



Planning Commission Staff Report

October 27, 2010
Item 5.c.

SUBJECT: PCUP-283

APPLICANT: Fred Li/Bay Area Peace Evangelical Church

PROPERTY OWNER: Antrim Group Ltd. & AHM 4430 Willow Investors, LLC

PURPOSE: Application for a Conditional Use Permit to operate a church within an existing building

GENERAL PLAN: Business Park (Industrial / Commercial and Office) and Mixed Use

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

LOCATION: 4430 Willow Road, Suites L & N

EXHIBITS:

- A. Draft Conditions of Approval
- B. Site Plan, Floor Plan, Elevations, Written Narrative, and Activities Schedule
- C. Hacienda Owners Association Letter of Approval, dated September 15, 2010
- D. Location Map
- E. Notification Map

BACKGROUND

Fred Li, on behalf of Bay Area Peace Evangelical Church, requests a Conditional Use Permit to operate a church in an existing building located at 4430 Willow Road, Suites L & N, within the Hacienda Business Park. A Conditional Use Permit is required for religious uses to locate at this site and must be approved by the Planning Commission.

SITE DESCRIPTION

The subject site is a 2.22-acre parcel located on the west side of Willow Road, across from Thomas Hart Middle School. The existing, approximately 33,440 square-foot, one-story building, contains 15 tenant spaces. Three of the tenant spaces are occupied (two dental offices and one after-school tutorial facility).

The project site has a total of 132 parking spaces, including seven handicap stalls. In addition to its own on-site parking, the subject site has a recorded reciprocal parking and access easement with the adjoining property to the north (4440 Willow Road), which allows the use of an additional 58 parking spaces. Access to and from the project site and parking areas is provided by three driveways on Willow Road.



Project Location

The subject site is surrounded by commercial/office/light industrial uses to the north, west, and south. Also located to the south of the project site is a one-story building. Containing a church and a tutorial facility (5925 and 5929 W. Las Positas Boulevard).



Subject Building

PROJECT DESCRIPTION

Bay Area Peace Evangelical Church (BAPEC) has been serving the Tri-Valley area for the last eight years. In addition to Sunday worship, BAPEC holds prayer meetings, bible study groups, and fellowship. BAPEC has approximately 80 members (both adults and children) attending regular Sunday services and it anticipates that its future attendance may grow to 120 members.

BAPEC would occupy two existing adjoining tenant spaces, Suites L and N, with a combined floor area of approximately 6,035 square feet. It consists of a main worship area, one library, one meeting room, two offices, a pantry, a storage room, and a multi-purpose area¹. As the two existing tenant spaces are independent units, a double door is proposed to provide access between the tenant suites. Additionally, there are two bathrooms in each tenant space.

¹ The multi-purpose area is primarily used for Sunday school and Friday night fellowship.

The following table indicates the current activity schedule for BAPEC:

Date	Time	Activity	Attendance
Sunday	9:30 a.m.-10:10 am.	Adult Sunday School	Approx. 20 people
	10:15 a.m. – 11:00 a.m.	Communion Service	Approx. 50 people
	11:15 a.m. – 12:30 p.m.	Sunday Service	Approx. 80 people
	10:15 a.m. – 12:30 p.m.	Children Sunday School	Approx. five children
Tuesday	7:30 p.m. – 9:00 p.m.	Prayer Meeting	Approx. 15 people
Thursday	10:00 a.m. – 12:00 noon	Bible Study Group	Approx. 20 people
Friday	7:30 p.m. – 9:30 p.m.	Fellowship	Approx. 45 people

One or two church staff will be on site during regular business hours (8:00 a.m. – 5:00 p.m., Monday through Friday). Occasionally there would be a general business meeting held with five to 10 people in attendance.

The applicant also indicates that piano playing would start prior to the worship service as well as during the worship service. The piano would be located in the worship area.

ANALYSIS

Conditional uses are 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.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of a proposed use on surrounding uses. The proposed church would be located in a multi-tenant building where the current tenants are dental offices (one dental office is in business and the other one is in tenant improvement stage) and a tutoring facility. In addition, a Conditional Use Permit application to operate a music studio from Suite M (Case No. PCUP-282) is scheduled to be heard by the Planning Commission on October 27, 2010. As the primary activities of the proposed church are concentrated on Sunday when the other businesses located in the same building are closed, it is unlikely that the operation of the proposed use would adversely impact the other tenants.

Churches are located in various business parks in the City. Religious facilities have become a common use in and around business parks and they are typically regarded as “good neighbors.” Staff believes that the location is appropriate and does not expect that the proposed use would create adverse impacts on the surrounding businesses.

As the application requires conditional use permit approval, should problems arise in the future, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible revocation, if necessary. Based on past experience with similar uses, staff believes that this would be unlikely. Staff however has recommended a condition of approval (Condition No. 11 of Exhibit A) that will ensure that the surrounding uses are not impacted due to noise, parking, traffic (all analyzed in greater detail below) or other objectionable influences. Therefore, from a land use perspective, staff finds the use to be acceptable on the subject property, as conditioned.

Noise

For property in areas zoned for light industrial uses, such as this property, the Pleasanton Municipal Code §9.04.050 sets the following noise limits:

No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of seventy-five (75) dBA at any point outside of the property plane.

The applicant has indicated that piano playing would start before and during the services, which might also include the congregation singing. Staff believes that it is unlikely that the noise generated would impact other tenants because this would take place on Sundays, when the other businesses are not in operation. Nevertheless, a specific condition of approval has been included (Condition No. 5 of Exhibit A) requiring that the exterior doors remain closed when not being used for ingress/egress purposes. Further, if noise becomes a problem, a condition of approval requires that the applicant may be required to install sound attenuating materials.

Parking

As it was previously mentioned, the subject building is approximately 33,440 square feet in floor area and there are a total of 132 on-site parking spaces. The parking ratio at the subject site is 3.95 parking spaces/1,000 square feet of floor area (or one space/253 square feet of gross floor area). The proposed church would occupy a combined tenant space of approximately 6,035 square feet. Thus, a total of 23 parking spaces are theoretically allocated to the proposed church as there are no assigned parking spaces in this development.

There is a recorded parking agreement between the subject site and site to the north (4440 Willow Road). This agreement allows for reciprocal parking across the properties. The adjoining site has 58 on-site parking spaces that can be used by the

church and the building is occupied by a single tenant with a regular Monday through Friday operation schedule. Therefore, a total of 190 parking spaces are available for both buildings.

Parking Demand on Sunday: The Pleasanton Municipal Code requires one space for each six fixed seats or one space for each 60 square feet of floor area usable for seating if seats are not fixed. Sunday service would take place in the main worship area of approximately 2,500 square feet in floor area. The applicant has indicated that only the Sunday school activities in the 1,440 square foot multi-purpose room would occur at the same time as the Sunday service. The combined floor area of the main worship area and multi-purpose room (3,940 square feet) would require 66 parking spaces based on Code requirements. This is more than the 22 spaces that are “theoretically” allocated to the church. However, since the other businesses at 4430 and 4440 Willow Road would not be open on Sundays, all 190 parking spaces would be available to accommodate this parking demand.



Staff has also assessed the parking demand based on the anticipated number of people expected at the peak time (i.e. Sunday service). The applicant has indicated that members generally carpool to Sunday service as families. There would be 80 members present and the applicant has estimated the peak parking demand to be 40 vehicles based on approximately two persons per vehicle. The parking demand would increase to 60 vehicles based on the future growth to 120 members. Based on staff’s experience with other churches, we believe the applicant’s persons per vehicle estimate to be reasonable and the 190 available parking spaces would accommodate the estimated parking demand.

Parking Demand on Weekdays: The church’s maximum parking demand during “regular” business hours (i.e., 8:00am to 5:00pm, Monday through Friday) would occur once a week on Thursdays from 10:00am to noon when an approximately 20-member bible study group would meet while up to two church staff were present. If it is conservatively estimated that all bible study attendees and church staff would drive separately, then 22 parking spaces would be needed. The 23 “allocated” parking spaces would accommodate this parking demand.



For weekday evenings, the church’s maximum parking demand would occur once a week on Fridays from 7:30pm to 9:30pm when approximately 45 members would meet for fellowship. If it is conservatively estimated that all attendees would drive separately, then 45 parking spaces would be needed. The existing tutoring facility and proposed music studio would also operate when the church’s fellowship meets. The tutorial facility has a maximum of 12 students and three teachers during this time with the last tutorial session ending at 8:00pm. Conservatively assuming one vehicle for each student (or parent dropping off/picking up) and teacher, a total of 15 parking spaces would be needed. The proposed music studio would have a maximum of 17 students, four teachers and one staff person during this time with the last lesson ending at 8:30pm. Conservatively assuming one vehicle for each student (or parent dropping off/picking up) and employee, a total of 22 parking spaces would be needed for the music studio. In sum, 82 parking spaces would be needed for the church, tutoring facility, and music studio on Friday evenings. The 190 available parking spaces would easily accommodate the parking demand.

Signage

No signage currently exists for the tenant suite. If the applicant wishes to add signage, the proposal would be processed through the standard City procedures for review and approval in Hacienda Business Park.

PUBLIC NOTICE

Notice of this application was sent to all property owners and occupants within a 1,000-foot radius of the subject property. At the time of the preparation of this report, staff has not received any comments concerning the proposal.

HACIENDA OWNERS ASSOCIATION

James Paxson, General Manager of Hacienda Owners Association, has reviewed the application and found that it is in substantial compliance with Hacienda's guidelines set forth in its CC&R's. Based on the review of the space allocation and business practice, the Association believes that the use's parking, traffic, and noise would be compatible with current approved uses within the subject area and, thereby, approved the proposed use.

FINDINGS

The Planning Commission needs to make the following findings prior to granting the conditional use permit for the proposed church:

- 1. 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.**

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, staff feels the proposed church would be consistent with these objectives. The proposed church use would be conducted so as to not impact or interfere with the surround uses and would provide religious services to the community.

The subject site is zoned PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District, and it is located in the Research and Development /Light Manufacturing Planning District (IPD) of Hacienda Business Park which generally has the characteristics of the City's Industrial Park District. One purpose of the Industrial Park District is to establish and maintain the high standards of site planning, architecture, and landscape design that will create an environment attractive to the most discriminating industries and research and

development establishments. Another purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimal mutual adverse impact. As proposed, the church will not alter the exterior of the building so as to detract from its architectural features. The City has allowed religious institutions to be located in industrial park areas. Staff is not aware these existing religious institutions have created any impacts on surrounding tenants and staff believes the proposed use will similarly not create impacts on the adjacent uses. The applicant can also be required to mitigate future nuisances as a result of the proposed use. In summary, staff believes this finding can be made.

2. 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.

Religious facilities are a common use within or near commercial/industrial areas in Pleasanton. The City's past experience shows that these uses make "good neighbors." The subject site has adequate parking to support the proposed use. Adequate and safe ingress and egress on the site is provided. The congregation and its associated activities will take place entirely indoors. As such, staff does not believe that the proposed church would be disruptive or detrimentally impact surrounding uses. Therefore, as conditioned, staff recommends that this finding be made.

3. The proposed conditional use will comply with each of the applicable provisions of the Zoning Ordinance.

The PUD zoning of the subject site and the Pleasanton Municipal Code conditionally permit the establishment of a religious facility within an existing structure. Chapter 18.124 of the Municipal Code (Conditional Uses) 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. Granting a conditional use permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. The proposed church, as conditioned, would not be detrimental to the surrounding properties or the City in general for the reasons set forth in the report; and therefore staff recommends that this third finding be made.

ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 Class 1 - Existing Facilities. Therefore, no environmental document accompanies this report.

CONCLUSION

As conditioned, staff believes that the required conditional use permit findings for the proposed church can be met. Conditions of approval have been included to 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.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-283 by taking the following actions:

1. Make the required conditional use permit findings as listed in the staff report; and,
2. Approve Case PCUP-283 subject to the conditions listed in Exhibit A.

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