



Planning Commission Staff Report

July 14, 2010
Item 5.a.

SUBJECT: PCUP-270

APPLICANT: Little Ivy League/Jennifer Zheng

PROPERTY OWNER: Red Bear Property Management

PURPOSE: Application for a conditional use permit to operate a tutorial facility with a maximum of 40 students within an existing building.

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

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

LOCATION: 5933 Coronado Lane, #200

ATTACHMENTS:

1. Exhibit A -- Draft Conditions of Approval
2. Exhibit B -- Site Plan, Floor Plan, Written Narrative
3. Exhibit C -- Location
4. Exhibit D -- Notification Map

BACKGROUND

In February 2009, the City Council approved Case No. PCUP-224¹, allowing Little Ivy League (LIL; aka Yan Fan Academy) to operate a tutorial school in an existing building located at 5925 West Las Positas Boulevard, Suite 200. The tutorial programs offered at the West Las Positas location are primarily for children of elementary school age.

The applicant now seeks to open a second tutorial facility that offers academic programs and help to children of middle school age. Similar to the West Las Positas facility, the proposed site is located within Hacienda Business Park and is zoned

¹ Conditional Use Permit is normally reviewed and acted upon by the Planning Commission. Case No. PCUP-224 was first reviewed and approved by the Planning Commission. The Planning Commission's decision was appealed to the City Council.

PUD-I/C-O (Planned Unit Development – Industrial/Commercial –Office) District. As stated in the PUD development plan, the uses allowed on the subject site are those that are permitted and conditionally permitted uses in the Office (O) District of the Pleasanton Municipal Code. Tutorial facilities with more than twenty (20) students in the facility at any one time are conditionally permitted uses in the Office District. Therefore, the applicant has applied for a conditional use permit. Conditional Use Permits require view and action by the Planning Commission.

SITE DESCRIPTION

The subject site is a 1.5-acre parcel located on the east side of Coronado Lane and west of the Chabot Channel. The existing two-story building is approximately 19,570 square feet and is occupied by multiple tenants.



Site Location

The subject site is surrounded by office uses. The site has its own parking lot with a total of 123 parking spaces. Access to the site is from Coronado Lane.



Subject Building

PROJECT DESCRIPTION

This proposed LIL tutorial facility would occupy a tenant space of approximately 3,000 square feet on the first floor of the existing two-story building. The facility would have seven classrooms and one conference/teacher preparation room. The proposed tutorial programs include Chinese literature, math, reading, and writing in either one-on-one sessions or small group classes of up to six students. There would be a maximum of 40 students and five teachers on site at any one time. The proposal is for children of middle school age, generally 12 to 14 years old. In some cases a slightly younger child would be enrolled (for example, a 10 year old child with a late birthday who is enrolled in middle school).

The facility would be open Monday through Friday from 9:00 a.m. to 8:00 p.m., and on Saturdays from 10:00 a.m. to 4:00 p.m. On weekdays when children are in school, the facility would be used by staff for administrative duties and by teachers to prepare lessons. The tutorial and class sessions would start at 3:30 p.m. and end at 7:45 p.m. On Saturdays, the facility would be primarily used for tutorial sessions.

Based on the proposed schedule, there would be no back-to-back sessions available for students. Each tutorial or class session would be a 75-minute duration with a 15-minute break between sessions to facilitate drop-off and pick-up. Additionally, no extended classes or camps are proposed at this location, even during the summer and school breaks.

Please refer to the applicant's submitted written narratives and floor plan for a detailed description of the facility and its layout.

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 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

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The proposed LIL middle school tutorial facility would be located in a multi-tenant building where the current tenants are primarily office uses. Given the nature of the tutorial business, it is unlikely that the operation of the proposed use would adversely impact the surrounding businesses. Additionally, the proposed schedule does not include back-to-back sessions; thus, it is unlikely that students would congregate between sessions and impact the operation of the other businesses within the same building or in the adjacent sites. Therefore, staff

believes that the location is appropriate and does not expect that the proposed use would create adverse impacts on the surrounding businesses.

Should future problems arise, the City would have the ability to bring the application back to the planning commission for mitigation, or possible revocation, if necessary. Based on past experience with similar uses, staff believes that this would be unlikely. In addition, staff has recommended conditions of approval (Condition No. 3 of Exhibit A) that will ensure that the surrounding uses are not impacted due to noise, parking, traffic, or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned.

Noise

Based on the applicant's description of the one-on-one tutoring and small class instruction, staff believes that it is unlikely that the noise generated during class instruction would impact other tenants. Class sizes would be limited to a maximum of six students. A specific condition of approval (Condition No. 7 of Exhibit A) has been recommended that requires that the exterior doors and doors to the common hallway remain closed when not being used for ingress/egress and that the applicant inform all students not to loiter or make loud noises outside the suite or building before or after classes.

Parking

There are 123 parking spaces² provided for the 19,570 square foot building (6.285 spaces per 1,000 square feet of gross floor area). The proposed facility would occupy a tenant space of 3,000 square feet; thus, it would be allocated 18 parking spaces based on the square footage of the tenant space. However, there are no assigned parking spaces in this development.

The 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. The proposed facility would have a maximum of five employees and all students would be below grade 10. Thus, a total of five parking spaces would be needed for the facility per the Municipal Code.

Staff notes that the Municipal Code parking requirement does not address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes that there would be adequate parking for drop-off/pick-up given that some sessions would be teacher-to-student ratios of 1:1, 1:2, 1:4, and 1:6 and there would not be more than 40 students at the facility at any time. In addition, parents would be parked in the spaces for a short time and there would be a 15-minute break between classes to reduce the possibility of overlap between arriving and departing students. Parking demand would also be reduced as some of the

² The site plan shows a total of 130 parking spaces available on site. The applicant counted the number of parking spaces and 123 is the actual number.

students may walk or ride a bike to the facility from the nearby Hart Middle School. A bike rack for multiple bikes is available near the building entrance.

To assess the current parking availability, staff conducted parking survey on June 30, 2010 at 10:30 a.m. and June 30, 2010 at 3:50 p.m. On June 30, 2010, there were 102 parking spaces available and on July 6, 2010, there were 113 parking spaces available. Staff notes that the other tenants in the building are office uses operation during typical office business hours of 7:30 a.m. to 5:30 p.m., Monday through Friday. Therefore, there would be additional parking available during the last (6:30 p.m.) weekday session and the Saturday sessions.

Therefore, based on this parking analysis and parking surveys, staff believes that the parking should be sufficient to accommodate the proposed use. However, should parking problems occur, staff has recommended a condition of approval (Condition No. 3 of Exhibit A) which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures. Possible mitigating conditions could include: reducing the number of classes or students, modifying the hours of operation, etc.

Circulation

The site has two driveways providing ingress and egress to the site. The driveway aisles have the standard width which would accommodate the necessary vehicular maneuvering in and out of the parking space. To further facilitate a smooth traffic flow during the pick-up/drop-off time, staff has recommended a condition prohibiting double parking (Condition No. 4 of Exhibit A).

Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposal would be processed through the standard City procedures for review and approval in Hacienda Business Park.

Sign-In

As mentioned previously, children who are younger than 12 years of age may be enrolled in the tutorial program. Staff has recommended conditions (Condition Nos. 5 and 6) that require parent/guardian signature when drop-off/pick-up these students and staff escort to and from the restrooms.

PUBLIC NOTICE

Notice of this application was sent to all property owners and tenants within 1,000 feet of the subject property. At the time this report was being prepared, no one had contacted staff regarding the proposed use.

HACIENDA OWNERS ASSOCIATION

James Paxson, General Manager of Hacienda Owners Association, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda's guidelines set forth in the CC&Rs. Based on the review of the space allocation and business practice, the association believes that the use, parking, and traffic are 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 tutoring facility:

- 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 tutoring facility would be consistent with these objectives. The tutoring facility's current operation in Hacienda Business Park has been compatible with the surrounding businesses and staff believes that the expansion to the subject site should also be. The anticipated number of employees and students will not generate any unusual demands on existing parking for the building or the surrounding properties.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, and it is located in the Garden Office Planning District (OGPD) of Hacienda Business Park which generally has the characteristics of the City's Office District. One purpose of the Office District is to establish and maintain this portions of the city the high standards of site planning, architecture and landscape design sought by many business and professional offices. Another purpose is to protect offices from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses. As proposed, the tutorial facility will not alter the exterior of the office building so as to detract from its architectural features. In addition, the tutorial facility will not interfere with surrounding uses' ability to operate. The City has allowed similar teaching uses to be located in office areas. Staff is not aware that any of these teaching-oriented businesses have created any impacts on surrounding tenants and staff believes the proposed use will similarly not create impacts on the adjacent uses located within the office building. 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.

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. The subject site has adequate parking to support the proposed use. Adequate and safe ingress and egress on the site is provided. The tutorial facility will operate entirely indoors, and its maximum student/teacher ratio at 6:1 will allow the teachers to control classroom noise. As such, staff does not believe that the proposed tutorial facility 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 development plan and the Pleasanton Municipal Code conditionally permit the establishment of a tutorial facility within existing structures. 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 would be consistent with the City's ability to regulate related zoning requirements. The proposed tutorial facility, as conditioned, would not be detrimental to the surrounding properties or the City in general; 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 tutorial facility can be met. These conditions of approval have been included to ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed tutorial facility would provide a service to the community and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-270 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report;
and
2. Approve Case PCUP-270 subject to the conditions listed in Exhibit A.

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