

P95-100 MASJID ANNUR MOSQUE TIME EXTENSION AND MODIFICATION

REQUEST:

- A. **Mitigation Monitoring Plan**
- B. **(Three-Year) Special Permit Time Extension** to construct a 2,450 square-foot mosque and a 9,694 square-foot multi-purpose building;
- C. **Special Permit Modification** to construct a 1,440 square-foot caretaker's residence and to modify the phasing program for development on a 1.36-acre partially developed site in the Standard Single-Family (R-1) and Light-Industrial (M-1) zones;
- D. **Variance** to phase construction of the required number of parking spaces; *(Withdrawn by Applicant)*
- E. **Variance** to phase construction of the total length of the required masonry wall.

LOCATION:

7320 14th Avenue
APN: 021-0092-031
Council District 6

APPLICANT:	MSA of Sacramento (Jousef Marmosh), 916/364-1147 4048 Hollygrove Court, Sacramento, CA 95826
OWNER:	North American Islamic Trust 10900 West Washington St., Indianapolis, Indiana 46231
APPLICATION FILED:	October 12, 1995
STAFF CONTACT:	Mike Dale, 264-8309

SUMMARY: The applicant is seeking the necessary entitlements to construct a caretaker's residence, multi-purpose building, and mosque at the above location. The multi-purpose building and mosque were approved by the Planning Commission on October 14, 1993. At that time, the Planning Commission also approved the construction and operation of an elementary school building intended to accommodate 150 students. The applicant now proposes to replace the school building with a caretaker's residence.



RECOMMENDATION: The proposal's primary issues pertain to the phased development of the required parking lot and masonry wall. The applicant originally proposed to postpone completion of both the parking lot and wall until the size of the congregation has grown to warrant the full improvements. The applicant subsequently agreed with staff to construct the entire parking lot (81 required spaces) to accommodate the anticipated number of church participants (319 persons) prior to occupancy of Phase 2. Staff agrees with the applicant that construction of the entire length of the wall can wait until completion of Phase 3. Staff therefore recommends **approval** of the Variance to phase construction of the masonry wall.

The original project has been revised to replace the approved school building with a caretaker's residence. This is considered to be a reduction in land use intensity. Otherwise, the project is the same as approved by the Planning Commission on October 14, 1993 (P92-325). At that time, the Planning Commission found the project to be consistent with the General Plan and compatible with the adjacent residential and industrial land uses. The circumstances of the project have not changed substantially. The previous environmental documentation (Negative Declaration and Mitigation Monitoring Plan) is therefore adequate and valid. Staff therefore recommends **approval** of the Mitigation Monitoring Plan, Special Permit Time Extension, and Special Permit Modification subject to conditions.

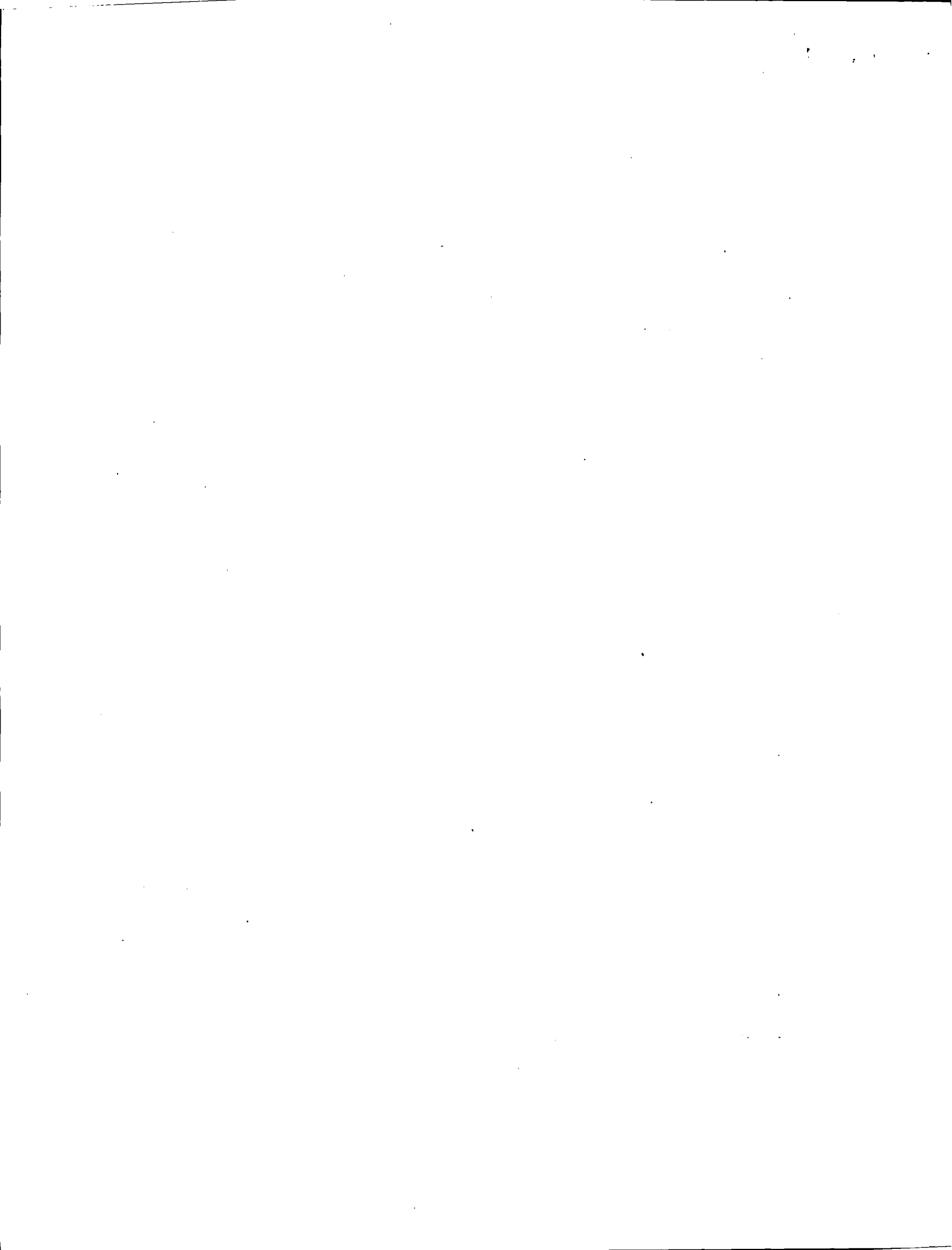
The entitlements shall expire within three years, or by October 14, 1998, pursuant to the Zoning Ordinance provisions which allow a maximum of five (5) years for a Special Permit unless building permits have been issued.

PROJECT INFORMATION:

General Plan Designation:	"Low-Density Residential (4-15 du/na)" and "Heavy Commercial or Warehouse"
Zone:	"Standard Single Family (R-1)" and "Light-Industrial (M-1)"
Existing Land Use of Site:	House and Open Patio-like Structures

Surrounding Land Use and Zoning (see Attachment B):

North: Residential and Industrial; R-2 and M-1
South: Residential and Industrial; R-1 and M-1R
East: Industrial; M-1
West: Residential; R-1 and R-2

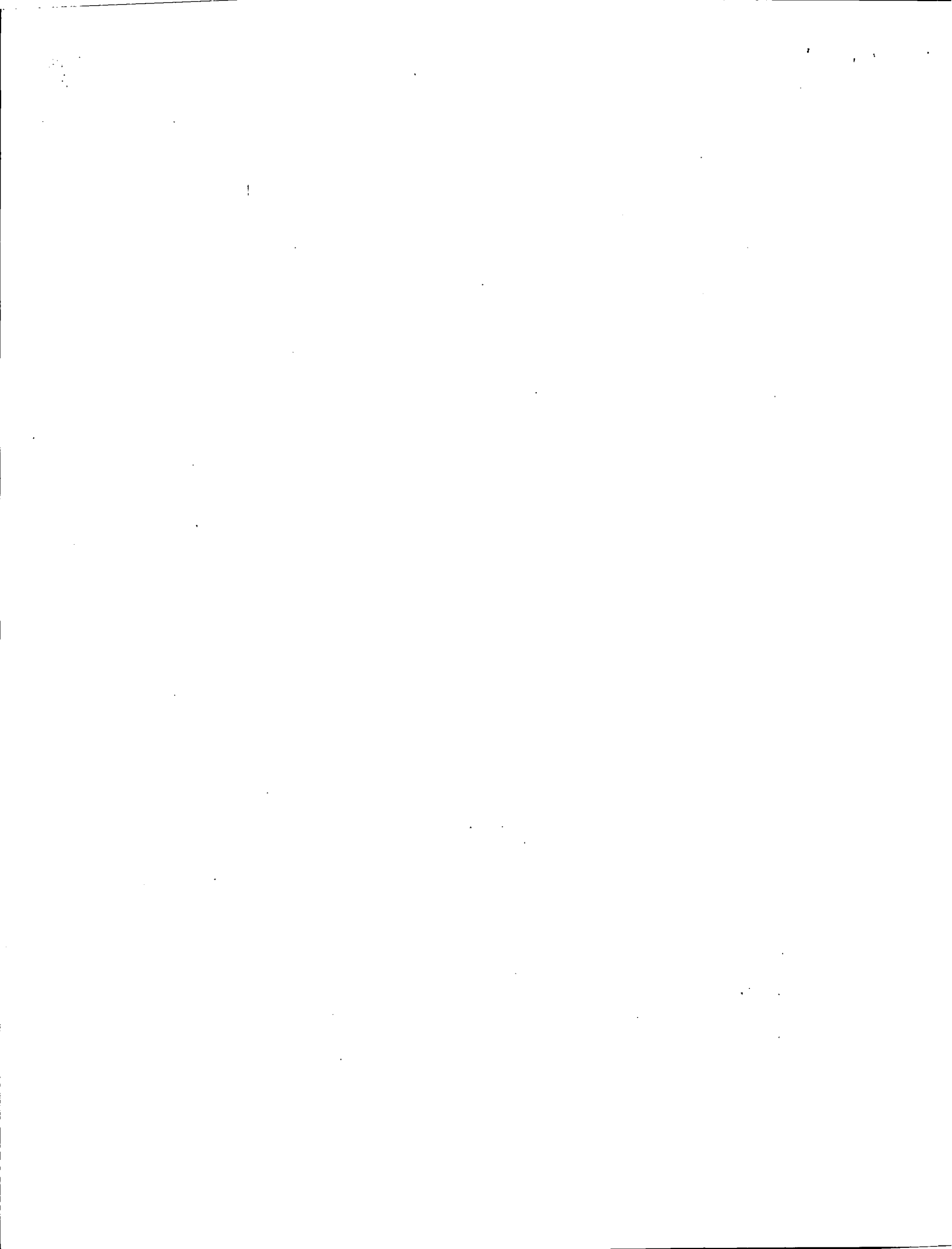


Setbacks (Church):	<u>Required:</u>	<u>Provided:</u>
Front:	25'	46'
(E) Side:	0'	37'
(W) Side:	5'	36'
Rear:	15'	137'
Property Dimensions:	Irregular	
Property Area:	1.36± acres	
Size of Proposed Buildings:	Caretaker's Residence: 1,440 square feet Multi-Purpose Building: 9,694 square feet Mosque: 2,450 square feet Minaret Tower: 62 feet	
Height of Proposed Buildings:	Caretaker's Residence: 10 feet (1 story) Multi-Purpose/Mosque: 29.5 feet (2 stories)	
Materials of Proposed Buildings:	Caretaker's Residence: Wood, brown painted Multi-Purpose/Mosque: colored textured concrete block and plaster; standing seam metal sloped roof	
Parking Required:	81 spaces (one for caretaker's residence and 80 for church at 1 space per 4 seats)	
Parking Proposed:	84 spaces	
Topography:	Flat	
Street Improvements and Utilities:	Existing	

OTHER APPROVALS REQUIRED: In addition to the requested entitlements, the applicant will be required to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Transportation Management Plan	Public Works Department
Driveway Permit	Public Works Department
Building Permit	Planning and Development Department

BACKGROUND INFORMATION: On September 27, 1984, the Planning Commission approved a Special Permit (P84-328) to construct a 4,040 square foot mosque at this location. The structure was not built. On June 23, 1988, the Planning Commission approved a Special Permit (P88-228) to construct a 3,907 square foot building for worship and multi-purposes and a 465 square foot men's lavatory. The structures were not built. On October 14, 1993, the Planning Commission approved Special Permits (P92-325) to establish a 11,800 square foot multi-purpose building and mosque and a 4,090 square foot classroom building. The project included a Lot Line Adjustment and a Rezone from R-1 to R-2 to accommodate an existing duplex on the west side of the



property. On November 23, 1993, the City Council approved the Rezone. The Lot Line Adjustment was recorded. However, the multi-purpose building, mosque, and classroom building were not constructed. On October 12, 1995, the applicant applied for a Special Permit Time Extension to construct the multi-purpose building and mosque and a Special Permit Modification to replace the approved school building with a caretaker's residence.

STAFF EVALUATION: Staff has the following comments:

A. Policy Considerations

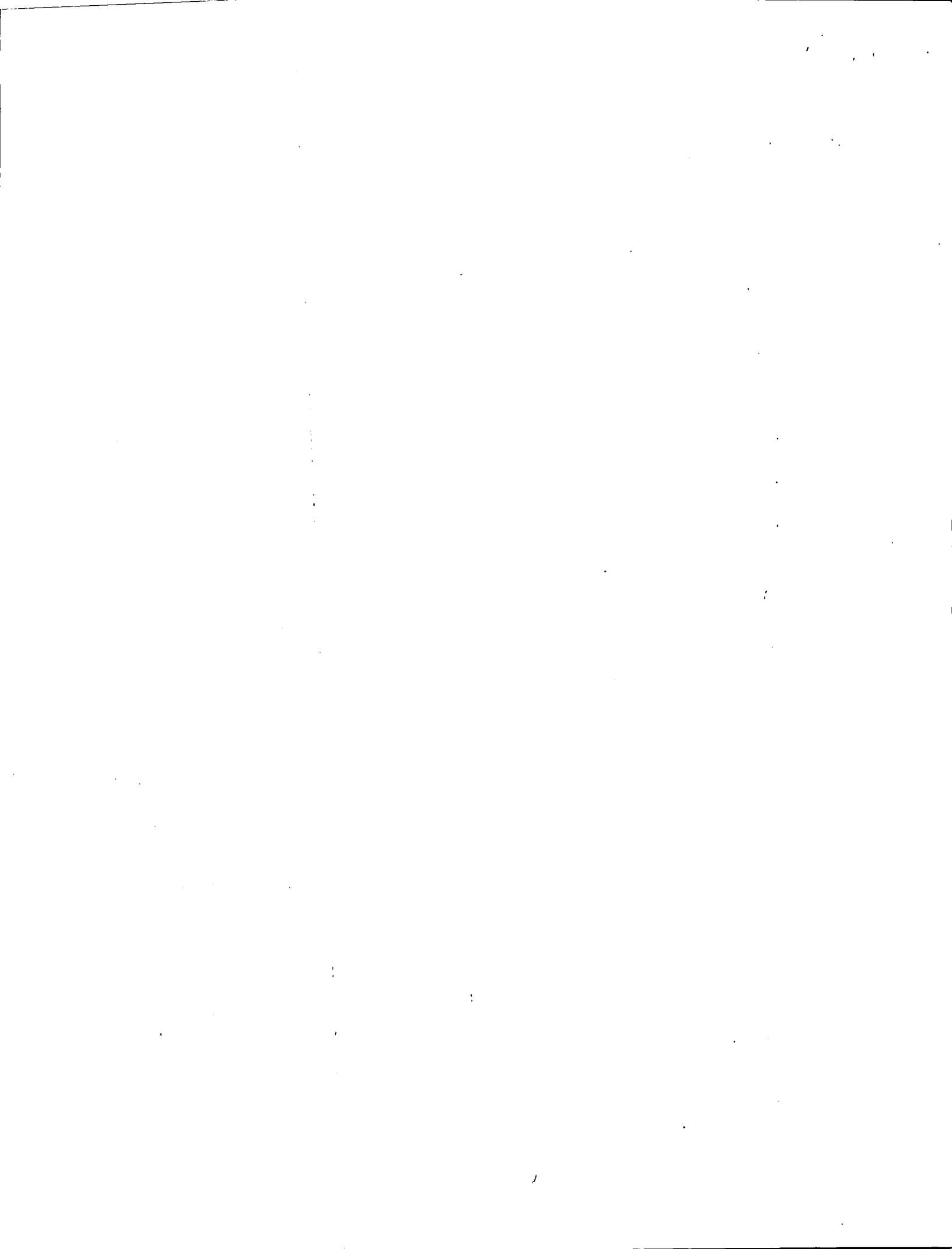
General Plan. The subject site is split between the "Low-Density Residential" and "Heavy Commercial or Warehouse" designations of the General Plan (Attachment B). The proposed caretaker's residence will be located on the residentially designated portion of the site; the multi-purpose building and mosque will be located on the commercially designated portion. The General Plan does not address goals or policies specifically related to churches. However, the General Plan states: "Maintain and improve the quality and character of residential neighborhoods in the City." The proposed buildings will provide a transition of intensity and a buffer between the residential area to the west and the industrial area to the east. Churches can also provide neighborhood stability. The proposal is therefore considered to be compatible with the General Plan.

Zoning. The subject site is split between the "Standard Single-Family" and "Light Industrial" zones. Churches and related uses are allowed in any zone subject to the granting of a Special Permit by the Planning Commission. Churches are considered to be non-residential uses subject to the parking and masonry wall requirements of the Zoning Ordinance. A further discussion of the project is provided below.

B. Proposed Site Plan / Phased Development

The site plan shows a new, two-building church complex totaling 13,584 square feet with frontage on 14th Avenue (Exhibit 1A). A 1,200 square foot house, planned for removal, exists at the north end of the site, nearest to 14th Avenue. An 84-space parking lot will be located at the rear of the site and be accessed by a 25-foot wide driveway that runs parallel to the east property line. Construction is proposed in three phases:

Phase 1: Phase 1 includes a 1,440 square foot caretaker's residence (mobile unit). No new parking and/or other improvements are proposed during Phase 1. The location of the proposed building will exceed the minimum five-foot and 15-foot interior and rear-yard setback requirements, respectively.



Phase 2: Phase 2 includes the construction of a 9,694 square foot multi-purpose building. The applicant has agreed to construct all of the required parking spaces (81 spaces) as part of Phase 2. A portion of the required masonry wall (to the south) is proposed for construction as part of Phase 2. All of the required building setbacks are exceeded. Phase 2 will include utility rooms, a nursery, kitchen, offices, and a social hall. The building will be located directly behind the existing house. A 25-foot wide courtyard will separate the building from the proposed caretaker's residence.

The proposed trash enclosure will be located on the northwest corner of the parking lot, seven feet from the west property line. Staff recommends that the enclosure be built in accordance with the standards and recycling requirements of the Zoning Ordinance. The trash enclosure should be built prior to completion of Phase 2.

Phase 3: Phase 3 includes a 2,450 square-foot, vaulted ceiling, prayer hall (mosque) with an attached minaret (slender bell tower). The building can accommodate 319 people and will be setback 46 feet from the 14th Avenue right-of-way. The 62-foot tall minaret will be constructed at the northeast corner of the mosque. Phase 3 includes completion of the required masonry wall.

Staff is concerned that the bell tower may be used to call the hour of prayer at times which would adversely affect the nearby residences. Staff therefore recommends that the minaret not be sounded prior to 9:00 AM or after 9:00 PM.

C. Parking

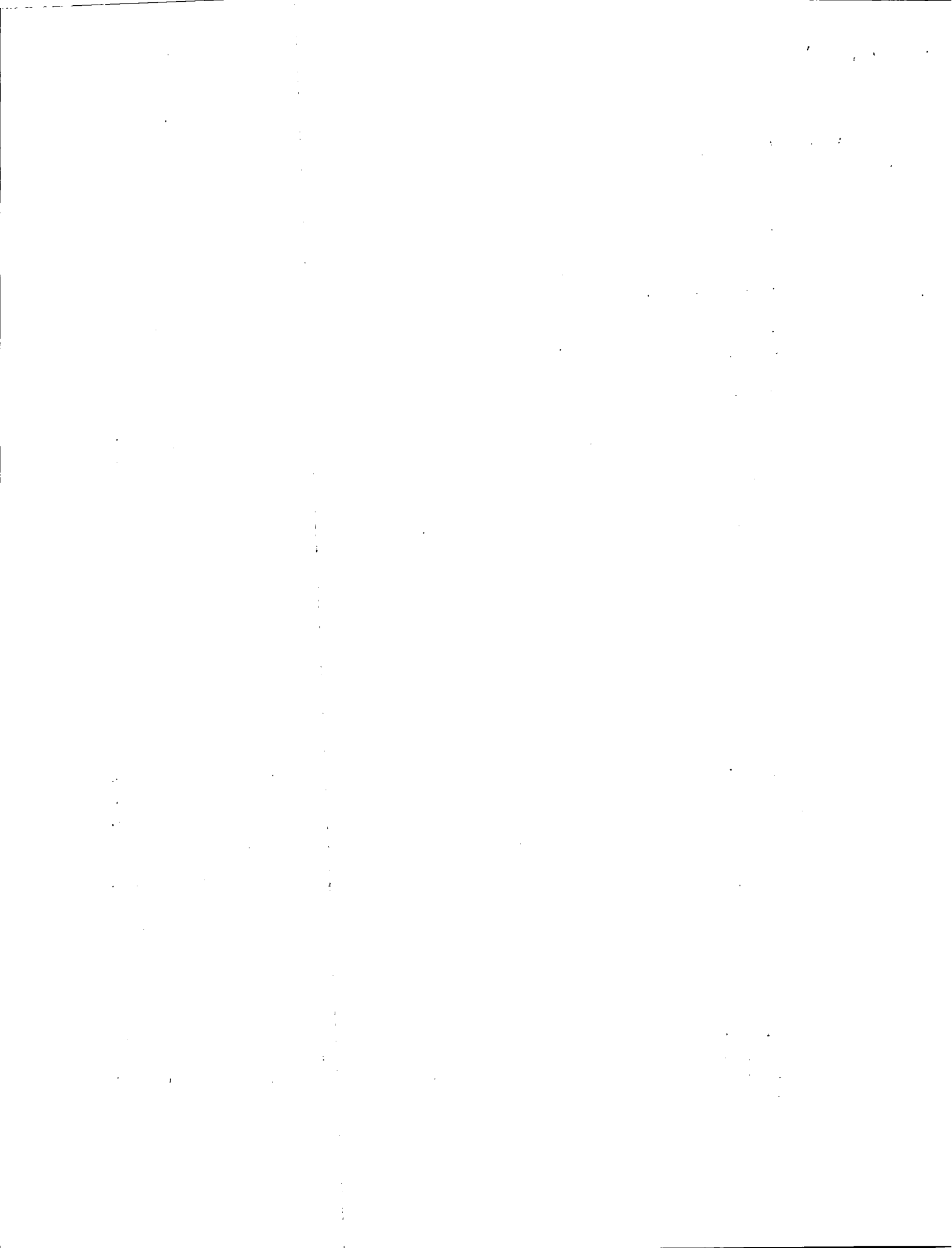
The site plan shows a total of 84 parking spaces. The Zoning Ordinance requires one parking space per dwelling unit and one parking space for every four church seats. As fixed seating is not provided in the sanctuary, the mosque's building occupancy was used as a basis for calculating seating as follows:

$$2,235 \text{ square feet (net)} \times 1 \text{ person (or seat) per 7 square feet} = 319 \text{ seats}$$

The parking requirement for the church complex is then calculated as follows:

$$319 \text{ parking spaces} / 4 \text{ seats} = 80 \text{ parking spaces}$$

One parking space will be required for the caretaker's residence and 80 spaces will be required for the church. A total of 81 spaces will therefore be required. The applicant has agreed to construct all of the required parking spaces prior to occupancy of the multi-purpose building (Phase 2) and has therefore withdrawn the requested Variance.



No bicycle facilities are indicated on the site plan. Staff recommends that at least three secured bicycle racks be provided on-site in accordance with the City's minimum bicycle parking requirements for commercial development.

D. Masonry Wall - Variance

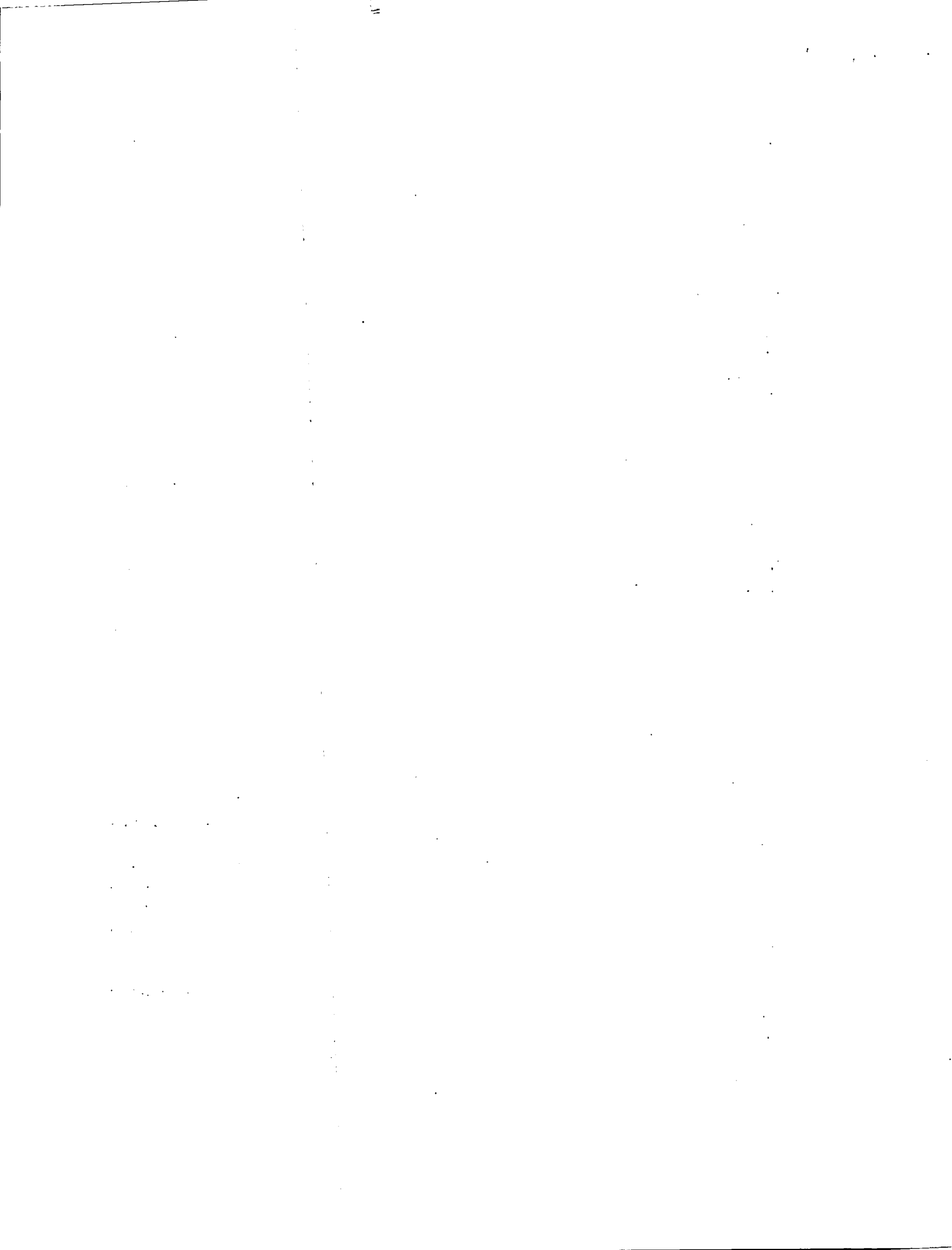
The Zoning Ordinance requires a six-foot tall masonry wall between residential and non-residential uses. The proposed church complex is considered to be a non-residential use. The applicant has requested a Variance to phase construction of the entire length of the wall as shown on the site plan (Exhibit 1A). The applicant believes that the entire wall will not be needed until the entire church complex is built and has stated that the affected property owners, which are members of the congregation, are supportive of the Variance. The applicant has promised to provide letters of support from the two adjoining property owners. Staff therefore recommends that the entire wall be constructed prior to completion of Phase 3. This recommendation is consistent with Staff positions on similar church projects. The wall will eventually serve to buffer the adjoining residential uses from the noise associated with increased church attendance. Staff therefore recommends approval of the requested Variance.

An existing chain-link fence will remain along the site's south and east perimeters which adjoin non-residential uses.

E. Building Design

The applicant submitted floor plans and elevations for the proposed multi-purpose and mosque buildings (Exhibits 1C and 1D). The proposed caretaker's residence is a commercial "trailer" which will be converted to residential use in accordance with regulations imposed by the State of California. The trailer has a wood exterior which is presently painted brown. The exterior materials of the proposed multi-purpose building and mosque will consist of colored textured concrete block on the first floor and colored plaster for the second floor. The exterior colors will be beige and shades of fawn. The roof will be sloped standing seam metal and a built-up flat surface. The proposed minaret's material and color is compatible with the proposed multi-purpose building and mosque. The building materials will be compatible with the surrounding residential neighborhood and industrial area.

Both the multi-purpose building and mosque will be two stories tall with a maximum height of 29.5 feet to the top of the roof and a plate line of 23 feet. The mosque will have only one floor of usable area with the remaining height used for vaulted ceilings. The 62-foot tall minaret is permitted as the maximum height in the M-1 zone is 75 feet. Staff is supportive of the design and materials of the proposed caretaker's residence, multi-purpose building, and mosque.



F. Landscaping

The site plan indicates a six-foot, two-inch wide planter along the east interior property line that is the length of the driveway. Several tree planters are proposed throughout the parking lot area. The landscape plan indicates 66% shading of the parking lot (Exhibit 1B) which exceeds the City's minimum 50% shading requirement. Landscape and irrigation plans shall meet the City's water conservation ordinance. Upon removal of the existing house, additional landscaping should be added in the area no longer occupied by the house. Staff is supportive of the proposed landscaping.

G. Church Operations

The Masjid Annur is a religious facility established to serve the Muslim community. The facility will be used to conduct prayer services five times daily. Prayer services will start in the morning and end in the evening. The morning prayer is held around 5:20 AM. The sunset prayer is held around 8:20 PM, and the evening prayer is held at about 9:45 PM. Approximately eight to 20 persons attend each prayer service except for the congregational prayers which are held on Friday afternoons between 1:10 PM and 1:50 PM and attract about 220 persons.

Additional Special Permit(s) will be required if a child-care center, school, or food preparation/service facility is located on the premises.

PROJECT REVIEW PROCESS:A. Environmental Determination

Pursuant to Section 15164 of the 1996 CEQA Guidelines, the lead agency may prepare an addendum to a previously adopted Negative Declaration if some minor changes or additions occur to the project. None of the conditions described in Section 15162, which call for preparation of a subsequent environmental document, exist or have occurred. Therefore, the previous Negative Declaration (P92-325) is re-affirmed. An addendum to the previous Negative Declaration, which describes the revised project, has been prepared.

Implementation of mitigation measures pertaining to tree preservation are required as part of this environmental determination. Staff therefore recommends re-approval of the attached Mitigation Monitoring Plan.

B. Neighborhood Response

Copies of the project application were routed to the Colonial Park Arts &



Recreation Effort, South Sacramento Neighborhood Coalition, and the Tahoe Park Neighborhood Association. In response, Staff received a letter stating "no comments" from Tahoe Park. No response was received from the other two organizations. Staff therefore followed up with phone calls to the other two organizations. At the time of this writing, staff has received no comments from either the Colonial Park Arts & Recreation Effort or the South Sacramento Neighborhood Coalition.

The adjoining industrial property owner to the east has expressed opposition to the project based on church members/visitors parking in his parking lot and driveway. Members/visitors have also parked in front of his business which has posed a visibility problem for his employees and customers. In response, the applicant has stated the church's existing policy to tow vehicles away from the neighboring properties if necessary. Staff believes that the problem will be alleviated upon construction of the proposed parking lot.

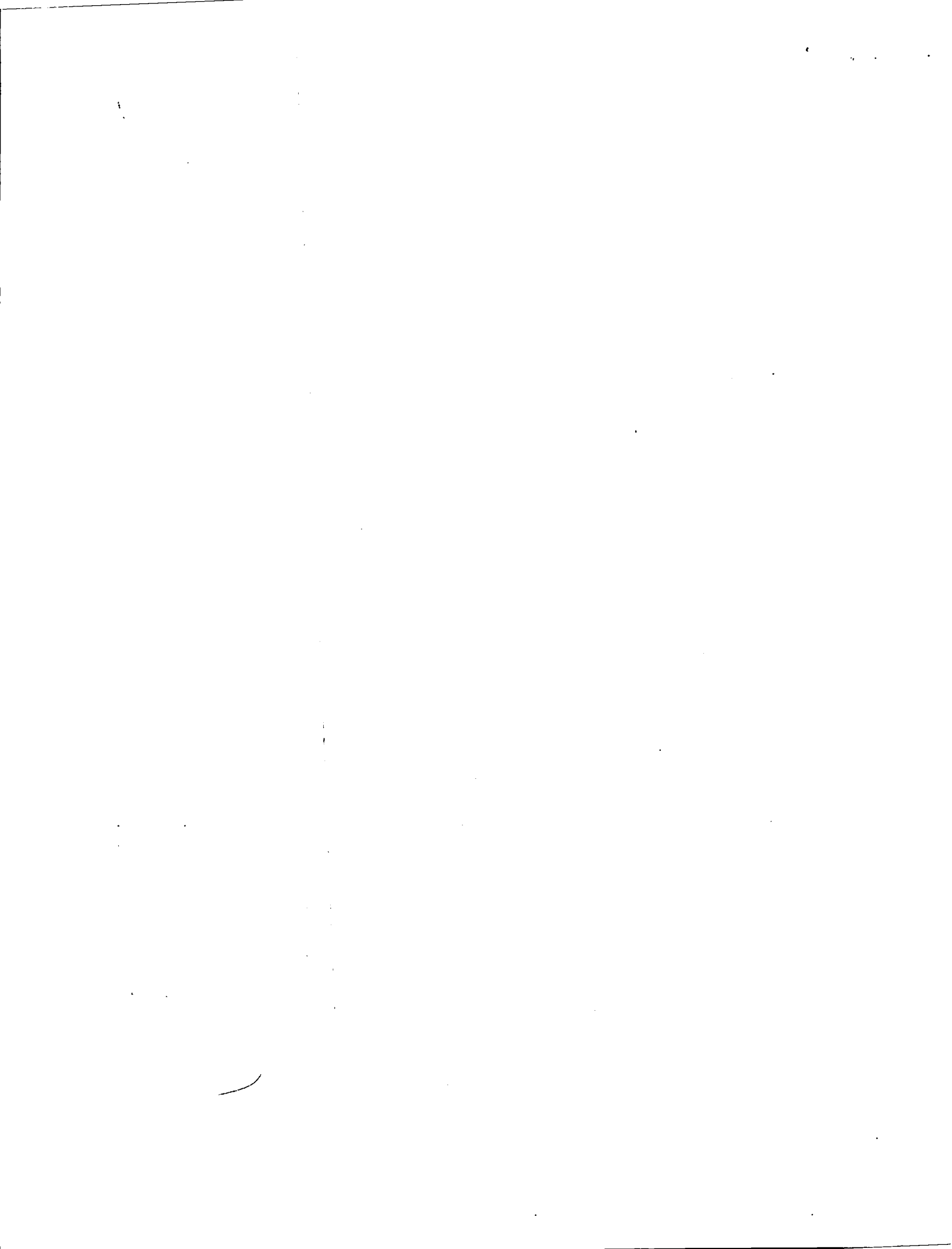
C. Summary of Agency Comments

Staff routed copies of the project application and drawings to appropriate City Departments and local agencies. Their comments are summarized below:

Public Works Department: The comments which are specifically listed as conditions in the Notice of Determination address the right-of-way dedication, parking stall requirements, and a potential Transportation Management Plan. Traffic Engineering requests that the following specific comment regarding the driveway be included in the staff report although there is not a resulting condition for the applicant. "City Code Section 38.13.163(C) prohibits construction of a driveway within 20 feet of another driveway. However, City Code Section 38.13.163(k) allows the Traffic Engineer to grant a Variance to Section 38.13.1639(C). The proposed driveway is within 20 feet of an existing driveway. Therefore, a Variance from the City Code is required. The proposed use is expected to conduct business at time that will not coincide with the adjacent industrial use to the east. Therefore, conflicts between the existing and proposed driveways are expected to be minimal. No impacts to traffic or pedestrians are expected. The Variance to the City Code Section 38.13.163(C) is therefore granted."

Adequate parking should be provided for each phase, and all parking/maneuvering areas should be paved.

Police Department: The caretaker's residence should be connected to an alarm system to provide immediate notification of unauthorized access. Use of the site should be restricted to church-related or member activities only.



Utilities Department: Drainage and grading studies will be required prior to construction. Stormwater quality control measures will be required.

PROJECT APPROVAL PROCESS: The Planning Commission has the authority to approve or deny the requested entitlements. The Planning Commission action may be appealed to the City Council within 10 days following the Planning Commission action. Any modification to the attached site plans or exhibits shall be subject to review and approval by Planning staff prior to the issuance of building permits.


RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

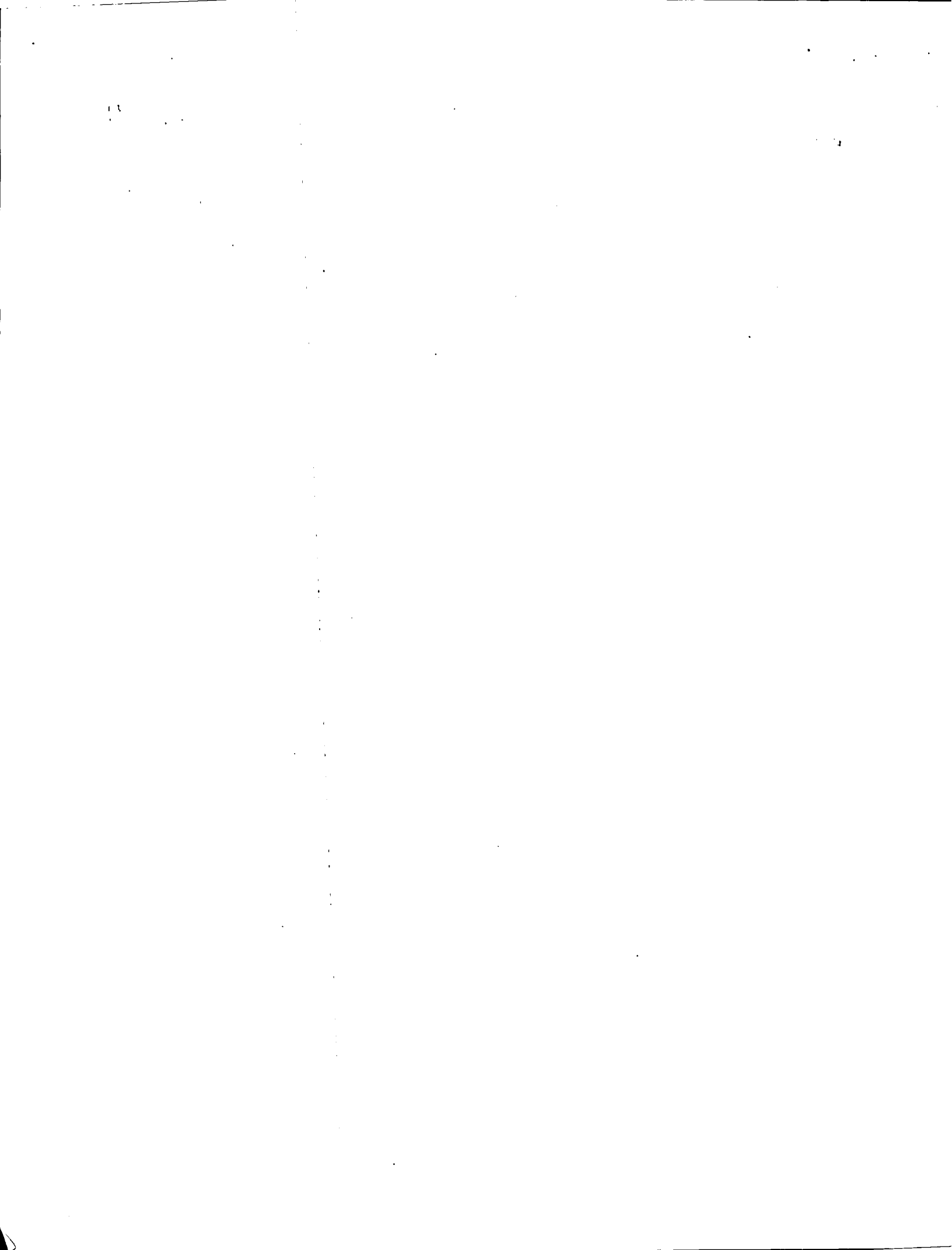
- A. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) approving the Mitigation Monitoring Plan.
- B. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) approving the Special Permit Time Extension to construct a 2,450 square-foot mosque and a 9,694 square-foot multi-purpose building.
- C. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) approving the Special Permit Modification to construct a 1,440 square-foot caretaker's residence and to modify the phasing program for development on a 1.36-acre partially developed site in the Standard Single-Family (R-1) and Light-Industrial (M-1) zones.
- D. Withdrawn by Applicant
- E. Adopt the attached Notice of Decision and Findings of Fact (Attachment 1) approving the Variance to phase construction of the total length of the required masonry wall.

Report Prepared By,


Mike Dale, Associate Planner

Report Reviewed By,

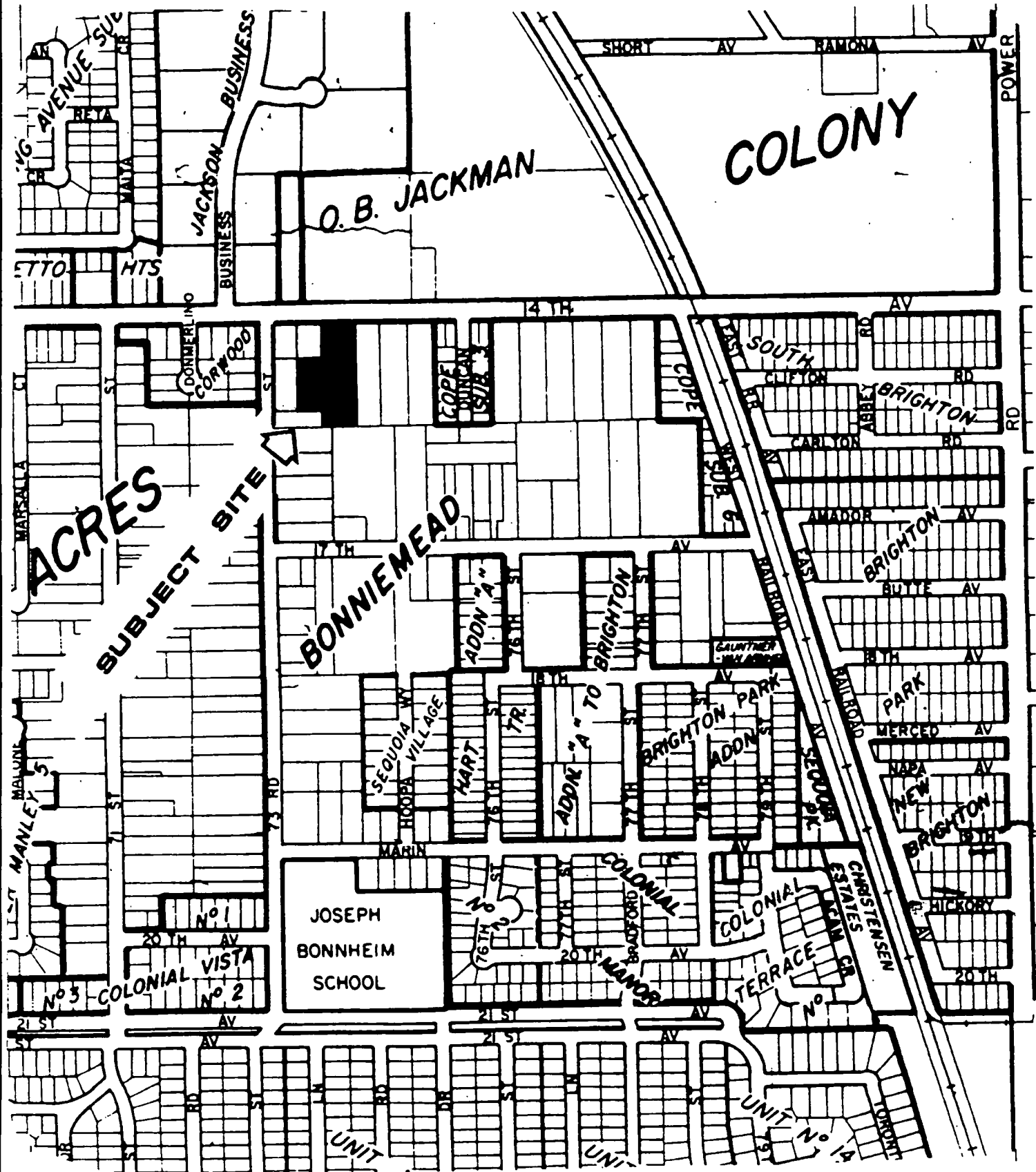

Barbara L. Wendt, Senior Planner

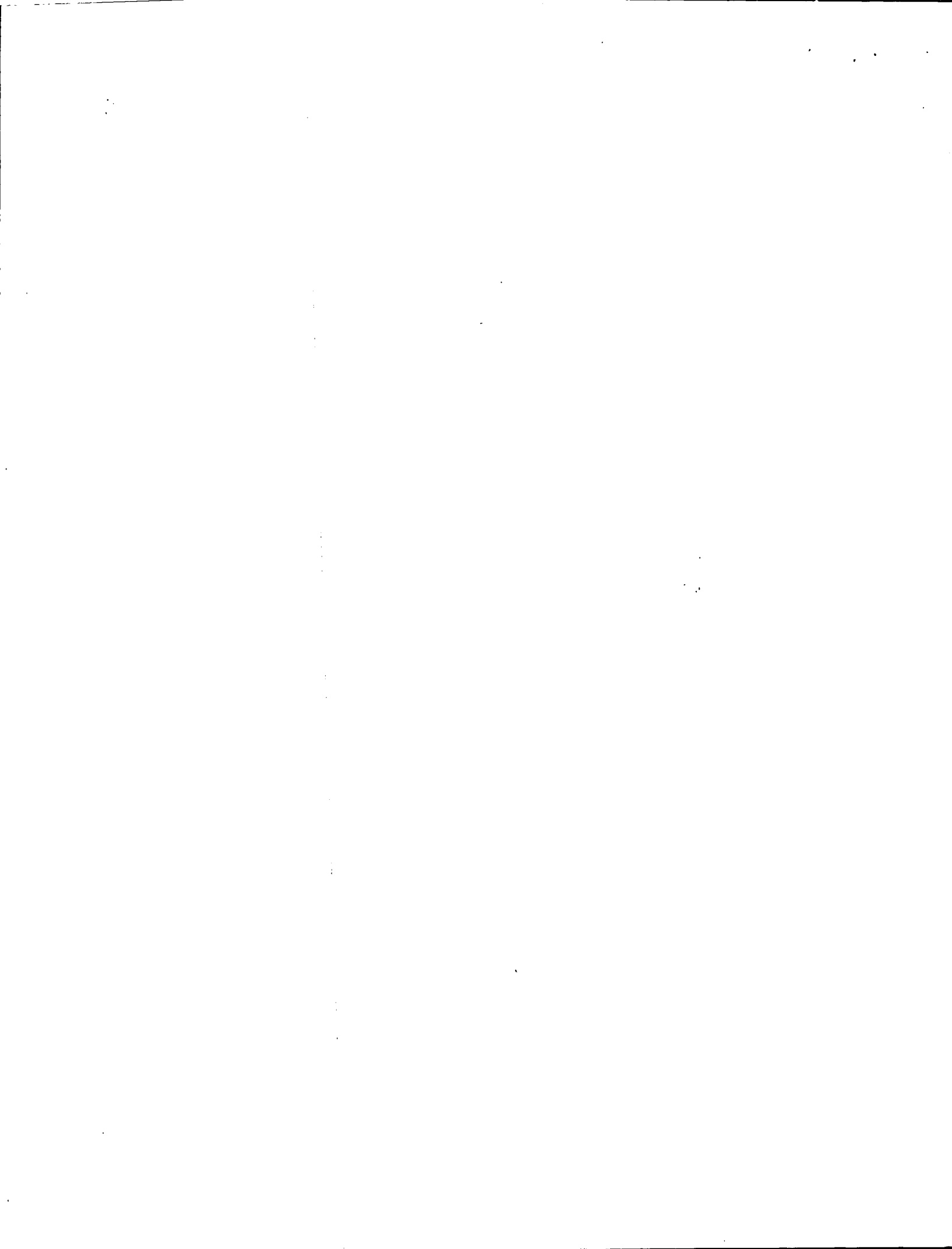


Attachments

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|--------------|---------------------------------------------------------|
| Attachment 1 | Notice of Decision & Findings of Fact |
| Exhibit 1A | Site Plan |
| Exhibit 1B | Landscape Plan |
| Exhibit 1C | Caretaker's Residence Floor Plan, South/West Elevations |
| Exhibit 1D | Mosque Floor Plans, North/East Elevations |
| Exhibit 1E | Mitigation Monitoring Plan |
| Attachment 2 | Vicinity Map |
| Attachment 3 | Land Use and Zoning Map |

Attachment 2
Vicinity Map





Attachment 3
Land Use and Zoning Map

