MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 29, 2004, 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 Acting Chair Thnay followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS:	Fraas, Thnay (Acting Chair), Bogue, Peixoto
Absent:	COMMISSIONERS:	McKillop, Zermeño
	CHAIRPERSON:	Sacks

Staff Members Present: Anderly, Emura, Bauman, Koonze, Lens, Macias, and Rizk

General Public Present: Approximately 20

Chair Thnay announced that only four Commissioners were present and any items considered would have to pass unanimously. He asked if any of the representatives for hearing items wanted their items to be continued to please come forward and state a request.

Steven James Sanchez, for property owner Peter Sanchez, regarding Revocation of Use Permit 93-50, item 4 on the agenda, requested that the matter be continued.

Kent Woodell, representing Tom Palatino, regarding Variance No. PL 2004-0273, item 3 on the agenda, requested that the matter be continued.

Planning Manager Anderly stated that they would be notified when the hearings have been rescheduled.

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. Variance No. PL-2004-0195 – George Fernandes (Applicant/Owner)

   Staff report submitted by Planning Manager Anderly, dated July 29, 2004, was filed.

Associate Planner Emura presented the staff report. He responded to questions from Commissioners.

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

Mr. George Fernandes, Applicant/Owner, addressed the Commission and provided additional clarification regarding the relocation of the electrical and gas meters. He noted that he had been severely ill previously and is only now able to undertake these changes and finish the home.

Acting Chair Thnay closed the public hearing closed at 7:48 p.m.

Commissioner Bogue moved, seconded by Commissioner Fraas, that the Planning Commission 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 Limitation, and approve the variance subject to the attached findings and conditions of approval.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS	Fraas, Thnay, Bogue, Peixoto
NOES:	None	
ABSENT:	McKillop, Zermeño	
	CHAIRPERSON Sacks	
ABSTAIN:	None	

2. Text Amendment No. PL-2004-0314

Staff report submitted by Associate Planner Rizk, dated July 29, 2004, was filed.

Associate Planner Rizk presented the staff report. He responded to questions from the Commissioners. There was consensus that if the City is the lead agency, it would be in a better position to control the future of the La Vista Quarry should the site be annexed to the City.

Acting Chair Thnay opened the public hearing at 8:05 p.m.

William Weller, resides near the quarry, suggested that things stay the same. He expressed concerns related to the possibility of a future development with large homes, with four cars per home, creating even greater traffic than currently being experienced. He suggested any such action should be deferred until studies are completed in the fall.

Sam Tavake, neighbor of the quarry, spoke in support of the Quarry.

Mimi Bauer, Fairview Park Neighborhood Association, expressed concern regarding the City becoming lead agency and accepting whatever the County decides relative to the quarry. She wanted to make sure that the Quarry is not allowed to deteriorate because the owners did not get approval to put the number of houses they originally wanted. She asked that the City bring back the matter to the community before a decision is made about the Quarry.

Associate Planner Rizk recommended that anyone who has concerns regarding the Quarry's permit request should participate in the upcoming County hearings.

In response to Commissioner's Fraas' question regarding the role of the City with the Quarry,

Assistant City Attorney Conneely clarified that the City would provide input to the County for purposes of evaluating the request for the extension of the use permit, but that the County is the deciding authority.

In response to Commissioner Thnay's question regarding the role of the City as lead agency, Associate Planner Rizk noted that in addition to having input to the EIR, the County will be receiving input for the mining permit itself.

Bob McCarrick, Dumbarton Quarry Associates, the operator of La Vista Quarry, stated he and his staff have reviewed the proposed SMARA ordinance and believe it is a good one and they look forward to working with the City in the future.

Acting Chair Thnay closed the public hearing at 8:16 p.m.

Commissioner Fraas moved, seconded by Commissioner Peixoto, that the Planning Commission recommend that the City Council adopt the Negative Declaration and associated ordinances, Text Amendment (PL-2004-0314), amending the Municipal Code in accordance with the State's Surface Mining and Reclamation Act (SMARA) and establishing provisions related to asphalt and concrete batch plants.

Discussion ensued related to the possibility of not taking any action on the matter. Associate Planner Rizk clarified that comprehensive review would occur if the Quarry wanted a change, or if there was non-compliance with the permitted use, or if they want to expand operations.

Acting Chair Thnay reopened the public hearing at 8:22 p.m.

Mimi Bauer suggested that the annexation should occur first. Discussion ensued with no further determination.

Acting Chair Thnay closed the public hearing at 8:24 p.m.

The motion **carried** by the following vote:

AYES:	COMMISSIONERS	Fraas, Thnay, Bogue, Peixoto
NOES:	None	
ABSENT:	McKillop, Zermeño	
	CHAIRPERSON Sacks	
ABSTAIN:	None	

3. Variance No. PL-2004-0273 - Tom Palatino (Applicant/Owner)

Staff report submitted by Assistant Planner Koonze, dated July 29, 2004, was filed.

(Item continued at request of Applicant representative Kent Woodell.)

4. Revocation of Use Permit 93-50 – Initiated by the Planning Director – El Tapatio Nite Club (Licensee) / Peter and Carmen Sanchez (Owner)

Staff report submitted by Planning Manager Anderly, dated July 29, 2004, was filed.

(Item continued at request of property owner representative.)

ADDITIONAL MATTERS

5. Oral Reports on Planning and Zoning Matters

Due to equipment changes, Planning Manager Anderly indicated that she was not sure if the Council Chambers would be available by September 2 for a Commission meeting. She would notify Commissioners as soon as possible regarding the next date for a meeting.

6. Commissioners' Announcements, Referrals

Commissioner Bogue reminded everyone about the Downtown Street Party on August 19.

Acting Chair Thnay reminded everyone about the Hayward Zucchini Festival on August 21 and 22.

APPROVAL OF MINUTES

Minutes of July 1 and July 8 were approved.

ADJOURNMENT

The meeting was adjourned by Acting Chair Thnay at 8:32 p.m.

APPROVED:

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Christopher Thnay, Secretary
Planning Commission

ATTEST:

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Connie G. Macias
Deputy City Clerk