



MILPITAS PLANNING COMMISSION AGENDA REPORT

PUBLIC HEARING

Meeting Date: January 26, 2011

APPLICATION: **Conditional Use Permit No. UP09-0047, Site Development Permit No. SD09-005, a request to construct a Mosque at 91 Montague Expressway**

APPLICATION SUMMARY: A request to construct 13,990 square foot religious facility.

LOCATION: 91 Montague Expressway

APPLICANT: Munawwer Ali Daimee, P.O. Box 610576, San Jose, CA 95161

OWNER: Al-Hilaal Islamic Charitable Foundation, P.O. Box 610576, San Jose, CA 95161

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. #11-004 approving the project subject to conditions of approval.**

PROJECT DATA:

General Plan/
Zoning Designation: Multi-Family Residential Very High Density (R4)
Overlay District: Site and Architectural (-S)
Specific Plan: Midtown Specific Plan

Any other pertinent info:

CEQA Determination: Categorically exempt form CEQA pursuant to Section (In-Fill Development)

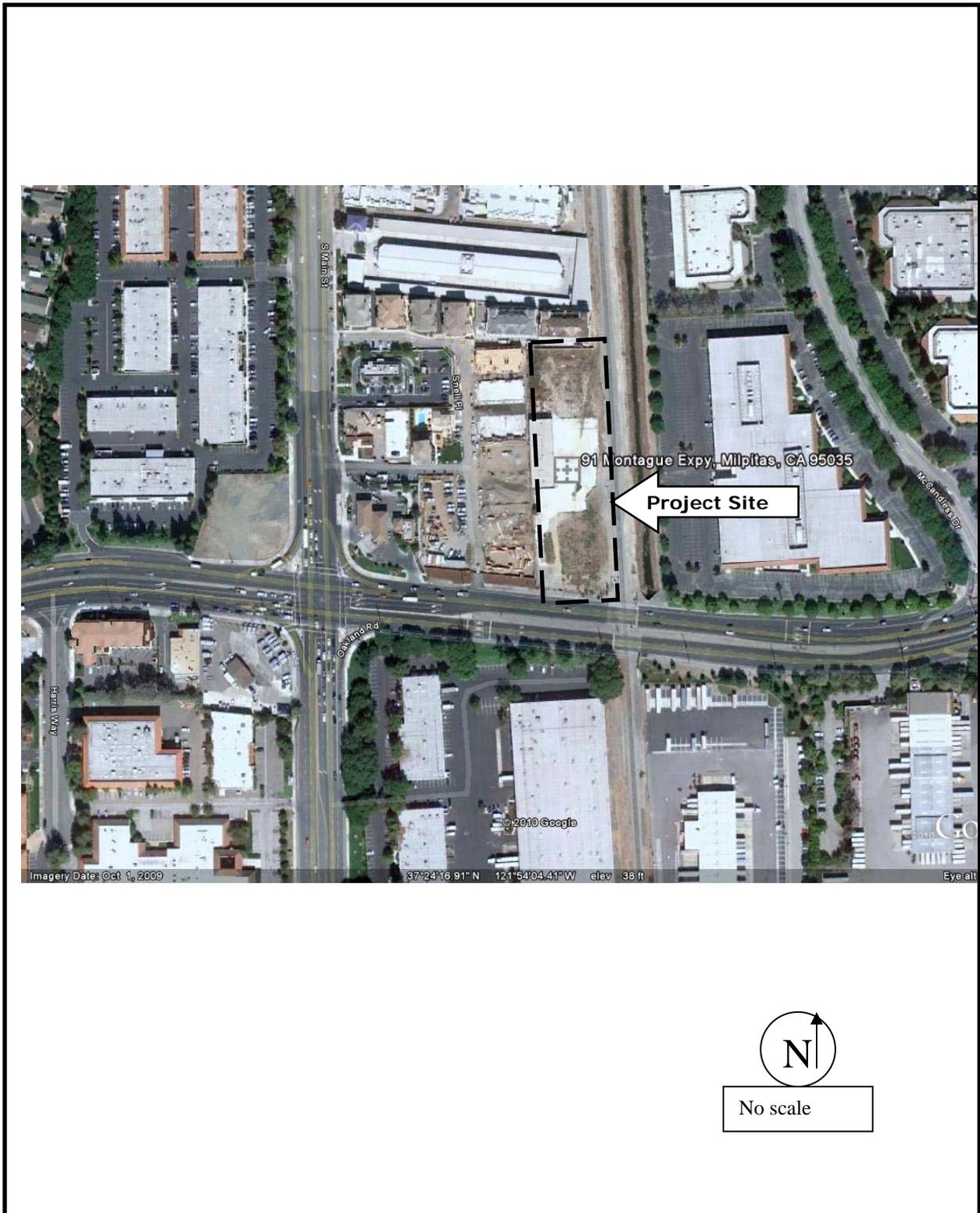
PLANNER: Janice Spuller, Assistant Transportation Planner

PJ: 2618

ATTACHMENTS:

- A. Resolution No. #11-004
- B. Site Plans & Renderings
- C. Noise Report
- D. Comment Letters

LOCATION MAP



BACKGROUND

In May 2003, the Planning Commission approved a religious facility (Site and Architectural and Use Permit Review) at 91 Montague Expressway for the Al-Hilaal Islamic Foundation. Those entitlements expired and the applicant has submitted a new development proposal for the site to construct a mosque. A Conditional Use Permit is required to establish a public/quasi public use in this area and to deviate from setback and height standards of the Midtown Specific Plan. A Site Development Permit is required to evaluate the layout and architecture of the building. Applications are submitted pursuant to Section 57.03 and 57.04 of the City's Zoning Ordinance and in accordance with the Midtown Specific Plan.

The 1.85-acre subject site is located near the northeast corner of South Main Street and Montague Expressway, in the City's Midtown Specific Plan area. The zoning designation for this location is R4, Multi-Family Very High Density Residential, with a Site & Architectural Overlay. The R4 district conditionally permits religious facilities under the Public/Quasi-Public and Institutional Uses category. The current use of the site is a vacant warehouse building and a temporary office and caretakers' structure. Because the site once contained a concrete facility, the site is covered with broken concrete debris and paved concrete areas.

PROJECT DESCRIPTION

The applicant requests a conditional use permit to construct a 13,990 square foot religious facility, and a Site Development Permit for site modifications which include height and setback deviations. The project site is located on a 1.85 acres parcel developed with one industrial building, approximately 7,100 s.f. In phases, the project proposes to demolish the existing building and rebuild a 13,990 s.f. two story mosque with 63 parking spaces for Phase 1 and 65 parking spaces with the completion of Phase 2 for a total of 128 parking spaces.

Phase 1 consists of the main two-story structure of the Masjid and the Minaret (Minar). The two story structure of the Masjid has a foot print of 6,995 square feet and a combined gross area of 13,990 s.f.. The first floor will be completely built-out including tenant improvements. It will include a prayer hall with 224 spaces and a women's prayer hall with 48 spaces and a mother's prayer room with 12 spaces.

Phase 2 will consist of future tenant improvements on the second floor. Proposed build out for this phase will include spaces to support the congregation that uses the prayer halls during the prayers. These spaces include a library, multi media room, classrooms for continuing education, restrooms, and offices. A timeline for completion of this phase has not yet been established, however the entire project with both phases are recommended for approval, as it would be applied for tenant improvements through the building permit process..

The function of the mosque is to provide a facility for five (5) daily prayers. Prayer times are dependent on the season but roughly occur before sunrise, between noon and early afternoon, later afternoon, after sunset, and later in the evening. The largest attendance would be Friday afternoon.

Site Layout

The building will be oriented to the front of the parcel in the southeast corner, near Montague Expressway. There will be a large landscaped area at the front and at the middle section of the

property. Parking will be on the west and northern portions of the property and there will be one driveway entrance at the southwest corner of the property. As part of the site improvements a sidewalk will be located along the Montague Expressway frontage and a pedestrian path connecting to the building.

**Table 1
 Development Standards Compliance**

Standard	Requirement	Proposed	Compliance
Front setback	8 feet min/15 feet max back of sidewalk	80 feet	yes
Side Setback	10 feet	5 feet (portion of the building)	No
Building Height	Four stories and 60 feet Including Architectural Elements	35 feet (Building) 56.9 feet (Dome) 65 feet (Minaret/Tower)	No (Minaret/Tower height only)

A component of the project includes deviations from the building setback and height standards. A traditional Mosque site design requires the building entrance to be in alignment towards the sunrise. This results in a decreased setback (side-yard) from the standard 10 feet to 5 feet. This deviation is acceptable as the eastern side setback is adjacent to a railroad track and the positioning of the building at an angle creates only a portion of the building that encroaches within the required setback.

The Minaret (tower) is also a traditional Mosque design feature, which deviates from the maximum height of 60 feet to 65 feet. This deviation is acceptable as it does not compromise the views of the surrounding development.

Deviations from the development standard of the Midtown Specific Plan require additional findings to be made by the Planning Commission.

Parking and Traffic

The Zoning Ordinance sets a minimum parking standard for religious facilities based on the seating or occupancy, of the sanctuary or main assembly area. That minimum standard is one parking space per five (5) seats (or its equivalent). It is not expected that all rooms within the facility will be used at capacity concurrently. Therefore, to determine the parking demand, it is assumed that the assembly area and an office are occupied. The capacity of the mosque prayer area is calculated and shown on the project’s plans (sheets G-0 and A-2 of Attachment B) at 284 people. Therefore the minimum required parking for this project is 57 stalls. Office spaces require one (1) space per 240 square feet. The total amount of office space is 444 s.f., requiring two (2) additional spaces; for a total of 59 spaces. The first phase of the project proposed

installation of 62 on-site parking spaces. Therefore the site would comply with the City Parking standards. However, staff is recommending the installation of parking lot to reflect both phases of the project, a total of 128 parking spaces.

The Mosque generates an insignificant amount of trips during the morning (A.M.) and afternoon (P.M.) peak hours. Based on trip generation characteristics, the site would generate a total of 10 new weekday trips during the morning commute (7-9 p.m.) and 9 new trips during the afternoon/evening commute (4-6 pm). For comparison, a residential condominium development in the proposed location would generate approximately 26 new A.M. trips and 30 new P.M. trips; 37 more trips than the Mosque.



Building Architecture and Materials.

The project site is located in the Midtown Area. The project incorporates design elements as stated from the Midtown Plan design guidelines. The building is located at the front of the property (Chapter 8.5.B.1.a, building orientation) and parking is at the sides and rear of the site (Chapter 8.3.a).

The form of the building is based on traditional mosque design that includes a dome and a minaret. The main exterior finish is cement plaster (stucco). The stucco façade surfaces are articulated by a series of indentations, recesses and control joints that break the mass of the building into rectangular frames a feature extensively used in traditional mosque design. The design of the building is a synthesis of traditional forms and materials including stucco and stone, with contemporary elements and materials. The entry canopies have metal panels and arches made of painted tube steel. The infill between arches and metal panels are translucent, geometric-patterned resin panels. The west side of the building has metal screens overlying an openness factor to protect the operable windows from direct sunlight.

The proposed Mosque will use various colors on the building exterior that are traditional of Islamic religion, including blue and green accents on the building exterior. Other elements include decorative light fixtures, and double-paned, decorative windows with an arch treatment.

Noise

The proposed project is located on Montague Expressway which experiences a large volume of traffic related noise. A report, *Acoustical Evaluation, Environmental Noise, Al Hilal, Masjid US Sallam, Milpitas, California*, was completed in August 2009 (Attachment C) to identify noise measurements and mitigation. The City of Milpitas requires that the exterior shell of the Mosque provides exterior Day/Night (Ldn) noise levels no greater than 45 dBA indoors. To mitigate the noise levels, exterior facades will be stucco, windows, doors, and building material will be installed as detailed in the report.

Due to the project proximity to the railroad, a vibration study is required and will be reviewed by staff prior to issuance of a building permit.

Storm Water Runoff Pollution

The applicant will incorporate Best Management Practices (BMP's) into their site design to minimize impacts resulting from increased surface water runoff. A final BMP report will be submitted upon approval prior to issuance of a building permit.

ADOPTED PLANS AND ORDINANCES CONSISTENCY

General Plan

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 2
General Plan Consistency

Policy	Consistency Finding
Guiding Principle: 2.d-G-2 <i>Develop adequate civic, recreational, and cultural centers in locations for the best service to the community and in ways which will</i>	Consistent. The Mosque will be an attractive building adjacent to new residential and future.

Policy	Consistency Finding
<i>protect and promote community beauty and growth.</i>	

Midtown Specific Plan

The Mosque use does not conflict with the vision of the Midtown Specific Plan. The building and architectural design is complementary with Community Design Policy 5.3:

Promote high-quality private development that contributes to the visual identity and environmental quality of the Midtown area through the application of the Development Standards and Design Guidelines.

The Midtown Specific Plan Building Height and Setbacks are listed in Table 1, Development Standards Compliance. As discussed the Minaret (tower) deviates from the maximum height standard of 60 feet to 65 feet. The height of the adjacent residential development is 48 feet. The Minaret is 65 feet high, and approximately 8 feet wide. This deviation is acceptable as it does not compromise the views of the surrounding development. The side setback deviates from the standard 10 feet to 5 feet on the eastern side of the property. This deviation is acceptable as the eastern side setback is adjacent to a railroad track and the positioning of the building at an angle creates only a portion of the building that encroaches within the required setback.

The project incorporates high quality design and large landscaped areas, which enhance the aesthetics around the building.

Zoning Ordinance

Religious Facilities are conditionally permitted within the R4, Residential Zoning District.

Site Development Permit

The project requires a Site Development permit for all new main buildings. As discussed previously, the building and architecture are compatible with the development guidelines of the Midtown Specific Plan. The site layout is acceptable to staff.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Staff determined that the project is categorically exempt from further environmental review pursuant to Class 1, Section 15332 (“In-Fill Development Projects”).

PUBLIC COMMENT/OUTREACH

Staff publicly noticed the application in accordance with City and State law. As of the time of writing this report, there have been no inquiries from the public.

To date, staff received 7 emails and 1 letter in opposition of the project. The common concern is that the development of the site as a religious facility will result in depreciation of values for surrounding properties, safety, noise, building height, parking, and traffic.

Comments are available for reading in Attachment D.

CONCLUSION

Staff's position is the construction and design of the Mosque is consistent with the uses within the R4 Zoning District. The site layout and design of the building are high quality design and traditional Mosque architecture. The deviations can be supported because only a portion of the building encroaches in the maximum side setback and the height of the minaret/ tower does not compromise the views of the surrounding development.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission adopt Resolution No. 11-044 approving Conditional Use Permit No. UP09-0047, Site Development Permit No. SD09-005, subject to the attached Conditions of Approval.

Attachments:

- A. Resolution No. #11-004
- B. Site Plans & Renderings
- C. Noise Report
- D. Comment letters received

RESOLUTION NO. 11-044

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MILPITAS, CALIFORNIA, APPROVING USE PERMIT NO. 09-0047, SITE DEVELOPMENT PERMIT NO. 09-005, AL-HILAAL ISLAMIC CHARITABLE FOUNDATION TO CONSTRUCT A MOSQUE LOCATED AT 91 MONTAGUE EXPRESSWAY

WHEREAS, on November 2, 2009, an application was submitted by Munawwer Ali Daimee P.O. Box 610576, San Jose, CA 95161 to allow for construction of a Mosque, is located within the Multi-family Very High Density Residential Zoning District (APN 86-34-023); and

WHEREAS, the Planning Division completed an environmental assessment for the project in accordance with the California Environmental Quality Act (CEQA), and recommends that the Planning Commission determine this project categorically exempt; and

WHEREAS, on January 26, 2011, the Planning Commission held a duly noticed public hearing on the subject application, and considered evidence presented by City staff, the applicant, and other interested parties.

NOW THEREFORE, the Planning Commission of the City of Milpitas hereby finds, determines and resolves as follows:

Section 1: The recitals set forth above are true and correct and incorporated herein by reference.

Section 2: The Initial Study prepared for this project represents the independent review of the City of Milpitas Planning Staff and determined that the project is exempt and meets the criteria in accordance with Section 15332 of the CEQA Guidelines for in-fill developments. The project is located on a 1.85 acres parcel that is bordered by a railroad line, an automotive expressway, multi-family residential uses, and commercial uses. The project lies within city limits and is consistent with all general plan designations, policies, and zoning requirements. The site can be adequately serviced by all required utilities and public services and does not affect any habitats for endangered, rare or threatened species.

Section 3: With respect to the Conditional Use Permit:

a. The proposed use, at the proposed location will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety, and general welfare in that as conditioned the proposed religious facility will complement the surrounding uses.

b. The proposed use is consistent with the Milpitas Zoning Ordinance in that the project is a conditionally permitted use within the R4 zoning district.

c. The proposed project is consistent with the Midtown Specific Plan in that the design of the project is consistent with the proposed use.

d. The deviation from the Midtown Specific Plan standards meets the design intent identified within the Specific Plan and does not detract from the overall architectural, landscaping and site planning integrity of the proposed development in that the materials, landscaping used and the design of the building reduce the massing of the project and the reduced setback side of the building is along the railroad tracks, further limiting impacts on adjacent properties; and

e. The deviation from the Midtown Specific Plan standards allows for a public benefit not otherwise obtainable through the strict application of the Design Standard in that the design of the building and its specific architectural elements complement and contrast with the surrounding development in ways a conventional development would not obtain.

Section 4: The project is consistent with the Milpitas General Plan principle 2.d-G-2 in that it provides a cultural center in a location that will best serve the city and will enhance the community appearance with the construction of a traditional styled mosque,

Section 5: With respect to the Site Development Permit:

a. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surround development because of the use of selected landscaping, building materials, and details associated with a mosque.

b. The project is consistent with the Midtown Specific Plan in that the project is consistent with the design guidelines of the specific plan.

Section 6: The Planning Commission of the City of Milpitas hereby approves **USE PERMIT NO. 09-0047** and **SITE DEVELOPMENT PERMIT NO. 09-005**, Mosque, subject to the above Findings, and Conditions of Approval attached hereto as Exhibit 1.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Milpitas on January 26, 2011.

Chair

TO WIT:

I HEREBY CERTIFY that the following resolution was duly adopted at a regular meeting of the Planning Commission of the City of Milpitas on January, 26, 2011, and carried by the following roll call vote:

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Mark Tiernan				

COMMISSIONER	AYES	NOES	ABSENT	ABSTAIN
Lawrence Ciardella				
John Luk				
Sudhir Mandal				
Zeya Mohsin				
Gurdev Sandhu				
Noella Tabladillo				
Steve Tao				

EXHIBIT 1

**CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 09-0047, SITE DEVELOPMENT PERMIT NO. 09-005**

A request to construct a Mosque at 91 Montague Expressway
Address (APN: 086-34-023)

General Conditions

1. The owner or designee shall develop the approved project in conformance with the approved plans and color and materials sample boards approved by the Planning Commission on January 26, 2011, in accordance with these Conditions of Approval.

Any deviation from the approved site plan, floor plans, elevations, materials, colors, landscape plan, or other approved submittal shall require that, prior to the issuance of building permits, the owner or designee shall submit modified plans and any other applicable materials as required by the City for review and obtain the approval of the Planning Director or Designee. If the Planning Director or designee determines that the deviation is significant, the owner or designee shall be required to apply for review and obtain approval of the Planning Commission, in accordance with the Zoning Ordinance. **(P)**

USE PERMIT NO. 09-0047, SITE DEVELOPMENT PERMIT NO. 09-005 shall become null and void if the project is not commenced within two (2) years from the date of approval unless in conjunction with a tentative map, then the project life coincides with the life of the map. Pursuant to Section 64.06(B) of the Zoning Ordinance of the City of Milpitas, commencement shall be:

- a. Completes a foundation associated with the project; or
 - b. Dedicates any land or easement as required from the zoning action; or
 - c. Complies with all legal requirements necessary to commence the use, or obtains an occupancy permit, whichever is sooner.
2. Pursuant to Section 64.06(1), the owner or designee shall have the right to request an extension of **USE PERMIT NO. 09-0047, SITE DEVELOPMENT PERMIT NO. 09-005** if said request is made, filed and approved by the Planning Commission prior to expiration dates set forth herein. **(P)**
 3. Prior to the issuance of building permits, the owner or designee shall include within the four first pages of the working drawings for a plan check, a list of all conditions of approval imposed by the final approval of the project. **(P)**
 4. Prior to the issuance of building permits, the owner or designee shall submit a revised Acoustical Evaluation, Environmental Noise to include a Vibration study **(P)**

5. Parking for both phases of the project, including bicycle parking, shall be constructed all together.(P)
6. Prior to issuance of any building permits, developer shall obtain approval from the City Engineer of the water, sewer and storm drain studies for this development. These studies shall identify the development's effect on the City's present Master Plans and the impact of this development on the trunk lines. If the results of the study indicate that this development contributes to the over-capacity of the trunk line, it is anticipated that the developer will be required to mitigate the overflow or shortage by construction of a parallel line or pay a mitigation charge, if acceptable to the City Engineer. (E)
7. The developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer with the submittal of the construction plans to the Building Dept for plan check. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer. The developer shall satisfy the conclusions and recommendations of the approved drainage study prior to any building permit issuance. (E)
8. Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Montague Expressway frontage, including but not limited to curb and gutter, pavement, sidewalk, signage and striping, fire hydrants, storm drain, sewer and water services. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. All improvements must be in accordance with the City of Milpitas standard and specification, and all public improvements shall be constructed to the City Engineer's satisfaction and accepted by the City prior to building occupancy permit issuance of the first production unit. (E)
9. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - A. Storm water connection fee of **\$38,812** based on 1.8 acres @ \$21,562 per acre. The water, sewer and treatment plant fee will be calculated at the time building plan check submittal.
 - B. Water Service Agreement(s) for water meter(s) and detector check(s).
 - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
10. Prior to building permit issuance, the developer shall contribute its "fair share" of traffic impact fee in the amount of **\$22,478** (based on a Midtown impact fee and Montague Expressway impact fee). (E)
11. Prior to building permit issuance, Improvement plans for all proposed work along Montague Expressway shall be submitted to and approved by the Santa Clara County Road and Airport Department. The developer is also required to obtain an encroachment permit from Santa

Clara County Road and Airport Department prior to any work within Montague Expressway right-of-way. (E)

12. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements. (E)
13. No permanent structures shall be constructed in the areas designated as future right of way for widening of Montague Expressway. This area shall be temporary landscaped and maintained by the developer until such time the roadway is widened. (E)
14. Prior to occupancy permit issuance, applicant/property owner shall construct a new trash enclosure to accommodate the required number of bins needed to serve this development. The proposed enclosure shall be designed per the Development Guidelines for Solid Waste Services and enclosure drains must discharge to sanitary sewer line. City review/approval is required prior to construction of the enclosure. (E)
15. The developer shall comply with Regional Water Quality Control Board's C.3 requirements and implement the following:
 - A. At the time of building permit plan check submittal, the developer shall submit a "final" Stormwater Control Plan and Report. Site grading, drainage, landscaping and building plans shall be consistent with the approved Stormwater Control Plan. The Plan and Report shall be prepared by a licensed Civil Engineer and certified that measures specified in the report meet the C.3 requirements of the Regional Water Quality Control Board (RWQCB) Order, and shall be implemented as part of the site improvements.
 - B. Prior to building permit issuance, the developer shall submit an Operation and Maintenance (O&M) Plan for the long-term operation and maintenance of C-3 treatment facilities.
 - C. Prior to issuance of Certificate of Occupancy, the applicant shall submit a Stormwater Control Operation and Maintenance (O&M) Plan, acceptable to the City, describing operation and maintenance procedures needed to insure that treatment BMPs and other stormwater control measures continue to work as intended and do not create a nuisance (including vector control). The treatment BMPs shall be maintained for the life of the project. The stormwater control operation and maintenance plan shall include the applicant's signed statement accepting responsibility for maintenance until the responsibility is legally transferred.
 - D. Prior to Final occupancy, the developer shall execute and record an O&M Agreement with the City for the operation, maintenance and annual inspection of the C.3 treatment facilities. (E)
16. Prior to building, site improvement or landscape permit issuance, the building permit application shall be consistent with the applicant's approved Stormwater Control Plan and approved special conditions, and shall include drawings and specifications necessary to implement all measures described in the approved Plan. As may be required by the City's Building, Planning or Engineering Divisions, drawings submitted with the permit application (including structural, mechanical, architectural, grading, drainage, site, landscape and other

drawings) shall show the details and methods of construction for site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control stormwater flow and potential stormwater pollutants. Any changes to the approved Stormwater Control Plan shall require Site & Architectural (“S” Zone) Amendment application review. (E)

17. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Construction activities which disturb 1 acres or greater are viewed as a source of pollution, and the RWQCB requires a Notice of Intent (NOI) be filed, along with obtaining an NPDES Construction Permit prior to the start of construction. A Storm Water Pollution Prevention Plan (SWPPP) and a site monitoring plan must also be developed by the applicant, and approved by the City prior to permit issuance for site clearance or grading. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
18. It is the responsibility of the developer to obtain any necessary permits or approvals from affected agencies, and private parties. Copies of any approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)

- (P) = Planning
- (B) = Building
- (E) = Engineering
- (F) = Fire Prevention

GENERAL NOTES

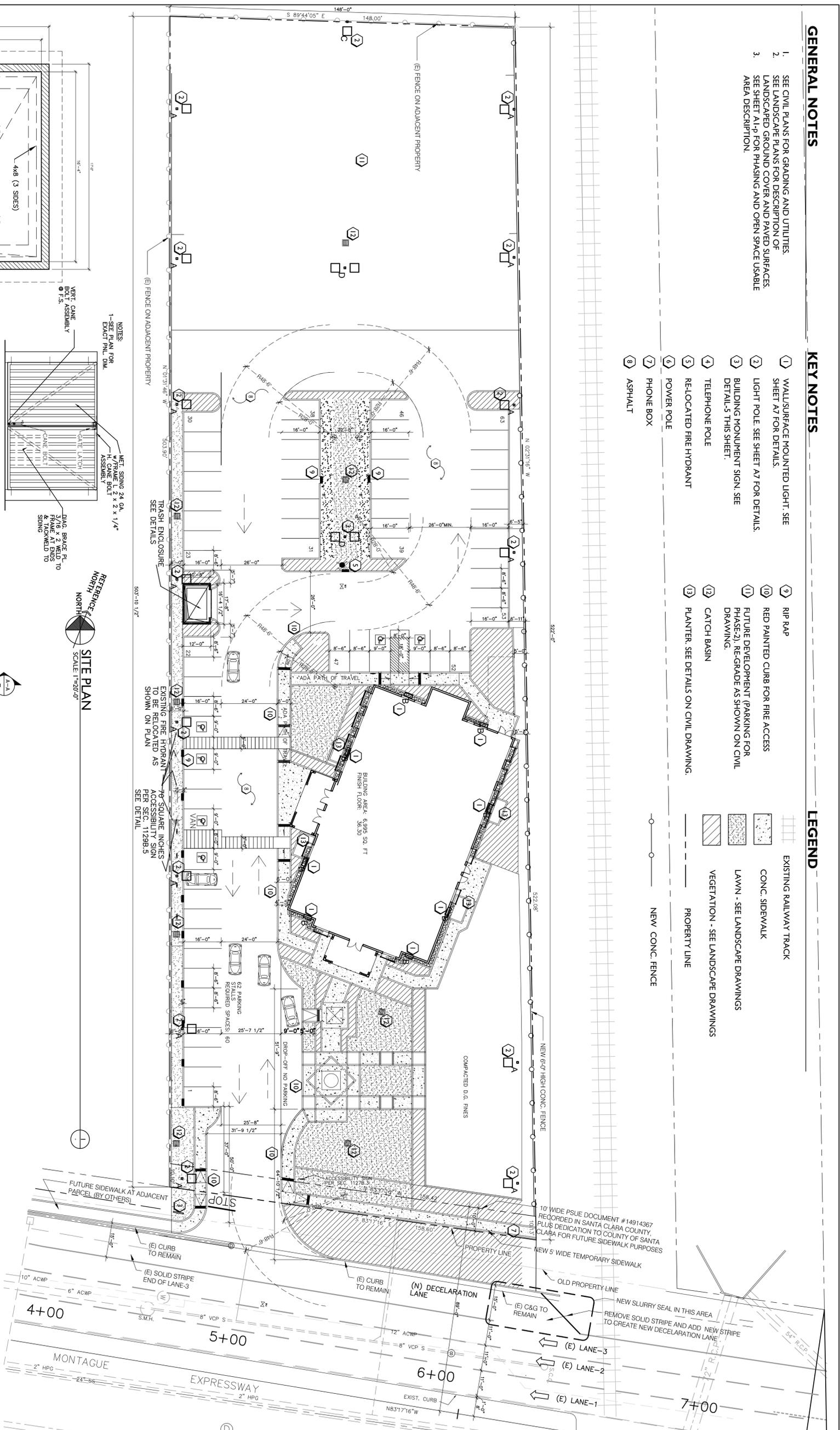
1. SEE CIVIL PLANS FOR GRADING AND UTILITIES.
2. SEE LANDSCAPE PLANS FOR DESCRIPTION OF LANDSCAPED GROUND COVER AND PAVED SURFACES.
3. SEE SHEET A1-P FOR PHASING AND OPEN SPACE USABLE AREA DESCRIPTION.

KEY NOTES

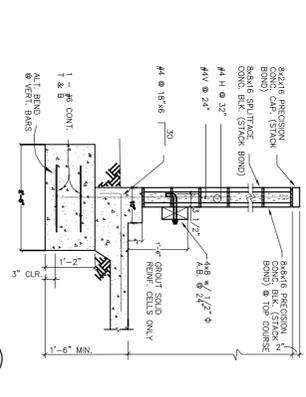
- 1 WALL/SURFACE MOUNTED LIGHT. SEE SHEET A7 FOR DETAILS.
- 2 LIGHT POLE. SEE SHEET A7 FOR DETAILS.
- 3 BUILDING MONUMENT SIGN. SEE DETAIL-5 THIS SHEET.
- 4 TELEPHONE POLE
- 5 RELOCATED FIRE HYDRANT
- 6 POWER POLE
- 7 PHONE BOX
- 8 ASPHALT
- 9 RIP RAP
- 10 RED PAINTED CURB FOR FIRE ACCESS
- 11 FUTURE DEVELOPMENT (PARKING FOR PHASE-2). RE-GRADE AS SHOWN ON CIVIL DRAWING.
- 12 CATCH BASIN
- 13 PLANTER. SEE DETAILS ON CIVIL DRAWING.

LEGEND

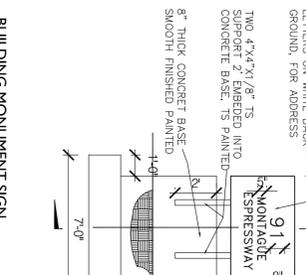
- EXISTING RAILWAY TRACK
- CONC. SIDEWALK
- LAWN - SEE LANDSCAPE DRAWINGS
- VEGETATION - SEE LANDSCAPE DRAWINGS
- PROPERTY LINE
- NEW CONC. FENCE



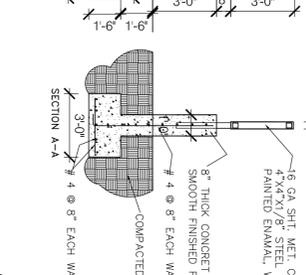
TRASH ENCLOSURE ELEVATION
SCALE: 1/2"=1'-0"



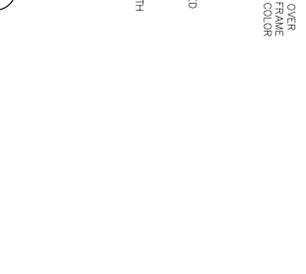
TRASH ENCLOSURE WALL SECTION
SCALE: 1/2"=1'-0"



BUILDING MONUMENT SIGN
SCALE: 1/2"=1'-0"



SITE PLAN
SCALE: 1"=20'-0"



ARCHITECTURE



ARCHITECTURE
CONSULTANTS



KEY PLAN

NO.	DATE	DESCRIPTION
1	04.14.10	PLANNING PACKAGE
2	07.30.10	RESPONSE TO COMMENTS-2
1	10.26.09	RESPONSE TO COMMENTS-1
NO.		

MASJID DAR-US-SALAAM

CLIENT
AL-HILAL ISLAMIC CHARITABLE FOUNDATION

PROJECT
MASJID DAR-US-SALAAM

ADDRESS
91 MONTAGUE EXPRESSWAY MILPITAS, CA

PROJECT NO. 0903

SITE PLAN

SCALE
1"=20'-0"

TITLE

A1



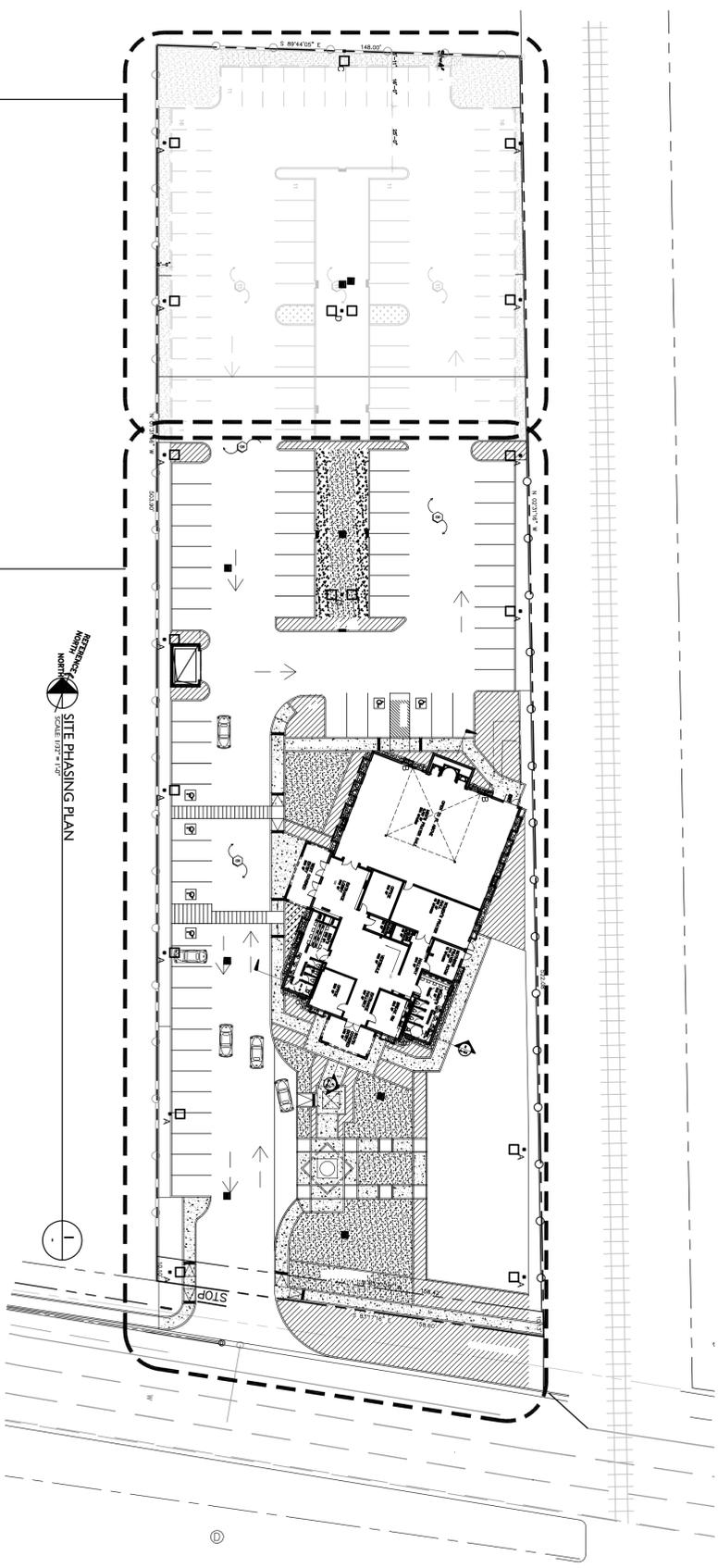
ARCH VERSA
ARCHITECTURE

CONSULTANTS

STAMP



KEY PLAN

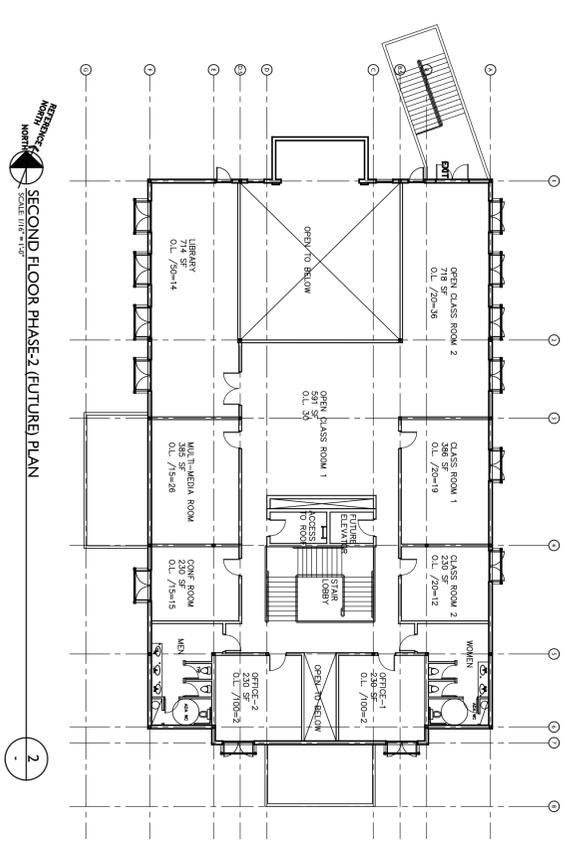


SITE PHASING PLAN

1

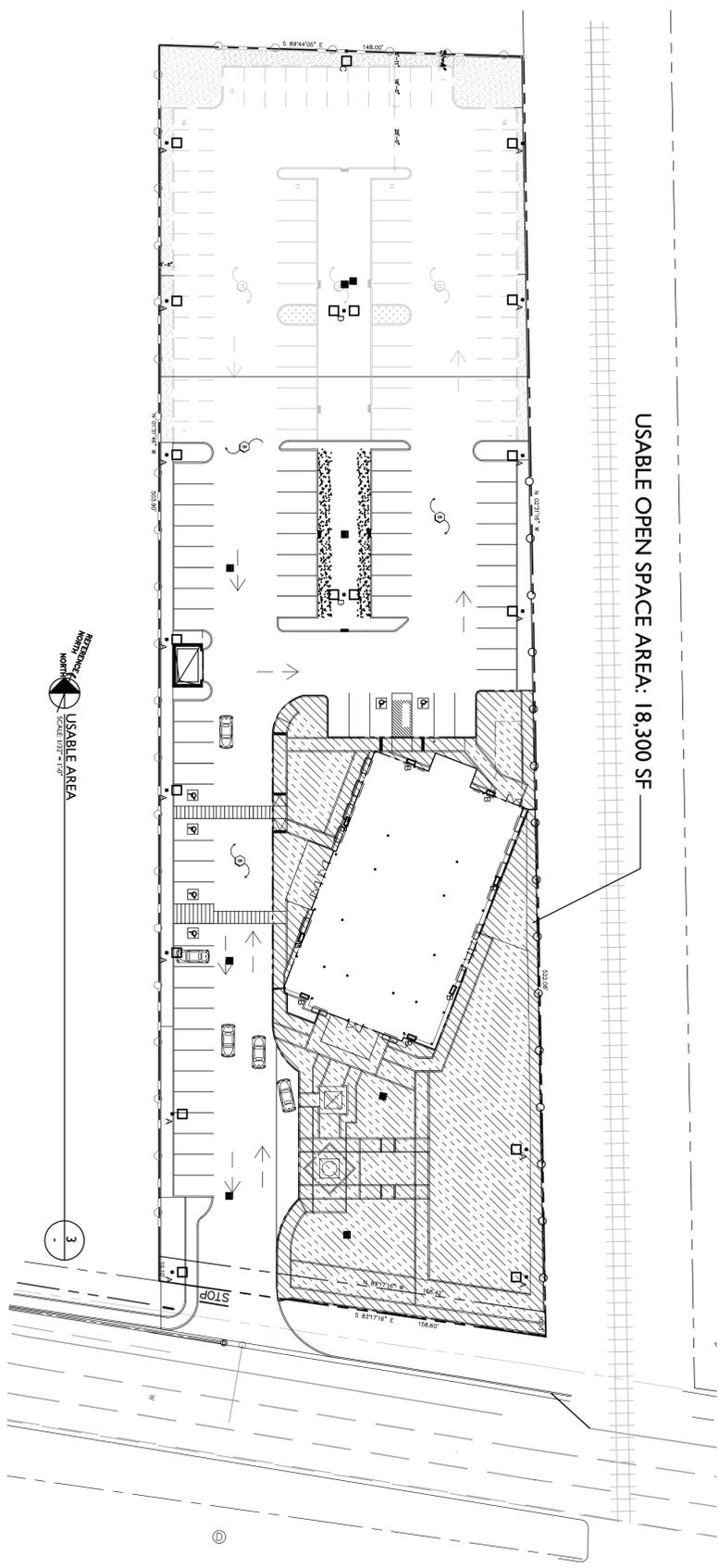
2

SECOND FLOOR PHASE-2 (FUTURE) PLAN



- PHASE-2**
(FUTURE; NOT IN SCOPE OF CURRENT SUBMITTAL)
- DEVELOP PARKING LOT IN THE AREA SHOWN
 - EXTEND AND DEVELOP VEGETATED BIO-SWALE IN THE CENTER ISLAND
 - PROVIDE ADDITIONAL LIGHT POLES IN THE AREA SHOWN
 - BUILD-OUT SECOND FLOOR INTERIOR. SEE SECOND FLOOR PHASE-2 PLAN, DETAIL 2/- ON THIS SHEET.
- PHASE-1**
(CURRENT PHASE)
- DEVELOP LANDSCAPE, HARD SCAPE AND PARKING LOT IN THIS AREA AS SHOWN ON SHEETS A1, CIVIL, AND LANDSCAPE SHEETS SUBMITTED IN THIS PACKAGE
 - BUILD OUT ENTIRE SHELL OF THE PROPOSED BUILDING
 - FULL INTERIOR BUILD-OUT OF FIRST FLOOR AS SHOWN ON SHEET A2
 - PARTIAL BUILD-OUT OF SECOND FLOOR PLAN INTERIOR AS SHOWN ON SHEET A3.

USABLE OPEN SPACE AREA: 18,300 SF



USABLE AREA

3

NOTE:
PHASING PLAN SHOWN FOR
REFERENCE ONLY

MASJID
DAR-US-SALAAM

CLIENT
AL-HILAL ISLAMIC
CHARITABLE FOUNDATION

PROJECT
MASJID DAR-US-SALAAM

ADDRESS
91 MONTAGUE EXPRESSWAY
MILPITAS, CA

PROJECT NO. 0903

SCALE
1"=20'-0"

TITLE

PHASING PLAN
AND
USABLE AREA

A1-p

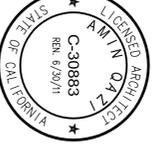
NO.	DESCRIPTION	DATE	RESPONSE TO COMMENTS
04.14.10	RESPONSE TO COMMENTS-1		1
10.26.09	PLANNING PACKAGE		



ARCH VERSA
ARCHITECTURE

CONSULTANTS

STAMP



KEY PLAN

NO.	DATE	DESCRIPTION
2	07/30/10	RESPONSE TO COMMENTS-2
1	04/14/10	RESPONSE TO COMMENTS-1
.	10/26/09	PLANNING PACKAGE
NO.		

MASJID
DAR-US-SALAAM

CLIENT
AL-HILAL ISLAMIC
CHARITABLE FOUNDATION

PROJECT
MASJID DAR-US-SALAAM

ADDRESS
91 MONTAGUE EXPRESSWAY
MILPITAS, CA

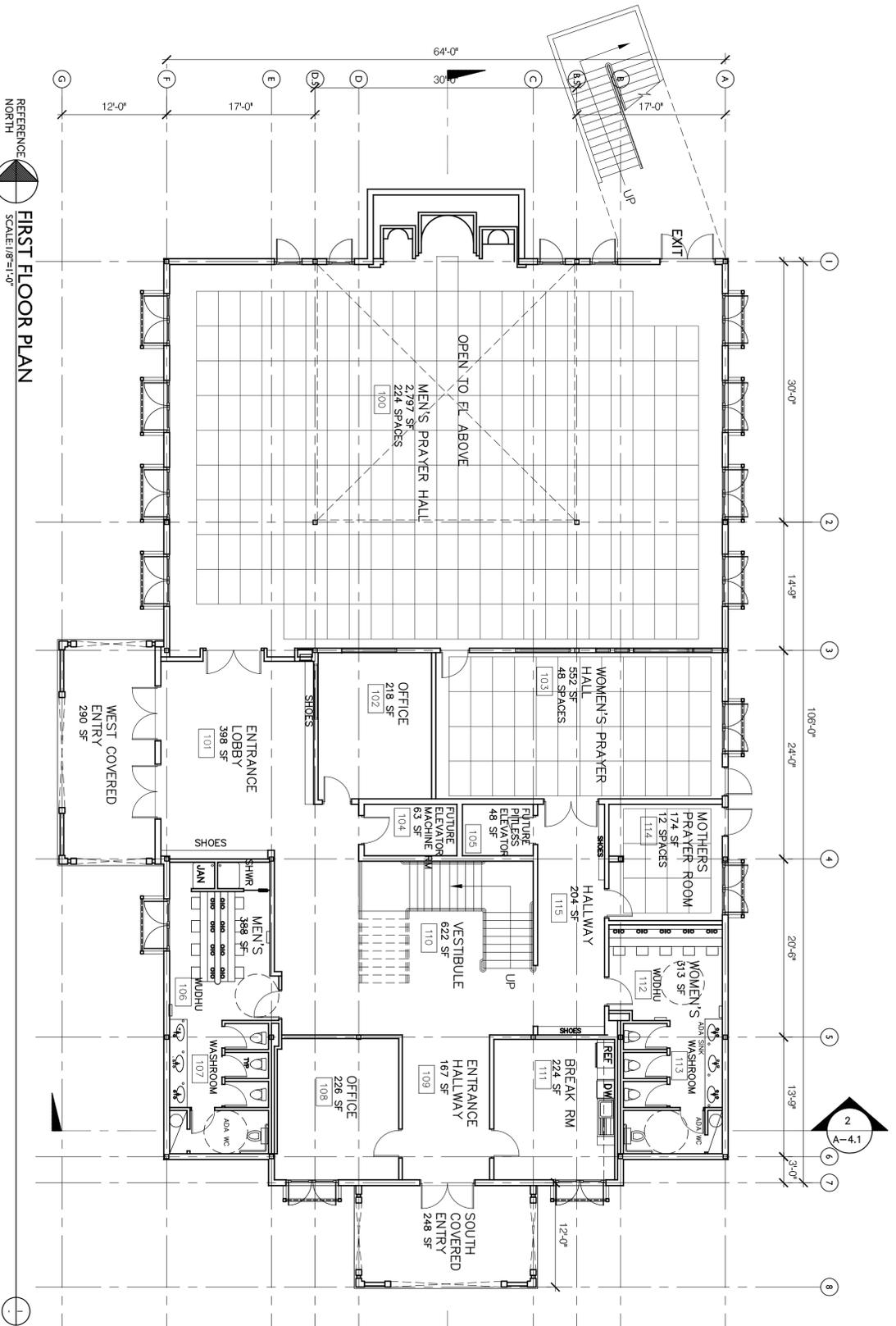
PROJECT NO. 0903

SCALE
1/8"=1'-0"

TITLE

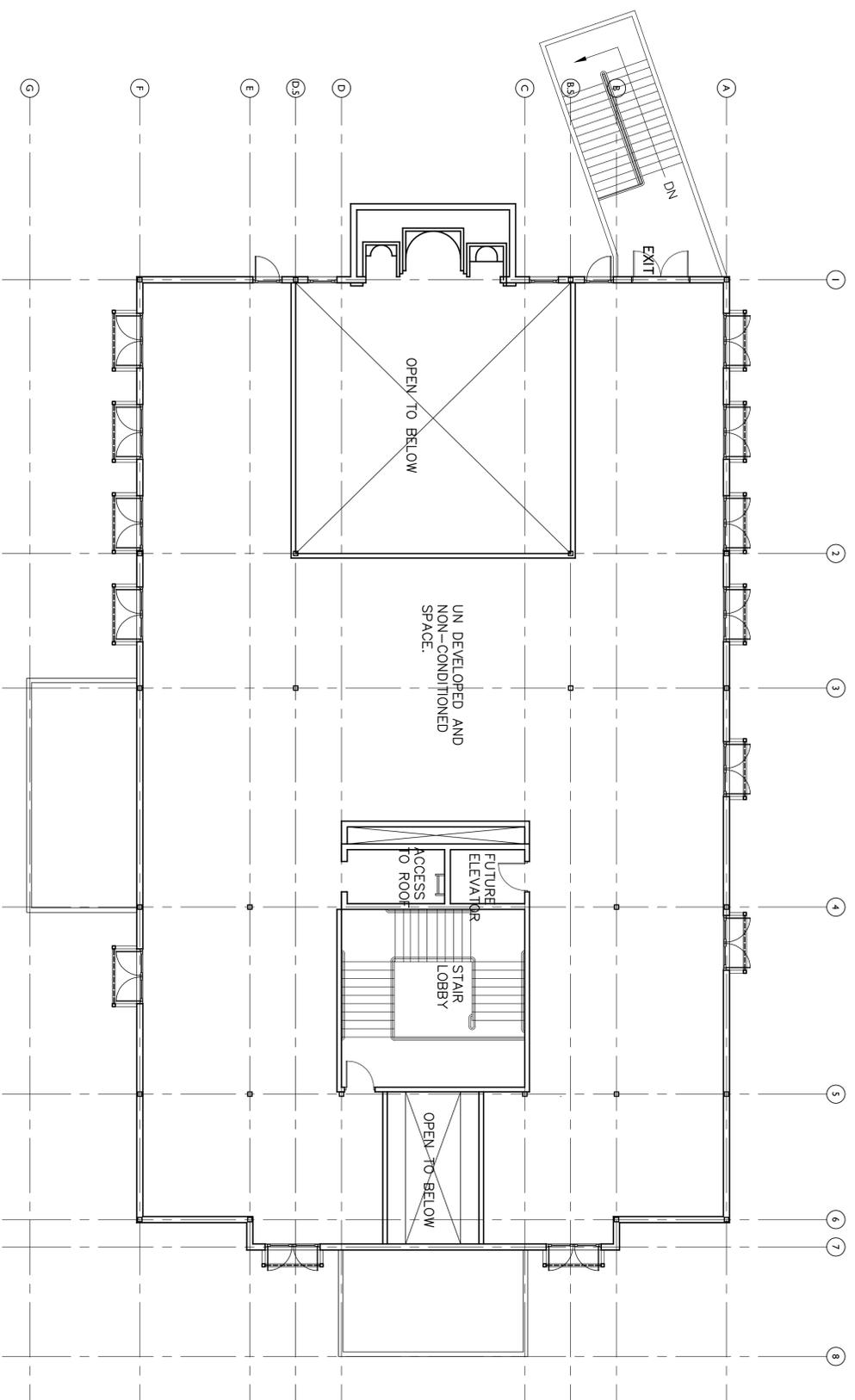
FIRST FLOOR
PLAN

A2



REFERENCE
NORTH
SCALE: 1/8"=1'-0"
FIRST FLOOR PLAN

- GENERAL NOTES:
1. ALL DIMENSIONS ARE TO THE FACE OF GYP. BD., FACE OF CONC., OR CENTER LINE OF STRUCTURAL COLUMN, UNLESS NOTED OTHERWISE.
 2. ALL INTERIOR WALLS ARE FULL HEIGHT UNLESS NOTED OTHERWISE. TYPICAL INTERIOR WALLS ARE 1-LAYER OF TYPE X GYP. BD. ON EACH SIDE OF 3-5/8" 16 GA. METAL STUDS.
 3. ALL DOORS, WINDOWS ARE DIMENSIONED TO THE CENTERLINE.
 4. BUILDING FIRST FLOOR FINISH ELEVATION IS 0'-0" AND REFERENCED TO ELEVATION.
 5. EXTERIOR WALLS ARE CONSTRUCTED WITH 6- 18 GAUGE METAL STUDS 16" OC. EAST AND NORTH WALLS ARE PARTIALLY 1-HR FIRE RESISTIVE WHERE THEY ENCRDACH IN THE AREA WITHIN 10'-0" OF PROPERTYLINE. ALL OTHER EXTERIOR WALLS ARE NON-FIRE RESISTIVE ASSEMBLIES.
 6. EXTERIOR WALL THAT ARE REQUIRED TO BE 1-HR FIRE RESISTIVE RATED ARE CONSTRUCTED WITH 1 (ONE) LAYER OF 5/8" TYPE X GYP. BD. ON INTERIOR SIDE OF METAL STUDS, 1 (ONE) LAYER OF 5/8" TYPE X GYP. BD. 1/2" PLYWOOD SHEATHING, GALV. METAL LATH, 7/8" CEMENT PLASTER ON THE OUTSIDE SIDE OF MET STUDS WITH 6 FIBERGLASS BATT INSULATION.
 7. WINDOWS ARE CASEMENT OPERABLE WINDOWS AND NON PROTECTED WHERE EXTERIOR WALLS ARE NOT REQUIRED TO BE FIRE RESISTIVE RATED.

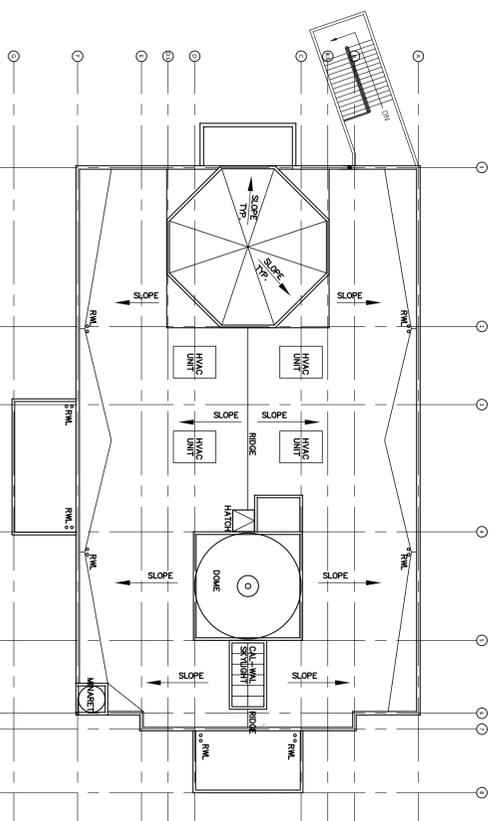


SECOND FLOOR PLAN GENERAL NOTES:

1. SECOND FLOOR TENANT IMPROVEMENTS ARE NOT IN THE SCOPE OF THIS PROJECT.
2. PROVIDE INTERIOR PARTITIONS TO SEPARATE SECOND FLOOR UNDEVELOPED SPACE FROM THE FIRST FLOOR AT FLOOR OPENINGS.
3. SEE GENERAL NOTES ON SHEET A2 FOR ADDITIONAL INFORMATION.

REFERENCE NORTH
SCALE: 1/8"=1'-0"

SECOND FLOOR PLAN

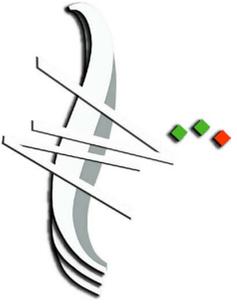


ROOF PLAN GENERAL NOTES

1. ROOFING MATERIAL TO BE CLASS A SINGLE PLY ROOFING.
2. MECHANICAL UNITS TO BE MAX. 5'-0" HIGH INCLUDING CURB.

REFERENCE NORTH
SCALE: 1/8"=1'-0"

ROOF PLAN



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ARCHITECTURE

CONSULTANTS

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KEY PLAN

NO.	DATE	DESCRIPTION
2	07/30/10	RESPONSE TO COMMENTS-2
1	04/14/10	RESPONSE TO COMMENTS-1

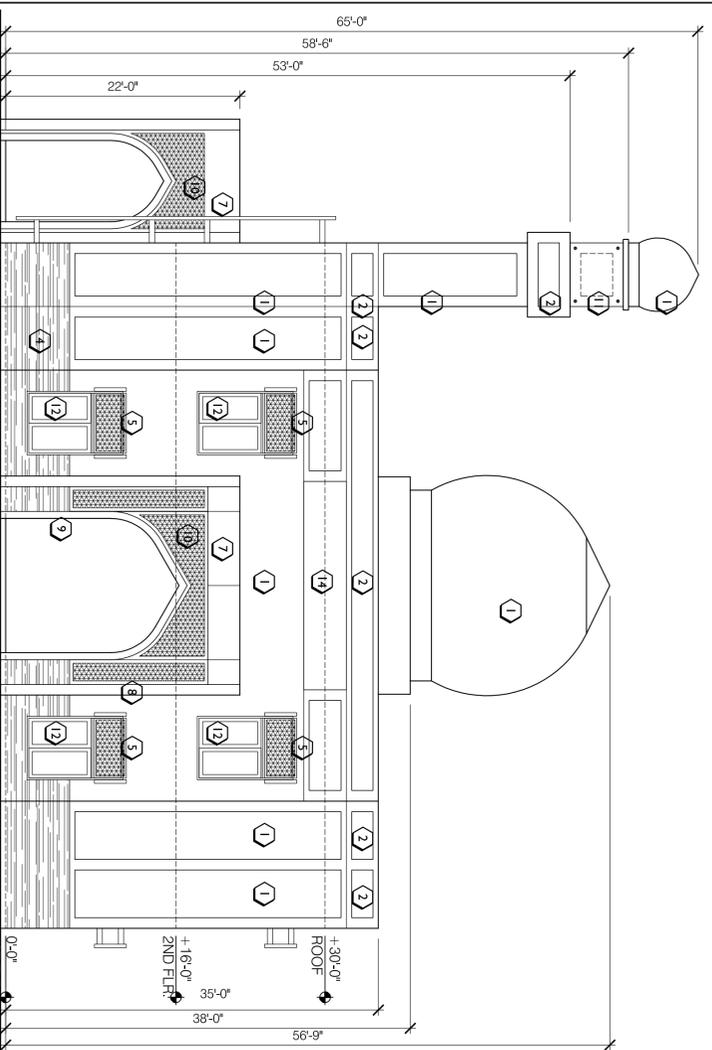
MASJID
DAR-US-SALAAM

CLIENT AL-HILAL ISLAMIC CHARITABLE FOUNDATION
PROJECT MASJID DAR-US-SALAAM
ADDRESS 91 MONTAGUE EXPRESSWAY MILPITAS, CA
PROJECT NO. 0903

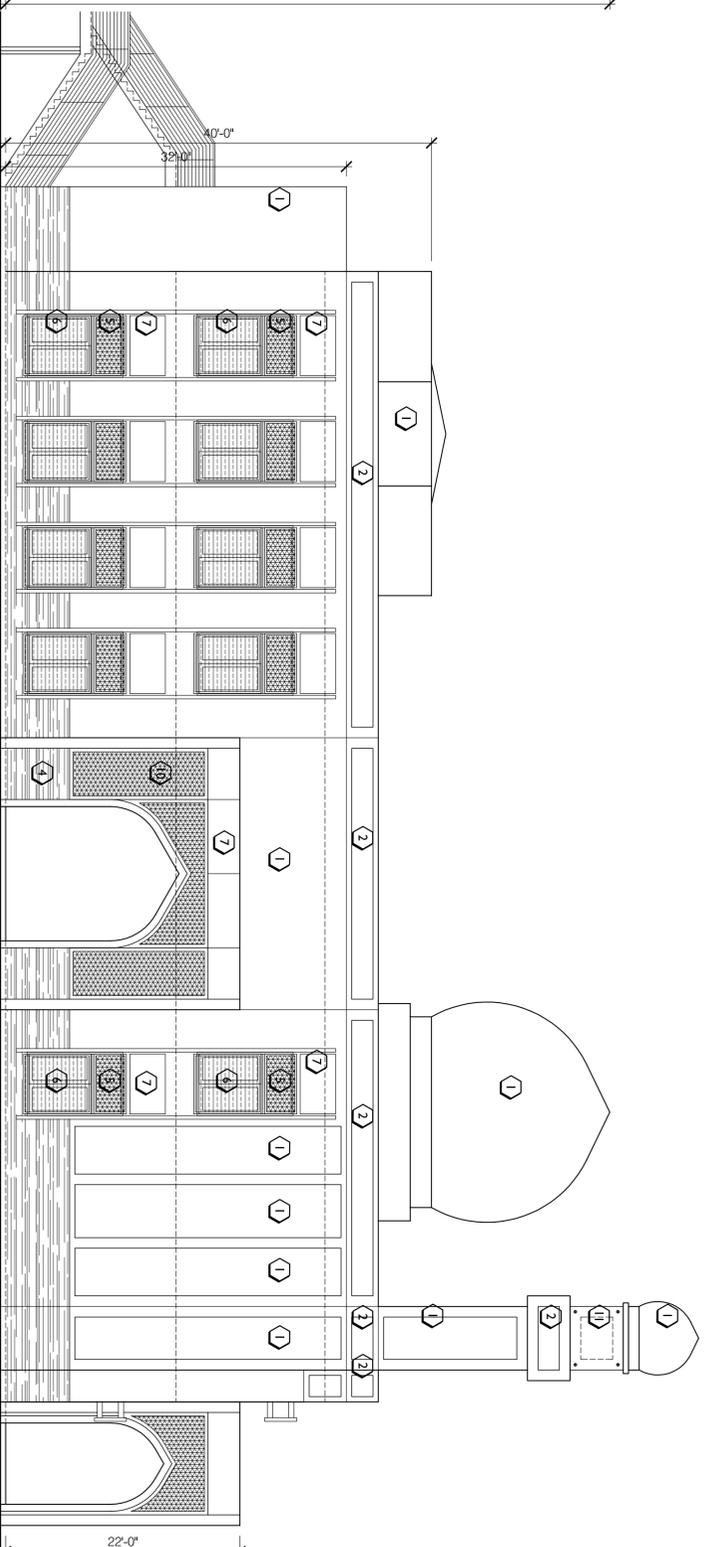
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TITLE

SECOND FLOOR
& ROOF PLAN

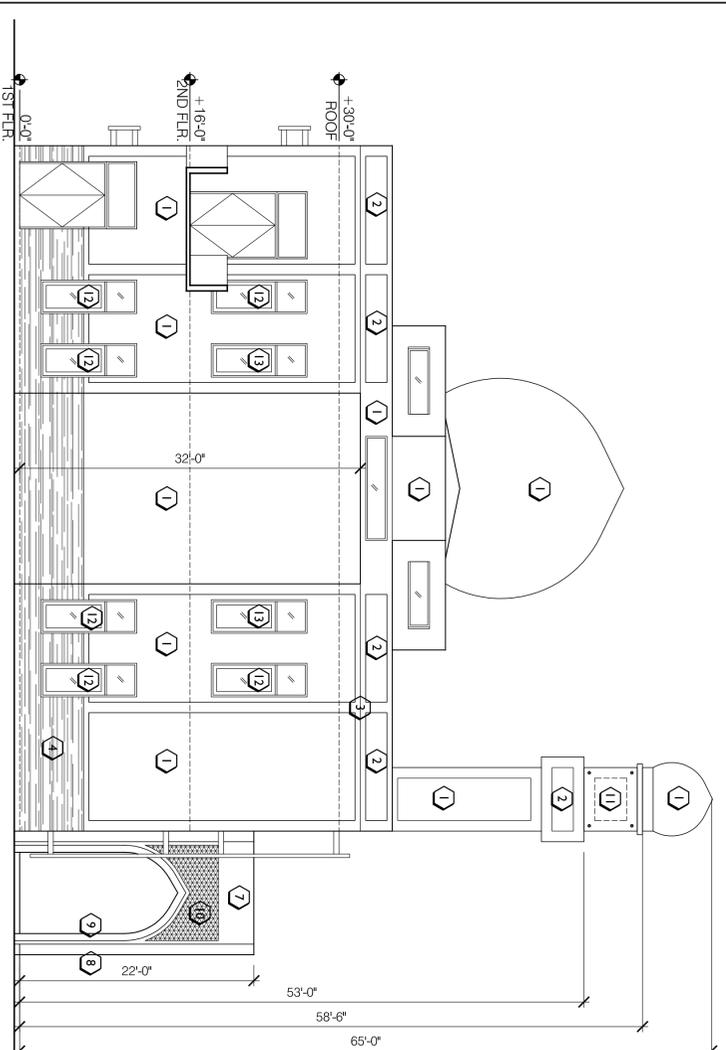
A3



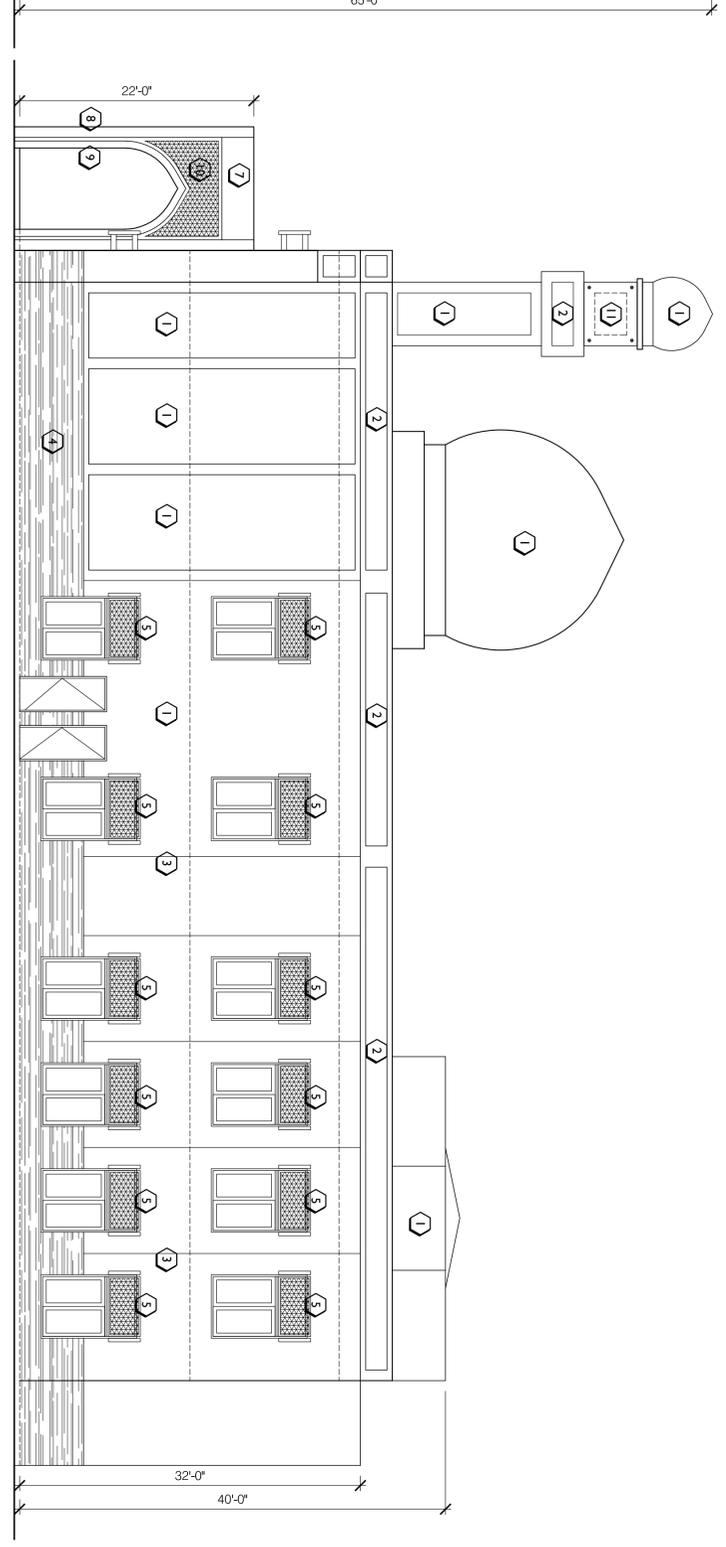
EXTERIOR ELEVATION - SOUTH
SCALE: 1/8"=1'-0"



EXTERIOR ELEVATION - WEST
SCALE: 1/8"=1'-0"

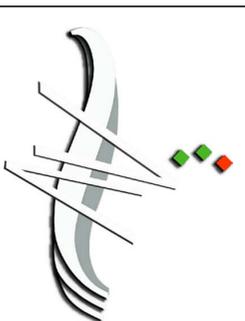


EXTERIOR ELEVATION - NORTH
SCALE: 1/8"=1'-0"



EXTERIOR ELEVATION - EAST
SCALE: 1/8"=1'-0"

- KEY NOTES**
- 1 3/4" CEMENT PLASTER OVER GALVANIZED METAL LATH ON 1/2" PLYWOOD SUBSTRATE, ON METAL STUDS.
 - 2 CEMENT PLASTER SMOOTH FINISH, PAINTED.
 - 3 CEMENT PLASTER CONTROL JOINT, USE 1/2" RY REGLET.
 - 4 SPLIT FACE LIMESTONE VENEER WAINGSCOT.
 - 5 FACTORY PAINTED PERFORATED METAL SCREEN ON 4"x4" PAINTED METAL FRAME, 40% OPEN.
 - 6 FACTORY PAINTED PERFORATED METAL SCREEN ON 4"x4" PAINTED METAL FRAME, 60% OPEN.
 - 7 SOLID METAL PANEL.
 - 8 PAINTED STORE-FRONT METAL CORNER.
 - 9 PAINTED METAL TUBE STEEL ARCH.
 - 10 3-FORM TRANSLUCENT EXTERIOR RESIN PANEL WITH PAINTED PATTERN.
 - 11 3-FORM TRANSLUCENT EXTERIOR PANEL PLANE.
 - 12 OPERABLE PAINTED H.M. WINDOW.
 - 13 FIXED PAINTED H.M. WINDOW.
 - 14 CALIGRAHIC PATTERN IN CERAMIC TILE.



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CONSULTANTS

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KEY PLAN

NO.	DATE	DESCRIPTION	NO.
07.30.10		RESPONSE TO COMMENTS-2	2
04.14.10		RESPONSE TO COMMENTS-1	1
10.26.09		PLANNING PACKAGE	

**MASJID
DAR-US-SALAAM**

CLIENT
AL-HILAL ISLAMIC
CHARITABLE FOUNDATION

PROJECT
MASJID DAR-US-SALAAM

ADDRESS
91 MONTAGUE EXPRESSWAY
MILPITAS, CA

PROJECT NO. 0903

SCALE 1/8"=1'-0"

TITLE

**EXTERIOR
ELEVATIONS**

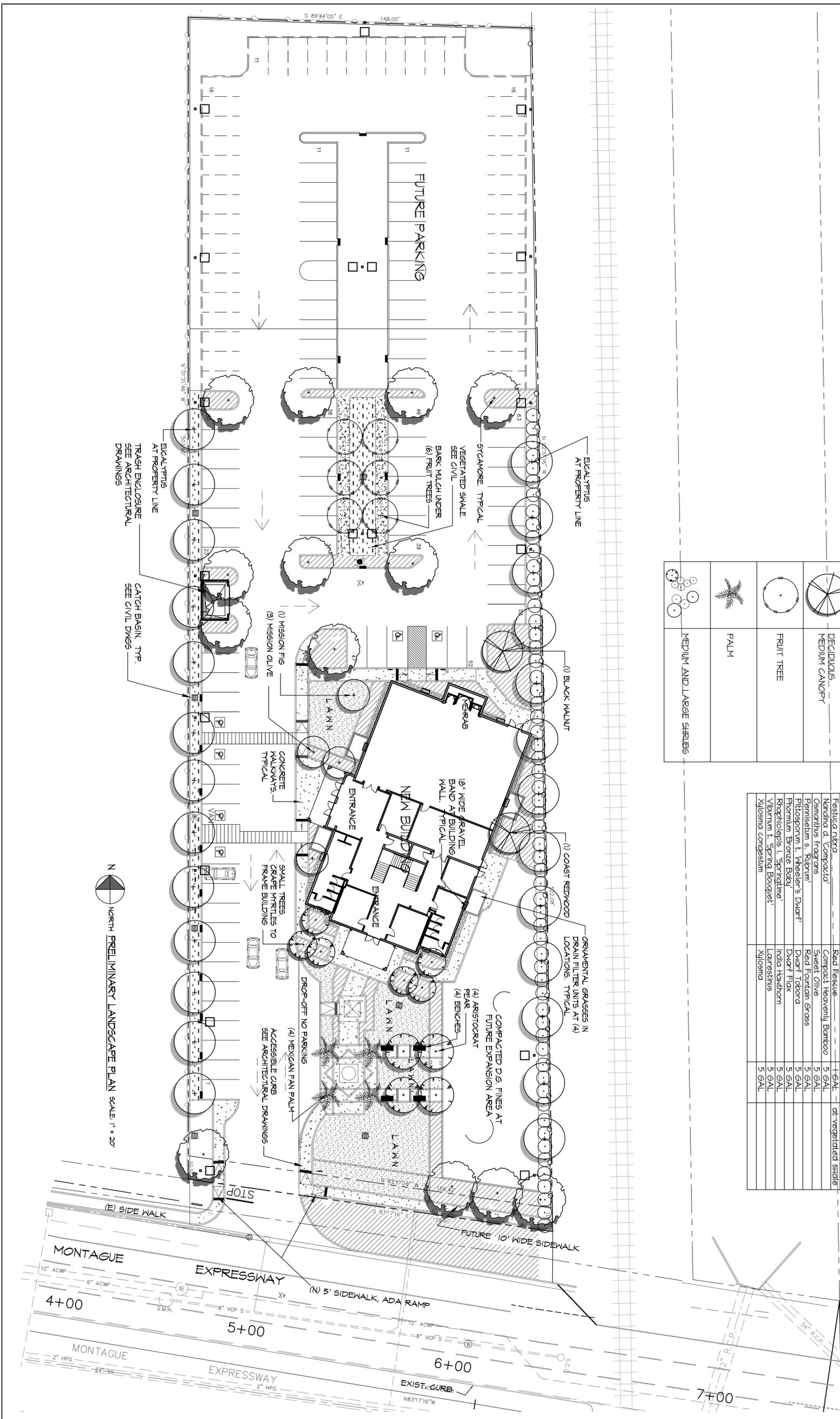
A4

KEY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
	Coprosma patricii	Verde Vista	1 GAL	Triangular spacing @ 3' o.c.
	Gazania Miliqua Yellow ¹	Gazania	Flats	Triangular spacing @ 12" o.c.
	Rosa Flower Carpet ¹	Flower Carpet Rose	1 GAL	Triangular spacing @ 3' o.c.
	Trochelospermum jasmimoides	Star Jasmine	1 GAL	Triangular spacing @ 24" o.c.
	Sod			Min. 24" from curb
	Annulus	Seasonal color	4" liters	12" on center
	Carex barbarae	Santa Barbara Sedge	1 GAL	ORNAMENTAL GRASSES FOR BIOWALL
	Juncus patens	California Grass Rush		

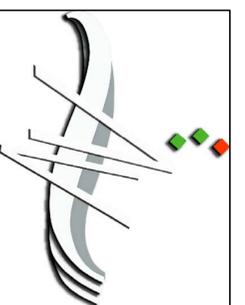
TREE & SHRUB SYMBOLS	
	DECIDUOUS SHADE TREE LARGE CANOPY
	FLOWERING ORNAMENTAL TREE MEDIUM CANOPY
	EVERGREEN TREE MEDIUM CANOPY
	DECIDUOUS MEDIUM CANOPY
	FRUIT TREE
	PALM
	MEDIUM AND LARGE SHRUBS

BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
Trees			
Eucalyptus sideroxylon	Pink Iron Bark	15 GAL	multi
Ficus Misioloni	Mission Fig	15 GAL	multi
Ficus c. Aristocrati ¹	Aristocrat Pear	15 GAL	standard form
Lagerstrœmia	Crape Myrtle	24" BX	standard form
Olea europaea Misioloni ¹	Mission Olive	24" BX	standard form
Platanus a. Columbia	Sycamore	15 GAL	standard form
Lophostemon comertus	Brisbane Box	15 GAL	standard form
Mexipiptadenia robusta	Mexican Fan Palm	48" BX	-
Dwarf Fruit Trees	varies		
Shrubs, Perennials & Vines			
Abelia grandiflora Edward Gougher ¹	Glossy Abelia	1 GAL	
Agapanthus africanus	Lily-of-the-Nile	1 GAL	
Dielsia vegeta	Fortnight Lily	1 GAL	
Escallonia Terni ¹		5 GAL	
Festuca rubra	Red Fescue	1 GAL	dr. vegetated stools
Nandina d. Compacta ¹	Compact Heavenly Bamboo	5 GAL	
Comanthus fragrans	Sweet Olive	5 GAL	
Panicum s. Rubrum ¹	Red Fountain Grass	5 GAL	
Philosporum l. Weisler's Dwarf ¹	Dwarf Lobelia	5 GAL	
Floricolum Bronze Box ¹	Dwarf Flax	5 GAL	
Rhipidolepis l. Springtime ¹	India Hornhorn	5 GAL	
Viburnum l. Spring Bouquet ¹	Laurestinus	5 GAL	
Xilosma congestum	Xilosma	5 GAL	

PRELIMINARY PLANT LIST



NORTH PRELIMINARY LANDSCAPE PLAN SCALE: 1" = 20'



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ARCHITECTURE

CONSULTANTS

RON BENOIT ASSOCIATES
LANDSCAPE ARCHITECTS
RBA LANDSCAPE ARCHITECTURE ENVIRONMENTAL PLANNING - IRWIN 85594

STAMP



KEY PLAN

DATE	DESCRIPTION	NO.
07/30/10	RESPONSE TO COMMENTS-2	2
04/14/10	RESPONSE TO COMMENTS-1	1
10/24/09	PLANNING PACKAGE	-

MASJID
DAR-US-SALAAM

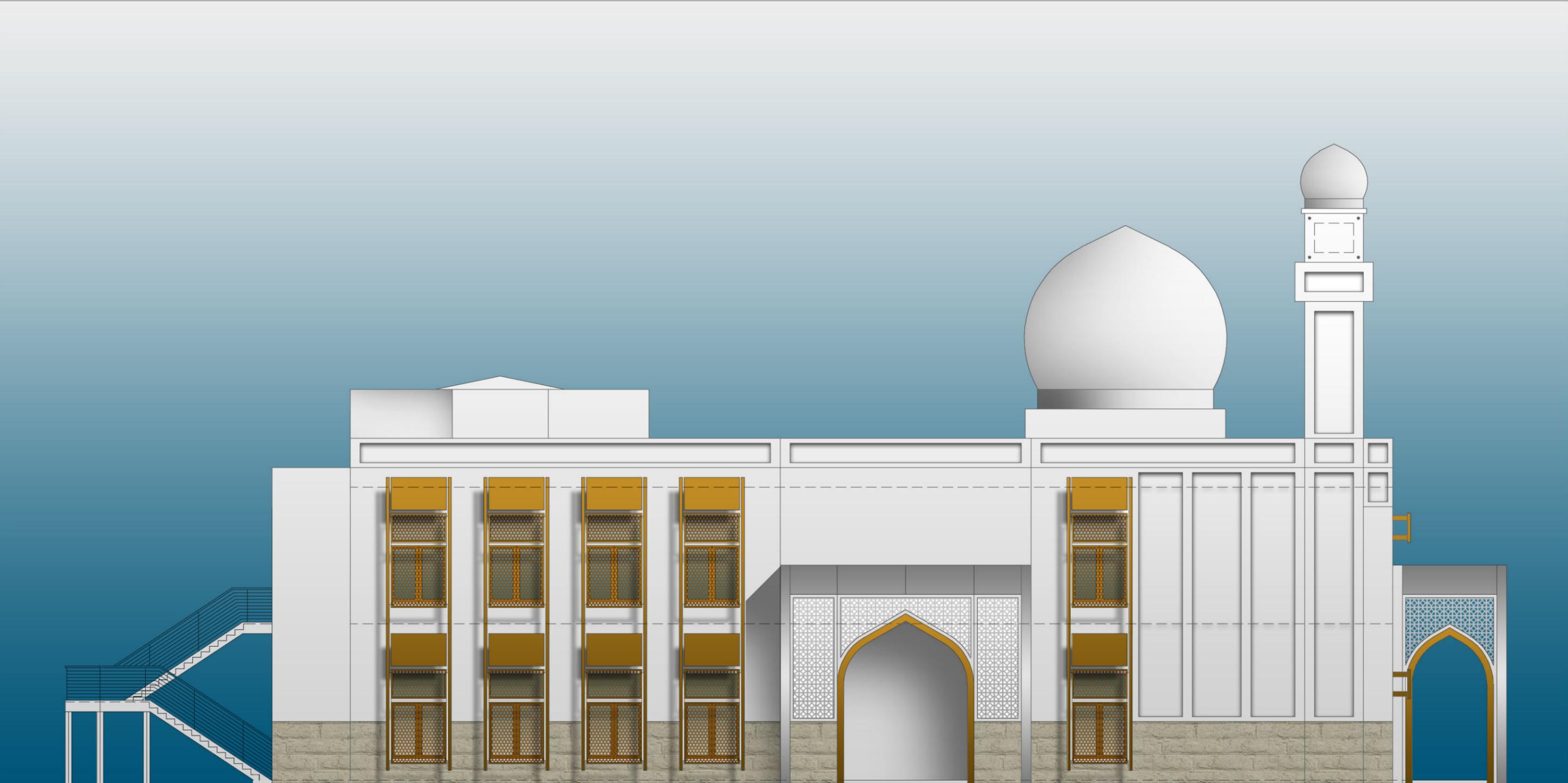
CLIENT AL-HILAL ISLAMIC CHARITABLE FOUNDATION
PROJECT MASJID DAR-US-SALAAM
ADDRESS 91 MONTAGUE EXPRESSWAY MILPITAS, CA
PROJECT NO. 0903

SCALE AS NOTED
TITLE PRELIMINARY LANDSCAPE PLAN

L1

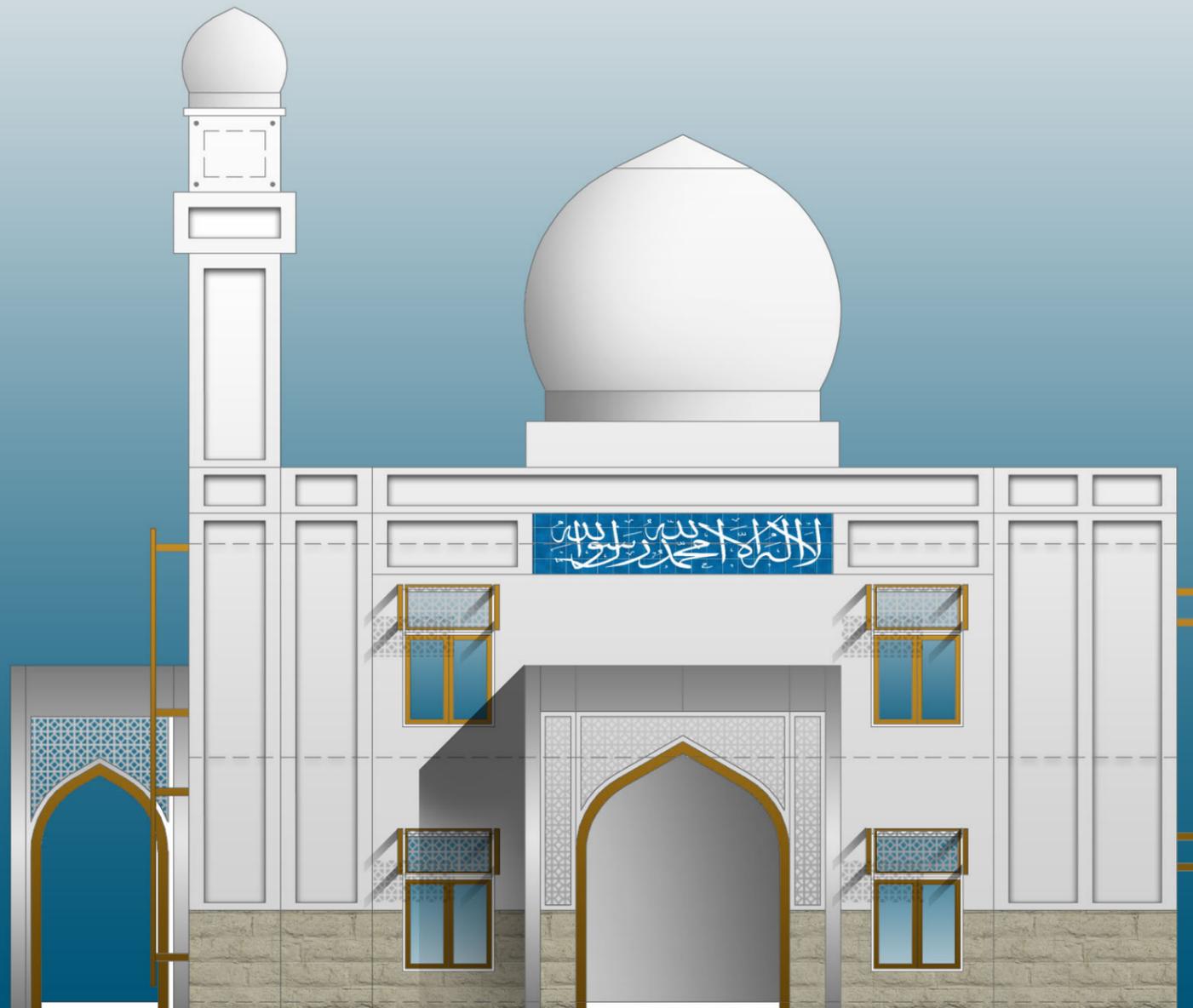


MASJID DAR-US-SALAAM
91 MONTAGUE EXPRESSWAY, MILPITAS, CALIFORNIA



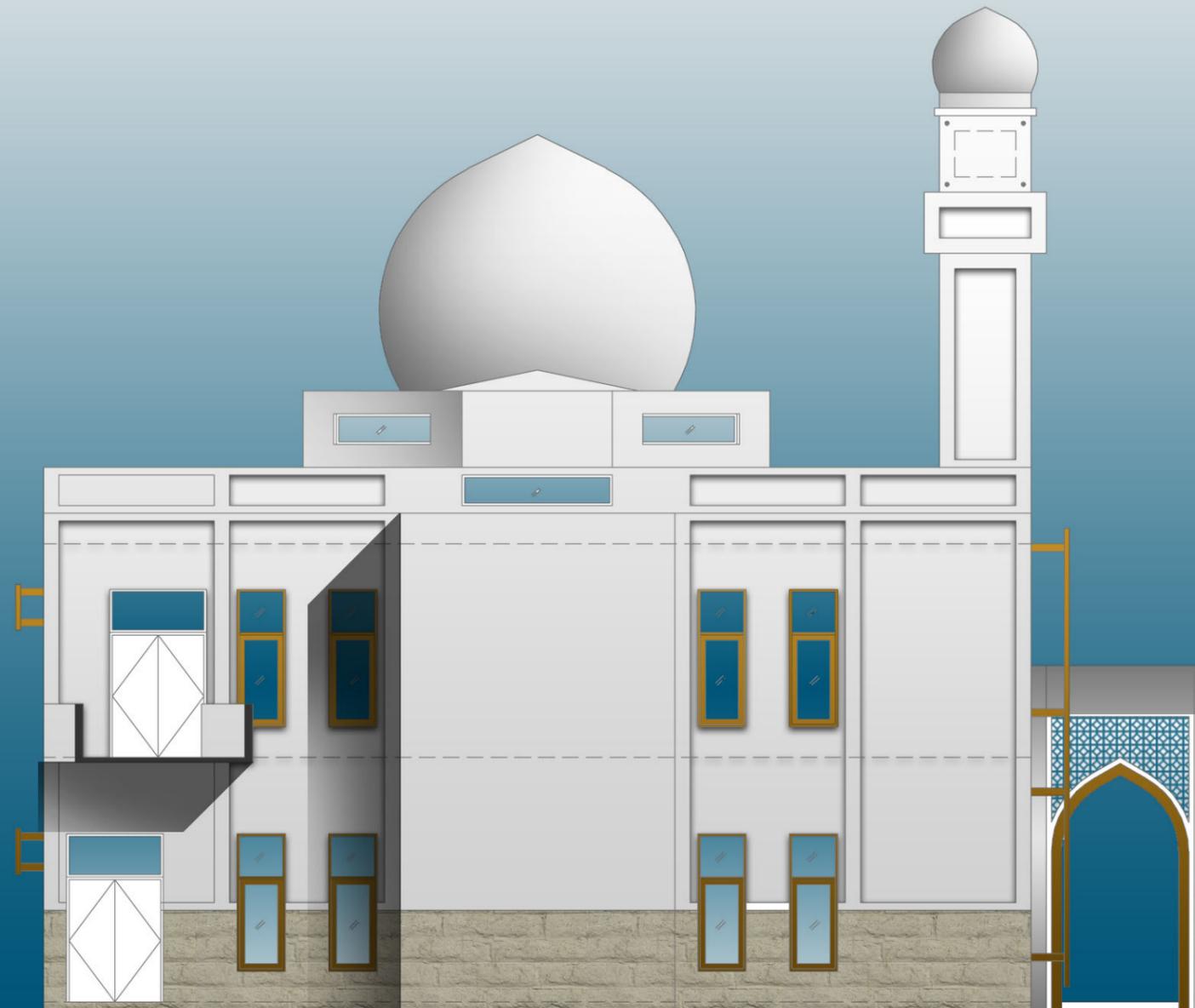
WEST ELEVATION
NOT TO SCALE

MASJID DAR-US-SALAAM
91 MONTAGUE EXPRESSWAY
MILPITAS, CALIFORNIA



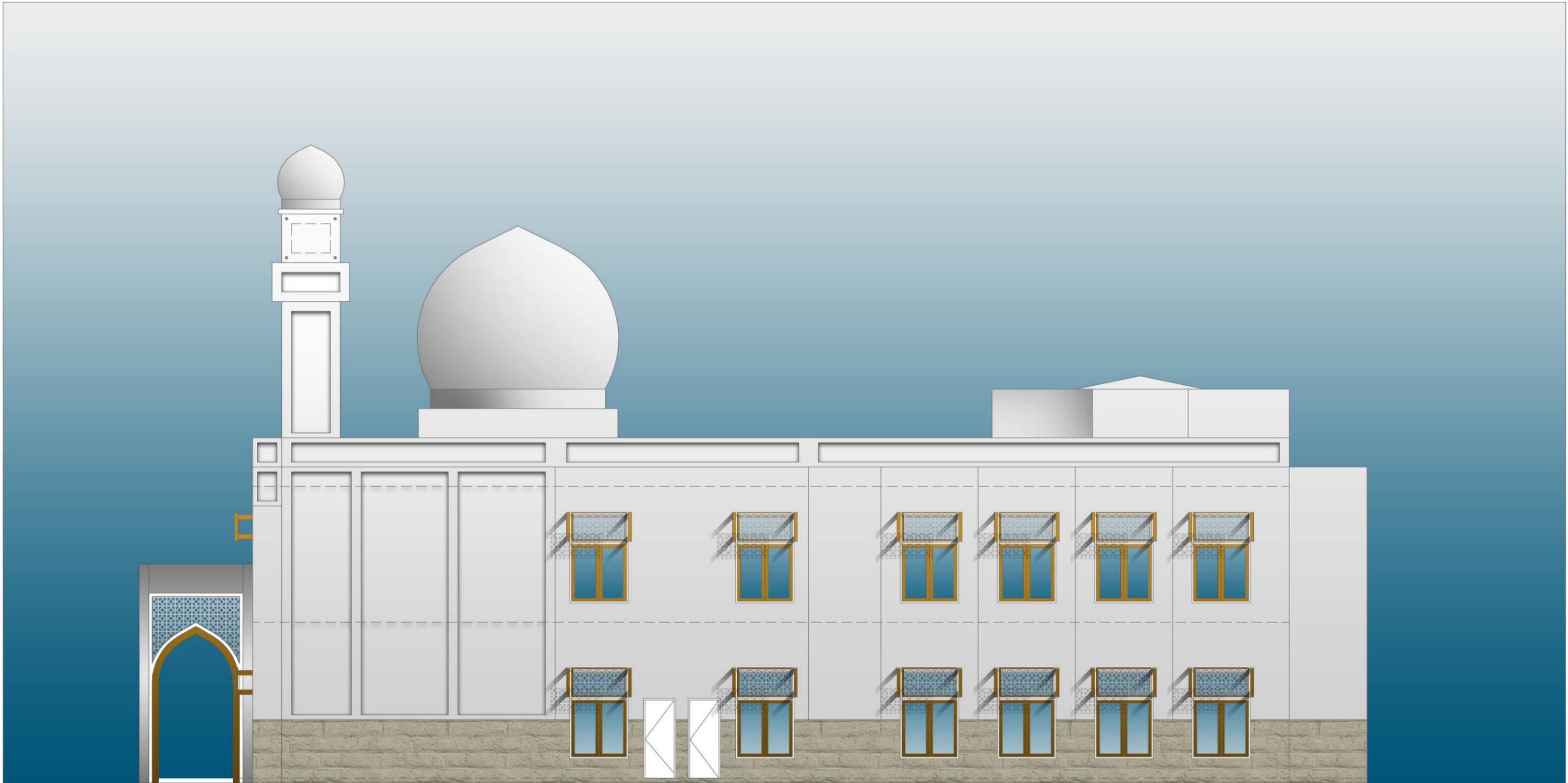
SOUTH ELEVATION
NOT TO SCALE

MASJID DAR-US-SALAAM
91 MONTAGUE EXPRESSWAY
MILPITAS, CALIFORNIA



NORTH ELEVATION
NOT TO SCALE

MASJID DAR-US-SALAAM
91 MONTAGUE EXPRESSWAY
MILPITAS, CALIFORNIA



EAST ELEVATION
NOT TO SCALE

MASJID DAR-US-SALAAM
91 MONTAGUE EXPRESSWAY
MILPITAS, CALIFORNIA

NIGEL BREITZ ACOUSTICS, 338 AVENUE CABRILLO POB 2605, EL GRANADA CA 94018-2605
650 726 4369 F 650 726 4392 nigel@nbacoustics.com

RECEIVED

NOV 02 2009

CITY OF MILPITAS
PLANNING DIVISION

**ACOUSTICAL EVALUATION, ENVIRONMENTAL NOISE
AL HILAL, MASJID US SALAAM, MILPITAS
CALIFORNIA**

Mr. Yaquub Bhimla
Al Hilal Islamic Charitable Foundation
946 Kristin Ridge Way
Milpitas CA 95035

18 August 2009

Prepared by

NIGEL BREITZ ACOUSTICS

Nigel D. Breitz PhD

**ACOUSTICAL EVALUATION FOR EXTERIOR SHELL
AL HILAAL, MASJID DAR US SALAAM, MILPITAS, CALIFORNIA
20 July 2001 and 14 August 2009**

1. Introduction

This report presents environmental noise evaluation, and recommendations for mitigation for the exterior shell of the Dar Us Salaam Mosque, to be located at 91 Montague Expressway, Milpitas, California.

The acoustical evaluation is based noise measurements performed at the site between Monday 14 December 1998 and Wednesday 16 December 1998, on 18 July 2001, Site and Architectural Drawings dated 2 June 2001, information provided by the City of Milpitas and the Union Pacific Rail-Road, and Revised 2009 Plan and Elevation Drawings.

2. Applicable Building Codes

California Code of Regulations Title 24 requires that an acoustical study be performed if exterior Day/Night (Ldn) noise levels exceed Ldn=60 dBA at the site of a proposed single family residence. The acoustical study must demonstrate the means by which interior noise levels attributable to exterior sources of not more than Ldn=45 dBA can be achieved in habitable rooms. If windows must be kept shut to achieve Ldn=45 dBA or less, a means of ventilation must be provided to attain both sufficient fresh air, and an interior noise level less than Ldn=45 dBA. Title 24 does not provide guidelines for acceptable noise environments at places of worship.

Ldn is a metric used to denote average noise levels. The Day/Night noise level Ldn, one of the two alternate metrics that CCR Title 24 specifies for evaluation of environmental noise control, is calculated by averaging hourly Ldn levels over each hour of the day, with a 5 dBA penalty for noise that occurs between 7 pm and 10 pm, a 10 dBA penalty for the nine hourly Ldn levels between 10 pm and 7 am. Consequently, the Ldn metric often reflects for the most part, noise levels at night time.

The Noise Element of the City of Milpitas Land Use Compatibility Table indicates that for new churches, if ambient noise levels at a site are in the L=70 dBA to L=80 dBA range: "Normally Unacceptable. New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design."

The Noise Element includes the acoustical provisions as CCR Title 24 with an additional Policy 6-1-4: "Where actual or projected rear yard and exterior open space noise exposure levels exceed the "normally acceptable" levels for new single family and multi family residential projects, use mitigation measures to reduce sound levels in those areas

to acceptable levels." The Land Compatibility Guidelines of the Noise Element defines "normally acceptable" for single family residential to be 60 dBA. For multi family 65 dBA is indicated. For Schools, Churches and Hospitals "normally acceptable" is indicated as up to 70 dBA.

3. Measurements of Environmental Noise at the Site

Long term acoustical measurements were logged with a Larsen Davis Model 700 Type 1 digital noise dosimeter, calibrated prior to use with a Bruel and Kjaer Calibrator, and chained to a tree with microphone at 11 ft above grade and 3' 4" in front of the exterior facade of a building that was existing at that time, fully exposed to traffic noise from Montague Expressway. The existing building provided acoustical shielding from noise from the cement plant that was operating on the site. Cement plant operations only occurred between 7:00 am and 4:30 pm. At the measurement location, cement plant noise was in audible against traffic noise, even during lulls in traffic. Statistics of hourly noise levels were logged for two consecutive days, between 9 pm on 14 December 1998 and 8am on 16 December 1998.

The data log indicates that about one train per night at about 9 pm passed the railway line along the east side of the site. Evidence of train passbys during the daytime is not apparent in the data logs. Noise from train passbys are part of the data logger record.

Spot check measurements in 1998 comprising one 5 minute, and one 8 minute duration sample of ambient noise were performed a few inches from the location of the data logger microphone, for practical purposes the same location, using a Hewlett Packard Model 3569A Signal Analyzer, calibrated with an ACO calibrator. The purpose of the spot measurements is to compare with levels from the data logger, for obtaining 1/3 octave band L values, and statistical 1/3 octave band values of actual noise at the site to be used for calculating noise mitigation requirements of assemblies of the exterior shell of the apartment.

5 Minute duration spot measurements were also taken at 110 ft from the Montague Expressway centerline, and at the Mosque setback on 18 July 2001 between 1 pm and 2 pm.

Figures 1 and 2, indicate hourly statistics of ambient noise levels stored by the data logger. The Figures indicate that Day/Night noise levels of $L_{dn}=74.8$ dBA and $L_{dn}=75.5$ dBA were measured for the respective nights.

Table 1 indicates the 1/3 octave band L_{dn} noise levels obtained from spot measurements next to the data logger.

Table 1. 1/3 Octave Band Leq Spectra from Spot Measurements by Data Logger

1/3 Octave Band Center Frequency (Hz)	Leq (dB re 20 micro Pa) 5 Minute Sample 7:44am	Leq (dB re 20 micro Pa) 8 Minute Sample 7:53 am
100	68	70
125	74	73
160	73	73
200	70	71
250	71	69
315	71	71
400	71	69
500	66	66
630	66	65
800	65	64
1,000	66	65
1,250	65	65
1,600	66	66
2,000	66	66
2,500	65	66
3,150	64	64
Leq	74.1	74.3

Table 2 summarizes L values from the data logger and spot measurements.

Table 2. Average Spot Measurement Noise Levels (Leq (dBA))

Measurement	Leq Level dBA	Time, Date
Data Logger Figures 2 and 3	74 to 75	7am to 8am
5 Minute duration spot measurement by data logger	74	7.45 am
8 Minute duration measurement by data logger	74	7.55 am
110 ft from Montague Expressway center line	66	1.35 pm
330 ft from Montague Expressway center line	56	1.55 pm

There was no significant difference between the spot check measurement at the data logger location and comparable data from the data logger. Due to the location of the data logger microphone, being fully exposed to the traffic noise, but located in front of a solid wall, the Ldn values must be reduced by 3 dBA to project existing noise levels for free field conditions, that is, conditions for which, instead of the existing building on the site, the site would be bare, and unimproved. Therefore, the projected existing ambient noise level, for free field conditions at the measurement location is Ldn=72 dBA.

4. Projected Future Noise Levels.

It is understood that an extra lane in each direction is planned for Montague Expressway. Title 24 requires that noise mitigation be based on the noisier condition, existing or projected future, 10 years to 20 years in the future. Montague Expressway center line will remain the same, the edge stripe/curb of the future Expressway could be about 12 ft closer to the project than the existing shoulder.

The County of Santa Clara provided pertinent existing traffic counts and projected year 2010 traffic projections for traffic on Montague Expressway. The information was obtained from the Montague Expressway Improvement Project Final Technical Report Traffic Study and Improvement Alternative Analysis prepared by CCS Planning and Engineering dated 15 March 1995. 1998 Existing traffic volumes were 68,000 vehicles per day. Projected Year 2010 volumes are similar.

The extra lane of west bound traffic will be closer to the development than the current curb. Traffic speeds and associated noise levels, especially during peak hours will increase when the current traffic congestion is relieved.

Resultant noise levels could increase up to, but not more than +3 dBA above 1998 noise levels in the future. The (3 dBA) correction from the Ldn measurement against the wall of the previously existing building described in Section 3. above and this (+ 3 dBA) cancel each other. The sum of the two corrections is zero.

UPRR indicates that only one or two trains per day use the tracks, a train passes the site at about 9 pm, and sometimes another passes the site near midnight. Evidence of these passbys can be seen from the Ldn noise levels at 9 pm on Figures 1 and 2. Noise from train passbys does not have a significant impact on the Day Night noise level at the site vastly more noise originates from the prime noise source, road traffic on Montague Expressway.

Projected future noise level contours are indicated on Figure 3.

The proposed Mosque footprint is set back more than 300 ft from the Centerline of Montague Expressway. Projected future noise levels at the most exposed facade of the Mosque, the South Elevation with entrance to offices are Ldn=65 dBA. East and west projected future noise exposure are Ldn=62 dBA and Ldn=60 dBA respectively. The City of Milpitas requires an acoustical evaluation that quantifies environmental noise levels, and indicates acoustical assemblies that can achieve Ldn not greater than 45 dBA, for interior noise attributable to exterior sources, and not greater than Ldn=70 dBA at outside recreation (garden) areas.

5. Noise Mitigation Recommendations and Guidelines.

The City of Milpitas requires that the exterior shell of the Mosque provides for Ldn not greater than 45 dBA indoors.

5.1 Exterior Walls.

Exterior facades will be stucco. This is acceptable.

5.2 Windows.

Any windows shut with STC values greater than 31 if well installed can be compliant with the acoustical code.

However, the City acoustical requirements are minimum requirements, permitting loud transportation noise to be audible inside. Acoustical quality is recommended by providing at least an extra measure of noise isolation. Window assemblies rated minimum STC 34 or higher are recommended at men's Prayer Room.

Table 3. Minimum Recommended Window STC Values

	Recommended Minimum Window STC
Mens Prayer	
West	34
North	30
East	34
Women Prayer	33
Entrance Lobby	32
Office	32
Conference	32

Window frames must be sealed airtight into wall openings with acoustical caulk so that air and sound do not infiltrate around window frames.

5.3 Ventilation.

Windows of the prayer rooms ventilation will be provided. The ventilation system must be designed so as not to compromise the sound isolation integrity of the exterior shell of the Mosque.

5.4 Doors.

The Womens Prayer and Mens Entrance Lobby have double swing doors. If it is preferred that these provide better isolation rather than poorer, doors should be 2-1/4" thickness. For decoration, instead of relief being cut out of the doors, it should be added and adhered in place.

5.5 Above Covered Entry / Entry Temporary 2nd Story Walls. It is understood the second story will not be built at this time. Temporarily block all 2nd story air paths

between Entrance Lobby / Covered Entry and the Prayer Rooms using 1 layer 5/8" thickness gypsum board. One does not want noise from open Entry Doors to get to the Prayer Rooms via this second story space.

5.6 Ceiling/Roof.

The flat roof with parapet will be adequately shielded from traffic noise. It is understood that a double layer gypsum board ceiling will be installed at about 3 ft below the built up roof. Noise from aircraft flybys is less than $L_{dn}=60$ dBA, indicated by noise contours from both the Oakland and San Jose International Airports. However, the ceiling provision will be of great benefit to the Mosque since, it will provide abatement of aircraft flyby noise, and render the Mosque interior a quieter.

5.7 Caulking, Weatherstripping.

Compliance at windows with the air infiltration requirements of CCR Title 24 will be essential for achieving the acoustical criterion. Window frames must be of good quality with good quality rubber gasketing. Non hardening (acoustical) sealant must be applied in continuous beads to seal the windows to the openings through the facades to ensure minimal air infiltration around window frames.

5.8 Outdoor Garden Area.

If a Garden Area for recreation use is located between Mosque and Montague Expressway, it will be exposed to future noise of about $L_{dn}=70$ dBA. The Noise Element of the City accepts for gardens of worship buildings, outdoor noise levels not exceeding $L_{dn}=70$ dBA. Soft soil between Expressway and Garden would mitigate by one or two dBA.

6. Materials and Workmanship.

It is essential that both materials, especially doors and door frames, windows, and sealants, and workmanship are of good quality for achieving the intended acoustical objectives.

**COMMENTS RECEIVED FROM
PUBLIC NOTIFICATION**
(Received through January 21, 2011)

From: Jeff Zhu & Yuzhen Lai
1762 Snell Place
Milpitas, CA 95035
Date: Jan 15, 2011

To: Milpitas Planning Division
445 E. Calaveras Blvd
Milpitas, CA 95035
Reference No: SD09-005

To Whom It May Concern,

We are writing this letter to declare we are strongly oppose **SD09-005, a request to construct a Mosque at 91 Montague Expressway of City Milpitas**. The reason are we concerning the safety and peaceful in this residential community. It will makes the residence area not quite. The Mosque too close the residential within 300 feet of the subject property.

Sincerely,

From: He Chensong [mailto:hechensong@hotmail.com]

Sent: Sunday, January 16, 2011 10:32 PM

To: Yvonne Andrade

Subject: Regarding CONDITIONAL USE PERMIT NO. UP09-0047 and SITE DEVELOPMENT PERMIT AMENDMENT NO. SD09-005

To whom may concern,

I am the resident of 1827 snell place and I don't like the idea of build a mosque right next our home. The mosque if a Muslim religious place and my family and myself do not feel comfortable with. And because of having a religious place near the house usually means the value of our property will be depreciated and without a compensation I do not agree to have it built next to our home. I therefor protest against such a request to build a mosque at 91 Montague Expressway. Please consider my request and NOT to build it around our property!

Thanks

The Paragon

Owner's Association

c/o Massingham & Associates Management Co
4085 Nelson Avenue Suite 'A', Concord California 94520
Phone: 925-405-4719 Fax: 925-405-4747

January 20, 2011

Milpitas Planning Commission
455 E. Calaveras Blvd
Milpitas, CA 95035

RE: Use Permit no UP09-0047 and Site Permit no SD09-005
Property at 91 Montague Expressway / Request to Build Mosque

Dear City of Milpitas Planning Commission,

Thank you for the public notice all us owners received regarding the proposed Mosque to be built on the current zoned multi-family parcel.

Our Paragon Community lies directly adjacent to this property, and would be greatly impacted by the project.

Due to concerns and opposition by all our owners, the Homeowners' Association is requesting the denial of this proposed project in our residential area.

We are greatly concerned about:

- Traffic
- Parking, Noise
- Building height
- Hour of operation
- Target of harassment and vandalism
- Decrease in our properties values

We voice our opposition to this project, and we kindly request the City to deny permits for this non-conforming use of the residential property immediately next to us.

Respectfully,



Greg Thibodeaux
HOA Manager

Janice Spuller

From: 윤경환 (Kyoung-Hwan Yun) [kyoungyun@gmail.com]
Sent: Thursday, January 20, 2011 11:44 AM
To: Janice Spuller
Cc: James Lindsay
Subject: Regarding Mosque construction at 91 Montague Expressway

Hi.

I am a resident at 1784 Snell Pl., Milpitas, CA 95035 and received the notice of public hearing in regards to the Mosque construction at 91 Montague Expressway. I'm writing this letter to you to voice my concerns. The following are my reasons why I'm absolutely against the approval of the Mosque construction:

- The noise and traffic level around our complex will go up. Now we will be surrounded by Jack-in-the-Box, a gas station AND a mosque, generating lots of noise and traffic. More accidents and the parking situation on Main St. will be worse (it's already bad as it is). Their visitors' cars will overflow into our complex's limited parking spaces.
- The law authorities are already investigating on some possible hate crime incident on the site. I don't want to live near a place that may be targeted for possible violent acts.
- Considering all reasons above, it will bring down the values of our homes and will drive away many future buyers of our homes. Not many people want to look out their bedroom windows and see a large Mosque or church building blocking their views.
- There will be other bidders who want to build things like restaurants, etc. that are less intrusive. The city planning should gradually change this zone to a complete residential area, i.e., moving out all the commercial buildings. It's also a good idea to build a small park with lots of trees. This will certainly raise the quality of the area more than the Mosque. In the long run this small investment is worthwhile. With rising property value, more property tax will be collected and more money will be trickled down to the municipal level.

Most of our residents are very concerned and are against the Mosque construction plan. I hope all of our voices are heard.

Thank you.

Kyoung-Hwan Yun

Janice Spuller

From: Stanley Yee [syee325@gmail.com]
Sent: Thursday, January 20, 2011 1:12 PM
To: Janice Spuller
Cc: James Lindsay
Subject: Mosque on Montague

Good Morning,

My name is, Stanley Yee, and I am a resident and HOA Board member at the DR Horton community, The Paragon, which is directly adjacent to the proposed Mosque at 91 Montague Expressway. I understand that the construction permits are on their way to Approval with conditions. Could you please specify the conditions? I have a few concerns regarding the project.

1. Traffic. Their entrance will have to be at Montague Expressway. I don't know if you ever drive passed there much, but there is little room between the train tracks and the entrance of their property. Cars zoom by there at 50mph+. If a dedicated turn lane was created for their entrance, it'd cause a back-up for all the people trying to make a right turn at the intersection with Main St. It's a dangerous location.
2. Parking. Will they have enough parking available in their complex to accommodate their membership? I can see overflow using up the very limited Main St street parking that many residents rely on and possibly using Paragon's guest parking as well. We've put significant effort into controlling and curbing guest parking abuse by residents, adding a flood of mosque goers will make it extremely difficult. There is a church on Main St, I believe it's St. John's Church, and Friday night, throughout the weekend, the parishioners flood the street parking in that area, and use up half of the Big Lots parking lot too. It's a madhouse during the holidays. Can you expect anything different for the Mosque?

Per the website for the Islamic Charitable Foundation, http://alhilaal.org/s/?page_id=7, http://alhilaal.org/s/?page_id=20, they have grand dreams for this complex, which may be too grand for this area.

Thank you.

Sincerely,

Stanley Yee
408-802-6444

Janice Spuller

From: James Lindsay
Sent: Thursday, January 20, 2011 11:45 AM
To: Janice Spuller
Subject: FW: Letter from Neighboring Community to new proposed Moseue for Monatgue Expressway
Attachments: 1297_001.pdf

From: Greg Thibodeaux [mailto:GregT@massingham.com]
Sent: Thursday, January 20, 2011 11:40 AM
To: James Lindsay
Subject: Letter from Neighboring Community to new proposed Moseue for Monatgue Expressway

January 20, 2011

Milpitas Planning Commission
455 E. Calaveras Blvd
Milpitas, CA 95035

RE: Use Permit no UP09-0047 and Site Permit no SD09-005
Property at 91 Montague Expressway / Request to Build Mosque

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- Traffic
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- Hour of operation
- Target of harassment and vandalism
- Decrease in our properties values

We voice our opposition to this project, and we kindly request the City to deny permits for this non-conforming use of the residential property immediately next to us.

Respectfully,
Greg Thibodeaux
Greg Thibodeaux
HOA Manager

----- Original letter copy is scanned and attached herewith, and original letter is in mail to you-----

THANK YOU!

Janice Spuller

From: Stanley Yee [syee325@gmail.com]
Sent: Thursday, January 20, 2011 1:12 PM
To: Janice Spuller
Cc: James Lindsay
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Thank you.

Sincerely,

Stanley Yee
408-802-6444

Janice Spuller

From: vaibhav jain [mailto:vaibhavjain@gmail.com]
Sent: Friday, January 21, 2011 11:03 AM
To: Janice Spuller
Cc: James Lindsay
Subject: Concerns on the request to Build Mosque at 91 Montague Expressway

Hi Janice,

Firstly thank you for the public notice we received regarding the proposed Mosque to be built on the current zoned multi-family parcel.

I spoke to you this morning and raised the concerns and really thankful for your time in listening to my concerns so thoughtfully.

I am myself a religious person and do not have any objections to any other religion and any activity which is done peacefully. I completely understand that and respect that. However, based on the some recent activities that have happened, I have concerns over the approval of permit about the mosque that has been requested to be built up.

My two biggest concerns and straight to the point are:

1. Safety of my family due Mosque as Target of harassment and vandalism:

My window is right next to the property and I can see the written graffiti every day. I hope you have seen the article for the same as well in sfgate news:
http://articles.sfgate.com/2002-06-14/bay-area/17549361_1_mosque-masjid-graffiti

Also there have been incidents around the country like this reported in Oregon in gazette times:
http://gazettetimes.com/news/local/article_c124f59a-fb25-11df-8f83-001cc4c03286.html

After reading these articles (and so many if you search online), I have real concerns about the safety and security of my family and people living in the community. If some hate crime happens due to bad elements in the society and my family gets injured or house gets affected that is the worst thing I could ever imagine. The safety of my family is all that matters to me personally.

2. Decrease in property values:

Me and my wife has put our lifetime savings just to buy a paragon condo worth \$433,000. We have been looking for houses since last one and half years and have looked around South and East Bay. I believe there are some mosques in Fremont and Campbell and I have heard about stories of people from Realtors not preferring to buy near mosque of whatever personal reasons people may have. Again no offenses to any religion whatsoever.

Due the proposed construction, I have concerns that our house value may go down and we may lose our lifetime savings when we plan to sell the house and no one is willing to purchase due to reasons mentioned above. Even though housing markets conditions are bad and economy is still recovering, any further reduction in the home value would be a disaster for us.

Other concerns are valid as well which are listed below:

- **Traffic**: Heavy traffic expected on Fridays and weekends.
- **Parking, Noise**: I would not be able to open my windows as the activity on the current property is high enough to not to open them on weekends.
- **Building height**: One of the reasons we bought end unit was plenty of sunlight coming in the house. The building height may block all the sunlight in house.
- **Hours of operation**: Early morning and late evening pray times listed on the mosque website can cause disturbances.

I strongly voice our opposition to this project, and kindly request the City to deny permits for this non-conforming use of the residential property immediately next to us. Again these are not only my concerns but also most of the residents of the Paragon community as well.

I once again thank you for listening to my concerns and reading email and would really appreciate if a fair decision is taken. I believe in the planning committee's decision and respect whatever fair decision would be made.

Thanks and Regards,
Vaibhav Jain