



**MINUTES OF THE CITY COUNCIL
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 27, 2004, 8:00 p.m.**

MEETING

The Meeting of the City Council was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Henson.

ROLL CALL

Present: COUNCIL MEMBERS: Jimenez, Quirk, Halliday, Ward, Dowling, Henson
MAYOR Cooper
Absent: COUNCIL MEMBERS: None

PRESENTATION: Business Recognition Award

The July 2004 Business Recognition Award was presented to ConAgra Foods, Inc. Since 1867, ConAgra has grown from a small Nebraska company to one of America's largest food companies, with brands including Armour, Banquet, Blue Bonnet, Chef Boyardee, Fleischmann's, Healthy Choice, Hebrew National, Marie Callender's, Orville Redenbacher's, Parkay, Peter Pan, Swiss Miss, Van Camp's, Wesson, and Hayward's own Hunt's.

For almost a century Hunt's Cannery was Hayward's largest industry and its largest employer during peak seasons. The Hunt brothers erected their initial Hayward plant in 1896. Fire destroyed the original wooden cannery in 1901 and it was replaced by structures of sturdier materials. ConAgra recently funded the restoration and painting of the Water Tower, allowing the City of Hayward to apply the City logo and name to it. This contribution is one among many that ConAgra has made to the Hayward community over the many years of our partnership. After restoration, the water tower stands as a focal point, visible from many parts of the city, and acts as a reminder of our past. When the cannery ceased all operations in 2001, the City declared the old water tower a historic structure and worked with ConAgra, other property owners, and neighborhood residents to develop a plan for reuse of this older industrial area. The award winning Cannery Area Design Plan became the blueprint for development of a new residential neighborhood with a new elementary school and an expanded park. The plan preserves the Hunt's Water Tower as a landmark on a two-acre green where it will also be a focal point for the new neighborhood.

The Business Recognition Award for July 2004 was presented to ConAgra, for its many contributions to the economic development and well-being of the City of Hayward and its residents, including the restoration of the historic Hunt's Water Tower and for its generosity in preserving the history of our fair city. Mr. Jim Doyle, Vice President Corporate Real Estate & Facilities for ConAgra, accepted the award, and he thanked the Council for this recognition. He stated that ConAgra is part of Hayward's history.

PUBLIC COMMENTS

William Weller stated that he lives on Cole Place and thanked the police department for its quick response during recent emergencies. He also thanked Council Member Dowling for his recent assistance.

DRAFT

Jason Moreno talked about the Boys and Girls Club in San Leandro. He showed a photo of an intersection just south of Skokie near Calaroga and north of Southgate that has white caps on the street area and asked what purpose they served. He also commented on the Rt. 238 project.

Barbara Heringer-Swarr asked about in-lieu fees, property taxes and sales taxes for the Cinema Center.

Al Reynolds stated that he had a right to participate in the recall.

Francisco Abrantes talked about the recall.

Harry Bruno made statements related to the recall.

William Blundin commented on his recent arrest.

CONSENT

Item 1 was removed for further consideration.

1. Adoption of an Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from Central City – Plaza and Central – Commercial to Planned Development District Pursuant to Zone Change Application No. PL-2004-0322 Related to Cinema Place

Staff report submitted by City Clerk Reyes, dated July 27, 2004, was filed.

Charlie Cameron submitted a statement related to the sidewalks near the new cinema proposal as well as the design of the trash receptacles. Mayor Cooper agreed that the sidewalks need to be steam cleaned.

It was moved by Council Member Henson, seconded by Council Member Dowling, and carried unanimously, to adopt the following:

Ordinance 04-09, “An Ordinance Amending the Zoning Distract Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from Central City – Plaza and Central – Commercial to Planned Development District Pursuant to Zone Change Application No. PL-2004-0322”

2. Approval of Financing in Conjunction with the Acquisition of the Hayward Boys and Girls Club
Staff report submitted by City Manager Armas, dated July 27, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 04-125, “Resolution of the City of Hayward Authorizing the Acquisition of the Boys and Girls Club of Hayward, Authorizing



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and Directing Execution of Related Lease Financing Documents, and Authorizing Official Actions”

3. Authorization for the City Manager to Execute an Exclusive Negotiating Agreement with Browman Development Company, Inc., for the Ground Lease of Airport Property

Staff report submitted by Director of Public Works Butler, dated July 27, 2004, was filed.

It was moved by Council Member Ward, seconded by Council Member Henson, and carried unanimously, to adopt the following:

Resolution 04-126, “Resolution Authorizing the City Manager to Execute an Exclusive Negotiation Agreement Between the City of Hayward and Browman Development Company Inc., for the Ground Lease of Airport Property”

HEARINGS

4. Zone Change Application No. PL-2004-0246 – Request to Change the Zoning to Planned Development District to Construct and Operate a Group Home Complex - Gary R. Hansen (Applicant)/Walpert Association for the Retarded (Owner) – The Project is Located at 1101 Walpert

Staff report submitted by Associate Planner Camire, dated July 27, 2004.

Planning Manager Anderly presented the staff report using slides and highlighting the project amenities. The applicant is objecting to the required landscape improvements. She responded to Council questions related to the phasing and suggested that the landscaping be done prior to the pads being poured. It was noted that the State has control over the project’s activities, but the City has the land use control. Staff did not receive any responses opposing the project. Planning Manager Anderly stated that the applicant would like to be relieved of the obligation to complete the landscape improvements to the Walpert Center as it is a separate entity from the Emerald Glen developments.

Council Member Ward asked if the phasing would set a precedent for other developments. He also asked if future changes may require additional CEQA obligations should the surrounding area be developed. He noted that a portion is owned by Caltrans.

Council Member Halliday asked about the grading steepness. She asked if there is sufficient open space for a development of this size. She also asked if block grant funding could be utilized and suggested that they apply in the next funding process. Lastly, she reported that she spoke with Mr. Lapidus, the developer of the project.

Planning Manager Anderly noted it at 12%. She indicated that the units will be occupied by disabled seniors who tend to be less active and there is sufficient opportunity for activity at this site.

Council Member Jimenez stated that he received a call and a letter from Mr. Lapidus and commented that the properties should be separate.

Planning Manager Anderly reported that the street improvements will be deferred and included as part of other public street improvements. She also reported that Walpert Center had previously requested that improvements be deferred and the city provided relief at that time.

Council Members Dowling and Ward stated that he also met with the developers and asked how the phasing would proceed and commended all involved with the Walpert Center. Council Member Dowling stated that the current condition of the parking lot is in need of repair.

Mayor Cooper opened the public hearing at 9:04 p.m.

Lawrence Mathers, representing future residents of Emerald Glen, noted the history of Walpert Center and the Serra Center of Fremont, which will fund a majority of the project. He explained the financing and the partnering of this separate non-profit organization with Walpert Center, the property donor.

Jean Rolf, Castro Valley representing the Walpert Center, described the history of The Walpert Association for the Retarded, and noted that it was organized by a group of parents that started the organization over 52 years ago. She commended the many Hayward residents and service clubs that have helped throughout the years to maintain Walpert Center.

Darrell Leamon spoke in support of the project and responded to questions from the Council related to the landscaping. He reiterated that the site is being donated by the Walpert Center.

Don Lapidus, Project Manager of Terra Pacific, stated that he does not object to the street improvements, but that Walpert Center will pay its fair share to improve the street. He referred to his letter that was previously submitted. He asked that improvements be deferred until after the sidewalk, street improvements and curbs are installed. He was willing to work with staff toward this effort. He also asked if after the completion of the project that the two sites be treated separately.

Council thanked both Walpert Center and Emerald Glen for this special affordable housing and thanked the neighbors as well.

Mayor Cooper closed the public hearing at 9:27 p.m.

It was moved Council Member Quirk, seconded by Council Member Jimenez, and unanimously carried to introduce the following ordinance and adopt the following resolution with the condition that the parking lot improvements be included in the second phase of the project:

Ordinance No. 04-___, "An Ordinance Amending the Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from Medium Density Residential (RM) District to Planned Development (PD) District Pursuant to Zone Change Application No. PL-2004-0246 - Property Located at 1101 Walpert



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Street”

Resolution 04-127, “Resolution Approving the Negative Declaration, the Negative Declaration Addendum, Zone Change Application No. PL 2004-0246 and Preliminary Development Plan”

5. Zone Change No. PL-2003-0533 and Vesting Tentative Tract Map 7470/PL-2003-0534 – Chris Davenport of Trumark Companies (Applicant)/The Domoto Family Partners LP (Owner) – Request to Change the Zoning From an Agricultural (A) District to a Planned Development (PD) District and Subdivide 5 Acres to Build 46 Homes - The Project Location is 26521 Whitman Street

Staff report submitted by Associate Planner Pearson, dated July 27, 2004.

Planning Manager Anderly presented the staff report, showing elevations and the various housing types. She noted the many trees and open space that will be preserved from what was previously a nursery. She presented the staff recommendation including the condition to eliminate a house, but noted that the Planning Commission did not agree. This recommendation is due to the potential negative visual impacts as you enter the development and pointed out a more modified road area and increase the yard area for one of the homes. She also mentioned that staff has added a condition to require decorative driveways. She indicated that some houses may be as close as eight feet as this project is zoned for medium density and that the project will be integrated with the neighboring development.

Mayor Cooper opened the public hearing at 9:49 p.m.

It was reported that Mayor Cooper and Council individually met with Mr. Sakai and Mr. Davenport.

Chris Davenport, representing Trumark Companies, commented that the plan is to incorporate the three concrete areas using decorative paving. He objected to the Condition 4(q) requiring decorative pavement materials on all driveways. He stated that the project in San Leandro has this feature, but the paving has been troublesome for the developer. He

Gary Craig spoke in favor of this project and noted that he attended the Planning Commission and made similar comments on his search for a new home.

Romeo Alcala Cruz, a 15-year resident residing on an adjacent street, raised several points to consider including traffic flow and impacts, neighborhood impacts, neighborhood peace as well as property values. He also commented on neighborhood vandalism from students walking through the neighborhoods.

Bill Morris, a resident of Edwin Way, commented on potential problems of traffic to the three neighborhood schools and urged steps be taken to address them. He requested that speed bumps or

some other traffic calming devices be implemented as well as increase traffic patrol on Mahogany Street.

Mrs. Cruz, also a resident at Edwin Way, asked for better control of heavy traffic during school hours. She stated that her neighbors have previously asked for a three-way stop sign at Fruitwood Way but were denied.

Mr. Sakai encouraged approval of this project, noting the artistic configuration, and also noting his long-time acquaintance with the Domoto family and the tree nursery and their contributions to this community.

Mayor Cooper closed the public hearing at 10:15 p.m.

Council Member Dowling, seconded by Council Member Halliday, moved the staff recommendation and to remove Condition of Approval 4(q) and 4 (l) that requires decorative pavement materials and eliminates the house on Lot 41 and add the requirement to provide decorative paving on Lots 41, 42 and 43. He commented favorably on the development with a different product mix that responds well to the single-family neighborhood as well as the denser apartments. He appreciated the saving of the trees and the porches.

Council Member Halliday stated that she felt that the community open space fosters community gatherings, which is a positive effort by the developer. She stated that the City can't ask the developer to solve the traffic problems, but there needs to be an evaluation of the traffic impacts in that area and provide some sort of speed barriers.

Mayor Cooper expressed her concerns about Lot 41. She felt that there should be decorative driveways on the three homes as the look seems to be cramped. She commented that homeowners don't just have one car and don't always use their garages to store cars. She agreed with staff that these three lots are a bit too intense for that cul-de-sac.

Council Member Dowling it is a little clustered, but felt that the applicant has already lost seven homes due to the preservation of heritage trees in the project and has responded well.

It was moved by Council Member Dowling, seconded by Council Member Halliday, and carried by the following roll call vote to approve the Planning Commission recommendation with the deletion of Conditions of Approval 4(l) and 4(q):

AYES: Council Members: Jimenez, Quirk, Halliday, Ward,
Dowling, Henson
NOES: MAYOR Cooper
ABSENT: None
ABSTAINED: None

Ordinance No. 04-___, "An Ordinance Amending the Zoning District



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Map of Chapter 10, Article 1 of the Hayward Municipal Code by Changing the Zoning from Agricultural (A) District to Planned Development (PD) District Pursuant to Zone Change Application No. PL-2003-0533 – Property Located at 26521 Whitman Street”

Resolution 04-128, “Resolution Certifying that the Mitigated Negative Declaration and Mitigation Monitoring Plan have been Completed in Compliance with the California Environmental Quality Act and Approving Zone Change Application No. PL 2003-0533 and Vesting Tentative Tract Map 7470/PL 2003-0534”

Mr. Sakai thanked the City Council for its approval, and noted that his family, the Domoto family, the Trumark Company, as well as Mr. Jack Smith, are planning to donate \$20,000 to the Eden Youth Center in support of this community. He also thanked the Mocine-Harder neighborhood for welcoming them.

COUNCIL REPORTS

There were no Council reports.

ADJOURNMENT

Mayor Cooper adjourned the meeting at 10:25 p.m. with the announcement that the next meeting is scheduled for September 2, 2004.

APPROVED:

Roberta Cooper, Mayor, City of Hayward

ATTEST:

Angelina Reyes, City Clerk, City of Hayward