



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 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 Enders led in the Pledge of Allegiance.

Staff Members Present: Alvarado Jr., Brick, Bristow, Chan, Christensen, Golubics, Lens, Quach

General Public Present: 4

PUBLIC COMMENT:

Commissioner Enders presented a PowerPoint presentation on 'Encouraging Strong Communities' and spoke about a call to action and proposed five actions for staff and the Planning Commission, which includes considering small lot single family home criteria . Chair Parso-York requested staff place this item on the agenda for the next meeting.

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

1. Proposed subdivision and construction of twenty-eight detached single-family homes and fourteen attached townhomes on a 3.2-acre site at 81 Fagundes Court, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential and Single-Family Residential to Planned Development District, Vesting Tentative Tract Map 8266, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; KB Home Bay Area (Applicant)/Steven Amaral (Owner)

Assistant Planner Christensen provided a synopsis of the staff report. Mr. Christensen asked that Conditional of Approval #138 be added to the Conditions of Approval for the development regarding bollards located at the Fagundes Court entrance. Mr. Christensen



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

said the bollards will be kept locked in place at all times and only removed for emergency vehicle access.

Mr. Ray Panek with KB Home said the staff report reflects all of the changes the applicant has made while working with staff, Public Works Engineering and the Fire Department and noted his team is present to answer any questions.

Assistant Planner Christensen responded to Commissioner Goldstein about the City Council stipulation for a sound wall to mitigate the impact from the railroad noise; the developer has already addressed this issue for the units that would be impacted with insulated windows. Mr. Christensen noted a sound wall would not match an already existing decorative fence. Senior Planner Golubics said the developer worked with staff to mitigate the railroad noise issues, which will be incorporated into the building design addressing Council concerns.

Assistant Planner Christensen responded to Commissioner Faria that the developer has added parking to address the removal of the gate on Diodan Court and also the placement of the parking is to make it more convenient for residents. Mr. Christensen noted the neighborhood has a "parking issue" and the additional parking spaces on Huntwood Avenue should help alleviate some of the parking issues.

Assistant Planner Christensen confirmed for Commissioner Willis Jr. that the development is no longer gated and the eleven parking spaces satisfies the City's requirements. Mr. Willis was concerned about parking and the sound wall. Assistant City Attorney Alvarado pointed out that though the sound wall was part of the City Council comments, it was not part of Council's motion. Mr. Alvarado said Council had directed staff to address the two issues of eliminating the private gates and inclusion of parking mitigation measures. Mr. Willis commented he favored the development as long as there was sufficient resident parking.

Commissioner Schott expressed concern about the item going back and forth between the Planning Commission and City Council. Commissioner Schott also expressed concern that Huntwood Avenue may not be wide enough to accommodate additional parking, as the street does not allow parking in adjacent segments. Assistant Planner Christensen said as part of the development, Huntwood Avenue will be wider on the east side to accommodate additional parking and noted the developer will be giving up additional right-of-way.

Commissioner Enders requested clarity in regards to Council's direction and Assistant Planner Christensen said Council's direction included the removal of the gates to make a more welcoming and connected community and noted, per staff recommendation, the bollards on Fagundes Court will remain and ensure there is sufficient parking. Mr.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

Christensen added that even though the developer was not required to build an onsite public park, the developer is providing park-in-lieu fees for all forty-two units, which will provide funds for public purpose which can be used for park improvements in the neighborhood. Mr. Christensen added the applicant is proposing a central open space area, which will be about the size of four units and will provide recreational amenities for residents. Mr. Christensen also clarified to the Commission that based on the Quimby Act, the City cannot require the inclusion of a public park within a project of this size; the City is limited to only being able to require payment of in-lieu fees.

Commissioner McDermott was supportive of expanding the parking and the widening of Huntwood Avenue but there will still be a parking issue as the surrounding community has not caught up with the City's efforts to get cars off the public street.

Assistant Planner Christensen responded to Commissioner Willis Jr. that by changing the plan to twenty-eight detached single family units and fourteen townhomes, this has allowed for the ability to create the additional parking per Council's direction while still having the same amount of open space per unit. Each unit will be properly equipped with photovoltaic solar systems and electric charging stations.

Commissioner Schott expressed concern about how the funds will be spent for the betterment of children living in the area and asked how park-in-lieu fees will be dispersed and will the City be able to retain any fees. Mr. Schott added that parks in the area are not very good. Senior Planner Golubics confirmed the park-in-lieu fees are handed over to the Hayward Area Recreational and Park District (HARD) and that the City's Landscape Architect works with HARD on park planning issues. Mr. Schott commented that since the housing structure in the City of Hayward was changing to more infill projects, he wanted to have a better sense of how City codes, regulations and housing requirements will change to accommodate for this shift. Senior Planner Golubics said that staff was working diligently and swiftly to address this housing change and shared that staff was also working on simplifying staff reports and considering future planning code changes.

Chair Parso-York was concerned about increased congestion from infill projects without having additional bus routes near the new developments which would enable residents to get out of their cars and utilize public transportation. Mr. Parso-York expressed concern that there needs to be a public park built prior to adding more housing; noting that currently people have to drive to take their children to a park for activities which was not consistent with Hayward's efforts to get people out of their cars. Mr. Parso-York was pleased that the gate will be open on Fagundes Court for pedestrians but had concerns about insulated thick windows to mitigate the railroad noise issue as residents would not want to open their windows because of the railroad noise. Assistant Planner Christensen described how the developer has addressed the noise issues noting that units with



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

insulated windows will have air conditioning to improve the living quality within each unit exposed to the railroad noise and that eight foot sound walls were not that effective with three story developments. Mr. Parso-York reiterated his concern about the lack of a public park for this neighborhood.

Commissioner Enders noted she made the motion to move the project forward to City Council regarding this infill project when it was before the Planning Commission on November 19, 2015. Ms. Enders said this project will bring energy and life to this parcel of land but noted that the developer and atmosphere of the meeting was uninspiring. Ms. Enders said the issue of congestion needs to be addressed by the City and the Planning Commission specifically about what can be done about the City being used as a cut through to get off the freeway and noted that even though cars in the Loop area may be moving faster, the surrounding areas and neighborhoods have been greatly impacted by increased congestion. Ms. Enders commented the Planning Commission should take Council's direction to heart noting that the gates have been removed and the applicant has done a good job making changes to accommodate eleven more parking spaces to the project but felt this will not truly address the parking issue. Ms. Enders felt that the additional parking on Huntwood Avenue may not help the development unless the spaces were unit specific. Ms. Enders said prior to a motion that there needs to be an agreement to address additional amenities such as a public park and additional parking spaces.

Mr. Ray Panek, with KB Homes, noted as part of the project initial study (California Environmental Quality Act, or CEQA, review) there was a noise review conducted by their acoustical consultant and the applicant met the City's General Plan requirements by addressing the noise issue with building construction, specifically with thicker wall construction and STC window ratings, a mechanical ventilation system along with an air conditioning system to allow the homeowners to keep the windows closed. Mr. Panek said KB Home did their best to follow Council's direction and created six more spaces than what was required by the City's Municipal Code, eliminated the gates, provided an open space for the small infill project, and are paying the park-in-lieu fees. Mr. Panek said the applicant cannot solve existing neighborhood parking problems and they have worked closely with the City's Landscape Architect, Ms. Michelle Koo regarding the design of the private open space.

Commissioner Faria commented the applicant's changes have met the City's requirements and it was unfair to have the applicant correct the neighborhoods parking situation.

Commissioner Enders said she appreciated Commissioner Faria's comments and does not want the applicant to feel they are being picked on; but the issue of parking will come up again and again and it was the Planning Commissioners' responsibility to address issues as the voice of the community. Ms. Enders said developers come to the City to do business but



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

at what cost. Residents will suffer from both a lack of parking and a public park for children. The Planning Commission needs to speak up and work for what will be best for the community and needs to be creative to resolve issues. Ms. Enders noted the developer suggested putting in a park in the corner lot.

Commissioner Schott pointed out that the Planning Commission approved a project that was forwarded to Council and Council returned the item with direction. Staff has worked with the developer to meet those directions. Mr. Schott made a motion to move the item per the staff's recommendation.

Commissioner Faria said she appreciated Commissioner Enders comments. Ms. Faria has been very concerned about vertical buildings and the density of the housing units, even though infill projects meet City regulations and General Plan. Ms. Faria felt there were bigger considerations. Ms. Faria said at some point people need space and expressed concern that there will be social issues in the future. Ms. Faria said the Planning Commission needs to look at items from a larger perspective.

Chair Parso-York opened and closed the public hearing at 8:01 p.m.

Commissioner Schott repeated his motion to move the item per the staff recommendation which includes the addition of Condition of Approval #138. Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

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

COMMISSION REPORTS

2. Oral Report on Planning and Zoning Matters

Senior Planner Golubics said staff is securing the services of the Lisa Weiss Consulting firm to work on the Downtown Specific Plan. Mr. Golubics said a lot of the issues raised tonight will be looked at, which include parking and Commissioner Enders' topic presented during Public Comments on 'Encouraging Strong Communities'. Staff is also working on a Shoreline Realignment Master Plan, looking at sea level rise and how it will affect the City. Mr. Golubics also spoke to items for the next Planning Commission meeting on May 12th.

3. Commissioners' Announcements, Referrals



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 28, 2016, 7:00 p.m.
777 B Street, Hayward, CA94541**

Commissioner McDermott encouraged commissioners and residents to participate in the Hayward Education Foundation, East Bay Gives, on May 3rd, which is a twenty-four hour fundraiser. The Foundation supports Hayward's children and teachers plus Fremont Bank will match every dollar up to \$2,500.

Commissioner Faria invited everyone to participate in the Hayward Area Historical Society Gala on Saturday, April 30, 2016. This event will support and preserve our history and will provide opportunities for Hayward's youth to learn about the City's background and will keep us informed of where we were and how we are evolving.

APPROVAL OF MINUTES

4. There were none.

ADJOURNMENT

Chair Parso-York adjourned the meeting at 8:16 p.m.

APPROVED:

Brian Schott, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk