

## Planning Commission Staff Report

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June 9, 2010  
Item 5.b.

**SUBJECT:** PCUP-269

**APPLICANTS:** Zaheer Siddiqui and the Muslim Community Center of the East Bay

**PROPERTY OWNER:** Muslim Community Center - East Bay

**PURPOSE:** Application for a Conditional Use Permit to establish a religious facility within a portion of an existing building.

**GENERAL PLAN:** Business Park and Mixed Use

**ZONING:** PUD-I/C-O (Planned Unit Development – Industrial/Commercial-Office) District

**LOCATION:** 5724 West Las Positas Boulevard, Suites 200 and 300 of the Hacienda Business Park

**ATTACHMENTS:**

1. Exhibit “A” – Draft Conditions of Approval
2. Exhibit “B” – Site Plan, Floor Plan, and Applicant’s Statement of Operation, dated “Received May 24, 2010”
3. Exhibit “C” – Hacienda Owners Association Letter of Approval, dated March 9, 2010
4. Exhibit “D” – Location Map
5. Exhibit “E” – Noticing Map

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### I. BACKGROUND

In 2003, the Planning Commission approved the Islamic Center of Pleasanton-Dublin (ICPD) to operate at 1279 Quarry Lane, Suite B. The property was sold and the lease expired. The Islamic Center of Pleasanton-Dublin was merged with the Muslim Community Center (MCC) - East Bay and they were able to secure a new location within the same business park, but within a different building (1249 Quarry Lane). The new location was reviewed and approved on September 9<sup>th</sup>, 2009 (PCUP-253). Recently the applicant, Zaheer Siddiqui of the MCC –

East Bay, purchased a building within the Hacienda Business Park (5724 West Las Positas Blvd.) and wishes to relocate to their new building.

A Conditional Use Permit (CUP) is approved for a specific address and suite. Though the subject use has a previous approval to operate at 1249 Quarry Lane, the change of address requires a new approval to be granted.

MCC – East Bay has been located at the existing 1249 Quarry Lane, Suite 150 site since 2009, and within the community since 2003 with no complaints from the surrounding tenants or neighboring properties.

## II. SITE DESCRIPTION

The subject site is a five (5) acre parcel located on the south side of West Las Positas Blvd., east of the Hacienda Drive and West Las Positas Blvd. intersection, within the Hacienda Business Park (HBP).

Tassajara Creek and Arroyo Mocho border the parcel on the east and south respectively, and professional/ commercial/ industrial service offices are to the north and west. There are residential developments located beyond the arroyo and creek to the east and south. The subject site is in proximity to Hart Middle School (across West Las Positas Blvd to the west).

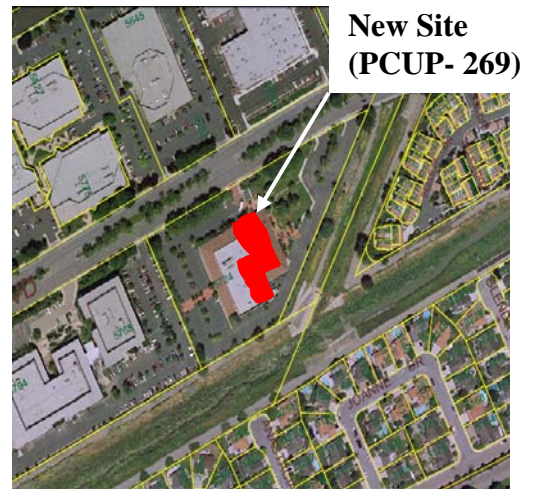


Figure 1.1: Site Layout

The existing single-story building is approximately 41,724 square feet in floor area and contains several tenant suites. MCC – East Bay plans to occupy the eastern portion of the building which is approximately 17,934 square feet (suites 200 and 300) and will lease the remaining space to other businesses. The current tenants are Prudential California Realty, Bank of Commerce Mortgage, and Worldwide Circuit Technology, all of which total approximately 21,173 square feet. The building would still have approximately 2,617 square feet of vacant space available for lease after MCC – East Bay begins operation.

The property contains a parking lot that encompasses the building on all sides. Access is provided by four driveways off West Las Positas Blvd. and there are 321 parking spaces that are available for use by all of the tenants.

### III. PROJECT DESCRIPTION

The MCC – East Bay is a non-profit organization dedicated to providing religious, educational, social, and recreational services to the Tri-Valley area. MCC – East Bay was formed by people within the East Bay area with a shared vision for addressing the needs of the local Muslim community.

The applicant is proposing to provide religious, educational, social, and recreational services, including:

1. Religious activities and prayer gatherings;
2. Social and family activities;
3. Seminars and lectures; and
4. Hobby and activity clubs.

The proposed floor plan (Figure 1.2) illustrates prayer area, offices, and classroom uses.

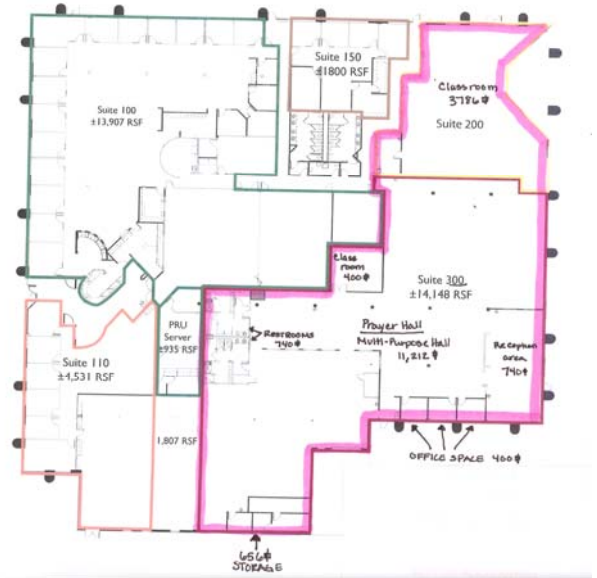


Figure 1.2: Floor Plan

The MCC – East Bay hours of operation for religious and prayer activities are proposed as 5:00am to 10:00pm daily for congregation assembly with other activities at various times and frequency:

- Monday through Sunday, 5:00am to 6:30am, 12:30pm to 2:00pm, 4:00pm to 5:00pm, 5:00pm to 6:30pm, and 7:30pm to 10:00pm (daily religious congregation times);
- 1:00pm to 2:00pm (Friday congregation time);
- The social and family activities would be conducted on the weekends and would occur between the hours of 8:00am to 10:00pm;
- The seminars and lectures (called conferences in the narrative) would be limited to once a month and would occur between the hours of 8:00am to 10:00pm;
- Weddings would be conducted until midnight, birthday celebrations would be conducted until 10:00pm, and the observation of Ramadan would be conducted until 11:00pm. The wedding and birthday events would only occur on Fridays, Saturdays, and Sundays, and the observation of Ramadan is a 30-day event once a year.
- Sunday school would be held on Sundays and/or Saturdays from 10:00am to 2:00pm.

There will be no music during the congregation gatherings and no loud music or alcohol served at any of the activities. The applicant has noted that the use of music is limited to only special events and it is typically soft recorded music (not live or amplified). The applicant has indicated that in the Muslim religion any type of music near a prayer area is discouraged and music while a prayer is being held is prohibited. As such, the applicant has reported that there has been no music at any events held at the current location to date.

With the exception of the extending of the hours of use, the proposed times and activities are generally consistent with those that were reviewed and approved by the 2009 Planning Commission approval for the same use at the 1249 Quarry Lane, Suite 150 location where activities were allowed until 10:00pm.

#### **IV. ANALYSIS**

Conditional uses require individual review to ensure that impacts associated with their use will be regulated and minimal. CUPs may be subject to appropriate conditions to ensure that any potential adverse impacts associated with the use will be mitigated.

##### *General Plan Conformity*

The 2005-2025 General Plan land use designation for this parcel is Business Park and Mixed Use. Staff has reviewed the proposed project to current General Plan for conformity. Staff believes that the proposed use supports the following Land Use (LU) and Public Facilities and Community Programs (PFCP) Goals, Policies, and Programs of the 2005-2025 General Plan:

- LU Goal 2: Achieve and maintain a complete well-rounded community of desirable neighborhoods, a strong employment base, and a variety of community facilities.

Staff believes that the proposed use provides a community facility to serve the Muslim residents within Pleasanton and the neighboring communities.

- LU Policy 13: Ensure that neighborhood, community, and regional commercial centers provide goods and services needed by residents and businesses of Pleasanton and its market area.

Staff believes that the proposed use provides a service to the Muslim residents within Pleasanton and the neighboring communities.

- PFCP Policy 16: Develop programs and partnerships to support a broad spectrum of cultural and arts interests within the community and the Tri-Valley area.

Staff believes the establishment of a facility that supports the culture of the Muslim residents of Pleasanton and the surrounding communities promotes the intent of this Policy.

- PFCP Policy 24: Facilitate the provision of safe, accessible youth activities, facilities, and services.

Staff believes that the hobby and activity club components and family activities proposed as part of this application fosters the constructive guidance of the Muslim youth within Pleasanton and, therefore, this application supports the intent of this Policy.

In addition to supporting and fostering the Goals and Policies of the General Plan, staff also believes that the proposed use will compliment the surrounding uses. A condition of approval is recommended stating that if land use conflicts arise in the future, the CUP may be referred to the Planning Commission for subsequent review and a public hearing.

### *Land Use*

The HBP, where this site is located, is zoned as PUD – I /C-O district. Furthermore, the subject property is in the Research and Development/Light Manufacturing Planning District (IPD) of the HBP. This planning district permits the same permitted and conditionally permitted uses of the City's I-P (Industrial Park) Zoning District. Churches and similar religious meeting facilities in existing structures are conditionally allowed uses in the I-P District. Therefore, a Conditional Use Permit must be granted in order for the applicant to establish the religious facility at the subject location.

One of the primary concerns in reviewing a Conditional Use Permit application is the effect of a proposed use on surrounding uses. The surrounding uses are office, light industrial, open space, residential, and a public school. The majority of the uses in the business park operate during the hours of 7:00am to 7:00pm, Monday through Friday. Religious facilities have become a common use in and around commercial/industrial areas, and they are typically regarded as "good neighbors." Other religious facilities have been operating for years within the business park without any major adverse impacts on their neighbors. Although this facility would operate early in the morning and late at night, the operation of the facility at the previous locations in Pleasanton did not produce any adverse impacts on the surrounding uses. Staff believes there will not be any conflicts with the neighboring uses at this new location because the use would not generate loud music and would operate entirely indoors.

Since the onset of the MCC – East Bay operations, staff is not aware of any violations or complaints made related to their activities at the previous locations. Staff believes the use is compatible with the surrounding uses and will not adversely impact the surrounding businesses or residents.

Staff has received a letter of approval from the Hacienda Business Park Owners Association, attached as Exhibit C.

### *Noise*

The applicant has indicated that the congregations consist of quiet prayer. A public address system would be used by speakers for the seminars and lectures. As noted previously, the applicant has stated that the use of music is limited to only special events and it is typically soft recorded music (not live or amplified), because the Muslim religion discourages any type of music near a prayer area and music (live, amplified, or recorded) while a prayer is being held is prohibited. The applicant has also indicated that no singing, yelling, or other loud noises would occur during the congregation gathering activities and special events would not have any loud music (live or amplified).

Staff believes that noise concerns typically associated with a religious facility would be reduced by the distance, vegetation, and fencing between the subject site and the residential developments (located on the opposite side of Tassajara Creek and Arroyo Mocho to the east and south, respectively). However, given the proximity of the residential uses to this site, staff is concerned with the wedding ceremonies/receptions being conducted until midnight on Sundays, when people tend to go to bed earlier. Staff believes that these activities should be limited to 10:00pm on Sunday nights to avoid any potential for noise impacts on the neighboring residential uses. Therefore, staff has included a condition of approval that would restrict wedding events to conclude by 10:00pm on Sundays.

Additionally, the applicant indicated that they will direct their attendees to park on the north and west sides of the building during certain activities to reduce potential noise impacts associated with vehicle traffic and people entering and exiting their vehicles and the building. Staff has provided a condition of approval for the applicant to encourage the attendees to park on the north and west sides of the building during events that occur early in the morning and late in the evening.

Staff has included a “standard” use permit condition of approval on the project that allows the City to review the project again to add mitigating conditions in the event of any future complaints regarding noise levels. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building, removing the public address system, requiring soundproofing of the tenant space, etc. In addition to the standard condition, staff has also added a condition of approval to prohibit the use of live music and/or amplified and non-amplified instruments (recorded music during events is allowed if played at low levels that are consistent with the City’s noise ordinance) and a condition that requires the applicant to inform the members and public attending the events/gatherings to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area during early morning/late evening hours.

The applicant has indicated that the draft conditions of approval are acceptable. Given the facility’s history at the Quarry Lane sites, staff does not anticipate any noise concerns to arise at the new location.

## Parking

The subject property has 321 parking spaces to serve the entire building as shown below (Figure 1.3).

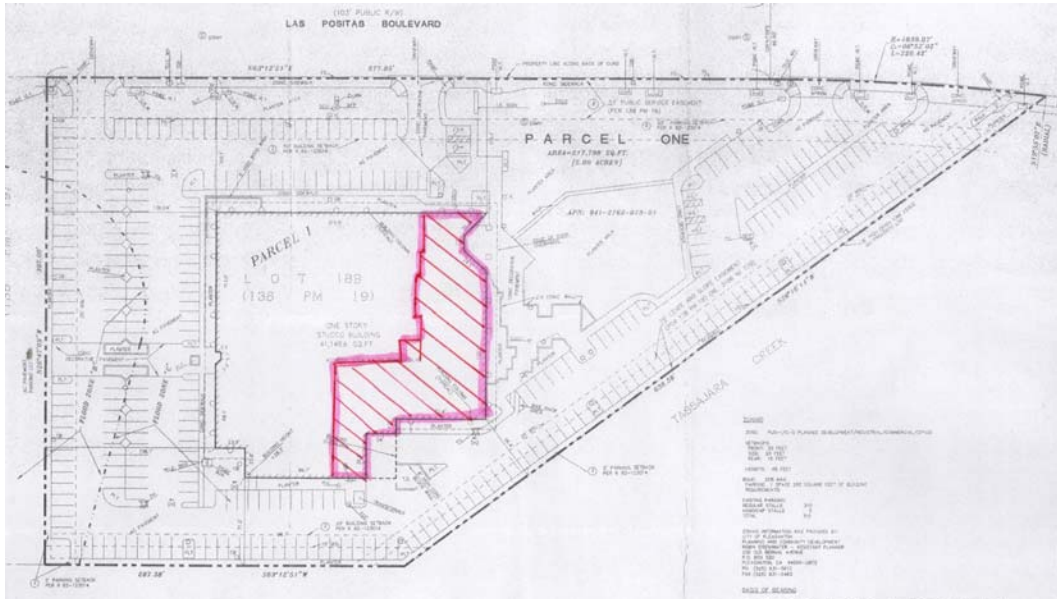


Figure 1.3: Parking lot layout and building placement

Per the Pleasanton Municipal Code, churches, community centers, and other places of public assembly need to provide one (1) parking space for every six (6) fixed seats or one space for each sixty (60) square feet of floor area usable for seating if seats are not fixed in all facilities in which simultaneous use is probable. Since there would be no fixed seating, the one (1) space for each sixty square feet in area, excluding the restrooms and classrooms<sup>1</sup> would apply. Therefore, 217 parking spaces are required by Code for this use ( $13,008/60=217$ ). The remaining tenant space is 23,790 square feet of office space, which is calculated at a ratio of one (1) parking stall per 300 square feet of floor area per the Code. Thus, the office uses would need 79 parking spaces ( $23,790/300=79$ ) available based on Code requirements. Based on the number of existing parking stalls (321) and the total required number of parking spaces needed for the uses of the building (296), staff believes that there would be adequate parking available to serve the proposed use and the other occupants of the building.

The applicant has estimated the peak parking demand to be 200 (Friday congregation) based on the ratio of persons per car currently being observed at the Quarry Lane facility. The peak demand of 200 combined with the 79 parking spaces needed for the office uses is still less than the available 321 on-site spaces. The parking supply is further enhanced by the MCC – East Bay encouragement of its attendees to utilize car pooling and the availability of existing

<sup>1</sup> Classrooms are not counted in the square-footage calculation for parking because they will not be used simultaneously with the congregation gatherings and not during regular business hours. Therefore, the additional space does not increase the parking demand.

bike racks on-site. The use of car pooling and alternative modes of transportation, such as bikes, would further reduce the parking demand for this use.

Additionally, staff conducted parking surveys of the proposed site at various times during standard office hours. Staff observed that, on average, the current tenants utilized approximately 30 parking stalls. Based on staff's observation and the above parking analysis, the parking appears adequate to serve the proposed functions of the MCC – East Bay facility and the other uses in the building. However, should parking problems occur, staff has included a "standard" condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

### *Circulation*

The City Traffic Engineer, along with other staff of the Engineering/Public Works Division, reviewed the proposal and did not see any issues with regard to traffic/circulation as proposed. The streets and parking area are designed to City standards and can serve the proposed activities of this facility and the other uses. Therefore, staff does not believe neither traffic nor circulation is a concern. However, in the event that future traffic or circulation problems occur, staff has added a condition of approval that allows the Planning Commission to reevaluate the subject use permit and add conditions necessary to resolve such problems.

### *Tenant Improvements*

The applicant has indicated that no tenant improvements are needed to accommodate their use at this time and have stated that they will work with the Building and Safety Division to address any improvements needed to meet the occupancy separation and ADA (Americans with Disabilities Act) requirements. If tenant improvements are needed in the future, the applicant will need to submit plans for review and approval by the Building and Safety Division, Fire Department, and Planning Division under a separate permit.

### *Signage*

No signage currently exists for the tenant suite. If the applicant wishes to add signage or reface the existing monument sign, the proposal would be processed through the standard City procedures for approval in Hacienda Business Park.

## **V. FINDINGS**

The Planning Commission must make the following findings prior to granting the use permit:

- A. That the proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purpose of the district in which the site is located.**

Some of the objectives of the zoning ordinance are to: foster a harmonious, convenient,



workable relationship among land uses, protect existing land uses from inharmonious influences and harmful intrusions, and to insure that public and private lands ultimately are used for the purposes which are most appropriate and beneficial to the City as a whole.

The subject site is zoned PUD-I/C-O District, and it is in the Research and Development/Light Manufacturing Planning District (IPD) of Hacienda Business Park which generally has the characteristics of the City's I-P (Industrial Park) District. One purpose of the Industrial Park District is to provide locations for uses that can operate in proximity to commercial and residential uses with minimum mutual adverse impact.

Staff believes that the proposed Muslim Community Center – East Bay use would be consistent with the zoning ordinance objectives and the Industrial Park District purpose in that it would provide religious services to the community and would be conducted so as to not impact or interfere with the surrounding uses. The applicant will also be required to mitigate any future nuisances that may occur as a result of the proposed use.

Staff believes the granting of the use permit is consistent with the objectives of the zoning district in which the site is located. Therefore, staff believes that this finding can be made.

**B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity.**

Religious facilities are a common use within or near residential and commercial/ industrial areas in Pleasanton. The City's past experience with this facility at the previous locations and with other religious facilities throughout the City has shown them to make "good neighbors." Religious facilities generally do not subject the surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. If the recommended conditions of approval are complied with, staff believes the proposed use will not detrimentally impact the surrounding uses.

The proposed use will comply with the applicable Building and Fire Codes. In addition, Police Department staff had no objections to the proposed project. The streets leading to the site are designed per City standards and are signalized to provide safe access into and out of the site. In addition, staff believes the proposed use will have adequate off-street parking to meet the parking demand of the facility.

Staff believes that the project will not be detrimental to the public health, safety, or welfare. Therefore, staff believes that this finding can be made.

**C. That the proposed conditional use will comply with each of the applicable provisions of the zoning ordinance.**

The proposed Conditional Use Permit (PCUP-269) was found to comply with all relevant sections of the zoning ordinance and with the site's PUD zoning regulations. The site's regulations conditionally permit the establishment of religious facilities within existing buildings. Granting a Conditional Use Permit to the applicant would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff believes that the third finding can be made.

**VI. PUBLIC NOTICE**

Notices regarding the application for a Conditional Use Permit and related public hearing were mailed to property owners and tenants within a 1,000-foot radius of the subject property. At the time this report was prepared, staff had received no comments from any of these tenants or residents.

**VII. ENVIRONMENTAL ASSESSMENT**

This project is categorically exempt from environmental review pursuant to California Environmental Quality Act Guidelines, Section 15301, Existing Facilities, and Class 1. Therefore, no environmental document accompanies this report.

**VIII. CONCLUSION**

Staff believes that the proposed use, as conditioned, will be compatible with the surrounding uses and properties. Conditions of approval have been recommended which will ensure that the safety and general welfare of the surrounding area is maintained. Staff believes that the facility will fulfill a community need and that the proposed location is appropriate.

**IX. STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Case No. PCUP-269 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. PCUP-269 subject to the conditions listed in Exhibit "A".

*Staff Planner: Rosalind Rondash, Assistant Planner, 925.931.5607 or email: rrondash@ci.pleasanton.ca.us*

**Exhibit "A"**  
**DRAFT Conditions of Approval**  
**Case PCUP-269**  
**5724 West Las Positas Blvd., Suites 200 and 300**

1. The location and operation of the proposed use shall conform substantially to Exhibit "B", dated "Received, May 24, 2010," on file with the Planning Division, except as modified by the following conditions of approval. Minor changes to the approved operation and schedule may be approved by the Director of Community Development if found to be in substantial conformance with the proposal.
2. The operation of the facility shall be limited to the days, hours and frequencies indicated on the written narrative schedule (Exhibit "B", dated "Received, May 24, 2010"), except wedding ceremonies/receptions shall conclude by 10:00pm on Sundays.
3. If additional hours of operation, number of members attending or vehicles present during the various activities, or activities beyond what is stated in the applicant's written narrative, dated "Received, May 24, 2010," on file in the Planning Division, are desired, prior City review and approval is required. The Director of Community Development may approve the modification or refer the matter to the Planning Commission if judged to be substantial.
4. Alcohol service and live music and/or amplified and non-amplified instruments are prohibited. Recorded music during events and activities is permitted if played at low levels consistent with the City's noise ordinance.
5. Child-care, daycare, preschool, after-school tutoring, and similar child-related uses are not part of this approval.
6. All activities and gatherings shall be conducted within the building and the exterior doors shall remain closed when not being used for ingress/egress purposes.
7. The applicant/operator shall adhere to a "good neighbor" policy, meaning that the applicant/operator must respect the rights of neighboring properties and, to the best of their ability, shall ensure the congregation members' compliance with the City's noise regulations and any applicable conditions of approval for the subject use relating to parking locations, noise, loitering, etc.
8. The applicant/operator shall regularly inform the congregation members and the public attending the events/gatherings during early morning/late night hours not to loiter outside of the building and to be courteous and quiet when entering/leaving the parking area.

9. The applicant/operator shall encourage the congregation members and the public attending the events/gatherings during early morning/late night hours to park on the north and west sides of the building.
10. Prior to occupancy, the applicant/operator shall contact Katherine Rabello, Business License Tax Specialist, at (925) 931-5440, to obtain business license information.
11. This Use Permit approval shall become void one (1) year following the date on which the Use Permit becomes effective unless the site is occupied or the applicant has filed a request for extension with the zoning administrator.
12. The applicant or responsible party shall pay for additional sewer capacity for the subject use as determined by the Director of Operations Services. This fee shall be paid prior to issuance of a building permit and/or prior to operation.
13. Prior to occupancy, the applicant/operator shall contact the Building and Safety Division, Police, Fire, and County Environmental Health Departments to ensure that the proposed use of the tenant space meets applicable requirements. The structure must be made to conform to all applicable occupancy requirements, codes, and ordinances for the proposed use, but no changes to the exterior of the building shall be made without prior approval from the Planning Division.
14. The use shall comply with Chapter 9.04 of the Pleasanton Municipal Code (Noise Regulations).
15. All building and other applicable City permits (including a business license) shall be obtained for the new location prior to construction of any tenant improvements or operation of the facility.
16. No signage is approved as part of this application. Approval by the Planning Division is required prior to installation of any new signs or refacing of the existing monument sign.
17. If operations of this Use Permit results in conflicts pertaining to parking, interior or exterior noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this Conditional Use Permit may be referred to the Planning Commission for its review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts, or may revoke the said permit approval. Possible mitigation measures may include changing the hours of operation or other measures deemed necessary.
18. To the extent permitted by law, the project applicant shall defend (with counsel reasonable acceptable to the City), indemnify and hold harmless the City, its City Council, its officers, boards, commissions, employees and agents from and against any claim (including claims for attorneys fees), action, or proceeding brought by a

third party against the indemnified parties and the applicant to attack, set aside, or void the approval of the project or any permit authorized hereby for the project, including (without limitation) reimbursing the City its attorneys fees and costs incurred in defense of the litigation. The City may, in its sole discretion, elect to defend any such action with attorneys of its choice.

[end]