

**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, Thnay
 CHAIRPERSON Zermeño
 Absent: COMMISSIONER None

Staff Members Present: Anderly, Camire, Conneely, Emura, Looney

General Public Present: Approximately 8

PUBLIC COMMENT

Deborah Rubie spoke about the letter written by Planning Manager Anderly regarding the Highland property near them. She explained the most recent developments. She asked for members to keep the issue in front of them. She said she was concerned that a property owner can ignore the request of the City of Hayward. She thanked everyone for giving attention to this issue.

Lisa Bruner thanked all for their consideration at 1842 Highland. She indicated that the neighbors are a very active and concerned group. She noted the statistics regarding low-income and Section 8 housing within Hayward. It was her opinion that Hayward already has plenty of low-income housing.

AGENDA

1. **Variance No. PL-2003-0481 – Manuel Maravilla (Applicant/Owner) – Request to Allow a Garage Extension With a 10-Foot Width Where 11-Feet is Required – The Project is Located at 422 Elmwood Lane**
2. **Use Permit No. PL-2003-0628 – Jason Smith for Cal Com Systems/Verizon (Applicant) / Larry Duke (Owner) – A Request To Install a Roof Mounted Lattice Telecommunications Tower 71 Feet in Height, Replacing a 79-Foot High Roof Mounted Tower Which Would be Removed – The Project is Located at 28953 Mission Boulevard**

PUBLIC HEARINGS

1. **Variance No. PL-2003-0481 – Manuel Maravilla (Applicant/Owner) – Request to Allow a Garage Extension With a 10-Foot Width Where 11-Feet is Required – The Project is Located at 422 Elmwood Lane**

Associate Planner Emura described the property which first came before the Commission on October 23. At that meeting, staff was asked to bring back the report with findings for approval. He noted that staff could not make the necessary findings to approve the variance. This property is a typical single family lot. There are no special circumstances applicable to the property. The applicant could reduce the width of the adjacent bedroom to meet the 11-foot wide garage width.

Commissioner Thnay asked about reducing the bedroom from 9-feet to 8-feet.

Associate Planner Emura said the applicant would consider reducing the bedroom to comply with the garage width requirement.

Chairperson Zermeño opened the public hearing at 7:44 p.m.

Juan Gonzalez, speaking on behalf of the applicant, said they were trying to improve the neighborhood by building the proposed addition. He noted the conditions of approval and the changes requested by the Planning staff. Mr. Maravilla does not agree with the changes being requested. He noted other new houses being built which are comparable to what Mr. Maravilla is proposing.

Chairperson Zermeño asked about changing the size of the bedroom, adding that the transition between second and first floor is nice.

Mr. Gonzalez said changing the size might be workable. He noted the number of cars in the street and said that extending the garage would eliminate two cars. Most of the neighbors have small houses and have changed garages into storage areas. He showed pictures of houses around the neighborhood and asked why one of the neighbors could build such a big house.

Chairperson Zermeño asked about the eight conditions and what the applicant's position would be.

Mr. Gonzalez said Condition 4 relating to the access to the second floor from the outside is necessary so the grandchildren can have access into the upper floor from the backyard. They would like to keep the stairs. Mr. Gonzalez agreed with condition 3 that the garage cannot be used for storage. He said they are trying to improve the look of the neighborhood. They disagree with conditions 4. a, c and d.

Planning Manager Anderly noted that if the variance is not approved, the conditions go away. However, the department has the right to require a site plan review if the building design is inconsistent with the City's design guidelines.

Commissioner Halliday asked about condition 4. d. and e., relating to an 'entertainment room' and whether they go together. Is condition d. to make the area smaller.

Planning Manager Anderly commented staff is concerned that the design is conducive to creating a separate unit. The second floor could be redesigned with two bedrooms while providing a vaulted ceiling downstairs to create a better transition between the surrounding single-story homes.

Commissioner Halliday asked about the appliance hook-ups.



Mr. Gonzalez said they would be okay eliminating the appliance wiring. They did not want the vaulted ceilings since what they have now are redwood beams, which would have to be removed.

Commissioner Halliday asked whether the City requires second floors to be smaller.

Planning Manager Anderly explained that the requirement is for a setback on the second floors for new units within 50 percent of homes in new subdivisions only. It would not be a requirement in this case.

Chairperson Zermeño suggested the applicant might have made a mistake including both a pool table and bar.

Commissioner Thnay asked why require conditions 4.a. and 4.e.

Planning Manager Anderly noted that these were not code requirements, but a matter of aesthetics. However, the entertainment room is more than 300 square feet.

Chairperson Zermeño commented that moving the entertainment room sends them back to the drawing board.

Commissioner Sacks asked why they wanted to retain the outside stairway.

Mr. Gonzalez explained that it could be used as a fire escape.

Manuel Maravilla said he is trying to improve his neighborhood. His neighbors agree that they will wait to see what happens when he starts building. He is trying to build something better looking for the area. If his petition is denied, others won't do anything either. He wants to do some improvements. He discussed the size of the existing bedroom. Reducing the size to 8-feet would cost too much money and still be a smaller bedroom. He explained that he is trying to enlarge the living area for his seven grandchildren. At this point they have to sleep in either the living room or his bedroom. He maintained he would like something better for them. In 1977, he enlarged the master bedroom.

Commissioner Halliday applauded him as a long time owner for wanting to improve the home. She confirmed with him that he had no plans to use the second floor as a rental property. She suggested he should be aware that the proposal would be ideal for someone else to convert to a second unit. Someday, he might sell the property, someone could buy it and rent it out as two units.

Mr. Maravilla explained that he plans to keep the house until he dies, at which point, he would not care about the house.

Commissioner Halliday commented that, though that might be true, the City of Hayward does care.

Commissioner Sacks emphasized that the implication is, if this addition is approved, there is nothing to prevent the conversion of the second story into a second unit if this house were sold.

Planning Manager Anderly stated that City ordinances would prevent this from being rented as a second unit.

Chairperson Zermeño explained that staff is concerned about the appliance hook-ups and wet bar. Could he accept changes to or elimination of those proposals.

Mr. Maravilla said yes, he could accept changes. That would be no problem.

Chairperson Zermeño added that he thought it was an excellent way to improve the neighborhood. He then closed the public hearing at 8:19 p.m.

Commissioner Sacks asked about another of the houses in the neighborhood depicted in the staff report. It was huge.

Associate Planner Emura explained that they did have building permits to add on to that house.

Commissioner Halliday **moved**, seconded by Commissioner Bogue, to deny the variance as staff had recommended.

Commissioner Thnay commented that the staff recommendation in condition 4 seemed sound to him, although, Condition 4, d. and e. regarding the entertainment room seemed to be a prejudgment. He said he would like to see further staff exploration pertaining to the applicant's sense of the uniqueness of the ceiling.

Commissioner McKillop discussed condition 4, and making the second floor smaller than the first floor. Obviously the appliance hook-ups should be gone. There needs to be some transition on the front of the house, either a balcony or something. She added that she did not see the supports on the front elevations. She said she agreed with all the other conditions.

Commissioner Sacks said she agreed to deny the variance for the 10-foot width, however, she did not want to see this project die. She indicated that she had no strong feelings about the access to the rear yard nor did she want to speculate on this becoming an illegal second unit. As to condition 4.c., she would agree with no support posts in front of the window. She continued that she had seen another home with something similar to this and it worked. As to 4.d., she would agree with no 220 wiring to the area. She noted that it looks like a "bonus room." There could be disagreement as to what "smaller than the first floor means." She added that she hopes this gets built.

Commissioner Halliday commented that the staff report makes it clear why they must deny the variance. She said she would agree with the conditions and comments. She would be inclined to remove the exit from the second floor. She agreed that they had looked at different houses in the neighborhood and thought it would be charming to see a second story balcony. This is an opportunity for those who live in the flatlands to have a chance for views. It could be a very attractive feature.



Commissioner Bogue said he would agree with most of the conditions of approval, 4.d., regarding the wet bar and hook-ups. He said he could see this moving into a separate unit. Commissioner Bogue continued that the balcony looks very attractive. However, part of it extends further than the original house. He said it might not have to be eliminated but other effects should be used to balance out the entertainment room. Perhaps the applicant could move the front wall back so that the roofline would then be moved back. He said they did not have to require the vaulted ceiling.

Chairperson Zermeño asked for staff to summarize this for Mr. Maravilla.

Planning Manager Anderly indicated that staff would like to work with Mr. Maravilla on design issues. She added that things might be better integrated. She agreed staff would work to keep the entertainment room.

Commissioner Bogue discussed the posts in front of the windows. The post is out 6 feet from the wall of the house and should be kept. He added that he would not be in favor of the outside stairs.

Commissioner McKillop agreed that it would not be appropriate for second exit.

Commissioner Thnay agreed that most homes have internal stairs. It would be unusual for exterior stairs. This would be too tempting for future owners to create a second unit.

Chairperson Zermeño commented that there are already quite a few changes when the applicant really just wants to improve his family home. He said he would approve of the outside stairs and not assume it would be used for a rental unit. He would not support the motion under other conditions.

Commissioner Sacks asked Commissioner Bogue about the post in front of the window and why it is okay.

Commissioner Bogue explained that the post is holding up the overhang to the house to provide protection. It is about 5-6 feet away from the front wall of the living room. He said the window is large enough to accommodate the visual obstruction from the post.

Commissioner Sacks said she would go along with that. However, she would like to keep the stairway.

Commissioner Halliday reiterated that the motion was to deny the variance and direct staff to work with the applicant with regard to sentiments of the Planning Commission about the style of the second story addition.

Planning Manager Anderly said it appeared that the majority did not support a second exit from the second floor to the exterior.

The motion to deny the variance passed 6:0.

Planning Manager Anderly reminded the applicant that they have 10-days to appeal the decision to the City Council.

- 2. Use Permit No. PL-2003-0628 – Jason Smith for Cal Com Systems/Verizon (Applicant) / Larry Duke (Owner) – A Request To Install a Roof Mounted Lattice Telecommunications Tower 71 Feet in Height, Replacing a 79-Foot High Roof Mounted Tower Which Would be Removed – The Project is Located at 28953 Mission Boulevard**

Associate Planner Camire described the project and the site of the building as well as the proposed tower versus the existing tower. The building currently has auto service related uses. She showed and described the slides of views of the towers throughout the neighborhood. She noted the conditions of approval, which would be required for the property, such as additional landscaping and fence replacement. She indicated that the applicant finds several of the conditions financially prohibitive. Staff has concerns regarding the aesthetics of the building. The union located across the street expressed concern regarding the view and the effect of the tower on their property. Staff recommends approval subject to the conditions of approval. Additionally, she asked that a condition requiring a masonry wall be removed and be replaced with a requirement for a wood fence.

Commissioner Halliday asked would the new tower be bigger in bulk than the existing one. She noted that the Fairway Park Neighborhood Association also wrote a letter in opposition to the size of the tower.

Associate Planner Camire responded that it would not notably be bigger.

Commissioner Halliday asked whether there was any meeting within the neighborhood about concealing or camouflaging the tower.

Associate Planner Camire said no there was not a neighborhood meeting. She added that the design of the tower does not lend itself to camouflage. Staff would recommend that the lattice be painted to make it less visible.

Planning Manager Anderly commented that the point of all of the landscaping was to draw the eye downward, away from tower.

The public hearing was opened at 8:52 p.m.

Jason Smith, Verizon Wireless, discussed the email from the Fairway Park Neighborhood Association. He noted that visibility would be reduced since they are removing the existing tower, moving the existing tower location back and reducing the height. In discussing the conditions of approval, he noted that the condition requiring landscaping in front of the property is acceptable. Condition number 8 requires a wooden fence, he explained the reason for the metal fence and razor wire are necessary for security. Replacing the wooden fence would be expensive. As to condition 9., a. through g., he explained, they would lose parking spaces if trees were



planted and it seems over-burdensome for this type of project. Conditions 16 and 17, are auto related. He suggested that there are reasons for the autos to be stored in the rear yard. It backs onto the BART property, so requiring a masonry wall would be onerous to the owners and might kill the project. The temporary carport is pertinent to the detailing use of the property. He also objected to condition 19, which requires pavement to be repaired. He emphasized that what they are doing is renting a 10x20 lease space to erect some cabinets for the antenna.

Jenny Swanstrom, the property owner's representative discussed the inoperable vehicles. Vehicles are towed to the business in mostly inoperable condition. The cars are not abandoned on the site.

Commissioner Halliday asked staff to comment and whether this was an attempt to change the use of the property.

Associate Planner Camire said that the condition restricting inoperative vehicles was not meant to change the use of the property but to address property maintenance.

Chairperson Zermeño asked about the vehicles and whether they were inoperable and abandoned.

Associate Planner Camire suggested the condition be redefined to read, "those awaiting repair."

Ms. Swanstrom explained that the fence is necessary as security for the cars while they are stored and awaiting repairs.

Chairperson Zermeño discussed the enhanced looks of buildings in that area and wondered whether a compromise could be reached with staff so the site would not look so bare.

Mr. Smith said they had agreed to provide landscaping in front.

Ms. Swanstrom said that landscaping would cause the elimination of parking along the front which would not be feasible.

Commissioner Bogue asked how much space would be available for landscaping.

Ms. Swanstrom stated that accommodating a landscaping plan was just not feasible.

Commissioner Halliday asked what was the need for parking in this area.

Ms. Swanstrom said sometimes the lot is just jam-packed with vehicles.

Associate Planner Camire said there are also several parking spaces located on the side of the building adjacent to the bays. She added there are more on the site than the 13 spaces on the Mission Boulevard frontage.

Commissioner Thnay said the intent of 9.c. is to screen the area. He said he still thought that the Planning Department could work with them to enhance the areas.

Commissioner Sacks also asked about the landscaping they would be willing to do.

Mr. Smith said they would agree to the landscaping in front.

The public hearing closed at 9:12 p.m.

Planning Manager Anderly stated that the use of razor or barbed wire is prohibited by zoning ordinance. She noted that razor wire is a rather new material, as opposed to barbed wire so it was probably not grandfathered in.

Commissioner Thnay **moved**, seconded by Commissioner Sacks, to approve the staff proposal with modified conditions of approval. The modifications included condition 9.c. to leave to the discretion of the Planning Director as to the planting of trees. Strike the first four sentences in 9.c.. 9.d. the landscape buffer is deleted. Condition 16, "all inoperable vehicles left for 3 months..." strike out condition 17, replace with condition 8, since razor wire is against code so staff proposed a wooden fence. Strike out condition 18 since it is part of the business. He changed this with a condition to read, "Staff should verify whether the temporary carport was installed with a permit, otherwise it should be removed."

Associate Planner Camire said the adjacent property owners have wooden fences.

Commissioner McKillop discussed the corrugated metal fence. Although this is not the ideal, she suggested replacing it with wood would be prohibitive.

Associate Planner Camire said the BART property has a chain link fence.

Commissioner McKillop said she would like the applicant to put more money into more landscaping in the front of the building than a decorative wood fence in the back not seen by anyone.

Planning Manager Anderly said since it is an aesthetic issue, either replace the fence or hide it well. Were it covered by landscaping it could be attractive. However, this would require watering lines.

Commissioner McKillop noted that the wooden fence would be cost prohibitive.

Mr. Smith said they were open to exploring alternatives to replacing the whole fence, which would exceed the cost of the tower.

Commissioner McKillop proposed for condition #8, the razor wire removed, and require irrigation and planting to make the metal corrugated fence more attractive.

Commissioner Bogue agreed. However, he was more concerned with landscaping in the front of



building. He confirmed that 9.a. would be left in the motion. As to 9.c., he liked staff having the flexibility. He then spoke to the letters, the new antenna would be more visible than the present tower. He said this is probably the most appropriate and smallest design possible for the site.

Commissioner Halliday said she was reluctant to support the motion. She said she would have liked more discussion with the neighbors and was not sure the notice was adequate to the needs of the Neighborhood Association. She agreed that camouflage is not appropriate for this instance. She added that the property would be improved with these conditions.

Chairperson Zermeño said he would support the motion since this would improve the property.

The motion passed 6:0, with Commissioner Fraas absent.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly reported on the City Council action with regard to the Hayward Commons. She noted the changes to the project stating that one unit was removed and additional guest parking was added. She then mentioned that a work session on variances, conflicts of interest, and the Brown Act would be held before the next meeting on December 11. She also commented that the annual Holiday dinner would be held at Chairperson Zermeño's home on the 18th.

3. Commissioners' Announcements, Referrals

Commissioner Bogue commented that he saw the meeting of the City Council regarding Hayward Commons. He complimented staff on their work on the project.

Commissioner Halliday asked when the Centennial Towers would be before City Council.

Planning Manager Anderly responded that it should be on the meeting of the 16th of December.

Commissioner Halliday then discussed that she and Commissioner Sacks attended the grand opening of the Hayward Arts Council on the second floor of the Victorian House across the street.

Commissioner Sacks noted that she went through the models at the Stratford Village. However, she said she was disappointed with the quality of the materials and workmanship. Another project is the Tibercio Vasquez building on Mission at Grace. She added that it is interesting to see that come along. It seems to be shaping up nicely.

Chairperson Zermeño noted a new taqueria on Huntwood and Industrial Boulevard. He said the family is very happy.

APPROVAL OF MINUTES

- October 9, 2002 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Zermeño at 9:43 p.m.

APPROVED:

Christopher Thnay, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary