



PLANNING COMMISSION MEETING MINUTES

City Council Chamber
200 Old Bernal Avenue, Pleasanton, CA 94566

DRAFT
Wednesday, October 24, 2018

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL

The Planning Commission Meeting of October 24, 2018, was called to order at 7 p.m. by Acting Chair Allen.

The Pledge of Allegiance was led by Acting Chair Allen.

Staff Members Present: Gerry Beaudin, Director of Community Development; Ellen Clark, Planning Manager; Julie Harryman, City Attorney; Cindy Quintero, Recording Secretary; Natalie Amos, Associate Planner; Megan Campbell, Associate Planner; and Eric Luchini, Associate Planner

Commissioners Present: Commissioners Jack Balch, Justin Brown, Herb Ritter, Vice Chair Greg O'Connor and Acting Chair Nancy Allen

Commissioners Absent: None

2. APPROVAL OF MINUTES

a. September 26, 2018

Commissioner Brown requested the following corrections:

- Page 17, change the word "current" to "correct" under his comments
- Page 19, change "rallying" to "relaying"
- Page 20, third paragraph: "But, even though the 22 lots assume the bypass road, it also assumed the 75 lots at the top."

Commissioner Ritter moved to approve the Minutes of the September 26, 2018 meeting, as amended.

Commissioner Balch seconded the motion.

ROLL CALL VOTE:

AYES:	Commissioners Allen, Balch, Brown, O'Connor, Ritter
NOES:	None
RECUSED:	None
ABSENT:	None

The Minutes of the September 26, 2018 meeting were approved, as amended.

3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

There were no members of the audience wishing to address the Commission.

4. AGENDA AMENDMENTS

There were no agenda amendments.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.

a. P18-0154, Rong Chi Lin for Ron and J Auto, LLC

Application for Conditional Use Permit approval to operate an automotive repair shop at an existing service station at 4212 First Street. Zoning for the property is C-F (Freeway Interchange Commercial) District.

b. P18-0283, David Nico for Lifesaver of Northern California

Application for Conditional Use Permit approval to operate an automotive interlock ignition service center at 7059 Commerce Circle. Zoning for the property is I-G-40,000 (General Industrial) District.

**Commissioner Balch moved to approve the Consent Calendar.
Commissioner Brown seconded the motion.**

ROLL CALL VOTE:

AYES: Commissioners, Allen, Balch, Brown, O'Connor, Ritter
NOES: None
RECUSED: None
ABSENT: None

Resolution PC-2018-17 recommending approval of Case P18-0154 and Resolution PC-2018-18 recommending approval of Case P18-0283 were and adopted, as motioned.

6. PUBLIC HEARING AND OTHER MATTERS

a. P18-0051, Hong Chen/Shengmeng Education Center

Application for Conditional Use Permit approval to operate a tutoring facility at 6691 Owens Drive. Zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commercial and Offices) District.

Associate Planner Natalie Amos gave the staff report and overview and an historical account of the request for a Conditional Use Permit to operate and expand a tutoring facility. Staff recommends the Commission make the CUP findings in Exhibit A and approve conditions based upon staff's narrative.

Commissioner Brown referred to Exhibit B to the applicant's narrative and Exhibit D showing the map. He asked and confirmed that issues related to parking involve the north exit side, confirmed 64 parking spaces includes everything on the parcel, and that there are additional spaces further to the north for overflow; however, these are not part of the parcel.

Commissioner Brown said in looking at the Shengmeng Education Center, there were three exits; the north, west (primary), and the south exit. He asked if there was only one entrance/exit for Sunflower. Ms. Amos confirmed Sunflower has two entrances and exits; one on the north side and one on the south side.

Commissioner Balch referred to the classes offered in the staff-clarified narrative and questioned whether or not the "etiquette" and "dining manner" class that was referenced by late comment letters would be offered.

Ms. Amos said that the class was part of their original application and she confirmed that all classes being offered have been confirmed with staff for the CUP and as reflected in the tables.

Commissioner Brown said the conditions of approval do not prescribe classes offered. He confirmed with Ms. Amos and Mr. Beaudin that the school has the ability to change the program or schedule via a condition of approval which must be reviewed and considered by staff. If the change is not in substantial conformance, staff may bring it to the Planning Commission for consideration.

Commissioner Balch referred to page 5 of the staff report regarding evening tutoring classes going into 9 p.m. and asked if the City has any issues with a kindergartener in a tutoring class from 7 p.m.-9 p.m.

Ms. Amos said it was not a land use issue.

Commissioner Brown said State regulations do exist that specify certain requirements (i.e. naptime) based upon a child's age.

Commissioner Balch asked and confirmed that when dropping off a kindergartener, State law requires that parents escort children into the facility and sign them in and out.

Commissioner Ritter asked if there was anything in the request that deviates from the City's standard ordinance or permits, since it is not a consent item.

Ms. Amos stated it was originally a Consent Calendar item, but given issues raised at the time the matter was agendized as a public hearing.

Acting Chair Allen asked if the property owner has approved this and evaluated parking and other needs and has endorsed both tenants operating together.

Ms. Amos confirmed the property owner signed the application form and submitted an email acknowledging he is in support of their continued operations and expansion.

THE PUBLIC HEARING WAS OPENED.

Hong Chen, Applicant for Shengmeng Education Center, spoke of the center's original opening, their experience in heritage schools, high quality education, diversity of classes, and local community service.

Lily Bai voiced support of the center and children's' programming, said she never has problems with parking, drop-off and pickup, and asked for approval.

Lin Lin Chen echoed comments of the previous speaker and voiced support for approval.

Jon Jiang voiced support and expansion of the center, spoke about his family's positive experiences, the schools unique classes, and echoed comments of other speakers.

Lisa Huang voiced support of the center, spoke of her son's enjoyment of unique classes and asked for approval.

LiLi Zheng said her triplet daughters have attended the center's classes since age 5, voiced appreciation of the high quality and beneficial programming and voiced her support.

Gina Li echoed comments of speakers, said the center serves parents and is a community service entity which helps full-time employees manage their children's' needs without worry.

Vikki Chang who is a bilingual Chinese teacher at Shengmeng on the weekends, voiced support for expansion of the services at the center.

Terri Sharbach said she is a teacher of English and Social Studies and began teaching at Shengmeng during the summer, stating some students are desperate to learn English and assimilate in school. She voiced her support and said she has never encountered any problems with the center.

Kelly Bu voiced support of Shengmeng and its expansion.

Jia Liu said her daughter takes two classes at Shengmeng on Saturdays and Sundays and believes commuters, like her, benefit from having the center in the local Tri-Valley area.

Yz Zhang, whose children are students at Sunflower, spoke of his concern about the traffic and parking at the school.

Liang Wang voiced his support saying he thinks Shengmeng is an excellent school and has not had a problem with parking.

Wendai Wang, one of the founders of Shengmeng, thanked the Commission and staff for allowing them to present the application. He spoke of the tremendous value and commitment of the center and asked for approval of the CUP.

Inka Hamdani, whose children attend Sunflower Academy, voiced concern over the expansion of Shengmeng's expansion due to parking concerns. She stated that parking on the north side is difficult, although the west side is almost empty. She believes Shengmeng and Sunflower have good education systems, but her concern is parking.

Yvonne Zhao, owner of Sunflower Academy, stated that Shengmeng made promises to the landlord and to Sunflower that they would not compete with Sunflower in age groups and classes for students, noting that their agreement was to only provide classes to junior high students. Now, they have kindergarten care and additional students. Only today did the students begin going through the back door. She voiced concerns with additional traffic and unsafe parking and congestion and asked the Commission to reconsider the CUP and address student safety.

Commissioner Brown asked and confirmed with Ms. Zhao that Sunflower serves grades K-5.

Jenny Huang spoke of her son's participation in many community events and said she has never encountered parking issues.

John Huang said both of his children attend Sunflower and thinks both schools offer a great education. Regarding parking, Sunflower has a lot of kindergarteners and after they first opened he had to walk across the parking lot with his small children to get them into the car which is a safety concern, especially given the request for Shengmeng's expansion.

Jane Tor said she has worked with Shengmeng since 2007 but does not work for them now. She believes the staff is dedicated, passionate and student-centered. She supports more classes, even for adults, and thinks, to address parking, the front row could be dedicated to Sunflower.

Jiong Cao said her son took a math class at Shengmeng and she never experienced difficulty with parking. Staff at the center is friendly and supportive and she voiced support for approval of the CUP.

Emma Lee, who has two children attending the school, echoed comments of speakers in support of Shengmeng and has no problems with parking.

Ms. Chen stated that beginning last week they sent out parking safety guidelines to all parents and posted it on their website. They also have an arrow showing people to park in the back of the building, noting their front door is closed now so traffic can be directed to the back.

Acting Chair Allen asked if the front door will continue to be closed.

Ms. Chen said yes, they will direct their parents and students to park in the back row.

Commissioner Brown said he noticed that many of the photographs had someone going to the driver's window, and he asked if school staff go out to the parent's cars and escort students into the building.

Ms. Chen confirmed that parents are responsible for walking their children into the facility and signing them in and out. For after-school care, they have teachers to escort the young children to the facility.

Acting Chair Allen asked at what age children are signed in.

Ms. Chen replied all age groups are signed in. Students stay inside if their parents are not yet there to pick them up. They never allow children to exit the building to the parking lot by themselves.

THE PUBLIC HEARING WAS CLOSED

Commissioner Balch referred to staff's parking surveys and said it did not appear there was a parking issue based on the site visits. He asked staff if those surveys were random and asked when they had occurred.

Ms. Amos confirmed site visits were randomly held over a duration of Shengmeng's initial application up until the beginning of September. She noted a couple of instances when the police business had a large group of meetings at the site; however, there was sufficient parking to accommodate all uses.

Commissioner Ritter noted one speaker mentioned there should be assigned parking for kindergarteners, and he asked if this was correct.

Ms. Amos said this is something the Commission could consider but it would be difficult for staff to monitor and the property owner would also have to consent. She reiterated that the entire business park has shared parking throughout the property so any assigned parking may open the door for other tenants to request the same.

Commissioner Brown recognized the verbal support received for the Shengmeng Center in terms of education and variety of programs and parking supply being sufficient. However, he emphasized that the current program runs with 20 students, not the higher number of students they are asking to allow. Therefore, comments are based upon current use and not what is proposed. He also recognized concerns about safety.

He also heard that the Shengmeng Center today is mostly older students and knows from experience that the older the students get the more parents tend to want to stop, drop off their child, and drive off. He was unsure this was happening but said John Huang's comments and some of the pictures may support this.

Commissioner Brown also states that the City is not in a position to regulate the competitive aspects of the facilities and if the property owner has signed off on the CUP tonight, they have made a choice to support two competing businesses next to one another.

In trying to reach an agreement, he suggested Shengmeng turn the north door into a fire exit only and not an entrance and then allow pickup and drop-off in the south and west sides. Similarly, he suggested requesting that Sunflower handle pick-up and drop-off on the north side and not enter and exit on the south side, as well as considering a continuance to determine whether both facilities could work out an agreement. This would alleviate the safety concerns and allow the two businesses to be in less conflict with circulation and parking.

Acting Chair Allen asked if this was an area that has been explored.

Commissioner Balch noted that he did not believe the Commission could limit Sunflower because their CUP was not before the Commission.

Ms. Amos confirmed that Sunflower would have to agree to a modification of their floor plan. She added that she was not sure if it changes anything for State requirements because they are a heritage school. Also, the building and safety and fire departments would have to review the floor plans to ensure exiting is appropriate.

Mr. Beaudin summarized that much of the issue is that there are two groups of individuals at odds and a property owner present who has chosen not to be in the discussion regarding how the site operates. The applicant and Sunflower met and discussed loading, unloading and creating a separation and were not able to come to agreement. He therefore suggested checking with the applicant to see if they would be willing to agree to this. It would be a one-sided solution for Shengmeng's CUP and said he did not think Sunflower would want to re-open their CUP.

Vice Chair O'Connor agreed it would be difficult for staff to monitor parking but said the Commission heard from the Shengmeng staff that they would close their front doors and direct people to the back. He thought it was in the best interest for both facilities to work out parking problems for their own clientele and safety of the children. This would go a long way to free up space in the front for Sunflower. He thinks this is a step in the right direction and a compromise on their part.

Commissioner Balch agreed neighborhood disputes are most difficult. Parking is shared amongst other businesses in the business park which cannot be regulated so there are many issues relating to parking, not just contained to this application, but the entire park.

In his opinion, Shengmeng directing their parents/students to enter to the west is an excellent suggestion and, if it does not work, the CUP could return, but did not want to condition this.

He also acknowledged the competitiveness of two similar businesses next to each other but thinks the CUP is well presented by staff and voiced his support for approval.

Commissioner Ritter agreed and thanked staff for a good job with managing parking counts, use times and zoning requirements per the Municipal Code. He likes the fact that the applicant was still working with Sunflower to figure out a solution and voiced his support of approval of the CUP based on these efforts and compromise.

Acting Chair Allen echoed comments of fellow Commissioners and believed the facilities should be proud of their programs developed. She asked if it was appropriate or not to add a condition of approval relative to closing the front door of Shengmeng or whether this could simply be implemented as a promise by the applicant.

Mr. Beaudin suggested adding a statement that the Community Development Director, through the plan check process, evaluate the ingress and egress of the building. He did not want to cause a problem with a building code or exiting issue through a condition of approval.

Commissioner Brown preferred specifying in the conditions of approval that the applicant work with parents to request that all pick-up and drop-off be done in the south and west entrance and

exit in order to reduce congestion on the north side. With that as part of the CUP, it would make him feel more comfortable with the increase in volume.

Commissioners voiced concurrence with this suggestion.

Acting Chair Allen suggested the Commission could also preclude use of the front door, but Commissioners did not support this.

Mr. Beaudin then referred to Condition No. 5 which addresses pickup and drop-off procedures. He suggested tying this condition to the direction the applicant has already agreed to in directing families to pickup and drop-off children in the southwest side.

Commissioner Ritter moved to approve Case P18-0051, with direction that staff specify in Condition No. 5 that the applicant work with its parents to encourage all pick-up and drop-off be oriented in the southwest entrance and exit and subject to all other conditions of approval.

Commissioner Balch seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners, Allen, Balch, Brown, O'Connor, Ritter
NOES: None
RECUSED: None
ABSENT: None

Resolution PC-2018-19 recommending approval of Case P18-0051 was and adopted, as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No items were discussed or actions taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION

a. Reports from Meetings Attended (e.g., Committee, Task Force, etc.)

Commissioner Ritter reported on his attendance to the Trails Committee Meeting with the following discussions: (1) the Foothill Road sidewalk status; (2) I-680/Sunol Boulevard Interchange project and options; and (3) Spotorno Ranch and the trail system on the ranch and options.

Acting Chair Allen asked and confirmed the next dates for the Downtown Specific Plan meeting would be November 13 and 27, 2018. Mr. Beaudin commented that the target is to release the public Draft Plan on November 13 and the EIR on the 27th, with a 45-60 day public comment period, and additional review by the Task Force in December/January to report back on comments and gather final input.

b. Future Planning Calendar

Ms. Clark gave a brief overview of future items for the Commission's review.

c. Actions of the City Council

Ms. Clark gave a brief overview of City Council actions.

d. Actions of the Zoning Administrator

Ms. Clark provided a brief update on actions of the Zoning Administrator.

9. ADJOURNMENT

Acting Chair Allen adjourned the meeting at 8:53 p.m.

Respectfully submitted,

Cindy Quintero
Recording Secretary