

## Planning Commission Staff Report

April 13, 2011  
Item 5.a.

**SUBJECT:** PCUP-289

**APPLICANT/  
PROPERTY OWNER:** Maggie and Louis Yihmin Liou/Summit Tutorial Center

**PURPOSE:** Application for a Conditional Use Permit to expand an existing academic tutoring facility located at 4430 Willow Road, Suite C into 4430 Willow Road, Suite B.

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

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

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

**EXHIBITS:**

- A. Draft Conditions of Approval
- B. Site Plan, Floor Plan, and Written Narrative
- C. Hacienda Owners Association Letter of Approval, dated March 17, 2011
- D. Location Map
- E. Notification Map

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### BACKGROUND

Summit Tutorial Center, an academic tutorial center (approved as PCUP-252) focusing on middle school students, is currently located at 4430 Willow Road, Suite C., directly across from Thomas Hart Middle School. It has been providing tutorial services at this location since January 2010. In response to the demand, Louis Liou, owner of the business, requests an expansion of the existing tutoring center use into the immediately adjacent tenant space. A Conditional Use Permit is required for tutorial uses to locate at this site and is subject to the review and approval by the Planning Commission.

## **SITE DESCRIPTION**

The subject site is a 2.22-acre parcel located on the west side of Willow Road, across from Thomas Hart Middle School. The existing, approximately 33,440 square-foot, one-story building, contains 15 tenant spaces. Current tenants include the applicant's existing tutorial use in Suite C, a music studio in Suite M, a church in Suites L and N, and offices.

The project site has a total of 132 parking spaces, including seven spaces for persons with disabilities. In addition to its own 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. Access to and from the project site and parking areas is provided by three driveways on Willow Road.



### **Project Location**

The subject site is surrounded by commercial/office/light industrial uses to the north, west, and south. 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).

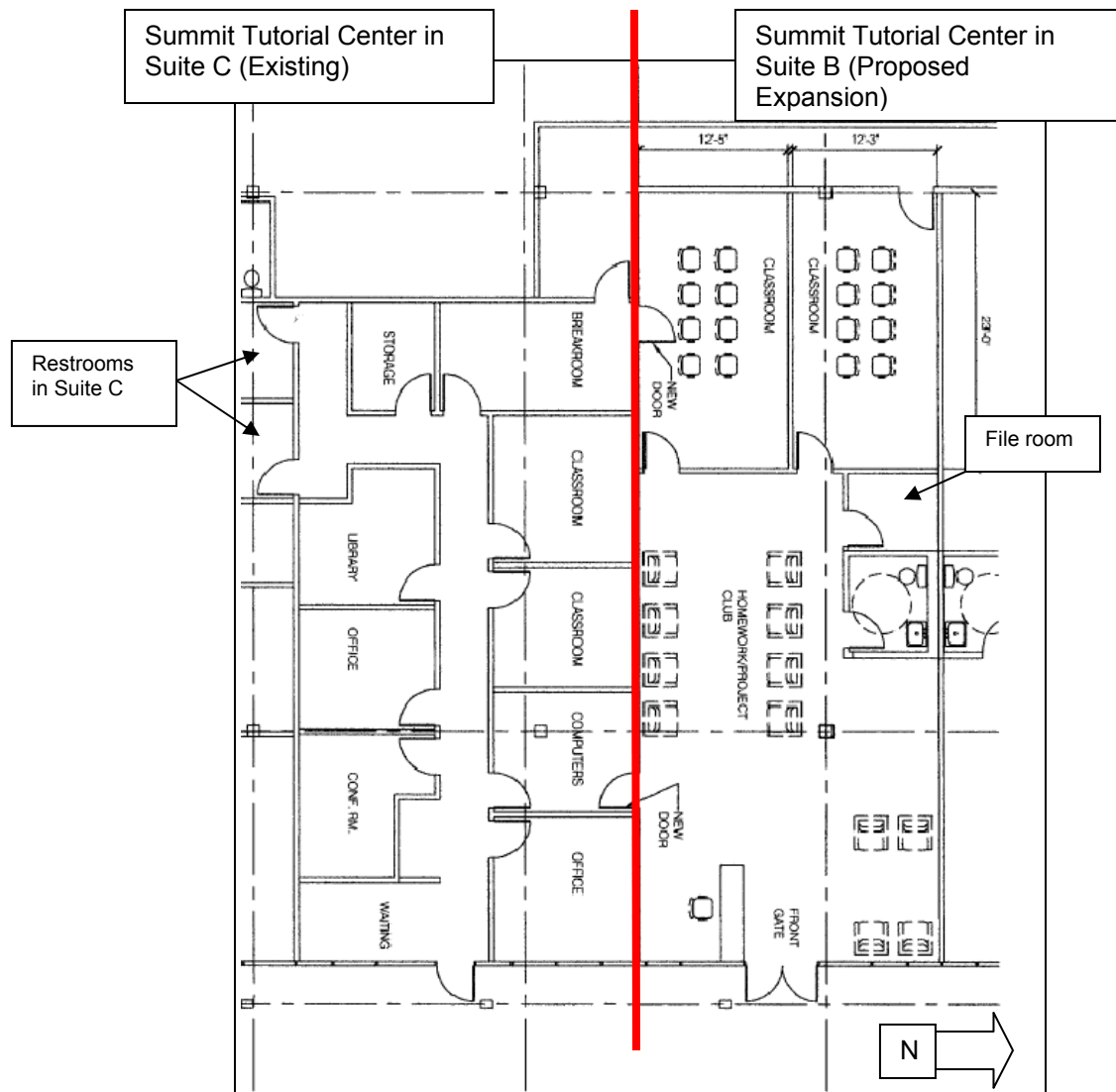


**Subject Building**

## **PROJECT DESCRIPTION**

The tutorial programs proposed for Suite B would be similar to what is currently offered at the applicant's existing business located in Suite C, providing tutorial sessions in math, reading, and writing to students in grades 6-10. The proposed program would include a homework club component that would provide assistance in daily homework.

Suite B is approximately 1,600 square feet in floor area. It would have two classrooms and an open area furnished with tables and chairs for use by the homework club. Two interior doors would be installed to provide convenient and direct access between Suites B and C. See the floor plan on the following page for the proposed internal access between the tenant suites.



The teacher/student ratio in each tutorial session would be lower than the existing programs. Instead of the current 1:4 teacher/student ratio, it would have a 1:8 ratio in each of the two classrooms. The teacher/student ratio for homework club would be 1:6, with a maximum of 12 students. As such, the maximum number of people in Suite B at one time would 32 (28 students and 4 teachers).

Similar to the existing programs, there would be no back-to-back sessions for individual students as each session is purposely scheduled for different grade levels. Students attending homework club would not be allowed to enroll in any tutorial session either before or after homework club.

An administrative office would be open throughout the day for the entire facility. The tutorial sessions would be offered after school Monday through Friday. During the summer, the same tutorial programs would be offered; however, instead of having the tutorial sessions offered in the afternoon, they would be offered from 10:00 a.m. - 3:00 p.m. Again, there would be no back-to-back tutorial sessions offered in summer.

Transportation would not be provided by Summit Tutorial from school sites to the facility. Students would either walk to the facility or be driven by parents. The facility would continue the sign-in/out procedure for students 12 years or younger.

The following is a schedule showing both the existing and proposed programs:

	Suite C (existing programs)		Suite B (proposed programs)		
	Room 1	Room 2	Room 3	Room 4	Hwk Club
3:30 p.m.	4:1 student/ teacher ratio Session ends at 5:20 p.m.				
4:00 p.m.			8:1 student/teacher ratio Session ends at 5:10 p.m.		Max. 12 students 3:45 p.m. - 5:35 p.m.
4:30 p.m.				8:1 student/teacher ratio Session ends at 5:40 p.m.	
5:00 p.m.					
5:30 p.m.	4:1 student/ teacher ratio				
6:00 p.m.					
6:30 p.m.					
7:00 p.m.					

## ANALYSIS

Conditional uses are 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.

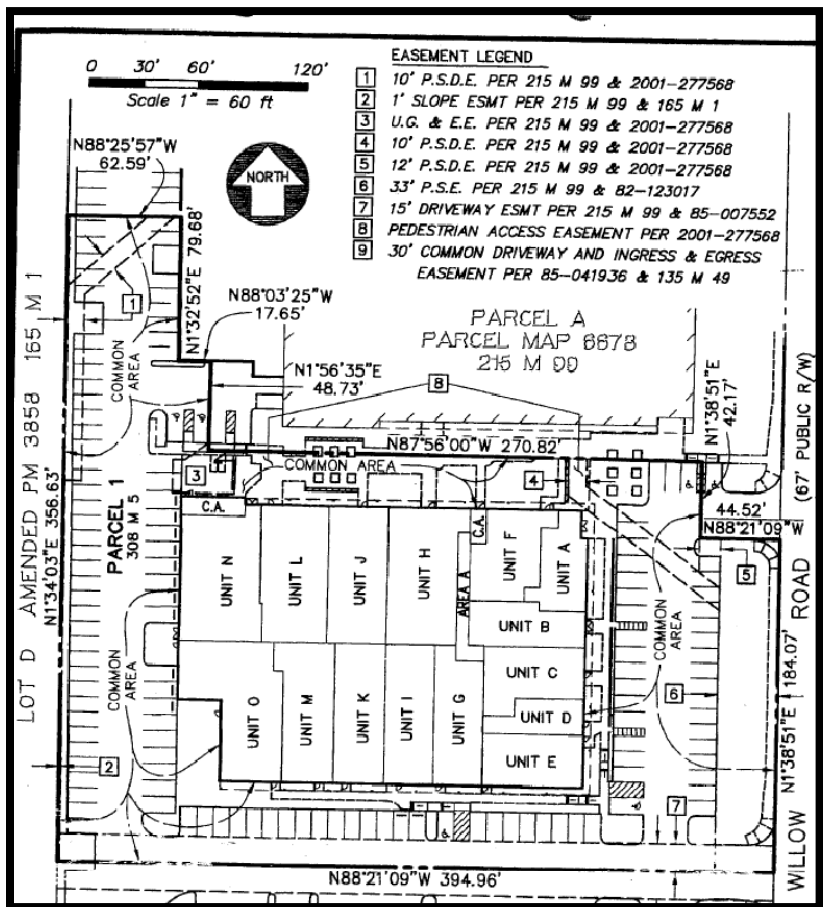
### Land Use

The subject site is located in the IPD (Research and Development/Light Manufacturing Planning District) District in the Hacienda Business Park. In April 1995, the City Council approved a minor modification (Case No. PUD-81-30-30M/PUD-85-08-12M) for Hacienda to conditionally permit private schools on sites within the IPD Districts. Private schools include trade, business, tutorial schools, etc. The applicant has applied for a Conditional Use Permit as required by the Hacienda PUD. The proposed tutorial school expansion would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a Conditional Use Permit is the effect of the proposed use on the surrounding uses. The proposed tutorial facility expansion will be located in an existing multi-tenant building where the current tenants include dental offices, a music studio teaching music lessons for all ages, a church which has a youth program, and standard office uses. The adjacent land uses consist of commercial and

public institutional uses. The nearest residential uses are located across Hopyard Road to the west in the Val Vista neighborhood and across West Las Positas to the south in the Parkside neighborhood.

The proposed expanded tutorial program is similar to the existing program with a focus on academic learning. To be sensitive to the other tenants in the same building and to ensure that both the existing and the proposed expanded programs would have minimal impact to the others in terms of parking and circulation, the expanded programs would have staggered tutoring sessions so that not all students would be arriving and leaving at the same time. The existing tutorial facility has been operating harmoniously with the other tenants in the same building. The expanded program is expected to be operated in the same manner.



The building currently is partially occupied with the following tenants:

- A - Dentist
- B - *Proposed Summit Tutorial Expansion*
- C - Summit Tutorial Center
- D - Vacant
- E - Dentist
- F - Vacant
- G - Vacant
- H - Vacant
- I - General Office
- J - Dentist
- K - Vacant
- L & N - Church
- M - Music Academy
- O - General office

The proposed expanded tutorial programs appear to fit in well with the existing tenants.

As the application requires conditional use permit approval, should problems arise in the future, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible revocation, if necessary. Based on the tutoring facility's current operation, staff believes that this would be unlikely. Staff, however, has recommended a condition of approval (Condition No. 2 of Exhibit A) that will ensure that the surrounding uses are not impacted due to noise, parking, traffic (all analyzed in greater detail below) or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned.

## Noise

For property in areas zoned for light industrial uses, such as this property, the Pleasanton Municipal Code (PMC) §9.04.050 sets the following noise limit:

*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 (75) dBA at any point outside of the property plane.*

Based on the applicant's description of the classroom instruction, staff believes that it is unlikely that the noise generated during class instruction would exceed the Municipal Code standard or impact other tenants. A recommended condition of approval (Condition No.5) requires that the exterior doors remain closed when not being used for ingress/egress purposes and that the applicant inform all students not to loiter or make loud noises outside the building before or after classes. Staff has included a condition (Condition No.6) that the applicant inform patrons that the location is in an industrial district and is subject to noise, odors, etc.

## Parking

As it was 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/1,000 square feet of floor area (or one space/253 square feet of gross floor area). The expanded program would occupy a tenant space of approximately 1,600 square feet. Thus, a total of six parking spaces would be theoretically allocated to this tenant space as there are no assigned parking spaces in this development.

There is a recorded parking agreement between the subject site and 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.

Parking Demand by the Proposed Use: The Pleasanton Municipal Code requires that school uses of this type need to provide one parking space for each employee and one space for each four students in grade 10 or above.

Based on these code requirements, the use could generate a demand of up to nine parking spaces based on the occupancy of:

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|--|-------------------------|
| ■ Eight 10th-grade students attending the tutorial sessions:   | 2 parking spaces        |
| ■ Four instructors (two for classrooms and two for homework club)  | 4 parking spaces        |
| ■ 12 10 <sup>th</sup> graders (a rare scenario that students at the homework club are all 10 <sup>th</sup> graders): | 3 parking spaces        |
| <u>Total:</u>  | <u>9 parking spaces</u> |

The applicant has indicated that it would be unlikely that all 12 students in the homework club would be 10<sup>th</sup> grade students. Therefore, the code-required parking would most likely be less and staff believes that the six “allocated” parking spaces and the remaining on-site parking spaces would accommodate the code-required parking demand for this use.

Staff notes that the Municipal Code parking requirement does not directly address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint since the majority of students would be driven by parents or guardians. Staggered starting and ending times for sessions are proposed to alleviate parking demand and potential congestion that may occur if classes overlapped. Additionally, some students walk or ride a bicycle from Hart Thomas Middle School, which is located directly across from the tutorial facility. This would also alleviate parking demand at the subject site.

Staff observed the parking on Wednesday, March 23, 2011, between 3:50 p.m. and 4:15 p.m. During that time period, a total of 23 parking spaces were occupied throughout the site. Seven cars were parked in the front lot area (35 parking spaces are in the front). During this time period, one vehicle came to drop off a student and one vehicle came to pick up two students from Summit Tutorial Center.

During summertime, the proposed tutorial programs (not the homework club) would be offered from 10:00 a.m. to 3:00 p.m. In discussion with the applicant, one classroom would be reserved for SAT sessions. The other classroom would have the regular language and math sessions with a 15-minute break between sessions. As such, per Municipal Code requirement, the following number of parking spaces would be needed:

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|--|--|
| ■ SAT classroom (assuming that students attending SAT tutorial are in 10 <sup>th</sup> grade and above): | 2 parking spaces for students<br>1 parking space for teacher |
|--|--|



■ Regular tutorial room:	2 parking spaces for students 1 parking space for teacher
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Total:	6 parking spaces

Thus, the existing on-site parking could adequately handle the demand during summer.

After-Hour Parking Demand: As it was previously mentioned, there are other programs held by tenants in the same building after regular office hours, i.e., 8:00 a.m.-5:00 p.m. Thus, it is also important to evaluate the parking demand after hours.

The church in Suites L & N has a prayer group meeting on Tuesday from 7:30 p.m. to 9:30 p.m. for a maximum of 15 people and a fellowship meeting on Friday evenings from 7:30 p.m. to 9:30 p.m. when approximately 45 members will meet. Its meetings start at 7:30 p.m., which is after the tutorial sessions conclude at 7:00 p.m. Thus, they should not impact each other in terms of parking.

The music studio in Suite M operates primarily Monday – Friday from 3:30 p.m. to 8:30 p.m. with some morning classes. At the maximum, the music studio would have 17 students and five teachers. If everyone drove to and from the music studio alone, there would be a total 22 cars in the parking lot.

The applicant’s existing tutorial facility operates Monday – Friday between 3:30 p.m. and 7:00 p.m. during the school year with a maximum of eight students and two teachers. During the existing tutoring session for 10<sup>th</sup> graders, there would be four cars in the parking lot based on the code-required parking demand (two cars for students and two cars for teachers).

As it was mentioned above, the proposed tutoring program in Suite B would need nine parking spaces (five spaces for students and four spaces for teachers). As such, there would be 35 cars in the parking lot when the music studio hours and the tutorial hours in both suites overlap:

Music studio in Suite M:	22 cars
Existing tutoring use in Suite C:	4 cars
<u>The proposed tutoring use in Suite B:</u>	<u>9 cars</u>
Total:	35 cars

The existing site provides 132 parking spaces, and an additional 58 shared parking spaces are located on the property to the north. Therefore, there should be adequate after-hours parking for the uses.

Additionally, the music studio is located in the back of the existing building while the proposed facility is in the front of the building. As such, it is unlikely there would be a circulation issue in the parking lot during drop-off and pickup times.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within a 1,000-foot radius of the subject property. At the time of the preparation of this report, staff has not received any comments concerning the proposal.

## **HACIENDA OWNERS ASSOCIATION**

James Paxson, General Manager of Hacienda Owners Association, has reviewed the application and found that it is in substantial compliance with Hacienda's guidelines set forth in its CC&R's. Based on the review of the space allocation and business practice, the Association believes that the use's parking, traffic, and noise would be compatible with current approved uses within the subject area and, thereby, approved the proposed use.

## **FINDINGS**

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed church:

- 1. 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.**

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring 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 tutorial facility would be consistent with these objectives. The proposed tutorial use would be conducted so as to not impact or interfere with the surround uses and would provide religious services 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 (IPD) of Hacienda Business Park which generally has the characteristics of the City's Industrial Park District. One purpose of the Industrial Park District is to establish and maintain the high standards of site planning, architecture, and landscape design that will create an environment attractive to the most discriminating industries and research and development establishments. Another purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and

residential uses with minimal mutual adverse impact. As proposed, the tutorial facility will not alter the exterior of the building so as to detract from its architectural features. The City has allowed tutorial facilities to be located in industrial park areas. Staff is not aware these existing facilities have created any impacts on surrounding tenants and staff believes the proposed use will similarly not create impacts on the adjacent uses. The applicant can also be required to mitigate future nuisances as a result of the proposed use. In summary, staff believes this finding can be made.

**2. 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.**

Tutorial facilities are a common use within or near commercial/industrial areas in Pleasanton, especially when they are in close proximity to schools. The City's past experience shows that these uses make "good neighbors." The subject site has adequate parking to support the proposed use. Adequate and safe ingress and egress on the site is provided. The instructional activities will take place entirely indoors. As such, staff does not believe that the proposed use would be disruptive or detrimentally impact surrounding uses. Therefore, as conditioned, staff recommends that this finding be made.

**3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.**

The PUD zoning of the subject site and the Pleasanton Municipal Code conditionally permit the establishment of a tutorial facility within an existing structure. Chapter 18.124 of the Municipal Code (Conditional Uses) 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. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. The proposed use, as conditioned, would not be detrimental to the surrounding properties or the City in general for the reasons set forth in the report; and therefore staff recommends that this third finding be made.

## **ENVIRONMENTAL ASSESSMENT**

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 - Existing Facilities. Therefore, no environmental document accompanies this report.

## **CONCLUSION**

As conditioned, staff believes that the required conditional use permit findings for the proposed use can be met. Conditions of approval have been included to ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the facility will fulfill a community need and that the proposed location is appropriate.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-289 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-289 subject to the conditions listed in Exhibit A.

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