



Planning Commission Agenda Report

December 13, 2017
Item 5.a.

SUBJECT: P17-0820

APPLICANT: Priya and Vikas Bajaj

PROPERTY OWNER: Bradley N. Blake/ Blake Griggs Properties, LLC

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

LOCATION: 2733 Stoneridge Drive Suite 101, Pacific Pearl Shopping Center

GENERAL PLAN: Retail/Highway/Service Commercial/Business and Professional Offices, Medium Density Residential, High Density Residential, and Parks and Recreation

SPECIFIC PLAN: Stoneridge Drive Specific Plan Amendment/Staples Ranch – Retail/Commercial

ZONING: PUD-C (Planned Unit Development- Commercial) District

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative dated “Received November 16, 2017”, Plans dated “Received October 5, 2017”](#)
- C. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P17-0820 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant requests CUP approval to establish a tutoring center with a maximum of 93 students at 2733 Stoneridge Drive, Suite 101, in the Pacific Pearl Shopping Center. Tutoring centers within Pacific Pearl with 20 students or less are permitted by right and with more than 20 students require Planning Commission review and approval of a CUP. As such, this CUP application is before the Planning Commission for consideration. As proposed and conditioned, staff finds the use is consistent with the intent of the General Plan, Specific Plan, zoning district and will be compatible with the surrounding uses. Conditions of approval have been included to ensure the safety and general welfare of the surrounding area, and the City in general, is maintained.

BACKGROUND

Pacific Pearl (PUD-108) was approved under Ordinance No. 2214 by the City Council on March 17, 2017. The Planned Unit Development (PUD) contains a variety of uses that are permitted and conditionally permitted including, among other uses, retail, restaurants, grocery stores, art schools, and tutoring centers. Tutoring Centers with more than 20 students are conditionally permitted. Additionally, tutoring centers, art schools, martial arts schools, and music and dance studios have a 5,000-square-foot maximum for the entire shopping center. At this time, 963 square feet of tutoring and learning uses have been leased in Pacific Pearl with 4,037 square feet remaining in the shopping center.

Priya and Vikas Baja, the applicant, submitted a CUP application to operate a tutoring center ("Brilliant Minds Academy") for a maximum of 93 students ranging from 1st grade through 12th grade at 2733 Stoneridge Drive in Building A of Pacific Pearl, occupying approximately 3,960 square feet of the building. The CUP application is subject to review and action by the Planning Commission. The proposal will require internal tenant improvements; however, will not require any exterior building or site improvements. Brilliant Minds Academy currently has four other locations in Fremont, Dublin, and San Ramon.

SITE DESCRIPTION

The subject parcel is 11.5-acres and currently under construction pursuant to the Pacific Pearl PUD approval with five single-story buildings totaling approximately 112,000 square feet and related site improvements. The five buildings within the shopping center are located around the perimeter of the site, with a majority of the parking located in the center. There are a total of 569 shared parking spaces on the subject parcel. Vehicular access to the on-site parking is provided from Stoneridge Drive at the western boundary of the site with pedestrian access provided along the perimeter of the site. The various tenant spaces are currently being leased in the shopping center and include a mix of uses: restaurants, nail and hair salons, a grocery store, a dentist, an optometrist, and a tutor.

Nearby land uses to Pacific Pearl consist of vacant land, automotive dealers, and the Livermore outlets. Pursuant to the Stoneridge Specific Plan, the vacant land to the west is zoned to be a City community park, the land to the north is zoned for retail/service commercial uses, and the land to the east in Livermore is zoned for regional commercial uses and open space. The nearest residential uses are located over 800 feet away to the west.

Figure 1: Google Earth Aerial Photograph (*Pacific Pearl is currently under construction*)



PROJECT DESCRIPTION

Pacific Pearl shopping center Building A, the subject building, is approximately 10,500 square feet with Brilliant Minds Academy occupying an approximately 3,960-square-foot tenant space on the north side of the building. As stated above, the proposed tutoring use is for a maximum of 93 students ranging from 1st grade through 12th grade and will offer tutoring in a variety of subjects in school in addition to standardized tests tutoring. The floor plan consists of five classrooms, a study area with computer stations, reception area, restrooms, and staff areas as seen on Sheet A-2 of the project plans.

During the school year, hours will be Monday-Friday 2:15 p.m. – 7 p.m. and Saturday-Sunday 9 a.m. – 4 p.m. with modified summer and winter hours being Monday-Sunday 9 a.m. – 4:45 p.m. Each grade has varying drop-off and pick-up hours with 25 or 30 minute gaps between them modified to 15 minute gaps in summer and winter. Each grade includes 1 - 3 tutoring or homework sessions and are generally structured to last approximately one-two hours per session. The five classrooms will be instructing various grade/skill levels and range from 11 - 20 students at maximum occupancy and one instructor per classroom. There will be an additional staff member in the study area that has a maximum occupancy of 17 students.

Given the structure of the drop-off and pick-up schedule, during the school year (the peak demand of the program) there will be approximately 15 - 20 students arriving every 25 minutes and approximately 7 - 20 departing every 25 - 30 minutes. Brilliant Minds Academy encourages carpooling they have used at their Dublin location to try to reduce the number of parents picking-up and dropping-off at one time.

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

PROJECT ANALYSIS

Conditional uses are uses which, by their nature, require special consideration so they may be located properly with respect to the objectives of the Municipal Code and to their effects on surrounding properties. In order to achieve these purposes the Planning Commission can approve, conditionally approve, or deny applications for Conditional Use Permits. Based on the analysis below, staff is recommending conditional approval of the subject application.

General Plan

The General Plan land use designations of the subject property (and the other Staples Ranch properties) are “Retail/Highway/Service Commercial/Business and Professional Offices, Medium Density Residential, High Density Residential, and Parks and Recreation.” The proposed use is consistent with these land use designations. Below are some of the General Plan Goals and Policies the project is consistent with or promotes:

- Land Use Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Land Use Element 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.
- Public Facilities and Community Programs Element Policy 7: Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.

Specific Plan

The subject site has a Stoneridge Drive Specific Plan/Staples Ranch Specific Plan land use designation of Retail/Commercial. The proposed use is consistent with the identified land use in the Specific Plan.

Zoning District

The subject site is zoned Planned Unit Development – Commercial (PUD-C) and Ordinance 2214 identifies a list of permitted and conditionally permitted uses within the Pacific Pearl shopping center. Tutoring facilities with more than 20 students are a conditionally permitted use within the shopping center, and therefore, if the Conditional Use Permit is approved, the proposed use will be consistent with the zoning district. As stated above, 963 square feet of tutoring and learning uses have been leased in Pacific Pearl. With Brilliant Minds Academy and the existing tutoring use in Pacific Pearl, the shopping center will be within the 5,000-square-foot limit for educational uses (i.e., tutoring, music, and other types of schools/studios) with 77 square feet remaining.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. The proposed use will be located in a multi-tenant building within a shopping center consisting of a variety of commercial, office, and service uses. The subject building is on a site that has adequate on-site parking (as discussed below) and Brilliant Minds Academy will be operated exclusively indoors. As described above, nearby land uses to Pacific Pearl consist of vacant land (zoned for a community park, regional commercial uses, and open space), automotive dealers, and the Livermore outlets with the nearest residential uses are located over 800 feet away to the west. If the CUP is granted, the proposed use will be

compatible with the aforementioned surrounding uses and staff considers it unlikely that the operation will adversely impact the surrounding business.

Should future problems arise with the proposed use, the City has the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. In the past, the Planning Commission has granted CUPs for similar facilities in shopping centers. Based on past experience with similar uses, staff believes such an action would be unlikely. In addition, staff has included conditions of approval to mitigate any potential noise, traffic, or parking shortages generated by the use such that surrounding uses will not be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be an acceptable use on the subject property, as conditioned.

Parking

As previously mentioned, there are five multi-tenant buildings in the Pacific Pearl shopping center and 569 shared parking spaces. The overall parking ratio for Pacific Pearl is 1 space per 197 square feet. Based on this ratio, there are approximately 19 parking spaces theoretically allocated to the subject tenant space (3,690 square feet multiplied by 1 parking space/197 square feet = 19 parking spaces). However, there are no assigned parking spaces in this shopping center.

Pursuant to section 18.88.030 (E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), this type of use requires one parking space for each employee, including teachers and administrators, and one space for each four students in grade 10 or above. As currently proposed, Brilliant Minds Academy requires nine parking spaces as detailed below:

- Six staff members = six parking spaces
- Twelve students above grade 10 = three parking spaces

The nine PMC-required parking spaces for this use is satisfied by the 19 parking spaces “allocated” to this facility based on the total tenant square-footage. Staff notes though, section 18.88.030 of the PMC does not address parking demand during drop-off/pick-up times, which will be the most impacted time from a parking standpoint. Brilliant Minds proposes staggered drop-off/pick-up times, 15 – 30-minute time gaps between sessions, and a maximum of 20 students arriving or departing at one time. Additionally, it is expected parents/guardians will only park for a short period of time while dropping-off/picking-up students. Brilliant Minds will also encourage carpooling. These factors will help reduce parking demand and on-site traffic congestion. Furthermore, the shopping center’s 5,000-square-foot limit on educational type uses will further alleviate potential parking and circulation issues due to large numbers of students being dropped-off/picked-up at the same time.

Therefore, based on the above parking analysis and recommended conditions of approval, staff believes the proposed use will not adversely affect parking at the subject site or surrounding properties and adequate parking exists on-site 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. Possible mitigating conditions may include reducing the number of students or modifying the arrival/departure times.

Traffic and Circulation

The Traffic Engineering Division reviewed the project narrative and plan. The Traffic Engineering Division determined a traffic study is not required and the proposed number of students and hours of operation will not have a significant impact on existing traffic levels. Staff has recommended a condition of approval requiring parents/guardians to park in designated parking stalls when dropping-off or picking-up students and no double or curbside drop-off or pick-up will be permitted. Should the applicant wish to increase the attendance 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 is required and payment of traffic impact fees and implementation of other mitigation measures is warranted.

Noise

The subject parcel and building are in a commercial area, and a certain amount of noise is expected. For commercial properties, such as the subject parcel, the Pleasanton Municipal Code Section 9.04.040 states, "No person shall produce or allow to be produced by any machine, animal, device, or any combination of the same, on commercial property, a noise level in excess of 70 dBA [*A-weighted decibels*] at any point outside of the property plane."

As proposed, the tutoring center is proposed entirely indoors and no music classes are proposed. Any noise generated from tutoring activities should be consistent with other activities in the Pacific Pearl shopping center and should not generate more noise than is typical for this area. Therefore, it is unlikely noise will be an issue. To further minimize any noise impacts, staff recommends the following conditions of approval:

- The applicant shall inform all students/parents/guardians/staff not to loiter or make loud noises outside of the subject building before or after instruction;
- The exterior doors of the tenant space shall remain closed when not being used for ingress/egress purposes; and
- If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, the Community Development Director may require subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said Conditional Use Permit. Possible mitigation measures can include, but are not limited to: modifying the hours of operation, reducing the number of persons inside the subject tenant space, imposing traffic fees, or other measures deemed necessary by the Planning Commission.

With the inclusion of the conditions above, staff has determined 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.

PROJECT ALTERNATIVES

As articulated above, staff believes the use as proposed is consistent with the intent of the zoning district. However, alternatives to the proposal include:

1. The Planning Commission can deny the CUP, limiting the number of students in the tutoring center to 20 students (a permitted use in the subject PUD); or
2. The Planning Commission can approve the CUP to operate a tutoring center with more than 20 but fewer than 93 students, with modified hours of operation, or other changes to the proposal.

Alternative 1 precludes the establishment of a large tutoring center to address the needs of the community seeking this type of service. Alternative 2 allows for the establishment of a tutoring center with more than the 20 students permitted by right, but will reduce activity levels compared to the proposed project. Staff is recommending that the Commission make the findings to approve the project as proposed and does not believe the project will not adversely impact any existing uses or the surrounding area.

PROS AND CONS FOR THE PROPOSED PROJECT

Pros	Cons
Use is consistent with the General Plan, Specific Plan, and zoning designation	The project may increase parking demand and traffic in the Pacific Pearl shopping center
Provides educational services for children	
Allows for operation of a new local business and tutoring center	

FINDINGS

The Commission needs to make the following findings prior to the granting of a 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.**

Some of the objectives of the zoning ordinance include: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and 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 Pacific Pearl Planned Unit Development (PUD) which has the characteristics of the City's C (Commercial) District and permits land uses such as retail, restaurants, small art schools, and small tutoring centers. Larger schools and tutoring centers are permitted with a Conditional Use Permit.

As conditioned, staff finds the proposed tutoring center is consistent with the zoning ordinance objectives and the use will be conducted in an existing shopping center with other compatible uses. The proposed tutoring use will be conducted indoors and on a property with an adequate circulation system and parking supply to support the use. The number of students, hours of operation, and staffing levels will not generate substantial noise, substantially compromise the parking supply, or otherwise adversely affect the function of the Pacific Pearl shopping center. The applicant will also be required to mitigate any future nuisances that may occur as a result 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.

Tutoring centers and other educational facilities are common uses within commercial areas in Pleasanton. The City's past experience shows these uses are generally compatible with other uses. Tutoring centers generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. Adequate separation from residential neighborhoods, maintenance of noise levels, and safety and security within the premises (including ingress and egress to the site) have been provided or conditioned. Furthermore, tutoring facilities and other educational uses are limited to a 5,000 square feet in the subject PUD to preserve the shopping center as primarily a regional center with grocery, retail, restaurant, and services and the subject tenant space is within the limitation.

The staggered drop-off and pick-up program schedule will help alleviate parking and traffic/circulation problems. Staff finds the proposed use will have adequate off-street parking to meet project demand in the 569 off-street parking spaces within the Pacific Pearl shopping center. There is no indication public health, safety, or welfare will be adversely affected by granting this Conditional Use Permit and, if the recommended conditions of approval are met, staff finds the proposed use will not detrimentally affect surrounding uses. Conditions have also been included requiring 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.

Staff finds, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the approved PUD 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.

PUBLIC NOTICE

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

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines (CEQA), California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities, Class 1) of the CEQA Guidelines.

SUMMARY/CONCLUSION

As proposed, staff believes the proposed use will be compatible with the surrounding uses and the findings can be made for the requested Conditional Use Permit, as conditioned. Conditions of approval have been included to benefit the safety and general welfare of the surrounding area, and the City in general. Staff finds the proposed use will fulfill a community need and the proposed location is appropriate.

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