



## PLANNING COMMISSION MEETING MINUTES

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**City Council Chamber**  
200 Old Bernal Avenue, Pleasanton, CA 94566

**APPROVED**

**Wednesday, June 9, 2010**

*(Staff has reviewed the proposed changes against the recorded proceedings and confirms that these Minutes are accurate.)*

### **CALL TO ORDER**

The Planning Commission Regular Meeting of June 9, 2010, was called to order at 7:00 p.m. by Chair Olson.

#### **1. ROLL CALL**

Staff Members Present: Brian Dolan, Director of Community Development; Julie Harryman, Assistant City Attorney; Janice Stern, Planning Manager; Steve Otto, Senior Planner; Natalie Amos, Associate Planner; Rosalind Rondash, Assistant Planner; and Maria L. Hoey, Recording Secretary

Commissioners Present: Chair Arne Olson, Commissioners Phil Blank, Kathy Narum, Greg O'Connor, Jennifer Pearce, and Jerry Pentin

Commissioners Absent: None

#### **2. APPROVAL OF MINUTES**

##### **a. May 26, 2010**

**Commissioner Blank moved to approve the Minutes of May 26, 2010 as submitted.**

**Commissioner Pentin seconded the motion.**

## ROLL CALL VOTE:

**AYES:** Commissioners Blank, O'Connor, Olson, Pearce, and Pentin.  
**NOES:** None.  
**ABSTAIN:** Commissioner Narum.  
**RECUSED:** None.  
**ABSENT:** None.

The Minutes of the May 26, 2009 meeting were approved as submitted.

### 3. MEETING OPEN FOR ANY MEMBER OF THE AUDIENCE TO ADDRESS THE PLANNING COMMISSION ON ANY ITEM WHICH IS NOT ALREADY ON THE AGENDA

There were no speakers.

### 4. REVISIONS AND OMISSIONS TO THE AGENDA

Janice Stern advised that there were no proposed revisions or omissions to the Agenda. She stated, however, that there are a number of audience members for one of the items on the Consent Calendar.

Chair Olson addressed the audience and requested a show of hands for each of the Consent Calendar items. There was no one present for PCUP-268, Michael Gemma, and several for PCUP-269, Muslim Community Center – East Bay.

Commissioner Blank requested that Item 5.b., PCUP-269, be removed from the Consent Calendar and be heard as a public hearing Item as Item 6.a.

### 5. CONSENT CALENDAR

- a. PCUP-268, Michael Gemma  
Application for a Conditional Use Permit to operate a beauty salon in an existing building located at 287 Old Bernal Avenue. Zoning for the property is Office (O), Downtown Revitalization, Core Area Overlay District. (Conditions of Approval)
- b. PCUP-269, Muslim Community Center - East Bay  
Application for a Conditional Use Permit to establish a religious facility within a portion of the existing building located at 5724 West Las Positas Boulevard. Zoning for the property is PUD-I/C-O (Planned Unit Development-Industrial/Commercial/Office) District.

This item was removed from the Consent Calendar and considered under Public Hearings and Other Matters as Item 6.a.

Commissioner Narum moved to make the required conditional use findings as described in the staff report and to approve PCUP-268, subject to the Conditions of Approval listed in Exhibit A of the staff report.

Commissioner Blank seconded the motion.

**ROLL CALL VOTE:**

**AYES:** Commissioners Blank, Narum, Olson, Pearce, and Pentin.

**NOES:** None.

**ABSTAIN:** None.

**RECUSED:** None.

**ABSENT:** None.

Resolution No. PC-2010-15 approving PCUP-268 was entered and adopted as motioned.

**6. PUBLIC HEARINGS AND OTHER MATTERS**

- a. **PCUP-269, Muslim Community Center - East Bay**  
**Application for a Conditional Use Permit to establish a religious facility within a portion of the existing building located at 5724 West Las Positas Boulevard. Zoning for the property is PUD-I/C-O (Planned Unit Development-Industrial/Commercial/Office) District.**

Rosalind Rondash presented the staff report and described the scope, layout, and key elements of the project.

Commissioner Blank stated that he found the language of Condition No. 4 to be somewhat odd in that it appears to imply that the only thing that needed to be consistent with the City's noise ordinance is recorded music during events and activities, as opposed to everything that takes place on the site. He inquired if staff's intent was to make the condition apply only to recorded music or anything associated with the noise ordinance.

Ms. Rondash replied that all activities on the site must conform to the noise ordinance. She added that this condition specifically calls attention to any music playing on site.

Commissioner Blank suggested that the second sentence of the Condition be modified to require all activities, and not only recorded music during events and activities, to comply with the City's noise ordinance.

Commissioner Pentin noted that Condition No. 10 requiring the applicant to obtain business license information and Condition No. 15 requiring the applicant to obtain City permits including a business license appear to be redundant to some degree.

Ms. Stern indicated that one of the conditions could be deleted.

Chair Olson inquired if the current tenants referenced on page 2 of the staff report are in the same building and pay rent to the applicant, and if the applicant has recently closed escrow on the building. He further inquired if the hours of operation of the existing tenants had been reviewed relative to the hours referenced in the application.

Ms. Rondash replied that the other businesses have standard business operating office hours. She added that staff had looked at the activities of the church, including prayer and gathering times; she noted that there appears to be adequate parking for all the tenants. Ms. Rondash noted that prayer activities are quiet with no noise-related issues; however, if noise does become a problem; the City can institute new regulations.

Chair Olson noted that the individual who emailed the Commission regarding the project is named Carole Olson. He indicated that his wife's name is Carol Olson, and the two are not one and the same person.

Chair Olson then inquired what the distance was between the facility and residences.

Ms. Rondash replied that the distance between the building and the nearest corner of the closest building is 283 feet.

Chair Olson commented that the distance to the other buildings was presumably double that number.

Commissioner Narum inquired what the distance was between the facility's previous location and the residences in the area.

Ms. Rondash replied that she believed it was one more building, with Valley Avenue in between. She indicated that she believed it would have been closer than this proposed location.

Commissioner Pentin referred to the narrative in Exhibit B and noted that on page 2 under General Information, the applicant states that the Center will not be staffed at all times. He indicated that this is a community center for this group and expressed concern about the absence of staff. He inquired what emergency procedures were in place and whether the absence of staffing should be addressed given its use.

Ms. Stern replied that this would typically be the responsibility of the tenants and that there may not necessarily be staff people on site at the temple. She suggested confirming with the applicant how this would be handled.

#### **THE PUBLIC HEARING WAS OPENED.**

Zaheer Siddiqui, applicant, stated that he has been a resident of Pleasanton for eight years. He added that he is also a business owner in Pleasanton and a board member

of the Muslim Community Center – East Bay (MCC). He noted that MCC has been in Pleasanton since 2003 and that MCC has rented two facilities on Quarry Lane. He indicated that from its past history, MCC has never had any issues with neighbors or any complaints from residences or businesses around the facility. He noted that from September 2009 to the present, MCC has rented a facility at 1249 Quarry Lane and that there are three other tenants in the building with whom MCC has a very good relationship.

Mr. Siddiqui stated that MCC's goal is to promote civic values and traditions, embrace diversity, promote a productive environment for youth, and offer quiet prayer services five times a day. He indicated that the prayers are attended by only a small number of people due to their work commitments and that their largest gatherings are on Fridays between the hours of 12:00 p.m. and 2:00 p.m. He added that they do not envision any major change when they move into the new facility.

Mr. Siddiqui stated that the MCC community consists of professionals throughout the Tri-Valley area, which is one of the reasons MCC decided to purchase the building. He noted that before signing the purchase agreement, MCC representatives met with the Planning staff and have been working very closely with them since. He added that MCC is open to answering any questions or concerns the City or neighbors may have and is planning to have an Open House after moving into the facility to which neighbors will be invited. He indicated that he has also met with their tenants in the new location, who are very pleased to have MCC in the building as they were not happy with the noise generated by the previous tenant, the Self Defense Institute.

Mr. Siddiqui then asked those in the audience to raise their hands if they were in support of the proposal.

Commissioner Pearce asked Mr. Siddiqui if he was amenable to a condition limiting weddings to 10:00 p.m. on Saturdays.

Mr. Siddiqui replied that he was. He added that he did not expect to have too many weddings.

Gustavo Nystrom, a Dublin resident, indicated that he has been very active in the Catholic Community of Pleasanton and that his specialty is relating to other religions. He stated that he established a significant dialogue between the Jewish and Catholic communities in Pleasanton two years ago and that they drew 175 people for six sessions. He added that he also escorted groups who want to visit religious places, whether Muslim, Jewish, or Hindu, and that he hopes to add visits to Catholic churches as well.

Mr. Nystrom stated that when MCC lost its lease on Quarry Lane, the MCC representatives asked him if they could utilize some space at the Catholic Church. He stated that MCC tried it for one month and several months thereafter, and began using the Catholic Church facility for the main prayer on Fridays at around 1:00 p.m. He then

described the MCC prayer practices and indicated that no problems were encountered, except for one time where kids were making some noise; the adults ensured that it never happened again. He noted that he also got used to attending the MCC prayer sessions every other week and that he feels it is good for him.

Pervez Qureshi, submitted a speaker card but indicated that he had no comments.

Commissioner Blank disclosed that he knows Mr. Paxson personally but has not seen him in a while. The other Commissioners disclosed that they also know Mr. Paxson.

James Paxson, Executive Director, Hacienda Business Park, indicated that Hacienda has also reviewed and approved the application and that he was available to answer questions. He pointed out that he had spent some time with the applicant and was extremely impressed with the level of detail and attention that the group has paid in ensuring they are a good fit. He noted that Hacienda makes sure there is compatibility between all the different uses in the area and were very impressed with all things taken into consideration for the application. He stated that Hacienda welcomes MCC not only as investors in the Park, but also looks forward to having MCC as tenants.

Ingrid Plemmons expressed concern about the noise from cars. She noted that there are currently no sound barriers, and the facility is not far from homes. She indicated that she was under the impression that the City had a noise ordinance that does not allow any noise after 10:00 p.m. and noted that weddings last until midnight. She inquired how close homes were to the current location. She further inquired whom she would call if there is no staff at the facility and problems arise. She also expressed concern about noise from the younger people. She noted that the Business Park hours are from 8:00 a.m. to 5:00 p.m. and expressed concern about after hours activities in the community center.

Referring to the noise issue, Mr. Siddiqui stated that the previous tenant was probably generating a lot more noise than the MCC members would. He indicated that MCC will be utilizing the same speakers they have in the former building and may add a couple of additional small speakers, but the prayer service is basically conducted by one person with no singing or any type of loud group prayer. He added that prayers are held during business hours and that MCC has never had any complaints regarding noise. He welcomed neighboring residents to come and visit the Center and observe prayer in order to get a better idea of the amount of noise generated.

With respect to other activities, Mr. Siddiqui stated that there will always be a person in charge, and as has been done in the past, neighbors will be given contact numbers for at least three persons that neighbors can call for any purpose; however, he does not envision having any issues or problems.

Mr. Siddiqui indicated that the majority of activities are on the weekends and will end before 10:00 p.m. He added that wedding ceremonies normally occur in conjunction with prayer at sunset, which would be between 7:00 p.m. and 8:00 p.m. He noted that

any reception would involve a dinner and some light music; however, these would not be frequent, probably two to three a year. He stated that no alcohol is served, there is no loud music, and parking will be strictly controlled. He added that parking for the evening activities will utilize the lot between the north and the east, which is located away from residences.

Commissioner Blank indicated that Condition No. 5 states that child care, daycare, pre-school, after-school tutoring and some child-related uses are not part of the approval. He noted that there is a fair amount of space set aside for classrooms and inquired what was planned for the classroom space.

Mr. Siddiqui replied that MCC plans to use the space for Sunday school between 10:00 a.m. and 2:00 p.m. on Saturday or Sunday. He indicated that MCC has been renting space at Hart Middle School to conduct classes.

Commissioner Blank inquired if parents of children enrolled in the Sunday school would be on the premises during this time.

Mr. Siddiqui replied that not every parent would be there. He stated that there would be some parents dropping off their children as was previously done at Hart Middle School. He added that the children will always be inside the facility and that teachers and volunteer parents would be present to supervise the children.

#### **THE PUBLIC HEARING WAS CLOSED.**

Commissioner Blank stated that it seems to him that, if people are dropping children off and the parent of the child is not there, one could argue that this is a child care facility. He added that he was not certain this would be considered child care because it is a Sunday school; however, he was trying to clarify whether or not child care, day care, pre-school, after-school, tutoring, and similar activities were not part of this application.

Ms. Stern explained that although children are being dropped-off, many of the parents will be present. She added that as this is a weekend activity, staff has determined that it would not be functioning as child care.

Chair Olson stated that he had alerted staff that one thing he wanted done tonight was to have in the public record what process residents living across the Tassajara Creek would go through if they encountered noise problems.

Ms. Stern replied that if a neighbor were disturbed by an event in the evening hours and it merited a non-emergency call to police, police would respond based on their other priorities. She stated that the first step the officer would take would be to talk to whoever is present on site to inform them that neighbors are being disturbed. She added that if the neighbor specifically requests or if it was a repeat situation, police would go back to the station, get the noise monitor device, take a reading at the property line, and administer a citation if the noise exceeded regulations in the noise

ordinance. She indicated that Planning staff would then be apprised of this, and depending on whether this was a one-time situation or a pattern, staff could either formally or informally meet with the applicants or responsible parties at the Center, impose a probationary period, or bring it back to the Planning Commission for re-consideration of the use permit.

Commissioner O'Connor inquired whether the reading would be taken from the property line or the other side of the creek.

Ms. Stern replied that it would be taken from the property line of the Center.

**Commissioner Blank moved that the Planning Commission make the required conditional use findings as described in the staff report and to approve Case PCUP-269, subject to conditions listed in Exhibit A of the staff report, with the following modifications: (1) Consolidate Conditions No. 10 and No. 15 as appropriate; and (2) Modify Condition No. 4 to indicate that all activities, in addition to recorded music and sound, be required to comply with the City's noise ordinance.**

**Commissioner Pentin seconded the motion.**

**ROLL CALL VOTE:**

**AYES: Commissioners Blank, Narum, Olson, Pearce, and Pentin.**

**NOES: None.**

**ABSTAIN: None.**

**RECUSED: None.**

**ABSENT: None.**

Resolution No. PC-2010-16 approving PCUP-269 was entered and adopted as motioned.

**7. MATTERS INITIATED BY COMMISSION MEMBERS**

Signs at Tommy T's

Commissioner O'Connor advised that he had received three emails regarding a truck parked at Owens Drive with four or five flashing signs for Tommy T's Restaurant.

**8. MATTERS FOR COMMISSION'S REVIEW/ACTION**

**a. Future Planning Calendar**

No discussion was held or action taken.

**b. Actions of the City Council**



No discussion was held or action taken.

**c. Actions of the Zoning Administrator**

No discussion was held or action taken.

**9. COMMUNICATIONS**

No discussion was held or action taken.

**10. REFERRALS**

No discussion was held or action taken.

**11. MATTERS FOR COMMISSION'S INFORMATION**

Commissioner Blank reported that the Heritage Tree Board meeting has been canceled.

**12. ADJOURNMENT**

Chair Olson adjourned the Planning Commission meeting at 7:46 p.m.

Respectfully,

JANICE STERN  
Secretary