



Planning Commission Staff Report

August 24, 2016

Item 5.a.

SUBJECT: P16-1115

APPLICANT: Yani Rong, Red Dragonfly Learning Center

PROPERTY OWNER: Delta Pleasanton 124

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

LOCATION: 6640-6642 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 June 14, 2016"](#)
[C. Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P16-1115 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 6640-6642 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 underlying zoning and will be compatible with the surrounding uses. There are other similar uses in the office complex and the immediate vicinity with the same underlying zoning. Additionally, the applicant has been successfully operating a tutoring facility on this site for the past four years. 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 below.

BACKGROUND/HISTORY

The applicant, Yani Rong, is requesting approval of a CUP to establish a Heritage School with a maximum of 40 students at any one time at 6640-6642 Owens Drive. The school would provide instruction for students in kindergarten through eighth grades, with a focus on the development and comprehension of language (English and Chinese), including verbal skills, reading, writing, mathematics, art, and drama. The applicant is currently operating a tutoring facility on the site (6640 Owens Drive) with a maximum of 20 students on-site at any one time, and desires to modify the use from tutoring to a Heritage School and increase the attendance to a maximum of 40 students on-site at any one time by expanding into the adjacent tenant space at 6642 Owens Drive. 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 Poplar Plaza office complex sits on approximately 3.63 acres of land and is located on the southwest corner of the outer Owens Drive loop, west of Johnson Drive (Figure 1 on page 3). The office complex contains four single-story buildings totaling approximately 50,672 square feet. Uses within the complex and nearby consist mainly of office and commercial uses to the north, south, and east, and Dublin San Ramon Services District (DSRSD) retention ponds to the west.

Access to the site is provided by three driveways (one private, two shared) off of Owens Drive. There are a total of 204 shared on-site parking spaces.

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.” The purpose of the school is to provide a facility for learning, development, and skills building for students in kindergarten through eighth grade, with a focus on the development and comprehension of language (English and Chinese), including verbal skills, reading, writing, mathematics, art, and drama.

The facility would operate primarily during the normal school year in 12-week-cycles, subject to the following hours of operation:

- Monday through Friday from 9:00 a.m. to 6:30 p.m. for administrative activities
- Monday through Friday from 11:30 a.m. to 2:30 p.m. for the Kindergartener’s Program
- Monday through Friday from 3:30 p.m. to 6:30 p.m. for the Grade 1-Grade 8 After School Program
- Saturday from 9:00 a.m. to 11:30 a.m. for Individual Grade 6-Grade 8 Writing Tutoring
- Closed Sunday

The applicant is proposing a maximum attendance of 40 students on-site at any one time. There would be two staff on-site at any one time for the morning session and seven staff on-site at any one time for the afternoon session. Saturday sessions would be limited to one-on-one subject focused sessions that would last approximately 60 minutes. Collectively, a maximum of 42 to 47 persons may be on-site at any given time during the week, and a maximum of two persons on Saturdays.

Students would be dropped-off by their parents/guardians (those 12 years and younger would be signed in and out of the facility by parents/guardians) and then be picked up after their lesson is complete. For both drop-off and pick-up, parents/guardians would be required to park in designated parking stalls. No double parking, parking in non-designated stalls, or curbside drop-off and pick-up would be permitted. Additionally, per parent request, students may be picked up from their respective schools by standard-size mini-vans (four total) (photo in Exhibit B). Two of the vans are owned by the applicant and are proposed to be stored on-site behind the building. The other two mini-vans are employee-owned, are taken home after hours, and will not be stored on-site.

To accommodate the additional students, the applicant proposes expansion into the adjacent suite. Combined, the two suites total approximately 4,309 square feet. The proposed floor plan (Exhibit B) consists of a reception area, six classrooms (A through F), a large activity room designed for drama classes, a library, an office, a breakroom, and separate boys/men and girls/women restrooms. Minor interior tenant improvements are necessary and include demolition and reconstruction of interior demising walls and plumbing alterations. 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. Therefore, 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 with four existing buildings where the current tenants are primarily office uses, as well as a variety of other uses, including another tutoring use. The adjacent land uses consist of offices and commercial 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 have drop-off and pick-up hours outside of the normal AM/PM peak hours, minimizing peak hour overlap with the surrounding uses. 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 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 would be modest and operating hours would not coincide with AM/PM peak activity levels for the office complex and surrounding area. However, should the facility wish to increase its 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 aged 12 and under to/from the facility during drop-off and pick-up; curbside drop-off and pick-up would be prohibited.

Parking

There are 204 parking spaces that are shared with all of the tenants in the office complex. With a combined floor area of approximately 50,672 square feet, the parking ratio on the site is one space for every 248 square feet of floor area. With the proposed use occupying approximately 4,309 square-feet of floor area, 17 parking spaces would, theoretically, be allocated to the proposed use. However, there are no assigned parking spaces within the office complex.

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 8th Grade. With up to seven employees on-site at any given time, seven parking spaces would be required for the proposed use per the PMC. Additionally, while the PMC does not specify parking provisions for shuttle vans, one parking space would be occupied by each van to be stored on-site when not in use. Therefore, the two facility-owned mini-vans would generate a demand of up to two additional parking spaces at any given time. Based on the analysis above, a total of nine parking spaces would be required at any given time for the proposed use. Since 17 parking spaces are theoretically “allocated” for the subject suites and only nine parking spaces are required, there would be a surplus of eight additional parking spaces available for the proposed use at any given time. Staff notes the applicant conducted a parking availability survey (see Exhibit B). As shown, the applicant observed parking availability for multiple time periods when the facility would be open over a six-day period (Friday through Friday, excluding weekends). The results of the survey demonstrate that, on average, only 28 of the 204 available on-site parking spaces were occupied during those time periods. 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 since it is expected that most students will be dropped-off and all students would be picked up by parents or guardians from the subject site. However, staff anticipates conflicts related to parking demand and potential congestion will be minimized since: (1) there are only two sessions each day with an hour of separation between the end of the morning session and the beginning of the afternoon session; (2) drop-off and pick-up are activities are staggered due to the staggered 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 three facility vans, a large number of students can be transported to the facility using a reduced amount of vehicles, further reducing parking impacts on the surrounding uses and area. Additionally, pick-up times for each session 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 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 or modifying the arrival/departure times.

Noise

The PMC 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.” 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 or music 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 conducted 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 or parking demand.

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 industries that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact, such as laboratories. 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 industrial and office uses. The proposed Heritage School will be operated entirely indoors and on a property with adequate circulation and parking 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 use from tutoring to a Heritage School and increase the attendance to a maximum of 40 students on-site at any one time. Staff believes this use is consistent with the intent of the underlying zoning. There are other similar uses in the same office complex and the immediate vicinity with the same underlying zoning. Additionally, the applicant has been successfully operating a tutoring facility on this site, without incident, for the past four years. 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,” while the vacant tenant space at 6642 Owens Drive would remain vacant until an office, light industrial or commercial use could occupy the space; or
2. The applicant could apply for a CUP to establish a Heritage School with less than the proposed 40 students.

Alternatives 1 and 2 both preclude an existing local business from expanding to address the needs of its existing clients and the community seeking this type of service. 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 for business park uses
Provides educational services to support academic growth and improvement for young children	Adds additional non-peak trips to the Owens Drive area
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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