

PLANNING COMMISSION CITY OF PLEASANTON

ALAMEDA COUNTY, CALIFORNIA

RESOLUTION NO. PC-2016-12

RESOLUTION APPROVING A CONDITIONAL USE PERMIT AND DESIGN REVIEW
FOR GLOBAL VILLAGE SCHOOLS INC., AS FILED UNDER
CASES P16-0356 AND P16-0357

WHEREAS, Hem Korubilli on behalf of Global Village Schools Inc. has applied for a Conditional Use Permit and Design Review to establish a preschool facility with an outdoor play area located at 4807 Hopyard Road, in the Gateway Square Shopping Center; and

WHEREAS, zoning for the property is PUD-I/C-O (Planned Unit Development – Industrial/Commerical-Office) District; and

WHEREAS, at its duly noticed public hearing of April 27, 2016, the Planning Commission considered all public testimony, relevant exhibits, and recommendations of the City staff concerning this application; and

WHEREAS, projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities, Class 1; and

WHEREAS, the Planning Commission made the following findings:

1. 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.

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 ensuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, staff finds that the proposed preschool would be consistent with these objectives. There other schools (Little Ivy League and Safari Kids) in Hacienda that have been found to be compatible with the surrounding businesses. The proposed facility would also be compatible.

The subject site is zoned Planned Unit Development – Industrial/Commercial - Office (PUD-I/C-O) District, and it is located in the Retail/Commercial and Financial Planning District (CPD) of Hacienda Business Park, which permits land uses such as restaurants, financial institutions, and retail stores and requires CUP approval for preschools. The proposed use, as conditioned, will be compatible with the adjacent shopping center

uses. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use. Therefore, 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.

The preschool will be the only tenant in the freestanding building and staff believes that parking would be adequate for the proposed use and existing businesses. The staggered morning and afternoon program schedules would off-set parking congestion during drop-off and pick-up times which will help alleviate parking and traffic problems. Furthermore, the proposed conditions of approval will ensure that the facility will not operate 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. Therefore, this finding may be made.

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

As conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the approved PUD development. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. This finding can be made with the proposed conditions of approval.

WHEREAS, the Planning Commission determined that the preschool facility would not be detrimental to the existing uses in the area.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF PLEASANTON RESOLVES THE FOLLOWING:

Section 1. Approves Cases P16-0356 and P16-0357, Hem Korubilli on behalf of Global Village Schools Inc. for a Conditional Use Permit and Design Review to establish a preschool facility with an outdoor play area located at 4807 Hopyard Road, in the Gateway Square Shopping Center, subject to the Conditions of Approval shown in Exhibit A, attached hereto and made part of this case by reference.

Section 2. This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time.

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THIS RESOLUTION ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PLEASANTON ON THE 27th DAY OF APRIL 2016 BY THE FOLLOWING VOTE:

AYES: Commissioners Allen, Balch, Nagler, O'Connor and Ritter
NOES: None
ABSTAIN: None
RECUSED: None
ABSENT: None

ATTEST:



Adam Weinstein
Secretary, Planning Commission



Herb Ritter
Chair

APPROVED AS TO FORM:



Larissa Seto
Assistant City Attorney

**EXHIBIT A
CONDITIONS OF APPROVAL**

**P16-0356 and P16-0357
4807 Hopyard Road, Global Village Schools Inc.
April 27, 2016**

PROJECT SPECIFIC CONDITIONS OF APPROVAL

Planning Division

1. The preschool facility activities and operations and the construction of an outdoor play area approved by this Conditional Use Permit and Design Review shall conform substantially to the narrative and project plans, Exhibit B, marked "Received March 29, 2016," on file with the Planning Division, except as modified by the following conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance to the approved exhibits.
2. The applicant shall not operate the business until construction of the playground is complete.
3. The emergency vehicle access (EVA) road and gate are not approved and shall be removed from the project plans. The plans submitted to the Building and Safety Division for plan check and permit issuance shall reflect that the area where the EVA was proposed will not be altered and the proposed EVA gate will match the approved fencing. Said plans shall be subject to the review and approval of the Planning Division prior to issuance of building permits.
4. Prior to final inspection, the preschool facility shall obtain the appropriate license from the State Department of Social Services-Community Care Licensing Division. The preschool facility shall maintain the appropriate license at all times during its operation. Failure to maintain the appropriate license from the State Department of Social Services-Community Care Licensing Division may result in this application being reviewed by the Director of Community Development for possible future action by the Planning Commission.
5. If additional hours of operation, number of students or staff, or activities beyond that proposed in the applicant's narrative, Exhibit B, dated "Received March 29, 2016," on file with the Planning Division, are desired, prior City review and approval is required. The Community Development Director may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
6. The preschool and daycare capacity shall be limited to a maximum of 120 students and 10 staff present on-site at any one time.
7. If operation of this use results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion on the Community Development

Director, this conditional use permit may be submitted to the Planning Commission for its subsequent review at a public hearing. If necessary, the Commission may modify or add conditions of approval to mitigate such impacts or may revoke said conditional use permit. Possible mitigation measures can include, but are not limited to: modifying the hours of operation, reducing the number of persons inside the subject building, or other measures deemed necessary by the Planning Commission.

8. The applicant shall place dirty diapers in airtight bags before depositing the diapers in the on-site common trash bin.
9. Children shall be escorted into and out of the facility and signed in and out by a parent or supervising adult.
10. The exterior doors of the building shall remain closed when not being used for ingress/egress purposes.
11. The applicant shall inform all students/parents/staff not to loiter or make loud noises outside the building during drop-off/pick-up times.
12. Prior to an individual working and/or providing services at the facility, said person shall complete and pass a criminal background check. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition.
13. Prior to an individual working and/or providing services at the facility, said person shall undergo first-aid and CPR training. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition. The applicant shall ensure that these certifications are current at all times.
14. Prior to issuance of a business license, the applicant shall prepare and submit a disaster plan to the Planning Division and shall ensure it is in place for the facility/patrons.
15. Parents and employees shall park in the parking stalls when dropping off or picking up students. No double parking or parking in non-designated stalls shall be permitted.
16. Prior to issuance of a building permit, the applicant shall submit a final landscape and irrigation plan. Said landscape plan shall be detailed in terms of species, location, size, quantities, and spacing and shall be subject to the review and approval of the Planning Division prior to issuance of building permits for the outdoor play areas.
17. The project shall comply with the State of California Model Water Efficient Landscape Ordinance and Bay Friendly Basics Landscape Checklist. Prior to issuance of a Building Permit, the applicant shall submit the following documentation to the Planning Division:
 - a. Landscape Documentation Package, which includes date; project applicant/contact information; project address; total landscape area; project type (new, rehabilitated, public, private, cemetery, homeowner-installed); water supply type (potable, recycled, well, greywater, combination of potable/greywater); and applicant

signature/date with the statement that “I agree to comply with the requirements of the prescriptive compliance option of the Water Efficient Landscape Ordinance.”

- b. Landscape Plan documenting: incorporation of compost at a rate of at least 4 cubic yards/1,000 square feet; compliance with the plant material criteria; compliance with the turf criteria; compliance with the irrigation system criteria; and installation of private sub-meters if the project is non-residential with a landscape area of 1,000 square feet or greater.
18. A final inspection by the Planning Division is required prior to the final inspection by the Building and Safety Division.
 19. This approval does not include approval of altering existing and/or installing new exterior lighting. If alterations to existing and/or if new exterior lighting is proposed, the applicant shall submit a lighting plan proposal to the City for review and approval prior to altering and/or installing exterior lighting. All new exterior lighting shall be directed downward or designed or shielded so as to not shine onto neighboring properties or streets. The applicant and/or responsible party shall submit a lighting plan including photometrics and manufacturer’s specification sheets for the light fixtures and light poles/standards. The lighting plan shall be subject to the review and approval by the Director of Community Development prior to issuance of building permits for the project.

Engineering Department

20. The applicant shall relocate the storm drain pipe prior to installing the play equipment and fencing. The relocated storm drain pipe shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Engineering Division prior to issuance of permits.
21. The applicant and/or responsible party shall install Class 2 permeable material instead of Class 2 aggregate base. This shall be noted on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Engineering Department prior to issuance of permits.

Livermore-Pleasanton Fire Department

22. The applicant and/or responsible party shall install automatic fire sprinklers within the tenant space. The fire sprinkler system shall be shown on the tenant improvement plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Chief Building Official and Fire Marshal prior to building permit issuance.
23. The applicant and/or responsible party shall install a fire alarm system. Said system shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Fire Marshal and Chief Building Official prior to issuance of a building permit.

Traffic Division

24. A parking analysis/study, conducted by the City and funded by the applicant, shall be required if parking problems arise once the facility is operational as determined by the City's Traffic Engineer.

Operation Services Center – Environmental Services, Utilities Division

25. A grease trap shall be installed in the kitchen. Details of the grease trap shall be shown on the plans submitted to the Building and Safety Division for plan check and permit issuance and shall be subject to the review and approval of the Utilities Division and the Building and Safety Division prior to issuance of a building permit.

STANDARD CONDITIONS

Community Development Department

26. The applicant shall pay all fees to which the use may be subject prior to operation. The type and amount of the fees shall be those in effect at the time the permit is issued.

Planning Division

27. To the extent permitted by law, the project applicant shall defend (with counsel reasonably acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys' fees), action, or proceeding brought by a third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys' fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.
28. If the applicant wishes to relocate the use to a new address and/or suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant suite.
29. The applicant and/or employees shall maintain the area surrounding the subject building in a clean and orderly manner at all times.
30. Except as approved under Case P16-0357, changes to the exterior of the building and/or the site shall not be made without prior approval from the Planning Division.
31. This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation.
32. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.

33. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the 15-day time-period.
34. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.

CODE REQUIREMENTS

Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

Planning Division

35. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings.
36. This Conditional Use Permit and Design Review approval will lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year, the applicant initiates the use, or the applicant or his or her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code Section 18.12.030.

Building and Safety Division

37. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
38. Tenant and site improvement plans shall be submitted to the Building and Safety Division for review and approval prior to commencement of work.
39. Prior to occupancy, the applicant shall contact the Building and Safety Division and Fire Marshal to ensure that the proposed use of the subject building/structures meet Building and Safety and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

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