

**DATE:** July 28, 2009

**TO:** Mayor and City Council

**FROM:** Development Services Director

**SUBJECT:** Zone Change Application No. PL-2008-0280 – Guru Granth Sahib Foundation (Applicant/Owner) - Request to Rezone a Parcel From Single-Family Residential (RS) District to Planned Development (PD) District to Allow the Construction of a 34,200-Square-Foot Sikh Temple on a 3.8-Acre Parcel. The Property is Located at 1798 D Street

### **RECOMMENDATION**

That Council adopts the attached resolution adopting the attached Negative Declaration, and introduces the attached ordinance approving the Zone Change subject to the conditions of approval.

### **BACKGROUND**

A Sikh temple is located at 1798 D Street between Seventh Street and San Felipe Park. The facilities include a primary temple building, an historic church building, and two open parking areas totalling approximately 50,000 square feet, accommodating 100 parking spaces. The Guru Granth Sahib Foundation proposes to remove its existing two-story temple structure and build a new 34,200-square-foot, two-story temple. In addition, a new two-level parking structure is proposed near D Street in the front portion of the property, and the lower open parking lot off Hill Avenue would be rebuilt and enlarged. The historic building, located near the western property line in the middle of the site, would remain unchanged and be utilized as a multi-purpose room for auxiliary temple functions.

The architecture of the proposed temple represents the traditional Sikh temple designs of India that include high ceilings, scalloped archways, minarets, and pointed domes, commonly known as “onion domes”. The building is designed to conform to the sloping topography of the property. Because of the slope, the single-story portion of the structure, located on the uphill side, would have a height of 22-feet, while the two-story portion of the temple, which steps down the hill, reaches a 40-foot height.

While some of the domes exceed a height of 40 feet, the Zoning Ordinance specifies that architectural elements, such as church steeples, may be exempted from the height requirement as long as the elements are in scale with the building. There are three primary domes on the roof. The largest dome is 25 feet high, above the roof, and would be located in the center of the temple

structure. Two smaller domes are between 11 and 13 feet high and would be located at the temple entrances. There would also be ten small, 10-foot-high, minarets located at the roof's edge around the perimeter of the building. The proposed domes and minarets are in scale with the building.

The site is located within an established residential neighborhood. The properties to the east and north contain detached single-family homes. To the west is the Ridgecrest Apartments, and a mixture of single-family and multi-family housing exists to the south of the project. The property slopes downhill from D Street to Hill Avenue.

The applicant originally requested that the zoning be changed to Medium Density Residential (RM), which allows a 40-foot building height. Neighbors and staff were concerned that if the zone change was approved and the temple was not constructed, a multi-family housing development could be constructed as a primary use. The proposed Planned Development (PD) District would be specific to the proposed temple. Therefore, any other use would require approval of a new zone change application involving in public hearings.

At its May 28, 2009 meeting, the Planning Commission unanimously (6-0, one absent) recommended that the City Council approve the Zone Change application. It was noted by Commissioners that the proposed temple and parking structure conform to the Hillside Design Guidelines, as the temple building steps down the hill, and the parking structure cuts into the hillside to minimize its appearance.

During the Planning Commission meeting, two conditions of approval were added and one condition was modified. The added conditions: 1) restrict religious services to no later than 10:00 p.m. Monday through Friday and 11:00 p.m. on weekends; and 2) limit construction between the hours of 8:00 a.m. - 6:00 p.m. Monday through Friday and prohibit construction on weekends and holidays. The modified condition requires that the landscaping shall comply with the Hayward Environmentally Friendly Landscape Guidelines.

## **DISCUSSION**

The proposed temple development is compatible with General Plan Policies, and the purpose of development as expressed in the Zoning Ordinance. The proposed development conforms to all applicable standards of the Single-Family Residential (RS) zoning district, with the exception of the 30-foot building height limit, since the temple would be 40 feet in height.

The applicant designed the project to preserve as much of the neighbors views as possible by centrally locating the temple to a portion of the site that has a ground elevation 20 feet lower than the existing temple structure, and creating a two level garage that has the first floor cut into the existing slope (see sheet Gs-20h, Section AA of the applicants attached plans). With this relocation, the roof of the proposed temple is approximately two feet lower than the existing temple roofline. Although short-range views of neighbors to the east may be slightly impacted by the temple, the long-range views are more impacted by existing trees along the easterly and westerly property lines than the proposed building.

Locating the temple to the center of the site also will allow the temple to be constructed at a lower elevation and provide generous setbacks. In addition, with the two level parking structure being dug into the hillside, the structure would not obstruct the front elevation of the temple from D Street. To compensate for the additional building height, the temple structure has a 45-foot setback from the east property line where only a 10-foot setback is required. The building would be set back 65 feet from the nearest home. In addition, generous landscaping would be provided along the side property lines. The applicant also proposes to provide substantial setbacks for the new parking garage, which would be setback 45 feet from D Street, where a 20-foot setback is required. The increased setbacks and additional landscaping would minimize the impact to abutting neighbors and travelers along D Street.

The existing temple contains approximately 21,400 square feet. Although the proposed 34,200-square-foot temple is larger, it will not have a significant increase in intensity of use. The majority of the expansion would accommodate subserviant ritual functions of worship, such as areas to wash the hands and feet of the congregation, and building area needed for non-worship activities such as guest rooms, offices, kitchen, and dining room. The increase of the main worship space, the prayer hall, is not significant. The existing temple has a prayer hall area of 7,500 square feet which can accommodate 500 people. The new temple would have a prayer hall of 8,700 square feet, which could accommodate 580 people. The additional attendance would not create a significant impact to the traffic on D Street or the surrounding streets. In addition, 237 parking spaces would be provided, exceeding the 107 spaces required by the City's parking regulations.

## **ENVIRONMENTAL ANALYSIS**

An Initial Study and Negative Declaration have been prepared for the proposed zone change and temple construction pursuant to the California Environmental Quality Act (CEQA) (see attachment to Exhibit D). No significant environmental impacts, including those related to traffic and parking as stated previously, are expected to result. No mitigation measures were required as a result of the environmental analysis.

## **FISCAL AND ECONOMIC IMPACT**

While this project would result in added value to the property, religious facilities and other non-profit uses may be granted an exemption of 100% of the *ad valorem* ("according to value") portion of property taxes. The temple would still be responsible for paying the Special Charges portion of the property taxes – those charges that are remitted to other taxing agencies – in this case, for mosquito abatement, paramedic services, vector control, and flood control. Also, given the congregation size, the expected additional costs associated with services will generally remain the same.

## **PUBLIC CONTACT**

As a result of the noticing for the May 28, 2009 Planning Commission hearing, staff received one response. A neighbor on the uphill side of the property cited concerns of the possible infringement the new structure would have on her view towards the bay. Through computer generated

simulations, it was determined that the view infringement would be minimal. The neighbor has not brought forth any further concerns.

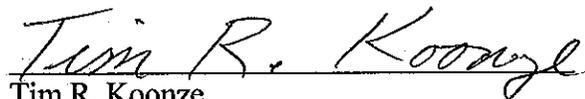
On October 22, 2008, the temple leaders held a neighborhood meeting at the temple, which was attended by one neighbor who expressed concerns about grading on a steep slope located along the northern property line. The applicant has set back the open parking lot improvements 20 feet from the northern property line to prevent altering the existing slope. Prior to the issuance of a grading permit, a soils report must be obtained. The applicant must also provide a drainage plan that proposes to collect on-site drainage and properly treat it before discharging it into a drainage facility.

On July 10, 2009, a Notice of the City Council public hearing was published in *The Daily Review*, and property owners and occupants within 300 feet of the project boundaries were notified, as were interested parties and appropriate public agencies. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

#### NEXT STEPS

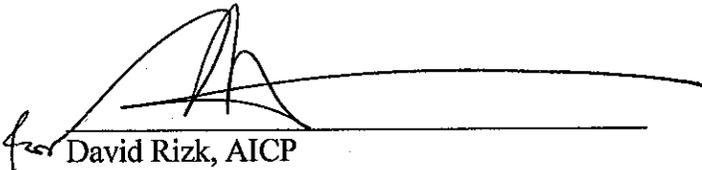
If the City Council approves the Zone Change, the applicant plans to proceed with the construction of a new Sikh Temple. Prior to commencement of construction, the applicant is required to obtain a grading permit and a building permit.

Prepared by:



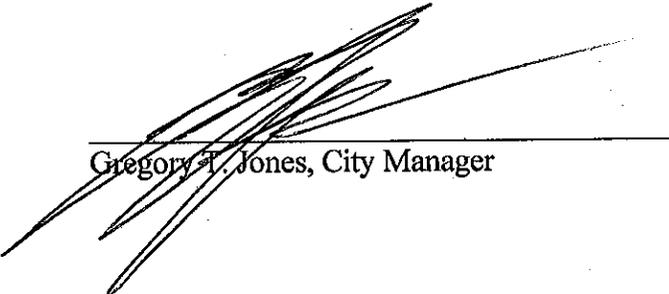
Tim R. Koonze  
Associate Planner

Recommended by:

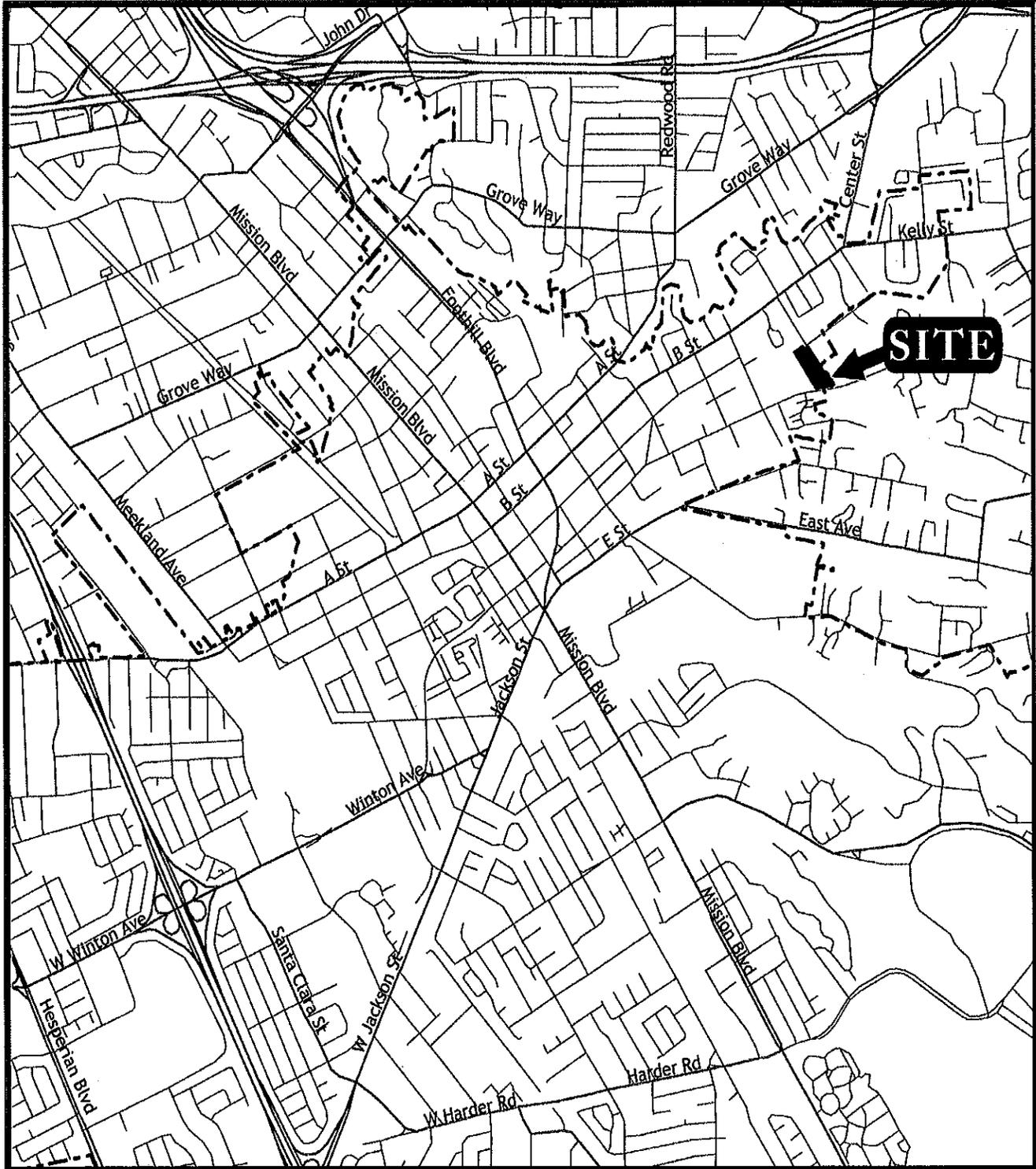


David Rizk, AICP  
Development Services Director

Approved by:

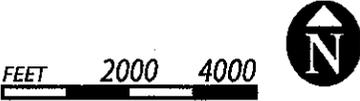
  
Gregory T. Jones, City Manager

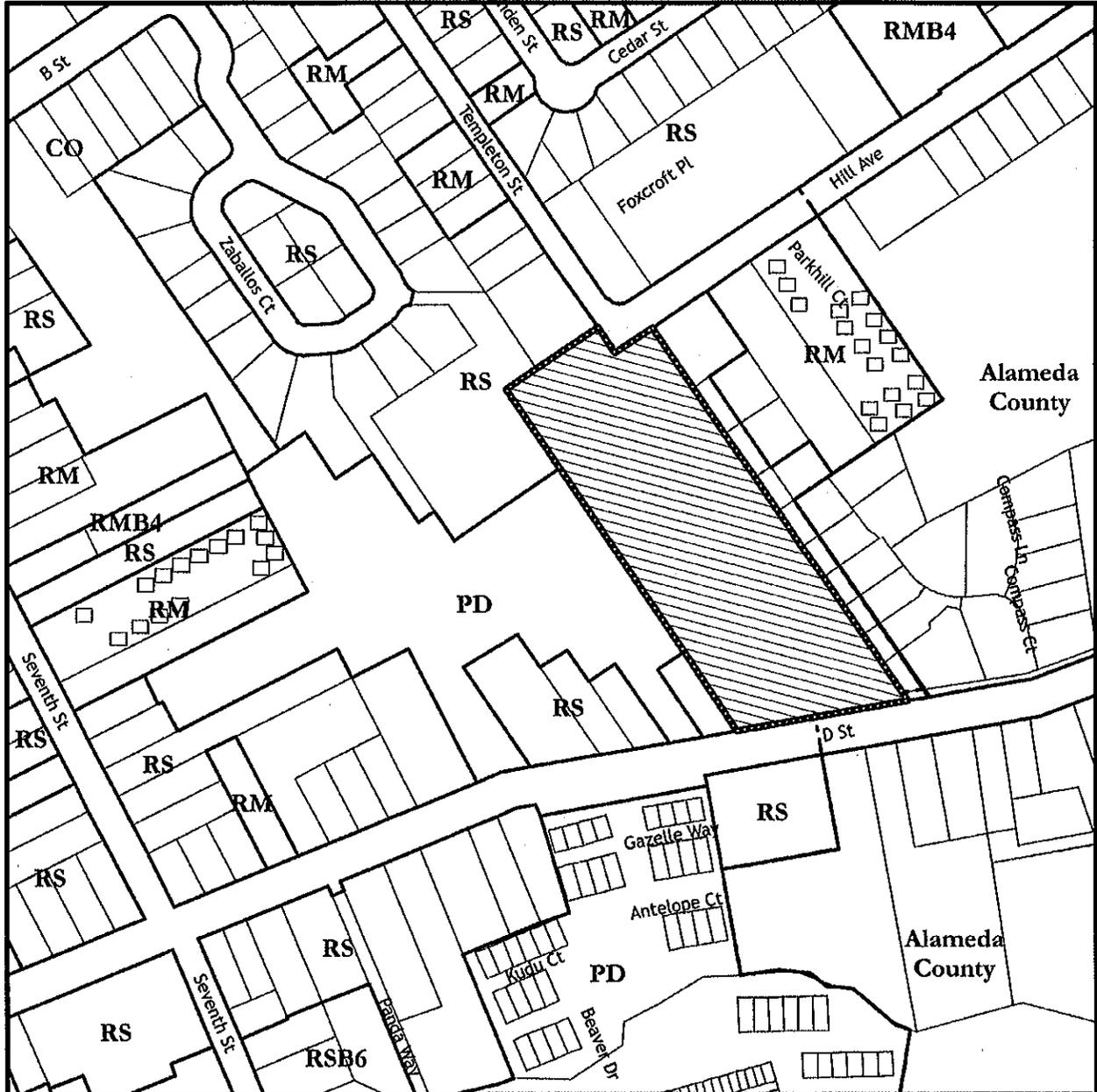
**Attachments:** Exhibit A. Vicinity Map  
Exhibit B. Area and Zoning Map  
Exhibit C. Aerial Photo  
Exhibit D. Conditions of Approval, revised by Planning Commission  
Exhibit E. Negative Declaration and Initial Study  
Exhibit F. Planning Commission Report, dated May 28, 2009  
Exhibit G. Planning Commission Meeting Minutes, dated May 28, 2009  
Draft Resolution  
Draft Ordinance



**Vicinity Map**

PL-2008-0280 ZC, PL-2008-0281SPR  
1798 D Street





### Area & Zoning Map

PL-2008-0280 ZC

PL-2008-0281 SPR

Address: 1798 D Street

Applicant: Joe Nagra

Owner: Guru Granth Sahib  
Foundation

### Zoning Classifications

**RESIDENTIAL**

- RM** Medium Density Residential, min lot size 2500 sqft
- RMB4** Medium Density Residential, min lot size 4000 sqft
- RS** Single Family Residential, min lot size 5000 sqft
- RSB6** Single Family Residential, min lot size 6000 sqft

**COMMERCIAL**

- CO** Commercial Office

**OTHER**

- PD** Planned Development



FEET 200 400

**DUE TO THE COLOR OF ATTACHMENT C, IT HAS  
BEEN INCLUDED AS A SEPARATE LINK**



**DATE:** May 28, 2009

**TO:** Planning Commission

**FROM:** Tim R. Koonze, Associate Planner

**SUBJECT:** **Request to Rezone a Parcel From Single-Family Residential (RS) District to Planned Development (PD) District to Allow the Construction of a 34,200 – Square-Foot Sikh Temple on a 3.8-Acre Parcel. The Property is Located at 1798 D Street**  
Zone Change Application No. PL-2008-0280 – Guru Granth Sahib Foundation  
(Applicant/Owner)

### **RECOMMENDATION**

That the Planning Commission recommend that the City Council approve the Negative Declaration, Zone Change, and the Preliminary and Precise Development Plans subject to the attached findings and conditions of approval.

### **SUMMARY**

The applicant is proposing to remove the main temple building and construct a new temple, as well as improve the property with a parking structure, surface parking areas, fencing and landscaping. The existing Single-Family Residential (RS) District allows religious facilities with an administrative use permit. However, the new temple would have a roof height of 40 feet where the RS District only allows a 30-foot roof height. A Planned Development District would allow the temple to be constructed to a height of 40 feet.

A two-story parking structure is proposed to be located near D Street and an additional surface parking lot would be located near Hill Avenue. The number of parking stalls in these parking areas exceeds the City's Off-Street Parking Regulations requirements.

The City's Transportation Manager has determined that the proposed use would not have a significant impact on the surrounding streets. The existing facilities and emergency services can adequately serve the proposed project.

Normally, with the approval of a Planned Development District, the City Council approves a Preliminary Development Plan. The applicant then submits a Precise Plan application, which staff reviews and approves for compliance with the conditions of approval. In this case, because the scale of the project is relatively small, and the plans provide the detail required by a Precise Plan, it is staff's opinion that the Council, with the Commission's recommendation, could approve both the Preliminary Development and Precise Plans.

## **BACKGROUND**

### Project Description and Setting -

In 1955, the City Council approved a use permit to allow the relocation of an existing church building, the construction of a larger church structure and the operation of a religious facility on the subject property. The relocated building, originally on Mission Boulevard, was the first Episcopal Church in Hayward and is considered to have historic value. The property has been used as a religious facility since the 1955 approval. It has been used as a Sikh temple since 1992. Sikh services and related functions have been held on this property for approximately 17 years.

The property slopes downhill from D Street to Hill Avenue. There is a steep 20-foot high slope near D Street which would not be developed. The site is located within an established residential neighborhood. The properties to the east and north are detached single-family homes. To the west is a multi-family development, and a mixture of single-family and multi-family housing exists to the south of the project.

The Guru Granth Sahib Foundation proposes to remove the existing temple structure and build a new 34,200-square-foot, two-story temple on a lower portion of the property. In addition, a new two-story parking structure is proposed near D Street and an open parking area would be developed near Hill Avenue. The historic building would remain unchanged and be utilized as a multi-purpose room for auxiliary temple functions.

The architecture of the proposed temple is of a traditional temple design that reflects the culture and religion of the Sikh people. The architecture includes high ceilings, scalloped archways and minarets, pointed domes commonly known as "Onion Domes". The single-story portion of the structure would have a 22-foot high roof while the two-story portion of building reaches a 40-foot roof height. The building heights do not include the minarets.

The Zoning Ordinance specifies that religious enhancements, such as church steeples and minarets, are not to be calculated into the building height as long as the enhancements are in scale with the building as determined by the Planning Director. The proposed minarets are in scale with the building and are consistent with traditional Sikh temple architecture.

The main temple entry faces D Street, providing access to the main prayer hall. The lower floor houses the dining hall, kitchen, office and two temporary living quarters for guest speakers and those in need of a temporary place to stay. The upper floor houses the main prayer hall and related features, shoe storage areas and washrooms.

The temple is well designed with defining offsets along the building exterior. The building façade fenestrations eliminate blank building walls and provide an interesting look on all sides of the building. A projected entry way at the front of the temple creates a defined entryway and an extended projection at the rear of the temple provides an added defining element. The façade is capped with a mansard roof which would be painted to match the sand color of the first floor. The building has a stucco exterior; the lower floor would have a sand color finish accented by one-inch wide horizontal score lines and the second floor would have a smooth off-white finish.

The proposed temple would have three large minarets that would be painted a non-glossy muted gold color. The largest dome is 25 feet high and would be located in the center of the temple structure. The two smaller domes are between 11 and 13 feet high would be located at the temple entrance and at the rear of the temple. There would also be 10 small, 10-foot-high, off-white minarets located at the roof's edge around the perimeter of the building. The proposed two-story parking structure utilizes the same scalloped archway designs and color scheme as the temple. The building would be split level which would step down the hill.

Any structure that receives a building permit after August 1, 2009, would be required to meet the provisions of the City's Green Building Ordinance. It is not likely that the temple would receive a building permit prior to August 1, 2009; therefore, the temple and parking structure would comply with the provisions of that ordinance.

The landscaping and irrigation is proposed to be upgraded throughout the site. A decorative metal fence with masonry columns would be installed across the D Street and Hill Avenue Street frontages. A solid board redwood fence would be installed along the remaining property lines which abut residential development.

## **DISCUSSION AND STAFF ANALYSIS**

The property is within a Single-Family Residential (RS) zoning district which allows religious facilities with an administrative use permit. The proposed 40-foot building height exceeds the maximum 30-foot height limit imposed by the district.

The applicant originally requested that the zoning be changed to Medium Density Residential which allows a 40-foot height. Neighbors were concerned that if the zone change was approved and the temple was not constructed that a multi-family housing development could be constructed as a primary use without the benefit of noticing the surrounding property owners. The Planned Development (PD) District would be specific to the proposed temple. Therefore, any multi-family housing development would require approval of a new zone change resulting in notification to the surrounding neighborhood.

The PD District would also encourage redevelopment of the property in a way that respects the physical constraints of the property and surrounding properties, carries out the policies and objectives of the General Plan and other policies and guidelines and allows for diversification in uses and architectural design which may not be achievable under other zoning districts.

The project is required to off-set any latitude or exception(s) to development regulations or policies by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The applicant tried to preserve as much of the abutting neighbors scenic views as possible by centrally locating the temple on the property, locating the temple to a lower portion of the property and providing large property line setbacks. To compensate for additional heights, the property was designed with generous setbacks. The parking garage on the upper portion of the lot is setback 70 feet from D Street where a 20 foot setback is required. The driveway

that runs along the eastern property line is setback 10 feet where a 5 foot setback is required, and the northern parking lot is setback 22 feet from the property line where a 5 foot setback is required. In addition, the new temple structure is centrally located with a 45-foot setback from the closest property line.

The temple currently has approximately 400 members. Of those, 200 attend services on a regular basis. Temple leaders do not anticipate a significant increase in membership as depicted by the new temple design. The existing temple has a prayer hall area of 7,500 square feet which can accommodate 500 people. The new temple has a prayer hall size of 8,700 square feet which can accommodate 580 people.

The Sikh temple is proposing to provide over twice the amount of the required parking stalls. The City's Off-Street Parking Regulations require the proposed temple to provide 107 parking spaces; there are 237 parking stalls proposed within two separate parking areas. The driveway, connecting the two parking areas and providing access to D Street and Hill Avenue, varies in width between 24 feet to 26 feet.

Using the proposed parking numbers and building capacity, figures generated by the Institute of Transportation Engineers (ITE), the temple, during the peak hour Sunday service, would generate 267 trips onto D Street and 133 trips onto Hill Avenue. The City's Transportation Manager has determined that D Street and Hill Avenue could adequately accommodate the traffic generated from the proposed temple.

The proposed temple development is compatible with General Plan Policies, and the purpose of development as expressed in the Zoning Ordinance and the Upper B Street Neighborhood Plan. The temple is a multi-level structure that steps down to conform to the slope of the property which is consistent with the Hillside Design guidelines.

The required findings can be made for this zone change, as detailed in the following paragraphs.

**A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City Policies**

The Sikh temple has amiably coexisted with the surrounding residential uses for the past 17 years. Typical temple traditional architecture includes high ceilings. In order to reduce the visual impact to the surrounding residences, the temple is proposed to be located in the middle portion of the lot which has an elevation that is 20 feet lower than the existing building location.

**The proposed zoning designation conforms to the General Plan Community Facilities and Amenities:**

Historic Preservation

*Policy 7: Enhance the City's image through identification and preservation of historic resources.*

The proposed development intends to preserve small a church building which has historical significance as the first Episcopal Church in Hayward and would utilize the building to hold supplementary temple functions.

**The proposed development conforms to the purpose of the Zoning Ordinance:**

GENERAL PROVISIONS SECTION 10-1.110 PURPOSE

- a. *Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses and recreational amenities.*
- b. *Allow for the infill and reuse areas at their prevailing scale and character.*
- c. *Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.*

The proposed project retains the existing use while replacing the existing temple and enhancing the property, thereby, enhancing the neighborhood. The topography of the property allows the proposed temple to be constructed in the traditional manner while staying in scale and character to the neighborhood by developing on a lower portion of the property from where the existing temple is and by using generous setbacks. The proposed improvements develop the property to its fullest potential without significantly increasing the use of the property. The surrounding streets can support traffic that would be generated by the temple and there are facilities available to adequately serve the proposed project.

**The proposed zoning designation conforms to the Upper "B" Street Neighborhood Plan:**

POLICIES AND STRATEGIES FOR NEIGHBORHOOD CHARACTER AND APPEARANCE

*Policy 11: Protect and enhance the neighborhood's historic character.*

The proposed project does not propose a change of use. The existing historic structure will be preserved and the property would be improved with a new temple, parking facilities and landscaping, thereby preserving the neighborhood's historic character and enhancing the neighborhood.

**B. Streets and utilities, existing or proposed, are adequate to serve the development.**

The proposed temple, although larger, will not have a significant increase in intensity of use. D Street has the capacity of 500 trips per hour. Using the proposed parking numbers and building capacity, figures generated by the Institute of Transportation Engineers (ITE), the temple, during the peak hour Sunday service, would generate 267 trips onto D Street and 133 trips onto Hill Avenue. The City's Transportation Manager has determined that D Street and Hill Avenue could adequately accommodate the traffic generated from the proposed temple. There are existing sanitary sewer, water and storm drain facilities within D Street and Hill Avenue to adequately serve the proposed use.

- C. In the case of nonresidential development uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.**

The proposed development conforms to all applicable performance standards, with the exception of building height which is 10 feet higher than the zoning ordinance allows. The new temple would be taller than the existing structure but has been relocated to a lower portion of the site that is 20 feet lower than the existing building. This would reduce negative impacts to the neighborhood due to building height. The project design exceeds the required number of parking stalls by over twice as many parking stalls and exceeds building setback requirements by offering a 45 setback where a 10 foot setback is required. A Sikh temple has occupied this site for 17 years and has amiably coexisted with the surrounding residential neighborhood.

- D. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

The temple design exceeds the height limit of the existing zoning district. This exception is offset by providing generous building and circulation setbacks which exceed the minimum requirements. The parking garage on the upper portion of the lot is setback 70 feet from D Street where a 20 foot setback is required. The driveway that runs along the eastern property line is setback 10 feet where a 5 foot setback is required, and the northern parking lot is setback 22 feet from the property line where a 5 foot setback is required. In addition, the new temple is centrally located and setback 45 feet from the closest property line and 65 feet from the nearest home. The existing temple has a 35-foot setback from the property line.

## **ENVIRONMENTAL REVIEW**

An Initial Study and Negative Declaration have been prepared for the proposed zone change and temple construction pursuant to the California Environmental Quality Act (CEQA) (see Attachment F). No significant environmental impacts, including those related to traffic and parking as stated previously, are expected to result from the project.

## **PUBLIC OUTREACH**

On June 24, 2008, an Official Notice announcing the City received an application for a zone change and to allow a temple to be constructed. The notice was published in *The Daily Review*, and property owners and occupants within 300 feet of the project boundaries were notified, as were interested parties and appropriate public agencies. The City received 13 responses from neighbors expressing concerns with traffic noise, parking, building height, soil conditions, drainage, and loss of views to the bay.

On October 22, 2008, the temple leaders held a neighborhood meeting at the temple which was attended by one neighbor who expressed concerns about grading on a steep slope located along the northern property line.

Originally, the proposed temple building was located closer to D Street and at a higher elevation. As a result of the concerns expressed by their neighbors, the proposed temple was relocated toward the middle of the property to an elevation 20 feet lower than the original location in an effort to minimize the effect of view loss and reduce the effects of noise generated on the property.

A soils report must be obtained prior to the issuance of a grading permit. The applicant has set back improvements along D Street and the north property to prevent altering any steep slopes on the property. The applicant must provide a drainage plan that collects on-site drainage and properly treats it before discharging into an approved drainage facility.

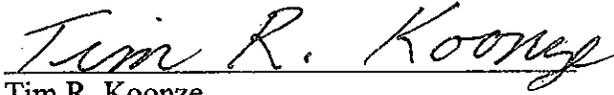
The City's Transportation Manager has determined that the traffic impact to the surrounding street would be insignificant. The development proposes to provide over twice the number of parking spaces required by the Off-Street Parking Regulations.

On May 18, 2009, a Notice of Public Hearing and Availability of a Mitigated Negative Declaration was published in *The Daily Review*, and property owners and occupants within 300 feet of the project boundaries were notified, as were interested parties and appropriate public agencies. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

## **SCHEDULE**

The Planning Commission is acting as a recommending body and can recommend approval of the zone change to the City Council or can deny the application. If the Commission recommends approval of the application, it would be scheduled for a public hearing before the City Council on July 21, 2009.

Prepared by:



Tim R. Koonze  
Associate Planner

Recommended by:



Richard Patenaude, AICP  
Planning Manager

**Attachment A:** Vicinity Map  
**Attachment B:** Area and Zoning Map  
**Attachment C:** Aerial Photo  
**Attachment D:** Findings for Approval  
**Attachment E:** Conditions of Approval  
**Attachment F:** Negative Declaration and Initial Study  
**Attachment G:** Application Form

## FINDINGS FOR APPROVAL

### **Request to Rezone a Parcel From Single-Family Residential (RS) District to a Planned Development (PD) District to Allow the Construction of a 34,200 –Square-Foot Sikh Temple on a 3.8 Acre Parcel. Property is Located at 1798 D Street**

Zone Change Application No. PL-2008-0280 – Guru Granth Sahib Foundation (Applicant/Owner)

#### **A. The development will not have a significant impact pursuant to the California Environmental Quality Act.**

Approval of Zone Change Application PL-2008-0280, as conditioned will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) guidelines.

#### **B. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City Policies**

The Sikh temple has amiably coexisted with the surrounding residential uses for the past 17 years. Typical temple traditional architecture includes high ceilings. In order to reduce the visual impact to the surrounding residences, the temple is proposed to be located in the middle portion of the lot which has an elevation that is 20 feet lower than the existing building location.

#### **The proposed zoning designation conforms to the General Plan Community Facilities and Amenities:**

##### Historic Preservation

*Policy 7: Enhance the City's image through identification and preservation of historic resources.*

The proposed development intends to preserve small a church building which has historical significance as the first Episcopal Church in Hayward and would utilize the building to hold supplementary temple functions.

#### **The proposed development conforms to the purpose of the Zoning Ordinance:**

##### GENERAL PROVISIONS SECTION 10-1.110 PURPOSE

- a. Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses and recreational amenities.*
- b. Allow for the infill and reuse areas at their prevailing scale and character.*
- c. Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.*

The proposed project retains the existing use while replacing the existing temple and enhancing the property, thereby, enhancing the neighborhood. The topography of the property allows the proposed temple to be constructed in the traditional manner while staying in scale and character to the neighborhood by developing on a lower portion of the property from where the existing temple is and by using generous setbacks. The proposed improvements develop the property to its fullest potential without significantly increasing the use of the property. The surrounding streets can support traffic that would be generated by the temple and there are facilities available to adequately serve the proposed project.

**The proposed zoning designation conforms to the Upper "B" Street Neighborhood Plan:**

**POLICIES AND STRATEGIES FOR NEIGHBORHOOD CHARACTER AND APPEARANCE**

*Policy 11: Protect and enhance the neighborhood's historic character.*

The proposed project does not propose a change of use. The existing historic structure will be preserved and the property would be improved with a new temple, parking facilities and landscaping, thereby preserving the neighborhood's historic character and enhancing the neighborhood.

**C. Streets and utilities, existing or proposed, are adequate to serve the development.**

The proposed temple, although larger, will not have a significant increase in intensity of use. The City's Transportation Manager has determined that D Street and Hill Avenue could adequately accommodate the traffic generated from the proposed temple. There are existing sanitary sewer, water and storm drain facilities within D Street and Hill Avenue to adequately serve the proposed use.

**D. In the case of nonresidential development uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.**

The proposed development conforms to all applicable performance standards and exceeds the required number of parking stalls and building setback requirements. A Sikh temple has occupied this site for 17 years and has amiably coexisted with the surrounding residential neighborhood. The new temple would be taller than the existing structure but has been relocated to a lower portion of the site to reduce any negative impacts to the neighborhood due to building height.

**E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

The project has also been designed to with generous building and circulation setbacks which exceed the minimum requirements. The parking garage on the upper portion of the lot is setback 70 feet from D Street where a 20 foot setback is required. The driveway that runs along the eastern property line is setback 10 feet where a 5 foot setback is required and the northern parking lot is setback 22 feet from the property line where a 5 foot setback is required. In addition, the new temple is centrally located and setback 50 feet from the closest property line.

**ZONE CHANGE APPLICATION  
CONDITIONS OF APPROVAL**

*As amended by the Planning Commission May 28, 2009*

**May 28, 2009**

**Request to Rezone a Parcel From Single-Family Residential (RS) District to a Planned Development (PD) District to Allow the Construction of a 34,200 –Square-Foot Sikh Temple on a 3.8 Acre Parcel. Property is Located at 1798 D Street**

Zone Change Application No. PL-2008-0280 – Guru Granth Sahib Foundation (Applicant/Owner)

Zone Change Application No. PL-2008-0280 is approved subject to plans labeled “Exhibit A” and the conditions listed below. The permit becomes void one year after the effective date of approval, unless prior to that time, a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of the approval is granted by the Planning Director. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date

**CONDITIONS OF APPROVAL:**

1. If a building permit is issued for construction of improvements authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of the site plan review approval.
3. The buildings associated with this project that are issued building permits after August 1, 2009, shall comply with the provisions of the City’s Green Building Requirements for Private Development pursuant to SEC. 10-22.110e.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning ordinance standard, must be approved by the Planning Director prior to implementation.
5. *Religious Services shall not extend past 10:00 pm Monday through Friday and 11:00 PM Saturday and Sunday.*
6. *Construction shall be limited between the hours of 8:00 am through 6:00 pm Monday through Fridays and prohibited on weekends or holidays.*

7. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.
8. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
9. All common improvements shall be maintained free of graffiti. Any graffiti shall be removed within 48 hours of inspection or within 48 hours of occurrence.
10. Violation of these conditions or the Hayward Municipal Code is cause for revocation of permit after a public hearing before the duly authorized review body.

**The Building Permit Application Shall Include:**

Architecture, Site Amenities and Details

11. A colors and materials board that shall meet the approval of the Planning Director. The minarets shall be painted or covered with a non-glossy paint or material.
12. A detailed design of the address numbers. Address number shall be a minimum four inches high, decorative and shall be placed at the front entries and where they would be visible from the private roadway and for Unit 1, from Berry Avenue.
13. The driveway entries from D Street and Hill Avenue shall be enhanced by the use of decorative pavers. A one-foot concrete band shall be provided around the decorative paving. The design and materials shall be approved by the Planning Director.
14. A six-foot high fence design that incorporates decorative metal fence with decorative columns shall be constructed along the D Street and Hill Avenue street frontages. The design shall meet the approval of the Planning Director.
15. A design for a six-foot-high, solid board "good-neighbor" fence that shall be erected along the remaining perimeter of the property where the adjoining neighbor gives consent and the Planning Director has determined that it is consistent with the neighborhood. The fence height shall not exceed 4 feet in height within 20 feet of the D Street and Hill Avenue right-of-way lines. The design shall meet the approval of the Planning Director.
16. A lighting plan, prepared by a qualified illumination engineer, which includes exterior lighting design. The exterior lighting shall be erected and maintained to meet the requirements of the City's Security Ordinance. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring residential properties. The roof top minarets shall not be illuminated.
17. Plans that indicate that utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, to the satisfaction of the City's Landscape Architect, allowing sufficient access for reading of gauges.

18. Plans that indicate that any transformer shall be located underground or screened from view by landscaping to the satisfaction of the City's Landscape Architect and shall be located outside any front or side street yard.

#### Landscaping

19. Detailed landscaping and irrigation plans prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the *City's Water Efficient Landscape Ordinance*.
20. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater run-off. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
21. Landscaping *shall comply with the Hayward Environmentally Friendly Landscape Guidelines* ~~that implement "Bay Friendly Landscaping" principles promoted as part of green building.~~
22. Landscaping of areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb unless an alternative is needed for drainage purposes and the design is approved by the City Landscape Architect and the City Engineer .
23. All above ground utilities and mechanical equipment shall be screened from view with shrubs, to the satisfaction of the City's Landscape Architect.
24. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas. This system shall include a reduced pressure backflow device and shall include an individual adjustable-flow bubbler to each tree.
25. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.
26. A tree removal permit from the City is required prior to the removal of any tree with a diameter of eight inches or larger.
27. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size approved by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

#### Fire Department

28. A site plan that indicates the following:
  - a. Driveway entries, from D Street and Hill Avenue shall be maintained as a fire lane. Curbing shall be painted red (where applicable) along the dedicated fire travel lanes and throughout the parking lot area on landscape islands. White letters shall be stenciled with the words "Fire Lane – No Parking". Red painted striping will be required where curbs do not exist.

Fire lane signage will be required. Fire lane signs shall be installed per Hayward Fire Department Standards. Signage shall be installed at the driveway entrance and every 100 (linear) feet thereafter in locations acceptable to the Hayward Fire Marshal;

- b. Security gates that meet Hayward Fire Department access and entry requirements including a lock box or key switch.
  - c. All paved areas designed with an all-weather surface material and the pavement shall be designed to withstand the gross vehicle weight of fire apparatus (50,000 lbs.).
  - d. All paved areas designed with an all-weather surface material and the pavement shall be designed to withstand the gross vehicle weight of fire apparatus (50,000 lbs.).
  - e. Compliance with the latest version of submitted plans the only areas that are constricted for fire apparatus turning radius are the 90degree turns by the south parking garage turning from D Street in towards the temple. The same situation exists on the second degree turn from the parking garage (past the temple traveling from D Street towards Hill Ave.) to Hill Ave.
29. A site plan shall indicate a (private) fire hydrant to be place in at the entrance of Hill Avenue at the first landscape island turning into the North parking lot. A second private fire hydrant shall be located at the landscape island on the first 90 degree turn of the fire apparatus access road traveling from south to north.
- Crash post may be required for the fire hydrant if it is installed in a susceptible location capable of receiving potential vehicular impact. A blue reflective hydrant marker shall be installed on the pavement adjacent to the fire hydrant location. Existing public fire hydrants along D Street and Hill Avenue shall be shown on the plans for reference to verify fire flows required for the construction of the building.
- Additional fire hydrants may be required if the fire flows provided by the private fire hydrants do not meet the required fire flows specified per the 2007 CFC or a more restrictive Hayward ordinance. Separate submittals and additional permits are required for the installation of fire hydrants within the complex.
30. Provide the fire flow of the nearest public fire hydrant to the complex and the number and distance spacing of the nearest fire hydrants within the complex. Minimum fire flow requirements shall be 4,000 GPM at 20 PSI. A 50% reduction in fire flow will be allowed for fire sprinklers within the building.
31. Any fire hydrant on site shall be double steamer with 2-4 ½” outlets and 1-2 ½” outlet.
32. The construction plans shall be designed in accordance with the 2007 California Building Code (CBC) and all other applicable codes, standards and ordinances adopted by the COH Building Department.

33. The proposed installation of an elevator shall meet state and local requirements. Additional requirements and conditions will be enforced by the Hayward Fire Department for hydraulically driven elevators. Proper methods for elevator recall service shall be installed and interconnected to the buildings' fire alarm system.
34. An automatic fire sprinkler system for the entire building shall be installed per NFPA 13 Standards. Including the parking garage.
35. A dedicated fire service line shall be installed (to supply the fire sprinkler system) as per NFPA 24 Standards
36. The on-site fire hydrants shall be installed independent of the fire sprinkler system in a manner that will allow the fire hydrant to remain in service if the fire sprinkler system was out of service or being worked on. Fire hydrants shall be looped.
37. Standpipe and hose systems shall be installed in the building in buildings three stories or higher. Standpipe system shall be required at the parking garage adjacent to stairwells and in other designated areas required and approved by the Hayward Fire Department. Standpipes shall be installed as per NFPA 14 Standards.
38. A manual and automatic fire alarm system shall be installed per NFPA 72 Standards. The system shall be installed throughout the entire building and shall include pull stations at all exit doors, audible and visual signaling devices, common area smoke detectors, heat detectors (where applicable), elevator recall, duct detectors in HVAC, etc. ADA requirements shall also be applicable.
39. Central station monitoring shall be required for the fire sprinkler system and the fire alarm (evacuation) system.
40. A Type 1 mechanical exhaust hood shall be required for the commercial kitchen cooking equipment located in the lower floor (Kitchen).
41. An automatic fire extinguishing system shall be installed for the commercial cooking equipment and hood/duct system (in kitchen). Installation shall be in conformance with NFPA 96 Standards and other applicable standards (NFPA 17 and/or 17A).
42. Portable fire extinguishers having a minimum rating of 2A:10BC shall be installed throughout the building. A Class K type fire extinguisher or a fire extinguisher having a minimum rating of 40:BC shall be installed within the commercial kitchen area (basement).
43. Separate plans and fire permit submittals shall be required for the installation of any fire protection and life safety system.
44. The site may require a Phase I assessment. Contact Hugh Murphy, Hazardous Materials Coordinator, for additional information regarding this requirement. Site clearance shall be approved prior to building permit issuance.

#### Solid Waste & Recycling

45. The project shall accommodate trash and recycle bins of adequate size to serve the project. The location and size of the bins shall be approved by the Solid Waste Manager and the Planning Director.

46. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
47. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

**Prior to Construction:**

Public Works

48. A grading and drainage plan that includes the location of facilities, Clean Water Treatment facilities, retaining walls and fences. The plan shall identify Best management Practices (BMP's) appropriate to the uses conducted on-site in order to limit the entry of pollutants into the storm water runoff to the maximum extent practicable. It is recommended that a grassy swale be installed to intercept the surface runoff and using an engineered soil fill with a minimum infiltration rate of 5 inches per hour.

The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3 of the ACCWP NPDES permit (page 22). In addition, C.3 Stormwater Technical Guidance Document labeled "NEW!" The developer/builder's web page is at: <http://www.cleanwaterprogram.org/>

49. A site improvement plan that includes locations of underground utilities, details of decorative paving, parking areas, meter locations, transformer location(s), and handicap ramps. The water service shall have a minimum 6 feet separation from the sanitary sewer lateral.
50. Submittal of improvement plans that include:
  - a. A street right of way dedication along "D" Street frontage maybe required for this project.
  - b. Construction of curb, gutter, sidewalk and tie-in pavement along "D" Street frontage. An encroachment Permit shall be obtained from Alameda County Public Works for works outside the City limits.
  - c. Installation of standard street lights along the property frontages.
  - d. All overhead lines along the property frontages shall be underground.
  - e. Any damaged and/or broken sidewalk along the property frontages as determined by the City Inspector shall be removed and replaced.
  - f. Removing the existing driveways on Hill Avenue frontage and replace with standard curb, gutter and sidewalk.
  - g. Note indicating that all on-site storm drain shall be private and inlets shall be labeled with "No Dumping – Drains to Bay or equivalent, using methods approved by the City.
  - h. Details of retaining walls including decorative facing.

51. The Developer's Engineer shall submit a Development Building Application Form Information comprising of: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
52. The owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
53. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer. All reports such as Soil Report, SWPPP, and Storm Water Management Plan (SWMP) are to be submitted in bound form. The Soil Report and SWMP shall be wet-stamped and signed by the engineer. The certification page of the SWPPP shall be signed by the owner and the person who prepared the report. Documents that are clipped or stapled will be return to the originator.
54. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
55. The project shall implement the Hydrograph Modification Management Plan (HMP) by checking links at [http://www.cleanwaterprogram.org/businesses\\_developer.htm](http://www.cleanwaterprogram.org/businesses_developer.htm).
56. The Developer's Engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC & WCD.



**DEPARTMENT OF  
COMMUNITY AND ECONOMIC DEVELOPMENT  
Planning Division**

**NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

**I. *PROJECT DESCRIPTION:***

**Request to Construct a 15,860 square-foot Sikh Temple on a 3.8 acre parcel located in a Single-Family Residential (RS) District. Property is located at 1798 D Street  
Zone Change Application PL-2008-0280; Guru Granth Sahib Foundation (Applicants/ Owners)**

**II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project could not have a significant effect on the environment.

**III. *FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality as construction will not occur in conjunction with this project as the potential uses would not significantly impact air quality.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", and no construction is proposed.
8. The potential uses associated with the project will not lead to the exposure of people to hazardous materials.
9. The project involves uses within an existing building and will have no affect on water quality standards.
10. The project is consistent with the policies of the City General Policies Plan, the Upper B Street Neighborhood Plan and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since no construction will take place as part of this project.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access as the on-site parking and the surrounding street system are adequate to support potential uses.

**IV. PERSON WHO PREPARED INITIAL STUDY:**

Signature: Tim R. Koonze  
Tim R. Koonze, Associate Planner

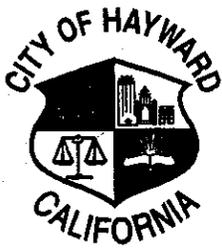
Dated: April 9, 2009

**V. COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4209

**DISTRIBUTION/POSTING**

- Provide copies to project applicants and all organizations and individuals requesting it in writing. Provide copy to Alameda County Clerks Office.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
Planning Division

INITIAL STUDY CHECKLIST FORM

**Project title: Zone Change Application PL-2008-0280; Request to Rezone a Parcel from the Single-Family Residential (RS) District to the Planned Development (PD) District to allow the construction of a new Sikh Temple. Joe Nagra - Applicant / Guru Granth Sahib Foundation - Owner.**

**Lead agency name and address:**

City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

**Contact person:**

Tim R. Koonze, Associate Planner  
(510) 583-4207 tim.koonze@hayward-ca.gov

**Project location:**

Property is located at 1798 D Street, north side approximately 1,000 feet east of Seventh Street.

**Project sponsor's name and address:**

Joe Nagra  
PO Box 4856  
Hayward, CA 94540

**General Plan:**

Low Density Residential (LDR)

**Zoning:**

Single-Family Residential (RS)

**Description of project:**

Proposal entails changing the zoning of the property from Single-Family Residential District to Planned Development District to accommodate the construction of a new Sikh Temple. Sikh services are currently conducted within two existing structures that occupy the site. The larger of the two buildings is to be removed and the new temple and parking structure constructed in its place. The smaller building would remain and be remodeled to accommodate activities associated with the temple.

**Surrounding land uses and setting:**

The uses surrounding the subject site include single-family homes to the north, east and south of the site and multi-family residential units located to the west of the site.

**Other public agencies whose approval is required:**

None

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is "Potentially Significant Unless Mitigation Incorporation" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agriculture Resources              | <input type="checkbox"/> Air Quality            |
| <input type="checkbox"/> Biological Resources          | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology /Soils         |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality          | <input type="checkbox"/> Land Use / Planning    |
| <input type="checkbox"/> Mineral Resources             | <input type="checkbox"/> Noise                              | <input type="checkbox"/> Population / Housing   |
| <input type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                         | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance |   |

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- I find that the proposed project **MAY** have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature:

  
Tim R. Koonze, Associate Planner, City of Hayward

Date: April 9, 2009

**ENVIRONMENTAL ISSUES:**

**I. AESTHETICS -- Would the project:**

- a) Have a substantial adverse effect on a scenic vista?
- Comment: The proposed zone change would allow a Sikh temple to be constructed to a roof height of 40 feet which conforms to the maximum building height in the current single-family residential zoning district. However, there are decorative domes on top of the roof that reach a height of 65 feet which exceeds the maximum allowable height.*

*There are two homes located east of the project with a scenic vista of the bay area may be affected by the proposed temple. The domes on the roof of the temple structure would be approximately 30 feet higher than most of the existing single-family homes along the east and west property lines. However, these homes do not enjoy vistas, therefore, the temple design would not have a substantial adverse effect on a scenic vista.*

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

*Comment: No scenic resources exist in the area.*

- c) Substantially degrade the existing visual character or quality of the site and its surroundings?

*Comment: The proposed project is located in an established single-family neighborhood. The Sikh temple will be designed in the traditional manner which includes numerous archways and pointed domes on the roof. Although this architecture is unique within the surrounding neighborhood, it is reflective of the diverse population of Hayward and is therefore consistent with the overall Hayward community. It is feasible that the temple could become a landmark due to its size and elaborate characteristic.*

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

*Comment: The building design includes pointed domes on the roof that are proposed to be painted gold, which if painted glossy could create a glare that would affect the view in the area. A condition of approval requires the globes to have a non-glossy finish thereby muting their visual impact concerning substantial light or glare.*

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

*Comment: The project site does not contain such farmland.*

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

*Comment: The project is not located in an agricultural district nor in an area used for agricultural purposes, nor is it subject to a Williamson Act contract.*

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?
- Comment:** *The project area does not contain agricultural uses or farmland.*

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- Comment:** *The proposed project is consistent with the General Plan and zoning designations and would not conflict with or obstruct implementation of the Bay Area Air Quality Management District's Clean Air Plan.*

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
- Comment:** *The proposed structures would be used as a religious facility which would not violate any air quality standard or contribute substantially to existing or projected air quality violation.*

- c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- Comment:** *Refer to III. a).*

- d) Expose sensitive receptors to substantial pollutant concentrations?
- Comment:** *The project would not expose sensitive receptors to substantial pollutant concentrations.*

- e) Create objectionable odors affecting a substantial number of people?
- Comment:** *The project will not create objectionable odors affecting a substantial number of people in that the project would be used as a religious facility.*

IV. BIOLOGICAL RESOURCES -- Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- Comment:** *The project will not have a substantial adverse effect on any wildlife species as the site is already developed with buildings and parking areas. In addition, the site is located within an established developed neighborhood and is not known to contain any or contribute to any species identified as a candidate, sensitive, or special status species.*

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- Comment:** *The project would have no substantial adverse effect on any riparian habitat as the property is developed and the site is located within an established developed area.*

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

**Comment:**

*There are no wetlands on or near this site.*

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

**Comment:** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor in that it is located within an existing developed area..*

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

**Comment:** *Trees identified to be removed shall require a separate permit obtained from the Planning Division prior to performing the work. The existing trees that are to remain shall be protected during construction. No branches over 1-inch in diameter shall be pruned without a permit. The tree may not be topped or severely pruned at any time. Existing trees that are damaged by construction activities shall be replaced with trees of equal value per the City's Tree Preservation Ordinance in addition to any trees required by the development.*

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?

**Comment:** *There are no habitat conservation plans affecting the property.*

V. CULTURAL RESOURCES -- Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

**Comment:** *The existing elongated church building may have historical significance. The building is being preserved and will be incorporated into the proposed development.*

- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

**Comment:** *No known archaeological resources exist on the site.*

- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

**Comment:** *No known paleontological resources exist on the site.*

- d) Disturb any human remains, including those interred outside of formal cemeteries?

**Comment:** *There are no records of any human remains located on the subject sites. There are no improvements proposed as part of this project. If future construction reveals human remains the developer would be required to contact the local coroner and, if determined necessary, the Native American Heritage Commission.*

VI. GEOLOGY AND SOILS -- Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Hayward Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.      
Comment: *The project is not located near any known earthquake fault. Any new structure will conform to 2007 California Building Code.*
  - ii) Strong seismic ground shaking?      
Comment: *See VI.ai*
  - iii) Seismic-related ground failure, including liquefaction?      
Comment: *According to the California Geological Survey maps, this property is not located within a known liquefaction hazard area.*
  - iv) Landslides?      
Comment: *According to the California Geological Survey maps this property is not located within a known landslide hazard area.*
- b) Result in substantial soil erosion or the loss of topsoil?      
Comment: *An erosion control plan would be submitted for approval by the City Engineer, which, when implemented, will ensure erosion will be minimal. Any areas not covered in hardscape would be landscaped.*
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?      
Comment: *Prior to any grading on this site a soils report, that addresses the proposed project, shall be submitted for approval by the City Engineer. The grading and foundation design shall conform to the soils engineer's recommendations.*
- d) Be located on expansive soil, as defined in the Uniform Building Code, creating substantial risks to life or property?      
Comment: *See VI.c*
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?      
Comment: *There is no need for a septic tank or an alternative wastewater disposable system as the temple and supporting buildings would be connected to the City of Hayward sanitary sewer.*

VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?      
Comment: *Uses involving hazardous materials would not be allowed to operate on this site.*

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- Comment:** *Uses involving hazardous materials would not be allowed to operate on this site.*
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- Comment:** *Uses involving hazardous materials would not be allowed to operate on this site.*
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- Comment:** *The project site is not on the State Cortese List, compiled pursuant to Government Code Section 65962.5.*
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?
- Comment:** *The project is not located within an airport zone or within two miles of a public airport.*
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?
- Comment:** *The project is not located within the vicinity of a private airstrip.*
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- Comment:** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?
- Comment:** *There are no potential for wildland fires; the site is located in an established neighborhood.*

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

- a) Violate any water quality standards or waste discharge requirements?
- Comment:** *The project would not violate any water quality standards or waste discharge requirements as the project would be connected to the City of Hayward sanitary sewer system. The system can adequately serve the proposed development.*
- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- Comment:** *The project would not deplete ground water supplies or interfere substantially with ground water recharge as the project would be connected to the City's water service system. The system can adequately serve the proposed development.*

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?
- Comment:** *The project would not substantially alter the existing drainage pattern. Prior to construction a detailed drainage plan shall be approved by the City Engineer.*
- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?
- Comment:** *The project would not substantially alter the existing drainage pattern. Prior to construction a detailed drainage plan shall be approved by the City Engineer. The existing storm drain system can adequately serve the proposed development.*
- e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?
- Comment:** *The additional impervious surface proposed is minimal. The existing storm drain system can adequately serve the proposed development.*
- f) Otherwise substantially degrade water quality?
- Comment:** *No other impacts associated with water quality are anticipated.*
- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- Comment:** *There is no housing associated with this project.*
- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?
- Comment:** *According to FEMA Flood Insurance Rate Maps (panel # 065033-0004 dated 2/9/00), this site is not within the 100-year flood hazard area.*
- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?
- Comment:** *The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam or in a dam failure inundation area.*
- j) Inundation by seiche, tsunami, or mudflow?
- Comment:** *The project is not in a location that would allow these phenomena to affect the site.*

**IX. LAND USE AND PLANNING - Would the project:**

- a) Physically divide an established community?
- Comment:** *The project will not physically divide the existing community as religious buildings and services already exist on the site.*

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**Comment:** *The project site has a zoning designation of Single-Family Residential and a General Plan designation of Low Density; both allow religious facilities. The proposed Sikh Temple would not conflict with any applicable land use plans, policies, or regulations.*

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**Comment:** *A habitat conservation plan does not exist nor a natural community conservation plan for the site or general vicinity.*

**X. MINERAL RESOURCES – Would the project:**

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**Comment:** *There is no known mineral resource on this site.*

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**Comment:** *See X.a*

**XI. NOISE - Would the project result in:**

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

**Comment:** *Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during construction. The project will be required to conform to the Noise Element of the Hayward General Plan upon completion of construction. To respect the surrounding single-family neighborhood, a condition of approval will require grading and construction to be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.*

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

**Comment:** *There are no known generators of excessive groundbourne vibrations or groundbourne noise levels that could affect the subject properties.*

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Comment:** *The project would not be expected to substantially increase ambient noise levels in the project vicinity, as the project entails the allowance of uses that are compatible to residential neighborhoods.*

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Comment:** *See XI.a.*

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

**Comment:** *The project is not located within two miles of a public airport.*

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

**Comment:** *The project is not located within the vicinity of a private airstrip.*

**XII. POPULATION AND HOUSING --** Would the project:

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**Comment:** *The religious use exists on the site. Although the proposed development would increase the size of the existing facility it is not anticipated that it would induce substantial population growth in the area.*

- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Comment:** *No homes exist on the site.*

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Comment:** *No homes exist on the site.*

**XIII. PUBLIC SERVICES**

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection?

**Comment:** *No new fire protection facilities will be required as a result of the project.*

- b) Police protection?

**Comment:** *No new police protection facilities will be required as a result of the project.*

- c) Schools?

**Comment:** *No new school facilities will be required as a result of the project.*

- d) Parks?

**Comment:** *The project will not generate additional use of the park systems in the area.*

- e) Other public facilities?

**Comment:** *No other public facilities will be significantly impacted.*

XIV. RECREATION --

- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

**Comment:** *The project will not generate additional use of the park systems in the area.*

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**Comment:** *The project will not generate additional use of the park systems in the area.*

XV. TRANSPORTATION/TRAFFIC -- Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**Comment:** *The site is already being used as a religious facility. Although the facility would be larger when the project is complete, it is not anticipated that it would not have a significant impact on the traffic on the surrounding streets.*

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**Comment:** *Traffic generated by the proposed uses would have a minimal impact on the existing traffic flow and would not have an significant impact on the level of service according to the City of Hayward Transportation Manager.*

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

**Comment:** *The project will not affect air traffic patterns.*

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Comment:** *The driveways serving the existing Sikh temple have not posed a traffic concern in the past. The proposed driveways would be located in the same approximate location. The project does not anticipate generating a substantially increase in traffic, therefore, the project would not substantially increase hazards due to a design feature.*

- e) Result in inadequate emergency access?

**Comment:** *The Fire Marshall has determined that the proposed on-site circulation provides adequate emergency access.*

- f) Result in inadequate parking capacity?

**Comment:** *The proposal meets the requirements for parking as specified in the City's Off-Street Parking Regulations.*

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Comment:** *The project does not conflict with adopted policies supporting alternative transportation.*

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- Comment:** See VIII.d
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- Comment:** The existing water and wastewater facilities can adequately serve the proposed uses.
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?
- Comment:** See XVI.b.
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- Comment:** The existing water facilities can adequately serve the proposed use.
- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- Comment:** The existing wastewater facilities can adequately serve the proposed uses.
- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- Comment:** Waste Management of Alameda County would serve the development. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.
- g) Comply with federal, state, and local statutes and regulations related to solid waste?
- Comment:** The religious facility would comply with all federal, state and local statutes and regulations related to solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?
- Comment:** The project site is located within an established fully developed neighborhood and there is no construction associated with the project, therefore, the project would not have the potential to degrade the quality of the environment of any fish, wildlife, or plant.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

**Comments:** The proposed zoning would only allow uses that the site and surrounding street system could support. The City Transportation Manger has determined that any traffic generated from the potential uses would be insignificant and that the existing parking lot is could accommodate the parking generated by the proposed possible uses.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

**Comments:** The proposed zoning would only allow uses that the site and surrounding street system could support. The allowed uses are neighborhood serving uses that would prove beneficial to the surrounding neighborhood. The potential uses would not utilize hazardous materials in amounts that could cause substantial adverse effects on human beings.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 28, 2009, 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 Vice Chair Mendall.

**ROLL CALL**

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

Commissioner Peixoto led in the Pledge of Allegiance.

Staff Members Present: Buizer, Conneely, Koonze, Patenaude, Philis

General Public Present: 25

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

- 1. Zone Change Application No. PL-2008-0280 - Guru Granth Sahib Foundation (Applicant/Owner) - Request to Rezone a Parcel from Single-Family Residential (RS) District to Planned Development (PD) District to Allow the Construction of a 34,200 – Square-Foot Sikh Temple on a 3.8-Acre Parcel - The Property is Located at 1798 D Street**

Associate Planner Tim Koonze gave the report.

Commissioner Peixoto asked if changes were made to accommodate neighbors concerned about losing existing scenic views. Associate Planner Koonze said the architect and owner had changed the design several times to lessen the impact on scenic views for existing neighbors. When Commissioner Peixoto pointed out there was a considerable drop down when entering the property from the street, staff responded that the proposed temple met all height requirements but because the owner had agreed to move the building down the slope, the temple was actually 20 feet lower than it would have been.

Commissioner Loché wanted to know why a two-story parking structure is needed if increased attendance isn't expected. Associate Planner Koonze explained that 107 parking spots is the standard for religious facilities, but the owner wanted to have more than enough parking (230 spots) on site for special events.

Planning Manager Richard Patenaude said Planning had recently received a proposal for a mosque and according to a parking study that was completed for that project, the 230 spots was more in line with the potential need.

Commissioner Loché asked how many parking spaces would be lost if the parking structure was kept to one-story. Associate Planner Koonze said approximately 70 stalls would be lost. Planning Manager Patenaude said because the parking structure is embedded into the hillside it will look like a parking lot from D Street above. Associate Planner Koonze added that the top level of the parking structure is 20 feet below street grade.

Commissioner McKillop asked if hillside planning guidelines had been taken into consideration. Associate Planner Koonze said because the architect had staggered the structures down the slope of the property and increased setbacks well beyond requirements the guidelines were more than fulfilled. He added that the minarets don't count in the overall building height. He concluded that from D Street the building will look like a single story.

Commissioner McKillop asked for clarification on the elevations for the parking structure. Associate Planner Koonze projected the slide showing the parking structure and reviewed the information.

Addressing the concern of a resident who submitted a letter protesting the height of the structures, Commissioner Márquez asked how the aesthetic findings on the Initial Study Checklist Form were determined regarding scenic vistas. Associate Planner Koonze said there were two neighborhood meetings to discuss the proposal, including the impact on views. The simulation of view impact he provided in the presentation was made from the second story of a house on D Street. Although he couldn't see the view from the second floor of all the existing homes, he could see that existing trees already partially obstructed the view.

Planning Manager Patenaude added that the short-range view is slightly impacted by the temple but not the long-range view which is more impacted by existing trees.

Commissioner Márquez asked what days, beside Sunday, would be the busiest at temple. Staff said the owner will address this question later.

Vice Chair Mendall asked if Bay Friendly Landscaping guidelines were required or encouraged under the Condition of Approval. Associate Planner Koonze said because permits for the project will be issued after August 1, 2009 the guidelines will be required. Commissioner Mendall asked that the language be clarified to reflect the requirement.

Commissioner Thnay, concerned that the temple be a "good neighbor", asked if there would be more noise or traffic. Associate Planner Koonze said the temple has been there for 17 years and because services would not change staff didn't see any change in traffic or noise impacts. Commissioner Thnay said, in concern for potential issues, he would like to see noise mitigation and hours of service included in the conditions of approval.

Vice Chair Mendall opened the Public Hearing at 8:00pm



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Audrey LePell, Ocie Way resident, said she lived in this neighborhood for 28 years. She asked a series of questions including: had the Commissioners seen the sight; what traffic numbers were being used; was the existing temple more than 50 years old and historical; what are the mitigations and had neighbors had been contacted; would traffic be impacted on B and/or D Streets; is there a secondary entrance and if it's closed, does the fire department know? She said this is green building under the City's guidelines and asked if the City is requiring drought-tolerant plantings. She asked how many trees will be taken down and how many replaced. She said the additional parking stalls will be needed to accommodate increased participation. And finally she indicated that she was worried about increased traffic on D Street and asked if there were going to be any safety or turn lanes added.

Associate Planner Koonze said there are still two entrances (one on D, the other from Hill Ave.) and those will both remain open. Staff has determined that the parking structure has a sufficient number of spots to accommodate all participants, and the traffic transportation manager has considered the number of trips on D Street and Hill Avenue and found that all local streets can handle any increased traffic.

Commissioner McKillop said she was very familiar with the structure and it has no architectural or historic value. The Episcopal Church also on site is historic and it is going to remain.

Vice Chair Mendall reiterated that the new temple would be required to follow the City's Bay Friendly Landscape guidelines and that it is a "Green" building. He said the staff report could answer the rest of Ms. Lepell's questions.

Commissioner Márquez said she also visited the site and because there are several ways to access the temple from the surrounding street, the impact on any one street would be less.

Barbara Fields, Maderos Street resident (off D Street), said traffic is a problem because the grade on D Street is steep going into the property. She asked if that would change. She pointed out that both Sulfur Creek and San Phillip Park on D Street have traffic on Sunday and it would be safer for temple patrons if there was another lane for them to enter and exit the temple from. Currently there are no curbs, gutters or sidewalks on D Street and she asked if those were going to be added. She was also concerned about the construction noise and debris from a project this size in a residential area and asked if the project included any mitigation for these factors as well as for protection against run-off into the creek that flows by the property. Finally, she asked if there will be construction on weekends and holidays and what the times of construction would be.

Associate Planner Koonze said both D Street and Hill Avenue are going to be improved with curbs, gutters, sidewalks and streetlights. He agreed that the driveway on D Street is steep, but said there isn't a lot that can be done to lessen the grade, but staff will look into it. The times of construction are standard to any building permit. Planning Manager Patenaude said construction times are Monday-Friday 7:00am-7:00pm, and less on Saturday. Associate Planner Koonze said construction

was restricted on Saturdays, Sundays and holidays and could be limited to 8:00am-5:00pm Monday-Friday

Vice Chair Mendall asked staff to address creek run-off during construction. Associate Planner Koonze said that any on-site drainage would be handled as part of construction. When the project is finished it will have an engineered drainage system complete with bio filters and underground piping for any water settling at the lower end of the property.

Vice Chair Mendall then asked the project architect if he would like to address the Commission.

Architect Sanjiv Bhandari, with BKBC Architects, thanked staff for the report and gave some background. He started the project in February of 2007 and has since been working continuously with staff to refine the building design and site plan. On April 16, 2008, the first public hearing was held with approximately a dozen neighbors attending and 40-50 supporters, another meeting was held October 22. Flyers for both meetings were hand-delivered to neighbors and mentioned that plan drawings would be exhibited in the entrance hall of the existing temple if people wanted to take a look. Based on comments the design was changed, even improved, to accommodate the neighbors' concerns.

Mr. Bhandari explained that Sikh religion was started in the 16<sup>th</sup> Century and this facility is about friendship and peacefulness; coming together and sharing a meal. Everyone is welcome, he said. The main gathering is on Sunday from noon-2pm. Wednesday evening another service is held, but attendance is much lower. Any special events will take place on Sunday. Nothing is going to be different than what is happening now, he said, there will be no change in routine.

Mr. Bhandari said the existing building is in poor condition with very little insulation. The new building will have much better construction. The services won't change, the people won't change, the building will just get better, he said.

In terms of the parking, Mr. Bhandari explained that the structure doesn't change the level of parking because they are digging into the hillside. There is no street parking; all cars will be kept on-site and the ramp from D Street is being improved and made less steep. The building height was reduced by lowering land levels. All local ordinances were followed for both drainage and "Green" elements, he said. The existing trees will only be replaced if they are unhealthy, otherwise new trees and drought-tolerant plantings will be added to enhance the site.

Commissioner Peixoto asked him how many services per week are anticipated. Mr. Bhandari replied one service every Sunday. On Wednesday, he said, there will be less than 30 cars. The frequency of service hasn't changed in 500 years, he assured him. Commissioner Peixoto asked if they expect increased participation and Mr. Bhandari said no. When asked for total membership, Mr. Bhandari explained that they have over 400 members, but most of them are families and they all come together in one car on Sunday.

Commissioner Peixoto said he visited the historic Episcopal Church on the project site and he asked what is going to happen to that building. Architect Bhandari said right now, there are no plans to do anything. They will paint it and maintain the exterior but it is rarely used so nothing will be done to the interior. If it needs a new roof of course they will replace it, but it looks OK now.



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Mr. Bhandari explained that they are trying to keep costs down so they will only make necessary repairs.

Finally, Commissioner Peixoto asked about the purpose of the temple minarets. The architect explained that they are purely symbolic.

Commissioner Thnay asked what time the service is held on Wednesday. Mr. Bhandari replied 7:00-9:00pm. Thnay asked if the Commission could make it a condition of approval to have the service end by 10:00pm. Mr. Bhandari said that would be fine and explained that the temple in Fremont served a much larger population and sometimes went longer than 9:00pm. Thnay asked why the second floor needs to have such high ceilings. Architect Bhandari explained that the second floor is the main prayer room and the high ceiling makes for a more serene space. He pointed out that most churches have very high ceilings. Commissioner Thnay asked if any food would be sold and Mr. Bhandari said no.

Planning Manager Patenaude pointed out that the Episcopal Church is truly historic, is being preserved, and staff really doesn't want them to make any changes to it. Right now the City is compiling its Historic Resources Survey, he said, and looking at amendments to the preservation ordinance. When that is in place, the City will consider if anything should be done to the church.

Commissioner Loché asked Mr. Bhandari if restrictions on construction times would create any significant issues. Mr. Bhandari said no. Commissioner Loché also clarified that the height of the parking structure wouldn't change regardless of the number of levels. Mr. Bhandari said the structure is going to be even lower than the parking lot is now.

Vice Chair Mendall closed the Public Hearing at 8:29pm

Vice Chair Mendall asked if there is parking available on D Street that could be removed to make room for a turn lane. Staff didn't know but said they would look research the question and respond later.

Commissioner Thnay said the owner has tried to accommodate the concerns of the neighbors and a new building will be an improvement. He trusts the height simulation provided by staff and he's very impressed with the design. His concerns about construction noise have been answered by staff. The fact that this temple has been around for 17 years and there haven't been any complaints proves you are a good neighbor, he said.

Commissioner Thnay moved to approve the Negative Declaration, Zone Change, and Preliminary and Precise Development Plans subject to the stated conditions of approval with an amendment to limit services to 10:00pm on weekdays and 11:00pm on weekends. Commissioner McKillop seconded the motion.

Commissioner Peixoto was in favor of the motion but wanted to confirm with staff that the 40 foot

height limit for the temple was to keep it in character with the neighborhood and avoid interfering with existing scenic views. Planning Manager Patenaude confirmed that the neighborhood was a mixture of single and multi-family uses and the zones pertaining to multi-family had an automatic 40 foot height limit. Staff deliberately recommended a Planned Development District zoning because it would protect neighbors from any change of plans that might also impact building heights. He explained that to use the property for any other use would require a zone change. Commissioner Peixoto pointed out that the building was in compliance with height regulations and confirmed with staff that under California law no one was entitled to a view and this project broke no local ordinances. Assistant City Attorney Maureen Conneely confirmed that the City has no local viewshed protection ordinance.

Commissioner McKillop said she is really excited about this project and is really looking forward to the new temple. She proposed a "friendly amendment" to limit construction times to 8:00am-6:00pm Monday-Saturday with construction prohibited on Sunday and holidays. When an audience member protested construction on the weekend, Commissioner McKillop asked the applicant if they would be willing to limit construction to Monday-Friday. Mr. Bhandari pointed out that construction will just take longer, but said he would work with whatever the Commission recommends.

Vice Chair Mendall said the negative declarations already limit construction times to 8:00am-6:00pm Monday-Friday with no work done on weekends or holidays.

Commissioner Márquez said she supported the motion and that the applicant has accommodated neighbor concerns. She said the site is well-maintained and as she drives by frequently, has never witnessed any noise or parking disturbances.

Commissioner Loché also supports the project. He said the new temple will be a welcome change, the design of the new building is beautiful, and that they applicant has gone above and beyond what is necessary to be a good neighbor.

Vice Chair Mendall said he likes the wisdom of additional parking spaces, is very pleased that project is complying with hillside guidelines, and that the parking structure is hidden by the natural topography of the site. He said the new building is attractive and said staff made the correct zoning recommendation. As part of the motion he wanted it clarified that following Bay Friendly Guidelines is a requirement.

- |            |   |
|------------|---|
| AYES:      | Commissioners McKillop, Márquez, Mendall, Peixoto, Thnay, Loché |
| NOES:      | None  |
| ABSENT:    | Chair Lavelle   |
| ABSTAINED: | None  |

The motion passed 6-0-1 per staff recommendation with the following changes to the conditions of approval: 1) new condition to limit operation hours to 10:00pm weekdays and 11:00pm weekends; 2) new condition to limit construction to 8:00am to 6:00pm Monday thru Friday, with no construction on weekends or holidays; and modify condition #19 to require adherence to Hayward Environmentally Friendly Landscape Guidelines.

HAYWARD CITY COUNCIL

RESOLUTION NO. 09-

Introduced by Council Member \_\_\_\_\_

*moe*  
*1/18/09*

RESOLUTION CERTIFYING THAT THE INITIAL STUDY  
AND NEGATIVE DECLARATION HAVE BEEN COMPLETED  
IN COMPLIANCE WITH THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT AND CONDITIONALLY  
APPROVING ZONE CHANGE APPLICATION NO. 2008-0280

WHEREAS, Zone Change Application No. 2008-0280, concerns a request by Guru Granth Sahib Foundation (Applicant/Owner) to rezone a parcel from Single-Family Residential (RS) District to Planned Development (PD) District to allow the construction of a 34,200-square-foot Sikh Temple on a 3.8-acre parcel, located at 1798 D Street; and

WHEREAS, an Initial Study and Negative Declaration have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on May 28, 2009, regarding the application, in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the Initial Study and Negative Declaration and the proposed zone change; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the Initial Study upon which the Negative Declaration is based; certifies that the Negative Declaration has been completed in compliance with the requirements of the California Environmental Quality Act; and finds that the Negative Declaration reflects the independent judgment of the City of Hayward.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. The development will not have a significant impact on the environment pursuant to the California Environmental Quality Act. Approval of Zone Change Application PL-2008-0280, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) guidelines. The Initial Study and Negative Declaration reflect the independent judgment of the City of Hayward.

2. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City Policies. The Sikh temple has amicably coexisted with the surrounding residential uses for the past 17 years. The project proposes

traditional temple architecture, including high ceilings, scalloped archways, minarets and domes, designed to be compatible with the natural topography of the parcel and the surrounding residential neighborhood. In order to reduce the visual impact to the surrounding residences, the temple is proposed to be located in the middle portion of the lot that has an elevation that is 20 feet lower than the existing building location.

3. The proposed zoning designation conforms to the General Plan Community Facilities and Amenities, Historic Preservation Policy 7, to enhance the City's image through identification and preservation of historic resources. The proposed development intends to preserve small a church building that has historical significance as the first Episcopal Church in Hayward and would utilize the building to hold supplementary temple functions.

4. The proposed development conforms to the purposes of the Zoning Ordinance to retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses and recreational amenities; allow for the infill and reuse of areas at their prevailing scale and character; and accommodate the expansion of development into vacant and underutilized lands within environmental and infrastructure constraints. The proposed project retains the existing use while retaining the historical structure and enhancing the property, thereby, enhancing the neighborhood. The topography of the property allows the proposed temple to be constructed in the traditional manner, while remaining in scale and character with the neighborhood, by developing the temple on a lower portion of the property from where the existing temple is located and by using generous setbacks. The proposed improvements develop the property to its fullest potential without significantly intensifying the use of the property. The surrounding streets can support traffic that would be generated by the temple, and there are facilities available to adequately serve the proposed project.

5. The proposed zoning designation conforms to the Upper "B" Street Neighborhood Plan to protect and enhance the neighborhood's historic character. The proposed project does not propose a change of use. The existing historic structure will be preserved, and the property will be improved with a new temple, parking facilities and landscaping, thereby preserving the neighborhood's historic character and enhancing the neighborhood.

6. Streets and utilities, existing or proposed, are adequate to serve the development. The proposed temple, although larger, will not have a significant increase in intensity of use. The City's Transportation Manager has determined that D Street and Hill Avenue can adequately accommodate the traffic generated from the proposed temple. There are existing sanitary sewer, water and storm drain facilities within D Street and Hill Avenue to adequately serve the proposed use.

7. In the case of nonresidential development uses, such development must be in conformity with applicable performance standards; be appropriate in size, location, and overall planning for the purpose intended; create an environment of sustained desirability and stability through the design and development standards; and have no substantial adverse effect upon surrounding development. The proposed development conforms to all applicable performance standards and exceeds the required number of parking stalls and building setback requirements.

A Sikh temple has occupied this site for 17 years and has amicably coexisted with the surrounding residential neighborhood. The new temple will be taller than the existing structure, but it has been relocated to a lower portion of the site to reduce any negative impacts to the neighborhood due to building height.

8. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The project has also been designed to with generous building and circulation setbacks which exceed the minimum requirements. The parking garage on the upper portion of the lot is set back 70 feet from D Street where a 20-foot setback is required. The driveway that runs along the eastern property line is set back 10 feet where a 5-foot setback is required and the northern parking lot is set back 22 feet from the property line where a 5-foot setback is required. In addition, the new temple is centrally located and set back 50 feet from the closest property line.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the amendment to the zoning designation is hereby approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from RS (Single-Family Residential) zoning district to a PD (Planned Development) District.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2009

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward



ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward