



Planning Commission Staff Report

November 12, 2014
Item 5.a.

SUBJECT:	P14-1143
APPLICANT:	Islamic Center of Zahra (ICZ)
PROPERTY OWNER:	Mohammad Azab (SuperGen, LLC)
PURPOSE:	Application for a Conditional Use Permit to operate a religious facility within an existing building in Valley Business Park.
LOCATION:	1059 Serpentine Lane
GENERAL PLAN:	General and Limited Industrial
ZONING:	PUD-I (Planned Unit Development - Industrial) District
EXHIBITS:	A. Draft Conditions of Approval B. Narrative/Project Plans dated "Received October 30, 2014" C. E-mail from James Drummond Opposed to Project dated November 2, 2014 D. Location and Notification Map

BACKGROUND

Valley Business Park was approved under Ordinance No. 928 by the City Council on March 11, 1980 and modified under Ordinance No. 1123 on February 24, 1984, to conditionally permit churches and similar religious facilities. The Valley Business Park is zoned PUD-I (Planned Unit Development-Industrial) District. The Business Park contains a variety of industrial uses including manufacturing, office and assembly as well as non-manufacturing uses including music schools, tutoring and daycare facilities.

The ICZ is currently leasing a facility and operating at 1249 Quarry Lane in the Valley Business Park. A Conditional Use Permit (CUP) was approved by the Planning Commission on September 11, 2009, to operate a religious facility at this location (PCUP-253). The religious facility offices are open daily, but most of the congregational activities occur Thursday through Sunday.

Due to a growing congregation, the ICZ has entered into escrow to purchase the 9,620 square foot building located at 1059 Serpentine Lane, also within the Valley Business Park. The ICZ is requesting approval of a CUP to operate a religious facility within this building on the subject parcel. The subject site is zoned PUD-I District. As stated above, churches and similar religious facilities are conditionally permitted within the PUD-I District with the approval of a CUP. Accordingly, the CUP for this application is before the Planning Commission for review and action.

SITE AND AREA DESCRIPTION

The subject site is a flat and fully developed 3.87-acre parcel at the southwest corner of Serpentine Lane within the Valley Business Park. There are a total of four buildings constructed on the subject parcel along with landscaping and 172 shared parking spaces. The subject building is 9,620 square feet in total area. The subject parcel and building are accessible from four driveways off Serpentine Lane, including two immediately adjacent to the subject building. Figure 1 shows an aerial photograph of the subject parcel and building, and shows the site in the context of Valley Business Park. Valley Business Park includes a mix of uses such as: professional offices, light manufacturing and industrial uses, religious facilities, private schools, cheerleader training, and other sports and recreational facilities. These uses are located to the north, south and east of the subject parcel and building. A single-family residential development is located to the west of the subject parcel and building. This development is separated from the project site by a 30-foot wide landscaped easement and a 10-foot high concrete block wall.

Figure 1: Aerial Photograph



PROPOSED PROJECT

The ICZ proposes to occupy the approximately 9,620 square-foot building on the subject parcel. The ICZ is a group of approximately 70 families who would like to use the building as a community center with an emphasis on religious activities. The building would be used for congregations, religious seminars and lectures, Sunday School, and family activities (family nights, children’s birthday celebrations, family get-togethers, etc.). The center is expected to grow to 100 families over the next 10 to 15 years.

Table 1 below summarizes the proposed activities, days and times of use, anticipated number of attendees per activity, frequency, and the portion of the building, including square footage, that would be utilized:

Table 1: Proposed Activity and Attendance Table

Activity	Day(s)	Time of Use	# of People	# of Cars (Max.)	Section/ Maximum square feet utilized	Expected Frequency
Prayers and Sermon	Thursday	7pm – 11pm	40 - 60	20	Congregation Hall (partial)/ 1,000	Weekly
Friday Congregation	Friday	12pm–2:30pm (varies based on daylight savings)	25 - 35	25	Congregation Hall (partial)/ 1,000 sq.ft.	Weekly
Sunday School	Sunday	10:30am – 2:30pm	80 - 100	15	Rooms 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23 with total of approx. 1,970 sq.	Weekly
Family Night	Friday or Saturday	7pm – 12am	40 - 60	20	Congregation Hall (partial)/ 1,000	Every 4 to 6 weeks
Breaking of fast in the Islamic month of Ramadhan	Entire month	7pm – 11pm	100 – 125	25 - 30	Congregation Hall/ 1,668 sq.ft.	One month a year
Commemorative events – prayers and sermon	Based on the lunar calendar	7pm – 11pm	100 – 125	25 - 30	Congregation Hall/ 1,668 sq.ft.	32 nights per year

The primary activity would consist of prayer and sermon services weekly on Thursdays from 7:00 p.m. to 11:00 p.m. There would also be a weekly Friday congregation service from 12:00 p.m. to 2:30 p.m. and Sunday School from 10:30 a.m. to 2:30 p.m. Approximately every four to six weeks, a Family Night activity (lectures, seminars, etc.) would be held either on a Friday or Saturday night from 7:00 p.m. to 12:00 a.m. Additional Ramadhan and other commemorative ceremonies/activities are proposed for one month out of the year depending on the lunar calendar and up to 32 other nights per year, respectively, and will be held between 7:00 p.m. and 11:00 p.m. as indicated in Exhibit B.

Attendance for each of these activities is expected to range between 25 to 125 persons at any given time. At no time is attendance expected to surpass 125 persons for any activity. Moreover, the entire subject building is not anticipated to be entirely occupied at any one time.

Interior tenant improvements to the subject building would occur and consist primarily of demolishing existing and/or rebuilding new demising walls and reconfiguring spaces to accommodate the intended activities and needs of the applicant as indicated in Exhibit B. A new building exit door is proposed from the congregation room on the south side of the subject building. No other exterior improvements or new building entrances are proposed.

Please see the attached narrative and project plans (Exhibit B) for additional information on the proposed use.

ANALYSIS

Conditional uses are those uses which, by their nature, require special consideration so that they may be located properly with respect to the objectives of the Municipal Code and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning Commission is empowered to approve, conditionally approve, or deny applications for CUP's.

Land Use

The subject site has a General Plan designation of General and Limited Industrial and is zoned Planned Unit Development – Industrial (PUD-I) District. The current PUD zoning for the Valley Business Park permits uses such as offices, light manufacturing, and printing shops, and requires CUP approval for uses such as religious facilities, Heritage Schools, gymnasiums and health clubs, indoor recreational and sports facilities, and schools/instructional businesses. Therefore, if the CUP were granted, the proposed religious facility would be consistent with the applicable land use regulations.

One of the primary concerns in reviewing a CUP application is the effect of a proposed use on surrounding uses. The buildings surrounding the subject building consist mainly of office and light industrial uses. Given that the other businesses operate during regular business hours (8:00 a.m. to 5:00 p.m.), the proposed use would be compatible with these businesses in that minimal activities would occur during normal business hours and peak use would occur when the other businesses are not open. Religious facilities have become a common use in and around business parks and they are typically regarded as “good neighbors.” The Planning Commission has previously approved the operation of the ICZ at its existing location, as well as other religious facilities such as the Tri-Valley Chinese Bible Church at 1035 Serpentine Lane. Therefore, if the CUP were granted, the proposed ICZ would be consistent with the surrounding uses.

Single-family residences are located approximately 75 feet to the west of the subject building. The residences and the subject building are separated by a parking lot, a 10-foot tall sound wall, and a 30-foot wide landscaped buffer area. The subject parcel is adequately screened from the adjacent residential dwellings. All ICZ activities will occur inside the subject building. To staff's knowledge, there have been no past complaints regarding the church's existing

operations. Given these factors, staff believes that it would be unlikely that the proposed uses would create adverse impacts on the adjacent residences.

Should future problems arise with the ICZ, the City would have the ability to bring the application back to the Planning Commission for mitigation, or possible permit revocation, if necessary. Based on past experience with similar uses, staff feels that such an action would be unlikely. In addition, staff has included conditions of approval that will ensure the ICZ would not generate noise, traffic, or parking shortages such that surrounding uses would be adversely affected. Therefore, from a land use perspective, staff finds the ICZ to be acceptable on the subject property, as conditioned.

Noise

The subject parcel and building are in an industrial area, and a certain amount of noise is expected. For industrial properties, such as the subject parcel, the Pleasanton Municipal Code states, *“No person shall produce or allow to be produced by any machine, animal, device, or combination of the same, on industrial property, a noise level in excess of 75 dBA [A-weighted decibels] at any point outside of the property plane.”*

The Pleasanton Municipal Code also states that a proposed conditional use must be in accordance with the objectives of the Zoning Ordinance. One of those objectives is to *“Promote the stability of existing land uses that conform with the General Plan and to protect them from inharmonious influences and harmful intrusions.”*

All proposed ICZ activities will occur inside the subject building and any noise generated from these activities will be consistent with other activities in the industrial area and should not generate more noise than is typical for an industrial area. Furthermore, the subject building does not contain any operable windows, which will further reduce noise impacts on the surrounding area.

Moreover, the subject building is separated from the adjacent residences to the west by the subject parcel’s parking lot, a 10-foot tall soundwall along the subject site’s rear parking lot, and a 30-foot wide planter strip between the soundwall and the residences’ rear property lines. In 1993, staff conducted a noise analysis for a similar religious facility at 1055 Serpentine Lane, also within the Valley Business Park, that was within close proximity of residential uses. In this analysis, staff determined that the primary noise generator would be vehicles starting their engines and opening and closing their doors. The noise analysis parameters included three vehicles simultaneously starting their engines and then, with engines running, having the same vehicles’ doors opened and closed multiple times. The noise analysis concluded that while the vehicles being started would be faintly audible over the existing ambient noise levels, the net increase in the ambient noise level would be approximately 2 dBA at approximately 55 feet, which was considered negligible. Staff acknowledged this increase would be cumulatively higher during activities that included several vehicles, but would not approach the maximum of the 75 dBA allowed by the Municipal Code. Staff concluded that given the limited hours of operation for the religious facility, and the fact the subject site was separated from residences by a landscaped buffer, which included a 10-foot tall soundwall, the religious use would operate and create noise levels similar to an office use, rather than an industrial use, and therefore, would be compatible with the residential uses.

Similarly, based on the proposed ICZ activities, the previous noise analysis summarized above, and the separation from the adjacent residences described above, staff believes that it is unlikely that the noise generated from the ICZ would impact the nearby residences or adjacent tenants. However, to further minimize any noise impacts, staff is recommending the following conditions of approval:

- The ICZ members must enter and exit the subject building from the entrances at either the north or south sides of the subject building and not the rear of the subject building;
- All doors must remain closed at all times during activities and/or business hours; and
- The ICZ must inform their members to not loiter outside of the building and to be courteous and quiet when entering or leaving the parking area during early morning/late night hours.

With the inclusion of the recommended conditions above, staff has determined it is unlikely that the noise produced by the ICZ will be in excess of 75 dBA at any point outside of the property plane as prescribed by the Municipal Code. Therefore, staff does not believe that the proposed use would be disruptive to existing or future neighboring businesses/tenants or residences to the west.

In summary, the existing ICZ facility has been operating in its current location without any apparent adverse impacts on the surrounding area as no complaints have been reported to the City. Staff has included a standard condition of approval on the project that allows the City to review the project again to add mitigating conditions should any future complaints regarding noise levels occur. Such conditions could include modifying the hours of operation, reducing the number of people allowed in the building and requiring soundproofing of the subject building.

Parking

The subject parcel was originally built with a 172-space parking lot. The parking ratio for the subject parcel is currently one space per 350 square feet of floor area. There are no records of any City-approved parking allocation agreements; therefore, all on-site parking is to be shared amongst all four existing buildings on the subject parcel.

The Municipal Code requires churches to provide one space for each six fixed seats or one space for each 60 square feet of floor area useable for seating in all facilities in which simultaneous use is proposed. The ICZ does not provide fixed seating so parking is analyzed based on square footage of the simultaneous uses.

Table 2 below summarizes the proposed activities, days and times of use, anticipated section of the building/square footage that would be utilized and the required number of parking spaces based on the Municipal Code requirements above:

Table 2: Anticipated Parking Demand

Activity	Day(s)	Time of Use	Section/ Maximum square feet utilized	Required Parking (1space/60 sq. ft.)
Prayers and Sermon	Thursday	7pm – 11pm	Congregation Hall (partial)/ 1,000 sq.ft.	17 spaces
Friday Congregation	Friday	12pm–2:30pm (varies based on daylight savings)	Congregation Hall (partial)/ 1,000 sq.ft.	17 spaces
Sunday School	Sunday	10:30am – 2:30pm	Rooms 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 23 with total of approx. 1,970 sq. ft.	33 spaces
Family Night	Friday or Saturday	7pm – 12am	Congregation Hall (partial)/ 1000 sq.ft.	17 spaces
Breaking of fast in the Islamic month of Ramadhan	One month	7pm – 11pm	Congregation Hall/ 1,668 sq.ft.	28 spaces
Commemorative events – prayers and sermon	32 nights a year	7pm – 11pm	Congregation Hall/ 1,668 sq.ft.	28 spaces

Based on the table above, there are no simultaneous uses proposed within the building. Therefore, the maximum number of parking spaces required by the Code for the ICZ at any one time would range between 17 to 33 stalls. Because the majority of the ICZ uses would be operated after the normal business hours of the other uses that share the existing 172-space parking lot, staff believes there would be adequate parking available on-site for all existing uses and the proposed ICZ.

The ICZ has indicated the Friday Congregation activity would occur between the hours of 12:00 p.m. and 2:30 p.m., which would be concurrent with the normal business hours of adjacent uses. Based on the table above, a total of 17 parking spaces would be required for this activity. Given there are 172 shared parking spaces on the subject parcel, the availability of 17 spaces, despite the other uses, appears reasonable and staff does not anticipate any parking conflicts.

Staff notes that ICZ has also indicated that at any given time, they expect anywhere from 15 to 30 cars on-site, based on their historical attendance numbers for the various activities listed above. These numbers assume an average of four people per vehicle, which in many cases may be higher, and also includes children. Thus, staff considers the numbers derived by this methodology to be highly accurate and further supports staff’s determination that adequate on-site parking is available for the listed activities given the days and times the facility will be in use.

ICZ has indicated that the initial membership is expected to be 70 families, which would result in a maximum of 280 people (assuming four persons per family). ICZ expects to grow to 100 families over the next 10 to 15 years. Using the same ratio of four persons per family, the 100 families would contain about 400 people. Since ICZ has indicated in the written narrative that not all of the families would attend the activities at the same time and has specified the maximum number of people and cars that would attend the various activities, staff is not concerned if the membership grows as long as the number of people attending the various activities does not substantially increase. Should the ICZ wish to increase the number of people attending its activities, it would need to submit a request for review and approval by the Director of Community Development. The Director of Community Development could approve the request or refer it to the Planning Commission if judged to be a substantial increase. At the time of such a request, the City would review the parking at the site to ensure that the increase could be accommodated. Staff would also verify that the ICZ estimates on the number of vehicles attending the various activities were accurate.

Therefore, based on the above parking analysis and recommended conditions of approval, staff believes that the proposed use would not adversely affect parking at the subject site or surrounding properties and that adequate parking exists on-site to accommodate all existing and proposed uses. However, should parking problems occur, staff has recommended a condition of approval that allows the Director of Community Development to refer the use permit back to the Planning Commission for possible mitigation measures.

Signage

No signage is proposed at this time. If ICZ wishes to add signage, the proposed signage would be required to adhere to Valley Business Park sign guidelines and the Municipal Code.

FINDINGS

The Commission needs to make the following findings prior to the granting of a 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 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 feels the proposed ICZ would be consistent with the zoning ordinance objectives and 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 proposed ICZ will be conducted indoors and on a property with

adequate circulation and parking to support the use. The applicant will also be required to mitigate any future nuisances that may occur as a result of the proposed use. Therefore, staff feels 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 shows that these uses generally make "good neighbors." Religious facilities generally do not subject surrounding uses to heavy truck traffic, hazardous odors, or other objectionable influences. If the recommended conditions of approval are met, staff feels the proposed use will not detrimentally impact surrounding uses. 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. Therefore, staff feels this finding can be made.

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 ICZ would be consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124. Therefore, staff feels this finding can be made.

PUBLIC NOTICE

Notices of this application were sent to surrounding property owners and tenants within a 1,000-foot radius of the site. Staff has provided the location and noticing maps as Exhibit D for reference. At the time this report was published, staff received one email from James Drummond stating that the original plan for Valley Business Park was for business, not religious organizations, and that if the City continues to allow tax-exempt organizations in the business park, the current owners and the citizens of Pleasanton will have to absorb the costs of maintaining the streets and safety of the park. The email also states that it is time to get back to allowing business in the park and not non-taxable organizations. This email is attached as Exhibit C.

VALLEY BUSINESS PARK OWNERS ASSOCIATION

The Valley Business Park Owners' Association has reviewed the application for the proposed use and found that it is in substantial compliance with Valley Business Park guidelines set forth in its Covenants, Codes & Restrictions (CC&Rs).

ENVIRONMENTAL ASSESSMENT

This project is categorically exempt (Section 15301, Existing Facilities) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

CONCLUSION

As proposed, staff believes that the ICZ will be compatible with the surrounding businesses and will not detrimentally affect the surrounding uses or residential properties. Conditions of approval have been included which will ensure that the safety and general welfare of the surrounding area, and the City in general, is maintained. Staff believes that the facility will fulfill a community need and that the proposed location is appropriate.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P14-1143 by taking the following actions:

- 1) Make the required CUP findings as listed in the staff report; and
- 2) Approve Case P14-1143, subject to the conditions listed in Exhibit A.

Staff Planner: Eric Luchini, Associate Planner, 925-931-5612 or eluchini@cityofpleasantonca.gov