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**DEPARTMENT OF RESOURCE MANAGEMENT**



**SOLANO  
COUNTY**

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Planning Services Division

**SOLANO COUNTY ZONING ADMINISTRATOR**

**Staff Report  
U-13-05-MR1**

<b>Application No.</b> U-13-05-MR1 <b>Project Planner:</b> Eric Wilberg, Planner Associate		<b>Meeting of August 18, 2016 Agenda Item No. 1</b>	
<b>Applicant</b> Chua Pho-Tu c/o Long D. Nguyen 17327 Meekland Avenue Hayward, CA 94541		<b>Property Owner</b> Chua Pho-Tu 7233 Pleasants Valley Road Vacaville, CA 95688	
<b>Action Requested</b> Consideration of Minor Revision No.1 to Use Permit U-13-05 to permit a 398 square foot expansion to an existing accessory structure operating as a Type II Cottage Industry. The proposal also includes 4 square feet of freestanding, wooden signage.			
<b>Property Information</b>			
Size: 5 acres		Location: 7233 Pleasants Valley Road	
APN: 0102-130-120			
Zoning: Exclusive Agriculture A-20		Land Use: Residential	
General Plan: Agriculture		Ag. Contract: Not under contract	
Utilities: Domestic water well and private septic system		Access: Pleasants Valley Road	
<b>Adjacent General Plan Designation, Zoning District, and Existing Land Use</b>			
	<b>General Plan</b>	<b>Zoning</b>	<b>Land Use</b>
<b>North</b>	Agriculture	Exclusive Agriculture "A-20"	Residential
<b>South</b>	Agriculture	Exclusive Agriculture "A-20"	Residential
<b>East</b>	Agriculture	Exclusive Agriculture "A-20"	Residential
<b>West</b>	Agriculture	Exclusive Agriculture "A-20"	Residential
<b>Environmental Analysis</b> The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e), Existing Facilities.			
<b>Motion to Approve</b> The Zoning Administrator does hereby <b>ADOPT</b> the attached draft resolution and <b>APPROVE</b> Minor Revision No. 1 of Use Permit U-13-05 subject to the findings and recommended conditions of approval.			

## **BACKGROUND**

On January 2, 2014 the Zoning Administrator granted Use Permit U-13-05 to permit a Type II Cottage Industry offering one meditation class per month for up to 15 persons. The home based business utilizes a 2,180 square foot residential accessory structure as a forum to practice meditation. The classes take place once per month on Saturdays or Sundays between the hours of 9 a.m. and 5 p.m.

## **SETTING**

The property is located along the west side of Pleasants Valley Road, four miles north of the City of Vacaville. The five acre parcel is relatively flat, exhibiting slopes of less than six percent.

The site is developed with a 1,650 square foot primary single family dwelling and a 2,180 sq. ft. residential accessory structure utilized for the Cottage Industry. Associated domestic drinking water well and private septic system have also been developed on the property.

The property is developed with a 1,650 square foot residence and a 2,180 square foot residential accessory structure. A one acre olive orchard is located north of the residence and various trees are clustered near the center of the lot, surrounding the residential development.

Surrounding parcels range from 5-20 acres in size and are also zoned Exclusive Agricultural. Similar to the project site, these properties exhibit rural residential land use characteristics. The properties are generally developed with residences and orchard crops are planted on some lots.

## **PROJECT DESCRIPTION**

The proposed project includes a 398 square foot expansion of the existing residential accessory structure off the northeast end of the building. The new space is open to the main meditation training area. The proposal also includes the construction of an unenclosed 48 sq. ft. porch expansion as well as a five foot tall freestanding wooden sign with 4 sq. ft. of sign area.

## **ANALYSIS**

A Cottage Industry is a conditionally permitted land use within the Exclusive Agriculture Zoning District, subject to the general and specific requirements detailed in Sections 28.72.40(A) & (B1).

Access to the business is provided via private driveway off Pleasants Valley Road. The existing cottage industry, Wisdom Meditation School (Chua Pho-Tu), provides sufficient on-site parking to accommodate the operator, employees, and patrons of the business. A total of ten parking spaces including one ADA accessible parking space are provided around the perimeter of the business. Parking includes one customer space per every 500 square feet of business. The proposal would expand the business to 2,578 square feet, therefore requiring 6 customer parking spaces. In addition to customer parking, the development plans indicate parking availability for one operator and three employees.

All aspects of the cottage industry are conducted within the residential accessory structure and remain incidental to the existing residence on-site. The business does not utilize equipment or machinery and does not generate noise, vibration, glare, fumes, dust, odors, smoke into the neighborhood.

The site continues to maintain the four acre minimum parcel size and remains under the three thousand square foot threshold for a type II cottage industry.

The proposed non-illuminated sign does not exceed the four square feet allowable for a cottage industry and is less than the six foot height limitation for freestanding signage within the Exclusive Agricultural zoning district.

## **ENVIRONMENTAL ANALYSIS**

The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e), Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

## **RECOMMENDATION**

The Department recommends that the Zoning Administrator **ADOPT** the enumerated findings, and **APPROVE** Minor Revision No. 1 of Use Permit No. U-13-05, subject to the recommended conditions of approval.

## **MINOR USE PERMIT MANDATORY FINDINGS**

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The operation of the Type II Cottage Industry is a conditionally permitted land use within the Exclusive Agricultural zoning district, which is consistent with the Agricultural General Plan designation. The accessory use of the property for meditation training once per month for up to 15 persons is incidental and subordinate to the use of the premises for residential purposes. The proposed land use is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site will continue to be served by on-site domestic water well and septic system. The site is accessed via private driveway off of Pleasants Valley Road.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditionally permitted, the proposed Type II Cottage Industry will not change or adversely affect the residential or rural character of the property or its surroundings. The proposed land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare to persons within the County of Solano.

## **ADDITIONAL FINDINGS**

4. The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e), Existing Facilities. The proposed 398 square foot expansion of the residential accessory structure is negligible and less than the 2,500 sq. ft. threshold prescribed in the CEQA Guidelines.

## **CONDITIONS OF APPROVAL**

### **General**

1. The establishment and operation of the Type II Cottage Industry for meditation training purposes shall be conducted in accord with the application materials, development plans and site plan for Minor Revision No. 1 of Use Permit U-13-05, as approved by the Solano County Zoning Administrator.
2. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the expiration date of January 2, 2019 and the use is found to be in full compliance with the permit terms and conditions at that time. Prior to permit expiration, the applicant shall submit an application for renewal along with applicable renewal fees as may be set by the County Board of Supervisors.
3. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
4. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for revocation of this permit.
6. Granting of Minor Revision No. 1 shall supersede the original use permit, U-13-05.

### **General Requirements for Cottage Industries**

7. The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.
8. The cottage industry shall not produce evidence of its existence in the external appearance of the accessory structure or premises, or in the creation of noise, odors, smoke, vibrations or other nuisances to a degree greater than that normal for the neighborhood.
9. The conduct of the cottage industry shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.
10. The site shall maintain direct access to a public road or access from an adequate private road. Where access to the site is by private road, the applicant for the cottage industry permit must demonstrate either (1) active financial participation in a road maintenance

association, or (2) written consent to use the private road for business purposes from all co-owners of the private road easement.

11. The property is limited to one cottage industry.
12. All aspects of the cottage industry shall be located and conducted within a dwelling unit or enclosed accessory building(s), with the exception of outdoor storage of materials or products as specifically provided by the use permit, when completely screened from the street and adjoining properties. Any accessory building used for a cottage industry must comply with applicable building codes.
13. No equipment or process used in the cottage industry shall create noise, vibration, glare, fumes, dust, odors, smoke, electrical interference or other impacts in excess of those customarily generated by single-family residential uses in the neighborhood.
14. No land use or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness; radioactivity, electrical or other disturbances; glare; liquid or solid refuse or wastes; or other substances, condition or element referred to herein as dangerous or objectionable elements in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises.

#### **Specific Standards for Cottage Industries—General (Type II)**

15. Not more than three (3) employees may work on the premises in addition to the residents living on the premises. This limitation applies to all employees who come onto the property on a daily basis, even if they work primarily at off-site locations.
16. The total area occupied by the cottage industry, including storage, shall not exceed three thousand (3,000) square feet
17. The parcel must maintain a minimum lot size of at least four acres, excluding roads, canals, or railroad rights of way.
18. The operator of the cottage industry shall provide sufficient on-site parking to accommodate both customers and employees. One work vehicle belonging to the operator and three personal employee vehicles may be parked in public view. Additionally, one customer parking space shall be provided for every 500 square feet of retail area. This parking area shall not count toward the 3,000 square foot limitation.
19. A maximum of three large vehicles and one trailer per large vehicle may be kept on the property in connection with a cottage industry. Large vehicles are defined as having a gross vehicle weight rating (GVWR) between 14,001 lbs. and 26,000 lbs. Such vehicles may only be stored in an enclosed building in connection with a cottage industry. Storage of large vehicles shall be counted as part of the square footage of a cottage industry. Vehicles with a GVWR exceeding 26,000 lbs. may not be stored on the property in connection with a cottage industry.
20. No more than one (1) non-illuminated sign not exceeding four (4) square feet may be permitted.

21. Two or more separate businesses, with separate business licenses, may be permitted as a single cottage industry. However, when added together, those businesses cannot exceed the limitations set forth above for a single cottage industry.
22. Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

### **Building and Safety Division**

23. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 California Building Code, or the latest edition of the codes enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
24. The business will be open to the public and shall meet the most restrictive requirements between the California Disabled Access and Federal ADA laws and regulations.

### **Attachments**

- A - Draft Resolution
- B - Assessor's Parcel Map Bk. 102 Pg. 13
- C - Development Plans

## SOLANO COUNTY ZONING ADMINISTRATOR RESOLUTION NO. XX

**WHEREAS**, the Solano County Zoning Administrator has considered Minor Revision No. 1 to Use Permit No. U-13-05 of **CHUA PHO-TU (Wisdom Meditation)** to construct a 398 square foot addition to an existing building operating as a cottage industry offering one meditation class per month located at 7233 Pleasants Valley Road, 4 miles northwest of the City of Vacaville in an "A-20" Exclusive Agricultural Zoning District, APN: 0102-130-120, and;

**WHEREAS**, said Zoning Administrator has reviewed the report of the Department of Resource Management and heard testimony relative to the subject application at the duly noticed public hearing held on August 18, 2016, and;

**WHEREAS**, after due consideration, the Zoning Administrator has made the following findings in regard to said proposal:

- 1. That the establishment, maintenance or operation of the use or building is in conformity to the General Plan for the County with regard to traffic circulation, population densities and distribution, and other aspects of the General Plan considered by the Zoning Administrator to be pertinent.**

The operation of the Type II Cottage Industry is a conditionally permitted land use within the Exclusive Agricultural zoning district, which is consistent with the Agricultural General Plan designation. The accessory use of the property for meditation training once per month for up to 15 persons is incidental and subordinate to the use of the premises for residential purposes. The proposed land use is consistent with the goals, objectives and policies of the Solano County Zoning Ordinance and Solano County General Plan.

- 2. Adequate utilities, access roads, drainage and other necessary facilities have been or are being provided.**

The site will continue to be served by on-site domestic water well and septic system. The site is accessed via private driveway off of Pleasants Valley Road.

- 3. The subject use will not, under the circumstances of this particular case, constitute a nuisance or be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in or passing through the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.**

As conditionally permitted, the proposed Type II Cottage Industry will not change or adversely affect the residential or rural character of the property or its surroundings. The proposed land use will not constitute a nuisance to surrounding properties, nor will it be detrimental to the health, safety, or welfare to persons within the County of Solano.



4. The project qualifies for a Class 1 Categorical Exemption from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301(e), Existing Facilities. The proposed 398 square foot expansion of the residential accessory structure is negligible and less than the 2,500 sq. ft. threshold prescribed in the CEQA Guidelines.

**BE IT THEREFORE RESOLVED**, that the Zoning Administrator has approved Minor Revision No. 1 to Use Permit Application No. U-13-05 subject to the following recommended conditions of approval:

#### **General**

1. The establishment and operation of the Type II Cottage Industry for meditation training purposes shall be conducted in accord with the application materials, development plans and site plan for Minor Revision No. 1 of Use Permit U-13-05, as approved by the Solano County Zoning Administrator.
2. This permit shall be subject to periodic renewal every five (5) years. A renewal may be granted if said request is received prior to the expiration date of January 2, 2019 and the use is found to be in full compliance with the permit terms and conditions at that time. Prior to permit expiration, the permittee shall submit an application for renewal along with applicable renewal fees as may be set by the County Board of Supervisors.
3. No additional uses shall be established beyond those identified on the project plan without prior approval. No new or expanded buildings shall be constructed without prior approval of a minor revision to this use permit or approval of a new use permit.
4. The premises shall be maintained in a neat and orderly manner and kept free of accumulated debris or junk.
5. Failure to comply with any of the conditions of approval or limitation set forth in this permit shall be cause for revocation of this permit.
6. Granting of Minor Revision No. 1 shall supersede the original use permit, U-13-05.

#### **General Requirements for Cottage Industries**

7. The cottage industry shall be clearly incidental and subordinate to the use of the premises for residential purposes. Only a resident-occupant of an existing on-site primary residence may operate a cottage industry; a cottage industry cannot exist in the absence of a dwelling unit.
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9. The conduct of the cottage industry shall not prevent the use of the required garage or parking spaces for vehicle parking on a daily basis.
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- 22. Customers or clients may come to premises during any the hours 8:00 a.m. to 6:00 p.m.

**Building and Safety Division**

- 23. Prior to any construction or improvements taking place, a Building Permit Application shall first be submitted as per Section 105 of the 2010 California Building Code, or the latest edition of the codes enforced at the time of building permit application. "Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit."
- 24. The business will be open to the public and shall meet the most restrictive requirements between the California Disabled Access and Federal ADA laws and regulations.

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I hereby certify that the foregoing resolution was adopted at the regular meeting of the Solano County Zoning Administrator on August 18, 2016.

BILL EMLER, DIRECTOR  
RESOURCE MANAGEMENT

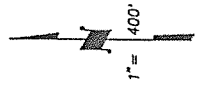
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Michael Yankovich  
Planning Program Manager

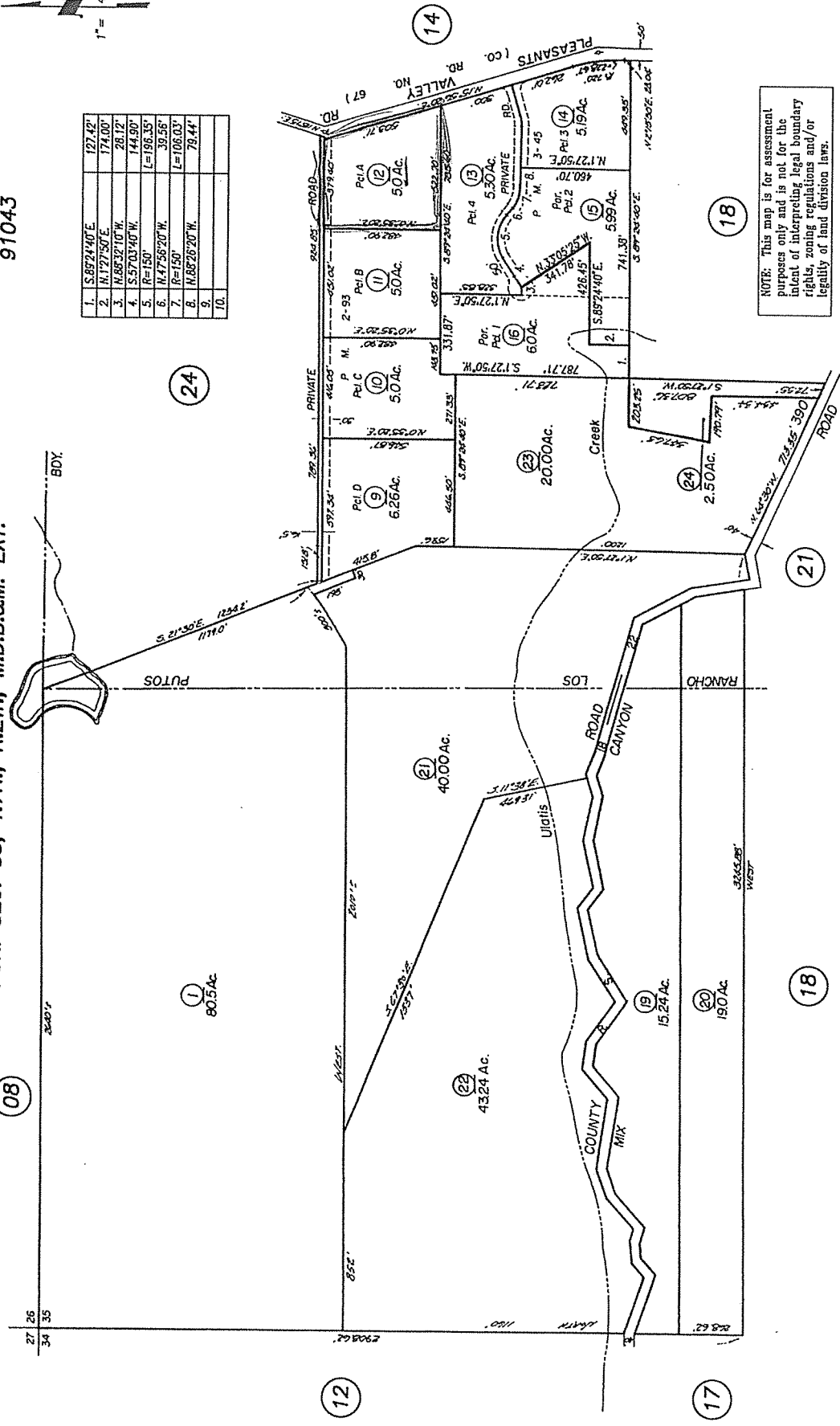
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 POR. SEC. 35, T.7N., R.2W., M.D.B.&M. EXT.

Tax Area Code  
 91011  
 91043

102-13



1.	S.89°24'40"E.	127.42'
2.	N.1°27'50"E.	174.00'
3.	N.88°20'10"W.	28.12'
4.	S.57°03'40"W.	144.90'
5.	R=150'	L=196.35'
6.	N.47°56'20"W.	39.56'
7.	R=150'	L=106.03'
8.	N.88°26'20"W.	79.44'
9.		
10.		



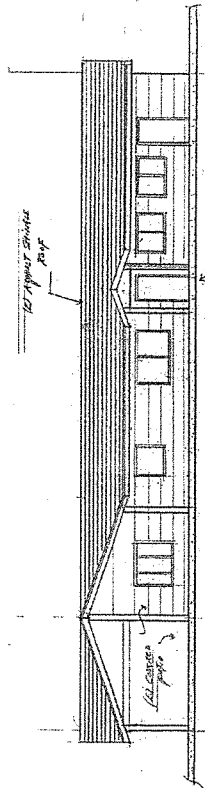
REVISION	DATE	BY
130-15&1620a	10-05-00	FG
For to Pa 24	8-1-95	Pa
SBF 95-005	7-1-94	FG

NOTE: Assessor's Block Numbers Shown in Ellipses  
 Assessor's Parcel Numbers Shown in Circles

Assessor's Map Bk. 102 Pg. 13  
 County of Solano, Calif.

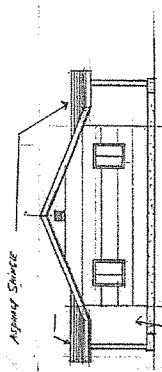
01/02

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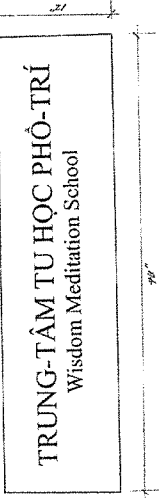
(E) FRONT VIEW

SCALE 1/8" = 1'

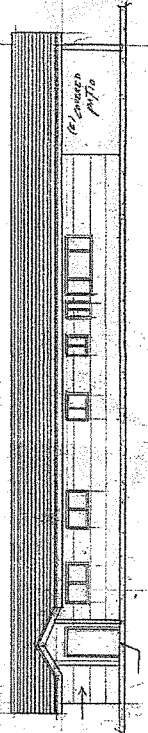


(E) RIGHT VIEW

SCALE 1/8" = 1'

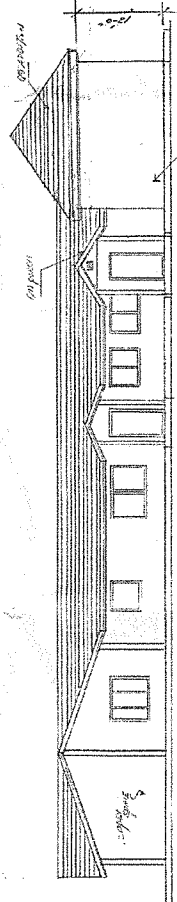


PROPOSED SCHOOL SIGN  
(Max. 4 sqft.)



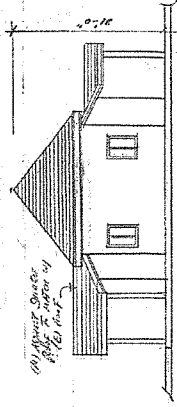
(E) REAR VIEW

SCALE 1/8" = 1'



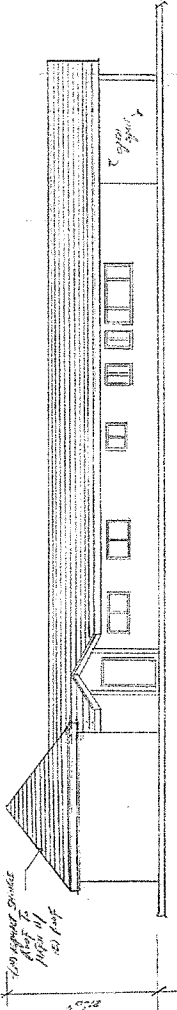
PROPOSED FRONT VIEW

SCALE 1/8" = 1'



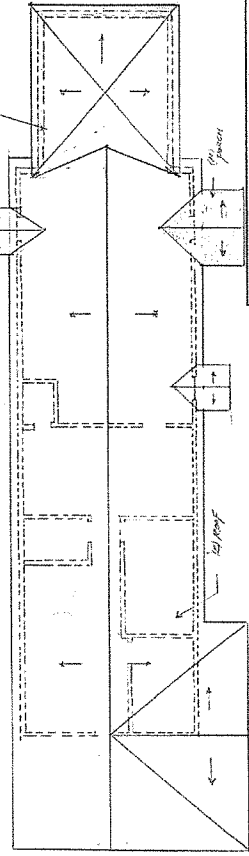
PROPOSED RIGHT VIEW

SCALE 1/8" = 1'



PROPOSED REAR VIEW

SCALE 1/8" = 1'



PROPOSED ROOF VIEW

DESIGNED BY:  
TRUC BUC TRAN, P.E.  
26311 ARDEN AVENUE  
DUBLIN, CA 94568  
PHONE: (916) 334-9173  
EMAIL: TRUCB@GMAIL.COM

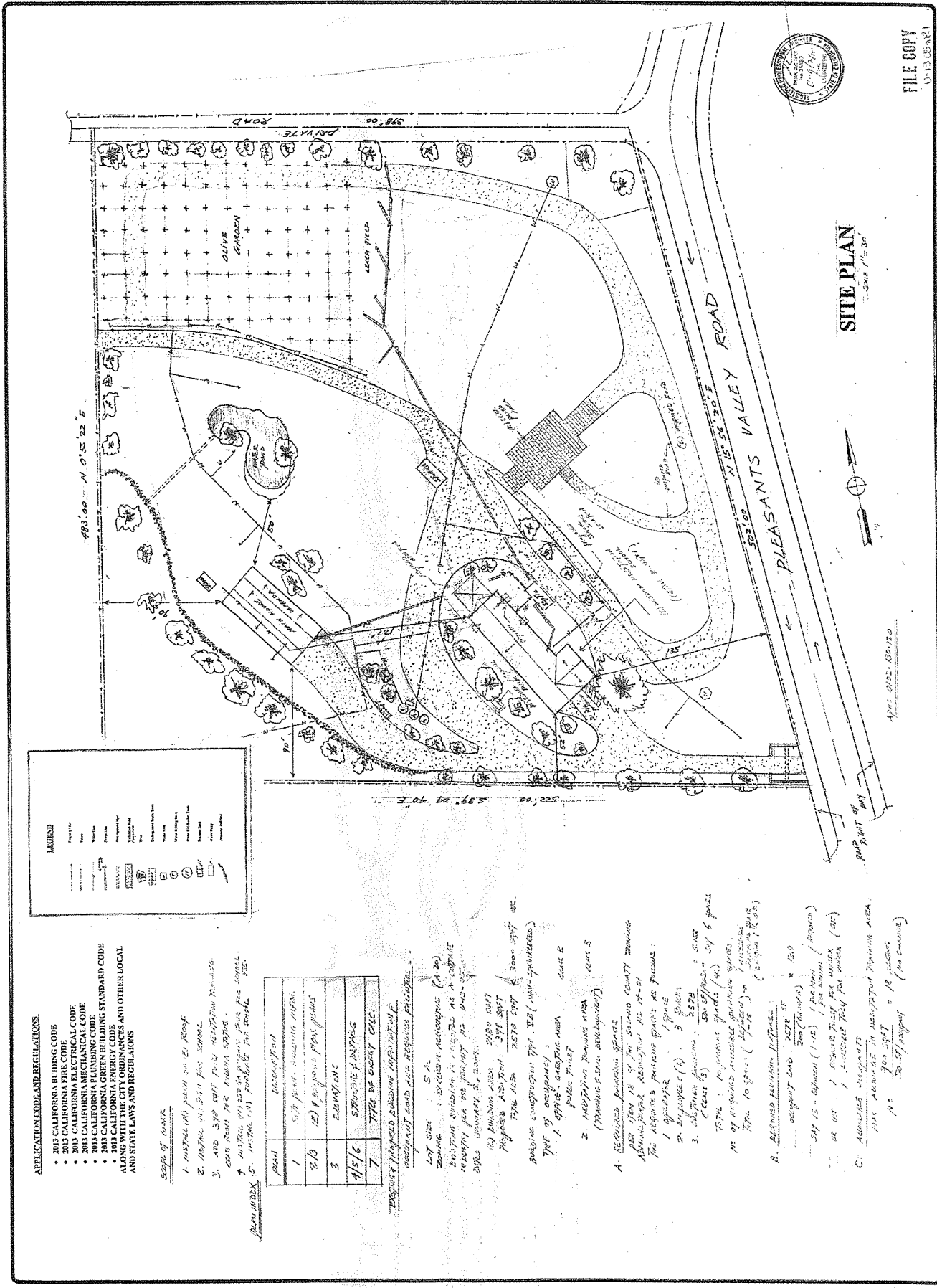
WISDOM MEDITATION SCHOOL  
PROJECT NO.:  
DATE:  
7833 PLEASANTS VALLEY ROAD  
MCAVILLE GA 30708 4/17

REVISIONS	BY

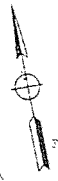
DESIGNED BY:  
 TRAVIS R. THAYER  
 2011 FLORNO AVENUE  
 RAYBARD CA 95141  
 PH: (415) 252-1500  
 FAX: (415) 252-1501  
 EMAIL: TRAVIS@CONCAST.NET

WISDOM MEDITATION SCHOOL  
 7233 PLEASANTS VALLEY ROAD  
 VACAVILLE, CA 95668

DRAWN	
CHECKED	
DATE	
SCALE	
JOB NO.	
SHEET	7
OF	7



**SITE PLAN**  
 Scale 1/8" = 30'



FILE COPY  
 U-13358281

**LEGEND**

Symbol	Description
[Symbol]	Proposed Building
[Symbol]	Proposed Parking
[Symbol]	Proposed Olive Garden
[Symbol]	Proposed Landscaping
[Symbol]	Proposed Utility Lines
[Symbol]	Proposed Fencing
[Symbol]	Proposed Driveway
[Symbol]	Proposed Access Road
[Symbol]	Proposed Retaining Wall
[Symbol]	Proposed Storm Drain
[Symbol]	Proposed Erosion Control
[Symbol]	Proposed Tree
[Symbol]	Proposed Shrub
[Symbol]	Proposed Flower Bed
[Symbol]	Proposed Water Feature
[Symbol]	Proposed Bench
[Symbol]	Proposed Light Fixture
[Symbol]	Proposed Sign
[Symbol]	Proposed Gate
[Symbol]	Proposed Wall
[Symbol]	Proposed Deck
[Symbol]	Proposed Staircase
[Symbol]	Proposed Ramp
[Symbol]	Proposed Path
[Symbol]	Proposed Driveway
[Symbol]	Proposed Access Road
[Symbol]	Proposed Retaining Wall
[Symbol]	Proposed Storm Drain
[Symbol]	Proposed Erosion Control
[Symbol]	Proposed Tree
[Symbol]	Proposed Shrub
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[Symbol]	Proposed Bench
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[Symbol]	Proposed Sign
[Symbol]	Proposed Gate
[Symbol]	Proposed Wall
[Symbol]	Proposed Deck
[Symbol]	Proposed Staircase
[Symbol]	Proposed Ramp
[Symbol]	Proposed Path

- APPLICATION CODES AND REGULATIONS**
- 2013 CALIFORNIA BUILDING CODE
  - 2013 CALIFORNIA FIRE CODE
  - 2013 CALIFORNIA ELECTRICAL CODE
  - 2013 CALIFORNIA MECHANICAL CODE
  - 2013 CALIFORNIA PLUMBING CODE
  - 2013 CALIFORNIA GREENING CODE
  - 2013 CALIFORNIA PLUMBING STANDARD CODE
- ALONG WITH THE CITY ORDINANCES AND OTHER LOCAL AND STATE LAWS AND REGULATIONS

- Scale of notes**
1. MATCH LINE TO PLAN ON E. ROOF
  2. MATCH LINE TO PLAN ON S. SIDE
  3. ADD 300' TO THE WEST SIDE OF THE ROAD
  4. ADD 300' TO THE NORTH SIDE OF THE ROAD
  5. MATCH LINE TO PLAN ON W. SIDE

Room	Area (sq ft)	Notes
1	577	OFFICE
2/3	121	OFFICE
3	121	OFFICE
4/5/6	2100	CLASSROOMS
7	2100	CLASSROOMS

**DESIGNER'S NOTES**

1. LOT SIZE: 5 AC
2. EXISTING ADJACENT (A-20) ZONING
3. EXISTING BUILDING IS TO BE DEMOLISHED AND A NEW BUILDING TO BE CONSTRUCTED ON THE EXISTING FOOTPRINT AS SHOWN ON THIS PLAN. THE NEW BUILDING IS TO BE 2000 SQ FT.
4. EXISTING DRIVEWAY IS TO BE RECONSTRUCTED AND WIDENED TO 20 FT.
5. EXISTING DRIVEWAY IS TO BE RECONSTRUCTED AND WIDENED TO 20 FT.

**REQUIREMENTS FOR THE NEW BUILDING:**

1. OFFICE / MEETING AREA: 2000 SQ FT
2. MEETING ROOMS: 2000 SQ FT
3. CLASSROOMS: 2000 SQ FT
4. OFFICE: 2000 SQ FT
5. MEETING ROOMS: 2000 SQ FT
6. CLASSROOMS: 2000 SQ FT
7. OFFICE: 2000 SQ FT
8. MEETING ROOMS: 2000 SQ FT
9. CLASSROOMS: 2000 SQ FT
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