



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 12, 2016, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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## **MEETING**

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

## **ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Goldstein, Enders, Schott, McDermott, Faria  
CHAIRPERSON: Parso-York  
Absent: COMMISSIONER: None

## **SALUTE TO FLAG**

Commissioner Goldstein led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Buizer, Chan, Hamilton, McNeeley, Rizk

General Public Present: 8

## **PUBLIC COMMENT:**

There were none.

## **WORK SESSION**

### 1. Overview of Draft Airport Overlay Zoning Regulations

Development Services Director Rizk provided a synopsis of the staff report. Mr. Rizk noted this presentation was provided to Council at a Work Session on April 19, 2016.

Development Services Director Rizk noted for Commissioner Schott there will be a Public Hearing before the Planning Commission.

Development Services Director Rizk responded to Commissioner Willis Jr. that maximum height is generally 200 feet but was dependent on different variables such as airport traffic and other aspects. Mr. Rizk pointed out the height was not set on a straight plane but more like a curve.

Development Services Director Rizk explained for Commissioner Goldstein that the 'intensities' presented in the staff report was based on non-residential use of people per acre based on floor area and noted staff was still refining the Land Use guidelines.



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Development Services Director Rizk noted for Commissioner Faria that per the staff report, the City satisfied the referral requirement of providing the Alameda County Land Use Commission (ALUC) with a draft of the City's new General Plan, and since no notice of determination was ever received within the allowed time frame the General Plan was automatically deemed consistent with the Airport Land Use Compatibility Plan (ALUCP). Mr. Rizk added that if there was an amendment to the General Plan, the amendment would need to be referred to the ALUC.

Development Services Director Rizk noted for Commissioner McDermott that the land use authority is the responsibility of the City Council for land use development within the city limits. Mr. Rizk emphasized that in light of how busy the Hayward Executive Airport is, the Airport Overlay Zone (AOZ) regulations were vital as it applies to the land surrounding the airport.

Development Services Director Rizk responded to Commissioner Schott that the building height would be dependent on how far the structure would be from the runway and this would be determined by the Federal Aviation Administration (FAA). Airport Manager McNeeley added that developers would need to fill out an FAA Form 7460 which is a separate evaluation by the FAA for height determination to meet safety standards.

Development Services Director Rizk confirmed for Chair Parso-York that land outside of the City limits were under Alameda County's jurisdiction and the AOZ was strictly for development of land within the city limits and around the airport.

**PUBLIC HEARINGS:** For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

2. Proposed Subdivision and Construction of Twenty-Three (23) Single-family Homes and Related Site Improvements Located at the Northeastern Corner of Olympic and Huntwood Avenues Requiring Zone Change from Single-Family Residential District to Planned Development (PD) District and Approving of Vesting Tentative Map (Tract 8302) for Olympic Station Subdivision (Application No. 201504833); Applicant: Fortbay Woods, LLC

Associate Planner Hamilton provided a synopsis of the staff report. Ms. Hamilton noted the applicant and design team were available for questions.

Chair Parso-York opened and closed the public hearing at 7:31 p.m.

Commissioner Enders inquired about the water element, the development's plans that shows the majority of the activity located in the rear of the units and if there would be useable space



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in the front of units, and the project plans for windows. Ms. Enders noted the difficulty in clearly seeing details in the elevation plans, such as how many windows on the side of buildings when there looked like there were three windows, when in fact there were two. Associate Planner Hamilton responded that the water element was for the children's' enjoyment and not for fish and the final amenity details would be forthcoming and the square footage of the porches would allow for furniture and gathering enjoyment and was not just a decorative feature. Ms. Laura Riggs, with KTGy, provided the porch dimensions and that the porches would accommodate furniture and would typically be fifteen to sixteen feet across. Ms. Riggs noted working with staff about privacy issues between the houses which limited Plan 1 floor plan to two windows on the left side exterior elevation.

In response to Commissioner Faria's questions about units without porches and concerns and feedback from the community. Ms. Riggs noted the eight units without porches will have smaller front stoops and the designers worked closely with the landscape architect to maximize the tree planting. Associate Planner Hamilton said there were concerns from two residents of the New England Village about increased traffic congestion and parking issues and another from a homeowner that was glad the existing use would be gone but was concerned about more people moving into the area. Ms. Hamilton confirmed a traffic study was conducted with no issues found and to prevent cut through traffic, a design element was to narrow the private street with a right turn only at the end of the block. Ms. Hamilton said if concerns come up later the City can always review to see if the concerns warrant a traffic study. Ms. Hamilton noted for Ms. Faria that the Alameda County Department of Environmental Health will make the final determination if the septic tanks have been properly abandoned or if they need to be removed. Ms. Hamilton added that the developer working closely with the City's Landscape Architect, Ms. Michelle Koo, will ensure that more than appropriate landscape mitigation is incorporated into the larger landscape program for the development.

Associate Planner Hamilton responded for Commissioner Schott that there are indications that there was only one underground tank. Ms. Hamilton shared the traffic mitigation measures on Huntwood Avenue.

Mr. Perry Hariri, with Urban West, spoke about the Phase I and II studies that were conducted which indicated that the underground tanks had been removed and that they will be conducting a full investigation of the underground conditions once the structures have been removed. Mr. Hariri said currently they are remediating a front portion of the property that evidenced that there was oil impact from a tank that was removed and stated they are working with a top environmental firm.

Mr. Hariri responded to Commissioner Willis Jr. that Petersen- Dean will install the solar panels and will orient the panels to be most effective. Mr. Hariri said the applicant has elected



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to pay the in-lieu fees rather than build affordable housing units. Associate Planner Hamilton said per the City's affordable housing ordinance the developer has opted to pay the in-lieu fees on a per unit basis which will go into the affordable housing fund which the City can allocate into programs to generate affordable housing.

In response to Commissioner Goldstein's request Associate Planner Hamilton said an area to lock up bikes can be integrated into the precise plan. Mr. Goldstein said he liked the open space area.

Commissioner McDermott said the applicant did a good job; she liked the project, the open space, the maximized backyard, integrating speed bumps to discourage cars using the street as a thoroughfare and the tankless water heaters. Mr. Hariri responded to Ms. McDermott that front loading garages was consistent with the rest of the neighborhood and there was plenty of parking for each unit with two car garages, two car aprons and additional parking in front of the units. Ms. McDermott was somewhat comfortable with the environmental mitigation plan and the need to ensure that the property is cleaned up properly and that there will be no potential impacts to health and safety especially since the project was for residential units. Ms. McDermott said to be truly inclusionary there needs to be the affordable housing component and the City needs to remove the option that allows developers to pay in-lieu fees in place of having affordable housing units as part of the new development. The affordable housing element is important in order for families to be able to afford to buy a home.

Planning Manager Buizer said staff will look up the affordable housing in-lieu fees for Commissioner Schott

Development Services Director Rizk responded to Commissioner McDermott comments about integrating affordable housing units into new developments. Mr. Rizk said this would be a policy decision for Council to consider and that in the fall staff will be bringing the affordable housing in-lieu fees before Council for consideration of increasing the fees. Mr. Rizk said from his perspective, he agreed that it is most desirable to integrate affordable housing units into new developments and the Density Bonus Law allows incentives for increased density when affordable housing units are part of the development.

Commissioner Enders agreed with having affordable housing units to make housing available for all and commented that she wants to make developments the best that they could possibly be and not just approve developments as they come before her. Ms. Enders said it was important for new developments to have a sense of space which she felt was lacking in the proposed development. Ms. Enders recommended including the following amenities: human scale lighting in open spaces of the development, continue the pathway that is part of the development next door, include security features for units #6 and #23 that face a walled off



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fence across the street, outdoor storage lockers/units on each lot, and bike storage racks inside the garages. Ms. Enders liked the project but felt it could be great with the additional amenities. In response to Commissioner McDermott, Ms. Enders requested that the Planning Commission consider a few additional amenities be included as part of the motion.

Associate Planner Hamilton noted the secondary pathway that ends at the wall is private property for the neighboring apartment for residents to access their units.

Discussion ensued between Commissioners about the additional amenities.

Chair Parso-York noted there was a street pole that limited access and in the spirit of Complete Streets Mr. Parso-York requested mitigation to provide access for pedestrians, bikers and people in wheelchairs

Commissioner Willis Jr. likes the recommendation by Commissioner Enders about sidewalks and requested a response from the developer. Mr. Hariri spoke about improving and widening the sidewalk around the speed limit sign, the security features and bike racks can be offered as an option.

Commissioner Enders reminded the Commissioners about the General Plan Policy document regarding Land Use and Community Character 3.6 regarding residential design strategies that include: creating highly connected block and street networks and designing new streets with wide sidewalks, planting strips, street trees and pedestrian scaled lighting. Ms. Enders made a motion per the staff recommendation with the special conditions for security cameras be installed for units #6 and #23 as a design feature, outdoor storage units and human scale lighting along the private new street.

Commissioner Goldstein seconded the motion.

Commissioner Schott said he will vote against the motion as the outdoor storage units would not be a positive addition to the design element of the units. Mr. Schott said the Commission did not require this condition of other developments and said he favored the project as it includes backyards as some previous developments did not and it also includes the front porches and front stoops. Mr. Schott said he did not object to the other conditions.

Commissioner McDermott was concerned about including too much detail as potential homebuyers may not want or need with the security features and outdoor storage. Ms. McDermott was okay with the lighting.

Commissioner Faria agreed with Commissioner McDermott noting that she will not support the motion as stated. Ms. Faria said the developer has done a lot with the solar features,



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tankless water heaters and other amenities. Ms. Faria does not agree with the storage units or the security cameras as a requirement for the developer but should be left as the homeowner's personal preference. Ms. Faria does support the street lighting.

Commissioner Goldstein commented that he liked Commissioner Enders' proposal and agrees that storage is a necessary component and would like to include quality storage units and security features for units #6 and #23 as options. Mr. Goldstein requested if Ms. Enders would be willing to modify the motion

Commissioner Willis Jr. also made the suggestion requesting Commissioner Enders to amend her motion to withdraw the conditions and request the developer to make these additional amenities as options.

Chair Parso-York said that if the motion was amended and that since the developer said widening the sidewalk around the speed limit sign would not be that difficult, to include that the sidewalks are passable and pedestrian friendly and also include the lighting and make the other conditions optional.

Commissioners Enders and Goldstein rescinded their motions.

Commissioner Enders made a motion to approve the item per the staff recommendation for the item to go forward to City Council and to include the conditions of human scale lighting around the sidewalks and widening of the sidewalk on Huntwood Avenue around the speed limit sign.

Commissioner Goldstein seconded the motion.

AYES:	Commissioners Willis Jr., Goldstein, Enders, Schott, McDermott, Faria Chair Parso-York
NOES:	None
ABSENT:	None
ABSTAIN:	None

### **COMMISSION REPORTS**

#### **3. Oral Report on Planning and Zoning Matters**

Planning Manager Buizer said in response to Commission Enders presentation and Chair Parso-York's request that items presented at the Planning Commission Meeting of April 28, 2016, are scheduled as a Work Session on June 9, 2016 and staff will provide information prior to the meeting. Ms. Buizer announced that there are full agendas coming up and there will be Planning Commission meetings on May 26 and June 9, 2016.



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4. Commissioners' Announcements, Referrals

Chair Parso-York noted receiving an email from the League of California Cities about SB 1069 about putting second units in backyards. Mr. Parso-York said the League is not in favor of this bill as municipalities would not be able to collect the normal building and connection fees. Mr. Parso-York said it may be of value for the City to provide feedback. Development Services Director Rizk said the City Manager was aware of the proposed bill and this will be discussed with Council.

**APPROVAL OF MINUTES**

5. Approval of Minutes of the Planning Commission Meeting on April 14, 2016 with modifications to comments made by Commissioner Schott

**Approved 6:0:1 (AYES: Willis Jr., Goldstein, Enders, Parso-York, Schott, Faria; ABSTAIN: McDermott)**

6. Approval of Minutes of the Planning Commission Meeting on April 28, 2016.

**Approved 7:0 (AYES: Willis Jr., Goldstein, Enders, Parso-York, Schott, McDermott, Faria)**

Chair Parso-York adjourned the meeting at 8:36 p.m.

**APPROVED:**

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Brian Schott, Secretary  
Planning Commission

**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk