

**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, Williams, Zermefio  
CHAIRPERSON Fish  
Absent: COMMISSIONER Halliday

Staff Members Present: Anderly, Borger, Camire, Frascinella, Hutar, Jeffery,  
Kuntz, Looney

General Public Present: Approximately 8

**PUBLIC COMMENT**

None made

**AGENDA**

1. **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 NOVEMBER 4, 1999**
2. **Administrative Use Permit Application No. 99-150-18 - Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant), Calvary Baptist Church (Owner) -** Appeal of the Planning Director's conditions of approval in conjunction with administrative approval of a use permit for a State licensed childcare facility for 112 children, a request for an exception to Off-Street Parking Regulations to allow substandard parking stalls and a variance from development standards that require landscaping within a side yard set back and a 6-foot masonry wall adjacent to residential property. *The site is located at 28924 Ruus Road, east side mid-block between Cinnamon Court and Folsom Avenue in a Single Family Residential (RS) District.*
3. **Tentative Map Tract 7155 - The Olson Company (Applicant), City Redevelopment Agency (Owner) –** Subdivision of a 3.5-acre site to construct 77 multi-family residences. *The project location is at the intersection of C & Watkins Streets in a Central-City Residential (CC-R) District.*
4. **Use Permit 99-160-20 – Gene Mattauch, Mission Funeral Group Inc. (Applicant), Robert Ravano (Owner):** Request to operate a mortuary next to residential uses and to allow less than the required landscape setback from the north and south property lines. *The*

*project location is 22297 Mission Boulevard, at the northwest corner of Grace Street in a Central City-Commercial (CC-C) District.*

5. **Revocation Of Use Permit Application No. 90-44 – K9-K9 Kennels (Applicant), James and Frances Dalton Trust (Owners)** – Request for the Planning Commission to consider the revocation of a use permit for the operation of a dog kennel/training facility. *The project location is 4125 Breakwater Avenue, between Whitesell Street and Johnson Road in an Industrial (I) District.*

## **PUBLIC HEARINGS**

1. **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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2. **Administrative Use Permit Application No. 99-150-18 - Herminia Cardadeiro/Li'l Angels Childcare Center (Applicant), Calvary Baptist Church (Owner)** - Appeal of the Planning Director's conditions of approval in conjunction with administrative approval of a use permit for a State licensed childcare facility for 112 children, a request for an exception to Off-Street Parking Regulations to allow substandard parking stalls and a variance from development standards that require landscaping within a side yard set back and a 6-foot masonry wall adjacent to residential property. *The site is located at 28924 Ruus Road, east side mid-block between Cinnamon Court and Folsom Avenue in a Single Family Residential (RS) District.*

Associate Planner Camire described the location and site. She noted that after the Church was annexed into the City, it did not meet City of Hayward development standards that included: limited landscaping, non-standard parking stalls, and chain link fencing. With this change in use, the property is subject to all applicable provisions of the Zoning Ordinance, including conditions of approval through use permit procedures. As a result, the applicant appealed the conditions requiring re-stripping and relocating parking stalls as well as the landscaping within the northerly side yard setback.

The Public Hearing was opened at 7:39 p.m.

Herminia Cardadeiro, 28924 Ruus Road, applicant, said she would like to continue the open space for the children's play area.

Commissioner Caveglia asked her specifically what conditions would not be tolerable to continue her application. She responded that she could manage everything but Condition 23.c, "A 7.5-foot landscape set back on the north side of the parking area. Where there is not sufficient area to provide a planter, tree wells may be installed."



She agreed that in the side yard setback behind the security gate, the school would plant trees in planter boxes with drip irrigation. She also indicated that part of the childcare curriculum might include vegetable and flower planter boxes. She then answered further questions about the numbers and age ranges of students.

Chuck Horner, 27413 Lyford Street, pastor at the property site, read a letter in support of the Center saying it was a much-needed addition to the neighborhood.

Rick Reed, 829 Folsom Avenue, a neighbor to the church, complained about various nuisances already in the area.

Robert Watkins, 642 Folsom Avenue, suggested that the pre-school would aggravate existing traffic problems in the neighborhood.

The Public Hearing Closed at 8:06 p.m.

Commissioner Bogue questioned requiring a sound-wall only from the road to the security gate since the neighbors would not be separated from the play-noise in the back of the area. He said a solid wall makes sense and he was also not in agreement with the planting area since trees in boxes neither survive nor grow well. He suggested that the landscaping was part of the minimum requirement.

Commissioner Caveglia **moved**, seconded by Commissioner Zermeño, to approve the administrative use permit with conditions of approval as modified by staff and deleting that portion of condition 23.c that required a landscape setback between the security gate and the rear property line.

Commissioner Caveglia then added that there is a desperate need for childcare in this area, and, although there may be a legitimate concern about the landscaping, this is a place for children to play. The Commission has to consider the use. He urged approval of the application.

Commissioner Williams said he supported a compromise to be worked out between Li'l Angels and City staff.

Commissioner Bennett further clarified that the sound wall would only extend up to the existing security gate. She was told that part of the existing fencing includes a planter area, which is already a buffer area and also part of the parking area.

Commissioner Bennett added that she is a strong supporter of childcare, and recognizes the need in this area. She suggested that the school should be responsible for teaching the children respect for the property and neighbors. She discussed aligning the plants where this property abuts other homes in the area.

Commissioner Zermeño suggested extending the masonry wall all the way from the street to the end property line in order to protect the children from the neighbors.

Commissioner Caveglia reminded members that this structure has been on that site for a very long time already and that there is already a fence there. The addition of a child-care center should not make that much difference.

Chairperson Fish said he agreed, adding that the State has fairly strict requirements for developing a child-care center and if they required a lawn, there would be a lawn. He added that he would support the motion.

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

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

In response to a request from a following applicant, Commissioner Bennett **moved**, seconded by Commissioner Caveglia, to continue Item 5 until November 4, 1999.

Chairperson Fish asked whether any of those in the audience for the item would mind continuing it; they responded that they would not. The **motion passed unanimously**, with Commissioner Halliday absent.

**3. Tentative Map Tract 7155 - The Olson Company (Applicant), City Redevelopment Agency (Owner) - Subdivision of a 3.5-acre site to construct 77 multi-family residences. The project location is at the intersection of C & Watkins Streets in a Central-City Residential (CC-R) District.**

Development Services Specialist Koonze gave an overview of the project and answered questions from Commissioners.

With no one asking to speak on the item, the Public Hearing opened/closed at 8:25 p.m.

Commissioner Bogue discussed the view corridor and why BART had a problem with the previously designed emergency access. He was told a BART representative was available to respond to questions, and he then asked for the public hearing to be reopened to discuss the issue with this individual.

The Public Hearing was reopened at 8:28 p.m.

John Nelson, Real Estate representative for BART, explained that an emergency access must be maintained in perpetuity, which would preclude BART from ever changing the intermodal to the West Side at some point in the future. He added that the promenade beside City Hall was already designed for emergencies for City Hall, and as such, could serve equally well for the townhomes.

Development Services Specialist Koonze added that the access would be the same as it is for City Hall.



The Public Hearing was re-closed at 8:28 p.m.

Commissioner Williams **moved**, seconded by Commissioner Caveglia, to approve the item as recommended.

Commissioner Bennett said she could agree with the motion but maintained it would still be nice to eliminate the front row of townhomes facing City Hall.

Commissioner Caveglia suggested BART might seriously consider changing the intermodal to the West Side. He thought it would be a real improvement.

Commissioner Bogue agreed, mentioning that if BART had previously agreed to switch the intermodal, that strip of land might have made a commercial venture on the property more attractive. However, he added, he would support the motion.

The **motion passed, 6:0**, with Commissioner Halliday absent.

4. **Use Permit 99-160-20 – Gene Mattauch, Mission Funeral Group Inc. (Applicant), Robert Ravano (Owner):** Request to operate a mortuary next to residential uses and to allow less than the required landscape setback from the north and south property lines. *The project location is 22297 Mission Boulevard, at the northwest corner of Grace Street in a Central City-Commercial (CC-C) District.*

Because the location of the property is close to the site of his home, Chairperson Fish asked Commissioner Caveglia to sit in as Chair for this item. Following this, he left the room and abstained from voting.

Project Planner Hutar presented the staff report with the history of the location, described the project, and recommended Commission support and approval, saying it would conform with the General Plan; is consistent with the Central City-Commercial District area; and is also consistent with the North Hayward Neighborhood Plan.

Public Hearing Opened at 8:43 p.m.

Gene Mattauch, 969 "G" Edgewater Boulevard, #710, Foster City, applicant, explained his plans for the property and indicated that, rather than lease, as was his original intention, he would be buying it. He added that he was looking forward to coming to the community. He said the number of improvements they are planning, will also be an enhancement to the neighborhood.

Public Hearing Closed at 8:44 p.m.

Commissioner Bennett **moved**, seconded by Commissioner Bogue, to approve the Use Permit and Variance application. The motion **passed** on a vote of 5:0:1:1, with Chairperson Fish abstaining, and Commissioner Halliday absent.

5. **Revocation Of Use Permit Application No. 90-44 – K9-K9 Kennels (Applicant), James and Frances Dalton Trust (Owners)** – Request for the Planning Commission to consider the revocation of a use permit for the operation of a dog kennel/training facility. *The project location is 4125 Breakwater Avenue, between Whitesell Street and Johnson Road in an Industrial (I) District.*

**CONTINUED UNTIL NOVEMBER 4, 1999 at the request of the applicant**

## **ADDITIONAL MATTERS**

6. Oral Report on Planning and Zoning Matters

Planning Manager Anderly announced that the next Commission meeting is scheduled for November 4.

7. Commissioners' Announcements, Referrals

Commissioner Caveglia had some questions about Greystone Homes and their projects throughout the City.

Commissioner Bennett described a street hazard at the corner of 6<sup>th</sup> and "B." She also brought a letter sent to residents regarding work needed on the maintenance of sidewalks and parking strips. The letter was unclear as to who is responsible for contracting for the work. Planning Manager Anderly said she would take the letter to Public Works and suggest they further clarify it.

## **MINUTES**

- September 23, 1999

Commissioner Caveglia asked for a correction to be made on page 4 of the Minutes, and that they be held over for final approval until the next meeting.

## **ADJOURNMENT**

The meeting was adjourned by Chairperson Fish at 8:51 p.m.

APPROVED:

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Barbara Halliday, Secretary  
Planning Commission

ATTEST:

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Edith Looney  
Commission Secretary