

**Planning Commission  
Staff Report**

October 14, 2009  
Item 5.a.

**SUBJECT:** PCUP-254

**APPLICANT:** IvyMax

**PROPERTY OWNER:** Stoneridge Holdings LLC

**PURPOSE:** Application for a conditional use permit to operate a tutoring facility for students in grades 3 to 12

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

**ZONING:** Regional Commercial – Peripheral to the Mall (C-R(p))

**LOCATION:** 5820 Stoneridge Mall Road, Suite 108

**ATTACHMENTS:**

1. Exhibit A, Draft Conditions of Approval
2. Exhibit B, Narrative, Floor Plan, Site Plan, and related materials dated "Received, September 11, 2009"
3. Exhibit C, Location Map
4. Exhibit D, Noticing Map

---

**BACKGROUND**

IvyMax requests the approval of a Conditional Use Permit to operate an after-school tutorial facility in an existing building located at 5820 Stoneridge Mall Road, Suite 108, (the Foothill Corporate Center). A Conditional Use Permit is required for tutorial uses located in the C-R(p) district that have more than 20 students.

**SITE DESCRIPTION**

The subject site (called the Foothill Corporate Center) is an approximately 3.18 acre parcel located on the northeast corner of the Foothill Road and Deodar Way intersection. Adjacent properties to the Foothill Corporate Center include the Stoneridge Shopping Center to the east, Chase Bank to the south and Safeway Corporate Center to the north. The Foothill Corporate Center itself is an approximately 28,047 square foot, three story, multi-tenant office building. The Center's tenants share

the 253 on-site parking spaces that surround the perimeter of the building with vehicle access from Stoneridge Mall Road.

**Aerial View of Foothill Corporate Center**

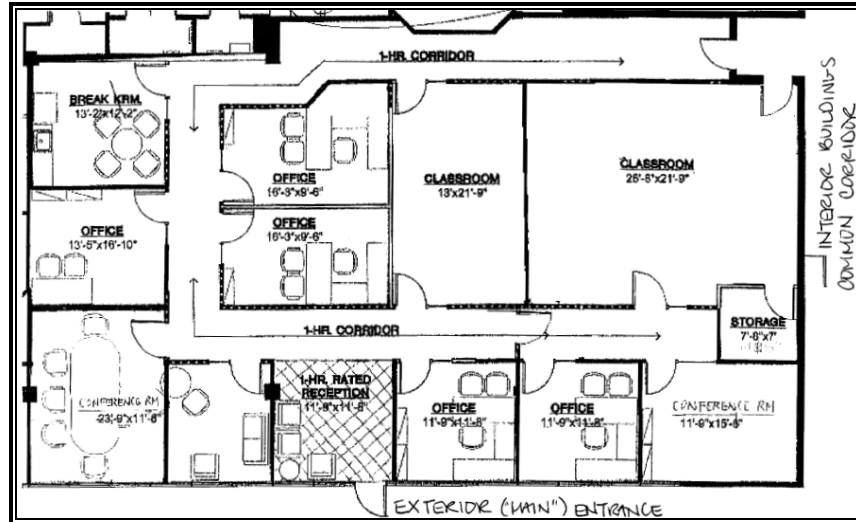


## **PROJECT DESCRIPTION**

IvyMax focuses on academic tutoring and college counseling/preparation services for students in grades 3 through 12 using high-tech, internet-based software services and off-line classes. One-on-one counseling is provided in addition to group tutorial sessions. Sessions include preparation for college entry exams, AP test preparation, reading, writing/grammar, science, and math. Most students will be at the facility about three hours weekly.

IvyMax would occupy a tenant space of approximately 3,930 square-feet. The space consists of a reception area, classrooms, offices, conference rooms, and an employee break room. Shared restroom facilities for Foothill Corporate Center are located on each floor in the common corridor hallways.

## Floor Plan



As proposed, there will be an average of 2-4 students on-site at any one time meeting with IvyMax academic advisors and college counselors during the weekday, between 2:00 p.m. to 8:30 p.m. The administrative office would be open throughout the day; excluding Mondays when IvyMax will be closed. During the weekends there is the potential for up to 30 students on-site between 9:00 a.m. to 8:00 p.m. Depending on the total number of students on-site, there will be four or fewer staff members on-site during the weekday and 5 or fewer on the weekends. IvyMax does not provide transportation from school sites to the facility.

Additional information regarding IvyMax can be found in Attachment 2, Exhibit B of this report.

## ANALYSIS

Other uses in the Foothill Corporate Center are office related uses. Given the limited scale of the proposed use, the use would be compatible with existing uses within the Center. During the weekdays and on the weekends, IvyMax's operation will generally be conducted when other occupants within the Center are closed for business.

The Land Use Element of the General Plan designates the subject property as Retail/Highway/Service Commercial - Business and Professional Offices, where a variety of non-residential uses are allowed. The subject site is zoned C-R(p) (Regional – Commercial: Peripheral to the mall) which specifies the uses that are permitted or conditionally permitted for this site. Tutorial centers with more than 20 students on-site at any given time are a conditionally permitted use within C-R(p) districts. If the requested use permit were granted, the tutorial center would be consistent with the General Plan and zoning designation.

Based on the applicant's description of the classroom instruction, staff believes that it is unlikely that the noise generated during one-on-one and group sessions would impact other tenants. Condition of approval 6 (Attachment 1, Exhibit A) 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.

Based on the subject building's floor area (28,047 square-feet) and the number of parking spaces provided on-site (253 spaces), the parking ratio at the subject site is one space for every 111 square feet of floor area. With a tenant space of approximately 3,930 square feet in floor area, IvyMax would theoretically be allocated 35 parking spaces.

The Pleasanton Municipal Code (PMC) requires that a tutorial school provide one parking space for each employee and one space for each four students in grade 10 or above. During the week, with an average of four employees and if all 30 students on-site were in grade 10 or above, a total of 12 parking spaces will be required. On weekends, with five employees, and 30 students, a total of 13 spaces will be required. As proposed, IvyMax has a surplus of 22-23 parking spaces and, therefore, parking should not be an issue for the proposed use. Similarly, the existing circulation patterns at the project site should adequately handle student pick-ups and drop-offs. No bicycle parking is currently provided. Recommended condition number 12 (Attachment 1, Exhibit A) requires that four bike parking spaces be provided at the site.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within a 1,000-foot radius of the subject property. A map showing the noticing area can be found in Attachment 4, Exhibit D. At the time of the preparation of this report, staff has not received any comments concerning the proposal.

## **FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

**A. 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.**

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.

The subject business is zoned in a location that is intended to provide locations for personal, neighborhood, retail services, and office uses. Given the limited

operation of the proposed business and that it will be in operation when many of the surrounding businesses are closed, the operation as proposed will be a compatible land use to surrounding businesses. Therefore, staff recommends this finding be made.

**B. 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.**

A condition of approval requires that children under the age of 12 will be signed in and out of the facility by a parent or supervising adult. The subject site has adequate parking to support the proposed use, and it provides adequate and safe ingress and egress into and out of the site. As such, staff does not believe that the proposed tutorial center would be disruptive to or detrimentally impact surrounding uses.

Therefore, staff recommends this finding be made.

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

The Pleasanton Municipal Code conditionally permits the establishment of a tutorial school within existing structures. Granting a Conditional Use Permit would be consistent with the City's ability to regulate the proposed use related to the applicable zoning provisions. The proposed tutorial center, with conditions of approval, can integrate the tutorial center into the surrounding properties without detrimentally affecting the surrounding properties or the City in general, and, therefore, staff also recommends this third finding be made.

## **ENVIRONMENTAL ASSESSMENT**

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

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission take the following actions:

1. Make the required conditional use permit findings as described in the staff report; and,
2. Approve PCUP-254 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613, or email: [namos@ci.pleasanton.ca.us](mailto:namos@ci.pleasanton.ca.us)