



## Planning Commission Staff Report

January 23, 2008  
Item 5.a.

- SUBJECT:** PCUP-207
- APPLICANT:** Sylvan Learning Center
- PROPERTY OWNERS:** C&H Development Company
- PURPOSE:** Application for a conditional use permit to operate a learning Center for up to sixty (60) students (kindergarten to 12<sup>th</sup> grade students) Monday through Friday from 9:00 a.m. to 8:30 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. in an existing building.
- GENERAL PLAN:** Business Park (Industrial/Commercial and Office)
- ZONING:** PUD-I/C-O (Planned Unit Development- Industrial/Commercial-Office) District
- LOCATION:** 6654 Koll Center Parkway, space 185
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A: Floor Plan, Site Plan, and Written Narrative dated "Received November 30, 2007"
  3. Exhibit B: Draft Conditions of Approval

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### BACKGROUND

The Sylvan Learning Center has been operating in Pleasanton since 1994. The Center is currently located at 3003 Hopyard Road, Suite A and would like to move to Bernal Plaza on Koll Center Parkway. The proposed location would better accommodate the increasing demand of their services.

The Bernal Corporate Park Planned Unit Development (PUD-80-2) guidelines allowed specific uses determined at the time of approval and learning/tutoring centers were not included. Recently the City approved Ordinance number 1950, Tutoring and Schools Code Amendment for straight zoned areas which would allow schools, tutoring, and recreation facilities with 20 students or less to be permitted uses, and facilities with more than 20 students as a conditional

use permit in Office (O), Regional Commercial (CR), Neighborhood Commercial (CN), Central Commercial (CC), Service Commercial (CS), and Freeway Commercial (CF) zoning districts. During the public hearing process staff noted to both the Planning Commission and City Council that when opportunities arose to modify PUD's to bring those guidelines into consistency with the new ordinance we could support modifications when the business associations also supported such modification. Therefore, the applicant has applied for a Planned Unit Development (PUD) modification to revise the permitted and conditionally permitted uses to address learning centers (Education Facilities) has been submitted and processed. The PUD modification request was granted approval on January 4, 2008 to permit educational facilities with 20 students or less and to conditionally permit education facilities with over 20 students. The minor modification is a Zoning Administrator approval which is forwarded to the City Council under "Actions of the Zoning Administrator".

The applicant has applied for a conditional use permit to allow up to sixty (60) students from kindergarten to 12<sup>th</sup> grade students, Monday through Friday from 9:00 a.m. to 8:30 p.m. and Saturdays from 9:00 a.m. to 5:00 p.m. This item is before the Planning Commission because a conditional use permit is required for a learning center with greater than 20 students.

### **SITE DESCRIPTION**

The subject site is an approximately 182,148 square-foot parcel located at the northwest corner of the Valley Avenue and Bernal Avenue intersection. The center is known as Bernal Plaza.



Properties adjacent to Bernal Plaza include the County Fair Grounds to the east, Bernal Park (currently vacant land) to the south, and Koll Center Business Park to the north and west.

Bernal Plaza contains three (3) buildings on-site; a multi-tenant office building located in the north portion of the center, a multi-tenant commercial building in the center of the development, and a restaurant, Mexico Lindo, located in the southwest corner of the plaza. The existing one-story multi-tenant commercial building is approximately 35,631 square-feet in floor area.

**6654 Koll Center Parkway**



Sylvan Learning Center proposes to occupy suite 185, approximately 2,352 square-feet, as indicated on the site and floor plan of Exhibit A. The adjacent suites are office and food service uses, generally found throughout the site. Each tenant has restroom facilities located within each unit and each tenant has access to the exterior covered walkway and on-site parking.



The site is zoned PUD-I/C-O (Planned Unit Development-Industrial/Commercial-Office). There are 214 shared tenant parking spaces surrounding the perimeter of the building. There are three shared vehicle entrances to the site from the adjacent streets, one on Valley Avenue and two on Koll Center Parkway.

## PROJECT DESCRIPTION

The learning center consists of a large tutoring area, three (3) offices, a multi-purpose room, a break room for employees, two (2) restrooms, and a small waiting area at the front tenant entrance.



The center offers individual tutoring sessions (at a teacher-to-student ratio of 1:1), small group tutoring (at a teacher-to-student ratio of 1:3), and large group tutoring (at a teacher-to-student ratio of 1:6) for children and young adults (K-12 grades). This facility operates as a fee-based tutoring service. The facility provides supplemental education, individual support, and enrichment to students. The facility does not offer degrees, certificates, or classes for academic credit.

The layout of the facility can accommodate 36 children and 11 instructors. The applicant is requesting approval for enrollment up to 60 students; this does not mean that all 60 students would occupy the facility at the same time. Each session is scheduled by appointment and is conducted in hourly segments and the number of appointments will not exceed the seating capacity of the facility (36 students).

With the exception of the summer months, the learning facility is open for business during traditional operating hours for all administrative tasks, while tutoring sessions occur mainly during the late afternoon and evening hours on weekdays and during the morning and early

afternoon hours on Saturdays. In the summer the facility tutoring sessions occur on weekdays during normal business hours.

The tutoring times are staggered so that a large group of children are not arriving at one time, thus causing a large influx of traffic. Although most parents drop off and pick up their children, parents do have the option of waiting in the lobby area of the center while their children are in a tutoring session. Smaller children (ages 5-6 years old) are supervised until they are placed with an instructor and until they are picked up by a parent at the end of a session. The parents park and bring the child into the center instead of dropping them off at the curb.

### Business Operations

The Planning Commission has recently conditioned similar projects requiring parents to escort their children into and out of facilities. Additionally, these projects have been required to provide and maintain a sheet for parents to sign in and sign out their children. This requirement has greatly mitigated the concerns that the Planning Commission has expressed when considering other applications in that children are attending such facilities that are located in business parks or other areas where there is a high parking and traffic circulation use. Staff has begun incorporating this condition as a standard condition of approval.

Staff has notified the applicant of this condition who has expressed her concern and does not agree that it should be applicable to this project. The project has been conditioned to require escort to and from the facility and signing in and out. As a condition of approval, it would be subject to code enforcement action if not complied with.

### **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 learning center use and its impacts, if any.

### Land Use

The Land Use Element of the General Plan designates the subject property as "Business Park (Industrial/Commercial and Office)". The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) where the PUD development plan specifies the uses that are permitted or conditionally permitted for this site. Given the recently approved modification, an Education Facility is a conditionally permitted use in this plaza. If the requested use permit were granted, the tutoring business would be consistent with the PUD regulations. As a result of the PUD modification being approved, no additional rezoning or other land use modification to the property is necessary to allow the proposed use at this time.

Other uses in the Bernal Plaza are office, retail, food services, and personal care services. Staff believes that the proposed use would be similar to these uses and therefore compatible with

existing uses within Bernal Plaza. One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. In the past, the Planning Commission has approved several similar uses, whether in the musical field or focusing on academics, located in similar commercial areas. Staff is not aware of land use issues associated with any of those businesses.

### Parking

A total of 214 shared parking spaces currently available to the subject site. Based on a square-footage ratio the subject tenant space would be allotted 15 parking spaces, however, there is no assigned parking spaces in this development. For calculation purposes, staff assessed the total parking spaces and the demand generated by the proposed use. The Pleasanton Municipal Code requires one parking space for each instructor and one parking space for every four (4) students. The facility is set up to handle 30 students, six (6) additional students in the waiting area, and 11 instructors on a standard basis. Thus, based on the parking ratio, a total of 20 parking spaces would be needed for the facility (one parking space for each instructor, and 9 parking spaces for students being driven to the facility).

Based on the parking requirement standards (20 parking spaces), the number of immediate on-site parking spaces (214), the drop off nature of these types of facilities, and the current parking stall vacancy rate on-site staff does not believe that parking would be an issue.

In order to ensure that parking would be available for all tenants at the subject site, staff has added a condition requiring the parking demand be re-evaluated if the nature of the business changes and/or the scope of operation changes as use permit runs with the land.

### On-site Circulation

Staff feels that because of the direct access of the tenant space to the parking lot number of access drives, the layout of the parking lot, the amount of time they are there, the staggered scheduling, and the hours of operation, circulation should not be a problem.

### Circulation

Staff feels that because of the number of members attending each day, the amount of time they are there, the hours of operation, the staggered scheduling, and circular ingress/egress of the parking lot, circulation should not be a problem.

### Noise

The Pleasanton Municipal Code also 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 learning center would not negatively impact future or existing uses located adjacent to the subject suites.



All doors will remain closed during business hours, further limiting noise impacts from and to surrounding tenants and properties. Therefore, based on the proposal, staff considers the learning center to be a quiet use as instructions would be provided at a low-volume voice level and that students would be focusing on academic exercises. Additionally, as proposed, the tutoring sessions are off set from normal business peak hours with some classes being during off peak business hours and when some adjacent uses in the building are closed. Therefore, staff does not believe that the proposed education facility would be disruptive to existing, or future, neighboring businesses/tenants.

### Tenant Improvements

The floor plan indicates new interior, non-structural walls to be constructed, new bathrooms, and a new utility room. All tenant improvements are subject to the review and approval of the Building and Safety Division and the Fire Department. There are no changes to the exterior of the building at this time; changes to the exterior of the building shall not be made without prior approval from the Planning Department.

The occupancy use for this business is considered a building E occupancy and may need additional improvements that the applicant may not be aware of such as one hour fire wall separation for the other tenants given that the existing sprinklers are sufficient (otherwise a two hour fire wall would be needed), the proposed bathroom will need to meet all ADA requirements, and upon further review by the Building and Safety Division improvements to the existing fire suppression system may also be required.

The City recently adopted the 2008 building and fire codes which may or may not impact the tenant improvements for this site. Staff has placed a condition of approval requiring conformity to all codes; building and fire. Staff encourages the applicant to initialize discussions with these departments at the earliest opportunity.

### Signage

If the applicant wishes to add signage, the proposed signage shall adhere to Bernal Plaza sign program. The signage indicated on the plans is not part of this approval. Approval for signage shall be secured under a separate application subject to review and approval by the Planning Department.

### **STATE LICENSING**

According to the Child Care Center Licensing Department, the applicant is exempt from the requirement to obtain State licensing because no child will be there greater than an hour and a half (1 ½) in length, nor greater than 15 hours per week.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns.

## **FINDINGS**

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

**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.**

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 proposed learning center would provide instruction lessons to local children. The City has allowed similar uses to be located in office, industrial, and commercial areas. Staff is not aware that any of these teaching-oriented businesses has created any impacts on surrounding businesses. As conditioned, staff believes that the proposed use would be consistent with these objectives.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, where a mix of office/commercial/personal service uses surrounds it. Based on the proposal, staff considers the tutorial center to be a quiet use as instructions would be provided at a low-volume voice level, and that students would focus on intensive academic tutoring. Staff does not feel that the proposed learning facility would be disruptive to the neighboring businesses/tenants. As proposed there would be 1 employee with up to 6 students attending each class/session and the majority of the classes are conducted during off peak business hours. For these reasons, staff does not believe that the use would create parking or circulation impacts.

For the reasons stated above, and as conditioned, staff believes t 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 applicant would be required to receive all Building and Safety Division permits for any future tenant improvements. All storage would be located inside the building, activities would not take place



outside of the tenant suite, and all doors must remain closed when classes/sessions are taking place. In addition, learning classes/sessions would require concentration from the students. Thus, staff does not believe that the proposed use would be disruptive to other businesses/tenants in the same building or on the same site.

For the reasons stated above, and as conditioned, staff believes this finding can be made.

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

Chapter 18.124 of the Municipal Code 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. The PUD zoning of the subject building permits the establishment of “Educational Facilities” and similar uses are subject to conditional use permit approval. Staff feels that the recommended conditions of approval will help to integrate the proposed use without detrimentally affecting the surrounding properties and the City in general. As with any use permit, this use can be suspended or revoked if the conditions are not met. As conditioned, the learning center would comply with all applicable provisions of the Zoning Ordinance.

For the reasons stated above, and as conditioned, staff believes this finding can be made.

**ENVIRONMENTAL ASSESSMENT**

Existing facilities consisting of the operation, permitting, licensing, or minor alteration of structures involving no expansion of use beyond that existing are categorically exempt (Section 15301, Class 1 (E)(2)(A)) from the requirements of the California Environmental Quality Act (CEQA). The project is in an area where all services and facilities are available and consistent with the General Plan. 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 learning center would be complementary to the existing businesses and tenants in Bernal Plaza. Staff believes that the business is providing a beneficial service to the community by providing a place for students to receive advanced and/or supplemental instructional assistance.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-207 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-207 subject to the conditions listed in Exhibit B.

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