



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, September 26, 2019, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Faria.

CALL TO ORDER Pledge of Allegiance

Commissioner Bonilla led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Bonilla, Patton, Roche, Goldstein
CHAIRPERSON: Faria
Absent: COMMISSIONER: None

Staff Members Present: Blanton, Brick, Buizer, Chan, Simpson

CERTIFICATES OF COMMENDATION:

Commissioners McDermott and Willis

Planning Manager Buizer read from the Certificate of Commendation for Planning Commissioner McDermott for her service on several commissions. In her role as a Planning Commission, Ms. McDermott was instrumental in decisions on a multitude of projects that have made a huge impact toward the betterment of the Hayward community. Ms. McDermott shared her experience and thanked staff.

Planning Manager Buizer thanked Commissioner Willis for his many years of service on the many commissions and task forces on which he has served and his great, positive impact upon the Hayward community. Ms. Buizer will be forwarding the Certificate of Commendation to Mr. Willis.

GENERAL PUBLIC PRESENT: 11

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may continue the item to the next regular Planning Commission meeting scheduled for October 10, 2019. For



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agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Proposed Development of a Mixed-Use Project Consisting of 189 Condominium and Townhome Units: Approximately 10,800 Square Feet of Ground Floor Commercial Space; Open Space Areas Including an Urban Park and Plaza, Dog Park and Public Trail, Among Others; and Related Site Improvements Requiring Approval of Zone Change and Tentative Tract Map Application No. 201806355

Staff requested the item be continued until the next regular Planning Commission meeting on October 10, 2019.

Commissioner Andrews made a motion, seconded by Commissioner Patton, to continue the item to the regular Planning Commission meeting on October 10, 2019. The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein Chair Faria
NOES:	None
ABSENT:	None
ABSTAIN:	None

2. Proposal to Subdivide a 0.50-Acre Site into 7 Parcels to Allow the Construction of 5 Single-Family Homes with Common Open Space and Related Site Improvements at 24763 Mohr Drive (APN 441-0077-003-04) Requiring Approval of a Tentative Tract Map, Planned Development (PD) Rezone, and Environmental Consistency Checklist. Application No. 201806740. Applicant: Jeffrey Lawrence for Nuvera Homes on Behalf of Owner: Ben Hsiao-Pang Liu.

Associate Planner Blanton provided a synopsis of the staff report and a PowerPoint Presentation.

Commissioner Andrews disclosed that she knows the CEQA consultant Karly Kaufman and there is not a conflict of interest as they have not discussed this project.

In response to Commissioner Goldstein, Associate Planner Blanton said there are different property owners for Eden Village I and Eden Village II. Mr. Goldstein said that since there are two phases for Eden Village, he wanted to be assured that the requirements for the Affordable Housing Ordinance (AHO) was not being circumvented. Planning Manager Buizer shared that the original developer wanted to obtain the Eden Village II site to include in the Eden Village I project, but the site was unavailable at that time. Assistant City Attorney Brick said that even though there are two Eden Village phases, the AHO was not



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circumvented as both the previous and current AHO gives the developer the choice to either include the affordable housing element or pay the in-lieu fees. Mr. Brick added that for Eden Village II the developer will be required to pay the higher in-lieu fees. Mr. Goldstein requested that Mr. Brick forward his concerns to the City Council that if a development is developed in phases, that the requirements of the AHO is not circumvented intentionally or unintentionally.

Commissioner Roche wanted to ensure that the ground floor units include aging-in-place elements such as accommodations for wheelchair access. Mr. Jeff Lawrence, applicant with Nuvera Homes, said the ground floor bedrooms will have some aging-in-place elements such as wider doorways and some of the ground floor units can have exterior doors. Ms. Roche voiced safety concerns about the end unit having an 18-foot driveway and requested that all the units have 20 feet driveways.

Chair Faria commented that she also has safety concerns about shortening the driveway length from the required 20 feet.

Commissioner Patton thanked staff for responding to his email about questions regarding the two phases of Eden Village regarding the project infrastructure including the following: storm drain and sewer systems, streetlights, open spaces, and HOA requirements. Mr. Patton requested that staff include language in the conditions of approval that addresses the joint responsibility between Eden Village I and II regarding access between the subdivisions, the HOA requirements, and the maintenance of open space and infrastructure within the project.

Commissioner Bonilla stated that even though the Planning Commission has continually requested developers to include the affordable housing element in their projects and even though the in-lieu fees have been increased, many of the projects that come before the Commission do not include affordable housing units. Mr. Bonilla requested that the AHO be revisited because since the AHO gives developers the choice to either pay the in-lieu fee or include the affordable housing element, many developers will choose to pay the in-lieu fees. Development Services Director Simpson said the City is in the process of researching a comprehensive package to provide a variety of incentives to developers to encourage the production of affordable and market rate housing and that during this process the AHO can be revisited by the Housing Task Force. Mr. Lawrence said for the Harvey Avenue development, the applicant worked with staff to include the accessory dwelling unit (ADU) element. Planning Manager Buizer shared that the AHO is discussed with all developers and staff encourages developers to look at all housing options. Mr. Bonilla requested that staff provide the Commission with a report of what is being done with the in-lieu fees. Ms. Buizer said that staff will be providing the Commission with an update on the in-lieu fees and what funds will be or have been allocated for affordable housing projects.



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Commissioner Andrews said she appreciated the inclusion of the ADUs in the Harvey Avenue project and asked why this project did not also include ADUs. Mr. Lawrence explained that the applicant is building according to the previous owner's tract map to maintain the housing stock consistency between Eden Village I and II. Ms. Andrews appreciates the park feature. Mr. Lawrence added that the park is not just for the subdivisions but for the entire community. Associate Planner Blanton added that Eden Village I will include a tot lot that will have playground elements for children.

Commissioner Stevens asked about the impact to the design by increasing the driveway from 18 feet to 20 feet. Mr. Lawrence said to have the 20-foot driveway, the developer would need to redesign the bottom bedroom, as the design is currently at the limit for the rear setbacks.

Chair Faria has concerns about the tot lot at the entrance of the Eden Village I on Eden Avenue. Mr. Lawrence said the tot lot will be fenced and there will be a pond that will separate the street from the tot lot. Mr. Lawrence described the art/play structure for the children and that it will be a nice feature for the community.

In response to Commissioner Goldstein, Associate Planner Blanton said that Eden Avenue and Mohr Street do not require bicycle lanes. Mr. Goldstein requested to include language in the COA to enforce off-street parking because of safety concerns of cars obstructing the sidewalk. Mr. Lawrence said the CC&Rs will include parking enforcement language.

Mr. Lawrence responded to Commissioner Roche, that the off-street parking is for residents and guests, and that the HOA will have the ability to enforce the parking requirements. Ms. Roche has concerns about lot 18 as it is an end unit right next to the open space area and has safety concerns for residents and children walking along the sidewalk. Ms. Roche requested that lot 18 have a 20-foot driveway. Mr. Lawrence responded that for lot 18, there is room to have the 20-foot driveway.

Having no public speakers, Chair Faria opened and closed the public hearing at 7:47 p.m.

Commissioner Goldstein made a motion to approve the staff recommendation to make a recommendation to City Council with the added condition of approval to add language to the Covenants, Conditions and Restriction (CC&Rs) that reflects the Homeowner Association (HOA) responsibility for the enforcement of vehicles parked in driveways as to not obstruct the sidewalks.

Commissioner Roche seconded the motion with a friendly amendment that lot 18 shall have a 20-foot driveway. Commissioner Goldstein accepted the friendly amendment.



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Commissioner Patton requested a friendly amendment to include language in the final conditions of approval that reflects the joint responsibility between the two subdivisions, Eden Village I and Eden Village II, regarding access between the subdivisions, the HOA requirements, and the maintenance of the open space and the infrastructure within the project. Commissioners Goldstein and Roche accepted the friendly amendment offered by Mr. Patton.

The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein Chair Faria
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

3. Approval of minutes of the Planning Commission Meeting Minutes of September 12, 2019.

Commissioner Andrews made a motion, seconded by Commissioner Bonilla, to approve the Planning Commission Meeting Minutes of September 12, 2019. The motion passed with the following votes:

AYES:	Commissioners Andrews, Bonilla, Patton, Goldstein Chair Faria
NOES:	None
ABSENT:	None
ABSTAIN:	Roche, Stevens

Four Hayward High students requested that the Commissioners sign their government class forms.

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer provided an update to the Planning Commission regarding the amount of AHO in-lieu fees that have been collected from projects and which projects will benefit from these funds.



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Commissioners' Announcements, Referrals:

Chair Faria encouraged the Planning Commissioners to attend the groundbreaking for Lincoln Landing on Monday, September 30, 2019.

ADJOURNMENT

Chair Faria adjourned the meeting at 7:57 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk