

# Planning Commission Staff Report

September 15, 2010

Item 5.a.

**SUBJECT:** PCUP-279

**APPLICANTS:** Christ Church

**PROPERTY OWNER:** 7-L Northcreek, LLC

**PURPOSE:** Application for a Conditional Use Permit to operate a religious facility.

**GENERAL PLAN:** Business Park

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

**LOCATION:** 7020 Koll Center Parkway, Suite 110 of the Bernal Corporate Park

**ATTACHMENTS:**

1. Exhibit “A” – Draft Conditions of Approval
2. Exhibit “B” – Site/Parking Plan, Floor Plan, and Applicant’s Statement of Operation with a Schedule of Activities, dated “Received July 27, 2010”
3. Exhibit “C” – Owner’s Association Approval Letter, dated July 12, 2010
4. Exhibit “D” – Location Map
5. Exhibit “E” – Noticing Map

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## I. BACKGROUND

Christ Church is a non-profit, nondenominational evangelical Christian church that was founded in 2005. The church is currently conducting its worship services and educational gatherings at the Pleasanton Middle School and conducting the administrative office functions at 1241 Quarry Lane, Suite 100. The church currently has 90 members and is projected to have 150 members by the year 2015.

The Church is proposing to occupy a location that is governed by a Planned Unit Development (PUD-80-02). In 1991 a modification of that Planned Unit Development (PUD) was approved to allow churches as a Conditional Use Permit (CUP) similar to that of the I-P district (PUD-80-02-8M).

## II. SITE DESCRIPTION

The subject site is a 52,854-square-foot parcel located on the north side of Koll Center Parkway, west of Valley Avenue, within the Bernal Corporate Park development.



Figure 1.1: Site Layout

Arroyo del Valle borders the parcel on the north side and professional/ commercial service offices are to the east, south, and west. There is a residential development located beyond the arroyo to the north. Properties adjacent to Bernal Corporate Park include the Alameda County Fairgrounds to the east, the Bernal Plaza to the south. This site is located close to Interstate 680, thereby providing convenient access for the congregation and visitors.

The site contains four buildings and the proposed religious facility will occupy a portion of the southwestern building (7020 Koll Center, Suite 110). The existing single-story building is approximately 43,224 square feet in floor area and contains several tenant suites. Christ Church plans to occupy the southwestern portion of the building which is approximately 6,680 square feet (Suite 110). The current tenants of this building are Pacsgear, Inc (software Development company), Bally Gaming (Gaming Device Headquarters), NorthBrook Homes, IES Language Foundation, A&P Calibrations, Inc., Kaelin Construction, Inc., Russ

Slater, Polaris Electronics, Inc., Next Holdings, Oxford Instruments, Griffin Soil, and Telco Systems.

The property includes a parking lot that encompasses the complex on all sides. Access is provided by four driveways off Koll Center Parkway and there are 487 parking spaces that are available for use by all of the buildings/tenants of this site.

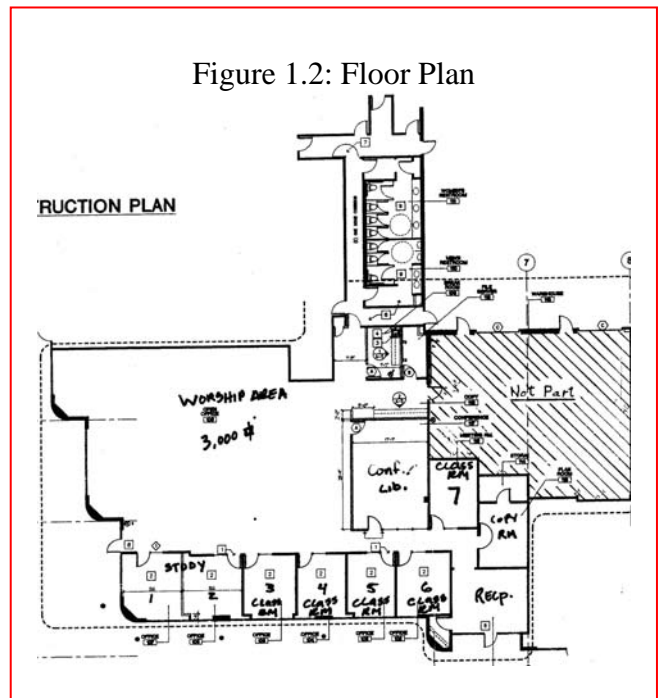
As proposed, all activities associated with the proposed use would be located within the existing building.

### III. PROJECT DESCRIPTION

The applicant is proposing to provide religious, educational, and social services. The proposed floor plan (Figure 1.2) illustrates the worship area, offices, and classroom uses.

The hours of operation for the religious worship activities are proposed as 9:00am to 12:15pm on Sundays for congregation assembly with other limited activities during the week (Monday thru Wednesday –administrative duties and Thursday 1:00pm to 5:00pm – individual and couples counseling services):

- Weddings are not anticipated to be conducted at this location at this time.
- Sunday worship services will have a small amount of singing and musical ensemble (keyboard, a sound-damped drum set, flute, and/or acoustical guitar).



With the exception of the hours of use for individual and couples counseling, the proposed use time will be Sundays when no other tenants are occupying the site.

Additionally, the applicant is proposing to soundproof class rooms 6 and 7 to buffer the adjacent tenants from the activities of the youth and children bible study classes to be held in those rooms.

### IV. ANALYSIS

Conditional uses require individual review to ensure that impacts associated with their use will be regulated and minimal. CUPs may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

### *General Plan Conformity*

The 2005-2025 General Plan land use designation for this parcel is Business Park (Industrial/Commercial and Office). Staff has reviewed the proposed project to current General Plan for conformity and believes that the proposed use supports the following Land Use (LU) and Public Facilities and Community Programs (PFCP) Goals, Policies, and Programs of the 2005-2025 General Plan:

- LU Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.

Staff believes that the proposed use provides a community facility to serve the residents within Pleasanton and the neighboring communities.

- LU Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Staff believes that the proposed use provides a service to the residents within Pleasanton and the neighboring communities.

- PFCP Policy 24: Facilitate the provision of safe, accessible youth activities, facilities, and services.

Staff believes that the individual and couples counseling activities proposed as part of this application fosters the constructive guidance of the people within Pleasanton and, therefore, this application supports the intent of this Policy.

In addition to supporting and fostering the Goals and Policies of the General Plan, staff also believes that the proposed use will compliment the surrounding uses. The General Plan land use designation is Business Park site is designated as PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) zoning district where the PUD development plan specifies the uses that are permitted or conditionally permitted for this site. The religious facility is consistent with the PUD regulations and the General Plan designation. A condition of approval is recommended stating that if land use conflicts arise in the future, the CUP may be referred to the Planning Commission for subsequent review and a public hearing.

A proposed conditional use must be in accord 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.” As proposed, staff believes that noise from the church would not negatively impact future or existing uses located adjacent to the subject suites.

### *Land Use*

The Bernal Corporate Park is zoned as PUD – I /C-O district. With the modification of the PUD that took place in 1991, this planning district permits the same permitted and conditionally permitted uses of the City’s I-P (Industrial Park) Zoning District. Churches and similar religious meeting facilities in existing structures are conditionally allowed uses in the I-P District. Therefore, a Conditional Use Permit must be granted in order for the applicant to establish the religious facility at the subject location.

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. The surrounding uses are office, light industrial, open space, and residential (beyond the arroyo). The majority of the uses in the business park operate during the hours of 7:00am to 7:00pm, Monday through Friday. Religious facilities have become a common use in and around commercial/industrial areas, and they are typically regarded as “good neighbors.”

Other religious facilities have been operating for years within the other business parks without any major adverse impacts on their neighbors. Additionally, this facility would operate less intensely than its adjacent tenants during the work week, with its main use occurring on Sundays when the other tenants are not at the site. Staff believes there will not be any conflicts with the neighboring uses at this location because the use would not generate loud music and would operate entirely indoors.

### *Noise*

The applicant has indicated that the worship services include limited singing. A public address system may be utilized by the pastor. As noted previously, the applicant has stated that the use of music is limited to Sunday worship services and there is only about 15 minutes of singing and musical ensemble (keyboard, a sound-damped drum set, flute, and/or acoustical guitar) with a focus on mainly vocal singing. The applicant has also indicated to staff that no yelling or other loud noises would occur during the congregation gathering or activities.

Staff believes that noise concerns typically associated with a religious facility would be reduced by the building construction and distance between the subject site and the residential development (located on the opposite side of the arroyo) and the proposed soundproofing of some of the walls between the use (classrooms 6 and 7) and adjacent tenant space walls. Staff believes that the proposed hours of operation and the limited type of activities should not cause noise impacts on the neighboring residential uses. However, staff has included a “standard” use permit condition of approval on the project that allows the City to review the project again to add mitigating conditions in the event of any future complaints regarding noise levels. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building, removing the public address system, requiring additional soundproofing of the tenant



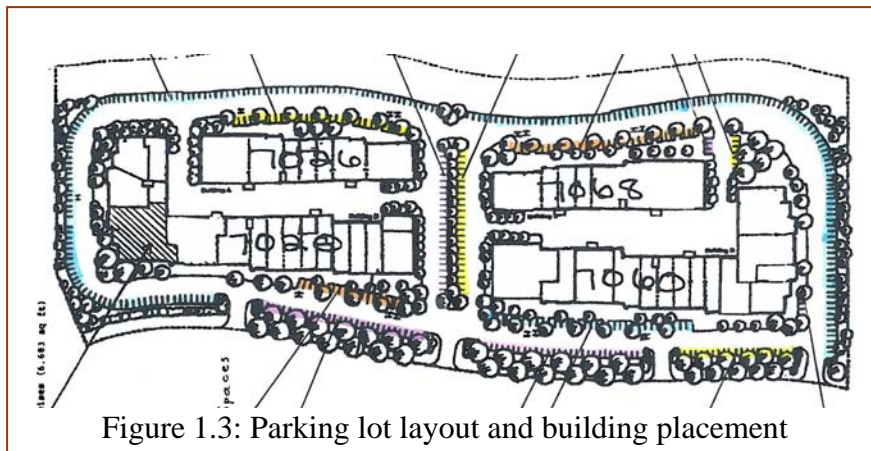
space, etc. In addition to the standard condition, staff has also added a condition of approval to prohibit the use of amplified instruments to be used (music is allowed if played at low levels that are consistent with the City's noise ordinance) and a condition that requires the applicant to inform the members and public attending the services to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area.

Staff anticipates the church will be a quiet use. To ensure that noise generated from singing and musical instruments within the facility is not disruptive to adjacent tenants, staff has added a condition of approval that requires all doors will remain closed during gathering hours, further limiting noise impacts from and to surrounding tenants and properties.

The applicant has indicated that the draft conditions of approval are acceptable.

### **Parking**

The subject property has 487 parking spaces to serve the entire site as shown below (Figure 1.3).



Per the Pleasanton Municipal Code, churches, community centers, and other places of public assembly need to provide one (1) parking space for every six (6) fixed seats or one space for each sixty (60) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable. Since there would be no fixed seating, the one (1) space for each sixty square feet in area, excluding the classroom number 1-5<sup>1</sup>, would apply. Therefore, 55 parking spaces are required by Code for this use ( $3,300/60=55$ ). The remaining tenant space for the entire site is 127,240 square feet of office space, which is calculated at a ratio of one (1) parking stall

<sup>1</sup> Classrooms 1-5 are not counted in the square-footage calculation for parking because they will not be used simultaneously with the congregation gatherings. Classrooms 6 and 7 will be used during congregation gathering times for youth and children's bible study.

per 300 square feet of floor area per the Code. Thus, the office uses would need 424 parking spaces ( $127,240/300=424$ ) available based on Code requirements. Based on the number of existing parking stalls (487) and the total required number of parking spaces needed for the other uses of the site (424) and the 55 parking spaces required by code for the proposed use, staff believes that there would be adequate parking available to serve the proposed use and the other occupants of the site.

Staff also assessed parking demand based on the number of people expected at peak times. The applicant has estimated the peak parking demand to be 100 spaces (congregation size of 100 with one (1) person per vehicle). However, in staff's experience the peak demand would be approximately 50 parking spaces (congregation size of 100 with two (2) people per vehicle). When using the estimate of 50 to 55 spaces being needed for this use combined with the 424 parking spaces needed for the office uses, the total parking demand (479) for the site, including the proposed church, is still less than the available 487 on-site spaces.

Additionally, staff conducted parking surveys of the proposed site at various times during standard office hours. Staff observed that, on average, the current tenants of this portion of the development utilized only about 50% of the parking stalls. Based on staff's observation and the above parking analysis, the parking appears adequate to serve the proposed functions of the facility and the other uses in the building. The parking supply is further enhanced by the peak demand for the church happening on Sundays when the other tenants would not be using the parking lot, thus allowing all 487 spaces to be available for the church use. However, should parking problems occur, staff has included a "standard" condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### *Circulation*

The City Traffic Engineer, along with other staff of the Engineering/Public Works Division, reviewed the proposal and did not see any issues with regard to traffic/circulation as proposed. The streets and parking area are designed to City standards and can serve the proposed activities of this facility and the other uses. Therefore, staff does not believe neither traffic nor circulation is a concern. However, in the event that future traffic or circulation problems occur, staff has added a condition of approval that allows the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such problems.

### *Tenant Improvements*

The applicant has indicated that they will be submitting for building permits to remove a (non-load-bearing) wall between two offices (#1 and #2) and soundproofing office No. 6 and No. 7.

Additionally, The Building and Safety Division has reviewed the proposed project and requested a few modifications to the means of access to the restrooms, exiting signage, and door opening clearance. Staff has provided conditions of approval to address these requests. No other tenant improvements are needed to accommodate the proposed use at this time. The applicant has stated that they will work with the Building and Safety Division to address the requested improvements needed to meet the occupancy separation and ADA (Americans with Disabilities Act) requirements. If additional tenant improvements are needed in the future, the applicant will need to submit plans for review and approval by the Building and Safety Division, Fire Department, and Planning Division under a separate permit.

### *Signage*

No signage currently exists for the tenant suite. If the applicant wishes to add signage or reface the existing monument sign, the proposal would be processed through the standard City procedures for approval in the Bernal Corporate Park.

## **V. 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.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient, workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and to insure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole.

The subject site is zoned PUD-I/C-O District Park which generally has the characteristics of the City's I-P (Industrial Park) District. One purpose of this zoning is to provide locations for uses that can operate in proximity to commercial and residential uses with minimum mutual adverse impact.

Staff believes that the proposed religious facility use would be consistent with the zoning ordinance objectives in that it would provide religious services to the community and would be conducted so as to not impact or interfere with the surrounding uses. The applicant will also be required to mitigate any future nuisances that may occur as a result of the proposed use.



Staff believes the granting of the use permit is consistent with the objectives of the zoning district in which the site is located. Therefore, staff believes that 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.**

Religious facilities are a common use within or near residential and commercial/ industrial areas in Pleasanton. In general, the City's past experience with other facilities in similar locations throughout the City has shown them to make "good neighbors." Religious facilities generally do not subject the surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. If the recommended conditions of approval are complied with, staff believes the proposed use will not detrimentally impact the surrounding uses.

The proposed use will comply with the applicable Building and Fire Codes. In addition, Police Department staff had no objections to the proposed project. The streets leading to the site are designed per City standards and are signalized to provide safe access into and out of the site. In addition, staff believes the proposed use will have adequate off-street parking to meet the parking demand of the facility.

Staff believes that the project will not be detrimental to the public health, safety, or welfare. 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 zoning ordinance.**

The proposed Conditional Use Permit (PCUP-279) was found to comply with all relevant sections of the zoning ordinance and with the site's PUD zoning regulations. The site's regulations conditionally permit the establishment of religious facilities within existing buildings. 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. Therefore, staff believes that the third finding can be made.

## **VI. PUBLIC NOTICE**

Notices regarding the application for a Conditional Use Permit and related public hearing were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments from any of these tenants or residents.

## **VII. ENVIRONMENTAL ASSESSMENT**

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

## **VIII. 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.

## **IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case No. PCUP-279 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. PCUP-279 subject to the conditions listed in Exhibit "A".

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