

August 19, 2015

Denise Alioto
 Enchanted Play Infant & Preschool Center
 3763 Muirwood Drive
 Pleasanton, CA 94588

Subject: P15-0432, Large Family Daycare
Effective Date: September 4, 2015

Dear Ms. Alioto:

At its hearing on August 19, 2015, the Zoning Administrator approved Case P15-0432, your application for a Conditional Use Permit to operate a Large Family Daycare for a maximum of 12 children at the existing residence located at 3763 Muirwood Drive. Approval was granted subject to the conditions as shown on the attached Exhibit A.

The following findings must be made in order to approve the proposed Large Family Daycare Home Use Permit:

- A. That the proposed location of the Large Family Daycare Home Use is in accordance with the objectives of the Zoning Ordinance and the purpose of the district in which the site is located.**

The subject site is in a One-Family Residential District. Chapter 18.32 of the Pleasanton Municipal Code (R-1 One-Family Residential District) states that One-Family Residential Districts are created to provide areas for family living at reasonable population densities consistent with sound standards of public health and safety. The State legislature declares that Large Family Daycare facilities should provide care for children in normal residential surroundings that are conducive to health and safe development. As such, Large Family Daycare homes shall be considered single-family residences with respect to occupancy requirements, and Large Family Daycare homes must meet other requirements specifically designed to address fire and life safety hazards. Therefore, staff believes that the operation of the Large Family Daycare home in a residential area is consistent with the purposes and objectives of the One-Family Residential District. Staff finds that this finding can be made.

COMMUNITY DEVELOPMENT

P. O. BOX 520, Pleasanton, CA 94566-0802

Planning 200 Old Bernal Ave. (925) 931-5600 Fax: 931-5483	Building & Safety 200 Old Bernal Ave. (925) 931-5300 Fax: 931-5478	Engineering 200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	Traffic 200 Old Bernal Ave. (925) 931-5650 Fax: 931-5479	Inspection 157 Main Street (925) 931-5680 Fax: 931-5484
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- A. **That the proposed location of the Large Family Daycare Home 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.**

Upon approval of this use permit, the applicant will receive a license for a Large Family Daycare from the State allowing up to 12 children at the home. To ensure that the transition from a Small Family Daycare home to a Large Family Daycare home would generate minimal impact to the adjacent residents as well as to the neighborhood, the applicant would be required to have the driveway area available for parking by the daycare use. As conditioned, the applicant is required to stagger drop offs to reduce traffic, advise guardians not to double park during pickup/drop off time, and not to use neighbors' driveways to park or make a U-turn. In addition, children's outdoor play times would be staggered to reduce noise impacts on adjacent properties. Staff believes that with the proposed conditions, the proposed Large Family Daycare would be operated in a manner that would not significantly affect the neighborhood.

As proposed and as required by conditions, staff does not find that the proposed Large Family Daycare would be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Staff finds that this finding can be made.

- B. **That the proposed Large Family Daycare Home Use will comply with each of the provisions of the Zoning Ordinance.**

Staff finds that, as conditioned, the proposed Large Family Daycare will comply with the Large Family Daycare standards listed in Section 18.124.240 of the Zoning Ordinance. The proposed Large Family Daycare, as conditioned, would also comply with the Uniform Fire Code. Staff finds that the third finding can be made.

Based upon the above findings and that your Large Family Daycare Use is consistent with the zoning regulations and General Plan policies of the City of Pleasanton, the Planning Division approves your application, subject to the conditions of approval as shown on the attached Exhibit A.

This approval will become effective on September 4, 2015, unless appealed prior to that time.

If you have any questions, please contact Eric Luchini, Associate Planner at (925) 931-5612.

Sincerely,



Adam Weinstein
Zoning Administrator

- C: Ryan Rucker, Fire Marshal, Livermore-Pleasanton Fire
Mark Dennis, Code Enforcement
Business License

**EXHIBIT A
CONDITIONS OF APPROVAL**

**P15-0432, Denise Alioto
3763 Muirwood Drive
Effective Date: September 4, 2015**

1. The Large Family Daycare home covered by this approval shall substantially conform to the narrative, site plan and floor plan dated "Received, July 27, 2015, Exhibit B", on file with the Planning Division, except as modified by the following conditions. Minor changes to the operation 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. To reduce traffic impacts, the applicant shall instruct clients to avoid drop-offs immediately before Foothill High School classes start. A maximum of five client drop-offs by vehicle are permitted on school days between the hours of:
 - a. 7:30 a.m. and 8:00 a.m. on Mondays, Tuesdays, Thursdays, and Fridays
 - b. 8:30 a.m. and 9:00 a.m. on Wednesdays (late-start school days)

For six months following the effective date of the CUP approval, the applicant shall provide monthly reports (by the 10th of the month) to the City of Pleasanton Planning Division documenting daily drop-offs to evaluate compliance with this requirement, and identifying any issues related to compliance. The Planning Division shall monitor compliance through communication with the applicant and periodic site visits.

3. To reduce noise impacts, the applicant shall stagger children's outdoor play times such that no more than seven children are outside at one time.
4. The garage shall remain available for parking of two vehicles, as required by the Pleasanton Municipal Code. A business license shall not be issued until the garage is clear and available to park two vehicles and renovations are complete to the satisfaction of the Community Development Director.
5. The Large Family Day Care indoor uses shall be limited to the bottom and middle floors of the house only.
6. The Large Family Daycare is limited to a maximum of 12 children.
7. All appropriate State licenses for a Large Family Daycare home shall be secured and maintained during the entire time the residence is utilized as a Large Family Daycare home.
8. The applicant shall meet all the requirements of the State Fire Marshall relating to Large Family Daycare homes and obtain a final inspection by the Fire Department.

9. If additional hours and activities beyond what was stated in the applicant's statement of operation on file in the Planning Division are desired, City review and approval is required. Such modification may be approved by the Director of Community Development if found to be in substantial conformance with the approval. The Director of Community Development may require neighborhood noticing of the matter if the proposed changes are determined to be significant.
10. At no time shall children enrolled in the Large Family Daycare home be allowed to cross the street by themselves.
11. All automobiles owned/operated by the applicant or other tenants living at the subject site as well as all employees of the subject daycare shall be parked in the garage, driveway, or directly in front of the subject site when the day care home is in operation.
12. The driveway must be available for parking during operation of the Large Family Daycare business.
13. Patrons of this Large Family Daycare shall utilize the driveway and on-street parking spaces directly in front of the family daycare, when available. Patrons of this Large Family Daycare may utilize other on-street parking spaces provided that children are escorted or can safely travel between the day care home and parking.
14. Under no circumstances shall the Large Family Daycare patrons double park, honk the horn, or park in the middle of the street.
15. The applicant shall advise the patrons of this Large Family Daycare to drive safely and follow all traffic regulations on Muirwood Drive and the surrounding neighborhood and to be mindful of adjacent property owner concerns when parking and driving to and from the site.
16. The applicant shall advise patrons of this Large Family Daycare not to park or make U-turns in the neighboring driveways.
17. The Large Family Daycare home shall not create noise levels in excess of those allowed in residential property by Chapter 9.04 of the Pleasanton Municipal Code.
18. The applicant's site shall be maintained in a neat and litter-free manner at all times.
19. If operation of this Large Family Daycare business results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this permit may be referred to the Planning Commission for its review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said permit approval. Possible mitigation measures may include changing the hours of operation or other measures deemed necessary.
20. At no time shall signs, balloons, banners, pennants, or other attention-getting devices be utilized on the site for this Large Family Daycare.

21. This approval will lapse one (1) year from the effective date of approval unless the applicant receives a business license for the Large Family Daycare.
22. 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.

< End >

This is a response and appeal to rescind the granting of a Conditional Use Permit for a Large Family Day Care center at 3763 Muirwood Drive Pleasanton California (P15-0432).

Traffic:

The staff report assumed 3 sets of siblings out of 12 children and 1 employee, resulting in 22 trips per day (110 trips per week) to drop off and pick up children. There appears no way to validate this.

Assuming no sets of siblings, the result is 26 trips per day, including 1 employee. The supplementary teachers on Tuesdays and Thursday potentially increase trips per week to 134.

Parents routinely make U-turns in the middle of the block.

The staff report recommended denying the CUP based on 100 trips per week.

Parking:

The staff report stated, "The two-car garage would accommodate the tenants' vehicle(s)."

During the meeting with the city, the tenants indicated their intent to use the garage as a welcoming/classroom area. This would reduce the number of available spaces from 5 to 4 per the staff report. There are generally 4 vehicles parked all day, 1 in the driveway and 3 on the north side of Muirwood Drive, across the street from the property. The Condition of Approval document states that they must park their vehicles as well as employee vehicles directly in front of the subject property.

Parents park up and down Muirwood Drive and in Northwood Court.

Noise:

The staff report notes that the enrollment of 12 children on the site could increase on-site noise compared to the currently permitted enrollment of up to 7 children. Noise levels of the existing Small Family Daycare are regularly recorded by the phone app 'Decibels" to be 60 – 70 dBA. An increase to 12 children in a Large Family Daycare would only exacerbate the existing noise problems. On the Conditions of Approval document, item #3 recommends that children's outdoor play time be staggered to limit 7 children outside at one time. An increase to 12 children would double the time of unacceptable noise, not diminish it.

Please see the attached petition signed by neighborhood residents.

RECEIVED
SEP 02 2015
CITY OF PLEASANTON
PLANNING DIVISION

Petition to Appeal the Granting of a Conditional Use Permit (CUP) for a Large Family Daycare (P15-0432) at 3763 Muirwood Drive, Pleasanton CA.

On August 19, 2015, the City of Pleasanton Zoning Administration granted a Conditional Use Permit to operate a Large Family Daycare, at 3763 Muirwood Drive. (P15-0432). The tenants currently operate a Small Family Daycare, which allows a maximum of 7 children. This permit represents a 70% increase, allowing a maximum of 12 children.

RECEIVED

SEP 02 2015

TRAFFIC:

City staff assumed 3 sets of siblings out of 12 children and one employee resulting in 27 trips per day (110 trips per week) to drop off and pick up children. Assuming there are no siblings and one employee, the count could reach as many as 120 trips per week. There appears to be no way to validate this.

CITY OF PLEASANTON
PLANNING DIVISION

City staff report recommended denying the CUP based upon 100 trips per week.

PARKING:

Current parking has averaged 4 cars parked during operating hours; one in the driveway with three additional on Muirwood Drive.

Residents have complained of limited visibility when pulling onto Muirwood Drive.

Proposed parking plan shows 5 spaces available: 3 in the driveway plus 2 additional spaces directly in front of the home. Current utilization exceeds street parking plan.

NOISE:

A 70% increase in children attending this Daycare represents an unacceptable increase in noise levels for nearby neighbors.

We, the undersigned, are appealing the City of Pleasanton Zoning Administration approval of the aforementioned Conditional Use Permit, and request that the Zoning Administration rescind the CUP for a Large Family Daycare at 3763 Muirwood Drive.

Name: Scott Kramer Address: 3950 Arrowood Ct. Pls

Signature: [Signature]

Name: Dana Colteaux Address: 4064 Fernwood Ct

Signature: [Signature]

Name: Bryant Colteaux Address: 4064 Fernwood Ct

Signature: [Signature]

Name: Kathy Donofrio Address: 4037 Fernwood Ct

Signature: [Signature]

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Name: CAROLYN CRAWEN Address: 3755 MUIRWOOD DR.

Signature: 

Name: CYNTHIA A. TUTTLE Address: 3935 Redwood Ct

Signature: 

Name: Timothy B. Tuttle Address: 3935 Redwood Ct.

Signature: 

Name: Susan J. Litvinchuk Address: 3961 Redwood Ct

Signature: 

Petition to Appeal the Granting of a Conditional Use Permit (CUP) for a Large Family Daycare (P15-0432) at 3763 Muirwood Drive, Pleasanton CA.

Name: Robin Neal Address: 3843 Northwood Ct

Signature: Robin Neal

Name: Cynthia Sobrero Address: 3771 Muirwood Dr

Signature: Cynthia Sobrero

Name: Cerald Sobrero Address: 3771 Muirwood Dr.

Signature: Cerald Sobrero

Name: Robert Hadley Address: 3895 Northwood Ct

Signature: Robert Hadley

Name: Martha Hadley Address: 3895 Northwood

Signature: Martha Hadley

Name: Sandra Villalobos Address: 3790 Eastwood Way

Signature: Sandra Villalobos

Name: John Smith Address: 3844 Muirwood

Signature: John Smith

Name: Karen Calawil Address: 3813 Muirwood

Signature: Karen Calawil

Name: Steve Glavan Address: 3866 Northwood Ct

Signature: Steve Glavan

Name: Julie Finch Clark Stewart Address: 3813 Muirwood Ct

Signature: Julie Finch Clark Stewart

Name: Paul Stewart Address: 3813 Muirwood Ct

Signature: Paul Stewart

Name: Paul Stewart Address: 3813 Muirwood Ct

Signature: Paul Stewart

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Name: Gwen Drummond Address: 4089 Fallwood Ct, Pleasanton

Signature: 

Name: Bill Thomas Address: 3784 Muirwood Dr.
Pleasanton

Signature: 

Name: Danika Harrison Address: 3907 Arrowwood Ct.
Pleasanton

Signature: 

Name: _____ Address: _____

Signature: _____

Petition to Appeal the Granting of a Conditional Use Permit (CUP) for a Large Family Daycare (P15-0432) at 3763 Muirwood Drive, Pleasanton CA.

Name: Mike D'Onofrio Address: 4037 Fernwood

Signature: 

Name: Alana D'Onofrio Address: 4037 Fernwood Ct.

Signature: 

Name: Lynda Braga Address: 3945 Arrowwood Ct

Signature: 

Name: Bonnie Dugan Address: 3956 Arrowwood Ct

Signature: 

Name: Larry Gassett Address: 3904 Arrowwood Ct

Signature: 

Name: Gwen Gassett Address: 3904 Arrowwood Ct

Signature: 

Name: Bryan Craven Address: 3055 Muirwood.

Signature: 

Name: Garry Drummond Address: 4089 Fallwood Ct

Signature: 

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Petition to Appeal the Granting of a Conditional Use Permit (CUP) for a Large Family Daycare (P15-0432) at 3763 Muirwood Drive, Pleasanton CA.

Name: Moji Montazeri Address: Owner

Signature: *Moji Montazeri*

Name: ROBERT MONTAZERI Address: OWNER

Signature: *Robert Montazeri*

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Name: _____ Address: _____

Signature: _____

Eric Luchini

From: Michael Austin <[REDACTED]>
Sent: Saturday, October 03, 2015 1:30 PM
To: Eric Luchini
Cc: [REDACTED]
Subject: P15-0432 Planning Commission Notice of Public Hearing

Eric Luchini:

The concern I have with this application:

1. Traffic.
2. Pedestrian safety

There is no immediate through street at this location.

People dropping their children off, will be making U-turn at this location, or speeding into the cul de sac to turn around.

Before and after school, Muirwood Drive is a high speed zone, and it is the most heavily traveled roadway in Pleasanton from 0730 to 0830 hours every school day morning. Traffic includes buses, construction equipment, emergency vehicles, and all the regular motor vehicle traffic.

There are no painted cross walks at this location.

Every day I witness motor vehicles running the four way stop intersection at Muirwood Drive, Eastwood Court and Eastwood Way.

Michael Austin
Pleasanton

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Eric Luchini

From: Robert [REDACTED]
Sent: Saturday, October 03, 2015 1:58 PM
To: Eric Luchini
Subject: ALLIOTO day cae center

cutmachpts@aol.com

A prior public notice was sent to me approx. three week ago. At that time I called and voiced my objections to having this day care center..

The RENTERS moved into the neighbor hood and immediately opened the day care center and as I understand had ask the city for a permit for 12 children which the city immediately granted permission. The city of PLEASANTON could care less about the TAX PAYERS (permanent residence) of the city. All the neighbors have registered their complaints, to no avail.

You have added 12 cars per day to Muirwood South, both parking and making u turns.

Is it true there can be NO SIGN, the renters cars must be parked in the garage, and customers cars must be parked in front of the day care residence. And who will over see this??

The city dumps this on the neighborhood then says if the are any ill effects the city is held harmless?? WELL HURRAY FOR THE CITY.

I AM A TAX PAYING RESIDENT, these day care people are RENTERS.

Robert Hadley
[REDACTED]

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Jean Eisberg

From: Cynthia S [REDACTED]
Sent: Sunday, August 02, 2015 1:05 PM
To: Jean Eisberg
Cc: Jerry Sobrero
Subject: Notice of Large Family Daycare - P15-0432

Yesterday we received notice that Denise Alioto, the new renter at 3763 Muirwood Drive (next door to us) has applied to operate a Large Family Daycare. We are very concerned about the increase in traffic by our home, as well as probable noise levels. Does the homeowner and his insurance company know Denise is planning to run a business out of his rental property? This is a residential neighborhood and we feel a business does not belong here as it will affect our quality of life and home value. Thank you.

Gerald and Cynthia Sobrero

[REDACTED]

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Jean Eisberg

From: Robert Montazeri [REDACTED]
Sent: Thursday, August 06, 2015 8:30 PM
To: Jean Eisberg
Cc: Eric Luchini
Subject: Re: Large Family DayCare Issue

Hi Jean,

Thank you very much for assisting me with this issues. I did not even know they were already operating a small daycare in my house until my neighbors notified me and I checked it myself by contacting the licensing dept. I am disappointed that I was not notified about this by them nor my property manager so we can at least discussed it first and not been blindsided. So my question is, can this small daycare still be stopped? [REDACTED] Other than my house is not equipped for a day care business, according to my neighbors, this is causing noises, foot & car traffic.

[REDACTED]

Again, thank you very much for assisting me with this issues.

Sincerely,
Moji

Jean Eisberg

From: Bryan Craven [REDACTED]
Sent: Friday, August 07, 2015 10:19 AM
To: Jean Eisberg; Eric Luchini; Adam Weinstein
Cc: Carolyn Craven
Subject: 3763 Muirwood Drive Day Care Proposal

Jean,

We have enjoyed living at 3755 Muirwood Drive for 16 years. Upon receiving a notice from the Pleasanton Planning Division, notifying us of the proposed Large Family Daycare at 3763 Muirwood, right next door, we were furious. As I write this letter, prior to any city/license approvals, we have already been awoken by crying children, and the constant noise associated with what is probably only a handful of children. The idea that as many as 12 young children may be waking us up on a daily basis is completely unacceptable, and will not be tolerated.

My wife and I work various hours during the week, and consequently sleep during any and all hours of the day as a result of this schedule. It is completely unacceptable to be awoken each time the Day School hours begin each morning. As a professional pilot, the quality of sleep I receive directly affects my job performance and safety, both at home and abroad. As our house features 3 bedrooms which are located along the property line and backyard of 3763 Muirwood, it is clearly evident that this is where children will be allowed to play. If this morning is any indication as to how things will be going forward, we will not be able to allow this to occur.

There is also a concern of having as many as 12 cars parked on what is already a busy & narrow street. One drive down our street during the beginning and/or end of a Foothill High School day clearly illustrates this point. In the past year alone, we have had several dogs and even a parked car hit by fast moving vehicles. One of these dogs resided at 3763 Muirwood, the property in question. In one case, I personally drove the new tenant and her dog to the Emergency Veterinary Hospital. Having just moved in, I'm sure the new tenants have no idea about the challenges they are about to face. Knowing this, I would not be pleased or comfortable being one of 12 families jockeying for a space to park and run my child into daycare.

With the blatant disregard for city approval timing, approval of the actual homeowner and neighbors, nor the neighborhood traffic directly related to a high school, we are not confident about the concerns for safety moving forward.

Work schedules allowing, we look forward to your August 19th meeting to discuss these, and other concerns.

Sincerely,

Bryan and Carolyn Craven
3755 Muirwood Drive

Jean Eisberg

From: Robert [REDACTED]
Sent: Saturday, August 08, 2015 2:59 PM
To: Jean Eisberg
Subject: d care at 3763 MuirwoodDrive

cutmachpts@aol.com

Attn: Jean Eisberg;
Consultant planner

I have just received my notice pertaining to the request for a permit to conduct a day care for a maximum of 12 children at said address 3763 Muirwood Drive.

Muirwood Drive is a very busy street as we are used as parking and access for FOOTHILL HIGH student drop off and pick up.

At present due to parents delivering their children and the students that drive themselves create a traffic congestion that makes it next to impossible to exit

Muirwood Drive onto Foothill road at school time almost any morning. At present the first blocks at the top of Muirwood are reserved for student parking.

Adding an additional 12 cars in and out to drop off and pick up daycare customers in my opinion is out of the question..

I myself do not wish to have this daycare in my neighborhood.

Robert Hadley
[REDACTED]

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Jean Eisberg

From: [REDACTED]
Sent: Saturday, August 08, 2015 9:22 PM
To: Jean Eisberg
Subject: P15-0432, Denise Alioto

My wife and I oppose permitting 3763 Muirwood for use as a childcare facility.

This is a residential neighborhood, and not zoned for businesses. We have lived in our home for 32 years and do not want to see our neighborhood turned into a business area. There is plenty of space in Pleasanton in appropriately zoned areas for Day Care centers. It is unfair to the neighbors and other legitimate day care centers that have to pay rent. Let them move to Dublin or Tracy if they want to have a day care in a residential area.

As a city official, you have a fiduciary responsibility to support and uphold current zoning laws as well as helping maintain our property values.

Jim Benham
Jane Benham

[REDACTED]

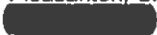
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Jean Eisberg

From: Bill Yeoman <billyeoman@sbcglobal.net>
Sent: Monday, August 10, 2015 12:52 PM
To: Jean Eisberg
Subject: Fw: Application P15-0432

On Monday, August 10, 2015 10:47 AM, Bill Yeoman <billyeoman@sbcglobal.net> wrote:

Good Afternoon Jean, On Saturday I received the notification of the application for a permit to operate a large family daycare for a maximum of 12 children. I own the property at 3784 Muirwood Drive, across and 2 houses down. My concern is this does the city allow large daycare's in a quiet residential neighborhood? Jean I'll await your response before I express my objections.

Bill Yeoman
3784 Muirwood Drive
Pleasanton, CA 94588


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Jean Eisberg

From: Danika Harrison [REDACTED]
Sent: Tuesday, August 11, 2015 8:13 PM
To: Jean Eisberg
Subject: P15-0432 application

Hi Jean,

I was on vacation last week and upon getting my mail today saw a notice of an application to operate a large family daycare referenced in the above number. I would like to understand more about these plans as the property is quite close by and I'm worried about the impact of noise at my house. In addition, this is a rental property with frequent turnover and I would like to understand if this is the owner or the tenant requesting this application.

Please let me know what the proper channels are for obtaining more information.

Regards,
Danika Harrison

Click

<https://www.mailcontrol.com/sr/iEJ3c5DxSH!GX2PQP0mvUgW!Rl4xIDLrR2NCzzH90ZXy5xgc+gw7P++JEFO!DE9ypqv3s3zS1!DsVggzUgwWUw==> to report this email as spam.

Jean Eisberg

From: [REDACTED]
Sent: Sunday, August 16, 2015 11:07 AM
To: Jean Eisberg
Cc: [REDACTED]
Subject: P15-0432

Dear Ms. Eisberg:

We are writing regarding Notice P15-0432 Application for a large family day care at 3763 Muirwood Dr. This house is directly across the street from our home. Due to our work schedules, we are unable to attend the meeting in the middle of the day but want to note our dissent. First of all we are appalled that a person in a rental house would even apply for such a disruptive business in a single-family neighborhood. It is egregious on the part of the applicant that she is willing to disturb all of the homeowners in the area. We also understand that there was deception on the part of this renter in that the landlord had no knowledge of the intended use of his property. In fact, the landlord had specified no small children were to live in the house due to property damage from previous renters' children. The renter was deceptive in not disclosing her intention to run a business with small children out of the home. She also misled the city in that she already has an established website accepting applications at www.enchangedplay.com before any permit has been granted.

More importantly, the city needs to be aware that a small home day care had been tried in the area in the past with disastrous results. The previous owner at 3907 Arrowwood Ct had a home day care for 4 small children. The noise generated from 6am drops off including car doors slams, conversations on the driveways, horns honking were disturbing to our sleep. In addition, the traffic generated was dangerous. On two occasions, I was almost hit by parents speeding out of the driveway to get to work. This past attempt led to a hostile, unfriendly neighborhood. The permanent homeowner recognized this situation was not in the best interest of the neighbor's relationship and halted her business. A renter will not have this discretion so we are requesting the city use its best judgment in favor of the permanent homeowners.

This neighborhood gets plenty of noise from Foothill High School but even the school district maintains a respectful neighborhood policy by not allowing any activity before school. It is only reasonable that this business impose the same courtesy to the permanent homeowners. Hence we are requesting the following;

- 1) The permit for a large family day care be denied. The past experience with only 4 small children was intolerable to all of the surrounding homes so we cannot imagine how unbearable it will be tripling that to 12 small children
- 2) Any size family day care operate under the same times as the local school in that there be **no drop offs before 8:30am and all pick ups need to be by 3pm.** This would be consistent with the school's policy.

I would truly appreciate that the city planners be more responsive to the permanent homeowners then to a temporary renter. Our peace of mind and property values depends on you.

(We would appreciate an acknowledgement of this email)

Scott and Bonnie Kramer



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

Jean Eisberg

From: Robin Neal [REDACTED]
Sent: Tuesday, August 18, 2015 11:29 AM
To: Jean Eisberg
Subject: Zoning Hearing P15--0432

I understand there will be an open meeting tomorrow regarding this proposal. I am unable to attend.

I would like to object to approval of this application.

I live on the court near the home requesting the approval. We were out of town and did not receive the notice until we returned home.

This location is one in which there is very high traffic during the school year. The traffic from Foothill High School using Muirwood Dr is heavy and the Wheels buses use it as a bus route also. Speeds of vehicles coming down Muirwood can often be 45 MPH or higher.

While the permit is being looked at, she is operating a day care of less than twelve children and noise is already a factor.

I respectfully request the City of Pleasanton to deny the application.

This is due to my concerns about the additional traffic, the danger to children from the Day Care crossing Muirwood Dr to

get to their parked vehicles and the increase in noise during the hours the day care is operating.

Thank you for your time.

Robin Neal



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Jean Eisberg

From: [REDACTED]
Sent: Wednesday, August 19, 2015 9:37 AM
To: Jean Eisberg
Subject: P15-0432 Denise Alioto

Dear Ms. Eisberg,

I live a couple blocks from this residence and I am in support of her working out of her home. I have know Denise for several years and she runs an excellent program and she is very conscientious of her neighbors and I am sure they would never have a problem with her. I live close by also and am in support of her business. If there is any other information I can give let me know. I am sorry this is late but I was out of town and I hope her hearing today results in a positive outcome.

Connie Denny
[REDACTED]
[REDACTED]

Click

<https://www.mailcontrol.com/sr/S0m36phZg7DGX2PQPOMvUig7ce8j6mWJmo9CI9Ly8Sut3zQZ1vpVPZeBn7kmaiNE4KE1pr2wibaKORphlb7DTA==> to report this email as spam.

Jean Eisberg

From: Cynthia S [REDACTED]
Sent: Wednesday, August 19, 2015 9:05 AM
To: Jean Eisberg
Cc: Eric Luchini
Subject: RE: Notice of Large Family Daycare - P15-0432

Good morning,

I plan to attend today's meeting if my husband's oral surgery is done in time. If not, here are my thoughts for the record.

My husband and I have owned our home on Muirwood Drive for more than 24 years and we are upset about renters opening a day care next door to us. In the short time they've been there, we already notice a big increase in noise, traffic and commotion and are worried about security with so many different people coming and going. Our homes are close together and the children and their parents enter and exit the day care by the side door, which is right next to our side yard. It sounds as if they are in our own yard and we hear every word. The noise is worse when the children play outside. It is like a megaphone aimed at our house. We do not want a day care next door and the idea of increasing it to a large family day care/pre-school is completely unacceptable.

Muirwood is a busy street and the additional cars of parents and employees are a parking problem as well as a safety issue. We feel strongly that this commercial business with so much customer traffic and noise belongs in a commercially zoned area, not a residential neighborhood.

We urge you to deny this application.

Thank you,
Cynthia and Gerald Sobrero
[REDACTED]

**MINUTES
ZONING ADMINISTRATOR
Pleasanton, California**

Council Conference Room
200 Old Bernal Avenue, Pleasanton
Wednesday, August 19, 2015

CALL TO ORDER

The meeting was called to order at 11:00 a.m. by Adam Weinstein, Zoning Administrator.

Present: Daniel and Denise Alioto, Applicants
Moji Montazeri, Property Owner
Gerald and Cynthia Sobrero, Neighbor
Carolyn Craven, Neighbor
Mel Lim, Neighbor
Dave Madwell, Neighbor
Larry Gasset, Neighbor
Susan Inouye, Neighbor
Staff: Adam Weinstein, Planning Manager and Zoning Administrator; Jean Eisberg, Contract Planner; Eric Luchini, Associate Planner

P15-0432, Denise Alioto

Application for a Conditional Use Permit to operate a Large Family Daycare for a maximum of 12 children at an existing single-family residence located at 3763 Muirwood Drive. Zoning for the property is R-1-6,500 (One-Family Residential) District.

Adam Weinstein, Zoning Administrator, welcomed the group to the Zoning Administration Hearing to discuss P15-0432. He asked Consultant Planner, Jean Eisberg, if she had any comments on the project.

Ms. Eisberg stated case P15-0432 is an application from Denise Alioto for a CUP (Conditional Use Permit) to operate a Large Family Daycare for a maximum of 12 children, ages 0-5 years old, at 3763 Muirwood Drive. The applicant is currently operating a small family daycare that can serve up to seven children and does not require a CUP. The project is proposed to operate from 7:30 a.m. to 5:30 p.m., Monday through Friday. It would employ one full time teacher in addition to the tenant/applicant, Denise Alioto. The subject residence has a two car garage that would be reserved for use by the tenants. The applicant has identified five additional spaces to be used for parking or loading during the pick-up and drop-off times in the morning and afternoon. The five parking spaces include three spaces on the driveway and two on the street directly in front of house. Drop-offs will be staggered between 7:30 a.m. and 9:30 am. Staff assessed the requirements for a Large Family Daycare as outlined in the PMC (Pleasanton Municipal Code). These factors include noise, traffic, parking, spacing/distance, and fire code requirements. Details of the findings are outlined in the Staff Report. Staff determined that spacing/distance between surrounding Large Family Daycare's in the City was not an issue. That parking was also adequate in the neighborhood with five spaces allocated for pick-up and drop-off. Lastly, the fire code requirements were met during a pre-inspection conducted by the City. Two items that Staff did discuss were traffic and noise. Staff was concerned with the existing traffic related to Foothill High School on school days and how this project would contribute to the traffic condition. Also, Staff cannot confirm the noise levels at the subject property

would be within the City's standards and the PMC. Staff received seven calls/emails in opposition to the project. Additionally, four more calls/emails came in since the staff report was published, three in opposition and one supporting the project. Staff also received a response to the staff report from the applicant. Those opposed to the project expressed concern about parking, noise impacts, home value impacts, quality of life, potential traffic congestion, safety, and land use compatibility concerns of operating a business in residential neighborhood. In conclusion, based on the inconsistency with noise/traffic standards, Staff cannot support the Conditional Use Permit findings required by the PMC.

Mr. Weinstein asked Ms. Eisberg to discuss what the State regulations/requirements are regarding City decisions about Large Family Daycares.

Ms. Eisberg responded, Large Family Daycare's are considered a special class of use and protected under State law. One protection that relates to this application is the fact the property owner is not required to give consent for a renter/tenant to operate a daycare in their residence. So, whereas other uses would typically require the signature by a property owner giving consent, this protected class does not.

Mr. Weinstein explained that State law and the PMC allow the City to impose reasonable restrictions on the operation of daycares to meet basic code requirements related to traffic, etc.

Ms. Eisberg stated that if the City can mitigate the project to meet the five findings then the project can be approved.

The Public Hearing was opened.

Daniel Alioto expressed gratitude to his neighbors and his desire to maintain the positive relationships in the neighborhood.

Mr. Weinstein asked Mr. Alioto what he would do specifically to address his neighbors concerns.

Mr. Alioto replied that his wife, Denise, runs an immaculate daycare and has over 20 years of experience and great reviews from parents of the children who have attended her small family daycare. Mr. Alioto explained that he and his wife want to be good neighbors so they limit the hours the daycare is open to reasonable daycare hours. The hours of operation fit standard work hours for parents and prevent the business from being open any later than a standard 9-5 job. Mr. Alioto stated he and his wife have notified all parents of the parking situation and have asked parents to drop-off and pick-up kids swiftly and in a staggered time window to avoid traffic congestion. Mr. Alioto added, the most cars they've ever had at the subject site is three cars in the driveway and that's been when one is leaving and one is showing up. Mr. Alioto explained that generally when there are 12 kids at the house it doesn't mean there are 12 cars or parents. He added that most of the students are siblings so it reduces the overall number of car loads. Mr. Alioto stated that the concern over the safety of the children is being addressed by parents being in the driveway. Mr. Alioto further explained that with the staggered drop-off/pick-up times there are rarely more than two or three cars at the residence, so they are all able to fit in the driveway. He stated the street parking spots are used only in special circumstances. Mr. Alioto said parents are given a notice that explains to them to that it is a family neighborhood and asks that they mind the 25 mph speed limit and keep noise down when driving down the street.

Mr. Weinstein asked the applicants if they could estimate what percentage, on average, of the enrollees are sibling groups.

Denise Alioto replied that at least 30% of the enrollees are sibling groups. She explained that the number changes as the students ages change and older siblings get to be too old to continue attending. Mrs. Alioto stated they often have as many as four pairs of siblings. She added that the currently enrolled sibling pairs are very young so they plan to be there for a while.

Mr. Weinstein asked the applicants to discuss the status of the garage project.

Mr. Alioto responded that the garage is currently being used as a receiving place for the children because there was a major water leak in the classroom. He explained how the water damage has caused the daycare to be displaced. Mr. Alioto further explained that the State license allows the applicants to use the living room, dining room, kitchen, classroom, and garage for the daycare. Mr. Alioto reassured Mr. Weinstein that the garage is only being used for receiving and is a temporary solution until the water leak is fixed, which is expected to be in about a week.

Mr. Weinstein asked the neighbors to state their concerns.

Mel Lim stated she is concerned with noise, traffic, and value of homes. Ms. Lim explained that she is in attendance of the hearing to see how these issues can be mitigated.

Carolyn Craven stated she is concerned with the traffic. Mrs. Craven has lived in the neighborhood for 16 years and she is concerned that the applicants do not have sufficient knowledge of the area that they are trying to place the operation. Mrs. Craven referred to the letter she submitted in opposition in which she addressed the fact she and her husband had to take the previous tenants dog to the vet while caring for the kids because the tenants were new and didn't have a vet or know the area. Mrs. Craven explained that how nobody can truly understand the traffic situation until they've lived there for a while. Mrs. Craven explicated that there are hours between 7:30 a.m. and 5:30 p.m. that you do not leave your home because you can't turn on to Las Positas or Foothill. She further described that there was a car parked in front of the Sobrero's house that was totaled by a teenager because and that most of the vehicles driving through the neighborhood are: inexperienced drivers/teenagers. Mrs. Craven said the Alioto's plan on using the garage as a garage but currently, on average, there have been 4-5 cars parked in front of the subject property every day. Her concern with the cars parked in front of the residence is the fact it blocks visibility. Mrs. Craven addressed the letter that her neighbor Bonnie (who was not able to attend the hearing) wrote which mentioned at least three times she's pulled out and there was another car coming that she couldn't see because of the cars being parked on Muirwood. Mrs. Craven argued that moving into this quiet neighborhood you would not know that there are these issues unless you asked those who have lived there. Mrs. Craven also addressed the issue that she and her husband work odd/late hours and sometimes have to sleep during the day. She noted that their bedroom windows line up with the property line of the proposed daycare. Mrs. Craven stated that the noise of the Small Family Daycare has already been an issue.

Mr. Weinstein asked Mrs. Craven to clarify her concern about line of sight blockage. He asked if the issue is that drivers may be speeding and that the more cars parked on the street limits the visibility and increases the potential for traffic hazards.

Mrs. Craven replied, yes, the visibility is horrible if vehicles are parked on both sides of the road.

Mr. Weinstein asked Mrs. Craven what the peak hours are for school related traffic in the neighborhood.

Mrs. Craven replied, when school starts and lets out. She stated that students are supposed to be in class by 8:05 a.m. but there are still cars lined up on the street by then.

Gerald Sobrero asked Mr. Alioto if he works in the daycare.

Mr. Alioto replied that he is currently working in the daycare but generally has a job outside of the home.

Mr. Sobrero expressed his concern with traffic and noise. Mr. Sobrero explained that his property shares a fence with the subject property and that the noise echoes between the homes. He specified that the wheeled toy cars generate excessive noise and become very bothersome. Mr. Sobrero said other than those concerns that he and his wife want to be good neighbors and want this to work out for everybody.

Moji Montazeri stated she did not get the 30 days notice and didn't know about the daycare until she heard from a neighbor. Ms. Montazeri is concerned that her residence is quite old and cannot handle 12 kids there everyday. Ms. Montazeri agrees with Mrs. Craven's concern about safety and explained how her dog was hit on Muirwood. Ms. Montazeri described how she had parked in the driveway, just got out of car, and her dog ran out into the street and got hit. She said the speeding and constant traffic in the neighborhood are very concerning. Ms. Montazeri added that she has noticed many cars parked in the driveway, in front of the residence, and across the street.

Mr. Weinstein asked Ms. Montazeri if there has been a daycare at the subject residence before.

Ms. Montazeri replied, yes, she had a daycare with four babies only.

Mr. Weinstein asked when that was.

Ms. Montazeri responded that she ran the daycare five years ago.

Mr. Weinstein asked Ms. Montazeri if she received any complaints about the daycare back when it was in operation.

Ms. Montazeri replied she did not receive any complaints, likely because she had only four babies.

Mr. Weinstein responded to Ms. Montazeri's earlier concern that the disclosure to the property owner is not part of the City's decision making process but that applicant can address the issue in their rebuttal.

Cynthia Sobrero stated her concern is with noise levels. Her property shares a fence with the subject property and the noise echoes between the houses. Mrs. Sobrero explained that while she and her husband like children, and raised theirs in the neighborhood, they don't always like the noise they generate and especially don't like when it's an unpleasant noise they are creating. Mrs. Sobrero stated that she has recorded the noise of the current daycare from inside her house and it is loud. Mrs. Sobrero explained that the traffic is also an issue, and as was previously mentioned, her son's parked car was totaled in front of their residence because a teenage driver was texting and crashed into it. She described another incidence in which a teenage driver ran his car up on the lawn by mistake. Mrs. Sobrero also noted the fact 12 strangers will be coming and going every day in her neighborhood is disconcerting. She has lived in her home for over 24 years and would like to retain the residential feel and not allow a commercial business to come in to the neighborhood.

Mr. Weinstein reminded everybody that the Large Family Daycare is a use that is allowed subject to conditions of approval. He asked the neighbors if the project were allowed to go forward what conditions they would suggest be imposed to reduce traffic or noise.

Mrs. Sobrero replied that the only way to address the noise issue would be for the children to stay inside, but that is unrealistic and unhealthy. Mrs. Sobrero stated she could not think of a condition that could address the issue of noise and be fair to the children.

Mr. Sobrero replied that a condition to mitigate the parking line of sight issue could be that the personal cars and employee cars could park on the other side of Muirwood.

Mrs. Craven interjected that the cars parked on the street were the concern of her neighbor Bonnie, as addressed in the letter submitted by Bonnie.

Mrs. Sobrero added that her garbage wasn't picked up one time because either the garbage truck driver couldn't see the cans or couldn't access it because the cars were parked too close.

Susan Inouye asked if a Conditional Use Permit is not required is the business considered a daycare or a preschool. She stated that she has seen paperwork referring to it as a preschool.

Mr. Weinstein replied that the application is being assessed as a preschool. He added, what is allowed without a CUP in the subject zoning district is a Small Family Daycare which has a limit of seven students. In the subject zoning district anyone can open a Small Family Daycare with seven or fewer children without any type of permit or conditions. This application for a maximum of 12 students is considered a Large Family Daycare and does require a Conditional Use Permit.

Ms. Inouye asked for clarification if the Large Family Daycare is considered a preschool or daycare.

Eric Luchini referred to the definition in the State law, that a daycare has specific requirements for outdoor play areas whereas preschools do not.

Ms. Eisberg added that the distinction is made based on the age of the children and whether they are school age or not. Ms. Eisberg clarified that the application is for children 0-5 years old which is not considered school age, therefore the proposed business is considered a daycare by State law.

Larry Gassett stated his concern is regarding the traffic and that the rest of his questions have already been addressed. Mr. Gassett explicated he has lived in the neighborhood for 31 years and has noticed the traffic getting worse and worse over the years. He also described how there is always construction going on with the number of older homes in the area. Mr. Gassett has a corner lot so the construction trucks usually park in front of his property and block the visibility coming out of the court. He explained how special events at the high school, such as the battle of the bands week and football games, cause additional traffic in the area and cars parked in the neighborhood. Mr. Gassett stated he asked the City about getting permits for residents parking in the neighborhood but the request was denied.

Mr. Weinstein asked Mr. Gassett if he could give an estimate of what percentage of the traffic in the neighborhood is from the residents, the daycare, and the high school.

Mr. Gassett replied that it depends on the time of day. He explained how between 7:30 a.m. and 8:15 a.m. the traffic is gridlock and the residents are unable to exit the court in either direction.

Dave Madwell stated he has lived in the neighborhood since 1991 and hadn't even noticed the Small Family Daycare that has been in operation. He explained how Muirwood used to be a charming little street with a lot of character, but now it is full of cars up and down both sides. Mr. Madwell expressed concern for neighbors who would be directly affected by the Large Family Daycare and how their quality of life would be impacted.

Mr. Gassett asked Mr. Weinstein if there is any sort of trial period where if the conditioned project doesn't work out the neighbors can come back to the City for appeal.

Mr. Weinstein replied, yes, that is how enforcement works. He explained how when a project is conditioned the Staff goes around, formally or informally, monitoring the new business or project to ensure the applicant(s) is following the conditions of approval. Mr. Weinstein explicated how the City relies on residents to call Code Enforcement, Planning, or anyone in the Community Development Department to express issues with any new business or project. He reassured the neighbors that the City is very responsive to the complaints received from residents. Mr. Weinstein further explained that if an applicant does violate provisions of the code then escalating fines are imposed on them until the problem is resolved.

Mr. Weinstein asked the applicants for their rebuttal statements.

Mr. Alioto addressed the neighbors, informing them that they can come to him and his wife when they have any issues and that he and Mrs. Alioto will work with them to resolve the problem.

Mrs. Alioto specified to Mrs. Sobrero that the noise generated from the toy cars can be remedied by limiting the use of that specific toy, which she is willing to do.

Mr. Alioto rebutted that the State of California has laws to protect Large Family Daycare's because the State understands that home daycares are vital to the neighborhood. Mr. Alioto addressed Ms. Inouye's question regarding whether the proposed business is a daycare or a preschool. Mr. Alioto explained that the State defines the business as a daycare but in the industry the words daycare and preschool are used interchangeably. Mr. Alioto reminded everybody that the State has a set of rules governing what can and cannot be brought up in these types of hearings, and that the only topics that can be discussed today are the five findings addressed in the Staff Report. Mr. Alioto explained that three of the findings have been met so the only issues that should be discussed at today's hearing are the two findings that have not been met – noise and traffic. Mr. Alioto described how they are limiting the hours of operation and the hours the children are outside in order to reduce noise impacts. He explained how they took into consideration their neighbor's sleep schedule when drafting the schedule and that they agreed to have the children outside for no more than three hours a day, and not before 9:30 a.m. or after 5:00 p.m. Mr. Alioto asked that Staff keep in mind the State law identifies that children generate noise and the noise factors that can be taken into consideration are only those over a standard level as governed by the City's General Plan or PMC. Mr. Alioto pointed out that the noise level addressed in the Staff Report was lower than the level allowed by the General Plan and PMC. Mr. Alioto said the Staff admitted they did not take noise readings and so whether or not the noise level is within the limits of the General Plan is unknown. Mr. Alioto stated he and his wife do not believe they are in violation of noise restrictions. Mr. Alioto clarified that the State of California specifically avoids neighbor concerns with Large Family Daycares. He also noted that in regards to traffic the ordinance language states that the business shall not create a traffic hazard. Mr. Alioto explained that the Staff Report states the proposed daycare "could possibly" create a traffic hazard, not that it will. Mr. Alioto said if the Staff Report stated that the daycare would create a traffic hazard

for a specific reason then it should stand, but a number of things could “possibly” create a traffic hazard and for that he does not agree with Staff’s finding.

Mrs. Alioto interjected that one of the questions that was asked by the parents of their students was if a bell schedule for the high school could be provided so the parents could work around the traffic. She further explained that they provided the schedule to the parents not only to assist in the traffic for the benefit of the neighborhood, but also for the benefit of the parents who are trying to drop their kids off at the daycare.

Mr. Alioto explained that they have lived near other schools in the past and they are aware of the traffic situation. Mr. Alioto addressed Ms. Montazeri’s concern regarding the 30 days notice and assured her they did send her a notice on July 31, 2015.

Ms. Montazeri replied that she never received the notice but that she will address the issue with the property management company.

Mr. Alioto stated he and his wife were very up-front with the property management company when they signed the lease; they provided bank statements and financial records and even paid with a business check.

Ms. Montazeri responded that she was given no indication from the property management but again, she would address it with the company.

Mr. Alioto apologized to Ms. Montazeri for the miscommunication.

Mrs. Alioto responded to Mrs. Sobrero’s concern with the garbage not being picked up, she stated they place their cans next to hers so they make sure the space is always clear on garbage day.

Mr. Gassett asked Mr. Weinstein why the City cannot have its own rules outside of the State rules, in the same way the Building codes vary between the State and City.

Mr. Weinstein replied that in our government system the State can preempt local regulation similarly the Federal Government can preempt State laws.

Mr. Gassett asked Mr. Weinstein if a traffic study had been conducted.

Mr. Weinstein replied that a traffic analysis was performed, that Staff has gone to the subject site a few times to observe traffic patterns, that data from the City’s Traffic Engineering Department was reviewed, and that the high school was contacted so Staff could understand the operating schedule.

Ms. Eisberg interjected that the school day traffic from April 2015 is referenced in the report.

Mr. Alioto replied that the staggered drop-off/pick-up times are implemented so that the business does not significantly impact traffic.

Mrs. Alioto asked Mr. Weinstein what the City does to relieve parking issues.

Mr. Weinstein responded that the City does not impose universal restrictions but custom tailors things such as speed bumps, traffic circles, and permitted parking in individual neighborhoods as needed. He explained that if a neighborhood wants those things a request can be made to the Traffic

Engineering Division who will then do an analysis and work with the Planning Division to make those decisions.

Mr. Alioto added that the Staff Report states they passed a pre-inspection for fire when in fact they've also passed the final inspection.

Mr. Weinstein asked the applicant team if he were to approve the project with conditions formalizing a restricted pick-up/drop-off schedule when school activity is at its peak (restrict drop offs to five cars between 7:30 a.m. and 8:00 a.m. Monday, Tuesday, Thursday, and Friday, and between 8:30 a.m. 9:00 a.m. on Wednesday when high school has a late start day) would they be willing to accept those terms.

Mr. Alioto replied that the proposed schedule tends to already happen because parents start work at different times and have different needs for daycare, so yes, they would be willing to formalize the condition.

Mr. Weinstein responded while they may naturally adhere to a similar schedule that formalizing the condition could mitigate neighbor concerns.

Mrs. Alioto interjected that she would agree to the condition but asked that the neighbors be understanding of unforeseen circumstances.

Mr. Weinstein suggested a condition to stagger the outdoor play times so that only half (6) of the maximum students could be outside at one time. He explained that this condition would restrict the number to less than what is allowed currently as a Small Family Daycare. Mr. Weinstein stated the staggered outside time could preclude additional noise impacts.

Mrs. Alioto replied that similarly to the drop-off/pick-up issue they typically adhere to this condition as well due to the fact the students are of different ages and the weather affects how long they are outside.

Mrs. Sobrero exclaimed that having six children outside for a period of time then another six children for another period would increase the overall time that children are outside, so the condition would be detrimental to the noise complaint.

Mr. Weinstein asked if there is a way to limit the total number of hours, keeping in mind that currently, as a Small Family Daycare, there is no restriction and the children could potentially be outside for the entire day.

Mrs. Alioto interjected that they proposed a three hour window to allow for flexibility in the schedule but that typically they only play outside for about 45 minutes at a time. She explained that the weather also affects their schedule and that some days they only play outside for 10 minutes. Mrs. Alioto asked that everyone keep in mind that they are very young children and they typically nap for three hours of the day.

Mr. Alioto added that of the 12 children four are infants so the maximum number of children that would be outside at any one time is eight.

Mrs. Alioto addressed Mrs. Sobrero's concern of "unpleasant" noise and agreed that things happen and children cry. She assured Mrs. Sobrero that they try to take children inside when those things happen.

Mr. Alioto added that he and his wife would like the neighbors to come talk to them when they are making too much noise and they will bring the children inside or work to resolve the issue.

Mrs. Sobrero replied that the noise generated is very loud, it's as if the children are in her own yard, she can hear every word.

Mr. Weinstein thanked everyone for maintaining a respectful open dialogue and for working together to clarify some of the issues. He proposed a final condition to restrict the operation of the Large Family Daycare to the time after the garage project is completed.

Mr. Alioto responded that the construction is the responsibility of the landlord and that he and his wife have no say in the timeline of the project.

Ms. Montazeri stated the project is in progress and is anticipated to be done in a timely manner.

The Public Hearing was closed.

The Zoning Administrator approved case P15-0432 subject to the supplemental Conditions of Approval: (1) to reduce traffic impacts, the applicant shall instruct clients to avoid drop-offs immediately before Foothill High School classes start; a maximum of five client drop-offs by vehicle are permitted on school days between the hours of 7:30 a.m. and 8:00 a.m. on Mondays, Tuesdays, Thursdays, and Fridays, and between 8:30 a.m. and 9:00 a.m. on Wednesdays (late-start school days); for six months following the effective date of the CUP approval, the applicant shall provide monthly reports (by the 10th of the month) to the City of Pleasanton Planning Division documenting daily drop-offs to evaluate compliance with this requirement, and identifying any issues related to compliance; the Planning Division shall monitor compliance through communication with the applicant and periodic site visits; (2) to reduce noise impacts, the applicant shall stagger children's outdoor play times such that no more than seven children are outside at one time.

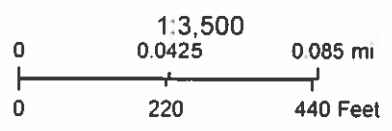
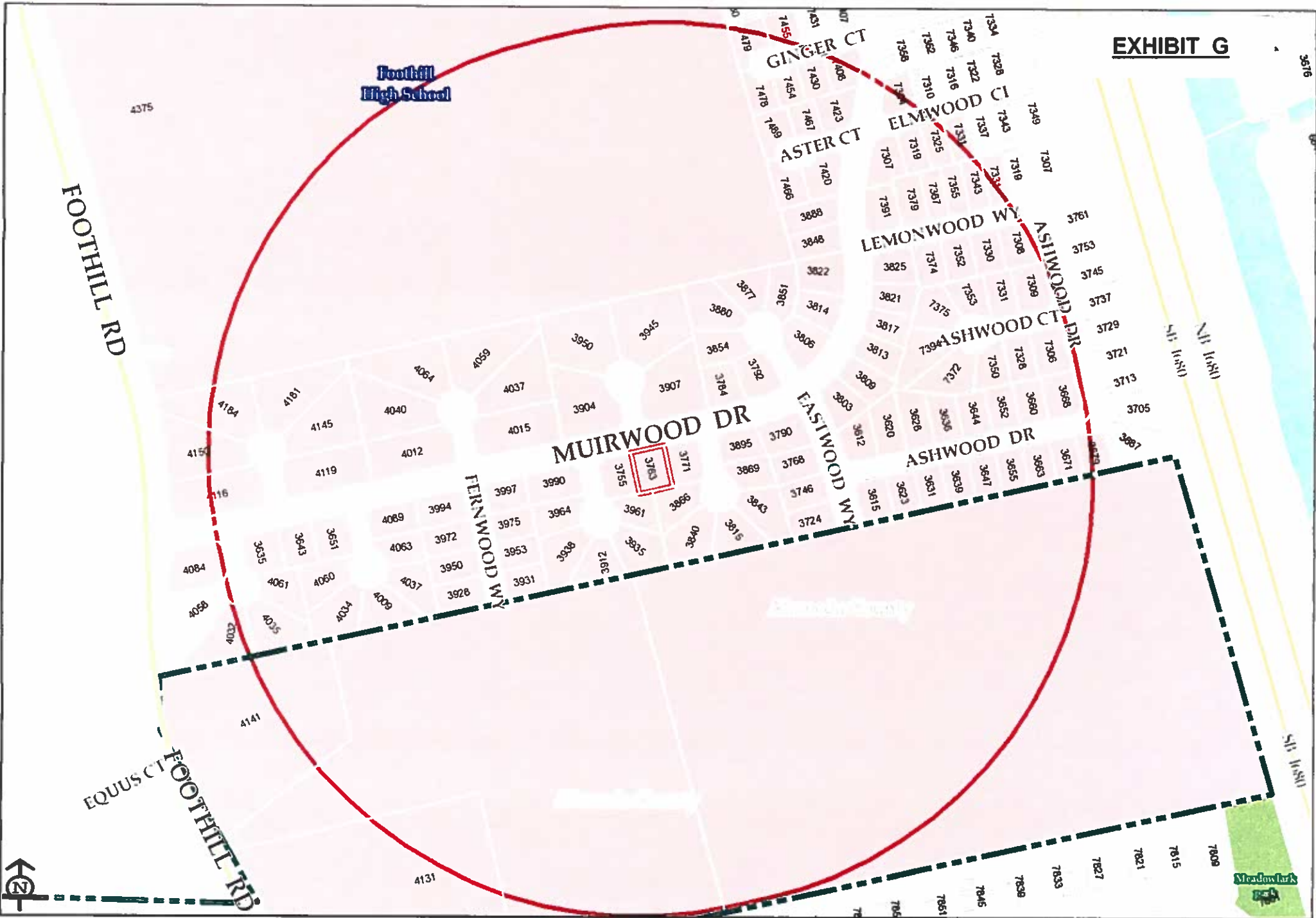
Mr. Weinstein informed the applicant this action is subject to a 15-day appeal period.

As there was no further business, the Zoning Administrator adjourned the meeting at 12:20 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Adam Weinstein", written over a horizontal line.

Adam Weinstein
Planning Manager



P15-0432, Denise Alioto, 3763 Muirwood Drive