

RESOLUTION NO. 18-10

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF DUBLIN**

**DENYING A CONDITIONAL USE PERMIT FOR A MINOR AMENDMENT TO THE PLANNED
DEVELOPMENT ZONING STAGE 2 DEVELOPMENT PLAN FOR THE SITE DESIGNATED
AS SEMI-PUBLIC IN POSITANO
(APN 985-0073-005-00)
PLPA-2017-00050**

WHEREAS, the applicant, Meridian, is requesting approval to build a 14,936 square foot building comprised of a 10,667 square foot childcare center to be operated by Safari Kid, and a 4,269 square foot community center located at the southwest corner of Positano Parkway and West Cantara Drive in Positano; and

WHEREAS, the application includes a Site Development Review, Minor Use Permit for shared parking, and a Conditional Use Permit to establish development standards in the Planned Development Zoning; and

WHEREAS, the project site is 2.1 acres and has a General Plan and Eastern Dublin Specific Plan land designation of Semi-Public; and

WHEREAS, the site has Planned Development Zoning with a Stage 2 Development Plan (Ordinance No. 33-05); and

WHEREAS, the General Plan and Eastern Dublin Specific Plan land use designation of Semi-Public permits a mix of uses consistent with the Stage 1 and 2 Development Plan for Fallon Village; and

WHEREAS, the Stage 1 and 2 Development Plans for Fallon Village allow a daycare and community center as a permitted use; and

WHEREAS, projects that are denied are exempt from environmental review pursuant to Section 15061 (b)(4) of the California Environmental Quality Act; and

WHEREAS, the Planning Commission held a public hearing on the said application on February 13, 2018, at which time the interested parties had the opportunity to be heard and at which time the Planning Commission continued the public hearing so that staff and the applicant could address concerns raised by the Planning Commission; and

WHEREAS, the Planning Commission held a public hearing on the said application on April 10, 2018, at which time the interested parties had the opportunity to be heard; and

WHEREAS, proper notice of said public hearings was given in all respects as required by law; and

WHEREAS, a Staff Report dated April 10, 2018, was submitted recommending that the Planning Commission approve a Conditional Use Permit for the proposed project; and

WHEREAS, the Planning Commission did hear and use independent judgment and considered all said reports, recommendations, and testimony hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED that the foregoing recitals are true and correct and made a part of this resolution.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Dublin hereby makes the following findings and determinations regarding the proposed Conditional Use Permit for the Safari Kid Daycare and the Community Center building:

- A. *The project will adversely affect the health or safety of persons residing or working in the vicinity, and be detrimental to the public health, safety and welfare because: the proposed project will increase traffic in the area.*
- B. *There are not adequate provisions for public access, water, sanitation, and public utilities and services to ensure that the proposed use and related structures would not be detrimental to the public health, safety, and welfare because: the roadway network is not adequate to serve the traffic generated by the proposed project.*

BE IT FURTHER RESOLVED that the Planning Commission of the City of Dublin does hereby deny the Conditional Use Permit for a minor amendment to the Planned Development Zoning Stage 2 Development Plan (Ordinance No. 33-05) for the Safari Kid Daycare and Community Center project.

DENIED AND ADOPTED this 10th day of April 2018 by the following vote:

AYES: **Bhuthimethee, Mittan, Kothari, Quereshi**

NOES:

ABSENT: **Wright**

ABSTAIN:

Planning Commission Chair

ATTEST:

Assistant Community Development Director