



Planning Commission Staff Report

October 29, 2008
Item 5.b.

SUBJECT: PCUP-223

APPLICANTS: Fountain Community Church/Pastor Paul Cleary

PROPERTY OWNERS: Antrim-Hirst-Mahoney, LLC

PURPOSE: Application for conditional use permit to operate a church and related activities within an existing building.

GENERAL PLAN: Retail/Highway/Service Commercial, Business and Profession Offices

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

LOCATION: 4430 Willow Road, Ste. N

ATTACHMENTS:

1. Exhibit A, Written Narrative, List of Activities
2. Exhibit B, Proposed Conditions of Approval
3. Exhibit C, Location Map
4. Exhibit D, Notification Map

I. BACKGROUND

In May 2006, the Planning Commission approved a conditional use permit (PCUP-166) allowing Fountain Community Church to operate at 4439 and 4455 Stoneridge Drive, the buildings once were the home to Pleasanton Community Church. The approved conditional use permit also allowed Fountain Community Church to hold various activities ancillary to and associated with the church functions, such as prayers meetings, Sunday school teachers meetings, Bible study groups and Bible study camps.

Fountain Community Church plans to relocate to 4430 Willow Road.

Pastors Paul and Sheri Cleary propose to operate the church with similar operations previously approved. The subject site is located in the Hacienda Business Park (PUD-81-30). The PUD requires a conditional use permit for churches.

II. SITE DESCRIPTION

The building at 4430 Willow Road is located on the west side of the street, directly across from Thomas Hart Middle School. The building is a one-story building, approximately 33,291 square feet. It is situated on an approximately 2.22-acre site that provides a total of 129 on-site parking spaces¹. The access to the building is from Willow Road via a shared driveway with the property to the south.



In April 2008, the City approved a condominium map and allowed the property owner to divide the building into 15 condominium units. The proposed Fountain Community Church would be located in Suite N if the requested conditional use permit is granted.

The subject site is surrounded by commercial/office/light industrial uses to the north, west and south, and Thomas Hart Middle School to the east.

III. PROJECT DESCRIPTION

Fountain Community Church would occupy a tenant space of 3,516 square feet. The operation at the proposed location would be very similar to those currently available at the Stoneridge Drive location. In addition to Sunday worship services, Fountain Community Church will continue to

¹ The existing parking lot contains 121 parking spaces. The building is currently under interior remodel, and the property owner will remove the existing loading dock and use the space for an additional eight parking spaces. Thus, it will bring the total on-site parking to 129 spaces.

offer church-related activities, and that these activities include but are not limited to the following:

- Prayers meetings;
- Sunday school teachers meeting
- Bible study groups
- Bible study camps

Please refer to Exhibit A for operation details.

IV. ANALYSIS

Conditional uses are uses that, by their nature, require individual review to ensure that impacts associated with their use will be minimal. Conditional use permits may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

Land Use

One of the primary concerns in reviewing a conditional use permit application is the effect of the proposed use on surrounding uses. Fountain Community Church has been providing service at the current location on Stoneridge Drive for two and one half years, staff is unaware of any land use problems associated with its operation, nor is staff aware of any land use issues associated with the previous Pleasanton Community Church who had been there for 18 years. Staff believes that Fountain Community Church would continue to operate its programs in a professional manner. Thus, having it located at the proposed location on Willow Road would not generate any significant impacts to other businesses either in the same office center or in the surrounding areas.

Parking

The subject building was constructed as a general office building. At the parking ratio of one space for 300 square feet of floor area for office uses, the site meets the parking requirement (129 parking spaces provided vs 111 parking spaces required).

As it is stated in the written narrative, the primary use times will be weekends and in the evenings on weeknights. During the weekday, it would be staff, and occasional meetings for business needs.

The average attendance to Sunday services is expected to be approximately 100 people (both adults and children). Wednesday night service would have an average attendance of 50 people, and other weeknight activities would have as many as 25 people. As such, parking would be sufficiently provided.

Circulation

The driveway is located on the south side of the property and has a shared driveway with the property located at 5925 West Las Positas. This property has two existing tenants, Korean Presbyterian Church of Tri-Valley and Direct Buy, an internet based furniture business. The Korean Presbyterian Church of Tri-Valley (KPC) has its primary use time on Sunday as well. KPC has three services scheduled on Sunday morning: 8:20 a.m. – 9:30 a.m., 10:00 a.m. – 11:10 a.m., and 11:30 a.m. – 1:00 p.m.

As proposed, Fountain Community Church would continue to have its 10:30 a.m. Sunday service. As the service times between the two churches are staggered, it is unlikely that there would be vehicular conflict in the shared driveway.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and tenants within 1,000 feet of the subject property. No one contacted staff at the time this report was being prepared.

VI. FINDINGS

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

A. 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. Fountain Community Church has been operating in a professional manner at its current location on Stoneridge Drive. Staff believes that the operation of the church would be consistent with the objectives noted above; therefore, this finding can be made.

B. 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.

In the past two and one-half years, Fountain Community Church has been providing its Sunday worship service along with other church-related activities in a professional manner. They have been a good neighbor to the surrounding businesses. The proposed site has sufficient parking, and it will not be in conflict with the adjacent uses as they

have staggered service times. Additionally, conditions have been included that would require the applicant to mitigate any future nuisances as a result of the proposed daytime activities. In summary, staff feels this finding can be made.

C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinances.

The Planned Unit Development approval conditionally permits the establishment of a church. Granting a conditional use permit to Fountain Community Church would be consistent with the City's ability to regulate the PUD approval and related zoning regulations. Therefore, staff believes that the third finding can be made.

VII. ENVIRONMENTAL ASSESSMENT

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

VIII. CONCLUSION

Fountain Community Church has been a good neighbor to its surrounding businesses and residences at its current location on Stoneridge Drive. It is anticipated that it will operate in a similar manner at the proposed location. Staff believes that with the recommended conditions of approval, church activities can be accommodated without creating adverse impacts on the adjacent businesses and that it would continue to provide a beneficial service to Pleasanton.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case PCUP-233 by taking the following actions:

1. Make the required conditional use findings as listed in the staff report; and,
2. Approve Case PCUP-233 subject to the conditions listed in Exhibit B.

Staff Planner: Jenny Soo, 925.931.5615 or email: jsoo@ci.pleasanton.ca.us

Exhibit B

Proposed Conditions of Approval

Case PCUP-223

Fountain Community Church

4430 Willow Road, Ste. N

1. The activities during the weekdays shall conform substantially to Exhibit A, an activity list, dated “Received, October 9, 2008”, on file with the Planning Division, except as modified by the following conditions of approval. Minor changes to the approved operation and schedule may be approved by the Director of Community Development if found to be in substantial compliance with the proposal.
2. All conditions of approval of PUD-81-30 and Hacienda Business Park requirements shall remain in full force and effect.
3. If additional hours of operation or activities beyond what was included in the applicant’s list, dated “Received, October 9, 2008”, on file in the Planning Division, are desired, prior City review and approval is required. Such modifications may be approved by the Director of Community Development if found to be in substantial conformance with this approval. The Director of Community Development may also refer the matter to the Planning Commission if the proposed changes would be significant.
4. If operations of this use permit results in conflicts pertaining to parking, interior noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said conditional use permit approval. Possible mitigation measures may include, but are not limited to, reducing the number of, students, modifying the hours of operation, or other measures deemed necessary by the Planning Commission.
5. Daycare, preschool, after-school tutoring, and anything similar in nature are not a part of this approval and shall not occur on-site. If these uses are desired, the church shall apply to modify their use permit secure a separate use permit, which requires review and approval by the Planning Commission.
6. This approval does not include approval of any signage for Fountain Community Church. If signs are desired, the applicant shall submit a sign proposal to the City for review and approval prior to sign installation. All signage shall receive approval from the Hacienda Business Parks Owners Association prior to submitting to the City and shall conform to the Hacienda Business Park’s approved sign program.

7. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to the operation of the church. The applicant shall obtain a building permit prior to commencement of any work. The applicant shall pay any and all fees to which the proposed application may be subject to prior to issuance of building permits. The type and amount of the fees shall be those in effect at the time the building permit is issued.
8. No changes to the exterior of the building shall be made without prior approval from the Planning Division. This approval does not include approval for the new proposed exterior doors. If new exterior doors, or additional exterior changes are desired, the applicant shall submit a design review proposal to the City for review and approval prior to commencement of any work.
9. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.
10. If the applicant wishes to relocate the church to a new address or tenant suite, the applicant shall secure a new conditional use permit to relocate into the building or tenant suite prior to occupying the building or tenant suite.
11. This conditional use permit approval will lapse one (1) year from the effective date of approval unless Fountain Community Church starts its service.
12. The applicant shall maintain the area surrounding the project in a clean and orderly manner at all times.

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