



## Planning Commission Staff Report

August 23, 2006  
Item 5.a.

**SUBJECT:** PCUP-170

**APPLICANT:** Julie Aquino / Tutoring Club of Pleasanton

**PROPERTY OWNERS:** Jeff Early / Early Properties

**PURPOSE:** Application for a conditional use permit approval to allow a tutoring center within a portion of an existing building

**GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Profession Offices

**ZONING:** C-C (Central – Commercial) District and Downtown Revitalization District

**LOCATION:** 260 Main Street

**ATTACHMENTS:**

1. Location Map
2. Exhibit A, Site Plan, Floor Plan, and Written Narrative
3. Exhibit B, Draft Conditions of Approval

---

### BACKGROUND

Julie Aquino, Tutoring Club of Pleasanton, has submitted an application to operate an after-school tutorial center, for children ages 6-16, at 260 Main Street. The subject site is zoned C-C (Central – Commercial) and is also in the Downtown Revitalization District. As stated in the Commercial District regulations, schools in this district require a conditional use permit and are subject to review and approval by the Planning Commission.

## **SITE DESCRIPTION**

The subject site is an approximately 7,165 square-foot parcel located in Downtown Pleasanton, towards the end of Main Street, below Old Bernal Avenue and Abbie Street. The existing one-story building is approximately 3,227 square-feet in floor area and contains two tenant suites. Tutoring Club of Pleasanton proposes to occupy only one of the suites, approximately 1,500 square-feet, as indicated on the site plan of Exhibit A; Sullivan Chiropractic currently occupies the remaining suite. Staff would like to note that the subject buildings tenant suites have individual addresses, 260 and 268 Main Street, with Tutoring Club of Pleasanton occupying 260 Main Street only. There is a common entryway in the rear of the building that provides interior access to the two tenant suites. The two tenant suites share the restrooms that are located within the common entryway. Within the shared entryway the proposed tenant suite has two interior doors that provide access to the school. One door provides access to the schools employee's private office while the other will act as an entrance into the school. The main entrance to the school will be accessed off of Main Street; the furthest door from Sullivan Chiropractic.

On site shared parking can be accessed from Abbie Street, with a total of 19 parking spaces, and additional off street parking is provided on Abbie and Main Street. The subject lot also abuts public parking lots that are located to the east of the shared parking on the subject site.

Existing businesses surrounding the subject site are primarily a mix of office/commercial/personal service uses. The immediate adjacent uses are Sullivan Chiropractic and All About Me, and Gay Nineties Pizza. The subject site is located across the street from Bank of Walnut Creek and the Veterans building, to the west, and commercial/office uses to the north and east of the subject site.

## **PROJECT DESCRIPTION**

The Tutoring Club offers supervised one-hour tutoring sessions for both individual tutoring and small group tutoring at a teacher-to-student ratio of 1:3. All sessions are pre-scheduled with drop off's not permitted. As stated in the written narrative, the tutorial center provides an extensive academic tutoring program focusing on math, reading, writing, SAT and ACT preparation, and study skills.

The tutorial center consists of a large tutoring area, an office, a testing room, and storage room. Four tutorial sessions would be held simultaneously in the facility with a maximum of four tutors and 12 students. Staff would like to note that a 15 minute break between sessions is typically required in order to prevent simultaneous drop off's and pick-ups of the students; however because of the low attendance of students staff did not require 15 minute breaks. To ensure that traffic or parking would not be an issue, staff has included a condition of approval that allows the City to review the project again and add mitigating conditions should any complaints regarding traffic or parking occur.

The ages of the students range from 6 to 16 years, with the majority of the students being in elementary and middle school. The proposed tutorial sessions are scheduled Monday through Thursday, from 4:30 p.m. to 7:30 p.m.. The applicant has indicated that because of other obligations and/or activities that the students are involved in, the first session would have the largest student count.

The applicant also indicates that additional tutoring sessions may be held on Saturday mornings if there is a high demand; those hours would be limited from 9:00 a.m. to 1:00 p.m.. A condition of approval has been added to reflect the hours of operation on Saturday's if additional sessions are desired.

## **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.

### Land Use

The subject site is zoned C-C (Central – Commercial) and is required to adhere to the Pleasanton Municipal Code for all uses that are permitted or conditionally permitted. As such, a tutorial business is conditionally permitted in the C-C district. If the requested use permit were granted, the tutoring business would be consistent with the C-C zoning district.

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. As stated earlier, a mix of office/commercial/personal service uses surrounds the subject site.

In September 2003 the Planning Commission approved a condition use permit (PCUP-94) allowing a guitar studio to be located at 4625 First Street on the first floor. The guitar studio provides one-on-one private music lessons Monday through Saturday. Staff is unaware of any land use problems associated with the guitar studio since opening. In December 1990, the City allowed a piano studio to be located at 4337 First Street. The piano studio is open daily and piano lessons are offered throughout the day. Staff is also unaware of any land use problems associated with the piano studio.

Additionally, in October 2003, the Planning Commission approved a use permit for a small-scaled tutoring business to be located at 855 Main Street, on the second floor (Pleasanton Hotel). In June 2004, the Planning Commission approved a use permit for another tutoring business to be located at 231 Old Bernal Avenue (Achievement Learning Center). Staff is not aware that of land use issues associated with either business.

All of the above referenced tutoring businesses, either in the musical field or focusing on academics, are located in the downtown area. Thus, staff believes that the proposed tutorial center would be a compatible use.

### Noise

Based on the proposal, staff considers the tutorial center a quiet use as instructions would be provided at a low-volume voice level with students focusing on intensive academic exercises. Additionally, as proposed, the center would not generate a noise louder than a typical office and staff does not believe that the proposed tutorial center would be disruptive to the neighboring businesses/tenants. Furthermore, the tutoring sessions will occur during the end of the business day and after the other tenant, Sullivan Chiropractic, is closed.

To ensure that noise would not be an issue, staff has included a condition of approval that allows the City to review the project again and add mitigating conditions should any complaints regarding noise occur.

### Parking

The subject business is located in Downtown Pleasanton, where additional parking would not normally be required for new tenants to locate in an existing building. However, since the proposed use requires a use permit, staff feels that it is appropriate to review potential parking issues that may be associated with the proposed tutorial center.

As previously mentioned, a total of 19 parking spaces are currently available to the subject site. With a combined floor area of 3,227 square-feet for the existing building (260 and 268 Main Street), the parking ratio at the subject site is one space for every 161 square-feet of floor area. With the proposed tutorial center occupying approximately 1,500 square feet of floor area, nine parking spaces would be theoretically allocated to the proposed use.

The Pleasanton Municipal Code requires one parking space for each employee and one parking space for every four students over 16 years of age. As stated in the written narrative, each tutoring session would consist of four instructors and a maximum of 12 students during one of the hour sessions. Thus, based on the parking ratio stated above, a total of 8 parking spaces would be required for the tutorial center (five parking spaces for the employees and three parking spaces for students and parents who have to drive to the tutorial center). Therefore, the other remaining 11 parking spaces are available to the other tenant suite, Sullivan Chiropractic; which requires 10. Furthermore, the majority of the tutoring center's sessions will occur when the chiropractic office is closed and would further elevate in potential conflicts with parking.

## Building Code Requirements

The existing building is primarily an office type building. The Building and Safety Division reviewed the proposal and noted that the tutoring center may have to demonstrate that the restrooms adhere to the Building Code requirements. Staff notes that the interior of the tenant space may need to be modified in order to satisfy this requirement. However, this does not prevent the applicant from receiving Planning approval for the use permit. Staff has included a condition of approval to ensure that the tenant space will meet Building and Fire Code standards before receiving a business license or occupancy.

## **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 after-school tutorial center would provide academic instruction lessons to local students. In the past, the City has allowed similar uses to be located in the Downtown area. Staff is not aware that any of these after-school tutoring oriented businesses has created any impacts on surrounding businesses.

The subject site is zoned C-C (Central – Commercial) district, and it is in the Downtown Revitalization District, where it is surrounded by a mix of office/commercial/personal service uses. Based on the proposal, staff considers the tutorial center to be a quiet use as instructions would provide a low-volume voice level, and that students would focus on intensive academic tutoring. Staff does not feel that the proposed tutoring center would be disruptive to the neighboring businesses/tenants.

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, sessions would not take place outside of the tenant suite, and all doors must remain closed when classes are in session. The proposed after-school tutorial center offers intensive academic learning and SAT preparation sessions that would require concentration from the students. Thus, staff does not believe that the proposed tutorial center would be disruptive to other businesses/tenants in the same building or on the same site. Furthermore, based on the parking analysis of the staff report, sufficient parking is available. In addition, adequate and safe ingress and egress into and out of the site. In summary, staff feels this finding can be made.

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

The Central Commercial District standards conditionally permit the establishment of instructional/tutorial business. Granting a conditional use permit would be consistent with the City's ability to regulate related zoning regulations. Therefore, staff believes that the third 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 is of the opinion that the proposed after-school tutorial center would be complementary to the existing businesses and tenants in the Downtown area. 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 academic assistance. Meanwhile, parents of the students would be in a position to patronize the existing eateries, businesses, and services available in Downtown Pleasanton.

## **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case PCUP-170 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and
2. Approve Case PCUP-170 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)