



## Planning Commission Staff Report

February 28, 2007  
Item 5.a.

- SUBJECT:** PCUP-187
- APPLICANT:** Pelican Learning Center / Eileen Yang
- PROPERTY OWNERS:** Goble Investments / Ernest Goble Jr.
- PURPOSE:** Application for a conditional use permit to operate an after-school math tutoring facility for up to five children per session (kindergarteners to 6<sup>th</sup> grade students) Monday through Friday from 3:00 p.m. to 6:30 p.m. and Saturdays from 9:30 a.m. to 12:00 p.m. in an existing building.
- GENERAL PLAN:** Retail/Highway/Service Commercial. Business and Professional Offices
- ZONING:** PUD-C-C (Planned Unit Development-Central Commercial) District
- LOCATION:** 3037 Hopyard Road, Suite N (Hopyard Village)
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A, Written Narrative, Floor Plans, and Site Plan dated "Received January 10, 2007"
  3. Exhibit B, Draft Conditions of Approval
  4. Exhibit C, List of Permitted and Conditionally Permitted Uses in the Central Commercial (C-C) District

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### BACKGROUND

Pelican Learning Center has been operating in downtown Pleasanton at 855 Main Street, Suite 204, the Pleasanton Hotel, since 2003. Moving the tutoring school to Hopyard Village would allow for a larger space that would better accommodate increasing demand. Therefore, Eileen Yang, of Pelican Learning Center, has submitted an application to operate a math tutoring center for kindergarten and elementary children at 3037 Hopyard Road, Suite N, in the Hopyard Village Shopping Center (PUD-85-10). The development plan for the business park

conditionally permits learning centers and is subject to review and approval by the Planning Commission.

### **SITE DESCRIPTION**

The subject site is an approximately 21,423 square-foot parcel located at the southern portion of Valley Avenue. The existing two-story building is approximately 7,475 square-feet in floor area and contains multiple tenant suites. Pelican Learning Center proposes to occupy suite N, approximately 520 square-feet, as indicated on the site and floor plan of Exhibit A; the adjacent suites are office uses. The second floor of the building has one exterior door, located immediately after suite N on the west side; with a common hallway providing interior access to the other tenant suites. Each tenant has access to the shared bathrooms located in the interior common hallway of the building. The subject suite and the adjacent suite to the west (left) are the only suites on the second floor that have individual exterior doors that act as direct access to the suites.



The subject suite is located in Hopyard Village, which has a mix of uses that include, but are not limited to; professional offices, personal services, art school, and a preschool facility. Properties adjacent to Hopyard Village include the Pleasanton Sports and Recreation Park to the north, single-family residential uses to the east, Gene’s Fine Foods Shopping Center to the south, and the Tennis and Community Park and single-family residential uses to the west. Sound walls separate the shopping center from the residential neighborhood to the east while the other uses are separated by Hopyard Road or Valley Avenue.

### **PROJECT DESCRIPTION**

The tutorial center consists of a large tutoring area, an office, and a small waiting area near the front tenant entrance. The center offers supervised tutoring sessions for both individual tutoring and small group tutoring at a teacher-to-student ratio of 1:6 with an extensive academic tutoring program focusing on math only for children in kindergarten and elementary school. Each session is 45 minutes long and will consist of 3 to 5 students; each session is separated by a 15-

minute break to allow for clean up and preparation. Sessions are held Monday through Friday, from 3:00 p.m. to 6:30 p.m. with make-up sessions on Saturdays from 9:30 a.m. to 12:00 p.m.. Parents with more than one child attending tutoring sessions are required to come during the 4:30 p.m. and 5:30 p.m. sessions.

### 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. Moreover, such a condition, that requires a parent to sign in and sign out their children would be subject to code enforcement and could be impractical to enforce.

These types of conditions, though accepted by previous applicants, are not land use issues but rather a matter for the business owner to determine if it fits into their business operations. Finally, the project planner has discussed the potential of this project having a similar condition with the applicant who has expressed her concern and does not agree that this project should not be so conditioned.

## **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 "Retail/Highway/Service Commercial". The subject site is zoned PUD-C-C (Planned Unit Development – Central-Commercial) where the PUD development plan allows uses that are permitted or conditionally permitted in the Central Commercial (C-C) District. As such, an after school tutorial business is conditionally permitted in the C-C district. If the requested use permit were granted, the tutoring business would be consistent with the C-C zoning district. No rezoning or other land use modification to the property is proposed or necessary to allow the proposed use.

Other uses in the Hopyard Village are office, an art school, child care (La Petit Academy) personal services, and professional and medical offices, as well as other uses permitted and conditionally permitted in the straight-zoned commercial district. Staff believes that the proposed use would be similar to these uses and therefore compatible with existing uses within Hopyard Village. 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 210 shared parking spaces currently available to the subject site with an additional 72 parking spaces located adjacent to the Pleasanton Sports Complex. The Pleasanton Municipal Code requires one parking space for each instructor and one parking space for every four (4) students. Each session would consist of one instructor and a maximum of 5 students. Thus, based on the parking ratio, a total of 3 parking spaces would be needed for the tutorial center (one parking space for the instructor, and 2 parking spaces for students and parents who have to drive their children to the tutorial center). Also, the 15 minute breaks between sessions is prevents simultaneous drop off's and pick-ups of the students.

Based on the parking requirement standards (3 parking spaces), the number of immediate on-site parking spaces (210), as well as additional shared sports complex parking (72), staff does not believe that parking would be an issue.

### On-site Circulation

Staff feels that because of the small number of students attending each day, the amount of time they are there, and the hours of operation, 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 suite. 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 classes 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 art school would be disruptive to existing, or future, neighboring businesses/tenants.

### Tenant Improvements

No tenant improvements are currently proposed with this application. Any future tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department. Changes to the exterior of the building shall not be made without prior approval from the Planning Department.

## Signage

If the applicant wishes to add signage, the proposed signage shall adhere to Hopyard Village's sign program.

## **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 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-C-C (Planned Unit Development – Central-Commercial) 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 math tutoring 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, 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. As proposed, an adequate number of parking spaces would be provided on-site.

For the reasons stated above, 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 “trade schools” and “instructional businesses” 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. Therefore, 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 Hopyard Village. 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-187 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-187 subject to the conditions listed in Exhibit B.

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