

## Planning Commission Staff Report

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August 10, 2011  
Item 5.a.

<b>SUBJECT:</b>	<b>P11-0063</b>
<b>APPLICANT:</b>	Jennifer Zheng / LIL Middle School Tutoring
<b>PROPERTY OWNER:</b>	Jack Balch / Balch Enterprises, Inc.
<b>PURPOSE:</b>	Application for a Conditional Use Permit to operate a tutoring center.
<b>LOCATION:</b>	4160 Hacienda Drive, Suite 200 (Hacienda Park)
<b>GENERAL PLAN:</b>	Business Park (Industrial / Commercial and Office) / Mixed Use
<b>ZONING:</b>	PUD-I/C-O (Planned Unit Development-Industrial/Commercial & Offices) District.
<b>EXHIBITS:</b>	<ul style="list-style-type: none"><li>A. Draft Conditions of Approval</li><li>B. Narrative, Floor Plan, and Site Plans dated "Received July 6, 2011"</li><li>C. Hacienda Owner's Association Approval Letter</li><li>D. Location and Noticing Maps</li></ul>

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### BACKGROUND

In July 2010, the Planning Commission approved Jennifer Zheng's request for a Conditional Use Permit (PCUP-270) to operate a tutorial facility at 5933 Coronado Lane in Hacienda Park. The applicant has been operating at the Coronado Lane location for the last year; however, she would now like to relocate the tutoring facility to a larger tenant space located at 4160 Hacienda Drive (Please refer to Figure 1 on page 2).

The proposed site is also located within Hacienda Park and is zoned PUD-I/C-O (Planned Unit Development – Industrial Commercial – Office) District. The subject site conditionally allows private schools and colleges, including trade, business, music, and art schools on sites within the Research and Development / Light Manufacturing Planning District (IPD), such as this site. Accordingly, the Conditional Use Permit application is before the Planning Commission for review and action.

## 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, multi-tenant building that is approximately 22,184 square-feet in area. 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. The applicant is proposing to occupy approximately 9,000 square-feet of floor area (please refer to the floor plan in Figure 4 on page 3).

Hacienda Park has a mix of uses that include, but are not limited to; professional offices, light manufacturing and industrial uses, and other uses, such as religious facilities, public and private schools, and sports and recreational facilities. The subject building is located east of Hart Middle School, and across the street (north and east) from office related uses. A portion of the subject building is currently being occupied by a medical equipment manufacturer with the applicant proposing to occupy the remaining portion of the building.

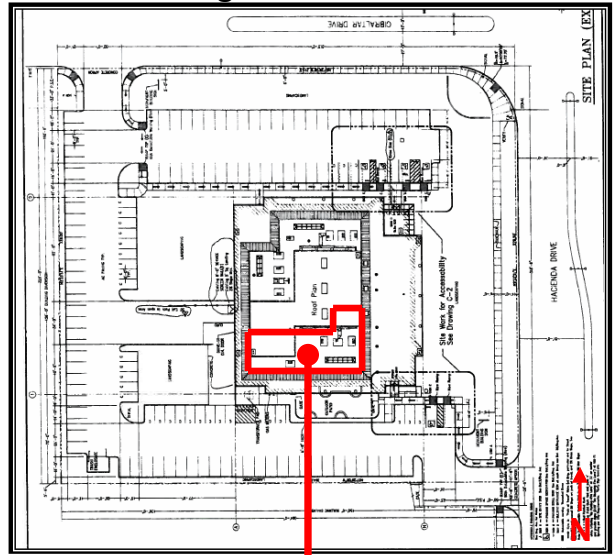
Figure 1: Aerial Photo



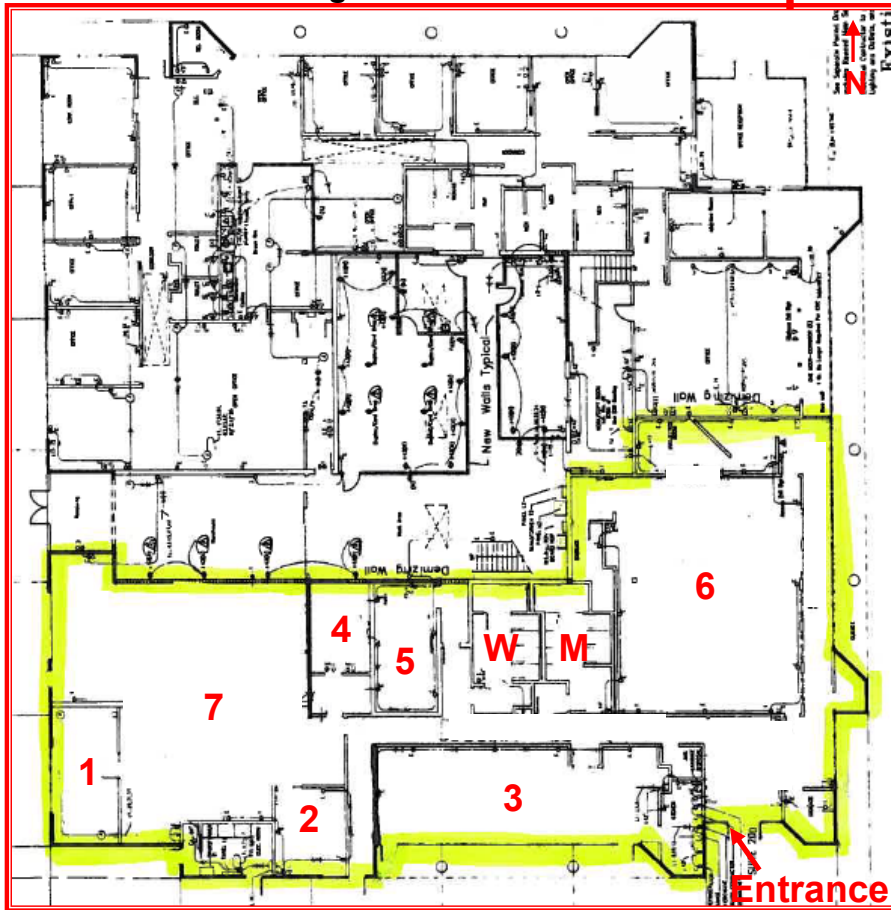
**Figure 2: Subject Site**



**Figure 3: Site Plan**



**Figure 4: Floor Plan**



## **PROJECT DESCRIPTION**

LIL Middle School Tutoring offers tutorial programs for students in middle school. These programs will last from one to one and a half hours in length with no back-to-back sessions being offered. Each session is in a single subject of Chinese literature, math, reading, or writing in private one-on-one (teacher to student ratio), semi-private one-on-two (teacher to student ratio), or small group sessions of up to six students. The applicant's narrative states that there will be eight class rooms and one conference/teacher preparation room; however, there will be five class rooms, one training room, and one preparation room (please refer to Figure 4 on page 3). The proposed tenant space has individual bathrooms (labeled "W" and "M"), five separate classrooms (labeled 1-5), a teacher/staff training room (labeled 6), and a preparation room (labeled 7).

The facility will be open from 9:00 a.m. to 8:00 p.m. Mondays through Fridays and from 10:00 a.m. to 4:00 p.m. on Saturdays. Administrative duties and teacher training and preparation will occur between 9:00 a.m. and 3:30 p.m. during the weekdays with the single subject sessions occurring between 3:30 p.m. and 7:45 p.m. On Saturdays, the facility will offer single subject sessions throughout the day. The applicant will have a maximum of 40 students and 4-5 teachers on-site at any given time. Although the applicant's schedule of session reflects five minute breaks between each session, she has agreed to 15-minute breaks to facilitate drop-off and pick-up of the students. Staff has added a condition of approval to reflect this change (Exhibit A, No. 2). Additionally, no extended classes or camps are proposed at this location, even during the summer and school breaks.

The applicant's narrative and schedule of sessions can be found in Exhibit B for the Commission's consideration.

## **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 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.

### 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 and private schools and tutoring facilities.

When the proposed use is educational, instructional, recreational, or daycare, staff evaluates how that use integrates into surrounding uses. In staff's evaluation, this use is compatible with the surrounding uses. With the exception of the adjacent tenant, the site is separated from "industrial" uses. In the past, the Planning Commission has granted Conditional Use Permits for tutoring facilities and child-related services in industrial zoned sites (i.e., Valley Business Park). To staff's knowledge, those uses did not create any safety concerns or impacts within those areas or to adjacent uses.

The proposed use would be located in a building where the adjacent tenant manufactures medical equipment. Given the nature of the tutorial business, it is unlikely that the operation of the proposed use would adversely impact the surrounding businesses. The proposed schedule does not include back-to-back sessions and, therefore, it is unlikely that the students would congregate between sessions and impact the operation of the other businesses within the same building. Staff believes that the subject location is appropriate and does not expect that the proposed use would create adverse impacts on the surrounding businesses.

### Parking

There are a total of 140 parking spaces located on the subject property. With a building area of approximately 22,184 square-feet, the parking ratio is 1 space per 158 square-feet. The total square-footage of the subject tenant space is approximately 9,000 square-feet, which would theoretically allocate 57 parking spaces to the center.

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 a maximum of five employees, five parking spaces would be required for the proposed use. Therefore, the center would have a surplus of 52 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, 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 arrival and departure of cars would be staggered with 15-minute breaks between classes and that the parents are parked in the spaces for only a short period of time while they walk the child into and out of the building. Furthermore, the demand would also be reduced as some of the students may walk or ride a bike to the facility from Hart Middle School. Therefore, 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. 14).

## 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, staff believes that noise from the facility would not negatively impact future or existing uses located adjacent to the subject suite. All doors will remain closed during business hours, further limiting noise impacts from and to the adjacent tenant and properties.

Based on the proposal, staff considers the learning center to be a quiet use as instruction would be provided at a low-volume voice level and that students would be focusing on academic exercises. Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants.

## Tenant Improvements

No tenant improvements are proposed with this application. Any future tenant improvements would be subject to the review and approval of the Building and Safety Division and the Livermore-Pleasanton Fire Department.

## 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 program.

## **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 tutoring facility would be consistent with these objectives. The tutoring facility’s current operation in Hacienda Business Park has been compatible with the surrounding businesses and staff believes that the relocation to the subject site should also be. The anticipated number of employees and students will not generate any unusual demands on existing parking for the building or the surrounding properties.

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 center is proposed to occupy is freestanding with an on-site parking lot. The number of parking spaces available on site exceeds the parking demands for the proposed use. Additionally, drop-off and pick-up times by the parents will be staggered which will help alleviate parking and traffic concerns. The tutorial facility will operate entirely indoors, and its maximum student/teacher ratio at 6:1 will allow the teachers to control classroom noise. 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 D 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. Based on the review of the space allocation and business

practice, 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 tutoring facility would continue to provide a service to the community and that the proposed location is appropriate.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve P11-0063 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P11-0063 subject to the conditions listed in Exhibit A.

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