



CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

SEPTEMBER 18, 2014

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CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

REVISED AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, SEPTEMBER 18, 2014 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker’s identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

ELECTION OF OFFICERS

ORIENTATION: Brown Act, Attendance Policy, Trainings, and Form 700

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.)

NON-ACTION ITEMS: (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda.)

WORK SESSION:

1. Preliminary Review of Proposed Project Concept: Fifty-nine unit residential project with three retail tenant spaces at 22648 2nd Street at C Street as presented by Guru Thalapaneni



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

[Staff Report](#)
[Attachment I-Conceptual Plans](#)

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters
3. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

4. [June 26, 2014](#)
[July 24, 2014](#)

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: September 18, 2014

TO: Planning Commission

FROM: Arlynn Camire, AICP, Associate Planner

SUBJECT: Preliminary Review of Proposed Project Concept: *Fifty-nine unit residential project with three retail tenant spaces at 22648 2nd Street at C Street as presented by Guru Thalapaneni*

PURPOSE OF REVIEW

Staff seeks early feedback from the Commission on this proposed conceptual plan, particularly related to this concept of a fifty-foot tall, fifty-nine unit apartment building with three retail tenant spaces at this 40,000-square-foot site. The maximum density allowed on the site is sixty-five units per net acre and the maximum height allowed is 55 feet. The proposed fifty-nine units and proposed height of fifty feet would be permitted. Site Plan Review and Tentative Tract Map approval is required for this application.

Some of the key questions for consideration of this conceptual plan include:

- Does the Commission support the architectural design in the context of the adjacent neighborhood and the adjacent Upper B Street neighborhood that contains historic Neoclassical Rowhouses, California bungalows, Craftsman homes, farmhouse style and Queen Anne Cottage homes?
- Does the Commission like the concept? Is there a sufficient mix of residential and retail, including consideration of the lack of ground-floor retail space along C Street and lack of a building design that accentuates those spaces (taller ground floor height, recessed and protected entries into those spaces, etc.)?
- Would the Commission support a fifty-five foot tall apartment building with the proposed design, density and massing of the structure, given the maximum height and density allowed and the character of the surrounding neighborhood, e.g. living space set back sixty-five and one-half feet from the adjacent property developed with a one-story single-family home and in relationship to the adjacent one-and two-story residential neighborhood?
- Would the Commission support the proposed floor plans, height, private, and indoor and rooftop group open space?
- What would the Commission prefer to see on this parcel?
- What does the Commission like about the project, including opportunities not identified?
- What conditions come to mind that should be included with any project approval?

CURRENT ZONING AND RELATED GUIDANCE

- **General Plan Land Use Designation: Central City-Retail and Office Commercial**
The Central City-Retail and Office Commercial designation generally applies to the core of Downtown Hayward. Typical building types include storefront commercial buildings and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Other building types that may be appropriate on properties outside of the retail core of the Downtown include townhomes, apartment and condominium buildings, and live-work units. This project is outside of the retail core. As stated in the General Plan, "Future changes to Central City-Retail and Office Commercial areas are expected to include the rehabilitation of historic buildings, infill commercial and mixed-use development, building and landscaping improvements, the rehabilitation or redevelopment of underutilized properties, and other district enhancements that help transform the Downtown into a vibrant, transit-oriented, and mixed-use city center."
- **Zoning District and District Purpose: Central-City Commercial**
The purpose of the Central City - Commercial (CC-C) Subdistrict is to establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but are not limited to, retail, office, service, lodging, entertainment, education, and multi-family residential uses.
- **Applicable Specific Plan: Downtown Hayward Design Plan**
All projects that are within the Downtown Hayward Design Plan area are to meet the development standards.

PROJECT DESCRIPTION

The concept entails a fifty-nine unit apartment building with twenty-four, two bedroom/two bathroom and thirty-five, three bedroom/two bathroom units, approximately 6,468 square feet of group open space (876-square-foot-exercise room/business lounge, 240-square-foot east side balcony, and a 5,352-square-foot roof garden), and a 2,077-square-foot ground floor retail space at the corner of C and 2nd Streets. Each apartment has a private balcony that exceeds the minimum size standard of sixty-square feet. Eighty-nine parking spaces, nine bicycle and eight motorcycle parking spaces for the residents and seven parking spaces will be available for the retail customers. All residential parking is located on the ground floor within an enclosed parking garage and customer parking is accessible on C Street.

ISSUES/OPPORTUNITIES

The property is located in downtown Hayward and is developed with a 21,037-square-foot two-story stucco building built in 1970 that is not considered historic, which Mr. Thalapaneni intends to demolish. The applicant is required to assure provisions for a recorded ten-foot-wide access easement for 1237 B Street which transverses the property from the north southerly to C Street. The site is adjacent to a single- and multi-family residential neighborhood containing structures with the historical resource designations of low to high integrity. The property is in the Central

City-Commercial District that encourages residential uses above commercial uses. The property is not located within the downtown retail core; however, it has a General Plan designation of Central City-Retail and Office Commercial, which typically includes storefront commercial buildings and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Infill commercial and mixed-use development is expected within the Downtown area; therefore, the proposed project is consistent with the General Plan land use for downtown housing (LU-2.5 Downtown Housing); however, as explained below, the project doesn't meet certain land use policies such as LU-4.5 Massing, Height, and Scale. The site is over a half-mile walking distance of Hayward BART, which is typically not close enough to be considered transit oriented housing.

The concept plan is consistent with portions of the newly adopted General Plan policies that encourage the development of apartments outside of the Downtown core. However, the concept plan is not consistent with the General Plan policies that encourage the development of vibrant, mixed-use and walkable urban neighborhoods that have a pedestrian scale and orientation (LU-4.3 Mixed-Use Developments within Commercially Zoned Properties.) The proposed project is designed with long expanses of blank wall on C Street and insufficient retail on the ground floor to serve the project residents and the surrounding neighborhood. In order to meet these policies, additional pedestrian-oriented retail would be recommended on the ground floor. The ground floor retail would be required to be designed to include articulated facades and transparent storefront entrances that front the street. The proposed building is designed with upper-floor balconies that do articulate the façade; however the ground floor façade should be articulated and “enhanced with awnings, shade structures, pedestrian-oriented signage, decorative lighting, and other attractive design details and features” (LU-4.4 Design Strategies for Corridor Development.)

General Plan Policies, Land Use and Community Character Element

Floor Area Ratio. The General Plan maximum floor area ratio for the Central City-Retail and Office Commercial designation is 1.5, which limits the total area built to 60,000 square feet. The conceptual plan proposes 58,946 square feet of residential and commercial development and 4,271-square-feet of balcony and 6,468 square feet of group open space totaling 65,414square feet in area, exceeding the allowable FAR (see Project Summary in Attachment I.)

LU-2.5 Downtown Housing

The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses, in the Downtown to:

- Increase market support for businesses,
- Extend the hours of activity,
- Encourage workforce housing for a diverse range of families and households,
- Create housing opportunities for college students and faculty, and
- Promote lifestyles that are less dependent on automobiles.

LU-4.5 Massing, Height, and Scale

The City shall require corridor developments to transition the massing, height, and scale of buildings when located adjacent to residential properties. New development shall transition from a higher massing and scale along the corridor to a lower massing and a more articulated scale toward the adjoining residential properties. The conceptual plan design does not transition in an articulated scale toward the adjoining residential property. A one-story parking garage portion of the building is setback twenty-two feet from the property line and a five story, residential portion of the building is setback sixty-five feet from the adjacent residential property boundary, which is contrary to this General Plan Policy.

Development Standards

Design Guidelines. The design and massing of the building is contrary to the requirements of the Design Guidelines for Downtown: Beyond the Core Area, which requires an “Increase setback or terraced structures which are more massive than their surroundings, especially where abutting neighborhoods around the downtown.” In addition, the ground floor design doesn’t meet the policies of the General Plan.

Density. This sub-district has a maximum density standard of sixty-five units per net acre. The conceptual plan is compliant in that it includes fifty-nine units on a 40,000-square-foot parcel.

Setbacks. The conceptual plan provides ten foot front and street side landscaped setbacks where eight feet is required. The conceptual plan meets the required *minimum* ten-foot side yard setback. Where the property abuts residential uses the required *minimum* fifteen-foot setback is met. Therefore, the project meets all of the minimum required setbacks.

Parking. The conceptual plan proposes ninety-six parking spaces, nine bicycle and eight motorcycle parking spaces. Seven parking spaces are for retail customers. All parking is located on the ground floor. Resident parking is located within a secured parking garage and the minimum aisle width for two-way driveways for both standard and compact car aisles can be met and sufficient parking would be provided. Customer parking is accessible on C Street; however, the orientation of the parking spaces would require customers to back into the street which is not permitted. In addition, the commercial parking design is contrary to the Design Guidelines to “Integrate parking with commercial areas discretely such as depressing below grade, providing retail frontage on parking structures or locate in block interior. Surface parking is not appropriate frontage for major streets.”

Open Space. The conceptual plan shows 6,468 square feet of common space in the form of an 876-square-foot exercise/business lounge, a 240-square-foot balcony located on the east side of the building and a 5,352-square-foot roof top garden. Each apartment has a private balcony between sixty-eight to eighty-three square feet, exceeding the required sixty square foot minimum. The Zoning Ordinance requires a minimum of 100 square feet of usable open space per dwelling unit. Of this, a minimum of thirty square feet per unit shall be utilized for group open space. When group open space is provided, it must meet the multi-family minimum standards. The concept plan open space does meet the multi-family minimum standards, which requires it to be centrally located and is satisfied with the rooftop garden.

Other issues for the Planning Commission's consideration are:

- Addition of prominent entry features to the apartments;
- Provision of additional ground floor commercial space to serve the tenants and surrounding neighborhood, including especially along C Street;
- Stepping of building design adjacent to the residential neighborhood to be more pedestrian scale and compatible with the character of the neighborhood;
- Design of the ground floor to visually serve as a "base" for the other floors and to be more "pedestrian-friendly" along C Street; and
- Addition of rooftop garden amenities.

Prepared by: Arlyne J. Camire, AICP, Associate Planner:

Recommended by: Sara Buizer, AICP, Planning Manager

Approved by:



David Rizk, AICP, Development Services Director

Attachments:

Attachment I: Conceptual Plans

Matsya Project Summary

Guru Thalapaneni, Aug 14, 2014

1. **Total number of condominium units - 59 units**
 - a. 3 bed room, 2 bath units - 24 units
 - b. 2 bed room, 2 bath units - 35 units

2. **Commercial Retail spaces, 3 units – coffee shop (685 sq. ft), Retail 1 (889 sq. ft), Retail 2 (463 sq. ft) – total space of 2037 sq. ft**

3. **Building parameters**

Structure: Ground floor is primarily parking area, and four levels of apartments
Total height - 50 feet to the top of the roof
Setbacks: North, South, West sides - 10 ft, eastside – 22 ft (easement area) and 15 ft
Almost 80 ft space between the building and adjacent house on east side
Trash bins: Pickup from 2nd street, 3 chutes separately for trash, greens, and recyclables
Access: 2 entrances for cars from 2nd and C streets, Pedestrian lobby access from 2nd street, 2 stairs and elevators
Wide 6 ft courtyard type corridors with open balconies at the end
Large Roof garden
Exercise area, and business center lounge on first floor

4. **Total construction areas**

Total private Balcony area for 59 units	-	4271 sq. ft
Total Built-up area for FAR calculations	-	59,946 sq. ft
1. Condominium area without balconies	-	56,722 sq. ft
2. Total Retail Area	-	2,077 sq. ft
3. Security Room	-	80 sq. ft
4. Lobby area	-	231 sq. ft
Total common use areas for 59 units	-	6,468 sq. ft
1. Exercise / Business Lounge on 1 st floor	-	876 sq. ft
2. East side Balcony	-	240 sq. ft
3. Roof top Garden	-	5352 sq. ft

5. **Total Car Parking Spaces - 102**
 - a. Standard parking spaces - 53
 - b. Compact parking spaces - 43
 - c. Bicycle parking spaces - 9 (equivalent car spaces – 2)
 - d. Motor cycle parking spaces - 8 (equivalent car spaces – 4)

SUMMARY SHEET

(FIRST FLOOR)

FLAT NOS	FLAT LIVING AREA	BALCONY AREA
1	1098 SFT	83
2	1109 SFT	77
3	1249 SFT	77
4	981 SFT	76
5	1109 SFT	69
6	731 SFT	70
7	881	72
8	879	72
9	879	71
10	924	73
11	LOUNGE & GYM	
12	951 SFT	68
13	821 SFT	68
14	821 SFT	68
15	1125	72
TOTAL	13,558 SFT	1016 SFT
COMMON AREAS : (FIRST FLOOR)		
		876 SQ FT
LOUNGE & GYM		
OPEN COMMON AREAS :		1938 SQ FT
(CORRIDOR , STAIRS,LIFT & CHUTE)		

(SECOND , THIRD & FOURTH FLOOR)

FLAT NOS	FLAT LIVING AREA	BALCONY AREA
1	1098 SFT	83
2	1109 SFT	77
3	1249 SFT	77
4	981 SFT	76
5	1109 SFT	69
6	731 SFT	70
7	881	72
8	879	72
9	879	71
10	924	73
11	830 SFT	69
12	951 SFT	68
13	821 SFT	68
14	821 SFT	68
15	1125	72
TOTAL	14,388 SFT X 3 FLOORS	1085 SFT
	43,164 sq ft	
OPEN COMMON AREAS : 1938 sft X 3 FLOORS (CORRIDOR,STAIRS,LIFT & CHUTE) 5814 SQ FT		
BALCONIES (PRIVATE) : 1085 sft X 3 FLOORS 3,255 SQ FT		

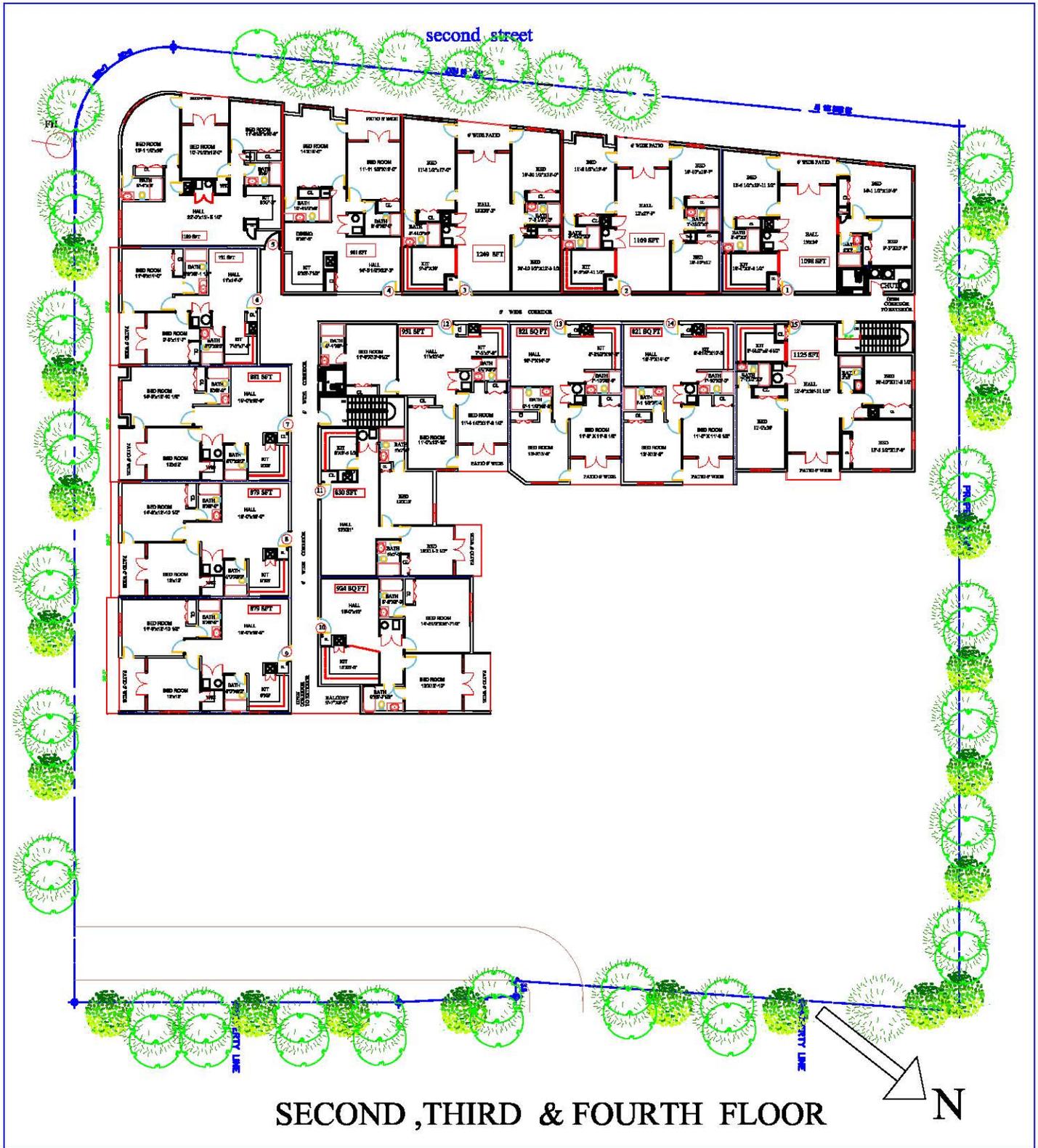
43 COMPACT PARKING
53 STANDARD PARKING
BICYCLE PARKING : 9
MOTOR CYCLE PARKING : 8

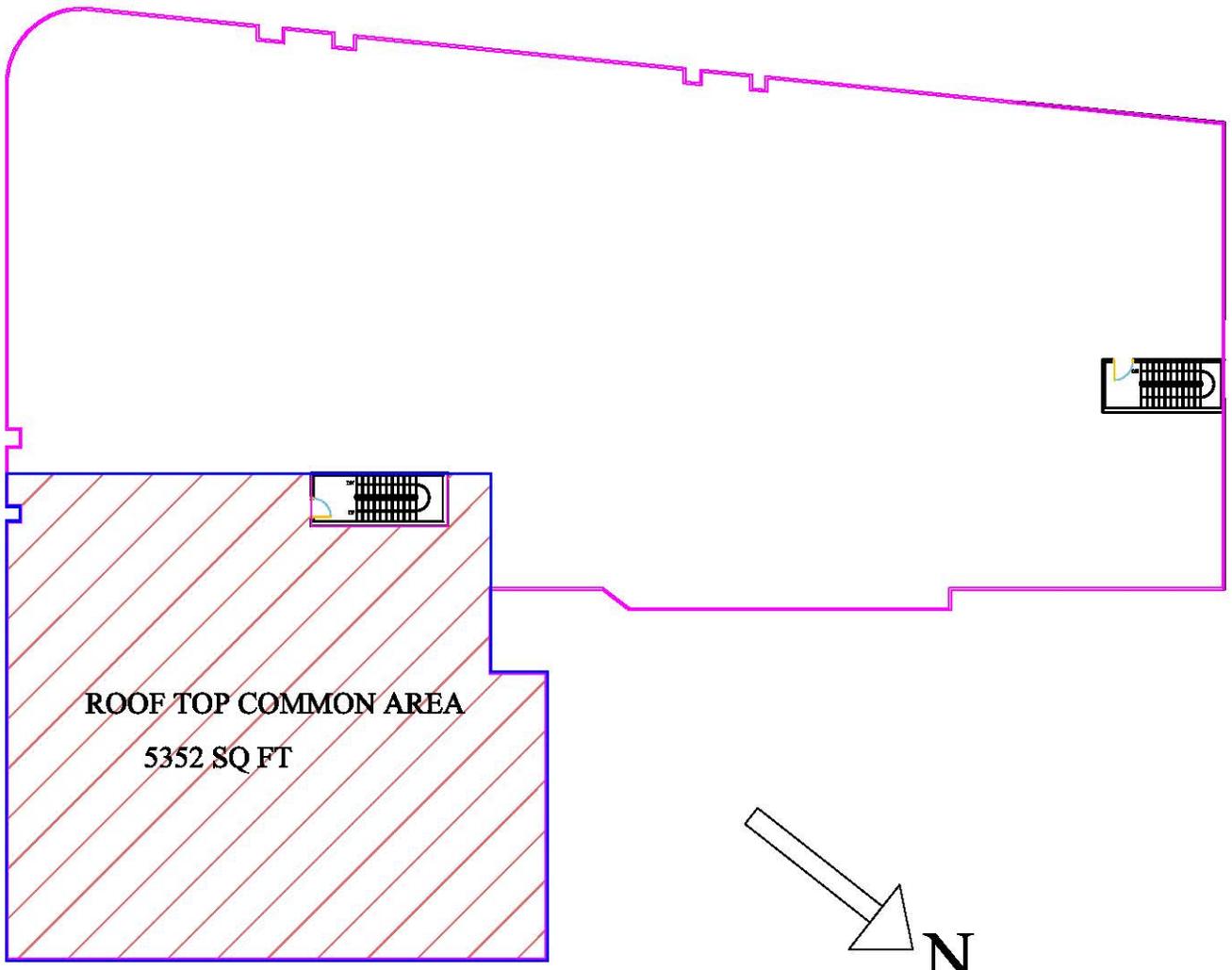
TOTAL FLOORS AREA : 13,558 + 43,164 (WITHOUT BALCONIES)	56,722 SQ FT
LOUNGE , EXERCISE	876 SQ FT
STREET LEVEL	
COFFEE SHOP	685 SQ FT
LOBBY	231 SQ FT
SECURITY ROOM	80 SFT
RETAIL SPACE 1	889 SFT
RETAIL SPACE 2	463 SQ FT
TOTAL SQ FT OF BUILDING	59,946 SQ FT

TOTAL BALCONIES AREA : 1016 + 3255 PRIVATE	4,271 SQ FT
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ROOF TOP COMMON AREA	5352 SQ FT
BALCONY ON THE EAST	240 SQ FT

NOTE : COMMON AREAS TO BE INCLUDED ON THE ROOF AS WELL AS GROUND FLOOR AS REQUIRED





ROOF TOP COMMON AREA
5352 SQ FT

ROOF TOP PLAN













**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 26, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Lamnin.

ROLL CALL

Present: COMMISSIONERS: Loché, Trivedi, McDermott, Faria, Márquez, Lavelle
CHAIRPERSON: Lamnin
Absent: COMMISSIONERS: None
CHAIRPERSON: None

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Buizer, Emura, Kenney, Lawson, Madhukansh-Singh, Owusu

General Public Present: 18

PUBLIC COMMENTS

None.

PUBLIC HEARING

1. Conditional Use Permit No. PL-2013- 0090 – Request to Continue Operation of an Automobile Dismantling Yard – Paul Dorris, Dorris Auto Wreckers, Inc. (Applicant/Owner) - The Proposed Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15301 Class 1, Existing Facilities. The Property is Located at 3720 Depot Road in the Industrial (I) Zoning District. APN: 439-0070-003 and 439-0070-004

Associate Planner Emura provided a synopsis of the staff report. He noted that the applicant has requested modifications to the Conditions of Approval referencing sewer and water, fire hydrants, and Depot Road frontage improvements, which are outlined in the “Request for Modifications to the Conditions of Approval” document. Associate Planner Emura pointed out that the Hayward Fire Department confirmed that the current locations of the fire hydrants on Whitesell Road are in close proximity to serve the Dorris Auto Wreckers North and South Yards. He stated that the applicant requested that the Depot Road frontage improvements be waived or deferred. He explained that with the new landscape strip, the parking stalls would have to be angled in order to allow enough back-up space for vehicles entering and exiting the premises. He emphasized that the frontage improvements proposed by staff are typical project requirements in Hayward. He shared that the only opportunity staff has to bring already existing properties in the City up to current standards is

when a project applicant applies for a Conditional Use Permit or a Building Permit application. Associate Planner Emura said that some sections of properties along Depot Road are out of compliance with the City's current development standards, including Dorris Auto Wreckers. He indicated that it was staff's goal to achieve compliance with development standards and see changes in the Depot Road area through the proposed extension of Whitesell Road. He shared that the property adjacent to Dorris Auto Wreckers and located at 3636 Depot Road has already made frontage improvements to its property. Associate Planner Emura stated that the project applicant is not being subjected to the full set of development conditions that a new project would be subjected to. He stressed that the proposed landscape improvements would be beneficial to the entire industrial area on Depot Road as it will enhance the character of the area and will help increase property value. Associate Planner Emura indicated that staff did not support waiving or deferring Conditions of Approval Nos. 14, 15, 19, 20, 23, 27, and 28 pertaining to Depot Road frontage improvements. He commented that a cost assessment obtained by the applicant for frontage improvements was \$400,000 and compared this to the estimate provided by the City's Public Works department for street improvements which was \$270,000. He noted that although the extension of Whitesell Road will disrupt the business, it should also generate cash flow enabling the applicant to perform improvements to the Depot Road frontage. Associate Planner Emura stated that even if Whitesell Road was not being extended, the applicant would still be required to meet current development standards when applying for a Conditional Use Permit (CUP).

In response to Commissioner Márquez' question about the timetable for the project, Associate Planner Emura stated that the construction extending Whitesell Road is scheduled to commence December 2014 and noted that Public Works staff could indicate if there will be street parking on Whitesell Road. He pointed out for Commissioner Márquez that staff has deleted requirements for two fire hydrants because there are other fire hydrants closely situated to Dorris Auto Wreckers.

Commissioner Márquez asked staff why the CUP application for Dorris Auto Wreckers did not come before the Planning Commission sooner considering that the property was annexed by the City in 2007. Associate Planner Emura responded that staff was waiting to determine the route of the Whitesell Road extension and added that in 2011 the City began informing all auto wreckers, including those affected by the street extension. He confirmed that there were no proposed modifications to existing structures at Dorris Auto Wreckers except for the areas that were going to be impacted due to the Whitesell Road extension.

Commissioner McDermott requested that City Attorney Lawson comment on the letter received from Peggy O'Laughlin, legal counsel for Dorris Auto Wreckers, about the establishment being a legal non-conforming use and whether the City could legally impose the requirements described in the Conditions of Approval. She noted that an expenditure of \$276,000 for improvements, as quoted by the Public Works department, would be costly to the business. City Attorney Lawson responded that the requirements outlined in the Conditions of Approval were within the scope of the City's land use authority and that it was not unusual to impose conditions of approval at appropriate stages of a project. Commissioner McDermott commented that she did not disagree with all of the conditions of approval; however, she did not want to impose conditions on the applicant that could potentially put a business that has been in operation for 50 years out of business.



**MINUTES OF THE REGULAR MEETING OF THE
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Associate Planner Emura confirmed for Commissioner Lavelle that there are other auto wreckers located in the Depot Road area and he noted that all auto wrecker establishments are required to obtain a CUP with the City. He stated that the Pick-Your-Part Auto Wrecking establishment, also located in the City, was approved in 2004 for a CUP and added that this business was given the same requirements as Dorris Auto Wreckers. Associate Planner Emura commented that the cost assessment obtained by Dorris Auto Wreckers for improvements to the establishment seemed excessive to him. He noted for Commissioner Lavelle that Pick-Your-Part has acquired a lease for ENJ and that this establishment will also be applying for a modification of their original permit and shared that this business is complying with even higher development standards of improvements. He confirmed for Commissioner Lavelle that all properties along Depot Road were subject to Condition of Approval No. 12 permitting the use of well water for a single parcel and requiring that these properties be hooked up to public sanitary sewer facilities by March 5, 2017.

Associate Planner Emura indicated for Commissioner Lavelle that the applicant was notified by the Public Works department of the improvements to the South Yard that the City would be responsible due to the Whitesell Road extension, these included: installing the water and sewer points of lateral connections, installing a parking lot, providing a minimum-size office and a bio-retention area.

Commissioner Loché disclosed that he met with the management of Dorris Auto Wreckers to discuss the CUP application. He commented that the Whitesell Road extension will be disruptive to the business. Associate Planner Emura noted for Commissioner Loché that the current CUP application was the City's first opportunity to require compliance with development standards since the property was annexed into the City from Alameda County in 2007. Mr. Emura stated that the proposed improvements to the parking lot at the business would meet the parking requirements per the development standards established in 1977. He added that between the North and South Yards, the establishment should have more parking stalls.

Commissioner Trivedi commented that he sympathized with the business owner of Dorris Auto Wreckers; however, he recognized that the City also has an interest in maintaining standards for how businesses operate locally. He requested that staff explain how other properties in the vicinity were affected by the bisection. Associate Planner Emura indicated that all of the existing auto wreckers had to apply for a CUP and noted that the only auto wrecker along Depot Road impacted by the Whitesell extension was Dorris Auto Wreckers. He said that the auto dealership tenant occupying the nearby Rubini property has moved out and is seeking relocation assistance from the City. He pointed out that there were other auto wreckers with narrower parcels in operation in the area; however, it was not anticipated that it would be feasible to operate such a business at the present location. Mr. Emura suggested that the applicant could organize the business in a way where vehicles of a certain manufacturer and/or parts of a certain type could be grouped and then sold in the North or South Yards.

In response to Commissioner Trivedi's question about the applicant's vested right to continue his operation which was raised in a letter staff received from the applicant's legal counsel, Peggy

O’Laughlin, City Attorney Lawson indicated that he respectfully disagreed with the observations and conclusions referenced in the letter.

Associate Planner Emura noted for Commissioner Trivedi that the frontage improvements to establishments along Depot Road are necessary as this area has been neglected for some time; he shared that there are other promising project applications for Depot Road that will begin to change the street frontage of this section of the City.

In response to Commissioner Faria’s question regarding whether the applicant will be reimbursed for the land that will be taken for the Whitesell roadway, Acting Director of Public Works Engineering and Transportation Owusu stated that to ensure that the Dorris Auto Wreckers is fairly compensated for the property, the City has hired an attorney for this purpose. The City has undergone the process of obtaining an appraisal of the property to be acquired for Whitesell Road and the current owners of this land will be paid fair market value. He noted that for establishments impacted by the Whitesell extension, the City is providing relocation assistance services. Acting Director Owusu stated that all improvements to the South Yard of Dorris Auto Wreckers, including curb, gutter, sidewalk, parking lot, office building, sewer and water connections, and signage are being built and paid for by the Whitesell extension project. He added that the City has arranged and will pay for moving the items currently being stored in the area where the Whitesell roadway will eventually be constructed. Furthermore, the project will also pay for reestablishing the security system at the project site which will be disrupted by the construction of the Whitesell extension, summarizing that the project will pay for all impacts on the South Yard of the business. Acting Director Owusu described that the Whitesell extension project is being built in phases. Staff will work with the applicant to ensure that the business can continue operating the North and South Yards during the construction phases and staff will strive to reduce the estimated time for completing the project in order to reduce the impact on the business.

In response to Commissioner McDermott’s question about Dorris Auto Wreckers being compensated for the 25,000 square feet of land being surrendered for the Whitesell extension project, Acting Director Owusu indicated that the appraised cost of the land has been deposited into an escrow account per a requirement of the court.

City Attorney Lawson noted for Commissioner Márquez that it would not be appropriate to discuss the value deposited into the escrow amount as this was still under negotiation. He added that the City has the ability with eminent domain and with approval of the court to take possession of the land and commence the improvements.

City Attorney Lawson indicated for Commissioner Loché that the City had discussed relocation options with the applicant; however, it was not a desire of the property owner to relocate.

Associate Planner Emura explained to Chair Lamnin that Condition of Approval No. 7 which required that materials shall not be stacked within ten feet of the fence was a development standard that was adopted in 1977 and he presumed that this was for safety reasons. He added that in case of an emergency, this would enable the Fire department to have access to the outside perimeter of the establishment. Chair Lamnin requested that staff investigate why the requirement was set at ten feet for other properties as well. Associate Planner Emura noted for Chair Lamnin that an Industrial



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Waste Monitoring Structure was to filter oils and debris before this enters storm drains. He stated that the requirement is for the existing businesses along Depot Road to provide hook ups to the public sewer and water systems by 2017. He commented that the median is a requirement of the Zoning Ordinance. He noted that the ten-foot setback would be for landscaping and that it could not include paving or parking stalls; only driveways are permitted within the setback area. Mr. Emura said that all properties in the Industrial Zoning District have a setback requirement of ten feet and those along the major corridors of the Industrial Zoning District are required to have a setback of twenty feet. He emphasized that having at least ten feet of landscaping helps establish a richer Industrial Zoning District, stating that if in the absence of this, where the parking lot of businesses extended to the curb without there being trees, would not increase property value nor would it facilitate attracting better businesses in the City.

Chair Lamnin opened the public hearing at 8:08 p.m.

Peggy O'Laughlin, attorney representing Dorris Auto Wreckers, shared that her client's business has been operating legally for 50 years in Hayward. She indicated that in September of 2013, the City of Hayward filed a complaint in eminent domain to the superior court in order to acquire the middle section of the Dorris family's property which is estimated to be 25,000 square feet for the purpose of constructing the Whitesell extension. She stated that the Dorris family has investigated relocating options; however, they are resolved to continue their business at the present location but the family needs the support of the City to be able to continue. Ms. Laughlin underscored that the permit application is a request to renew an existing permit, and that the business was not asking to modify the use or change its operation. She emphasized that the Dorris' have a vested right to continue their business and that the City cannot impose new conditions on the business. She pointed out that the applicant was willing to accept some conditions; however, if the applicant was to accept the street and landscape conditions for Depot Road, the applicant would go out of business. She noted that although the development standards were adopted in 1977 by Alameda County, even the County did not impose the conditions on the applicant perhaps due to legal reasons. She submitted for the record a bid received from Ghilotti Construction Inc. estimating the cost of street and landscape improvements on Depot Road to be \$909,000, a sum which the Dorris family could not afford to pay in order to continue their business. Ms. O'Laughlin suggested an alternative proposal to the Conditions of Approval outlined in the staff report that the City defer the implementation of the street and landscape improvement conditions until there is an expansion or a change in use at the site.

Ruby Dorris, office manager for Dorris Auto Wreckers, stated that her company has been a family business operating in Hayward for fifty years. She stated that the business supports their entire family and an additional twenty dedicated employees. She expressed that some conditions of the CUP were unreasonable and that they were being treated as a new business in the City, thereby being subjected to follow the new business conditions. Ms. Dorris said that the conditions require them to change the parking lot to more landscaping than parking; however, this will be problematic for their business as the parking lot will have to be modified to a one-way parking lot where it will

be difficult for customers with trucks to maneuver their vehicles through. She noted that their existing parking lot was suitable and that it had trees and was well-maintained. She stressed that the estimated cost for the improvements to the parking lot are \$454,000, and this estimate did not include City fees. Ms. Dorris requested that the City consider how valuable of an asset Dorris Auto Wreckers is to the City and to the community. She noted that the Hayward Fire Department (HFD) is a supporter of their business and that HFD utilizes their premises to conduct firefighter trainings. She mentioned that other local companies also use their facility for training purposes. She highlighted that Dorris Auto Wreckers strives to follow rules and regulations, to be in compliance, and also pay the necessary fees. Ms. Dorris said that it would be a shame if their business had to cease operation due to the permit conditions being imposed on the establishment.

In response to Commissioner McDermott's question, Ms. Dorris shared that it became known to them fifteen years ago that there were plans to construct a roadway connecting Cabot Blvd. to Whitesell Rd. Her establishment received a letter indicating that the roadway would go through Ajax Auto Wreckers and this would connect with the San Mateo Bridge. She said that this project came to a halt due to lack of funding at the time; it resumed when funding became available through a federal earmark made available by Congresswoman Nancy Pelosi. The planned route of the Whitesell extension was modified to bisect the Dorris' business and four other auto wrecker establishments in order to protect a marsh rat that was an endangered species. She noted that the other four auto wreck yards will not be able to continue business due to the smaller size of their lots. She indicated that Dorris Auto Wreckers has a greater chance of surviving the impacts of the bisection because their property currently is approximately 8 acres, which was significantly larger than the other auto wreckers in the area. She commented that it was a false statement that the customer parking spaces that will be taken away from the North Yard due to frontage requirements will be compensated by the creation of additional customer parking in the South Yard. She stated that the establishment's office space and workstations which are located on the North Yard will be separated from where the inventory will be stored in the South Yard. Ms. Dorris expressed that it was uncertain at the moment whether it would be feasible to continue business on the South Yard. She indicated that it would be difficult to move equipment and heavy machines such as fork lifts back and forth between the North and South Yard across a four lane road, especially while construction is happening on Whitesell Rd. She expressed that the impact of the bisection on the Dorris Auto Wreckers business is unknown; the company may suffer revenue losses and may have to reduce staffing levels. She stated that 400 vehicles are currently stored in the space that will be used for the proposed roadway. Ms. Dorris shared that relocation will not work for their establishment because the options available would split their business up where one acre would be located in Sacramento, one acre in Stockton, and also other parts of the country. She expressed that there were no relocation options locally because cities like Fremont and Oakland were also trying to eliminate the auto wreck yards that they have in town.

In response to Chair Lamnin's question, Ms. Dorris stated that Dorris Auto Wreckers has attempted to converse and transact a deal with neighboring property owners to exchange parcels so that Dorris Auto Wreckers could remain a whole and undivided establishment; and unfortunately, none of the neighboring property owners were amenable to this proposition.

Ms. Dorris indicated for Commissioner Trivedi that Dorris Auto Wreckers is a diehard business and they will try to operate their business on both the North and South Yards despite challenges. She



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commented that with the assistance that the City is providing for the South Yard, it is their hope that the sewer connections will be made available in the office building. She stated that the size of the office building being provided for the South Yard is still unknown; the applicant has only been informed that it will be a minimum-sized office building including a unisex restroom. She shared that the necessary size facilities needed for the South Yard should be comparable to the office building and the maintenance workshop that is currently located on the North Yard. Ms. Dorris commented that given the situation, the North and South Yards will have to essentially operate as two separate businesses.

Chair Lamnin closed the public hearing at 8:32 p.m.

Commissioner Lavelle appreciated the changed modifications presented by staff. She acknowledged the 50 years of service that Dorris Auto Wreckers has provided to the Bay Area. She supported deferring the improvements on Depot Road as was suggested by the applicant's legal counsel. Although Ms. Lavelle recognized the importance of preserving property value along Depot Road and this being accomplished through the improvements recommended by staff, she expressed that the City should do more to accommodate the business especially since the business was going to be subjected to the changes caused by the Whitesell extension. She underscored that the aim should be to try to make business successful. Ms. Lavelle stated that if a new property owner or a new business were to take over the site, then this future business should be subjected to the improvements recommended by staff. Commissioner Lavelle made a motion to approve the CUP application allowing the continued operation of Dorris Auto Wreckers; subjecting the business to most of the Conditions of Approval and Request for Modifications; however, deferring the landscape requirements.

Chair Lamnin clarified that Conditions of Approval Nos. 14, 15, 19, 20, 23, 27 and 28 be deferred.

Commissioner Loché seconded the motion indicating that even though the City is going to pay for improvements to the South Yard, it was still unpredictable as to what the long term impacts that the bisection of the Dorris' property will have on their business. He commented that imposing the improvements along Depot Road may inflict an overwhelming hardship on the applicant and he supported deferring these improvements until the business expands or changes use. He supported a longstanding business in the City such as Dorris Auto Wreckers, especially as it provided twenty jobs to the local community. Mr. Loché noted that the business was accurately zoned for this area and did not support conditions that could lead to the potential closure of the business.

Commissioner Trivedi commented that the creation of Whitesell Road may be disruptive to how the business operates even after construction was complete. He noted that the applicant will have to make sewer improvements on the North Yard within the next three years which might be costly to the business. He stated that although he would like to see the frontage improvements made to the site along Depot Road, it seemed onerous to subject the business to these requirements. He

suggested holding off on these requirements, commenting that perhaps the improvements be performed in ten years.

Commissioner Márquez favored deferring the Conditions of Approval.

Commissioner Lavelle restated the motion and said that the landscaping improvements along Depot Road be deferred until the business is no longer in operation, expands, changes use, or changes ownership. She commented that it was uncertain if the amount that the Dorris family was going to be compensated for conceding part of their property for the construction of the Whitesell extension was going to be adequate compensation for the land and whether this would be enough to pay for the improvements recommended by staff for Depot Road. She highlighted that the business would have less land to operate their business and that it would additionally have to cope with the challenges of crossing back and forth on the Whitesell Road during the construction phase.

Commissioner Márquez was supportive of the motion, expressing that she was impressed with the neatness and organization of the property which she described as being immaculate. She noted that the business was unique because it involved a family business where the family actually resides on-site. She favored the City being flexible with the applicant.

Commissioner Faria thanked the business for promoting the recycling of auto parts in the community and she supported the motion.

Commissioner McDermott expressed that the City should be supportive of existing businesses and emphasized that the current location for Dorris Auto Wreckers was perfect. She commented that in order for a business to make landscape improvements such as those recommended for the applicant's site, there has to be a return on the investment benefiting the business.

Chair Lamnin offered the following amendments to the motion if deemed appropriate by Hazardous Materials staff: that Condition of Approval No. 8 be modified to add "the operator shall continue to ensure that...allowed to dismantle the automobile per responsible environmental standards"; that Condition of Approval No. 34 be modified to add the language "These wastes are to include at a minimum used oil;" and to remove the word preferably in the sentence "The removal of vehicle hazardous wastes...on concrete pads ~~preferably~~ under weather protection."

Commissioner Lavelle was amenable to the changes recommended by Chair Lamnin; however, she preferred that Hazardous Materials staff review the suggested changes to the language and confirm that they are acceptable prior to enforcement.

Chair Lamnin thanked the business for operating in Hayward and congratulated them on their 50 year anniversary.



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Chair Lamnin
NOES: None
ABSENT: None
ABSTAIN: None

2. Conditional Use Permit Application No. PL-2013-0504 – Request to Construct a New Three-Story Self-Storage Facility with an Office at 28410 Hesperian Boulevard (APN 463-0025-015-02), in the Industrial (I) Zoning District - The Proposed Project is Categorically Exempt from Environmental Review in Accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development Projects – Brad Bailey for BSB Company (Applicant) / Xin Mian Pan (Owner)

Planner Kenney provided a synopsis of the staff report. She pointed out that the site would have a bio retention area between the north side of the building and the mobile home park. In regards to the landscaping, the trees are expected to grow the same height as the building which will screen the storage facility from the adjacent residential uses, will support drainage, and also serve as a noise buffer. She noted that a Notice of Exemption was appropriate as the project applicant had addressed concerns raised by the public. She stated that the Alternate Method of Protection consisted of upgrading the sprinkler systems to a higher level, constructing building dividers midway through the building, and also raising up to one-hour fire rated halls and exits, and installing magnetic doors. Ms. Kenney indicated that the North wall will be fire rated and will have a block wall. She emphasized that there was a need for a storage facility in the area and that a study reported that the square footage per capita was low for the area. She added that the other storage facilities located nearby are older and are at capacity. She stated that the surrounding residences and businesses are expected to utilize the facility.

Planner Kenney noted for Commissioner Márquez that the trees located on the site were expected to grow to full height in approximately ten to fifteen years.

Planner Kenney indicated for Commissioner Faria that there was no lighting on the north side of building that could impact the residents at the mobile home park.

Commissioner McDermott asked if other individuals had shown interest in this property and Planner Kenney responded that there have been proposals for similar storage facilities at this site in the past; however, these were not approved.

Planner Kenney confirmed for Commissioner Trivedi that there was a u-turn available at the intersection of Hesperian Boulevard and Industrial Parkway.

Planner Kenney clarified for Commissioner Lavelle that there would be 779 storage units at the facility and that the staff report contained a typographical error which erroneously displayed 708 units.

Chair Lamnin stated that she was appreciative that there was no lighting on the north side of the property in order to mitigate effects to residents; however, she said that this might raise a safety concern encouraging loiterers to hang out in this area. Planner Kenney responded that there would be keypad access to the premises so that only facility users could enter, that the fencing and block walls would help keep people out, and that the security cameras and employees would monitor the site. Chair Lamnin pointed out that loiterers could hang out under the cover of the trees on the north side of the property at night time and that this would go undetected by the cameras due to no lighting in this area.

Chair Lamnin opened the public hearing at 9:23 p.m.

Mr. Brad Bailey, project applicant, thanked staff for their hard work and efforts on the project. He emphasized that his company has worked diligently for months to ensure that the Alternate Method of Protection (AMP) measures were to the satisfaction of the Fire Department, noting that some of the system upgrades consisted of quick release doors, standpipes, and fire corridors.

In response to Commissioner Márquez, Mr. Bailey stated that one concern was expressed to him by a resident of the mobile home park and he addressed this concern. Mr. Bailey noted that he offered to hold a forum where other residents could express additional concerns but the neighboring residents did not request to hold the forum.

Commissioner Márquez asked the applicant if he owned other storage facilities. Mr. Bailey responded that the proposed project would be his sixth facility if approved. He stressed that with his storage facilities, he strives to be a good neighbor to the surrounding community members. He shared that the project will create five to six on-site jobs.

Commissioner Loché asked the applicant how long the construction phase would last. Mr. Bailey said that the actual construction would take approximately six to eight months and that he estimated the storage facility to be open for business in twelve to eighteen months. Commissioner Loché asked staff what the distance was from the north end of the property to the closest resident located at Eden Rock Mobile Home Park. Planner Kenney responded that there was twenty feet of distance between the storage facility and the block wall and she estimated that the residential properties were about five to ten feet away from the block wall.

Commissioner Trivedi had concerns about the 20 feet of landscaped area on the North side of the facility and he asked what security measures were in place to prevent loiterers from hopping the six foot fence and hanging out in this landscape area. Mr. Bailey commented that there would be perimeter cameras in place; however, he noted that there was minimal lighting on the North side in order to avoid being obtrusive to nearby residents with the glare caused by lighting. He shared that he would be amenable to installing lighting fixtures that had motion sensors. Commissioner Trivedi opposed having flood lighting but he preferred landscape lighting to improve the security situation.



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Mr. Bailey noted for Commissioner McDermott that every storage unit will be individually alarmed and that if someone were to break into a particular storage unit, the alarm for that unit would be set off. He added that when a customer enters the security code on the keypad at the gate entrance, this opens the gate and also disarms the alarm for their storage unit. He projected that it will take up to two years to fill up all storage units and stabilize occupancy at the facility.

Commissioner Lavelle asked if there would be an on-site resident manager. Mr. Bailey stated that employees will work at the facility seven days a week and that there would not be an employee or manager living on premises. He added that the alarm system will be connected to a security company for central monitoring.

Mr. Bailey confirmed for Commissioner Trivedi that the premises would have a combination of both a silent and an audible alarm. He explained that for the security system located inside the office, staff will be able to monitor the facility through a floating screen that will appear on the computer displaying the vacant and occupied units. He said that when an alarm goes off, the following will occur: staff will see this storage unit displayed on the computer screen, an audible alarm will be sounded, a monitoring signal is sent out to the security company, and local authorities are notified of the occurrence. He stated that although the alarm would be audible to nearby residents, the way in which the facility has been designed is to minimize noise disturbances to the neighboring community. He said that the proposed project was comparable to a facility in operation in Simi Valley and shared that there have been no incidents in the eight years this site has been running.

Mr. George Guy, manager of Eden Rock Mobile Home Park, indicated his support for the project indicating that to leave the site vacant would continue to attract loiterers. He requested that the block wall be the same height as the mobile home park's fence.

Ms. Bonnie Swope, a Hayward resident, raised a few concerns about the project. She indicated for staff that the residences at the mobile home park were situated five to eight feet away from the proposed project's block wall. She shared that vehicles travel fast down Hesperian Boulevard near the Industrial intersection and asked whether the facility would have a wide driveway to enable vehicles pulling into the premises to enter more easily and safely. She pointed out for the applicant that customers using the storage facilities would be more likely to use larger vehicles, thereby necessitating the need for a wider driveway. Ms. Swope suggested that graffiti resistant paint be used for the building. She reported that she has witnessed people sleeping overnight in the area where the North side of the facility will be located and she commented that this landscaped area will attract homeless people to sleep here. She questioned if the fence to the facility along Hesperian Boulevard was high enough to prevent individuals from hopping over and trespassing. Ms. Swope expressed concern that customers of the facility would use the fire truck turn around space to do a three point turn and shared that according to the staff report, this area should not be used or blocked by other vehicles. She was appreciative that the plans did not include windows or storage doors on the North side. She suggested that along the Eastern side of the premises, the facility's wall be

increased to eight feet high to match the height of the wall belonging to the adjacent property. In response to questions that Planning Commissioners had about the height of the trees to be planted at the facility, she mentioned that if the projected height of the trees was 39.5 feet tall, then there was a possibility that these trees could encroach on the Eden Rock property. Ms. Swope asked if the applicant plans on enforcing the requirement that customers exit the facility by 7:00 p.m. when staff will only work until 5:00 or 6:00 p.m.

Chair Lamnin closed the public hearing at 9:49 p.m.

Planner Kenney shared that according to the City's Landscape Architect Michelle Koo, the crown of the trees to be planted at the facility is approximated to be ten to fifteen feet in width and it was not anticipated that the trees would encroach on the neighboring properties too much.

Planning Manager Buizer indicated that the landscape plans show that a mixture of trees will be planted at the project site including narrower trees, and that this should not create canopy encroachment. She shared that the driveway leading into the facility was thirty feet wide and that this should be sufficient. She noted that there was enough backup distance allowing customers to easily maneuver a three point turn to exit the facility. Ms. Buizer stated that she was unaware if the applicant planned on using graffiti resistant paint; however, she pointed out that Condition of Approval No. 11 required the applicant to maintain a graffiti-free site and to remove any occurrence of graffiti within a 48 hour period.

Commissioner Márquez made a motion to approve the project per staff recommendation. She commented that the applicant was very responsive to concerns raised regarding the project and she thanked the public for their participation in the public hearing.

Commissioners Faria and McDermott seconded the motion.

In response to Commissioner Loché's question about designating a noise disturbance coordinator, Planning Manager Buizer responded that Condition of Approval No. 18 requires the applicant to designate an individual as the noise disturbance coordinator who will be responsible for the project site and who will serve as a primary contact if there are issues concerning noise caused by construction.

Commissioner Lavelle indicated her support for the motion as the project would be a valuable addition to the business community in Hayward. She spoke favorably of and highlighted Condition of Approval No. 8 that would strictly disallow outdoor storage at the facility and she was impressed with the applicant's commitment to the maintenance of a satisfactory site. She pointed out for Eden Rock residents that the applicant will be required to post the written Conditions of Approval in a location where it can be readily viewed by the public to ensure compliance. Ms. Lavelle commented that the proposed project would deter the homeless and loiterers from congregating at the site and will also block their access route to surrounding properties. Commissioner Lavelle added that homeless people in need of a place to sleep are referred to alternative and appropriate shelters in the City.



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Commissioner McDermott supported the motion as it was a great addition to the area and was pleased with the architecture of the proposed facility.

Commissioner Trivedi supported the motion stating that he liked specific aspects of the design including how the project orients noise disturbances and potential lighting impacts away from the mobile home park community. He recommended that non-glare inducing lights be used on the North side of the facility.

Chair Lamnin offered a friendly amendment to the motion requiring that the applicant work with the Hayward Police Department in incorporating safety through Crime Prevention Through Environmental Design (CPTED) measures; as the motion maker, Commissioner Márquez was amenable to the suggested amendment.

Chair Lamnin noted that Community Action Network was a resource that was available to the homeless community members in finding housing and employment. She recommended that staff look into traffic concerns in the Hesperian Boulevard and Industrial Parkway area as there might be traffic impacts at this location.

AYES: Commissioners Loché, Trivedi, McDermott, Faria, Márquez, Lavelle
Chair Lamnin
NOES: None
ABSENT: None
ABSTAIN: None

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Buizer stated that the General Plan would be considered for adoption at the July 1, 2014 City Council Meeting. She noted that the next Planning Commission meeting will be held on July 24, 2014.

4. Commissioners' Announcements, Referrals

Chair Lamnin shared that a newly opened business in the City had reported to her that they had a positive experience in working with City staff to get their business operational. She announced that this was her last meeting with the Planning Commission as she had been elected to the Hayward City Council.

APPROVAL OF MINUTES

5. The minutes of May 22, 2014 were approved with Chair Lamnin, Commissioner Trivedi and Commissioner Faria abstaining.

The minutes of June 5, 2014 were unanimously approved.

ADJOURNMENT

Chair Lamnin adjourned the meeting at 10:05 p.m.

APPROVED:

Vishal Trivedi, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk



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MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Vice Chair McDermott.

ROLL CALL

Present: COMMISSIONERS: Loché, Trivedi, Faria, Lavelle
CHAIRPERSON: McDermott
Absent: COMMISSIONERS: None
CHAIRPERSON: None

Commissioner Lavelle led in the Pledge of Allegiance.

Staff Members Present: Buizer, Golubics, Lawson, Madhukansh-Singh

General Public Present: 10

PUBLIC COMMENTS

Michael Galvan spoke about the development of the old Holiday Bowl site, indicating his support for single story housing or multi-story developments with elevators that will promote increased accessibility and aging in place.

WORK SESSION

1. Preliminary Review of Proposed Project Concept: Horizontal Mixed Use project on the former Holiday Bowl Site at Mission and Industrial as presented by Doug Rich of Valley Oak Partners

Planning Manager Buizer provided a synopsis of the staff report. She noted that there is not an application for review at this time; however, there is a Conceptual Plan for review of the former Holiday Bowl site. She pointed out that this location has been identified as a catalyst site in the Economic Development Strategic Plan. She noted that the project site is zoned for mixed use, which will primarily consist of residential units.

Doug Rich, project applicant and representative for Valley Oak Partners, noted the importance of Mission Boulevard and Industrial Parkway as a catalyst for the area, stating that his firm would like to make this site a high quality commercial district and residential area that will spur further development along Mission Boulevard. He shared that the organization of the site is centered around the civic plaza and the open space area and he highlighted that the plaza will provide important economic benefits for the surrounding retailers. Mr. Rich stated that the idea was to make the site a destination retail location which could be a place where people could visit and congregate

throughout the day. He said that the outdoor plaza would feature public art and landscaping that will make the plaza an active outdoor place that will also be visually attractive. He stated that urban planning throughout the Bay Area has evolved demonstrating that pushing retail establishments out and closer to the street and tucking the parking behind the retail buildings helps to activate the street and creates a strong architectural and visual edge. Furthermore, the project site will feature residential components above the retail to enhance the vertical architectural edge. Mr. Rich shared that comments about making single level living space available in the development was expressed at the City Council meeting as well as the present Planning Commission meeting. He noted that the project will strive to provide a variety of housing types and added that his firm will explore utilizing the residential units above the retail uses for this purpose as it will help promote aging in place. He stated that the central green space location will create an active area for residents. Mr. Rich indicated that it was being considered to orient some of the housing units so that they face the golf course. He said that the interior sites will be completed with residential homes that are owner occupied.

Commissioner Faria was pleased with the layout of the development project and stated that she was excited that a project may soon commence at this site. Although she liked the idea of having an outdoor plaza for the retail establishments, she was concerned about the safety of the people who would be sitting in the plaza as the intersection gets to be very busy with traffic during peak commuting hours. She asked if it would be possible to install a barrier protecting individuals occupying the plaza area. Mr. Rich confirmed for Commissioner Faria that the paved walkway would be six feet wide and that the entire width of the walkway would be fourteen feet wide. Commissioner Faria commented that with other development projects in the City, a paved walkway of eight to ten feet was determined to be wide enough to accommodate both pedestrians and bicyclists.

Commissioner Trivedi was pleased that the Planning Commission was being presented with the opportunity to give feedback to the developer early on in the development process and was appreciative that a project was being proposed for this vacant site along one of Hayward's main corridors. He supported a mixed use project that would include retail on the ground floor and residential above. He stated that he would like to see more retail establishments in the project. Commissioner Trivedi commented that one benefit of orienting homes towards the golf course was that it would improve safety by having more eyes on the pathway. In response to Commissioner Trivedi's question about the retail uses envisioned for the site, the applicant indicated that some retailers being considered were a smaller grocery store, a bagel shop, and/or a coffee shop. Commissioner Trivedi stated that it would be ideal if the entire triangle where the project site is located could be developed or redeveloped. Mr. Rich responded that his firm was in conversation with the owners of the adjacent parcels regarding the possibility of acquiring the remaining parcels within the triangle area. Commissioner Trivedi said that although the civic space proposed at the corner of the intersection sounded like a good idea, he was concerned about the exhaust and noise generated from the vehicles passing by.

Commissioner Loché echoed the concerns raised by Commissioner Trivedi regarding the need for additional retail uses fronting Mission Boulevard. In regards to Commissioner Loché's questions about the proximity of the proposed development site to the California State University East Bay (CSUEB), Mr. Rich responded that his firm was considering the feasibility of having public transportation that would help University students gain access to the retail uses, especially for night



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life uses. Commissioner Loché pointed out that it would be advantageous to give University students more options aside from Downtown Hayward as a destination site to visit. He added that some of the housing could even be used to target students attending CSUEB and he underscored that students should be kept in mind as this site is being developed. Commissioner Loché asked the applicant if it was anticipated that residents would utilize the parking designated for the retail uses. Mr. Rich responded that the design would be such that the access to the commercial areas will be distinct and separated from the residential areas. Commissioner Loché pointed out that it was important to keep in mind how easily accessible public transit options such as BART, would be to the development site. Mr. Rich noted for Commissioner Loché that the project was expected to have townhomes ranging in size from 1,600 sq. ft. to 2,200 sq. ft. and single level units that would be 800 sq. ft. to 1,200 sq. ft. He added that based upon this range of options, he envisioned the price of the units to accommodate prospective residents from differing income levels.

Commissioner Lavelle commented that if the single level living is to be located on top of the retail uses, then this would necessitate the need for elevators for accessibility reasons, thereby driving up the cost of purchasing the single level units. She stated that some type of barrier would be needed separating people sitting in the proposed plaza area from the noisy traffic passing by on the streets. Otherwise, people may not feel comfortable hanging out in this area; she suggested moving the seating area inwards where it would be closer to the parking lot. Commissioner Lavelle favored increasing the number of retail uses as this could be supported by residents of the South Hayward area. She recommended that the applicant consider a sports theme for the project that would be consistent with the past and present uses that have operated in that area. She noted that if a bar or restaurant is the main retail attraction at this site, then this would attract visitors walking from nearby neighborhoods as well as the proposed development, thereby decreasing some of the parking concerns in the area. Commissioner Lavelle added that there is a need for more places in Hayward where people can gather to watch sporting events on television and emphasized that she was favorable to this type of use at the proposed site. As another possible use, she recommended a rotating art and photography gallery that will invite visitors of all ages to view and purchase artwork and/or have coffee in the area. She urged the developer to work with the owner of the adjacent apartment complex about potentially improving this site. She concluded that the Holiday Bowl site has been vacant for nearly a decade and that she was looking forward to seeing this site developed and improved.

Vice Chair McDermott stressed the need for a small grocery store in this area. She supported having a sports bar in the area and increasing the number of retail uses at this location. She agreed with her fellow Commissioners regarding safety and noise concerns for an outdoor seating area in the plaza. Vice Chair McDermott stated that it was important to the community to provide housing options promoting aging in place. Mr. Rich indicated for Vice Chair McDermott that the number of parcels proposed for the development has not yet been determined. Vice Chair McDermott supported the conceptual plan of the project and was appreciative that the retail uses would create additional jobs in Hayward.

Commissioner Trivedi encouraged the applicant to be considerate of the impact that any future construction may have on the quality of life of current residents living nearby. He reiterated that he has a strong preference for incorporating more retail uses in the project. Mr. Rich commented that his firm had originally intended to include more retail extending down Mission Boulevard; however, after having conversations with potential commercial tenants, it was emphasized that the development attract the right type of tenants. The applicant was avoiding a situation where any excess retail spaces would be filled with uses that were inconsistent with their vision for the development. He added that if the development could capture the right type of commercial tenants early on and if these businesses were viable, then this catalyst site could be used to spur additional development along Mission Boulevard.

PUBLIC HEARING

2. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change from RS/B4 (Single Family Residential/ B4 Special Lot Standards Combining District) to PD (Planned Development) (Application No. PL-2013-0349) and Vesting Tentative Tract Map No. VTTM 8151 (Application No. PL-2013-0351) associated with Thirteen Detached Single Family Homes on a 1.45-Acre Parcel Located at 24582 and 24570 Eden Avenue and 24655 Mohr Drive – Che Chen and Shu Fen Liu (Applicant & Owner)

Senior Planner Golubics provided a synopsis of the staff report.

Senior Planner Golubics confirmed for Commissioner Trivedi that there is a single family residential unit on the western portion of the property and there are two additional residences located on the eastern portion of the property which are presently occupied by tenants. He pointed out that there are additional buildings on the property which were utilized for agricultural uses in the past. Additionally, there was a tractor repair business that was in operation approximately ten years ago at this site. Mr. Golubics clarified for Commissioner Trivedi that the private road offers a through connection between Eden Avenue and Mohr Drive and noted that there was a speed bump along the road to slow down traffic for motorists using this road as a cut through street.

Commissioner Lavelle asked what level of Leadership in Energy & Environmental Design (LEED) certification the applicant will provide for the homes. Senior Planner Golubics indicated that due to this project being on a smaller scale, it was not financially feasible for the applicant to provide a higher level of LEED certification; instead, the applicant will provide the entry level LEED certification. Commissioner Lavelle highlighted that the provision of the LEED certification as a green energy feature was an attractive selling point for the project. She expressed concern if the oak and evergreen trees would be appropriate to use in this development and wondered if the City's Landscape Architect foresaw any problems with the roots of these trees getting into the main sewer and causing damage. Senior Planner Golubics responded that the City's Landscape Architect did review the conceptual plans of the project and that she would review the project once again during the Precise Plan phase of the project. Commissioner Lavelle commented that it would not be appropriate to use evergreen trees that drop a lot of pine needles onto the ground or on rooftops as this could create a fire hazard, especially during dry drought seasons. She urged the applicant to pick the right type of trees for the site that will make the neighborhood an enjoyable place to live in. In regards to Commissioner Lavelle's question about the cost of the public art to be used at the two



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entry points in the subdivision, Mr. Golubics noted that the public art will be integrated into the Precise Plan and the cost of the artwork was still a detail to be determined. Commissioner Lavelle suggested that the artwork should be tasteful and fitting of the neighborhood, noting that the proposed project would be an improvement to the current parcel and she indicated her support for a planned development for this site. Mr. Golubics confirmed for Commissioner Lavelle that Condition of Approval No. 102 (o) regarding the subdivision being no less than 75% owner occupied would be enforced by the Homeowners Association, noting that this requirement has come out of City Council review of development projects in Hayward and was a standard requirement of other projects in the City. He underscored that the goal of this condition of approval was to avoid the proposed subdivision turning into predominantly rental units.

Commissioner Faria raised the concern whether the decorative LED lighting would fit in with the surrounding neighborhood. Senior Planner Golubics indicated that one of the goals of the development was to have ample lighting which would be unique to this development; he provided assurance that lighting would not spillover to the main streets. Commissioner Faria was concerned that there would not be adequate parking for residents of the development. Mr. Golubics conceded that the size of the site did have some constraints regarding parking; however, the applicant was going to meet this challenge by offering six street spaces within the subdivision. He noted that staff is recommending that an additional two parking spaces be made available on the southwestern part of the subdivision as this would assist in alleviating some parking concerns. Commissioner Faria stated that large homes such as those planned for in the proposed subdivision are likely to have multiple individuals and/or families residing there, which would equate to more vehicles per residence. Commissioner Faria asked if neighboring residents had been consulted about the two-story residences being constructed in the development and also about high growing trees that may obstruct the visual space in the area. Mr. Golubics stated that staff held a community meeting regarding the project and one of the takeaways from the meeting was to have additional trees and buffering for lots 7, 8 and 9 that would provide a permanent screen from the proposed two-story homes looking down into the backyards of surrounding residences. He shared that evergreens were identified as the tree variety of choice as these trees provided screening year-round. He added that the community members who participated in this meeting have not expressed any other concerns since the previous meeting was held one year ago.

In response to Commissioner Loché's question about following up with current residents of the neighborhood who had privacy concerns regarding the construction of two-story homes located adjacently, Mr. Golubics indicated that staff could contact these residents once again during the Precise Plan phase of the project.

Senior Planner Golubics clarified for Commissioner Trivedi that the Precise Plan phase of the project is performed on the staff level and that this project will not return to the Planning Commission for further review. In regards to an email received from a resident on Mohr Drive (Attachment V), Commissioner Trivedi questioned if staff has explored traffic calming measures for Mohr Drive. Mr. Golubics stated that the traffic study evaluated West Street, Mohr Drive, Eden Avenue, and Depot Road and according to the data gathered from this study, there was no lower

level of service at these intersections and they were maintained at an A, B, or C. He added that it was a borderline case to have the developer conduct a traffic study as this is typically required if the City's Traffic Engineer observes that the development will result in 40 or 50 new vehicle trips during peak hours. Mr. Golubics reported that the proposed project would create 32 additional vehicle trips during peak hours; however, the project did surpass the threshold for the number of daily trips, which was 161 vehicle trips, thereby requiring the traffic study. He summarized that there would not be a significant amount of traffic generated from the development of the thirteen new homes. To address the concerns of the Mohr Drive resident, Commissioner Trivedi requested that staff look into general traffic concerns along Mohr Drive. Mr. Golubics indicated that Planning Division staff in conjunction with the Police Department will look into the speeding issues on Mohr Drive and would possibly conduct targeted enforcement of vehicles exceeding the speed limit.

In response to Vice Chair McDermott's question about public artwork being required of other development projects in the City, Senior Planner Golubics said that the Cannery development project involving the Libitzky property, also had a requirement for public artwork. He indicated that staff has not seen a conceptual plan for the artwork and that they are not at the Precise Plan stage with this project yet; however, the Planning Commission did require the developer to work with the Hayward Area Historical Society in coming up with artwork reflective of the Cannery's history.

Vice Chair McDermott supported having a full bathroom on the first floor as this would promote aging in place and would meet the needs of individuals with physical limitations. Mr. Golubics clarified for Vice Chair McDermott that the developer will lay the foundation so that it is elevated and in a manner where the foundation does not expand or contract with the soil. He indicated that the building permit phase will ensure that the foundation is built properly.

Vice Chair McDermott commented that if the occupancy of residences within a particular development decreases below 75% owner occupied, then it becomes difficult for future home owners to obtain financing within that development.

Nik Sernande, project applicant with ARK Studio West and Laif McClellan, project applicant with Santa Cruz Real Estate Living, responded to questions that the Planning Commissioners had about the subdivision project.

Mr. Sernande indicated for Commissioner Lavelle that they do not have any specific styles in mind for the public artwork to be displayed at the proposed subdivision and he stated that they were flexible regarding the artwork and would work with the City so that the development could be approved.

Commissioner Faria spoke favorably of the drawings of the homes in the proposed subdivision. She asked what the capacity of the solar panels would be and whether this would be sufficient to meet the energy needs of the residential units. Mr. Sernande said that the number of solar panels the homes will be equipped with, which was ten solar panels, was based upon the recommendation of the solar energy contractor.

Commissioner Trivedi requested that the applicant be considerate of the water demands that the landscaping in the subdivision would require due to the current drought climate being experienced locally. In response to Commissioner Trivedi's question about the playground structure that would



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be included in the development as an amenity, Mr. Sernande stated that the main purpose in having the tot lot adjacent to the bioretention area is to provide green space on Eden Avenue and Mohr Drive and to minimize the look of a larger development within this area. He indicated that it was cost prohibitive to go beyond (basic) LEED certification for a development project of this size. He noted that the design principles of this project feature sustainable/green components such as LED lighting, electric vehicle charging stations, and solar panels within each home. Mr. Sernande shared that another goal is to provide ample green spaces for the community to enjoy which is why the subdivision will be called "Eden Village." With regards to landscaping, he noted that the plant varieties which will be used will be California drought tolerant plants. Commissioner Trivedi encouraged the applicant to utilize natural landscaping. In response to Commissioner Trivedi's question about how much yard area each home would have, Mr. Sernande responded that the lot sizes are on average 3,400 sq. ft. and the houses are 2,000 sq. ft. Mr. Sernande noted for Commissioner Trivedi that he was amenable to modifying the design plan to include full bathrooms on the first floor. Commissioner Trivedi was pleased with the color palette being used in the subdivision; however, he indicated that the design of the homes was ranch style and was less modern than he would have liked to see.

Vice Chair McDermott was pleased that the applicant was receptive to changing the half bathroom to a full bathroom on the first level as this would meet the needs of the community.

Vice Chair McDermott opened and closed the public hearing at 8:43 p.m.

Vice Chair McDermott said she would prefer that every unit require a full bathroom on the first floor. Commissioner Loché was supportive of this as it would promote aging in place and also, the applicant was amenable to this.

Commissioner Lavelle agreed with the concept of having full bathrooms on the first floor of every unit; however, she cautioned against this modification in the design plan as it might increase the purchase price of the residential units. She suggested that the following alternative be mandated through a condition of approval requiring six units to have full bathrooms on the first floor and the remaining seven units to have the full bathroom available as an option. Commissioner Lavelle stated that she was impressed with the style of the homes, highlighting that the homes varied from one another on the interior and exterior.

Commissioner Faria agreed that considering that all of the units will have a bedroom on the first floor then all of these units should also have a full bathroom on the first floor.

Commissioner Trivedi pointed out that per the design plan all units already have 2.5 bathroom units. He said that the units as depicted are large enough where adding a full bathroom on the first floor was a feasible requirement. Commissioner Trivedi made a motion to approve the staff recommendation with a condition that all units include a full bathroom on the first floor. Commissioner Lavelle seconded the motion and offered a friendly amendment to Condition of

Approval No. 11(k) that the Precise Plan be modified to state that the exterior colors of the units are not orange, yellow, or pink.

AYES: Commissioners Loché, Trivedi, Faria, Lavelle
Vice Chair McDermott
NOES: None
ABSENT: None
ABSTAIN: None

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

In response to Vice Chair McDermott's question on when the next Planning Commission meeting will be held, Planning Manager Buizer responded that she will notify the Planning Commissioners of future meeting dates shortly via email.

Planning Manager Buizer announced that the City Council will be conducting interviews for the vacancies on the City's Board/Commissions/Committee/Task Force and she stated that the new members will be appointed at the City Council Meeting on September 16, 2014.

Vice Chair McDermott announced that former Planning Commissioner Lamnin was elected to the Hayward City Council and former Planning Commissioner Márquez was appointed to the City Council. She offered her congratulations to both Council Members.

4. Commissioners' Announcements, Referrals

Commissioner Lavelle shared that the Off the Grid Food Trucks has been approved to move to a new location on Watkins Street, directly in front of the City Hall Plaza. She encouraged residents and employees in the downtown area to stop by and grab a bite to eat at one of the food trucks. In response to Commissioner Lavelle's question about the coin operated Laundromat on A Street and modifications to the parking requirements, Planning Manager Buizer stated that the proposal for this establishment is to have a coin operated Laundromat and also to operate a laundry service. The establishment has expressed that customers typically drop off laundry and are not visiting the Laundromat for extended periods of time; therefore, the establishment has requested a reduction in parking which would be consistent with the requirements of the central parking district. Commissioner Lavelle announced that the third and final Downtown Hayward Street Party for the summer will be held on Thursday, August 21, 2014 and she encouraged the community to attend this fun event.

Vice Chair McDermott expressed concern that the Off the Grid Food Truck event has been approved for two years. She suggested that in the future, the City enter into agreements with new undertakings for shorter periods of time, such as a one year agreement.

APPROVAL OF MINUTES

5. None.



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ADJOURNMENT

Vice Chair McDermott adjourned the meeting at 8:59 p.m.

APPROVED:

Vishal Trivedi, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk