

City of Brisbane

Planning Commission Agenda Report

TO: Planning Commission For the Meeting of 6/13/13

FROM: Ken Johnson, Senior Planner, via John A. Swiecki, Community Development Director

SUBJECT: 120 – 126 Old County Road; Use Permit UP-1-13; Use Permit for a Place of Worship; Billy Lesmana for the Bethel Church California, applicant; United Ng's Limited Partnership, owner; APN 005-212-110

Request: The applicant, Billy Lesmana for the Bethel Church California, requests approval of the above referenced Use Permit application for a Place of Worship. The use would occupy 3,408 square feet (sq ft) of the first floor in the northwest corner of the Brisbane Village Shopping Center, behind the staircase/elevator. It would include conversion of these retail spaces (units 120 and 126) to include a 1,350 sq ft meeting hall, plus an office, classrooms, stage, sound room, bathrooms, hallways/foyer and storage areas.

The total floor area of the shopping center is approximately 30,672 sq ft +/- (excluding common areas, such as the arcade, elevators, bathrooms, storage, etc.). The proposed use would occupy approximately 11% of the potential shopping center's leasable floor area.

As indicated in the applicant's church description, attached, the Bethel Church California proposes to relocate its existing South San Francisco congregation of approximately 70 members. The congregation currently shares a facility with Hillside Church of God and New Life Baptist Community Church. The church anticipates that once they grow to approximately 100 members they would split to two worship times. The proposed hours are weekends and evenings except for office hours for a staff of 1 to 2 people during the weekdays. An outline of their proposed hours and services is as follows:

Daily Office Hours: Tuesday through Friday, 2 people, 2 pm to 7 pm

Weekly Services/Meetings: Sunday Worship & Fellowship, 70 people, 5 pm to 8:30 pm
(Preparation beginning at 4 pm and clean-up until 10 pm)
2nd Sunday Worship & Fellowship to be added at 11 am if the congregation reaches a membership of 100

Friday Bible Study, 20 to 30 people, 7 pm to 10 pm

Saturday Music Practice, 6 to 8 people, 10 am to 1 pm

Monthly Services/Meetings: 3rd Saturday of the Month Youth Service, 20 to 30 people,
5 pm to 10 pm

The church has indicated that their membership is approximately 70 people. The proposed maximum occupancy for assembly allowed by state building code, based on the size of the proposed sanctuary, excluding the stage and sound booth areas, would be 192 people.

Recommendation: Conditionally approve Use Permit UP-1-13 via adoption of Resolution UP-1-13 with Exhibit A containing the findings and conditions of approval.

Environmental Determination: The conversion of up to 10,000 sq. ft. in floor area on sites zoned for commercial use in urbanized areas is categorically exempt from the provisions of the California Environmental Quality Act per Section 15303(c) of the State CEQA Guidelines, if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive. The exceptions to this categorical exemption referenced in Section 15300.2 do not apply.

Applicable Code Sections: Places of worship are conditionally allowed in the NCRO-1 District, subject to Use Permit approval per Brisbane Municipal Code Section 17.14.030.H. The findings required for approval of Use Permits are contained in BMC Section 17.40.060. BMC Section 17.34.010 contains the parking requirements.

Note that granting of a Use Permit is based on descriptions provided by the applicant and by staff analysis. Should circumstances be found to be substantially different, whether in the descriptions, analysis or with future changes in circumstances, the Use Permit is subject to revocation per BMC Chapter 17.48.

Analysis and Findings: There are two required findings for a conditional use permit, per BMC Section 17.40.060, which this application meets. These findings are addressed as follows:

“In considering an application, the planning commission shall consider and give due regard to the nature and condition of all adjacent uses and structures, and to general and specific plans for the area in question.”

The use is consistent with the General Plan’s Neighborhood Commercial, Retail, Office land use designation for this area of Central Brisbane, which “...designates a subarea devoted to a range of local and service uses, including shops, restaurants, medical, professional and administrative offices and other uses of the same general character. Public and semi-public facilities may be located under this designation.” The church would be considered a semi-public facility as well as being of the same general character as the other listed uses. There is no specific plan for this area of Brisbane.

Policy 12 of the General Plan states, “Establish a mix of land uses that best serves the needs of the community.” This proposal is consistent with the General Plan in that it provides an opportunity for people to have an alternative place of worship within the community and thus serves the needs of the community.

“The planning commission shall determine whether or not the establishment, maintenance or operation of the use applied for will, under the circumstances of the particular case, be

detrimental to the health, safety, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use, or whether it will be injurious or detrimental to property and improvements in the neighborhood or the general welfare of the city. If the planning commission finds that the aforementioned conditions will not result from the particular use applied for, it may grant the use permit."

It is not found that the proposed use would have any detrimental effects; but rather, it would be beneficial for the shopping center as a whole to reduce the existing vacancy rate. Note that the shopping center is approximately 48% vacant overall, with a 58% vacancy on the ground floor (13,677 sq ft out of 23,371 sq ft on the ground floor is vacant). This use would be on the ground floor but would not occupy the prime vacant units, which would be more suitable to retail or restaurant uses. Rather, it would occupy 3,408 sq ft located behind one of the two sets of elevators/stairs for the shopping center. Due to this location, these units do not have visibility to or from the parking lot. Assuming approval of the use by the Planning Commission, approximately 10,269 sq ft of the ground floor retail space would remain available. The 7,301 sq ft second floor of the shopping center is occupied by the dental office and other office uses.

The current and anticipated future uses in the shopping center are not anticipated to conflict with the church. The primary hours of use for the church would be Sunday, to a lesser degree Friday evenings and Saturdays, with minimal usage by the church's staff on the weekdays. Weekday lunch hours are key business hours for the existing uses, primarily restaurants serving local business. The primary concern would be whether there was adequate parking for all uses and conflicts with this use are not anticipated.

The shopping center, excluding the separate parcel of Bank of America, has a total of 126 parking spaces and the proposal is in compliance with the Brisbane Municipal Code for parking. BMC Section 17.34.010 calls for 48 spaces based on the capacity of the largest meeting hall, or 90 spaces based strictly on the size of the largest meeting hall. Based on the church's anticipated parking demand being off-peak to the existing uses of the shopping center, staff did not take these requirements in combination with the other uses. The applicant has projected, based on the driving/carpooling patterns of the congregation, 25 to 30 spaces to be used for parking for their Sunday events, 6 to 12 spaces for Friday evenings and Saturdays, and only 1 to 2 spaces for office staff during the weekdays when the shopping center is at its busiest. Based on the low weekday parking demand, staff concludes the use will not adversely impact the parking supply during the peak, weekday lunchtime business hours, versus a restaurant or retail use occupying these units. A site specific analysis of the parking is provided in Table 1, attached.

The application was submitted to the Public Works, Police, Fire and Building Departments for comments. The Building and Fire Departments have requested condition of approval #2 which would require a building permit, to bring the units into compliance with the current applicable building and fire codes for conversion of the space from retail to an assembly use.

Note also that while the church has specific proposed evening and weekend hours, as indicated on the first page, staff has provided the recommended condition of approval #3 which would allow some flexibility for other meeting times while maintaining an alternate schedule (evenings and weekends) versus the peak shopping center uses. As provided in the condition, services would be limited to weekday evenings (Monday through Friday) between 7 pm and 10 pm and

Use Permits UP-1-13

June 13, 2013

Page 4

on Saturdays and Sundays between 5 am and 10 pm. Office activities or services shall not be conducted after 10 pm or before 5 am without a night operations use permit, per BMC Section 17.19.060.A.

Attachments:

Project Description

Table 1 – Parking Survey/Analysis

Draft Resolution with Findings and Conditions of Approval

Site Location Map

Applicant's Project Description and Plans

Project Description:

120-126 Old County Road, Conditional Use Permit Application UP-1-13, Place of Worship/Meeting Hall

General Plan:	NCRO Neighborhood Commercial Retail Office Land Use Designation
Zoning:	NCRO-1 Neighborhood Commercial District, Brisbane Village
Lot Area:	89,029 sq ft +/- (2.044 acres)
Floor Area —	
Building total:	45,960 sq ft (includes common areas: arcade, elevators, storage, etc.) 30,672 sq ft for leasable units
Proposed area of use:	3,408 sq ft of total church floor area (ground floor), including a sanctuary/meeting hall of 1,350 sq. ft.
Other uses:	Various restaurant, retail and office uses.

Parking -- Primarily Evenings and Weekends

Required:
 For Proposed Use: 90 spaces (1 space per 15 sq ft of the largest meeting hall); See Table 1 for survey/analysis.

Existing: 126 spaces

Table 1
Parking Survey/Analysis

	Wednesday- Lunchtime 5/29/13 @ 12:40 pm	Friday- Evening 5/31/13 @ 7:30 pm	Saturday – Lunchtime 6/1/13 @ 12:40 pm	Saturday – Evening 6/1/13 @ 6:40 pm	Sunday – Evening 6/2/13 @ 5:20 pm
a. Total Existing Parking Spaces	126	126	126	126	126
b. Occupied Parking Spaces	80	38	34	21	13
c. Vacant Parking Spaces	46	88	92	105	113
d. Church Projected Parking Demand (Units 120 and 126 only)	2	12	6	10	25 - 30
e. Total Projected Demand (b + d = __)*	82	50	40	31	28 – 43
f. Future Projection of Demand at 100% Occupancy**	138***	77	64	46	47 - 52

Notes:

* “Total Projected Demand” provides an estimate of the parking demand assuming current use plus the proposed church use.

** “Future projection at 100% occupancy” is an estimate assuming the same parking demand proportions (floor area vs. spaces used) as current businesses, but with all currently vacant units occupied by tenants. The total floor area of all units is 30,672 sq ft and deducting the church portion yields 27,264 sq ft. That portion currently occupied by tenants is 16,070 sq ft.

The Future projection at 100% occupancy was derived as a proportion of occupied business floor area vs. total floor area:

$$(16,070 \text{ sq ft of floor area occupied})(X) = 27,264 \text{ sq ft of total floor area,}$$

$$\text{So that } X = 1.696;$$

Then,

$$(\text{Occupied Spaces})(1.696) + \text{Church Projected Parking Demand} = \text{Future Projection of Spaces at 100\% Occupancy}$$

Note that the projection of 138 spaces exceeds the number of spaces available. However, this projected deficit of parking, assuming 100% occupancy, is based on a current count for the weekday lunchtime use. The church use, with only 1 to 2 employees at this time of day, would serve to reduce the demand that retail/restaurant uses would impose. The church would have a need for 1 to 2 spaces during this time of day. Assuming 2 spaces, yields 1 space per 1704 sq ft of floor area, versus an average of 1 space per 200 sq ft for the rest of the shopping center, for that time of day.

RESOLUTION UP-1-13

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE
CONDITIONALLY APPROVING USE PERMITS UP-1-13
TO PERMIT A PLACE OF WORSHIP
AT 120-126 OLD COUNTY ROAD

WHEREAS, Billy Lesmana on behalf of the Bethel Church California applied to the City of Brisbane for Use Permit approval to use a portion of the existing Brisbane Village Shopping Center as a place of worship, such application being identified as Use Permit UP-1-13; and

WHEREAS, on June 13, 2013, the Planning Commission conducted a public hearing of the application, at which time any person interested in the matter was given an opportunity to be heard; and

WHEREAS, the Planning Commission reviewed and considered the staff memorandum relating to said applications, the plans and photographs, the written and oral evidence presented to the Planning Commission in support of and in opposition to the applications; and

WHEREAS, the Planning Commission finds that the proposed project is categorically exempt from the provisions of the California Environmental Quality Act; and

WHEREAS, the Planning Commission of the City of Brisbane hereby makes the findings attached herein as Exhibit A in connection with the Use Permit.

NOW THEREFORE, based upon the findings set forth hereinabove, the Planning Commission of the City of Brisbane, at its meeting of June 13, 2013, did resolve as follows:

Use Permit UP-1-13 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this thirteenth day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:

Carolyn Parker
Chairperson

ATTEST:

John A. Swiecki, Community Development Director

**DRAFT
EXHIBIT A**

Action Taken: Conditionally approve Use Permit UP-1-13 per the staff memorandum with attachments, via adoption of Resolution UP-1-13.

Findings:

1. The proposed development, subject to the conditions of approval, is consistent with the General Plan and any applicable specific plan, including the General Plan's land use designation for the site and 1994 General Plan Policy 12.
2. The establishment, maintenance and operation of the use applied for, under the circumstances, will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood, nor will it be injurious or detrimental to property or improvements in the neighborhood or the general welfare of the City, in that the schedule for the place of worship will be such that it will avoid conflicts with surrounding uses.

Conditions of Approval:

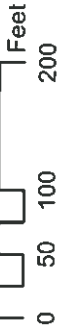
Prior to Occupancy :

1. The applicant shall file for a Business License through the Finance Department. In order to demonstrate that it is a nonprofit organization, documentation of such will be required by the Finance Dept.
2. The applicant shall apply for a Building Permit and complete "tenant improvements" as required by the Building Dept. and Fire Dept. to bring the units into compliance with the applicable California Building and Fire Codes for the occupancy type.

Ongoing:

3. Services shall be limited to weekday evenings (Monday through Friday) between 7 pm and 10 pm and on Saturdays and Sundays between 5 am and 10 pm. Office activities or services shall not be conducted after 10 pm or before 5 am without a night operations use permit, per BMC Section 17.19.060.A.
4. The use shall comply with the Noise Control ordinance, BMC Chapter 8.28.
5. Expansion to other areas of the shopping center, shall be subject to re-application for a use permit and approval by the Planning Commission.
6. Where increases in parking demand are projected, beyond that provided in the applicant's description, the applicant shall notify the Planning Director in writing. Significant changes in the parking demand by the church may be referred by the Planning Director to the Planning Commission, via re-application for use permit.

7. No signage is approved as part of this permit. Signage shall be subject to separate permit in accordance with the Brisbane Village Sign Program.
8. Minor modifications to this Use Permit may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
9. The use permit may be revoked subject to BMC Chapter 17.48.
10. The Use Permit shall expire two years from its effective date (at the end of the appeal period) if a building permit has not yet been issued for the approved project and construction commenced per Brisbane Municipal Code Section 17.42.060(a).



120-126 Old County Road
Brisbane, CA

PROJECT DESCRIPTION

Organization: Bethel Church California

Contact: Billy Lesmana

We intend to use the space for religious organization (Christian Church).

The church will operate on the following schedule:

- Weekdays office hour; 2 (two) employees
- Friday night: Bible Study, approximately 20 people
- Saturday: music practice, other church activities
- Sunday Service: approximately 70 people, full band (instruments, vocals awith PA System).

STATEMENT

We were established in 1991. In the last five years we have grown to 120 regular church members, devided into two locations: Menlo Park (50 members) and South San Francisco (70 members). We plan to find a new space for South San Francisco Branch.

In the past, we used church buildings in Daly City (Good News Fellowship), South San Francisco (Hillside Church of God and currently New Life Baptist Community Church).

The reason why we are moving to commercial space is because in the past we often had schedule conflicts with the church building owner. By renting commercial building exclusively, we can optimize and utilize the space and schedule better.

In the next three years, we expect the church grow to 100 members and we will split them in two worship service times.

The church operates in safe and peaceful environment, since our main acitivity is on Sunday where most of the businesses in the mall are closed. We do not facilitate any activity that trigger violence. All activites will be contained within the building in controlled environment. We plan to adhere to all the suggested building codes and enforce public safety.

We believe that with the existance of the church, will bring good business to the community.

Johnson, Kenneth

From: Billy Lesmana [billylesmana@gmail.com]
Sent: Thursday, May 16, 2013 4:46 PM
To: Johnson, Kenneth
Subject: 120-126 Old County Road (Parking and traffic information)

Dear Ken Johnson,

Below you will find information related to above mention subject; your kind assistance greatly appreciated

SUNDAY

With average of 70 church members attending Sunday service every Sunday; we expect and need to accommodate about 25-30 cars spaces only

Note: Most of the congregation are families, where they come always carpoled.

We also provide shuttle for our members who don't have transportation or vehicle, most of them are students. Our shuttle picking and drop them off at the church. At the end after Sunday services over, the driver/shuttle come and send them home.

SATURDAY

o. Music Practice (10.00 am - 1.00 pm)

Number of people attending: 6 to 8

Parking spots needed: 6 spaces

o. Youth Service (5.00 pm - 10.00 pm)

Number of people: 20 to 30

Parking spots needed: 10 spaces

FRIDAY

o. Bible Study (7.00pm -10.00 pm)

Number of people: 20 to 30

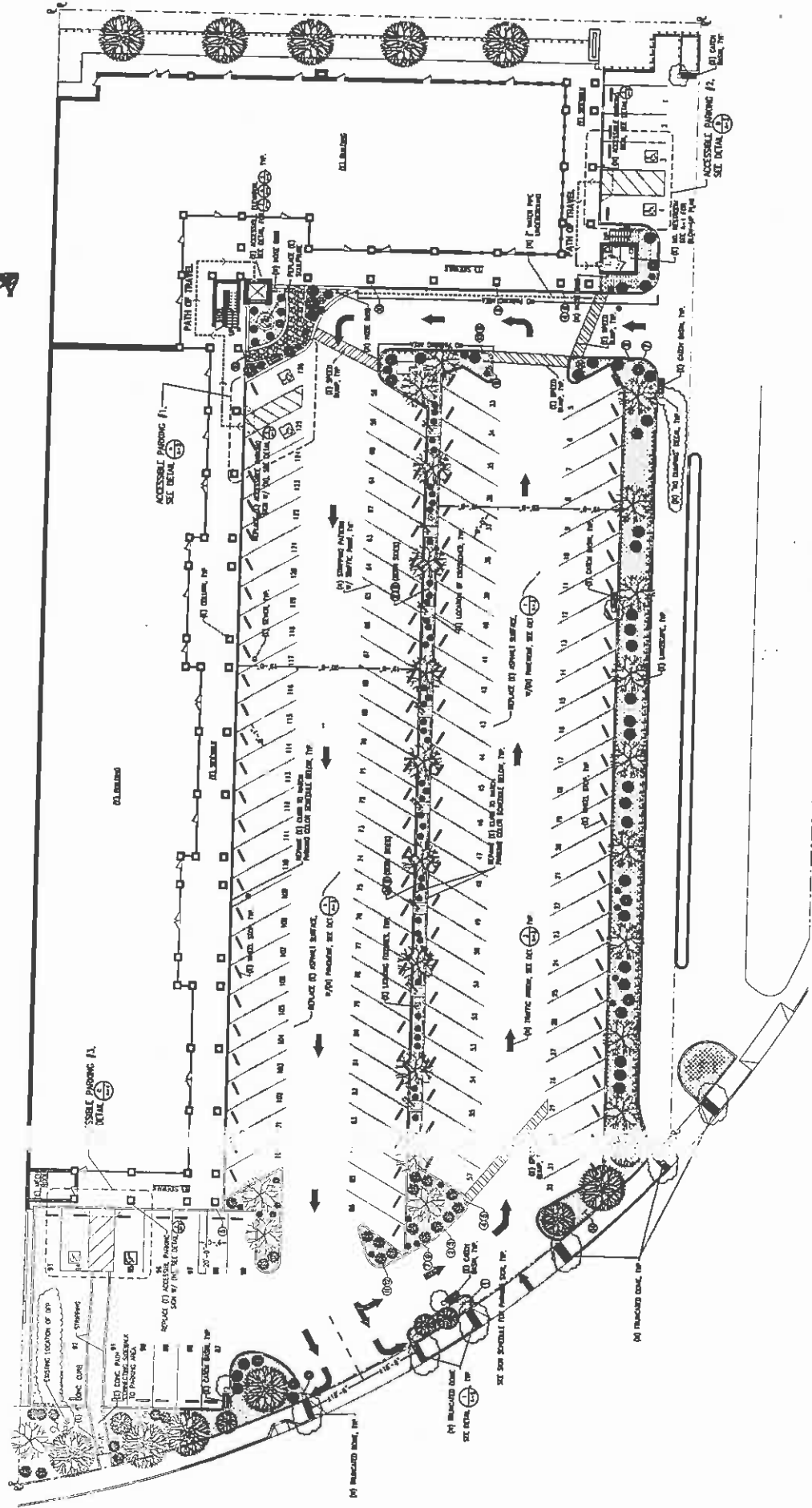
Parking spots needed: 12 spaces

We thank you for your time and do not hesitate to contact us should you have any question

Sincerely,

Billy Lesmana

Proposed Location



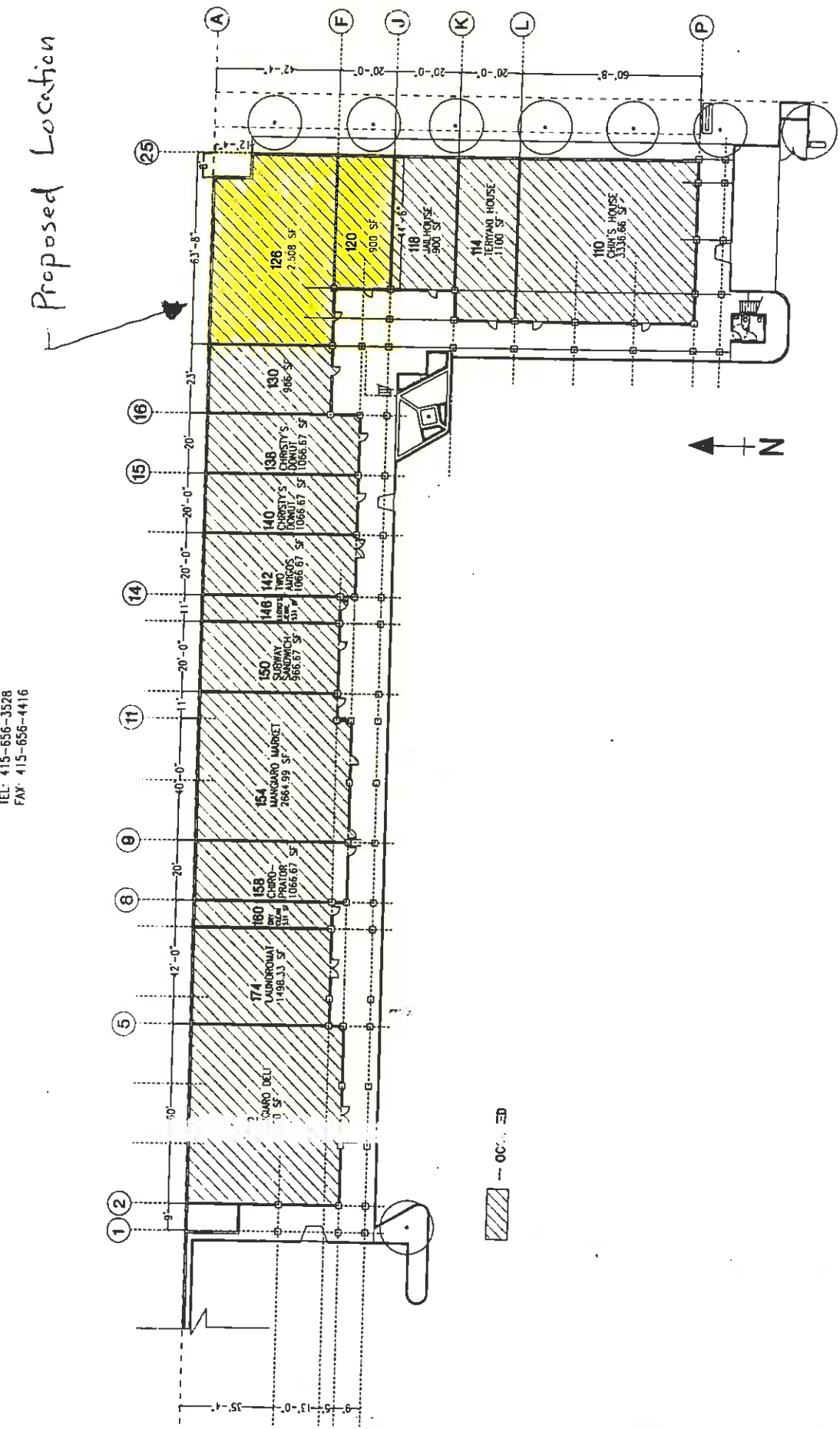
NOTE:
 1. ALL PARKING SPACES LESS THAN 9 FT WIDE SHALL BE IDENTIFIED ON THE PAVEMENT AS "COMPACT"
 2. PROVIDE NO-DAMPING DECALS OR ALL-DRAIN PLATES.

PROPOSED PARKING LOT PLAN
 SCALE: 1/8" = 1'-0"

NOT TO SCALE. DIMENSIONS SHALL BE AS SHOWN ON THE PLAN UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO THE CENTERLINE OF THE DRIVE OR DRIVEWAY UNLESS OTHERWISE NOTED.

BEST DESIGN AND CONSTRUCTION COMPANY

100 OLD COUNTY ROAD, STE. 100C
BRISBANE SHOPPING CENTER
BRISBANE, CA 94005
TEL: 415-656-3528
FAX: 415-656-4416

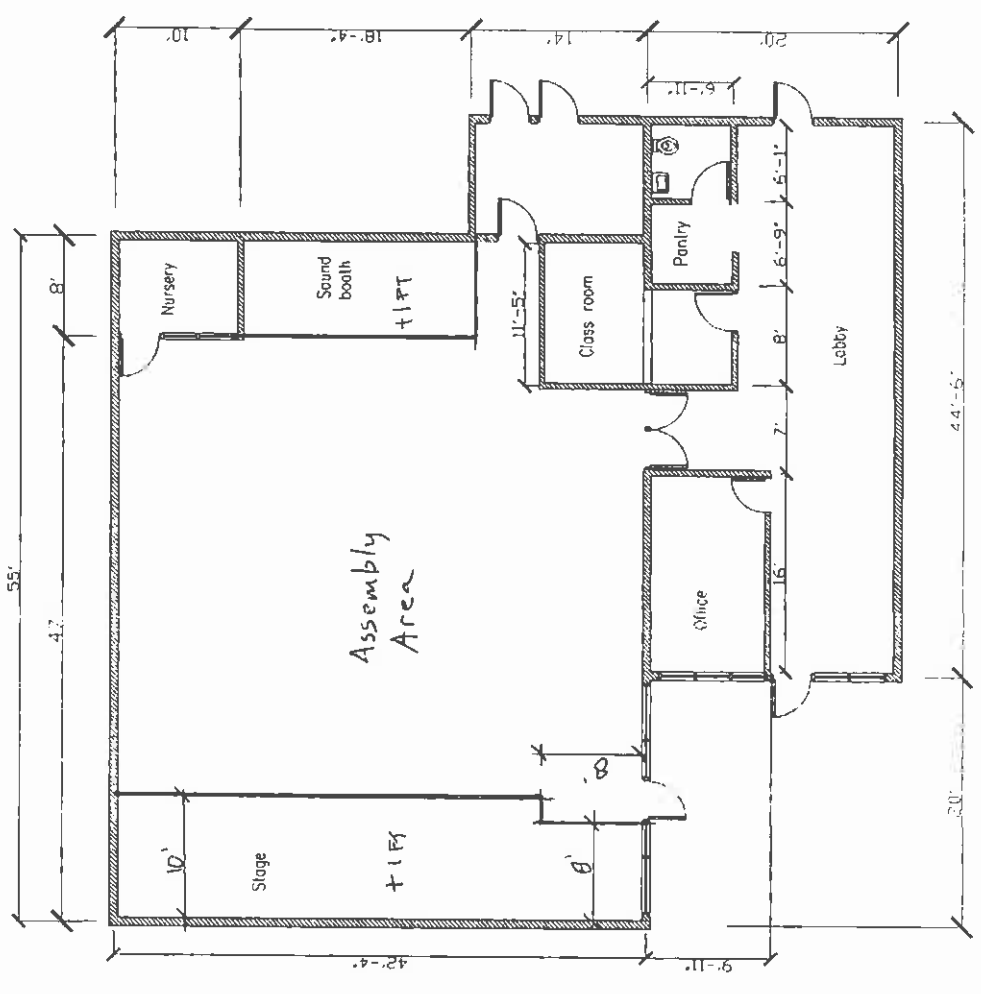


Proposed Location

Old County Road

G.1.14

FIRST FLOOR RETAIL/ OFFICE L. YOUT



Floor Plan
 0 5' 10' 20'
 1" = 1'-0"