



CITY OF  
**HAYWARD**  
HEART OF THE BAY

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**DATE:** October 18, 2007  
**TO:** Planning Commission  
**FROM:** Carl T. Emura, Associate Planner  
**SUBJECT:** Administrative Use Permit No. PL-2005-0510 – Gene Mattauch (Applicant) / MFG Holding LLC (Owner) - Request to Modify Use Permit 99-160-20 to Allow a Crematorium within an Existing Mortuary and to Allow a Maximum of 500 Cremations per Year

The Property is Located at 22297 Mission Boulevard, at the Northeast Corner of Grace Street in the Central City - Commercial (CC-C) Zoning District

**DISCUSSION:**

The October 4, 2007 Planning Commission was continued to October 18, 2007 at the request of the applicant due to the lack of a full commission. Staff made a presentation and the public was allowed to provide comments (See Attachment A).

Prepared by:

Carl T. Emura, ASLA  
Associate Planner

Recommended by:

David Rizk, AICP  
Planning Manager

Attachment A: Minutes of Public Testimony dated 10/4/07  
Attachment B: Planning Commission Report and attachments dated 10/4/07 (previously distributed)



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 4, 2007, 7:30 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

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

**ROLL CALL**

Present:           COMMISSIONERS:           McKillop, Sacks, Lavelle, Mendall, Loché  
                          CHAIRPERSON:                Peixoto  
Absent:            COMMISSIONER:                Thnay

Staff Members Present: Connolly, Emura, Rizk, Lens

General Public Present:        Approximately 29

**PUBLIC COMMENTS**

Mr. J. V. McCarthy, B Street resident, spoke about the Russell City Power Plant and potential issues at the air terminal in Hayward.

**PUBLIC HEARINGS**

Chair Peixoto announced that counsel informed the applicant that since one member of the Commission was absent and another was going to recuse from the meeting, the applicant had the option to re-schedule the hearing. Mr. Ron Peck, attorney for the Mission Funeral Home Crematorium, requested to continue the hearing until the full Commission is present and Commissioner Thnay could participate.

In response to Commissioner Mendall's inquiry, Assistant City Attorney Connolly indicated that it would be appropriate to allow the public to speak and have a presentation by staff.

Commissioner McKillop recused herself from the meeting.

1. Administrative Use Permit No. PL-2005-0510 – Gene Mattauch (Applicant) / MFG Holding LLC (Owner) - Request to Modify Use Permit 99-160-20 to Allow a Crematorium within an Existing Mortuary and to Allow a Maximum of 500 Cremations per Year - The Property is Located at 22297 Mission Boulevard, at the Northeast Corner of Grace Street

Staff report submitted by Associate Planner Emura, dated October 4, 2007, was filed.

Associate Planner Emura summarized the report and presented a video that showed a cremation facility in Visalia and stated that Commissioner Sacks also attended the site. Mr. Emura added that three additional responses were received in opposition to the application.

The Commission agreed to have the discussion and hear comments at the next hearing.

Chair Peixoto opened the public hearing at 7:56 p.m.

Ms. Marian Kolm, Montgomery Street resident, spoke against the application because of its impact to the neighborhood. She had concerns about the location for the operation of the crematorium and the conditions of approval.

Ms. Rosario Arreola, representing the Tiburcio Vasquez Health Center, indicated that although the center had a good relationship with Mission Funeral Home, the center expressed concerns for health risks related to the chromium hexavalent emissions and diminishing air quality in the neighborhood. She added concern for the tenants at the former gas station adjacent to the proposed site. She respectfully asked that the issues raised be considered.

Ms. Paula Francoear, Montgomery Street resident, indicated that there are current problems in the neighborhood such as half-way houses and prostitution. She was concerned with potential health effects that the proposed application could bring. She expressed opposition to the application.

Mr. Larry Arend, Main Street resident, spoke as a member of the Board of Directors of Prospect Hill Neighborhood Association. He indicated that the proposed crematorium is incompatible with the residential neighborhoods and it would decrease the residential property value and quality of life in the neighborhood. He was not against cremation, but indicated that the heat waves would be visible and therefore the neighbors would be reminded of the cremations. He added that the San Leandro Council has prohibited crematoriums because of land use incompatibility and that the City of Richmond allows it only in cemeteries. He added that other crematoriums are isolated from residential areas. He asked denial of the application.

Mr. Croft Jervis, Prospect Street resident, expressed concern for a crematorium close to downtown due to the potential for pollution. He suggested that a psychological impact be considered when approving the application. He lives close to the proposed crematorium and expressed that it might affect the property value in the neighborhood.

Mr. Andy Wilson, Greenbrier Lane resident, spoke about the Russell City Power Plant and the fireplace retrofit on "PM 10," combustion process. He urged that the Commission not approve combustion processes until the "PM 10" on the fireplace retrofit is known.

Mr. Frank Goulart, Main Street resident, deferred his comments until the next hearing.

Ms. Marlene Herndon, Prospect Street resident, deferred her comments until the next hearing. She reported that she did not get a public hearing notice about the application for approval of construction. She indicated that her husband submitted a letter, which was part of the report.



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Ms. Catherine O'Connor, Prospect Street resident, indicated that the City's promotion of green building and sustainable development was contrary to the proposed application. She expressed opposition to the application due to the emissions. She respectfully asked that the application be rejected.

Ms. Tyla Edwards, Prospect Street resident and realtor, expressed her opposition to having a crematorium in a residential neighborhood. She suggested that the crematorium be moved outside residential areas. She added that a crematorium would bring the property value down because it would have to be disclosed to potential buyers.

Mr. Joel Thonley, Prospect Street resident, indicated his opposition for the application. He indicated concern for the proposed stack and its emissions. He indicated that the proposed area is not appropriate from a land use perspective.

Chair Peixoto closed the public hearing at 8:21 p.m.

Commissioner Sacks made a motion, seconded by Commissioner Mendall, and unanimously approved with Commissioner Thnay absent and Commissioner McKillop recusing herself, to continue the public hearing until October 18, 2007.

2. Oral Report on Planning and Zoning Matters  
Planning Manager Rizk indicated forthcoming meetings.

3. Commissioners' Announcements, Referrals  
Commissioner Sacks reported on a vacation trip to North Carolina.

### **APPROVAL OF MINUTES**

The minutes of September 20, 2007, were approved.

### **ADJOURNMENT**

Chair Peixoto adjourned the meeting at 8:28 p.m.

### **APPROVED:**

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Al Mendall, Secretary  
Planning Commissioner

### **ATTEST:**

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Miriam Lens  
Commission Secretary