

June 6, 2014

Shilpa Parekh<br>4034 San Giorgio Court<br>Pleasanton, CA 94588

## Subject: P14-0191, Large Family Daycare Effective Date: June 24, 2014

## Dear Mrs. Parekh:

The City of Pleasanton Planning Division has completed its review procedure for the proposed Conditional Use Permit for a large family daycare. In accordance with Section 18.124 .210 of the Municipal Code of the City of Pleasanton, notice of your proposal was sent to your adjacent neighbors on May 20, 2014. Staff received nine emails (including one from Signature HOA), as well as three phone calls, all in opposition of your proposed large family daycare. Concerns ranged from lack of parking and loading areas, noise impacts with adjoining neighbors with common walls, lack of outdoor space as well as HOA liability concerns. As communicated to you previously in writing and during our phone conversation, staff has similar concerns and has determined that the proposed large family daycare does not meet the intent of the large family daycare homes Ordinance (P.M.C. 18.124.19018.124.240). The City allows the conduct of those types of daycares which traditionally take place in residences and which do not create the potential for changing the residential character of the neighborhood or create adverse impacts on parking, noise and traffic. Staff believes that the operation of a large family daycare from the subject townhome would create adverse impacts on parking and noise and therefore is denied.

Staff has assessed the requirements for a large family daycare as outlined in Chapter 18.124.240(A-E) of the Pleasanton Municipal Code. Staff has provided the code wording and a brief discussion on the standards that staff believes have not been able to be met:

Parking Requirements: Parking spaces, including both off-street and on-street, shall be available for the actual parking demand created by the use, including the applicant's own vehicles, those of employees, and those of persons delivering and picking up children. On-street parking is available for the use if such spaces are within a reasonable distance of the home and can be reached safely from the home by children.

- The current facility has failed to provide viable, and non-guest space parking for the parents to use when dropping off and picking up their children. The fire lane along this section of San Giorgio Court has done little to discourage the patrons from parking there while loading, unloading, or transitioning children to and from their vehicles according to surrounding neighbors.
- The proposed drop-off and pick-up schedule (Attachment No.2) confirms that the only parking that can be reasonably offered to the patrons of the facility are those intended for the guests of the whole development. This raises concerns for the applicant's ability to provide on-site parking/loading zones and the use of property not owned by the applicant for the operations of their business.
- The proposed use of the guest parking does not meet the requirement that on-street (offsite parking) be within a reasonable distance of the home and is to be safely reachable from the home by a child. The guest


## COMMUNITY DEVELOPMENT

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

| Planning | Building \& Safety | Engineering | Traffic | Inspection |
| :--- | :--- | :--- | :--- | :--- |
| 200 Old Bernal Ave. | 200 Old Bernal Ave. | 200 Old Bernal Ave. | 200 Old Bernal Ave. | 157 Main Street |
| (925) 931-5600 | (925) $931-5300$ | (925) $931-5650$ | (925) $931-5650$ | (925) $931-5680$ |
| Fax: 93I-5483 | Fax: 931-5478 | Fax: 931-5479 | Fax: 931-5479 | Fax: $931-5484$ |

spaces in question are located approximately 150 feet from the subject lot. The use of the guest spaces would require the patrons to cross three other townhome garages while walking in the street/drive aisle the entire time to reach the subject lot. Staff is also concerned about the safety of children walking to the facility as a result of the insufficient loading zone and convenient parking.

- The displacement of potential guest users, the enforceability of requiring the applicant to mandate the use of the guest spaces, the likelihood that these spaces would be used during poor weather conditions, and the additional impacts to the residences along the street from the guest spaces to the subject lot are still concerns that have not been addressed.

Noise Control: Large family daycare homes shall not create noise levels in excess of those allowed in singlefamily residential areas in the noise element of the general plan or in excess of those allowed in residential property by chapter 9.04 of this code. The zoning administrator may impose reasonable limits on the hours of operation of the large family daycare home in order to ensure that these limits are met.

- Multi-family residential property is restricted to sixty (60) dBA when measured from four feet from any wall (with doors and windows closed) as stated in Chapter 9.04 .030 of the Pleasanton Municipal Code. A large family daycare home could conceivably generate additional noise that would affect surrounding homes when the children are engaging in outdoor and indoor playtime and not closely supervised. With the proposed expansion, the number of children enrolled at the home would be increased from the currently allowed children to a maximum requested of 10 children. Given that the residences are attached townhomes with shared walls, the proposed expansion may significantly impact the immediate neighbors.

Being that the concerns for public and child safety, including noise and parking, have not been addressed, staff believes that the proposed location is not viable or suitable for a large family daycare. Should you wish to appeal this decision to the Planning Commission, you must submit an application for appeal with a letter stating the basis for your appeal and the application fee in the amount of $\$ 3.75$. The appeal must be submitted to the Planning Division prior to the expiration of the appeal date (on or before June 24, 2014).

If you have any questions, please feel free to give me a call at (925) 931-5607.

## Sincerely,


c: Signature @ Hacienda HOA, Mike Utic P.O. Box 2657, Castro Valley, CA 94546

## Pleasanton Municipal Code

Up Previous Next Main
Title 18 ZONING
Chapter 18.124 CONDITIONAL USES
Article I. General Provisions

### 18.124.070 Findings.

The city planning commission shall make the following findings before granting a use permit:
A. That the proposed location of the conditional use is in accordance with the objectives of this chapter and the purposes of the district in which the site is located:
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;
C. That the proposed conditional use will comply with each of the applicable provisions of this chapter. (Prior code § 2-11.08)

## Pleasanton Municipal Code

Up Previous Next Main Collapse Search Print No Frames
$\frac{\text { Title } 18 \text { ZONING }}{\text { Chapter } 18.124 \text { CONDITIONAL USES }}$
Article II. Use Permits for Large Family Day Care Homes

### 18.124.190 Procedure.

Applications for large family day care homes shall be processed in accordance with the provisions of this article.
(Ord. 1126 § 9, 1984; prior code § 2-11.20(a))

### 18.124.200 Application.

Application for a large family day care home use permit shall be filed with the zoning administrator in accordance with the requirements of Section 18.124 .020 of this chapter. (Ord. $1126 \S 9,1984$; prior code § 2$11.20(\mathrm{a})(1)$ )

### 18.124.210 Notice.

No less than 10 days prior to the date on which the decision will be made on the application, the zoning administrator, or his or her designee, shall give notice of the proposed use by mail to all owners shown on the last equalized assessment roll as owning real property within 100 feet of the exterior boundaries of the site of the proposed use. (Ord. 1126 § 9, 1984; prior code § 2-11.20(a)(2))

### 18.124.220 Public hearing.

If a hearing is requested by the applicant, or other affected person, a public hearing before the zoning administrator shall be held prior to a decision being made. No public hearing shall be held unless such a hearing is requested. (Ord. $1126 \S 9$, 1984; prior code § 2-11.20(a)(3))

### 18.124.230 Action of zoning administrator.

Upon close of the public hearing, if a hearing has been requested, or at the time set for the decision in the notice, the zoning administrator shall approve, approve in modified form, or deny the application. The zoning administrator shall grant the use permit if the proposed large family day care home, as applied for or as conditioned, complies with the standards set forth in this article. Any action of the zoning administrator may be appealed to the planning commission. (Ord. 1126 § 9, 1984; prior code § 2-11.20(b))

### 18.124.240 Standards.

Large family day care homes shall be required to meet the following requirements:
A. Spacing. No large family day care home shall be approved if the site of the proposed use is located within 300 feet of the exterior boundary of another large family day care home or nursery school, unless the zoning administrator makes the specific finding that the concentration of such uses will not adversely affect the neighborhood in which it is located due to the cumulative increase in noise, traffic and/or parking requirements.
B. Traffic Control. Large family day care homes shall not create any traffic hazard. The zoning
administrator may prescribe such conditions as may be reasonably required to ensure the safety of all affected by the proposed use, including requiring traffic-control measures reasonably required to avoid any identified adverse effect.
C. Parking Requirements. Parking spaces, including both off-street and on-street, shall be available for the actual parking demand created by the use, including the applicant's own vehicles, those of employees, and those of persons delivering and picking up children. On-street parking is available for the use if such spaces are within a reasonable distance of the home and can be reached safely from the home by children.
D. Noise Control. Large family daycare homes shall not create noise levels in excess of those allowed in single-family residential areas in the noise element of the general plan or in excess of those allowed in residential property by Chapter 9.04 of this code. The zoning administrator may impose reasonable limits on the hours of operation of the large family daycare home in order to ensure that these limits are met.
E. Fire Code Requirements. Large family daycare homes shall meet all regulations of the state fire marshal adopted as part of the California Administrative Code and relating specifically to large family daycare homes. (Ord. 1126 § 9, 1984; prior code § 2-11.20(c))

### 18.124.250 Additional procedures.

The regulations concerning effective date of the use permit, review or appeal, lapse of use permit, suspension and revocation, new application and successors in interest shall be those contained in this chapter. Modifications shall be
handled by the zoning administrator pursuant to the procedures set forth in this article for new applications. (Ord. 1126 § 9, 1984; prior code § 2-11.20(d))

Golden Future Montessori LLC
Shilpa Parekh
4034 San Giorgio Ct.Pleasanton, CA-94588
Tract \#6739, Lot \#39
Phone: (925) 463-0207

Date June 16, 2014
To,
City of Pleasanton
200 Old Bernal Avenue, Pleasanton, CA -94566-0802
Kind Attn.: Miss Jennifer Wallis
Sub: Appeal the decision of P14-0191, Large Family Day Care for 10 children
Dear Sir/Madam,
Thanks for your time for reviewing an application for the Large Family Daycare. Our services of large family day care would thoroughly benefit the community of Pleasanton.

Let us think from the 2 year to 6 year old children's perspective. This is their first time stepping out from the home, first time being separated from their parents, and they are also curious. With so many questions in mind, a small facility like us is providing one to one attention to children, educate children in a scientific way using Montessori Tools and methods, and can create an absolutely positive impact on a child's life. For this reason, we would like to appeal your decision.

We have addressed parking, noise, child safety, HOA liability concem in the following way.
Property Character:- We have requested for only 10 children. We are living in this home and daycare activities are from Monday to Friday between 9:00 AM to 5:00 PM and not during the week end, meaning it is not changing the residential character of the property.

Parking:-Most of the parents are walking to our facility with their children holding their parents' hand from the nearby community because they live in walking distance from this day care.

Our hours of operation are 9:00 AM to 5:00 PM, Monday to Friday, during this time parking spaces are available for parents to park their car on Siena St. As of now no parents are parking their car on a fire lane on San Giorgio ct.

HOA has no issue when parents park their car to drop off and pick up the children during Monday to Friday between 9:00 AM to 5:00 PM, using the parking on the Siena St. Additionally, it is in the compliance of the HOA parking rules and regulation. We have confirmed it with Miek Utic from Walsh Property Management.

It is our enrollment policy and we strictly enforce that our patrons park cars in the parking lots and not on any fire lines.

We are using our garage to park our cars. No employee parking is required as our helper is walking from the community.

HOA parking regulations allows parents to park their car to drop off and pick up the children on Siena St. Parking is not allocated to any specific unit. For reference, the parking regulations of HOA is attached herewith.

Child Safety and Parking:- Let me describe how the children are coming into the facility. After coming out of car children are holding their parents hand and walking on the walk way and not on the Siena St. Children are holding their parents hand until they reach the door. Since 2008 there is no incident of a car hitting the children so children are safely entering into the facility with their parents holding their hand every time.

HOA Liability-We have Limited Liability Company, insurance which protects HOA from liabilities, and Parents are signing the liability release form to keep HOA harmless when they sign up to enroll their child.

Outdoor space:-We are focused on quality education of children using Montessori tools per Montessori philosophy. When weather allows, there are outdoor activities of painting and drawing with friends for 30 minutes $\mathbf{- 3}$ children at a time.

We have requested for 10 children permission. The outdoor space area is 240.00 SQ. FT. Each time, 3 children are using outdoor play which means each child has 240/3 $=80.00$ SQ. FT. play area to socialize with other children, paint, and play using the sand and water table.

Noise:- We are focused on quality education with care of children, and we have requested for 10 children. The children of 2 to 6 year old are mature to not make noise by crying. They communicate well with the teachers so the noise level from children is within the limit. We spoke with our neighbors with whom we are sharing a Living Room and Dining Room wall and they don't have any concern about the facility.

Considering everything stated above, we like to request, to approve an application for 10 children for large family day care.

We have attached the most recent opinion of the neighbor sharing a common wall which depicts they don't have any concern about the daycare activities.

We are focused on quality education with care for the children. We would like to request you to think about the children who are stepping out from home for the first time and separating from their parents for the first time. At this time our one to one attention to the children, paying attention to the child's concern, and our attention to their emotions create a positive impact on the Pleasanton children.

Thanks for your time and consideration. Please help us to serve the Pleasanton children and make difference in children's lives.

Encl.:

1. HOA parking rules and regulation
2. Neighbor's opinion about the daycare activities.

Thanks


Shilpa Parekh

## CHILD CARE PROVIDERS POLICY

Policy No. DCH
N CA 2654692

1. Named Insured and Address:

SHILPA PAREKH 4034 SAN GIORGIO CT
PLEASANTON CA 94588
2. Policy Period: From

TOPA INSURANCE COMPANY
Los Angeles, California 90067
Program Administrator: Day Care Insurance Services, Inc. 16601 Veatura Blvd., Suite 500 Encino, CA 91436-1921 (818) 9050311 (800) 6240912

## DECLARATIONS

05-01-14 To 05-01-15
12:01 A.M. Standard Time at the address of the Named Insured as shown in Item I above.

ASSOCIATION/ORGANIZATION COVERED ADDRESS

VALLEY CHILD CARE PROVIDERS AS
4034 SAN GIORGIO CT, PLEASANTON, CA 94588

Coverage and Limits of Liability: The limit of liability against each of the following coverages shall be stated herein, subject to all terms and conditions of this policy:
3. Coverage:
(a) Child Care Provider Liability:

Aggregate
Each Occurrence
(b) Child Abuse Liability:

Aggregate
Each Occurrence
(c) General Aggregate Limit:
4. Premium Schedule:

| Liability | $\$$ | $\$ 724.00$ |
| :--- | :---: | ---: |
| Child Care Child Auto <br> Passenger Liability | $\$$ | Not Covered |
| Additional Insured | $\$$ | Not Covered |
| Non-Owned Auto Liability | $\$$ | Not Covered |
| Fully Earned Policy Fee | $\$$ | $\$ 50.00$ |
| Taxes and Fees | $\$$ | $\$ 0.00$ |
| Total Premium and Fees | $\$$ | $\$ 774.00$ |

5. Additional Insured:
6. Additional Insured - Landlord:
7. Forms Attached at Issue: $\begin{array}{lllll}\text { CC001-0607 } \\ \text { TIC-002-07-04 }\end{array} \quad \begin{aligned} & \text { CC002-0607 } \\ & \text { TIXP-TW01-0702 }\end{aligned} \quad$ CC006-0607 $\quad$ CC008010111

| 05-06-14 | ID No | 23413 |
| :---: | :---: | :---: |
| Issue Date |  |  |
|  |  |  | Countersignature Date ORIGINAL

DC Insurance Services, Inc. Agent

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| PRODUCER | DC INSURANCE SERVICES, INC. 16601 VENTURA BLVD. SUITE 500 ENCINO CA 91436-4813 |  | THES CERTFICATE FBSUUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RUGHTS UPON THE CERTIRCATE HOLDER. THIS CERTIFICATE DOES HOT MMEND, EXTEND OR ALTER THE COVERAGE AFFDRDED BY THE POLLCIES BELOW. |
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|  |  |  | INSURERE AFFORDING COVERAGE |
| INSUREDSHILPA PAREKH |  | INSURED LOCATION | INSURER A: TOPA INSURANCE GOMPANY |
|  |  | INSURER B: ACEAmorican insurance Co |
|  |  | INSURER C: |
| 4034 SAN GIORGIO CT PLEASANTON CA 94585 |  |  | 4034 SAN CIOREIO CT | INSURER D: |
|  |  | PLEASANTON CA 94588 |  |

COVERAGES
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| B | OTHER <br> Accident Medical Policy (Primay) | N06562383 DCHCA2654692 | 05/01/14 | 05/01/15 | $\$ 20.000$ maximum per enr No Deductible | lled child. |

It la agreed that the Certificate Holder in added sa an Additional Insured as rospecte any covered claim that might arise from the Insurod's actulties as a Childcare Provider at the addrees shown above.

This Endorsoment is Effective 12:01AN 8/17/2014 To 5/1/2015

## CERTIFICATE HOLDER: X ADDITIONAL INSURED: INSURER LEITER: A

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SIGNATURE AT HACIENDA OWNERS ASSOCIATION 4034 SAN GIORGIO CT PLEASANTON, CA 94588
MICHAEL UTIC - mutic@waishpm.c
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ATHOREDED REPESENTATME

Subject: Re: From Shrenik - Any concem while we run day care
From: Praveen Soora (praveensoora@gmail.com)
To: shrenikp@yahoo.com;
Date: Thursday, June 12, 2014 9:30 PM

## Hi Shrenik,

No, we don't have any concern about day care activity. I will let you know if we face any inconvenience.
Thanks for asking.

Praveen

On Tue, Jun 10, 2014 at 7:38 PM, shrenik parekh [shrenikp@yahoo.com](mailto:shrenikp@yahoo.com) wrote:
Hi Praveen,
We are sharing common wall of Dinning Room, Kitchen, and back yard fence. Do you have any concern for our day care activity?

Thanks
Shrenik
Cell phone (510) 364-9544

Subject: Fw: day care concern
From: shilpa (shilpamonte@yahoo.com)
To: shrenikp@yahoo.com;
Date: $\quad$ Thursday, June 12, 2014 11:18 PM

Thanks,

Shilpa

On Thursday, June 12, 2014 7:06 PM, supriya billa [supriyabilla@yahoo.com](mailto:supriyabilla@yahoo.com) wrote:

No Shilpa. Its fine.

Sincerely,
Supriya Billa

On Thursday, June 12, 2014 6:42 PM, shilpa [shilpamonte@yahoo.com](mailto:shilpamonte@yahoo.com) wrote:

Hello Supriya
i am just wondering that We are sharing common wall of Living room, and back yard fence. Do you have any concern for our day care.

Thanks

Shilpa
Thanks,

Shilpa

## Signature at Hacienda Owners' Association

## PARKING RULES

1. All streets are designated as fire lanes, therefore, no parking is allowed on any streets. Any vehicle parked in a fire lane will be towed without notice at owner's expense.
2. Garage doors are to be closed when not in use.
3. No repairs to vehicles on streets, parking spaces or driveways.
4. No parking in driveways.
5. No boat, trailer, camper, mobile home, recreational vehicle or any inoperable vehicle shall be parked or stored in any parking area.
6. No commercial vehicles of any nature shall be parked or stored in any parking area or on the streets of the project except for commercial vehicles providing services to the owners of lots and, in that event, only for the duration necessary to provide such services.
7. Open parking is primarily for guest parking. No vehicle will be allowed to park in one spot for more than 72 hours*.
8. The garage shall not be converted into any use (such as recreational room or storage) that would prevent its use for parking.
9. Homeowners must park the number of vehicles the garage was designed to accommodate.
10. Homeowners are obligated to inform their guests of the adopted parking rules as well as responsible for the actions of their guests.
11. Any vehicle parked in open common area parking spaces must display current Department of Motor Vehicles license and registration.

VIOLATORS OF THE ABOVE RULES ARE SUBJECT TO TOW AT THE VEHICLE OWNER'S EXPENSE.
*Please contact the Board or Management for exemptions (i.e. vacations).

## Jennifer Wallis

## From:

Sent:
Thursday, May 22, 2014 12:15 PM
To:
Subject:

## Jennifer Wallis

Conditional Use Permit Application from Shilpa and Shrenik Parek (P14-0191)

## Jan Wallis:

I am a 14 year resident of Siena at Hacienda condominium complex. I live at Pleasanton, not far from address 4034 San Giorgio Ct ., where there is a request to operate a large family daycare facility for a maximum of 10 children at their residence.

I am concerned about this proposal and I object to the approval of the permit for the following reasons:

1. The CC\&R's (section 4.1.8) state that a residence shall be used solely for residential purposes. A large daycare facility is not a residential purpose; it is a business purpose.
2. CC\&R's (section 4.8.3) state that no garage may be used for any type of commercial activity. I am concerned that they will use their garage as part of their daycare facility and not for parking vehicles, the intended purpose.
3. Parking in the common areas of this complex has been a big problem. In early mornings and evenings, there are usually no parking places available for guests of residents. The homeowner's association as sent out many reminders to residents to park in their garages so as to make sure their are parking spots available for guests. A daycare facility will bring in more people, they will try to find parking in the public areas and there won't be parking.
4. When people can't park in the public areas, they park in front of garages in the courts. These courts are ONLY to be used by residents getting into and out of their garages; they are fire lanes. When people park in front of garages, as they would have to do to drop of and pick up children, this creates a public safety problem.
5. There will be too much traffic. There already is a lot of traffic, especially during morning and evening times. The large daycare facility will worsen this already difficult situation.
6. The largest of the units in this complex is under 1500 square feet. I believe that this is not large enough to accommodate a daycare facility of 10 children plus the adult caregivers this would entail. I believe this use will negatively impact the common areas (parking, roads, noise to nearby units) and should not be allowed. This type of business should be run out of a larger space.

Please take the above concerns into consideration when reviewing the application for the daycare facility. I object to the approval of the permit.

Thank you,
Margaret P. Bryant

Thursday, May 22, 2014 2:12 PM
Jennifer Wallis; $\square$
Deny application for a large family daycare facility

Signature - SIENA at Hacienda Owners Association is a confined condominium community with residents living in close proximity and limited parking

CONDO

The daycare condo is a small two-bedroom unit
There is no outdoor play area for the children
Children play in the garage all year with no heat or air conditioning

## NOISE

Other residents' windows are within 10 feet of daycare front door and loud talking from parents can be heard at all times of the day
Daycare is currently licensed for 6 children - 10 children would make it impossible to control parking or noise

## PARKING

Limited parking area for 4 buildings of 24 residents and guests is taken up by daycare parents during drop off and pickup all times of the day

## TRASH

Daycare disposes of large amounts of trash, has a small can with overflowing trash each week for collection and should pay for a large can
Daycare also puts excess trash in other residents' cans
NO PLAYGROUND for children - children play in the garage
Daycare in Siena is an inconvenience for residents and should not be allowed
It was voted down in an area of much larger homes several years ago and ended up in Siena
The California State Licensing Board should be required to observe the conditions of this daycare facility
A large family daycare facility for 10 children is not safe for children or residents in Siena

## PLEASE DO NOT APPROVE THIS APPLICATION!

## Jennifer Wallis

## From:

Sent:
To:
Cc:
Subject:

```
Saturday, May 24, 2014 11:25 PM
Jennifer Wallis,
Re: Deny application for a large family daycare facility
```


## Sorry John,

We are not always kept up to date with the latest information, and most of those responsible seem to be part of a wittness protection program.

All,

The approval of this type of daycare is not appropriate, and should be declined. A condominium community is simply not the right place for this.

Regards,

Ben Heine

| From: |  |
| :--- | :--- |
| Sent: | Thursday, May 22, 2014 10:05 AM |
| To: | Jennifer Wallis |
| Subject: | proposed daycare facility at 4034 San Giorgio Ct. |

Dear Ms. Wallis:
The referenced address is a member of the Signature at Hacienda Owners Association. The proposed daycare facility raises concerns for the residents of the association:
the business may impact the common area parking, as the daycare may have employees that supervise the 10 children who park their vehicles in common parking areas that are already crowded;
there is limited parking in the neighborhood, so parent dropping off or picking up children may have to double park or park in fire lanes - all streets are narrow and designated as fire lanes;
the driveway for 4034 San Giorgio Ct. is shared by 12 residences with garages - those residents may experience difficulty entering or exiting their garages or residences during the hours of operation of the daycare;
the residences are attached, which means higher density living conditions - noise from the daycare may affect those living nearby;
should the children from the daycare play in the driveway, street or common areas, there are liability concerns - the residence has a very small enclosed patio.

Please let me know if there are any questions regarding these concerns.
Thank you.
Mike Utic

Mike Utic
Walsh Property Management

From:
Sent:
To:
Cc:
Subject:
Attachments:

Saturday, May 24, 2014 12:58 PM
Jennifer Wallis
(P14-0191)
city of pleasanton.pdf

Hello Jennifer, I am a residence here at

Pleasanton \& recently received a notice of this proposal. This proposal will cause and already have cause problems in our community due to parking issues. This family has already been running there illegal business before I moved in here 4 years ago. We have HOA restrictions on parking within this community yet some residencies here do not follow these HOA regulations. If parking wasnt so limited then it wouldnt pose a problem..but parking is extremely limited. Due to the limitation, many residencies would have no choice but to go to park at surrounding communities only to pose more problems with the residencies there. They had to put up parking restrictions there now. Residence there have placed notes on car windows to not park in their community. There are no street parking available either. Parking in our community is a growing problem as new homeowners move in especially just within the past year alone. Now although their customers may not park here for a long period of time, their customers will some time park right in front of our garage or our neighbors to drop off \& pick up their children. Also whenever we temporary park our car in front of our garage, they complain because it gets in the way of their business they're trying to run.."illegally". Other than parking, I just can not see how 10 children can be housed appropriately let alone safely in a town home. Using their garage as a day care is already unsanitary and completely against HOA regulations.
Pls see attach...

Dao T. Pham

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| From: |  |
| :--- | :--- |
| Sent: | Wednesday, May 21, 2014 7:55 PM |
| To: | Jennifer Wallis |
| Cc: |  |
| Subject: | Application for Conditional Use Pemit to Operate a Large Daycare Facility for a |
|  | Maximum of 10 Children - P14-0191 |

Dear Ms.Wallis:
We are residents of the Siena development where the proposed large daycare facility would be located.

We are opposed to having that many children in a townhouse used as a daycare center. The Homeowners' Association does not have any guarantees from the applicants that the garage will be used for parking - not as a playroom, which is a violation of our Association's CCRs.

We can't believe that they will keep ten children inside the townhouse or in the small backyard. We certainly don't want them playing in the street either -all of our streets do not have sidewalks and are designated fire lanes.

Additionally, there are also possible problems with parking, traffic, safety, and noise.
Sincerely,
Carla \& Christine Schengel

Click here to report this email as spam.

From:
Sent:
To:
Subject:

Wednesday, May 21, 2014 6:57 PM
Jennifer Wallis
Daycare facility

## Hi Jennifer,

I am writing in reference to the design plan I received today for a Use Permit from Shilpa and Shrenik Parekh residence at 4034 San Giorgio Court. I own the property at which I believe is directly across the court from the above address. As you can see $I$ am in the childcare business and have been for 25 years. My business is located in Brentwood so this is not competition to me but I have a lot of experience. The townhouses in Siena is not a proper location for a childcare. The homes are too small to properly host them. Where are they going to play?? In the street?? The drop-off is directly by my home, which is a rental. Ten autos dropping off and picking up every day is outrageous! Parking is now at a premium without running a business out of the home. This is going to cause a nuisance for everyone in the neighborhood. I properly maintain my home and have had lovely tenants for the past 8 years. No one will want to rent beside a daycare considering the noise, traffic congestion, kids in the street, and no parking. I want to protest this daycare Use Permit because their plans for a daycare will cause my property to be less valuable and much more difficult to rent. I do not believe their business should inhibit my ability to rent my property nor cause the parking issue to become even more troublesome that it currently is. This will be a nuisance to the neighborhood! I feel we should have a hearing on this issue. I will be out of town for the weekend returning on Tuesday and I will call to speak with you on this matter. Thank you!


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From:
Sent:
To:
Subject:

Thursday, May 22, 2014 11:05 AM
Jennifer Wallis
4034 San Giorgio Ct

Hi Jennifer,

I am writing to express my concerns about the permit that "Golden Future Montessori" has applied for, through the City of Pleasanton. I understand that they now want to bump up the amount of kids in day care from 6 to 10 . I, along with many of my neighbors, are extremely concerned about this.

This is a fairly small community, with small streets, VERY limited parking, and townhome units on the high-end of the scale that are only approximately 1,500 square feet, and at the lower end, approximately 1,064 square feet. In other words, these are not large homes. Stuffing-literally "stuffing"-10 kids into one of these units for day care purposes is absolutely ridiculous. We already have a day care facility in a neighbor's home which is just one block away (the next street over within this complex) that creates enough traffic as it is. With the additional traffic that this expansion will create, it will become a fire and public safety danger for the residents of this community. This is because the ENTIRE community is "NO PARKING" with the exception of the clearly marked parking spaces. There are a limited number of those, and they are always full in the mornings and evenings as residents drive around trying to figure out where to park. You can not park on your street, you can not park in front of your house (nor can parents who are dropping off, picking up, or waiting for kids)——they are all designated FIRE LANES. Assuming that each client brings one child to day care per day, that's 20 cars in the morning, and 20 cars in the evening--or FORTY extra cars in here per day. This little complex is not built to handle this type of commercial activity. If they want to handle 10 kids, then they are more than welcome to go and rent commercial space and have their business there-—but not here in our homes, where we all live and want to come home to peace and quiet.

I believe this business also uses its garage as part of its business. Because of this, that's two additional cars that are taking up parking spaces in our small lot (Our CC\&Rs requires homeowners to have two cars in a two car garage, and one car in a one car garage--your garage can NOT be used for purposes other than parking your car and storing normal garage-type of items).

There is also the noise factor. I am an original owner-I purchased my home (put a down payment) in 1996 while it was still a big chunk of dirt. I closed escrow and moved in in October of 1997. Having a day car center next door was not part of my original deal——this is an "add on" that is not desirable. Kids make noise, kids scream, kids yell, kids laugh——kids are kids. But this is not the place to have a BUSINESS with kids. A commercially-zoned area is where they should be if they want to watch 10 kids.

For these reasons (noise, traffic, parking availability, public safety/blocking of fire lanes) and more, I respectfully submit that this application be DENIED. This is the reasonable thing to do. Nobody wants it-it will disrupt our homes way too much.

Thank you very much.
Sincerely,

Andrew J. Smith

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From:
Sent:
To:
Cc:
Subject:

Thursday, May 22, 2014 9:50 AM
Jennifer Wallis

Opposed to daycare at 4034 San Giorgio Court

Hello Jennifer,
My name is Cherith Tsukada. I am a home owner in the Siena town homes, where a application for a residential daycare facility ( 4034 San Giorgio Court) has been requested. I am extremely concerned about the liability for the HOA, in which I belong.

I have spoken to our Property Manager, Mike Utic of Walsh Property Management to voice my concerns. He has voiced his concerns to the city of Pleasanton as well.

I would like it on record that I strongly oppose this proposal. This could potentially open up liabilities for my community and children in the residential daycare. I do not approve of this proposal.

Cherith Tsukada

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Jennifer Wallis

## From: <br> Sent: <br> To: <br> Subject:

Wednesday, June 18, 2014 9:38 PM
Jennifer Wallis
Photos from Jun 2014 Photo Stream

Jennifer, this photo is taken from my bedroom window showing the front door to the Day Care approximately 12 feet from my bedroom. I hear loud talking of parents and children being dropped off every day, sometimes the Day Care does not answer the door immediately. Unfortunately I hear the noise due to the proximity of my condo.

There is no way this Day Care should have 10 children in this community. Please DENY the appeal. Thank you Jean Dowling



This photo is taken from my bedroom window showing the garage window where the children play approximately 10 feet from my bedroom.

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From:

## Sent:

To:
Cc:

## Subject:

Wednesday, June 18, 2014 9:54 PM
Jennifer Wallis
$\square$
Re: P14-0191 - Large Family Daycare Appeal

## Jennifer,

The following articles will clearly support the denial of the Day Care application for 10 children in our community.

1. The owner uses the garage for the children, not to park their 3 cars.
2. There is no outdoor play space for 10 children.
3. 10 children in a garage with no heat or air conditioning is not healthy or safe for the children.
4. No business of any kind shall be permitted.

Please deny the appeal for a Day Care for 10 children. 6 is more than should be allowed in this small community.

Thank you,

## Jean

--..--------------.....-
Signature (Siena) at Hacienda Owners' Association
December 18, 2006
Articles of Incorporation, Bylaws of the Association and Declaration of Restrictions

### 4.7 GARAGES GENERALLY

Unless otherwise provided for in the Rules, garage doors shall remain closed, except when a vehicle is entering or leaving the garage. Garages shall be kept sufficiently clear so as to permit parking of the number of vehicles for which the garage was designed. No vehicle may be parked anywhere else on the Project other than the garage of the residence in which the vehicle owner lives unless that garage has parked within it the number of vehicles for which it was designed.

### 4.8.3 USES

No Garage may be used for any type of commercial activity.

### 4.28 USE AND OCCUPANCY OF RESIDENCES

Each Residence shall be used solely for residential purposes. Except for uses within Residences permitted by local ordinances, no business of any kind shall be established, maintained, operated, permitted or constructed in any portion of the Project. No Residence shall be occupied by more persons than are permitted by law. No Owner may permit or cause anything to be done or kept upon or in a Lot which might obstruct or interfere with the rights of other Owners or which would be noxious, harmful or unreasonably offensive to other Owners. Each Owner shall comply with all of the requirements of all federal, state and local governmental authorities, and all laws, ordinances, rules and regulations applicable to the Owner's Lot.

Dear Jennifer and Mike,
We researched the Golden Future Montessori Daycare and are not able to find a current business license with Alamada County and the City of Pleasanton. In addition, it says on their website http://www.goldenfuturemontessori.com/home/fag,html that the business was established in 2007. How can this be since they are now trying to apply for zoning?


The Siena HOA Rules for Residents' Business Use of Residence require that not only the business owner must obtain approval form local, state, or federal governmental agencies (section 2), it also states that the home office or home business must not have employees working in the residence (section 9).

Mrs. Parekh is actually mentioning in her appeal letter that her employee/helper does not utilize any parking spots but is walking from the community.






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Mrs. Parekh brings up several arguments in her appeal. We found the contrary on the Golden Future Montessori Facebook page https://www.facebook.com/GoldenFutureMontessori? fref $=$ photo

Outdoor space:
Mrs. Parekh mentions in her appeal letter that 3 children at a time are using the outdoor space. We are counting 7 children in the picture below taken from the Golden Future Facebook site.


Other photos show more than 10 children in the facility:

- theoctar e



Child Safety:
Here are kids in the driveway that does not offer a safe sidewalk to enter the facility.


The HOA Rules permit each resident to bring 2 guests to the pool area.
The daycare is actually using the common areas which not only is against the above mentioned rule, but is also a major liability for residents and the HOA.




The children are also utilizing common areas that are part of the Valencia HOA.


In addition to all the issues mentioned above, we also noticed 2 other businesses registered to the same address and same owner, Shilpa Parekh, a total of 3 businesses running out of one residence. Have all the businesses been approved by the HOA?
http://www.icanxplore.com and http://xitrader.com


We find the appeal to be contrary to the evidence and facts. We hope to see a swift decision reached by the city and hope to see enforcement of violations dealt with in a timely manner.

Sincerely,
Cherith Tsukada
Wolfgang Timm
Siena Homeowner

## From:

Sent:
Friday, June 20, 2014 6:43 PM
To:
Jennifer Wallis; Jean
Cc:

## Subject:

Re: P14-0191 - Large Family Daycare Appeal

Jennifer,
I have been in this community for the past four years, and it is the only one I have ever seen grant a daycare licsence in a townhome / condo community.

The day care posses a hazard with the additional vehicular traffic in the neighborhood, in with children enterning and exiting the house on an almost continous basis through out the day.

I concur with my neighbor Jean, and do not wish to see a licsence granted. Furthermore, I am prepared to file an injuction to prevent the process and take further legal action if the city grants this permit.

Regards,
Ben Heine

## From:

Sent:
Thursday, June 26, 2014 8:07 AM
To:
Jennifer Wallis
Subject:
Daycare Appeal

Hello Jennifer -

I have received more objections from homeowners to the proposed daycare expansion on San Giorgio Ct.
There is considerable concern about liability exposure from neighbors should an incident occur at the daycare or related to the daycare, since the facility operates on shared community property (homeowners association). As noted earlier, the homeowners at this development share interest in the common area property, which includes the streets, sidewalks, parking and landscaped areas.

There are additional concerns about the potential adverse effect (real or imagined) that a larger daycare would have on property values, should a potential buyer or seller have objections to the daycare.

Thank you,
Mike

Mike Utic
Walsh Property Management

## Jennifer Wallis

## From: <br> Sent: <br> To: <br> Subject:

Saturday, June 28, 2014 2:46 PM<br>Jennifer Wallis<br>P14-0191, SHILPA PAREKH

Dear Ms. Wallis,
We wish to state our support for the Zoning Administrator's denial of a Conditional Use Permit to operate a daycare center in our Siena complex.
Our primary concern is that of the additional noise and traffic that will be brought into our complex.
We kindly request that the appeal be rejected. Thanks.
Best Regards,
Dan \& Chris Poulin

sent from my trusty old Toshiba Satellite laptop...

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From:
Sent:
To:
Subject:

Sunday, June 29، 2014 3:19 PM
Jennifer Wallis
p14-0191 Shilpa parekh

I wanted to strongly object to any approval of this appeal. I have lived in the Hacendia Business Park since 1995. I bought this house with the understanding this was a residential neighborhood that would not allow businesses. Also given the exact location of this site I see how there would be a traffic impact given the lack of driveways. I can not more strongly urge a NO vote on this

Ernie Manzo

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## From:

## Sent:

Sunday, June 29, 2014 10:57 AM
To:
Cc:
Subject:
Jennifer Wallis

Zoning Permit Appeal for 4034 San Georgio Court

Dear Ms Wallis,
I am writing in regards to the request for the permit to operate a large family daycare at 4034 San Georgio Court. I have been a resident of this community for over 18 years and have seen a lot of changes but I am against a large daycare facility in our neighborhood. Siena is not designed for businesses such as this. I have the same floor plan and I can't image having 10 kids in my small living space 8-10 hours a day. We have other daycares in this community and we have had problems with the caretaker letting the children run loose as I have had to stop several times and wait for them to round up 3 or 4 toddlers out of the street I live on so that I may proceed to my house. Complexes such as this should not be zoned for businesses because of safety and traffic congestion.

Thank you from a concerned citizen.

Sincerely, Rebecca Stuckey

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## From:

Sent:
To:
Subject:

Monday, June 30, 2014 6:07 PM
Jennifer Wallis
P14-0191, Shilpa Parekh

Jennifer,

As I will not be able to attend this meeting in person, due to overseas travel.
With respect to the appeal of the Zoning Administrators Denial of a Conditional Use Permit at 4034 San Giorgio Court. While I have not had time to check the relevant zoning codes for our local, my attorney has advised me that this is typically not permitted in PUD-HDR zones. As homeowners, we are always concerned about property values here in our community. I, like many others in our community feel that granting of such a permit, will have a negative impact on our community, and our home values. In addition to the potential negative impact to home values, there are concerns regarding public safety, traffic, noise, and damage to common property.

While it is laudable that Shilpa Parekh has such a keen desire to run a daycare center, this can be accomplished in many other ways. She can partner with a multitude of daycare centers in the region, which are located in appropriated zoned areas, or even seek a building for her own daycare center, or even stay with the small size she has currently, provided she can demonstrate that she adheres to the basic CC\&R's of the community, and does not create a public nuisance.

As mentioned in my earlier communication, I have retained legal council, and am prepared to defend against the approval of 4034 as a large family daycare. Thank you for having the wisdom to deny this permit in the first play, and I trust that the same level heads will prevail.

Kindest Regards,


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## From:

Sent:
To:
Subject:

Tuesday, July 01, 2014 8:57 AM
Jennifer Wallis
P14-0191,Shilpa Parekh

Hello,
My name is Jacqueline and I am following up by email on our conversation yesterday about the above mentioned operation of large family daycare.I do not think this is a good idea in such a small area as these Complexes. The Children will not have adequate safety with the vicinity of each dwelling being close together.I also know that there are specific parking spots for visitors and it would be in violation with red zoning to park in front of the persons curb side of garage.I work for Stay N Play daycare one day a week in Pleasanton at a home .Parents pick up there children and stay to talk about there day and progress of there children. It would not be conducive to the children or parents to have a family day care at 4034 San Giorgio Court.I live on Zevanove Ct in the same complex.I hope this letter helps any further assistance feel free to call me at

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P14-0191, Parekh
City of Pleasanton

GIS
Department

4034 San Giorgio Ct



PLEASANTON.


P14-0191, Parekh

City of Pleasanton
GIS

Department
4034 San Giorgio Ct

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PLEASANTON.

Printad 7/3/2014

