

Marin County Community Development Agency

Brian Crawford, Director

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR STEERE (NORTH BAY KOREAN AMERICAN PRESBYTERIAN CHURCH) USE PERMIT

Item No:	C3.	Application No:	UP 09-13
Applicant:	Jan Vasquez	Owner:	James Steere
Property Address:	2 San Antonio Road, Petaluma	Assessor's Parcel:	125-130-13
Hearing Date:	January 29, 2009	Planner:	Christine Gimmler, Senior Planner

RECOMMENDATION:	Approval with Conditions
APPEAL PERIOD:	Ten business days to the Planning Commission
LAST DATE FOR ACTION:	February 12, 2009

PROJECT DESCRIPTION:

The applicant is requesting Use Permit approval to allow the conversion of an existing 3,691 square foot building into a place of worship for the North Bay Korean American Presbyterian Church. The existing structure was previously used as a large animal veterinary clinic. With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. The interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. The building would be used for weekly church services and other group activities primarily on Sundays between 11:00 a.m. and 5:00 p.m. The existing parking area would be expanded to provide a total of 20 parking spaces (including one accessible space) and the driveway would be extended around the structure to improve on-site access. Use Permit approval is required to allow establishment of a religious institution within the governing A-10 (Agricultural) zoning district.

GENERAL INFORMATION:

Countywide Plan

Designation:	AG2 (Agricultural, one unit per 10 to 30 acres)
Zoning:	A-10 (Agricultural, ten acre minimum lot size)
Lot size:	7.3 acres
Adjacent Land Uses:	Agricultural
Vegetation:	Limited introduced landscaping
Topography and Slope:	Level to gently sloping
Environmental Hazards:	None identified

ENVIRONMENTAL REVIEW:

The Environmental Coordinator has determined that this project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails a change of use within an existing structure (from commercial to religious use) with no adverse environmental impacts.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. No adverse comments regarding the proposed project have been received by Community Development Agency staff in response to the public notices.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan because the project proposes the establishment of a small church in an existing structure on an infill site along Highway 101 that is served by public water and provides adequate on-site parking. The proposed low intensity use would not adversely impact surrounding property owners or uses or result in other adverse environmental impacts, and would be compatible with the character of the community. Please refer to the recommended resolution for detailed findings.

PROJECT ANALYSIS:

Project Setting and Background

The subject property is located just north of the intersection of San Antonio Road and Highway 101 near the northern border of Marin County. The site is developed with an existing approximately 3,700 square foot one-story building which was approved and constructed for use as a veterinarian clinic in the early 1970's (Use Permit #960, approved September 29, 1970). Surrounding properties are governed by the same A-10 zoning and are generally in agricultural use. No grading or tree removal would be required to accommodate the proposed project.

Proposed Project

As described above, the applicant proposes to convert the existing structure on the property to a church. The interior of the building would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. No exterior modifications to the building are proposed (except minor window and door changes). Therefore, the project would not increase the height or size of the structure, substantially alter the appearance of the building, or the change the existing visual character of the property. The church would operate on a year round basis, with weekly church services and other group activities occurring on Sundays between 11:00 a.m. and 5:00 p.m. Limited activities would also occur on Friday evenings between 8:00 and 10:00 p.m. and on Saturday mornings between 6:00 and 8:00 a.m. The North Bay Korean American Presbyterian Church currently has two part-time employees, including the pastor and a secretary.

Parking and Traffic Issues

As part of the proposed project, the existing parking area would be expanded to provide a total of twenty parking spaces (including one accessible space). Since the existing driveway serving the site was designed to pass through the building (to allow large animals to be brought to the veterinarian clinic), the applicant also proposes to redesign and extend the driveway to provide a one-way loop around the structure, thereby improving on-site access. Pursuant to Title 24 of Marin County Code, a total of 15 parking spaces would be required for the proposed 60-seat sanctuary (based on the ratio of one parking space for every four seats). Therefore, the twenty proposed parking spaces would exceed that required during “peak” use of the church for Sunday services. The number of parking spaces and the proposed parking lot design including the revised one way loop driveway have been reviewed by Department of Public Works staff and found to be adequate for the proposed use.

As part of the project, the applicant submitted a Traffic Study, prepared by Whitlock and Weinberger Transportation, Inc (W-Trans) which addresses access, parking and traffic issues associated with the project and the proposed change of use. The report found that:

- The proposed church would be expected to generate fewer trips than the previous veterinarian clinic use, particularly at weekday peak commute hours.
- The proposed 20-space parking lot would be adequate to serve typical operation of the church.
- Based on Caltrans standards, adequate sight distance can be achieved in both directions at the driveway entrance by cutting back vegetation near the driveway.
- Although the San Antonio Road/Highway 101 at-grade intersection is planned to be replaced in 2011 with a connection route to the existing grade-separated interchange at the Landfill Access Road, this intersection currently operates at a level of service (LOS) A during the hours of highest church use (Sunday morning and afternoon) and this LOS is expected to continue with addition of project-generated traffic.
- The queue storage capacity in the northbound left turn pocket on Highway 101 at the San Antonio Road intersection is adequate to accommodate proposed project traffic volumes and the collision rate at this intersection is equal to the statewide average for this type of facility.

Accordingly, the report concludes that the proposed use would be adequately served by the existing roadways and parking area, and no significant safety issues were identified.

Conclusion

In summary, the proposed project would be compatible with the surrounding community and would not generate any activities which are detrimental to adjacent properties. The proposed church would be created through the remodeling of an existing structure which has existed on the site for many years, and would provide religious services to the residents of Marin in a modestly sized structure. The proposed hours of operation are reasonable and the scale of the project is such that it would not result in traffic and parking impacts on surrounding properties and uses. Water service to the site would be provided by the North Marin Water District, and conditions of approval require that before issuance of Building Permits, the existing septic system be inspected to insure that it is functioning properly and is adequately sized to serve the proposed use. Finally, the proposed project would not result in any adverse impacts on the environment and no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator take the following actions:

1. Review the administrative record;
2. Conduct a public hearing; and
3. Approve the Steere (North Bay Korean American Presbyterian Church) Use Permit based on the findings contained in the proposed resolution.

- Attachments:
1. Proposed Resolution recommending approval of the Steere (North Bay Korean American Presbyterian Church) Use Permit
 2. Environmental Document
 3. Location Map
 4. Assessor's Parcel Map
 5. Site Plan
 6. Floor Plans
 7. Elevations
 8. Department of Public Works, Land Use and Water Resources memo, 12/15/08
 9. Environmental Health Services memo, 12/9/08
 10. North Marin Water District letter, 12/1/08
 11. Novato Fire Protection District letter, 12/22/08
 12. California Department of Transportation letter, 12/29/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION _____

A RESOLUTION APPROVING WITH CONDITIONS THE STEERE (NORTH BAY KOREAN AMERICAN PRESBYTERIAN CHURCH) USE PERMIT

**ASSESSOR'S PARCEL 125-130-13
2 SAN ANTONIO ROAD, PETALUMA**

SECTION I: FINDINGS

- I. WHEREAS the applicant, Jan Vazquez, on behalf of the property owner, James Steere, is requesting Use Permit approval to allow the conversion of an existing 3,691 square foot building into a place of worship for the North Bay Korean American Presbyterian Church. The existing structure was previously used as a large animal veterinary clinic. With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. The interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. The building would be used for weekly church services and other group activities primarily on Sundays between 11:00 a.m. and 5:00 p.m. The existing parking area would be expanded to provide a total of 20 parking spaces (including one accessible space) and the driveway would be extended around the structure to improve on-site access. Use Permit approval is required to allow establishment of a religious institution within the governing A-10 (Agricultural) zoning district. The subject property is located at 2 San Antonio Road, Petaluma, and is further identified as Assessor's Parcel Number 125-130-13.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 29, 2009, to consider the merits of the project, and hear testimony in favor of, and in opposition to, the project; and
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act pursuant to Section 15301, Class 1 of the CEQA Guidelines because it entails the remodeling of an existing structure to allow conversion from a medical office to a religious use which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Comply with the Countywide Plan land use designation of AG2 (Agricultural, one unit per 10 to 30 acres), which permits religious institutions subject to Use Permit approval.
 - B. Provide religious services on a previously developed infill site within the City-Centered Corridor which is served by existing roadways and necessary public and community facilities.

- C. Comply with governing development standards related to roadway construction, parking, grading, drainage, flood control, and utility improvements as verified by the Department of Public Works.
 - D. Not cause substantial soil disturbance or the removal of significant natural vegetation.
 - E. Not cause significant adverse impacts on water supply, fire protection, waste disposal, traffic and circulation, or other services.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the mandatory findings for a Use Permit pursuant to Section 22.48.040 of the Marin County Development Code can be made for the reasons listed below.

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

Pursuant to Marin County Code 22.10.030, the proposed church use is a conditionally-permitted land use within the governing A-10 zoning district and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed project would be consistent with the goals and policies of the Marin Countywide Plan because the project proposes the remodeling of an existing structure and modifications to an existing parking lot on an infill site served by existing roadways and services. The proposed project would not increase the size of height of the existing building, would not impact views from surrounding properties or result in other adverse environmental impacts, and would be compatible with the character of the community.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 of the CEQA Guidelines because it entails the remodeling of an existing structure to allow conversion from a medical office to a religious use with no potentially adverse impacts to the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The proposed project would allow an existing medical office building to be converted to a church, a low intensity use which would be compatible with surrounding low density agricultural uses and would not generate any activities which would be detrimental to existing or future land uses in the vicinity. The proposed hours of operation are limited and reasonable and Department of Public Works staff have indicated that adequate parking would exist on the property to serve normal operation of the proposed church. Finally, no adverse comments regarding the project have been received from residents in the vicinity.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

With the exception of minor window and door changes, no exterior modifications to the building are proposed at this time. Therefore, the proposal would not impair the architectural integrity or alter the character of the zoning district in which the site is located.

F. Granting the Use Permit will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located.

The proposed establishment of a church in an existing structure previously used as a veterinarian clinic would be compatible with the surrounding community and would not be detrimental to the health, safety, convenience, or welfare of the public or surrounding property owners. The proposed project would provide a location for religious services to North Bay residents without substantially impacting the existing appearance of the property, increasing the mass and bulk of existing structures, or resulting in grading, tree removal, or other adverse impacts to the environment. The proposed use and hours of operation are reasonable and the project would not result in traffic or parking impacts on nearby neighbors, as confirmed by Department of Public Works. Water and sanitary service to the site would be provided by the North Marin Water District and an existing on-site septic system. Finally, no adverse comments regarding the project have been received from surrounding neighbors or members of the community.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Steere (North Bay Korean American Presbyterian Church) Use Permit Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. This Use Permit approval permits the conversion of an existing 3,691 square foot medical clinic building into a place of worship for the North Bay Korean American Presbyterian Church. With the exception of minor window and door changes, no exterior modifications to the building are proposed or approved at this time. Therefore the existing height and setbacks of the structure would not be modified. As approved, the interior of the structure would be remodeled to accommodate a 60-seat sanctuary, three meeting rooms, an office, a kitchen, and restroom facilities. This approval allows the existing parking area to be expanded to a total of 20 parking spaces (including one accessible space) and the existing driveway to be extended around the structure to improve on-site access. The subject property is located at 2 San Antonio Road, Petaluma, and is further identified as Assessor's Parcel Number 125-130-13
2. Except as modified herein, plans submitted for building permit and use of the building shall conform to plans on file in the Marin County Community Development Agency, Planning Division, identified as Exhibit "A": entitled "North Bay Korean American Presbyterian Church," prepared by Halperin and Christ Architects, submitted November 4, 2008.

3. Operation of the approved use/facility shall be in substantial conformance with the submitted project description which indicates the following primary year round hours of operation:

Friday: 8:00 p.m. to 10:00 p.m.
Saturday: 6:00 a.m. to 8:00 a.m.
Sunday: 11:00 a.m. to 5:00 p.m.

Any changes to the proposed number or timing of services, events, or programs that would result in increase parking demand shall be submitted for review and approval of the Community Development Agency and Department of Public Works staff to ensure that adequate parking is available.

4. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall revise the plans to depict the location and type of all exterior lighting for review and approval of the Community Development Agency staff. Exterior lighting visible from off site shall be permitted for safety purposes only, shall consist of low-wattage fixtures, and shall be directed downward and shielded to prevent adverse lighting impacts on nearby properties. Light bollards or similar low level small scale lighting fixtures may be used to illuminate pedestrian walkways in or leading to parking areas. Exceptions to these standards may be allowed by the Community Development Agency staff if the exterior lighting would not create night-time illumination levels that are incompatible with the surrounding community character and would not shine on nearby properties.

5. All construction activities shall comply with the following standards:

- a. Construction activity is only permitted between the hours of **7:00 a.m. and 6:00 p.m., Monday through Friday**, and **9:00 a.m. and 5:00 p.m. on Saturday**. No construction shall be permitted on Sundays and the following holidays (New Year's Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day). Loud noise-generating construction-related equipment (e.g., backhoes, generators, jackhammers) can be maintained, operated, or serviced at the construction site from 8:00 a.m. to 5:00 p.m. Monday through Friday only. Minor jobs (e.g., painting, hand sanding, sweeping) with minimal or no noise impacts on the surrounding properties are exempted from the limitations on construction activity. At the applicant's request, the Community Development Agency staff may administratively authorize minor modifications to these hours of construction.

- b. It shall be the responsibility of the applicant to ensure that all construction materials and equipment are stored on-site (or secured at an approved off-site location) and that all contractor vehicles are parked in such a manner as to permit safe passage for vehicular, pedestrian, and bicycle traffic at all times.

6. All utility connections and extensions (including but not limited to electric, communication, and cable television lines) serving the development shall be undergrounded from the nearest overhead pole from the property, where feasible as determined by the Community Development Agency staff.

7. Only those trees shown on the site plan as proposed to be removed, if any, may be removed. No other existing trees on the subject property shall be removed except to comply with local and State

fire safety regulations, to prevent the spread of disease as required by the State Food and Agriculture Department, and to prevent hazards to people and property.

8. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
9. This Use Permit shall be vested by securing a valid building permit for approved work, completing all work in compliance with the terms of the building permit approval, and commencing operation of the approved use. The Use Permit shall remain valid unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.88 of the Marin County Code.

Marin County Department of Public Works

10. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit or comply with the following:
 - a. Plans shall show topographic data shall be derived from an actual field survey performed by a licensed land surveyor or registered civil engineer. Note: It appears that the driveway approach is not correctly shown on the plan, the existing driveways are narrower, the culverts and some trees are not depicted accurately and there is a steep bank east of the building that is not indicated on the plans.
 - b. Parking provisions shall include parking requirement for the office and meeting rooms as well as for the intended group activities and limited activities. Submit details and/or explanation how the various church activities and functions interact. Consider these activities and functions in the parking requirement analysis.
 - c. Indicate whether the driveway loop is going to be a one-way or two-way direction. Show direction of travel if it is a one way driveway.
 - d. Submit a written certification from CDA-Environmental Health Services that parking is allowed over the leachfield.
 - e. Plans shall show site grading, drainage and any retaining walls.
 - f. A separate Building Permit is required for site/driveway retaining walls with a height more than 4' (or 3' when backfill area is sloped or has a surcharge).
 - g. Submit two sets of structural calculations for site/driveway retaining walls, signed and stamped by the design engineer or architect.
 - h. Show widths, grades, slopes and radii of the driveway including a typical structural section.
 - i. The accessible parking space shall be van accessible and dimensioned accordingly. Show parking detail and required signage.

- j. Plan shall show accessible path of travel.
- k. Install a standard stop sign and bar stripe at the exit.
- l. Plans shall accurately show the property line, existing roadway pavement and fence along San Antonio Road fronting the subject property.
- m. Obtain an encroachment permit from DPW for work in the road right-of-way.
- n. Submit an Erosion and Siltation Control Plan if grading or site disturbance is to occur between October 15 and April 15. Delineate erosion and siltation control measures on the site plan.
- o. Note on the plans that the Design Engineer or Architect shall certify to the County in writing that all grading and drainage was done in accordance with plans and field directions. Also note that driveway, parking, and other site improvements shall be inspected by a Department of Public Works engineer prior to final building inspection. Per requirement by CDA-Building & Safety Division, certification letters shall indicate the property address, building permit number and assessor's parcel number.

Environmental Health Services

- 11. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit for review and approval of Environmental Health Division staff the results of a septic system inspection and evaluation prepared by a registered civil engineer, registered environmental health specialist, or registered geologist which addressed the issues outlined in the EHS memo dated December 9, 2008.

Novato Fire Protection District

- 12. BEFORE FINAL INSPECTION, the applicant shall submit verification that all fire safety requirements included in the Novato Fire Protection District letter dated December 22, 2008, have been completed

North Marin Water District

- 13. BEFORE ISSUANCE OF A BUILDING PERMIT, the applicant shall submit tenant improvement plans to the District for review and approval. BEFORE FINAL INSPECTION, the applicant shall submit verifications that all District requirements have been met including installation of new water facilities, if applicable, and payment of required connection fees. .

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, BE IT FURTHER RESOLVED that the applicant must vest the Steere (North Bay Korean American Presbyterian Church Use Permit approval by January 29, 2011, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails securing a valid building permit, substantially completing the improvements in accordance with the secured building permit, commencing operation of the church use, and complying with all conditions of

approval. An extension of up to four years may be granted for cause pursuant to Section 22.88.050 of the Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that upon completion of the requirements to vest this application, this Use Permit shall remain valid indefinitely as long as all the terms of the permit are maintained.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Room 308, Civic Center, San Rafael, no later than 4:00 p.m. on February 12, 2009.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 29th day of January, 2009.

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary