

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON, APPROVING A CONDITIONAL USE PERMIT APPLICATION TO OPERATE A STATE-REGISTERED HERITAGE SCHOOL AT THE TRI-VALLEY CHINESE BIBLE CHURCH LOCATED AT 1055 SERPENTINE LANE WITH UP TO 60 STUDENTS (P12-0841)

WHEREAS, the Applicant, the Tri-Valley Church has requested approval to operate a State-Registered Heritage School inside the existing building located at 1055 Serpentine Lane; and

WHEREAS, the school would operate Monday through Friday with up to 60 students from Kindergarten to fifth grade; and

WHEREAS, the Applicant has also applied for a PUD Major Modification (PUD-80-01-12M) to allow State-registered Heritage Schools as a conditional use in the Valley Business Park; and

WHEREAS, the subject property is zoned PUD-I (Planned Unit Development – Industrial) District; and

WHEREAS, a complete application for the project is available for review at the Community Development Department; and

WHEREAS, the Planning Commission reviewed the proposed Conditional Use Permit during a Public Hearing on August 22, 2012 and adopted a Resolution recommending that the City Council approve the Conditional Use Permit request; and

WHEREAS, the Applicant has submitted a Written Narrative which includes a schedule, site plan and floor plan, dated received by the Planning Division on July 17, 2012; and

WHEREAS, the City Council has determined that the proposed project is Categorically Exempt from the California Environmental Quality Act pursuant to Section 15303, Class 3; and

WHEREAS, the City Council has made the following findings:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinances and the purpose of the district in which the site is locate because:

Objectives of the zoning ordinance include: fostering a harmonious, convenient, workable relationship among land uses; protecting existing land use from inharmonious influences and harmful intrusions; and insuring that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. As conditioned, the proposed heritage school would be consistent with these objectives. Tutoring facilities, a private school/day care center and music lessons currently operate in the Valley Business Park and have been found to be compatible with the surrounding businesses. The proposed Heritage School will be conducted indoors and on a property with adequate circulation and parking to support the use.

The subject business is proposed in Valley Business Park which is zoned Planned Unit Development – Industrial (PUD-I) and has the characteristics of the City’s I-P (Industrial Park) District. One purpose of the industrial park district is to provide locations for uses that can operate in close proximity to commercial and residential uses within minimum adverse impact. The proposed use, as conditioned, will be compatible with the adjacent residential and industrial park uses. Other child-oriented uses currently operate within the Valley Business Park and no complaints have been received regarding those uses. As conditioned, the applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use.

- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity because:

Based on the proposal, the heritage school would be a compatible use to the adjoining uses and Valley Business Park. The building that the school is proposed to occupy is freestanding with an on-site parking lot. The site has an adequate number of parking spaces to support the use because there are a total of 46 parking stalls located on the site and no more than 36 parking spaces are required to support the use including the Church and Powermatic. Additionally, drop-off and pick-up times of the children will be staggered which will help alleviate circulation and traffic impacts. The proposed conditions of approval will ensure that the center will not operate in a manner that is detrimental to the public health, safety, or welfare or be 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 the Municipal Code which apply to Conditional Uses because:

As conditioned, the proposed use will comply with all provisions and requirements of the City’s zoning ordinance and the approved PUD development. As with any Conditional Use Permit, the use permit may be reviewed and potentially modified if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance.

WHEREAS, after receiving public testimony and review of the materials presented, the City Council on September 18, 2012 determined that the proposed Conditional Use Permit for the operation of a State-registered Heritage School, as conditioned, is appropriate for the site and consistent with the PUD amended under PUD-80-01-12M.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PLEASANTON DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. Approves Case P12-0841, Tri-Valley Chinese Bible Church Heritage School, for a Conditional Use Permit to allow the operation of a Heritage School located at 1055 Serpentine Lane subject to the Conditions of Approval included as Exhibit A, attached herein and incorporated by reference.

SECTION 2. This Resolution shall become effective on the effective date of Ordinance No. _____ approving the Planned Unit Development Major Modification for the Valley Business Park, PUD-80-01-12M.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton at a regular meeting held on September 18, 2012.

I, Karen Diaz, City Clerk of the City of Pleasanton, California, certify that the foregoing resolution was adopted by the City Council at a regular meeting held on the 18th Day of September 2012, by the following vote:

Ayes:
Noes:
Absent:
Abstain:

Jennifer Hosterman, Mayor

ATTEST

Karen Diaz, City Clerk

APPROVED AS TO FORM:

Jonathon Lowell, City Attorney

**EXHIBIT A
DRAFT CONDITIONS OF APPROVAL**

**P12-0841, Tri-Valley Chinese Bible Church Heritage School
1055 Serpentine Lane
September 18, 2012**

PROJECT SPECIFIC CONDITIONS

Planning Division

1. This Conditional Use Permit shall be null and void unless Case PUD-80-01-12M is approved by the City to allow State-registered Heritage Schools as a conditionally permitted use at the subject location.
2. The proposed Tri-Valley Chinese Bible Church Heritage School shall maintain its Heritage School registration with California Department of Education during its operation. Failure to maintain the Heritage School registration with California Department of Education may result in this application being reviewed by the Director of Community Development for possible future action by the Planning Commission.
3. The proposed Heritage School shall be limited to a maximum of 60 students present at any one time.
4. City review and approval is required prior to any changes in the hours of operation, number of children or staff, or activities beyond what is stated in the applicant's written narrative, dated "Received July 17, 2012" on file with the Planning Division, are desired. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
5. City review and approval is required prior to any changes in the schedule or number of Church group meetings, beyond what was described in the applicant's written narrative, dated "Received July 17, 2012." The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
6. Should parking or on- or off-site traffic/circulation problems occur during student pick-up times as determined by the Director of Community Development, the applicant shall revise the pick-up schedule to resolve the problem(s) to the satisfaction of the Director of Community Development. If necessary, the Director of Community Development may refer the Conditional Use Permit application to the Planning Commission for review and possible modification.
7. The exterior doors of the school shall remain closed when not being used for ingress/egress purposes.

8. The applicant shall inform all patrons that the facility is located in an industrial district and may be subject to noise, odors, etc.
9. Prior to an individual working and/or providing services at the facility, said persons shall complete and pass a criminal background check. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition.
10. Prior to an individual working and/or providing services at the facility, the applicant shall require said persons to undergo and pass first-aid and CPR training. The applicant shall ensure that these certifications are current at all times. The applicant shall submit a letter to the Planning Division stating that all persons at the facility have satisfied this condition.
11. Children 12 years and younger who do not take a Tri-Valley Chinese Bible Church Heritage School shuttle van shall be signed in/out of the subject school by a parent and/or legal guardian. Children 12 years and younger who take a Tri-Valley Chinese Bible Church Heritage School shuttle van shall be signed in by a school designated staff member and signed out of the subject school by a parent and/or legal guardian.
12. Children 12 years and younger shall be escorted to and from restrooms by school staff.
13. Prior to issuance of a business license, the applicant shall prepare and submit a disaster plan to the Planning Division and shall ensure it is in place for the facility/patrons.
14. All vehicles used by the Tri-Valley Chinese Bible Church Heritage School to pick up students shall have access to a means of communication so that the driver can be in direct contact with staff at the Heritage School when needed and in case of an emergency.
15. Drivers for the Tri-Valley Chinese Bible Church Heritage School shall have a student roster to verify students' names and grades.
16. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Pleasanton Municipal Code for a grand opening.
17. Parents, volunteers and employees shall park in designated parking stalls when dropping off or picking up children. No double parking or parking in non-designated stalls shall be permitted.

STANDARD CONDITIONS

Community Development Department

18. The applicant shall pay an all fees to which the use may be subject to prior to issuance of permits. The type and amount of the fees shall be those in effect at the time the permit is issued.
19. To the extent permitted by law, the project applicant shall defend (with counsel reasonable 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.

Planning Division

20. The proposed use shall be in substantial conformance to Exhibit B, dated "Received July 17, 2012," on file with the Planning Division, except as modified by these conditions. Minor changes to the plans or operation may be allowed subject to the approval of the Director of Community Development.
21. If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this Conditional Use Permit may be submitted to the Planning Commission for their subsequent review at a public hearing.
22. This Conditional Use Permit approval will lapse one year from the effective date of approval unless the Tri-Valley Chinese Bible Church Heritage School receives a business license within that time.
23. The Tri-Valley Chinese Bible Church Heritage School shall maintain the area surrounding the building in a clean and orderly manner at all times.
24. This approval does not include approval of any signage for the Heritage School. If signs are desired, the Tri-Valley Chinese Bible Church Heritage School shall submit a sign proposal to the City for review and approval prior to sign installation.
25. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.

CODE REQUIREMENTS

Applicants/Developers are responsible for complying with all applicable Federal, State, and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.

26. All building and/or structural plans must comply with all codes and ordinances in effect before the Building Division will issue permits.
27. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.
28. Prior to occupancy, the applicant shall contact the Building Division and Fire Marshal to ensure that the proposed use of the subject building meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

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