

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, April 11, 2024

7:00 PM

Council Chambers & Virtual Platform (Zoom)

Planning Commission

PLANNING COMMISSION MEETING

NOTICE: The Planning Commission will hold a hybrid meeting in the Council Chambers and virtually via Zoom.

How to watch the meeting from home:

1. Comcast TV Channel 15
2. Live stream <https://hayward.legistar.com/Calendar.aspx>
3. YouTube Live stream: <https://www.youtube.com/user/cityofhayward>

How to submit written Public Comment:

Send an email to cityclerk@hayward-ca.gov by 3:00 p.m. the day of the meeting. Please identify the Agenda Item Number in the subject line of your email. Emails will be compiled into one file, distributed to the Planning Commission and staff, and published on the City's Meeting & Agenda Center under Documents Received After Published Agenda. Written comments received after 3:00 p.m. that address an item on the agenda will still be included as part of the record.

How to provide live Public Comment during the Planning Commission Meeting:

Please click the link below to join the webinar:

[https://hayward.zoom.us/j/89453606027?](https://hayward.zoom.us/j/89453606027?pwd=fAJGQckY_xYLwGqyM6gUvjCUYZqdMzQSaP0.ACUDOSSilEmwwenU)

[pwd=fAJGQckY_xYLwGqyM6gUvjCUYZqdMzQSaP0.ACUDOSSilEmwwenU](https://hayward.zoom.us/j/89453606027?pwd=fAJGQckY_xYLwGqyM6gUvjCUYZqdMzQSaP0.ACUDOSSilEmwwenU)

Webinar ID: 894 5360 6027

Password: CC4/11@7pm

Or Telephone:

Dial (for higher quality, dial a number based on your current location):

1 669 900 6833 or +1 646 931 3860 (Toll Free)

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Passcode: 8079259510

International numbers available: <https://hayward.zoom.us/u/kbVUZ42rGy>

A Guide to attend virtual meetings is provided at this link: <https://bit.ly/3jmaUxa>

CALL TO ORDER Pledge of Allegiance**AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION****ROLL CALL****PUBLIC COMMENTS**

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action. Speakers shall not use threatening, profane, or abusive language which disrupts, disturbs, or otherwise impedes the orderly conduct of a Commission meeting. The City is committed to maintaining a workplace free of unlawful harassment and is mindful that City staff regularly attend Commission meetings. Discriminatory statements or conduct that is hostile, intimidating, oppressive, or abusive – are per se disruptive to a meeting and will not be tolerated.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

PUBLIC HEARING

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

- 1 [PH 24-017](#) Recommended FY 2025 - FY 2034 Capital Improvement Program

Attachments: [Attachment I Staff Report](#)

APPROVAL OF MINUTES

Agenda item continued from the March 28, 2024 Planning Commission meeting.

- 2 [MIN 24-045](#) Minutes of the Planning Commission Meeting on October 12, 2023

Attachments: [Attachment I Draft Minutes of October 12, 2023](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

3 [RPT 24-029](#) 2024 Planning Commission Meeting Schedule (Updated)

Attachments: [Attachment I 2024 Planning Commission Meeting Schedule \(Updated\)](#)

ADJOURNMENT

NEXT MEETING, APRIL 25, 2024, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or cityclerk@hayward-ca.gov.



CITY OF HAYWARD

Hayward City Hall
777 B Street
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File #: PH 24-017

DATE: April 11, 2024

TO: Planning Commission

FROM: Director of Public Works

SUBJECT

Recommended FY 2025 - FY 2034 Capital Improvement Program

RECOMMENDATION

That the Planning Commission finds that the Recommended FY 2025 - FY 2034 Capital Improvement Program (CIP) is consistent with the Hayward 2040 General Plan.

SUMMARY

The City's Capital Improvement Program (CIP) is a planning document intended to guide the City's capital improvement activities over the next ten years. The CIP has been reviewed and developed to ensure that it is consistent with the City's General Plan. It has also been developed to support the Priorities identified by the Council as part of the City's Strategic Roadmap.

The proposed CIP budget includes approx. \$161 million in FY 2025 and an estimated \$1 billion in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; water, wastewater, recycled water, and storm water systems upgrades; groundwater projects; airport projects; construction of public buildings; clean and renewable energy generation; replacement of major equipment; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$690 million. The Recommended FY 2025 - FY 2034 CIP can be found [here <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>](https://www.hayward-ca.gov/your-government/documents/capital-improvement-program) on the City's website, presented in a user-friendly format.

ATTACHMENTS

Attachment I Staff Report

File #: PH 24-017



SUBJECT

Recommended FY 2025 – FY 2034 Capital Improvement Program

RECOMMENDATION

That the Planning Commission finds that the Recommended FY 2025 – FY 2034 Capital Improvement Program (CIP) is consistent with the Hayward 2040 General Plan.

SUMMARY

The City's Capital Improvement Program (CIP) is a planning document intended to guide the City's capital improvement activities over the next ten years. The CIP has been reviewed and developed to ensure that it is consistent with the City's General Plan. It has also been developed to support the Priorities identified by the Council as part of the City's Strategic Roadmap.

The proposed CIP budget includes approx. \$161 million in FY 2025 and an estimated \$1 billion in the next ten years. Given that Hayward is a full-service city, the CIP covers a wide range of projects, which may include street construction and improvements; bike and pedestrian improvements; traffic calming; water, wastewater, recycled water, and storm water systems upgrades; groundwater projects; airport projects; construction of public buildings; clean and renewable energy generation; replacement of major equipment; and other miscellaneous projects. As in past years, the document also includes Identified and Unfunded Capital Needs, which currently total \$690 million. The Recommended FY 2025 – FY 2034 CIP¹ can be found [here](#) on the City's website, presented in a user-friendly format.

BACKGROUND

State law requires that the Planning Commission review the City's currently Recommended FY 2025 – FY 2034 CIP to ensure consistency with the City's General Plan. The Council will review the Recommended FY 2025 – FY 2034 CIP at a work session in May 2024.

DISCUSSION

The following discussion lists some of the specific CIP projects which align with the various goals and policies of the *Hayward 2040 General Plan* as listed below:

[Public Facilities and Services Element](#)²

The CIP includes an emphasis on updating and improving the City's infrastructure, which supports a core priority of the Strategic Roadmap, and is aligned with various goals and

¹ Hayward Capital Improvement Program. <https://www.hayward-ca.gov/your-government/documents/capital-improvement-program>

² <https://www.hayward2040generalplan.com/public-facilities-services>

policies from Elements of the General Plan, including the following from the Public Facilities and Services Element:

Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.

Policy PFS-1.2: Priority for Infrastructure: The City shall give high priority in capital improvement programming to funding rehabilitation or replacement of critical infrastructure that has reached the end of its useful life or has capacity constraints.

The ongoing development of the South Hayward Youth & Family Center aligns with the following goal and policy of the Public Facilities and Services Element:

Goal PFS-1: Ensure the provision of adequate and efficient facilities and services that maintain service levels, are adequately funded, accessible, reliable, and strategically allocated.

Policy PFS-1.6 Public Facility Clustering: The City shall promote the clustering of public and quasi-public facilities (e.g., schools, parks, libraries, childcare facilities, community activity centers), the joint use of these facilities, and agreements for sharing costs and operational responsibilities among public service providers.

In addition to the previously stated Public Facilities and Services Policy PFS-1.2, sewer and water improvement projects such as the Water Resources Recovery Facility (WRRF) Switchgear Rehabilitation Project and WRRF Phase II Improvement Projects adhere to the policies under the following Public Facilities and Services goals:

Goal PFS-3: Maintain a level of service in the City's water system that meets the needs of existing and future development while improving water system efficiency.

Goal PFS-4: Maintain a level of service in the City's wastewater collection and disposal system to meet the needs of existing and future development.

[Mobility Element](#)³

Key projects which align with the first Mobility Element goal and policies include the Mission Boulevard Phase 3 Project, Campus Drive Improvement Project, and the Main Street Complete Street Project.

Goal M-1: Provide a comprehensive, integrated, and connected network of transportation facilities and services for all modes of travel.

Policy M-1.2: Multimodal Choices: The City shall promote development of an integrated, multi-modal transportation system that offers desirable choices among modes including pedestrian ways, public transportation, roadways, bikeways, rail, and aviation.

Policy M-1.6: Bicycling, Walking, and Transit Amenities: The City shall encourage the development of facilities and services, (e.g., secure term bicycle parking,

³ <https://www.hayward2040generalplan.com/mobility>

streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.

Paving and transportation projects also align with the third Mobility Element goal and policies, including the FY 2024 Pavement Rehabilitation Project, the Old Hayward Highland Association (OHHA) Pavement Improvements, FY 2024 New Sidewalk Project, Main Street Complete Street Project, and Mission Boulevard Phase 3.

Goal M-3: Provide complete streets that balance the diverse needs of users of the public right-of-way.

Policy M-3.1 Serving All Users: The City shall provide safe, comfortable, and convenient travel along and across streets to serve all users, including pedestrians, the disabled, bicyclists, motorists, movers of commercial goods, and users and operators of public transportation.

Natural Resources Element⁴

Projects aligning with the Natural Resources Element goals and policies include Transitioning 15% of the Total City Fleet to EV/Hybrid Models, the Citywide EV Charging Strategy Upgrade & Publicly Accessible Faster Chargers Projects, and the Recycled Water Master Plan and Phase II Projects.

Goal NR-2: Improve the health and sustainability of the community through continued local efforts to improve regional air quality, reduce greenhouse gas emissions, and reduce community exposure to health risks associated with toxic air contaminants and fine particulate matter.

Policy NR-2.10: Zero-Emission and Low-Emission Vehicle Use: The City shall encourage the use of zero-emission vehicles, low-emission vehicles, bicycles and other non-motorized vehicles, and car-sharing programs by requiring sufficient and convenient infrastructure and parking facilities throughout the City.

Policy NR-6.10: Water Recycling: The City shall support efforts by the regional water provider to increase water recycling by residents, businesses, non-profits, industries, and developers, including identifying methods for water recycling and rainwater catchment for indoor and landscape uses in new development.

An additional project which aligns with Natural Resources Element goals and policies is the Design and Construction of the La Vista Park.

Policy NR-1.5: Large-Scale Natural Area Access: The City shall support efforts to improve access to publicly owned large-scale natural areas located within the Planning Area, including the shoreline, creeks, regional parks, riparian corridors, and hillside open space areas, by allowing them to be open for controlled access to improve public enjoyment and education, while also limiting access to extremely sensitive natural habitat and minimizing human-related environmental impacts.

The 1.4-Megawatt Solar Photovoltaic Energy System at WPCF is a renewable energy project which aligns with the following NR goal and policy:

⁴ <https://www.hayward2040generalplan.com/natural-resources>

Goal NR-4.1: Reduce energy consumption through increased production and use of renewable energy, sustainable energy purchasing, and improved energy efficiency.

Policy NR-4.10- Energy Efficiency Measures: The City shall ensure that all new City-owned facilities are built with renewable energy, as appropriate to their functions, and shall install renewable energy systems at existing City facilities, where feasible.

*Community Safety Element*⁵

The construction of the new Fire Station No. 6 and Training Center aligns with Community Safety Element goals and policies related to Fire Protection and Emergency Medical Services.

Goal 4: Provide coordinated fire protection and emergency medical services to promote a safe and healthy community.

Policy CS-4.4 Timing of Services: The City shall ensure that growth and development does not outpace the expansion of Hayward Fire Department staffing and the development of strategically located and fully equipped fire stations.

Policy CS-4.5 Station Call Volumes and the Reallocation of Resources: The City shall monitor call volumes at individual fire stations to determine if certain areas of the City are in high demand of fire and emergency medical services. The City shall consider reallocating resources (fire units and/or equipment) or building new fire stations to serve high demand areas.

*Land Use Element*⁶

The CIP also focuses on beautification and improvement of landscaping along key thoroughfares, including the Jackson Corridor Landscape Beautification Project, which aligns with many General Plan Land Use Element goals and policies, including:

Goal LU-4: Create attractive commercial and mixed-use corridors that serve people traveling through the City, while creating more pedestrian-oriented developments that foster commercial and social activity for nearby residents and businesses.

Policy LU-4.11 Streetscape Enhancements: The City shall strive to improve the visual character of corridors by improving streetscapes with landscaped medians, and widened sidewalks that are improved with street trees, pedestrian-scaled lighting, underground utilities, landscaping, and streetscape furniture & amenities.

*Hazard Goals*⁷

The CIP also includes projects that minimize property damage from potential flood hazards, such as the Drainage Improvement Project at Alves St./Leighton St. and 4th St., Maintenance Services Department Storm Drain Infrastructure Repair project, and a new Storm Drain Replacement at Kings Court project. These projects replace or repair damaged storm drainpipes due to old age or erosion from the recent heavy rains over the past years which align with Goal 3 Flood Hazards:

⁵ <https://www.hayward2040generalplan.com/community-safety>

⁶ <https://www.hayward2040generalplan.com/land-use>

⁷ <https://www.hayward2040generalplan.com/goal/HAZ3>

Goal HAZ-3: Protect life and minimize property damage from potential flood hazards. Various parts of Hayward are subject to flooding during major storm events, including shoreline areas and upland areas located along streams, creeks, and drainage ways. The geographic extent of local flood hazards are anticipated to increase in the next century as a result of rising sea levels caused by global warming. Extreme weather conditions caused by global warming could also increase flooding risks during major storms. This goal and its supporting policies are designed to minimize damage and risks associated with flood hazards, including flood hazards associated with extreme weather caused by global warming.

Community Health and Quality of Life Element⁸

The CIP also includes Landscape Material/Median Tree/Shrub Replacements project and a new Hazardous Tree Removal and Replacement project, which align with the Community Health and Quality of Life Goals as well as the new Environmental Justice Element Policy:

Goal HQL-8: Maintain, enhance, and increase the city's urban forest as an environmental, economic, and aesthetic resource to improve Hayward residents' quality of life. Extensive tree canopies reduce the urban heat island effect and make streets and sidewalks more pleasant places to walk. Trees absorb carbon dioxide and pollution and produce oxygen, which contributes to improved air quality and human health. Trees also shelter wildlife and promote biodiversity, and can provide healthy sources of food, such as fruit and nuts. Policies in this section sustain and enhance the city's urban forest.

ECONOMIC IMPACT

The direct economic impact of these projects is not quantifiable. However, maintaining and improving the City's infrastructure, fleet, buildings, and recreational facilities will have a beneficial impact on maintaining and improving economic desirability, health, and vitality of the City and community.

FISCAL IMPACT

The capital budget for FY 2025 totals approximately \$161 million, with a total of approximately \$1 billion tentatively programmed for the entire ten-year period from FY 2025 through FY 2034. An additional \$690 million of unfunded needs have been identified for the same period.

Only four of the twenty-three CIP funds rely on transfers from the General Fund for project expenses. The following table reflects the proposed General Fund transfers to these five funds when compared to FY 2024.

CIP Fund	FY 2024 GF Transfer	FY 2025 GF Transfer	Increase or (Decrease) from FY 2024
405/Capital Projects (General)	\$2,231,630	\$500,000	(\$1,731,630)
460/Transportation System Improvement	\$500,000	\$1,000,000	\$500,000
726/Facilities Management Capital	\$360,000	\$360,000	\$0

⁸ <https://www.hayward2040generalplan.com/community-health>

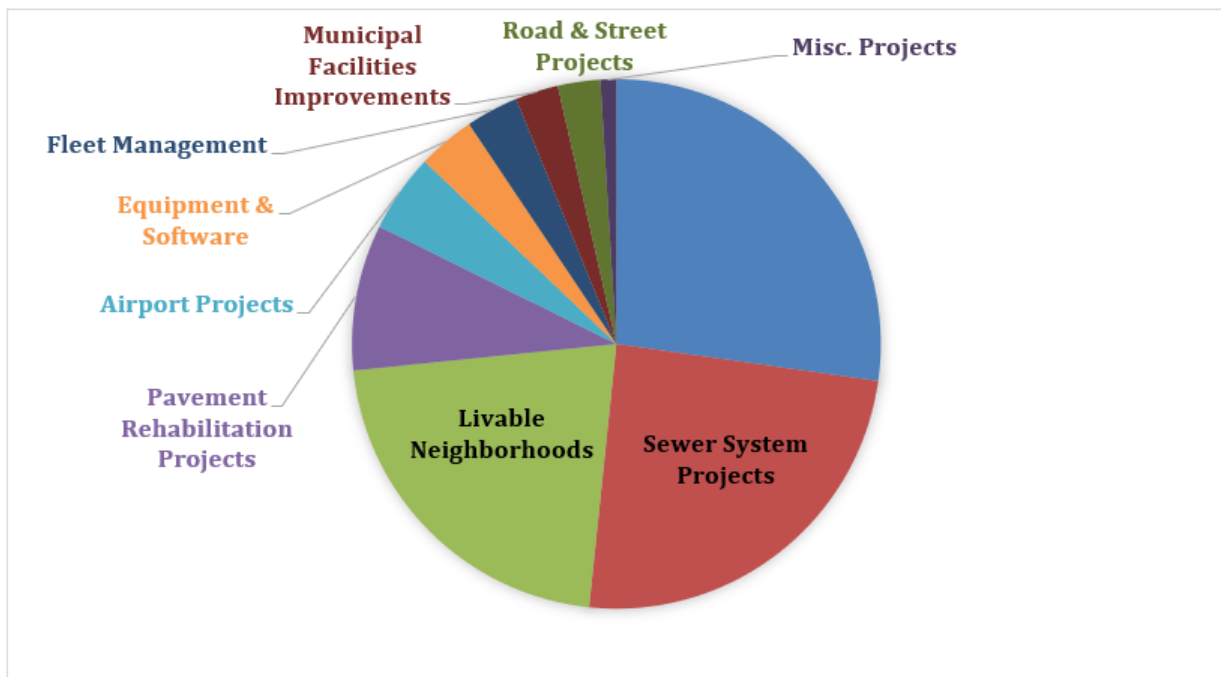
731/Information Technology Capital	\$300,000	\$1,248,000	\$948,000
Total Cost to General Fund	\$3,391,630	\$3,108,000	(\$283,630)

Four of the CIP funds are also Internal Service Funds, meaning they use Internal Service Fees (ISF) to finance project expenses. Internal Service Fees are collected when one City department provides a service to another, drawing those service expenses from the operating budget of the benefiting department. Although some departments are funded by Enterprise funds, many are part of the General Fund. The Internal Service Fees paid by General Fund-supported departments have an impact on the General Fund. The total proposed Internal Service Fees for FY 2025 are shown below.

CIP Fund	FY 2024 ISF	FY 2025 ISF	Increase or (Decrease) from FY 2024
726/Facilities Management Capital	\$350,000	\$450,000	\$100,000
731/Information Technology Capital	\$810,000	\$850,000	\$40,000
736/Fleet Management Capital (General Fund)	\$4,000,000	\$3,100,000	(\$900,000)
737/Fleet Replacement (Enterprise Funds)	\$156,000	\$156,000	\$0
Total ISF	\$5,316,000	\$4,556,000	(\$760,000)

As displayed in the tables above, there is an overall decrease of \$283,630 in proposed FY 2025 General Fund transfers when compared to FY 2024, and a decrease of \$1,260,000 in proposed FY 2025 ISF. The proposed project costs by CIP category are as follows:

Project Category	FY 2024 Adopted	FY 2025 Recommended	Increase or (Decrease) from FY 2024
Water System Projects	\$18,527,000	\$43,808,638	\$25,281,638
Sewer System Projects	\$28,135,390	\$39,262,508	\$11,127,118
Livable Neighborhoods	\$21,789,265	\$34,977,028	\$13,187,763
Pavement Rehabilitation Projects	\$16,539,000	\$14,328,000	(\$2,211,000)
Airport Projects	\$1,015,000	\$7,692,000	\$6,677,000
Equipment & Software	\$8,040,000	\$5,635,208	(\$2,404,792)
Fleet Management	\$1,286,000	\$5,165,000	\$3,879,000
Municipal Facilities Improvements	\$8,727,000	\$4,235,000	(\$4,492,000)
Road & Street Projects	\$6,789,000	\$4,167,000	(\$2,622,000)
Misc. Projects	\$4,742,000	\$1,563,000	(\$3,179,000)
Total Capital Improvement Projects	\$115,589,655	\$161,108,382	\$45,243,727



The proposed project costs in each CIP Fund are as follows:

CIP Fund	FY 2025 Recommended
(210) Special Gas Tax	\$3,986,970
(211) RRAA (SB1)	\$4,000,000
(212) Measure BB - Local Transportation	\$9,267,000
(213) Measure BB - Ped & Bike	\$1,895,000
(215) Measure B - Local Transportation	\$39,000
(216) Measure B - Ped & Bike	\$53,000
(218) Vehicle Registration Fund	\$840,000
(219) Measure BB - Paratransit	\$1,000,000
(405) Capital Projects	\$24,524,726
(406) Measure C Capital	\$2,882,208
(410) Rte. 238 Corridor Improvement	\$4,157,000
(411) Rte. 238 Settlement Admin	\$1,038,000
(450) Street System Improvements	\$3,436,000
(460) Transportation System Improvements	\$4,560,332
(603) Water Replacement	\$27,203,765
(604) Water Improvement	\$15,994,873
(611) Sewer Replacement	\$12,391,500
(612) Sewer Improvement	\$28,481,008
(621) Airport Capital	\$7,692,000
(726) Facilities Capital	\$1,325,000

(731) Information Tech Capital	\$1,890,000
(736) Fleet Management Capital	\$3,276,000
(737) Fleet Management Enterprise	\$900,000
Total	\$160,833,382

STRATEGIC ROADMAP

The Strategic Roadmap adopted in 2023 are at the forefront of the City's capital project planning efforts, and each CIP project is evaluated for consistency with the City's Strategic Priorities.

The Recommended CIP Projects touch the Confront Climate Crisis & Champion Environmental Justice, Enhance Community Safety & Quality of Life, Grow the Economy, and Strengthen Organizational Health Priorities, but predominantly support the Invest in Infrastructure Priority.

SUSTAINABILITY FEATURES

While the proposed projects are aligned with and advance the Council's Sustainability goals and policies, the action taken for this agenda report will not result in any physical development, purchase or service, or a new policy or legislation. Any physical work will depend upon a future Council action. Sustainability features for individual CIP projects will be listed in each staff report.

PUBLIC CONTACT

On March 29, 2024, a Notice of this Public Hearing for the Planning Commission meeting was published in *The Daily Review* newspaper. A copy of the Recommended CIP is made available online at www.hayward-ca.gov/CIP, and printed copies are available at the Public Works & Utilities' Department office, at the City Clerk's office, and at both [Libraries](#)⁹. Individual projects receive Council approval and public input as appropriate.

NEXT STEPS

Once the Commission has completed the review of the Recommended CIP and found it in conformance with the General Plan, the project will be presented to Council Infrastructure and Airport Committee Meeting (CIAC), which has been tentatively scheduled for April 24, 2024.

The public will also have an additional opportunity to review and comment on the CIP at an upcoming City Council work session, which has been tentatively scheduled for May 7, 2024, and the Council Public Hearing, which has been tentatively scheduled for June 4, 2024. A notice advising residents about the Council Public Hearing on the CIP will be published in the *Daily Review* newspaper at least ten days in advance.

⁹ <https://www.hayward-ca.gov/public-library/using-library/locations-hours>

Prepared by: Michael Wolny, Management Analyst

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Jeremy Lochirco, Planning Manager



Sara Buizer, AICP, Development Services Director



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
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File #: MIN 24-045

DATE: April 11, 2024

TO: Planning Commission

FROM: Development Services Director

SUBJECT

Minutes of the Planning Commission Meeting on October 12, 2023

RECOMMENDATION

That the Planning Commission approve the Minutes of the Planning Commission meeting on October 12, 2023

SUMMARY

The Planning Commission held a meeting on October 12, 2023

ATTACHMENTS

Attachment I Draft Minutes of October 12, 2023



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, October 12, 2023, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:03 p.m. by Chair Ali-Sullivan. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: COMMISSIONERS: Franco-Clausen, Garg, Goodbody, Stevens
CHAIRPERSON: Ali-Sullivan
Absent: COMMISSIONERS: Lowe, Patterson

Staff Members Present: Koo, Ochinerro, Morales, Parras, Richard, Saebi, Schmidt, Sharma, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

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

1. Proposed Demolition of Two Existing Detached Residences and Construction of a New 12 Unit Small Lot Detached Residential Subdivision (Eden Village III) on a 1.45-Acre Site Located at 24764 and 24656 Mohr Drive (Assessor's Parcel Numbers (APNs) 441-0074-009-00 and 441-0074-009-00), Requiring Approval of a Zone Change to Planned Development District, Vesting Tentative Tract Map and Approval of an Environmental Consistency Checklist Associated with Application No. MTA-23-0001. Applicant: Jeffrey Lawrence, Nuvera Homes. Owners: Robert A. Pratt, F TRS Roberta, Anne C. Wu, and Ngai M. Wang **(PH 23-039)**

Associate Planner Richard provided a synopsis of the staff report and shared that she was joined by Landscape Architect Michelle Koo, Housing Manager Christina Morales, Public Works Engineers Mo Sharma and Saeed Saebi, and Karly Kaufman from Rincon Consultants. Ms. Richard introduced the applicant team Jeffrey Lawrence, Archie Angulo, and James Wang from Nuvera Homes.

Mr. Jeffrey Lawrence, applicant representing Nuvera Homes, commended staff for everything that went into getting the project to where it is now and mentioned that he liked the area and



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
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was very proud of the first two phases of the project that had been built. Mr. Lawrence continued that at the time the first two phases were finished, the property was not secured yet and thought it would be a great opportunity to improve the neighborhood and street scene as it had matched the first two phases and would be a nice center for the community.

Commissioner Franco-Clausen questioned where the junior dwelling units were located as she didn't see them on the map. Associate Planner Richard responded that the Junior Accessory Dwelling Units (JADU) are attached to the house on the ground floor of the plan Type 2 on Sheet A2.1 of the Plan Set. Ms. Richard continued that JADU features a little kitchenette, a bathroom, a closet, a living area, and has its own independent entrance.

Commissioner Garg commended staff on the presentation and appreciated that the dwelling units all came with rainwater collection barrels for landscaping and asked if other graywater systems were considered in the development of these properties. Mr. Lawrence indicated that the rainwater collection barrels were the only graywater system considered for the project.

Chair Ali-Sullivan inquired if the dwellings had backyards and if they were fenced off. Associate Planner Richard responded that each dwelling has a backyard that is individually fenced, with the width of the yards being around forty-eight feet wide and ten feet deep except for Lot 12 which has a large rear yard that is about thirty feet deep. Mr. Ali-Sullivan asked staff to explain the contribution that is going to be made to the La Vista Park project, as he felt it was sort of buried in the conditions of approval. Ms. Richard responded that as part of their tree mitigation plan, they couldn't mitigate on site fully so there is going to be a one-time contribution to the La Vista Park development to plant trees as part of that project. Mr. Ali-Sullivan questioned if the community comment from Chabot College that was in the attachment of the staff report was incorporated. Ms. Richard responded that as noted in the staff report, Chabot College had asked all the residents to be notified of the potential noise and lighting from their sports fields. She added that staff didn't include it as a condition of approval as staff believed it is an issue between the two private property owners, noting that the Planning Commission could still consider and discuss this. Mr. Ali-Sullivan asked if there was a reason why Chabot College wouldn't have come to that same conclusion. Ms. Richard responded that staff had provided this information to them and the applicant team.

Chair Ali-Sullivan inquired about the amenities and how they were being treated as all the amenities appeared to be already required. Associate Planner Richard responded that amenities noted in the plan development findings are required to go above and beyond what the Hayward Municipal Code requires. Mr. Ali-Sullivan questioned if the Hayward Municipal Code required solar. Ms. Richard responded it required solar panels; noting that the project would exceed kilowatt hour CALGreen requirements by 10%.

Mr. James Wang, applicant from Nuvera Homes, responded to the comment made about



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
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Chabot College and stated that they would add in their disclosure to buyers the potential nuisance of the events that go on at Chabot College, particularly to the two lots that are adjacent to Chabot College's field. Chair Ali-Sullivan asked Mr. Wang how they plan to price these microhomes or micro lots, if they would be priced at a lower price than lots that were regularly sized as they are not normal sized homes and what would be the value proposition for Hayward residents if they were interested in purchasing one of the homes. Mr. Wang responded that their marketing team would study what the market is when the project is built, adding that the homes are considered detached homes and not oversized for the community so the price would be according to the median price for the new home quality.

Commissioner Goodbody questioned whether JADUs would have separate addresses and mailboxes. Associate Planner Richard responded that under state law, JADUs are not considered separate units which helps with building code requirements as they do not need firewall separations. Commissioner Goodbody asked if a potential tenant's mail would be included in the same mailbox as the homeowner. Ms. Richard responded that this was correct. Ms. Goodbody inquired about the staff report which mentioned that JADUs would be affordable and would like to know how staff could distinguish between units that aren't inclusionary. Ms. Richard responded that the units are not deed restricted for affordability levels, Accessory Dwelling Units (ADUs) and JADUs are called affordable by design as they are very small and share facilities with the main house. Ms. Goodbody asked if it would be possible to relocate the mailboxes so they are not against Mohr Drive as there had been issues with mail theft, expressing that moving mailboxes further into the development may help.

Mr. Jeffrey Lawrence responded to the mailbox issue stating he had tried to get the post office to allow having a mailbox at each house; however, the post office would not approve this, adding that the mailboxes would be in a cluster with locks. Commissioner Goodbody asked if the Postmaster General had selected the location of the installation for the mailboxes. Mr. Lawrence said that Postmaster General inspects and approves the placement of the mailboxes.

Chair Ali-Sullivan echoed Commissioner Goodbody's concerns about the mailboxes as it had been a problem in the community and questioned if there's an opportunity to move the location of the mailboxes deeper inside where the homeowners are versus out on the main street. Associate Planner Richard responded that the Commission could make that recommendation to move the mailboxes closer inside of the development however that doesn't mean the U.S. Postal Service would allow it to be closer to Lot 12 or near the open space.

Commissioner Goodbody commended staff for responding to her question regarding the relationship between the number of amenities and the modifications that were sought to be



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approved by the development. Ms. Goodbody asked if staff had provided a menu of amenities to satisfy the modifications as the applicant is seeking to modify eighteen standards between both parcels that are inconsistent with zoning designations, stating the recommended number of amenities to offset those modifications are six, which is less than half of the modifications that is being requested. She commented that it seemed there were a number of amenities that the project is requesting that were fewer than the modifications that are being recommended to be approved. Associate Planner Richard responded that a couple of the standards are relationship based indicating that decreasing the lot size would result in deviations from setbacks, lot coverage, and lot width. Ms. Richard also mentioned that no planned development in Hayward had a one-to-one ratio, and the deviations are based on the weight of the community benefits. She mentioned that the applicant is shrinking the rear yards and to offset that, the development is providing a beautiful planned and programmed community open space which they are not required to provide.

Principal Planner Schmidt commented that she had processed a lot of Planned Developments and confirmed what Associate Planner Richard had mentioned that it is not a one-to-one ratio and shrinking a lot resulted in cascading lot changes. Ms. Schmidt added that one modification is from lot standards which could include reduced setbacks, increased lot coverage, and various lot changes. She added that there's never been a set number of amenities or type of amenities. She expanded that prior to the most recent building code changes that now require solar panels to be on roofs, that was the most popular amenity that was provided in exchange for a planned development. Ms. Schmidt continued that since solar panels are now required by the Hayward Municipal Code, staff looked for sustainability measures that are over and above the code like providing more kilowatts per hour or installing EV chargers. She noted that staff looks at the site-specific conditions and considers what may work for that planned development, exemplifying that the SoHay development isn't necessarily going to work on a 1.4-acre site that's very constrained. Staff looked for development amenities that are site specific, that made sense for the community and tried to reach sustainability goals while providing additional housing. She said that the site is adjacent to Chabot College which made JADUs and the student population a good fit in terms of that being an amenity.

Commissioner Goodbody questioned if some of the amenities that are being proposed could be swapped out such as moving the mailboxes further into the development, or providing a higher quality mailbox, or moving it into a separate facility in exchange for the play equipment for some other amenity. Associate Planner Richard responded that as the Planning Commission makes recommendations on this item, the Planning Commission could recommend that other amenities be included, or conditions be required.

Chair Ali-Sullivan commented that he was struggling to not veer into commentary and stick to questions with the amenities as builders are required to put solar and to say developers are adding ten percent is a bit disingenuous. Mr. Ali-Sullivan added that it's not adding a cost to the



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developers as it possibly could be one more panel or maybe based on the kilowatt hours of panels, they would have to buy the same amount of panels regardless. He continued that adding solar or adding electric charging in the house adds value to the house for the purchaser so that's not necessarily a net benefit in return for the reduced sized lots. Mr. Ali-Sullivan asked what other collective benefited amenities were potentially provided, as he felt that all the benefits are to the homeowner and not a benefit to the city. Associate Planner Richard responded that as the noted in the required the amenities are to provide for a high quality and attractive development. Ms. Richard added that the amenities are meant to be for the development, not a public amenity that is seen with some of Hayward's other projects, they're meant to serve the development and provide these opportunities for its residents. Ms. Richard said that sometimes in projects, the amenities go above and beyond affordable housing requirements. She noted that the amenities provided in this project are consistent with the amenities that were provided and approved in Eden Village Phase I and II.

Chair Ali-Sullivan asked staff if the street was a private street or a public street. Associate Planner Richard responded that it was a private street. Mr. Ali-Sullivan asked what is stopping the developer or the homeowners three years down the line from installing a gate or fence. Ms. Richard responded that there is a General Plan policy which states that gates are to be discouraged on these types of communities. She continued saying staff have received these requests to add gates in a lot of planned developments post entitlement and that projects would need to provide enough width or depth for queuing. She noted that the proposed site, given how close the entrance is to Mohr Drive, did not have enough depth or width to fit a gate and meet the city standards. Chair Ali-Sullivan asked how many public parking spots were there. Ms. Richard responded that there are six parking spots. Mr. Ali-Sullivan asked if that met the requirement for twelve houses. Ms. Richard said that there are no off-street parking requirements, as the parking requirements stated in the Off-street Parking Regulations is that streets that don't line parking on one side or the other side of the street are to provide two covered parking spaces and two uncovered parking spaces per dwelling unit. She added that the Hayward Municipal Code says that uncovered spaces cannot be in the driveway, therefore one of the exceptions that is being asked for is that the driveway spaces count toward the parking requirement. She mentioned that originally the developer came in with nineteen-foot-long driveways which would have had the vehicles overhanging into the sidewalk and street but due to concerns from staff, the developer extended the driveway length to make sure that driveway spaces can accommodate two cars without the overhanging. Ms. Richard said that the driveways in Eden Village Phase I and II are nineteen feet long and the driveways in this development are twenty feet long.

Commissioner Stevens commented on the proposed sixty-inch box tree, that certain species of trees perform better when they're smaller like the twenty-four-inch box tree and had asked if it's an accurate statement to say that these larger trees are used for appearing big on day one but then it doesn't reach the same fruition as a younger tree would. Landscape Architect Koo



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responded that with proper care it is fine to plant larger trees, noting that many other developments including another Nuvera Homes project planted sixty-inch trees and the sixty-inch box trees are thriving and there hasn't been a case where a tree had failed. Associate Planner Richard added that the Homeowners' Association (HOA) will maintain the landscaping in this development.

Commissioner Stevens commented that the staff report referenced trying to protect tree number sixty and sixty-seven which are both located outside of the property. Mr. Stevens mentioned that tree number sixty is a Coast Redwood off the site and tree number sixty-seven is a California Black Walnut and as the project is being built and is encroaching upon the property line, it looked as if the California Black Walnut tree had a moderate potential of survival. He questioned what if he owned that property and the development killed his tree, what would happen. Ms. Koo responded that the developer is obligated to plant or replace it with like species and size per the request of the property owner where the tree was located. Mr. Stevens asked what would happen if three years later the trees died. Landscape Architect Koo responded that California Black Walnut tree had moderate success rate when disturbed, adding that staff includes a condition that root cuttings or pruning be done with full supervision of an Arborist. Ms. Koo added that the conditions of approval mentioned how to maintain existing trees during construction, for instance if the roots being wrapped. She continued to say that if a tree died the cause of failure should be proven by both parties and who would be financially responsible for replacement of the failed tree. Staff would take the maturity of California Black Walnut since it has a life span as well as the protection measure by the developer during the construction and the history of prior and post maintenance prior to the project by the owner of the tree. Mr. Stevens said that it was unclear to him as it looked like there was a recommendation for the Coast Redwood tree on the fence line to be irrigated but didn't see that in the irrigation plan. He asked if it was a requirement for the developer to irrigate the neighboring trees. Landscape Architect Koo responded that irrigation would be provided only during the construction. Mr. Stevens asked if staff were concerned about the success of the Coast Redwood tree due to the reduced previous area because of the proposed development. Ms. Koo responded that it could impact the success, as Redwood trees are shallow rooted and had greater taproot expansion to compensate for the height, but the question should be asked of eliminating a housing need. She continued that the survivability of any tree depends on how well the tree is being cared for. In some cases, the property owner never irrigated trees. Receiving temporary irrigation during construction could help the tree but then it doesn't become the responsibility of the adjacent property owner to care for the tree that belongs to someone else.

Commissioner Stevens asked if the seventy-seven-inch in diameter redwood tree number thirty-eight is being removed. Associate Planner Richard responded that tree number thirty-eight was being preserved as it is the center of the common open space. Mr. Stevens asked if it would survive. Landscape Architect Koo responded that staff hoped so. Mr. Stevens



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commended staff on being available for discussion.

Chair Ali-Sullivan opened the public comment period at 7:45 p.m.

Ms. Isabel Rogne, Hayward resident, commented that she supported building more housing, added that she lived on Long Court and noted that her backyard fence and that of some of her neighbors, faced the empty lot. She resided there for more than twenty years, and the lot had remained empty, she noticed there were tools left on the property but a few months back it was cleaned up. Ms. Rogne continued to comment that there are homeless people living there leaving a lot of garbage all over, she can see it out of her window and over her fence. She added that she had complained to the city as there had been fires, loud noises late in the evening and early mornings. She added that the garbage is piling up in the area, wondered if the city is going to do something about this, and supported having houses built over garbage.

Ms. Ro Aguilar, Hayward resident, commented that she would like to present some questions to the Planning staff and that she appreciated staff for suggesting and discussing with the developer the inclusion of affordable housing units in the mix of twelve market rate ownership houses rather than paying the in-lieu fees. Ms. Aguilar said that the developer chose the in-lieu fee as that is their right under the current Hayward Municipal Code, so staff must recommend it for approval. She added that the developer has eight JADUs which are more affordable and yet the city has no authority over these JADUs to enforce that they will be used for low-income housing, so it is just left to the homeowner. Ms. Aguilar wondered if the development would serve all income levels in Hayward or would it be within an economic range that Hayward needs, wondered where the Planning Commission authority and responsibility lies since the developer is responsible to his company and possibly stockholders. She added that the Planning Commission had the difficult job of making planning recommendations to the City Council that benefit all residents of Hayward and particularly in a time of crisis, those residents that are in most need. Ms. Aguilar commented that this project provides the opportunity for one or two inclusionary affordable ownership homes. She continued that the developer asked the city to increase the value of the property by approving a zoning change instead of two units, the zoning change will allow them to build twelve. Ms. Aguilar mentioned having a real quid pro quo for Hayward's low-income residents and requiring one or two of the twelve units be deed restricted low-income units. She added that the Planning Commission should make a strong statement to developers and to the city's residents that the city leaders want to see actual units built, not funds set aside for affordable housing that may or may not get built, be inclusionary or be designated as low-income. Ms. Aguilar referenced the years of the 1990s and early 2000's, as she felt that she wouldn't need to raise the questions about the proposed development, however it is 2023 and Hayward is facing one of the worst housing crises ever. She added that the gap between wealthy and poor is continuing to grow, the middle class is shrinking and stated that every house counts.



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Chair Ali-Sullivan closed the public comment period at 7:51 p.m.

Chair Ali-Sullivan commented that it is hard to say what is on the site right now is better than what is proposed from a visual land use standpoint, adding that he would like something to happen with the land. Mr. Ali-Sullivan said that he was surprised to see twelve single-family houses proposed for the two lots that used to hold two houses, he commended the architect for the creative development of figuring out how to make it happen. He appreciated the public comment received as he also had similar questions as the developer is selling twelve market-rate houses for the same price they would if these were six thousand or ten thousand square foot lots. He added that the houses are going to be market price, so they are going to incur cost to build these projects, but at the same time the developer wouldn't be pursuing this if there wasn't a solid upside for them. Mr. Ali-Sullivan said that if the developer is going to get a solid upside with being able to turn two houses into twelve units, then what is the community getting out of this. He said the twelve houses' residents would be able to buy at market price, but he questioned the public housing component of this project and what the options were. He commented that this is the second or third project that the Planning Commission had seen in the last couple of weeks where the developer had chosen the in-lieu fees as its their right, but that money goes into a pot and at some point, in the undetermined future something potentially gets built whereas twelve houses are built. He questioned what opportunity the city had with this development from a housing perspective and what discussions had been made between the city and the developer. Associate Planner Richard mentioned that staff recommended certain amenities as part of the status letter. Ms. Richard added that was one of the recommendations that the developer include on-site affordable housing that goes above and beyond the Affordable Housing Ordinance.

Chair Ali-Sullivan asked Housing Manager Morales what the requirements are for a project of this size and of this number of units. Ms. Morales responded that the requirement to provide for an ownership project is to provide twelve percent of the units as affordable and if they choose to pay the fee, which for lower density ownership it is at \$26 per habitable square foot. She added that the developer does get to choose the means of compliance. In a project of this size, it is rarely recommended that developers provide the on-site affordable units. She said the amount of work it takes to develop the affordable housing plans, the agreements, and then to market and sell the affordable units if it's just one or two units, is a lot of work for both the city and the developer to create units that are going to have a small impact. Ms. Morales commented that the public comment from Ms. Aguilar brought up a good point about what units are going to meet the needs of the Hayward community. As what was found in the displacement study, Hayward needs units that are priced below \$1,250 to meet the supply gap that is in terms of inventory and the rents and incomes of Hayward residents. She said staff is looking at providing rental housing that is serving people that are at incomes 50% AMI and below, so when collecting the affordable housing in-lieu fees the city is able to use that to subsidize the development of affordable housing that would be targeting the extremely low-income



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population, and the city can leverage the funds to get state funding. Ms. Morales added that there are about four projects that have been calling the city to see if funds are available, some projects providing eighty units of affordable housing and others still in the predevelopment stage wondering if they should put offers on the properties. She said staff hasn't been collecting a lot of affordable-housing in-lieu fees as it is a key component to helping meet the Regional Housing Needs Allocation (RHNA) compliance because building affordable-housing for one or two units per projects across the city would take thirty-thousand market rate units to help comply with the RHNA obligation.

Chair Ali-Sullivan commented that if the city does not like to see small projects like this project where 1.4 or 1.6 units would be low income, not on-site, and would rather have the in-lieu fees, he asked why staff made a recommendation to the developer to have one of the units on-site be low income. Associate Planner Richard responded that staff recommended the developer go above and beyond the Affordable Housing Ordinance potentially providing more than the 1.6 units with knowledge that the community, Planning Commission, and City Council want to see on-site affordable housing. Mr. Ali-Sullivan commented that the Planning Commission had mentioned they would like to see on-site housing versus in-lieu fees. He said that he had missed that over the last couple of years that the city prefers from a management perspective in-lieu fees on smaller projects just from an administration standpoint. Housing Manager Morales responded that it's not only a management perspective but from an equity perspective and trying to meet the diverse needs of the community. She added that the on-site inclusionary especially with the ownership is serving a higher income demographic where the fee revenue targets low and extremely low-income demographic. Ms. Morales continued that to increase housing diversity you would need to have both resources, the inclusionary and the in-lieu fees to meet the diversity of the community.

Commissioner Garg commented that she appreciated the creativity in adding so many units into two parcels that otherwise had just two units on it. She added that she recognized that the affordable by design JADUs had no mechanism to ensure that they get used for lower income residents in Hayward however she said it does alleviate some of the housing pressure in the area. Ms. Garg commended the public comment as it was recognized that there is a housing crisis that extends well beyond people who would qualify for subsidized housing, and it does extend high up into higher income ranges. She continued that in her opinion, having this mix of housing available in this project does do more than a lot of other potential projects that are targeting single-family homes.

Commissioner Franco-Clausen commented that she would like to address the resident that showed up for public comments to speak about the land that is already owned as she felt it should be on the city to make sure that the development is clean and not an eyesore within the community. Ms. Franco-Clausen asked staff if that was something that could be done. Associate Planner Richard clarified that the developer hasn't closed on the property and that they were



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in contract to purchase it. Ms. Franco-Clausen commented that if the city is having properties purchased with hopes to build housing which she agreed with her fellow Planning Commissioners is needed, she asked then who is responsible for the cleaning of that property. She added that she wanted to make sure that the properties are taken care of so neighbors don't have to come to the Planning Commission or consistently call the city. Ms. Franco-Clausen said that the Planning Commission is the voice of the community making sure that they have the community in mind when making decisions and would like a follow up to who is responsible for making sure that the trash is cleaned up so residents will support other developments coming to Hayward. Ms. Franco-Clausen commended staff for addressing some of the issues with the twelve JADUs as she questioned how many people would rent to some strange person. She added that she wanted to see how that was a benefit considering that it would be hard to sell, and they wouldn't have their own postal box that would separate their mail. She said that in her opinion, JADUs do not qualify as affordable housing if they are connected to someone else's home, as people are concerned about safety. She said the medium income in Hayward is very low, so when she thought about housing from an equitable lens and given the in-lieu fees there still is a need of Hayward residents that are living three families to a house. She added that there are neighborhoods that are deeply impacted and as she researched a lot of these developments that are market rate are asking for three times the amount of rent and she asked how Hayward residents could afford that. She mentioned how the residents in Hayward are struggling and she would like to be mindful of the language used when talking about celebrating housing that it is also talked about housing that has to be affordable for two working adults as it is still difficult when the rates are extremely high.

Commissioner Stevens wanted to summarize his comment that he doesn't support inclusionary housing on a project of this size as it is too small to make it work. Mr. Stevens added that he recognized the characterization of the existing homes on-site that are in poor condition; however, there are examples of that architecture and product type are seen throughout Berkeley, Albany, El Cerrito, and Oakland that are beautiful and it is sad to see that architecture style go away. He said that to approve a planned development required a higher hurdle as he felt that solar panels on the roof and rain buckets for gutters are uninspiring as that is the same prototypical house that is seen throughout all of the Bay Area. He added that he didn't see why developments like that are approved and moved forward as it seemed like it's a race to build housing where it is essentially destroying the city because the form and character of the neighborhood would outlive us. Mr. Stevens said that he was disappointed with this proposal.

A motion to deny the staff recommendation was made by Commissioner Stevens, seconded by Commissioner Goodbody.

Principal Planner Schmidt indicated that it was staff's recommendation that this item be continued to allow the applicant to address some of the Planning Commission's comments and to come back at a future meeting with a proposal rather than a recommendation for denial.



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Commissioner Stevens withdrew his motion.

Chair Ali-Sullivan wanted to clarify what the Planning Commission concerns and questions are around the amenities and what the tradeoffs are. Mr. Ali-Sullivan agreed with Commissioner Stevens regarding the architectural style and how it looked like everything else in the bay area, however he does have concerns with the recommended amenities as he doesn't think they are amenities.

Commissioner Stevens emphasized that cutting a bunch of trees down that are preserved in Hayward, putting tress on private properties with no knowledge if the seventy-seven-inch redwood tree would be saved. He asked what happens if these oaks and redwood trees were chopped down and reused some of the wood on-site to make an amenity, it would be something that's environmentally sustainable, interesting, and a character element. Mr. Stevens added that it would give the architect and landscape architect some sort of work with their own creativity, it could create something that's unique or create some sort of architectural reflection of the home in Hayward.

Chair Ali-Sullivan commented that if there was a recommendation for approval, he would recommend the developer not put the lowest, cheapest contractor grade mailbox material in the easiest position on-site. Mr. Ali-Sullivan added that there should be a requirement to put the mailboxes further back in a more robust protected mechanism so that it is not easily broken into as there are ways to do that. He said he agreed with Commissioner Franco-Clausen about JADUs and recommended they be separated perhaps in the backyard that is easily accessible to get into and out of without sharing a door with strangers. He added that having a separate entrance could make the JADUs more usable, because as he sees it, the JADU residents would use that as an extra bedroom and to say its additional housing he thought is disingenuous.

Commissioner Goodbody added that if there was a way that the JADUs could be detached but have separate mailing addresses and separate mailboxes inside of the development to make it an independent freestanding unit.

Chair Ali-Sullivan asked staff how long would staff need to work with the applicant on this project. Principal Planner Schmidt responded that staff would re-notice the item when the applicant is ready and prepared to address the Planning Commission, adding this date was uncertain. Mr. Ali-Sullivan thought it was an admirable effort to add more than what was there to housing as it is known that is a housing issue. He added that he hoped the applicant would come back with some modifications to the design that will address some of the concerns that were raised.

Commissioner Garg wanted staff to clarify if the JADUs had separate entrances and just shared



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a wall. Associate Planner Richard responded that JADUs by state law are required to have their own independent entrance and an internal connection which is different than an Accessory Dwelling Units (ADUs) which is required to be completely separate with no internal connection and its own external entrance. Ms. Richard added that the ADUs also have their own mailing addresses, but they require firewalls. Ms. Garg asked if the internal connection could be locked. Ms. Richard responded that was correct. Ms. Garg said that with her experience with living in other cities and countries, she thought that it was common for developers to build these types of homes with a lockable entrance, she believed these types of homes would be slightly less likely to be rented out but didn't think that they were unrentable from that perspective. She had seen a lot of different types of neighborhoods with these types of units getting rented out particularly to a college student or a senior who would be less likely to have any disruptive activities. Ms. Garg agreed with Commissioner Stevens that the complexity of managing true low-income housing in a small project adds a bit of burden both to the city and to the development of this size. She said that she isn't against inclusionary housing, but she didn't see it as necessarily a high priority at this density. Ms. Garg said she would love to see more effort around sustainability, particularly around water reuse or things that include low water use appliances.

Chair Ali-Sullivan asked staff to clarify why the developer would build these units as JADUs versus ADUs. Associate Planner Richard responded that in the community, there was large support for JADUs especially for multi-generational housing where residents are moving their adult child or their elderly parents in with them. She added that it appeals to the demographic that is seen in single family homes where there are multiple families living in one house as it creates a sense of independence and privacy while still being with your family. Mr. Ali-Sullivan asked staff from a cost perspective the only difference from the design perspective is a door on the interior versus a wall on the interior. Ms. Richard responded that ADUs require fire separation walls to separate them from the unit. No fire wall is needed if they are detached but the proposed JADUs wouldn't be able to be detached given the lot size. She added that ADU's have a full kitchen with permanent stove tops and ovens however JADUs have an efficiency kitchen which is essentially a wet bar with a sink and plug-in appliances.

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting on September 28, 2023 (MIN 23-104)

A motion was made by Commissioner Franco-Clausen, seconded by Chair Ali-Sullivan, to approve the meeting minutes of September 28, 2023.

The motion passed with the following roll call votes:

AYES: Commissioners Franco-Clausen, Garg, Goodbody, Stevens



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	Chair Ali-Sullivan
NOES:	None
ABSENT:	Commissioners Lowe, Patterson
ABSTAIN:	None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Principal Planner Schmidt stated that the next meeting on October 26, 2023, would include a public hearing and updates to the Objective Design Standards and the Zoning Ordinance amendments. Ms. Schmidt added that the Planning Commission meeting scheduled for November 9, 2023, would include a public hearing on amendments to the General Plan related to the Climate Action Plan, Safety Element, and Environmental Justice Elements. She shared that a second Planning Commission meeting in November had not yet been scheduled, and there was no information yet available for the December meetings.

ADJOURNMENT

Chair Ali-Sullivan adjourned the meeting at 8:18 p.m.

APPROVED:

Anika Patterson, Secretary
Planning Commission

ATTEST:

Amber Parras
Planning Commission Secretary
Office of the City Clerk



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: RPT 24-029

DATE: April 11, 2024

TO: Planning Commission

FROM: Development Services Director

SUBJECT

2024 Planning Commission Meeting Schedule (Updated)

RECOMMENDATION

That the Planning Commission review and approve the updated 2024 Planning Commission Meeting Schedule

SUMMARY

The 2024 Planning Commission Meeting Schedule was recently revised to include the updated recess for the month of July through August 20

ATTACHMENTS

Attachment I 2024 Planning Commission Meeting Schedule (Updated)



PLANNING COMMISSION 2024 MEETING SCHEDULE

Meeting Location: CITY HALL
COUNCIL CHAMBERS
777 B STREET
HAYWARD, CALIFORNIA
Note: Meetings will be hybrid and held in the Council Chambers and virtually via Zoom

Meeting Time: 7:00 P.M.

Meeting Dates: Monthly on the second and fourth Thursdays from January to December unless otherwise indicated or adjusted due to holidays

January 11, 2024

January 25, 2024

February 8, 2024

February 22, 2024

March 14, 2024

March 28, 2024

April 11, 2024

April 25, 2024

May 9, 2024

May 23, 2024

June 13, 2024

June 27, 2024

July 1 - August 16, 2024 – Recess (No meetings)

August 22, 2024

September 12, 2024

September 26, 2024

October 10, 2024

October 24, 2024

November 14, 2024

~~November 28, 2024~~ Cancelled

December 12, 2024

~~December 26, 2024~~ Cancelled

Note: Work sessions not held on dates of regularly scheduled meetings and/or additional public hearings or other special meetings will be scheduled on additional Thursdays on an as needed basis and noticed approximately one week in advance of the meeting.