



MEETING

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

ROLL CALL

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

Staff Members Present: Anderly, Bienemann, Conneely, Camire, Houghtelling,
Looney, McClellan

General Public Present: Approximately 40

PUBLIC COMMENT

There were no public comments.

AGENDA

1. **Site Plan Review 00-130-13 - Frank Goulart, Friends of Hayward (Applicant) / Jorge & Martha Gutierrez (Owners):** Appeal Of Planning Director's Approval to Allow Relocation of an Historic Residence (The "Harder House") From 753 A Street to 297 Eastman Street in a RS (Single-Family Residential) District
2. **Use Permit 00-160-08 - Nextel Communications, Pac. (Applicant) / Fairway Park Baptist Church (Owner):** To Construct and Operate a 'Telecommunications Facility From Property Developed With a Gymnasium/Family Life Center - *The Property is Located at 31318 Medinah Street in a CO (Commercial Office) District*
3. **Use Permit 99-160-09 - Jim's Volkswagen Repair (Applicant) / James Pestana (Owner):** To Construct a 5,600-Square-Foot Auto Repair Garage Facility for Multi-Tenant Users and Establish a Used Car Lot for Retail Sales - *The Property is Located at 27283 Mission Boulevard in a CG (General Commercial) Zoning District*
4. **Administrative Use Permit 00-150-18 - Tacos Uruapan (Applicant) / Antonio Solorio (Owner):** Request for Extension of Time for Approved AUP 98-150-26 and VAR 98-180-09 for a 45-Seat Sit-Down Restaurant - *The Property is Located at 29950 Huntwood Avenue in an I (Industrial) Zoning District*
5. **Six-Month Review of Revocation of Use Permit No. 20313:** Request for the Planning Director to Revoke a Use Permit For Retail Auto Sales and Minor Repair Due to Non-Compliance With the Conditions of Approval and Hayward Municipal Code Requirements

- The Site is Located at 22301 Mission Blvd. and 811 Grace Street, in a CC-C (Central City Commercial) Zoning District

PUBLIC HEARINGS

- 1. Site Plan Review 00-130-13 – Frank Goulart, Friends of Wayward (Applicant) / Jorge & Martha Gutierrez (Owners):** Appeal Of Planning Director's Approval to Allow Relocation of an Historic Residence (The "Harder House") From 753 A Street to 297 Eastman Street in a RS (Single-Family Residential) District

Associate Planner Patenaude described the property, as well as the house, which will be relocated. It was built by Judge Harder. It is presently located at 753 A Street and needs to be moved to make way for the new Albertson's Marketplace. Some of the conditions of the Albertson's project encourage the preservation of the historic buildings on the property as much as possible. The Friends of Hayward are working to preserve the house. The property on Eastman Street is a large lot and can accommodate two residences. The Harder house would require additional parking on the property. A new garage is being proposed. The Conditions include connection of all utilities as well as that application of all Building and other applicable Codes be followed in the restoration. The application was originally approved by staff, as it was felt that the property could accommodate the relocated house according to conditions of the zoning district in the location. The appellant has raised three issues in protest: the use of the house as a historic house and museum as well as problems -with traffic and privacy in the neighborhood. There is no proposal at this time to operate as a museum. Any proposal to operate as a museum would have to have a conditional use permit which would then come back to the Commission at which time the neighbors would be notified and it would be heard publicly. The second issue is the scale of the home in the neighborhood. Most of the homes are one-story; this home is also a one-story home although built on a raised foundation. However, this property could accommodate a two-story home at this location. The height limit in the residential district is 30-feet. The last issue is the renovation of the home itself. The funding to move the home is in place. However, funding to conduct immediate restoration of the home is not available. The applicant plans to use persons training in the construction trades to help with the project and to continue raising funds for the restoration. The City could declare the home a nuisance if it goes too long with no renovations. Because staff felt this is an appropriate location for a second residence on this property and because the relocation fulfills some of the intent of the conditions of the Albertson's property in preserving a historic home, staff recommends that the Commission deny the appeal and approve the Site Plan review subject to findings and conditions.

Commissioner Sacks asked whether the property directly adjacent to the subject property could be developed at some point. She was told that access would have to be provided across the flood control channel. She then asked why there is no time line with the renovation. She was told that since this is a non-profit group doing the renovation, the work would be accomplished but that a time-line would overly burden the group. There is a condition that if does become a nuisance, the City can bring it back to a hearing.

Commissioner Halliday asked about the hours of renovation. She was told they would be the usual hours for any neighborhood construction.



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Commissioner Zermeiio asked why there was no timeline for the renovation. He said he would feel better with a deadline or at least progress reports.

Associate Planner Patenaude responded that the Commission might appropriately place timeline or progress reports as conditions.

Commissioner Fish asked whether other building projects were required to report on timelines or did they just have to show progress on an annual basis to keep the building permit alive.

Associate Planner Patenaude explained that when applying for a building permit, it is necessary to show progress. An inspection is made every 180 days to keep the permit alive.

Commissioner Zermeño asked whether any other property in the City had been Booked at for placement of the house.

Associate Planner Patenaude said he was aware of none, however, this property was chosen since it was previously owned by the Harder family at one time.

The Public Hearing was opened at 8:47 p.m.

Terry LeBaron, 285 Eastman Street, appellant, suggested this in not a historical issue since there is no proposal, at this time, to have it considered a historical house. The neighborhood is not zoned for tours, etc. She asked whether, if it considered a private residence, there are funds available for reconstruction. Neighborhood concerns focus on getting the work done quickly and efficiently. She emphasized that the project is too vague at this point as far as any proposal. She asked that they should have definitive answers to neighbors' questions before the house is moved. She expressed concern about the present property owner's construction on the site as well as the condition of premises at this time.

Dianne Munoz, 292 Eastman Street, a neighbor directly across from the driveway off the property owner. She expressed concern about the activities at the present property. She also wondered about enforcement of any restrictions and concerns.

Robert Lopez, 369 Jane Court, indicated that all the **homes** in the area are raised homes but this one will still tower above all the rest. He said this home would bring **down** the property values in the area. This is the underlying feeling of the **neighborhood**. The architecture is better fitted to another location. He added that the answers to all the questions raised are still too vague.

Art Swift, 26115 Eastman Court, former member of the Whitman-Tennyson Task Force, said he was against the whole project for many of the aforementioned reasons. He questioned the

fit.

Frank Goulart, 22248 Main Street, speaking for the Friends of Hayward, expressed feeling for the neighbors and the neighborhood. He said if there are any tours in the future, the Friends would take great pains not to impact the neighborhood. He suggested the historic preservation might actually increase the value of the properties in the area. He responded to other questions and concerns. He explained that he had looked at other places, but realized that the original Harder property had a lot available with an owner who was willing to accommodate the house.

The owner was planning to build a two-story house on the lot. He explained that the City has only designated 12 sites in the City as historical sites. This house is unique to the history of Hayward, not necessarily as an architecturally historic site. He added that the funding for the restoration would be financed partially by the owner as well as community funds. He said the building could be moved and stabilized quickly. He suggested a time-line would be appropriate. He then responded to questions from Members.

Commissioner Halliday asked about the time-line. Mr. Goulart said the owner is motivated to try to renovate the property as quickly as possible. He added that the Regional Occupation Program would like a property just like this to provide a learning tool for the students. Qualified contractors would be available to provide instructions and over-sight.

Commissioner Zermeño asked about a different site for locating the home. He suggested locating the house at Hesperian and Route 92 since there is presently an old post office on the site, which is near Chabot College and ROP.

Mr. Goulart responded that permission from the church on that site would be needed as well. He indicated that he had checked on the site and there are future plans by the church for that location.

Commissioners Fish and Sacks asked for more details of the actual moving of the house.

Commissioner Bogue asked about transportation of workers to the site.

Mr. Goulart explained that most of the workers would be coming two or three in a car. He added that any talk of tour buses is premature at best since he is envisioning maybe one or two classes from near-by schools for tours at the site. He thinks the only tours would be student classes. He suggested any other tours or groups could meet at Harder School at walk the two blocks to the site.

Commissioner Zermeño suggested finding a different solution might involve including the City, HARD and the Historical Society working together to negotiate a different neighborhood location. He then asked how difficult it would be to find a holding location for the house while working on a permanent solution.

Mr. Goulart said an extra move was not in the budget. Albertson's would like to gain access to the property and is already putting deadlines on the move of the house. Once they are ready to move something has to be done or the house will be demolished. He suggested that the Friends of Hayward are willing to trade the building to Mr. Gutierrez in exchange for a



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preservation easement, which would say, you must keep the house and facade in good repair. There would be no other subdivision allowed on the property. There is also a possibility of the Friends buying the property back at some future date. He stated that they would not allow the property to be detrimental to the neighborhood.

Commissioner Caveglia said part of the problem was the lack of communication about the property and its use. He asked about the vision of the Society in using the property.

Mr. Goulart explained that he envisioned the renovation taking two years; after which the property would be owned and used by the Gutierrez family. The Friends of Hayward might hold an event to celebrate finishing the project. After that he may ask the principal of Harder School let students come by and see various historical documents and photographs.

George Gutierrez, 297 Eastman, owner of the property, said he has lived on the site for 11 years. He said he has never had any problem with his neighbors. He said various contractors who want to buy the properties have approached him, which combined are zoned for 12 houses. He said he promised Mrs. Harder and the trustee of the Harder family that he would not demolish the house. That he was going to live on the property. He said he wants to continue to stay there. He added that he thought it would be a great idea to add the Judge's house to the property since it would stop any further development on the Pand. He said they have a total of \$60,000 to begin the renovation and building the foundation once the house is moved. He indicated that he is presently repairing the water damage on his present home.

Commissioner Sacks asked about the future plans for the house.

Mr. Gutierrez explained that he owns the present property with his parents who might be moving into the house. He said this would be an opportunity for his family to expand. This house is bigger than his present home. He indicated that they would be willing to open their home to the public occasionally. He indicated that his present home is 1,291 square feet. The Harder House is 1,740 square feet. The neighborhood consists of houses of 1,500 or 1,600 square feet. He said the biggest house he has seen for sale in the neighborhood is 1,700 square feet.

The Public Hearing was closed at 8:37 p.m.

Commissioner Fish **moved**, seconded by Commissioner Halliday, to endorse the Planning Director's initial approval.

Commissioner Halliday asked staff whether they had verified that no work was presently being done without City permits.

Associate Planner Patenaude indicated that from the front of the property no items were

visible. He did not inspect the rear of the house.

Commissioner Halliday said a petition from 32 neighbors is taken quite seriously. She added that the neighbors might be wrong in their assumptions of the popularity of historic locations. She amended the motion to request that the Commission will have a progress report on the renovation within one year from the time that the building is actually moved to the property.

Commissioner Sacks said she would vote for the motion with reservations. She asked Mr. Goulart to negotiate with the community so their rights and sensibilities are not violated. She also encouraged the neighborhood to be vigilant.

Commissioner Bogue said he was not convinced that they had addressed the neighborhood concerns regarding parking on the property. He was shown the site plan and how it was accessed from Eastman as well as the garage parking and accessory parking areas on the pavement on the property.

Planning Manager Anderly stated that there is no limit to the length off the driveway. Cars parked outside of the garage are allowed to park along the paved portion.

Commissioner Bogue asked about the teeth to the amendment to the motion if nothing has happened within the year.

Commissioner Halliday asked what the normal review period would be.

Chairperson Caveglia said he would not support the motion since it seemed too vague. He said the house is not necessarily historic. He said they need to listen more closely to the neighborhoods.

Commissioner Zermeño said working with the neighbors has been missing from this process. He suggested a neighborhood historical commission for the area. He also suggested another site for the house through the auspices of HARD and the City.

Planning Manager Anderly clarified that the motion would allow only a review of the property at one year, there would be no punitive action taken at that time.

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

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

Commissioner Zermeño then **moved**, seconded by Commissioner Halliday, the previous motion with the addition of a neighborhood historical commission and that the Commission would review the progress of the house one year from now.



Commissioner Sacks asked for a clarification of the Commission taking "no action."

Assistant City Attorney Conneely explained that the project is neither approved nor denied so the decision of the Planning Director would stand. She then suggested that the Commission could either make a recommendation to the City Council or simply refer it without either. Commissioner Fish said anyone with a property this size would be able to have a second house on it. He wondered why there was so much problem with this. He said he would like to see it preserved because if it stays on the Albertson's property, it would be destroyed.

Commissioner Zermeño's **motion was defeated** by the following vote:

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

Chairperson Caveglia then **moved** to uphold the appeal and deny the Planning Director's action. No second was made to this motion.

2. Use Permit 00-160-08 – Nextel Communications, Inc. (Applicant) / Fairway Park Baptist Church (Owner): To Construct and Operate a Telecommunications Facility From Property Developed With a Gymnasium/Family Life Center – *The Property is Located at 31318 Medinah Street in a CO (Commercial Office) District*

Senior Planner McClellan reported on the application, which, in addition to antennas and equipment shelter, would be an addition to the present structure. Nextel would add a covered entry way and cupola to the present facility. He reported that the neighbors are agreeable to this arrangement. He then described the enclosure for the electronic and necessary equipment.

The public hearing opened at 9:17 p.m.

Bob Przybylo, 388 Beale Street #1409, San Francisco, with Nextel, said they are proposing a stealth facility and asked for approval without conditions 12 and 13 since those were conditions asked for by the neighborhood which have already been dealt with. Since he said the Company has no concept of the history of the parcel, they should not be held liable for the present situation. He added that the company would provide an enclosure for the dumpster near the gymnasium.

Commissioner Halliday suggested that, since the owner benefits from this arrangement, this is one avenue for the City to leverage their cooperation in following certain guidelines.

Chairperson Caveglia agreed that this gives the City some input into compliance by the Church.

Senior Planner McClellan reported that the Church has already requested all the necessary permits for their building program except for the gas lines. He agreed that these conditions are an assurance that these items would get done.

The public hearing was closed at 9:25 p.m.

Commissioner Fish **moved**, seconded by Commissioner Bogue, to find the project exempt from environmental review and to approve the Use Permit application with the proposed findings and conditions. The **motion passed unanimously**, with Commissioner Williams absent.

3. Use Permit 99-160-09 – Jim’s Volkswagen Repair (Applicant) / James Pestana (Owner): To Construct a 5,600-Square-Foot Auto Repair Garage Facility for Multi-Tenant Users and Establish a Used Car Lot for Retail Sales – *The Property is Located at 27283 Mission Boulevard in a CG (General Commercial) Zoning District*

Senior Planner McClellan reported on the history of the property. He discussed the activity and the present use permit and recommended approval of the use permit.

Commissioner Halliday asked whether the property is part of the new redevelopment area. She was told that the area had not yet been formed; that this is one of the larger parcels in the area for an auto repair. It is not sizeable enough for a new auto dealership. This site serves itself well for this repair operation.

Commissioner Sacks asked about her observations of the cyclone fencing and ribbon wiring. She was told there would be no fencing along Mission Boulevard. This property would have landscaping only. The existing chain link fencing will be taken down, as will the gates. Staff has suggested decorative fencing so that people will have to use the driveway in order to enter and exit the property.

Commissioner Fish pointed out that condition number 22 talks to that particular issue.

The public hearing opened at 9:38 p.m.

Joseph Oberman, 620 Jefferson Street, said he own property near the site and this will enhance the neighborhood. This owner has been a good neighbor.

Jim Pestana, 27283 Mission Boulevard, applicant, said he has had problems with others using the property. Many people have tried to use the property for parking vehicles. We said he only wants the cars he is fixing on that property. At times, the whole site is full of cars that are dead.

Commissioner Bogue suggested that a recent project reviewed by the Commission had serious parking problems. Mr. Pestana suggested that they have enough parking in the area so they do



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not foresee any problems. He said parking is available.

Commissioner Halliday asked for further clarification of various issues. Mr. Pestana said he has no issues with the Bowman Elementary School. There is a lot of room between his business and the school. He indicated that since he has cleared out the rear area and paved it, there have been fewer problems in the area and much less debris.

The public hearing closed at 9:46

Commissioner Fish **moved**, seconded by Commissioner Bogue to find the project exempt from environmental review, and approve the project subject to the findings and conditions.

Commissioner Fish added that he commended Mr. Pestana on the years he has been in business. He commended him on taking care of his business in a proper way.

Commissioner Halliday said she would support the motion although she would like to see something other than auto repair in the building. It was good to see one neighbor support another.

The motion **passed unanimously**, with Commissioner Williams absent.

4. Administrative Use Permit 00-150-18 – Tacos Uruapan (Applicant) / Antonio Solorio (Owner): Request for Extension of Time for Approved AUP 98-150-26 and VAR 98-180-09 for a 45-Seat Sit-Down Restaurant – *The Property is Located at 29950 Huntwood Avenue in an I (Industrial) Zoning District*

Planning Manager Anderly gave the staff report indicating that the purpose of the hearing was to discuss extending the use permit for another year. The Planning Director approved the request for extension based on the reasons for the delay off the project and whether the project is still in conformance with existing development regulations. The applicant indicated that he did not have access to his architect during this past year, nor did he have his financing together. He has plans to solve both problems in the coming year. She reported that there are no changes in development standards for the area, no changes to design guidelines and no changes to zoning or other standards, which might affect this project. For these reasons, the Planning Director approved the extension and is asking the Commission to uphold the extension.

The public hearing was opened at 9:50 p.m.

Antonio Solorio, 27407 Thackeray, owner of the project said this is a small family business. It is hard to find architects for small projects. He added that there is now a new architect available with financing. They are hoping to have blueprints within the next month.

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Alejandro Solorio, 27907 Thackeray, added a few comments, and emphasized that this is a small family oriented business.

Chuck Sabes, 20104 Miljevich Drive, Saratoga, owner of property directly adjacent to the subject property. He reported from a recent appraisal report that residents of housing nearby would like this corner developed into a shopping area. He indicated present uses are not in the best interest of the neighborhood. There are no services available to the residents in the area. He proposed that the development of a stand-alone restaurant in this location would make it difficult or not feasible to change the usage of then- own property. He suggested a small grocery store or drug store might better serve the area. He believes there will not be adequate parking on the property. He also had a problem with the present use on the site of a trailer serving food in the lunch hour and the evening hours. He asked that the extension be for less than a year or until the applicant shows proof of financing and plans for the building. He did indicate that he had spoken with the present owner of the property near his as well as the applicant on the possibility of sale of the property.

Assistant City Attorney Conneely clarified that, if the Commission determines that the applicant plans to proceed in good faith with the development, then the Commission should extend the use permit.

Kathy Gutierrez, 27033 Huntwood Avenue, spoke on behalf of the applicant. She indicated that that the family lost a lot of money through no fault of their own. The architect had personal problems. Hopefully, the new architect will be able to design the project soon. She indicated that the area has changed quite a bit. She wondered why Mr. Sabes and his partners did not buy these properties before they were sold to someone else. She indicated that both pieces were available recently.

Arnold Addison, 222 Casidus Boulevard, Los Gatos, said he is familiar with this property since he purchased the adjacent property at 727 Industrial Parkway about 12 years ago. He said he was the developer of the Bay Cities Auto Auction. He suggested financing for a restaurant is very difficult to acquire because of the failure rate. He indicated that their project would enhance the area.

Joseph Oberman, 620 Jefferson Street, said he believes a sit-down restaurant at this location is ideal. He always wanted to start a restaurant there. There is a need for something in the area.

The public hearing closed at 10:09 p.m.

Commissioner Zermeño **moved**, seconded by Commissioner Sacks, to approve the one-year time extension.

The **motion was approved unanimously**, with Commissioner Williams absent.

5. Six-Month Review of Revocation of Use Permit No. 20313: Request for the Planning Director to Revoke a Use Permit For Retail Auto Sales and Minor Repair Due to Non-Compliance With the Conditions of Approval and Hayward Municipal Code Requirements - *The Site is Located at 22301 Mission Blvd. and 811 Grace Street, in a CC-C (Central*

*City Commercial) Zoning District*

Commissioner Fish excused himself since he owns property near the area.

Associate Planner Camire reported on the history of the property and on the initial compliance of the business with the conditions of approval. Although the autos were removed from other properties in the area after the initial revocation hearing, after about one month staff was made aware of various violations to the conditions, including off-site parking and storage off vehicles and outdoor auto repair. The business owner said some of the autos were sold wholesale, a violation of the zoning district. A March 30th letter was sent to the business operator and owner from Planning Manager Anderly, reminding him of the six-month review by the Planning Commission, as well as citing various outstanding violations. Associate Planner Camire noted the continuing parking problems throughout the neighborhood. The St. Vincent de Paul asked that the autos be removed from their lot at the intersection of Melvin and Smalley. She asked the Members to revoke the use permit for non-compliance with conditions of approval and municipal code requirements.

Commissioner Zermeño asked whether it had been recommended to the owner to find a larger location. He was told it had been done.

Commissioner Halliday asked whether there were parking violations regarding those cars on the actual site. She was told "no" since the approval of the permit did not include a parking plan.

Commissioner Halliday then asked about the cars she saw for sale on Mission Boulevard.

Assistant City Attorney Conneely clarified that in January, the Commission delayed revoking the use permit subject to the applicant complying with all of the conditions of approval in the original use permit and complying with all of the Hayward Municipal Code requirements. As a result of that action, compliance with the HMC became a further condition of approval for this use permit.

Chairperson Caveglia asked the representative from the Police Department to outline their dealings with the applicant.

Captain Houghtelling reported that the Hayward Police Department frequently responds to that area because of complaints from the neighbors. They find cars parked in the area posted for no parking. They rely on the neighbors to let them know and also routine patrol will drive in the area and see vehicles illegally parked. The calls to the area are primarily about parking and the nuisance for the neighbors.

Commissioner Zermeño asked about the observation of someone sleeping in one of the cars.

Captain Houghtelling agreed that this had happened. He added that the area is also known for prostitution activity. He then mentioned that an office spoke with a couple of the women who told him they had permission from the owner to stay in the cars overnight.

Chairperson Caveglia opened the public hearing at 10:22 p.m.

Al Casatico, 27570 Mission Boulevard, owner of the property, said he has done everything the City has asked him to do, at considerable expense. He did not know what else he could do. The location has been a car lot for 31 years. He can not figure out why it is suddenly a problem.

Lew Vohland, 6838 Saroni Drive, Oakland, attorney for the owner, referred to the January 13th hearing, and how successful they were at clearing up the problems. He then cited from a letter of January 30th from the City stating the compliance of his client. He noted that there has been substantial compliance with the conditions. He recommended not revoking the use permit. It has been operated as a used car lot since 1969. He mentioned what he considered a mistake in the staff report when the City cites the Use Permit as for Retail Sales only. He disagreed since the permit application said a used car sales Pot and does not mention retail. He said the Department of Motor Vehicles issues three kinds of permits to sell cars: new, used and wholesale. The used car sale permit allows wholesale operations. This use permit is not restricted to retail sales, if he should wholesale some cars from the lot. He then noted that Mr. Huber was re-licensed by the City as a business to sell cars in February. They should not have issued him the license if he was doing anything seriously wrong. He contended that none of the violations were serious enough to justify revoking his permit.

Celeste Perry, 26876 Pelham Place, described once again how for three years she had asked the City to help alleviate the parking problems and auto storage on Pearce Street. She noted the difficulty of having the Police Department continue to follow up on the neighborhood complaints. She noted that the prostitutes stopped using Pearce Street as often since it wasn't so secluded after a number of cars were towed away. She reported that the term, "Anyone can park on public streets," was used by the Police Department in response to calls. She reported that it became a cat-and-mouse game to move the cars throughout the neighborhood in order not to get cited. She added that Hayward needs business. Every attempt must be made to gain new businesses and retain the old. However, this business thumbs its nose at the rules. They have been one of the major players in degrading this neighborhood. She asked for support in revoking the permit.

Jim Mootz, 4133 Mohr Avenue, Suite E, Pleasanton, attorney for Mr. Huber, owner and operator of Hayward Auto Wholesaler, rebutted the fact that any prostitution was allowed on his business. He says as a business owner, he, too, is concerned about the problem. He said the problem of parking has been compounded after losing several of his largest storage areas, including the lot on Grace Street. He maintained that the applicant has used the St. Vincent de Paul lot and the Grace Street lot for almost 30 years. To have lost use of both these lots at one time has created serious problems of storage for the automobiles in the business. He's trying to save his inventory. Mr. Huber is a victim of both the prostitution and parking problems in the area. He asked for a further extension of time. He then mentioned the health problems Mr. Huber has suffered in the past year.



Commissioner Zermeño asked whether he had looked for a larger site. He was told that growth was not the problem. The loss of two large storage areas has affected him greatly. He is eliminating cars and looking for additional storage space in the area.

Commissioner Halliday suggested that he acknowledged the illegal sale of cars on Mission Boulevard, which violated the conditions of approval. Since he cannot operate his business without storage, what is his plan?

Mr. Mootz said he rented space on both lots for 30 years for car storage and parking.

Joseph Huber, 22301 Mission Boulevard, said he rented space on Grace Street for 30 years. He was expected to clear the lot. There were 35 to 45 cars on that lot he had to find space for. He had two lots on Smalley and Grace Street for years. He maintained that he was renting IO spaces from St. Vincent de Paul in their Thrift Store parking lot. He said the Police did not tow 10 of his cars. He maintained he did not park cars on Pearce Street. His employees and friends may have parked their cars on these streets. He expressed dismay at the amount of thievery and vandalism on his property.

Robbie Bienemann, City of Hayward, Community Preservation Inspector, said the owners in the area expressed concern with trying to locate owners of the vehicles parked illegally in the area. She then cited the issue on the 811 Grace Street property. The owner has locked and chained the lot since he was not renting the property to Mr. Huber. She maintained that the employees park and work on cars illegally on the street frequently. He does park his cars on the public right-of-way.

The public hearing was closed at 10:48 p.m.

Commissioner Bogue **moved**, seconded by Commissioner Halliday, to revoke the use permit for non-compliance with the conditions of approval and municipal code requirements.

Commissioner Bogue said the Commission has documented evidence of violations. Me maintained that things should have gotten better rather than to continue.

Chairperson Caveglia maintained that this situation has probably continued for the past 31 years.

Commissioner Sacks felt sad about the situation. However, she would support the motion.

Commissioner Halliday thanked Ms. Perry and her mother and friends for monitoring the situation in the neighborhood. She maintained that it is difficult to revoke a use permit and deprive them of their livelihood and remove a business from Hayward. However, it is clear that this business does not have the proper size lot in which to operate. It has gotten by through illegal means.

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

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

ADDITIONAL MATTERS

6. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced the two meetings in September. She then mentioned that the City Council upheld the Commission decision on K9-K9 to revoke the permit.

7. Commissioners' Announcements, Referrals

Commissioner Sacks thanked everyone for the thorough briefing and orientation she received from staff.

Commissioner Fish commented on banners being displayed on various used car lots on Mission Boulevard. He wondered if they comply with the Sign Ordinance.

Commissioner Halliday commented on the City Council hearing on K9-K9 and the implication that the Planning Commission was delinquent in its duties. She said she was disturbed to hear the negative comments.

MINUTES

- June 29, 2000 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 10:55 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers

Thursday, July 27, 2000, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Edith Looney
Commission Secretary

DRAFT