

Planning Commission Agenda Report

January 24, 2018
Item 5.a.

SUBJECT: P17-0805

APPLICANT: David Bogstad/LCA Architects

PROPERTY OWNER: Bob Slack (Ridgeview Hope Church/Lighthouse Baptist School)

PURPOSE: Application for Conditional Use Permit (CUP) to operate a private school

LOCATION: 5959 W. Las Positas Boulevard

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

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

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Project Narrative and Plans dated "Received January 2, 2018"](#)
- C. [Hacienda Owners Association Approval Letter dated "Received October 18, 2017"](#)
- D. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends the Planning Commission approve CUP Case No. P17-0805 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

The applicant requests CUP approval to establish a private school at 5959 W. Las Positas Boulevard, within Hacienda. Private schools with more than 20 students at any one time require Planning Commission review and approval of a CUP at this location. As such, the CUP application is before the Planning Commission for consideration. As proposed, staff believes this use is consistent with the objectives of the zoning district and will be compatible with the surrounding uses. There are other similar uses in Hacienda with the same zoning. Additionally, to staff's knowledge, the applicant has been operating a private school for several years without incident at their current location within the Valley Trails neighborhood (6900 Valley Trails Drive). Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained.

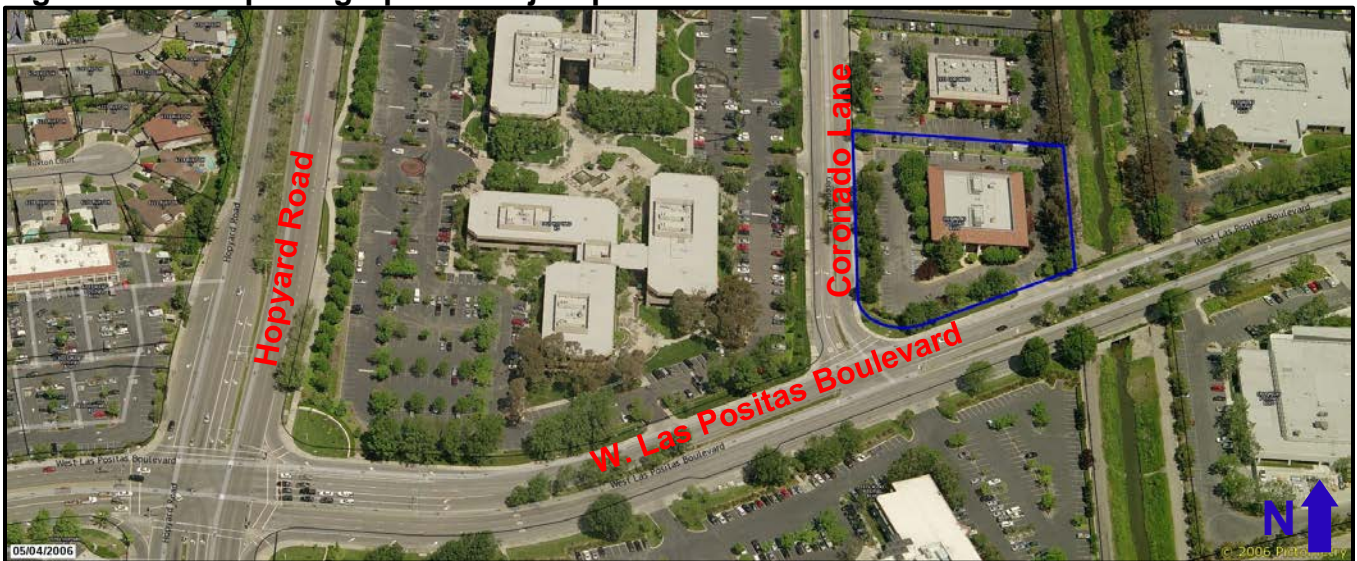
BACKGROUND

The applicant is requesting approval of a CUP to establish a private school at 5959 W. Las Positas Avenue with a maximum of 60 students at any one time; the private school would also operate an after school program with a maximum of 32 students at any one time. The private school would provide instruction for students in kindergarten through 12th grades and the after school program would support students in 1st through 6th grades. The applicant currently operates a similarly sized private school and after school program at 6900 Valley Trails Drive. The applicant has sold the current location and seeks to relocate the private school and after school program to the proposed location and co-occupy the building with the associated Ridgeview Hope Church (Church) and an office tenant(s). The subject site is zoned PUD-I/C-O District and is located within the Garden Office Planning District (OGPD) of the Hacienda PUD, which follows the permitted and conditionally permitted uses of the Office District of the Pleasanton Municipal Code (PMC). Private schools with more than 20 students at any one time are conditionally permitted within the Office District with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for consideration.

SITE AND AREA DESCRIPTION

The subject parcel at 5959 W. Las Positas Boulevard is approximately two acres in area, located at the northeast corner of the intersection of W. Las Positas Boulevard and Coronado Lane (Figure 1). The subject parcel is accessible from two driveways; one driveway on W. Las Positas Boulevard at the southeast corner of the subject parcel, and one driveway on Coronado Lane at the northwest corner of the subject parcel. Existing site improvements include a two-story, approximately 24,336-square-foot office building that is currently being renovated to accommodate the associated Church on the ground floor and an office tenant(s) on the second floor, 99-space parking lot, a trash enclosure at the northeast corner of the subject parcel, and hardscape and landscaping (turf, shrubs, and trees) adjacent to the building perimeter and along both street frontages.¹ The surrounding uses consist of office and commercial uses in all directions. The nearest residences (single-family detached homes) are located approximately 600 feet to the south and west.

Figure 1: Aerial photograph of subject parcel



¹ The exterior changes were previously approved by the City (P17-0806) on November 22, 2017. No Conditional Use Permit is required for either religious or office uses in this District.

PROPOSED PROJECT

The proposed private school would provide instruction for students in kindergarten through 12th grades and an ancillary after school program would further support students in 1st through 6th grades. The private school and after school program would operate primarily during the typical school year (closed during the Summer and on Federal Holidays). The proposed hours of operation for the private school would be Monday through Friday from 7:30 a.m. - 3 p.m., while the after school program would operate the same days from 3-6 p.m.

The applicant is proposing a maximum of 60 students at any one time for the private school and a maximum of 32 students at any one time for the after school program. There would be up to 11 staff on-site at any one time. Collectively, a maximum of 71 persons may be on-site at any given time during the private school operating hours and a maximum of 43 persons on-site at any given time during the after school program operating hours.

The vast majority of students for both the private school and the after school program would be dropped off/picked up by parents/guardians, and most of the after school attendees would be students of the school. A small number of after school program participants (less than 10) may be transported from other educational facilities to the school via a standard-sized van/shuttle that would not be parked on-site overnight. For both drop-off and pick-up, parents/guardians would park on-site. No double parking, parking in non-designated stalls, or curbside drop-off and pick-up would be permitted.

The subject parcel and building are currently undergoing exterior and interior renovations approved by a separate Design Review application (Case No. P17-0806). No additional improvements are proposed with this application. The proposed floor plan (Exhibit B) for the private school and after school program consists of seven classrooms, a teacher's office, a storage room, and an indoor sports court. Additionally, an outdoor play area with portable sports equipment is proposed on the east side of the building and would be gated (closed position) during school operating hours. Any new exterior signage would be subject to separate review and approval.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

STAFF REVIEW/ANALYSIS

Conditional uses are those 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 CUP's.

Land Use

The subject parcel has General Plan land use designations of Business Park (Industrial/Commercial and Office) and Mixed Use and is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District. Additionally, the subject parcel is within the Hacienda OGPD, where private schools with more than 20 students at any one time are conditionally permitted. Accordingly, the applicant has applied for a CUP. If the CUP were granted, the proposed private school and after school program would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. Staff believes the proposed use will be compatible with the surrounding uses. The applicant has been operating a private school and after school program at their current location for several years, and staff is not aware of any known or reported issues with this operation. The private school and after school program would be located in an existing office building that would be shared with Ridgeview Hope Church and an office tenant(s). There are no residential uses within close proximity to the subject site, with the nearest such uses at least 600 feet away. To be sensitive to the other tenant(s) within the office building/surrounding area and to ensure that the applicant would have minimal impact in terms of parking and circulation, the school and after-school program operating hours, and related peak activity (associated with drop-off and pick-up), would be scheduled to minimize overlap with those of the other uses occupying the site. (See Figure 2 and discussion below).

In the past, the Planning Commission has granted CUP's for similar facilities in office/commercial areas, and these approved uses have not proven to result in substantial issues or incompatibilities with surrounding uses in the vicinity. Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the proposed use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the proposed use to be acceptable on the site, as conditioned.

Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for the proposed use, and has determined that the proposed number of students and hours of operation would not have a significant impact to existing traffic levels, primarily because the attendance for the private school and after school program and the associated peak hour trip generation for a private school and after school program are minimal. Additionally, the proposed private school and after school program peak traffic activities would not coincide with the AM/PM peak hour traffic levels for the other uses at the subject parcel and the surrounding area. However, should the applicant wish to increase the private school and/or the after school program maximum attendance and/or alter the hours stated in its narrative, review by the City's Traffic Engineer would be required to assess whether a traffic study would be required, and whether payment of fees and implementation of other mitigation measures would be warranted. Additionally, the Traffic Engineering Division has included a recommended condition of approval requiring that all parents/guardians be required to park in an available parking space and that double parking or curbside drop-off and pick-up would be prohibited.

Parking

There are 99 parking spaces available on-site. During operating hours of the private school and after school program, there would be 79 parking spaces available on-site. Note that the outdoor play area would be in use and gated (closed position) during the school's operating hours, making 20 parking spaces unavailable for use during those times. These additional spaces would be available during non-school operating hours.

Per section 18.88.030 (E) of the PMC, *Schedule of off-street parking space requirements*, one space is required for each four students in grade 10 or above and one parking space is required for each employee, including teachers and administrators. The student parking requirement would require a total of two parking spaces (9 students grade 10 or above/4 = 2 spaces) and 11 parking spaces would be required for the 11 employees. In sum, a total of 13 parking spaces would be required for the proposed private school and after school program based on the PMC requirements. Based on the parking demand schedule from Exhibit B (Figure 2), even during peak times of overlap between the on-site uses comprised of the private school and after school program, the office tenant(s), and the church office hours, a maximum of 43 spaces would be required to be available for all uses on the site.

Figure 2: Parking demand schedule for all on-site uses

Use	Max. Spaces	Mon.	Tue.	Wed.	Thur.	Fri.	Sat.	Sun.
Church (67 spaces max)	67			After 5pm			930am - 6pm	930am - 6pm
Church Office (2 spaces max)	2	9am-5pm	9am-5pm	9am-5pm	9am-5pm			
Church Misc*/**	Varies	630pm-8pm		630pm-8pm	8am-8pm		8am-12pm	
School and After School Program (13 spaces max)	13	730am-6pm	730am-6pm	730am-6pm	730am-6pm	730am-6pm		
Office (28 spaces max)	28	8am-5pm	8am-5pm	8am-5pm	8am-5pm	8am-5pm		
Max. Total Parking Req'd. by PMC		2 + 13 + 28 = 43 spaces	2 + 13 + 28 = 43 spaces	2 + 13 + 28 = 43 spaces	2 + 23 + 13 + 28 = 66 spaces	2 + 13 + 28 = 43 spaces	67 spaces	67 spaces
Available Spaces		79 spaces 99 spaces after 6pm	79 spaces 99 spaces after 6pm	79 spaces 99 spaces after 6pm	79 spaces 99 spaces after 6pm	79 spaces 99 spaces after 6pm	99 spaces	99 spaces
Surplus Available		36 to 56 spaces	36 to 56 spaces	36 to 56 spaces	13 to 33 spaces	36 to 56 spaces	32 spaces	32 spaces

* This includes counseling, support groups, boy scouts, prayer meetings, et cetera. These activities are typically operated after hours during the week and are attended by, on average, between 8-50 persons. Due to their low attendance numbers and after hour's operations when no other uses will be occupying the subject building, staff believes adequate parking will exist and a maximum parking requirement was not calculated or provided.

** Thursday will include a daytime church event limited to the Sanctuary portion of the Church. When at capacity, the Sanctuary requires a total of 23 parking spaces to be available. Accordingly, this Thursday church event has been included in the parking calculations shown in Figure 2.

As shown in Figure 2, since 79 parking spaces would be available for all on-site uses during the school and after school operating times, and those uses only require a maximum of 43 parking spaces per the PMC requirements, a surplus of 36 parking spaces would be available on-site at almost all times. Even with the once-a-week Sanctuary event on Thursdays, there would still be a surplus of approximately 13 spaces. Therefore, the proposed use would be consistent with the PMC and not result in a deficit of parking.

Staff notes that the PMC parking requirements do not directly address parking demand during school drop-off and pick-up times, which would be periods with the greatest likelihood of parking issues or conflicts among uses on the site. However, staff anticipates conflicts related to parking demand and potential congestion will be minimized since (1) the opening and closing operating hours for the private school and after school program are outside of the normal operating hours for the Church and office tenant(s) uses²; (2) drop-off and pick-up related parking is generally short term, allowing for a “turnover” of spaces during the pick-up and drop-off periods; and (3) Some proportion of students can reasonably be expected to carpool, bike or take transit, reducing the peak pick-up/drop-off parking requirement to less than one vehicle per student.

Therefore, based on the above parking analysis and recommended conditions of approval, staff believes that the proposed use would not adversely affect parking supply at the subject parcel or surrounding properties and that adequate parking exists on-site to accommodate all existing and proposed uses. 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 additional mitigation measures to be applied (Exhibit A). Possible mitigating conditions could include reducing the number of students and/or modifying the private school/after-school program schedule(s) to reduce conflicts with other on-site uses and parking demand.

Noise

The PMC states that a proposed conditional use must be in accordance 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.” For the most part, staff anticipates that the proposed private school and after school program would generate interior noise levels comparable to and no different from those of an office or commercial use. All classes would be held indoors, with the exterior doors closed during business hours. According to the applicant, there would be no loud amplified noise, music or speech generating noise above typical speech levels. However, staff believes the indoor sport court and cafeteria have the potential to generate noise levels that could potentially impact the office tenant(s) within the building. That said, the subject building and school is owned and operated by the associated church, who would also be the landlord for any potential office tenant(s). Accordingly, staff has recommended a condition of approval requiring the applicant to disclose within their lease(s) to the office tenant(s) that their use(s) may be subject to noise impacts during normal business hours due to the operation of the school, and specifically the use of the indoor sport court and cafeteria as part of daily school and after school program activities. Beyond that, based upon the interior floor plan of the proposed facility, in conjunction with operational features of the project, staff does not believe that any special noise mitigation (i.e., double layer of sheetrock on interior walls) would be necessary.

² As noted in Figure 2, school hours begin at 7:30 a.m. (drop-off occurring between 7- 7:30 a.m.), whereas most office users will arrive at 8 a.m. or later. Peak after-school pick up would occur at 3 p.m., at the end of the regular school day, and when a maximum of 39 spaces would be expected to be occupied by office workers or school employees and students, allowing up to 40 spaces to be used for short-term pick-up/drop parking.

In terms of noise impacts related to the outdoor play area, given the location of this area behind the building, the subject's site's location along a busy arterial street, and that there are not any nearby or adjacent residential uses, staff does not anticipate any adverse exterior noise impacts. However, footnote 5 (4) of the PMC Table 18.44.080 states that, *"If applicable, an outdoor play area proposed would not cause the ambient noise levels at the property plane to increase by 4 decibels (dB) for the day/night average sound level (Ldn). The zoning administrator may request a noise study or other professional study in order to determine whether the use meets or exceeds this threshold."* Due to the distance of neighboring residential uses from the site, and the nature of the proposed use, staff did not require a noise study to be prepared as part of the CUP application submittal. While staff believes the proposed outdoor play area would conform to the noise standard based on the factors listed above, staff is recommending a condition of approval requiring the applicant to submit a noise analysis to ensure conformance with the stated requirement, and if found to exceed the noise level to implement measures, such as limiting the number of students outside at any given time, to reduce the impact.

FINDINGS

The Commission needs to make the following findings prior to the granting of a use permit:

A. That 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.

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure 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 believes the proposed private school and after school program would be consistent with these objectives and would create more educational opportunities in the City. The proposed private school and after school program would be operated so as to not impact or interfere with the surrounding uses in that the number of students, hours of operation, pick-up and drop-off procedures, and staffing levels would not generate substantial noise, parking demand, or traffic.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District and is within the Hacienda OGPD, which generally has the characteristics of the City's Office District. One purpose of the Office District is to protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses. As conditioned, staff feels the proposed private school and after school program would be consistent with the Zoning Ordinance objectives and zoning district purposes in that it would be operated so as to not impact or interfere with the surrounding office uses. The proposed private school and after school program would be operated both indoors and outdoors, as described, on a property with an adequate circulation system and parking supply to support the proposed use. The applicant would also be required to mitigate any future nuisances that may occur as a result of the proposed use. Therefore, 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.

Academic facilities, including private schools with after school programs, are a common use within or near office areas and business parks in Pleasanton. The City's past experience shows that these uses generally make good neighbors. Private schools with after school programs generally do not subject surrounding uses to heavy truck traffic, hazardous odors, high noise levels, or other objectionable influences. If the recommended conditions of approval are followed, staff believes the private school and after school program would not be detrimental to surrounding uses. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, staff believes the private school and after school program would have adequate off-street parking to meet project demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use. Therefore, staff believes this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's zoning conditionally permits the establishment of private schools. Granting a CUP for the private school and after school program would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. In addition, 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 for Hacienda. Therefore, staff believes this finding can be made.

ALTERNATIVES

As articulated above, staff believes the use, as proposed, is consistent with the objectives of the zoning district. However, alternatives to the proposal that could be considered by the Planning Commission include:

1. Denial of the application. Such an action would continue to allow a private school and after school program with fewer than 20 students, since such a use is permitted in the subject PUD without discretionary approval by the City; or
2. Approval of the CUP with modifications. The Planning Commission could approve the CUP to operate a private school and after school program with more than 20, but fewer than 60 students, with modified hours of operation, or other changes to the proposal.

Alternative 1 would preclude the establishment of a private school of more than 20 students, which would not allow for the current private school operation at 6900 Valley Trails Drive to be relocated to this new site, or address the needs of the community seeking this type of service.

Alternative 2 would allow for the establishment of a private school with more than the 20 students, with reduced activity levels compared to the proposed project. However, the alternative would reduce the number of students who may be served by the facility, and may not allow for the relocation of the private school from its existing location.

Since staff is able to make the findings to approve the project, as proposed, and believes the project will not adversely impact any existing uses or the surrounding area, staff suggests that neither of the two project alternatives above should be pursued.

SUMMARY OF PROS/CONS OF PROJECT

PROS	CONS
Allows for relocation of an existing local school and after school program	Increases traffic, parking demand at this project site (however, circulation and parking impacts would not be adverse)
Provides educational services to support academic growth and improvement for young children	
Consistent with zoning regulations	

HACIENDA OWNERS ASSOCIATION

The Hacienda Owners Association has the authority to review and approve the proposed use before action is taken by the City. The Hacienda Owners Association has reviewed the application for the private school and after school program and found it is in substantial compliance with Hacienda’s Covenants, Conditions & Restrictions (CC&Rs). The Association provided an approval letter attached as Exhibit C.

PUBLIC NOTICE AND COMMENTS

Notices of this application were sent to surrounding property owners and tenant(s) within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit D for reference. At the time this report was published, staff had not received any public comments about the project.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Class 1, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

SUMMARY/CONCLUSION

As proposed and conditioned, staff believes that the proposed use will be compatible with and will not detrimentally affect the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the proposed use will fulfill a community need and that the proposed location is appropriate.

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