



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 13, 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: Conneely, Koonze, Patenaude, Pearson, Lens

General Public Present: Approximately 10

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **Site Plan Review No. PL-2006-0003, Administrative Use Permit No. PL-2006-0097 & Variance No. PL-2006-0098 – Dr. Dharam Salwan (Applicant/Owner) - Request to Construct a Mixed-Use Building with Ground-Floor Retail and Two Second-Floor Condominiums and a Remote Parking Lot Requiring Variances – The Property is Located at 22605 Second Street, at the corner of B Street, with the Parking Lot at 22645 Second Street**

Staff report submitted by Associate Planner Pearson, dated April 13, 2006, was filed.

Associate Planner Pearson presented the staff report and responded to questions from the Commissioners.

Chair Thnay opened the public hearing at 7:42 p.m.

Architect for the developer, Mr. Sanjiv Bhandari, indicated that Dr. Salwan could not attend the meeting and therefore spoke on his behalf. He stated that the proposed remote parking lot is ideal for the site and the neighbors and added that Dr. Salwan is willing to comply with current regulations. Mr. Bhandari mentioned that once properties are acquired and built on C Street and Second Street, the temporary parking lot can become a permanent parking lot. As an alternative to the vacant lot, he mentioned that the developer can build a commercial building, two-story building, or single home. He requested for a condition of approval stating that the vacant lot be allowed as a remote temporary parking lot for employees, and as the adjoining parcels are being developed, the

developer will be willing to pay in-lieu fees. He added that the in-lieu-fee is reasonable for the project when compared to other cities. He clarified questions from Commissioners.

In response to Commissioner Lavelle's inquiry about the types of businesses that the applicant envisions in the retail part of the building, Mr. Bhandari indicated that the ideal proprietor would be willing to live above the business. In response to the color of the outside of the building, he added that they would be earth tones.

In regards to Commissioner Bogue's inquiry regarding a plan that could allow vehicle traffic to cross over the lot into the property behind the church, Mr. Bhandari said that the neighbors would not allow such a plan.

Chair Thnay inquired about the potential future for parking circulation and making the remote parking into two spaces in order to conform to the guidelines. Acting Planning Manager Patenaude responded that he did not have the opportunity to review the plan that the architect presented and stated that it would not be on the City's best interest to extend the street frontage with more parking. He added that because of the potential of the lot, it would be better to wait for more developments to occur in the area.

In response to Commissioner Zermeño's inquiry regarding in-lieu parking fees compared with other cities, Acting Planner Manager Patenaude indicated that according to the traffic engineer, the City is not out of line with other cities.

Ms. Lupe Compean spoke against the proposed project because it would add more nuisances to the parking lot at her property across the street from the proposed project. Commissioner Zermeño asked Ms. Compean about signage that prohibits parking at her property if they are not patrons of her business. Ms. Compean responded that the signage does not serve a purpose as people are still violating the sign.

Chair Thnay closed the public hearing at 8:07 p.m.

Commissioner Zermeño requested that the piece of land proposed as a parking lot be checked for overgrown grass and weeds. He moved the item as per staff's recommendation, stating lack of support for the remote parking structure as it would not be ideal for the area. He added that Ms. Compeon is protected by the signage at her parking lot and should ask for enforcement of the sign when violations occur.

Commissioner Sacks indicated support for the motion and echoed Planning Manager Patenaude that the remote parking would create a precedent for more parking along the street and the future build ability in the area.

Commissioner Lavelle mentioned support for the motion. She mentioned that the corner lot looks unattractive and therefore favored the proposed building. She also suggested walking as opposed to parking where is restricted. She requested that the developer help to accommodate the church about its signage, to be mindful of the type of business that is proposed, and consider the church's activities in order to create better relations within the neighborhood.



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Commissioner Bogue supported the motion indicating that the building is appropriately sized for the property. He showed lack of support for the remote parking because it would be inappropriate to build against an existing single family home. He asked the developer when drafting different parking options, to work out a way to allow vehicle access to the back of the church when necessary.

Commissioner Peixoto indicated that since the first time the project was presented there have been a number of modifications with some improvement and that there has been some compromise by the City and the developer. However, he added that the project does not present with the enthusiasm and potential that the proposed place renders with the presence and architectural theme that exists in the area. He added that the current proposal is too much building for a small parcel and therefore he did no support the motion.

Commissioner Sacks indicated that the developer has made accommodations according to the requests presented by staff and the Commissioners.

Chair Thnay indicated that the survey data presents that the City provides adequate parking. He mentioned concurrence with the proposed project in spite of the difficulty of the site and suggested to mirror the architecture and design on the opposite site in order to enhance the entrance.

Commissioner Zermeño moved, seconded by Commissioner Sacks, and approved with Commissioner McKillop absent, to find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Sections 15332, *In-Fill Development Projects* and 15305, *Minor Alterations in Land Use Limitations*; and approve the site plan review application, subject to the findings and conditions; and deny the administrative use permit variance application for the remote parking lot, subject to the findings.

- 2. Permit No. PL-2005-0712 – Mathew Zaheri (Applicant/Owner) – Request to Operate a New and Used Auto Sales Lot on an Existing Car Storage Lot and Install a Temporary 750-Square-Foot Modular Office Building for a Period of Five Years – The Property is Located at 24874 Mission Boulevard at Carlos Bee Boulevard**

Staff report submitted by Assistant Planner Koonze, dated April 13, 2006, was filed.

Assistant Planner Koonze presented the staff report indicating modification to Condition of Approval No. 7 that prior to connection of utilities assess the lighting on the site and if needed, the light poles will be replaced and deletion of Condition of Approval No. 8. He also mentioned that he received a call from a Del Mar Avenue resident opposing the proposed application indicating that an additional dealership was not needed.

Commissioner Zermeño inquired about a PG&E transformer not being covered because the material was damaged and if this should be covered under a condition of approval. Assistant

Planner Koonze stated that it is a concern to maintain a screening around the utilities and mentioned that if the Commissioners desire, language for a more substantial screening can be added as a condition.

Commissioner Zermefio favored the addition.

Responding to Commissioner Bogue's concern for previous landscaping work on the site that generated excess dirt on two redwood trees and a time line for removing it, Assistant Planner Koonze indicated that no additional construction on the site is anticipated except for modifications to the landscaping. He added that a condition in this regard can be added if there is a concern. Acting Planning Manager Patenaude indicated that the landscaping architect will be reviewing the landscaping accordingly and will inspect for damages to the landscaping materials.

Commissioner Sacks expressed concern for outstanding violations on conditions that were approved in 2003.

Chair Thnay opened the public hearing at 8:34 p.m.

Mr. Mathew Zaheri, owner of Hayward Volkswagen, disagreed with the report relating to stated violations. In reference to the redwood trees, he mentioned that the dirt has been removed. He mentioned he would be in favor of putting seasonal flowers in the empty spaces.

In response to Commissioner Lavelle, Mr. Zaheri indicated that he plans to have high end luxury cars at the proposed site.

Chair Thnay closed the public hearing at 8:37 p.m.

Commissioner Bogue made a motion to approve staff's recommendation including a modification to Condition of Approval No. 7 and deletion of Condition of Approval No. 8

Commissioner Zermefio requested a friendly amendment that a PG&E transformer be well covered and maintained at all times. Commissioner Bogue requested a modified condition that staff determines a design appropriate for the cover that is easy to maintain and to keep intact. Commissioner Zermefio seconded the motion.

In response to Commissioner Lavelle, Assistant Planner Koonze clarified Conditions of Approval No. 2 and No. 3. Commissioner Lavelle supported the motion.

Commissioner Sacks commented on the amendment and supported the motion.

Chair Thnay supported the motion and favored the seasonal flowers that the applicant proposed.

Commissioner Bogue moved, seconded by Commissioner Zermefio, and approved with Commissioner McKillop absent, to find that the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) Guidelines, Section 15303, Class 3, New Construction of Limited Small New Facilities; and approve the requested use permit application subject to the conditions of approval and modification to Condition of Approval No. 7, deletion of



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Condition of Approval No. 8, and a condition that staff determine a design for the cover of the PG&E transformer that is easy to maintain.

- 3. Variance No. PL-2005-0413 – Sneh Lata (Applicant/Owner) – Request for a Variance to Parking and Circulation Setbacks to the Side Property Lines and the Existing Building Associated with a Single-Family House being Converted to an Office Building – The Property is Located at 22602 Mission Boulevard**

Staff report submitted by Assistant Planner Koonze, dated April 13, 2006, was filed.

Assistant Planner Koonze presented the staff report and indicated that he received a call by a Del Mar Avenue resident expressing opposition to the proposed application because the property has been kept in disarray.

In response to Commissioner Zermeño's inquiry regarding staff's pursuance for blight areas and improvements similar to the one proposed, Acting Planning Manager Patenaude responded that lack of resources is a reason for not being proactive and for pursuing and improving areas in need. Commissioner Zermeño recommended that conditions of approval regarding graffiti have their own condition of approval in order to emphasize compliance.

Commissioner Sacks expressed concern and frustration because the north side elevation cannot be seen due to the building to the north being in disrepair.

In response to Chair Thnay regarding enforcement of one-way traffic, Assistant Planner Koonze indicated that signage and painting on the pavement could be probable solutions.

Having no comments from the public, Chair Thnay opened and closed the public hearing at 8:56 p.m.

Commissioner Lavelle made a motion as per staff recommendation with a modification to Condition of Approval No. 8 by moving the graffiti language to a separate new condition, Condition of Approval No. 9.

Commissioner Bogue seconded the motion.

Commissioner Sacks expressed support for the motion.

Commissioner Zermeño supported the amendment and recommended that staff consider including graffiti language as a different condition of approval for future items.

Commissioner Lavelle moved, seconded by Commissioner Bogue, and unanimously approved with Commissioner McKillop absent, to find that the proposed project is Categorically Exempt from the

California Environmental Quality Act (CEQA) guidelines, Section 15305, Class 5, Minor Alterations in Land Use Limitations; and approve the requested variance application subject to the findings and conditions of approval including modification to Condition of Approval No. 8 by moving the graffiti language to a separate new condition, Condition of Approval No. 9.

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

Acting Planning Manager Patenaude indicated that the next meeting is scheduled for April 27th regarding rezoning. He added that the May 11th work session will include the Capital Improvements Program and the regular meeting will be regarding South Hayward Mission Corridor Study Draft. The May 25th meeting will include Capital Improvements Program.

5. Commissioners' Announcements, Referrals

Commissioner Sacks made an announcement about a Redwood City Planning forum where she purchased a book, "Creating Healthier Communities: Understanding the Link between Urban Design and Public Health", and mentioned that it would be with Planning staff for reference. She announced the Bay Friendly Garden Tour on April 30th sponsored by stopwaste.org, and the 2006 Bringing Back the Natives Garden Tour scheduled for May 7th.

Commissioner Bogue expressed concern about new fencing around downtown.

Commissioner Zermeño announced a Cinco de Mayo Festival, presenting a youth mariachi on May 6th.

APPROVAL OF MINUTES

Minutes of March 16, 2006 were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 9:05p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary