

Planning Commission Staff Report

March 22, 2017
Item 5.a.

SUBJECT: P16-1845

APPLICANT: Yvonne Zhao, Sunflower Academy

PROPERTY OWNER: Hodnefield Properties

PURPOSE: Application for a Conditional Use Permit to operate a Heritage School

LOCATION: 6693 Owens Drive

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

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

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received February 27, 2017"](#)
- C. [Location and Notification Map](#)

RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P16-1845 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 Heritage School¹ at 6693 Owens Drive. Heritage Schools within the PUD-I/C-O District require Planning Commission review and approval of a CUP. As such, the CUP application is before the Planning Commission for consideration. As proposed, staff believes this use is consistent with the intent of the zoning district and will be compatible with the surrounding uses. There are other similar uses in the business park and the immediate vicinity with the same zoning. Additionally, the applicant has been operating a tutoring facility on this site since 2011. 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.

¹ A Heritage School, pursuant to the California Education Code, is defined on Page 2.

BACKGROUND/HISTORY

The applicant, Yvonne Zhao, is requesting approval of a CUP to establish a Heritage School with a maximum of 100 students at any one time at 6693 Owens Drive. The school would provide instruction for students in kindergarten through sixth grades, with a focus on the development and comprehension of language (English and Chinese), and including verbal skills, reading, writing, mathematics, history, martial arts, dance, and chess. The applicant is currently operating a tutoring facility on the subject site with a maximum of 20 students on-site at any one time, and desires to modify the use from a tutoring facility to a Heritage School and increase the attendance to a maximum of 100 students on-site at any one time. The subject site is zoned PUD-I/C-O District. Heritage Schools, considered similar to tutoring facilities and private schools, are conditionally permitted within the PUD-I/C-O 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 site sits on approximately 1.31 acres of land and is located on the west side of Johnson Drive and north of Owens Drive (see Figure 1). This parcel is part of a larger office complex comprising five parcels that contain seven single-story buildings of various sizes. The subject building is approximately 16,500 square feet in area and currently accommodates one additional tenant (Protection 1 Security Solutions) besides the applicant. Uses within the complex and nearby consist mainly of office and commercial uses; there are two other Heritage Schools to the west of the project site at 6640-6642 and 6665 Owens Drive.

Primary access to the site is provided by two shared driveways off of Johnson Drive; however, the subject site is accessible by multiple shared secondary driveways off of the Owens Drive loop that serve as primary access for the other buildings within the larger office complex. There are a total of 64 shared on-site parking spaces within the subject site.

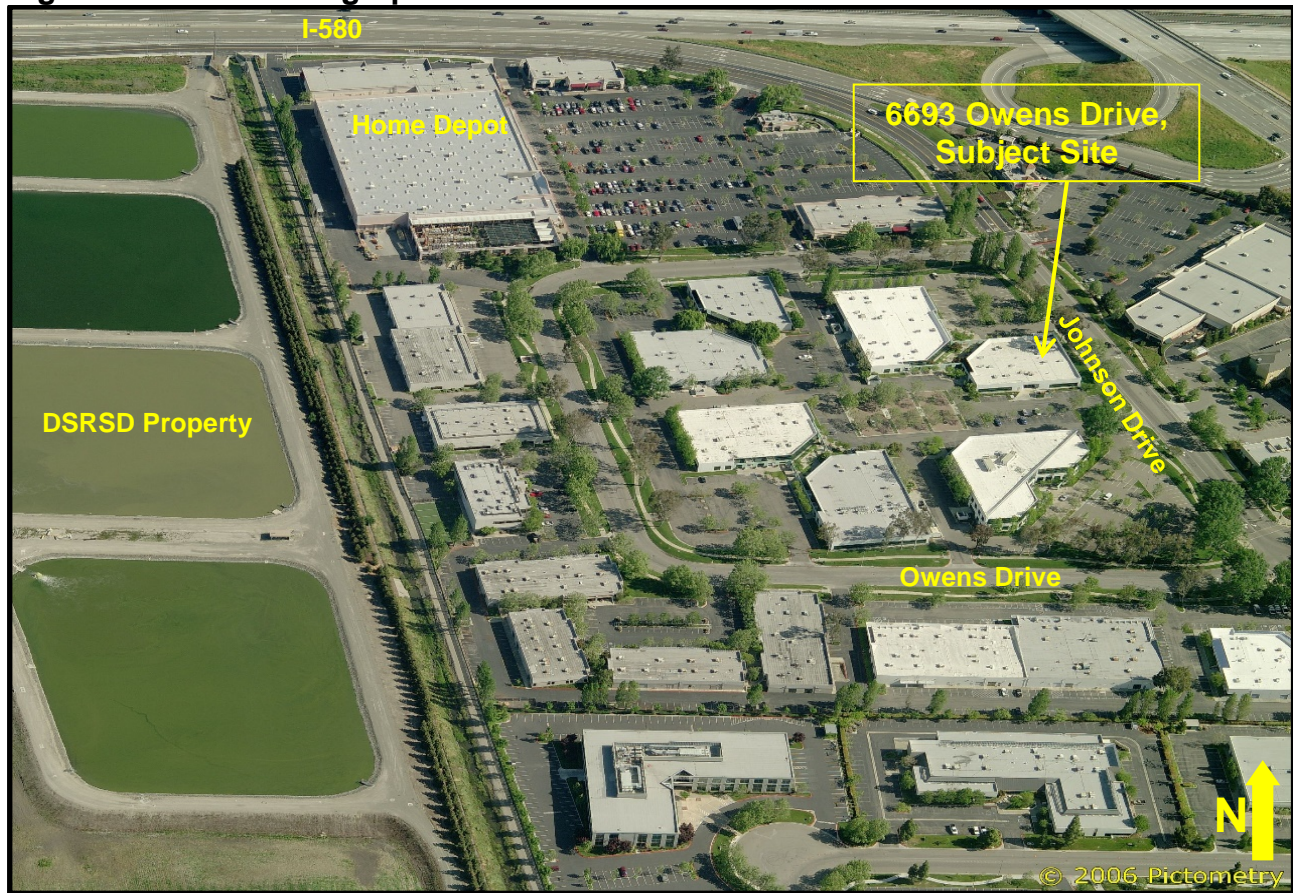
PROPOSED PROJECT

Section 33195.4 of the California Education Code (CEC) defines a “Heritage School” as a school that serves children who are at least four years and nine months of age and no older than 18 years of age, and who also attend a public or private full-time day school. A Heritage School must also meet the following criteria:

- (a) Specifies regular hours of operation.
- (b) Offers education or academic tutoring, or both, in a foreign language.
- (c) Offers education on the culture, traditions, or history of a country other than the United States.
- (d) Offers culturally enriching activities, including, but not limited to, art, dancing, games, or singing, based on the culture or customs of a country other than the United States.
- (e) Maintains membership in a state or national cultural or language association.
- (f) Complies with relevant local government regulations, where applicable.
- (g) Does not operate out of a residential home.
- (h) Complies with the requirements of Education Code Section 33195 and maintains in its possession a copy of the registration form electronically filed with the Superintendent. The Heritage School shall make this form available upon request, including to the State Department of Social Services, to verify exemption from child care licensure.

The CEC also states that a Heritage School is not subject to licensure by the State Department of Social Services as a child day care center and requires criminal background checks for persons associated with the school or who have contact with the students.

Figure 1: Aerial Photograph



The applicant proposes to modify the existing use from “tutoring” to a “Heritage School” Including increased enrollment. The purpose of the school is to provide a facility for learning, development, and skills building for students in kindergarten through sixth grade, with a focus on the development and comprehension of language (English and Chinese), including verbal skills, reading, writing, mathematics, history, martial arts, dance, and chess.

The facility would operate primarily during the normal school year, subject to the following hours of operation:

- Monday through Friday from 11:30 a.m. to 7:00 p.m.
- Saturday and Sunday from 8:00 a.m. to 7:00 p.m.

A Summer Camp, generally mid-June through early August, is also proposed Monday through Friday from 9:00 a.m. to 7:00 p.m.

The applicant is proposing a maximum attendance of 100 students on-site at any one time. There would be up to 12 staff on-site at any one time. Students typically attend for multiple back to back sessions. Collectively, a maximum of 112 persons may be on-site at any given time during the week, and a maximum of 27 persons on weekends.

The vast majority of students would be picked up from their respective schools by 10 standard-size vehicles (specific vehicles listed in Exhibit B). All of the vehicles are owned by the applicant or facility staff and seven of the vehicles would be stored on-site overnight. During the week, less than five students would be dropped-off by their parents/guardians and then be picked up at the end of the day. For both drop-off and pick-up, parents/guardians would park on-site and be required to sign their students in and out of the facility. No double parking, parking in non-designated stalls, or curbside drop-off and pick-up would be permitted.

No interior tenant improvements are proposed within the subject building. The existing floor plan (Exhibit B) consists of a small reception area that opens to a larger room for students to use in between sessions, 11 classrooms, a large activity room designed for martial arts and dance, an office, a breakroom, a storage room, and separate boys/men and girls/women restrooms that are not shared with the adjacent tenant space. No exterior changes are proposed to the building. 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 site has a General Plan designation of Business Park (Industrial/Commercial and Office) and is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District. The City approved a PUD Minor Modification (Case No. PUD-80-14-12M) for the Owens Drive area that conditionally permits tutoring facilities and private schools with more than 20 students on-site at any given time. Staff characterizes Heritage Schools as similar to both tutoring facilities and private schools. Accordingly, the applicant has applied for a CUP. If the CUP were granted, the proposed Heritage School 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. When the proposed use is educational, instructional, or recreational, staff evaluates how that use integrates with surrounding uses. Staff believes the proposed use will be compatible with the surrounding uses. The applicant has been operating a tutoring facility without incident on the site since 2011. The facility will be located on a parcel within a larger office complex comprising of seven existing buildings where the current tenants are primarily office uses, as well as a variety of other uses, including another Heritage School. The adjacent land uses consist of offices, commercial, and light industrial uses. There are no residential uses within close proximity to the subject site. To be sensitive to the other tenants within the office complex and to ensure that the applicant would have minimal impact in terms of parking and circulation, the applicant would: (1) Conduct drop-off hours outside of the normal AM peak hours (i.e., after 11:30 a.m.); and (2) Use facility vehicles to drop-off up to 10 students per vehicle at home during the normal PM peak hours. With these operational provisions in place, peak hour trips generated by the use would be reduced below the levels currently generated by the

existing tutoring use at the subject site (which currently does not utilize group vehicles) and peak hour overlap/conflicts with the surrounding uses would be minimized. Staff also considers it unlikely that the operation of the proposed use would adversely impact the surrounding businesses within the office complex or, in turn, be impacted, by these businesses. For example, given the ages of the students that would attend the proposed use, staff considers it unlikely that the children would congregate outside the facility and impact the operation of the other businesses in the office complex. All students would be supervised by staff at all times and exterior doors are conditioned to be closed except when being used.

In the past, the Planning Commission has granted CUP's for similar facilities in office/commercial-centric complexes and these approvals have not resulted in any major impacts to the surrounding uses or general area. 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 increase in attendance at the facility and the associated peak hour trip generation has been offset by operational provisions as described above. Additionally, operating hours would not coincide or have been adequately staggered within the AM/PM peak activity levels for the office complex and surrounding area. However, should the applicant wish to increase the school's 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 recommended a condition of approval requiring that all parents/guardians be required to park in an available parking space and escort children to/from the facility during drop-off and pick-up; curbside drop-off and pick-up would be prohibited.

Parking

There are 64 parking spaces that are shared between the two tenants within the subject building. With a total floor area of approximately 16,500 square feet, the parking ratio on the site is one space for every 258 square feet of floor area. With the proposed use occupying approximately 8,955 square-feet of floor area, 35 parking spaces would, theoretically, be allocated to the proposed use. However, there are no assigned parking spaces on the subject site.

Per section 18.88.030 (E) of the Pleasanton Municipal Code (PMC), *Schedule of off-street parking space requirements*, one parking space is required for each employee, including teachers and administrators, and one space is required for each four students in Grade 10 or above. The student parking requirement, one space for each four students, is not applicable since the oldest students attending the facility would be in Grade 6. With up to 12 employees

on-site at any given time, 12 parking spaces would be required for the proposed use per the PMC. Additionally, while the PMC does not specify parking provisions for shuttle vehicles, one parking space would be occupied by each shuttle van to be stored on-site when not in use. Since seven of the 10 facility-owned shuttle vehicles would be stored on-site overnight seven additional parking spaces would be necessary to accommodate the shuttle van parking demand. Based on the analysis above, a total of 19 parking spaces (12 for staff and seven for overnight shuttle van parking) would be required at any given time for the proposed use (not including the up-to-five students who could be dropped off and picked up by parents/guardians). Since 35 parking spaces are theoretically “allocated” for the subject suite and only 19 parking spaces are required, there would be a surplus of 16 additional parking spaces available for the proposed use at any given time. Thus, the anticipated number of vehicles that would arrive on-site at any one time during operating hours for the proposed use can be accommodated.

Staff notes that the PMC parking requirements do not directly address parking demand during drop-off and pick-up times, which would be the most impacted times from a parking standpoint. However, staff anticipates conflicts related to parking demand and potential congestion will be minimized since: (1) the opening and closing operating hours for the proposed use are outside of the normal operating hours for the surrounding uses; (2) drop-off and pick-up activities are staggered based on the release times of the local schools; (3) drop-off and pick-up activities generally require a short duration of time; and (4) with the use of the ten facility shuttle vehicles, a large number of students can be transported to and from the facility using a reduced amount of vehicles, further reducing parking impacts on the surrounding uses and area. Additionally, pick-up times that do not include facility shuttle vehicles will occur during non-peak hours, further reducing any parking impacts on the surrounding uses.

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 site 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 mitigation measures (Exhibit A). Possible mitigating conditions could include reducing the number of students and/or modifying the arrival/departure times.

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.” Staff anticipates that the proposed use would generate interior noise levels comparable to and no different from those of an office or commercial use. The proposed lessons 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. 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) will be necessary.

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 feels the proposed Heritage School would be consistent with these objectives and would create more cultural instructional opportunities in the City. The proposed Heritage School 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 will not generate substantial noise, parking demand, or traffic.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, which generally has the characteristics of the City's IP (Industrial Park) and Office Districts. One purpose of the IP District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. Light manufacturing and personal recreational uses are also allowed. One purpose of the O 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 Heritage School 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 light industrial and office uses. The proposed Heritage School will be operated entirely indoors and on a property with an adequate circulation system and parking supply to support the use. The applicant will 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 Heritage Schools, are a common use within or near office areas in Pleasanton. The City's past experience shows that these uses generally make good neighbors. Heritage Schools 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 met, staff feels the Heritage School will not detrimentally impact 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 Heritage School will 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 PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District zoning conditionally permits the establishment of Heritage Schools. In addition, the Heritage School complies with all relevant sections of the zoning ordinance. Granting a CUP to the Heritage School would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. Therefore, staff believes this finding can be made.

ALTERNATIVES

The site conditionally allows Heritage Schools with approval of a CUP by the Planning Commission. The applicant seeks to modify the existing use from tutoring to a Heritage School and increase the attendance to a maximum of 100 students on-site at any one time. Staff believes this use is consistent with the intent of the zoning district. There are other similar uses in the same office complex and the immediate vicinity with the same zoning. Additionally, the applicant has been operating a tutoring facility on this site without incident since 2011. However, staff believes other alternatives could include:

1. The Planning Commission could deny the CUP, and the existing tutoring facility could remain and operate “as is”; or
2. The applicant could apply for a CUP to establish a Heritage School with less than the proposed 100 students.

Alternatives 1 would preclude an existing local business from expanding to address the needs of its existing clients and the community seeking this type of service. Alternative 2 would allow some expansion of the existing use and would reduce activity levels compared to the proposed project. The applicant has demonstrated the ability to be a “good neighbor” to surrounding uses and staff does not anticipate that the proposed change in use or increase in attendance would prevent the applicant from maintaining this standard. Therefore, staff believes the proposed use is appropriate for the site.

PROS/CONS

PROS	CONS
Allows for expansion of an existing local business	Expands an educational use catering to young children in an area/on a site designed primarily for business park uses
Provides educational services to support academic growth and improvement for young children	
Consistent with zoning regulations	

PUBLIC NOTICE AND COMMENTS

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit C 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, staff believes that the proposed use will be compatible with the surrounding businesses/offices 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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