

# **Appeal Letter**

**From Ann E. Maris  
received May 7, 2019**

Ann E. Maris, PhD, *et al.*  
Grove Way Neighborhood Association  
1490 Grove Way  
Castro Valley CA 94546  
[grovewayneighborhood@gmail.com](mailto:grovewayneighborhood@gmail.com)

RECEIVED

MAY 07 2019

PLANNING DIVISION

May 9, 2019

Sara Buizer, AICP  
Planning Manager  
City of Hayward  
777 B Street  
Hayward CA 94541

Dear Planning Manager Buizer,

We are writing to appeal the approval of the Site Plan Review at 21339 Oak Street without its receiving any public comment. We expect that the former CalTrans properties on Oak Street will be developed, but it is unclear how and to what extent, and the neighborhood's concerns have been excluded from the development process by this administrative, conditional approval without public input. We have concerns about the layout, scale, appearance, safety, and environmental impacts.

As well as not being included in the Site Plan Review process, neighbors have not been sufficiently notified of the pre-approval decision. For example, Dr. Maris, four houses away at 1490 Grove Way received no notification and only heard of the pre-approval from a neighbor's complaining. We hope that future notifications could be broadcast more clearly to neighbors.

The applicant states in their initial application that they want "to be part of and to embrace the surrounding neighborhood". We don't believe they know what our neighborhood is. Our neighborhood has been decimated by fifty years of CalTrans. We have lost a lot, but that does not mean we don't deserve better. Neighbors are concerned about property values as our neighborhood is restored from the CalTrans blight. We have been taking part in Parcel 8 and 9 planning by the City of Hayward; however, this parcel and the development next door to it were not included in the 238 planning process that neighbors are a part of. The last public meeting by the City of Hayward was March 14<sup>th</sup>, 2019, at the Douglas Morrison Theater, next door to Ruby Meadow and Carlos Bee Park.

It is important to consider this development in the light of all of the other developments occurring on or near Oak Street, such as in Parcels 8 and 9, and not as an isolated building in an established, functional, neighborhood. The zoning is mixed and may not be correctly aligned with this specific development, given the current zoning implementation on Oak Street and surrounding. For example, a hotel was proposed on Oak Street, which will have a great impact on traffic. The proposed site combines several lots and is next to a complicated freeway on-ramp, making signage and traffic flow critical. The site is on a hill and the soil will drain to the businesses below. We are concerned about parking because Oak Street is currently used by Foothill businesses as overflow parking. Oak Street is the border of Castro Valley-Hayward and it is essential Castro Valley neighbors play a role in its development as well as those in Hayward..

This proposed development is not an island and is proposed to take place in the midst of extensive development of former CalTrans properties. We don't believe the project should be exempt from the CEQA process. The future residents will certainly require and use the open space across the street, in Parcel 8. Oak Street on the west side will increase from no more than one home to 40+ homes, adding to our neighborhood's carbon footprint and our requirements. We need to consider the overall traffic impacts of all of the former CalTrans land developments, including this pre-approved site plan. Perhaps the streets need to be modified for safety or traffic flow. The size and appearance of this development, especially considered in conjunction with the other proposed development on Oak Street, is nothing like the surrounding neighborhood and will significantly change the neighborhood aesthetic. Neighborhood opinion matters (*Georgetown Preservation Society v. County of El Dorado, Protect Niles v. City of Fremont, etc...*). Neighbors have spoken at numerous public meetings in the last couple years about what the neighborhood needs.

This proposed development would be the second largest built in the neighborhood, next to the Mesa Verde Condominiums. Its specifics need to be considered in light of the bordering residential area along Grove Way, between Foothill Blvd and A Street—this is the local swath of land impacted by CalTrans for the last fifty years. The street and the utilities are part of Castro Valley, not Hayward, and Castro Valley needs to be involved. Developers need to contribute to public amenities, not simply build the *maximum* development and provide the *minimum* public benefit. We need new developments to also provide improvements to the neighborhood. For example, our infrastructure, parks, schools, and community gathering places need consideration. We need community activities to replace activities

that were lost due to effects of the abandoned 238 freeway project. Residents are currently at 1/10 of the Quimby Act requirements for the open space which healthy people need. Instead of rushing to pack more homes into the available area, we hope that Hayward will contribute toward making an overall plan for the neighborhood that will preserve our open space in Parcel 8 and Ruby Meadow.

While other neighborhoods have monumental homes, such as the Meek Estate in Cherryland, what makes this neighborhood valuable, special, and a delight to live in are "the hill" (parcel 8, Carlos Bee Park), the creeks (Carlos Bee Park, Japanese Garden, Ruby Meadow) and the wildlife. Developments need to consider this and Hayward needs to work with Hayward Area Recreation District and Castro Valley to make a plan for our entire neighborhood that determines exactly how much infill we can tolerate and exactly how we will mitigate the negative impacts. Developers need to contribute to positive aspects of the neighborhood and we are suggesting these developers contribute toward preserving the creeks and hills and open space of Ruby Meadow and Parcel 8.

This proposed development will look at Castro Valley homes, and likewise, we will look at it. Residents will drive on Castro Valley streets. Representatives of Castro Valley residents, the County Supervisor and the Castro Valley Municipal Advisory Council should be informed of this proposed development and be part of the planning decisions.

Please advise us how to proceed with this appeal and feel free to request any further information we could provide.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann E. Maris', with a stylized flourish at the end.

Ann E. Maris, PhD

Organizer Grove Way Neighborhood Association

# **Community Benefit**

Email Received on June 29, 2019

From Ann Maris

## Carl Emura

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**From:** Ann E. Maris <ann0000@gmail.com>  
**Sent:** Saturday, June 29, 2019 1:35 PM  
**To:** skodama@kodamadiseno.com  
**Cc:** castillo.nes88@gmail.com; pauldkeim@gmail.com; Carl Emura  
**Subject:** Oak st

CAUTION:This is an external email. Do not click on links or open attachments unless you know the content is safe.

Hello!

Have you considered allowing a nice walkway for people to walk through to Hill's Coffee Shop from the townhouse driveway?

That would be a community benefit because walking on Foothill is nerve-wracking and unpleasant. An pedestrian opening would link Oak Street with retail and dining there in a walkable way. Supreme benefit.

View of development from Hill's Coffee shop and Eagle's club parking lots needs to be greenery, not concrete. Massive improvement.

Income levels are very low here. Sustainability means walkability. Hayward Planning reported the most phone calls were from oak street residents concerned about displacement. We need a higher fraction of affordable owned units to be cohesive with neighborhood and help break the cycle of poverty. Suggest 50%. Suggest working with Eden Community Land Trust to integrate housing with neighborhood and community.

There needs to be a stoplight intersection at Apple and Foothill. Traffic is too fast, frequent accidents, cars always jockeying for position from City Plaza to 580/238 on-ramps. General plans predict only worse traffic, and we are not following sustainable community development practices.

Majority of plantings need to be native to support native organisms, such as insects and birds. Development needs to provide maximum amount of tree coverage for passive cooling of houses and contribution to living ecosystem. Selective trees should be deciduous for passive winter warming of houses.

Confirm 3-story townhouse heights are positioned so as not to block Bay views of Gary Street homes.

In-lieu fees need to go toward preserving open space in other Grove Way caltrans parcels, such as ruby meadow, parcel 8, and/or the Foothill Trail. This will help provide plentiful recreation possibilities to benefit local Hayward and Castro Valley residents in our underserved neighborhood (relative to City of Hayward residents.)

Please let me know if any of this is feasible.

With cheer, Ann

Ann E. Maris, PhD  
Organizer Grove Way Neighborhood Association MEV! Parks and Open Space Committee Friends of San Lorenzo Creek

**PLANNING COMMISSION MEETING  
THURSDAY, JULY 25, 2019**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

July 24, 2019

Additional Comments from Grove Way Neighborhood Association regarding  
Hayward Site Plan Review No. 201800932 (21339, 21377, 21385, 21407, 21425, 21431, and 21447 Oak Street)

We understand planning goals include blending with the current neighborhood. This site plan sits in and on the neighborhood. It makes no specific provisions to blend with our specific neighborhood. Because County and City have not yet made an overall plan for the approximately 30 acres of former Caltrans 238 bypass properties in our Grove Way neighborhood (Figure 1), neighbors have not yet had an opportunity to provide general public input about the (re)formation of our neighborhood. Our appeal of this administratively approved development provides us an opportunity. This is the first new development in our neighborhood.

We neighbors are not planners or architects. We have attempted to make several suggestions to better integrate the development in a positive way, and recognize that staff or professionals may be able to generate other ideas. We ask for help in this direction.

The Hayward 2040 General Plan land use designation gives a general guide to the intended land use and does not reflect the current use. It indicates that Oak Street is intended for Commercial/High Density Residential type of buildings (Figure 2). From the 2040 General Plan: *Future changes to Commercial/High Density Residential areas are expected to include enhancements that create more pedestrian-oriented commercial centers and multi-modal corridors.*

One big suggestion (Figures 3 and 4) is to incorporate a pedestrian gate to the Hill's Coffee Shop parking lot. Foothill Boulevard is very loud, busy, and unpleasant to walk on. Hill's is a highly-rated breakfast and lunch coffee shop that future residents will not be able to access without either driving or walking out Oak Street to Grove Way to Foothill Boulevard. There is no reason that the development must be symmetrical, especially when that configuration does not blend with the adjacent buildings or add a pedestrian feature. By simply moving the open space area, a gateway could be created at the rear of the open space, allowing residents to easily access the coffee shop. Neighbors were previously able to access Hill's Coffee Shop through this route before the chain link fences were installed.



The gate at the rear of the complex can remain secure by providing only an exit, unless the pedestrian has a key, or code, to enter the development from Hill's parking lot. The pedestrian gate would also provide a rear emergency exit which does not exist in the current plans.

If the open space is not moved, and a gated opening is not provided, the Hill's parking lot will be terminate in the development's concrete retaining wall with non-native flowering cherry trees above. This is not a pleasant view, but could be easily improved by considering the way that the area is currently used by pedestrians. Hill's and its neighboring liquor store have a high volume of traffic.

It is at this rear of the development where deciduous native trees would provide resources for birds, as well as provide summer cooling from the afternoon sun and allow passive winter warming. Providing native California trees, such as hazelnut, dogwood, buckeye, or maple, would add lasting value and beauty to not only the development, but also to neighbors and visiting shoppers. These trees would be within the proposed development, not on an adjacent property as mentioned in Staff Analysis (Item 3).

Staff Analysis Item 7 is unclear. Does HARD make the determination of where Park in-Lieu fees are dedicated? Staff's Next Steps indicate that if the GWNA appeal is denied, the applicant may submit a permit to build rental units. The Project Description discusses a tract map and home owner's association. We have understood the townhouses will be for-sale units. Does this mean that the proposed townhouse development might instead be rentals? When will that be decided?

Thank you for your consideration of our needs.

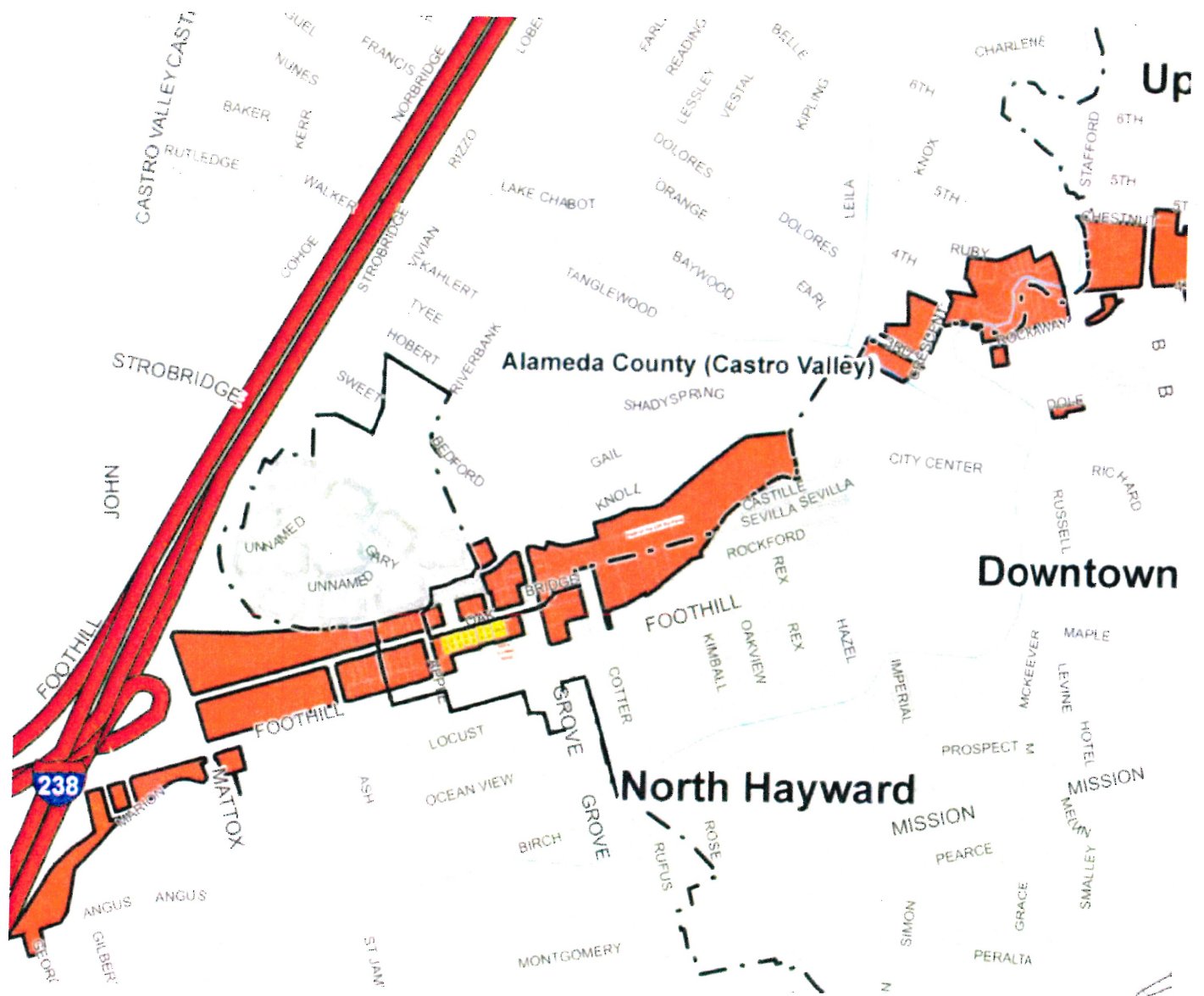


Figure 1) Freeway path with Oak Street development indicated.

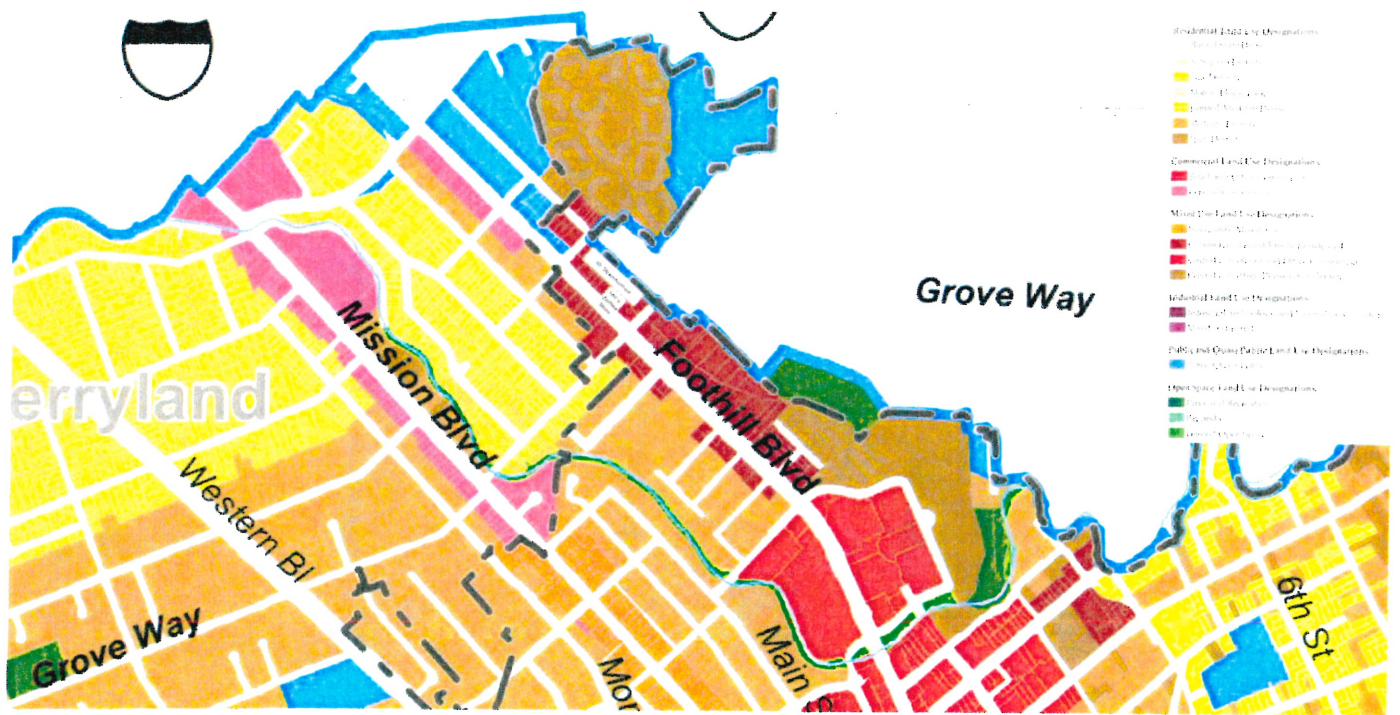


Figure 2) Hayward Land Use Diagram (2040 General Plan)