

Planning Commission Staff Report

April 29, 2009
Item 6.a.

SUBJECT: PCUP-239

APPLICANT: Valley Community Church/Shining Light Preschool

PROPERTY OWNER: Valley Community Church

PURPOSE: Application to amend an existing Conditional Use Permit to: (1) allow the operation of Shining Light Preschool during summer months; and (2) increase the number of children during the school year. The preschool is currently operated during the school year from Valley Community Church.

GENERAL PLAN: P (Public and Institutional)

ZONING: P (Public and Institutional) District

LOCATION: 4455 Del Valle Parkway

ATTACHMENTS: Exhibit A, Draft Conditions of Approval
Exhibit B, Applicant Narrative
Exhibit C, Conditions of Approval for Case UP-98-20 and PCUP-25
Exhibit D, Letters of support
Exhibit E, Excerpts from the Minutes of the January 23, 2002 Planning Commission Meeting
Exhibit F, Excerpts from the Minutes of the August 18, 1998 City Council Meeting
Exhibit G, Excerpts from the Minutes of the July 29, 1998 Planning Commission Meeting
Exhibit H, Location Map
Exhibit I, Noticing Map

BACKGROUND

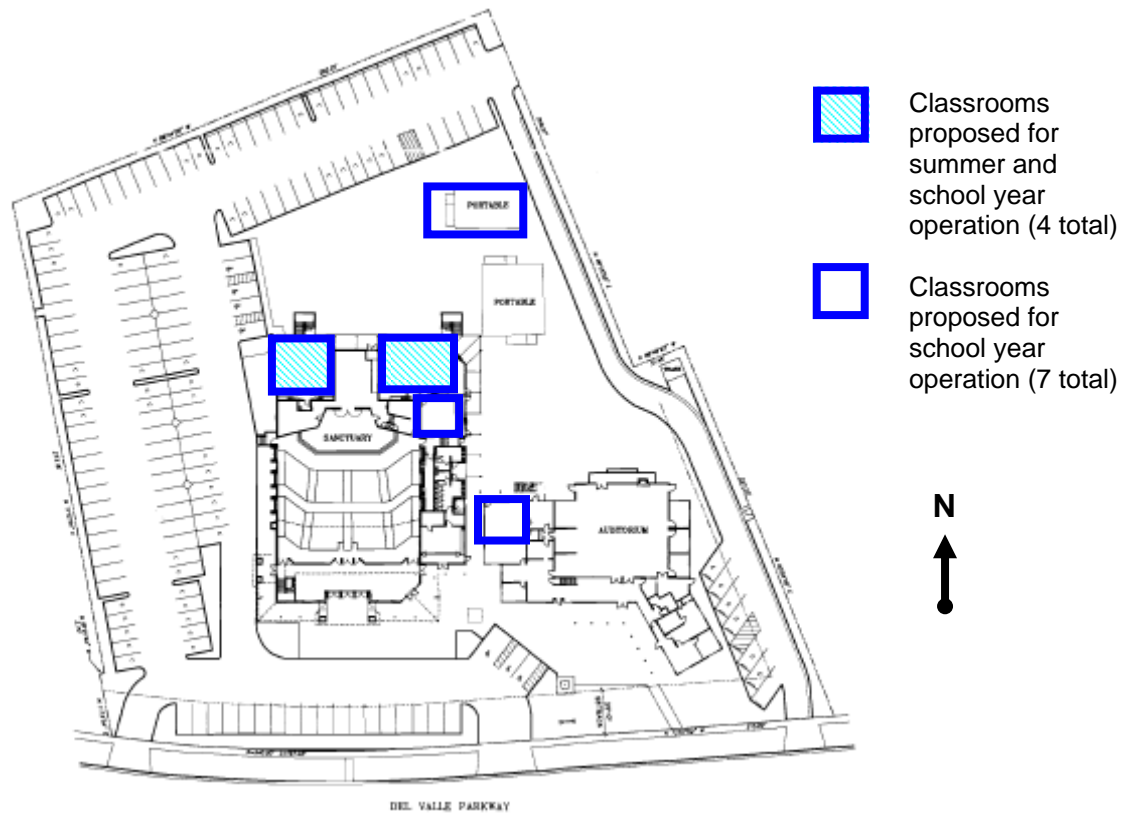
Valley Community Church, on behalf of Shining Light Preschool, applied for and received a Conditional Use Permit for Case UP-98-20 to operate Shining Light Preschool at 4455 Del Valle Parkway on July 29, 1998. The approval was subsequently appealed to the City Council by adjacent neighbors due to traffic concerns. At its August 18, 1998 meeting, the City Council determined that the neighbors' traffic concerns could be addressed by the City's Neighborhood Traffic-Calming Program and upheld the Planning Commission's approval of the Conditional Use Permit.

In 2002, Valley Community Church obtained approval to expand the Church facility by constructing a first- and second-story addition (totaling approximately 13,186 square feet) and to modify Church operations. Due to the proposed construction, the play area for the children was proposed to be replaced by a larger area behind the sanctuary/education building. While the Church was granted this approval, the Church did not pursue permits to commence the construction. However, a play area for children has been located to the space behind the sanctuary/education building. A play area for younger children (up to two years of age) is located east of the sanctuary building, between the southernmost modular building and the administration building/auditorium, and is most often used by the Church during Sunday school and related activities.

A condition of approval of the preschool's use permit requires the applicant to submit a request for any modification to the use permit to the Director of Community Development for review. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial. On April 10, 2009, the applicant submitted an application requesting to operate Shining Light Preschool during summer months (June, July, and August) and to increase the number of children at the preschool during the school year. The Director of Community Development determined that the proposed modifications were a substantial change and has referred this matter to the Planning Commission for review at a public hearing.

SITE DESCRIPTION

The subject property is located on the north side of Del Valle Parkway and immediately west of Amador Valley High School. Detached single-family residences and the Plaza Del Valle Townhomes are located across Del Valle Parkway to the south, and the Tiffany Lane Townhomes are located to the north and west. The site is currently improved with an approximately 11,200-square-foot administration building/auditorium next to an approximately 22,500-square-foot sanctuary and educational building. The site also features two portable buildings totaling 2,400 square feet, play areas, landscaped areas, and a 155-space parking lot. A 39-space parking lot is located behind the Amador Valley High School Parking Garage, and an agreement with the School District allows parents of the preschool to use this lot.



PROJECT DESCRIPTION

With this application, the applicant requests a modification to the Conditional Use Permit to:

- (1) operate the preschool during summer months (June, July, and August) with a maximum of 44 children present at one time, between 9:00 a.m. and 12:30 p.m.; and
- (2) increase the number of children attending the preschool during the school year to a maximum of 76 during the morning session and 66 during the afternoon session.

The preschool currently operates during the school year, Monday – Friday with morning and afternoon sessions. The below chart summarizes the current and proposed preschool operation.

	Approved School-Year Operation	Proposed School-Year Operation	Proposed Summer Operation
Days of the Week	Monday – Friday	Monday – Friday	Monday – Thursday
Ages of Children	2 – 5 years	2 – 5 years	2 – 5 years
Morning Session			
Number of Children	Maximum total of 55 children, with a maximum of 30 children arriving at one time	Maximum of 76 children present at one time	Maximum of 44 children present at one time
Arrival and Pick-up Times / Preschool Class Hours	9:15 am to 11:45 am (maximum 30 children) 9:30 am to 12 noon (maximum 30 children)	9:00 am to 12:00 pm (12 children) 9:15 am to 12:15 pm (40 children) 9:30 am to 12:00 pm (24 children)	9:00 am to 12:30 pm
Number of Outdoor Play Sessions	Maximum of 30 children outside at one time, resulting in 3 sessions for half hour each	3 sessions for half hour each, maximum of 30 children outside at one time	2 sessions for half hour each, maximum of 30 children outside at one time
Afternoon Session			
Number of Children	Maximum total of 55 children, with a maximum of 30 children in any of the two time slots	Maximum of 66 children present at one time	None.
Arrival and Pick-up Times / Preschool Class Hours	1:15 pm to 3:45 pm (maximum 30 children) 1:30 pm to 4:00 pm (maximum 30 children)	1:00 pm to 4:00 pm (12 children) 1:15 pm to 3:45 pm (30 children) 1:30 pm to 4:00 pm (24 children)	None.
Number of Outdoor Play Sessions	Maximum of 30 children outside at one time, resulting in 3 sessions for half hour each	3 sessions for half hour each, maximum of 30 children outside at one time	None.

ANALYSIS

Land Use

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.

The subject site has a General Plan designation of Public and Institutional and is zoned "P" (Public and Institutional) District. The General Plan states that if requirements for Public and Institutional uses in the zoning ordinance are met, then a public or private educational facility may be located on the property. Since schools are conditionally permitted in a "P" zoning district, approval of the subject request would mean the proposal is also consistent with the General Plan.

Traffic

The preschool was established at Valley Community Church with Conditional Use Permit UP-98-20. Neighbors appealed Planning Commission's approval of the use permit due to concerns regarding traffic. The appellants had requested closing Harvest Road at Del Valle Parkway, citing concerns of "cut-through" traffic, excessive speeds, and safety of children on Harvest Road. The City Council, however, upheld the Conditional Use Permit by finding the closure of Harvest Road to be a separate issue. To address the concern regarding traffic, the residents were referred to the City's Neighborhood Traffic Calming Program.

As part of the review for the City's Neighborhood Traffic-Calming Program, the Traffic Division prepared a petition form and designated a petition area to initiate the process for a Neighborhood Traffic-Calming Program. Staff mailed out the petition forms due to the large size of the petition area (315 homes) in November 1998. Approximately 49 residents or 15 percent of the petition area returned the petition form in favor of additional traffic calming measures (i.e., street closures, traffic circles), where at least a 50-percent response is required to consider implementation of such measures. In fact, some residents contacted the Traffic Division opposing a possible closure of Harvest Road at Del Valle Parkway. Given the lack of support for the Neighborhood Traffic-Calming Program, the lack of an identifiable or measureable safety problem, and based on the effectiveness of safety improvements installed in the neighborhood (such as the all-way stop installed at Harvest Road and Ridgewood Road installed in March 1994, a raised centerline on Harvest Road installed at the same time as the stop sign, and curve warning signs installed in May 1989), the Traffic Division found that no additional improvements were necessary.

Neighbors also cited concern regarding conflict with high school traffic as part of the review for Conditional Use Permit UP-98-20. In response to these concerns, starting times for the preschool were staggered so that the children would be dropped off and picked up at times that would not conflict with the high school start and end times. The subject Conditional Use Permit request is to operate during the summer months and,

since the majority of the high school is closed during this time, traffic impacts will be minimal. Additionally, arrival and pick-up of children during the school year will still occur at staggered times, and thus the traffic impact due to the increased number of children will be modest. The applicant includes language in the preschool Admissions Agreement to inform parents about the Conditional Use Permit conditions that encourage carpooling and discourage using Harvest Avenue or Pleasanton Valley streets as a cut-through.

State Licensing

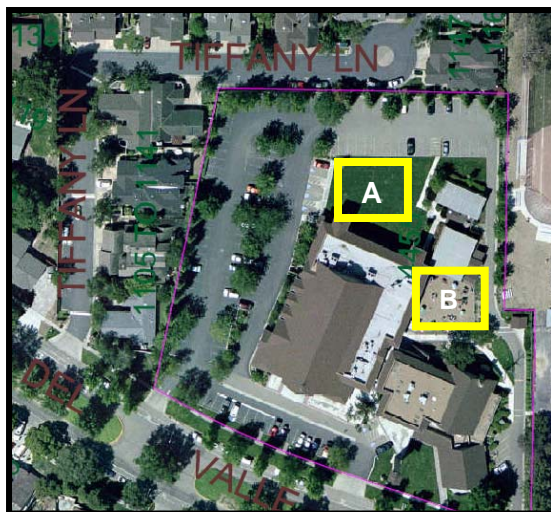
Shining Light Preschool currently operates with a State license for a day care center and has done so since the inception of the preschool in 1998. The facility is licensed for a maximum of 68 children.

The existing State license is valid for year-round operation and since the number of children will not exceed the licensed capacity, the proposed summer operation is included in the current license. The center will be required to comply with licensing requirements as prescribed in Title 22 of the California Code of Regulations.

The existing State license allows for a maximum of 68 children. The subject Conditional Use Permit request would allow for an additional 8 children beginning September 2009 if approved, for a maximum total of 76. According to the State Community Care Licensing Division, the current classrooms, restrooms, and outdoor play area are adequate to serve the additional capacity. To amend the State childcare license, the applicant is required to submit an application to the licensing division requesting the additional capacity and providing the necessary documentation. A condition of approval for the subject conditional use permit requires that the applicant provide verification of the approval for the increased capacity to the City prior to enrollment for Fall 2009.

Noise

Most of the noise generated by the preschool will be from outdoor recreational time the children spend in the tot area, which is located between the sanctuary building and the parking lot on the northern side of the property. A smaller play area exists between the southernmost portable building and the administration building/auditorium.



A
Play area between sanctuary building and parking lot



B
Play area between southernmost portable building and administration building/auditorium

The applicant's narrative indicates that the children will spend time outside for one hour total during the summer session. To minimize noise impacts to surrounding neighbors, staff has asked the applicant to make operation of the summer program consistent with that of the school year and limit the outside play groups to not exceed 30 children. In response, the applicant has clarified the written statement and indicates the children will play outside in two groups, from 10:15 a.m. – 10:45 a.m. and another group from 10:45 a.m. – 11:15 a.m., in groups not to exceed 24. During the school year, one of the outside play sessions will have 28 children. The applicant narrative indicates the current playground is approved by the State for up to 48 children.

Additionally, the preschool Admissions Agreement provides reference to the Conditional Use Permit conditions that request parents and children to be aware of surrounding neighbors and keep a respectful noise level in the parking lot.

Parking

The applicant's written narrative states that parents will utilize the existing Church parking lot for drop-off and pick-up. The 155 spaces on the Church site and the additional 39 spaces behind the Amador Valley High School parking garage provide ample parking for parents and preschool staff. Additionally, the Church and Amador Valley High School have entered into an agreement to allow the Church to use parking spaces on the school campus during the Church's peak hours of use. The Church's peak hours of use, however, do not coincide with the hours of operation for the preschool, which allows the onsite parking to be available for preschool staff and parents.

Five teachers will be employed by the summertime operation of the preschool. The applicant indicates that no other activity takes place at the Church during the proposed summer hours for the preschool. Thus, the on-site lot provides greater than adequate parking opportunities for preschool staff and parents. Additionally, Amador Valley High School's summer school schedule (Period 1 from 7:50 a.m. – 10:20 a.m. and Period 2 from 10:35 a.m. – 1:05 p.m.) does not conflict with the proposed start and end times for Shining Light Preschool.

The proposed increase in the number of children during the school year operation will result in a modest additional parking demand. An additional 21 children during the morning session may result in an additional 46 trips and an additional 11 children in the afternoon may result in an additional 24 trips. However, the staggered start and end times for the school year operation will reduce the parking demand at any given time. The greatest number of children that will arrive at one time is for the 9:15 a.m. to 12:15 p.m. morning session. This session will accommodate 40 children and thus it may be assumed that a maximum of 40 parents will drop off and pick up their children for this session. However, since the church site has approximately 155 parking spaces and since the church has permission from Amador Valley High school to utilize the 39 spaces behind the parking garage, more than adequate parking is available to accommodate this parking demand. The proposed start and end times for both the

morning and afternoon sessions do not conflict with Amador Valley High School's schedule during the school year.

Overall, staff finds the parking on the church site adequate to accommodate the additional children during the school year and for the proposed summer session. The proposed start and end times do not conflict with that of Amador Valley High School, and the staggered times for the preschool allow for the opportunity of onsite parking spaces to remain available for parents dropping off and picking up their children. Furthermore, the applicant has been active in informing parents of preschool children about neighbor's traffic and parking concerns to prevent future parking issues from arising. There have been no formal complaints about parking or traffic associated with the preschool since its opening and staff does not feel the proposed increases in its operation will change that result.

PUBLIC NOTICE

Notices regarding the proposed Conditional Use Permit application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*.

Staff received a phone call from Mr. Robert Retsch, who lives west of where Del Valle Parkway intersects with Tiffany Lane. He communicated concerns about patrons of the Church parking in front of his home and blocking his driveway and stated that the Church no longer appears to utilize a parking ministry to guide drivers to the on-site parking lot during Sunday services. Mr. Retsch also had a concern regarding the additional amount of traffic that may be generated from the additional children during the school year. In response, the applicant indicates that parents dropping off or picking up their children from the preschool oftentimes use the parking spaces located east of the subject property and behind the Amador Valley High School parking garage. This allows parents to enter and exit the driveway furthest away from the residences located west of the Church property.

Ms. Sandy Tyler commented that she is not in support of either the summer session or the increase in the number of children during the school year. Her main concern is regarding noise, particularly the noise that is generated when children play outside. A condition of approval for the use permit granted in 2002 requires children to play outside in groups no greater than 30 to mitigate for noise concerns. In practice, the applicant has been limiting the number of children that play outside to 24 at any given time, resulting in three separate outdoor playtimes for a half hour each. With the proposed increase in children during the school year, the number of outdoor playtimes will not increase, but the applicant proposes to have 28 children outside during one of the three playtimes.

The pastor of Valley Community Church has spoken to the Tiffany Lane Townhomes homeowners association. The president of the HOA has not voiced any concerns

related to the proposed modifications with this Conditional Use Permit request. Additionally, two parents have provided letters of support for the project, which are attached to this report.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is located.

The objectives of the Public and Institutional District zoning of the property include the orderly establishment of public or quasi-public facilities and expansion of their operations. The zoning ordinance endeavors to foster a harmonious, convenient, workable relationship among land uses, protect land uses from inharmonious influences and harmful intrusions, promote a safe, effective traffic circulation system, and to ensure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole.

Staff finds that the operation of the preschool is consistent with these objectives in that the existing school has been in operation for over 10 years and there have been no formal complaints reported to the City. The proposed operation through the summer months and the additional children during the school year will not generate a substantial amount of traffic or noise. Only a morning session is proposed during the summer, and the number of children is limited. Additionally, since the high school is not in full session, there is less traffic in the neighborhood overall. Furthermore, the applicant may be required to mitigate future nuisances created by the proposed use. Therefore, staff feels this finding can be made.

B. That 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.

For the past 10 years, the preschool has been a “good neighbor” to the surrounding neighbors since no formal complaints have been reported to the City. The applicant now requests to expand this use to the summer months by establishing a morning session. The proposed hours of operation are shorter and the school will serve fewer children than during the school year. The operation of the preschool during the school year will be consistent with the current operation in that the number of children playing outside at any one time will be limited to reduce noise and impact on neighbors. Additionally, staggered

start and end times during the school year will allow for sufficient parking and circulation on the property. The drive aisles on the property also provide safe ingress and egress out of the facility. The proposed conditions of approval will ensure that the school will not be operated in a manner that is detrimental to the public health, safety, or welfare or be materially injurious to the properties or improvements in the vicinity. Staff feels that this finding may be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

The Municipal Code states that, because of their unusual circumstances, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. The preschool has been in operation for over 10 years and the current proposal is to allow for summertime operation and to increase the number of children during the school year. The proposal to operate the school during the summer months is less intense in the hours and the number of children that are present at the preschool during the school year. The proposed conditions of approval will ensure that the applicable provisions of the Municipal Code are met for the increase in the number of children during the school year. Therefore, staff feels that this finding may be made.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, and Class 1. Therefore, no environmental document accompanies this report.

CONCLUSION

Based on the analysis of this staff report, staff believes that the required findings for the proposal can be met. Additionally, staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. PCUP-239 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve Case No. PCUP-239 subject to the conditions listed in Exhibit A.

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