



Planning Commission Staff Report

August 23, 2006
Item 5.b.

- SUBJECT:** PCUP-175
- APPLICANT:** Ara Chakrabarti / Mathnasium
- PROPERTY OWNER:** Vera Revelli / Dunder First Street Partnership
- PURPOSE:** Application for a conditional use permit to operate a math tutorial facility in an existing building
- GENERAL PLAN:** Retail/Highway/Service Commercial, Business and Profession Offices
- ZONING:** PUD-C-O (Planned Unit Development – Commercial - Office) District and Downtown Revitalization District
- LOCATION:** 4725 First Street, Ste. 235
- ATTACHMENTS:**
1. Location Map
 2. Exhibit A, Site Plan, Floor Plan, and Written Narrative
 3. Exhibit B, Draft Conditions of Approval
 4. Exhibit C, List of Permitted and Conditionally Permitted Uses for PUD-C-O (PUD 81-28)
 5. Exhibit D, List of Permitted and Conditionally Permitted Uses in the Central Commercial District

BACKGROUND

Ara Chakrabarti has submitted an application to operate a math tutorial facility on the second floor of an existing building at 4725 First Street. The subject site is zoned PUD-C-O (Planned Unit Development – Commercial - Office) District and is also in the Downtown Revitalization 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 Central Commercial (C-C) District. Tutorial schools in the C-C District are a conditionally permitted use.

SITE DESCRIPTION

The subject site is an approximately 1.150 acre parcel located in Downtown Pleasanton, towards the end of First Street, between Bernal Avenue and Abbie Street. The existing two-story building is approximately 27,143 square-feet in floor area and contains several tenant suites. Mathnasium proposes to occupy only one of the suites located on the northern second floor portion of the building, approximately 1,425 square-feet, as indicated on the site plan of Exhibit A. There are common entryways on the north (front), east (side), and south (rear) elevations of the building that provide interior access to the tenant suites. The proposed math tutoring center will be located on the second floor, suite 235, and will share the restrooms that are located within the second floor common entryway with the other tenants. Within the shared entryways, the proposed tenant suite has two interior doors that provide access to the school. There are two double doors that will act as the main entrance to the center while a single door at the rear of the center will provide access to the center's private employee office.

A total of 110 parking spaces, with 6 of those being handicapped, are provided on the subject site, of which 68 spaces are located in the rear (south) and 42 spaces, which are shared with 4713 First Street, are located in the front (north), abutting the public parking lot to the west. Access to and from the site is from First Street or via Bernal Avenue or Abbie Street, through the front shared parking lot.

Existing businesses on the subject site are primarily office uses with a few personal service businesses, such as a dentist office and STEPS community prep school. The subject site abuts the Village High School District facilities to the east, across First Street; commercial/service buildings to the north; and commercial/office uses and the Civic Center to the west and the south.

PROJECT DESCRIPTION

Mathnasium offers supervised tutoring sessions for both individual tutoring and small group tutoring at a teacher-to-student ratio of 1:4; however, the sessions are primarily instructed on a one-on-one basis. Students can drop in any time the center is open for an hour session. The majority of the students will come twice a week and at any one time the number of students ranges between 4 and 10. As stated in the written narrative, the tutorial center provides an extensive academic tutoring program focusing on math only for children ages 7-16. The math center will provide sessions Monday through Thursday, from 2:00 p.m. to 7:00 p.m. and Saturdays from 10:00 a.m. to 1:00 p.m..

The tutorial center consists of a large tutoring area, an office, and a small waiting area near the front tenant entrance. The applicant has indicated that tutorial sessions would be held simultaneously in the facility with a maximum of four tutors and 10 students at any given time. 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.

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 PUD-C-O (Planned Unit Development – Commercial - Office) where the PUD development plan allows uses that are permitted or conditionally permitted in the Central Commercial (C-C) District. As such, an after school 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, the subject site is surrounded by commercial/office uses and residential uses across First Street.

In September 2003 the Planning Commission approved a condition use permit (PCUP-94) allowing a guitar studio to be located on the first floor of 4615 First Street. 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, four blocks to the north. 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). Also, in July of 2004 the Planning Commission approved a use permit for a private tutoring business located in the same subject building and floor as the proposed math tutoring center (STEPS Community Prep School). Staff is not aware of land use issues associated with any of these businesses.

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

Noise

The nearest residences on First Street are located approximately 450 feet east of the subject building, on the east side of First Street. Since the parking spaces close to the unit are located along the westerly property line, adjacent to the City's parking lot, it is unlikely that traffic to and from the tutoring center would impact these residents.

Based on the proposal, staff considers the tutorial center a quiet use as instructions would be provided at a low-volume voice level and that students would focus on intensive math exercises. Additionally, as proposed, some sessions would be held when the other office uses in the building are closed. Staff does not believe that the proposed tutorial center would be disruptive to the neighboring businesses/tenants.

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 to add mitigating conditions should any complaints regarding noise occur at the proposed tutorial center.

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.

A total of 161 parking spaces are currently available to the subject site; which includes the on-site and adjacent public parking lots. With a combined floor area of 27,143 square feet for the existing building, the parking ratio at the subject site is one space for every 247 square-feet of floor area. With the proposed tutorial center occupying approximately 1,425 square-feet of floor area, 9 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 students over 16 years of age. As stated in the written narrative, each tutoring session would consist of four instructors and 10 students. Thus,

based on the parking ratio stated above, a total of 7 parking spaces would be needed for the tutorial center (four parking spaces for the instructors, and 3 parking spaces for students and parents who have to drive their children to the tutorial center). Thus, the proposed use will adhere to the parking standards based on the City's Ordinance.

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.

Building Code Requirements

The Building and Safety Division reviewed the proposal and noted that the Building Code requires a student-to-tutor ratio of 4:1, since the use is located on the second floor, in order for kindergarten, first, and second grade students to attend. If the tutoring center has a higher student to teacher ratio, then students in kindergarten, first, and second grade shall not be allowed to attend the school. Staff has included a condition of approval to reflect this requirement.

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 math tutorial facility would provide academic instruction lessons to local elementary, middle, and high school 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 PUD-C-O (Planned Unit Development – Commercial - Office) District, and it is in the Downtown Revitalization District, where a mix of office/commercial/personal service uses surrounds it. Based on the proposal, staff considers the tutorial center to be a quiet use as instructions would be provided at a low-volume voice level, and that students would focus on intensive academic tutoring. In addition, some of the tutoring sessions would be held when the other office uses in the building will be closed. Staff does not feel that the proposed math tutoring facility 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. The proposed math tutorial facility would be located in a multi-tenant building where the majority of the businesses are office uses. Based on the proposal, some of the tutoring sessions would be held when the office uses in the same building are closed. In addition, the proposed math tutorial facility offers intensive academic learning 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 is provided. 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 PUD development plan conditionally permits the establishment of tutorial schools. 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 math tutorial facility 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 math assistance. Meanwhile, parents would be in a position to patronize the existing eateries, businesses, and services that are available downtown.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-175 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report;
and
2. Approve Case PCUP-175 subject to the conditions listed in Exhibit B.

Staff Planner: Natalie Amos, Assistant Planner, 925.931.5613 or namos@ci.pleasanton.ca.us