

## Planning Commission Staff Report

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December 10, 2014  
Item 5.a.

**SUBJECT:** P14-1295

**APPLICANT:** Ichen Art Academy (IAA)

**PROPERTY OWNER:** Xuesong Dong

**PURPOSE:** Application for a Conditional Use Permit (CUP) to establish an art school

**LOCATION:** 4430 Willow Road, Suite I

**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. [Narrative/Project Plans dated “Received November 24, 2014”](#)
- C. [Hacienda Business Park Owners Association Approval Letter dated “Received November 4, 2014”](#)
- D. [Location and Notification Map](#)

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### BACKGROUND

Ichen Jiang (also known as Ichen Wu) is the founder of IAA and is requesting approval of a CUP to establish an art school on the subject parcel at 4430 Willow Road, Suite I. IAA is a comprehensive art school in the Bay Area specializing in Chinese-Western art education. IAA's main campus is located in Fremont. In addition to offering a wide variety of art courses, IAA intends to develop a new art counseling business that serves high school students seeking admission to art and design colleges. The Pleasanton location would be considered a satellite campus offering many of the same courses offered by the main campus, as well as counseling services. The subject site is zoned PUD-I/C-O District. Art 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 review and action.

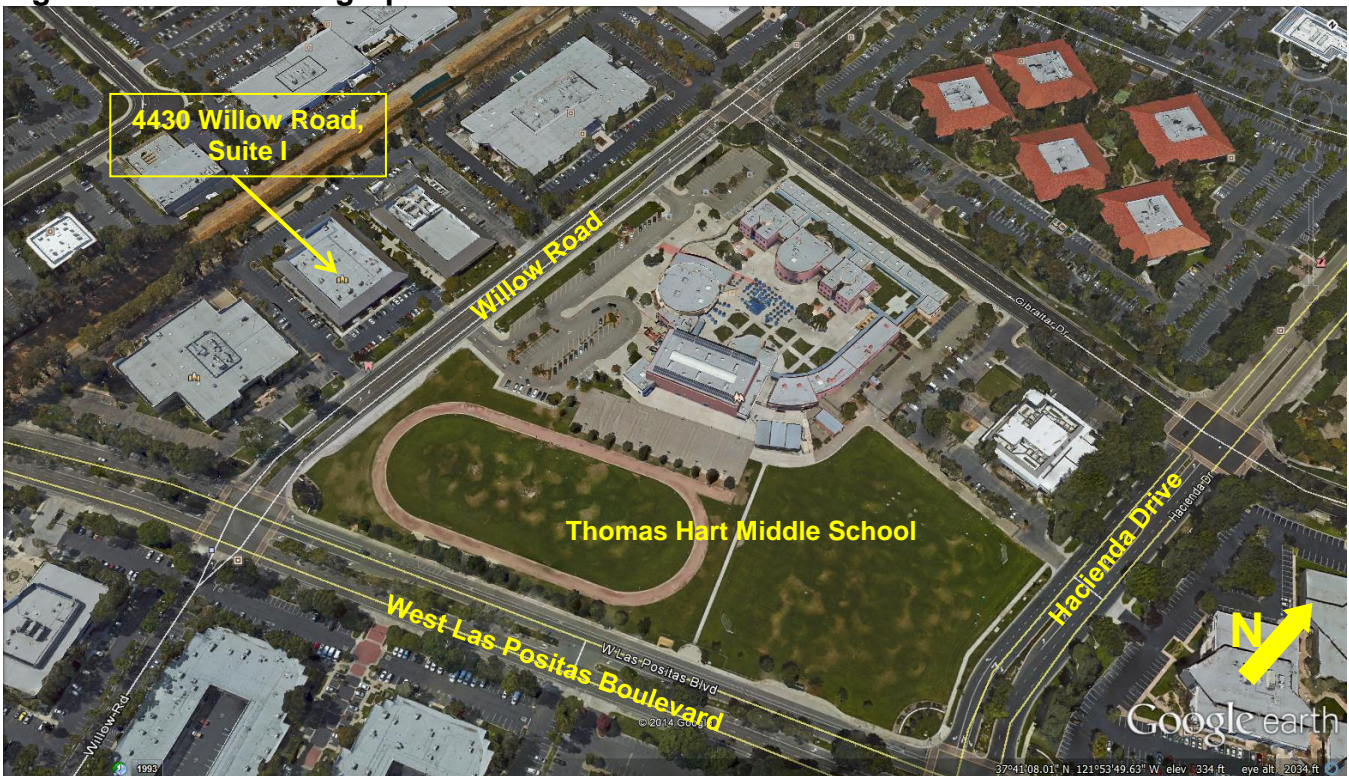
## SITE AND AREA DESCRIPTION

The subject site is a flat and fully developed 2.22-acre parcel located on the west side of Willow Road, across from Thomas Hart Middle School (Figure 1). The existing, approximately 33,440 square-foot, one-story building contains 15 tenant spaces (Suites A through O). Current tenants include a dance academy in Suite K, a music academy in Suite M, a tutoring use in Suites B and C, several dental offices, and a church in Suites L and N.

The project site has a total of 132 parking spaces, including seven handicap accessible spaces. In addition to the on-site parking, the subject site has a recorded reciprocal parking and access easement with the adjoining property to the north (4440 Willow Road), which allows the use of an additional 58 parking spaces for a total of 190 spaces. Access to and from the project site and parking areas is provided by three driveways on Willow Road.

The subject site is surrounded by commercial/office/light industrial uses to the north, south, and west. Also located to the south of the project site is a one-story building containing a church and a tutorial facility (5925 and 5929 W. Las Positas Boulevard). Thomas Hart Middle School is located to the east, across Willow Road.

**Figure 1: Aerial Photograph**



## PROPOSED PROJECT

IAA proposes to occupy the approximately 2,121 square-foot Suite I and establish a satellite campus that offers a wide variety of art courses for ages five to adult and art counseling for high school students seeking admission to art and design colleges.

Table 1 below summarizes the proposed activities, days and times of use, anticipated number of attendees per activity, frequency, and the portion of the subject suite, including square footage, that would be utilized:

**Table 1: Proposed Activity and Attendance Table**

	Room A (Childrens Creative Art)	Room B (Counseling Room)	Room C (Principal's Office)	Room D (Drawing and Sketch)	Room E (Chinese Painting)	Room F (Office)
Square Footage	204 sf	135 sf	135 sf	207 sf	192 sf	192 sf
Monday	Closed	Closed	Closed	Closed	Closed	Closed
Tuesday						
10:00am-12:00pm					8	
3:45pm-5:15pm	8			8		1
5:30pm-7:00pm	8			8		1
Wednesday						
3:45pm-5:15pm	8			8		1
5:30pm-7:00pm	8			8		1
Thursday						
3:45pm-5:15pm				8	8	
5:30pm-7:00pm				8	8	
Friday						
3:45pm-5:15pm	8			8		1
5:30pm-7:00pm	8			8		1
Saturday-Sunday						
11:00am-12:30pm	8			8		1
1:15pm-2:45pm	8			8		1
3:00pm-4:30pm	8			8		1
4:45pm-6:15pm	8			8		1

The primary activities would consist of group and private lessons in Chinese painting and calligraphy and western painting classes, as well as art counseling services. The school would operate during the academic year on Tuesdays from 10:00 a.m. to 7:00 p.m., Wednesdays through Fridays from 3:45 p.m. to 7:00 p.m., and Saturdays and Sundays from 11:00 a.m. to 6:15 p.m. The school would be closed on Mondays. Each class would last between 90 and 120 minutes, with back to back classes having staggered start and stop times spaced at 15 minute intervals. A maximum of two classes will be held concurrently on any given day. Each class will have a maximum attendance of seven students with one instructor per classroom. Student ages would range between five to adult. Additionally, there will be one front desk receptionist on site at all times, as well as an occasional art counselor and one additional high school student seeking counseling. Collectively, up to 19 persons may be on-site at any given time.

A summer art camp program will also be offered, and include courses in painting, calligraphy, cartoon drawing, sketch, water color, and design. Each camp would last five days, Monday through Friday from 9:00 a.m. to 3:00 p.m. A maximum of 16 students would attend each camp, plus two to three instructors. Student ages would range between five and 15 years.

During the Summer, the regular class schedule will remain in effect; however, fewer than 16 students are expected to attend due to vacations.

No interior or exterior improvements are proposed to the subject suite or building.

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 CUP's. The analysis in the following section focuses on impacts associated with the proposed art school (as opposed to the summer camp), which would be expected to have a higher student enrollment on a daily basis.

### Land Use

The subject site is located in the IPD (Research and Development/Light Manufacturing Planning District) in the Hacienda Business Park. In April 1995, the City Council approved a PUD Minor Modification (Case No. PUD-81-30-30M) for Hacienda to conditionally permit private schools and colleges, including trade, business, music, and art schools in the IPD sites. IAA has applied for a CUP as required by the Hacienda PUD. Therefore, if the CUP were granted, the proposed art 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. IAA will be located in an existing multi-tenant building where the current tenants include a dance academy, a music academy, a tutoring use, several dental offices, and a church. The adjacent land uses consist of commercial and school uses. The nearest residential uses are located across Hopyard Road to the west in the Val Vista neighborhood and across West Las Positas Boulevard to the south in the Parkside neighborhood.

IAA is similar to both the existing dance and music academies in the subject building with a focus on arts education. To be sensitive to the other tenants within the subject building and to ensure that IAA would have minimal impact in terms of parking and circulation, IAA would have staggered classes so that not all students would be arriving and departing at the same time and a maximum of 19 persons would be on-site at any given time. Additionally, given that the other businesses operate during regular business hours (8:00 a.m. to 5:00 p.m.), IAA's group and private lessons would be compatible with the other uses in that most classes would occur in the mid-to-late afternoon and evening hours during the week, as well as weekends, rather



than during peak hours for the majority of the other uses, including the dental offices. Therefore, if the CUP were granted, IAA would be compatible with the surrounding uses.

Should future problems arise with IAA, 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 IAA would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds IAA to be acceptable on the subject property, as conditioned.

### Noise

The subject parcel and building are in an area containing industrial uses, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Pleasanton Municipal Code states, "No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA [A-weighted decibels] at any point outside of the property plane."

The Pleasanton Municipal Code also 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."

Based on IAA's project narrative and the fact that all proposed activities would occur inside of the subject suite, staff believes that it is unlikely that the noise generated during the proposed activities would exceed the Municipal Code standard or impact other tenants. A recommended condition of approval requires that the exterior doors remain closed when not being used for ingress/egress purposes and that IAA inform all students, parents, and staff not to loiter or make loud noises outside the building before or after classes. Similarly, staff believes that students would not be adversely affected by noise generated in the surrounding area.

Furthermore, staff has included a standard condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels occur. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building and requiring soundproofing of the subject building.

### Parking

As previously mentioned, the subject building is approximately 33,440 square feet in floor area and there are a total of 132 on-site parking spaces. The parking ratio at the subject site is 3.95 parking spaces per 1,000 square feet of floor area (or one space per 253 square feet of gross floor area). IAA would occupy an approximately 2,121 square-foot suite. Thus, a total of eight parking spaces would be theoretically allocated to this subject suite as there are no assigned parking spaces within the subject site.

There is a recorded parking agreement between the subject site and the site to the north (4440 Willow Road). This agreement allows for reciprocal parking across the properties. The adjoining site has 58 on-site parking spaces and the building is occupied by a single tenant with a regular Monday through Friday operation schedule. Therefore, a total of 190 parking spaces are available for both buildings.

The Hacienda parking standards require that art school uses shall provide one parking space for each employee and one parking space for every two students aged 16 or older. Based on these requirements, IAA could generate a demand of up to 12 parking spaces at any given time based on the occupancy of:

- Four staff members (two instructors, front desk receptionist, counselor) = 4 parking spaces
- 15 students (assuming two concurrent classes at any given time + occasional high school student seeking counseling) = 8 parking spaces

IAA has indicated that it would be unlikely that all 15 students would be aged 16 years or older at any given time. Therefore, the maximum number of parking spaces required by the Hacienda parking standards would fluctuate depending on the student composition for each class. It should be noted that all three classes allow students well under the age of 16. However, because the majority of the IAA uses would be operated in the mid-to-late afternoon and evening hours during the week, as well as weekends, rather than during peak hours for the majority of the other uses, staff believes there would be adequate parking available on-site for all existing uses and the proposed IAA.

Staff notes that the Hacienda parking requirements do not directly address parking demand during drop-off/pick-up times, which would be the most impacted times from a parking standpoint since it is expected that a majority of students would be driven by parents or guardians to and from the subject site. Staggered starting and ending times for classes are proposed to alleviate parking demand and potential congestion that may occur if classes overlapped.

IAA provided a parking observation study as Appendix A to Exhibit B. IAA observed parking on Wednesday, November 19, 2014 through Saturday, November 22, 2014, generally between the hours of 4:00 p.m. and 6:00 p.m., except Saturday, when parking was observed between 2:15 p.m. and 3:15 p.m. During these time periods, the highest parking occupancy rate was approximately 43 percent (82 vehicles parked within the 190 available parking spaces). On Saturday, the vacancy rate was well over 90 percent. IAA also noted that there were several cars dropping off and picking up students in front of the existing dance and music academies, as well as the tutoring facility; however, these vehicles remained on-site for only a short period of time.

Traffic Division Staff also observed the on-site parking availability on the afternoon of Monday, November 24, 2014. Staff's observations concur with the findings of the IAA parking observation study, which indicates adequate on-site parking at any given time for all existing uses and the proposed use.

As previously mentioned, there are other tenants, specifically the dance and music academies, as well as the tutoring facility and church that provide services in the same building after regular business hours (8:00 a.m. to 5:00 p.m.). Thus, it is important to evaluate the parking demand after hours.

The dance and music academies within Suites K and M, respectively, operate Mondays through Fridays from 4:00 p.m. to 8:00 p.m. and 3:30 p.m. to 8:30 p.m., respectively. The dance academy also operates on Sundays from 12:30 p.m. to 5:30 p.m., while the music academy operates on Saturdays from 9:00 a.m. to 1:00 p.m. The maximum number of persons at any given time at the dance academy is 21, generating a parking demand of five spaces at any given time per the approved project description and the Hacienda parking standards. The maximum number of persons at any given time at the music academy is 22, generating a parking demand of 10 spaces per the approved project description and the Hacienda parking standards.

The tutorial facility in Suites B and C operates Mondays through Fridays from 3:30 p.m. to 8:30 p.m. The maximum number of persons at any given time at the tutorial facility is 32, generating a parking demand of seven spaces per the approved project description and the Hacienda parking standards.

As such, the aforementioned uses generate a demand of up to 22 parking spaces at any given time, including after normal business hours and, based on the above analysis, staff believes adequate on-site parking is available to accommodate all existing uses and the proposed use.

Additionally, the church in Suites L and N has a prayer group meeting on Tuesdays from 7:30 p.m. to 9:30 p.m. for a maximum of 15 people and a fellowship meeting on Fridays from 7:30 p.m. to 9:30 p.m. when approximately 45 members meet. Its meetings start at 7:30 p.m., which is after IAA classes conclude at 7:00 p.m. Thus, parking demand generated by the church and IAA should not overlap.

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 recommended a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### Signage

No signage is proposed at this time. If IAA wishes to add signage, the proposed signage would be required to adhere to the comprehensive sign program for the site.

## 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 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 art school would be consistent with these objectives. The proposed art school would be conducted so as to not impact or interfere with the surrounding uses and would provide art instruction to the community.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, and it is located in the Research and Development/Light Manufacturing Planning District of the Hacienda Business Park, which generally has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. As conditioned, staff feels the proposed art school would be consistent with the Zoning Ordinance objectives and Industrial Park District purpose in that it would provide art instruction services to the community and would be operated so as to not impact or interfere with the surrounding uses. The proposed art school will be operated 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 schools and tutoring centers, are a common use within or near commercial/industrial areas in Pleasanton. The City's past experience shows that these uses generally make "good neighbors." Art schools generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. If the recommended conditions of approval are met, staff feels the art 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 art 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 art school. 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 art schools. In addition, the art school complies with all relevant sections of the zoning ordinance. Granting a CUP to the art 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.

**PUBLIC NOTICE**

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 maps as Exhibit D for reference. At the time this report was published, staff had not received any public comment.

**HACIENDA BUSINESS PARK ASSOCIATION**

The Hacienda Business Park Association has reviewed the application for the art school and found that it is in substantial compliance with Hacienda Business Park guidelines set forth in its Covenants, Codes & Restrictions (CC&Rs). The Association provided an approval letter attached as Exhibit C.

**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.

**CONCLUSION**

As proposed, staff believes that the IAA will be compatible with the surrounding businesses 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 IAA will fulfill a community need and that the proposed location is appropriate.

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case P14-1295 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P14-1295, subject to the conditions listed in Exhibit A.

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