

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 15, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, Bogue, Peixoto, Zermeño
CHAIRPERSON: Thnay
Absent: COMMISSIONER: McKillop

Staff Members Present: Bauman, Conneely, Patenaude, Rizk, Lens

General Public Present: Approximately 30

PUBLIC COMMENTS

PUBLIC HEARINGS

- 1. South Hayward BART/Mission Boulevard Concept Design Plan, Environmental Impact Report and Related Amendments to the General Plan and Zoning Ordinance**

Staff report submitted by Senior Planner Rizk, dated June 15, 2006, was filed.

Senior Planner Rizk summarized the staff report indicating that this is the first formal hearing where action is required.

Commissioner Lavelle thanked staff for the report and asked for clarification of Attachment G, Section 10-1.XXX Minimum Design and Performance Standards, regarding the maximum building height of 60 feet and required findings for additional heights. She asked who would make a recommendation. Senior Planner Rizk mentioned that the approving authority, such as the Planning Commission and ultimately City Council, would make a recommendation for additional heights, and that they would have to make the findings indicated under section 2 that the additional height would not have unreasonable impact and that additional height would contribute positively to the area.

Chair Thnay confirmed with staff that heights above 60 feet would need special approval based on required findings.

Commissioner Peixoto inquired if the determination on the findings would be made at the point of development. Senior Planner Rizk affirmed the inquiry and indicated that each finding would be

related to a specific development that would need to go before Planning Commission and then recommended to City Council.

Commissioner Peixoto mentioned concurrence with an argument made by Council Member Quirk at a Work Session that low density levels would render projects unviable, which would result in neglecting the transit oriented concept. He inquired about a threshold level or optimal level of density that would make a transit oriented development work and thus respond to the retail component favorably. Senior Planner Rizk indicated that such level of analysis had not been done, but from a developer's perspective, buildings over seven-story levels seem to be more economically feasible for the type of development. He indicated that staff's goal is to provide a balance between the desire to have a smart growth transit village concept and the desire of decision makers and residents, and to provide opportunity for flexibility for different types of development.

Chair Thnay, referring to Station Area Residential Zoning District (SAR) with maximum parking ratio of 1.0 space for one-bedroom unit and 1.3 for more bedrooms and Mission Boulevard Residential Zoning District (MBR) with ratios of 1.5 spaces for one-bedroom unit and 2.0 spaces for more bedrooms, requested more clarification on page 7 under revisions to Off-Street Parking Regulations, related to unlimited tandem parking in the SAR and MBR. Senior Planner Rizk indicated that the decision-makers would have to make the determination whether to allow unlimited tandem parking and that per staff recommendations, the allowance is consistent with that applicable to the Downtown Parking District and would help facilitate parking where limited parking ratios are recommended. In response to Chair Thnay's question for supportive data for the ratios, Senior Planner Rizk mentioned other transit oriented developments as the basis for the proposed ratios and that they would be addressed at specific project levels.

Chair Thnay opened the public hearing at 8:02 p.m.

Mr. Garrett Cowenhoven, referring to Attachment E, the General Commercial (CG) sites between Mission Boulevard and Tennyson Road, inquired if a commercial site would change its designation with the proposed plan. Senior Planner Rizk indicated that the map only reflects changes to the zoning designations and does not change the uses.

Mr. Gary Stephenson expressed concerns with traffic associated with the corner of Colette Street and Sorenson Road and mentioned lack of traffic control for a parking lot in the area and lack of reference to the existing issue in the proposed project. He also reported about continuous accidents at the intersection of Colette Street and Sorenson Road because of lack of traffic control. He added that Sorenson Road has only one point of access, which exacerbates the traffic issue. He added that the increased amount of traffic on Mission Boulevard and the proposed increase of housing will create more traffic congestion, which is not addressed in the proposed plan.

Mr. David McLennan, Art Monument Business representative, expressed concern for the change of zoning for his property from commercial to high density residential. He favored commercial residential zoning. He expressed concern that any proposed future changes made to his property would be adversely affected by the proposed change.

Ms. Mary Stephenson expressed disagreement with the proposed Haymont Village two-story apartments that are planned to be constructed over the retail portion of the building proposed at



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Sorenson Road and Mission Boulevard. She mentioned her property at the intersection of Colette Street and Sorenson Road and expressed concern related to decrease in value to her property as the proposed apartments would impair the view and privacy in her house. She indicated disagreement with the proposed trees, inadequate parking, and the suggested parking permits as a solution to the parking issue. She favored waiting to build the apartments until the property by McDonalds restaurant is acquired and then build the apartments vertically to Mission Boulevard, incorporating a parking lot adjacent to the properties on Colette Street.

Mr. Michael Sweeney, 2614 Lancaster Road, mentioned that the pedestrian orientation as analyzed in the environmental documents is not sufficient to move forward. He spoke about inadequate quality shopping and public safety and he referred to Attachment R: Findings for the Environmental Impact Report and Mitigation Measure and Impact 4.8-2 Police Services, and Attachment Q: Mitigation Monitoring and Reporting Program, Mitigation Measure 4.8-2, Police Services, indicating that issues such as lack of police staff to attend to potential problems related to an increased number of residents and the mitigation measure of having more police cars but not police staff, need to be further addressed. He mentioned that the California Environmental Quality Act (CEQA) guidelines should not prevent decision-makers from seeking answers to questions about potential impacts. He asked the commissioners to look for factors that would make pedestrian orientation successful such as quality shopping, public safety, and more parks and recreation opportunities. Lastly, he urged the commissioners to send the environmental documents back for more review.

Mr. Tim Cruser, resident of the proposed area, mentioned support for the concept plan but expressed concern for the visually impaired and handicap in getting in and out of the BART station. He further expressed concern for increased riders and more trains and therefore suggested that a soundwall be installed from Sorenson Road to Harder Road. He urged the commissioners to visit the Sorenson Road area. He also spoke about Zeile Creek and its restoration indicating that it needs attention.

Mr. Bob Billmire, representing the mobile home community, expressed concern that the plan might entice more developments between Tennyson Road and Industrial Parkway that would affect the mobile home community. He suggested that more community input is needed. He asked that the report be sent back for further review and to wait for Mayor-elect Sweeney to be seated, to allow him to participate in the decision-making process.

Mr. Brian Stanke thanked staff, Planning Commission, and City Council for the concept plan, but indicated that there are aspects that are missing, such as the Harder Road to South Hayward BART pedestrian spine proposed by the consultant that was dropped off, which may be implemented on a parcel by parcel basis. In speaking about traffic impact being unavoidable, the plan does not include a transportation demand management plan. He referred to submitted transportation data and suggested a local transit service funded by a \$25 to \$60 per unit per month fee in order to provide 3 to 20 buses running on a daily bases. He indicated that the reduction of density lacks rationality and

that parking implementation needs to be analyzed in order to properly enforce issues. Lastly, he mentioned maximizing density at a given height.

Mr. Howard Beckman, representing Friends of San Lorenzo Creek, asked the commissioners to address the concept of incorporating three creeks to the proposed plan. He added that a key component to the plan is a pedestrian oriented concept with places that are inviting, such as along creeks.

Mr. Kenneth Ryan, Chair of Southern Alameda Group of the Sierra Club, expressed disappointment on the plan because it does not reflect a true walkability concept and that walking corridors do not exist as planned. He also mentioned that the ongoing plan for providing six traffic lanes on Mission Boulevard has not been completed and the proposed plan does not address it. Speaking of the transit oriented concept, he favored the idea of shuttles, but asked for inclusion of places to conveniently board the shuttles. He urged for more analysis of the plan.

Mr. Del Dietrich asked about the sites designated for the expansion of Bowman School and if due to economic challenges and related to feasible construction projects on such sites, how the property can change its proposed use or be developed as a nonconforming use or under present use. He expressed hesitation to support a theoretical plan that might not come to fruition for ten or more years.

Mr. Nathan Landau, Senior Planner for AC Transit, mentioned the ongoing collaboration between BART and the City and spoke in support of the concept of the plan and in support of advancement for smart growth and transit-oriented development. He mentioned that there are issues and concerns that can be addressed as projects are proposed and developed.

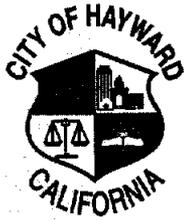
Ms. Evelyn Cormier, Fairway Park resident, expressed concern about the seven-story height of the proposed residential buildings in a single family and one-story building area because it seems imposing. She also spoke about the placement and adequacy of the space for the grocery store site and the size allotted for the community center. She agreed with Mr. Sweeney that in a pedestrian oriented area, an appealing vista and a creek in its natural setting would appeal and enhance the area. She asked that the commissioners analyze the creeks and incorporate them into the concept.

Mr. Wassim Azizi, Payless Auto Glass business owner at the corner of Douglas Street and Mission Boulevard, favored keeping his business as a mixed-use designation and asked for the Commissioner's consideration.

Chair Thnay closed the public hearing at 8:47 p.m.

In response to Commissioner Zermefio, Assistant City Attorney Conneely indicated that the Commissioners can make a recommendation to Council that the item be placed on hold until the elected mayor is installed.

Commissioner Sacks, referring to the Framework for Recommendation on page 8 of the report, confirmed that the approval of the plan does not preclude reevaluation and new standards as developments are proposed. In response to the count of community meetings held regarding the



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topic discussed, Senior Planner Rizk responded that there were about four or five, excluding work sessions.

Chair Thnay asked if the proposed plan is at a more detailed concept plan level. Senior Planner Rizk mentioned that this is a concept design plan that looks at land uses, circulation, connections, basic guidelines, and recommendation to zoning designations. He mentioned that details such as design quality retail uses and types of business will be decided at a project specific level.

Commissioner Sacks confirmed with staff that the concerns raised, such as bus poles and creeks, can be addressed and incorporated at a later stage.

Commissioner Zermefio indicated he favored seven-story buildings around the BART station, but not on Mission Boulevard. He asked if the Commissioners are setting a framework for allowing seven-story buildings, but that the location would be determined as developments are proposed. Senior Planner Rizk mentioned that staff is recommending different zoning districts and height and density limitations at various locations and that the detail design plans of proposed developments would be addressed at project specific reviews. Mr. Rizk added that every plan that the City has adopted could be amended at the discretion of decision makers.

Commissioner Peixoto expressed that he did not hear comments in support of the project, but rather concerns that need to be addressed. He favored making a recommendation to send the proposal back for further analysis.

Commissioner Lavelle mentioned that she had the opportunity to make comments and that the public was given the same opportunity throughout the study of this concept. She thanked the audience for participating. She indicated that people that are not against a project do not necessarily express it at meetings and added that the comments raised can be addressed as the project moves forward. She mentioned that the City is being responsible in planning for an area that needs attention and improvements. Among the different issues raised, she mentioned traffic as a challenge that requires attention and that the City is taking measures to address traffic problems. She supported pedestrian access and walkability and mentioned that quality retail in the newly designed mixed use is going to be critical in drawing retail and people to the City. She asked for continued public input. Commissioner Lavelle made a motion per staff's recommendation.

Commissioner Zermefio seconded the motion.

Commissioner Bogue mentioned concerns for the grocery store site not being large enough but indicated that it will be part of a walkable area that will have commercial retail and activities mixed in. In reference to the creeks, he agreed with preserving them, but not in favor of opening channels that would be hidden behind properties. He mentioned that the issue of creeks needs to be addressed and favored not providing much access in order to preserve residents' properties and that at the design level for new projects, the pedestrian access points can be incorporated. He added that design concerns can be mitigated as proposals are reviewed. He supported the motion.

Commissioner Sacks supported the motion and commended the public input. She indicated that there have been changes as result of the input received. In reference to the creeks, she stated that it is going to be a lengthy process that has to be addressed with the people who live adjacent to the creek areas. She mentioned that traffic is a problem that needs to be considered and can be improved as quality projects move forward. She supported the plan and mentioned concern for the walkability aspect, but reminded the audience that Mission Boulevard needs improvement.

Chair Thnay mentioned smart growth from an economic perspective, from an integration with the environment, and inclusion of different income levels. He mentioned the aspects mentioned do not apply to the proposed plan. He spoke about piecemeal planning being successful for certain areas, but mentioned that when it is not part of the EIR, comprehensive planning could be difficult to incorporate. The EIR does not address conditioning future owners to pay for part of the improvements on Dixon Street. He favored waiting a few more months to get a more detailed specific plan.

Commissioner Zermefio mentioned that the walkability on Mission Boulevard is not appealing and needs improvement. He suggested that traffic problems on Sorenson Road be mitigated, that creeks be included in more discussion, attend to mobile home park concerns related to this plan, continue to work with AC Transit to ensure proper accessibility, plant more trees along Mission Boulevard, and place PG&E poles underground. He indicated that this plan can be amended and supported the motion.

Commissioner Peixoto expressed support for the concept plan and favored the transit oriented aspect, favored parking ratios, appreciated the attention paid to open space but would like to see it expanded, agreed with the improvement to Bowman School, and favored a design district with a design theme for the area. He also commended the attention to the issue of seven-story buildings by requiring that a finding be made for anything over 60 feet, but in disagreement to pass the responsibility to future commissioners. In reference to lower densities and not being able to support the retail component, he mentioned that the type of retail is an aspect that is missing in the report. He indicated he is not in favor of high density housing with no tenants filling the retail stalls, such as the Cannery and Eden Shores projects. He mentioned that there are issues and data missing that needs attention and favored recommending to Council to continue the public input process.

Commissioner Lavelle mentioned a San Francisco Chronicle article about creek protection and indicated that protection of the creeks is critical and support for this plan does not mean that they will be forgotten.

Commissioner Bogue mentioned the Cannery Plan as being different than this plan.

There was further discussion regarding Mission Boulevard and the plan. Public Works Director Bauman mentioned that the Proposed 238 Corridor Improvement Project, as proposed by the City, is currently in the environmental analysis stage and that the traffic analysis for the proposed plan was based on the perception that the project would be completed. He mentioned key issues and setbacks along Mission Boulevard that will be part of a development that would include better walking, lighting, and a better landscaping as part of the traffic analysis.



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Commissioner Lavelle moved, seconded by Commissioner Zermeño, and approved, with the following vote, to recommend that the City Council certify the Environmental Impact Report as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adopt the Statement of Overriding Considerations; and approve the Mitigation Monitoring and Reporting Program, based on findings; adopt the South Hayward BART/Mission Boulevard Concept Design Plan; adopt proposed amendments to the General Plan Land Use Map for certain properties within the Concept Design Plan area, as well as amendments to the text of General Plan Appendices C and D (PL-20060280GPA), based on findings; adopt proposed amendments to the Zoning Map for certain properties within the Concept Design Plan area (PL-206-0281ZC), based on the findings; and adopt proposed text change amendments to the Zoning Ordinance and Off-Street Parking Regulations, including creation of the South Hayward BART/Mission Boulevard Special Design District (SD-6) (PL-2006-0282TA), based on findings.

AYES: Commissioners: Lavelle, Sacks, Bogue, Zermeño
NOES: Commissioners: Peixoto
Chair: Thnay
ABSENT: Commissioner: McKillop

There was an announcement that the discussed item would go before Council on June 27, 2006.

ADDITIONAL MATTERS

2. Oral Reports on Planning and Zoning Matters

Acting Planning Manager Patenaude mentioned a meeting on June 22 regarding the Eden Housing Project and a meeting scheduled for the fourth Thursday in July.

3. Commissioners' Announcements, Referrals

Commissioner Sacks, referring to the Sorenson Road and Colette Street, mentioned that it needs attention and improvement. Acting Planning Manager Patenaude mentioned that the neighborhood was left with one access point and mentioned that as the Haymont Project continues to be reviewed, the traffic can be addressed.

Commissioner Zermeño made an announcement about a Blue Agave Restaurant.

APPROVAL OF MINUTES

Minutes of May 25, 2006, were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 9:41 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary