

Planning Commission Staff Report

June 26, 2013
Item 5.a.

SUBJECT: P13-0051

APPLICANTS: Yeon Hee Han and Moon Hee Park

PROPERTY OWNER: South North Properties, LLC

PURPOSE: Application for a Conditional Use Permit to operate a tutorial facility for students in grades K-12.

GENERAL PLAN: General and Limited Industrial

ZONING: Planned Unit Development – Industrial (PUD-I)

LOCATION: 1241 Quarry Lane, Ste. 110

EXHIBITS:

- A. Draft Conditions of Approval
- B. Applicants' Written Narrative, Site Plan, Floor Plan, and Parking Counts
- C. Public Comment
- D. Location Map and Noticing Map

BACKGROUND

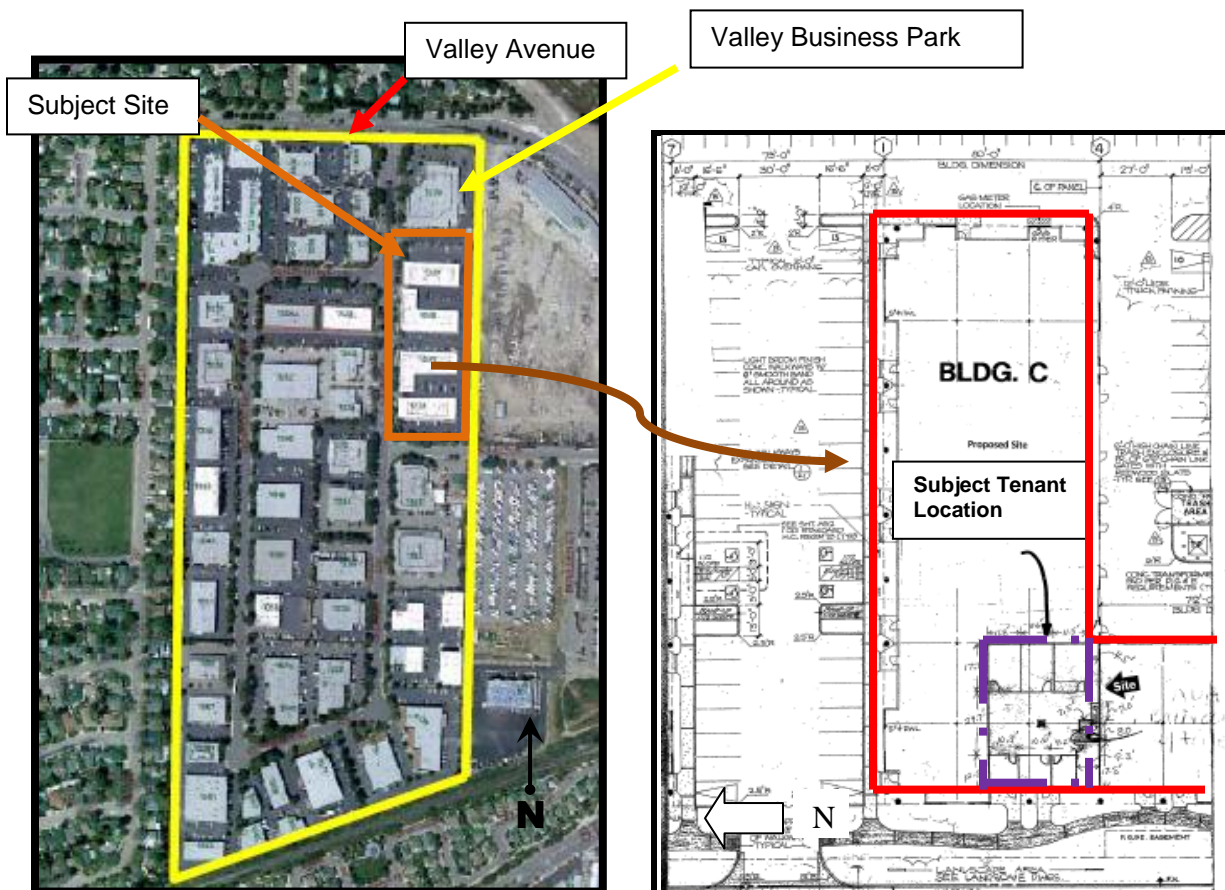
In January 2007, the Planning Commission approved a conditional use permit (PCUP-186) to allow Education Enrichment Center (EEC), a facility specialized in Montessori classes and tutoring for elementary children, to operate at 1024 Serpentine Lane, Suite 7-B, in the Valley Business Park (PUD-80-1). The approved EEC operates Monday through Friday, with Montessori classes from 9:30 a.m. – 2:30 p.m. and tutoring from 4:00 p.m. – 7:00 p.m. In 2010, the applicants purchased the business, and they now wish to relocate the facility from the current location on Serpentine Lane to Quarry Lane within the same business park. The operation and activities would change to: 1) eliminate the Montessori classes, 2) extend the academic enrichment tutoring classes to include Saturdays, 3) increase the number of students from the current 11 students to 16 students at one time, and 4) provide services to all students in grades K-12. Valley Business Park PUD requires a conditional use permit for trade schools. A tutorial facility is similar to a trade school where instructional classes are held. As conditional use permit approval runs with the land, the current conditional use permit approval cannot be transferred to another location. Therefore, a new conditional use permit application is required, subject to review and approval by the Planning Commission.

SITE DESCRIPTION

Valley Business Park, approximately 69 acres in size, is located south of Valley Avenue and east of Santa Rita Road. Its internal streets are Serpentine Lane and Quarry Lane. It is zoned PUD-I (Planned Unit Development – Industrial) and has a mix of uses that include offices, light industrial, and other uses such as indoor recreational facilities, a rehearsal theatre, tutorial facilities and private schools.

Properties adjacent to the business park are light industrial/warehouse uses to the east (Boulder Court), Union Pacific Railroad and single-family residential (California Reflections) to the south, single-family residential (Jensen Tract) to the west, and Valley Avenue and single-family residential (Heritage Valley) to the north. Sound walls separate the business park from the residential neighborhoods to the south and west.

The subject site is an approximately 5.1-acre parcel located on the east side of Quarry Lane. The site contains four separate buildings, totaling 77,120 square feet of building area. The subject building is the second building from north of Boulder Street, and the proposed use would be located in the west side of the building.

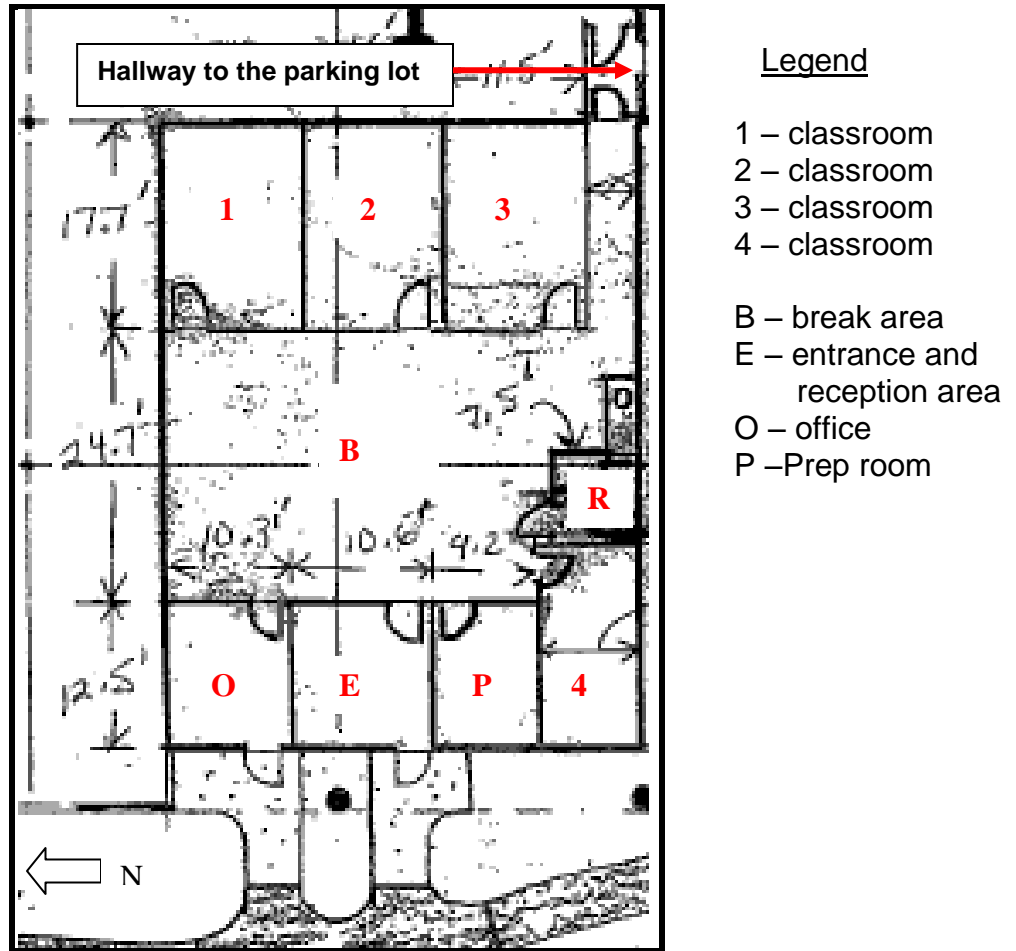


Project Location

PROJECT DESCRIPTION

The proposed tutorial facility, Education Enrichment Center (EEC), offers after-school tutoring, academic enrichment classes, and SAT preparation classes to students in grades K through 12th. Classes are grade-based classes. During the weekdays, classes would be held from 3:30 p.m. to 7:00 p.m., and on Saturdays, classes would be held from 9:00 a.m. to 5:00 p.m. Classes are between 90 minutes and three hours with breaks. The facility would have four instructors and a maximum of 16 students at the facility at one time. No back-to-back classes or summer camps are offered. Please refer to Exhibit B for class schedules.

The proposed use would occupy a tenant space of approximately 2,491 square feet in floor area. It would have four classrooms, two administrative offices, a restroom, a storage room, and an open area to be used as a break area for students. Please see floor plan below:



Proposed Floor Plan

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 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. The following sections seek to provide analysis of the proposed use with respect to potential impacts to land use, parking, and noise.

Land Use

When the proposed use is educational, instructional, recreational, or daycare, staff evaluates how that use integrates into the surrounding uses. The subject facility is currently located within Valley Business Park and the current operation of the facility was found to be compatible with the surrounding uses through the approval of the condition use permit. The current proposal is to relocate the facility within the business park and modify the services offered. Similar to the current facility, the proposed facility would continue to be an educational and instructional facility to students. Thus, it should be compatible with the surrounding uses.

The Valley Business Park contains a variety of uses including manufacturing, offices, tutoring and music studios. The Planning Commission has also approved several conditional use permits within the Park to allow the operation of a heritage school (at Tri-Valley Chinese Bible Church), a theater rehearsal studio and a private school/daycare (Quarry Lane School). The proposed tutorial facility consists of indoor instruction and its tenant space contains an open area to be used as a break area for students. Staff believes that it would be unlikely that the proposed use would create adverse impacts on the adjacent businesses.

Parking

There are 258 parking spaces within the subject site for all four buildings. As such, the parking ratio at the subject site is approximately one parking space per 300 square feet of building area. The subject tenant space is approximately 2,491 square feet. Thus, it is theoretically allocated eight parking spaces. However, there is no assigned parking at this site.

The Pleasanton Municipal Code (PMC) does not have a parking requirement for tutorial facilities. However, Section 18.88.030.E.1 requires schools to provide one parking space for each employee, including teachers and administrators, as well as one space for every four students in grade 10 or above. The proposed tutorial facility would have four instructors and no more than six high-school students at the facility at one time. Therefore, a total of six parking spaces would be required to support the proposed use -- four parking spaces would be required for four instructors and two parking spaces would be required for the six high-school students, assuming that they are all in grade 10 or above. The allocated, but not assigned, eight parking spaces would be sufficient to support the demand from the proposed use.

Students below grade 10 would be transported to and from the facility their parents/guardians. Parents/guardians dropping off their children would park in the parking lot and walk inside the building. When picking up their children, parents/guardians would again park in the parking lot and go inside the building to pick-up their children. To ensure that on-site parking would support the parking demand during drop off/pick-up, staff visited the site on several occasions and observed that on-site parking is able to support the demand. The above picture showing the parking situation was taken on a Thursday around 4:20 p.m. In addition, the applicant conducted parking counts for eight weekday afternoons in April. As parents, students and instructors are assumed to park near the facility, the parking counts covered the parking area near the subject building as well as the overall parking for all four buildings. The following table shows the parking space count results (average for all eight days). A parking count spreadsheet is attached as Exhibit B.



	Parking Counts Near the Subject Building (129 parking spaces)		Parking Courts for the Entire Parking Lot (258 parking spaces)	
	Occupied	Available	Occupied	Available
3:30 p.m.	47%	53%	32%	68%
5:00 p.m.	38%	62%	23%	77%

Based on the above discussion, staff believes the site has adequate parking to support the proposed use during weekdays. Per Lee & Associates, the leasing agent, the current tenants on the subject site are closed on Saturdays except for one tenant. As such, on-site parking should not be an issue on Saturdays. In order to ensure that the operation of the tutorial facility does not have any parking impacts on the surrounding area in the future, staff has included condition No.1 requiring City approval prior to any changes in the operation or activities. Staff has also included condition No.2 which states that should the Community Development Director determine that the school is negatively impacting parking or circulation on the property or in the surrounding neighborhood, the Community Development Director may require the applicant to revise the pick-up schedule to reduce negative impacts on the surrounding businesses.

Circulation

The site has adequate ingress/egress to the street. On-site drive aisles are provided between and around the buildings. Therefore, staff does not anticipate any circulation issues. In the event that future circulation problems occur, staff has added recommended conditions of approval (Nos. 2 and 12) that allow the Planning Commission to reevaluate the subject use permit and add conditions, if necessary, to resolve such issues.

Noise

The subject site is in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject property, 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 seventy-five dBA at any point outside of the property plane.

The Pleasanton Municipal Code also 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.” The proposed facility offers indoor tutoring and academic enrichment classes. Noise generated from classroom lectures and discussion will be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. In addition, the facility includes a break area for students, so students are not expected to go outside of the building before or after tutoring classes. Furthermore, the building does not contain any operable windows and the applicants have indicated that the exterior doors will not be opened during the day which will further reduce noise impacts on the surrounding area.

It is unlikely that the noise produced by the use will be in excess of 75 dBA at any point outside of the property plane as prescribed by code (P.M.C. §9.040.50). Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants. To further ensure that noise would be contained indoors, a condition (No. 4) has been added requiring all doors to remain closed during business hours.

Nevertheless, in the event that future noise problems occur, staff has recommended a condition of approval (No. 12) that would allow the Planning Commission to re-evaluate the subject use permit and add conditions, if necessary, to address noise issues.

Tenant Improvements

The applicants' leasing agent has been in contact with Building and Safety Division to make necessary modifications to the tenant space in order to meet building code requirements. Tenant improvement would be required for the subject tenant space in order to meet the applicable building code. Conditions (Nos. 18, 19 and 20) have been added to address this item.

Signage

No signage currently exists for the tenant suite. Any proposed signage will be subject to Sign Design Review prior to installation.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

Staff received an email from Bryce Despain expressing concern regarding traffic and parking (attached). Mr. Despain requested that a condition be added to ensure that the subject site has sufficient parking for the proposed use. Based on the parking survey conducted by the applicants and staff's observation of parking during site visits, the subject site has adequate parking to support the proposed use. As proposed, the facility would have staggered class starting/ending times and that no more than five students would be arriving/leaving at the same time. Therefore, staff does not believe traffic/parking would be an issue at the subject site.

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.

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring 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 that the proposed use would be consistent with these objectives.

Tutoring facilities, a private school/day care center and music lessons currently operate in the Valley Business Park and have been found to be compatible with the surrounding businesses. The subject tutorial facility is existing business within the business park. It will be conducted indoors and is on a property with adequate circulation and parking to support the use.

The subject business is proposed in Valley Business Park which is zoned Planned Unit Development – Industrial (PUD-I) and 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 within minimum adverse impact. Staff believes the proposed use, as conditioned, will be compatible with the adjacent residential and industrial park uses. Staff has not received complaints regarding the facility at the current location. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use.

Staff recommends that this finding 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.

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. Tutorial classes would be operated within the building. The number of parking spaces available on site would meet the parking demand for the proposed use. The proposed conditions of approval will ensure that the subject use will not be operated 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.

Staff recommends that this finding 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.

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. 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 development. As with any Conditional Use Permit, the use permit may be reviewed and potentially modified if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance.

Staff recommends that this finding be made.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

Based on the analysis of the staff report, staff believes that the required use permit findings for the proposed use can be met if the use is approved as conditioned. Additionally, staff believes that as conditioned, the use would be compatible with the surrounding uses. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-0051 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case P13-0051 subject to the conditions listed in Exhibit A.

Staff Planner: Jenny Soo; 925.931.5615, or email: jsoo@cityofpleasantonca.gov