



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 Bogue, Halliday, Sacks, Thnay, Williams, Zermeño
CHAIRPERSON Caveglia

Absent: COMMISSIONER None

Staff Members Present: Camire, Conneely, Garcia, Looney, Patenaude

General Public Present: Approximately 50

PUBLIC COMMENT

Item number one was pulled from the agenda. There was no public comment.

AGENDA

1. **Planned Development No. 2001-0135 and Tentative Tract Map 7215 – Warraich Construction (Application/Owner):** Request to Construct Six Townhouses on a 16,000 sq. ft. Parcel. The Project is Located at 308 Valle Vista Avenue at the Corner of Dixon Street in a RH (High Density Residential) Zoning District
2. **Planning Director Referral of SPR 01-130-13 – Dr. Dharam Salwan, Salwan Property Management (Applicant) / Don Carr (Owner):** Site Plan Review Application for the Construction of a 9,700-Square-Foot Two-Story Retail/Office/Service Commercial Building. The Project is Located at 22605 Second Street at the Southwest Corner of "B" Street
3. **Variance No. 01-180-09 Steve & Julie Dalcin (Applicants/Owners):** Request for Reduction of a Front Setback From the Required 20 Feet to 18 Feet-3 Inches to Allow the Expansion of an Existing Master Bedroom and a Living Room. The Project is Located at 601 Garin Avenue in a RS (Single-Family Residential) Zoning District
4. **Appeal of Planning Director's Denial of Administrative Use Permit Application No. 01-150-15 – Jeannie Young For Compass Telecom Services (Applicant) / San Leandro Hayward Elks Lodge (Owner) –** Request to Construct, Operate and Maintain an Unstaffed, Wireless Telecommunication Facility Consisting of a 60-Foot Tall Stealth Structure and Equipment Cabinets in the Rear Yard of the Elks Lodge. The Property is located at 24970 Hesperian Boulevard in a CN (Neighborhood Commercial) Zoning District

PUBLIC HEARINGS

1. **Planned Development No. 2001-0135 and Tentative Tract Map 7215 – Warraich Construction (Application/Owner):** Request to Construct Six Townhouses on a 16,000 sq. ft. Parcel. The Project is Located at 308 Valle Vista Avenue at the Corner of Dixon Street in a RH (High Density Residential) Zoning District

Continued indefinitely.

2. **Planning Director Referral of SPR 01-130-13 – Dr. Dharam Salwan, Salwan Property Management (Applicant) / Don Carr (Owner):** Site Plan Review Application for the Construction of a 9,700-Square-Foot Two-Story Retail/Office/Service Commercial Building. The Project is Located at 22605 Second Street at the Southwest Corner of “B” Street

Commissioner Halliday recused herself from the item since she is a member of the Church next door to the property.

Acting Principal Planner Patenaude described the property. This is a referral from the Planning Director because of concerns by members of the Church. Their concerns deal with light and air circulation. The new building would be 5-feet from the property line, facing doors and windows of the Church on the property line. Another issue is parking. Currently the vacant lot is used for parking by the Church and others, although it is not an approved lot. The plans for the new building do not provide the required number of spaces on site. The site may accommodate 6 spaces, whereas 31 spaces are required. Because it is downtown, there are other parking options available. The applicant may be required to construct another facility within 500 feet or pay in-lieu parking fees. The in-lieu fee is in excess of \$11,000 per space. Neighbors have expressed concern that this building would add to parking problems in the area, although there are public facilities near-by. Since the building meets the City’s guidelines. There are options regarding the provision of parking. Staff recommends approval.

Commissioner Zermeño asked whether anyone besides the Church members had protested the proposal.

Acting Principal Planner Patenaude said he spoke to Scott Raty of the Chamber of Commerce. He expressed concern mostly with parking in the area.

Commissioner Williams commented that parking in that area is almost non-existent. He commented that he did not recall ever discussing in-lieu fees. He asked whether the developer has done everything to ease the parking.

Acting Principal Planner Patenaude replied that staff felt he had, with the provision of some on-site parking and discussion of parking links within their block. The owner does not feel that it is feasible to provide more on-site parking.

Chairperson Caveglia asked about the City’s public parking lots.

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

Acting Principal Planner Patenaude responded that parking is provided inside the block in Municipal Lot #4. The parking lot is reported to be 90 percent full most of the time.

Commissioner Sacks asked about the use of the lot for parking at the present time.

Acting Principal Planner Patenaude responded that the property is not presently developed to City specifications as a parking lot. In response to Commissioner Thnay's questions regarding traffic and other parking in the area, he said the building to the north has its own parking lot. On-street parking is limited because of the turn lanes.

The public hearing opened at 7:54 p.m.

Sanjiv Bhandari, the applicant's architect, discussed the excitement of the enhancement of the new building to bring it into a more productive commodity in the downtown. He noted the few parking spaces on the lot and admitted that they have done everything they can to accommodate the parking requirements. He noted that the owner has another property across the street and has come up with 5 more spaces on this lot. He commented that this project will enhance the area.

Randy Smith, Pastor of the First United Methodist Church next door to the project, commented that the Church pays to park in this lot. At present, it is being used as a parking lot. He said he did appreciate their efforts with the project. They had come up with a beautiful plan. However, he said they strongly oppose the erection of this building. Not only would it seriously impair their parking, the 5-foot alley between the buildings would not be good enough. It would deprive their Church of the sunlight. He noted that they need the parking since they are a 7-day a week church. He commented on various programs held at the Church and noted that they are looking to expand their ministries. The City Lot 4 will not provide for their needs. He said they would work with the City to meet its guidelines for the lot, adding that parking in the area is insufficient.

Frank Maryamee, a member of the Church, gave an over-view of the history of the Church since 1853. He said their congregants are committed to a downtown church.

Akesa Fakava, a member of the Church, described a number of the programs provided by the Church to the area. Many of the activities use the rear area of their lot. She discussed a few of them such as Vacation Bible School, picnics, Boy Scout troops, and the children's playground. She commented that congestion and parking is a problem in the area. She noted that City Parking Lot 4 is usually filled with Pacific Bell employees. Parking is non-existent with events. She asked for reconsideration of the application.

Ashley Moala, another church member, speaking for the youth, commented that the space is used for different events. Without the parking area, it would be discouraging to event participation. Cecilia Van Houten said she did not get a notice of the hearing. She lives next door to the lot. She asked who owns the Phone Company parking lot. She commented on the number of

vacancies in the area already and suggested more buildings are not needed.

Janet Alfaro, who is actively involved in the Boy Scout Troop 801, described her troop as 40 very actively committed boys. She noted that the Troop has served the City of Hayward since 1915. She said the parking lot is used for drop-off and pick-up. It would not be safe for the boys without this space.

Gregg Schluntz commented that this space is used as a parking lot and absolutely paid for by the Church. He disagreed with the erection of a building on this site since there are a number of empty spaces in the area already. He also commented on the blockage of light to the present buildings.

Paul Frumkin, a member of St. Clements Catholic Church, described the history of the South Hayward Parish and FESCO, the downtown family shelter. He noted the help with storage of donations that the United Methodist Church has provided.

Paul Russo, President of the Hayward Education Foundation among many other things, commented that the biggest problem in the area is parking. Despite the in-lieu fees, there has to be recognition of the serious parking problem. He also asked how the traffic would be affected. He noted that the City had earlier closed the driveway to Second Street for some reason. He noted that the proposed building is too large for the lot and the area.

The public hearing closed at 8:34 p.m.

Chairperson Caveglia commented that the issue seems clear, legally there are no grounds to deny an owner to build on this lot.

Commissioner Sacks said she would concur with Chairperson Caveglia. The issue is not about good works of the Church, but about a project and whether it meets City criteria. She **moved** to accept the staff recommendation.

Commissioner Thnay said he partially agreed. However, he noted, there were issues that should be investigated. He said if there was more information he would second the motion. He thought the area needed a parking and traffic impact study. He commented that the downtown revitalization is important. The Church is doing good things. It would be best if a solution to serve both the owner and the Church was found. He wondered if it might be feasible to convert Parking Lot 4 into a parking garage. Although it is a good project, he would like to see a clock tower added to the plans.

Chairperson Caveglia commented that the current regulations say in-lieu fees are an acceptable substitute for available parking.

Commissioner Williams added that he understood and concurred, that this site and project both meet City guidelines. Although he is an advocate for the small businessperson, this building is not the right building for this location. He noted that there should be more study on the impacts to the area.



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

Thursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Bogue also commented on the parking issue, and the appropriateness of using in-lieu fees or providing parking within 500 feet. He commented that since they have not seen any alternative parking layouts and how they will affect the homes and buildings around it, it is difficult to vote for the application. He said he could not vote to support the project on something so open-ended. He added that more study and work is needed on parking. Even with in-lieu fees there will still be a parking deficit.

Commissioner Zermeño said he liked the building and architecture, but did not like the current state of the parking lot there. He agreed that the owners have a right to build there, however there is a need for more study on further development in downtown. We will need a parking garage. He **moved**, seconded by Commissioner Williams, for denial and asked staff to bring back findings for denial.

Commissioner Thnay asked that the findings include a parking deficit study, as well as the feasibility of building a parking garage and a traffic study. He said the project should add to the integrity of the whole area. He asked about the findings to deny the project.

Without a majority, the motion **failed** by the following vote:

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

Commissioner Thnay then **moved**, seconded by Commissioner Zermeño, to continue the item, and ask staff to come back more information to clarify the issues raised by the Commissioners.

Commissioner Bogue asked for further information as to why the driveway was closed onto Second Street.

Commissioner Sacks said she would concur with continuing this and having more information available.

Commissioner Williams said he would support the motion. However, he had other concerns regarding the environment, the need for air and light, as well as parking. He asked for further evaluation of this problem.

Chairperson Caveglia encouraged the applicant to work with staff.

Commissioner Zermeño asked for consideration of a parking structure on Lot 4.

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

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

Chairperson Caveglia called for a 5-minute recess at 8:57 p.m. The meeting reconvened at 9:03 p.m.

3. **Variance No. 01-180-09 Steve & Julie Dalcin (Applicants/Owners):** Request for Reduction of a Front Setback From the Required 20 Feet to 18 Feet-3 Inches to Allow the Expansion of an Existing Master Bedroom and a Living Room. The Project is Located at 601 Garin Avenue in a RS (Single-Family Residential) Zoning District

Associate Planner Camire described the project. She noted that the applicants are requesting to remodel the home by bringing the bedroom and living room out four feet from the current setback of the house. The variance would allow the front of the house to line-up the front of the garage, which has an 18 feet-3 inches front yard set back. In addition, the flat façade design of the addition would not meet City of Hayward Design Guidelines. Staff pointed out that there is nothing unusual about the property to warrant a variance and recommended that the applicants develop into the side yard set back. Since this is a gateway to the Garin neighborhood, the addition would have a negative visual impact on the neighborhood. Although staff does not support the variance, the president of the Fairway Park Homeowners Association supports the variance. The home is located in the Mission-Garin Neighborhood.

Commissioner Zermeño commented that it looks like the applicant sent a list of homes in the area with less than 20' setback. Staff noted that some of the homes listed are not within the Mission-Garin Neighborhood, but were in the Fairway Park Neighborhood.

The public hearing opened at 9:10 p.m.

Julie Dalcin, the applicant, said they looked at various options for building onto the home including a second story but since they are on a prominent corner, they did not feel it would have good visual impact for the area. She commented that these homes are very small. To expand onto the side lot would only enlarge the bathrooms since that is what is on the side of the homes. She commented on the homes in their neighborhood which have been enlarged in their neighborhood. Their home is located on corner and it's a long lot. She showed a number of pictures of homes in the area with a variety of setbacks. She commented that a side yard extension would not give them any more living space.

The public hearing opened at 9:15 p.m.

Commissioner Halliday commented reminded everyone of the need to look at the zoning development standards in order to accommodate remodeling homes in older neighborhoods in so

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, July 26, 2001, 7:30 P.M.****777 "B" Street, Hayward, CA 94541**

that they can meet current housing needs. She noted that they do not want to destroy the character of the neighborhood. If you look at the house now, it does not seem to be much of a flat front. She commented that this remodel would not substantially change the appearance of the house. She said the City needs to lean toward the side of the property owner on these issues. She **moved**, seconded by Commissioner Bogue, to approve the setback and find the project exempt from CEQA.

Commissioner Zermeño said he would support the motion. The City of Hayward needs to support homeowners who want to improve their homes rather than having them move away to other areas.

Commissioner Bogue added a friendly amendment to maintain the present decorative landscaping. He suggested adding a standard landscaping condition when the findings are determined.

Commissioner Halliday said she was amenable with the spirit of the condition which is to have attractive landscaping as there is now and keep it in good condition. She said she would trust the property owner. Since the property owner expressed no concern, she agreed to the condition.

Commissioner Sacks expressed opposition to the motion. She commented that the Commission is going against the development standards that they were selected to preserve and protect. She commented that the findings for denial are valid. Part of their charge is to preserve, protect, and enhance the old neighborhoods. She wondered, since this is one of 25 homes built with a substandard front yard setback, whether the other 24 homeowners have asked for variances. She added that in the future, they might look at changing the General Plan, and consult with people in the neighborhoods. She did say she was impressed with the appearance of the home.

Commissioner Thnay suggested staff consider expediting the pace of replacing the guidelines dealing with older homes. He suggested nice awnings similar to the homes on B Street might help break up the flat front. He also suggested looking at the 18-20 foot front yard setback requirement.

Commissioner Halliday said she appreciated all the comments. She noted that it was time to look at the zoning ordinance and make changes. The residents care about their homes. The City needs to allow for remodeling of homes. She said she was inclined to support the motion.

Commissioner Williams said he would support the motion but getting into the business of landscaping individual private property, is subjective. If the landscaping is acceptable, a condition is not needed. He commented that as long as the condition is acceptable to the applicant, he would support the amendment to the motion as well.

Acting Principal Planner Patenaude pointed out that the findings must indicate that they are not approving a special condition. One way is with special conditions imposed on the property. The

landscaping condition is an the appropriate condition of approval.

Commissioner Zermeño discussed the fact that the applicants are making an investment in our community. He suggested maintaining the landscaping toward the front of the property.

Commissioner Bogue reminded members that this is a variance and should be justified by requiring the landscaping which might improve the look of the room additions. He noted that this is a critical issue.

The **motion passed 6:1**, with Commissioner Sacks voting "No."

4. Appeal of Planning Director's Denial of Administrative Use Permit Application No. 01-150-15 – Jeannie Young For Compass Telecom Services (Applicant) / San Leandro Hayward Elks Lodge (Owner) – Request to Construct, Operate and Maintain an Unstaffed, Wireless Telecommunication Facility Consisting of a 60-Foot Tall Stealth Structure and Equipment Cabinets in the Rear Yard of the Elks Lodge. The Property is located at 24970 Hesperian Boulevard in a CN (Neighborhood Commercial) Zoning District

Associate Planner Camire described the site, the stealth monopole that would be disguised as a palm tree and placed in a palm grove on the property, and the neighbor's opposition to the request. The objection is based on the negative visual impact to the neighborhood. Staff does not feel findings can not be made to approve the project. They recommended denial of the appeal.

Commissioner Bogue said he was secretary of the Southgate Homeowner's Association. They met with the applicant. He said he took notes at the meeting but did not participate.

Chairperson Caveglia asked about the other options. Staff mentioned Chabot College for an alternative location.

Acting Principal Planner Patenaude commented that there would also be other locations on the site. For example, it could be moved around to the front and a stealth flagpole could be installed.

Commissioner Halliday asked whether staff's primary objection is to the concept as a tree. She was told that staff did not think it could be successfully disguised as a palm tree. Acting Principal Planner Patenaude explained that the alternative would be acceptable and that the flagpole on Ruus Road looks just like a flagpole.

Commissioner Halliday then asked why palm trees are not appropriate as street trees. She was told the City has a street tree plan and a palm tree is not the usual type of tree to be planted. Commissioner Halliday suggested there might be an historical tie in to the trees on this property.

The public hearing opened at 9:42 p.m.

James Holland, representing Sprint PCS applicant, said there are potent arguments for the palm tree. Sprint is making the application because there is a gap in service in this area. They are committed to provide continuous service for Sprint PCS. The stealth antenna would be installed in the middle of the other palm trees at the property. The wires and antennae would be concealed by

**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers****Thursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

the palm fronds. The trunk would be the pole, painted and textured to match the other palm trees. The support equipment cabinet would be concealed behind existing landscaping and a wooden fence behind the property. The applicant believes that the denial was based on the Planning Director's determination that the stealth monopole could not be disguised to look like a palm tree as well as being that it would be incompatible with neighborhood and finally, the denial was based on neighborhood opposition. He suggested that the recommendation to deny was based on incomplete information. He noted that the Elks Lodge is separate from residential properties. They presented the proposal to the Southgate Homeowners Association and they approved of the design. Their proposed stealth monopole tree is of a lesser height than other trees on the property and in the area. He commented that Sprint PCS has already made a substantial investment in this project. A stealth palm resembling this species is not in existence at this point and will be designed to match the surrounding palm trees. They believe that this has the highest potential to integrate with the neighborhood. They suggested submitting detailed tree materials and colors to staff and working with City staff to assure compatibility. They suggested a final inspection of the completed tree. If it successfully integrates with the palm trees surrounding it, final approval should be given by staff. He commented that approval will result in a win-win situation for the City, as well as better service for everyone.

Chairperson Caveglia commented that he has a problem with calling it a "stealth" palm tree.

Richard Peterson, Chairman of the Board of the Elks Lodge, said they were approached by Sprint about a year ago. He commented that initially it made a lot of sense and created a reliable income for the Lodge. He noted that more people are now dependent on cell phones.

Alan Entions, spoke on behalf of the Elks Lodge members. He commented on their contributions to the City and community and charities. He said they are proud of their youth activities, veteran's services, scholarships, and home nursing for crippled children. They need the funding from the project to keep their charities working. The members feel good about helping both the Lodge and the community.

Lore Warren, a neighbor, commented on the original application six years ago by the Elks Club Lodge. At that time there was concern about the Lodge becoming a problem. There have been no problems. There are an abundance of trees in the area, including palm trees. She noted that on Turner Court, there is a communications tower that is not disguised. She said the Southgate Homeowners support the tower and the application. She showed pictures and said it was unfounded that it is an eyesore.

The public hearing was closed at 10:01 p.m.

Commissioner Halliday **moved**, seconded by Commissioner Zermeño, to perform an environmental review, develop the appropriate conditions of approval and findings, and bring the issue back for further action.

Commissioner Sacks said she agreed with Commissioner Halliday. She said that if you can match these trees, she will go along with this.

Commissioner Thnay talked about a thick palm tree he saw while driving south on 680, on the right side near Andrade. He asked for an added condition for maintenance of the tree, when the proposal is reviewed again by the Commission.

Chairperson Caveglia said he would vote "No" since artificial trees do nothing for beauty of Hayward.

Commissioner Bogue mentioned examples Sprint showed of pole coverings that resemble trees.

Commissioner Williams said he, too, would be supporting the motion since he recalled the original petition by the Elks at that location. He could find no reason not to support it. He said whatever gets the job done, they need to be concerned about this.

The **motion passed 6:1**, with Chairperson Caveglia voting "No."

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

There was no report.

6. Commissioners' Announcements, Referrals

Commissioner Williams expressed concern about a property on Second Street where trees were removed.

Commissioner Zermefio asked for a neighbor to have a tree replaced at 2290 Sleepy Hollow.

APPROVAL OF MINUTES

- June 21, 2001 – Approved with corrections.
- June 28, 2001 – Approved with corrections.

ADJOURNMENT

The meeting was adjourned by Chairperson Caveglia at 10:15 p.m.

APPROVED:

Ed Bogue, Secretary
Planning Commission

ATTEST:

MINUTES



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

**Thursday, July 26, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

Edith Looney
Commission Secretary

DRAFT