

**City of Piedmont
COUNCIL AGENDA REPORT**

DATE: June 6, 2005

FROM: Kate Black, City Planner

SUBJECT: **Conditional Use Permit for the Piedmont Community Church, 400 Highland Avenue**

RECOMMENDATION:

1. Approve the Planning Commission's recommendation of approval of the conditional use permit for a term of 10 years; and
2. Adopt the Planning Commission's findings on page 3 by reference.

APPLICATION SUMMARY:

The applicant, Bill Kendrick, on behalf of the Piedmont Community Church, requests a Conditional Use Permit to relocate certain functions from one area of the facility to another along with numerous interior and exterior renovations to the buildings including; window and door modifications; seismic and handicap upgrades; an expansion to the offices; an expansion to the choir loft; and modifications to exterior stairs, walkways, walls, railings, parking area and landscaping. The physical changes proposed are extensive, (the construction budget totals approximately 3 million dollars), but were submitted under a separate application for design review, which was approved by the Planning Commission on May 9, 2005. The plans have been distributed to the Council for reference.

The property is an oddly-shaped lot with frontages on Highland Avenue, Highland Way, and Mountain Avenue located in Zone A (single-family residential). Across Highland Way is the multi-tenant office building and Valero gas station located in Zone D (commercial). Next to the property on the sides and along the northern (rear) property line are single family residences. The residences adjacent to the rear of the property front Craig Avenue, and the vehicular access to the small church parking lot is via a driveway from Craig Avenue. The main pedestrian entrance is on Mountain Avenue with additional pedestrian access on Highland Way.

Several structures are located on the site, and the two largest are the Main Building and the CE Building. The existing Main Building houses the church, a large Guild Hall, and associated meeting rooms on the main level, meeting spaces in the lower level, and offices on the second floor. The existing CE Building houses offices and a meeting room on the lowest level, meeting rooms, and classrooms on the main level and classes, a gym and youth room on the upper level.

Much of the exterior and interior modifications to both buildings are aimed at seismic and handicap compliance, but there are changes that result in relocated functions, for example, the relocation of the youth room from the back of the CE Building (facing the Craig Avenue residences) to the front of the building facing Highland Way.

According to the application materials, no expansions to staff are proposed, nor are there changes related to the groups that currently use the facilities, including the Boy Scouts, Piedmont Language School, Piedmont Choirs, Piedmont Recreation Department and two pre-schools. More detailed information in response to the specific application form questions are provided by the applicant **in bold**:

1. Days and Hours of Operation: **Generally open and used seven days a week typically 8 to 5 with evening activities.**
2. Number of On-Site Parking Spaces: **9**
3. Maximum Number of People Using Business/Organization at One Time: **500, plus or minus.**
4. Type(s) of Staff/Personnel, Number of Each: **Ministers - 4; children's leader - 1; business manager - 1; office manager - 1; volunteer coordinator - 1; media coordinator - 1; doorkeeper - 1 and many volunteers - No new staff will be hired because of this product.**
5. Projected Busiest Hours/Days: **Unchanged from existing**
6. Potential Neighborhood Impacts: **Unchanged from existing**
7. Anticipated Gross Annual Revenue: **N/A**
8. Changes in the existing structure are necessary to accommodate the proposed use as follows: **Reorganization of interior spaces and new exterior Courtyard Elevations - No new functions will occur due to this application.**

ZONING AND CODE COMPLIANCE:

The church is located in Zone A. According to Section 17.5 of the City Code: *"Zone A is established to regulate and control development in appropriate areas of single-family residential development in harmony with the character of existing and proposed development in the neighborhood and to assure the provision of light, air, privacy, and the maintenance of usable open space in amounts appropriate to the specific types and numbers of dwellings permitted."*

The permitted uses allowed in Zone A are: *"Single-family residences on a minimum lot size of 10,000 square feet, together with accessory structures located on the same lot or parcel of land, subject to the provisions of the City Charter, this, and other sections of the City Code."*

The conditional uses allowed in Zone A are: *"Church or private school previously existing as a conforming or nonconforming use subject to the provisions of the City Charter, this chapter and other sections of the City Code."*

Because the property was developed many years ago for the purpose of religious activities, it is a preexisting use. The prior conditional use permit was granted in 1990, with an unspecified term. Pursuant to Section 17.24.7 (b), if no specific term is specified, the term shall be one year, and

thus, the conditional use permit for the church expired. Because the term expired, and because the church was proposing to relocate existing functions, a new conditional use permit is required.

PLANNING COMMISSION ACTION:

On Monday, May 9, 2005, the Planning Commission reviewed the design review and conditional use permit applications. As noted in the attached meeting minutes (Exhibit A, page 8), the Commission conditionally approved the design review application on the consent calendar. The approval and conditions of approval were not appealed.

In accordance with Piedmont City Code, the Planning Commission held a hearing on the conditional use permit application and unanimously recommended approval of the proposed conditional use permit.

During the Commission deliberations, the Commission found that the proposed use would not create an adverse impact on the traffic or parking in the area, noting that there were no proposed changes in the uses and functions at the Church, which have been a benefit to the Piedmont community for many years. As indicated in the attached meeting minutes (Exhibit A, page 8), the Commission recommended a term of 10 years to their recommendation of approval of the conditional use permit.

PLANNING COMMISSION FINDINGS:

In making their recommendation of approval, the Commission recommended the following findings for approval, which were adapted from the applicant's findings (indicated in bold):

1. The use is of benefit to Piedmont residents **as it continues an existing church in the same location. Additionally, the facilities are and will continue to be home to the Boy Scouts of America, several pre-schools, senior citizen groups, and outreach groups, all of which serve the better good of the City.**
2. The use will be properly related to other land uses and transportation and service facilities in the vicinity; **The proposed use, as does the present use which has existed for nearly 90 years, fits with other land uses in the area of the central area of Piedmont. No new impacts will occur by this change in building upgrade.**
3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity; **In a similar way since this is an existing use, the health and safety of persons in the area will not be any different than the present use and this project will provide accessible facilities to nearly the entire plant to allow better safety and usability of the church to our members as well as outside groups.**
4. The use will not be contrary to the standards established for the zone in which it is to be located; **The proposal is not contrary to the existing standards established by the zone because the buildings will continue to operate as a religious facility within a**

residential zone with the continuation of the existing Conditional Use Permit. This use is permitted within the residential zone with a Conditional use Permit.

5. The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area; **The use will not create any additional traffic than the existing church as the uses and total number of employees and generally number of members will not change as a result of this project. The noise should be reduced by the relocation of the Youth Room from Craig Avenue to the non-residential Highland Way side of the building.**
6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods; **Since the church exists and has been in compliance with the General Plan and has not adversely affected the character of the surrounding neighborhood during its history, this continued same use will have the same non-adverse affect on the character of the surrounding neighborhood and on property values of homes in the surrounding neighborhood.**
7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council; **Since this proposal to amend the use is in fact the same use as the existing and that existing use has been in operation as specified by its conditional use permit in relation to Chapter 17 and the parking conditions as established by the existing use permit, this amended conditional use permit will also meet the conditions as the existing approval to provide adequate provisions for driveways, access points and parking. The access points to the property will not change in any way by this proposal and actually do not occur on the main Highland Avenue arterial street. The project provides access from all secondary streets around the property with a minimum of six pedestrian access points.**
8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear, and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear, and side yard areas are necessary to provide for the health, safety, and general welfare of the residents of Piedmont in accordance with its zoning laws. **The plans conform to all other laws and regulations of the City of Piedmont as an existing, welcome and approved use in the City with no issues regarding its operations and function. The change to the exterior of the building will be within the setbacks as required by City regulations and the exiting buildings will not encroach into the setbacks anymore than they do presently as approved conforming and non-conforming construction.**

CONDITIONAL USE PERMIT CRITERIA AND PROCEDURES:

Conditional uses which serve the residents of the City are those uses which residents would be expected to use on a regular basis. They do not include uses which would be expected to draw the major portion of their clientele from outside the City of Piedmont and the surrounding area. Section 17.24 of the City Code sets forth the procedures and approval criteria for conditional use permits:

Determination. In accordance with Section 17.24.5 of the City Code, the Planning Commission and City Council shall make their determinations on the individual merit of each application without following or establishing precedent. The primary basis for approval or denial shall be the general good of the City.

Procedure. In accordance with Section 17.24.4 of the City Code, after reviewing all of the application information and testimony provided at the hearing, the Planning Commission will make a recommendation to the City Council that the permit be approved or denied. The Commission may recommend modifications to the permit or conditions of approval as necessary to preserve the health, safety, general welfare, beauty, and tranquility of the City, and may recommend a specific expiration date of the permit. If no date is specified, the term shall be one year, pursuant to Section 17.24.7 (b).

According to Piedmont City Code Section 17.24.8, the City Council shall hold a hearing to consider the recommendation of the Planning Commission and any further evidence regarding the application and either approve or disapprove the Conditional Use Permit request. To approve the application for a conditional use permit the City Council must make findings to support all of the following standards (it is recommended that the Council adopt the Commission's recommended findings on page 3):

- (a) The use is of benefit to Piedmont residents because;
- (b) The use will be properly related to other land uses and transportation and service facilities in the vicinity because;
- (c) Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity because;
- (d) The use will not be contrary to the standards established for the zone in which it is to be located because;
- (e) The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area because;
- (f) The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods because;
- (g) Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made;

provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council; and

(h) The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear, and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear, and side yard areas are necessary to provide for the health, safety, and general welfare of the residents of Piedmont in accordance with its zoning laws.

CLEANWATER CONSIDERATIONS

Although the proposed project will not create *or replace* more than 5,000 square feet of impervious surfaces it may result in significant changes to water runoff at the site due to the existing high amount of structures and paving. Implementation of stormwater treatment Best Management Practices (BMPs) as well as the Bay Area Stormwater Management Agencies Association's *Start at the Source* criteria for stormwater quality protection are necessary.

CEQA COMPLIANCE

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act pursuant to Article 19, Sections 15300 through 15329.

PERMIT STREAMLINING ACT:

This application was submitted on March 11, 2005 and determined incomplete on April 5, 2005. It was resubmitted on April 13, 2005 and was deemed complete on May 13, 2005. Under the Permit Streamlining Act, the City Council must either approve or disapprove the application by the July 5, 2005 meeting.

Date Report Prepared: Wednesday, June 1, 2005

EXHIBITS IN PACKET:

Exhibit A, page 8	Planning Commission Meeting Minutes
Exhibit B, page 12	Neighborhood/Public Comments
Exhibit C, page 33	Application Materials
Exhibit D, separate	Architectural Plans

PIEDMONT PLANNING COMMISSION

Special and Regular Meeting Minutes for Monday, May 9, 2005

A Special and Regular Session of the Piedmont Planning Commission was held May 9, 2005, in the City Hall Conference Room and Council Chambers at 120 Vista Avenue. In accordance with Government Code Section 54954.2(a) the agenda for this meeting was posted for public inspection on April 25, 2005.

CALL TO ORDER

Chairman Greenman called the Special Session to order at 5:00 p.m.

ROLL CALL

Present: Commissioners Arleta Chang, Marty Greenman, Tamra Hege, Jonathan Levine, Suzanne Summer and Alternate Commissioner Clark Thiel

Staff: City Planner Kate Black, Assistant Planner Linda Ajello, Planning Technician Kevin Jackson and Recording Secretary Chris Harbert

Design Review 400 Highland Avenue

Resolution 87-DR-05

WHEREAS, The Piedmont Community Church is requesting permission to make numerous interior and exterior renovations to the buildings, including relocating certain functions from one area of the facility to another; window and door modifications, seismic and handicap upgrades; an expansion to the offices; an expansion to the choir loft; and modifications to exterior stairs, walkways, walls, railings, parking area and landscaping located at 400 Highland Avenue, Piedmont, California, which construction requires design review; and

WHEREAS, after reviewing the application, plans and any and all testimony and documentation submitted in connection with such application, and after having visited subject property, the Piedmont Planning Commission finds that the proposal conforms with the criteria and standards of Section 17.20.9 of the Piedmont City Code:

1. The design of the improvement is desirable because the revisions are in keeping with the architectural style of the property and do not change the massing of the church in any significant way. The windows and roof of the offices are more compatible with the architectural style of the rest of the building.
2. The design of the improvement does not have a substantial adverse effect on neighboring properties in terms of view, light or privacy. There is no change in the building's existing mass.
3. The design does not adversely affect pedestrian safety, vehicular traffic, or the convenience of either pedestrians or vehicles. Parking, including handicapped parking, will be enhanced on the site to ease congestion.

RESOLVED, that based on the findings and facts set forth heretofore, the Piedmont Planning Commission approves the design review application of the Piedmont Community Church for construction at 400 Highland Avenue, Piedmont, California, in accordance with the plans and specifications on file with the City, subject to the following conditions:

1. The approved plans are those submitted on April 29, 2005, after neighbors were notified of the project and the plans were available for public review;
2. If the proposed use of the Redwood Courtyard is for a children's play area, a handicap ramp must be provided. The design of the ramp shall be subject to staff approval prior to the issuance of a building permit;
3. Due to the scope and nature of the application, a construction management plan shall be developed and approved by staff prior to obtaining a building permit.

RESOLVED FURTHER, that the approval of the Planning Commission/City Council and any conditions of that approval shall not extend to any particulars set forth in the documents submitted for the project which are inconsistent with or in violation of any applicable law, including but not limited to Chapters 5 and 17 of the City Code, nor does the approval extend to matters not set forth, or inadequately represented, in submitted documents (whether or not consistent with applicable law). The City reserves the right to require compliance with applicable laws and to attach conditions after initial approval is given, if noncompliance is discovered or additional conditions are considered necessary and appropriate in light of Commission/Council findings.

**Conditional Use Permit
400 Highland Avenue**

The Piedmont Community Church is requesting a Conditional Use Permit as a result of proposed functional alterations to the property. No changes in existing use, functions or staff numbers are proposed.

Written notice was provided to neighbors. **Thirteen affirmative response forms** were received.

Public testimony was received from:

Bill Kendrick, Project Architect, stated that the church has operated at the site for approximately 100 years and there is no proposed changes to existing uses, staffing, functions or number of people typically on site. He described the proposed reconfiguration of the parking lot (which was required by the Church's original CUP but never implemented until now). He noted that employees park on site and there is a handicapped drop off zone at the bottom of the driveway as well as a handicapped space on Highland.

The Commission supported CUP renewal, noting the historical use of the property and the tremendous benefit the church has provided the community over the years through its own operations as well as providing space for other community groups to serve the community. The Commission recommended a 10 year CUP term.

Resolution 86-CUP-05

WHEREAS, the Piedmont Community Church is requesting a Conditional Use Permit to continue to operate a church at 400 Highland Avenue, Piedmont, California, and;

WHEREAS, the Piedmont Planning Commission has reviewed the application, the staff report, and any and all other documentation and

testimony submitted in connection with the application and has visited the subject property;

The Piedmont Planning Commission makes the following findings:

1. The use is of benefit to Piedmont residents as it continues an existing church in the same location. Additionally, the facilities are and will continue to be home to the Boy Scouts of America, several pre-schools, senior citizen groups, and outreach groups, all of which serve the better good of the City.
2. The use will be properly related to other land uses and transportation and service facilities in the vicinity. The proposed use, as does the present use which has existed for nearly 90 years, fits with other land uses in the area of central Piedmont. No new impacts will occur by this change in building upgrade.
3. Under all the circumstances and conditions of the particular case, the use will not have a material adverse effect on the health or safety of persons residing or working in the vicinity. This is an existing use. The upgrade will provide accessible facilities to nearly the entire plant to allow better safety and usability of the church to its members as well as outside groups.
4. The use will not be contrary to the standards established for the zone in which it is to be located. The property will continue to operate as a religious facility within a residential zone. This is a permitted use within Zone A.
5. The use will not contribute to a substantial increase in the amount of noise or traffic in the surrounding area. Since the church exists and has been in compliance with the General Plan and has not adversely affected the character of the surrounding neighborhood during its history, this continued same use will have the same non-adverse affect on the character of the surrounding neighborhood and on property values of homes in the surrounding neighborhood.
6. The use is compatible with the General Plan and will not adversely affect the character of the surrounding neighborhoods or tend to adversely affect the property values of homes in the surrounding neighborhoods.
7. Adequate provision for driveways to and from the property has been made; facilities for ingress and egress from secondary streets instead of arterials, where possible, have been made; provision for parking in compliance with this Chapter 17 has been made, together with sufficient agreements to enforce the carrying out of such plans as may be required by the Council. The access points to the property will not change in any way. The project provides access from all secondary streets around the property with a minimum of 6 pedestrian access points.
8. The plans conform to all other laws and regulations of the City, provided, however, that the Council shall have the right to require front, rear and side yard setbacks greater than those otherwise provided in the laws and regulations of the City if the Council finds that such larger front, rear and side yard areas are necessary to provide for the health, safety and general welfare of the residents of Piedmont in accordance with its zoning laws. The proposed changes to the exterior of the building will be within the setbacks as required by City regulations and the existing buildings will

not encroach into the setbacks anymore than they do presently as approved conforming and non-conforming construction.

RESOLVED, that in consideration of the findings and facts set forth above, the Piedmont Planning Commission recommends approval by the City Council of the application for a conditional use permit by the Piedmont Community Church for property located at 400 Highland Avenue, Piedmont, subject to the following conditions:

- A 10 year term

Moved by Levine, Seconded by Hege

Ayes: Chang, Greenman, Hege, Levine, Summer

Noes: None

Absent: None