



MEETING

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

ROLL CALL

Present: COMMISSIONERS Zermeño, McKillop, Sacks, Caveglia, Thnay
CHAIRPERSON Bogue
Absent: COMMISSIONER Halliday

Staff Members Present: Anderly, Conneeley, Emura, Looney, Patenaude, Pearson

General Public Present: Approximately 100

PUBLIC COMMENT

There were no public comments.

AGENDA

1. Planning Director Referral of Administrative Use Permit No. PL-2002-0188 – David Fosgate (Applicant) / Michael Ahern (Owner) - To Use the Property as an Outdoor Automobile Storage Facility – The Property is Located at the Intersection of Fletcher Lane and Walpert Street in the Agricultural (A) Zoning District
2. Planning Director Referral of Administrative Use Permit No. PL-2001-0328 and Site Plan Review Application No. PL-2001-0331 – Alameda Muslim League (Applicant): Ibrahim Khan, Sardar K. & Hafijan Dean (Owners): Request to Allow the Construction of a Mosque in the RS (Single-Family Residential) Zoning District – The Property is located at 25000 Muir Street between Orchard and Berry Avenues

PUBLIC HEARINGS

1. Planning Director Referral of Administrative Use Permit No. PL-2002-0188 – David Fosgate (Applicant) / Michael Ahern (Owner) - To Use the Property as an Outdoor Automobile Storage Facility – The Property is Located at the Intersection of Fletcher Lane and Walpert Street in the Agricultural (A) Zoning District

Associate Planner Emura described the project location at the intersection of Fletcher Lane and Walpert Street. The parcel is 4.61 acres with an irregular shape. He noted that the slopes make the property very difficult to develop. With grading the parking will be on a 15 degree slope. The site will be visible from southbound lanes of Mission Boulevard. Ten eucalyptis trees will

be removed from the site. Neighbors have expressed concern about the traffic and the slope of the property. He described the various improvements required on the site.

Commissioner Caveglia asked about the finding #2, and the zoning.

Planning Manager Anderly said the property is zoned agriculture which permits parking lots. She noted that there is not enough room on the property for habitable structures. It is also very close to the Fault Line.

Commissioner Thnay asked about any other vacant sites on Mission to accommodate similar uses.

Planning Manager Anderly responded that it is very difficult for car dealers to find space for car storage.

Sacks – show where the actual parking lot would be.

Commissioner Zermeño asked about several extra trees and whether they were they drawn into the slide.

Associate Planner Emura explained that there would be additional trees to those shown on the plan.

The public hearing was opened at 7:45 p.m.

Bob Fischer, Talent, Oregon, said he was representing the dealership. He noted that they have been working with staff for many months to develop a plan. He said they plan to retain more of the eucalyptus trees. He noted that of the 28 trees, 10 were not salvageable. He also explained that they worked out a reduction in the parking spaces that doesn't require 400 cars. This will help keep the dealership healthy in the community. He commented that he was pleased with the plan and hoping for a favorable vote from the Commission.

Commissioner Sacks asked whether the dealership had ownership of the property.

Mr. Fischer said they did not at this time.

Chairperson Bogue suggested that since the area, looking from the entrance, would not be parked in, would the dealership be amenable to landscaping that area.

Mr. Fischer said they probably would. He added that they would need some security lighting on the premises with the value of inventory. He noted that it would all be directed downward and as minimal as possible.

Commissioner McKillop asked whether the inventory would be brand new cars.

Mr. Fischer responded that it would mostly be, except for those cars accepted as trade-ins. He emphasized that there would be no repair service on this lot. It would be car storage only.



Commissioner McKillop then asked how many transport truck trips a day would be occurring at this location.

Mr. Fisher said it would be more like three or four a week. He added that if the average dealership sells 10-12 cars a day, it is considered a banner week. He did not think people would really notice the activity on the lot.

Commissioner Zermeño asked about the transport trucks and the parking lot.

Mr. Fisher explained that the lot was designed so that the trucks would move all the way into the lot before they have to stop. This means the large trucks would be totally off the street.

Jody Lynn Eldridge, living in the area, said she wanted to address a number of things. She noted that her apartment is on the second floor and she has the best view in town. She said she disagrees with the evaluation of the property as to erosion and the view. She described a herd of deer living on the hill.

Carol Porter, described her property as on the right hand side. She is the owner of the apartment house. She added that the view from second and third floor would not be appropriate. The fence planned for the south side would not be enough coverage to prevent residents from seeing the cars. She commented on the amount of grade on the lot. She was of the opinion that it would be a hazard to build and park there. She suggested saving the property as green, open space, and encouraged members to look at the property.

Commissioner McKillop said she had looked at the property and thought the view from the apartments would not be restricted since the parking lot was on the side.

Bea Thornton stated that this is an atrocity for the city to consider, a parking lot on this lovely open space. She said she worked hard on the Mission-Foothill Task Force. She remembered that a few years ago, the suggestion for this property was for a golf driving range. She commented that this project, in the middle of Hayward close to downtown would create a San Francisco Airport parking lot. She then read part of the Mission-Foothill Task Force report, which stipulated that, "No auto related businesses should be built north of Sycamore." She added that traffic could be a problem, and it would be an eyesore to condominium dwellers. In this area are the cemetery and children going to the high school, junior high, and grade school. This parking lot does not belong there. She asked to have some open space, and said, do not let this happen.

Pat Lane, Joyce Street, stated, putting this car lot here is idiocy. She suggested developing the lot for the youth of the area. She then asked about the land at the end of Winton as an alternative location. She asked the commissioners to reconsider this. Joyce Street has become one of the worst streets for test drives. She wondered what guarantee there was that this will

not be a sales lot. She commented that Hayward prides on many of its beautification projects. Lets build it up, not tear it down.

Ruth Collins, Fletcher Lane, said she was very upset to hear this was considered for the location of a parking lot. She said she loved looking out on the deer in the morning. She did not think the lot was suitable for this purpose. She said she would like to see more trees to bring residents closer to nature. She would hate to see it turned into a parking area.

The public hearing closed at 8:16 p.m.

Commissioner Caveglia commented that the issue does revolve around what is possible. He noted that this property could be a park and that this was really a far better idea. He noted that a parking lot is such a bad use of land. He moved, seconded by Commissioner Zermeño to find the proposed project categorically exempt from CEQA guidelines, and not approve the administrative use permit based on the findings that the proposed use is not the best use for the site. He then suggested that City staff work with HARD to develop the parcel into a park for the residents.

Commissioner McKillop asked how much of the parcel would be parking area.

Associate Planner Emura responded that about 1.4 acres would be used in the parking area.

Commissioner Sacks was assured that the view would not significantly change.

Associate Planner Emura also emphasized the condition which would not allow retail at the site.

Commissioner Sacks said she would rarely speak against any open space proposals. However, she noted that the property has been vacant for more than 25 years and no one here has taken action to secure this property for open space. She said she would vote against the motion.

Commissioner Thnay asked how many applications for use have been submitted for this site, and whether it is a safe area for erosion and hydroseeding.

Planning Manager Anderly responded that the only other proposal was the driving range which would have required very tall nets. She added that there had been inquiries for use as a mini-storage area, but that would have required a zone change.

Associate Planner Emura noted that though there has been no specific erosion control plan submitted by the applicant, staff has added a condition for hydroseeding the slopes and providing an erosion control plan.

Commissioner Thnay commented that he does love open space but sees this application as a balance of rights, residents versus property rights. He expressed some concern with some of the proposal. He noted that Fletcher Lane is probably not constructed for high truck use. This will be a wide open stretch of parking lot. He commented that he drives through the industrial area most days and sees the view from the freeway of car lots. He suggested a mitigation plan



with, trees and landscaping within the lot itself, every five or ten parking spaces, to help to soften look of the asphalt. The applicant agreed that it could be done.

Commissioner Zermeño asked the Assistant City Attorney what would happen if the Commission were split on a 3:3 vote.

Assistant City Attorney Conneeley said a tie vote would mean no action was taken and the proposal would then go to the City Council.

The motion failed by the following vote:

AYES:	COMMISSIONERS Caveglia, McKillop, Zermeño
NOES:	COMMISSIONERS Thnay, Sacks CHAIRPERSON Bogue
ABSENT:	Halliday
ABSTAIN:	None

Commissioner Sacks then moved, seconded by Commissioner Thnay, to find the proposed project categorically exempt from CEQA, and to approve the Administrative Use Permit, subject to the findings and conditions.

Commissioner Thnay said he would also like to add a few conditions, including landscaping within the parking area, and also a study as to whether there is any indication of how suitable Fletcher Lane is to handle the extra load.

Commissioner Sacks said she would accept these conditions if staff feels it is appropriate.

Associate Planner Emura said Traffic and Engineering as well as Public Works have all looked at the project. He then commented on the limited number of truck carriers during non-peak commute hours, which might amount to three or four a week. As to the interior landscaping he said he would hope the applicant could accommodate this condition.

Commissioner Thnay clarified that this is for the trucking of a heavy load of cars. He noted that a regular street can sustain a certain amount of trucks, but he wanted to be sure staff had a chance to review this issue.

Planning Manager Anderly said it might be appropriate for Public Works to look at the street for the impacts of heavy wear.

Chairperson Bogue suggested adding a requirement that if the road is damaged, the applicant is responsible for the condition. As the maker of the motion, Commissioner Sacks agreed that if this were appropriate, it would be acceptable.

Commissioner Zermeño said he was voting for some semblance of quality of life. He felt this parking lot would be destroying this area, and he would vote against the motion.

Commissioner McKillop commented that this project is not an appropriate use for this area. She indicated that she would not support the motion.

Commissioner Caveglia said if it is a choice between an urban park and parking lot, it is easy to decide.

Commissioner Sacks spoke about going over to look at the property. She said she remembered it as more narrow and more difficult. Although it could become many things, it is being used to dump trash and old furniture. It certainly is not getting the kind of care it should be getting at the moment.

Commissioner Thnay questioned how feasible it would be to acquire the land and make it a park.

Planning Manager Anderly responded that cost in acquiring and maintaining the property as a park would be a major factor. She said neither staff nor the City could speak for HARD.

Chairperson Bogue noted that it is not a choice between a park and parking lot since there was no proposal for a park on this property.

The motion to approve the staff recommendation failed by the following vote:

AYES:	COMMISSIONERS Thnay, Sacks
	CHAIRPERSON Bogue
NOES:	COMMISSIONERS Caveglia, McKillop, Zermeño
ABSENT:	Halliday
ABSTAIN:	None

Assistant City Attorney Conneely stated that unless applicant wants to bring it back before the full commission, it would go to the City Council.

The applicant deferred letting the Planning Department know their decision.

2. Planning Director Referral of Administrative Use Permit No. PL-2001-0328 and Site Plan Review Application No. PL-2001-0331 – Alameda Muslim League (Applicant): Ibrahim Khan, Sardar K. & Hafijan Dean (Owners): Request to Allow the Construction of a Mosque in the RS (Single-Family Residential) Zoning District – The Property is located at 25000 Muir Street between Orchard and Berry Avenues

Associate Planner Pearson gave the staff report. He indicated that there had been several complaints from neighbors that the property was being used for religious meetings. This application was for a two story mosque which would be 30 feet tall. He commented that staff felt the building was too large for the size of the property and would not be compatible with the

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, September 26, 2002, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

single-story neighborhood. He added that the Mosque on Mission is roughly the same size and number of parking spaces, adding that parking in this neighborhood is likely to spill onto neighboring streets should the use levels be comparable. Again he noted there had been numerous complaints in opposition to the construction of this building.

The public hearing opened at 8:46 p.m.

Ghulam Azad, representing the applicant, said the Mosque he originally designed was a bigger building. He said he redesigned it to be within the height limits. He commented that parking is one issue and the look of the building is another issue. He noted that he could bring it down to neighborhood size, and would be willing to work on parking issue. He said that he also designed the Mosque on Mission. It has 50 parking spaces but they bought 4+ acres for more parking since they are also thinking of providing a school.

Commissioner Caveglia asked whether the height could be modified.

Mr. Azad said he would modify the design to include a pitched roof so it would be more like a bigger house.

Commissioner Caveglia then noted that parking is an issue in this neighborhood and wondered how many people would go to each of the services.

Mr. Azad responded that this is a smaller mosque and as such is limited to approximately 265 people. He said they would be limited by the amount of space inside, since it is a religious requirement to have 30" x 48" space per person.

Planning Manager Anderly said she wanted to clarify the parking requirement. She said that with use permits, if it is known or if there is a sense that there will be a greater demand for parking spaces, more spaces could be required than called for in the Parking Ordinance.

Sandy LaFrancois, homeowner since 1964, said she was against this project for several reasons. There is already a traffic problem in the neighborhood. She figured that with 260 people using the building at two people to a car, they would need 130 parking spaces. There are no sidewalks in this area so pedestrians walk in the streets, which could be a danger if traffic increases. She noted the increase in noise pollution. She added that by approving the mosque, the door would be opened for more apartments in the area. She said she understood the convenience but this structure does not belong in this neighborhood.

Anthony Varni, Attorney, said he was speaking for the Gordon Dotson Properties immediately near this project. He noted the Jackson triangle study which set certain neighborhood standards. He commented that there is no question that 50 parking spaces will not work, that is too underparked. He said putting this in a wholly residential area and having a building 10 feet taller than any of the houses would not work. He stated that this is a fragile neighborhood which can go

up or go down. He said given the support of the other properties to upgrade and stay will make it a positive neighborhood. Standards were set for a good reason.

Eleanor Fletcher, discussed the traffic problems, college, commute, school traffic. Should remain residential. No sidewalks. Wouldn't work to have a lot of cars parked there.

Joseph Mateo said he is opposed to having the mosque in the neighborhood. He added that he would support other single-dwellings on the property. He has been a resident of the neighborhood since 1962. It is a single-family dwelling area should remain that way.

Pat Lane said she has been acquainted with the neighborhood since 1950. Joyce Street is the worst speed trap in Hayward. She noted that quite often people use Orchard to avoid the traffic on other streets. It is zoned for single family units now. The apartments in the neighborhood were approved as special units. On Sundays, the people park anywhere from the church. She emphasized again that there is too much traffic in the neighborhood.

Kenneth Forrest said he lives directly behind the proposed mosque and protested the extra traffic the church would bring in. He added that he doesn't want to see a retaining wall outside his home.

Izad Ali commented that traffic and parking is a problem everywhere in Hayward.

Mohammed Ali said he lives on Ruus Road with three churches in their neighborhood. He would like to see the community be able to build the mosque.

Phill Waters said the neighborhood can not get the traffic commissioners to come down because of parking problems. He added that Orchard just got a traffic circle and speedhumps. This is zoned single family dwelling.

Sharon Waters discussed parking and traffic. She said the neighbors fought for a traffic light and crossing guard. She noted that she was a member of the Neighborhood Task Force. They emphasized continuing the zoning as single-family-dwelling. This would construct something that goes against everything the residents have asked for. She noted that since the neighborhood is directly down the hill from CalState Hayward, there is a lot of traffic from that area. She emphasized that duplexes in the area are allowed one car space. She stated that this is not the location for this project.

Dawn Frederick emphasized that it would be ironic to build such a place of peace in a such controversial area.

Reggie Khalik noted that the church would have 50 parking spots and maybe fill up 25 of them. He commented on the church goes which would come some in morning, some in the evening, so there should be no parking problem. He added that in the neighborhood the whole area is full of cars, so there would be no additional parking for church people.

Elena Solis said they purchased a duplex on Orchard. At the time they were told that if the building were destroyed by 50 percent or more, they could not rebuild it as a duplex. It would



have to be replaced as a single-family home. She then asked why there is no consistency. She then commented on the traffic in the neighborhood.

Laverne Rodriguiz, Orchard Avenue, said she lives one house away, she noted that to come to this meeting it took four minutes to get out of her drive-way. She also commented that it is the issue of traffic.

Soraya Khan commented that many of the members carpool. She noted that they could get a van to ease the traffic.

Commissioner Caveglia asked for a clarification as to whether the congregation meets in the dwelling at this time.

Ms. Khan said they do get together regularly. She emphasized that their are probably 50 people who get together, not like 500 or more who attend the mosque on Mission. She said parking not an issue since most attendees are dropped-off. She emphasized that anyone is welcome, but most of the congregants are from the Fiji community.

Mohammed Ali discussed the number of apartments in the area. He also said their scheduled prayer times are on the hour.

The public hearing was closed at 9:24 p.m.

Commissioner Zermeño stated that the Alameda Muslim League deserve a Mosque but the residents deserve a family neighborhood. He then moved, seconded by Commissioner Caveglia, to deny the Administrative Use Permit and Site Plan Review based on findings.

Commissioner Sacks said in this instance everybody is right, however, she agreed with Commissioner Zermeño. She commented that a lot of people have lived a lot of years in that neighborhood. She emphasized the traffic in the area and noted that she had driven through the area before the meeting. She said she found cars on both sides of a very narrow street. The traffic was bad enough so that she had to wait a good long time before being able to merge into traffic. She emphasized that she agreed with the motion and the neighborhood.

Commissioner Thnay said he agreed with the residents that this is supposed to be a place of peace but because of the location and size, it is not compatible with the neighborhood. He noted that this neighborhood has taken a long time to build up. He then asked what would this bring to this community. He encouraged the Fiji community to look elsewhere in Hayward. He said he understood their commitment but this is too big a project for this neighborhood.

Commissioner Bogue said he walked out onto the site and looked at the imposition of the building on the area. He agreed with the residents that there was absolutely no place to park even in the middle of the afternoon. He commented that the building is imposing and the traffic would be an

imposition. He noted that the Neighborhood Plan is clear and talks about single-family dwellings and height requirements. He stated that he would support the motion.

Commissioner McKillop said that to her, it was not a matter of the parking. She agreed with Mr. Varni who described this as a fragile neighborhood which could go either up or down. She said she would support the motion.

The motion passed unanimously, 6:0:1 with Commissioner Halliday absent.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly said there was nothing to report.

4. Commissioners' Announcements, Referrals

Commissioner Caveglia commented that he had driven by Hutch's car wash. He thought they were not allowed a bigger tent structure and wondered whether the Planning Department could deal with that.

APPROVAL OF MINUTES

- June 20, 2002
- July 11, 2002
- July 18, 2002

All of the Minutes were approved.

ADJOURNMENT

The meeting was adjourned by Chairperson Bogue at 9:36 p.m.

APPROVED:

Barbara Sacks, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary