



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Williams, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Bennett, Bogue, Caveglia, Fish, Halliday, Zermefio
	CHAIRPERSON	Williams
Absent:	COMMISSIONER	Fish

Staff Members Present: Anastas, Anderly, Collins, Frascinella, Looney, McClellan, Patenaude, Woodbury

General Public Present: Approximately 20

PUBLIC COMMENT - None made

AGENDA

1. Referral by the Planning Director: Use Permit Application No. 98-160-10 - Peter Jacobsohn (Applicant)/Dr. Sandeep Salwan (Owner) - Request to construct a three-story structure consisting of the following: approximately 2,300 square feet for recovery room space located on the street level, a 5,700 square-foot veterinary clinic/hospital on the second level, and a 2,400 square-foot residential unit on the third level; and a request to allow parking for this structure on residentially-zoned property. *The project location is 21888 Foothill Boulevard, in the Neighborhood Commercial (CN) and Medium-Density Residential (RM) Zoning Districts.*

2. General Plan Amendment 98-110-04, Zone Change 98-190-09, Variance 99-180-05, Tentative Map Tract 7063 and a Request to Vacate Excess Right-Of-Way Along Orchard Avenue - Greystone Homes (Applicant)/Serra LLC et. al. (Owners) - Request to change General Plan designation from Mixed Industrial to Limited Medium Density Residential; change zoning from Industrial (I) and Agricultural (A) Districts to Single Family Residential, 4,000 square foot minimum lot size (RSB4) District; a variance to reduce the front and rear yard setbacks, a request to subdivide 5 parcels totaling 11.62+ acres into 74 single-family residential parcels, a request for a variance for the lot depth for two lots having a minimum lot-depth between 57 to 63 feet where a minimum 80-foot-depth is required and a request to vacate excess right-of-way on Orchard Avenue adjacent to the Southern Pacific Railroad right-of-way. *The property is located along the east side and adjacent to the Southern Pacific Railroad right-of-way between Orchard Avenue and the P.G.&E. easement south of Berry Avenue.*

3. General Plan Amendment/Zone Change 99-110-01, Vesting Tentative Map Tract 7124, Vacation Of Excess Right-Of-Way And Site Plan Review/Use Permit 99-130-03 - Summerhill Huntwood Ltd. (Applicant), Summerhill Homes And Hayward Area Recreation & Park District (Owners) - Request to change General Plan designation from Open Space Parks & Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4); subdivide 5.9 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan. *The site is located between Industrial Parkway and Olympic Avenue, east of Huntwood.*

PUBLIC HEARINGS

1. Referral by the Planning Director: Use Permit Application No. 98-160-10 - Peter Jacobsohn (Applicant)/Dr. Sandeep Salwan (Owner) - Request to construct a three-story structure consisting of the following: approximately 2,300 square feet for recovery room space located on the street level, a 5,700 square-foot veterinary clinic/hospital on the second level, and a 2,400 square-foot residential unit on the third level; and a request to allow parking for this structure on residentially-zoned property. *The project location is 21888 Foothill Boulevard, in the Neighborhood Commercial (CN) and Medium-Density Residential (RM) Zoning Districts.*

Associate Planner Patenaude described the project and the location of the property. He indicated that the rear of the property would remain vacant. It will connect with Rockford Road to the southeast by a short roadway which will be gated and used only by emergency vehicles. Directly to the north of the site on Foothill is the Super '8' Motel, which has already been approved for future expansion. The proposed structure is designed with a Mediterranean theme and is consistent with the design policies of the North Hayward Neighborhood Plan. The structure will be three stories and will match the elevation of the Motel next door. Parking will be toward the rear of the property. He also described the apartment on the third floor of the structure, which will allow the clinic to be staffed 24-hours a day.

Commissioners had various questions about the design of the building. These were answered by the architect/applicant, Peter Jacobsohn, who explained the various drawings and the elevations.

Commissioner Halliday asked about long-term boarding of animals and Development Review Administrator Anderly said the project does not involve a kennel. In this case the animals are only staying through their surgical recovery, only a day or so.

The Public Hearing was opened at 7:59 p.m.

Peter Jacobsohn, 4449 Grover Drive, Fremont, said he was available to answer further questions. He indicated that the owner's son, a newly licensed veterinarian who was recently wed, would occupy the apartment on the third floor with his family.

Commissioner Caveglia complimented him on the beauty of the building, describing it as the best looking building he has seen during his years on the Commission and saying it will be a fine addition to the Foothill strip.



Carla Reeves, 882 Bedford, Fremont, spoke about a recent incident she had at the clinic in Fremont. She explained her anger toward the clinic and owner.

Dan Howell, 21923 Rockford Road, lives at the end of Rockwood and said that there are a lot of trees in that area that he is afraid will be removed. He was adamantly opposed to the project and worried about further future expansion.

Annette Renee Howell, 21923 Rockwood Road, also opposed the project saying there are 20 to 25 trees in the area. She brought with her a list of complaints filed with the Veterinary Board against the owner. She added that the noise from the clinic would carry up to their bedroom.

Judy Anne Wright, 1251 Rex Road, said she has lived in Hayward for 20 years and this is one of the last pristine areas to walk through and enjoy. She indicated that the benefits to the community of the clinic do not outweigh the damage that will be done to the environment and the need for open space. She said she did not think there would be adequate parking.

Linda Lasky, 2048 Sarasota Lane, said there are only a few places left in the City to walk a dog and this is one of them. She added that she is not sure there is a need for another vet in the City and she was concerned about the complaints brought against the owner.

Peter Jacobsohn responded that one of the conditions addressed the noise factor, and it is not to escape the building; there will be no windows. He explained that in Fremont, residents are within 10 feet of that clinic. He added that they had an arborist who checked out all the trees on the property and in the rear where the majority of them are located, there will be no building there at this time. The residence is to allow someone to be at the location at all times. As to parking, he said there is two and one-half times the amount as that at the Fremont site. They had considered a location in San Leandro at which there would have been half the amount of parking as well. He said the building is designed to the slope of the property and will complement the Motel '8' next door.

Public Hearing Closed at 8:14 p.m.

Commissioner Bennett asked whether members could consider the information provided from the Veterinary Board as a determining factor.

Assistant City Attorney Borger said they could not since their only concern had to be with land use decisions. The status of the licensee is not an issue for the Planning Commission.

Commissioner Zermefio asked about the landscaping on the property. Senior Planner/Landscape Architect Woodbury said the arborist had already submitted a report and some of the unhealthy trees on the property will be removed and many of the healthy trees would remain. For those removed there will be a mitigation procedure which will replace them with comparable trees.

Commissioner Caveglia moved, seconded by Commissioner Bennett, the proposed recommendation.

Commissioner Caveglia added that this was a tough decision except that it fits into the commercial corridor on Foothill. He said Commissioners had no choice but to approve the proposal.

Commissioner Bennett said the project and the architecture fit into the City plan for that area. She said her vote was in support of building and not who was running it.

The motion carried by the following vote:

AYES:	COMMISSIONERS Bennett, Caveglia, Zermeño CHAIRPERSON Williams
NOES:	COMMISSIONERS Bogue, Halliday
ABSENT:	Fish
ABSTAIN:	None

2. General Plan Amendment 98-110-04, Zone Change 98-190-09, Variance 99-180-05, Tentative Map Tract 7063 and a Request to Vacate Excess Right-Of-Way Along Orchard Avenue – Greystone Homes (Applicant)/Serra LLC et. al. (Owners) - Request to change General Plan designation from Mixed Industrial to Limited Medium Density Residential; change zoning from Industrial (I) and Agricultural (A) Districts to Single Family Residential, 4,000 square foot minimum lot size (RSB4) District; a variance to reduce the front and rear yard setbacks, a request to subdivide 5 parcels totaling 11.62+ acres into 74 single-family residential parcels, a request for a variance for the lot depth for two lots having a minimum lot-depth between 57 to 63 feet where a minimum 80-foot-depth is required and a request to vacate excess right-of-way on Orchard Avenue adjacent to the Southern Pacific Railroad right-of-way. *The property is located along the east side and adjacent to the Southern Pacific Railroad right-of-way between Orchard Avenue and the P.G.&E. easement south of Berry Avenue.*

Senior Planner McClellan presented the staff report and indicated that the project is consistent with the Neighborhood Plan for this area. He said this proposal would enhance the residential character of the neighborhood. The area is presently occupied by industrial structures and a few single-family homes, which will be removed. Adjacent to the property is the flood control channel at Berry Avenue; south of the project is a PG&E easement. He indicated that they had received an e-mail from David Smith objecting to the density of the development. The mitigated negative declaration will include four items: two related to noise and two related to traffic. There will be a 7-foot high soundwall to the north side of the tract running along the railroad tracks and for those homes within 80 feet of the centerline of the railroad tracks, a mechanical ventilation system will need to be provided. Because the living spaces have a westerly exposure, staff is requiring the installation of an air conditioning system rather than a mechanical air exchange system. The traffic mitigation measures include additions to the Harder Road Grade Separation Project and include adding turn lanes, striping, and signal modifications at both intersections of Orchard Avenue and Soto Road, and at Jackson Street and Soto Road.

Chairperson Williams commented that he had had a previous meeting with the developer at the site in April.



Commissioner Halliday said she had contact with a representative by phone and asked for further information about not considering the impact on schools in the area when considering development proposals.

Development Services Review Administrator Anderly said the Commission could deny the project but for reasons other than school impacts.

Commissioner Zermeño said he met with the developer at the site as well.

Public Hearing Opened at 9:04 p.m.

Sue Shaffer, Greystone Homes, 920 Hillview Court, Suite 280, Milpitas, for the developer, said they recognize the impact on the schools and were working with the school district on mitigating the increased number of students, possibly by providing playground equipment or landscaping.

Commissioner Zermeño asked how the number of 19 students was derived and was told it was computed by the school district according to a formula they have developed.

Public Hearing Closed at 9:08 p.m.

Commissioner Caveglia moved, seconded by Commissioner Bogue to recommend approval of this item to Council.

Commissioner Halliday said that, despite her concerns regarding the schools, she would support the motion since it is an improvement to the area and it is a good, well-planned project.

Commissioner Bennett said that, although the design is nice, she would vote against the project because of the increase in traffic from the site and the impact on the area. She said the number of lots is excessive, they are too small, and developing next to a railroad track is difficult, at best, since the homes will still get noise bouncing back from the sound wall. The design of the project could be improved by removing a couple of the lots.

Chairperson Williams said he would support the project but expressed concern regarding the impact on the schools. He said he would like to see the children and community benefit from this project. He added that the signalization on Soto would be a vast improvement.

The motion carried by the following vote:

AYES:	COMMISSIONERS Bogue, Kirby CHAIRPERSON Williams
NOES:	COMMISSIONERS Bennett
ABSENT:	Fish
ABSTAIN:	None

3. General Plan Amendment/Zone Change 99-110-01, Vesting Tentative Map Tract 7124, Vacation Of Excess Right-Of-Way And Site Plan Review/Use Permit 99-130-03 - Summerhill Huntwood Ltd. (Applicant), Summerhill Homes And Hayward Area Recreation & Park District (Owners) - Request to change General Plan designation from Open Space Parks & Recreation to Limited Medium Density Residential; change zoning from Industrial (I) to Single Family, 4,000 square foot minimum lot size, (RSB4); subdivide 5.9 acres into 17 single-family lots and a 3+ acre park; vacate excess right-of-way on Silverstar Court; and approval of house designs and conceptual park plan. *The site is located between Industrial Parkway and Olympic Avenue, east of Huntwood.*

Senior Planner/Landscape Architect Woodbury described the Summerhill homes plan and the discussion with HARD of trading the one-acre of park land for residential, and, in turn, Summerhill would develop the Tennyson-Alquire Park for the neighborhood rather than pay in-lieu fees. Although HARD does not have the funds to develop the park at this time, they would still maintain and operate it.

The Public Hearing Opened at 9:32 p.m.

Eric Willyerd, HARD representative, answered further questions about the development of the park.

Commissioner Zermeño asked whether it might not be possible to have two full-sized basketball courts. Mr. Willyerd explained that a full-court basketball court is for older youth whereas a half-court is valuable in a neighborhood park for the younger children. He said that a neighborhood park is less formal and will not need things like restrooms. He added that the developer is paying more for developing this park than he would be for the in-lieu fees. He added that a developer could also maximize their funds easier than a public agency can.

Commissioner Bogue said it would be to the builder's advantage to be able to offer homes near a developed park.

The Public Hearing Closed at 9:32 p.m.

Commissioner Bogue **moved**, seconded by Commissioners Halliday and Bennett, to refer the application to the City Council for their approval. The **motion passed unanimously** with Commissioner Fish absent.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

Development Review Services Administrator Anderly announced that members would select a new chairperson at the next meeting.

4. Commissioners' Announcements, Referrals

Chairperson Williams noted that the speed limit sign at the corner of Hesperian and "A" Street was installed upside down. He also mentioned that he would not be available for the July 15th meeting.

Commissioner Bennett said she might have a conflict for the July 29th meeting.

MINUTES



**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers, Thursday, June 24, 1999,
7:30 p.m. 777 "B" Street, Hayward, CA 94541**

Commissioner Caveglia noted that he would be missing the meeting of July 8th.

MINUTES

- May 20, 1999 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Williams at 9:37 p.m.

APPROVED:

Jerry Caveglia, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary

DRAFT