



# PLANNING COMMISSION AGENDA

**City Council Chamber  
200 Old Bernal Avenue  
Pleasanton, California**

**Wednesday, July 9, 2014  
7:00 p.m.**

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## PUBLIC HEARING PROCEDURE

Each of the items listed will be heard as shown on the agenda unless the Planning Commission chooses to change the order. As each item is called, the hearing will proceed as follows:

- A Planning Division staff member will make a presentation on each case and answer Planning Commission questions, as needed.
- The applicant will be asked to make a presentation, if desired, or answer questions. Applicant presentations should be no longer than ten minutes.
- The Chair then calls on anyone desiring to speak on the item. Speakers are requested to state their names for the public record and to keep their testimony to no more than five minutes each, with minimum repetition of points made by previous speakers and by being as brief as possible in making their testimony.
- Following public testimony, the applicant will be given the opportunity to respond to issues raised by the public. The response should be limited to five minutes.

The public hearing will then be closed. The Planning Commissioners then discuss among themselves the application under consideration and act on the item. Planning Commission actions may be appealed to the City Council. Appeals must be filed with the City Clerk's Office within 15 days of the Planning Commission's action.

The Planning Commission Chair may enforce other rules as may further the fair and efficient running of the meeting, such as reducing the amount of testimony time allotted to the applicant and all those who wish to speak when the meeting agenda is lengthy or when there are numerous speakers for any specific item. The audience is requested to respect and extend courtesy to all those wishing to testify on all cases by being quiet while others are speaking.

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Next Resolution No. is PC-2014-31

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL**
2. **APPROVAL OF MINUTES**
  - a. **June 25, 2014**

3. **MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**
4. **REVISIONS TO THE AGENDA**
5. **CONSENT CALENDAR**

*Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

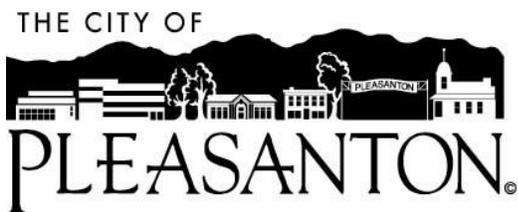
  - a. **P14-0845, Leo Scrivner, Hand and Stone Massage and Facial Spa**  
Application for a Conditional Use Permit to operate a massage establishment at 6786 Bernal Avenue, Suite 830. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.
  - b. **P14-0948, AAA Electrical & Communications, Inc.**  
Application for a Conditional Use Permit to operate an electrical and communications contractor business at 1048 Serpentine Lane, Suite 310. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.
6. **PUBLIC HEARINGS AND OTHER MATTERS**
  - a. **P14-0191, Shilpa Parekh**  
Appeal of the Zoning Administrator's denial of a Conditional Use Permit to operate a large family daycare at the existing residence located at 4034 San Giorgio Court. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.
7. **MATTERS INITIATED BY COMMISSION MEMBERS**
8. **MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION**
  - a. **Future Planning Calendar**
  - b. **Actions of the City Council**
  - c. **Actions of the Zoning Administrator**
  - d. **Matters for Commission's Information**
9. **ADJOURNMENT**

**Notice**

Any documents that were provided to the Planning Commission after the Agenda packet was distributed are available for public review during normal business hours at the Planning Division 200 Old Bernal Ave., Pleasanton.

**Accessible Public Meetings**

The City of Pleasanton will provide special assistance for citizens with disability to participate in public meetings upon reasonable advance notice. If you need an auxiliary hearing aid, sign language assistance, or other accommodation, please contact the following staff at least two working days before the meeting date: Maria L. Hoey, Office Manager, (925) 931-5602; [mhoey@cityofpleasantonca.gov](mailto:mhoey@cityofpleasantonca.gov).



## PLANNING COMMISSION MEETING MINUTES

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**City Council Chamber**  
200 Old Bernal Avenue, Pleasanton, CA 94566

**APPROVED**

**Wednesday, July 9, 2014**

*(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)*

### **CALL TO ORDER**

The Planning Commission Meeting of July 9, 2014, was called to order at 7:00 p.m. by Chair O'Connor.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Commission.

#### **1. ROLL CALL**

Staff Members Present: Adam Weinstein, Planning Manager; Julie Harryman, Assistant City Attorney; Marion Pavan, Associate Planner; Jenny Soo, Associate Planner; Jennifer Wallis, Associate Planner, and Maria L. Hoey, Recording Secretary

Commissioners Present: Commissioners Nancy Allen, Jack Balch, Greg O'Connor, Gina Piper, and Herb Ritter

Commissioners Absent: None

#### **2. APPROVAL OF MINUTES**

##### **a. June 25, 2014**

Commissioner Balch requested that the sentence "Commissioner Balch returned to the dais." be added at the end of the discussion on Item 6.a., P14-0440, 2015-2023 Housing Element Update on page 29.

Commissioner Allen requested that the sentence in the eleventh paragraph on page 16 be modified to read as follows: "Commissioner Allen stated that she would like to ask a

question brought up by former Commissioner Jennifer Pearce at the last meeting on this subject regarding whether the City has ever down-zoned a property before, contrary to an owner's request."

Commissioner Allen also requested that the sentence in the seventh paragraph on page 28 be modified to read as follows: "Commissioner Allen commented that that sounds fair; it just feels awkward fundamentally and ~~off the top~~ out of scope right now.

Chair O'Connor requested that the sentence "THE PUBLIC HEARING WAS OPENED" on page 18 be deleted as it is a duplicate.

Chair O'Connor then requested that the third sentence of the last paragraph on page 8 be modified to read as follows: "He indicated that he has not read much of the Housing Element, and there are a lot of data in there that come from regional sources that he does not know how factual they are, but he knows that his perception and that of probably most of the people in this room is that the City does not need housing beyond what is compliant with the latest RHNA allocation."

**Commissioner Allen moved to approve the Minutes of the June 25, 2014 Meeting, as amended.**

**Commissioner Piper seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, O'Connor, Piper, and Ritter**  
**NOES: None**  
**ABSTAIN: None**  
**RECUSED: Commissioner Balch on Item 6.a.**  
**ABSENT: None**

The Minutes of the June 25, 2014 Meeting were approved as amended.

**b. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA**

There were no members of the audience wishing to address the Commission.

**c. REVISIONS AND OMISSIONS TO THE AGENDA**

Adam Weinstein advised that there were no revisions or omissions to the Agenda.

## 5. CONSENT CALENDAR

*Consent Calendar items are considered routine and will be enacted, approved, or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Commission or a member of the public by submitting a speaker card for that item.*

- a. **P14-0845, Leo Scrivner, Hand and Stone Massage and Facial Spa**  
Application for a Conditional Use Permit to operate a massage establishment at 6786 Bernal Avenue, Suite 830. Zoning for the property is PUD-C (Planned Unit Development – Commercial) District.
- b. **P14-0948, AAA Electrical & Communications, Inc.**  
Application for a Conditional Use Permit to operate an electrical and communications contractor business at 1048 Serpentine Lane, Suite 310. Zoning for the property is PUD-I (Planned Unit Development – Industrial) District.

Julie Harryman stated that one Commissioner has a conflict on one of the Consent Calendar items, so that Commissioner can state the conflict and then refrain from voting on that particular item on that Consent Calendar.

Chair O'Connor addressed the Commissioners and inquired which of them had a conflict and on what item.

Commissioner Balch stated that he had a conflict on Item 6.b. and would recuse himself due to an economic conflict.

**Commissioner Allen moved to make the required Conditional Use findings as listed in the staff report and to approve Case P14-0845, subject to the Conditions of Approval listed in Exhibit A of the staff report.  
Commissioner Ritter seconded the motion.**

### **ROLL CALL VOTE:**

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

Resolution No. PC-2014-31 approving Case P14-0845 was entered and adopted as motioned.

**Commissioner Allen moved to make the required Conditional Use findings for Case P14-0948 as listed in the staff report and to approve Case P14-0948, subject to the Conditions of Approval listed in Exhibit A of the staff report.**

**Commissioner Ritter seconded the motion.**

**ROLL CALL VOTE:**

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

Resolution No. PC-2014-32 approving Case P14-0948 was entered and adopted as motioned.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

- a. P14-0191, Shilpa Parekh  
Appeal of the Zoning Administrator's denial of a Conditional Use Permit to operate a large family daycare at the existing residence located at 4034 San Giorgio Court. Zoning for the property is PUD-HDR (Planned Unit Development – High Density Residential) District.**

Commissioner Piper recused herself due to a conflict of interest.

Jennifer Wallis presented the staff report and described the background, scope, and key elements of the application.

Commissioner Balch noted that the staff report indicates that this type of use is allowed in this development under State law. He inquired if this use is allowed in the PUD-HDR District.

Ms. Wallis said yes. She added that under State law, all residential zones could potentially have a large family daycare.

Commissioner Balch inquired if there is a standard square footage necessary for each child under State law.

Ms. Wallis replied that there is none for a daycare facility within a residential home.

Commissioner Ritter inquired if the applicant is currently operating as a small family daycare.

Ms. Wallis replied that the applicant is operating as a large family daycare without a City business license or City Conditional Use Permit.

Commissioner Ritter inquired if the perception of this facility would change if it were a small family daycare.

Ms. Wallis explained that small family daycares are automatically permitted within the City. She stated that this facility has been in operation as a small family daycare since 2008, and in 2013 applied to the State to increase its capacity from six children to ten children. She noted that the State granted the facility a license to operate the facility for up to 14 children, but the applicant is currently requesting to have a capacity for only 10 children

Commissioner Ritter inquired if that would meet the Homeowners Association's (HOA) rules.

Ms. Harryman stated that it would come as a surprise to most people to learn that State law, in wanting to encourage these types of facilities, has essentially told cities that they cannot regulate facilities with up to six children. She explained that this is a use by right for up to six children, regardless of the type of residential housing; however, once it gets over six children, State law indicates that cities have the ability to regulate these, but within specific parameters. She continued that following State law, the City then adopted an ordinance that sets forth the parameters, and that is what the Commission is looking at for this application.

Ms. Harryman then addressed Commissioner Ritter's question regarding the Homeowners Association. She stated that questions about Covenants, Conditions, and Restrictions (CC&Rs) have come up from time to time in Planning Commission meetings. She explained that the State has a set of regulations for large family daycare facilities, and because the applicants went through the State's processes and met its set of requirements, they were granted a license for a large family daycare; the State does not look to the CC&R's or the City's rules and regulations.

Ms. Harryman continued that another step the applicants have to go through is getting a City business license, and because they want to be a large family daycare facility, they also need to get a Conditional Use Permit. She stated that their Homeowners Association may have certain requirements, but the City does not look at those; the City looks at its own requirements in the Pleasanton Municipal Code and renders its decision based on its own process. She added that should the Homeowners Association have an issue, for example, if the Planning Commission overturns the Zoning Administrator's decision and approves their application, and its CC&Rs specifically states that no family daycares are allowed, it would be up to the HOA to then enforce or take actions to make sure their rules are complied with.

Commissioner Allen inquired if the small family daycares for six children include any children of the daycare applicant or provider.

Ms. Wallis replied that the State allows six children, plus two children under the age of ten that live within the home. She added that this home does not have any children under the age of ten years.

Commissioner Allen inquired if the City requires operators of a small family daycare to get a City business license.

Ms. Wallis replied that under State law, small family daycares are not required to get a City business license.

Commissioner Balch inquired if the dead-end street where the applicant lives has sidewalks along the street.

Ms. Wallis replied that it has no sidewalks.

Commissioner Balch inquired if any person visiting, whether through the daycare or not, would travel this street to the front door of the home.

Ms. Wallis said yes.

Commissioner Allen inquired how people driving down that street who then realize they were on the wrong street would turn around, if they would have to back into someone's driveway or drive to the end of the cul-de-sac and turn.

Ms. Wallis replied that the day she went there for a site visit, she observed a vehicle actually back all the way out, and then literally without a view, had to back out onto Siena Court to get out. She indicated that a vehicle would have to make a five-point turn to make a turn-around in this area.

#### **THE PUBLIC HEARING WAS OPENED.**

Shrenik Parekh stated that the license is for his wife, Shilpa. He confirmed that, as mentioned by Ms. Wallis, while the State has granted permission for 14 children, they are requesting only ten children. He indicated that the focus of this facility and service is to provide quality education in mathematics, science, and language to children aged two to six years old. He noted that these children are coming out of their homes for the first time, and they feel comfortable when they come to this facility.

With respect to the Homeowners Association, Mr. Parekh stated that he and his wife continuously touch bases with Walsh Property Management and that they have a commercial insurance policy that keeps the Homeowners Association harmless up to \$1 million. He added that two neighbors with whom they share a common wall have written letters stating that they do not have any concern about noise because the children are pretty much grown and are not playing music or any device.

With regard to parking, Mr. Parekh stated that most of the parents walk to their facility and do not use cars to drop-off their children at the facility. He pointed out that only three or four parents use their cars to drop-off their children between 9:00 a.m. and 9:30 a.m. and pick them up between 4:30 p.m. and 5:30 p.m. He added that they use only two parking spaces to drop-off and pick-up their children. He noted that if their neighbors on San Giorgio Court feel there is a safety issue, another way to handle this situation would be to use the parking lot on San Marco Way, where parents can park their cars and then drop-off and pick-up their children from the back side of the facility through the walkway attached to the facility.

Regarding the square footage and protocols, Mr. Parekh stated that the area available for daycare is 337 square feet, plus 240 square feet in the rear yard. He noted that the City Fire Marshal has also visited the facility, and the facility is in compliance with the Fire Department's rules and regulations. He added that it is also in compliance with the HOA's parking rules.

Referring to Mr. Parekh's statement that parents park in the guest parking lot and walk their children to the facility, Chair O'Connor asked Mr. Parekh how many parking stalls there are in that guest parking lot.

Mr. Parekh replied that there are a lot of spaces in the guest parking lot on Siena Street. He noted that City staff noticed that there were four to seven available parking spots between 8:30 a.m. and 9:00 a.m., and only two were used by parents between 8:30 a.m. to 9:00 a.m. and 4:30 p.m. to 5:00 p.m., and only for five minutes each time.

Ms. Wallis stated that there are 24 parking spaces in the direct vicinity of the home.

Commissioner Ritter asked Mr. Parekh how long they have been operating the daycare at this location.

Mr. Parekh replied that his wife has been operating a daycare since 2008. He explained that when she started, she got a small daycare license from the State; she then contacted the City and paid the fee for the business license. He noted that the City accepted the fee but indicated that since it is a small daycare facility, she did not need to do anything else. He continued that in August 2013, his wife applied to the State for the large daycare, the State granted permission for 14 children kids. He indicated that they did not realize at that time that they had to go to the City for a license, or they would have done so had they known. He noted that although they are licensed for 14 children, they are applying only for ten children because they focus on quality education and not quantity. He added that they use the living room and the dining room for this purpose, and he feels that facility square footage is sufficient.

Margaret Bryant stated that she has lived in the area for about 14 years and is speaking to support the denial of the Conditional Use Permit request. She indicated that she was one of the people who sent an email and that there are two main reasons the daycare impacts her: (1) Traffic control early in the morning and in the evening. She stated that

there is a lot of traffic that they do not really need at the time when people are leaving for work. She noted that there are private roads in there, and vehicles cannot get out from the courts without backing out. (2) Parking. She stated that she is aware the City does not address the HOA rules, but there is a rule that the garages in each condominium are to be used for parking the number of cars that the garage is intended for, rather than using the public parking area. She indicated that while she does not live on the same street as the applicants, she has been told by residents there that the applicants do not use their garage for parking their cars. She added that although there are a lot of guest parking spaces available, these spaces are taken at certain times of the day, especially in the early evening, and it poses a problem for guests who come to visit. She urged the Commission to deny the request.

Sondra Simpson stated that she is a resident in the complex and is in support of the denial of a large daycare center. She indicated that she knows a lot about childcare as she has run child care centers for 25 years, operating as many as 14 facilities and currently operating in seven locations. She agreed that everyone wants children to have a good education; however, childcare centers should be held in a childcare center and not in a residential area such as this. She stated that if the applicant had a freestanding home with an acre or half-acre of property, it would be a great place for a child care center. She noted that the driveways have very short aprons and they are not long enough to legally park a car there. She added that there is no way for a vehicle driving down that street to turn around, and if the vehicle stops, other residents cannot get out of their garages.

Ms. Simpson noted that the applicant stated that many of the children are walked to her home. She indicated that the City needs to take under consideration that while this may be true today, in about two to three years, the six-year-old children will get older and will no longer attend the childcare, and the applicants will take more three- and four-year-old children who live out of the area, thus increasing traffic congestion. She noted that she rents out her property on that street, and every time she visits her tenants or her property, she has a very difficult time finding parking, sometimes having to wait and drive around until somebody finally backs out. She pointed out that while there are 24 public parking spaces, these are reserved for guests. She reiterated that she is definitely opposed to the application because it is not a good situation and her tenants have been inconvenienced.

Awadhoota Kulkarni stated that this is a wonderful daycare that provides quality education. He indicated that his son is enrolled there and that as a parent, he is happy with his educational growth. He stated that he can strongly assure that it is a safe and secure daycare and that his son feels like it is his second home and is always happy to go to the daycare center every day.

Mayuri Modi stated that she has been living in the complex close to the facility for the past five years and that this daycare is very beneficial to the community. She noted that it has a very safe living environment and it is wonderful for children leaving home for the first time. She indicated that she has never encountered any parking problems and that there are

plenty of parking spaces available at any time of the day. She added that she has not had any noise issues or seen any unsafe or reckless driving. She reiterated that the daycare is safe and loving and that she highly appreciates that children can go there for daycare.

Mickey Lefcourt stated that he is an original owner and watched the complex grow. He indicated that parking has been a problem for the past 15 years for both the residents and their guests and that people used to park across the street when the property was still owned by PeopleSoft or in the rental property on Owens Drive. He noted that the street where the daycare is located has 20 units with garages and no sidewalks; people walk down the center or on the sides of the street. He emphasized that this is an extremely unsafe situation.

With respect to Mr. Parekh's statement that parents can access the daycare through the rear, Mr. Lefcourt stated that the back part of this unit faces San Marco Way which is a main way through to two developments. He noted that the approximately 200-square-foot back play area goes right out to a sidewalk, and no parking is allowed on that street as it is a fire zone and also the entry way for the two other developments in the area.

Mr. Lefcourt stated that there is no way the daycare can help the value of what he purchased 19 years ago because people are not going to pay the market rate or the value that the house should have if there is a school or a lot of children milling about waiting to be picked up. He added that all these children will be picked up at the same time schedule, so there will be all these people walking through that area where there are no sidewalks. He stated that he understood that this is a great situation to help children learn about math and science at a very young age, but he personally did not think that Montessori would like this situation. He noted that Montessori schools are stand-alone houses or buildings, not townhouses connected upstairs and downstairs to other residents on a dead-end street that has no other access. He encouraged the Planning Commission to deny the application.

Shilpa Parekh, Applicant, stated that she is operating the childcare education center in compliance with California State regulations, so she really works with the children and give them quality education. She indicated that she has been running this business since 2008 and has not received any complaints from the State of California or from the City regarding accidents or safety issues. She noted that she has asked residents in her neighborhood, including her adjacent neighbors with whom she shares common walls, if they have any concerns or objections about noise or any other issues, and all have indicated they are fine.

Ms. Parekh stated that California State has given them permission for 14 children, but she is requesting only for 10 children. She indicated that they have the capacity and have a really efficient system in place, putting five in one classroom in their living room and the other five in their dining room, to give them one-on-one education. She added that they do not have a parking issue and that they strongly enforce parking rules for all the parents, sending them emails every week to remind them not to park in the driveway but wait for the parking spaces to become available. She noted that most of the parents of her students come from nearby apartments and walk to the facility.

Ms. Parekh stated that they take care of all their children and have not had any single incident of injury or falling down or get hurt inside and outside the facility. She indicated that they take care of every aspect of the child; they provide quality education and service that is a benefit to the community, as well as a safe, loving, and caring environment.

### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Balch asked staff if San Marco Way has sidewalks.

Ms. Wallis said yes.

Commissioner Balch inquired if the sidewalk extends along the applicant's rear entry.

Ms. Wallis said yes.

Commissioner Balch inquired if there is no other closer guest parking to that road other than what is denoted as the yellow area in the staff report.

Ms. Wallis replied that was correct.

Commissioner Ritter asked staff, assuming that the application for ten children is denied, if the applicant can still operate with six children under the City's current codes and laws.

Ms. Wallis said yes.

Commissioner Ritter stated that the law has been six children or less, and the applicant has not been operating within the code of Pleasanton since August 2013 when the facility went up to 10 children. He pointed out that there is the first learning moment for the children: you have to follow rules.

Commissioner Ritter stated that he also went to a Montessori school way back during the pre-kindergarten era. He indicated that he thinks it is a great program, but this is probably the wrong spot for it. He noted that a tiny 337 square feet for ten children is not a lot. He stated that he and his wife used to take their children to childcare, and they made sure their children were taken care of and had some running space. He indicated that he is very supportive of daycares, but this one just seems like it is the wrong place.

Commissioner Allen stated that everybody wants good childcare and good education for their children. She indicated that regardless of what decision the Commission made tonight, she wanted to make sure the applicant and others understand that this decision has nothing to do with the quality of education that the applicant is providing, which sounds like a great experience for the children that are going there. She noted that State law does require cities to support daycares with up to six children, and the Commission is certainly able and willing to support that; however, it is a violation to increase enrollment if it has not been given approval.

Commissioner Allen stated that she also believes that this is the wrong spot for a large family daycare, primarily for two reasons found in the City code: (1) Traffic. She indicated that in order to approve a large family daycare, the Commission needs to find that there is no traffic issue, and there clearly is a traffic issue which also results in a potential safety issue when cars are backing up on this street with no sidewalks. She added that this is a real concern. (2) Parking scarcity. She stated that everything she has heard from staff observations, from the 12 letters and phone calls, and from the feedback tonight is that parking has been an issue for a long time and continues to be an issue. She added that to increase the number of children beyond what is allowed, the Commission would have to find that there is plenty of parking, and there is nothing she has heard that would validate that there is a lot of extra parking and that parking is not an issue. She noted that she cannot find anything contrary to what staff has recommended based on their observations as well as neighbors' feedback. She added that the applicant stated that there are only three or four parents dropping-off their children. She indicated that she cannot find that it makes sense to have a large family daycare and supports staff's recommendation to deny this proposal.

Commissioner Balch stated that he echoes a little bit of what his prior two Commissioners have voiced. He indicated that his biggest concern is actually the square footage, which he believes is not enough square footage for ten children. He calculated that on inclement weather days, there would theoretically be ten children in 337 square feet, which would basically be 33 square feet per child, and he personally finds that difficult and an issue. He added that, as he clarified with staff earlier, no State law prohibits it, although that might be where rubber meets the road.

Commissioner Balch stated that he does not believe the applicant has any quality of education issues at all, and it sounds like they are dedicated and well intentioned to provide a good education, so he wants to encourage that. He indicated, however, that he also knows that these alleyways have two-story buildings, they are narrow and difficult to navigate one's vehicle on. He added that he has personally been in the complex area and knows the alleyways, and it is bit of a double-edge for him. He stated that in his opinion, everybody wants childcare in areas with low traffic, with fencing, and some other things. He noted that this is a quiet street, but it is also a blind alleyway. He indicated that he agrees with Commissioners Ritter and Allen that it is not the right spot for this many children.

Chair O'Connor stated that he agrees with what the other Commissioners have said and so he does not want to repeat everything. He indicated that his major concern is two-fold: one is the size of the space that ten children would have; and the other and biggest concern is the site map, the location, and the type of development. He stated that he once owned something very similar, and he went out to the project site and the streets are just about as wide with no sidewalks and very difficult to navigate. He noted that it would be easy if there were a garage vehicles can pull into and turn around; however, with coming down this street and having to back out to get out of it, the narrowness of the street, the number of units that are in the proximity, and the number of cars that might be coming and going morning and evening, he just does not find this to be as safe as it should be. He

added that the traffic and the traffic control as well as the parking are issues, but he is certainly willing to support a small home daycare by State law, but not a large one.

**Commissioner Ritter moved to deny the appeal of Case P14-0191, thereby upholding the denial of the Zoning Administrator of a Conditional Use Permit for a Large Family Daycare at 4034 San Giorgio Court.**

**Commissioner Allen seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Allen, Balch, O'Connor, and Ritter**

**NOES: None**

**ABSTAIN: None**

**RECUSED: Commissioner Piper**

**ABSENT: None**

Resolution No. PC-2014-33 denying Case P14-0191 was entered and adopted as motioned.

Commissioner Piper returned to the dais.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

**Bernal Property and I-680**

Commissioner Ritter stated that he spoke with Mr. Weinstein earlier today regarding some feedback he has been receiving from residents regarding the Bernal property traffic and the I-680 interchange with the new housing coming in there. He noted that he is aware this is more about Caltrans issues and asked Mr. Weinstein if he could discuss the plans.

Mr. Weinstein replied that he could give the Commissioners a quick update, noting that it is also a timely topic as City residents have spent a good amount of time at that intersection, especially with the Alameda County Fair happening recently. He indicated that there are actually two projects that are occurring at that intersection: the first is a City project, and the objectives are to improve levels of service, increase circulation and safety, and also to improve the bicycle and pedestrian environment at that I-680 northbound and southbound intersection area. He then briefly described the components of the project:

- One of the westbound through-lanes east of the I-680 northbound on-ramp on Bernal Avenue will be converted into a shared through/right-turn lane to reduce those westbound queues that has been occurring, especially lately.
- One of the westbound through-lanes on Bernal Avenue, east of the I-680 southbound onramp will be converted to a second left-hand turn lane to reduce vehicle queues.

- There is currently a free-running right-turn lane at the I-680 southbound Bernal Avenue off-ramp onto Bernal Avenue, and that will be converted as part of the City project into a standard right-hand turn lane to improve bike and pedestrian safety and overall circulation.
- Traffic signals will be modified and there will also be a new sidewalk, crosswalks and a Class II bike path along Bernal Avenue.

Mr. Weinstein stated that the schedule for that project is actually coming up pretty soon; construction will start in the next couple of weeks, and staff anticipates that it will be completed by February of next year.

Commissioner Ritter stated that he assumes that is about the time the construction is getting ramped up for the new development there.

Mr. Weinstein said he believes so.

Mr. Weinstein continued that the second project is being sponsored by Caltrans and is focused more on one specific area:

- Caltrans will widen the on-ramp to southbound I-680 to include one High-Occupancy Vehicle (HOV) lane and one lane for regular traffic.
- Those two lanes will extend all the way to the freeway.
- There are two lanes that come together and merge into one.

Mr. Weinstein stated that the project is anticipated to start in the fall of this year and end sometime in 2015. He noted that the dates are a little bit up in the air at this point as the project has not gone out to bid yet.

## **8. MATTERS FOR COMMISSION'S REVIEW/ACTION/INFORMATION**

### **a. Future Planning Calendar**

No discussion was held or action taken.

### **b. Actions of the City Council**

No discussion was held or action taken.

### **c. Actions of the Zoning Administrator**

No discussion was held or action taken.

### **d. Matters for Commission's Information**

Commissioner Ritter stated that he would not be at the next Planning Commission meeting on July 23, 2014.

Chair O'Connor noted that he would not be at that meeting either. He asked the other three Commissioners if they would be present at the meeting to determine if there would be a quorum.

Commissioners Allen, Balch, and Piper indicated that they would be present.

**9. ADJOURNMENT**

Chair O'Connor adjourned the Planning Commission 8:00 p.m.

Respectfully,

ADAM WEINSTEIN  
Secretary