



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 24, 2008, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m., by Chair Peixoto followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Márquez, Lavelle, Mendall, Thnay, Loché
CHAIRPERSON: Peixoto
Absent: COMMISSIONER: McKillop

Staff Members Present: Conneely, Emura, Rizk, Lens

General Public Present: Approximately 24

Chair Peixoto welcomed Commissioner Marquez to the Commission. Commissioner Márquez thanked the Commissioners and Council for the opportunity to serve the City. She spoke highly of the Commissioners and reaffirmed her commitment to continue to contribute towards the betterment of the City.

ELECTION OF OFFICERS

Chair Peixoto called for the election of officers. Commissioner Thnay made a motion, seconded by Commissioner Márquez, and approved with Commissioner McKillop absent, to elect Commissioner Lavelle as Chairperson, Commissioner Mendall as Vice Chair, and Commissioner Loché as Secretary.

The Commission transitioned roles and Chair Lavelle preceded the meeting.

PUBLIC COMMENTS

Planning Manager Rizk announced the First Climate Action Plan Workshop scheduled for July 26, 2008, beginning at 9:00 a.m., at City Hall, and encouraged the audience to attend. He also indicated that information was available on the City's website.

PUBLIC HEARING

2. Administrative Use Permit Application No. PI-2006-0458 – American Muslim Association/ Mohammed & Sabnam Khan (Applicant/Owner) - Request to Build a Mosque with Living Quarters – The Property is Located at 26320 Gading Road

Associate Planner Emura gave a synopsis of the report. He submitted an e-mail from Ms. Barbara Sacks in support of the staff's recommendation, an e-mail from Mr. Jeff Cook expressing

satisfaction to concerns regarding the mosque design and landscaping, and a petition from churches declaring support for the proposed Fijian Muslim Mosque.

Planning Manager Rizk highlighted reasons for the staff's recommendation: upholds the general plan policy, which encourages facilities for cultural amenities; the structure is consistent with other religious facilities; and the parking requirement is over five times the amount required for religious facilities.

Commissioner Mendall inquired about the previous concerns at the mosque on Mission Boulevard regarding parking demands on Fridays. Associate Planner Emura noted that the Mission Boulevard Mosque (*Abu Bakr Siddiq Mosque*) has taken steps to address the concern by purchasing two properties adjacent to the mosque. He added that the mosque will comply with the 5.3 parking spaces per 100 square feet of prayer area ratio, based on a parking study of Mission Boulevard Mosque. Mr. Mendall further inquired if the parking study accounted for parking overflow. Mr. Emura added that the study also included cars parked on the street. In response to the playground area mentioned in the first submittal, Mr. Emura indicated that the area would be used for overflow parking. In reference to the proposed front entry wall, Commissioner Mendall was supportive of a wall height of four-feet or less so as not to cover the attractive structure's architecture. In response to Mr. Mendall's inquiry on the number of religious facilities in Hayward, Mr. Emura was not aware of the number within Hayward.

Commissioner Peixoto inquired if the six-foot high wood fence was a mitigative noise measure. Associate Planner Emura indicated the reason for the fence was purely aesthetics. Mr. Peixoto was concerned about noise levels related to the mosque and the proximity to the nearby apartment complex. Mr. Emura and Planning Manager Rizk indicated that the outdoor activity was expected to be limited and therefore it would not be an issue. In regards to tandem and valet parking, Mr. Peixoto expressed concern for potential traffic back-up onto Gading Road. Staff did not anticipate a problem for the overflow parking.

Commissioner Thnay expressed concern that the Seventh Day Adventist Church was not included in the petition submitted by the different churches. Associate Planner Emura indicated that a church member had strong opposition to the mosque in 2006. In reference to the parking study and the parking allocation, Mr. Emura indicated that the Mission Boulevard mosque was mainly for prayer area whereas the proposed mosque was intended to have different amenities. Mr. Thnay was concerned for a high demand for parking spaces. Mr. Emura indicated that the Afghani Mission Boulevard Mosque was different in that the number of congregates was more than what was anticipated for the Fijian Muslim community. Therefore, Mr. Emura did not anticipate problems with the parking ratio.

Commissioner Márquez inquired about Condition of Approval No. 46 (d), regarding the fire alarm system and compliance with the American Disability Act requirements. Associate Planner Emura responded that the proposal includes facilities for restroom, parking access into the building, and an elevator to make it accessible for people with disabilities.

In response to Commissioner Loché's inquiry regarding the community general response to concerns raised and changes thereof to the community meeting of March 2007, Associate Planner



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Emura indicated that there was no follow-up meeting, but Mr. Cook and other neighbors were satisfied with the proposed changes to the mosque.

Commissioner Mendall inquired about a recycling requirement for the demolition of the existing building. Associate Planner Emura indicated that the applicant would have to contact the Bay Area Quality Air District and apply for pertinent building permits for demolition.

Chair Lavelle indicated that she had the opportunity to visit the site and observed the rose bushes in front of the existing home and inquired about its plans. Since staff had not addressed the rose bushes, Ms. Lavelle asked the applicant to re-plant them when the building is constructed. Ms. Lavelle further inquired about plans for bicycle racks. Associate Planner Emura did not have a proposal, but he mentioned that it could be added as a condition for approval.

Chair Lavelle opened the public hearing at 8:13 p.m.

Mr. Mohammed Khan, applicant and President of the Muslim Association and Representative of the Fijian Muslim community, noted that the proposal was a good investment for the City as well as means of preservation of his culture and religious functions. He indicated that the Fijian is small community within the Sunni Sect. In regards to the expressed parking concerns, he did not foresee any because of their small community. In response to Commissioner Mendall's inquiry, Mr. Khan indicated that the purpose of the minarets was mainly to symbolize saints. Regarding the construction schedule, Mr. Khan added that there are plans of ground breaking in the Spring of 2009. In regard to sharing parking lots with other churches, Mr. Khan noted that there was support for the mosque initially, but at a later meeting, a member was not willing to comingle with other religions, and therefore, efforts to share parking lots, was not successful.

Commissioner Márquez inquired about the rationale of having parking in the front rather than in the rear of the proposed mosque. Mr. Khan deflected to the architect. In reference to any contact to the Glassbrook Elementary School at the corner of Shafer and Gading Roads, regarding possible sharing of its parking lot, Mr. Khan understood that the proposal could not qualify because it was too far away. In reference to encourage members to share automobiles and to use public transportation, Mr. Khan stated that the members are also encouraged to carpool.

Regarding Commissioner Peixoto's inquiry on the size of the congregation, Mr. Khan indicated that 25 congregates make up for total membership of those that attend regularly, with three attending the morning prayer, 10 to 12 attending the evening prayer, and two attending the last prayer. It was noted that 55 people would normally attend a wedding. Mr. Peixoto spoke about his experience in Morocco and the use of minarets in calling for prayer and inquired if loud prayers were anticipated. Mr. Khan indicated that their prayers are soft and that music would be played inside the mosque.

Commissioner Thnay mentioned page two of the report noting that the basement could accommodate 179 people, on Friday afternoons 50-100 men would attend the mosque to pray, and during the Ramadan Festival, there would be between 100-200 people in attendance. Mr. Khan

indicated that the statistics could have been based on the other mosques in the City. He added that there are different sects within their religion and that his sect, Sunni Sect, comprises of a membership that is less than what was stated in the report. Mr. Khan asked for Commission support.

Mr. Eric Jacobsen, project architect, reiterated the application process and the changes made based on raised concerns. In response to Commissioner Thnay regarding the generation of more cars at the Mission Boulevard Mosque, he indicated that the prayer area at the proposed mosque prayer is smaller. He also indicated that in response to concerns to the first submittal, the parking was increased and there was significant reduction to the building proposal.

Ms. Betty DeForest, Westwood Street resident and Executive Director of the South Hayward Parish, indicated that the submitted petition was circulated through six Christian and two non-Christian congregations. She spoke in support of the proposed congregation noting that the Fijian community is fairly small. She added that Mr. Khan has been working with them for the last year, helping the Parish distribute food from Panera Bread. She looked forward to continuing their relationship in order to be a part of the community that they serve.

Mr. John Wichman, Patrick Avenue resident and Westminster Hills Presbyterian Pastor, spoke in support of the proposal. He indicated that Hayward is a place for different faiths and noted the beauty of the proposed building. He referred to an incident where two infants were killed on Pompano Street and Mr. Khan's participation in the church service, offering a soft chant. He expressed his desire for continuing a working relationship.

Mr. Brian Schott, Morse Court resident, noted that the Fijian community was involved when he ran for Mayor. He stated that he is a member of All Saints Parish, but he has shared meals and has prayed with the Fijian Community and could attest to their faith's commitment. He indicated that any church is good for a diverse Hayward and that there is not much difference when praying to a higher God.

Chair Lavelle closed the public hearing at 8:45 p.m.

Commissioner Mendall complimented the architect for a beautiful building and did not think it would intrude the character of the neighborhood. Mr. Mendall added that he was satisfied with the parking requirements and its capacity for demand. He made a motion per staff recommendation.

Commissioner Loché seconded the motion. Mr. Loché praised the applicant for being attentive to the community's concerns and for making adjustments. He was satisfied with the sufficient parking spaces and was content with the expressed support from other churches. He added that this proposal would add to the City's diversity.

Commissioner Thnay thanked the audience for its attendance. Mr. Thnay was surprised, from a planning perspective, to see a large concentration of churches on Gading Street. In reference to the administrative use permit findings, he indicated support for three findings: that the mosque is desirable for public convenience, it will not be detrimental to the public welfare, and it will be in harmony with applicable City policies. However, he disagreed that it will not impair the character and integrity of the surrounding neighborhood but rather exacerbate the neighborhood's character. He did not agree that this was the ideal place for another church or mosque.



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Commissioner Márquez congratulated the applicant for his perseverance and the due diligence in making changes in response to the community's concerns.

Commissioner Peixoto supported the motion and praised the applicant for his involvement with the community at the Matt Jimenez Community Center meeting. Mr. Peixoto indicated that his initial concern was related to parking, but giving the congregation size, he was satisfied that all the mitigation measures were considered. He wished the applicant success and welcomed him to the community.

Chair Lavelle concurred with the positive remarks made by the Commission and looked forward to seeing the mosque built and for the Fijian community to be able to congregate. Ms. Lavelle was impressed with the changes made in response to Mr. Cooks' concerns. She reminded the applicant to preserve the rose bushes and encouraged bicycling tracks for adults and the children. She supported the motion.

Commissioner Mendall moved, seconded by Commissioner Loché, with the following vote, to approve the Negative Declaration and approve the Administrative Use Permit application, subject to the findings and conditions of approval.

AYES: Commissioner Márquez, Mendall, Peixoto, Loché
Chair Lavelle
NOES: Commissioner Thnay
ABSENT: Commissioner McKillop
ABSTAINED: None

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters
They were none.

4. Commissioners' Announcements, Referrals
Chair Lavelle reiterated the invitation to attend the Climate Action Plan Workshop scheduled for Saturday.

Commissioner Mendall inquired about the work done at the south end of Clawiter Road, South of Highway 92. Planning Manager Rizk made note of the inquiry.

APPROVAL OF MINUTES

The Minutes of June 26, 2008, were approved.

ADJOURNMENT

Chair Lavelle adjourned the meeting at 8:58 p.m., wishing the Commission a good recess.

APPROVED:

Rodney Loché, Secretary
Planning Commissioner

ATTEST:

Miriam Lens
Commission Secretary