



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, November 19, 2015, 7:00 p.m.
777 B Street, Hayward, CA94541**

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 Schott led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Buizer, Christensen, Madhukansh-Singh

General Public Present: 6

PUBLIC COMMENT:

There were none.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Proposed subdivision and construction of forty-two detached single-family homes around a central open space located at 81 Fagundes Court requiring a zone change from Medium Density Residential (RM) and Single-Family Residential (RS) to Planned Development (PD) and approval of Vesting Tentative Tract Map 8266 - KB Home Bay Area (Applicant)/ Steven Amaral (Owner)

Assistant Planner Christensen provided a synopsis of the staff report. He noted that the units adjacent to the railroad tracks near the project site will have special windows to limit the noise impact from the railroad. He shared the overlay of the site plan, pointing out that the primary entrance to the development will be from Austin Avenue. Mr. Christensen stated that due to comments received from residents on Diadon Road, the secondary entrance from Fagundes Court would only be used for emergency access. He added that both access points would be gated. He mentioned that the development will feature 105 parking spaces in total, and per the parking code, 136 parking spaces are required resulting



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in a deficit in parking. He shared that there was additional off-street parking available on Austin Avenue and Huntwood Avenue.

Chair Parso-York opened the public hearing at 7:11 p.m.

Mr. John Compaglia, the project applicant, expressed his excitement in bringing the project to Hayward. He mentioned that the gated community concept with public open space was very popular among residents. He noted that infill projects were at times challenging to develop, but he commented that they were a great way to revitalize an area.

Ms. Jennifer Mastro, with SDG Architects, discussed the architectural design of the proposed project. She shared the following elevation styles: Cape Cod, Craftsman and Monterey. She noted the following features of plan one which was the Cape Cod style: horizontal siding and stucco wall finish for differentiation in colors and materials; useful front porches that would be wood and stucco trimmed; concrete tile flat roof; and detailed window trimming on all four sides of the architecture. The features for plan two which was the Craftsman style elevations were: horizontal and shingle siding, as well as stucco wall finishes; living usable porch with vernier base columns; and wooden stucco window trimming; concrete flat tile roofing. Plan three was the Monterey style and had the following features: stucco wall finishes; second story deck; stucco window trim; concrete villa tile roofing; and brick vernier along the base of the homes. She noted that between each home there would be a ten foot space to provide an active backyard space.

Mr. David Gates, the landscape architect, stated that the entrance into the development by auto would look directly into the open space. He noted that the open space would have passive use that would include a bosque of trees, a relocated oak tree, and a children's play area called "adventure play" that would have a grouping of stones. He added that there would be street trees on all sides of the paseo. Mr. Gates commented that there would be special treated asphalt at the entrance and noted that the landscaping followed sustainable guidelines and included bay friendly plants.

Chair Parso-York closed the public hearing at 7:17 p.m.

Commissioner McDermott commended staff and the applicant for listening to the comments of the community stakeholders with regards to traffic concerns and that the plans were revised in response to these comments. Ms. Mastro confirmed for Commissioner McDermott that a feature of one of the plans was that the first floor had an open space with a half bath, and an option for a bedroom, closet and a full bath. Commissioner McDermott commented that her concern with classifying a unit as being multigenerational and not having a kitchen located nearby, created a problem for those with limited mobility. Ms. McDermott indicated that in addition to having a bedroom on the first floor, she would like to see a design allowing



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a person with limited mobility to be more self-sufficient by having a full bath and kitchen facility on the first floor. Ms. Mastro exemplified that the proposed project was multigenerational for an elderly parent who had the capability to get up the stairs, adding that there was not an elevator option in the plan at this time. Commissioner McDermott emphasized that the Planning Commission liked to see developments featuring aging in place where homebuyers could live in their home for a number of years to come. Another concern that Commissioner McDermott noted was insufficient parking for visitors within the complex.

Mr. Lee Rosenblatt, with Carlson, Barbee and Gibson, a Civil Engineering firm, stated that even though the development was alley loaded, the entire north component of the project had 21 angled parking spaces, in addition to on-street parking available on Huntwood Avenue and Austin Avenue. He stated that if the proposed project was a multifamily complex where the units were all pushed together, then the developer would be required to provide fewer parking spaces, underscoring that the proposed project provided additional parking. Mr. Rosenblatt commented that the proposed project was consistent with the Regency Square development and mentioned that he was aware of the issues with the Cannery project and its parking limitations. He added that the Cannery project was set up with parking requirements based on a multifamily platform with a 10% requirement.

Commissioner McDermott was pleased with the proposed infill development as it would fit in well with the current surroundings. Assistant Planner Christensen confirmed for Commissioner McDermott that in terms of actual walking distance, the bus stop for line 37 was approximately half a mile from the development.

Commissioner Schott asked if it would be possible to install a pedestrian friendly gate on Fagundes Court enabling residents an easier access to the development. Assistant Planner Christensen stated that this could be a condition to modify this as a pedestrian gate; however, he pointed out that surrounding neighbors were concerned that there would be an increase in vehicle traffic resulting from the development, in addition to concerns about residents of the proposed development parking on Diadon Road. For these reasons, Mr. Christensen indicated that the entrance through the Fagundes Court gate was marked as emergency only with no pedestrian access. Mr. Christensen noted that by having a pedestrian friendly gate at this site would reduce the distance to the bus stop, but it would not be a substantial reduction in the walking distance.

Assistant Planner Christensen indicated for Commissioner Schott that the project was subject to the park in-lieu fees and that the provision of the central open space was not sufficient to offset these fees. Mr. Christensen noted that there was a chain link fence separation between the railroad tracks and Huntwood Avenue and stated that there was no sound buffer. He noted for Commissioner Schott that the windows had been specially designed so that when the windows in the units are closed, the audible sound from trains would be reduced.



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Planning Manager Buizer noted for Commissioner Schott that the process for a Planned Development Rezone was a two-step process, consisting of a Preliminary Plan approval and the Precise Development Plan. She noted that the Precise Development Plan is a discretionary process through the Planning Department where staff would verify that the developer was refining the details of the project, and that the colors that the City is approving through the Preliminary Plan remained consistent. She noted that after the construction and sales of the units, if a future homeowner wants to change the color scheme for a home, this would be at the discretion of the Homeowner's Association (HOA).

Commissioner Willis Jr. favored the proposed project for the following reasons: because there was a HOA and because the development included homes of the future as there would be solar panels and electric vehicle charging stations. He asked the applicant if the homes would have net zero electricity so that the homes electricity consumption would be offset by the production from the solar panels. Mr. Compaglia responded that he was unsure of the exact percentage of electricity consumption anticipated per unit; however, he indicated that the proposed project would meet all of the City's green requirements. Commissioner Willis Jr. commented that the roof area of the proposed units did not look large enough to provide net zero energy.

Commissioner Willis Jr. asked what the width of the streets would be within the development area and whether the HOA would permit street parking inside the development. Mr. Rosenblatt responded that the streets would be 24 feet in width. Mr. Compaglia added that per the Conditions, Covenants, and Restrictions (CC&R's), it was emphasized that garages were for the purpose of parking vehicles and mentioned that this would be tightly controlled within the development so that the HOA would cite violators and have vehicles towed that were not complying with parking restrictions.

Commissioner Willis Jr. expressed concern about some HOAs not adhering to the rules of CC&R's and modifying these rules to the disadvantage of the development. Mr. Compaglia stated that each HOA has a management company to help enforce HOA rules and commented that it was rare for a HOA board to fire the management company. Mr. Compaglia said that even though the development would be a private area, if there were safety violations, then the Police Department or Fire Department could also intervene.

Mr. Rosenblatt noted for Commissioner Goldstein that the units would have crossover easements which were lot lines between the homes. He said that in order to meet the City's requirements the homes would have a ten foot area in between them where every home would have the usability of the full side yard. He added that there were fences in place in the same plane as the street, but there would not be fences between the center lot lines of the two homes. He indicated for Commissioner Goldstein that there were other developments featuring the crossover easement and that this was a typical standard for an alley loaded



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development where the units would not have a rear yard. Mr. Rosenblatt indicated that the crossover easements were set up to allow residents the opportunity to have private open space. He exemplified that he had designed developments featuring the crossover easements in Dublin, Santa Clara and also at the Regency Square and Apricot development sites in Hayward. Commissioner Goldstein noted that the crossover easement feature would encourage social interaction, which he supported.

Commissioner Goldstein asked about the placement of garbage cans, mentioning that per the HOA guidelines, it was recommended that the trash receptacles be placed inside the garage or in a covered area outside. Mr. Rosenblatt stated that there was an enclosed area behind the fence where residents choosing to have their trash receptacles outside could place them. Ms. Mastro added that there was ample space in the garage to accommodate three trash receptacles or these could be placed in the usable space between the units. As Commissioner Goldstein was concerned about the usable space between units being shared space and potentially becoming a point of contention among neighbors, Ms. Mastro further clarified for Commissioner Goldstein that the usable space in between the units would not be shared space and that each unit would have their own usable space.

Mr. Rosenblatt confirmed for Chair Parso-York and Commissioner Faria that the end units also had a full ten foot private open space area just as all the other units did.

Assistant Planner Christensen noted for Chair Parso-York that the closest park to the development was on Austin Avenue and pointed out that there was also Eden Greenway which was on Huntwood Avenue.

Assistant Planner Christensen indicated for Chair Parso-York that his parking calculations of there being one parking space for each bedroom in the development took into account the on-street parking available on Huntwood Avenue. Mr. Christensen mentioned that he did not factor in the on-street parking available on Austin Avenue as he was aware of the parking difficulties resulting from the already existing multifamily units across the street. Mr. Christensen shared that the General Plan designation for Huntwood Avenue was industrial and that the parking spaces here may be available after 5 p.m. Chair Parso-York mentioned that in driving down the proposed project area, he also observed that parking on Austin Avenue appeared crowded and that parking spaces were perpendicular to the curb, adding that he had to park his vehicle on Huntwood Avenue.

Chair Parso-York stated that he would like to see a pedestrian access through Fagundes Court via a coded gate. He commented that by not having this available to pedestrians especially in rainy weather, it would deter residents from utilizing public transit options otherwise located nearby. He preferred that the Condition of Approvals be modified to allow residents to use a gate accessible through Fagundes Court to walk to the bus stop.



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Commissioner Faria indicated that the concern of surrounding neighbors was that if there was a pedestrian accessible gate on Fagundes Court to the development, then this may result in residents of the development parking on Diadon Road.

Chair Parso-York stated that it appeared to him that there would be ample parking for residents within the development so the surrounding neighbors would not have to worry about residents of the development parking on Diadon Road. Chair Parso-York reiterated his support for having a coded pedestrian gate on the side of Fagundes Court which visitors would not have access to. He underscored that even though people were being encouraged to use public transit, it seemed to him that the public would be hindered from easily accessing the bus stop nearby.

Commissioner Enders commented that she was pleased that the project would feature solar systems on the rooftops and would also have electric vehicle charging stations in all of the units. She noted that one drawback of the development was that the laundry room would be on the first floor and the living space was on the second and third floors. She mentioned the difficulty residents may have in lugging the laundry up and down the stairs and suggested that the developer keep this in mind for the future. She commented that although the proposed development was good, it was a cookie cutter type of project that was not too exciting for her. She asked the applicant to elaborate on what the vision was for future home types.

Mr. Compaglia responded that developers didn't have the luxury of working with large plots of land in the Bay Area, and had to take into account land planning and social engineering when designing developments. He stated that since the Bay Area was a huge employment generator, developers had to market their product to the match the profile of homebuyers, which consisted of young individuals, with or without children, and those who have the money to invest. Mr. Compaglia shared that Hayward was becoming a desired place to live in the Bay Area and this included homes that were attached or detached units. He commented that his experience in a creative approach to building projects in other parts of the Bay Area included stacking homes where you would have a townhome with another condominium built directly on top. He noted that more people were purchasing smaller ecofriendly cars that take less garage space, and added that people were also inclined to live closer to where they work and take public transit for commuting such as BART. Mr. Compaglia stated that the cost of land was too high and estimated the cost of an entry level home to be \$500,000. He expressed that ten years from now, homes will be more densely situated to one another. He underscored that a nice feature of the proposed development was the private side yard space which gave residents the opportunity to have a picnic table or have a small space for young children to ride their tricycles, adding that having a bigger yard was becoming less appealing to homebuyers.

Commissioner Schott defined the following as the role of the Planning Commission: determine



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the following if a development project is visually pleasing, if it provides the best use of land for the community, does the project impact the neighborhood and was there any strong opposition to the project. He emphasized that developers would not construct homes that they could not sell in the market and also commented that the style of homes today has evolved from the homes that individuals may have grown up in years ago. Commissioner Schott said that although there were certain cultures that did not use their garage for parking vehicles, however, the City still had to enforce parking restrictions. He pointed out that public transit users in cities such as Oakland and Berkeley had bus stops that were more conveniently located to residents in comparison to how the bus routes were presently in Hayward. He emphasized that Hayward residents have to demand that AC Transit better use tax dollars in the provision of public transportation services. Mr. Schott stated that he would not support a motion having a pedestrian friendly gate on Fagundes Court as residents of the development may then park on Diadon Road.

Commissioner Willis Jr. commented that due to the parking limitations, it would be difficult for residents of the development to invite guests to their home. He indicated his support of the project as the City needed more homes and the proposed project would provide good homes for people to live in.

Commissioner Enders made a motion to recommend that the City Council approve the proposed project per staff recommendation. The motion was seconded by Commissioner Schott. The motion passed with the following vote:

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

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Planning Manager Buizer asked the Planning Commission members if they would prefer to receive hard copies of the large plans. The Planning Commission was in consensus with receiving plans electronically.



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3. Commissioners' Announcements, Referrals

Commissioner McDermott shared that the Hayward Education Foundation gave over \$20,000 in grants to local teachers in the Hayward community and noted that a ceremony was held for recipients at Fire Station No. 1.

APPROVAL OF MINUTES

4. Approval of Minutes of the Planning Commission Meeting on October 15, 2015

Commissioner Enders offered the following changes to the minutes: that the northeast portion of the site of the project site had been designated as a fault trace; that the second home would be within 50 feet of the fault.

The amended minutes were moved by Commissioner Schott, seconded by Commissioner Willis Jr., and approved with the following vote:

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

5. Approval of Minutes of the Planning Commission Meeting on November 5, 2015
It was moved by Commissioner Willis Jr., seconded by Commissioner Enders, and approved with the following vote:

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

ADJOURNMENT

Chair Parso-York adjourned the meeting at 8:08 p.m.



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APPROVED:

Brian Schott, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh, Management Analyst I
Office of the City Clerk