



Planning Commission Staff Report

September 9, 2009
Item 5.c.

SUBJECT: PCUP-252

APPLICANT: Louis Yihmin Liou/Summit Tutorial Center

PROPERTY OWNER: Antrim Group Ltd. & AHM 4430 Willow Investors, LLC

PURPOSE: Application for a Conditional Use Permit to operate an academic and music tutorial school for Grades 6 to 11

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

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

LOCATION: 4430 Willow Road, Suite C

ATTACHMENTS:

1. Exhibit A, Draft Conditions of Approval
2. Exhibit B, Site Plan, Floor Plan, Elevations, Written Narrative, and Activities Schedule
3. Exhibit C, Location Map
4. Exhibit D, Notification Map

BACKGROUND

Louis Yihmin Liou requests the consideration of a Conditional Use Permit to operate an after-school tutorial facility in an existing building located at 4430 Willow Road, Suite C in Hacienda (PUD-81-30). A Conditional Use Permit is required for tutorial uses to locate there and must be approved by the Planning Commission.

SITE DESCRIPTION

The subject building is a one-story building, approximately 33,329 square feet in size, consisting of 15 tenant spaces. It is located on a 2.22-acre parcel on the west side of Willow Road, across from Thomas Hart Middle School. Access to and from the project site is via Willow Road.

The project site has a total of 128 parking spaces. The southern driveway from Willow Road is a shared driveway with the property to the south.



Project Location

The subject site is surrounded by commercial/office/light industrial uses to the north, west, and south. Also located to the south of the project site are a church and a tutorial facility. Thomas Hart Middle School is located to the east, across Willow Road.



Subject Building

PROJECT DESCRIPTION

Summit Tutorial Center (STC) focuses on academic and music tutoring for students in grades 6 through 11. Sessions include critical reading, essay writing, math, pre-algebra, algebra, and geometry. Each session is one hour and 50 minutes; music sessions are limited to 30 minutes.

STC would occupy a tenant space of approximately 1,882 square feet in floor area. It has three classrooms; two are reserved for academic tutoring. The teacher/student ratio in each tutorial session is a maximum of four students per instructor. One-on-one music lessons for clarinet, flute, and piano would be provided.

As proposed, the academic and music sessions would be offered Monday through Friday from 3:00 p.m. to 8:00 p.m. An administrative office would be open throughout the day. Transportation would not be provided from school sites to the facility.

ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional Use Permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff's analysis of the proposed tutorial facility and its impacts, if any.

Land Use

The subject site is located in the IPD (Industrial Park) District in Hacienda. In April 1995, the City Council approved a minor modification (Case No. PUD-81-30-30M/PUD-85-08-12M) to the approved Planned Unit Development plans (Case No. PUD-81-30/PUD-85-08) for Hacienda to conditionally permit private schools on sites within the IPD Districts. Private schools include trade, business, tutorial schools, etc. The applicant has applied for a Conditional Use Permit, as required by the Hacienda PUD. The proposed tutorial school would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a Conditional Use Permit is the effect of the proposed use on the surrounding uses. Other uses in the southwest portion of Hacienda include offices, a wholesale establishment, manufacturing and warehousing, and commercial service enterprises, as well as other uses permitted and conditionally permitted in the straight-zoned industrial district. The proposed use would not generate adverse impacts onto the surrounding businesses because it would be operated indoors. Therefore, staff believes that the location is appropriate and enhances other surrounding uses in Hacienda by providing educational support for the community.

Staff has included a standard condition of approval that will ensure that the surrounding uses are not impacted due to noise, parking, traffic, or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned (Condition No. 5 of Exhibit A).

Noise

The subject site is in an industrial area, and a certain amount of noise is expected. Hacienda is characterized by other similar uses. The Pleasanton Municipal Code (PMC) (Ord. 1880, 2003; prior code § 4-9.05) states:

No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of seventy-five (75) dBA at any point outside of the property plane.

Based on the applicant's description of the classroom instruction, staff believes that it is unlikely that the noise generated during class instruction would impact other tenants. Class sizes would be limited to four students. A recommended condition of approval (Condition No. 7) requires that the exterior doors remain closed when not being used for ingress/egress purposes and that the applicant inform all students not to loiter or make loud noises outside the building before or after classes. Staff has included a condition (Condition No.8) that the applicant should inform patrons that the location is in an industrial district and is subject to such noise, odors, etc.

To ensure that the sound from music instruction does not interfere with adjacent tenants, staff has added a condition (Condition No.6) requiring the construction of soundproofing at "party walls" to reduce noise transfer.

Operation

The center would provide a single-subject schedule with no back-to-back sessions. This would prevent students from remaining at the tutorial center for an extended period of time. This statement is validated by the proposed tutorial schedules. For example, critical writing for 6th grade is offered on Mondays at 3:30 p.m., followed by Algebra 2 for 10th grade at 5:30 p.m.

In July 2009, the Planning Commission reviewed the proposed childcare policies. While the policies are pending City Council consideration, references were made in the proposed policies as to the maximum hours that a student could be enrolled in a tutorial facility on a weekly basis without the facility being subject to the State's childcare licensing requirements. Based on the proposed schedule, no students would be enrolled in STC for more than ten hours per week. Therefore, the operation of STC would not conflict with the pending childcare policies.

Parking and Circulation

Based on the subject building's floor area (33,329 square feet) and the number of parking spaces provided on-site (128 spaces), the parking ratio at the subject site is one space for every 261 square feet of floor area. With the tenant space of approximately 1,882 square feet in floor area, STC would theoretically be allocated seven parking spaces.

The PMC requires that a tutorial school provide one parking space for each employee and one space for each four students in grade 10 or above. With three classrooms proposed and the majority of the students under driving age, the allocated parking should adequately support the proposed use. Additionally, there would be a maximum of four students per class. Similarly, the existing circulation patterns at the project site should adequately handle students' pick-up's and drop-off's.

To ensure safety, staff has included a "standard" condition of approval (Condition No. 5) that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures should parking and/or circulation become a concern in the future.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within a 1,000-foot radius of the subject property. At the time of the preparation of this report, staff has not received any comments concerning the proposal.

HACIENDA ASSOCIATION

James Paxson, General Manager of Hacienda, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in its CC&R's. Based on the review of the space allocation and business practice, the Association believes that the use's parking, traffic, and noise impacts are compatible with current approved uses within the subject area and, thereby, approved the proposed use.

FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed tutorial facility:

- 1. 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.**

The 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.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/ommercial-Office) District, and it is located in Hacienda, where a mix of office, laboratories, light manufacturing, wholesale, and commercial/personal service uses surrounds it. Based on the proposal, the tutorial center will operate entirely indoors, and its student/teacher ratio at 4:1 would help the teacher to control classroom noise. Staff does not feel that the proposed tutorial school would be disruptive to the neighboring businesses/tenants. As conditioned, staff feels that the proposed tutorial school would be compatible with the surrounding neighborhood and that it would complement the area.

Staff believes that this finding can be made.

2. 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.

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The subject site has adequate parking to support the proposed use, and it provides adequate and safe ingress and egress into and out of the site. As such, staff does not believe that the proposed tutorial center would be disruptive or detrimentally impact surrounding uses.

Therefore, as conditioned, this finding can be made.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

The PUD development plan and the Pleasanton Municipal Code conditionally permit the establishment of a private/tutorial school within existing structures. Chapter 18.124 of the Municipal Code (Conditional Uses) states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. Granting a Conditional Use Permit would be consistent with the City's ability to regulate related zoning regulations. The proposed tutorial center, with conditions of approval, can integrate the tutorial center without detrimentally affecting the surrounding properties or the City in general, and, therefore, the third finding can be made.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) Section 15301 Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

Staff believes that the required use permit findings for the proposed tutorial center 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 tutorial center would be beneficial to the existing businesses and tenants in Hacienda and would provide a valuable service to the community.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission take the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and,
2. Approve Case No. PCUP-252 subject to the conditions listed in Exhibit A.

Staff Planner: Jenny Soo, Associate Planner, 925.931.5615, or email: jsoo@ci.pleasanton.ca.us