



MEETING

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

ROLL CALL

Present:	COMMISSIONERS	Bennett, Bogue, Caveglia, Halliday, Williams, Zermeño
	CHAIRPERSON	Fish
Absent:	COMMISSIONER	None

Staff Members Present: Anastas, Bauman, Borger, Looney, McClellan, Patenaude, Woodbury

General Public Present: Approximately 75

PUBLIC COMMENT

Marc Branco, 678 Marin Avenue, spoke regarding the Home Depot proposal. He asked that the Commission proposal regarding eliminating the two driveways on Hesperian be emphasized to the City Council.

AGENDA

1. **Vesting Tentative Map Tract 7065 And Development Agreement – Ruggeri-Jensen-Azar & Associates (Applicant), Gordon E. Oliver & Alden Oliver Trusts (Owners)** - Request to subdivide 251.53 acres into 538 single-family residential lots, 22 commercial/light manufacturing lots, 2 neighborhood parks and a sports park; and approval of a Development Agreement. *The site is located on Hesperian Boulevard between Industrial Boulevard and Old Alameda Creek.*
2. **Zone Change 99-190-01 – Society of Saint Vincent de Paul (Applicant/Owner):** Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. *Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.*

CONTINUED UNTIL SEPTEMBER 23, 1999

3. **Tentative Map Tract 7047, Site Plan Review No. 99-130-11 / Variance Application No. 99-180-08 - Tennyson Homes L.P./Paul Wong (Applicant/(Owner)** – Request to subdivide a 1.13+ acre parcel into 6 lots; approval of site and architectural plans; and a variance to the required lot depth. *The property is located at 259 Tennyson Road within an RS (Single-Family Residential) District.*
4. **Use Permit Application No. 99-160-19 – David West For Westside Creations (Applicant) / Douglas Lee (Owner)** – Request to operate a 5,237-square-foot dance studio as a commercial amusement facility in the Central City-Plaza and Central City-

Commercial Zoning Sub-districts. *The property is located at 943 "B" Street between Mission Boulevard and Main Street.*

PUBLIC HEARINGS

- 1. Vesting Tentative Map Tract 7065 And Development Agreement – Ruggeri-Jensen-Azar & Associates (Applicant), Gordon E. Oliver & Alden Oliver Trusts (Owners)**
- Request to subdivide 251.53 acres into 538 single-family residential lots, 22 commercial/light manufacturing lots, 2 neighborhood parks and a sports park; and approval of a Development Agreement. *The site is located on Hesperian Boulevard between Industrial Boulevard and Old Alameda Creek.*

Principal Planner/Landscape Architect Woodbury made the presentation indicating that there will be final plans to come. Staff recommended sending the request to Council for approval. The Sports Park is anticipated for completion by September 1, 2001. A 10-year time frame for completion of the entire development is provided for in the Development Agreement.

Planning Engineer Anastas reviewed the map details with Members, explained the site preparation and grading, as well as the Phase I improvements.

Commissioner Caveglia asked for further information on the estimated duration for the truck traffic to fill in the site. City Engineer Bauman indicated that it would likely take between 18-24 months.

Commissioner Halliday asked for a clarification on the Army Corps of Engineers wetlands determination. She was told that everyone is waiting for the Corps' final determination. She suggested that this might have waited for that approval first.

Principal Planner/Landscape Architect Woodbury said that the tentative map approval would not need the determination; however, it must be obtained before grading begins.

The Public Hearing was opened at 7:45 p.m.

Cynthia Birmingham, 30 La Ferrera Terrace, San Francisco, representing the Oliver Trust, thanked members for previous support and indicated that a number of consultants were available to answer questions.

Commissioner Caveglia asked again for further information on the number of truck trips and the amount of fill for the project.

Joe Callahan, 656 Palomino Drive, Pleasanton, one of the developers of the property, responded that there will be 40 trucks making 10 truck trips daily, a total of 400 trips, from 7:30 a.m. until 6:30 p.m., Monday through Saturday.

Commissioner Caveglia commented that this would be through commute traffic time. Mr. Callahan pointed out that staff has developed a very well thought out traffic contingency program.

Commissioner Halliday expressed concern regarding the emergency crossing and asked whether, since it is near the Sports Park it might not be developed as a crossing for children with bicycles, otherwise it could be an attractive nuisance. Mr. Callahan explained that the developer would be responsible for the crossing gate but that opening it up for children might



be feasible.

Donald A. Gall, 1338 Grizzly Peak, Berkeley, pastor of the beneficiary Church indicated that the beneficiaries have pledged to forward, in advance, \$3 million for the building of the Sports Park. He asked Commissioners to approve the project and send it on to Council.

Viola Saima-Barklow, 1210 Tiegen Drive, recommended against the project for residential housing. She asked members to approve everything but Oliver West. She indicated that development in this area might hinder the recovery for the Clapper Rail and Harvest Mouse. She said this project has redefined wetlands in the area to reduce them to 1/3 acre.

William SeEVERS, 22724 Zaballos Court, urged favorable consideration of the plan.

Evelyn Cormier, 31020 Carroll Avenue, referenced her letter regarding the monitoring responsibility.

Scott Raty, Chamber of Commerce, 22561 Main Street, urged a positive vote in favor of this project, which will make the community proud.

Howard Cogswell, 1548 East Avenue, representing HASPA, expressed concern regarding the Oliver West project being built on bay mud. He presented a number of opinions on the stability factor and asked for reconsideration.

Zoe Foster, 85 Madrid Place, Fremont, and former president of the Historical Society, asked for approval of the project. She said this is a positive step for Hayward. She indicated that many residents worked on the election to pass Measure HH.

Rob Warren, 945 Greenwich Street, San Francisco, current president of the Society, said this balanced plan will help Hayward take advantage of the high tech boom in the Valley.

Yvonne Critzer, 26937 Halifax Place, discussed the advantages to the Historical Society and the Church and what a great project this will be.

Nels B. Nelson, 1922 East Avenue, former president of the Historical Society, spoke of Alden Oliver and the heritage of the community.

Ralph Martin, 805 Fletcher Lane, said the Sports Park would be a great amenity to the community.

Audrey LePell, 209 Poplar, said she has mixed feelings about the project. She then read from a 1987 Alameda County Board of Supervisors Resolution urging protection of the wetlands.

Ron Barklow, 1210 Tiegen Drive, explained that this area is an extreme flood area. He also wondered where the Union Pacific point of view was. He asked Commissioners to wait to approve until there was more information in answer to questions that had been raised.

Paul Hodges, 4041 China Court, urged passage of the project for a balanced and upgraded

development.

George Ubl, 24747 Brentwood Court, represented the Youth Soccer League. He said they are scattered throughout the area. The Sports Park would help to consolidate them. He said he just recently purchased a home in Hayward.

Bishop J.W. Macklin, Glad Tidings Church, supported the project for economic development and employment as well as balanced housing for the City.

J.V. McCarthy, "B" Street, expressed disgust that liquefaction was considered so lightly. He said it is a high-risk area and cited a page in an ABAG publication delineating the problems with liquefaction and high-risk areas. He then asked what kind of liability is the City prepared to carry.

Beatrice Thornton, 816 Pinedale Court, discussed native Californians and how she wants this community to be a City and make progress. Mr. Oliver left this land to two wonderful organizations. She then indicated that it seems as though the same people are always against growth and development.

Paul Martin, 3723 Arbutus Court, a Board member of the Historical Society said housing is needed for the success of the project. The charities will not get the money without approval of the whole project.

Ken Ryken, 1630 "C" Street, said he has friends who were raised here who are moving out to where the jobs are. This is an opportunity for the City. This project can be a jewel in Hayward's crown.

Janice Delfino, 18673 Reamer Road, Castro Valley, expressed dismay at the errors in the mitigation monitoring plan. She suggested that clarifications be made before the plan is accepted and finalized.

Sheila Junge, 22791 Souza Court, said she was concerned regarding the effects of the housing on wildlife in the area and wondered who is going to put teeth in the regulations.

Dick Sheridan, 322 Dutchess Lane, said the project has some difficulties but is important for the future of Hayward. He asked Commissioners to approve it.

Wes Asmussen, HARD, said this is the opportunity to make sure the Sports Park is built at no cost to the City or HARD.

Mike Brown, Carpenters Union Local, recommended assurances that local contractors be used and pay standard wages.

Frank Delfino, 18673 Reamer Road, Castro Valley, pointed out a number of problems he saw with the project.

Mr. Callahan then introduced a number of the experts employed by the developer for the project.

Frank Berlogar, 5587 Sunol Blvd. Pleasanton, discussed the water wells, Bay mud and



liquefaction. He indicated that this was a problem in the 60's when they were just starting to use Bay fill.

Pete Ruggeri, 27020 Halifax Place, explained the water buffer and tide actions in the area. He added that he liked the concept of allowing children and bikes to use the emergency access road while keeping vehicles out of the area. He also explained the buffer proposal. He said the main concern of the East Bay Discharge Authority is to get the plans on time and work out their easement.

Mr. Callahan then explained that they are basing their designs and development on two other models: the Redwood Shores which shares many of the same principles; and Harbor Bay Isle, which has many nice water features.

Richard Nichols, EIP Associates, 550 Battery St. #114, San Francisco, discussed the present wildlife in the area which is presently a farm and the buffers proposed. He agreed that it is not a foolproof plan since cats can get anywhere. He did discuss the various proposals for minimizing the problems and added that the Bay Trail bridge will be designed to deter wildlife from crossing it.

The Public Hearing was closed at 9:20 p.m.

Commissioner Williams **moved**, seconded by Commissioner Zermeño, the staff recommendation to refer the item to the City Council as consistent with the Specific Plan, the Program EIR and adopted mitigation measures, and to approve the vesting tentative tract map and development agreement.

Commissioner Bennett asked about the responsibility for the maintenance of the berm and the expense of dredging.

Planning Engineer Anastas responded that the conditions of approval require the developer to install and maintain the buffer for the first 24-36 months. He added that staff envisions a maintenance district and other funding mechanisms like a Landscaping and Lighting Districts to maintain the development's various infrastructures.

Commissioner Bennett said she was concerned that the expense would flow over into other areas of the City. She then asked what would you do with 500 new homes in a draught.

Assistant Director of Public Works Bauman responded that the City has an unlimited supply of water from the San Francisco Water District. He indicated that these homes and businesses would not have any more impact than other developments in the City. He said we have a supply system to meet the demands.

Commissioner Bennett asked about the Army Corps of Engineers decision and was told that it is imminent and looked for daily.

Commissioner Halliday said she has done a lot of thinking about the proposal and because the majority of voters supported it, she would reluctantly support it as well. She thought most of

her concerns are being met. She said the City is facing a trade-off but it will take a lot of work to make the housing work. She has faith that the engineers will know what they are doing. She then expressed concern regarding the wetlands delineation from the Army Corps of Engineers.

Commissioner Bogue said the project is consistent with the General Plan and the EIR, although he questioned the emergency access road.

Assistant Director of Public Works Bauman indicated that, for now, it would be kept closed and only for emergencies.

Commissioner Caveglia again expressed dismay at the 2 million cubic yards of land fill for the project and the traffic impacts on the community. He then stated that this is not a low-cost housing project. He added that he would vote against it.

Commissioner Bennett said she could not support the project until the U.S. Army Corps develops its reports. She added that she is also uncomfortable with just the 36 months before the water buffer is turned over to the City.

Chairperson Fish said he would support the project.

The motion carried by the following vote:

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

Chairperson Fish called for a 10-minute recess. The meeting resumed at 9:57 p.m.

- 2. Zone Change 99-190-01 - Society of Saint Vincent de Paul (Applicant/Owner):**
Request to change zoning from Central City-Commercial Subdistrict/Cottage Special Design Overlay District (CC-C/SD-3) to Planned Development District/Cottage Special Design Overlay District (PD/SD-3) to construct ten residential cottages and extend Grace Court (private street) to Melvin Court. *Property is generally located on Grace Court between Grace Street and Smalley Avenue and at 22331 Mission Boulevard.*
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Senior Planner McClellan described the project and the area in which it is located. He indicated that the project is consistent with the goals, policies and requirements of the General Policies Plan, the Zoning Ordinance, and the Tennyson-Alquire Neighborhood Plan. He indicated that six lots would be created with 2-story homes. He added that some of the



neighbors are opposing the project because will interfere with their view of the hills, their light, and privacy. He indicated that the developer had considered these issues and set the houses at a further distance from each other to create a view corridor from the side. He then responded to Commissioner's questions.

Public Hearing Opened at 10:07

Deborah Sanchez, 28260 Beatron Way, a neighbor to the project, said the new street would create hazardous conditions. She added that the homes are an oddity in that they do not look like those already in the neighborhood. They will also block the view of the hills because of the trees.

Demetria Marrow, 28214 Beatron Way, also said the project would block their view of the hills. The 2-stories will make the neighbors feel claustrophobic. She said she would prefer a dog park on that property instead. Overcrowding and noise are already a problem in the area and this will only aggravate it further. Six houses will not make that much difference to City revenues.

Al Malfatti, 30114 Treeview, said he owns property in the area and appreciates the project, which is much better than what is on the site right now.

Bill Poon, 1250 Addison Street, Suite 210, Berkeley, architect, said it is a difficult wedge-shaped site. He said this project should help bolster the value of homes in the neighborhood. They meet all the requirements and are well beyond the minimum. There is a 30-foot height limit in the area and these houses are only 26 feet. Even a 1-story house would block the view of the hills for someone. They did space the houses farther apart so there will be some view corridors. He said that on Beatron Way, only the early morning sunlight would be affected. He added that they designed the houses specifically to minimize privacy concerns. He said they would work with staff and neighbors to minimize view problems. In response to Commissioner Caveglia's question regarding the price of the houses, he said they will be priced in the low \$300,000's. The price of homes presently located in the area are between \$220,000 and \$260,000. He indicated that this property had been a cactus farm and then vacant for 15 years.

Jerry Gonzalez, 26102 Eden Landing, engineer for the project, explained that the sight distance on Tennyson Road conforms to City standards. The entrances are more than adequate for the entering and exiting of property.

Public Hearing was closed 10:30 p.m.

Commissioner Williams asked for further information regarding the variance, and was told that it only applied to the depth of the lot.

Commissioner Bennett asked for a legal opinion on the concept of invasion of space above a lot, and view corridors.

Assistant City Attorney Borger responded that there is no entitlement to a view with the

purchase of a home. There is no restriction on second-stories. The neighbors are also entitled to add a second story to their homes.

Commissioner William's **moved**, seconded by Commissioner Bogue to approve the staff recommendation.

Chairperson Fish complemented the architect on his plans for the parcel.

The **motion passed unanimously**.

Chairperson Fish stated that anyone aggrieved by this decision could appeal to the City Clerk's office within 10 days.

4. Use Permit Application No. 99-160-19 – David West For Westside Creations (Applicant) / Douglas Lee (Owner) – Request to operate a 5,237-square-foot dance studio as a commercial amusement facility in the Central City-Plaza and Central City-Commercial Zoning Sub-districts. *The property is located at 943 “B” Street between Mission Boulevard and Main Street.*

Associate Planner Patenaude presented the staff report and described the building on B Street. He explained that the dance studio would have no food or beverage service at this time but will be serviced by vending machines. Staff recommended approval of the application to provide a lively use that will pick up the immediate area. They recommended a 5-year use permit for further evaluation at that time. The ultimate use in the area is for retail but there is no demand at this time.

Commissioner Halliday asked about the previous business and the possibility of noise; she was told that the one entrance to the studio could be closed to keep the noise inside.

Commissioner Bogue asked about the metal railing and was told that there is no condition to remove it.

Public Hearing Open 10:41 p.m.

Dave West, 943 B Street, applicant, described his vision for the dance studio saying he hoped to create a family oriented club which will have daytime activities for seniors, classes for adults and children. He added that the former Music Unlimited Store at this location expanded their San Leandro store and consolidated to that location. He said they also tested for noise and with the insulated walls there was no problem. He also indicated that they would keep the railing and pull it back during the daytime in order to keep the glass windows in tact.

Jerry Swartz, 937 B Street, another retailing neighbor, said he fully supported the application as do the other neighbors.

Public Hearing was closed 10:45 p.m.

Commissioner Bennett said she could find nothing but good in this application and **moved**, seconded by Commissioner Halliday, to approve the application.

Commissioner Halliday commented that she was a dance fan and pleased to second the motion



since this is much better than an empty storefront.

The motion passed unanimously.

ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters

There were no reports.

6. Commissioners' Announcements, Referrals

Commissioner Halliday asked for an update on the Schaefer Park situation and was told that a report would be made at the next meeting.

Commissioner Zermeño asked about the property at Sorenson and Mission. He was told that a new Walgreen's store is being erected.

MINUTES

The minutes of July 29, 1999 were approved as presented.

ADJOURNMENT

The meeting was adjourned by Chairperson Fish at 10:49 p.m.

APPROVED:

Barbara Halliday, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary