



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 12, 2007, 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 McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, Peixoto, Mendall, Thnay
CHAIRPERSON: McKillop
Absent: COMMISSIONER: Loché

Staff Members Present: Conneely, Patenaude, Rizk, Lens

General Public Present: Approximately 18

Chair McKillop announced that item No. 3 was postponed until July 26, 2007.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **Use Permit No. PL-2007-0225 – John Baer, Matteson Realty Services (Applicant) / Sanjay Bakshi (Owner) – Mixed-Use Project with 2,000 Square Feet of Retail Area and 44 Residential Units with 10 Units on the First Floor – The Property is Located at the Northeast Corner of Main and C Streets**

Staff report submitted by Principal Planner Patenaude, dated July 12, 2007, was filed.

Principal Planner Patenaude summarized the staff report including clarification to the Engineering Section of Condition of Approval No. 41 that the offsite public improvement would apply to areas along the frontage of the property only. Also, regarding Condition of Approval No. 2, it was clarified that the Emergency Vehicle Access lane (EVA) portion of the driveway and the entry from C Street would have decorative paving and the remaining of the driveway would be asphalt unless it needs to comply with C-3 Storm Water requirement, in which case it would need decorative pavers all the way around. In regards to Condition of Approval No. 55, "Each residential condominium must have an individual water meter and sanitary sewer lateral," it was indicated that the final implementation of the condition would be worked out between the developer and the Public Works Department.

In response to Commissioner Lavelle's inquiry concerning lighting of the building and at the entry of the stairways on Main Street, Principal Planner Patenaude indicated that the applicant would need to submit a lighting plan.

In response to Commissioner Thnay regarding Condition of Approval No. 37, Principal Planner Patenaude indicated that if a property is found within the Earthquake Fault Zone, a survey would need to be submitted along with the building application. Mr. Thnay further inquired about the possibility of a roof gardening for the project. The applicant addressed the question later.

Commissioner Sacks asked the applicant for clarification of "breakout window panels" in Condition of Approval 46 f.

In response to Commissioner Mendall's inquiry about buildings in downtown similar in height to the proposed project, Principal Planner Patenaude pointed out City Hall. In reference to the location for the key card access, Mr. Patenaude indicated it would be at the entry of the garage, and would meet the requirements of the Security Gate Ordinance. Mr. Mendall asked the applicant for plans for the retail space. In reference to Mr. Mendall's question regarding the easement dispute referenced in the report, Assistant City Attorney Conneely stated that until the easement is perfected, the City is without authority to hold up the processing of an application. Mr. Mendall further inquired about information regarding the application for green building for the patio. Mr. Patenaude indicated that the intent is to start implementing the new concept of green buildings.

In response to Commissioner Peixoto, there was clarification about the pedestrian walkway. In regards to Condition of Approval No. 36, Mr. Peixoto inquired if the Homeowners Association would include the retail tenant under its umbrella. Mr. Baer addressed the question later. Responding to Mr. Peixoto, Principal Planner Patenaude indicated that property management is required for large condominium conversions. Since there was no mention of maintenance of reserve account was missing in the conditions, Mr. Peixoto requested that this be added.

Chair McKillop opened the public hearing at 8:10 p.m.

Mr. John Baer, Director of Real Estate for Matteson Realty Services, gave an overview of the company and addressed the questioned raised by the Commission. Mr. Baer indicated that there would be abundant lighting for the project and a plan would be submitted accordingly. In reference to the Earthquake Fault Zone, Mr. Baer indicated that there is no fault trace at the property; however, if geology becomes an issue, it would be mitigated at their expense. He expressed resistance to putting something on the roof or green roof that might result in water penetration. He mentioned that the project does not need breakout window panels, but they are a general requirement. He indicated that the proposal would be the first high density project in downtown. In regards to retail space, it was indicated to be in two sections because of the slope of the site. He was amenable to work with both Mr. Nie regarding the easement, and with staff regarding green building elements. Lastly, Mr. Baer added that there would a Commercial Owner Association (COA) and Homeowners Association (HOA) that would share mutual responsibilities and that the CC&R has property management requirements and maintenance of reserve accounts.

In response to Commissioner Peixoto's inquiry regarding potential problems securing tenants, Mr.



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Baer indicated that his team is looking for clean business retail that constitute an attribute to the project.

Mr. Baer was amenable to Commissioner Mendall's request for consideration to alternative roofs.

Commissioner Sacks indicated that she spoke with the applicant and, referring to Condition of Approval No. 19 regarding "Bay-Friendly" landscape concepts, was in favor that the proposed project be a match to the El Cerrito project because of its attractiveness and its durability attributes.

In response to Commissioner Lavelle's inquiry about lighting from a safety and décor perspective, Architect Mr. Glen Simmons, indicated that the project would take into account the required lighting to meet the needs. In reference to bicycle racks, Mr. Baer responded that they would be required for the project.

Commissioner Thnay expressed approval of the number of parking spaces proposed and requested that a good location for the bicycles be considered.

Mr. Glen Moss, attorney representing Mr. Nie, indicated that the easement was recorded on August 4, 1994. He indicated that the project blocks off the parking lot at the rear end of Mr. Nie's property, 1019 B Street, and to the fire access. He was glad that the applicant is willing to work with Mr. Nie. He requested that a condition be added to the effect that the developer work with Mr. Nie and to prohibit denying access to the parking lot in the back to the property at 1019 B Street. Lastly, he expressed that Mr. Nie is willing to give the developer access to available handicap spaces at the rear of his property.

Mr. Nie, business owner of a gift and wedding accessories shop, indicated that the proposed project would improve the area; however, he indicated that he would like to work out an agreement where he could have access to the parking lot in the back of his property.

Ms. Marlene Herndon, representing the Herndon Professional Building and neighbor adjacent to the proposed project, expressed appreciation for the project for its complementary architecture and improvement to the site, but expressed concern about the potential damage to her property due to ground and building vibration during the construction. Ms. Herndon asked that a condition of approval be added to address mitigation of potential construction vibration to the building. In response to Commissioner Mendall, Principal Planner Patenaude indicated that issues can be addressed administratively, but could be added as a condition if deemed necessary.

Commissioner Sacks was sympathetic to Ms. Herndon's situation and hoped that if problems arise that they be addressed properly.

Mr. Brian Stanke spoke in favor of the mixed used development project; however, he indicated to be more favorable of further reduced parking.

Chair McKillop closed the public hearing at 8:51 p.m.

Commissioner Lavelle made a motion to move the item as recommended by staff indicating support for a high quality and suitable type of construction in downtown. She mentioned that it is important that the developer and construction company be sensitive and tactful to the residents in the neighborhood. She kindly asked that the neighbor concerns be considered. Ms. Lavelle reiterated that the Commission did not have authority over the easement and hoped that the two parties could reach an agreement.

Commissioner Mendall seconded the motion indicating support for a mixed use high density development in downtown for its attractiveness and the privacy for the garage.

Commissioner Sacks supported the proposed project.

Commissioner Peixoto requested to Commissioners Lavelle and Mendall that language be added to a condition of approval regarding maintenance of a reserve account. Commissioner Mendall objected to the request, indicating that it is already covered by state law.

Commissioner Peixoto indicated support for the project mentioning its sensitivity and compatibility to the surrounding neighborhood. He added that the project would add a young/professional demographic to downtown.

In response to Chair McKillop regarding the implementation of Condition of Approval No. 55, Principal Planer Patenaude indicated it can be done at an administrative level.

Commissioner Lavelle moved, seconded by Commissioner Mendall, and unanimously approved with Commissioner Loché absent, to find the project Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15332, *In-Fill Development Projects*; and approve the Use Permit application subject to the findings and conditions of approval.

2. **Site Plan Review No. PL-2007-0223 – Michael Brady, CSHQA (Applicant) / FPA Hayward Associates (Owner) – Request for Architectural Façade, Parking Lot and Landscaping Improvements – The Property is the Fairway Park Shopping Center, Located at 31005-31199 Mission Boulevard, Between Gresel and Rousseau Streets.**

Staff report submitted by Principal Planner Patenaude, dated July 12, 2007, was filed.

Principal Planner Patenaude summarized the staff report.

In response to Commissioner Mendall's inquiry regarding illegal signs on the grass, Principal Planner Patenaude indicated that Condition of Approval No. 13 e), addresses the applicant's responsibilities regarding illegal signs. In reference to the entry tower, Mr. Patenaude confirmed that the tower will serve to display major tenant names.



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Chair McKillop opened the public hearing at 9:16 p.m.

Mr. Richard Kippers with Redwood Construction introduced his team indicating that the site is an ideal place for the proposed project.

Mr. Michael Brady, applicant, gave an overview of the project indicating that the tower and the Sycamore trees at the entry path would give the street presence.

Mr. Scott Blair with Blair Sign Program, spoke about a sign program for vehicular traffic with emphasis on pedestrian traffic for the newly defined corridor. He was amenable to working with staff to achieve a design that reflects individualism, and added to be accommodating of different tenants.

Commissioner Mendall indicated that the store front windows are dark and less inviting. Mr. Brady indicated that skylights in the lower portion would create more light in the corridor. In reference to the units at the back parking lot, Mr. Blair indicated that a directory kiosk in the plaza area could be added. It was noted that the parking area was expanded to create a community plaza. In reference to improvement to the fast food section of the project, Mr. Kippers indicated that it is a separate improvement and negotiations are underway. Speaking about cluttered store front windows and the enforcing authority, Principal Planner Patenaude indicated that if property owners do not address the issue, Community Preservation staff would enforce it. In reference to potential tenants, Mr. Kippers indicated that they are in negotiations securing the right tenants.

Commissioner Sacks expressed concern for the tendency of drivers that race in the parking lot, and inquired about speed control devices. Mr. Brady indicated that traffic calming devices will be enhanced by visual and elevation changes. Ms. Sacks commended the applicant for the murals.

Commissioner Peixoto commended the applicant for the creation of a one-way entry.

Commissioner Thnay complimented the shopping center at Dyer Street and Alvarado Boulevard in Union City for its lighting and texture treatment in the columns and suggested that landscaping below the entry tower be considered to enhance the area. Mr. Thnay complimented the entry at Mission Boulevard and suggested that the entry on Gresel and Rousseau Streets be improved with landscaping and driveway treatment. He added that lighting can enhance the area. Mr. Brady indicated that landscaping under the tower would give elevation to the entry and would enhance the entry with lighting fixture throughout the center to reinforce the architecture.

Ms. Minane Jameson, member of the Keep Hayward Clean and Green Task Force, spoke in favor of the proposed project and inquired about the utility lines that run along Mission Boulevard and that trees on Gresel and Rousseau Streets be removed and replaced with Mongolia trees. She asked for attention to cars parked with for sale signs along the sidewalk of Rousseau Street.

Chair McKillop closed the public hearing at 9:55 p.m.

Commissioner Mendall expressed support for the project complimenting the façade improvement and indicated that the project will improve and enhance the area.

Commissioner Sacks seconded the motion.

Commissioner Peixoto supported the project and the efforts to secure market for the area.

Commissioner Sacks supported the motion and commended the applicant for the proposed project.

Commissioner Mendall moved, seconded by Commissioner Sacks, and unanimously approved with Commissioner Loché absent, to find the project Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines pursuant to Section 15301, *Existing Facilities*; and approve the Site Plan Review application subject to the findings and conditions of approval.

3. Bicycle Master Plans –Consideration of an Update to the City's Bicycle Master Plan

This item was postponed until July 26, 2007.

4. Oral Report on Planning and Zoning Matters

There were no reports.

5. Commissioners' Announcements, Referrals

Commissioner Thnay reported on potholes on Mission Boulevard and Industrial Parkway heading westbound towards Highway 880, before Huntwood Avenue. Commissioner Sacks reported on a pothole on Stratford Road. Planning Manager Rizk indicated that he would relay the information to the proper staff.

APPROVAL OF MINUTES

The minutes of June 14, 2007, were approved.

ADJOURNMENT

Chair McKillop adjourned the meeting at 10:01 p.m.

APPROVED:

Mary Lavelle, Secretary
Planning Commissioner

ATTEST:

Miriam Lens
Commission Secretary