MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD

Council Chambers
Thursday, March 9, 2000, 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 Fish, followed by the Pledge of Allegiance.

ROLL CALL

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

Staff Members Present: Anderly, Block, Camire, Frascinella, Looney, Nakatsu

General Public Present: Approximately 100

PUBLIC COMMENT

Al Reynolds, 2547 Erskine Lane, offered his condolences to Commissioner Bennett on the death of her mother this past weekend.

AGENDA

1. **Use Permit 00-160-04 - Alex Bailey Representing the Institute of Divine Metaphysical Research (Applicant), Loube, et. al. (Owner)** - Request to Conduct Bible Classes Within an 1,800 Square Feet Lease Space in the Vermont Plaza Shopping Center at 22636 Vermont Street in a Neighborhood Commercial (CN) Zoning District

2. **Intent to Record Notice of City of Hayward Subdivision Ordinance Violation** - 2849 Baumberg Avenue (between Industrial Boulevard and Arf Avenue)

3. **Use Permit 00-160-02 - Heald Colleges (Applicant - Simon Cho & Ki Jo Cho (Owners)** - Request to Construct a 56,500-square-foot, Two-story Office and Classroom Building on a 5.5-acre Site for Heald College. The Project Location is 25700 Industrial Boulevard, Easterly Side, Approximately 450 Feet South of Depot Road in an Industrial (I) District.

4. **Use Permit and Parking Exception 00-160-06 - David Terwilliger/Larry's Tires (Applicant, Donald Boehm (Owner)** - Request to Establish a Tire and Wheel Sales and Installation Service Within an Existing 12,300-square-foot Commercial Building. The Property is Located at 750 A Street, North Side, in a CC-C (Central City Commercial) Subdistrict.

PUBLIC HEARINGS

1. **Use Permit 00-160-04 - Alex Bailey Representing the Institute of Divine Metaphysical Research (Applicant), Loube, et. al. (Owner)** - Request to Conduct Bible Classes Within an 1,800 Square Feet Lease Space in the Vermont Plaza Shopping Center at 22636

Vermont Street in a Neighborhood Commercial (CN) Zoning District

Associate Planner Block described the shopping center in which the applicant proposes to locate. He suggested a number of businesses that would do well in this area, and then described various reasons to deny the request.

Commissioner Williams asked how this applicant would "conflict" with the General Plan. He was told that approving the request would take away a service from the immediate area.

Commissioner Zermeño asked whether there were any responses to the notices sent to neighbors, Associate Planner Block said there was one negative concerning traffic but nothing regarding this immediate request. He added that other concerns had to do with the condition of the shopping center itself, and two or three indicated that this would be better than another vacant store front.

In response to Commissioner Halliday's question regarding setting a time limit on the permit, Associate Planner Block said that, yes, a time limit could be included in the short term lease, or it could be brought back for an extension. He added that if this proposal is approved, the Fire Department will have to add some conditions.

The Public Hearing Opened at 7:43 p.m.

Alex Bailey, 567 Sequoia Road, applicant, described the history of the shopping center. He said that when Russell's store moved, the Center never recovered. He added that businesses are leaving the area and the current draw is the laundromat. He said their presence will enhance the plight of the other tenants since they are willing to improve the property. He indicated that occupancy will stem further deterioration of the property.

Gay Harris, 22320 Foothill Blvd. #100, realtor of this property, said this space has not been rented for three years and has few amenities. She said she has been approached very infrequently by anyone wishing to rent the space. She added that the City has helped with cleaning up the area.

John Harris, 2997 Ralston Way, said that Russell's move began the downturn of the plaza. He added that the bible schedule will vitalize the Plaza since they will paint the building and install lights. He added that if the renovation occurs, the landlord might raise the rents to prohibitive levels so they may not be there all that long anyway.

The Public Hearing Closed at 7:53 p.m.

Commissioner Halliday said this is not an ideal use for the property but with a 3-year vacancy, the application warrants consideration. She proposed moving to approve the application.

Assistant City Attorney Nakatsu suggested that her motion be to direct staff to bring back findings and conditions in order to approve the proposal.

Commissioner Halliday agreed, and **moved,** seconded by Commissioner Williams, to direct staff to prepare appropriate findings and conditions of approval to the next Planning Commission meeting, and added that a time limit on the permit to correspond with the lease conditions of three years be added as well.

Commissioner Williams expressed curiousity as to what plan the City Redevelopment Department may have developed for this area and asked staff to take this into consideration.

Commissioner Caveglia said these are the kinds of policies that created the problems presently facing the Shopping Center. By simply approving anything at all will not solve the problem. He said Staff and the City need to put some real energy into this area.

Commissioner Zermeño asked whether the owner might not also have the obligation to find tenants. This is a gateway to the City.

Chairperson Fish said he would support the motion since this proposal could benefit that site.

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

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

2. **Intent to Record Notice of City of Hayward Subdivision Ordinance Violation** - 2849 Baumberg Avenue (between Industrial Boulevard and Arf Avenue)

Associate Planner Block described the property and indicated that sometime after 1968, the owner applied for, and received a parcel split which was done illegally. He explained that the property is less than 10,000 square feet, in opposition to both the State Subdivision Map Act and the City of Hayward Subdivision Ordinance. The owner has three possible ways to correct the problem: Sell the parcel to an adjoining owner, buy sufficient property from an adjoining owner to get the minimum 10,000 square feet, or rezone the property to residential, which is what the current owner would like. Staff recommends finding the property in violation of the Subdivision Ordinance and the Map Act.

Planning Director Anderly added that a substandard sized parcel cannot be issued a building permit.

Commissioner Halliday asked why none of the information occurred during a title search. She was told it is not the Title Company's responsibility to find this information.

In response to Commissioner Zermeño's question as to why the property was split, Associate Planner Block said there is little information available. However, the previous owner lived in the home on the property which is now abandoned. He added that the previous owner is deceased.

Planning Director Anderly explained that within a year of notification of an illegal lot

purchase, the owner can seek a refund from the previous seller.

Commissioner Bogue asked what effect this decision would have on the other properties in the vacinity. He was told there would be no effect.

The Public Hearing Opened at 8:09 p.m.

David Finger, 6308 Heather Ridge Way, Oakland, owner of the property indicated that the lot is a nice, residential size lot in the middle of a block of homes. He said he bought it to maintain it as a residence and did not know it was split illegally or that it was zoned industrial. He said he was actively seeking a zone change for it to become residential. He added that the County taxes the property separately. He said a number of neighbors have signed a petition to rezone the property to residential. He indicated that many of them would be upset if it were to be used for industrial purposes.

Commissioner Caveglia asked about the other homes on the block.

He was told the lots to the north are zoned residential, the lots to the south are industrial. This property is on the cusp.

The Public Hearing was Closed at 8:14 p.m.

Commissioner Caveglia **moved**, seconded by Commissioner Bogue, to recommend that this property is in violation of both the State Subdivision Map Act and the City of Hayward Subdivision Ordinance.

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

Chairperson Fish announced that the matter can be appealed to the City Council within 10 days.

3. **Use Permit 00-160-02 – Heald Colleges (Applicant – Simon Cho & Ki Jo Cho (Owners)** – Request to Construct a 56,500-square-foot, Two-story Office and Classroom Building on a 5.5-acre Site for Heald College. The Project Location is 25700 Industrial Boulevard, Easterly Side, Approximately 450 Feet South of Depot Road in an Industrial (I) District.

Senior Planner McClellan reported that staff is supportive of the application. He described the site and its neighborhood. He outlined the changes needed for emergency vehicles and traffic patterns in the area. The proposed college building will be similar to the facility owned and operated by Heald in Roseville. This will be larger than the present facility at Southland. He said that Heald will work with both AC Transit and Life Chiropractic to provide better bus service to the area. He referred to an addendum to the Conditions of Approval. He indicated that the only opposition to the proposal was from the Eden Gardens Parkwood Neighborhood Association and the leader of the Mt. Eden Task Force. He added that the transportation services has reviewed the application and the requested traffic sign and speed bumps do not meet the requirements for installation.

Commissioner Zermeño asked about the street parking and buses in the area.

He was told that staff has had several conversations with AC Transit about increasing bus service in the area, but if they do not respond, then the College may be required to institute their own bus service from the downtown BART station to provide adequate service to the College.

Commissioner Zermeño added that since many Chabot students take Depot Road in the morning, will there be more stops to discourage them.

Commissioner Halliday asked for further information about the student patio, and whether seating would be available in the front of the building for student riders.

Senior Planner McClellan responded that more details will be forthcoming with more detailed plans of the landscaping.

The Public Hearing Opened at 8:36 p.m.

Peter Lee, Heald College, acknowledged a number of executives in the audience who were associated with Heald. He said Heald has been in Hayward for the past 50 years. Most of the graduates want to live and work in Hayward. He read from a letter submitted by Scott Rainey, Director of the Hayward Chamber of Commerce which indicated support for the application. Mr. Rainey added that with Chabot, CSUH, Life and Heald, Hayward can claim to be the hub of education for the Bay Area. He added that Heald supports many high schools through their scholarship program.

John Buckel, Developer, Panattoni Development, thanked staff for all their hard work.

Roy Cotteril, Architect, described much of the building. He explained the number of parking spaces in front as making the entry as inviting as possible.

Kurt Schneider, Mt. Eden High School teacher, said that Heald instructors have been very helpful to the high schools, encouraging students to further their education and change their lives. He said the scholarships have been encouraging to students at Mt. Eden.

Bob Saxby, Heald Instructor, said that since Hayward is the gateway to the Silicon Valley, students now have the opportunity to change their lives.

Evelyn White, Heald student, described how her life has changed since she started at Heald.

Vickie Saling, [redacted], a full-time instructor at Heald said she just bought her house in Hayward. She added that the College has outgrown its present facility.

Sarah Savilla, 24933 Mohr Drive, expressed concern regarding traffic conditions on Mohr Drive. She welcomed Heald but wanted more concentration on traffic problems in the area.

Shannon Hendon, 24898 Mohr Drive, also spoke of concerns concerning traffic in the area. As a bicycle rider she fears for her safety. She proposed consideration of speed bumps on the street.

Cheryl Concepcion, 2074 Mohr Drive, agreed that stop signs or speed bumps should be added to the street because of the traffic and the number of children in the area.

Juanita Gutierrez, 2236 Occidental Road, former Chairperson of the Mt. Eden Task Force, agreed that conditions of approval should include more traffic restrictions such as a stop sign on Depot Road and speed bumps on Mohr Drive.

Noreen Kalman, 24898 Mohr Drive, also emphasized the need for traffic control in the neighborhood. She added that the neighborhood is not against Heald but needs more control of traffic conditions.

Al Reynolds, 2547 Erskine Lane, supported the College but agreed that traffic conditions in the Eden Garden area is horrendous. He indicated that a number of proposed projects in the area will continue to add to the traffic as well.

Cesar Concepcion, 2074 Mohr Drive, also expressed dismay at the traffic in the area. He suggested more police enforcement in the area.

Monica Pacheco, Hayward Chamber of Commerce, suggested that the Chamber add a caveat to their endorsement of the proposal. She said as long as the College is similar to the Mt. Eden Business Park style, the Chamber will support approval for the proposal. She added that Heald came to the Chamber to ask for their support and no one else did.

The Public Hearing Closed at 9:10 p.m.

Commissioner Williams said this seems to be a project which says something about our City. He **moved**, seconded by Commissioner Bogue, to approve the negative declaration and the application with conditions of approval. He added that this seems like a great place for the College to locate.

Commissioner Bogue commented that he agreed that the location is good since it is close to housing. He added that he, personally dislikes speed bumps, but there is a process to have them installed. Perhaps the Eden Gardens Parkwood Neighborhood Association might be able to help. He indicated that since Mohr Drive is at the corner of the County, residents might try convincing the Board of Supervisors that they need a stop sign.

Commissioner Zermeño asked whether the City might not be able to help the Supervisors decide a stop sign is needed.

Senior Transportation Planner Frascinella explained that warrants need to be met for stop signs. He said that from the City standpoint this intersection does not meet the warrants. Stop signs are used for right-of-way issues.

Commissioner Zermeño asked when a traffic count was done in the area.

Senior Transportation Planner Frascinella said one had just been completed on Mohr Drive.

Commissioner Caveglia said he would support the college but was disappointed there were not more amenities for students. He added that he believed more creativity could have been used in the design.

Commissioner Halliday said she would strongly echo Commissioner Caveglia's comments regarding the parking lot in the front of the structure. She said more open space would be nice. She strongly urged rethinking the outdoor area for studying and socializing. She indicated that the City should look to the neighborhoods in the area as well. She added that Commissioner Bennett expressed support for the project too.

Commissioner Zermeño cautioned the developers to think of those who need to wait for a bus.

Commissioner Williams suggested looking at this as a beginning.

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

Chairperson Fish asked for a 10-minute break at 9:25 p.m. He then reconvened the meeting at 9:35 p.m.

4. **Use Permit and Parking Exception 00-160-06 – David Terwilliger/Larry's Tires (Applicant, Donald Boehm (Owner) –** Request to Establish a Tire and Wheel Sales and Installation Service Within an Existing 12,300-square-foot Commercial Building. The Property is Located at 750 A Street, North Side, in a CC-C (Central City Commercial) Subdistrict.

Associate Planner Camire made the staff presentation. She indicated that Larry's Tires wanted to stay downtown, after being displaced by the Luckys (Albertsons) Market Project. The site is a former car dealership on A Street. They asked for three exceptions to the Use Permit: 44 parking stalls in lieu of the required 51; reduction in the required parking lot landscape setbacks; and to replace the present fence with a redwood fence as opposed to the masonry wall which is a code requirement at a location next to a residential area. She explained that the amount of parking should be sufficient for this use.

Public Hearing was opened at 9:39 p.m.

Don Boehm, owner of the property, said he didn't think the block wall would be necessary. He's already spent a total of more than $50,000 on refurbishing the property and would hate to have to spend another $35,000-$40,000 on a wall. He added that the owners of the neighboring residential property would like a redwood fence and do not think the block wall is needed. He also reminded the Commission that a large planter box will be located in front of the fence.

Commissioner Bogue asked whether they had factored in the cost of future replacement.

Mr. Boehm said he thought the fence would last a long time. This project is his retirement and he asked for consideration on the wall.

Public Hearing was closed at 9:49 p.m.

Commissioner Bogue **moved,** seconded by Commissioner Halliday, for all the findings and

conditions with the exception of the masonry wall. He added that it could be a redwood fence instead.

Commissioner Halliday added that she felt sympathy for the owner but that wooden fences and trees seem equally as effective.

Commissioner Williams said looking at the neighborhood, the residents are going to continue to be impacted with the number of projects in the area. He added his empathy to them.

Commissioner Zermeño and Commissioner Williams asked further questions of Jim Terwilliger of Larry's Tires.

In discussion of traffic patterns onto Smalley Avenue, Commissioner Zermeño suggested that the motion be amended to allow only emergency access from Smalley Avenue. This was agreed.

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

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

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Planning Director Anderly inquired of commissioners about a convenient date for the City tour, either the first or second weekend in April.

6. Commissioners' Announcements, Referrals

Commissioner Bogue asked for further input on the County's harassment of the owner of the smokehouse on Mission and Sycamore while at the same time encouraging the build up of a catering truck's business outside the City limits.

Commissioner Halliday thanked the City for the opportunity to attend the City Planner's Institute in Monterey. She thought the experience was valuable and suggested the City budget for all Commission members and staff to attend.

Chairperson Fish asked about the signage on the Ace Hardware store on A Street. He also thanked staff for truck parking signs. He mentioned a pothole on Hazel Street as well.

Commissioner Williams echoed Commissioner Halliday's statements as well and indicated that this conference was very beneficial to both the City and commissioners. He suggested that with Hayward's increasing population and planning problems, it would be a small price to pay to send everyone.

MINUTES

- February 24, 2000 - Approved

ADJOURNMENT

The meeting was adjourned at 10:14 p.m. by Commissioner Halliday in memory of Emma Bennett and with condolences to Commissioner Bennett on the death of her mother. She described Mrs. Bennett as a 40-year resident who cared a great deal for the City.

APPROVED:

_____
Barbara Halliday, Secretary
Planning Commission

ATTEST:

_____
Edith Looney
Commission Secretary