

Planning Commission Staff Report

April 24, 2013 ~~April 10, 2013~~
Item 5.a.

SUBJECT: P13-0013

APPLICANT: Safari Kid / Lakshmi Nachiappan

PROPERTY OWNER: W. Group Holdings III, LLC

PURPOSE: Application for Conditional Use Permit to operate a heritage school for children in Grades K-5.

LOCATION: 5627 Gibraltar Drive, Suite 200

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

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

EXHIBITS:

- A. Draft Conditions of Approval
- B. Narrative, Floor Plan, and Site Plans dated “Received January 18, 2013”
- C. Sections 33195 and 44327 of the California Education Code, and Sections 1596.70 and 1596.90 of the Health and Safety Code
- D. Approval Letter Allowing Heritage Schools as a Conditionally Permitted Use within Hacienda Business Park
- E. Hacienda Owner’s Association Approval Letter
- F. Location and Noticing Maps

BACKGROUND

State Heritage Schools

Section 33195.4 of the California Education Code (CEC) defines “heritage school” as a school that serves children who are at least (4) years and nine (9) months of age and no older than 18 years of age, and who also attend a public or private full-time day school, and does all of the following:

- (a) Specifies regular hours of operation.
- (b) Offers education or academic tutoring, or both, in a foreign language.
- (c) Offers education on the culture, traditions, or history of a country other than the United States.

- (d) Offers culturally enriching activities, including, but not limited to, art, dancing, games, or singing, based on the culture or customs of a country other than the United States.
- (e) Maintains membership in a state or national cultural or language association.
- (f) Complies with relevant local government regulations, where applicable.
- (g) Does not operate out of a residential home.
- (h) Complies with the requirements of Education Code Section 33195 and maintains in its possession a copy of the registration form electronically filed with the Superintendent. The heritage school shall make this form available upon request, including to the State Department of Social Services, to verify exemption from child care licensure.

Section 33195.6.(e) states that a heritage school, as defined in Section 33195.4, shall not be subject to licensure by the State Department of Social Services as a child daycare center pursuant to Chapter 3.4 (commencing with Section 1596.70) or Chapter 3.5 (commencing with Section 1596.90) of Division 2 of the Health and Safety Code. Section 44237 requires criminal record information for persons associated with the school.¹

Sections 33195 and 44237 of the California Education Code, and Sections 1596.70 and 1596.90 of the Health and Safety Code are attached as Exhibit C.

Hacienda Business Park

On August 3, 2011, the City approved Hacienda Business Park's request for a modification to the approved Planned Unit Development plans to allow both state licensed childcare facilities and heritage schools as a conditionally allowed use on all Hacienda properties, with the exception of those currently designated solely as High Density Residential. A copy of the approval letter is attached as Exhibit D for reference.

Safari Kid

On behalf of Safari Kid, Lakshmi Nachiappan, applicant, has submitted a conditional use permit application to operate a heritage school for children in Grades K-5 within an existing tenant space at 5627 Gibraltar Drive, Suite 200. The proposed site is located within Hacienda Business Park and is zoned PUD-I/C-O (Planned Unit Development – Industrial Commercial – Office) District. With Hacienda's approved PUD modification, a heritage school is allowed through the process of a Conditional Use Permit (CUP). The CUP application is subject to the review and action by the Planning Commission.

As discussed in the *State Heritage Schools* section, the state requires heritage schools to register annually online with the California Department of Education (CDE) in order to exempt them from licensure by the State Department of Social Services as a child daycare center. The applicant has provided a copy of the application submitted to CDE in Exhibit B. If the CUP

¹Per California Department of Education (CDE), Heritage Schools are self-certified in terms of background checks, health and safety training, etc. CDE requires that these documents be kept by the director of the heritage school and be available upon request.

is approved by the City, Safari Kid's 2013 registration can/will be verified via CDE's website: <http://www3.cde.ca.gov/hsrs/search.aspx>

SITE DESCRIPTION

The subject site is an approximately 5.5 acre parcel at the southeast corner of the intersection of Gibraltar Drive and Hacienda Drive. The site has 425 shared on-site parking spaces (416 standard stalls and nine ADA stalls) and contains three, multiple-tenant buildings. The subject building is one-story and approximately 35,517 square-feet in area. Safari Kid would occupy approximately 11,948 square-feet of floor area; the rest of the building is occupied by Adept Technology Inc. Each of the two existing tenant suites has exterior doors that allow for direct access to the tenant spaces; there is no common hallway or internal access between suites.

Figure 1: Building Location



PROJECT DESCRIPTION

Safari Kid Heritage School will provide a variety of programs for children in Grades K-5 that are geared towards Indian and Spanish cultures. Children will be taught to read and write Hindi and Spanish in addition to learning arts and crafts, dance, and music related to the Indian and Spanish cultures. Children will also participate in drama/public speaking, chess and computer lessons as a part of the school's academic curriculum. The details of the programs, as described by Safari Kid, are as follows:

Accelerated Learning Program 1: This program uses a combination of the Hindi (the national language of India) and Spanish languages for introducing basic concepts of phonics, numbers, shapes, colors, beginning sounds, reading, logical thinking, tracing, public speaking, and math.

Accelerated Learning Program 2: This program introduces children to reading, math, science, social studies with arts and crafts, music and movement, and public speaking. As children progress through these levels they are taught advanced concepts of reading, writing, math, and critical/logical thinking.

Safari Kid's narrative (Exhibit B) indicates that the two accelerated learning programs (I and II) can further be divided into four different levels, which is dependent on child development.

Smart Cub Program: This program is a hands on learning program where children focus on life sciences, problem solving, and logical and creative thinking.

Exploratory Art Classes: This program assists children in building motor skills through basic and advanced concepts of drawing, coloring, modeling, and painting.

One Stroke Painting: This program introduces children to "famous forms of Indian art" through One Stroke Painting and Madhubani and Warli Art.

Dance: This program teaches Bollywood and Kathak dancing, forms of Indian dance. There are two levels of classes that are based on the age of the children.

Lego Robotics: This program is a hands-on program based on science, technology, engineering, and math concepts. This program will focus on problem solving, critical thinking and team building skills.

Karate: This program focuses on character development, physical fitness and practical self-defense. This will assist children in learning how to improve their concentration and the ability to focus under pressure.

Violin: This program will teach children how to play a musical instrument. Staff notes that the musical instrument could be something other than a violin that is more closely associated with the Indian and/or Spanish culture.

Dramatics and Public Speaking: Children will study drama to help them enhance their communication skills by learning how to address a crowd and speak to other people.

Enrollment Capacity:

Although Safari Kid’s application to the state, found in Exhibit B, indicates 100 children, Safari Kid would have a maximum of 136 children enrolled. A condition of approval has been added that requires the applicant to amend the state application to reflect a maximum of 136 children (No. 2 of Exhibit A). Staff will consist of 12 teachers, two administrative staff members and one Director on-site during each session. Each session is approximately three hours long and the enrollment schedule is as follows:

Morning Kinders Program

8:30 a.m. – 11:15 p.m. 48 children

Afternoon Kinders Program

11:30 a.m. – 3:00 p.m. 40 children

After School Program (K-5th Grades)

3:00 p.m. – 6:45 p.m. 48 children

In addition to these afterschool programs, Safari Kid will offer a summer camp session when the children are not in school. The camp session will be Monday through Friday from 8:30 a.m. to 6:45 p.m. with the maximum number of students and staff remaining the same; 136 children with 15 staff members. However, Safari Kid also accepts parent volunteers during the summer camp to assist with outdoor supervision and/or with scheduled field trips.

Transportation:

Safari Kid will have nine vehicles to transport students from the children’s regular public/private schools to the facility on Gibraltar Drive. The vehicles will also be used to transport the children during the summer camp. The vehicles will be parked on-site when not in use. Safari Kid’s narrative indicates that parents/guardians will not be allowed to pick-up their children until after the end of the scheduled program, with the exception of medical appointments.

Outdoor Play Area:

The state exempts heritage schools from providing outdoor play areas. However, the applicant has a rental agreement with the City’s Community Services Department for the use of the outdoor recreational space at Thomas Hart Middle School. Staff notes that the rental agreement has to be applied for each year and is on a first-come, first-serve basis. In the event that the outdoor recreational space is not available for Safari Kid’s use, the applicant shall secure other outdoor recreational space or other recreational opportunities prior to operating the camp. A condition of approval has been added to reflect this requirement (No. 3 in Exhibit A).

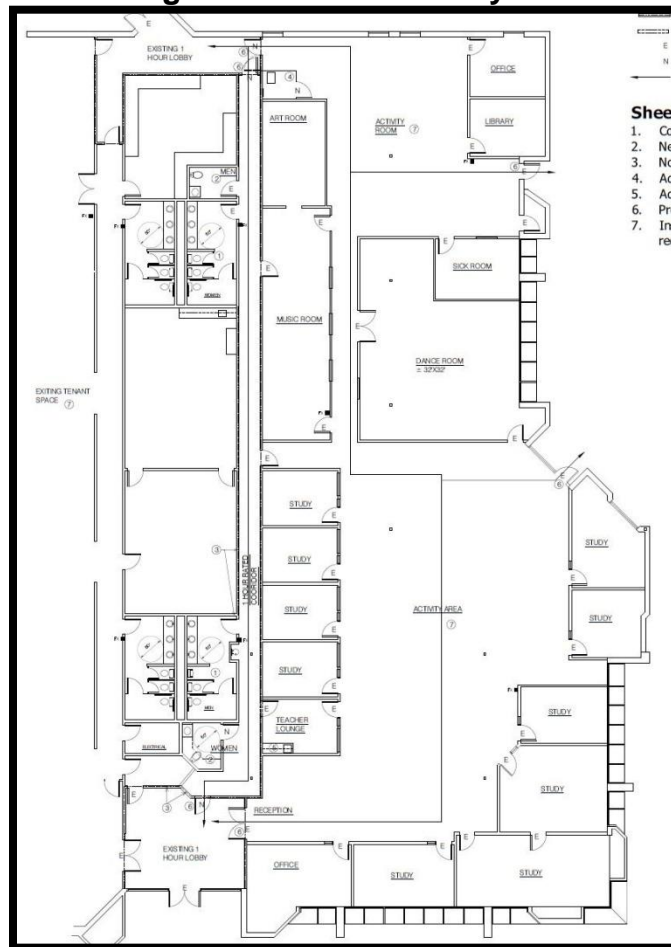
During the camp, parents will drop their children off at the middle school between 8:30 a.m.

and 9:00 a.m. and the children will participate in supervised activities until 11:00 a.m. Safari Kid will then use their vehicles to transport the children to the subject site where the children will participate in heritage and academic programs until their parents/guardians pick them between 6:15 p.m. and 6:45 p.m. An example of the camp programs and activities can be found in Exhibit B.

Facility Layout:

The proposed heritage school would have 10 study rooms, two offices, two open activity areas, a reception lobby, teachers’ lounge, music room, dance room, sick room, and library. Please refer to Figure 2 below. Safari Kid will also have restrooms for the exclusive use of the children and faculty in their main corridor. The adjacent tenant has its own restroom facilities and will not have access to Safari Kid’s facilities.

Figure 2: Floor Plan Layout



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 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.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. The Land Use Element of the General Plan designates the subject property as “Business Park (Industrial / Commercial and Office) / Mixed Use.” The zoning for this site is PUD-I/C-O (Planned Unit Development – Industrial / Commercial – Office), and is located in the Research and Development / Light Manufacturing Planning District (IPD) of Hacienda Park which permits land uses such as offices and light manufacturing and requires conditional use permit approval for uses such as indoor recreational sports facilities, schools, and tutoring facilities.

When the proposed use is educational, instructional, recreational, or daycare, staff evaluates how that use integrates into the surrounding uses. The proposed heritage school is located on a site that is east of Thomas Hart Middle School. The proposed cultural and academic enrichment programs are similar to those offered at after-school tutorial facilities. In staff’s evaluation, this use is compatible with the surrounding uses. In the past, the Planning Commission has granted Conditional Use Permits for tutoring facilities in business parks (Little Ivy League, Case No. P11-0938). The subject site has on-site parking and, although state-exempt, will be providing outdoor play activities during the summer camp session. As such, the proposed heritage school would be compatible with the surrounding uses.

Parking

There are 425 parking spaces that are shared amongst the three buildings on the subject site. The combined building floor area of the three buildings is 120,112 square-feet. Therefore, the parking ratio at the subject site is one space for every 283 square-feet of floor area. With Safari Kid occupying approximately 11,948 square-feet of floor area, 42 parking spaces would, theoretically, be allocated to the proposed use.

Per section 18.88.030 (E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), this type of use would 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 15 staff members and nine vehicles that would be used by Safari Kid for carpool, 25 parking spaces would be required for the proposed use. The code-required parking demand for this use would be satisfied by the 42 parking spaces “allocated” to this tenant space based on the total tenant area.

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 Safari Kid will be transporting the children from school to the facility. Furthermore, parent/guardian arrival and departure times are staggered with parents 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, 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. 4). Possible mitigating conditions could include: reducing the number of children, modifying the arrival/departure times, etc.

Traffic and Circulation

Located at the southeast corner of Hacienda Drive and Gibraltar Drive, the subject site has two entrances near the subject building, one from each street. The corner location provides convenient vehicle access to enter/exit the site.

The Traffic Engineering Division has reviewed the proposal and determined that the facility's operation hours are outside the PM traffic peak period; therefore, a traffic study is not required. However, should the school deviate from the hours listed in their narrative (Exhibit B), review from the City's Traffic Engineer would be required to assess whether fees and/or a traffic study would be required. A condition has been added to address this (No. 5 of Exhibit A).

Noise

The Pleasanton Municipal Code states that 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." As proposed, the heritage school programs would be held indoors with doors closed during business hours. To ensure that interior noise from the heritage school does not impact the adjacent tenant, a condition of approval has been added that the applicant shall be required to install noise attenuation along the common tenant walls to the ceiling (No. 6 of Exhibit A). Furthermore, condition of approval No. 6 of Exhibit A requires that if noise problems arise in the future, the Conditional Use Permit may be amended or revoked should noise become an issue for the adjacent tenant.

Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage would be required to adhere to Hacienda Park's sign guidelines.

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.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; 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, staff feels the proposed heritage school would be consistent with these objectives. There is a heritage school (Little Ivy League) in Hacienda Business Park that has been found to be compatible with the surrounding businesses. Staff believes that the proposed heritage school should also be compatible.

The subject site is zoned Planned Unit Development – Industrial/Commercial - Office (PUD-I/C-O) District, and it is located in the Research and Development / Light Manufacturing Planning District (IPD) of Hacienda Park which generally 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 light manufacturing, commercial, and personal services uses with minimum adverse impact. Staff believes the proposed use, as conditioned, will be compatible with the adjacent industrial park uses. 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.

The building that the proposed heritage school is to occupy is shared with one other tenant. The number of parking spaces available on site exceeds the parking demands for the proposed use. The staggered program schedules would off-set parking congestion during pick-up times which will help alleviate parking and traffic concerns. In addition, the subject site is surrounded either by streets (being on the corner of Hacienda Drive and Gibraltar Drive) or by Thomas Hart Middle School. Further, the proposed conditions of approval will ensure that the facility 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 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.

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. 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 believes this finding can be made with the proposed conditions of approval.

HACIENDA OWNERS ASSOCIATION

James Paxson, General Manager of Hacienda Owners Association, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in the CC&R's (please refer to Exhibit E). The Association believes that the use, parking, and traffic are compatible with currently approved uses within the subject area and, thereby, approved the proposed use.

PUBLIC NOTICE

Notice of this application was sent to surrounding property owners within 1,000-feet of the site. Staff has provided the location and noticing maps as Exhibit F for the Commission's reference. At the time this report was published, staff had not received any public comments

ENVIRONMENTAL ASSESSMENT

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

CONCLUSION

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed heritage school would provide a service to the community and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P13-0013 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve P13-0013 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, namos@cityofpleasantonca.gov.