

Council Chambers Thursday, July 12, 2018, 7:00 p.m. 777 B Street, Hayward, CA 94541

MEETING

Assistant City Attorney Brick announced at 7:00 pm that we will wait for another member of the Commission to arrive.

Chair Goldstein arrived in the Council Chambers at 7:26 pm.

A regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chair Goldstein.

CALL TO ORDER Pledge of Allegiance

Commissioner McDermott led in the Pledge of Allegiance.

ROLL CALL

Present:

COMMISSIONERS:

Schott, McDermott, Faria

CHAIRPERSON:

Goldstein

Absent:

COMMISSIONER:

Willis Jr., Bonilla Jr.,

Vacancy:

ONE

Staff Members Present: Brick, Buizer, Chan, Martinez, Schmidt

General Public Present: 9

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision. For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Proposed Establishment of a Car Wash and Expanded Convenience Store at an Existing Gas Station at 438 West Tennyson Road (Assessor Parcel No. 465-0001-002-00) from Kevin Chiang, KC Associates/Xu Ying and Fan Li (Applicant/Owners) Requiring Approval of Conditional Use Permit Application No. 201601868

Senior Planner Schmidt provided a synopsis of the staff report and a PowerPoint presentation.



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In response to Commissioner Schott's question regarding why are there limitations on noise and operating hours if there are primarily commercial uses in the area, Senior Planner Schmidt said the purpose is to be sensitive to the adjacent park.

Senior Planner Schmidt responded to Commissioner McDermott that there will be a convenience store on the ground floor and the second floor is an office for the employees of the store and gas station.

Mr. John Griffin, project general contractor, described the conveyor system flexor style car wash and the establishment can have employees to finish drying and vacuuming the cars or owners can do this themselves. In response to Commissioner Schott, Mr. Griffin said having curfew hours for the car wash is a business decision and, in his experience, most people don't wash their cars at night.

In response to Chair Goldstein, Senior Planner Schmidt said the gas pumps will not be move and there are annual inspections and 24/7 monitoring equipment for the gas tanks and also the City's Hazmat team conduct quarterly and annual inspections.

Chair Goldstein opened and closed the public hearing at 7:40 p.m.

Commissioner Schott made a motion to approve the staff recommendation, Commissioner McDermott seconded the motion.

AYES:

Commissioners. Schott, McDermott, Faria

Chair Goldstein

NOES:

None

ABSENT:

Willis Jr., Bonilla Jr.

ABSTAIN:

None

VACANCY:

One

2. Application to Amend Chapter 10, Article 1 (Zoning Ordinance), Sections 10-1.845.j (5) and (6); and 10.2.1045.j (5) and (6) (Minimum Design and Performance Standards) of the Hayward Municipal Code Related to Drive-Through Restaurants and Drive Restaurants and Drive-Through Coffee/Espresso Shops in the City of Hayward by united Growth Capital Management, LLC. (Applicant), Requiring Approval of a Zoning Text Amendment Application No. 201802227

Assistant Planner Martinez provided a synopsis of the staff report along with a PowerPoint presentation.



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Mr. Brad Larue, applicant with United Growth, provided information about the item and the purpose of the amendment was to bring in healthier fast casual restaurants such as Chipotle, El Pollo Loco, Habit Burger, and Panera Bread.

In response to Commissioner Schott's questions of what areas would be affected by this amendment, Assistant Planner Martinez said the text amendment would affect the entire City and the applicant will establish a site at Whipple and Whitman next to City Sports.

In response to Commissioner Faria's question of why the 1980s ordinance had restrictions, Assistant Planner Martinez said the 1986 ordinance established drive-in establishments minimum design performance standards that included provisions that covered trash pickup and parking space requirements. Mr. Martinez said prior to 1986 there was a moratorium as there were circulation traffic issues, problems with car queuing and litter from too many fast food restaurants.

Commissioner McDermott commented on the notes from the Council Economic Development Committee (CEDC) meeting that the drive-through restaurants would have healthier choice, there were concerns about trash and inquired if the applicant has considered these issues. Mr. Larue said the establishments that want to expand into the bay area have a higher level of food choices and this is what consumers are demanding. Assistant Planner Martinez said at the CEDC meeting Council Member Mendall brought up concerns of litter and in the 1986 ordinance the litter is addressed as establishments are required to clean up an area within 300 feet. Mr. Martinez reminded the Commission that the item before the Commission is a land use issue.

Chair Goldstein opened the public hearing at 7:57 pm

Mr. Kim Huggett, Hayward Chamber of Commerce, asked the Commission to approve the item and spoke in favor of the zoning text amendment. He said the approval of the item will provide growth and more food options for the City.

Ms. Angela Andrews, Hayward resident, spoke in favor of the zoning text amendment, would like to see more healthy dining options for residents and industrial workers. Ms. Andrews is the chair of Keep Hayward Clean and Green Task Force and wants to make sure that restaurants do their fair share in addressing the litter. Ms. Andrews made suggestions to improve the litter issue in the City.

Mr. Zacharia Oquenda, Hayward resident, opposed the text amendment as fast food restaurants contribute to poor health, pay low wages and contribute to the blight in the City. He said there needs to be more grocery stores and this item is against the safe, clean and green and thriving community for Hayward.



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Mr. Lawrence Vo, Hayward resident, supports certain types of fast casual establishments and

would like to see more of these types of restaurants in the City. Mr. Vo said there needs to be a mechanism to bring more healthier food options and businesses into the City.

Assistant Planner Martinez pointed out that the zoning text amendment identifies geographical criteria that would allow the flexibility of an establishment with a half-mile of another one.

Chair Goldstein closed the public hearing at 8:13 p.m.

Commissioner Schott disclosed that he is a fast-casual store owner, is familiar with the Whitman site and that we are now a mobile society. Mr. Schott said staff is looking at parcels and how they can be put to better economic use. Mr. Schott said he will be supporting the motion.

Commissioner McDermott encouraged the City to bring in more unique and healthier dining choices as there are enough fast food restaurants. Ms. McDermott would like to see healthier options for the community and address the litter problem. Ms. McDermott supports the item.

Commissioner Faria said she agreed with Mr. Oquenda's comments regarding the community's general health and pointed out that the City's General Plan has a stipulation regarding the general health of the community. Ms. Faria said the General Plan needs to be reviewed and community's general health needs to be taken into consideration when new businesses are looking to be established in the City. Ms. Faria said the Commission has reviewed several new developments in South Hayward and these new residents need healthier dining options. Ms. Faria will be supporting the item.

In response to Chair Goldstein's question if any restaurant can apply for a drive-through option, Planning Manager Buizer said the drive-through option requires the administrative use permit (AUP) or a conditional use permit (CUP) even if the restaurant is already in existence. Assistant Planner Martinez read from the existing ordinance under the Design and Performance standards section 3B which covers the regulations about the trash and the distance of 300 feet. Ms. Buizer said the 300 feet covers a large area and can include the adjacent properties. Mr. Martinez said the mechanism of code enforcement and the AUP/CUP for establishments can be utilized for litter control. Mr. Goldstein said studies have shown that fast casual restaurants are more beneficial over fast food restaurants and added that wage abuse does not only happen in the fast food industry. Mr. Goldstein supports the amendment.

Commissioner Schott said the item before Council is to update old language and said staff noted that there is the CUP process that restaurants will have to apply for.



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Commissioner McDermott made a motion to approve the staff's recommendations. Commissioner Schott seconded the motion

Chair Goldstein said there has been a lot of approved development which will result in about five thousand new units, the City is changing and we need to consider healthier, fresh dining options.

The motion passed with the following vote:

AYES: Commissioners Schott, McDermott, Faria

Chair Goldstein

NOES: None

ABSENT: Willis Jr., Bonilla Jr.,

ABSTAIN: None VACANCY: One

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

There were none.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 8:31 p.m.

APPROVED:

Ray-Bonilla Jr., Secretary Daviel Goldstein, Chark

Planning Commission

ATTEST:

Denise Chan, Senior Secretary

Office of the City Clerk