

Planning Commission Staff Report

August 9, 2017
Item 5.a.

SUBJECT: P17-0496

APPLICANT: Kendis Ip/Crosspoint Church of Silicon Valley

PROPERTY OWNER: Tri Valley Tabernacle, LLC

PURPOSE: Application for a modification to the Conditional Use Permit (CUP) for an existing church to add an after-school program that includes tutoring, sports/games, and other activities, for students in grades K-5, with a maximum of 100 students on-site at any given time.

LOCATION: 5627 Gibraltar Drive, Suite 100

GENERAL PLAN: Business Park and Mixed Use

ZONING: PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District

EXHIBITS:

- A. [Draft Conditions of Approval](#)
- B. [Narrative and Project Plans dated "Received July 7, 2017"](#)
- C. [Hacienda Owners Association Approval Letter](#)
- D. [Location and Notification Map](#)

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) modification application P17-0496 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

EXECUTIVE SUMMARY

Crosspoint Church requests to modify its CUP by adding an after-school program, Joyful Kids Club (JKC), at its existing facility. The proposed after-school program is similar to those offered at private schools and music and art schools. The project site is located within Hacienda, where private schools and music and art schools require Planning Commission review and approval of a CUP. As such, the CUP application is before the Planning Commission for consideration. After review of the proposal, staff believes it is consistent with the intent of the zoning district and Hacienda's regulations, and will be compatible with the surrounding uses. There are other similar uses in Hacienda and the immediate vicinity with the same zoning. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained.

BACKGROUND/HISTORY

In August 2014, the Planning Commission approved a CUP (Case No. P14-0833) to allow the operation of Crosspoint Church at 5627 Gibraltar Drive, Suite 100 in Hacienda. Crosspoint Church shares an existing building with Safari Kid, a heritage school for children in grades K-5. Crosspoint Church has been in operation since 2016, and its programming includes Sunday worship services, weekday bible studies, special celebrations, and Vacation Bible School (VBS) for one week in July.

Ms. Kendis Ip, on behalf of the church, is requesting approval to modify the existing CUP approved for Crosspoint Church to establish an after-school program, JKC, with a maximum of 100 students in grades K-5 at the existing church facility located at 5627 Gibraltar Drive. The subject site is within Hacienda, and the proposed after-school program, considered similar to private schools and music and art schools, is conditionally permitted within the business park with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for consideration.

SITE DESCRIPTION

The project site is an approximately 5.5-acre parcel located east of Hacienda Drive, between Gibraltar Drive and W. Las Positas Boulevard. The site contains three multiple-tenant buildings (comprising uses such as medical systems facilities and software development) and has a total of 435 shared on-site parking spaces. The subject building is one story and approximately 35,517 square feet in area. Figure 1 depicts the site and building location. Land uses adjacent to the project site include office and light industrial/warehouse uses to the north, east, and south. Thomas Hart Middle School and a private heritage school/daycare facility are located to the west, across Hacienda Drive. A residential development is located to the southwest of the project site.

Figure 1: Site Location



PROJECT DESCRIPTION

The proposed JKC would be operated by Crosspoint Church. The applicant proposes to modify the existing CUP for the church by adding JKC's operations, including enrollment of a maximum of 100 students within five years. Under maximum operation, all 100 students, plus 3 to 6 staff persons, could be on site at any given time. The purpose of the proposed JKC is to provide a program for learning and team building for students in grades of K-5 with a variety of activities on topics such as language (English and Chinese), speech and debate, robotics, mathematics, science, sports and fitness (ping-pong, badminton, basketball, and strength and cardio exercises), dance, arts and crafts, music, baking, homework, and character-building. All activities would occur indoors.

JKC would operate primarily during the regular school year from 3:00 p.m. to 6:30 p.m., Monday through Friday. A summer program is also proposed, generally mid-June through early August, from 9:00 a.m. to 3:00 p.m. Monday through Friday, except for one week in July when the church's Vacation Bible School is in session. The summer program would also have a maximum enrollment of 100 students. Table 1 summarizes the proposed schedule and programs.

Staff notes that the proposed JKC programs would not interfere with the church activities. Specifically, weekday activities currently operated by the church occur from 8:00 p.m. to 10:00 p.m. when the proposed JKC programs would have already concluded. JKC is not proposing any programs on weekends when the majority of the church’s activities occur.

Table 1: JKC Typical Program Summary

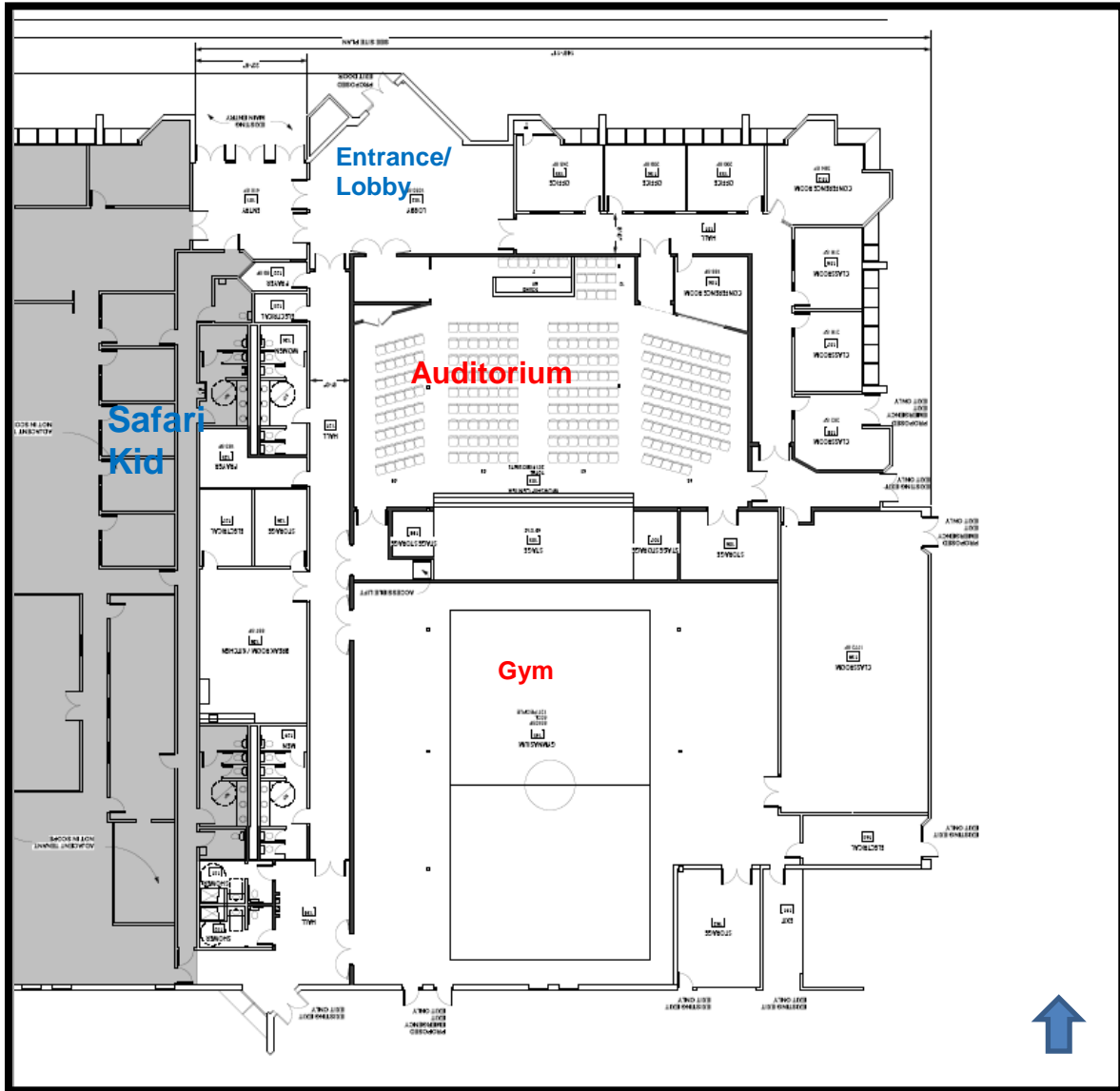
| School Year Program – maximum 100 students; 3-6 staff persons | | |
|--|--------------------------------------|-----------------|
| Weekday | Activity | Location |
| 3:00 p.m. – 3:15 p.m. | Students Arrive | |
| 3:15 p.m. – 4:15 p.m. | Homework Club (Monday-Thursday) | Classrooms |
| | Character Building Workshop (Friday) | Classroom |
| 4:15 p.m. – 6:15 p.m. | Interest/Enrichment Classes | Classroom/Gym |
| 6:15 p.m. – 6:30 p.m. | Students Leave | |
| | | |
| Summer Program – maximum 100 students; 3-6 staff persons | | |
| Weekday | Activity | Location |
| 9:00 a.m. – 9:15 a.m. | Students Arrive | |
| 9:15 a.m. – 11:30 a.m. | Theme Classes | Classrooms/Gym |
| 10:15 a.m. – 10:30 a.m. | Break | Classrooms/Gym |
| 11:30 a.m. –12:30 p.m. | Lunch | Classrooms/Gym |
| 12:30 p.m. – 2:45 p.m. | Summer Study Club | Classrooms |
| 2:45 p.m. – 3:00 p.m. | Students Leave | |

There would be 3 to 6 staff on-site at any one time. Students would be dropped-off/picked-up by parents/guardians at the main entrance to the church space.

No interior tenant improvements are proposed within the subject building. The existing church facility includes a worship center, two prayer rooms, four classrooms, three offices, two conference rooms, a gym, storage rooms, restrooms, and utility rooms, which are all available for use by JKC. No exterior changes are proposed to the building. Any new exterior signage would be subject to separate review and approval.

Figure 2 shows the existing floor plan of the church. Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

Figure 2: Floor Plan



STAFF REVIEW/ANALYSIS

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for use permits or for modifications to an existing use permit. The following sections provide analysis of the proposed use with respect to potential impacts related to land use, parking, and noise.

Land Use

The subject site, which is within Hacienda, has General Plan designations of Business Park (Industrial/Commercial and Office) and Mixed Use, is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, and is located in the Research and Development / Light Manufacturing Planning District (IPD) of Hacienda. In April 1995, the City approved a PUD Minor Modification for Hacienda that conditionally permits private school and colleges, including trade, business, and music and art schools in the IPD district. Staff

characterizes the proposed JKC as a use that is similar to a private school or a music and art school. Accordingly, the applicant has applied for a CUP. If the CUP were granted, the proposed JKC would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. When the proposed use is educational, instructional, or recreational, staff evaluates whether that use is compatible with surrounding uses. The proposed JKC is located on a site that is east of Thomas Hart Middle School. Safari Kid, a heritage school, is located in the remainder of the subject building. Land uses nearby consist of offices, commercial, light industrial, public school, heritage school/daycare, and residential uses.

To be sensitive to the other tenants within the same business complex and to ensure an adequate parking supply, the proposed program would open and close after peak AM and PM peak commute hours when the majority of employees of adjoining businesses arrive and leave, except for employees of Safari Kid. The proposal use would also not be expected to substantially increase ambient noise levels as all activities would be held indoors. Additionally, given the ages of the students that would attend the proposed JKC, staff considers it unlikely that the students would congregate outside the facility and impact the operation of the other businesses on the same site or nearby. All students would be supervised by staff at all times and exterior doors are conditioned to be closed except when being used.

In staff's evaluation, this use is compatible with the surrounding uses. Its impacts to other businesses either on the same site or nearby would be minimal. Crosspoint Church has been a "good neighbor" since its operation. Staff believes that the location, which is characterized by a concentration of academic uses, is appropriate and does not expect that the proposed use would create adverse impacts on surrounding businesses. Should future problems arise with the proposed use, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. Staff has also included conditions of approval to ensure that the surrounding uses would not be adversely affected due to parking constraints, noise, traffic, or other impacts. Therefore, from a land use perspective, staff finds the proposed use to be acceptable on the site, as conditioned.

Parking

There are 435 parking spaces that are shared among three buildings on the subject site. The combined building floor area of the three buildings is 120,112 square feet. Therefore, the parking ratio at the subject site is one space for every 276 square feet of floor area. With Crosspoint Church occupying approximately 22,766 square feet of floor area, 82 parking spaces would theoretically be allocated to the proposed use.

Per Section 18.88.030(E) (*Schedule of off-street parking space requirements*) of the Pleasanton Municipal Code (PMC), the proposed use would require one parking space for each employee, including teachers and administrators, and one space for each four students in grade 10 or above. The student parking requirement, one space for each four students, is not applicable since the students are below grade 10. With 3 to 6 staff for the proposed JKC programs, up to six parking spaces would be required for JKC staff. The Code-required parking demand for this use would be satisfied by the 82 parking spaces "allocated" to this tenant space based on the total tenant area.

Staff notes that Section 18.88.030 of the PMC does not address parking demand during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. Staff believes that there would be adequate parking for drop-off/pick-up given that it is unlikely that all 100 students would arrive or leave the facility in separate vehicles. The applicant indicated to staff that based on the Church's existing Sunday school activity, there would be some degree of carpooling among siblings and friends and, as such, the applicant estimated the parking needs for JKC would be less than 50 parking spaces for the proposed 100-student after-school programs. Therefore, the allotted 82 parking spaces should adequately accommodate the parking needs of the proposed JKC.

As previously mentioned, the proposed JKC would share a building with Safari Kid. Safari Kid has a maximum of 136 students enrolled. Safari Kid also has a summer camp program when students are not at school. With two building tenants operating similar programs, there is a potential for insufficient parking capacity. Table 2 shows the schedules of the existing Safari Kid and the proposed JKC.

Table 2: Operations of Safari Kid and the Proposed JKC

| Safari Kid | | JKC | |
|---|-----------------|---|------------------------|
| Regular Sessions | No. of Students | <i>Regular Sessions</i> | <i>No. of Students</i> |
| Morning Kinders 8:30 a.m. – 11:15 a.m. | 48 | <i>NA</i> | <i>NA</i> |
| Afternoon Kinders 11:30 a.m. – 3:00 p.m. | 40 | <i>NA</i> | <i>NA</i> |
| After School 3:00 p.m. – 6:45 p.m. | 48 | <i>After School</i> <i>3:00 p.m. – 6:30 p.m.</i> | <i>100</i> |
| Summer Program 8:30 a.m. – 6:45 p.m. | 136 | <i>Summer Program</i> <i>9:00 a.m. – 3:00 p.m.</i> | <i>100</i> |

Safari Kid is allotted 42 parking spaces based on the parking ratio at the subject site. As approved, Safari Kid has 15 staff members and provides group transportation (nine vans) to transport students from local schools to the facility. With the existing Safari Kid schedule and the proposed JKC schedule, there may be a parking/circulation conflict around 3:00 p.m. when guardians come to pick up the 40 Safari Kid Kinder students, drop offs occur for the Safari Kid After-School programs, and parents drop off up to 100 maximum JKC students.

A total of ten parking spaces (i.e., 10 spaces for parents' drop-off/pick-up and three for van unloading) were designated for Safari Kid during drop-off and pick-up times. These spaces are located to the immediate west of the subject building, adjacent to the Safari Kid entrance. As proposed, JKC's most convenient pick-up and drop-off spaces would be located to the north and east of the subject building, away from the designated Safari Kid parking spaces. Taking into account that many Safari Kid students arrive/depart by van, it is unlikely there would be parking and circulation conflicts. However, should parking problems occur, staff has included a condition of approval which allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures. Possible mitigating conditions could include: reducing the number of students and modifying the arrival/departure times.

Noise

The Pleasanton Municipal Code states that a proposed conditional use must be in accordance with the objectives of the Zoning Ordinance. One of those objectives is to “promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.”

Staff anticipates that the proposed JKC would generate interior noise levels comparable to and no different from those of a commercial use. Piano lessons would take place in a conference room located in the middle of the tenant space. The dance and guitar classes would be taught in classrooms that are located along the eastern wall of the tenant space, adjacent to the parking lot. Fitness activities would take place in the gym. The gym does not share a common wall with the adjoining tenant in the same building. These potentially noise-generating uses would have either interior walls to help reduce noise impacts on the adjacent tenant or would be located on the edge of the building facing the parking lot.

All proposed activities would be held indoors, with the exterior doors and windows closed during business hours. Furthermore, a condition of approval requires that if noise problems arise in the future, the CUP may be amended or revoked.

HACIENDA OWNERS ASSOCIATION

The Hacienda Owners Association has the authority to review and approve the proposed use before action is taken by the City. James Paxson, General Manager of Hacienda Owners Association, has reviewed the application for the proposed use and found that it is in substantial compliance with Hacienda’s guidelines set forth in the Conditions, Covenants & Restrictions (CC&R’s). The Association believes that the use and parking are compatible with currently approved uses within the subject area and has approved the proposed use.

PUBLIC NOTICE

Notices regarding the proposed CUP application and related public hearing were mailed to the surrounding property owners and tenants within a 1,000-foot radius of the project site. A map showing the noticing area is attached to this report. The public notice was also published in *The Valley Times*. At the time that the Planning Commission staff report was written, staff had not received any public comments on this application.

FINDINGS

The Planning Commission must make the following findings prior to granting the use permit:

- 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 located.**

The objectives of the Zoning Ordinance include fostering a harmonious, convenient, workable relationship among land uses, protecting land uses from inharmonious influences and harmful intrusions, promoting a safe, effective traffic circulation system, and ensuring 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, staff believes the proposed after-school and summer programs would be consistent with these objectives. There are similar after-school and summer programs in Hacienda Business Park that have been found to be

compatible with the surrounding businesses. Staff believes that the proposed after-school program would also be compatible.

The subject site is within Hacienda Business Park and is zoned Planned Unit Development – Industrial/Commercial - Office (PUD-I/C-O) District. It is located in the Research and Development / Light Manufacturing Planning District (IPD) of Hacienda Park, which generally has the characteristics of the City's I-P (Industrial Park) District. The City approved a PUD Minor Modification for Hacienda that conditionally permits private schools and music and art schools in the IPD district.

One of the primary concerns in reviewing a CUP application is the compatibility of a proposed use with surrounding uses. When the proposed use is educational, instructional, or recreational, staff evaluates how that use integrates with the surrounding uses. The proposed JKC is located on a site that is east of Thomas Hart Middle School. Safari Kid, a heritage school, is located in the remainder of the building. The adjacent land uses consist of offices, commercial, light industrial, public school, heritage school/daycare, and residential uses. All these uses are compatible with after-school and summer camp programs.

Staff believes the proposed use, as conditioned, will be compatible with the adjacent uses. The applicant will also be required to mitigate any future nuisances which may occur as a result of the proposed use. Therefore, staff believes this finding can be made.

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.

Staff believes that the use, as conditioned, would not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity. The proposed use would be operated within the building. The proposed use would not generate high levels of activity that would adversely affect surrounding uses, and the existing circulation system can be safely navigated by guardians of the program attendees. Staff has included conditions of approval that will ensure that the subject use will not be operated 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.

Based on the parking analysis in the staff report, staff finds that number of parking spaces provided on the site would sufficiently handle the parking demands from building tenants. Therefore, staff believes that this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the Municipal Code which apply to Conditional Uses.

Chapter 18.124 of the Municipal Code states that, because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to their effects on surrounding properties. Staff finds that, 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 CUP, 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. Therefore, staff believes that this finding can be made.

ALTERNATIVES

The site conditionally allows the proposed JKC with approval of a CUP by the Planning Commission. The applicant seeks to modify the existing church CUP to add the proposed JKC programs for students in grades K-5. The applicant also proposes to incrementally increase the attendance to a maximum of 100 students in five years. Staff believes this use is consistent with the intent of the zoning district. There are other similar uses in the business park with the same zoning. However, staff believes other alternatives could include:

- Alternative 1: The Planning Commission could deny the CUP; or
- Alternative 2: The Planning Commission could approve a CUP to establish an after-school program with less than the proposed 100 students.

Alternative 1 would preclude an existing church from expanding its operations to enhance its youth program. Alternative 2 would allow some expansion of the existing church programs/activities and would reduce activity levels compared to the proposal. The applicant has demonstrated the ability to be a “good neighbor” to surrounding uses and staff does not anticipate that the proposed programs/activities would prevent the applicant from sustaining compatible operations. Therefore, staff believes the proposed use is appropriate for the site.

PROS/CONS

| PROS | CONS |
|--|---|
| Allows for expansion of an existing church’s programs | Expands a use catering to young children in an area/on a site designed primarily for business park uses |
| Provides educational and team building activities to youth | |
| Consistent with zoning regulations | |

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1. Therefore, no environmental review document accompanies this report.

SUMMARY/CONCLUSION

Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the facility will fulfill a community need and that the proposed location is appropriate.

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Reviewed/Approved By:

- Steve Otto, Senior Planner
- Adam Weinstein, Planning Manager
- Gerry Beaudin, Community Development Director
- Julie Harryman, Assistant City Attorney