

# *City of Brisbane*

## *Planning Commission Agenda Report*

**TO:** Planning Commission For the Meeting of 9/27/12

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

**SUBJECT:** 140 Valley Drive; Use Permit UP-6-12; Use Permit for a Place of Worship/Meeting Hall; Andrea Monteiro for the Brazilian Baptist church of the Bay Area, applicant; Lincoln Property, Inc., owner; APN 005-211-060

**Request:** The applicant, the Brazilian Baptist Church of the Bay Area, requests approval of the above referenced Use Permit application for a Place of Worship/Meeting Hall. The use would occupy approximately 7,345 sq ft of the first floor of an approximately 17,070 sq ft, two story building. The proposed place of worship includes a 1,508 square foot sanctuary/meeting hall, along with offices, classrooms, kitchen, bathrooms, hallways/foyer and storage areas. The remainder of the building not proposed for use by the church, which is now vacant, may be occupied by other uses subject to the requirements of the Brisbane Municipal Code (BMC).

As indicated in the applicant's church description, the Brazilian Baptist Church of the Bay Area has roots in Brisbane, as it once was located at 280 San Bruno Avenue. It currently has facilities in Corte Madera and Richmond. The proposed location at 140 Valley Drive would replace a Burlingame facility that the church used until early 2012. This new location would be to meet the needs of the church on the Peninsula. The proposed hours of operation are as follows:

**Services:** Sundays 9 am to 1:30 pm (This would typically include Sunday school or a fellowship time/coffee hour, followed by worship service from 10:45 am to 12:30 pm.)

Wednesdays 6 pm to 9:30 pm (This would typically include a meeting from 7 to 8:30 pm followed by a fellowship time/dinner)

**Administration:** Tuesday – Thursday 2pm to 5 pm

**Other:** Two Saturdays per month average (Includes rehearsals, social events and meetings, such as women's breakfast, prayer meetings, and youth group)

The church has indicated that their attendance is generally 65 to 85 people. The proposed maximum occupancy for assembly allowed by state building code, based on the size of the proposed sanctuary and using moveable chairs, as proposed, would be 215 people. This includes the 300 sq ft area shown on the applicant's plan as proposed for potential future expansion.

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**Recommendation:** Conditionally approve Use Permit UP-6-12 via adoption of Resolution UP-6-12 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 TC-1 District, subject to Use Permit approval per Brisbane Municipal Code Section 17.19.030.K. 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 Trade Commercial land use designation for Crocker Park, which “...represents a mix of commercial uses including ... offices...as well as...semi-public facilities...” 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 provide a positive use for this site, which has remained vacant since November 2008, when the temporary City Hall was relocated from the site. The proposed use would not conflict with surrounding uses since the primary hours of use for the church would be evenings and weekends, whereas businesses in Crocker Park primarily operate on weekdays.

Given that access to the site is located on a curve not far from the Bayshore Boulevard/Valley Drive intersection, the City Engineer is recommending that only left hand turns be allowed out of the two driveways exiting 140 Valley Drive following church services, in order to minimize potential traffic conflicts. The City Engineer is also recommending a condition limiting the vehicle trips per hour from the site.

The Building Department has included conditions of approval for building permits to bring the areas of the building to be used by the church into compliance with the applicable building codes. These conditions will effect the interior layout somewhat, primarily to bring the interior of the building into compliance with current Americans with Disabilities Act (ADA) requirements for hallway widths and for fire rating of the walls. These conditions would be addressed as part of a building permit, if the Planning Commission grants the Use Permit, and as such are included as advisory conditions only. Modification of these conditions, or additional conditions, may be required during the course of the Building Permit application plan check process, based on the applicant's building permit plan submittal and State Building Code in effect at the time of submittal.

As previously indicated the church attendance is generally 65 to 85 people and the maximum occupancy that would be allowed by state building code for assembly is 215 people. Although the occupancy of the remaining areas (classrooms, etc.) would be in addition to the sanctuary, it is not anticipated that the total occupants in the building at any one time would exceed this number, given that the Sunday school times and worship service times do not overlap. So the same people attending Sunday school would then also go to the worship service.

The church has indicated that their higher attendance days (85 people) results in a parking demand of approximately 45 spaces. The site currently has 115 parking spaces, which includes 3 handicapped spaces and another 3 standard spaces encumbered by a parking easement on the adjacent 100 Valley Drive property. The two sites are under the same property ownership and the two parking lots are open to each other, with a shared driveway.

While the site contains 115 parking spaces, the current parking requirement is 57 spaces (based upon a total floor area of 17,070 sq ft, with 10,185 sq ft on the first floor and 6,885 sq ft on the second floor) and its configuration as administrative offices and a parking ratio of 1 space per 300 sq ft of floor area. The proposed church would occupy approximately 7,345 sq ft of floor area on the ground floor and would include a sanctuary/meeting hall of 1,508 sq. ft. (including the 300 sq ft indicated on the applicant's plans as a potential future expansion area). The parking standards for churches, set forth in BMC Section 17.34.010, require either 1 parking space per 4 person capacity or 1 parking space per 15 sq ft of the largest meeting hall, whichever is greater.

In this case, the standard of 1 space per 15 sq ft of floor area of the largest meeting hall applies, resulting in a requirement of 101 parking spaces.

The potential parking demand for the entire building (101 spaces for the church and 33 spaces for the remaining vacant office space) totals 134 spaces, which exceeds the existing 115 parking spaces. However, the church assembly uses are scheduled for evenings and weekends, while future office parking demands will occur during weekdays. As such, staff has determined that the existing parking supply is adequate for the church facility. Any future changes to church operations that would involve church assembly during weekday business hours would be subject to a use permit for modification of the parking requirements.

Attachments:

- Project Description
- Draft Resolution with Findings and Conditions of Approval
- Applicant's Project Description and Plans
- Site Location Map

**Project Description:**

140 Valley Drive, Conditional Use Permit Application UP-6-12, Place of Worship/Meeting Hall

General Plan:	TC Trade Commercial Land Use Designation
Zoning:	TC-1 Crocker Park Trade Commercial District
Lot Area:	105,560+/- sq. ft.
Floor Area —	
Building total:	17,070 sq ft
Proposed area of use:	7,345 sq ft of total church floor area (ground floor), including a sanctuary/meeting hall of 1,508 sq. ft.
Other uses:	Other areas of the building are vacant.

**Parking -- Primarily Evenings and Weekends**

Required:	
For Proposed Use:	101 spaces (1 space per 15 sq ft of the largest meeting hall)
Existing:	115 spaces, including an easement for 3 handicapped spaces and 2.5 standard spaces located along the driveway between 100 and 140 Valley Drive.

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RESOLUTION UP-6-12

A RESOLUTION OF THE PLANNING COMMISSION OF BRISBANE  
CONDITIONALLY APPROVING USE PERMITS UP-6-12  
TO PERMIT A PLACE OF WORSHIP/MEETING HALL  
AT 140 VALLEY DRIVE

WHEREAS, Andrea Monteiro on behalf of the Brazilian Baptist Church of the Bay Area applied to the City of Brisbane for Use Permit approval to use a portion of the building as a place of worship/meeting hall, such application being identified as Use Permit UP-6-12; and

WHEREAS, on September 27, 2012, 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 September 27, 2012, did resolve as follows:

Use Permit UP-6-12 is approved per the conditions of approval attached herein as Exhibit A.

ADOPTED this twenty seventh day of September, 2012, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Jameel Munir  
Chairman

ATTEST:

\_\_\_\_\_  
John A. Swiecki, Community Development Director

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**DRAFT  
EXHIBIT A**

**Action Taken:** Conditionally approve Use Permit UP-6-12 per the staff memorandum with attachments, via adoption of Resolution UP-6-12.

**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 complete "tenant improvements" as required by the Building Official and subject to a Building Permit, to allow for this change in use. As an advisory, per the State Building Code, these improvements include those outlined below. Additional requirements may be imposed during the Building Permit application plan review process.
  - a. An exit plan shall be submitted that labels and clearly shows compliance with all required egress features such as, but not limited to, common path of travel, required number of exits, occupant load, required width, continuity, travel distance, etc.
  - b. The Sunday school ministry area will require two means of egress and as such doors along the egress path shall swing in the direction of exit travel.
  - c. Meeting area classroom/education requires two means of egress and as such doors along the egress path shall swing in the direction of exit travel. When a door swings out into a hallway the required width of the hallway shall not be reduced by more than ½ during the course of the swing.

- d. The minimum corridor width shall be 44 inches.
  - e. Classrooms shall be classified as group E occupancies and as such shall be served with 1 hour rated corridors.
  - f. Copy room and open office shall not interrupt rated corridor from the Sunday school ministry area.
3. Traffic control signage shall be installed prohibiting left hand turns from the two driveways following church assembly, to the satisfaction of the City Engineer (see also condition of approval 4, below).

Ongoing:

4. Services shall be limited to weekdays (Monday through Friday) evenings between 6 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.
5. As required by the City Engineer, vehicles exiting the 100/140 Valley Drive parking lots, following church assembly, shall be prohibited from making left turns onto Valley Drive.
6. In the event that church functions generate more than 100 vehicle trips per hour, or the City Engineer determines that vehicular traffic associated church operations is resulting in traffic safety hazards, a traffic study shall be prepared at the applicant's expense to the satisfaction of the City Engineer, to address traffic safety and circulation.
7. Expansion of the use into other areas of the building that are not a part of this application shall be subject to approval by the Planning Director. The Planning Director's may refer future expansion within the facility to the Planning Commission.
8. No signage is approved as part of this permit. If signage is desired by the church, application(s) for a sign permit shall be submitted separately, per BMC Chapter 17.36.
9. Re-landscaping is subject to Planning Director approval per BMC Section 17.19.040.F and replacement of irrigated landscaping over 1,000 sq ft shall also be subject to the water conservation in landscaping ordinance, BMC Chapter 15.70.
10. Parking spaces shall not be used or converted to any other use that would impair their basic use as parking for motor vehicles per Brisbane Municipal Code Section 17.34.020.A.



11. The use shall be conducted in accordance with the performance standards listed in BMC Chapter 17.19, including, but not limited to:
  - a. All routine aspects of the day-to-day operations of a business, including all storage of materials and products, shall take place entirely within a building, except parking of operable vehicles related to the interior use and shipments and deliveries incidental to the primary use.
  - b. The site shall be kept free of trash and debris and all receptacles for collection and recycling shall be completely screened from view at street level.
12. Minor modifications to this Use Permit may be approved by the Planning Director in conformance with all requirements of the Municipal Code.
13. The use permit may be revoked subject to BMC Chapter 17.48.
14. 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).

Brazilian Baptist Church of the Bay Area  
Andrea Monteiro  
5461 Paradise Dr.  
Corte Madera, CA 94925

June 06, 2012

The Planning Application  
City of Brisbane  
50 Park Place  
Brisbane, CA 94005

Project Name: Brazilian Baptist Church of the Bay Area  
Location: 140 Valley Dr. Brisbane, CA

To Whom It May Concern:

The proposed project is to use 6000. Square feet of the first floor, for an assembly and educational area.

Occupancy: We plan to be able to seat 85 people in the main hall with 3 rows clear for exiting the building.

Parking: estimated use of the parking lot for 40 cars.

Schedule for Services: Sunday Mornings 9:00 am – 1:30 pm  
Wednesday Evenings 6:00 – 9:30 pm  
Office and Administrative Meetings: Tue. – Thur. 2:00 – 5:00 pm

Rehearsals and Social Events (e.g.: occasional women's breakfast, prayer meetings, youth group) average of 2 Saturdays per month as needed.

The proposed use of the facility should not be detrimental to the health safety and comfort of the persons residing and working in the neighborhood. It should not impact the adjacent buildings of community. The activities of the establishments in the neighborhood and traffic flow will not be affected by this project.

The Brazilian Baptist Church of the Bay Area holds its primary worship area at 5461 Paradise Dr. Corte Madera, CA 94925 on Sunday evenings. The named organization also leases a facility in 4197 Lakeside Dr. Richmond, CA for office, teaching and counseling. (Please see enclosed documents)

If you have any questions or need additional information, please contact me at (415) 235-4117 or [monandrea@gmail.com](mailto:monandrea@gmail.com)

Thank your attention in this matter,

Andrea Monteiro  
Church Administrator

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## Church Description

In 1993, The First Portuguese Speaking Baptist Church, located at 280 San Bruno Avenue, **Brisbane**, CA decided to start a new church in Marin County to support the Brazilian-American community living in the Bay Area.

This mission gave birth to a new church called Brazilian Baptist Church of the Bay Area dba Brazilian Church of the Bay Area. It was incorporated in 2000 to serve as a cultural and biblical reference to first and second generation of Brazilian immigrants in Marin County, north of the Bay Area.

The Brazilian Baptist Church of the Bay Area holds its primarily office at 5461 Paradise Dr. Corte Madera, CA 94925.



We have been at this location for 14 years and we plan to continue at this location for many more years. Every Sunday we celebrate our services at 6:30 pm and we use the building on Mondays for rehearsals and meetings.



In 2004, this new church envisioned the need to have a Portuguese-English Speaking congregation branch in the South of the Bay Area that held services Sunday Mornings. So, we leased a building in Burlingame to serve as an office facility, rehearsals and Bible Study location. We used this location for 8 years until we realized that was time to move on to a more suitable place.



Mr. & Mrs. Howell has generously offered us the opportunity to use the first floor of their property at 140 Valley Dr. Brisbane, CA to meet our needs in the Peninsula.

The above named organization also holds office at 4197 Lakeside Dr. Richmond, CA to assist the Brazilian-American community living in the East Bay for weekly meetings, counseling and office.



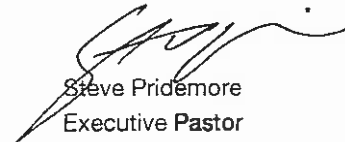


April 30, 2012

To Whom it may concern,

The Brazilian Church of the Bay Area has been using our facility on Sunday evenings for the past fourteen years. They have always honored their financial commitments in a timely manner and have been very responsive to any requests or concerns we have voiced. We could not be happier with the partnership we have with them.

Sincerely yours,



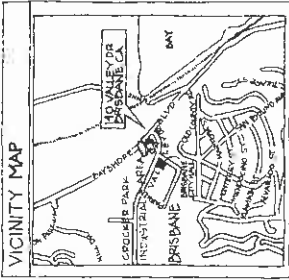
Steve Pridemore  
Executive Pastor  
Hillside Church of Marin

ENVIRONMENTAL USA, INC.  
 4000 S. 100th Ave.  
 Suite 100  
 Denver, CO 80231  
 (303) 751-3311

TENANT BRAZILIAN CHURCH OF THE BAY AREA  
 5461 PARADISE DRIVE  
 CORTE MADERA CA 94925 (415) 235-4117

SITE PLAN / PARKING PLAN  
 TENANT APPLICATION - CONDITIONAL USE PERMIT  
 140 VALLEY DRIVE BRISBANE CA 94005

DATE: 05/20/2014  
 SCALE: AS SHOWN  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]



**PROJECT DATA**

**OWNER:** LATICA ASSOCIATES, BRISBANE CA 94005  
 CONTACT: MIKE HUBBARD (415) 488-2266

**SITE INFORMATION:** 140 VALLEY DRIVE, BRISBANE CA 94005  
 PROJECT AREA: 11,400 SQ. FT. (APN: 013-012-001-000)  
 ZONING: UC-2 (COMMERCIAL)  
 PREVIOUS USE: OFFICE HALL / PARTS DEPOT / FLUORESCENT LIGHT WORKSHOP

**SCOPE OF WORK:** PLANNING APPLICATION FOR USE PERMIT  
 EXISTING BUILDING, ZONING DISTRICT  
 NO THREAT TO ENVIRONMENT REQUIRED  
 NO THREAT TO HISTORIC MONUMENTS REQUIRED

**APPLICANT NAME:** BRAZILIAN CHURCH OF THE BAY AREA  
 CONTACT: NAME: JOAN LOPEZ  
 ADDRESS: 5461 PARADISE DRIVE, CORTE MADERA, CA 94925  
 PHONE: (415) 235-4117 (email: joan@bca.org)

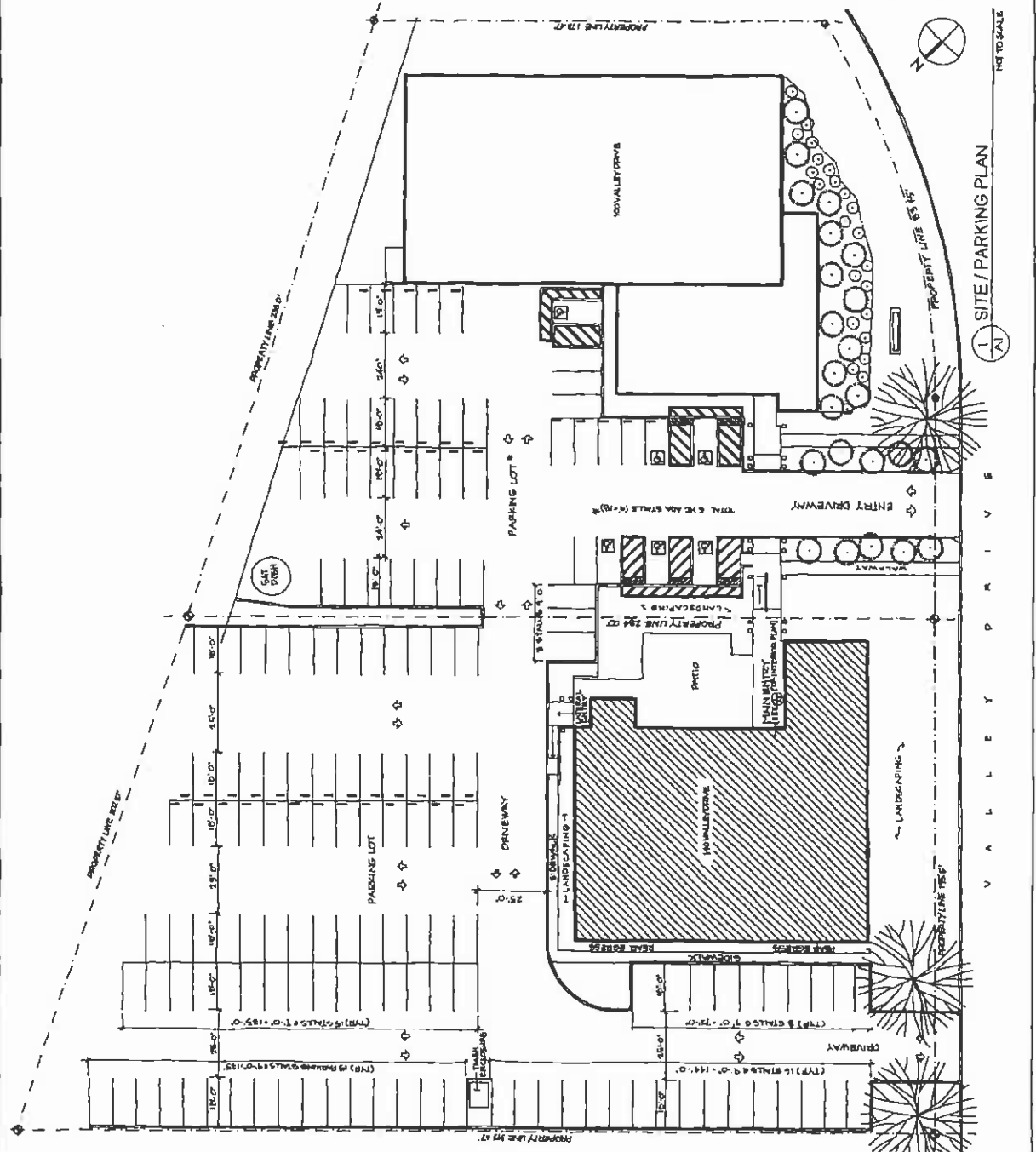
**PROPOSED GITE OCCUPANCY:** 140 VALLEY DRIVE 1718 20 USE  
 OFFICE BUILDING / PARTS DEPOT / OCCUPANCY: 8000 SQ. FT. INTERIOR  
 8000 SQ. FT. OCCUPANCY: 8000 SQ. FT. INTERIOR  
 4.0+ PARKING STALLS REQUIRED

**BUILDING USE:** MEETING HALL / PLACE OF WORSHIP  
 SUNDAY MORNING, WEDNESDAY EVENINGS (8:00AM TO 10:00AM)  
 ADMIN OFFICE HOURS: 9:00AM TO 5:00PM MON-FRI  
 9:00AM TO 4:00PM SATURDAY

**PARKING ANALYSIS**  
 135 - 4'x16' STALLS PROVIDED (TOTAL COUNT: 140)  
 B - 5'x10' ADA COMPLIANT STALLS PROVIDED  
 141 - TOTAL PARKING STALLS PROVIDED

NOTE: BUILDING TO BE OCCUPIED 140 VALLEY DRIVE BRISBANE  
 SEE SHEET [A] FOR INTERIOR FLOOR PLAN FIRST FLOOR ONLY

NOTE: NEWLY PREPARED/REVISED/RETRACTED IMPROVEMENTS  
 AND/OR PLANS SHALL BE SUBMITTED TO THE CITY OF BRISBANE  
 WITHIN 30 DAYS OF THE DATE OF THE PERMIT ISSUANCE  
 ALL IMPROVEMENTS SHALL BE COMPLETED WITHIN THE PERIOD  
 SPECIFIED IN THE PERMIT. THIS SITE PLAN IS SUPPLEMENTARY  
 TO THE PERMIT AND SHALL BE USED IN CONJUNCTION WITH THE PERMIT.



(1) SITE / PARKING PLAN  
 NOT TO SCALE

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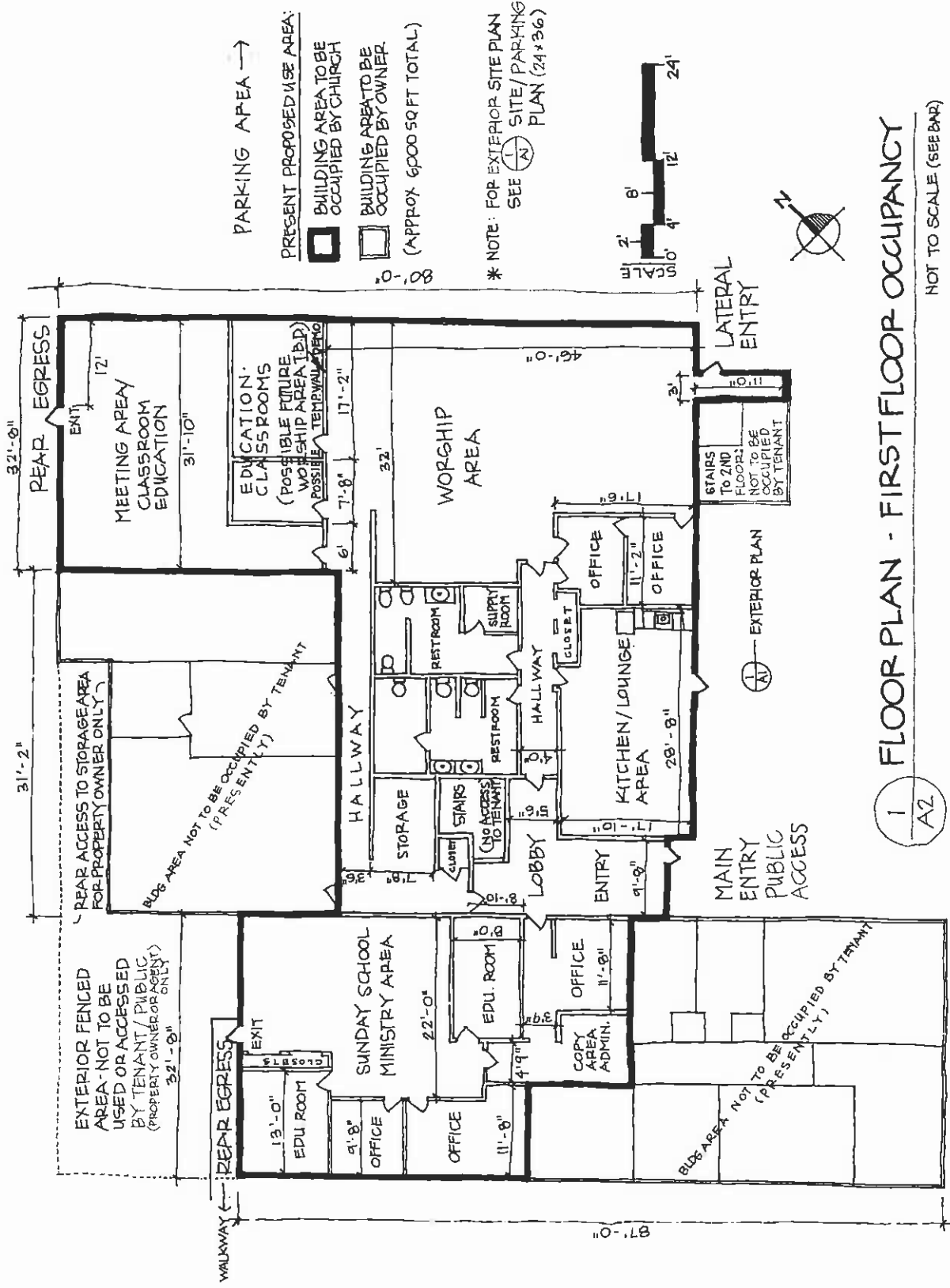
TENANT APPLICATION -  
 CONDITIONAL USE PERMIT  
 140 VALLEY DRIVE  
 BRISBANE CA 94005

DATE: 8/10/12  
 SCALE: AS SHOWN  
 DRAWN BY: JL  
 SHEET A2 of 2 SHEETS

TENANT: BRAZILIAN CHURCH  
 5461 PARADISE DRIVE  
 CORTE MADERA CA 94925  
 (415) 235-4117

ENVIRONMENT DESIGN  
 PO BOX 100  
 TIBURON, CA 94920  
 (415) 710-3231

REVISIONS



1 A2 FLOOR PLAN - FIRST FLOOR OCCUPANCY

NOT TO SCALE (SEE DMR)

PARKING AREA →

PRESENT PROPOSED USE AREA:  
 [Solid Box] BUILDING AREA TO BE OCCUPIED BY CHURCH  
 [Hatched Box] BUILDING AREA TO BE OCCUPIED BY OWNER  
 (APPROX. 6000 SQ FT TOTAL)

\* NOTE: FOR EXTERIOR SITE PLAN SEE (A1) SITE/PARKING PLAN (24+36)

VALLEY DRIVE

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The Building Entrance



Lateral Entrance to Worship Area



G115

Kids Ministry



Teaching Rooms



G114





Bayshore Blvd

Valley Drive

Park Place

40 Valley Drive

91.17