

RESOLUTION NO. PC-2018-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING CONDITIONAL USE PERMIT AND DESIGN REVIEW APPLICATIONS AT 4464 WILLOW ROAD FOR SAFARI KID [P18-0240 AND P18-0241]

WHEREAS, on August 15, 2018, Nachi Periakaruppan, Chida and Company, LLC, applied for Conditional Use Permit and Design Review approvals to establish a new heritage school and preschool with an outdoor playground for Safari Kid located at 4464 Willow Road; and

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

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities), since the project would not result in the expansion of the exterior of the building and/or would be limited to interior alternations of the existing building. Therefore, no additional environmental review is required; and

WHEREAS, on November 28, 2018, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties; and

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for Conditional Use Permit Approval

With respect to the approval of the Conditional Use Permit (Case P18-0240), the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

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

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and ensure 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, the Planning Commission finds the proposed heritage school and preschool would be consistent with these objectives and would create more educational facilities within the City. The facility would be operated so as to not impact or interfere with the surrounding uses in that the number of students, hours of operation,

drop-off/pick-up procedures, and staffing levels would not generate substantial noise, parking demand, or traffic. In addition, there are a number of other heritage schools and preschools in comparable locations in Hacienda that have been found to be compatible with the surrounding businesses and uses.

The subject site is zoned Planned Unit Development – Industrial/Commercial - Office (PUD-I/C-O) District, and it is located in the Research and Development / Light Manufacturing Planning District (IPD) of Hacienda which generally has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in proximity to light manufacturing, commercial, and personal services uses with minimal adverse impact. As conditioned, the Planning Commission finds the proposed heritage school and preschool would be consistent with the Zoning Ordinance objectives and zoning district purposes in that it would be operated so as to not impact or interfere with the adjacent/nearby uses. The applicant would also be required to mitigate any future nuisances that may occur as a result of the proposed use.

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.

As conditioned, the Planning Commission finds the proposed heritage school and preschool would make a good neighbor, since there will be staggered program schedules that will off-set parking congestion during pick-up times which will help alleviate parking and traffic impacts. There is adequate parking to serve the projected peak pick-up/drop off period, which will occur outside of the regular business hours of the adjacent office use. Educational facilities generally do not subject surrounding uses to heavy truck traffic, hazardous odors, high noise levels, or other objectionable influences. If the recommended conditions of approval are followed, the Planning Commission finds the proposed establishment would not be detrimental to the adjacent/nearby uses. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site, and measures have been included to minimize the project's contribution to existing congestion on nearby streets. In addition, there is adequate parking available to meet the project's demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.

The site's zoning conditionally permits heritage schools and preschools. Granting a CUP for the proposed use would be consistent with the City's ability to regulate zoning as listed in Chapter 18.124 of the Municipal Code. In addition, the Planning Commission

finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's zoning ordinance and the approved PUD for Hacienda.

Section 2: Findings for Design Review Approval

With respect to the approval of the Design Review (Case P18-0241), the Planning Commission finds that the project was reviewed and approved based on the nine criteria as required by Section 18.20.030 of the Pleasanton Municipal Code which include the following:

1. Preservation of the natural beauty of the city and the project site's relationship to it;
2. Appropriate relationship of the proposed building to its site, including transition with the streetscape, public views of the buildings, and scale of buildings within its site and adjoining buildings;
3. Appropriate relationship of the proposed building and its site to adjoining areas, including compatibility of architectural styles, harmony in adjoining buildings, attractive landscape transitions, and consistency with neighborhood character;
4. Preservation of views enjoyed by residents, workers within the city, and passersby through the community;
5. Landscaping designed to enhance architectural features, strengthen vistas, provide shade, and conform to established streetscape;
6. Relationship of exterior lighting to its surroundings and to the building and adjoining landscape;
7. Architectural style, as a function of its quality of design and relationship to its surroundings; the relationship of building components to one another/the building's colors and materials; and the design attention given to mechanical equipment or other utility hardware on roof, ground or buildings;
8. Integration of signs as part of the architectural concept; and
9. Architectural concept of miscellaneous structures, street furniture, public art in relationship to the site and landscape.

With respect to the above criteria, the Planning Commission finds that the project would preserve and enhance the City's aesthetic values and ensure the preservation of the public health, safety and general welfare since it would be consistent with the allowable height, setbacks and other pertinent development standards of the PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District in which it is located.

Section 3:

The Planning Commission hereby approves Case P18-0240 and P18-2041, the application of Nachi Periakaruppan, Chida and Company, LLC, for Conditional Use Permit and Design

Review approvals to establish a new heritage school and preschool with an outdoor playground for Safari Kid located at 4464 Willow Road, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 4:

This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time by any member of the public, if a City Councilmember wishes to review the item, pursuant to Pleasanton Municipal Code section 18.144.010, he or she must indicate their desire to review within 15 days following the date of approval, or at the next regular meeting of the City Council, whichever is later. If the majority of the City Council agrees to review the item, a further hearing shall be set pursuant to Pleasanton Municipal Code section 18.12.040 and the Council shall consider the item at that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on November 28, 2018, by the following vote:

AYES: Commissioners
NOES: Commissioners
ABSTAIN: Commissioners
RECUSED: Commissioners
ABSENT: Commissioners

ATTEST:

Ellen Clark
Secretary, Planning Commission

Greg O'Connor
Vice Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL

P18-0240 & P18-0241
4464 Willow Road
November 28, 2018

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted for Conditional Use Permit and Design Review approvals to establish a new heritage school and preschool with an outdoor playground for Safari Kid located on Assessor Parcel No. 941-2760-015-00 at 4464 Willow Road. Development shall be substantially as shown on the project materials listed below:

- a. Narrative and Project plans, Exhibit B, prepared by Wayne Renshaw for Safari Kid, dated "Received" on November 8, 2018, and kept on file in the Planning Division of the Community Development Department.
- b. Preliminary Arborist Report, Exhibit B, prepared by Judith Thomas for Wayne Renshaw, dated "Received" on October 11, 2018, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed use and development shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. **EXPIRATION – CONDITIONAL USE PERMIT/DESIGN REVIEW:** This Conditional Use Permit (CUP) and Design Review approval will lapse and shall become void 1 year following the date on which the applications became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP and Design Review applications, or a certificate of occupancy is issued for the structure which was the subject of the CUP and Design Review applications; or the site is occupied if no

building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.

3. **APPEAL PERIOD:** The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code unless the applicant submits a signed statement acknowledging the plan check fees may be forfeited in the event the approval is overturned on appeal, or 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 appeal period.
4. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or 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.

PLANNING DIVISION – 925-931-5600

Site Development and Building Design

5. **BUILDING MATERIALS AND COLORS:** The building materials and colors in the Approved Plans shall be stated on the building permit plans.
6. **FENCE/WALL:** All fencing and walls shall be shown on the construction plans with the building permit submittal. The design and location must be approved by the Planning Division and comply with all setback requirements.
7. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
8. **TRASH ENCLOSURE:** Plans submitted for plan check shall include the location and size of the existing trash enclosure for the subject site illustrating that it is currently sized to accommodate trash, recycling, and green waste containers in accordance with the City's Mandatory Recycling Ordinance. If one does not exist or is not large enough to contain all required trash and refuse, one will be required to be constructed. All trash and refuse shall be contained completely within enclosures. Containers shall be stored within the enclosures at all times except when being unloaded. The materials and colors of any new enclosures shall match or be compatible with the primary building on site and the gates shall be metal or solid wood unless otherwise approved by the Director of Community Development. If a new enclosure is required, elevation drawings and plan details, including color and material of the enclosures noted, shall be included in the building permit submittal and shall be subject to the review and approval of the Director of Community Development prior to building permit issuance.

Construction Practices and Noticing

9. WORK HOURS: All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8 a.m. to 5 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 shall 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.

Conditional Use Permits

10. CAPACITY: Safari Kid shall be limited to a maximum of 100 preschool students and 225 heritage school students on-site at any given time (325 students total). **(Project Specific Condition)**
11. SUMMER CAMP: Prior to the operation of each summer session that includes off-site outdoor recreation, Safari Kid shall secure approval from the City’s Library and Recreation Department on an annual basis, as required by the Library and Recreation Department, for the use of outdoor recreational space for Safari Kid’s summer camp at Thomas Hart Middle School, Creekside Park, or other location subject to approval from the Library and Recreation Department. Should Safari Kid not be able to secure approval from Library and Recreation Department, the applicant shall demonstrate to the satisfaction of the Director of Community Development that Safari Kid has secured outdoor space or has arranged for other physical recreational opportunities for the camp participants. **(Project Specific Condition)**
12. NOISE: The applicant shall keep all exterior doors of the tenant space closed when not being used for ingress/egress purposes. **(Project Specific Condition)**
13. OUTDOOR PLAY: The outdoor playground shall be limited to the hours of 9 a.m. to 5 p.m. daily with a maximum capacity of 65 people at one time. **(Project Specific Condition)**
14. PARKING: Parents and guardians shall park in parking stalls when dropping off or picking up students. No double parking, parking in non-designated stalls, or curbside drop-off and pick-up shall be permitted. **(Project Specific Condition)**
15. MAINTENANCE: The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
16. MODIFICATIONS: If additional hours of operation or activities beyond what is stated in the “Approved Plans” are desired, prior City review and approval is required. The Director

of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.

17. **CONDITIONAL USE PERMIT REVIEW:** If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke said conditional use permit.
18. **PRESCHOOL LICENSE APPROVAL:** The applicant shall obtain State license approval for the preschool portion of the business prior to commencing enrollment, and provide a copy to the Planning Division upon receipt from the State. The facility shall enroll only the number of children for which it has a State license. **(Project Specific Condition)**
19. **HERITAGE SCHOOL REGISTRATION:** The proposed Heritage School shall maintain its Heritage School registration with the California Department of Education during its operation. Failure to maintain the Heritage School registration with the California Department of Education may result in this application being reviewed by the Director of Community Development for possible future action by the Planning Commission. **(Project Specific Condition)**
20. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
21. **RELOCATION:** If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.
22. **IMPACT FEES:** The applicant shall pay the required sewer fees, traffic impact fees, and all other fees the proposed use may be subject to prior to building permit issuance. The type and amount of the fees shall be those in effect at the time the building permit is issued.
23. **SEWER FEES:** The applicant shall pay the applicable Dublin-San Ramon Services District (DSRSD) and City sewer permit fees prior to building permit issuance.

FIRE DEPARTMENT – 925-454-2361

24. **FIRE CODE:** All construction shall conform to the requirements of the 2016 Pleasanton Fire Code and local ordinances. All required permits shall be obtained prior to work commencement.
25. **SITE SAFETY:** Site safety during construction shall be in accordance with Fire Code chapter 33.

LANDSCAPE ARCHITECTURE DIVISION – 925-931-5672

- 26. LANDSCAPING INSTALLATION: Prior to building permit final, all landscaping as shown on the approved building permit set, shall be reviewed, approved, installed, and inspected by the Landscape Architecture Division.
- 27. TREE REPORT: Prior to the Building permit submittal, the arborist report prepared by Judith Thomas dated October 13, 2018, shall be revised to include:
 - a. Tree protection and pruning recommendations. There should be specific recommendations on how to protect the trees that will be in the synthetic turf areas.
 - b. A map that shows the tree locations with numbers and an associated summary that indicates the tree number, health, size of the tree, type of tree, whether it is heritage or not, if it is proposed for removal, and the appraised value of the tree.

The applicant shall comply with the recommendations of the revised tree report. No tree trimming or pruning other than that specified in the revised tree report shall occur. The applicant shall arrange for the Project Arborist to conduct a field inspection prior to building permit issuance to ensure all recommendations have been properly implemented. The Project Arborist shall certify in writing all recommendations have been followed. **(Project Specific Condition)**

- 28. TREE REMOVAL MITIGATION: Any trees approved to be removed by the City shall have its full value paid into the City's Urban Forestry Fund. A credit for replanting an approved removed tree shall be as follows:
 - a. \$200 credit for a 15-gallon size replacement tree;
 - b. \$400 credit for a 24-inch box size replacement tree; and
 - c. \$800 credit for a 36-inch box size replacement tree.
- 29. TREE BOND: Any tree affected by development/construction must be protected per the Municipal Code. The applicant shall post cash, letter of credit, or other security satisfactory to the Director of Engineering/City Engineer, for all Heritage Trees and any other significant tree as deemed by the City Landscape Architect. This bond or security will be for the value of the tree, up to a maximum of \$25,000, and shall be held for a minimum of 1 year following acceptance of public improvements of completion of construction, whichever is later, and shall be forfeited if the trees are destroyed or substantially damaged. An arborist shall be onsite during any tree work (i.e. root pruning, trimming, setting up tree protection, etc.). The bond or security may be released early with a certification letter by the arborist confirming he/she was present during said tree work and work was performed in accordance with the arborist's recommendations.

30. PROJECT PLANS: The following statements shall be printed on the demolition, grading and landscape plans where applicable to the satisfaction of the City Landscape Architect prior to issuance of building permits:
- a. No existing tree may be trimmed or pruned without prior approval by the City Landscape Architect.
 - b. Utilize best efforts to locate any new utility trenches outside of the existing canopy of the trees to be saved. If this is not feasible, the applicant shall submit a report from a certified arborist acceptable to the City indicating trenching will not be detrimental to the health of the tree.
 - c. Nothing may be stored within the dripline of the tree canopies. This includes equipment, oil, gas, chemicals, harmful materials, fill or storage.
 - d. No oil, gasoline, chemicals, or other harmful materials shall be deposited or disposed within the dripline of the trees or in drainage channels, swales, or areas that may lead to the dripline.
 - e. No sign, wires, or ropes shall be attached to the trees.
 - f. No stockpiling/storage of construction materials, fill, etc., shall take place underneath or within 5-feet of the dripline of the existing trees.
 - g. No equipment or temporary structures shall be placed within or beneath the dripline of the existing trees.

Failure to comply with these requirements may result in a “stop work order”.

TRAFFIC ENGINEERING DIVISION – 925-931-5677

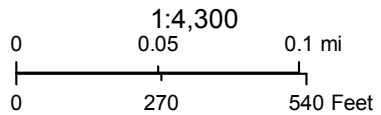
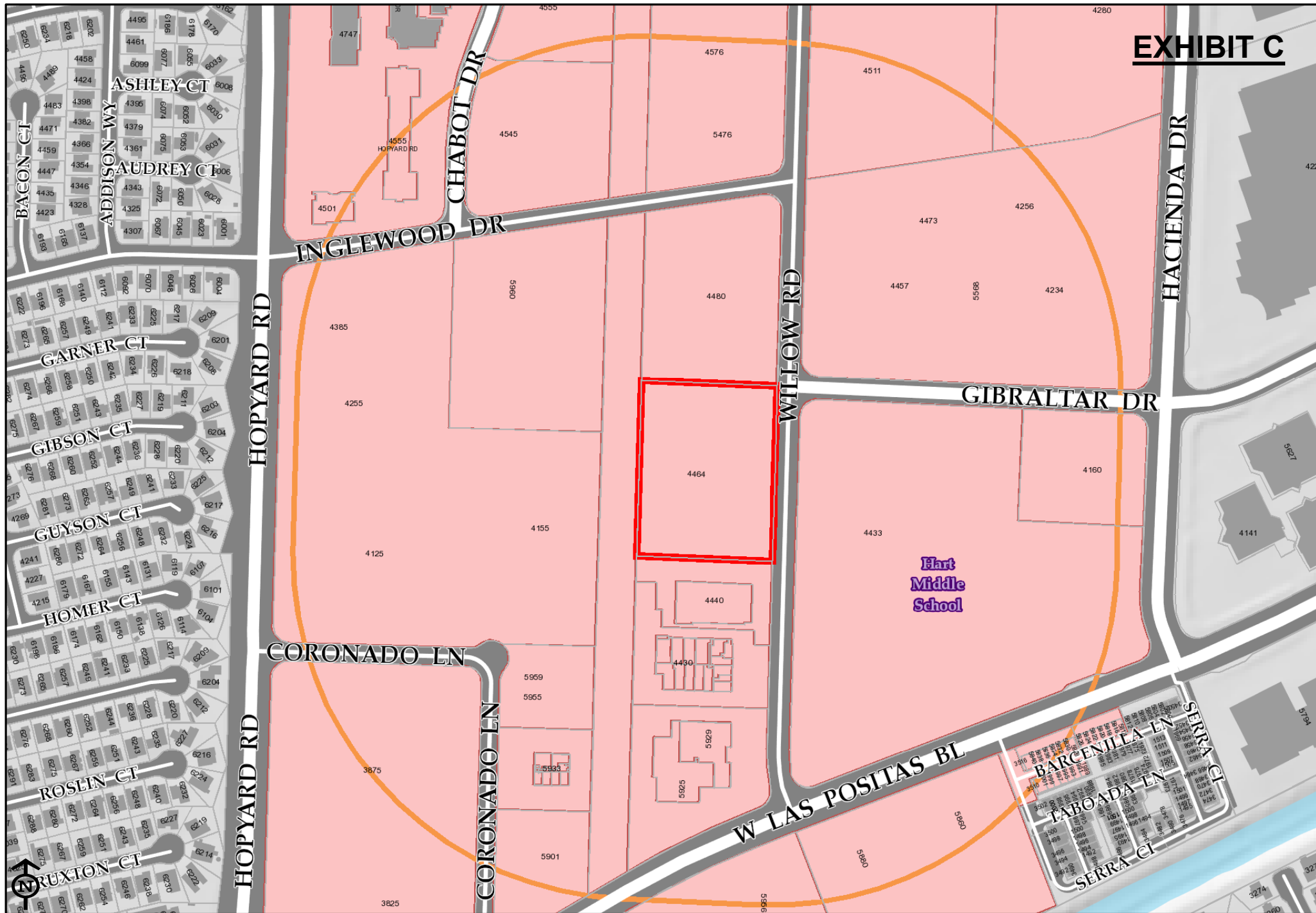
31. TRAFFIC IMPACT FEES: The applicant shall be responsible to pay the City’s Traffic Impact Fees (TIF) based on the proposed number of trips during the PM peak hour. Per the narrative submitted by the applicant on October 10, 2018, the project will generate 64 trips during the PM peak hour (30 car/vanpool pickups and four staff departing between 5-6 p.m.). Traffic Engineering staff shall monitor the Safari Kid site during the first year of operation at the proposed 4464 Willow Road location to determine actual trip generation. Should staff determine that the project trips are not within a 25% range of the proposed 64 PM peak hour trips, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing and/or additional TIF fees may be applied. **(Project Specific Condition)**
32. PICKUP AND DROP-OFF PROCEDURE: Prior to operation, the applicant shall provide a detailed pick-up and drop-off procedure to provide efficient site circulation. Said pick-up and drop-off procedure shall be subject to the review and approval by the City Traffic Engineer. The procedure shall include an on-site circulation element that directs vehicles to access and depart the site from Inglewood Drive to the north during the preschool’s morning drop-off period that coincides with Hart Middle School’s morning drop-off period and any other time as deemed necessary by the City Traffic Engineer. If shared use or access agreements are not already in place, the applicant shall diligently pursue the creation of a shared use agreement with the property directly to the north of the proposed site. **(Project Specific Condition)**

33. CIRCULATION MONITORING: Traffic Engineering staff shall monitor circulation at the Safari Kid site as needed to ensure smooth flow on city streets around the school site during the AM (7-9 a.m.), school PM (2-4 p.m.) and PM (4-6 p.m.) peak hours. If the circulation field audits identify needed improvements with site circulation, the applicant will be required to implement mitigation measures such as modifying its operation to remove trips during the peak hours, utilizing an on-site circulation attendant, and/or utilizing a crossing guard at Willow Road/Gibraltar Drive. If necessary, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. ***(Project Specific Condition)***

BUILDING AND SAFETY DIVISION – 925-931-5300

34. BUILDING AND FIRE CLEARANCE: Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Department to ensure the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

EXHIBIT C



P18-0240/P18-0241, 4464 Willow Road, Periakaruppan

Planning Division
November 7, 2018

