

Planning Commission Staff Report

May 9, 2012
Item 5.a.

- SUBJECT:** P12-0601
- APPLICANT:** Jennifer Zheng / Little Ivy League
- PROPERTY OWNER:** Jack Balch / Balch Enterprises, Inc.
- PURPOSE:** Application for a Conditional Use Permit to operate a preschool for a total of 120 students within the existing building
- LOCATION:** 4160 Hacienda Drive, Suite 200
- GENERAL PLAN:** Business Park (Industrial / Commercial and Office) / Mixed Use
- ZONING:** PUD-I/C-O (Planned Unit Development-Industrial/Commercial & Offices) District.
- EXHIBITS:**
- A. Draft Conditions of Approval
 - B. Narrative, Floor Plan, and Site Plans dated "Received March 30, 2012"
 - C. Approval Letter Allowing Childcare as a Conditionally Permitted Use within Hacienda Business Park
 - D. Hacienda Owner's Association Approval Letter
 - E. Planning Commission Staff Report (P11-0938, LIL Heritage School) Without Exhibits and Excerpt Minutes, dated February 22, 2012
 - F. Zoning Administrator's Approval Letter Modifying P11-0938 (Conditional Use Permit for Little Ivy League Heritage School)
 - G. Location and Noticing Maps

BACKGROUND

In August 2011, the Planning Commission approved a Conditional Use Permit for a 40-student middle school tutoring center (Case No. P11-0036) to be operated at 4160 Hacienda Drive. The tutorial center occupied approximately 9,000 square feet of the

existing building. In February 2012 the Planning Commission approved a Conditional Use Permit (Case No. P11-0938) for a private State registered heritage school, Little Ivy League (LIL), that would have a maximum of 300 K-8th grade students, including the 40 students in the middle school tutoring program. Shortly after the approval, the applicant requested to modify the approved conditional use permit by reducing the number of students from 300 to 180, including the 40 students in the middle school program, and reducing the floor area of the heritage school from 23,168 square feet to 15,934 square feet. At the same time, Ms. Zheng filed the subject Conditional Use Permit application to operate a 120-student preschool program in the tenant space area that would become available as result of the heritage school's modification. The request to modify the previously approved heritage school was approved by the Zoning Administrator. A copy of the approval letter is attached as Exhibit F.

The subject site is in Hacienda Business Park. The business park allows State licensed childcare facilities as a conditionally allowed use on all Hacienda properties, with the exception of those currently designated solely as High Density Residential. The Conditional Use Permit application is subject to the review and action by the Planning Commission.



Location Map

SITE DESCRIPTION

The subject site is an approximately 2.7 acre parcel at the southwest corner of the intersection of Gibraltar Drive and Hacienda Drive. The site has 140 on-site parking spaces (135 standard stalls and 5 ADA stalls) and contains a one-story, multiple-tenant building with a mezzanine area. The building is approximately 23,168 square-feet in area.

The subject site has two open spaces area and one secured patio area. Please refer to the site plan below.



Site Plan

PROJECT DESCRIPTION

LIL Preschool offers a modified Montessori based educational program for children 24 months to Kindergarten. Each program is separated by age groups and would take place in separate classrooms. The programs focus on practical situations, coordination, academic work (i.e., math and language). The preschool offers full-day programs.

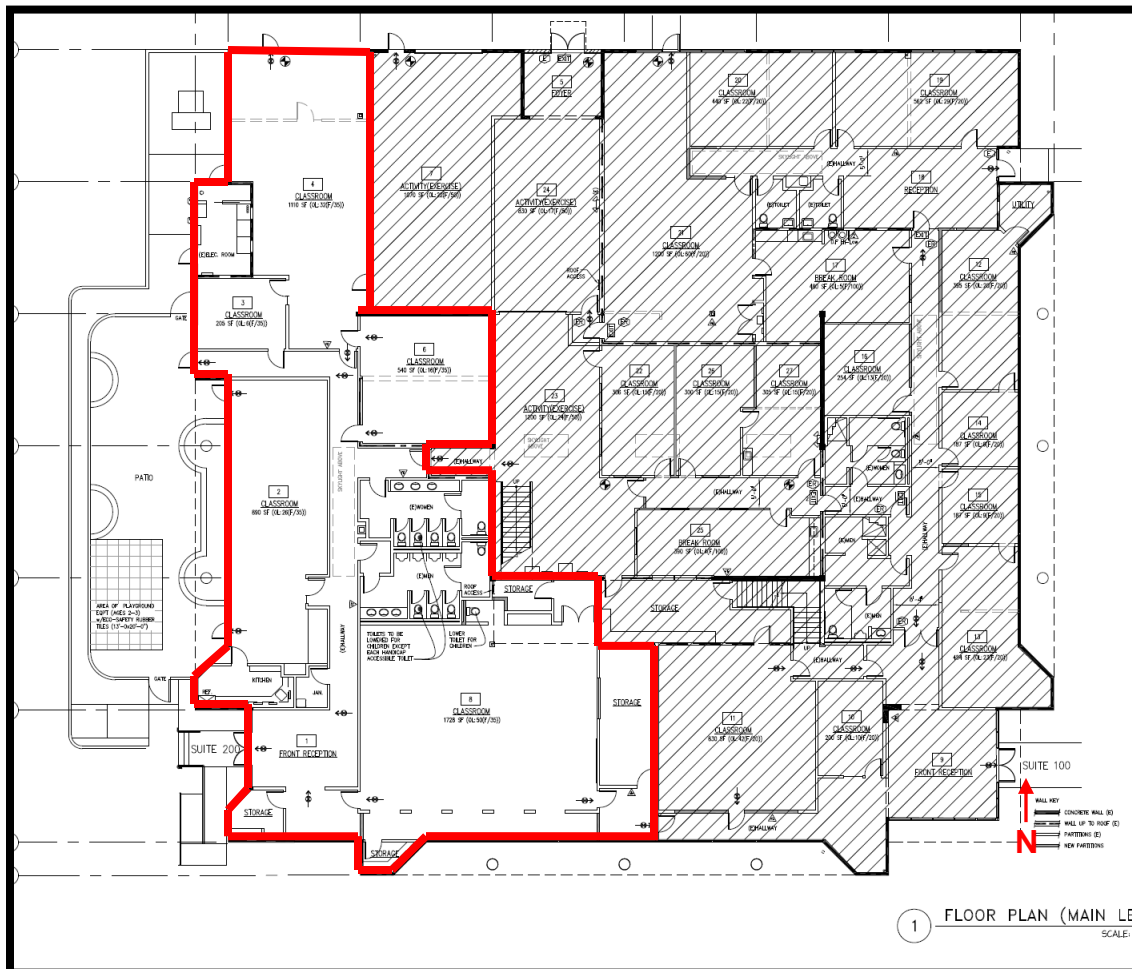
LIL Preschool would occupy approximately 7,234 square-feet of the building (the other tenant in the building is LIL Heritage School) and would consist of classrooms, reception area, bathrooms¹, and storage areas. As proposed, there will be 120 children attending the preschool and 15 employees.

¹ Restrooms are to be shared with LIL Heritage School.

The preschool will operate year round Monday through Friday. The hours of operation are as follows:

Extended Daycare²: 7:00 a.m. to 8:00 a.m.
 Preschool: 8:00 a.m. to 6:30 p.m.
 Extended Daycare: 6:30 p.m. to 7:00 p.m.

There is not a specific starting/ending time for programs. The preschool anticipates that most drop-offs would occur between 7:00 a.m. through 9:00 a.m. and most of the students would be picked up prior to 6:30 p.m.



Building Floor Plan:
The Proposed Preschool Area (non-hatched area outlined in red)
The Approved Heritage School Area (hatched area)

² Before and After Extended Day is for the preschool students.

There are three playground areas approved with the heritage school's Conditional Use Permit: the two open spaces located on the west side of the building and the "walled-in" patio area located on the south side of the building. The heritage school's Conditional Use Permit approval required fencing to be installed subject to the approval by the Director of Community Development. On March 14, 2012, the applicant submitted a fencing plan to the Planning Division. The proposed tubular steel style fencing was reviewed and approved by the Director of Community Development. The required fencing has been installed.

With the proposed preschool, age appropriate play structures would be installed in the two playground areas for preschoolers and heritage school students. As such, the larger playground area would be designated for use by the heritage school and the smaller playground would be used by the preschoolers. In addition, the patio area would be used exclusively by the proposed preschool program as it has a direct access to the patio area. The preschool proposes to have 50 students in the outdoor areas at one time.



The following table shows the operational schedule of the proposed preschool and the approved heritage school:

	Proposed Preschool	Approved Heritage School
Tenant Space Area	7,234 square feet	15,934 square feet
Number of Students	120	180
Number of Teachers/Staff	15	15
Hours of Operation (M-F)	7:00 a.m. to 7:00 p.m.	11:00 a.m. to 7:00 p.m. (school days) 8:00 a.m. to 7:00 p.m. (summer/spring breaks)

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

The subject property has a General Plan Land Use designation of Business Park/Mixed Use; which allows retail, commercial, and educational uses. The proposed preschool use is consistent with the General Plan land use designation. The proposal would provide an educational facility for children under the age of 5; which is consistent with Policy 7 of the General Plan's Public Facilities and Community Programs Element: "encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages." In addition, the proposed use would provide childcare, which is consistent with Program 15.1 of the General Plan's Land Use Element: "Encourage business parks and large employers to provide on-site childcare facilities."

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 childcare facilities, schools, and tutoring facilities.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. The proposed preschool located in a business park that has a variety of educational uses, such as private and public school, a child development center, and various academic tutorial facilities. In the past, the Planning Commission has granted Conditional Use Permits for educational facilities in business parks. The subject site has its own parking and outdoor play areas. Along with its heritage school, LIL would occupy the entire building. It is located on the

southwest corner of Hacienda Drive and Gibraltar Drive, and Thomas Hart Middle School is the only adjoining use. Therefore, staff believes that the proposed preschool would be compatible with the surrounding uses.

Parking

There are a total of 140 parking spaces located on the subject property. Per Section 18.88.030 (E) 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 a maximum of 15 employees (12 teachers and three administrative staff) of the preschool, 15 parking spaces would be required for the proposed use. The preschool would share the building and on-site parking with LIL Heritage School. LIL Heritage School's modification shows that it would have 15 teachers, 3 administrative staff, and 180 K-8th grade students. As all students would be under 16 years of age, the parking requirement would be only applicable to teachers and staff at LIL Heritage School. As such, 18 parking spaces would be occupied by teachers and staff at LIL Heritage School. In addition, LIL Heritage School's operation includes a 10-vehicle fleet for transporting students that would be parked on site. Collectively, the heritage school and the preschool would demand a total of a 43 parking spaces for employees and LIL Heritage School's vehicles. The subject site has 140 parking spaces and would, therefore, meet the parking requirements.

Staff notes that section 18.88.030 of the PMC does not address parking demand during drop-off/pick-up times. As the site is now to be occupied by a heritage school and a preschool, it is important to analyze any potential parking conflicts between the two businesses.

The proposed preschool opens at 7:00 a.m. During the drop-off period, there are no activities at the LIL Heritage School site as students are attending regular school. Thus, the existing 140 parking spaces on-site could adequately support the parking demand from the preschool during those morning hours.

The regular preschool program ends at 6:30 p.m. with the extended daycare program between 6:30 p.m. to 7:00 p.m. At this time, the preschool does not have an estimated number of students who would be picked up during the regular preschool program and who would stay in the extended daycare program. The table on the following page shows the number of vehicles that are anticipated by the applicant during afternoon pickup time for both schools.

	Proposed Preschool		Approved LIL Heritage School	
	No. of Students	No. of Vehicle	No. of Students	No. of Vehicles ¹
Prior to 6:30 p.m.	75	75	--	--
6:30 p.m – 7:00 p.m.	45	45	50	33
6:40 p.m.– 7:00 p.m.			130	87
Maximum During Any One Time Slot		45		120

¹ Assuming 1/3 of the 180 heritage school students are carpooling home as discussed in the heritage school staff report.

The above table shows, as estimated by the applicant, between 6:30 p.m. – 7:00 p.m., there would be a total of 165 vehicles (45 vehicles for preschoolers and 120 vehicles for heritage school students) coming to the site to pick up students from both schools. The subject site has 140 parking spaces. Less parking for employees and LIL Heritage School vehicles, there would be 97 spaces available for 165 vehicles during pickup time.

The applicant indicated that LIL would operate both the heritage school and preschool, and as such, LIL would manage the operation of both schools to ensure parking conflicts would not occur. Given that the pickup times would be staggered and spread over a 30-minute span, staff believes that there would be adequate parking for all uses. In the event that parking/circulation at the subject site becomes an issue, staff has included a condition of approval (No.5) that would require the applicant to revise the preschool’s pickup schedule to resolve the problem(s) to the satisfaction of the Director of Community Development. If necessary, the Director of Community Development could refer the conditional use permit to the Planning Commission for review and possible modification.

Traffic and Circulation

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

The City’s Traffic Engineering Division has reviewed the proposal. As the proposal shows that the facility’s operation hours are outside the PM traffic peak period from 4:00 p.m. – 6:00 p.m., the Traffic Engineer determined that a traffic study was not required to evaluate traffic and circulation. The Traffic Engineer indicated that the local and regional traffic fees would need to be paid for the proposed use. Condition of Approval (No.3) has been added to address this item.

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 instructional programs would be held indoors with doors closed during business hours. LIL Heritage School is the other tenant in the building. As such, staff believes that noise from inside the facility would not negatively impact surrounding uses.

The subject site would have three outdoor activity/playground areas. The playground areas would have play structures. The proposed preschool and the approved heritage school students have separate playground. The patio area would be exclusively for the preschool students. As proposed, there would be 50 supervised preschoolers in the outdoor play areas at one time. As mentioned earlier, the subject site is located on the southwest corner of Hacienda Drive and Gibraltar Drive, and is surrounded on the west and south sides by Thomas Hart Middle School, an office complex to the north, and office/light industrial uses to the east. Staff does not believe the noise from outdoor activity areas would impact the adjoining school’s activities as the proposed facility would make similar or less outdoor noise compared to the middle school. Staff does not believe the noise from outdoor activity areas would impact the office complex to the north and the office/light industrial uses to the east as they are separated from the subject site by a wide street, landscaped berks, and parking lots. Additionally, staff does not believe that noise generated from the play areas would be beyond the 75 dab allowed by the Pleasanton Municipal Code at the property line. Additionally, teachers will be supervising outdoor activities and regulating noise. Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants.

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.

State Licensing

As stated in the written narrative, the applicant is in the process of obtaining a license from the State Department of Social Service Community Care Licensing Division (CCLD) in order to comply with licensing requirements as prescribed in Title 22 of the California Code of Regulations. Condition No. 1 requires that the applicant shall secure all applicable State licenses prior to operation.

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 preschool would be consistent with these objectives. There are other schools and a children's development center in Hacienda Business Park that have been found to be compatible with the surrounding businesses. Staff believes that the proposed preschool 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 preschool is to occupy is freestanding with an on-site parking lot. The staggered drop-off and pickup schedules would off-set parking congestion during drop-off and pick-up times which will help alleviate parking and traffic concerns. Staff recommended condition No. 5 that requires the applicant to revise the preschool schedule should parking become an issue during pickup time. 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. The noise from the outdoor play areas would unlikely be disruptive to the surrounding uses. 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.

PUBLIC NOTICE

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

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. The Association believes that the use, parking, and traffic are compatible with current approved uses within the subject area and, thereby, approved the proposed use.

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 preschool would provide a service to the community and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve P12-0601 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve P12-0601 subject to the conditions listed in Exhibit A.

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