THE CITY OF PLEASANTON

Planning Commission Staff Report

August 14, 2013
Item 5.a.

SUBJECT: **P13-2043**

APPLICANT: Sri Sai Temple (Srinivas Meduri).

PROPERTY OWNER: Delta Pleasanton 12-4, LP.

PURPOSE: Application for a Conditional Use Permit to operate a religious facility within a single tenant space.

GENERAL PLAN: Business park (Industrial/Commercial and Office).

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

LOCATION: 6644 Owens Drive.

EXHIBIT:
A. Draft Conditions of Approval, dated August 14, 2013.
B. Narrative, Site Plan, Preliminary Floor Plan, Details of Operation, and the Letters from Pleasanton Park and Reynolds and Brown, dated "Received, June 21, 2013."
C. Location and Notification Area Map.

I. BACKGROUND

The Pleasanton Park is zoned PUD-I/C-O District. On July 6, 2010, the Zoning Administrator approved the modification to the Pleasanton Park PUD development plan to allow churches and similar religious meeting facilities within an existing building with a Conditional Use Permit. The Conditional Use Permit application requires the review by the Planning Commission at a public hearing.

On June 8, 2011, the Planning Commission approved the Conditional Use Permit PCUP-298 (Resolution PC-2011-13) for the Faith Community Worship Center (FCWC) located in the proposed tenant space at 6644 Owens Drive and the adjoining tenant space at 6642 Owens Drive. (FCWC occupied the tenant spaces in late 2011.) The Sri Sai Temple proposes to only occupy an approximately 2,476-square-foot tenant space

located at 6644 Owens Drive in the Pleasanton Park Development. (The proposed floor area excludes the shared restrooms with 6646 Owens Drive and the building's electrical room.) As stated by Reynolds and Brown, owner of Pleasanton Park, in their attached letter dated June 20, 2013, the tenant space at 6642 Owens Drive will be offered for lease as a traditional office space.

II. SITE DESCRIPTION

The Pleasanton Park development was constructed in the early 1980's and provides a variety of office/industrial uses and personal services including private schools, gymnasiums, martial arts, and religious facilities. Figure 1, below, is the 2005 aerial photograph showing the Pleasanton Park office park and surrounding uses.

Figure 1: 2005 Aerial Photograph with 6644 Owens Drive.

As shown in the aerial photograph, the surrounding uses include the Dublin-San Ramon Services District (DSRSD) treatment ponds on its west side and office/industrial buildings on its north, east, and south sides.

The subject property is developed with four, one-story buildings totaling approximately 55,324 square feet of floor area and 190 parking spaces. The proposed temple would

occupy an approximately 2,476-square-foot tenant space in a building with four tenant spaces. The other tenants in this building include Champion Wushu & Arts Center (6640 Owens Drive) and Select Trade Sales and Marketing (6646 Owens Drive).

As shown on the floor plan attached to Exhibit B, the proposed temple would share its restroom facilities with the adjacent tenant space occupied by Select Trade Sales and Marketing (6646 Owens Drive). As conditioned, the temple shall maintain accessibility to the restrooms for 6646 Owens Drive at all times. Access to the site is provided from Owens Drive via a dedicated driveway entrance and driveway entrances shared with the office/industrial developments on the site's north and east sides. Also, an access driveway and parking is provided on the south side of this building, which provides a second access point to the rear entrance of the proposed temple and to the rear entrances of the other tenants in this building.

III. PROPOSED PROJECT

Exhibit B includes the site plan, preliminary floor plan, and the applicant's narrative regarding the operations at the proposed temple. As stated in the narrative, the main purpose of the temple is to, "...provide a peaceful environment for meditation, prayer, and chanting." Table 1, below, describes the temple's proposed hours of operation and attendance. The estimated attendance includes staff and members.

Table 1: Proposed Hours of Operation with Estimated Attendance.

Days of the Week	Time	Activities	Attendance
Monday - Friday	8:00 a.m. to 9:00 a.m.	Prayer	5 to 10 people
Monday - Friday	12:00 noon to 1:00 p.m.	Prayer	5 to 10 people
Monday - Friday	7:00 p.m. to 8:00 p.m.	Prayer	20 to 30 people
Monday - Friday	8:30 p.m. to 9:30 p.m.	Prayer	20 to 30 people
Saturday	8:30 a.m. to 9:30 p.m.	Prayers and Chanting	30 to 45 people
Sunday	8:30 a.m. to 9:30 p.m.	Prayers and Chanting	30 to 45 people

The applicant would use the existing floor plan constructed by the Faith Community Worship Center, which includes lobby, break room, office, storeroom, and an approximately 1,592-square-foot open meeting area. The door between the tenant spaces at 6642 and 6644 Owens Drive was added by the Faith Community Worship Center and is conditioned to be removed by the applicant with the door opening closed with new wall construction. As stated, the proposed temple would continue to share the existing restroom facility with the adjacent tenant space at 6646 Owens Drive.

No changes are proposed for the building's exterior. Exterior signage for the temple would conform to the master sign program for the Pleasanton Park development.

IV. ANALYSIS

Religious facilities are conditionally permitted uses in the Pleasanton Park PUD Development. Conditional uses are uses that, by their nature, require individual review to

ensure that the impacts that may be associated with their use will be regulated and minimal.

Use and Operations
The Pleasanton Park development provides a variety of office/industrial uses and personal services including private schools, gymnasiums, martial arts, and religious facilities. The proposed temple would be located in a space that was previously occupied by a church, with comparable operating hours but with a relatively smaller congregation compared to the Faith Community Worship Center. Staff notes that the temple is used primarily after 7:30 p.m. on weekdays and on weekends when the majority of the buildings in this development are not used. Staff, therefore, considers the proposed temple including its hours-of-operation to be compatible with the existing uses of the Pleasanton Park and with this four-building development. Staff notes the applicant's proposal does not include special events such as weddings, celebrations, etc.

Parking
The site is developed with four buildings totaling approximately 55,324 square feet of building area and 190 parking spaces, which equals a parking ratio of one parking space per 291 square feet of floor area. Based on this parking ratio, the total floor area of the proposed temple would be theoretically allocated eight parking spaces for its 2,476 square feet of floor area. However, there are no assigned parking spaces in this development.

For churches, community centers, and other places of assembly, the Pleasanton Municipal Code (PMC) requires a minimum parking ratio of one parking space for every six seats of fixed seating, or one parking space for every 60 square feet of open floor area usable for seating, in all facilities in which simultaneous use is probable as determined by the Zoning Administrator. The proposed temple will not have fixed seating. Based on the PMC parking requirement, the proposed temple would require 27 parking spaces for its 1,592-square-foot meeting area. Although the proposed temple has a higher parking demand than its theoretical allocation of eight parking spaces, the temple's hours of operation differs from the majority of the other businesses in the Pleasanton Park development in that the temple's greatest parking demand would occur after 5:00 p.m. on weekdays and on the weekends when the other businesses would be closed. Therefore, staff expects there to be sufficient parking for the proposed temple.

City Departments and Divisions
The proposed use has been reviewed by the Planning and Building Divisions of the Department of Community Development and by representatives of the Pleasanton Police Department and the Livermore-Pleasanton Fire Department. The consensus is that the applicant's proposal would not be a problem for this location. However, if problems verified by the City's Code Enforcement staff do arise, the Director of Communi Development can have the application brought back to the Planning Commission for additional conditions to mitigate and/or prevent any nuisances that were identified or revoke the use permit, if necessary.

V. PUBLIC NOTICE

Notices regarding the proposed conditional use permit application and related public hearing were mailed to property owners and businesses within 1,000 feet of the subject property. At the time that the Planning Commission staff report was written, staff had not received any comments. Staff will forward to the Planning Commission any public comment received after publication of the staff report

VI. FINDINGS

The Planning Commission must make the following findings prior to approving the conditional use permit for the operation of the Animal Medical Center of Pleasanton:

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.

The Pleasanton Park is zoned PUD-I/C-O District and has the general characteristics of the City's I-P Industrial Park District, which provides locations for a variety of office/industrial uses and services including private schools, gymnasiums, martial arts, and religious facilities. The proposed temple is compatible with these uses in that it will not generate a substantial amount of traffic; its most active operations would occur outside the operating hours of the neighboring tenants; and it would not result in impacts to circulation, parking, or noise.

Objectives of the zoning ordinance include protecting existing land uses from inharmonious influences and harmful intrusions; foster harmonious, convenient, workable relationships among land uses; and ensure that public and private lands are ultimately used for the purposes which are most appropriate and beneficial to the City as a whole. The applicant's proposal would be consistent with these objectives of the zoning district. The draft conditions of approval give the City the appropriate controls to ensure that the uses do not have any negative impacts on the surrounding businesses and properties. 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.

The proposed temple is not anticipated to generate an adverse noise to surrounding uses, and would not exceed the site's supply of parking when the temple would be most used. Hence, it is not anticipated to generate adverse impacts on any of the surrounding uses due to the existing conditions of approval that will ensure that the safety and general welfare of the surrounding area is maintained. 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 site's PUD zoning conditionally permits the establishment of a religious facility. In staff's opinion, granting the conditional use permit to the applicant to operate the proposed temple at the Pleasanton Park development is consistent with the City's ability to regulate zoning as listed in the Municipal Code Chapter 18.124 "Conditional Uses." Therefore, staff believes that this finding can be made.

VII. CONCLUSION

The proposed temple is an appropriate use for this development. Staff believes that it would not produce any adverse impacts on the adjacent tenants due to noise, parking, traffic, or other objectionable influences. The existing and proposed conditions of approval will ensure that the safety and general welfare of the development and surrounding area is maintained. Staff believes the proposal merits favorable action by the Planning Commission.

VIII. ENVIRONMENTAL ASSESSMENT

Projects of this nature are categorically exempt (Section 15303, New Construction or Conversion of Small Structures, Class 3) from the requirements of the California Environmental Quality Act (CEQA). Therefore, no environmental document accompanies this report.

IX. STAFF RECOMMENDATION

Staff recommends that the Planning Commission approve Case P13-2043 by taking the following actions:

1. Make the conditional use findings as listed in the staff report; and

2. Approve Case P13-2043, subject to the conditions listed in Exhibit A.

Staff Planner: Marion Pavan, Associate Planner, (925) 931-5610, mpavan@cityofpleasantonca.gov

P13-2043
Exhibit A, Draft Conditions of Approval

Sri Sai Temple
6644 Owens Drive
August 14, 2013

SPECIAL CONDITIONS OF APPROVAL
Planning

1. The project developer shall obtain a Building Permit from the Building Department and any other applicable City permits for the project prior to the commencement of any construction.

2. If additional hours of operation or change of activities beyond what is stated in the applicant's written narrative, dated "Received, June 21, 2013," on file with 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.

3. The exterior doors of the establishment shall remain closed at all times when not being used for ingress/egress purposes.

4. If operation of the temple results in conflicts pertaining to parking, interior or exterior noise, traffic circulation, or other factors verified by City enforcement staff, 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.

5. The applicant shall maintain accessibility to the restrooms for the 6646 Owens Drive tenant space at all times.

6. The temple shall remove the existing door opening between 6644 Owens Drive and 6642 Owens Drive and fill in the opening with a wall. This detail shall be shown on the building permit plans to the satisfaction of the Chief Building and Safety Official.

7. This approval does not include approval of any signage. If signs are desired, the project developer shall submit a sign proposal to the City for review and approval prior to sign installation.

STANDARD CONDITIONS OF APPROVAL
Planning

8. The proposed temple shall be constructed and operated in substantial conformance to Exhibit B, dated "Received, June 21, 2013," on file with the

Planning Division, except as modified by the following conditions. Minor changes to the plans and operations may be allowed subject to the approval of the Director of Community Development.

9. To the extent permitted by law, the project applicant shall defend (with counsel reasonably 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, 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.

10. All conditions of approval shall be attached to all permit plan sets submitted for review and approval, whether stapled to the plans or located on a separate plan sheet.

11. The building permit plan check package will be accepted for submittal only after completion of the 15-day appeal period, measured from the date of the approval letter, unless the project developer submits a signed statement acknowledging that the plan check fees may be forfeited in the event that the approval is overturned on appeal, or that 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 15-day time-period.

12. All demolition and construction activities, inspections, plan checking, material delivery, staff assignment or coordination, etc., shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. No construction shall be allowed on State or Federal Holidays or Sundays. The Director of Community Development may allow earlier "start times" or later "stop times" for specific construction activities, e.g., concrete pouring. All construction equipment must meet Department of Motor Vehicles (DMV) noise standards and shall be equipped with muffling devices. Prior to construction, the hours of construction shall be posted on site.

13. At no time shall balloons, banners, pennants, or other attention-getting devices be utilized on the site except as allowed by Section 18.96.060K of the Zoning Ordinance for grand openings. At no time shall spot lighting be used in conjunction with such grand openings.

14. 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 suite.

15. This conditional use permit approval will lapse one year from the effective date of approval unless the applicant receives a business license.

16. The temple shall maintain the area surrounding the tenant space in a clean and orderly manner at all times.

17. Changes to the exterior of the building shall not be made without prior approval from the Planning Division.

CODE REQUIREMENTS
Fire

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)

18. Portable fire extinguisher(s) shall be provided and installed in accordance with the California Fire Code currently in effect and Fire Code Standard #10-1. Minimum approved size for all portable fire extinguishers shall be 2A 10B:C.

19. All buildings undergoing construction, alteration or demolition shall comply with Chapter 14 (California Fire Code currently in effect) pertaining to the use of any hazardous materials, flame- producing devices, asphalt/tar kettles, etc.

CODE REQUIREMENTS
Building

(Applicants/Developers are responsible for complying with all applicable Federal, State and City codes and regulations regardless of whether or not the requirements are part of this list. The following items are provided for the purpose of highlighting key requirements.)

20. Prior to issuance of a business license, the applicant shall contact the Building and Safety Division and the Fire Marshal to ensure that the proposed use of the tenant space meets Building and Fire Code requirements. If required, the applicant shall obtain all appropriate City permits.

21. Any tenant improvement plans shall be submitted to the Building and Safety Division for review and approval.

< End >

EXHIBIT B

Sri Sai Temple Usage

Type of Activity: The main usage of the place is to help provide a peaceful environment for performing meditation, prayers and chanting on a daily basis. The organization is centered on the teachings and philosophy of Shirdi Sai Baba, a great saint from India. Shirdi Sai Baba's main attraction has been his embodiment of dispassion, purity and simplicity.

Working Hours/ Operations

This place will be run by the Sri Sai Temple management team and board members.

- The Sri Sai Temple will be open during the authorized business hours from the Pleasanton City from 8.00 AM to 9.30 PM. These timings will apply for both weekdays and weekends.
- The Table 1, below provides the details related to the prayer timings and the number of expected people attending during such times.

NOTE: The temple is still open during the other times between 8.00 AM till 9.30 PM for cleaning and other Janitorial services with 3 to 5 staff members.

Table 1. Proposed operation of Sri Sai Temple

Day(s) of the Week	Time	Activity	Number of People
Monday –Friday	8.00 AM – 9.00 AM	Prayer	5 - 10 People [members & staff]
Monday –Friday	12.00 PM – 1.00 PM	Prayer	5 - 10 People [members & staff]
Monday – Friday	7.00 PM – 8.00 PM	Prayer	20 - 30 People [members & staff]
Monday – Friday	8.30 PM – 9.30 PM	Prayer	20 - 30 People [members & staff]
Saturday	8.30 AM – 9.30 PM	Prayers & Chanting	30 - 45 People [members & staff]
Sunday	8.30 AM – 9.30 PM	Prayers & Chanting	30 - 45 People [members & staff]

The highlighted portion of the attached floor plan shows 6644 Owens Dr, Pleasanton, CA, consisting of the Sanctuary space, lobby area, office, break room, storage room, and audio/visual room with a total space of 2694 sqft. The operation details provided in this document are only applicable to 6644 Owens Dr, Santa Clara CA.

As the majority of activities occur during the non-business hours before 9 AM and after 7 PM during the week days, and during the weekends, Sri Sai Temple's operations should not affect the surrounding tenants with respect to parking or any other needs.

Tenant

M. Srinivas

Srinivas Meduri
CFO
Sri Sai Temple Inc.

Landlord
Delta Pleasanton 121-4, L.P.

Michael Lippman
Portfolio Manager, Reynolds & Brown
As agent for Delta Pleasanton 121-4, L.P.

P13 - 2043 (CUP)

RECEIVED
JUN 21 2013
CITY OF PLEASANTON
PLANNING DIVISION

Pleasanton Park

June 21, 2013

The City of Pleasanton
200 Old Bernal Ave.
Pleasanton, CA 94566

RE: Application for Development Review
6640 Owens Drive, Pleasanton, CA

To whom it may concern

Please consider this letter as approval from the Pleasanton Park Business Center Owner's Association for the Application for Development Review submitted by Sri Sai Temple on behalf of Delta 121-4, L.P. for a modification in the conditional use permit.

Please feel free to call me at (510) 351-4930 should you have questions regarding this authorization.

Sincerely,

Michael Lippman
President
Pleasanton Park Business Center Owner's Association

REYNOLDS & BROWN

June 20, 2013

The City of Pleasanton
200 Old Bernal Ave.
Pleasanton, CA 94566

RE: 6642 Owens Drive, Pleasanton, CA
Residual space use,

To whom it may concern

The residual office space at 6642 is being offer for lease to the market as traditional office space. The owner, Delta Pleasanton 121-4, L.P., a California limited partnership, has no plans at this time to lease it to a church. Reynolds & Brown, property manager, has directed the broker on the project to offer it as traditional office space. If a user wants to lease the space which is not in the current zoning the user will apply for a new conditional use permit.

REYNOLDS & BROWN

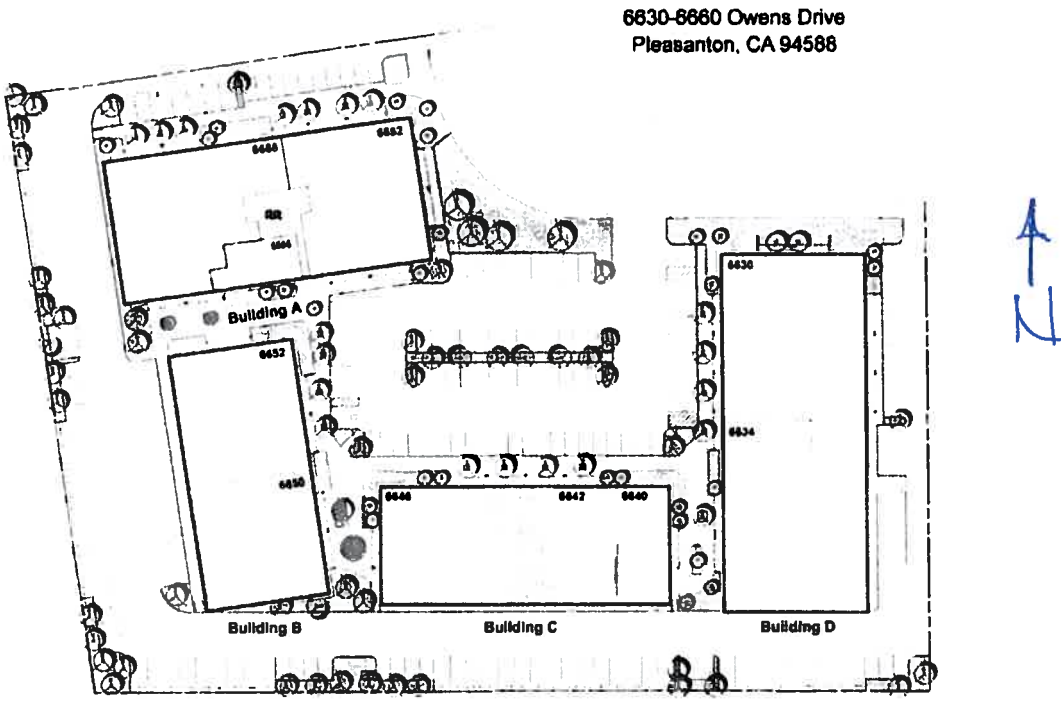
Michael Lippman

Michael Lippman
Portfolio Manager
Agent for Delta Pleasanton 121-4, L.P., a California limited partnership

2402 Merced Street, San Leandro, CA 94577 • Telephone 510 351-4930 • Fax 510 351-4934 • email www.reynoldsandbrown.com

EXHIBIT D

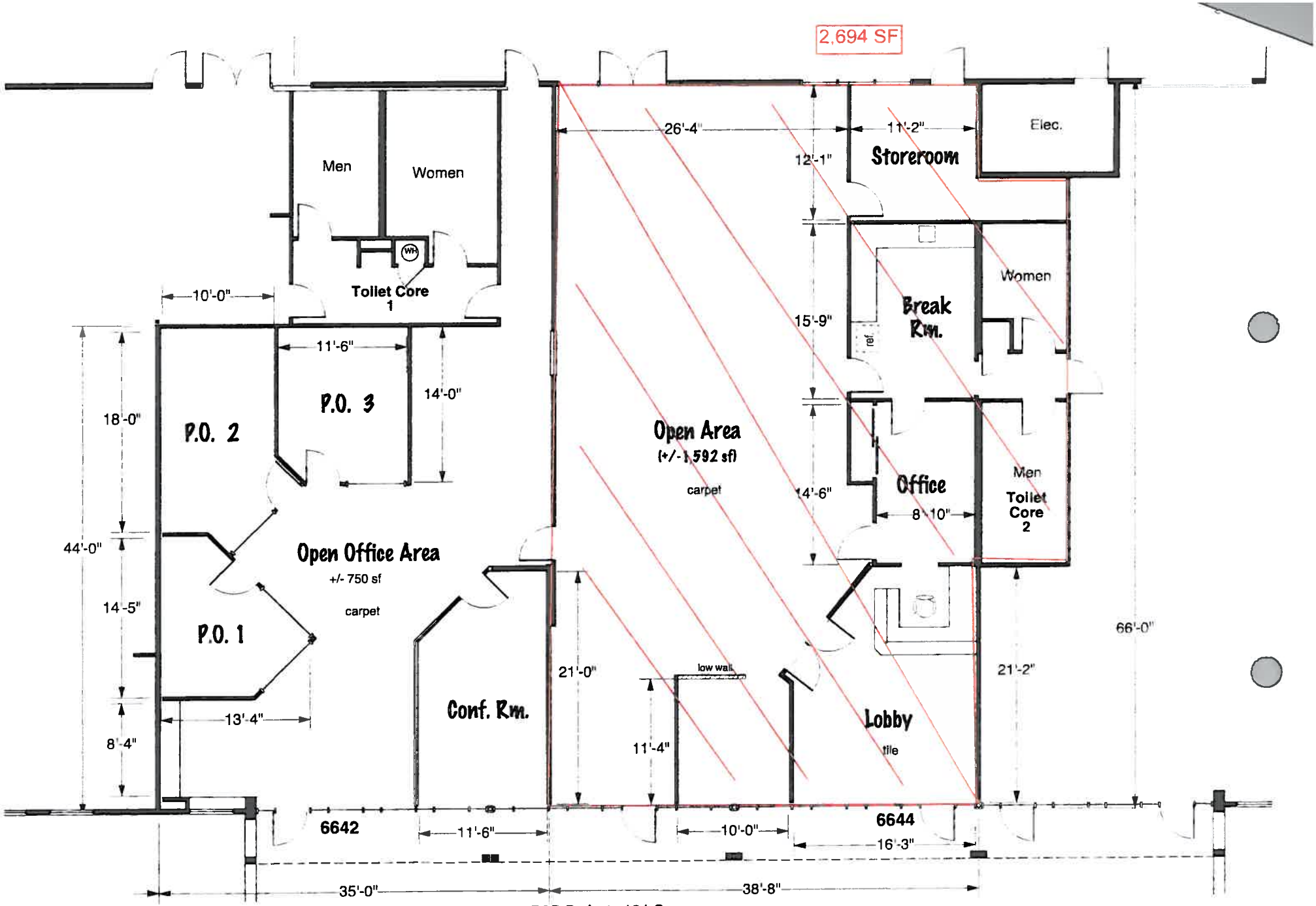
(Site Plan)



INITIALS

Landlord_____

Tenant_____

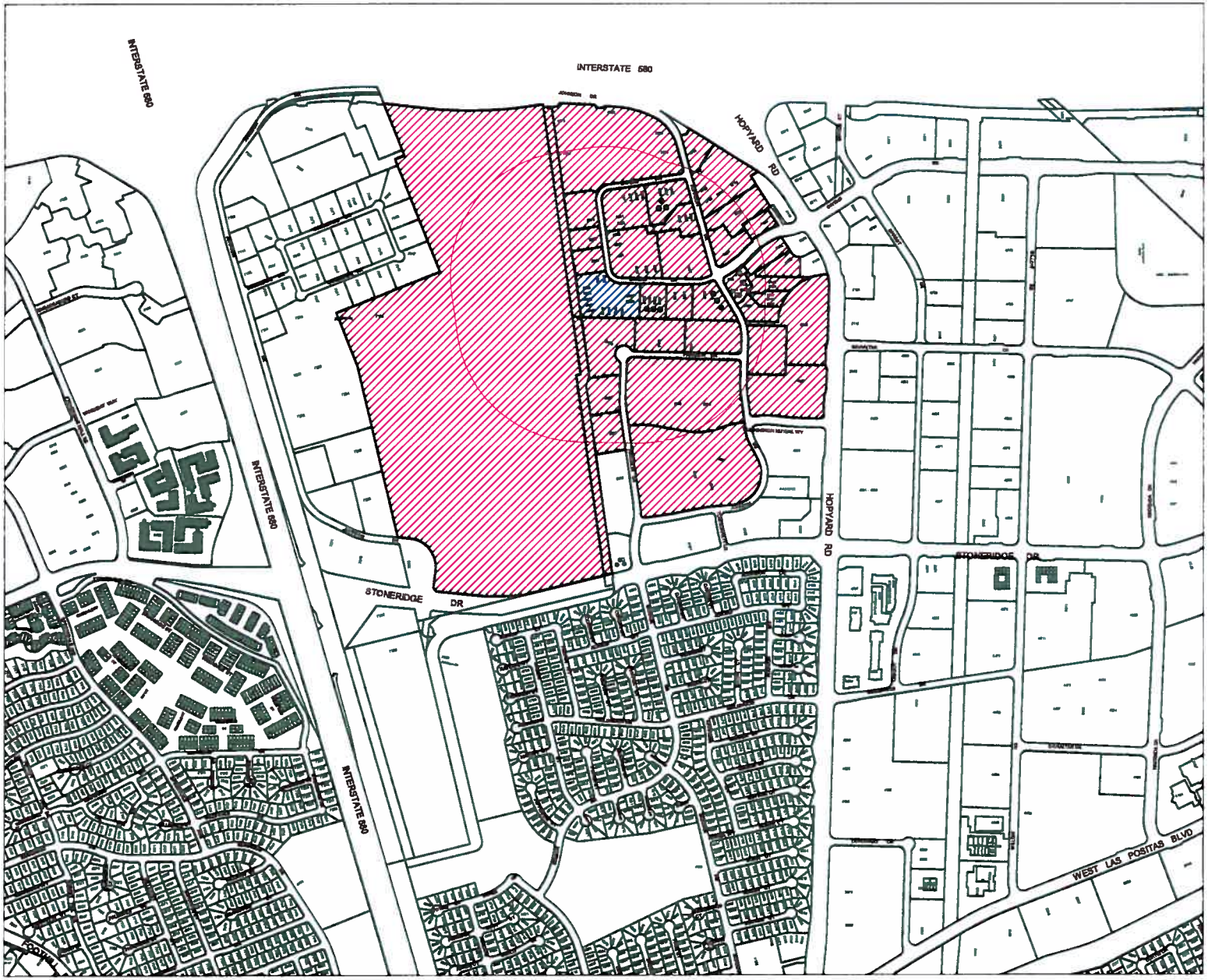


R&B Project: 124-C

6642-4 Owens Drive
Pleasanton, CA

June 2013

2-4



P13-2043, Sri Sai Temple

City of Pleasanton

GIS

Department

6644 Owens Dr.

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0 600 1200 1800

THE CITY OF PLEASANTON

Printed 8/7/2013

EXHIBIT C