

PUD-80-01-12M/P12-0841, Tri-Valley Chinese Bible Church

Application for a Major Modification to the approved Planned Unit Development governing Valley Business Park to allow State-registered heritage schools as a Conditional Use on all properties, and for a Conditional Use Permit to operate a State-registered heritage school with a maximum of 60 students at Tri-Valley Chinese Bible Church located at 1055 Serpentine Lane. Zoning for the property is PUD- I (Planned Unit Development - Industrial) District.

Chair Pentin indicated that he would recuse himself because his business is within 500 feet of the project site. He then turned the meeting over to the Vice Chair, Commissioner Blank.

Erica Fraser presented the staff report and described the scope, layout, and key elements of the proposal.

Commissioner Narum referred to Exhibit E of the staff report, a letter from one business owner in the Park requesting that sidewalks on both sides of the street be added for the safety of the children, and inquired if staff had considered this or had recommendations in this regard. She noted that the uses in this particular Business Park are definitely evolving more toward service-oriented uses, in particular for children, and there are basically no sidewalks there. She indicated that there are children in a lot of these buildings and makes sense to add some sidewalks there.

Ms. Fraser replied that there is a sidewalk on the Tri-Valley Chinese Bible Church's side of the street. She noted that the sidewalk actually goes all the way around and up to Valley Avenue, thereby providing access from the Church to Valley Avenue and vice versa.

Vice Chair Blank inquired if there is a sidewalk on the other side of the street.

Ms. Fraser replied that there was none.

Commissioner Narum inquired if, during the summer, should the teachers wish to walk the children over to Orloff Park, they could walk all the way there on a sidewalk.

Ms. Fraser said yes.

THE PUBLIC HEARING WAS OPENED.

Walter Chan, representing the applicant and a member of the Tri-Valley Chinese Bible Church, stated that the Church has been in its present location for the past 17 years. He indicated that they had obtained a Heritage School certification from the Department of Education because they wanted to start an after school program. He added that they also applied to the Valley Business Park Owners Association and had received approval as well. He explained that as a Heritage School, the Church provides an after-school program for school children from Kindergarten through Fifth Grade to assist them with

their school work and to promote life skills. He continued that they also provide opportunities for children to learn subjects that are not taught in public schools, such as the Chinese language, Chinese cultural, art, and music, and Bible stories.

Mr. Chan stated that they want children to learn and participate under a family-like environment in the care of their qualified teachers. He noted that during the first year, they expect a very small enrollment of no more than 20 or 30 children, and they may enroll more children in the following year. He indicated that their building has adequate facilities and classrooms of varying sizes to accommodate various activities. He added that they will not disturb their neighbors as all their windows are fixed glass panels, and the children will stay indoors during school hours.

Mr. Chan stated that as a Heritage School, they want to offer not just a learning center but a community service center in the neighborhood for working parents who need child care and want their children to have an opportunity to learn specific subjects of interest. He added that as a school under the Church's sponsorship, he believes that they are fully capable of providing services and care which parents deserve.

Vice Chair Blank disclosed that he and the next speaker, Jerry Hodnefield, have worked together on other Committees for the City but have not discussed this matter.

Jerry Hodnefield, President of Valley Business Park Owners Association, stated that their Board of Directors has examined the facts and information relating to the application for the Heritage School in question and that he has physically walked the site in an effort to assess the probability of impacts to the area in general and to the adjoining tenants in particular. He indicated that although the requested use is not specifically permitted in the Association's CC&R's, the intended use is very closely related to one of the uses, which is permitted: day care centers. He added that the Heritage School use, in fact, is a preferred use in some ways as the intent of use does not require that it have an outside yard area and, therefore, the children will remain inside the building.

Mr. Hodnefield stated that the subject facility is a completely separate building located in a separate parcel at the very back end of the park, with abundant parking spaces. He noted that he owns a building which is occupied by another Heritage School, the Dublin Sunflower Center, located on Owens Drive in the center of Pleasanton. He indicated that the Center has been in that location for over a year; it is a model tenant and has not created any reported problems.

Mr. Hodnefield stated that Valley Business Park was created about 30 years ago and that he played a minor part in that creation. He noted that at that time, for all practical purposes, the Business Park was designed and oriented towards manufacturing and contracting services, offices, and related support functions. He continued that over the ensuing years, however, this has all changed with manufacturing services moving either to less expensive real estate or out of the country altogether. He added that the empty buildings were gradually backfilled with service industries and community support uses,

dance studios, drama training, gymnastics, piano instruction, karate studio, kick-boxing, and engineering firms. He noted that of the nine buildings he owns in or near the Business Park, there is only one manufacturing tenant left, who will be leaving at the end of his lease at the end of the coming year. He added that he has one tenant occupying an entire building for a water quality control operation; the rest are community support services such as design studios, day care centers, and tutoring centers.

Mr. Hodnefield stated that there are many reasons for the evolution of the Business Park moving in the direction of community support, some of which are the less expensive rent compared to other retail locations, the proximity to residential living units and schools, the relatively safe and controlled environment, and adequate parking. He indicated that most of the Park's property owners recognize this movement and are moving to capitalize on the opportunities; but there are a few owners who continue to resist these changes. He noted that the Board of Directors has made the decision not to resist the inevitable movement toward a more service and community support orientation for the Business Park, and while it cannot please everybody, it endeavors to do the best job it can to balance these forces.

Finally, Mr. Hodnefield stated that the Board of Directors has determined that given the current set of circumstances and the fact that the Board has been informed and knows the applicant, it believes the intended use will be beneficial to the community and will not present an undue burden to the property owners. He encouraged the Planning Commission to approve the application with the conditions that have been recommended by staff.

THE PUBLIC HEARING WAS CLOSED.

Commissioner Olson stated that by reading Exhibit E just by itself, one gets the impression that there is a real problem here. He noted that he feels Condition No. 6 of Exhibit A on page 13 of the staff report addresses any parking or traffic/circulation problems that may arise. He inquired, assuming that staff would not be going out to the site and study the situation on a regular basis, if the implementation of this condition would be complaint- driven.

Ms. Stern said yes. She explained that if staff gets reports of people parking in wrong places or on the other side of the street, staff will talk to them and, if necessary, send Code Enforcement there to talk to them and try to resolve the situation.

Vice Chair Blank noted that this is a Conditional Use Permit and, as such, could be ultimately revoked should that become necessary.

Ms. Stern said yes.

Commissioner Pearce moved to find that the proposed PUD Major Modification is consistent with the Pleasanton General Plan and to recommend approval of Case PUD-80-01-12M; and to make the Conditional Use Permit findings as stated in the staff report and to recommend approval of Case P12-0841, subject to the Conditions of Approval listed in Exhibit A of the staff report. Commissioner Narum seconded the motion.

ROLL CALL VOTE:

AYES: Commissioners Blank, Narum, Olson, and Pearce
NOES: None
ABSTAIN: None
RECUSED: Pentin
ABSENT: None

Resolutions Nos. PC-2012-39 recommending approval of Case PUD-80-01-12M and PC-2012-40 recommending approval of Case P12-0841 were entered and approved as motioned.