



## Planning Commission Staff Report

January 24, 2007  
Item 5.a.

- SUBJECT:** PCUP-186
- APPLICANT:** Education Enrichment Center / Eunhee Yo Im
- PROPERTY OWNERS:** Roy Goble / Goble Investments
- PURPOSE:** Application for a conditional use permit to operate a learning center for pre-kindergarten Montessori classes and tutoring for kindergarteners and elementary school students Monday through Friday from 9:30 a.m. to 7:00 p.m. in an existing building.
- GENERAL PLAN:** General and Limited Industrial
- ZONING:** PUD-I (Planned Unit Development-Industrial) District
- LOCATION:** 1024 Serpentine Lane, Suite 7-B (Valley Business Park)
- ATTACHMENTS:**
1. Location Map
  2. Exhibit A, Written Narrative, Floor Plan, and Site Plan dated "Received December 12, 2006"
  3. Exhibit B, Draft Conditions of Approval
  4. Exhibit C, List of Permitted and Conditionally Permitted Uses for Valley Business Park (PUD-80-1)
  5. Exhibit D, List of Permitted and Conditionally Permitted Uses in the General Industrial (I-G) and Light Industrial (L-I) Districts

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### BACKGROUND

Eunhee Yoo Im, of Education Enrichment Center, has submitted an application to operate Montessori classes and tutoring for elementary children at 1024 Serpentine Lane, Suite 7-B, in the Valley Business Park (PUD-80-1). Eunhee Yoo Im is a certified Montessori teacher and has been working in the area for the past 6 years. Her previous employments have included teaching at Valley Montessori School in Livermore and Hacienda Early Child Development center in Pleasanton. Opening a Montessori and tutoring center would allow her to

accommodate the increasing demand for child educational centers in Pleasanton. The Valley Business Park PUD requires a conditional use permit for learning centers and is subject to review and approval by the Planning Commission.

## **SITE DESCRIPTION**

The subject site is an approximately 57,225 square-foot condo parcel located at the northwest corner of Serpentine Lane. The existing one-story building is approximately 15,553 square-feet in floor area and contains 9 condo units. Education Enrichment Center proposes to occupy suite 7-B, a portion of unit 7, approximately 2,218 square-feet, as indicated on the site plan of Exhibit A; the remaining suite and adjacent unit (6) are currently vacant. The building has two exterior doors, located on the north and east sides, with a common hallway providing interior access to the individual units. Each unit/suite also has individual exterior doors that act as direct access to the unit/suites, as shown in the picture above.

### **1024 Serpentine Lane**



The site has a mix of uses that include, but are not limited to; professional offices, light manufacturing and industrial uses, and other uses, such as religious institutes, private schools, and a cheerleading and gymnastic training facility. Properties adjacent to the business park include vacant lots and light industrial/warehouse uses to the east (Boulder Court), Union Pacific Railroad and single-family residential uses (California Reflections) to the south, single-family residential uses (Jensen Tract) to the west, and Valley Avenue and single-family residential uses (Danbury Park) to the north. Sound walls separate the business park from the residential neighborhoods to the south and west.

## **PROJECT DESCRIPTION**

The applicant requests conditional use permit approval to allow the operation of a learning center within condo unit suite of the existing building located at 1024 Serpentine Lane. The subject tenant suite consists of a lobby area, 1 small office, 5 classroom areas, material storage

room, and a small kitchen area for staff. Each tenant has access to the shared bathrooms located in the common hallway of the building, between suite 7-A and 7-B. As proposed, the learning center would operate during the following days and times:

Monday through Friday (Montessori classes):	9:30 a.m. – 2:30 p.m.
Monday through Friday (Tutoring):	4:00 p.m. – 7:00 p.m.
Saturday and Sunday:	Closed

The Montessori classes will be held between the hours of 9:30 a.m. to 2:30 p.m. Monday through Friday, with each class lasting about an hour. Tutoring for elementary school students will be held during the hours of 4:00 p.m. to 7:00 p.m. Monday through Friday, with each session lasting about an hour with up to 3 students attending each session. Each class/session is separated by a 15-minute break to allow clean up and preparation. At most, two classes/sessions will be held simultaneously with the average total of classes per day totaling eleven (11). The applicant has stated that students may only attend one or two class/sessions per week. During the hours of operation, there will be up to 4 teachers with no more than 2 employees teaching at a time. While the teachers may be there during the hours of operation, they will not always be teaching a class/session.

## **ANALYSIS**

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated. The following is staff’s analysis of the proposed learning center use and its impacts, if any.

### Land Use

The Land Use Element of the General Plan designates the subject property as “General and Limited Industrial”. The current PUD zoning permits land uses such as offices, printing shops, laboratories, and light manufacturing, and requires conditional use permit approval for uses such as gymnasiums and health clubs, trade schools, day care centers, and schools/instructional business. The proposed use would be similar to “trade schools” and “instructional business” with a small office component. Per the PUD, conditional use permit approval is required for “trade schools and similar uses”; therefore conditional use permit approval is required for the proposed use. No rezoning or other land use modification to the property is proposed or necessary to allow the proposed use.

Other uses in the Valley Business Park are office, tutoring centers, dance studios, Pleasanton Play House, and a cheerleading and gymnastic training facility, as well as other uses permitted and conditionally permitted in the straight-zoned industrial districts. The proposed use would be similar to these uses, especially the tutoring centers. Staff believes that the proposed use would be compatible with existing uses within Valley Business Park.

## Parking

A total of 58 shared parking spaces are currently available to the subject site with additional off-street parking located on Serpentine Lane. With a combined floor area of 15,553 square feet for the existing building, the parking ratio at the subject site is one space for every 268 square-feet of floor area. With the proposed tutorial center occupying approximately 2,218 square-feet of floor area, 8 parking spaces would be theoretically allocated to the proposed use.

The Pleasanton Municipal Code requires one parking space for each instructor and one parking space for every four (4) students. Each class/session would consist of 1 instructor and 3 students; however the four teachers could potentially be on site all day and at most two classes/sessions may occur simultaneously. Thus, based on the parking ratio stated above, a total of 6 parking spaces would be needed for the tutorial center (four parking spaces for the instructors, and 2 parking spaces for students and parents who have to drive their children to the tutorial center).

Therefore, based on the parking requirement standards (8 parking spaces), the number of immediate on-site parking spaces (58), as well as additional off-street parking, staff does not believe that parking would be an issue. In the event that future parking problems do occur, staff has added a condition of approval that would allow the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such issues.

## Circulation

Staff feels that because of the small number of students attending each day, the amount of time they are there, and the hours of operation, circulation should not be a problem.

## 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.

Immediately outside, with the doors closed, the noise level from the proposed use would be able to adhere to the 75-dBA noise requirement of the Pleasanton Municipal Code.

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.” As proposed, staff believes that noise from the learning center would not negatively impact future or existing uses located adjacent to the subject suite.

All doors will remain closed during business hours, further limiting noise impacts from and to surrounding tenants and properties. Therefore, it is unlikely that the noise produced by the learning centers operations 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).

Based on the proposal, staff considers the learning center to be a quiet use as instructions would be provided at a low-volume voice level and that students would be focusing on academic exercises. Additionally, as proposed, the classes are off set from normal business peak hours with some classes being held when the adjacent uses in the building are closed. Therefore, staff does not believe that the proposed art school would be disruptive to, or future, neighboring businesses/tenants.

### Tenant Improvements

No tenant improvements are currently proposed with this application. Any future tenant improvements would be subject to the review and approval of the Building and Safety Division and the Fire Department. Changes to the exterior of the building shall not be made without prior approval from the Planning Department.

### Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposed signage shall adhere to Valley Business Park's sign program.

## **PUBLIC NOTICE**

Notice of this application was sent to all property owners and occupants within 1,000 feet of the subject property. At the time this report was prepared, staff had not received any comments or concerns.

## **FINDINGS**

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

- 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. The proposed learning center would provide instruction lessons to local children. The City has allowed similar

uses to be located in industrial and office areas. Staff is not aware that any of these teaching-oriented businesses has created any impacts on surrounding businesses. As conditioned, staff believes that the proposed use would be consistent with these objectives.

The subject building is located in Valley Business Park, which is located in a Planned Unit Development Industrial (PUD-I) District, and is intended to provide sites for industrial uses, neighborhood and support commercial uses, and office uses. Given the small scale of the operation, and its location, the proposed use would be compatible with surrounding uses.

As proposed there would be 4 employees with up to 6 students attending each class/session, if held simultaneously, and the majority of the classes are conducted during off peak business hours and after regular business hours. For these reasons, staff does not believe that the use would create parking or circulation impacts.

For the reasons stated above, staff believes that 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 applicant would be required to receive all Building and Safety Division permits for any future tenant improvements. All storage would be located inside the building, activities would not take place outside of the tenant suite, and all doors must remain closed when classes/sessions are taking place. In addition, learning classes/sessions would require concentration from the students. Thus, staff does not believe that the proposed use would be disruptive to other businesses/tenants in the same building or on the same site. As proposed, an adequate number of parking spaces would be provided on-site.

For the reasons stated above, staff believes this finding can be made.

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

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. The PUD zoning of the subject building permits the establishment of “trade schools” and “instructional businesses” and similar uses are subject to conditional use permit approval. Staff feels that the recommended conditions of approval will help to integrate the proposed use without detrimentally affecting the surrounding properties and the City in general. As with any use permit, this use can be suspended or revoked if the

conditions are not met. As conditioned, the learning center would comply with all applicable provisions of the Zoning Ordinance. Therefore, staff believes this finding can 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.

## **CONCLUSION**

Staff believes that the required use permit findings for the project can be met if the project is approved as conditioned. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area is maintained. Staff is of the opinion that the proposed learning center would be complementary to the existing businesses and tenants in Valley Business Park. Staff believes that the business is providing a beneficial service to the community by providing a place for students to receive advanced and/or supplemental instructional assistance.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-186 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve PCUP-186 subject to the conditions listed in Exhibit B.

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

**Exhibit B**  
**Draft Conditions of Approval**  
**PCUP-186 / 1024 Serpentine Lane, Suite 7-B**  
**Education Enrichment Center**

1. The location and operation of the proposed use shall conform substantially to Exhibit “A” (site plan, floor plan, and written narrative), dated “Received, December 12, 2006”, on file with the Planning Department, except as modified by the following conditions of approval. Minor changes to the approved operation and schedule may be approved by the Planning Director if found to be in substantial compliance with the proposal.
2. All Conditions of Approval of PUD-80-1 shall remain in full force and effect.
3. The operation of the learning center shall generally adhere to the following schedule:

<b>Monday through Friday (Montessori classes):</b>	<b>9:30 a.m. to 2:30 p.m.</b>
<b>Monday through Friday (Tutoring):</b>	<b>4:00 a.m. to 7:00p.m.</b>
4. If additional hours and activities beyond what was stated in the applicant’s written narrative, dated “Received December 12, 2006”, on file in the Planning Department, are desired, prior City review and approval is required. Such modifications may be approved by the Planning Director if found to be in substantial conformance with he approval. The Planning Director may also refer the matter to the Planning Commission if the proposed changes would be significant.
5. If operation of this use results in conflicts pertaining to parking, interior noise, traffic/circulation, or other factors, at the discretion of the Planning Director, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said conditional use permit approval. Possible mitigation measures may include, but are not limited to, modifying the hours of operation, prohibiting amplified music, or other measures deemed necessary by the Planning Commission.
6. There shall be no outdoor storage.
7. The applicant shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.
8. This approval does not include approval of any signage for Education Enrichment Center. If signs on the building are desired, the applicant shall submit a sign proposal



to the City for review and approval prior to sign installation. All signs shall conform to Valley Business Park's approved sign program.

9. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.096.060 (K) of the Zoning Ordinance for grand openings or by Section 18.116.040 of the Zoning Ordinance if approved by temporary conditional use permit as part of a decorating plan in conjunction with shopping center promotional events. At no time shall spot lighting be used in conjunction with grand openings and/or promotional events.
10. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshall to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.
11. Prior to occupancy, Education Enrichment Center shall obtain any applicable State licensing.
12. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
13. Changes to the exterior of the building shall not be made without prior approval from the Planning Department.
14. If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit to relocate into the building or tenant suite prior to occupying the building or tenant suite.
15. This conditional use permit approval will lapse one (1) year from the effective date of approval unless Education Enrichment Center receives a business license.

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