses in proximity to the subject site.

The subject building is on a site that has adequate on-site parking (as discussed in the parking section) and SME will be operated exclusively indoors. The types of activities occurring at the center, by their nature, are not expected to generate significant noise levels. All students would be supervised by staff at all times, and exterior doors are conditioned to be closed except when being used.

To ensure that the applicant would have minimal impact in terms of parking and circulation, and to be sensitive to the other tenants within the office complex, the operation would have 14 students on-site at any given time during the PM peak traffic hours (i.e., 4:00 p.m.-6:00 p.m.) and during the operating hours of most of the nearby uses. The adjacent tenant currently occupying the other portion of the building, Sunflower Academy, ceases operation at 7:00 p.m. and the proposed use will start/end outside of Sunflower Academy's start/end times. Staff notes that Sunflower Academy also uses facility vehicles to transport most of their student's home during the PM peak hours, further freeing up parking spaces during the evening and weekend sessions/activities. Furthermore, the majority of the students would attend the proposed tutoring facility between the hours of 6:30 p.m. and 9:00 p.m., after most of the other businesses are closed. Therefore, with the proposed operational provisions for the proposed tutoring facility in place, peak hour overlap/conflicts with the surrounding uses would be minimized. Staff also considers it unlikely that the operation of the proposed use would adversely impact the surrounding businesses within the office complex or, in turn, be impacted, by these businesses.

In the past, the Planning Commission has granted CUP's for similar facilities in office/commercial-dominated complexes and these approvals have not resulted in any major impacts to the surrounding uses or general area. Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be acceptable at this location, as conditioned.

### Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for the proposed use and has determined that the proposed hours of operation and the associated number of attendees would not have a significant impact on existing traffic levels. Additionally, the drop-off and pick-up times for the proposed use would not coincide with the PM peak hour traffic. However, should the applicant wish to increase the proposed attendance numbers and/or alter the hours stated in its narrative, review by the City's Traffic Engineer would be required to assess whether a traffic study would be required and/or whether payment of traffic fees and implementation of mitigation measures would be warranted. Additionally, the Traffic Engineering Division has recommended a condition of approval requiring that all parents/guardians be required to park in an available parking space when dropping off or picking up children; double parking, parking in drive aisles, and curbside drop-off and pick-up would be prohibited.

### Parking

There are 63 parking spaces on-site that are shared between the subject building's tenants. With a total floor area of approximately 17,029 square feet, the parking ratio on the site is one space for every 270 square feet of floor area (17,029 divided by 63 parking spaces). With the proposed use occupying approximately 8,429 square-feet of floor area, 31 parking spaces would, theoretically, be allocated to the proposed use. However, there are no assigned parking spaces on the subject site.

Section 18.88.030 (E) of the Pleasanton Municipal Code (PMC), *Schedule of off-street parking space requirements*, requires one parking space for each employee, including teachers and administrators, and one parking space for each four students in Grade 10 or above. The student parking requirement, one space for each four students, is only applicable during the second Friday session and the third weekday sessions when students in grade 10 or above will be on site. The number of parking spaces required by the PMC will vary depending on the session time. The following details the maximum number of parking spaces required by the PMC for the proposed use based on the number of students in Grade 10 or above (1 space/4 students) and 12 employees on-site at any one time:

- Monday: 16 students in Grade 10+ / 4 parking spaces = 4; 1 parking space/teacher = 12 parking spaces.  $12+4= 16$  parking spaces.
- Tuesday: 20 students in Grade 10+ / 4 parking spaces = 5; 1 parking space/teacher = 12 parking spaces.  $12+5= 17$  parking spaces.
- Wednesday: 31 students in Grade 10+ / 4 parking spaces = 8; 1 parking space/teacher = 12 parking spaces.  $8+12= 20$  parking spaces.
- Thursday: 30 students in Grade 10+ / 4 parking spaces = 8 parking spaces; 1 parking space/teacher = 12.  $12+8= 20$  parking spaces.
- Friday: 40 students in Grade 10+ / 4 parking spaces = 10 parking spaces; 1 parking space/teacher = 12.  $12+10 = 22$  parking spaces.
- Saturday: 50 students in Grade 10+ / 4 parking spaces = 13 parking spaces; 1 parking space/teacher = 12.  $13+12 = 25$  parking spaces.
- Sunday: 40 students in Grade 10+ / 4 parking spaces = 10 parking spaces; 1 space/teacher = 12.  $10+12= 22$  parking spaces.

A maximum of 25 parking spaces are required and 31 parking spaces are theoretically “allocated” for the subject space. Therefore, the parking demand is less than what the proposed use is allocated. Furthermore, the adjacent tenant, Sunflower Academy, transports most of the children to/from the site and only requires the use of 19 parking spaces, per the PMC. Therefore, the parking required by the PMC for both the proposed use and Sunflower Academy (44 spaces) could be accommodated by the 63 spaces.

The majority of the site’s parking spaces are located on the south and west sides of the building. The applicant will inform parents/guardians and students that drive to the facility to park in those areas only.

Staff notes that the PMC parking requirements do not directly address parking demand during drop-off and pick-up times, which would be the most impacted times from a parking standpoint. However, staff anticipates conflicts related to parking demand and potential congestion will be minimized since: (1) drop-off and pick-up activities generally require a short duration of time; and (2) drop-off/pick-up times will occur during non-peak hours, further reducing any parking impacts on the surrounding uses. Furthermore, the City’s Traffic Division conducted a parking survey during various times of the day, when sessions are proposed in conjunction with existing uses in the subject building and adjacent buildings, and found at least 38 parking spaces were continuously available on-site.

Therefore, based on the above parking analysis and recommended conditions of approval, staff believes that the proposed use would not adversely affect parking supply at the subject site or surrounding properties and that adequate parking exists to accommodate all existing and proposed uses. 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 (Exhibit A). Possible mitigating conditions could include reducing the number of students and/or modifying the arrival/departure times.

### Noise

The PMC states that a proposed conditional use must be in accordance 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 anticipates the proposed use would generate interior noise levels comparable to and no different from those of an office or commercial use. The proposed sessions would be held indoors, with the exterior doors closed during business hours. According to the applicant, there would be no loud amplified noise, music or speech generating noise above typical speech levels. Based upon the interior floor plan of the proposed facility, in conjunction with operational features of the project, staff does not believe that any special noise mitigation (i.e., double layer of sheetrock on interior walls) will be necessary. Therefore, it is unlikely the noise produced by the proposed use will adversely affect adjacent tenant spaces or be in excess of 70 dBA at any point outside of the property plane as prescribed by the Municipal Code.

### **ALTERNATIVES**

As outlined in the above analysis staff believes the use, as proposed and conditioned, would be compatible with the other uses in the vicinity and not create adverse impacts, and recommends the Planning Commission approve the project as proposed and conditioned.

However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Denial of the application (the applicant would be able to operate a tutoring center with up to 20 students at any given time as a permitted use in the subject PUD); or
2. Approval of the application with more than 20, but fewer than 60 students on-site at any one time, with modified hours of operation and/or other changes to the proposal.

**SUMMARY OF PROS/CONS OF PROJECT**

PROS	CONS
Use is consistent with the General Plan and zoning designation.	The proposal may increase traffic and parking demand; however, circulation and parking impacts would not be adverse.
Provides educational services for children.	
Allows for operation of a new local business and tutoring center.	

**PUBLIC NOTICE AND COMMENTS**

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit C for reference. At the time this report was published, staff had not received any public comments about the project.

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

**SUMMARY/CONCLUSION**

As proposed and conditioned, staff believes that the proposed use will be compatible with and will not detrimentally affect the existing or future adjacent/nearby uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the proposed use will fulfill a community need and that the proposed location is appropriate.

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