



CITY OF HAYWARD
AGENDA REPORT

Planning Commission

Meeting Date 9/12/02

Agenda Item 2

TO: Planning Commission

FROM: Carl T. Emura, Associate Planner

SUBJECT: Referral By The Planning Director: Administrative Use Permit Application No. PL 2002-0262 – Mark Thomas (Applicant)/Las Vegas Trail Theatre Company (Owner) – Request to Convert an Existing Theater to a Religious Facility with Administrative Offices

The Property is Located at 24800 Hesperian Boulevard in the Neighborhood Commercial (CN) District

RECOMMENDATION:

Staff recommends that the Planning Commission deny the Administrative Use Permit, subject to the attached findings.

DISCUSSION:

SITE

The Spanish style, six auditorium, 22,292 square-foot theater was built in 1977 on a 219,161 square-foot (5.03 acres) T-shaped parcel. It has access from both Hesperian Boulevard and Turner Court. It is surrounded by single family dwellings to the east, the San Leandro – Hayward Elks Lodge (currently on the market) to the south; a vacant commercial building (former Radio Shack which has been sold to a Fabric Company), Midas, State Farm and the Korean Baptist Church to the north. It is the largest parcel on the block facing Hesperian Boulevard with the other parcels ranging from .91 acres to 1.10 acres. The property is also in proximity to Southland Mall to the north, and Chabot College to the west and Kaiser Permanente to the south. The property is zoned *Neighborhood Commercial (CN)* and the General Plan Designation is *Retail and Commercial Office (ROC)*. It is located off a major bus route and has convenient access to I-880 and Highway 92.

PROPOSAL

Heart of the Bay Christian Center (HBCC) is an interdenominational Christian church currently located at the former Sunset Elementary School site (20450 Royal Avenue) where they originally leased 40,454 square feet in 1990 from the San Lorenzo Unified School District (SLUSD). In 1997, SLUSD took back 25,208 square feet to open up a continuation school leaving them with 15,246 square feet. In addition to the leased space, they have exclusive use of a 733-seat auditorium (12,000 square feet) built by HBCC in 1990 and the parking lot (296 spaces). Their lease expires in October 2007 and they have one 5-year renewal option but can terminate their lease with a year's notice; SLUSD can terminate the lease with a 2-year notice. SLUSD has indicated that it has no present intention to terminate the lease.

The reduction of the leased space in 1997 prompted HBCC to look for a permanent location. HBCC finds the UA Theater site desirable because it has good visibility, a sizable building adaptable to being converted to a sanctuary hall, ample parking, access to major freeways and room for expansion. They are currently in escrow to purchase the property.

HBCC proposes to convert the theater to an auditorium (810 seats), multi-use room, youth room, classrooms and offices. An 1,800-square-foot addition is proposed for the rear of the building for a stage for the auditorium, and the second floor is proposed to be expanded by 2,400 square feet for offices and an arcade. With the additions, there would be a floor area of 30,794 square feet. A new cornice is proposed to be added to the top of the existing building and rear addition to visually tie the two together. The building would be repainted and a new wall sign would be added to the front of the building. Improvements would be made to the landscaping, including replacing 31 trees that were severely pruned by UA Theater and adding new planting islands. With the landscape improvements, there would be a total of 408 parking stalls (282 standard, 117 compact and 10 handicapped stalls) where only 203 stalls are required.

HBCC has 930 members, of which 28 percent reside in Hayward with the remaining coming from various Bay Area locations. Church services are held on Sunday morning and evening. During the summer months attendance averages around 400 and during other times of the year 500. Other church activities are generally held in the evenings. Sermons are taped, edited and later shown on television. The church has nine pastoral staff and eight office staff. The church administrative office is closed on Monday and opens Tuesday through Friday. Staff would be on site from 7:30 am to 7:00 pm daily. The church provides senior, family, singles and youth activities and performs community outreach. As part of their community outreach, they have sponsored neighborhood fairs and have given out groceries and toys to needy families. HBCC indicated they will not have a soup kitchen nor will people be living at the church. Childcare facilities are being considered but have not been included as part of this application.

GENERAL PLAN AND ZONING ISSUES

Prior to the adoption of the Southgate Neighborhood Plan, 15 percent of the Neighborhood Commercial area in the block of Hesperian Boulevard and La Playa Drive were converted to noncommercial uses. The noncommercial uses include the Korean Baptist Church on La Playa in August 1995 and the San Leandro-Hayward Elks Lodge on Hesperian Boulevard in May 1996. The task force was concerned with the dwindling commercial space; and as a result, the following goal was formalized in the Neighborhood Plan:

Maintain the commercial shopping areas along Hesperian. Attract and retain neighborhood-serving businesses and support Southland Mall as the primary regional shopping center.

To implement this goal, the plan recommended that the zoning for this property and other properties be changed from "Limited Access Commercial (CL)" to "Neighborhood Commercial (CN)" to foster the type of neighborhood-oriented uses that would serve the neighborhood. The Zoning Ordinance was changed to comply with the Neighborhood Plan recommendation. If HBCC is approved, a noncommercial use would comprise 43 percent of the commercially zoned properties along the block of Hesperian Boulevard and La Playa Ave.

Besides providing retail uses to serve the neighborhood, the property has many advantages for retail use. First, it is an excellent location for retail. It is off a major road and is close to major highway interchanges. Furthermore, the Economic Development Policy encourages retail near highway interchanges:

Create opportunity zones within close proximity of major highway interchanges to attract large retail operations, discounters, and other regional-serving establishments (such as hotels with conference centers).

Second, it is also a large commercial property that can accommodate one or two large retailers such as Crate and Barrel, Border's Bookstore, Cost Plus, Bed Bath and Beyond, Best Buy or Orchard Supply and Hardware. In order to attract these retailers, a site has to be at least 4 acres. Since the City has very few vacant commercial parcels larger than one acre, this site provides an opportunity to lure them to Hayward.

Third, the Southgate Neighborhood Plan is supportive of these businesses being located in its neighborhood.

Encourage attraction of both regional-based and neighborhood-based businesses as part of the city's economic development activities. One example of such a business is a home improvement/hardware store.

Fourth, a large retailer could benefit from being located in proximity to Southland Mall where they could feed off of the mall's regional customer base. And finally, Chabot College students could be a source of potential employees as well as customers

The City would benefit in several ways from a large retailer locating to the site. First, a large retailer would generate revenue. Sales and property tax revenues are major components of the General Fund and revenue generated from a large retailer would have a positive impact on the City. Second, a large retailer would create jobs. The General Plan Economic Development Policies and Strategies are supportive of development that generates revenues and employment for the City as indicated by the following policy:

Create a sound local economy that attracts investment, increases the tax base, creates employment opportunities for residents and generates public revenues.

A large retailer would generate greater revenues and provide more employment opportunities than HBCC. A survey, conducted by HBCC of its members who live outside of the City, projects that they spend approximately \$16,959 a week at local restaurants, shopping malls and gas stations. A large retailer, however could average up to \$70,000 a week in gross receipts and employ up to a 100 individuals. HBCC employs 17 individuals.

Finally, a large retailer could have a positive effect in revitalizing the existing commercial area. The commercial area surrounding the property lacks a sense of place. Buildings are dated and landscaping is minimal and/or poorly maintained, contributing to parcels being vacant for long periods of time. A new building or a facelift, new landscaping and increased pedestrian traffic would contribute to revitalizing the area since this parcel encompasses 28 percent of the commercially zoned properties along the block of Hesperian Boulevard and La Playa Drive. HBCC would primarily draw people to the site in the evenings and on Sunday. A large retailer would draw people 7 days a week from 9 am to 9 pm.

If this parcel is combined with the San Leandro – Hayward Elks Club, which is currently on the market, a mixed-used development would be feasible with retail on the ground level and residential above. The site is close to major employers and has convenient access to all major employment centers in the Bay Area. It is also off a major bus route that provides express service to San Francisco. The General Plan Land Use Policies and Strategies supports mixed-used development along major transit corridors:

Encourage mixed-use development where appropriate to ensure a pedestrian-friendly environment that has opportunities such as housing, jobs, child care, shopping entertainment, parks and recreation in close proximity.

A mixed-used development would provide another housing alternative and would increase the customer base for the surrounding retail and service establishments. It would contribute to reducing the problems associated with sprawl (pollution, centerless

communities and lengthy commutes), and may result in a more pedestrian friendly environment and a reduction in the use of the car. The residential strip along Hesperian Boulevard, which is lacking in neighborhood serving businesses, would benefit by providing retail and service facilities such as a coffee shop, hair salon, drycleaner, restaurant and copying center at the subject site. The proximity to major employers, banks, markets, retail facilities, medical facilities, schools, bus routes and highways makes this a very attractive site for a mixed-use development. Both a large retailer and mixed-used development are a primary use in the Neighborhood Commercial District.

RELIGIOUS LAND USE AND INSTITUTIONALIZED AND INSTITUTIONALIZED PERSON ACT OF 2000 (RLUIPA)

The Religious Land Use and Institutionalized Person Act (RLUIPA) is a law designed to protect religious assemblies and institutions from zoning and historic landmark laws that substantially interfere with religious exercise. RLUIPA precludes local agencies from imposing a substantial burden on the exercise of religion through a land use decision absent a compelling government interest. The applicant has another 10 years left on the terms of its lease and the lease space is adequate for its needs. The City has an legitimate interest in maintaining its commercially zoned property to protect further erosion of the commercial viability of this area. Staff believes that denial of the project is appropriate.

ENVIRONMENTAL REVIEW:

A project that is denied does not require review under the California Environmental Quality Act (CEQA). Should the Planning Commission wish to approve their project, staff will have to prepare the appropriate environmental documents and conditions of approval for review at a later date

PUBLIC NOTICE:

On September 9, 2002, a Notice of Public Hearing was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records, the Southgate Area Homeowners Association, Westwood Manor Homeowners Association, Eden Garden-Parkwest Homeowners Association and the Southgate Neighborhood Task Force. The city received six responses to the public notice, four against, one for and another one neutral. Six persons responded to the public notice, which drew a lukewarm response to the proposed church. Two responses opposed the use of the property for a church. The Southgate Homeowners Association neither supports the use of the site for the church nor opposes it. Another person opposes it. One person who initially opposed it, change his mind after meeting with HBCC and indicated that he would prefer having something there to the property remaining vacant. Whether or not the respondees supported the project or not, they all wanted the property be maintained, whether occupied or vacant. Heart of the Bay members sent in 93 letters of support, 47 letters were residents of Hayward.

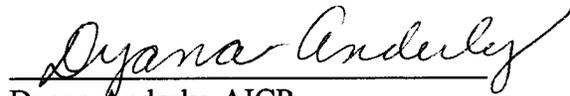
With the addition of HBCC, the noncommercial use will take up 43 percent of the Neighborhood Commercial District along the block of Hesperian Boulevard and La Playa Drive. In staffs' opinion, this would weaken the commercial viability of the area. A large retailer or a mixed used development would provide the stimulus to revitalize the area and generate revenue and employment for the City. Both of these uses would be consistent with City Policies and generate greater benefits to the City and surrounding neighborhood. Staff is supportive of religious facilities locating to the City, however the site would be better utilized for a large retailer or a mixed-use development. Therefore staff recommends denial of the application. If the Planning Commission is supportive of the use, appropriate findings must be adopted.

Prepared by:



Carl T. Emura ASLA
Associate Planner

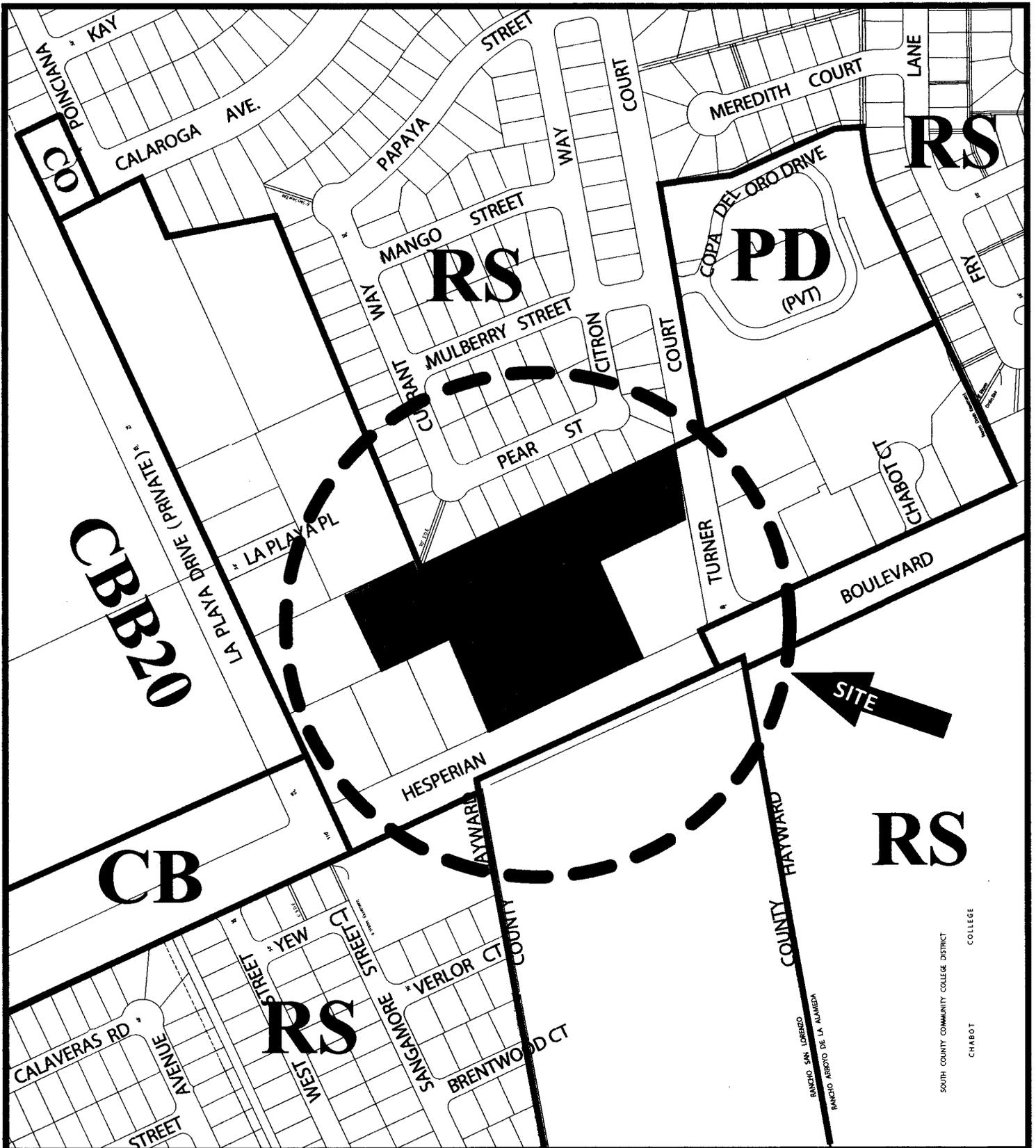
Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Denial
- C. HBCC Executive Summary
- D. Commercial/Noncommercial Use Map
- E. Public Responses
- F. Letter of Support from HBCC (typical)
- G. Plans/Elevations/Perspectives



Area & Zoning Map

PL-2002-0262 AUP

Address: 24800 Hesperian Blvd.

Applicant: Mark Thomas

Owner: Las Vegas Trail Theatre Company

- CB-Central Business
- CBB-Central Business-Combining Districts
- CN-Neighborhood Commercial
- CO-Commercial Office
- PD-Planned Development
- RS-Single-Family Residential,RSB4,RSB6

FINDINGS FOR DENIAL

Administrative Use Permit No. P1-2002-0262

24800 Hesperian Boulevard

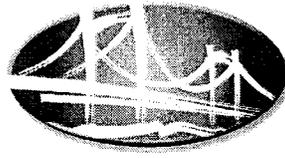
Mark Thomas (Applicant)/

Las Vegas Trail Theatre Co. (Owner)

1. An environmental review of the proposed project is not required should the project be denied. Should the Planning Commission approve the proposed project, staff will prepare an environment review of the project pursuant to the California Environmental Quality Act (CEQA) guidelines.
2. The proposed use is not desirable for the public convenience or welfare in that the property would be underutilized when compared to a retail or a mixed-use development. If approved, the noncommercial use of the commercial district along the block of Hesperian Boulevard and La Playa Drive will be reduced by 43 percent thereby eroding the commercial character of the area. An opportunity to lure a large retailer would be lost that could help revitalize the commercial district. Furthermore, an opportunity to increase revenues and employees for the City would be reduced substantially with the approval of this application.
2. The proposed use will impair the character and integrity of the zoning district and surrounding area in that it would add another 28 percent of noncommercial use in the Neighborhood Commercial District along the block of Hesperian Boulevard and La Playa Drive. This would bring the total noncommercial use in this area to 43 percent further weakening the Neighborhood Commercial District.
3. The proposed use will be detrimental to general welfare in that it would further reduce the Neighborhood Commercial District in a corridor that has a shortage of neighborhood serving business. The Southgate Neighborhood Plan specifically calls for maintaining the commercial shopping areas along Hesperian Boulevard for neighborhood-servicing businesses.
4. The proposed use is not in harmony with applicable City policies and the intent and purpose of the zoning district involved. The Southgate Neighborhood Plan calls for maintaining the commercial shopping areas along Hesperian and to attract and maintain neighborhood-serving businesses. Other General Plan Policies & Strategies are supportive of uses that would generate revenue and create jobs for the City.
5. There is a compelling government interest in retaining the commercial zoned property for commercial use. The approval of the application would significantly reduce the commercial viability of the commercial area along the block of Hesperian Boulevard and La Playa Drive. Noncommercial use would take up to 43 percent of the commercial zoned properties in the area and would not contribute to revitalizing of this commercial strip. An opportunity to lure a large retailer that

could generate revenue and jobs for the City would be lost as well as a possible stimulus to encourage revitalization of this commercial area.

6. The denial of this application does not place a substantial burden on the applicant because its current leased space is adequate; the lease has approximately 10 years remaining. The San Lorenzo Unified School District has indicated that HBCC is an excellent tenant and at this time has no intentions of terminate their lease.



HEART of the BAY
CHRISTIAN CENTER

**Executive Summary of
Detailed Description of Heart of the Bay Christian Center**

I. Introduction

Heart of the Bay Christian Center is a contemporary, Christian church in Hayward, California, that was established in 1982 with approximately 125 people in attendance. Over the years, it has grown to 1,004 members.

Heart of the Bay Christian Center is guided by its vision, which is:

- ♦ We believe in the potential of people, and are committed to helping people discover and develop that potential fully.
- ♦ We are helping people develop a vibrant relationship with God through faith in Jesus Christ.
- ♦ We are committed to teaching God's Word in a sensitive and relevant manner so people may understand and apply the principles they have heard.
- ♦ We encourage people to become participating members by being active in the church and by developing caring and supportive relationships inside and outside the church.
- ♦ We exist to offer people the opportunity to worship and pray together.
- ♦ Our passion is to reach Hayward and the surrounding Bay Area with the redeeming love and restorative power of God. To bring as many people as possible to a saving knowledge of Jesus Christ.

II. Description of Heart of the Bay Christian Center Church Activities

A. General Description

Today, more and more people are realizing the importance of belonging to a church family. They're discovering the support and strength for living that comes from being connected with people who care about them. It is our desire to be such a place. A place where people can relate, grow and build relationships that last a lifetime. We provide a variety of ministries, each designed to provide an atmosphere of good fellowship. Participation helps build healthy and strong relationships, while encouraging each person in their personal walk with God.

B. Schedule of Weekly Services and Activities

			<u>Average Attendance</u>
<u>Sunday:</u>			
	9:00 a.m.	Second Wind	20
	10:30 a.m.	Sunday Morning Service	647
		Preschool	53
		Children's Ministry (C.I.A.)	85
		Ground Zero (Jr. High)	26

Sunday, continued:

7:00 p.m.	Sunday Evening Service	338
	Preschool	18
	Children's Ministry (C.I.A.)	41
	Oneighty Discipleship Class (youth)	26

Tuesday:

7:00 p.m.	Church Prayer	5
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Wednesday:

10:00 a.m.	Women's Prayer	15
6:00 p.m.	Oneighty (Jr. & Sr. High School)	68
7:30 p.m.	Mid-week Service	286
	Preschool	13
	Children's Ministry (C.I.A.)	27

Thursday:

12:00 p.m.	Noon Prayer	10
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Friday:

7:00 p.m.	Graceland (bi-monthly)	48
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Saturday:

7:00 p.m.	Singles Alive (bi-monthly)	20
	Coupled 2gether (monthly – off site)	30

(Unless otherwise indicated, all church activities are held on site.)

C. During each church service, we have classrooms for all children, babies through High School age.

1. Preschool Ministry (new born to Kindergarten)
 - Discoverers (new born to 18 months of age)
 - Playful, Prayerful Pandas (18 months to 2½ years of age)
 - Noah's Listeners (2½ to 4 years of age)
 - Kingdom Seekers (4 years of age to Kindergarten)
2. Children's Ministry (1st – 6th Grade)
3. Youth Ministry (Jr. and Sr. High youth)

D. In addition to our weekly church services, we have classes and meetings scheduled on a regular basis throughout the month.

- ♦ Graceland (College & Career, ages 18-30)
- ♦ Singles Alive (Single Adults, ages 30-49)
- ♦ Coupled 2gether (Married Couples)
- ♦ Second Wind (Seniors)
- ♦ Men's & Women's Groups

E. Heart of the Bay Training Center: a one-year lay Bible school presented primarily through video with occasional live speakers. This video presentation allows us to offer many of the premier Bible instructors available to the Body of Christ. The class meets weekly on Tuesday and Thursday evenings, with a repeat class on Saturdays.

F. Other Church Meetings and Activities

Weekly / Monthly (See schedule of Weekly Services and Activities under part C above.):

- ♦ Prayer Class
- ♦ Various Team Training Meetings
- ♦ Team Leaders Meetings
- ♦ Team Fellowships & Activities

Quarterly (or three times a year):

- ◆ Membership & Ministry of Helps Classes
- ◆ Baby Dedication Service
- ◆ Women's Meetings
- ◆ Water Baptism Services (off site)
- ◆ Men's Meetings

Annual Events and Activities:

- ◆ All Church Picnic (off site)
- ◆ Church Anniversary Celebration
- ◆ National Day of Prayer
- ◆ Dessert Fellowships
- ◆ Christmas Dessert Fellowship
- ◆ Team Leaders Christmas Banquet (off site)
- ◆ Annual A's Game Night (off site)
- ◆ Pastors' Anniversary Celebration
- ◆ Kid's Day Camp
- ◆ Hallelujah Night (Halloween)
- ◆ Christmas Musical Program
- ◆ New Year's Eve Service

Other Periodic Events:

- ◆ Bible Classes
- ◆ Evangelism Outreach/Meetings
- ◆ Children's Ministry Training

Other Facility Usages:

- ◆ Weddings
- ◆ Funerals

G. Church Administration

1. Church Staff: The Church Staff consists of 9 Pastoral Staff and 8 Office Staff.
2. Church Office Hours:
 - Monday: Office Closed (Partial staff on site)
 - Tuesday – Thursday: 9:00 a.m. to 4:00 p.m.
 - Friday: 9:00 a.m. to 3:00 p.m.
 - (Office Staff hours range from 7:30 a.m. to 7:00 p.m., resulting in enhanced security. The facility will no longer be underutilized.)
3. General Description of On-Site Activity
 - Plan and manage church activities and events
 - Give pastoral guidance to members
 - Meetings with leaders and members

III FINANCIAL IMPACT

Attendees of Heart of the Bay Christian Center contribute significantly to the economy of the City of Hayward. They not only come to attend services and events at the church, but they also spend their dollars eating in local restaurants, shopping at the mall and purchasing gasoline. A survey of 425 attendees revealed that 289 of those surveyed live outside the City of Hayward and spend on average an aggregate of \$16,959 a week in the city.

Although the survey reflects a small sample of those who attend our church, the following statistics show that a greater portion of the monies spent in Hayward are by those attendees who live in the East Bay, followed by those who live in the West Bay, then the North Bay and the South Bay.

	<u># of Surveys</u>	<u>\$ Spent Weekly</u>	<u>Average \$ Spent Weekly Per Person</u>
East Bay	363	\$32,558.00	\$89.69
West Bay	27	\$1,224.00	\$45.33
North Bay	30	\$1,060.00	\$35.33
South Bay	5	\$142.00	\$28.40

In addition to what church members bring into Hayward, we do business with the following local vendors:

- ◆ Abacus Chinese Restaurant
- ◆ Albertsons
- ◆ Circuit City Stores
- ◆ Hayward Airport Executive Inn
- ◆ Hayward Blue Print and Supplies
- ◆ Home Depot
- ◆ Orkin Exterminating
- ◆ Rescue Rooter
- ◆ Serpico Landscaping
- ◆ The Good Guys
- ◆ Torpedo's Catering
- ◆ Vargas Hi Performance
- ◆ Alameda Electrical
- ◆ Caesar's Chicken
- ◆ Costco
- ◆ Foothill Locksmith
- ◆ Hayward Rubber Stamp
- ◆ Office Max (new)
- ◆ Pepsi-Cola Company
- ◆ Safeway
- ◆ Stanley Steamer
- ◆ Tietema Florist
- ◆ Unical 76
- ◆ World's Fare Donuts

IV. Description of Search for Other Locations

Since the inception of our church in 1982, we have known the importance of owning our own facility. Our search for a permanent home has spanned over the 20-year existence of our church.

From 1982 through 1984 the church sub-leased a facility in San Leandro. In 1984, we moved our church to Marina High School on Wicks Boulevard. We leased approximately 20,000 to 22,000 square feet of this facility from the San Lorenzo School District from 1984 to 1990. Marina High School was then sold to a developer and homes were built on that 40-acre parcel.

The loss of the Marina property only heightened our search for a permanent home. As we began looking up and down the 880 corridor from Oakland to Union City, we realized more than ever the problems facing a church of our size. We discovered churches were often not allowed in industrial areas without requiring stringent zoning changes or conditional use permits.

Most allotted parcels for churches were very small in size and located in neighborhoods which could not accommodate a congregation of our size and would present parking and traffic issues. In addition to being unable to find a parcel of land to build on, we have also been unable to find an existing church property for sale that would be adequate for our congregation.

Upon the loss of the Marina property, we found ourselves in a dilemma as to where to house our church. We ended up in another leased facility, Sunset Elementary School, located at 20450 Royal Avenue in Hayward, where we leased 40,454 square feet. This has been our current facility since 1990.

In 1997, we were once again reminded of the importance of owning our own property when the School District took back 25,208 square feet to open a continuation high school. The School District has the right to terminate our lease agreement upon two years written notice, leaving the church in a precarious position.

Since we have already experienced the loss of one leased facility, Marina High School, and the loss of needed space at our current location, we were left wondering where we would go should this occur again.

Because of the size and mission of the church, and its congregation and staff, this uncertainty of the future produces a substantial burden. We believe that churches such as ours, which are a valuable asset to the community, should have an opportunity to own property that will facilitate their vision.

V. Description of Desirability of UA Location

In all the years of searching for a permanent location for our church, we finally found a property that is ideally suited to meet our needs and meets all of our necessary criteria:

- ◆ Great church location
- ◆ Visibility
- ◆ Adequate parking
- ◆ Existing building, which would more than accommodate the size of our congregation
- ◆ Financial feasibility for our church
- ◆ Positive impact on neighbors
- ◆ Access to shopping and restaurants before and after activities
- ◆ No adverse environmental impact

As a church, we have a definite purpose and call to minister to the needs of people in Hayward and the Bay Area. Heart of the Bay Christian Center is a contemporary Christian Church comprised of people from various parts of the Bay Area with diverse backgrounds.

Our uplifting worship, relevant messages from the Word of God, exciting youth ministry, and fun-filled children's services, as well as other specialized groups, make Heart of the Bay Christian Center an appealing church for families in Hayward, as well as from other cities in the Bay Area.

This location is easily accessible to major freeways, which is a definite plus for all those desiring to attend our church. In addition, it is a highly visible and safe location for those currently attending and those we desire to reach with the message of God's love. *"For God so loved the world that He gave His only begotten Son, that whoever believes in Him should not perish but have everlasting life."* (John 3:16)

The property has sufficient size to accommodate both the present and projected future church needs. The existing building is more than adequate for the current size of our congregation and for future growth. The existing parking lot currently has 400 plus stalls which is very appealing to us. Our current location only has a total of 300 stalls, so the additional stalls will also meet our needs and facilitate future growth.

With the current price of land in the East Bay, this five acre parcel is affordable and an excellent deal for our church.

After much prayer and discussion with our board, church leaders and congregation, there is a strong consensus among our membership that this property is to be the permanent home of Heart of the Bay Christian Center.

VI. Current UA Use Characteristics

A recent analysis of the use of the United Artists Theatre has produced the following information. (These figures represent a per day average.)

Average number of Shows	Average Number of Showings	Average Number of Cars
5	25	55

CALAROGA AVENUE

Commercial
5.40 Ac.±

Commercial

Korean Baptist Church

Commercial
1.02 Ac.±

Plot N

Proposed Heart of the Bay Christian Center

San Leandro Hayward Elks Lodge

Commercial
0.54 Ac.±

HESPERIAN BOULEVARD

LA PLAYA DRIVE

TURNER COURT

COMMERCIAL/NONCOMMERCIAL USE
(Along the block of Hesperian Blvd. and La Playa Drive)



Noncommercial Use

ATTACHMENT D

Sent: Tuesday, May 07, 2002 5:09 PM
To: Carl Emura
Subject: PL-2002-0262 AUP

Thank you for responding to my request for information re above subject application. I still don't feel comfortable having a religious facility at that location. I am assuming that churches and/or religious facilities are allowable uses in this designated zone. But don't we have enough churches nearby? Also, there is a residential area located directly behind the theatre. Would the homes abutting the theatre/Elks Lodge properties be impacted in any way, such as noise? My other concerns are the possibility of more traffic congestion on Hesperian, especially when there are automobile accidents that tie up I-880. If the application is administratively approved, I would appreciate receiving a copy of the conditions of approval to share with my neighbors in case we decide to appeal the decision to the Planning Commission. I plan to be in touch with the Southgate Area Homeowners Assoc., Eden Garden Parkwest Homeowners and Southgate Neighborhood Task Force for their opinions as well.

Pauline Craft, Pres.
Westwood Manor Homeowners Assn.

Carl Emura

From: Roy [ninerroy@attbi.com]
Sent: Friday, May 10, 2002 11:34 AM
To: Carl Emura
Subject: United Artists Building

Dear Mr. Emura,

This is a follow-up to the phone conversation that we had yesterday regarding the proposed development of the Heart of the Bay Christian Center Church. Initially my wife and I were against having a church being built on property that has been commercially zoned for many years. We realize that once the zoning is changed from commercial, we have basically lost that designation forever. The Southgate Neighborhood has lost several commercial areas over the years and we hate to lose anymore. Several locations come to mind including: the old Southgate Shopping center which is now Bridgeporte Condominiums, and the Mc Donalds at Kay Ave. and Calaroga Ave. which is now a Romanian Church. Both of those were improvements to the neighborhood because of the blighted conditions caused by demise of the commercial ventures that had previously occupied the sites.

If we could be assured that another commercial developer would redevelop the United Artists site into a viable commercial enterprise, that would be compatible with the surrounding neighborhood, we would be ecstatic. However, all we have to do is to look at the available commercial sites that have been left vacant in the Southgate Area. The radio shack building on Hesperian Blvd. has been vacant for approximately two years. The old Service Merchandise building at Southland has been vacant, other than at Halloween, for more than ten years. The Clothes Time building and another in the same strip have been left vacant. The old Southland Cinema was the first of our theatres to close down. The Hesperian House has been closed for several years although it appears to have a new possible tenant.

We don't want anymore fast food restaurants in our area and we are tired of seeing old vacated buildings that attract graffiti and vagrants. United Artists has been a less than desirable neighbor over the years with their poor track record of keeping their property free of litter and landscaped properly. My wife and I, therefore have come to the conclusion that we would like to see the Heart of the Bay Christian Center Church be approved for the United Artists property at 24800 Hesperian Blvd. We have met with the senior Pastor, Mark Thomas and his wife Brenda, whom we feel would be an excellent addition to our community. The Thomas's provided plans for landscaping as well as the internal and external changes to the existing building. They have promised us that they would concentrate on the exterior of the building, the landscaping and the parking area once they receive approval from the city. They would also move some of the administrative staff on site during the construction. This would help provide for needed security of the outside grounds.

Is it better to keep a piece of property zoned commercial and have it vacant and eventually becoming a blight on the neighborhood, or would it be better to have a beautiful church be built that would be properly maintained and become an asset to the neighborhood? We would prefer the church and hope that the city does the same. Thank you for your consideration of our views.

Sincerely,

Roy and Jodie Gordon
1269 Stanhope Ln.
Hayward, CA 94545
783-3508

5/10/2002

RECEIVED

MAY 14 2002

PLANNING DIVISION

To Carl Emura.

It was nice to talk to you at counter with Deann Bogue.

I am talking about the property of the United Artist, Assessor map number
442 - 0038 - 00 - 02.

As being only one person the reason I am against this Church as there be no more
Tax Base please notes that I am not against the Pastor Mark Thomas or the people that
will be coming to this Church.

But this will bring to the streets of Hesperian Blvd and Calarga Ave more traffic.

Also what I what to see in black and white that their be no soup kitchen and not
Be a place people can come get education to learn things fixing car with cars on property
And other things like this to be done on this property.

Also property must be landscape and keep cleans and maintained, the driveways
must be wider, no small Carnival, no small bouquet.

Also no one to sleeps over night, also I did not see the plans of the up stairs if you
Can send me this would very helpful..

Also I can not speak for the Eden Garden Parkwest Homeowners Association, yes I
can bring this up for they information from the under sign.

Al Reynolds.

2547 Erskine Lane.

Hayward, Calif. 94545 - 3025.

Phone Unlisted. 670 - 0985.

Carl Emura

From: Beth Bufton [bbufton@innetix.com]
Sent: Friday, May 03, 2002 6:43 PM
To: Carl Emura
Subject: 24800 Hesperian

You state a request for a "Religious Facility? What kind of a facility? Church, school, day-care? Isn't the traffic on Hesperian bad enough already? Also you are already closing the theater by the airport, if you close this theater THERE WILL BE NO THEATER IN THE CITY OF HAYWARD. I'm certain Union City will appreciate the extra customers for their Union Landing Center.

Beth Bufton
25019 Copa del Oro #103
Hayward CA 94545

May 05, 2002

Carl T. Emura, AICP
Associate Planner, Planning Division
City of Hayward
777 B Street
Hayward California 94541

Re: PL-2002-0262 AUP
United Artists Theater / Heart of the Bay Christian Center
24800 Hesperian Blvd.

Mr. Emura,

There is a limited supply of commercial / retail sites available. Hesperian Blvd. is the center of the commercial activity on the west side of town. It is the location for retailers that do not normally locate within regional shopping malls. Examples of these retailers are, Toys R Us, Circuit City, Albertsons, Rite Aid, along with the latest additions of Office Depot and Walgreens.

This is a large commercial property with a large parking lot, We as a city cannot let a high quality piece of property be converted into a use that provides no property or sales tax Taking away from the rest of the commercial area, Creating a property that will never be anything else but a church. If the applicants can not make it, Paying off a four million dollar loan plus the one to one and a half million dollar cost to remodel for their use, The site will be an eyesore.

From Winton Ave. south to Tennyson, Hesperian east to 880, We now have six churches.

But if there is no way out for us, The following concerns should be included in the conditions of approval.

I want the strongest conditions on landscaping and it's upkeep. (There have been a lot of trouble with the landscaping at the theater) The landscaping needs to be upgraded, recently the landscaping has not been well maintained and much of it is missing or should be replaced. The landscaping at the adjacent Elks Lodge has been well maintained and could be used as an example for a landscape design.

I have attached a copy of a letter from the applicant highlighting the statements that should be included in the conditions of approval.

A signed agreement with the Elks, Allowing them to continue parking in the back lot.

No fence at all be allowed along the street frontages.

The two driveways on Hesperian Blvd. now are too narrow with the heavy flow of traffic now on Hesperian. I suggest that staff look at the design of the driveway used on Winton Ave. between Applebee's and Marie Callender's as an example of what might work.

No Ringing Bells or Outside Loudspeakers.

No parking in neighboring lots such as Chabot College or the former Lyon's restaurant lot.

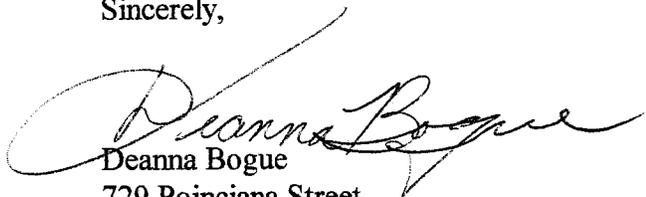
No bright colors on the building.

Lighting restrictions that prevent light from shining into the homes along Pear Street should be continued.

I would also like you to send me a copy of the conditions of approval so I can go over them before the permit is approved.

Thank you for continuing to keep the neighbors informed of projects in our neighborhood. I am always happy to offer suggestions.

Sincerely,

A handwritten signature in cursive script that reads "Deanna Bogue". The signature is written in black ink and is positioned above the typed name and address.

Deanna Bogue
729 Poinciana Street
Hayward, CA 94545
510 - 782 - 2824

Southgate Area Homeowners Association

P.O. Box 4032, Hayward, CA 94540

RECEIVED

MAY 07 2002

PLANNING DIVISION

May 2, 2002

Mr. Carl Emura
Associate Planner
Planning Division
Hayward, CA 94541

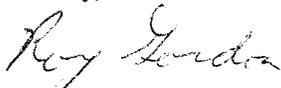
Dear Mr. Emura,

This letter is to follow-up a meeting that was held on May 1, 2002. The Board of Directors of the Southgate Area Homeowners Association met with Mark and Brenda Thomas of the "Heart of the Bay Christian Center Church". We appreciated the fact that Mr. And Mrs. Mark Thomas reached out to work as "good neighbors" instead of just having the planning department notify us of the plans to replace a movie theater with a church.

While we will neither support nor will we appeal any decision made by the planning department on this matter, we wanted to stay involved in the permit process for this development. Prior to the decision of the planning department, we would like to receive a copy of the building plans, site plans and conditions of approval.

Mr. Thomas promised that at the close of escrow, their church would clean-up the parking lot area, and perform the required landscaping and upgrades of the parking lot and exterior of the building. Mr. Thomas also said that they would relocate some of their administrative functions from their present location in Hayward to the new location to improve security at the site.

Sincerely,



Roy Gordon
President
Southgate Area Home owners Association

LETTER FROM HBCC MEMBER (TYPICAL)

RECEIVED

JUL 22 2002

PLANNING DIVISION

July 18, 2002

Carl Emura, Associate Planner
Department of Community and Economic Development
City of Hayward
777 B Street
Hayward, CA 94541

Re: Heart of the Bay Christian Center

Dear Mr. Emura:

I am writing to inform you of my support of Heart of the Bay Christian Center (HBCC) purchasing the United Artist property on Hesperian Blvd. I am also requesting that the City of Hayward grant the necessary Administrative Use Permit for Heart of the Bay Christian Center to use the property for its intended use.

Heart of the Bay Christian Center has served as a family to me. My parents and siblings attended this church from 1990-1995. During that time I was attending California Polytechnic State University in San Luis Obispo and would come home during the weekends and often attended Church. They lived in Milpitas yet commuted every week because they loved the church. My family was very involved in various ministries and their lives where changed.

Heart of the Bay is a *family Church*. After I graduated in 1997, I moved back to the Bay Area. My family had moved to Texas but I knew that my place was here. HBCC became my second family here. I worked in San Jose yet *I commuted three to four days a week* since February 1st, 1998. I could have gone to various local churches in the San Jose/Milpitas area but I knew HBCC was the place I called home. The moment you walk through the HBCC doors you sense the love of God and it shows through the people. The people are nice and friendly. Three years ago I moved to Fremont, worked in San Jose and still commuted and spend most of my time in Hayward. I now both live and work in Hayward (I've been here for almost a year) and of course still attend HBCC.

HBCC has a place for everyone to get involved and make a difference in someone's life. We serve our community with various outreaches. I personally work with the Youth and our new College and Career group. I've served, as an usher, greeter and whatever needs help at the moment. My motivations for doing this are first and foremost my love for God and second my love for my Church.

Our Church is a growing Church. Right now our space is very limited and we actually have to share space with the San Lorenzo School District. There are more ministry outreaches that we would like to do but again our space is limited therefore we are unable to do them for now. This new building will provide the space we need to keep helping and being a blessing to our community.

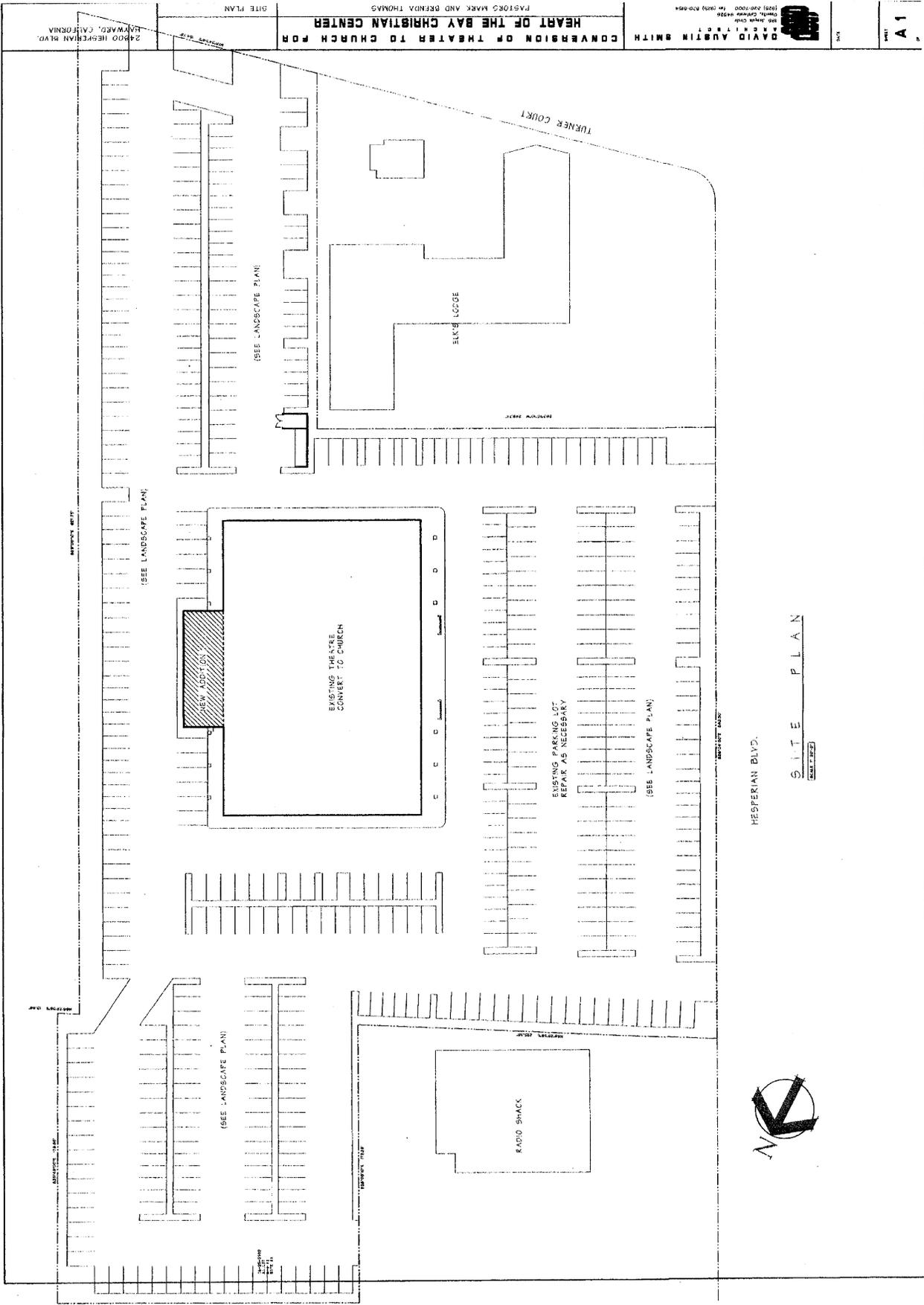
In closing, I am requesting that you approve the proposed plan for Heart of the Bay Christian to move into the United Artist Theater site.

Sincerely,

Maribel Lugo

Maribel Lugo
26655 Gading Road #9
Hayward, CA 94544

ATTACHMENT F



HESPERIAN BLVD.

SITE PLAN



(SEE LANDSCAPE PLAN)

(SEE LANDSCAPE PLAN)

(SEE LANDSCAPE PLAN)

EXISTING PARKING LOT
REPAIR AS NECESSARY

(SEE LANDSCAPE PLAN)

EXISTING THEATRE
CONVERT TO CHURCH

NEW ADDITION

RADIO SHACK

ELK'S LODGE

TURNER COURT

EXISTING LOT

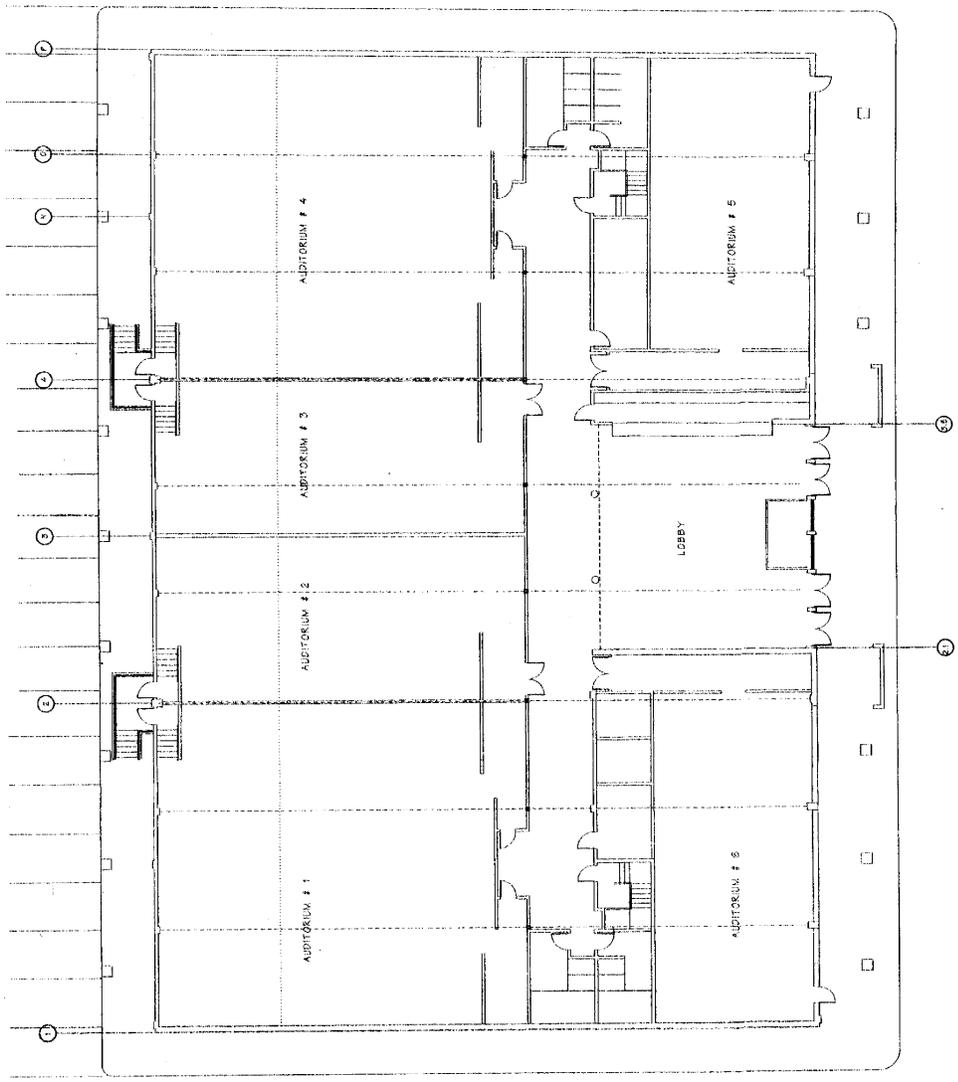
PROPERTY LINE

PROPERTY LINE

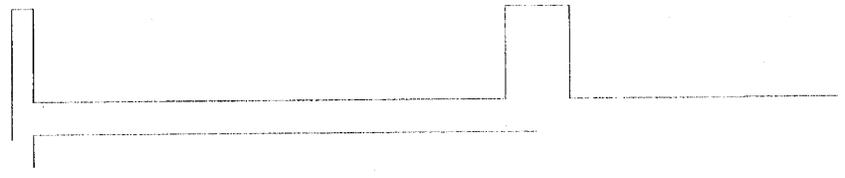
PROPERTY LINE

PROPERTY LINE

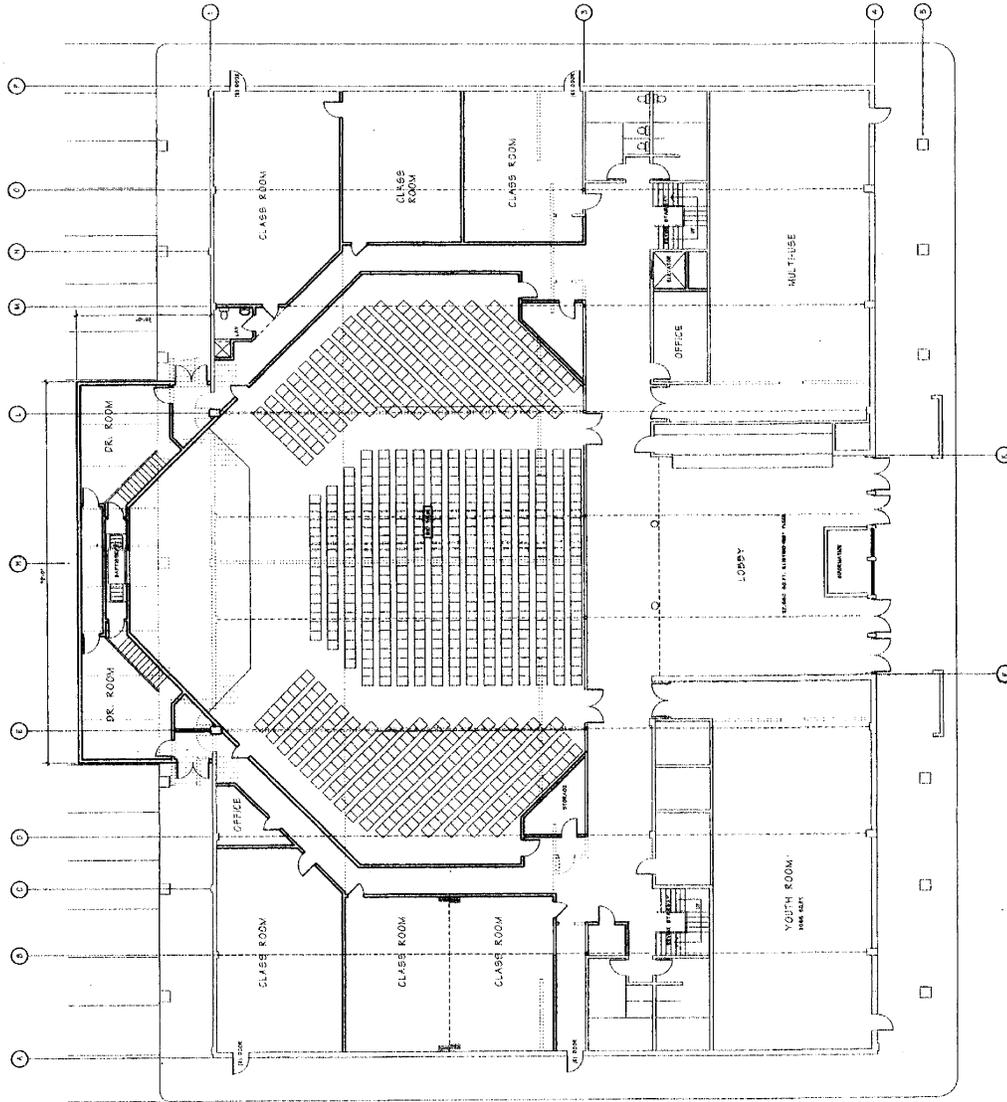
EXISTING LOT



EXISTING FLOOR PLAN
SCALE: 1/8" = 1'-0"

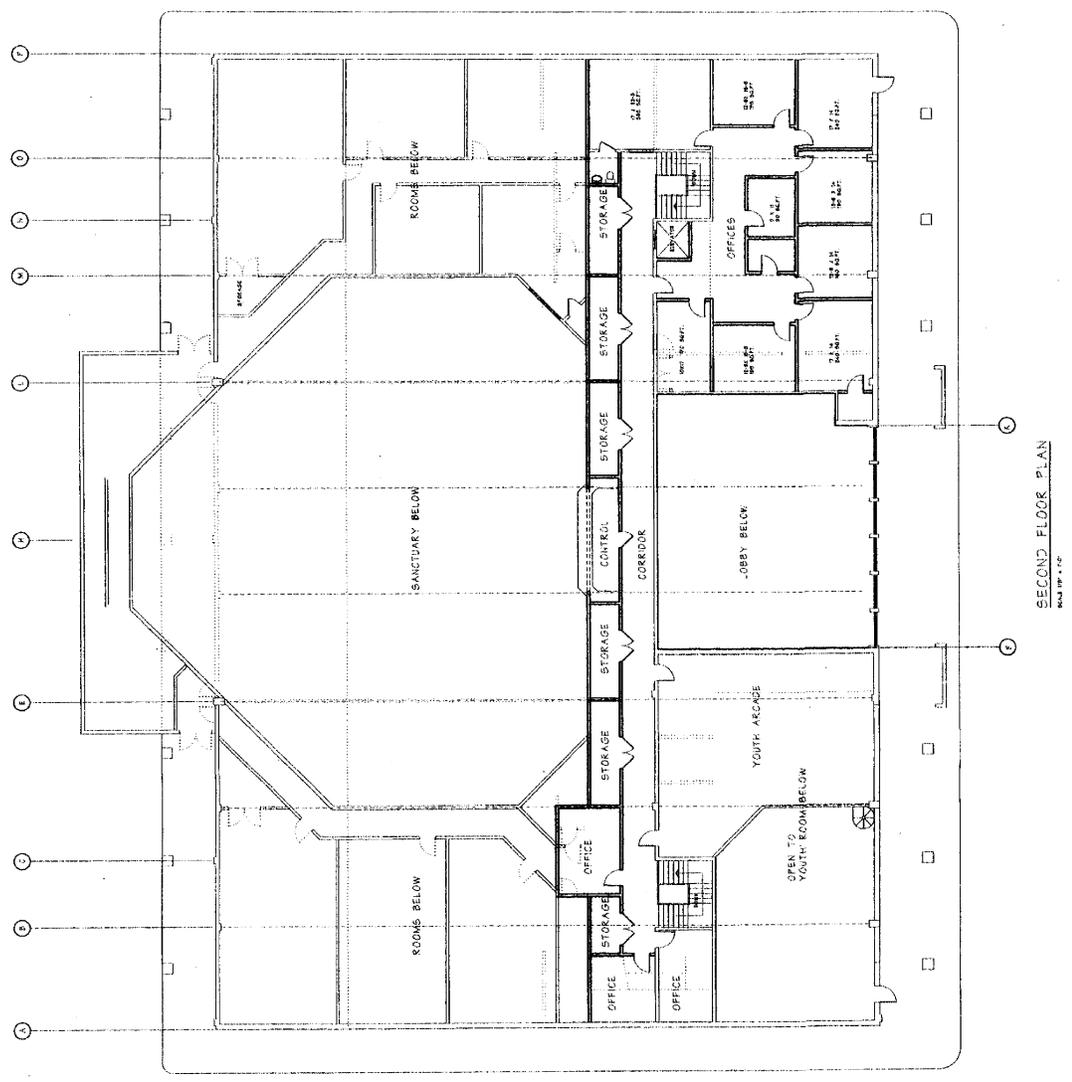


DATE: 12/15/10



FLOOR PLAN
SCALE 1/8" = 1'-0"

DATE: 10/10/00
BY: [Signature]



SECOND FLOOR PLAN
SCALE 1/8" = 1'-0"

DATE: _____
SHEET: _____

DATE

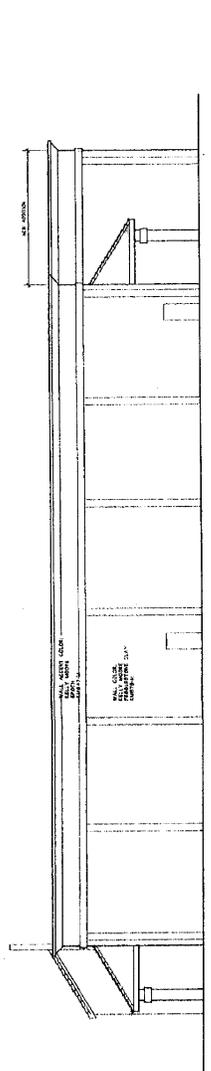


DAVID AUSTIN SMITH
ARCHITECTS
1829 46th Street, Suite 300
San Francisco, CA 94114
(415) 774-1100

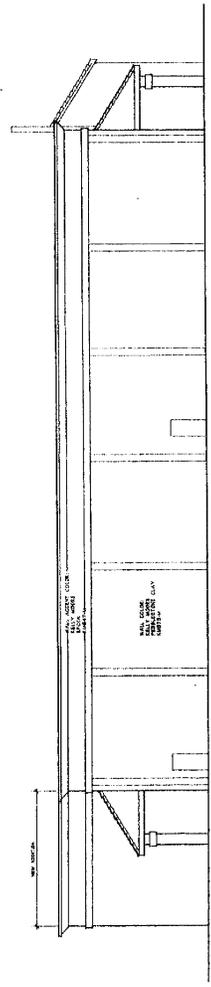
CONVERSION OF THEATER TO CHURCH FOR
HEART OF THE BAY CHRISTIAN CENTER
PASTORS MARK AND RENDA THOMAS

EXTERIOR ELEVATIONS

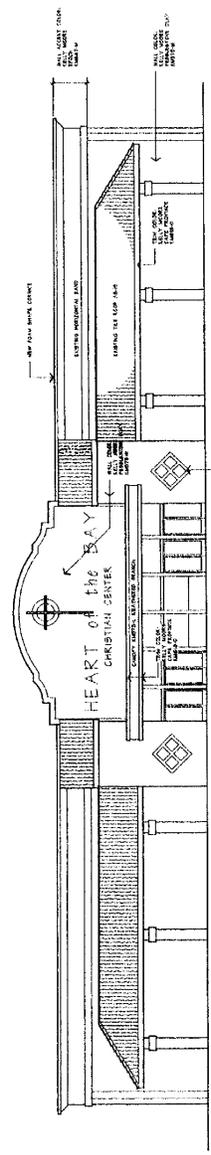
2400 HESPERIAN BLVD.
HAYWARD, CALIFORNIA



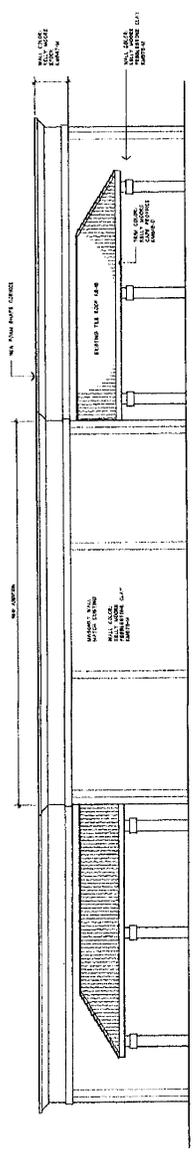
SOUTH SIDE ELEVATION



NORTH SIDE ELEVATION



FRONT ELEVATION



REAR ELEVATION

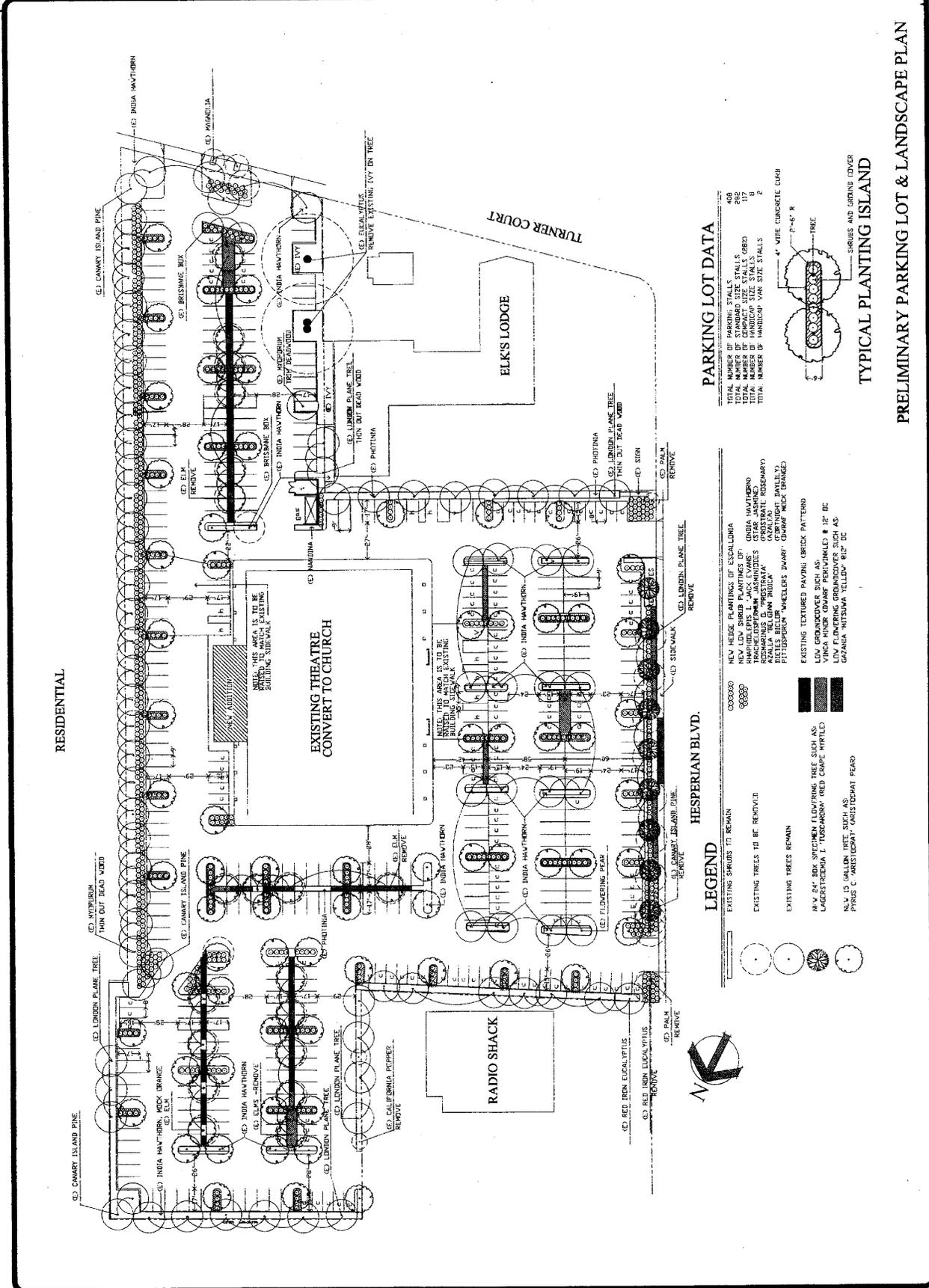
DATE: 10/1/02

REVISIONS BY:	

HEART OF THE BAY CHRISTIAN CENTER
 2400 HESPERIAN BOULEVARD
 HAYWARD, CALIFORNIA

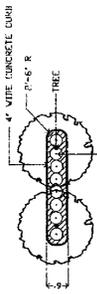
JAMES SWANSON - LANDSCAPE ARCHITECT
 2005 17TH STREET, SUITE 200, HAYWARD, CA 94541
 (415) 885-1111 FAX (415) 885-1112

DRAWN	
CHECKED	
DATE	
SCALE	
SHEET	L-1
TOTAL SHEETS	OF SHEETS



PARKING LOT DATA

TOTAL NUMBER OF PARKING STALLS	408
TOTAL NUMBER OF DRIVE AISLES	117
TOTAL NUMBER OF COMPACT SIZE STALLS	177
TOTAL NUMBER OF STANDARD VAN SIZE STALLS	231
TOTAL NUMBER OF HANDICAP VAN SIZE STALLS	0



TYPICAL PLANTING ISLAND

- LEGEND**
- EXISTING SHRUBS TO REMAIN
 - EXISTING TREES TO BE REMOVED
 - EXISTING TREES REMAIN
 - NEW 24" DIA. SPECIMEN FLOWERING TREE SUCH AS: LAGERSTROMIA L. 'ROSEMARY' (RED CORAL WHITLED)
 - NEW 12" GALLON TREE SUCH AS: PINUS C. 'ARISTOCYAT' (CHRISTMAS PEAR)
 - NEW HEDGE PLANTINGS OF ESCALLONIA
 - NEW SHRUB PLANTINGS OF: HAMAMELIS VIRGINICA (WITCH HAZEL), TRACHELOSPERUM JASMINOIDES (STAR JASMINE), NERANDESA 'SUNSHINE' (SUNSHINE), KALIA 'RED GEM' (RED), KALIA 'SUNSHINE' (SUNSHINE), P. 'SUNSHINE' (SUNSHINE), WAXELERS DWARF (DWARF WAXELERS)
 - EXISTING TEXTURED PAVING BRICK PATTERN
 - NEW GRANULOVOR SUCH AS: VINCA MINOR (DWARF PERIWINKLE) # 12" DC
 - NEW GRANULOVOR SUCH AS: GRAMA (GRAMA) YELLOW # 12" DC

PARKING LOT DATA

TOTAL NUMBER OF PARKING STALLS	408
TOTAL NUMBER OF DRIVE AISLES	117
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TOTAL NUMBER OF STANDARD VAN SIZE STALLS	231
TOTAL NUMBER OF HANDICAP VAN SIZE STALLS	0

PRELIMINARY PARKING LOT & LANDSCAPE PLAN






HEART of the BAY
CHRISTIAN CENTER

