

Planning Commission Staff Report

September 9, 2009

Item 5.d.

SUBJECT: PCUP-253

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

PROPERTY OWNER: Brian O'Toole, South North Quarry, LLC.

PURPOSE: Application to transfer an existing Conditional Use Permit (PCUP-97) for a religious community center from 1279 Quarry Lane, Suite B to 1249 Quarry Lane, Suite 150 in the Valley Business Park.

GENERAL PLAN: General Limited Industrial

ZONING: Planned Unit Development – Industrial (PUD-I) District

LOCATION: 1249 Quarry Lane, Suite 150

ATTACHMENTS:

1. Exhibit "A" – Draft Conditions of Approval
2. Exhibit "B" – Floor Plan and Applicant's Statement of Operation, dated "Received August 10, 2009"
3. Exhibit "C" – Parking Survey, dated "Received August 10, 2009"
4. Exhibit "D" – PCUP-97, Planning Commission Staff Report, dated November 12, 2003
5. Exhibit "E" – Location Map
6. Exhibit "F" – Noticing Map

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) of the 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 applicant, Zaheer Siddiqui of the MCC of

the East Bay, wishes to transfer the previous Conditional Use Permit (CUP) approval to operate a community center with emphasis on religious activities, from the previous location at 1279 Quarry Lane, Suite B to the new location at 1249 Quarry Lane, Suite 150 (within the an existing building in Valley Business Park).

The entitlements of a CUP are restricted to the address and suite for which it is granted. Though the subject property is located within the same business park (Valley Business Park) as the previous approval and is governed by the same zoning regulations (PUD-Industrial District) where churches and similar religious meeting facilities are conditionally allowed uses, the change of address requires a new approval to be granted. In transferring the existing CUP to the new address, the previous address would no longer have a CUP for a church/community center.

On August 18, 2009, the City issued an approval of a Temporary Conditional Use Permit for the MCC of the East Bay to hold prayer services for the month of Ramadan (August 18, 2009 to September 30, 2009) at the new location (1249 Quarry Lane) while this application was being reviewed and processed. There have been no reports of concern regarding the Temporary Conditional Use Permit approval or event to date.

II. SITE DESCRIPTION

The subject site is an approximately 5 acre parcel with four buildings totaling approximately 77,400 square feet of office space at the north east corner of Boulder Street and Quarry Lane, within the Valley Business Park (VBP). The subject building (1249 Quarry Lane) is an existing, approximately 21,655 square-foot, one-story building.

The subject building is currently occupied by New Source Technologies (Suite 100), InVenx, LLC (Suite 140), Exo Design (Suite 130), and Excalibur Group/Dynamic Med Demo (Suite 147). The remaining suites within 1249 Quarry Lane are currently vacant. The subject suite (Suite 150) is approximately 6,824 square feet in size.

There are three driveways, two on Quarry Lane and one on Boulder Street, which lead to the common parking lot that provides parking for all four buildings on the parcel. There are 258 parking spaces that are available for use by all of the tenants.



Figure 1.1: Building and parking lot layout

Properties adjacent to the site include office/light industrial uses to the north, and west, Industrial use to the east and a school use to the south (Quarry Lane School). There are single-family residences to the north (across Valley Avenue and to the west, beyond the VBP boundaries).

The location of the subject suite faces the western property line of the site, with direct access to parking on all three of the exposed sides.



Figure 1.2 – 3: Photos of the exterior of 1249 Quarry Lane, Suite 150

III. PROJECT DESCRIPTION

The MCC is a non-profit organization dedicated to providing religious, educational, social and recreational services to the Tri-Valley area. MCC was formed by community individuals 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. Seminars and lectures;
2. Religious activities and prayer gatherings;
3. Family activities; and
4. Homework clubs for children.

The proposed floor plan (Figure 1.4) illustrates prayer area and class room uses.

The MCC hours of operation are proposed as 5:00am to 10:00pm everyday. Specific daily activities are described below:

- Monday through Sunday, 5:00pm to 7:00pm (Homework Club for Children;
- Saturday and Sunday, 10:00am to 7:00pm (prayer, meeting, seminars);
- Friday, Saturday, and Sunday, 7:00pm to 10:00pm (family activities);

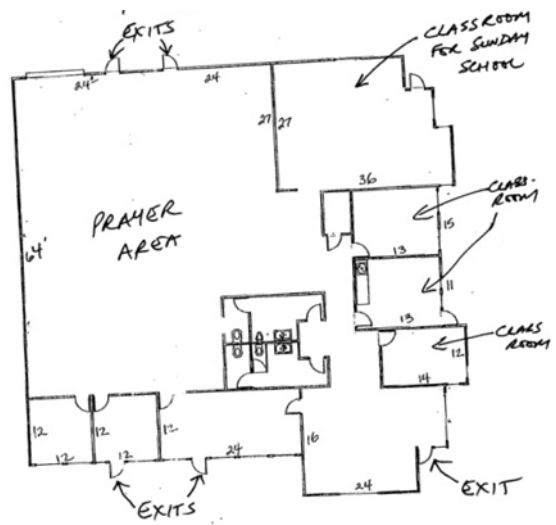


Figure 1.4: Floor Plan

- 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 congregation time); and
- Friday only, 12:00pm to 2:30pm (Friday congregation time).

Family activities, such as children's birthdays and family get-togethers, may occur one or two times per month. As the center grows, there may be up to 150 people attending. There would be no music or alcohol served at these activities.

The proposed times and activities are consistent with those that were reviewed and approved by the 2003 Planning Commission approval for the same use at 1279 Quarry Lane, Suite B location.

IV. ANALYSIS

Conditional uses require individual review to ensure that impacts associated with their use will be 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 General and Limited Industrial. 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 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.

- LU Policy 16: Encourage mixed-use development which encompasses any combination of commercial development, housing units, or community facilities in an integrated development.

Staff believes that the proposed use is locating within an established business park that contains uses that are well integrated and is also within proximity to residential developments that could use the facility.

- 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 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 homework club element 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. The impacts of the proposed use are considered to be less than significant due to the scale and hours of operation of the proposed facility. 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 VBP, where this site is located, is designated as PUD – I zoning district. The proposed use is consistent with the intent of the PUD. The CUP process allows staff and the business park to consider if proposed uses are compatible and to evaluate the effect of a proposed use on the surrounding uses.

The surrounding businesses are office, light and heavy industrial, and one 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 more 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 until late at night, the historical operations of the facility at the previous location did not produce any adverse impacts on the adjacent tenants. Staff believes that since the use would operate entirely indoors, there should not be any conflicts with the neighboring tenants or owners at this new location either.

The Planning Commission heard testimony during the 2003 hearing and determined that the concerns were adequately mitigated for the site. Since the onset of operations, planning is not aware of any violations or complaints made related to their activities at the original site. Staff believes the use is compatible with surrounding uses and will not compromise the businesses adjacent to the site.

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. The applicant has indicated that no music (live or recorded), singing, yelling, or other loud noises would occur during the activities.

The nearest residential properties are located beyond other properties and structures within the business park that would obstruct any noise and parking concerns typically associated with a religious facility. The nearest residential properties, located on Orloff Drive, are over 200 feet to the north (beyond the previous location of the facility at 1279 Quarry Lane). As expressed in 2003 with the location that was closer to those residential properties, the Valley Business Park is separated the residential properties to the north by Valley Avenue, a 20-foot wide landscaped area, and an 8 ½ to 9-foot tall soundwall.

Based on the applicant's description of the activities and the separation of the proposed suite from the adjacent residences, staff believes that it is unlikely that the noise generated from the use would impact the nearby residences or adjacent tenants. However, to further minimize the chances of disturbing the adjacent neighbors, staff has included a condition of approval that requires the applicant to inform the members and public attending the seminars and lectures 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. The applicant has indicated that these conditions are acceptable.

Staff has also 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.

The previous operations of the facility at the neighboring site did not generate any public complaints after being approved in 2003 related to noise or disturbance

Parking

Per the Pleasanton Municipal Code, churches, community centers, and other places of public assembly need to provide one parking space for every six (6) fixed seats or one space for each sixty square feet of floor area. Since there would be no seating, the one space for each sixty square feet in area, excluding the restrooms and lobby areas, would apply. Therefore, 51 parking spaces are required by Code for this use.

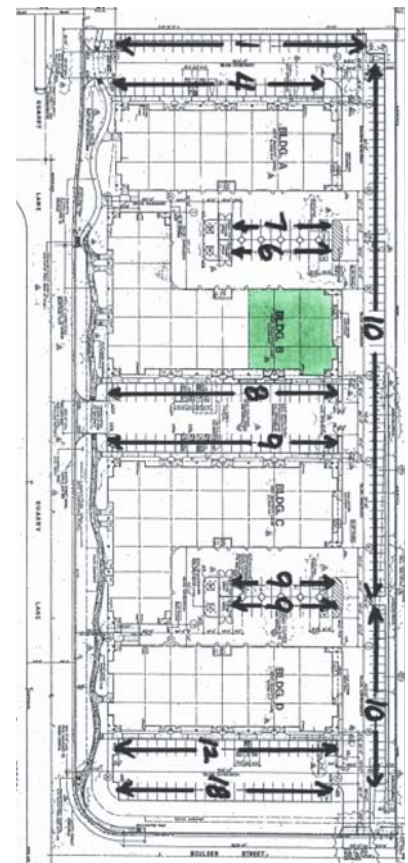


Figure 1.5: Parking Lot Layout

The subject property has 258 parking spaces to service all four buildings. The applicant has secured a lease agreement that provides the facility with 22 assigned spaces and 70 additional spaces. This results in the applicant having access to 92 spaces for the operation of the facility.

Additionally, the applicant has provided a parking survey for its peak usage that occurs during the typical work hours of the other businesses (Friday from 12:00noon to 2:00pm). The survey was prepared by Lee and Associates (Attachment C). As indicated in the survey the parking space availability appears adequate to serve the proposed functions of the MCC facility and the other uses at this time.

Staff believes that there would be adequate parking for the proposed use.

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 ordinances 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 VBP 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 impacts. As conditioned, staff believes that the proposed Muslim Community Center use 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 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 area in Pleasanton. The City's past experience with this facility at the previous location and with other religious facilities throughout the City has shown them to 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 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, the Police Department staff has 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 proposed conditions of approval so would meet all applicable requirements.

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-253) was found to comply with all relevant sections of the zoning ordinance and with the site's PUD-Industrial zoning regulations. The site's regulations conditionally permits the establishment of religious facilities within existing buildings. Staff believes that the proposed use is similar in operations that were previously approved on the neighboring site in 2003. 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 information 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 recommends the Planning Commission approve the proposed Muslim Community Center, which will fulfill a community need.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case No. PCUP-253 by taking the following actions:

1. Make the required conditional use findings as described in the staff report; and,
2. Approve Case No. PCUP-253 subject to the conditions listed in Exhibit "A".

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