



## Planning Commission Staff Report

July 13, 2016  
Item 5.a.

**SUBJECT:** P16-0949

**APPLICANT:** The Coder School / William Tungpagasit

**PROPERTY OWNER:** Pleasanton Owner Retail, Inc.

**PURPOSE:** Application for a Conditional Use Permit to operate a tutoring facility

**LOCATION:** 6754 Bernal Avenue, Suite 750

**GENERAL PLAN:** Retail/Highway/Service Commercial; Business and Professional Offices

**SPECIFIC PLAN:** Bernal Property Specific Plan

**ZONING:** PUD-C (Planned Unit Development – Commercial) District

**EXHIBITS:**

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received May 24, 2016"](#)
- C. [Location and Notification Map](#)

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### BACKGROUND

On November 16, 2010, the City Council adopted Ordinance 2014 for PUD-02-07M for the entire 39.22-acre Pleasanton Gateway retail and (at the time) office development. Ordinance 2014 addresses the permitted and conditionally permitted uses for the Pleasanton Gateway shopping center. On June 27, 2016, the Zoning Administrator approved a Planned Unit Development (PUD) Minor Modification to amend the list of uses for the shopping center to allow one tutoring facility within a tenant space up to 2,000 square feet as a conditionally allowed use. The intent of the PUD Minor Modification was to give the property owner additional flexibility in finding appropriate tenants to occupy some of the smaller and harder-to-fill tenant spaces in the shopping center, while ensuring the shopping center will continue to function as a primarily retail space, as appropriate for this major gateway to Pleasanton.

William Tungpagasit, on behalf of The Coder School, has submitted a Conditional Use Permit (CUP) application to operate a tutoring facility related to computer technology and training within an approximately 1,064-square-foot suite (formerly occupied by SportClips) in the shopping center. With the recently approved PUD Minor Modification, a tutoring facility would require approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for consideration.

## SITE AND AREA DESCRIPTION

The Pleasanton Gateway Shopping Center is located on approximately 12.5 acres and is generally bounded by Bernal Avenue to the north, Interstate-680 to the west, Valley Avenue to the east, and the Township Square development to the south (see Figure 1 below). Nearby land uses consist mainly of other commercial and office uses across Bernal Avenue, as well as some residential uses to the south and southeast.

The shopping center contains two anchor tenant buildings, and eight other multi-tenant, single-story, commercial buildings. The total shopping center square footage is approximately 124,563 square feet. The existing businesses in the shopping center include: Safeway, CVS, Wells Fargo, Union Bank, Starbucks, Mike's Bikes, Great Clips and several quick-serve type restaurants including Habit Burger, Subway, Corner Bakery, Panda Express and Baja Fresh.

Access to the site is provided from one driveway off of Bernal Avenue and two driveways from Valley Avenue. There are a total of 595 on-site parking spaces located throughout the shopping center.

The Coder School will occupy Suite 750, which is located in the multi-tenant building at the southeast corner of the shopping center, between Mike's Bikes and CVS Pharmacy.

**Figure 1: Aerial Image of Gateway Shopping Center**



## PROPOSED PROJECT

The Coder School is proposing to operate an after school and weekend tutoring program related to computer technology and training for students between the ages of eight and 14. Lessons are semi-private, and each lasts approximately one hour.

The facility would operate year-round subject to the following hours of operation:

- Monday through Friday from 3:00 p.m. to 8:00 p.m. (approximately five lesson periods)
- Saturday from 10:00 a.m. to 2:00 p.m. (approximately four lesson periods)
- Closed Sunday

The applicant is limited to a maximum attendance of 20 students at any one time, but expects that the average attendance would be six students at any one time. Up to four instructors/administrators at any one time would staff the facility.

All students would be dropped-off by their parents/guardians and then be picked up after their lesson is complete. No facility-owned or -sponsored vehicles are proposed for drop-off and pick-up of students, and no such vehicles are proposed to be stored on-site.

The proposed floor plan (Exhibit B) consists of a lobby, instructor office/pit, a main instructions area/classroom consisting of computer terminals/workdesk spaces, a lounge and a restroom. The instructor office/pit and lounge would be used by staff and students, respectively, to prepare/relax in between lessons, wait for a lesson to begin, and wait to be picked up after a lesson concludes, etc. 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. Exterior signage would be subject to the approved sign program for the Pleasanton Gateway Shopping Center.

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

## **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 use permits.

### Land Use

The Land Use Element of the General Plan designates the subject property for Retail/Highway/Service Commercial; Business and Professional Offices land uses, which allow retail, commercial, and educational uses.

The Coder School is a tutoring facility with an academic curriculum focused on computer technology and training for students and, therefore, is consistent with the General Plan land use designation and with the following General Plan Programs, Policies, and Goals:

- Program 2.2: Encourage the reuse of vacant and underutilized parcels and buildings within existing urban areas.
- Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.
- Policy 7: Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.
- Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

The Bernal Property Specific Plan designates the subject property as Commercial/Office. The project site is zoned PUD-C, and Ordinance 2014 identifies a list of permitted and conditionally permitted uses within the Pleasanton Gateway Shopping Center. Tutoring facilities are a conditionally permitted use within the shopping center, and therefore, if the Conditional Use Permit is approved, The Coder School would be consistent with the zoning district.

One of the primary concerns in reviewing a CUP application is the effect of the 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 Coder School use is compatible with the surrounding uses. The Coder School will be located adjacent to existing commercial uses and it is unlikely that the operation of the school would adversely impact the surrounding businesses within the shopping center or, in turn, be impacted, by these businesses. For example, staff considers it unlikely that the students of the subject facility would congregate outside and impact the operation of the other businesses in the shopping center. The Coder School students would be supervised by staff at all times and a condition of approval requires entrance doors to be closed except when being used. In addition, the tutoring facility would not have any use characteristics that would generate high levels of noise or activity that would adversely affect retail uses in the shopping center. To the extent that The Coder School attendees or their guardians would patronize other businesses in the shopping center, The Coder School could be complementary to existing businesses in the area.

In the past, the Planning Commission has granted CUPs for similar facilities in shopping centers. The subject building is on a site that has adequate on-site parking (as described in more detail below) and The Coder School would be operated exclusively indoors. Staff believes that the subject location is appropriate and does not expect that the proposed use would impact or be impacted by the existing and future surrounding businesses.

#### Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan that was prepared for The Coder School, and has determined that the number of students and hours of operation for The Coder School would not have a significant impact to existing traffic levels, primarily because the enrollment at the tutoring facility would be modest and operating hours would not coincide with peak lunchtime activity levels at the shopping center. However, should The Coder School wish to increase its enrollment 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 their students, 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 595 parking spaces that are shared with all of the tenants in the shopping center. With a combined floor area of approximately 124,563 square feet, the parking ratio at the subject site is one space for every 209 square feet of floor area. With the proposed tutoring facility occupying approximately 1,064 square feet of floor area, five parking spaces would, theoretically, be allocated to the proposed use. However, there are no assigned parking spaces within the shopping center.



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 Coder School would be 14 (Grade 9). With four employees, four parking spaces would be required for the proposed use per the PMC. The Code-required parking demand for this use would be satisfied by the five parking spaces “allocated” to these tenant spaces based on the total tenant area.

Staff notes that section 18.88.030 of the PMC does not address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Based on the maximum student enrollment and staffing levels, it is anticipated that approximately 10 to 24 vehicles would arrive on-site at any one time during operating hours. Staff believes that there would be adequate parking for drop-off/pick-up given that typical enrollment at the tutoring facility would be modest (maximum of 20 students at any one time, but the expectation is that the average attendance would be six students at any one time) and operating hours (3:00 p.m. to 8:00 p.m. on weekdays and 10:00 a.m. to 2:00 p.m. on Saturdays) would not coincide with peak lunchtime activity levels at the shopping center. In general, the weekday lunch period is the time of peak parking demand at the Pleasanton Gateway Shopping Center. Moreover, parents/guardians would only be parked in the spaces for a short period of time. Therefore, based on this parking analysis, staff believes that the parking should be sufficient to accommodate the proposed use. 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.

Staff notes the applicant conducted a parking availability survey (see Exhibit B). As shown, the applicant observed parking availability for three time periods when the tutoring facility would be open over a two-day period (Monday and Saturday). The results of the survey demonstrate that approximately 52 to 111 (80 space average) parking spaces were available during those time periods within the immediate vicinity of the tutoring facility space. Thus, the anticipated 10 to 24 vehicles that would arrive on-site at any one time during operating hours can be accommodated.

### Noise

The Pleasanton Municipal Code 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 Coder School would generate interior noise levels comparable to and no different from those of an office or retail use. The proposed lessons would be held indoors, with the 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 Planning Commission must make the following findings prior to granting the use permit:

**A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.**

Some of the key 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 to 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 Coder School would be consistent with these objectives because it would operate within an existing shopping center with other compatible commercial uses. The number of students, hours of operation, and staffing levels will not generate substantial noise or substantially compromise the existing parking supply, or otherwise adversely affect the function of the Pleasanton Gateway Shopping Center as a primarily retail shopping center.

The PUD-C District provides appropriately located areas for retail stores, offices, and other compatible uses patronized primarily by residents of the immediate area, and allows development of neighborhood shopping centers in accordance with standards that minimize adverse impacts on adjoining residential uses. The establishment of the proposed Coder School is consistent with that purpose in that it provides a tutoring facility for students within the immediate vicinity and the City as a whole.

Staff believes the granting of a Conditional Use Permit for the proposed Coder School is consistent with the objectives of the PUD-C District and 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.**

Tutoring facilities are a common use in Pleasanton and have generally been good neighbors to surrounding occupants. Sufficient parking, adequate separation from residential neighborhoods, maintenance of noise levels, and safety and security within the premises have been provided or conditioned. Furthermore, tutoring facilities are limited to a single location within the Pleasanton Gateway Shopping Center to preserve the shopping center as a primarily retail space and the subject tenant space is well within the 2,000 square foot limitation. Additionally, drop-off and pick-up times by the parents/guardians will generally not be within peak lunchtime activity levels for the shopping center, which will help alleviate parking and traffic concerns. The proposed conditions of approval will ensure that the tutoring facility will not operate in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. Therefore, staff feels that this finding may be made.

**C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.**

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff feels this finding can be made with the proposed conditions of approval.

**PUBLIC NOTICE**

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

**ENVIRONMENTAL ASSESSMENT**

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

**CONCLUSION**

Based on the analysis of this staff report, staff believes that the required Conditional Use Permit findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve P16-0949 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P16-0949, subject to the conditions listed in Exhibit A.

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**Reviewed/Approved By:**

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