

RESOLUTION NO. PC-2018-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON APPROVING A CONDITIONAL USE PERMIT AND DESIGN REVIEW APPLICATIONS AT 1225 HOPYARD ROAD FOR ROSALIND RONDASH BEHALF OF SONSHINE ENRICHMENT CENTER PRESCHOOL [P18-0217 AND P18-0218]

WHEREAS, on July 27, 2018, Rosalind Rondash, on behalf of Sonshine Preschool and Trinity Lutheran Church, applied for Conditional Use Permit and Design Review approvals to remove two existing modular classrooms and construct an approximately 8,824-square-foot preschool building and related site improvements, and to allow an increase in preschool enrollment from 99 to 120 students for Sonshine Preschool located at 1225 Hopyard Road; and

WHEREAS, zoning for the property is R-1-6,500 (One-Family Residential) District; and

WHEREAS, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303, New Construction, Class 3, since the project is for a commercial building not exceeding 10,000 square feet on site zoned for such use. Therefore, no additional environmental review is required; and

WHEREAS, on September 26, 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 P18-0217), 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 new preschool building and expanded preschool enrollment would be consistent with these objectives and would create an appropriate educational opportunity for the Trinity Lutheran Church

members and the community. The preschool would continue to operate so as to not impact or interfere with the surrounding uses in that the number of students, hours of operation, pick-up and drop-off procedures, and staffing levels would not generate substantial noise, parking demand, or traffic.

The subject site is zoned R-1-6,500 (One-Family Residential) District. One purpose of the R-1-6,500 District is to protect residential uses from the noise, disturbance, traffic hazards, safety hazards, and other objectionable influences incidental to certain commercial uses. As conditioned, the Planning Commission finds the new preschool building and expanded preschool enrollment 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 surrounding residential uses. The preschool would be operated both indoors and outdoors, as described, on a property with an adequate circulation system and parking supply to support the proposed use. In addition, new solid wood fencing is proposed surrounding the outdoor play area to help mitigate potential adverse noise impacts to the surrounding properties. 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.

Religious facilities with preschool and Sunday school components are a common use within residential areas in Pleasanton. The City's past experience shows that these uses generally make good neighbors. Preschools generally do not subject surrounding uses to heavy truck traffic, hazardous odors, high noise levels, or other objectionable influences. As proposed, a new solid wood fence will be installed surrounding the outdoor play area to help reduce potential outdoor noise impacts, and given that the existing play equipment location is not proposed to be changed and will continue to be located behind the building generally facing the adjacent public park and swim center, and more than 110 feet from the nearest residential home, the Planning Commission finds that the enlarged outdoor play area will not create any adverse exterior noise impacts even though it is getting closer (30 feet) to the residential homes. As conditioned, the Planning Commission also finds that the new preschool building and expanded preschool enrollment would not be detrimental to surrounding uses. All streets around the subject site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, the Planning Commission finds the preschool would have adequate off-street parking to meet project 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 the establishment of preschools. Granting a CUP for the expanded preschool 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.

Section 2: Findings for Design Review Approval

With respect to the approval of P18-0218, 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 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 R-1-6,500 zoning district in which it is located, and would improve an underutilized project site by removing outdated modular classrooms and replacing them with a new education building, as well as enhance the site's appearance from the public right-of-way and adjacent properties. The building would be attractive and well designed to include a range of materials and finishes that are compatible with the existing church campus and surrounding uses. The project would also include new landscaping with trees to be planted along the perimeter of the playground area between the playground and City park as well as along the Golden Road street frontage.

Section 3:

The Planning Commission hereby approves Case P18-0217 and P18-2018, the application of Rosalind Rondash, on behalf of Sonshine Enrichment Center Preschool and Trinity Lutheran Church, for Conditional Use Permit and Design Review approvals to remove two existing modular classrooms and construct an approximately 8,824-square-foot preschool building and related site improvements, and to allow an increase in preschool enrollment from 99 to 120 students for Sonshine Preschool located at 1225 Hopyard Road, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 3:

This resolution shall become effective 15 days after its passage and adoption unless: 1) appealed prior to that time by any member of the public, or 2) 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 September 26, 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

DRAFT

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL

P18-0217 & P18-0218
1225 Hopyard Road
September 26, 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 remove two existing modular classrooms and construct an approximately 8,824-square-foot preschool building, and to allow Sonshine Enrichment Center Preschool to increase preschool enrollment from 99 to 120 students located on Assessor Parcel No. 946-3382-2-2 at 1225 Hopyard Road. Development shall be substantially as shown on the project materials listed below:

- a. Narrative and Project plans, Exhibit B, prepared by WMB Architects for Rosalind Rondash, dated "Received" on August 24, 2018, and kept on file in the Planning Division of the Community Development Department.
- b. Preliminary Arborist Report, Exhibit B, prepared by HortScience for Sonshine Preschool, dated "Received" on July 27, 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

application; 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. **PAVING MATERIALS:** The color, material, design, and product specifications for the paving materials used on-site shall be in conformance with the Approved Plans and included with the building permit submittal. Any proposed modifications to the final paving design details shall be subject to review and approval by the Planning Division prior to issuance of building permits.
7. **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.
8. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.
9. **LIGHTING PLAN:** The applicant shall submit a lighting plan with the building permit submittal. The plan shall include photometric contours, manufacturer's specifications on the fixtures, and mounting heights. All exterior lighting including landscape lighting shall be directed downward and designed or shielded so as to not shine onto neighboring

properties or streets. The photometrics shall be reviewed and approved by the City Traffic Engineer and Director of Community Development prior to building permit issuance. The type and location of all exterior light fixtures shall be reviewed and approved by the Director of Community Development prior to building permit issuance.

10. **BUILDING SURVEY:** The applicant shall submit a building survey and/or record of survey and a site development plan in accordance with the provisions of Chapter 18.68 of the PMC. These plans shall be approved by the Chief Building Official prior to building permit issuance. The site development plan shall include all required information to design and construct site, grading, paving, drainage, and utilities.
11. **PAD AND SETBACK CERTIFICATION:** The applicant shall submit a pad elevation certification prepared by a California licensed land surveyor or registered civil engineer to the Chief Building Official and Director of Community Development certifying the pad elevations and building locations (setbacks) are conforming to the approved plans, prior to receiving a foundation inspection for the structures.
12. **BUILDING HEIGHT CERTIFICATION:** The applicant shall submit a building height certification prepared by a California licensed land surveyor or civil engineer to the Director of Community Development before the first framing or structural inspection by the Building and Safety Division. The height of the structures shall be surveyed and verified as being in conformance to the approved building heights as shown on Exhibit B or as otherwise conditioned.
13. **FINAL INSPECTION:** Final inspection by the Planning Division is required prior to occupancy.
14. **TRANSFORMERS:** New electrical transformers shall be placed underground, or aboveground and screened from view to the satisfaction of the Director of Community Development. Details of the new electrical transformers, and any screening architecturally compatible with the building, shall be included in the building permit submittal and shall be subject to the review and approval of the Director of Engineering/City Engineer and Director of Community Development prior to building permit issuance.
15. **MECHANICAL EQUIPMENT – SCREENING:** The applicant shall effectively screen from view all ducts, meters, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for building permit, the adequacy of which shall be determined by the Director of Community Development. All required screening shall be installed prior to final occupancy.
16. **PHOTOVOLTAIC SYSTEM:** The building shall be constructed to allow for future installation of a photovoltaic (PV) system. The project applicant shall comply with the following requirements for making the building photovoltaic-ready:

- a. Electrical conduit and cable pull strings shall be installed from the roof/attic area to the building's main electrical panels;
- b. An area shall be provided near the electrical panel for the installation of an "inverter" required to convert the direct current output from the photovoltaic panels to alternating current; and
- c. Engineer the roof trusses to handle an additional load as determined by a structural engineer to accommodate the additional weight of a prototypical photovoltaic system beyond that anticipated for roofing.

These measures shall be shown on the building permit plan set submitted to the Director of Community Development for review and approval before issuance of the building permit.

Construction Practices and Noticing

17. **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.
18. **CONSTRUCTION PARKING:** Campers, trailers, motor homes, or any other similar vehicle are not allowed on the construction site except when needed as sleeping quarters for a security guard subject to receipt of a temporary conditional use permit (per PMC 18.116.010.E).
19. **CONSTRUCTION TRAILERS:** A construction trailer shall be allowed to be placed on the project site for daily administration/coordination purposes during the construction period.
20. **PORTABLE TOILETS:** Portable toilets used during construction shall be kept on the project site and as far as possible from existing residences and shall be emptied to prevent odor.
21. **DISTURBANCE COORDINATOR:** The applicant shall designate a "disturbance coordinator" who shall be responsible for responding to any complaints regarding construction noise, dust, construction parking, etc. The coordinator (who may be an employee of the general contractor) shall determine the cause of the complaint and shall require the implementation of reasonable measures warranted to correct the problem. A telephone number of the disturbance coordinator shall be posted on the construction site fence and on the notification sent to neighbors adjacent to the site. The

sign shall also list an emergency after-hours contact number for the disturbance coordinator, or designee.

22. **CULTURAL RESOURCES:** If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work shall stop within 20-meters (66 feet) of the find. A qualified archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20-meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the State California Environmental Quality Act (CEQA) Guidelines. In the event of discovery or recognition of any human remains in any on-site location, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined, in accordance with any law concerning investigation of the circumstances, the manner and cause of death and has made recommendations concerning treatment and dispositions of the human remains to the person responsible for the excavation, or to their authorized representative. A similar note shall appear on the building permit and/or improvement plans.

Conditional Use Permits

23. **NOISE:** The applicant shall keep all exterior doors of the building closed when not being used for ingress/egress purposes. **(Project Specific Condition)**
24. **OUTDOOR PLAY:** The outdoor play ground shall be limited to the hours of 9 a.m. to 5 p.m. daily **(Project Specific Condition)**
25. **PARKING:** No double parking, parking in non-designated stalls, or curb-side drop-off and pick-up shall be permitted. **(Project Specific Condition)**
26. **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.
27. **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.
28. **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.
29. **LICENSE APPROVAL:** The applicant shall obtain State license approval for 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.

30. EXTERIOR CHANGES: Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
31. 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.
32. 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.
33. WATER FEES AND WATER METER CONNECTION FEES: The applicant shall pay the applicable Zone 7 and City connection fees and water meter cost for any water meters and irrigation meters, if applicable, prior to building permit issuance.
34. SEWER FEES: The applicant shall pay the applicable Dublin-San Ramon Services District (DSRSD) and City sewer permit fees prior to building permit issuance.
35. SCHOOL IMPACT FEES – COMMERCIAL: Prior to building permit issuance, the applicant shall pay the required commercial development school impact fee as prescribed by State law and as adopted by the Pleasanton Unified School District (PUSD).

BUILDING AND SAFETY DIVISION – 925-931-5300

36. DIGITAL PLAN SUBMITTAL REQUIREMENT – COMMERCIAL PROJECTS: The applicant shall submit site plan and building information to the City's Geographic Information Services (GIS) Division in a digital format prior to issuance of the building permit. All changes or revisions to the approved plans during construction which affect the digital submittal, shall be resubmitted for GIS review no later than 1 month prior to scheduling a final inspection. The updated digital submittal will be checked and approved before the building permit will be finalized and certificate of occupancy granted (if applicable). For phased project, the digital submittal must be approved prior to the first occupancy of any phase. The information will be used for public safety and emergency response planning by the Police and Fire Departments. Refer to the "Digital Plan Submittal Requirements" for necessary data and file formatting requirements.

FIRE DEPARTMENT – 925-454-2361

37. FIRE HAZARDS: The project developer shall keep the site free of fire hazards from the start of lumber construction until the final inspection.

38. 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.
39. SITE SAFETY: Site safety during construction shall be in accordance with Fire Code chapter 33.
40. FIRE SPRINKLERS: Automatic fire sprinklers shall be installed in all occupancies in accordance with the 2016 Pleasanton Building, Fire and Residential Codes with local amendments and ordinances.
41. COMMERCIAL – NEW CONSTRUCTION: The following items shall be provided prior to any construction above the foundation or slab.
 - a. Emergency vehicle access shall be provided to the site, including areas where construction is occurring. If Public Works Improvements are part of the project to access the site, an emergency vehicle access plan shall be submitted for review and approval to the Fire Department.
 - b. If permanent access or site paving is not provided, the carrying capacity of the emergency vehicle access shall be 70,000 pounds under all weather conditions.
 - c. Site staging area(s) shall be provided for materials and equipment. All staging areas shall be outside of the emergency vehicle access route shown on the approved plans.
 - d. Where on-site fire hydrant(s) are required, they shall be installed, flushed and all valves open prior to any construction above the foundation or slab. This includes concrete tilt-up and masonry buildings.
 - e. On-site fire hydrant(s) shall not be obstructed and shall be sufficiently above grade to have all hydrant valves and outlets accessible for emergency use.
 - f. Where a project is phased as part of the development, specific access, water supply and fire hydrant installations will be required as part of each phase. As needed a phasing plan with these improvements will be required.
 - g. Where on-site grading/utility plans are submitted for review and approval prior to building construction drawings, emergency vehicle access routes, fire hydrant locations, material staging areas, etc. shall be provided.
42. FINAL INSPECTION: Prior to request for final inspection, all access roads, on-site access and fire hydrants shall be provided. All fire hydrants shall be accepted, inspected and tested to applicable City Standards.

LANDSCAPE ARCHITECTURE DIVISION – 925-931-5672

43. LANDSCAPING: Detailed landscape and irrigation plans encompassing all planting areas, both on-site and off-site, shall be included in the building permit plans. All plans shall be prepared by a licensed landscape architect and shall provide the species, location, size, quantities, and spacing of all plants. Minimum plant sizes are 1-gallon containers for ground cover, 5-gallon containers for shrubs, and 15-gallon containers for

trees. Plant species shall be of a drought-tolerant nature and the irrigation design shall utilize low-volume drip, bubbler, or other water conserving irrigation systems to the maximum extent possible. The drawings shall be reviewed and approved by the City Landscape Architect prior to building permit issuance.

44. **WATER EFFICIENT LANDSCAPE ORDINANCE (WELO):** The project shall comply with the City of Pleasanton's Water Efficient Landscape Ordinance (WELO) and Bay Friendly Basics Landscape Checklist. The applicant shall submit a Landscape Documentation Package in PDF format to the Landscape Architecture Division, which shall be subject to review and approval by the City Landscape Architect prior to building permit issuance. The Landscape Documentation Package shall include:
 - a. Project Information;
 - b. Water Efficient Landscape Worksheet;
 - c. Soil management report;
 - d. Landscape design plan;
 - e. Irrigation design plan; and
 - f. Grading design plan.

45. **CERTIFICATE OF COMPLETION:** Upon completion of construction and prior to final inspection by the Building and Safety Division, the applicant's landscape architect shall submit a Certificate of Completion Package in PDF format to the Landscape Architecture Division for review and approval. The Certificate of Completion Package shall include:
 - a. Project information sheet;
 - b. Certificate of installation according to the landscape documentation package;
 - c. Irrigation scheduling;
 - d. Schedule of irrigation, landscape and irrigation maintenance;
 - e. Landscape irrigation audit report; and
 - f. Soil management report (if not previously submitted).

46. **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.

47. **BACKFLOW AND IRRIGATION METER SCREENING:** All backflow prevention devices, above ground irrigation controls, and above ground irrigation meters shall be located and screened to minimize their visual impacts. These devices with their proposed screening shall be shown on the landscaping and utility plans submitted with the building permit plans or improvement plans, clearly marked "above ground" or "below ground" on the plans, and shall be subject to the review and approval of the City Landscape Architect prior to their installation. If above-ground, they shall be painted forest green or an equivalent dark-green color. Screens shall consist of berms, walls, or landscaping satisfactorily integrated into the landscape plan. Landscape screens shall include shrubbery designed by species and planting density to establish a complete screen within 1 year from the date of planting. Weather protection devices, such as

measures to protect pipes from freezing, shall require approval by the City Landscape Architect prior to use; at no time shall fabric or other material not designed and/or intended for this purpose be wrapped around or otherwise placed on these devices.

48. **AGREEMENT:** The applicant shall enter into a Landscape Maintenance Agreement with the City, approved by the City Attorney, which guarantees all landscaping included in the project will be maintained at all times in a manner consistent with the approved landscape plan. Said agreement shall be recorded and run with the land for the duration of the existence of the structures located on the subject property.
49. **TREE REPORT:** The applicant shall comply with the recommendations of the tree report prepared by Ryan Gilpin of HortScience Inc. dated April 10, 2018. No tree trimming or pruning other than that specified in the 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.
50. **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.
51. **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 or 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.
52. **ROOT CUTTING:** The applicant shall comply with the following tree root cutting requirements:
 - a. Roots 1-inch in diameter or larger to be removed shall be cleanly cut with a hand saw. Roots smaller than 1-inch in diameter are not considered to be significant and may be removed by the most efficient means.
 - b. Roots larger than 2-inches in diameter and within 8-feet of the tree trunk shall not be cut or ground unless prior approval has been received from the Landscape Architecture Division.

- c. Roots of any diameter farther than 8-feet from the tree trunk, which are in conflict with the proposed work may be ground a maximum of one-half of their diameter. Work of this nature shall only be performed using a mechanical stump grinder and only by personnel familiar with its operation.
 - d. Roots up to 6-inches in diameter and farther than 8-feet from the tree trunk may be removed if they are in conflict with the proposed work. Roots that are removed shall be cleanly cut using a hand saw.
53. **ROOT CONTROL BARRIER:** The applicant shall provide root control barriers and 4-inch perforated pipe for parking lot trees, street trees, and trees in planting areas less than 10-feet in width, as determined necessary by the City Landscape Architect. Root barriers shall be located along the edge of the pavement and shall extend 5-feet to either side of the tree trunk. Information and details shall be included in the landscape plan submittal for review and approval by the Landscape Architecture Division.
54. **TREE PRUNING:** Pruning shall be conducted by a certified arborist familiar with the International Society of Arboriculture (ISA) pruning guidelines and shall comply with the guidelines established by the ISA, Tree Pruning Guidelines, current edition, to maintain the health of the trees.
55. **TREE PROTECTION FENCING:** Prior to issuance of a grading or building permit, the applicant shall install temporary 6-foot tall chain-link fencing (or other fence type acceptable to the Landscape Architecture Division) outside of the existing tree drip lines. The location of the tree protection fencing shall be shown on the demolition plans (if applicable), grading, building, and/or landscape plans. The fencing shall remain in place until final landscape inspection by the Landscape Architecture Division. Removal of such fencing prior to approval may result in a “stop work order.”
56. **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

- 57. TRAFFIC CONTROL MEASURES: Comprehensive traffic control measures shall be implemented during construction, including scheduling of major truck trips and deliveries, to avoid peak travel hours. If necessary, as determined by the City Traffic Engineer, proper lane closure procedures such as flagger stations, signage, cones, and other warning devices shall be implemented during construction.
- 58. TRUCK ROUTES: The haul route for all materials to and from the project site shall be reviewed and approved by the City Traffic Engineer prior to building permit issuance and shall include the provision to monitor the street surfaces used for the haul route so that any damage and debris attributable to the haul trucks is identified and corrected at the expense of the applicant.
- 59. TRAFFIC SIGNAGE AND STRIPING – ON SITE: All on site traffic related signage and striping shall be included in the building permits plans for review and approval by the City Traffic Engineer prior to building permit issuance.

OPERATIONS SERVICES DEPARTMENT – ENVIRONMENTAL SERVICES/UTILITIES DIVISION – 925-931-5500

- 60. RECYCLED WATER: Recycled water should be used on site during the grading and construction period. However, under any declared stage of water shortage, recycled water must be used throughout the grading and construction period.

ENGINEERING DEPARTMENT – LAND DEVELOPMENT – 925-931-5655

Design

- 61. DESIGN PER CITY STANDARDS: All public improvements shall be designed in compliance with the City Standard Specifications and Details in effect at the time of the issuance of the encroachment, grading, or subdivision permit, whichever occurs first.
- 62. CONDITIONS OF APPROVAL: The Conditions of Approval shall be depicted on a plan sheet(s) in the improvement plans.
- 63. DUST CONTROL PLAN: The applicant shall submit a written dust control plan or procedure with the first submittal of the grading and improvement plans to the Engineering Department subject to the review and approval of the Director of Engineering/City Engineer.

64. **RETAINING WALLS:** All retaining walls along the street shall be located behind the public service easement (PSE), unless otherwise approved by the Director of Engineering/City Engineer. All retaining walls with a minimum height of 4 feet, measured from the bottom of the footing to the finished grade at the top of the wall, and all retaining walls with a surcharge shall be designed by a California licensed civil or structural engineer
65. **EROSION CONTROL MEASURES FOR COMMERCIAL DEVELOPMENTS:** The applicant shall submit an erosion control plan designed by a certified Qualified SWPPP (Stormwater Pollution Prevention Plan) Practitioner (QSP) for all projects disturbing 1 acre or more or by a California licensed civil engineer or California licensed landscape architect for all projects disturbing less than 1 acre of land, subject to the review and approval of the Chief Building and Safety Official. All cut and fill slopes shall be hydromulched/hydroseeded and stabilized immediately after the completion of grading work and in no case later than October 1, unless otherwise approved by the Chief Building and Safety Official. No grading shall occur between October 1 and April 30 unless erosion control measures are in place, subject to the review and approval of the Chief Building and Safety Official. Such measures shall be maintained until the permanent landscaping is completed to the satisfaction of the Chief Building and Safety Official and the Notice of Termination for the coverage under the Construction General Permit, if applicable, is approved by the State Water Resources Board.

Construction

66. **ENCROACHMENT AND HAUL ROUTE PERMITS:** The applicant's contractor shall obtain an encroachment and haul route permit from the Engineering Department prior to performing work in the public right of way and/or within public easements. The applicant's contractor shall submit a completed and signed encroachment permit application accompanied with six copies of City-approved improvement plans, proof of insurance with endorsement adding the City as an additional insured, a copy of a valid City of Pleasanton business license, applicable fees, and other requirements determined by the Director of Engineering/City Engineer. **(Project Specific Condition)**
67. **DAMAGE TO EXISTING PUBLIC AND PRIVATE IMPROVEMENTS:** The applicant shall repair damage to existing public and private improvements on and near the project site and along the haul route at their full expense caused by construction activities as determined by and to the satisfaction of the Director of Engineering/City Engineer and prior to the to the building permit being finalized. **(Project Specific Condition)**
68. **RECONSTRUCT DEFICIENT SIDEWALK:** Remove and reconstruct uplifted (approximately 8' x 4') sidewalk near the driveway on the Golden Road frontage and grind any uplifted sidewalk along the frontage as determined by and to the satisfaction of the Director of Engineering/City Engineer and prior to the building permit being finalized. **(Project Specific Condition)**

Utilities

69. CONTINUED USE OF EXISTING WATER WELLS: The applicant shall notify the Engineering Department in writing of Zone 7's desire to retain any water well concurrently with the first plan check of the improvement plans. The applicant shall submit a written request to the Director of Engineering/City Engineer for approval for the temporary use of an existing water well(s) for construction water or for permanent use such as non-potable outdoor landscaping irrigation. The applicant shall install two reduced pressure backflow devices, one at the domestic water meter(s) and one at the existing water well(s) to remain, on all lots where the existing water well is to remain.
70. WATER METERS (NON-RESIDENTIAL): The applicant shall provide a separate water meter and water system for domestic and irrigation purposes subject to the review and approval of the Director of Operations and Water Utilities. The applicant shall use recycled water for landscape irrigation as determined by the Director of Operations and Water Utilities.
71. PUBLIC SERVICE EASEMENT: The applicant shall work with the property owner where feasible to grant a public service easement (PSE) to the City along all public street frontages as determined by and subject to the review and approval of the Director of Engineering/City Engineer. **(Project Specific Condition)**
72. JOINT UTILITY TRENCH: All dry utilities (electric power distribution, gas distribution, communication service, cable television, street lights and alarm systems) shall be installed in underground conduit in a joint utility trench subject to the review and approval of the Director of Engineering/City Engineer. **(Project Specific Condition)**

Fees and Bonds

73. EROSION CONTROL AND HAZARD MITIGATION BOND: The applicant shall submit a refundable cash deposit to the Engineering Department for erosion control and hazard mitigation in an amount determined by the Director of Engineering/City Engineer prior to issuance of an encroachment, grading or subdivision permit, whichever occurs first. The City will retain the cash deposit until all work is substantially complete, all areas are stabilized, and all hazards are mitigated to the satisfaction of the Director of Engineering/City Engineer.

Stormwater and Provision C.3 of the National Pollutant Discharge Elimination System Permit

74. STORMWATER TREATMENT: The project creates and/or replaces 10,000 square feet or more of impervious surface (collectively over the entire project site) and shall comply with Section "C.3.b Regulated Projects" of the NPDES Permit No. CAS612008, and amendments, issued by the San Francisco Bay Regional Water Quality Control Board. The improvements plans shall include the Stormwater Management Plan prepared by a California licensed civil engineer, indicating the type and locations of stormwater treatment measures to be installed (numbered sequentially for identification purposes), and sizing calculations. The Stormwater Management Plan shall be subject to review

and acceptance by the Director of Engineering/City Engineer, prior to the issuance of an engineering or building permit, whichever occurs first.

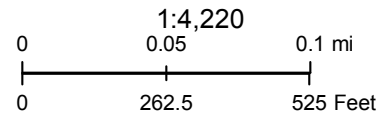
75. **STORMWATER TREATMENT MEASURES INSPECTION AND MAINTENANCE AGREEMENT:** The applicant shall enter into a “Stormwater Treatment Measures Inspection and Maintenance Agreement” for annual maintenance and reporting of the stormwater treatment system as depicted on the improvement plans approved by the Director of Engineering/City Engineer. The agreement shall be filed for record at the Alameda County Clerk-Recorder’s Office at a time determined by the Director of Engineering/City Engineer.

DRAFT



EXHIBIT C

P18-0217/0218, Trinity Lutheran Church, 1225 Hopyard Rd.



Jennifer Hagen

From: Kirsten Zurbrugg [REDACTED]
Sent: Tuesday, September 18, 2018 9:11 PM
To: Jennifer Hagen
Subject: P18-0217/P18-0218, Sonshine Enrichment Center Preschool

Hello Jennifer -

I received your notification of the Planning Commission Public Hearing on Sep 26 2018 at 7 pm.

The proposal is not a good idea for this neighborhood for the following reasons:

1) Out-of-character for the neighborhood.

Zoning for the property is One-Family Residential. A 8824 sf commercial building is 4 times the size of the average residence in the immediate area. For this reason it is out-of-character.

2) Worsens traffic.

Each student will be dropped off and picked up daily, adding to the already burgeoning traffic situation in the surrounding area. 120 students in total x 2 trips per day = 240 cars on the surrounding streets.

Please suggest to the school that they sell the property and relocate to a commercial district capable of supporting their needs.

Wasn't the same or similar proposed several years ago? What was the disposition of that proposal?

Kind Regards,
-Kirsten Zurbrugg

Click [here](#) to report this email as spam.