



PLANNING COMMISSION MINUTES

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

APPROVED

Wednesday, April 29, 2009

(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)

CALL TO ORDER

The Planning Commission Regular Meeting of April 29, 2009, was called to order at 7:00 p.m. by Chair Pearce.

1. ROLL CALL

Staff Members Present: Brian Dolan, Director of Community Development; Larissa Seto, Assistant City Attorney; Donna Decker; Principal Planner; Shweta Bonn, Assistant Planner and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Jennifer Pearce, Commissioners Kathy Narum, Greg O'Connor, Arne Olson, and Jerry Pentin

Commissioners Absent: Commissioner Phil Blank

Chair Pearce introduced new Commission Member Jerry Pentin and asked him to provide a brief background for the benefit of Commissioners, staff, and audience members.

Commissioner Pentin stated that he has been a resident of Pleasanton for 18 years and a native of Eureka, California. He indicated that he served in the U.S. Marine Corps and that he is now in the television/media production business and has been in his own boutique studio for 27 years. He noted that he has performed a variety of community service over the last 18 years, having just recently served 6 years on the Parks and Recreation Commission.

2. APPROVAL OF MINUTES

There were no Minutes for consideration.

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 public comments.

4. **REVISIONS AND OMISSIONS TO THE AGENDA**

There were no revisions or omissions to the Agenda.

5. **CONSENT CALENDAR**

6. **PUBLIC HEARINGS AND OTHER MATTERS**

a. **PCUP-239, Valley Community Church**

Application for a Conditional Use Permit to increase the number of students at an existing pre-school and to add a summer pre-school program at Valley Community Church located at 4455 Del Valle Parkway. Zoning for the property is P (Public and Institutional) District.

Shweta Bonn presented the staff report and gave a brief description of the background, scope, and key elements of the project.

Commissioner Narum referred to Condition No. 8 allowing a maximum number of 30 children in the outdoor play sessions, noting that in its narrative, the applicant actually requested fewer children.

Ms. Bonn replied that the maximum of 30 children was carried over from the applicant's previously approved use permit, where the same condition was imposed. She noted the number of children for summer was well under 30, but because of the increase in number during the school year, one of the three morning outdoor sessions will have more than the standard 24 children.

Commissioner Narum noted that the applicant is proposing 28 and 24 the other two times in the morning, and agrees to 18, and 24 in the other two afternoon sessions, which is much lower than 30.

Commissioner Narum then referred to traffic at the corner of Del Valle Parkway and Santa Rita Road and inquired what the Level of Service (LOS) for that intersection was and inquired if that intersection was included in the Downtown area, thereby exempting it from meeting the required LOS per the General Plan.

Ms. Decker replied that the intersection was included in the Downtown exempted areas.

Commissioner Narum inquired if the City Traffic Engineer had considered having a traffic study done for the intersection, and if not, what his decision was based on.

Ms. Decker replied that the City Traffic Engineer evaluated the intersection and determined that the increase in the number of children from 68 to 76 did not significantly impact traffic by a substantial number of trips; therefore, no study was required.

Commissioner Olson referred to the maximum capacity of the pre-school, noting that on page 6 of the staff report, it states that the facility is licensed for a maximum of 68 children, and the State Licensing child care permit also shows a total capacity of 68 children. He pointed out that if the Commission approves the proposed expansion, the pre-school's capacity would increase to 76 children during the school year. He requested staff clarification regarding the discrepancy.

Ms. Bonn replied that the pre-school's current capacity is 68 children, per State Licensing. She added that staff has added a condition that should the Commission approve the expansion to 76 children, the applicant would have to provide an amended State license, prior to enrollment for this upcoming school year, allowing the pre-school to have a maximum of 76 children.

Commissioner Narum inquired if, in the event State Licensing does not grant the increase, the pre-school's use permit would revert to its existing 68 children.

Ms. Bonn confirmed that is correct.

Commissioner Pentin referred to the traffic study involving both the Church and the high school and inquired whether the new garage was impacted or if improved the traffic flow and parking in the neighborhood.

Ms. Bonn replied that the parking situation has definitely been improved with the use of the parking garage. She noted that the surface parking on the Church property, in addition to the Church's access to the 39 parking spaces and the new parking garage, provides a total of 500 parking spaces to patrons of the Church for Sunday services.

Commissioner Pentin clarified that his question was whether the traffic on Del Valle Parkway at the Church and the high school has increased as a result of available additional parking in the new garage.

Ms. Decker replied that an increase in traffic is unrelated to the number of parking spaces added to alleviate previously identified site constraints.

Chair Pearce stated that in 2002, the Church applied for a permit for expansion, and predicated upon this expansion was the need for a larger playground in the back. She noted that the Church decided not to proceed with the expansion but still installed the larger playground.

Ms. Bonn stated that was correct and that the Church moved the playground from its former location to where it is now.

Chair Pearce inquired if the condition related to the moving of the playground and was reliant on the construction of the addition, or if there were separate conditions in the approval.

Ms. Bonn explained that the reason the playground was proposed to be moved was because of the construction.

Commissioner Olson inquired if moving of the playground was approved without engaging the construction.

Ms. Decker said yes.

Chair Pearce inquired if there had been any noise complaints since the playground was moved and expanded.

Ms. Bonn replied that there have been no formal complaints filed. She noted, however, that in response to the public hearing notification of the current application, staff received a telephone call concerning noise from a resident at Gatetree Circle, which is located two streets north of the Church.

Chair Pearce inquired if there were any other classes occurring at the Church during pre-school class hours.

Ms. Bonn replied that there are none during the summer; however, during the school year, there are other Church activities that take place at the same time, including a group that meets on Tuesdays.

Chair Pearce inquired how large the group was and how often they meet.

Ms. Bonn replied that she did not have that information but that the applicant can provide the answer.

THE PUBLIC HEARING WAS OPENED.

Kelly McIntosh, Director of the Shining Light Pre-school, stated that they started the school 10 years ago. She indicated that the Pre-school sends out a parent feedback form every February, and the two top responses from parents are to add more classes and a summer program.

Ms. McIntosh stated that they continue to work on noise and traffic flows and that they stagger their start times as indicated in the narrative so the 76 children will not come at one time which was contained in the narrative. She added that they continually educate parents on appropriate ways to enter and exit the pre-school so that traffic flows would move in a clockwise direction. She noted that their admissions agreement that parents

are required to sign includes adherence to regulations regarding traffic and noise impacts.

Commissioner Narum asked Ms. McIntosh how they arrived at the number of up to 76 children in the morning when the capacity on the day care license is 68.

Ms. McIntosh replied that this is based upon how many children they can have in the room versus how many children they can have per teacher. She indicated that she knows what State Licensing will allow, based upon square footage in use.

Commissioner Narum asked Ms. McIntosh if she was confident she had the facility to accommodate 76 children per State Licensing regulations.

Ms. McIntosh said yes.

Commissioner Narum noted that the narrative outlines the number of children per play session, whereas the existing Conditions of Approval has left the number at 30. She asked Ms. McIntosh if she was amenable to incorporating the numbers in the narrative as part of the proposed use permit.

Ms. McIntosh replied that she is happy with the number of 30 but would be willing to discuss this issue further. She noted that she is licensed by the State for 48 children on the playground and that they had agreed to a compromise with the City for 30 children. She added that she has gone even further by having only 24 children on the playground. She indicated that for the purpose of flexibility, 30 was a good number to work with.

Commissioner Pentin noted that the pre-school has grown over time and inquired what their projection might be for five to ten years from now in terms of capacity and the possibility for changing the license.

Ms. McIntosh replied that it took many years to get to where they are at and indicated that she believes they have reached their full capacity at 76 children. She added that the facility is suitable for this capacity in terms of both classrooms and Church work, which must blend on weeknights and through scheduling.

Chair Pearce inquired about the adult program on Tuesdays.

Ms. McIntosh replied that a Women's Bible Study class consisting of about 30-50 women meets on Tuesdays. She added that on Tuesdays, Shining Light Pre-school only has 18 children, and they anticipate keeping this number because she cannot use any other rooms due to a shared use. She noted that this is currently the only adult class that conflicts with the pre-school and that an English as a Second Language (ESL) class is held in the front portion of the building.

Chair Pearce inquired if the ESL students are given directions and instructions regarding the flow of parking and pre-school instruction.

Ms. McIntosh replied that they coordinate with the ESL, who adjusted their class schedules to accommodate the pre-school schedule. She noted that the ESL students park a little farther up the front, and the pre-school is in the back.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Olson noted a couple of typographical errors in Exhibit A and requested the following changes:

- Condition No. 6 : “Pre-school children shall be escorted into ~~the~~ and out of....”
- Condition No. 7: “UP-98-20” to “UP-97-20.”

Ms. Decker indicated that “UP-98-20” in Condition No. 7 is accurate.

Commissioner Olson withdrew his request to amend that condition.

Commissioners Narum moved to make the required conditional use findings as listed in the staff report and to approve Case PCUP-239, subject to the conditions listed in Exhibit A of the staff report, with the typographical correction in Condition No. 6 as noted by Commissioner Olson, and a modification to Condition No. 8 to change the number of outdoor play sessions from 30 to 28 for the morning/afternoon and summer session. Commissioner Olson seconded the motion.

Commissioner O'Connor inquired why the number of outdoor sessions was being reduced from 30 to 28 children.

Commissioner Narum replied that she has concerns regarding noise and that fewer children will cause less noise. She added that she believed the applicant properly explained the number in their narrative. She stated that she felt it was reasonable that the applicant is asking for some flexibility and this is why she did not call it out for all three sessions. She noted that neighbors have voiced concerns with noise and that the request is an increase in the number of children. She stated that she felt it was a fair compromise to help the neighborhood situation.

Commissioner Pentin stated that he disagreed with the amendment from 30 to 28 children as Shining Light is licensed for 48 outside on the playground. He noted that In Ms. McIntosh's negotiation of the previous conditions for 30, she kept the number under 30, and he believed this was reasonable. He added that even with the increase in the number of students, they will still not exceed 30 children, and he supported 30 children.

Chair Pearce agreed with Commissioner Pentin and supported flexibility with 30 children. She noted that there had been no significant noise complaints from the neighbors.

Commissioner Narum questioned whether they could meet the decibel noise ordinance.

Commissioner Pentin stated that he believed they had established this with 30 children in the past, as licensed.

Chair Pearce believed that if there had been problems with noise in the past, the matter would have come back to the Director of Community Development.

Commissioner O'Connor stated that he believed that if there were to be any Code violation for noise, the City would inspect the situation and the applicant would most likely volunteer to address and reduce the noise level.

Commissioner Narum stated that this is an increase in usage, and in fairness to neighbors, the Commission should be sensitive to it.

Commissioner Olson withdrew his second to the motion.

The motion died for lack of a second.

**Commissioners Pentin moved to make the required conditional use findings as listed in the staff report and to approve Case PCUP-239, subject to the conditions listed in Exhibit A of the staff report, with the typographical correction in Condition No. 6 as noted by Commissioner Olson
Commissioner O'Connor seconded the motion.**

ROLL CALL VOTE:

**AYES: Commissioners O'Connor, Olson, Pearce, and Pentin.
NOES: Commissioner Narum.
ABSTAIN: None.
RECUSED: None.
ABSENT: Commissioner Blank.**

Resolution No. PC-2009-13 approving Case PCUP-239 was entered and approved as motioned.

7. MATTERS INITIATED BY COMMISSION MEMBERS

No discussion was held or action taken.

8. MATTERS FOR COMMISSION'S REVIEW/ACTION

a. Future Planning Calendar

No discussion was held or action taken.

b. Actions of the City Council

Mr. Dolan reported that at its study session on Council Priorities on Tuesday, April 28, 2009, the City Council accepted the two recommendations made by the Planning Commission, Parking Restrictions for Recreational Vehicles and Development Standards for Sports Courts, for inclusion in its official list of Council Priorities. He added that the City Manager has been authorized to assign and pursue those tasks.

c. Actions of the Zoning Administrator

No discussion was held or action taken.

9. COMMUNICATIONS

No discussion was held or action taken.

10. REFERRALS

No discussion was held or action taken.

11. MATTERS FOR COMMISSION'S INFORMATION

- a. Brief report on conferences, seminars, and meetings attended by Commission Members

12. ADJOURNMENT

Chair Pearce adjourned the Planning Commission meeting at 7:32 p.m.

Respectfully,

DONNA DECKER
Secretary