



## Planning Commission Staff Report

October 26, 2016  
Item 5.a.

**SUBJECT:** P16-1383

**APPLICANT:** St. Innocent Church of Fremont

**PROPERTY OWNER:** Cort T. Allen

**PURPOSE:** Application for a Conditional Use Permit to operate a religious facility within an existing building in Valley Business Park

**LOCATION:** 1047 Serpentine Lane, Suite 300

**GENERAL PLAN:** General and Limited Industrial

**ZONING:** PUD-I (Planned Unit Development - Industrial) District

**EXHIBITS:**

- A. [Draft Conditions of Approval](#)
- B. [Narrative/Project Plans dated "Received October 11, 2016"](#)
- C. [Location and Notification Map](#)

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### RECOMMENDATION

Staff recommends that the Planning Commission approve Conditional Use Permit (CUP) application P16-1383 by making the findings within this report, subject to the draft conditions of approval listed in Exhibit A.

### EXECUTIVE SUMMARY

The applicant, St. Innocent Church of Fremont, requests CUP approval to operate a religious facility within an existing building in Valley Business Park at 1047 Serpentine Lane, Suite 300. Religious facilities within Valley Business Park require Planning Commission review and approval of a CUP. As proposed, staff believes this use is consistent with the intent of the zoning district and will be compatible with the surrounding uses. There are other similar churches and religious facilities within Valley Business Park that have been approved by the Planning Commission and have been operating without problems. Conditions of approval have been identified which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained.

### BACKGROUND/HISTORY

The applicant, St. Innocent Church of Fremont, currently operates at 5860 Las Positas Road in Livermore and requests CUP approval to relocate and operate its existing religious facility at 1047 Serpentine Lane, Suite 300. The subject site is zoned PUD-I District. Churches and similar

religious facilities are conditionally permitted within the PUD-I District. Accordingly, the CUP for this application is before the Planning Commission for consideration.

### SITE AND AREA DESCRIPTION

The building located at 1047 Serpentine Lane is located on a property approximately 1.04 acres in area on the west side of Serpentine Lane, within Valley Business Park (Figure 1). The approximately 16,560-square-foot, single-story building on the site has been split into six separate commercial condominium units. The site also contains landscaping and 44 parking spaces. The site is accessible from two shared driveways off Serpentine Lane. Uses within the building include RS Calibration Services, Inc. (which services pharmaceutical and medical equipment), Impact (an event management company), and United Salvage Corporation (a surplus business). Valley Business Park includes a mix of uses such as: professional offices, light manufacturing and industrial uses, religious facilities, private schools, and sports and recreational facilities. There are residential uses located to the west.

Figure 1: Aerial Photograph of Valley Business Park



### PROPOSED PROJECT

The applicant proposes to occupy approximately 2,843-square-foot Suite B within the building, with a maximum of 65 congregants and staff at any one time. The space will be used primarily for religious services and fellowship gatherings. Exhibit B summarizes the operational components of the church (including the proposed activities, days and times of use, anticipated number of attendees per activity, frequency of activities, and space utilization in the subject suite). Additionally, Exhibit B indicates that no musical instruments or electronic amplifiers would be utilized during any activities.

The primary activity would consist of weekly worship services, mainly on Sundays from 9:30 a.m. to approximately 11:30 a.m. Fellowship activities would commence immediately after the weekly worship services and last until approximately 1:00 p.m. A service would also be held on Saturday evenings from 5:30 p.m. to approximately 6:30 p.m. Throughout the year, primarily within the six weeks preceding Easter and Christmas, approximately 20 other services would be held at various times, mostly in the evenings, and usually on Wednesdays from 7:00 p.m. to approximately 8:00 p.m. Excluding Sundays, morning services would be held from 10:00 a.m. to approximately 11:00 a.m. a couple of times per year. Staff notes that with the exception of the regular Sunday and Saturday evening services, most services and their associated schedules would be associated with various holidays; thus, no specific dates are provided.

Attendance for each of these regularly scheduled activities (i.e., excluding holiday services) is expected to range between five and 55 persons at any given time. Maximum occupancy during regularly-scheduled activities would occur during Sunday worship services, and attendance would comprise 55 persons. No simultaneous activities would occur during Sunday worship services. Additionally, attendance at special holiday services such as Christmas, Easter, and Good Friday may have attendance as high as 65 persons at any given time.

Interior tenant improvements to the subject building would occur and consist primarily of demolishing existing and/or rebuilding new demising walls and reconfiguring spaces to accommodate the intended activities and needs of the applicant as indicated in Exhibit B. No exterior changes are proposed.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

### **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 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 CUPs.

### Land Use

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for Valley Business Park permits uses such as offices, light manufacturing facilities, and printing shops, and requires CUP approval for uses such as religious facilities, Heritage Schools, gymnasiums and health clubs, indoor recreational and sports facilities, and schools/instructional businesses. Therefore, if the CUP were granted, the proposed religious facility 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. The uses within the tenant suites that surround the subject space consist of a firm that service medical and other similar types of equipment, a surplus business, and an office use. These uses operate Monday through Friday during regular business hours (generally 7:00 a.m. or 8:00 a.m. to 4:00 p.m., except the non-profit office which operates until 8:00 p.m.). The proposed use would be compatible with these businesses in that minimal activities would occur during normal business hours and peak uses at the church would

primarily occur when the other businesses are not open (including major religious holidays). In Pleasanton, religious facilities have become a common use in and around business parks and they are typically regarded as compatible uses. The Planning Commission has previously approved other religious facilities within Valley Business Park, such as the Tri-Valley Chinese Bible Church at 1035 and 1055 Serpentine Lane, the Islamic Center of Zahra at 1059 Serpentine Lane, and the Graceway Church at 1183 Quarry Lane, and staff is not aware of any problems related to these facilities. Therefore, if the CUP were granted, the use would be consistent with the surrounding uses.

Should future problems arise with the use, the City would have the ability to bring the CUP back to the Planning Commission for additional mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff believes that the use is a compatible use for this area and the current mix of tenants. In addition, staff has included conditions of approval that will ensure that the use would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the use to be appropriate for the subject property, as conditioned.

#### Traffic and Circulation

The Traffic Engineering Division has reviewed the project narrative and plan and has determined that the number of persons, days, and hours of operation would not have a significant impact on existing traffic levels, primarily because the activities would not coincide with AM/PM peak activity levels and/or would occur on weekends when the surrounding uses are not operating. However, should the applicant wish to increase the maximum attendance and/or alter the hours stated in the narrative, review by the City's Traffic Engineer would be required to assess whether a traffic and parking study would be required, and whether payment of fees and implementation of other mitigation measures would be warranted. In addition, the existing site circulation system is considered suitable for the proposed use.

#### Parking

The site contains a 44-space parking lot. The parking ratio for the subject parcel is currently one space per 376 square feet of floor area, meaning that Suite 300 would be theoretically allocated about seven parking spaces. There are no records of any City-approved parking allocation agreements; therefore, all on-site parking would be shared among all building tenants on the subject parcel.

The Municipal Code requires churches to provide one parking space for each six fixed seats or one space for each 60 square feet of floor area useable for seating in all facilities in which simultaneous uses are proposed. While a maximum of 65 persons would attend church services (Exhibit B), actual fixed seating is not proposed on the floor plan, so parking is analyzed based on the square footage of floor area usable for seating. Based on the size of the proposed worship area of 962 square feet, the minimum number of parking spaces required by the Code for the use at any one time would be 16 spaces ( $962 \text{ sq. ft.} / 60 = 16 \text{ spaces}$ ), leaving a minimum of 28 open spaces for all other tenants within the building at any given time. Because most of the other on-site businesses would be closed when the church is operating with 55 to 65 congregants in attendance (i.e., peak attendance), a parking shortfall on the site is not expected even though the parking demand generated by the church would exceed the theoretical allocation of seven parking spaces for Suite 300.



Staff notes that the Municipal Code's parking requirement of 16 spaces for the proposed church assumes that each vehicle would accommodate about four congregants during peak periods. Therefore, staff requested that the applicant estimate its realistic parking demand based on existing operations. The applicant indicated that at the peak (non-holiday) time (worship service), they expect approximately 12 to 14 vehicles on-site, based on their average current attendance numbers for worship services (40 to 45 persons). These numbers yield an average of three people per vehicle, including children; however, in many instances, there are as many as four people per vehicle, which could reduce this range to 10 to 11 vehicles on-site at the peak time. If worship service attendance expands to the maximum of 65 persons as indicated above, approximately 22 vehicles would be on-site, again assuming three people per vehicle; however, if four persons per vehicle is assumed, that number decreases to 16 vehicles on-site at the peak time. Because the Sunday service would most likely occur when the other tenants sharing the building are not present, staff believes there would be adequate parking available on-site.

### Noise

The site and building are in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Pleasanton Municipal Code states: *"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 75 dBA [A-weighted decibels] at any point outside of the property plane."*

The Pleasanton Municipal Code also 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."

All proposed activities will occur inside the building and any noise generated from these activities will be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. Furthermore, the applicant is not proposing to use any musical instruments or amplifiers and the subject building does not contain any operable windows, which will further reduce noise impacts on the surrounding area.

Moreover, the subject building is separated from the adjacent residences to the west by the subject parcel's parking lot, a 10-foot tall soundwall along the subject site's rear parking lot, and a 30-foot wide planter strip between the soundwall and the residences' rear property lines. In 1993, staff conducted a noise analysis for a similar religious facility at 1055 Serpentine Lane, also within Valley Business Park, that was in close proximity to residential uses. In this analysis, staff determined that the primary noise generator would be vehicle engines and the opening and closing of doors. The noise analysis examined a reasonable activity scenario that included three drivers simultaneously starting vehicle engines and opening and closing vehicle doors multiple times. The noise analysis concluded that while the engine noise would be faintly audible over the existing ambient noise levels, the net increase in the ambient noise level would be approximately 2 A-weighted decibels (dBA) at approximately 55 feet, which was considered negligible (i.e., not perceptible to the human ear). Staff acknowledged this increase would be cumulatively higher during activities that included several vehicles, but would not approach the maximum 75 dBA noise threshold in the Municipal Code. Staff concluded that given the limited hours of operation for the religious facility, and the fact the subject site was separated from residences by a landscaped buffer, which included a 10-foot tall soundwall, the religious use

would operate and create noise levels similar to an office use, rather than an industrial use, and therefore, would be compatible with the nearby residential uses.

Based on the proposed activities, the previous noise analysis summarized above, and the separation of the proposed church from adjacent residences, staff believes that it is unlikely that the noise generated from the proposed use would impact the nearby residences or adjacent tenants. However, to further minimize any noise impacts, staff is recommending the following conditions of approval:

- All exterior doors must remain closed at all times except when being used for ingress/egress purposes; and
- The applicant must regularly inform congregation members during early morning/late night hours not to loiter outside of the building and to be courteous and quiet when entering/leaving the parking area.

In summary, as staff noted above, there are other similar churches and religious facilities within Valley Business Park that have been approved by the Planning Commission and have been operating without issue. Staff has included a standard condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels or other issues occur. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building and requiring soundproofing of the subject building.

## **FINDINGS**

The Commission needs to make the following findings prior to the granting of a 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 ensure 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 building is located in Valley Business Park which has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in close proximity to commercial and residential uses with minimum mutual adverse impact. As conditioned, staff believes the proposed use is consistent with the zoning ordinance objectives and Industrial Park District purpose because it would provide religious services to the community and would be conducted so as to not impact or interfere with the surrounding uses. The proposed use would be conducted indoors and on a property with adequate circulation and parking to support the use. The applicant would also be required to mitigate any future nuisances that may occur as a result of the proposed use. Therefore, staff recommends that the Commission make this finding.

**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. The City's past experience shows that these uses rarely result in land use incompatibilities and are therefore not detrimental to public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Religious facilities generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. Further, if the recommended conditions of approval are implemented, staff believes the proposed use will not detrimentally affect surrounding uses because all streets around the site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, staff believes the proposed use will have adequate off-street parking to meet project demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use. Therefore, staff recommends that the Planning Commission make this finding.

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

The site's PUD-I zoning conditionally permits the establishment of religious facilities within existing buildings. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP to the proposed use would be consistent with the City's ability to regulate zoning as listed in Municipal Code Chapter 18.124. Therefore, staff recommends that the Planning Commission make this finding.

**ALTERNATIVES**

The site conditionally allows churches and similar religious facilities with approval of a CUP by the Planning Commission. The applicant seeks to operate a religious facility on the site. Staff believes this use is consistent with the intent of the underlying zoning district. There are other similar uses within Valley Business Park with the same underlying zoning that have been operating without issue. However, other alternatives could include:

1. The Planning Commission could deny the CUP, and the property owner could lease the space to a permitted use pursuant to the list of permitted uses for the Valley Business Park;  
or
2. The applicant could apply for a CUP to establish a religious facility that only operates on weekends.

Alternative 1 would preclude the applicant from establishing a religious facility outright, while Alternative 2 would restrict operations of the church to avoid potential conflicts with other businesses within the subject site and elsewhere in the business park. In general, religious facilities have demonstrated the ability to be "good neighbors" to surrounding uses and staff does not anticipate that the proposed use would have a different outcome. Although some lower-attendance church activities would occur during typical business operating hours, no adverse impacts are expected to result from these activities. Therefore, staff believes the

proposed use is appropriate for the site and that neither of the two alternatives should be pursued.

**PROS/CONS**

| PROS   | CONS   |
|--|--|
| Project provides religious services to the community<br>Project is consistent with zoning regulations and would not adversely affect surrounding uses. | Adds a non-industrial use to Valley Business Park, which comprises mostly industrial and office type uses. |

**PUBLIC NOTICE AND COMMENTS**

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing map as Exhibit C for reference. At the time this report was published, staff had not received any public comments about the project.

**VALLEY BUSINESS PARK OWNERS ASSOCIATION**

While the City does not require the approval of the Valley Business Park Owners’ Association prior to Planning Commission consideration, the Association has reviewed the application for the proposed use and found that it is in substantial compliance with the Valley Business Park guidelines set forth in its Covenants, Codes & Restrictions (CC&Rs).

**ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt (Section 15301, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA) because the project involves a change of use within an existing office park. The vehicle trips to and from the site are largely consistent with the existing travel to and from the existing building and the project is consistent with the City’s General Plan and Zoning Ordinance. Therefore, no environmental document accompanies this report.

**SUMMARY/CONCLUSION**

As proposed, staff believes that the proposed use will be compatible with the surrounding businesses and will not detrimentally affect the surrounding uses or residential properties. 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. Staff believes that the facility will fulfill a community need and that the proposed location is appropriate.

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