

Planning Commission Staff Report

March 14, 2012
Item 5.a.

- SUBJECT:** P11-0953
- APPLICANT/
PROPERTY OWNER:** Centerpointe Presbyterian Church
- PURPOSE:** Application to modify the approved Conditional Use Permit for Centerpointe Presbyterian Church to allow a Kindergarten through 8th Grade private school to be located in a previously approved but unbuilt 13,968 square-foot building.
- LOCATION:** 3410–3450 Cornerstone Court
- GENERAL PLAN:** Other Public and Institutional
- ZONING:** PUD-LDR/MDR/HDR/P&I and Mixed P&I/ MDR (Planned Unit Development – Low Density Residential/ Medium Density Residential/High Density Residential/Public & Institutional and Mixed Public & Institutional/Medium Density Residential) District.
- EXHIBITS:**
- A. Draft Conditions of Approval
 - B. Narrative, Phased Site Plans, and Floor Plans, dated “Received December 12, 2011”
 - C. Approved Narrative dated “May 8, 2002”
 - D. Ordinance 1866 (PUD-18)
 - E. October 27, 2004, Approved Planning Commission Phasing Plans (Case No. PDR-377)
 - F. Approved Sprung Structure Phasing Plan (PDR-537 and PCUP-169)
 - G. California Department of Education Affidavit and Referenced Material Excerpts
 - H. Applicants Informational Meeting Notification Card
 - I. E-mail from Jan Tobias dated “March 4, 2012”
 - J. Location and Noticing Maps
 - K. Planning Commission Resolutions for the Church Complex (Resolution No. PC-2004-63) and Sprung Structure (Resolution No. PC-2006-50)
 - L. City Council Meeting Minutes Excerpt for PUD-18 and Planning Commission Meeting Minute Excerpts for the Church Complex (PDR-377) and Sprung Structure (PDR-537 and PCUP-169)
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BACKGROUND

In July 2002, the City Council approved a General Plan Amendment and Planned Unit Development (PUD) rezoning and development plan for PUD-18 (Ordinance 1866) for the 92-acre Busch Property. The development plan for the project included 193 single-family homes, a 172-unit senior apartment complex, a 23-acre Public school option/Medium Density Residential senior house site, a 2.5-acre private park, and a 6-acre church site for Centerpointe Presbyterian Church (CPC). Staff notes that the Pleasanton Unified School District had a five-year option agreement with Ponderosa Homes to buy the approximately 23-acre public school option/MDR site in the development as a potential school facility. The School District chose not to exercise its option to purchase the property and Ponderosa Homes received PUD approval from the City in 2009 to develop the site with 110 detached single-family homes for residents aged 55 and older.

At the time of PUD-18 development plan review for the project, the church had not completed its full design plans for its facility. However, a description of its planned uses on the site was provided and a conditional use permit for the church facility was approved as part of PUD-18 and a condition of approval was added requiring the site plan, architectural plans, and landscape plan for the church be submitted for design review approval by the Planning Commission. Staff has provided CPC's narrative, approved with PUD-18, in Exhibit C and Ordinance 1866 in Exhibit D for the Commission's reference.

On October 27, 2004, the Planning Commission approved CPC's Design Review application (PDR-377) for four buildings: an approximately 24,108 square-foot sanctuary (Building A), an approximately 28,718 square-foot youth center (Building B), an approximately 20,344 square-foot preschool building (Building C), and an approximately 8,240 square-foot worship center (Building D). The buildings were to be constructed in four separate phases over an anticipated period of 20 years. Please refer to Exhibit E for the approved 2004 phasing plan (Case No. PDR-377).

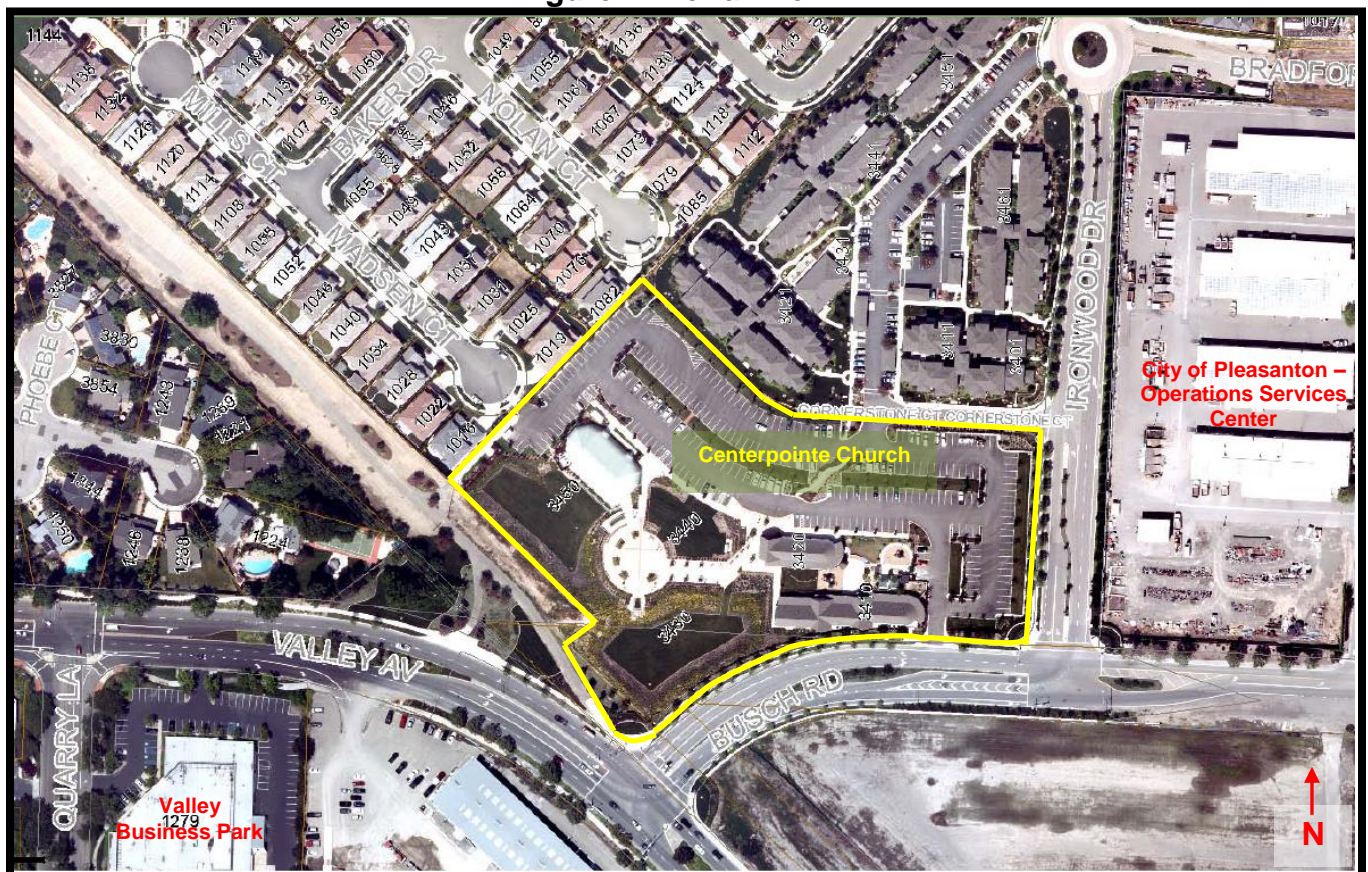
In 2006, CPC requested modifications to its phasing and development plans for the construction of a temporary sprung structure. The modification to the master plan was requested because construction is predicated on membership expansion and funding resources and the modification request would allow the church to expand the preschool and children's programs, as well as meet the worship needs of its congregation while working within the constraints of its budget and requirement to vacate its facility at 4300 Mirador Drive by the end of 2007. On September 13, 2006, the Planning Commission approved CPC's Design Review (PDR-562) and Conditional Use Permit (PCUP-167) applications to modify the approved phasing plan and for the construction of the sprung structure, with a condition that the sprung structure be removed at the time permanent Building B (the fellowship hall/gym/youth center/administration building) is finalized or after ten years from the time the sprung structure is finalized, whichever comes first. Staff notes that the sprung structure was finalized in December of 2008. Please refer to Exhibit F for the approved sprung structure plans.

Further funding assistance is needed in order for CPC to complete construction of their buildings and, therefore, CPC is requesting to modify their existing Conditional Use Permit, approved under PUD-18, to allow the operation of a Kindergarten through 8th Grade private school to be located in a previously approved but unbuilt 13,968 square-foot portion of Building C. The private school will not be temporary and CPC will continue to operate the school after the site has been completely developed. Modifications to a Conditional Use Permit (CUP) of this nature are subject to the review and approval by the Planning Commission and, therefore, the CUP is before the Planning Commission for review and action.

SITE DESCRIPTION

The church site is an approximately 6.41-acre property bordered on the south by Busch Road and the Kiewit property, the east by Ironwood Drive and the City's Operation Services Center, the north by Cornerstone Court and the Gardens at Ironwood senior apartment complex, the northwest by single-family homes in the Ironwood Classics subdivision on Nolan and Madsen Courts, and the west by the Ironhorse Trail. The subject property is relatively flat with ingress/egress to the site being provided off of Busch Road and Cornerstone Court. There is Emergency Vehicle Access (EVA) located at the western end of the CPC parking lot through to Madsen Court's cul-de-sac.

Figure 1: Aerial View



APPROVED CHURCH USES

On-site uses for the CPC site include Sunday morning services held between 8:30 a.m. and 12:00 p.m., a Sunday evening service and a smaller weekday service held from 7:00 p.m. to 9:00 p.m. At full capacity, the church has a staff of 30, excluding daycare workers.

The CPC daycare facility accommodates approximately 150 full- and part-time children. The daycare operates weekdays between 7:00 a.m. and 6:00 p.m. At full capacity, there is a 35 person staff, including teachers and administrators for the daycare.

The church also provides meeting space to community groups such as the Boy Scouts, Girl Scouts, Alcoholics Anonymous, Indian Princesses, etc. that typically meet on weekdays. A variety of other church-related activities occur on an infrequent basis, including summer vacation bible school, youth sports camps, and quarterly conferences.

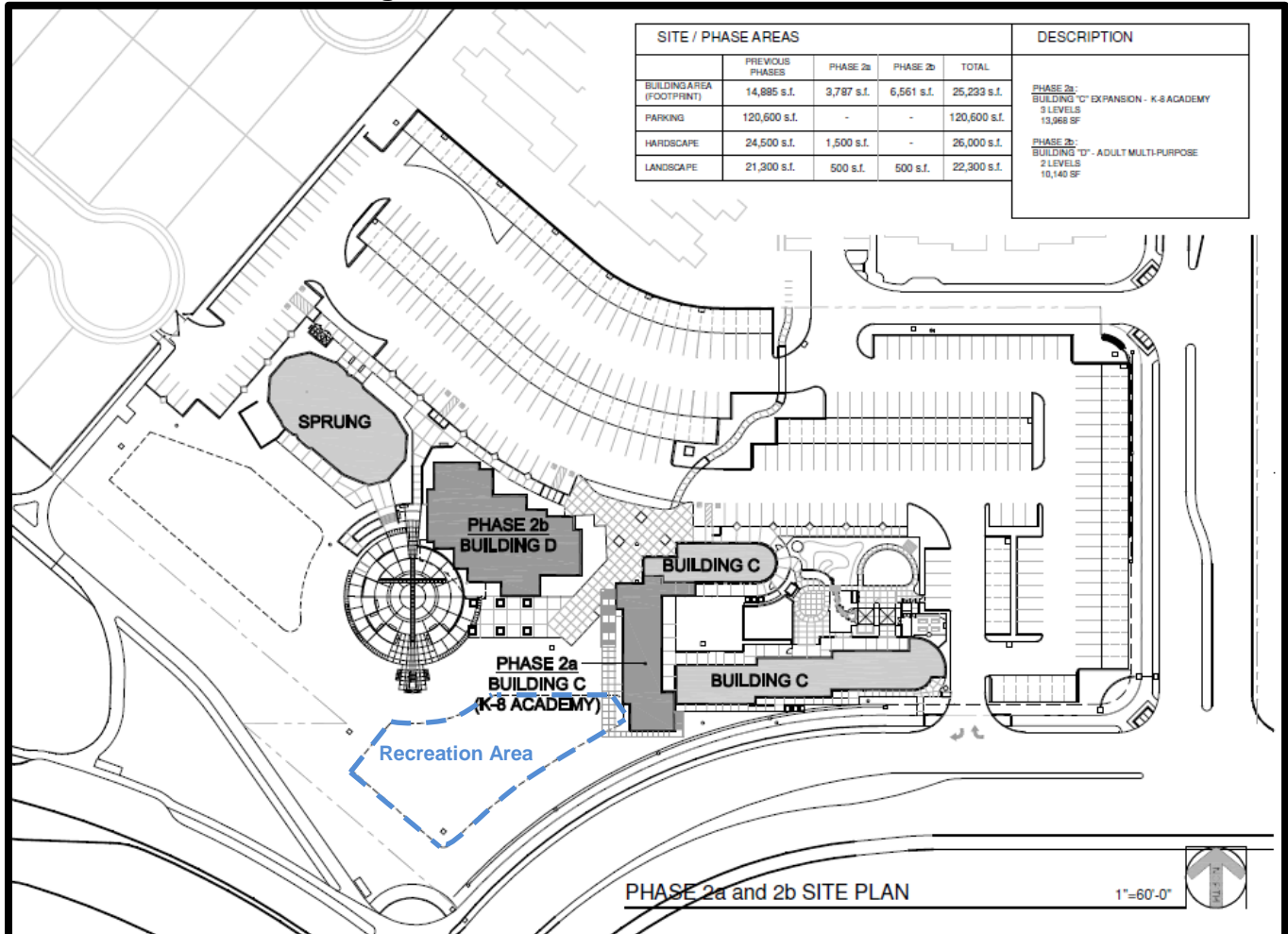
Please refer to the approved 2002 church narrative Exhibit C for more detailed information.

PROJECT DESCRIPTION

The private school would be for 207 Kindergarten to 8th grade students, 23 students per class, with 18 administrator and teaching staff members. The school would occupy the remaining, unbuilt three-story portion of Building C (please refer to the Phase 2 site plan in Exhibit B) with Kindergarten classes being held from 9:00 a.m. to 3:00 p.m. while the elementary and middle school classes will be held from 9:20 a.m. to 3:20 p.m. Each grade will stagger their 15 minute morning break, 30 minute lunch break, and 15 minute afternoon break. Staff notes that some (two to three) grades may combine their morning, lunch, and afternoon break. Breaks and recreation activities will be held in the empty recessed field located southwest of the building (please refer to Exhibit B). Staff notes that the bottom floor of the building would be constructed at ground level, which will accommodate ground level access to the field (please refer to Figure 2 on page 5 for the location of the recreation area). On rainy days, the children will use the indoor activity area, located on the upper level, or the indoor play area, located on the main level. Furthermore, the use of the open space field is temporary until the gym, which will be located in Building B and is the third phase of the project, is constructed. The ground level of the Building C will have a kitchen/cafeteria area for lunch time use. Similar to public schools, the private school will have academic breaks (i.e., winter, spring, and summer). The church intends to phase the school over a period of time starting with Kindergarten, First, and Second grade classes followed by the addition of subsequent grades. Faculty will also be phased and increased as additional grades are included.

Please refer to the next page for Figure 2

Figure 2: Site Plan and Recreation Area



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 with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for new or modified use permits.

General Plan

The subject property has a General Plan Land Use designation of Other Public and Institutional; which allows for religious facilities and educational uses. The proposed application is an educational facility that is ancillary to the church and, therefore, is consistent with the General Plan land use designation. The proposal would provide an educational facility for children in Kindergarten through 8th grade; which is consistent with the following General Plan Goal and Policy:

Goal 4: Promote lifelong learning.

Policy 7: Encourage and support high quality public and private educational facilities in Pleasanton and facilitate lifelong educational opportunities for all ages.

Zoning

The project site is zoned PUD-LDR/MDR/HDR/P&I and Mixed P&I/MDR (Planned Unit Development – Low Density Residential/ Medium Density Residential/High Density Residential/Public & Institutional and Mixed Public & Institutional/Medium Density Residential) District. A private school associated with the church is considered an ancillary use and, therefore, if the modification to the Conditional Use Permit is approved, the proposed private school would be consistent with the zoning designation.

Traffic and Circulation

PUD-18 included an option for Pleasanton Unified School District to construct a new public school. The school construction option was not completed and in its place additional senior housing was constructed. The proposed public school use was anticipated to generate significant number of AM peak hour trips. The proposed private school, however, was not included in the final determination of necessary traffic mitigations for the original project. It was identified in the PUD-18 staff report that development of a school may require additional mitigations.

The traffic study completed in June of 2002 did evaluate the public school site and the school generated traffic as part of the total project trips for the purpose of evaluating the overall impact of the project. This traffic evaluation was for a school that would generate 1,100 AM trips. The result of the study showed that six locations would require mitigation beyond what was identified in the 1996 General Plan:

First Street at Neal Street (complete)
Hopyard Road at Owens Drive (in the Traffic Impact Fee)
Main Street at St. Mary (exempt)
Sunol Boulevard/First Street at Bernal Avenue (TIF)
Valley Avenue at Busch Road (complete)
Valley Avenue/Bernal Avenue at Stanley Boulevard (TIF)

Each of the intersections identified above has had their mitigations completed or has the mitigations included in the Pleasanton Traffic Impact Fee.

The proposed private school generates 110 AM peak hour trips and 33 PM peak hour trips and has a lesser impact than the project analyzed in 2002. The City's Traffic Engineer evaluated the impact of the private school on the local roadway circulation and nearby intersections and noted that although the peak hour volumes are less than those studied in the 2002 report, the AM traffic volume will increase congestion at already impacted intersections.

Santa Rita Road and Valley Avenue in the AM peak hour

The additional traffic will increase the overall delay by four seconds per vehicle. During the AM Peak this intersection is unable to process all vehicles in a single cycle and the additional vehicles add to the delay. The westbound and southbound movements are most impacted due to the lack of intersection turning movement capacity. Several improvements have been identified to mitigate this intersection including a second westbound left turn lane and a third southbound left turn lane. Both of these improvements are identified in the Pleasanton Traffic Impact Fee. It is recommended that the church either construct one, or both, of these improvements or pay the fees to mitigate their portion of the impact and have the improvements constructed at a later date.

Stanley Boulevard at Valley Avenue/ Bernal Avenue

This intersection also experiences peak hour congestion. The construction of a private school will increase the congestion at this location. The 2002 traffic analysis and the Pleasanton Traffic Impact Fee identified a mitigation measure of construction of a free westbound right turn lane to maintain an acceptable level of service. This project is identified as being funded by the 2002 Ponderosa Homes project.

Valley Avenue at Busch Road

Although all of the new trips generated by the private school use this intersection, the design with multiple turn lanes to and from Busch Road provide adequate capacity in both peak hours. Internal circulation to the site was also reviewed by the Traffic Engineer and, while there will be some congestion during the morning and afternoon pickup times, the majority of the traffic should be contained within the church's on-site parking lot since parents will be dropping off/picking up children at the front of the building or park in the on-site parking lot to drop-off/pick-up children. Some minor queues may develop as a result of parent drop-off and pick-up that extend out of the parking lot. To mitigate this impact, the private school has staggered their start and release times to better distribute the vehicle arrival and departure times. The school should also develop a drop-off and pick-up procedure that will utilize the entire parking area and minimizes on street congestion. In addition to the internal circulation, there will be a slight increase in the number of U-turn vehicles at the intersection of Busch Road and Ironwood Drive, but the volume of traffic is not sufficient to create any delay or safety concerns. Staff has added a condition of approval (Exhibit A, No. 15) that requires the church to submit a traffic circulation plan prior to commencing enrollment to ensure that vehicle stacking will not occur on the surrounding public streets.

Parking

Section 18.84.030 (E)(1) of the PMC requires schools and colleges, including public, parochial and private elementary and high schools, kindergartens and nursery schools to provide one space for each employee, including teachers and administrators, and one space for each four students in grade 10 or above. Where subsection (D)(1) of this section (18.84.030) requires a greater number of spaces on the site of a school or college, subsection (D)(1) of this section shall apply and the requirements of this subsection (E)(1) shall be waived. Section 18.84.030 (C)(6) requires public and private business and administrative offices, and technical services offices (including, but not limited to, accountants, architects, attorneys, engineers, insurance,

real estate and similar professions) to provide one space for each 300 square feet of gross floor area. Staff notes that the parking requirement for the church services is not addressed in this analysis since services occur during weekday evenings and weekends, when the preschool and proposed private school are not in operation.

The existing preschool operates Monday through Friday and has 35 staff/volunteers, which would require 35 parking spaces per section 18.84.030 (E)(1) of the PMC. With approximately 620 combined square feet of office space, 3 parking spaces would be required for the church staff that are on-site during the weekday when the preschool is operating (section 18.84.030 (C)(6) of the PMC).

A total of 211 on-site parking spaces are available at the church complex. As proposed, there will be 18 new faculty members for the private school with those students attending the proposed private school being in Kindergarten through 8th grade. By applying section 18.84.030 (E)(1) of the PMC, one space for each of the 18 faculty members expected to work at the school when the facility is completely built-out would be required. Therefore, the minimum number of parking spaces required for the proposed school, when applying 18.84.030 (E)(1), would be 18 since the children attending the school will be below grade 10. However, section 18.84.030 (D)(1) requires auditoriums, churches, private clubs and lodge halls, community centers, mortuaries, sports arenas and stadiums, theaters, auction establishments and other places of public assembly, including church, school and college auditoriums one space for each six seats or one space for each 60 square feet of floor area usable for seating if seats are not fixed, in all facilities in which simultaneous use is probable as determined by the zoning administrator. Where subsection E of this section (18.84.030) requires a greater number of spaces on the site of a church, school or college, that subsection shall apply and the requirements of this subsection shall be waived.

Applying section (D)(1) would require 170 parking spaces for the private school (10,187 square-feet of combined classroom area at one space for every 60 square feet of floor area) and, therefore, section (D)(1) would apply since it requires a greater number of spaces than section (E)(1) of the PMC. Since there are other existing uses that would be occurring at the same time as the private school, the 35 parking spaces for the existing preschool staff and three spaces for the church faculty members, that are on-site during school times, would be included in the parking requirements. Therefore, a total of 208 parking spaces would be required for the simultaneous uses. Since these uses do not occur during the weekend and evening church services, the private school, preschool, and church faculty have access to all of the 211 on-site parking spaces.

Staff notes that the Pleasanton Municipal Code does not address school parking demands during drop-off/pick-up times, which would be the most impacted time from a parking standpoint. With 23 students per class, 23 Kindergarteners will be dropped off around 9:00 a.m. and picked up shortly after 3:00 p.m. while the remaining 184 elementary and middle school students would be dropped off around 9:20 a.m. and picked up shortly after 3:20 p.m. The church has indicated that they anticipate carpooling and/or sibling attendance, which will reduce the amount of cars dropping off/picking up children. Staff believes that there would be

adequate parking for drop-off/pick-up given that all of the parking is on-site and not shared with adjacent residential developments. Condition No. 15 of Exhibit A would require the arrival and departure of cars to be further staggered, and parents are only parked in the spaces for a short period of time. Therefore, based on this parking analysis, staff believes that the parking should be sufficient to accommodate the proposed school. 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 (Exhibit A, No. 6). Possible mitigating conditions could include: reducing the number of students, modifying the arrival/departure times, etc.

Noise

Most of the noise generated by the school will be from outdoor recreational time during breaks. As indicated in the *Project Description* section of this report, the use of the outdoor open space is temporary until the gym in Building B is constructed in the third phase of the construction plan. When using the outdoor area, the children will spend time outside twice a day for 15-minutes. The time outside is limited and staggered amongst the grades. Given the location of the play area, approximately 310-feet from the closest residential property line, staff does not anticipate noise being an issue. Should noise become an issue, condition of approval No. 6 of Exhibit A requires that if noise problems arise in the future, the Conditional Use Permit may be forwarded to the Planning Commission for possible modification and/or mitigation.

California Department of Education

Staff contacted the California Department of Education – Private School Division to determine what requirements and/or licenses, if any, would be required by the State. The representative for the Private School Division informed staff that private schools are not required to provide field and/or recreation areas and/or play equipment and that the school and/or its faculty do not have to be accredited. However, the applicant has indicated that they will be seeking accreditation through the Association of Christian Schools International (ACSI). Staff notes that the ACSI requires three consecutive years of operation of all the grades (i.e., K-8th grade) in order to be eligible for ACSI accreditation. Furthermore, the only State requirement for private schools is to file an affidavit with the State. The following description of the affidavit is from the California Department of Education’s website

(<http://www.cde.ca.gov/sp/ps/rq/psfaq.asp#b6>):

“The first purpose is to comply with the information requirements in [EC Section 33190](#). A central requirement is that school information is reported in the online *Private School Directory*. Private schools appearing in this *Directory* have established an exemption from compulsory public school attendance, as outlined in [EC Section 48222](#), for each student enrolled in that private school.

A second purpose is to provide for each California school district a list of nonprofit California private schools that are eligible for certain programs and services through the Elementary and Secondary Education Act (No Child Left Behind Act of 2001, [Title IX, Part E, Subpart 1](#) [Outside Source], question/answer E-1 and E-2). This eligibility for California private schools requires filing the Affidavit each fall. Specific information from

the Affidavit is reported to the public school district in which the private school is located which prompts consultation between the district and the eligible private school.

The third purpose is to compile selected school information as statistical reports used by State and federal agencies. These documents are available on the CDE [Private Schools](#) Web page.”

The affidavit requires, but is not limited to, criminal record information/background checks on faculty, student attendance, instruction, student transfers, and curriculum. Staff has included the State’s full affidavit requirements and reference documents, noted in the website description above, in Exhibit G for the Commission’s reference.

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 ordinance and the purpose of the district in which the site is located.

The zoning ordinance endeavors to foster a harmonious, convenient, workable relationship among land uses, protect land uses from inharmonious influences and harmful intrusions, promote a safe, effective traffic circulation system, and to ensure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole. Staff finds that the operation of the school is consistent with these objectives. The proposed operation will not generate a substantial amount of noise and, as conditioned, would address traffic impacts from the school. Furthermore, the applicant would be required to mitigate any future nuisances created by the proposed use. Staff feels that the proposed school would be consistent with the above-cited objectives and, therefore, 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.

The number of parking spaces available on site exceeds the parking demands for the proposed use and, additionally, drop-off and pick-up times by the parents will be staggered which will help alleviate parking and traffic concerns. The proposed conditions of approval will ensure that the school 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. Therefore, staff feels that this finding may 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.

Staff finds that, as conditioned, the proposed use will comply with all provisions and requirements of the City's Zoning Ordinance. As with any conditional use permit, the use permit may be revoked if the conditions are not met. Therefore, the proposed use will comply with the provisions of the Zoning Ordinance. Staff feels this finding can be made with the proposed conditions of approval.

PUBLIC NOTICE

In an effort to address public concerns and answer questions prior to a Planning Commission meeting, the applicant sent notices of the requested application to surrounding residents within a 1,000-foot radius of the subject site notifying them of the proposal and informing them of the day, time, and place that the church will hold an informational meeting to answer/discuss the project with any interested residents. The applicant indicated to staff that of the six residents who attended the March 1, 2012, informational meeting, none of them were concerned with the proposed school.

Staff notes that the applicant was provided the same notification list that staff used for the formal Planning Commission notification cards. Staff has included a copy of the notification card for the Commission's reference in Exhibit H.

City notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. At the time this report was published, staff had received one email from Jan Tobias. Ms. Tobias stated her concerns regarding traffic and is of the opinion that the school is inappropriate for this location. Staff has included Ms. Tobias' email as Exhibit I for the Commission's consideration.

Staff has provided the location and noticing maps as Exhibit J for the Commission's reference.

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt from environmental review pursuant to the California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, Class 1 which allows the operation of uses, permitted or conditionally permitted, within an existing building, in this case, an approved but unbuilt, building. Therefore, no environmental document accompanies this report.

CONCLUSION

Based on the analysis of this staff report, staff believes that the required findings for the proposal can be met. Additionally, 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 RECOMMENDATION

Staff recommends that the Planning Commission approve P11-0953 (Conditional Use Permit) by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and
2. Approve P11-0953 subject to the conditions listed in Exhibit A.

Staff Planner: Natalie Amos, Associate Planner, 925.931.5613, namos@ci.pleasanton.ca.us