



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 24, 2005, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

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

**ROLL CALL**

Present: COMMISSIONERS: Lavelle, McKillop, Bogue, Thnay, Peixoto, Zermefio  
CHAIRPERSON: Sacks  
Absent: COMMISSIONER: None

Staff Members Present: Anderly, Camire, Conneely, Emura, Macias, Patenaude, Pearson

General Public Present: Approximately 11

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARINGS**

1. Site Plan Review No. PL-2004-0392 and Variance No. PL-2004-0393 – Dori Azzolino of A-Active Sign Company (Applicant) / Automation (Owner) – Request to Allow a Monument Sign With a Height of 14 Feet, 6 Inches Where 12 Feet is Allowed, and an Area of 108 Square Feet Where a Maximum of 50 Feet is Allowed – The Property is Located at 24773 Mission Boulevard

Staff report submitted by Associate Planner Emura, dated February 24, 2005, was filed.

Associate Planner Emura presented the staff report. He distributed a letter from Scott Raty, President of the Hayward Chamber of Commerce, in support of the variance. He responded to questions related to the special overlay and special design district requirements and elaborated on the signs that had been installed by the Honda and Volkswagen dealerships that met the special requirements of containing a Spanish ranch theme.

Chair Sacks opened the public hearing at 7:45 p.m.

Al Rodes spoke for the applicant/owner. He reviewed all the proposed sign improvements, including those indicating direction and service areas, noting that those would be replaced with signs that are in compliance with the sign ordinance. He stated that the proposed Toyota monument sign is the current one in use all over the country. He said the size and design of the proposed sign

is that of a nice sculpture which would beautify the area. He introduced David Dill from the Toyota dealership who was available to answer any questions.

Discussion ensued regarding the height and location of the monument sign. It was the consensus among the Commissioners that Toyota should adhere to the special requirements as set forth in the sign ordinance as it would set a precedent to other dealerships in the area.

Chair Sacks closed the public hearing at 7:59 p.m.

Commissioner Bogue moved, seconded by Commissioners Thnay and Lavelle, per staff recommendation to deny the variance without prejudice.

Commissioner Thnay said he would support the motion as Toyota is still the best selling car in the United States and would still be if they had a 12 foot sign. He noted that Volkswagen and Honda dealerships had managed to comply with the ordinance, that those signs were appealing, and that Toyota should do the same.

Planning Manager Anderly noted that the dealerships are typically reluctant to comply because it involves custom work and it costs them more. She added that if the company comes back with a design that is in compliance, the sign would be approved administratively and would not need to come back to the Planning Commission.

Commissioner Lavelle stated that she agreed with the comments from the other Commissioners. She added that a unique or peculiar situation would be necessary in order to find special circumstances for approval of the variance, and none had been offered.

Commissioner Peixoto commented favorably on the Honda and Volkswagen signs.

Chair Sacks agreed with Commissioner Lavelle regarding the lack of findings to support granting a variance and noted the improvement of the appearance of Mission Boulevard because of the ordinances that are currently in place.

Commissioner Bogue moved, seconded by Commissioners Thnay and Lavelle, and unanimously approved, to accept that the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15270 (a), *Projects Which are Disapproved*; and deny the variance application, without prejudice, subject to the attached findings.

2. Site Plan Review No. PL-2004-0381 – Alejo Pascual (Applicant/Owner) – Planning Director's Referral of a Request to Construct a Mixed-Use Building With Ground-Floor Commercial and One Second-Floor Apartment – The Property is Located Between 30088 and 30100 Mission Boulevard, near Arrowhead Way

Staff report submitted by Associate Planner Pearson, dated February 24, 2005, was filed.

Associate Planner Pearson presented the staff report. He reported receiving a positive response from the Fairway Park Homeowners Association and an e-mail today from someone who indicated



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that having a resident on the property would be good for security. He responded to questions from commissioners.

Commissioner Bogue expressed concern regarding the impact of sunlight on the neighboring building. In addition, he questioned the maintenance to the exterior wall with no access except from the neighbor's side. Associate Planner Pearson stated that he hoped that the neighbors would come to an agreement regarding access to the wall for maintenance.

Chair Sacks opened the public hearing at 8:25 p.m.

Vince Wong, project architect and partner with owner/applicant Alejo Pascual, asked about the requirement for the fire hydrant, as one currently exists on the property near the common driveway. Associate Planner Pearson noted that the existing fire hydrant is on private property and the Fire Department requires a hydrant to be located on public property. Mr. Wong further asked for consideration of reducing the size of the balconies on the residence portion as the roof deck space had been enlarged.

In response to Chair Sacks' question if this decision is within the purview of the Commission's responsibility, Planning Manager Anderly suggested that the Commission approve or support the project and recommend that the details be addressed by staff.

Brenda Jones, owner of property south of the proposed development site, stated that she was adamantly opposed to the project as it would negatively impact her building. She described her building, noting that the majority of the exterior was glass and that the proposed wall between the properties would be massive, unattractive, and would reduce the amount of light to that side of her building. She disagreed that a resident would benefit security and she spoke of the lack of consideration given to her tenants. She stated that she was concerned that if the property were to become vacant that the property would become just an apartment building. She added that the proposed residence is an issue as she is worried about the proximity to her building and the lack of privacy for her tenants.

Chair Sacks closed the public hearing at 8:43 p.m.

Planning Manager Anderly noted the history of the site and stated the types of retail businesses that could be considered are numerous and include other service and commercial businesses.

Chair Sacks noted that there is no height limit in this district and the proposed building is only two stories. In addition, there are no setback requirements either, but there appears to be about 15 feet between the buildings.

Commissioner Thnay stated that he is concerned that there be sufficient light for tenants of the adjacent building and with the 15 feet distance, there should be adequate light.

Commissioner Zermeño expressed concern about cleaning up graffiti on the wall and asked if the business were to fail, could the retail area be converted to living space. Associate Planner Pearson stated that a conversion to living space would not be permitted on the ground floor.

Commissioner McKillop stated she understood Mrs. Jones' concerns, that the site is unique and commended her for her attractive building; however, she felt that the proposed building was a good compromise for the location. Commissioner McKillop then moved, seconded by Commissioner Zermeño, to approve the project.

Commissioner Thnay stated he would support the motion.

Commissioner Bogue stated he had spoken to Mrs. Jones earlier and he felt the size of the wall might be a maintenance issue if it is not kept up. He asked for a friendly amendment to the motion that Condition #9 be changed to remove any graffiti within 7 days, as opposed to the standard 10-day requirement. Commissioners McKillop and Zermeño agreed to the amendment.

Commissioner Bogue asked for another friendly amendment to not allow the balconies to be reduced in size as requested by the architect.

Commissioner McKillop stated that she would rather leave the design details to the architect and staff to work out and she did not accept this friendly amendment.

Commissioner McKillop moved, seconded by Commissioner Zermeño, and unanimously approved, to accept the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects*; and approve the site plan review application, subject to the findings and conditions.

Chair Sacks announced the 10-day appeal period.

3. Site Plan Review No. PL-2004-0589 – Alejo Pascual (Applicant/Owner) – Request to Construct a Triplex – The Project is Located at 25134 Muir Street

Staff report submitted by Associate Planner Camire, dated February 24, 2005, was filed.

Associate Planner Camire presented the staff report. She stated that she had received comments from Bonnie Dotson, member of the Jackson Triangle Neighborhood Task Force, who expressed concern regarding the landscaping and sufficient parking, and the possibility of conversion of the apartments for sale at a later date. She noted that the landscaping issues will be addressed by the landscape plan which is required to be prepared by a licensed landscape architect. Parking was observed during the nighttime and found to be sufficient. A survey will be required to properly establish property boundaries and the fences will have to be moved, and the owners of the affected properties have been notified. The applicant has proposed to replace existing fences with a six-foot fence around the perimeter, with 4-feet in the front, with appropriate setbacks. She responded to questions from Commissioners.



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In response to Commissioner Peixoto's question regarding the fencing comments in Attachment B, Assistant City Attorney Conneely stated that prescriptive rights as mentioned in the attachment are between the property owners and not something to be acted on as part of this proceeding.

Chair Sacks opened the public hearing at 9:15 p.m.

Alejo Pascual, owner/applicant for the apartment complex, thanked staff for their assistance with the project. He noted that he has read all of the conditions and accepts them, and hoped for the Commission's approval. He stated that the project architect was available for questions.

Chair Sacks closed the public hearing at 9:17 p.m.

Commissioner Thnay stated that sometimes it is difficult to see a patch of green open space disappear, but this looks like a high quality project. He moved, seconded by Commissioner Bogue to approve the project.

Commissioner Lavelle stated that she supported the motion, and she thanked the applicant. She visited the site as well, and noted that there was plenty of parking in the area. Construction of a triplex is less than what is allowable in the area and the site is suited for the project. It will raise the property value and improve the condition of the neighborhood. The neighbors should be satisfied with the new fences.

Commissioner Zermefio offered a friendly amendment to include removal of graffiti within 7 days. The amendment was accepted by Commissioners Thnay and Bogue.

Commission Bogue stated he supported the motion. He appreciated the density of the project in an area where there are very dense apartment complexes to the south and single-family homes to the north and this is a good transition.

Commissioner Thnay moved, seconded by Commissioner Bogue, and unanimously passed, to accept that the proposed project is Categoricaly exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15303(b), New Construction or Conversion of Small Structures; and approve the Site Plan Review application subject to the findings and conditions of approval.

**ADDITIONAL MATTERS**

4. Oral Reports on Planning and Zoning Matters  
There were no reports.

The Commission is scheduled to meet on March 10 and 24.

5. Commissioners' Announcements, Referrals  
There were no announcements.

**APPROVAL OF MINUTES**

Minutes of February 10, 2005 – Approved.

**ADJOURNMENT**

The meeting was adjourned by Chair Sacks at 9:26 p.m., in honor of Joe Flanagan and Dottie Altieri, former employees of the State Unemployment Office, who served the Hayward community for many years, and who coincidentally passed away about the same time. She stated that they were very special people who met and worked with many people in the area and they will be sorely missed.

**APPROVED:**

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Julie McKillop, Secretary  
Planning Commission

**ATTEST:**

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Connie G. Macias  
Deputy City Clerk