MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, October 9, 2003, 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 Chairperson Zermeño, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Bogue, McKillop, Sacks, Fraas, Halliday
	CHAIRPERSON	Zermeño
Absent:	COMMISSIONER	Thnay

Staff Members Present: Anderly, Bauman, Conneely, Emura, Looney, Patenaude

General Public Present: Approximately 17

PUBLIC COMMENT
No comments made.

AGENDA

1. **Appeal of Planning Director's Denial of Administrative Use Permit/Site Plan Review Application No. PL-2002-0268 – Crossway Church (Applicant/Owner)** - Request to Allow a Church, to Modify the Exterior Design of the Building and to Allow Off-Street Parking – The Property is Located at 21311 and 21353 Foothill Boulevard (Continued From 9/11/03)

2. **Site Plan Review No. PL-2003-0017 – Ali Feroz (Applicant/Owner)** – Construction of Second Single-Family Dwelling - The property is located at 22277 Pearce Street

3. **Administrative Use Permit No. PL-2003-0328 – Misako Hill for Cingular Wireless (Applicant) / Hugh and Jeff McClung (Owners) –** Request to Install a Light Pole Telecommunication Monopole to Replace an Existing Pole at Carlos Bee Boulevard and to Locate Equipment Cabinets on Site - The Project is Located at 24900 Mission Boulevard

4. **City of Hayward Revised Housing Element – Referred by Planning Director**

PUBLIC HEARINGS

1. **Appeal of Planning Director's Denial of Administrative Use Permit/Site Plan Review Application No. PL-2002-0268 – Crossway Church (Applicant/Owner)** - Request to Allow a Church, to Modify the Exterior Design of the Building and to

Allow Off-Street Parking – The Property is Located at 21311 and 21353 Foothill Boulevard (Continued From 9/11/03)

Associate Planner Emura explained that staff was bringing the item back at the earlier request of the Commission.

The public hearing opened at 7:33 p.m.

David Lee thanked the Commission for their support and said the church would follow all of the conditions. He explained that he now would go to the Building Department.

The public hearing closed at 7:34 p.m.

Commissioner Halliday **moved**, seconded by Commissioner McKillop, to support the staff recommendation on the project. She added that she thought staff did a good job to satisfy the concerns previously expressed by members. She noted that the findings could show that this project was in the public interest because it proposed shared parking. She said she was happy to support it.

Commissioner Sacks amplified briefly on the shared parking recognizing that there is a risk. She noted that the conditions address as much as possible reducing the risk. It finally comes down to trusting the good faith of the people involved.

Chairperson Zermeño commented that it was a fine project.

The motion passed 5:1, with Commissioner Bogue voting "No" and Commissioner Thnay absent.

2. **Site Plan Review No. PL-2003-0017 – Ali Feroz (Applicant/Owner)** – Construction of Second Single-Family Dwelling - The property is located at 22277 Pearce Street

Principal Planner Patenaude described the proposed residence. He noted that staff would be asking for more detail on the design of the house when submitted. An issue with the project is that the design guidelines for the cottage limit a dwelling to a footprint of 900 sq feet and a total of 1,200 sq feet. He indicated that the architect is willing to shave off a foot, bringing each floor to below of the 900-sq feet. This would meet the intent of the Design Guidelines and also provide additional width for the driveway area. Staff recommended reduction of the home and approval for the conditions.

Commissioner Bogue questioned the access to the existing home now.

Principal Planner Patenaude explained that the present gate would be removed, as would the existing tubular steel fence. The conditions would include having white picket fencing.

Commissioner Halliday asked about the rules regarding the shared driveway.

Principal Planner Patenaude explained that each would have a separate drive and garage. Both homes would remain on one property.

Commissioner McKillop asked whether the first floor would be retained and second story added above it.

Principal Planner Patenaude said this would be a brand new 2-story house alongside the one-story present structure.

Commissioner McKillop then asked how staff would enforce the landscaping conditions proposed.

Principal Planner Patenaude explained that the condition would be part of the site plan for the project and then memorialized by the approved plan with the building permit. If not maintained it can be enforced through the community preservation staff.

Commissioner Fraas commented that this is a charming street, with mixed housing on it and was the applicant willing to maintain the historical integrity of the design along with the intent of the district.

Principal Planner Patenaude noted that this project would blend with the present housing. He said this is why staff is asking for additional detail in the plans.

Commissioner Sacks commented that she was hearing that this is one piece of property with two houses. She then asked about the ownership of the property.

Principal Planner Patenaude responded that he believes it is one family. However, the zoning allows second units on lots that are double the size of existing unit. This is typically allowed by the ordinance.

Commissioner Sacks suggested that this could be one family using both or one could be a rental or they could be renting both. Principal Planner Patenaude agreed that all would be legal.

Chairperson Zermeño asked why the garage is wider on original.

Principal Planner Patenaude explained that the original garage is over-sized. However, the new one is legal.

Commissioner McKillop asked about the requirement for number of bedrooms and garage.

Principal Planner Patenaude said it is different for this design district, which encourages a long driveway.

The public hearing opened at 7:50 p.m.

Jack Sullivan, designer, said they had worked for about a year on this project. He added that they had reviewed and agreed with conditions.

Celeste Perry, whose mother lives north of the property, said they were concerned about the height of the fences as well as the number of cars indicated by the square feet of the property and number of people. She said she was in favor of more off street parking. This is a special district so for an 84-year old public street parking is important. She noted that adding more people adds more cars.

Planning Manager Anderly explained that currently there are a number of family members in this house now.

Mrs. Perry said the special district does not work in this area.

Commissioner Halliday asked whether her mother could park in front of her own driveway.

Mrs. Perry explained that it is not legal to park in front of your own driveway.

Principal Planner Patenaude said another issue Mrs. Perry brought up was the height of the fencing on side is restricted to 6-feet on the sides of the property.

The public hearing closed at 7:57 p.m.

Commissioner Bogue asked about the garage requirement, and whether the Commission could require a larger two-car garage.

Principal Planner Patenaude said they could require it but he did not know how it would affect the total lot coverage.

Commissioner Bogue then commented that he saw no condition requiring that the garage be kept clear for parking of vehicles.

Principal Planner Patenaude said they could add that phrase.

Commissioner Sacks **moved**, seconded by Commissioner McKillop, to support the staff recommendation, including the reduction of the square footage, as well as a condition that the garage be kept clear.

Commissioner Sacks said she appreciated Mrs. Perry's comments about parking. However, this issue comes up regularly regarding how much is needed, it is never enough. This is not going to solve the problem. She said she would suggest seriously addressing the possibility of keeping cars off certain streets. This could be a test case. She noted that at her home you do not park on the streets. There is guest parking but no parking on the streets. She suggested there should be some way to carry this restriction over to other neighborhoods.

Chairperson Zermeño said he would echo the need to study parking within the City of Hayward.

Commissioner Bogue said he would support the motion adding he was pleased to see landscaping requirements, adding that on Pearce Street, each home has a small front yard. This property needs landscaping which will tie it into the neighborhood.

Chairperson Zermeño then thanked the Perrys for coming to this meeting.

Commissioner Halliday then added she would be in favor of the Police Department not citing Mrs. Parry's car were it parked in front of her own drive-way.

The motion passed unanimously 6:0:1, with Commissioner Thnay absent.

3. **Administrative Use Permit No. PL-2003-0328 – Misako Hill for Cingular Wireless (Applicant) / Hugh and Jeff McClung (Owners) –** Request to Install a Light Pole Telecommunication Monopole to Replace an Existing Pole at Carlos Bee Boulevard and to Locate Equipment Cabinets on Site - The Project is Located at 24900 Mission Boulevard

Associate Planner Emura gave the report. He discussed replacing the existing pole with a higher antenna, noting that staff had added further conditions to improve the site, add trees and repair a wooden fence, as well as providing vines. A resident expressed concern regarding the radiation. However, the applicant provided a study indicating that the radiation is just over 1 percent of the max allowed. Staff was recommending approval.

Chairperson Zermeño asked about the discrepancy on the maps from Hayward Honda and Hayward Chevrolet.

Associate Planner Emura said the applicant apparently forgot to change the name from the original submittal of August 2000.

The public hearing opened at 8:07 p.m.

Misaka Hill, representing the applicant, said they agreed to all the conditions, and said she was available to answer questions.

Commissioner Halliday suggested that building the new pole on the location of the old pole was fine but the existing trees do not screen the old pole.

Ms. Hill said driving on Mission toward Carlos Bee, the two trees do screen the present pole. They would also be adding an additional tree on Mission for northbound screening.

The public hearing closed at 8:10 p.m.

Commissioner Sacks commented that she had never seen that antenna, since there is too much traffic on Mission in that area. She then **moved**, seconded by Commissioner McKillop, to support the staff recommendation. She added that she was happy to see the scientific explanation regarding the radio waves, as well as further landscaping which was included in the conditions.

The motion passed 6:0:1, with Commissioner Thnay absent.

4. **City of Hayward Revised Housing Element – Referred by Planning Director**

Community and Economic Development Manager Bauman reviewed the State Housing and Community Development Department (HCD) reaction to the previous report. There were four different areas in which they asked for more detail and greater specificity. She noted the changes they had asked for saying the State wanted land inventory revised. As a result, two inventories were developed and mapped as well as a visual assessment of the property was made. The City of Hayward included no parcels of less than one acre unless they could adjoin and comprise an acre. They wanted to know the zoning because the City needs to meet the housing needs of low, very-low, and moderate income housing needs. The City of Hayward could count only the high-density parcels to meet the needs of very low income housing needs. The City demonstrated that they could meet the need. In each category, the City has demonstrated that it could meet the need. The second item was Governmental and Non-governmental constraints. They wanted all the information combined into the Housing Design Element. The also wanted more detailed information of the permit process and the cost of the permit fees. The City is no higher than surrounding jurisdiction. They also wanted further information on the physical environment. In the land inventory there is no parcel adjacent to the fault. HCD also asked for more precise information about strategies and programs. She noted a new addition, removal of constraints of housing with people with disabilities. After reviewing it with HCD, they indicated that with two small modifications they would certify it.

Chairperson Zermeño asked whether the Commission was to act on this.

Community and Economic Development Manager Bauman indicated that the Commission was to review, comment and recommend this to the City Council for adoption.

Commissioner Fraas asked whether there were zoning inconsistencies relative to General Plan.

Planning Manager Anderly explained that all had been corrected and that each category has potentially compatible designations.

Community and Economic Development Manager Bauman added that staff worked closely with Senior Planner Calame who reviewed each parcel.

Commissioner Halliday commented that it was a good report on the situation. While the state has certain requirements for building, we have added units to fulfill the moderate and above moderate range, but have not added to the obligation to build low and very low units. Although there is land zoned and available for these units. Although the City Council has

passed the Inclusionary Zoning Ordinance, with the economic problems, funds available for this housing could be at risk. She added that she did not see a plan for how they would meet this requirement and goal.

Community and Economic Development Manager Bauman explained that staff is working with Eden Housing to develop a 50-unit project for very low-income housing. She agreed that the Inclusionary Ordinance is the best shot we have. When the Housing Element is certified, the City will be able to access Proposition 46 funds for housing development. As a result, she said there is some hope. It just means taking it one bite at a time. The City needs to encourage developers to build low-income housing and also do our best to encourage utilization of funding for low-income units. She agreed it was a difficult situation.

Commissioner Halliday asked her to comment on special needs housing. She asked how to analyze and promote emergency programs for homelessness. She noted that it was disheartening to see 104 beds for the homeless throughout the City, while the need increases. Family Emergency Services (FESCO) turns away too many people each week. She asked how to promote shelter for the homeless.

Community and Economic Development Manager Bauman said they continue to promote block grants, work with groups interested in putting together projects to help.

Commissioner Fraas asked her to discuss briefly the guidelines about new housing and what about rehab housing within the City of Hayward.

Community and Economic Development Manager Bauman explained that the State goals are for new housing, they have added rehabilitated housing. However, certification is based on new housing. HCD people recognize this. However, their goal is different: theirs is the production of new housing, so the projection of new residents will have a place to live. Ours is quality of life. She noted that they agreed to disagree.

Commissioner Fraas cited the cities in the valley, which have more land and where in the more in-land cities will the land come from.

Chairperson Zermeño asked what happens when the City cannot meet the projected need.

Community and Economic Development Manager Bauman explained that localities are required to rezone into residential parcels, for the housing element to be certified.

Commissioner Halliday commented that the City of Hayward has shown that we have land zoned that would be capable of accommodating the housing, what we have not shown is that we have the funds or means of meeting the goals. She asked for further information about penalties.

Community and Economic Development Manager Bauman agreed that the State is aware that localities do not control the financing environment for construction of housing. She agreed that the zoning must be not so rigorous that developers cannot understand it and build to it. HCD requires simplification. Their focus is on land available. The State projections of population might not be correct. Loss of jobs and out-migration was not taken into account when they came up with the numbers. The period might be lengthened as a result.

Commissioner Sacks asked whether out-migration has not left us with a larger percentage of low and very low-income residents.

Community and Economic Development Manager Bauman explained that the jobs lost category is the statistic they have. These are jobs, which were higher paying, people who could have afforded to buy their own homes. She said she does know there are plenty of residents here who want to buy and move up, so the demand for housing is still great. She added that we are not seeing a decrease in projects coming into the City. Developers are still building and selling out.

Chairperson Zermeño asked about the First Time Homebuyers program and how the funding remains stable.

Community and Economic Development Manager Bauman said that the City Council has allowed repayments to be contained into a revolving fund. Which means there is more than the $200,000, as a result there is more than $500,000 in a separate fund from repayments for new loans. This is a real help with more first time homebuyers although, she admitted, it will be difficult to meet the 70 percent goal of homeownership within the City. It's a goal.

Commissioner Fraas commented that the City has not had to use CDBG funds for two years already.

Community and Economic Development Manager Bauman explained that the CDBG funds were for households below the medium income, when house prices got so high that in order to fill the gap between what those families could afford and the subsidy, it would have to be about $50,000. She added that HUD had lead-base paint requirements, which made it economically infeasible to continue that particular program.

Chairperson Zermeño asked about the total number of households in Hayward, 44,000 in the City the 45, 000 in the planning area. He was told the 44,000 were in the City of Hayward and the 45,000 are in the Planning Area. He recommended staff add a grand total to the bottom of the graph.

Commissioner Bogue added his thanks and commendation for report, which should be approved by the State. He expressed concern regarding the rezoning of land for housing with no regard to the services and needs of people. He thought the State is not looking at that the way they should. How do you interface one use with the other.

Commissioner Halliday added a comment asking where the City of Hayward is on the percentage goal of owner-occupied housing units.

Community and Economic Development Manager Bauman noted that the City of Hayward is somewhat below 60 percent at this point.

Planning Manager Anderly commented that every project to come to the Commission since the ownership policy was instated, have been ownership type housing. Even the smaller projects developers have put condominium maps on the units.

The public hearing was opened and closed at 8:45 p.m.

Commissioner Fraas **moved,** seconded by Commissioner Bogue, to recommend to the City Council to accept Housing element. **The motion passed 6:0:1, with Commissioner Thnay absent.**

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted the final meeting of the Commission for this month on October 23. She added that normally the fourth Thursday would be the Volunteer Recognition Awards dinner but that this year it will be held on October 30.

6. Commissioners' Announcements, Referrals

Commissioner Halliday said she understood that Community Planning and Economic Development Manager Bauman would be retiring soon. Ms. Bauman explained that she had initially thought to retire at the end of this year but decided to stay until the end of April in order to see through the completion of an affordable housing project.

Chairperson Zermeño commented on a letter from the Turf Club.

Principal Planner Patenaude responded that the Club has removed the netting and staff is working with them on the issue of the dumpster.

Chairperson Zermeño also mentioned an upcoming meeting.

ADJOURNMENT

The meeting was adjourned by Chairperson Zermeño at 8:50 p.m.

APPROVED:

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Christopher Thnay, Secretary
Planning Commission

ATTEST:

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Edith Looney
Commission Secretary