

RESOLUTION NO. PC-2018-__

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PLEASANTON
APPROVING A CONDITIONAL USE PERMIT APPLICATION AT 3940 VALLEY AVENUE
FOR HARANATH GNANA ON BEHALF OF SRI SAI TEMPLE [P18-0253]

- WHEREAS**, on August 28, 2018, Haranath Gnana, on behalf of Sri Sai Temple, applied for Conditional Use Permit approval to operate a religious facility within an existing building at 3940 Valley Avenue within the Valley Business Park; and
- WHEREAS**, zoning for the property is PUD-I (Planned Unit Development – Industrial) District; and
- WHEREAS**, religious facilities are a conditionally permitted use in the subject District, and require Planning Commission approval of a Conditional Use Permit (CUP); and
- WHEREAS**, the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1, Existing Facilities; and
- WHEREAS**, on November 28, 2018, the Planning Commission held a duly-noticed public hearing and considered relevant exhibits, recommendations of the City staff concerning this application, and received testimony from the applicant and interested parties; and

NOW, THEREFORE BE IT RESOLVED by the Planning Commission of the City of Pleasanton, based on the entire record of proceedings, including the oral and written staff reports and all public comment and testimony:

Section 1: Findings for Conditional Use Permit Approval

With respect to the approval of the Conditional Use Permit (Case P18-0253), the Planning Commission makes the following findings as required by Section 18.124.070 of the Pleasanton Municipal Code:

- 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 ensure 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 building is located in Valley Business Park which 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 close proximity to commercial and residential uses with minimum mutual adverse impact. As conditioned, staff believes the proposed use is consistent with the zoning ordinance objectives and

Industrial Park District purpose because it would provide religious services to the community and would be conducted so as to not impact or interfere with the surrounding uses. The proposed use would be conducted indoors and on a property with adequate circulation and parking to support the use. The applicant would also be required to mitigate any future nuisances that may occur as a result of the proposed use.

- 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 shows that these uses rarely result in land use incompatibilities and are therefore not detrimental to public health, safety, or welfare, or materially injurious to the properties or improvements in the vicinity. Religious facilities generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. Further, if the recommended conditions of approval are implemented, staff believes the proposed use will not detrimentally affect surrounding uses because all streets around the site are designed per City standards to provide safe ingress and egress into and out of the site. In addition, staff believes the proposed use will have adequate off-street parking to meet project demand. Conditions have also been included that would require the applicant to mitigate any future nuisances as a result of the proposed use.

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

The site's PUD-I zoning conditionally permits the establishment of religious facilities within existing buildings. In addition, the proposed use complies with all relevant sections of the zoning ordinance. Granting a CUP to the proposed use would be consistent with the City's ability to regulate zoning as listed in Municipal Code Chapter 18.124.

Section 2:

The Planning Commission hereby approves Case P18-0253, the application of Haranath Gnana, on behalf of Sri Sai Temple, for Conditional Use Permit approval to operate a religious facility within an existing building at 3940 Valley Avenue within the Valley Business Park, subject to the Conditions of Approval shown in Attachment 1, attached hereto and made part of this case by reference.

Section 3:

This resolution shall become effective 15 days after its passage and adoption unless appealed prior to that time by any member of the public or if a City Councilmember wishes to

review the item, pursuant to Pleasanton Municipal Code section 18.144.010, he or she must indicate their desire to review within 15 days following the date of approval, or at the next regular meeting of the City Council, whichever is later. If the majority of the City Council agrees to review the item, a further hearing shall be set pursuant to Pleasanton Municipal Code section 18.12.040 and the Council shall consider the item at that time.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Pleasanton at a regular meeting held on November 28, 2018, by the following vote:

AYES: Commissioners
NOES: Commissioners
ABSTAIN: Commissioners
RECUSED: Commissioners
ABSENT: Commissioners

ATTEST:

Ellen Clark
Secretary, Planning Commission

Greg O'Connor
Vice Chair

APPROVED AS TO FORM:

Julie Harryman
Assistant City Attorney

EXHIBIT A
DRAFT CONDITIONS OF APPROVAL

P18-0253
3940 Valley Avenue
November 28, 2018

The applicant is hereby notified, as part of this approval, that (s)he is required to satisfy and maintain compliance with the conditions of approval below. Where approval by the Director of Community Development, Planning Division, Director of Engineering/City Engineer, City Attorney, Chief Building and Safety Official, Fire Department or other City staff is required, review shall be for compliance with all applicable conditions of approval, adopted policies and guidelines, ordinances, laws and regulations, and accepted practices related to the approval. In addition to complying with the conditions below, the applicant is required to comply with all applicable federal, state, and local laws that pertain to this project whether or not specifically noted herein.

This approval is granted for Conditional Use Permit approval to operate a religious facility within an existing building within the Valley Business Park located on Assessor Parcel No. 946-4547-165-00 at 3940 Valley Avenue. Development shall be substantially as shown on the project materials listed below:

- a. Narrative and Project plans, Exhibit B, prepared by IYER and Associates for Sri Sai Temple, dated "Received" on October 10, 2018, and kept on file in the Planning Division of the Community Development Department.

The project materials listed above are collectively the "Approved Plans."

THIS APPROVAL IS GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. **APPROVAL AND REVISIONS:** The proposed use shall be in substantial conformance with the "Approved Plans," except as modified by the following conditions. Minor changes to the plans may be allowed subject to the approval of the Director of Community Development if found to be in substantial conformance with the approved exhibits.
2. **EXPIRATION – CONDITIONAL USE PERMIT:** This Conditional Use Permit (CUP) approval will lapse and shall become void 1 year following the date on which the CUP became effective, unless prior to the expiration of 1 year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the CUP application; or a certificate of occupancy is issued for the structure which was the subject of the CUP application; or the site is occupied if no building permit or certificate of occupancy is required; or the applicant or his/her successor has filed a request for extension with the Zoning Administrator pursuant to the provisions of the Pleasanton Municipal Code.
3. **APPEAL PERIOD:** The building permit submittal will only be accepted after completion of the appeal period provided in the Municipal Code unless the applicant submits a signed

statement acknowledging the plan check fees may be forfeited in the event the approval is overturned on appeal, or the design is significantly changed as a result of the appeal. In no case will a building permit be issued prior to the expiration of the appeal period.

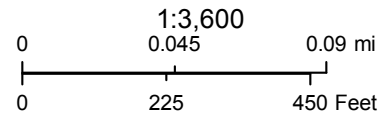
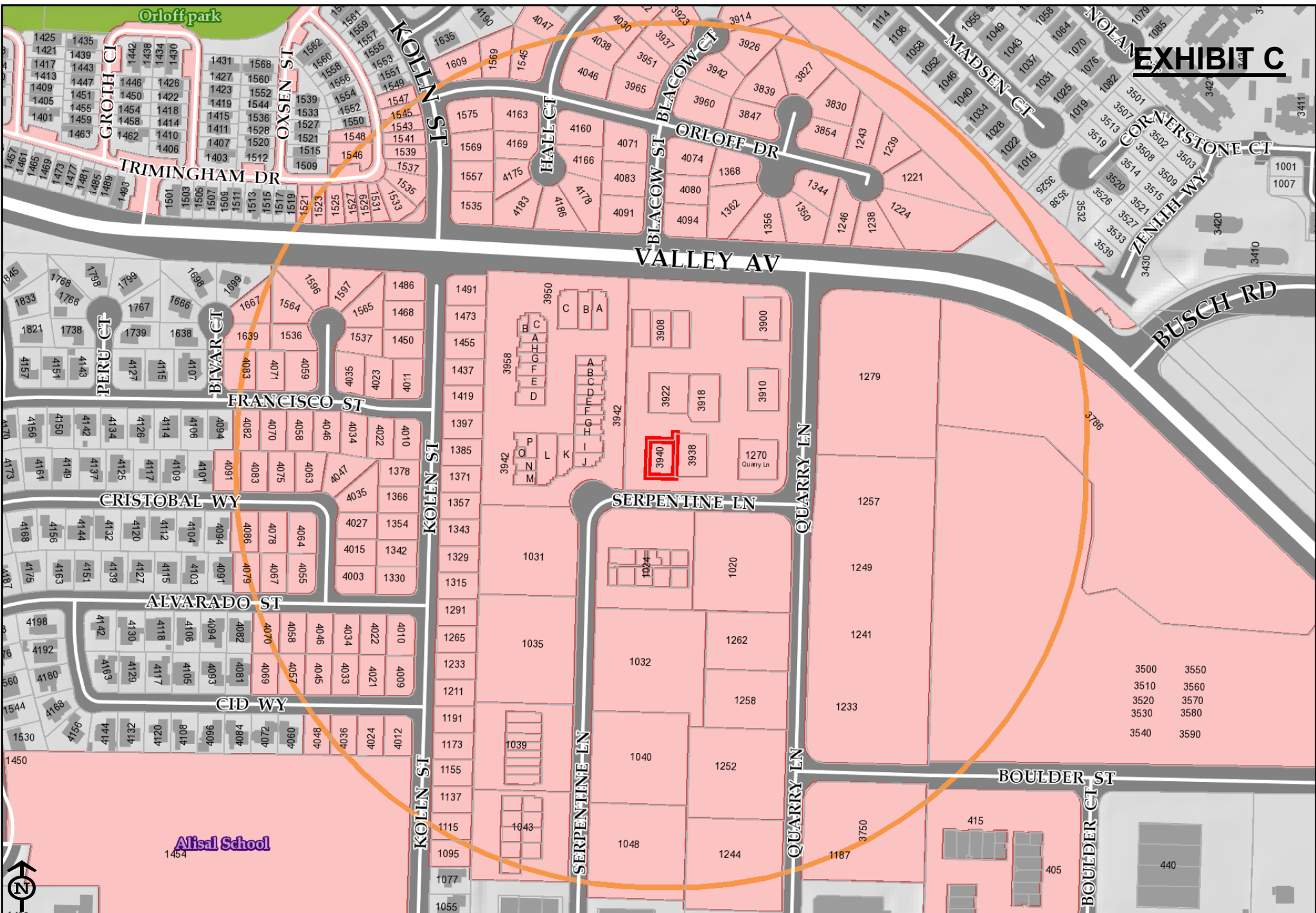
4. **LIABILITY AND INDEMNIFICATION:** To the extent permitted by law, the project applicant shall hold harmless, defend (with counsel acceptable to the City), and indemnify the City, its City Council, its officers, commissions, employee and agents from and against any claim, action, or proceeding brought by a third party against the indemnified parties and/or 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.

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Conditional Use Permits

5. **OUTDOOR ACTIVITIES:** The applicant shall not conduct any outdoor events or activities at any time. **(project specific condition)**
6. **NOISE:** The applicant shall:
 - a. Keep all exterior doors of the tenant space closed when not being used for ingress/egress purposes.
 - b. Inform all congregants/staff to avoid loitering outside of the building and to be courteous and quiet when entering or leaving the parking area. **(project specific condition)**
7. **MAINTENANCE:** The applicant shall maintain the subject property or if applicable, the area surrounding the tenant space, in a clean and orderly manner at all times.
8. **MODIFICATIONS:** If additional hours of operation or activities beyond what is stated in the "Approved Plans" 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.
9. **CONDITIONAL USE PERMIT REVIEW:** If the operation of this use results in conflicts pertaining to parking, noise, traffic/circulation, or other factors, at the discretion of the Director of Community Development, this conditional use permit may be submitted to the Planning Commission for their subsequent review at a public hearing. If necessary, the Planning Commission may modify or add conditions of approval to mitigate such impacts or may revoke said conditional use permit.
10. **OUTDOOR STORAGE:** There is to be no outdoor storage without prior approval by the City.

11. **SIGNAGE:** This approval does not include approval of any signage. If signs are desired, the applicant shall submit a sign proposal to the Planning Division for review and approval prior to sign installation.
12. **EXTERIOR CHANGES:** Changes to the exterior of the building shall not be made without prior approval from the Planning Division.
13. **RELOCATION:** If the applicant wishes to relocate the use to a new address or tenant suite, the applicant shall secure a new conditional use permit prior to occupying the new building or tenant space.
14. **IMPACT FEES:** The applicant shall pay the required sewer fees, traffic impact fees, and all other fees the proposed use may be subject to prior to building permit issuance. The type and amount of the fees shall be those in effect at the time the building permit is issued.
15. **BUILDING PERMIT:** Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval prior to operation. The applicant shall obtain a building permit prior to commencement of any work.



P18-0253, 3940 Valley Ave., Gnaana/Sri Sai Temple