MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, March 27, 2003, 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 Bogue, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	McKillop, Sacks, Caveglia, Halliday, Thnay
	CHAIRPERSON	Bogue
Absent:	COMMISSIONER	Zermeño

Staff Members Present: Anderly, Bauman, Emira, Hart, Looney, Patenaude

General Public Present: Approximately 30

PUBLIC COMMENT
There were no public comments.

AGENDA

1. Vacation of Baumberg Court (Formerly Arden Road, County Road #2636) – The Property is Located Westerly of Baumberg Avenue (to be continued to April 10, 2003)

2. Referral by the Planning Director – PL-2003-0036 AUP – Jay Siapno (Applicant/Owner) – Request to Operate a Childcare Facility and for an Exception to the City's Design and Performance Standards Requiring a Masonry Wall – The Project is Located at 493 Blanche Street in the Neighborhood Commercial (CN) District

3. Revocation of UP 99-160-18 – James Miller & Assoc. (Applicant) / Big "O" Tires, Inc. (Owners) - Use Permit Application for a Big "O" Tires Auto Service Center and Revocation of SPR 00-130-09 – Daniel Gibbs, CEI Engineering Assoc. (Applicant) / AutoZone (Owners) - Site Plan Review Application for an AutoZone Retail Auto Parts Store - The Projects are Located at 28000 Mission Blvd. between Webster and Hancock Streets

4. Draft Environmental Impact Report for the Mission-Garin Annexation Study

PUBLIC HEARINGS

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Associate Planner Emura made the staff report. He explained the proposed changes to the building as well as the letters of support and the two objections to the project. He noted that the Fairway Park Neighborhoods Association, as well as the State Community Care Licensing supported the project. Those opposed to the project cited traffic, safety and noise concerns. The applicant would be staggering hours of pick-up and drop-off times for clients in order to alleviate traffic concerns. He also corrected several of the conditions of approval. Staff recommended approval of the project.

The public hearing opened at 7:41 p.m.

Jay Siapno, applicant, said this project is very special to their family. His mother and he and his wife have operated day cares for several years. He commented that this project is an opportunity to have more space and a challenge to give back to Hayward. He apologized to the community for the time it has taken to develop this project, since the property has been vacant for two years. He added that he appreciated the patience of neighbors. As to safety, he said they have done their best to guard against problems. They will limit the number of cars coming into the facility with staggered drop-off times in the morning and afternoon. Want to try to have an all-around care for children, both school age children and infants. He said they have looked at the market and hopefully this will benefit Hayward.

Commissioner McKillop asked about where their other locations were.

Mr. Siapno said one is at Harder and Mission, close to Cal State. The other is on Whitman. Those were homes, so this facility is larger.

Commissioner Caveglia asked about their request for an exemption to the Masonry wall.

Mr. Siapno discussed the funding for this project as a lump sum for development purposes. He noted that they ran into issues to make sure the hazardous materials on the property were abated and all the regulations were cleared. He noted that more resources were taken up in paying for the property and licensing, etc. He added that the difference in the cost of the masonry wall and wood fence is considerable. He asked the Commission to consider allowing the installation of a wooden fence because the more they need to pay for the exterior, the less money there will be for the children.

Commissioner Halliday asked about the drop off area.

Mr. Siapno described the area as a large area with clients able to park and bring the children into the building.

Commissioner Sacks asked about the cost difference between wood and masonry fences.

Mr. Siapno said he had not priced it out. However, with their limited funding even the consultant architect stopped work. He did add that he could try to get the price difference if it

was going to affect this decision.

Commissioner Caveglia then asked staff if they could provide the difference in costs.

Planning Manager Anderly indicated that it would probably double the cost to have a masonry fence rather than a wooden one.

Commissioner Caveglia agreed that it is a good deal of money.

Commissioner Thnay commented that this issue has come before the Commission in the past. He noted that mixed feelings of Commissioners and the reservations of staff. He asked about results from past substitutions of a wooden fence with a masonry wall, whether there had been any complaints as a result of these decisions.

Planning Manager Anderly commented on the last childcare case that was before the commission, which included a chain link fence. She noted that the neighbor did not want a masonry wall. After a visit to the site, she commented that it is difficult to associate the type of noise that goes with a Child Care center.

Associate Planner Emura said the City requires a 6-foot masonry wall. None of the neighbors have expressed concern about the wood fence.

Mr. Siapno added that of the three properties adjoining this one, the house in the middle has a masonry fence. The neighbor to the left said it didn't matter. And the home closest to Mission is a retired lady who said she had no problem with noise. Once again, he explained, they were trying to accommodate the neighbors.

Commissioner Caveglia said he agreed with Commissioner Thnay, for the past 7-years that he has been on the commission, when it comes to a choice between requiring a masonry wall or allowing a wooden fence, the Commission members tend to go along with wood fence. He added that masonry walls are ugly and graffiti magnets, noting that it might be time to revisit this particular ordinance.

Commissioner McKillop asked what the previous use of the building had been.

Mr. Siapno responded that it had been a Scuba Diving shop.

An Buchanan, architect for the project, said it had been an interesting and rewarding process. She noted that they were working with Alameda Child Care fund and have met with numerous people who have input for childcare services as well as the City planning staff. She said the design was developed and planned closely with the City of Hayward Planning staff as well as the State Child Care Licensing. She said they gave a great deal of careful thought about maximizing the play space. She added that they had worked with Assistant Planner Koonze,

the Fire Department and the Planning Director on safety and other issues. He explained that they had consulted with Mr. Salter, and adjunct professor from UC Berkeley about the fence. She added that they are going by his opinion regarding the equality of wood fencing versus a masonry wall.

The public hearing closed at 8:02 p.m.

Commissioner Caveglia, moved approval of the Administrative Use Permit with a change in Condition 11 for "A 6-foor-high sound attenuation wooden fence...", Commissioner Sacks seconded the motion. Commissioner Caveglia noted that there is a desperate need for child care facilities in the City of Hayward. He added that it might be time to look at the masonry wall requirement.

Commissioner Halliday indicated that it is a good project in a good location as long as there is adequate protection from Mission Blvd. She noted that the fences are not visible from outside and that this is a needed project.

Commissioner Sacks said she supports this project and was delighted to see the property. She too, added that adequate childcare is needed.

Commissioner McKillop commented that childcare is a labor of love and thanked the applicant and his family for their efforts. She added that she would support the motion and wished the applicant good luck.

Commissioner Thnay noted the lack of childcare in the area, commenting that this looks like a good design for parking and drop-off. He then recommended that at Mission Boulevard, the applicant be conditioned to erect an "Exit Only" sign at the driveway. He said it is a good project.

Chairperson Bogue asked whether this proposal should be added as a friendly amendment to the motion. Both the maker and seconder agreed that it would be.

Chairperson Bogue said he would like to speak to the masonry wall question. In the long run, masonry will stand up longer. He said he visited one of the sites on which the Commission agreed to allow a wood wall and it is not serving the purpose they expected. He would like to retain the policy and allow a case-by-case review regarding application. He noted that in the Fairway Park letter there was no comment on the masonry wall requirement. However, since it is a good project he would support it.

The motion passed unanimously with Commissioner Zermeño absent.

3. Revocation of UP 99-160-18 – James Miller & Assoc. (Applicant) / Big "O" Tires, Inc. (Owners) - Use Permit Application for a Big "O" Tires Auto Service Center and Revocation of SPR 00-130-09 – Daniel Gibbs, CEI Engineering Assoc. (Applicant) / AutoZone (Owners) - Site Plan Review Application for an AutoZone Retail Auto Parts Store - The Projects are Located at 28000 Mission Blvd. between Webster and Hancock Streets

This item was continued to a date certain, April 24, 2003.

4. Draft Environmental Impact Report for the Mission-Garin Annexation Study

Senior Planner Calame described the process and schedule for the DEIR. He noted that the objective of the Mission-Garin Annexation Study is to determine the appropriate land use and zoning prior to annexation of the property into the City. He noted that there were five alternatives prepared for the property and reviewed by the City Council. He noted the potential housing units per plan as "A"-74, "B"-584, "C"-801, "D"-750, and "E"-92. He then described how each derivation was made. He highlighted the summary of impacts for the area adding that staff is proposing a special design district overlay for the whole area. That information is contained in the EIR as well. He highlighted the major visual impacts. He added that the implementation of some of the mitigation measures might not be financially feasible. He then commented on the landform and topography and the amount of land potentially developable. There would be nothing developed in areas with more than 25 percent slope, adding that some grading would still be required. Adherence to the Hillside design guidelines would also be required for any project. He noted that with every alternative, there would be an adverse impact on the wetlands except Alternative "E". The southeast area is currently a designated critical habitat for the Alameda whip snake. He commented on the possibility of an earthquake on the Hayward Fault, which might cause harm to structures and residents. He showed the area of the fault line, and noted that a special fault investigation study would have to be made as well as geo-technical studies of the area. He explained the needed improvements in the area, which would be necessary for development. Three roadway extensions would be needed for circulation. He noted the regional traffic congestion impacts, saying they would be significant and unavoidable. In discussing the water and wastewater systems, he noted that new water facilities would be needed. Another water reservoir would be needed. Also, with development under the more intensive alternatives, there would be need for improvements to the sewer interceptor on Tennyson Road, Parks and recreation needs vary from 1 acre in A, to 12 acres in C. Developers would have to contribute land and money for development of these areas. As to the School District, any additional development would exacerbate existing overcrowding. Developers would have to either dedicate new school sites or pay the HUSD fees.

The public hearing opened at 8:27 p.m.

Frank Berlogar, discussed his proposed project and the location of houses on it. He described the regional picture and recommended a more direct crossing of Alquire, across the fault zone and north south, utilities. Water is available in the existing water tanks to bring into the project. He proposed upgrading the existing water line and using new pipe and shutoff valves near the fault line. He noted the various landslide properties in the area and their two designs to stabilize the project. In discussing asbestos, he said they were recommending a higher level of protection. He noted that they would develop design solutions that address the needs.

Scott Raty, Hayward Chamber of Commerce, said the Chamber would submit written comments

on the DEIR, but were very clear in terms of decisions to be made. He said the Chamber would strongly support Alternative "C", because it would maximize the flexibility to achieve goals for City and what it brings to the City. He commented on the economic analysis, saying that this Alternative would bring the best return to the City. He commented on their support of Twin Bridges, which brought more value to the City in the long-term. He added that the schools in the area need the flexibility of Alternative "C".

Pete Ruggeri, said he was a consultant for several projects, and would also submit his comments in writing. As to the local traffic impacts noted on page 3, he showed that the Alquire Parkway residents were concerned with the alignment of the road. He showed an aerial photo of the area noting that the roadway extension would provide emergency access for existing homes in the area. He showed their proposed alignment for the extension saying it is a better one than that addressed in the EIR, with a better grade that would avoid excessive grading for the road. The proposed alignment would provide better crossing for utilities.

Jeff Fishman, architect/ planner, described their overall plan to give a bigger picture with draft EIR. He described the projects as being in quadrants or neighborhoods. He pointed out the various projects and the number of residences in each neighborhood. He complimented staff regarding their presentation and the overview of the buildable sites in the area. He discussed the conceptual plans as a work in progress noting the importance of what it looks like. He described his overview as merely a snap-shot.

Commissioner Halliday asked to see a conceptual simulation slide and how it looks once it was built out.

Jack Smith noted that the combination of units were a result of placing most of the homes within the quarry sites. He noted that if you put 800 units in these areas, there is still a lot of open space. He added that only 25 percent of the land would be used and the rest would be open space. He noted that a Design District for the area is appropriate. He commented that with abandoned quarries, it is hard to tell what the grades are. He said they are all quite different and would have to all be excavated. He added that the proposal for a change in the road is more realistic, as well as being fairer to the people who live there. He noted that Alternative "C" is not overbuilding when you only use 25 percent of the area. He added that permission to build 800 units does not mean they have to be. This is one of the last areas in the City to develop and it can and should be done well. He noted that a 12-acre park would not be a problem. On one 40-acre property, for example, by using 20-acres for development, the other 20 could be available for a park. He added that this is a team effort and a new school might require a major bond issue.

Joe Callahan, developer, said one of the problems with the EIR doesn't talk about opportunities. He described the area as from Moreau HS to Garin Regional Park. He said the existing neighborhood is a combination of disjointed subdivisions. This plan creates the opportunity to tie the area together and in particular to let it "breathe" by the circulation element. He noted that Alternative "C" would create a lot of interest in reinvestment in this area. He also discussed the aspect of fiscal analysis. "C" has a bondable fiscal benefit to the City of several millions of dollars, which would create the opportunity to build a school in the area. He commented that land that is impacted by faults would be usable for open space and parks.

Jim Moita said he was representing his mother who owns property in the area. He said they were in favor of the annexation of the area but he had some questions for the coalition of builders.

Mr. Callahan explained to him that 33 acres would be buildable in the area of the quarry. He said the proposal for their property would be 10-units to the acre, which would consist of town homes and stacked units.

Mr. Moita indicated that the Alquire extension on the east and running parallel to Bodega would be their preference. He indicated that his mother's interest would like to see improvement and the family would be in favor of the annexation.

Guy Warren, another property owner, talked about the Garin-Vista project, 40-acres. He said they would build a cluster development on the old quarry. The Mission-Garin area needs a lot of improvement. He noted that the plan is to just develop in the old quarries. However, they would need special consideration of grading guidelines. He said they were looking at alternatives "D" and "C", adding that it looks like a lot of development but is less than it looks.

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

Commissioner Sacks said she had actually gone to look at the area. On last year's tour, the bus tourdid not go where she wanted to go and she felt she needed that additional perspective. She stated that others really should get up there to see it. She commented on the DEIR, page 40, land use, that says density should feather out. Although this policy seemed like a fine idea at the time, she said she was not happy with the concept. She noted that the City would have to be looking for making compromises since the landowners have their rights, but the beauty of the hills should also be maintained.

Commissioner Halliday thanked everyone for coming to the hearing. She added that there was a lot of interest from the neighborhood. She suggested staff work on visual simulations, which are necessary and essential for everyone to understand the breadth of the proposal. She then described Bailey Ranch as another project that was approved and is now a scar on the hills, which diminishes everyone's enjoyment of the area. She said the members were told it was not going to be visible and would follow the Hillside Design Guidelines. However, it doesn't look good. She added that she was not opposed to building in the area, but hills are an asset to the City. The visual simulations are not quite there. She said there should be better attempts at showing what this is going to look like. Although she said she did not go up to the hills, she suggested they should all go as a group, including the City Council. It is essential that all of the deciding members go up there. This is a big issue that will be before both bodies. She suggested that this be the focus for the annual Planning Commission/City Council field trip. She asked whether Alternative "E" would be down zoning of the area and would there be legal ramifications to doing that.

Senior Planner Calame explained that the a in the County is zoned agricultural, with 100-acre

minimum sizes. City properties are also zoned agricultural. He said staff is assuming that all of the study area would be annexed under any of the Alternatives.

Commissioner Halliday said she would also like to see simulated views from the trails at Garin Park. She also commented on the concept of creating development credits for those building higher density under the 200-foot line, which could, in turn be sold to those building above the line, she suggested exploring that issue a bit more.

Commissioner Thnay commented on the Bailey Ranch development as well, saying he lives on the low side of the hill. However, perhaps the City can learn from it, since that development is already there, we know what we don't like. He also suggested using more trees as view buffers. He added that the concept of the area-wide study is really good. He noted that the Alquire-Tennyson extension and connector proposal is excellent. He suggested more study and consideration be given to the alternate proposal for the relocation of the road. He said he would have more to say on the traffic situation in his written comments.

Commissioner Caveglia stated that since he will be leaving the commission this summer, this might be his last chance to say that he personally very strongly, recommends Alternative "E" since this is the last substantial piece of land in the City. Visuals are very important. He indicated the City Hillside Guidelines never seem to happen. Once the graders begin, Alternative E is the only reasonable response.

Commissioner McKillop said this is the last vast undeveloped piece of land in the City of Hayward. It is going to take a lot of creativity. She thanked Mr. Warren for his offer to show her the land and strongly maintains that they should all see the property. She added that there really does need to be landscaping to mitigate the homes in the hills. She said she was leaning toward Alternative "D", but emphasized that she would be looking for something different from what we have seen in the past.

Chairperson Bogue commented that he was very interested in the new alignment of the Alquire/Tennyson connection. He said that he, too, would be looking for something very creative, interesting, attractive and yet, hidden. He said you could see that in the quarry area, a lot of the development can be hidden. He mentioned that Commissioner Thnay's comment on trees was well taken since sometimes developers think views mean no trees. He noted that it really means no trees in front of their windows. If the landscaping were laid out properly, trees and developments do go together. He said he was leaning more toward Alternative "C". It is flexible and only uses a small portion of the area for development.

There was no action taken at this time.

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced the meeting dates for the month of April as well as a work session on multi-family design guidelines scheduled for May.

6. Commissioners' Announcements, Referrals

Commissioner Halliday asked when and where the annual Planning Commission/City Council field trip would be for this year.

Commissioner Sacks commented that the view from the hills pointed out the sparseness of trees in various developments throughout the City flatlands. She said she would like more to do more investigation about the landscaping requirements in many of those projects.

Commissioner McKillop asked about the neon signs at El Tapatio on B Street and where they had gone.

APPROVAL OF MINUTES

ADJOURNMENT

The meeting was adjourned by Chairperson Bogue at 9:32 p.m.

APPROVED:

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Barbara Sacks, Secretary
Planning Commission

ATTEST:

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Edith Looney
Commission Secretary