



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, March 24, 2016, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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**MEETING**

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

**ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Enders, Schott, McDermott, Faria  
CHAIRPERSON: Parso-York  
Absent: COMMISSIONER: Goldstein

**SALUTE TO FLAG**

Commissioner Enders led in the Pledge of Allegiance.

Staff Members Present: Ajello, Alvarado Jr., Brick, Buizer, Camire, Chan, Hamilton, Hinkle, Quach, Rizk

General Public Present: 20

**PUBLIC COMMENT:**

There were none.

**PUBLIC HEARINGS:** For agenda item No. 1 and agenda item No. 3, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final action. For agenda item No. 2, the Planning Commission may make a recommendation to the City Council.

1. Proposed construction of sixteen attached single-family townhome-style condominiums located at 24755 O'Neil Avenue, requiring Site Plan Review, a Warrant to exceed the fence height standard for a proposed wall adjacent to the BART right-of-way, and approval of a Tentative Condominium Tract Map 8289 – Cypress Group, Tim Henderson (Applicant and Owner)

Associate Planner Hamilton provided a synopsis of the staff report. Ms. Hamilton pointed out a modification to Condition 66 (c) under Public Improvement, noting this was discussed and agreed upon by the applicant, the new requirement is to grind and overlay O'Neil Avenue from curb to curb across the entire frontage. Ms. Hamilton said staff has received two residents' input about replacing the fences between their development and



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the proposed project and along the BART tracks. Ms. Hamilton said there will be a 14 foot masonry wall built along the BART tracks to help mitigate some of the noise currently coming through the existing cyclone fence. Additionally, the condition of the existing fence will be assessed and will be repaired/replaced as necessary by the developer. The other issue was parking congestion along the street; Ms. Hamilton said there could be a Code Enforcement issue related to residents of an existing development that are required to pay for parking are instead parking their cars on the street. Ms. Hamilton noted the proposed project exceeds the Form-Based Code parking requirements.

Chair Parso-York opened and closed the public hearing at 7:09 p.m.

Commissioner Enders was in agreement with staff findings that the proposed project was compatible with surrounding structures and this was an important infill project that will breathe new life into the neighborhood. Ms. Enders liked the project, was not opposed to the three story height; it was positive for the neighborhood; liked the four bedroom four bath unit plans; the project was walkable to amenities and transportation but wants the applicant to reconsider the tandem garages.

Commissioner Willis Jr. agreed with Commissioner Enders, the project was ideally located and will provide more good housing and families to the City.

Associate Planner Hamilton responded to Commissioner Faria that the proposed 14 foot masonry wall will be similar to the existing decorative 14 foot wall.

Commissioner Schott expressed concern about graffiti on the new masonry walls and asked if there will be space for crews to deal with the graffiti.

Mr. Tim Henderson, applicant and owner with Cypress Group, said based on the sound engineer's recommendation they will be building a 14 foot sound wall to match existing conditions and design and a chain link fence with be replaced which will allow access to any graffiti issues. Mr. Henderson spoke about the advantages of tandem garages such as: they allow for greater density; enabled the developer to conform to the General Plan; and enabled the design to be in line with the arts and crafts style townhomes.

Kurt Anderson, project architect, said they looked at the tandem garages very closely and this element allowed for: twelve out of sixteen units to be end units; groups of green spaces; and enabled the developer to come up with an attractive solution for a difficult site.

Commissioner Enders thanked the applicant and architect for their explanations of their efforts in looking at multiple different solutions, the need to utilize the tandem garage choice to be able to conform to the General Plan and she will support the tandem garages.



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Ms. Enders addressed staff that tandem garages are not the best idea and that a lot of times the homeowners of homes with tandem garages will tend to convert the garage to an illegal living space and she wants to avoid a possible problem.

Mr. Kurt Anderson said the City has a great staff that worked with the applicant through several designs.

Associate Planner Hamilton responded to Commissioner Schott regarding his concerns about the sound wall and possible graffiti and whether or not BART has been involved with discussions. Ms. Hamilton said staff will look into this and will reach out to BART to find a resolution to the issues of new walls for a development, not just for this project but also for future projects. Ms. Hamilton added if in reaching out to BART results in making some changes to the project plan, staff will work with the applicant and come back to the Planning Commission with this information.

Chair Parso-York said he was looking forward to hearing the results of the discussions with BART as there is a lot of graffiti along the tracks.

Commissioner McDermott agreed with Commissioner Enders in regards to the tandem garages. Mr. Henderson responded to Ms. McDermott that in the Conditions of Approval (COA) there is a condition in the Covenants, Conditions and Restrictions (CC&R) that the tandem garages cannot be converted to living space or storage areas.

Associate Planner Hamilton said in subsection J under HOA Condition 112 the garages must be maintained for off street parking for two vehicles and cannot be converted to living or storage areas.

Commissioner Willis Jr. pointed out that CC&Rs can be amended at any time if the community as a whole wants the change and with a majority vote the homeowners are legally within their rights. Mr. Willis said the City would need to be diligent to ensure that conversions are not allowed and he added as time goes by change can occur.

Commissioner McDermott made a motion to approve the item per the staff recommendation which includes the amendment to Condition 66. Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

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



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ABSENT: Commissioner Goldstein  
ABSTAIN: None

2. Proposal to subdivide a 2.3 acre parcel and construct 42 Townhomes at 25891 and 25912 Dollar Street, north of the Harder Road intersection, requiring approval of an Amendment to the Thoroughfare Plan of the Hayward Mission Boulevard Corridor Plan Form-Based Code, Site Plan Review, Warrants for Parking and Roof Pitch, and Vesting Tentative Tract Map; Donald Babbitt/Warmington Residential (Applicant), Lakhbir Singh, Dubba, LLC (Owner)

Associate Planner Camire provided a synopsis of the staff report.

Commissioner Schott said KB Home has made a big improvement to this area and noted Warmington was one of the first builders in the Stonebrae development. Mr. Schott has concerns about the lack of street lighting on Dollar Street and also suggests to rename a part of Torrano Avenue to Dollar Street, noting this could make locating this street easier. Mr. Schott noted this project was a good opportunity to clean up the neighborhood as there was a lot of dumping done in this area. Ms. Camire said the developer was required to install street lights and staff will follow up with Public Works about the street name and street signs.

Commissioner Faria acknowledged the applicant for their efforts to increase bike usability and for placing ceiling bike racks in the garage which encourages more alternatives to cars.

Commissioner McDermott requested information on the AC Transit pilot program of more bus service on Mission Boulevard noting the complaints from the public was the length of waiting time between buses. Ms. McDermott wants this development to be in line with the previous development that was approved to have the same requirement of 75% homeownership. Ms. Camire will make this change to 75% homeownership.

Commissioner Enders thanked staff and applicant, noted she was impressed as it was evident how much time and effort has gone into the project and that Planning Commission recommendations are heard by both staff and developers. This was evident as the development exceeded the open space and green elements; development was compatible with surrounding structures especially with the adjacent KB Homes project. Ms. Enders said in regards to the two warrants, there were no adverse impacts from the roof pitch; and the addition of eleven visitor parking spaces was justified. Ms. Enders will be supporting the project.



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Commissioner Willis Jr. supported the project, said this was a good project, it will provide 42 new homes for the City and was very close to public transportation and shopping and will be a benefit to the City.

Chair Parso-York opened the public hearing at 7:54 p.m.

Don Babbitt, with Warmington Residential, spoke about the great process and commended staff, spoke about the amenities of the project such as; it is a walkable project with many outdoor features; outdoor exercise equipment; GreenPoint rated; and garages with windows that will allow the HOA to check that the garages are used for cars and not for storage or illegal rooms.

Chair Parso-York appreciated the walkability of the project.

Chair Parso-York closed the public hearing at 7:57 p.m.

Commissioner Willis Jr. added if homeowners want to make changes to their homes it can be difficult because they have to go through the HOA committees for design and architectural reviews for approval. Mr. Willis noted the CC&Rs would require the necessary City permits for any changes and these rules also govern the color scheme of the units.

Commissioner Willis Jr. made a motion to approve the item per the staff recommendation. Commissioner Faria seconded the motion.

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

3. Proposed Conversion of a Single-Room Occupancy Facility to an Apartment Building in the Green Shutter Hotel building located at Main and B Streets, requiring approval of a Conditional Use Permit to allow residential units on the ground floor in the Central City Plaza (CC-P) and Central City Commercial (CC-C) Zoning Districts. Trent Kloppenburg, Structure Properties (Applicant/Owner)

Senior Planner Ajello provided a synopsis of the staff report.

Mr. Trent Kloppenburg, applicant with Structure Properties, thanked staff for their efforts for their assistance with the process; said he was excited about the opportunity to build in the downtown core; wants to pay homage to the historical significance of the building; and felt the downtown core is hinging on this long term investment



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Mr. Kloppenburg responded to Commissioner Schott that they will be reaching out to a stained glass contractor to look at the stained glass windows along the southern corridor and see about retaining elements of the original design.

Mr. Kloppenburg responded to Commissioner Enders that Structure Properties will be managing the building plus there will be a new onsite resident manager.

Mr. Kloppenburg responded to Commissioner Willis Jr. that there will be conversion to deck space on the second floor with sliding glass doors for the new tenants and there will be a new 4,000 square foot roof space that will be a common area for all tenants. Mr. Kloppenburg stated it was not feasible to restore the roof to its previous open space because of seismic upgrades over the years.

Commissioner McDermott was very excited about finally being able to renovate the Green Shutter property and the target population was young professionals and students. Staff did share that there have been problems where fire, police and Code Enforcement personnel have been called to the site for a multitude of issues in the hotel. Senior Planner Ajello said the permitted parking fee was still being established through Public Works, Transportation Division and that per Transportation Manager Kelley, there be residential and employee permit parking.

Chair Parso-York opened the public hearing at 8:21 p.m.

Ms. Toni Rediske, Hayward resident, was 100% for project which will provide a safe environment for visitors to the downtown area. Ms. Rediske commented that she usually does not frequent the area at night and is happy to say the project will allow her to enjoy her downtown area and enable her to attend evening events.

Mr. Kim Huggett, President of the Hayward Chamber of Commerce, said the project was across the street from his office; spoke about current problems at the Green Shutter Hotel which was detrimental to existing businesses that often involves the City's first responders; because of negative activities and public health issues. Mr. Huggett said he was glad Structure Properties will be renovating the property and spoke about the multiple transportation options near this site which includes the CalState Shuttle. Mr. Kim favored the project and was pleased with staff's recommendation.

Mr. Ci Y Nie, Hayward business owner on B Street, said this was a giant big step toward the goal to renovate a historic hotel; he was all for this; and asked about the status of plans for a parking lot which can greatly benefit the project.



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Mr. Frank Goulart, Hayward business owner on Main Street, supported the project and was happy the applicant will renovate the Green Shutter Hotel; improve the corner and hopes this will encourage other businesses to improve their properties and was glad that the street frontage businesses were remaining intact. Mr. Goulart said the six units in back were okay as they did not affect the street frontages and that there was a need to preserve the historic district and historic buildings and encouraged the Planning Commission to support the project.

Chair Parso-York closed the public hearing at 8:31p.m.

Mr. Kloppenburg responded to Commissioner Willis Jr. that they will not be retaining the Green Shutter name because of the negative connotation associated with the name on the internet and the new name has yet to be determined. Mr. Kloppenburg said there was a few remaining residents and Structure Properties was actively working to find them equivalent alternative housing and are also offering the residents buyouts. Mr. Kloppenburg said they would be actively cleaning up the property and will address all public health issues. He said all the commercial tenants were being retained.

Commissioner McDermott commented she was excited about the renovation project; there were a lot of good businesses in this area but they were suffering because of the negative element from the Green Shutter Hotel residents. Ms. McDermott said this project will help achieve the goal of Main Street looking like a main street.

Commissioner Schott commented to Structure Properties that this renovation project can be the cornerstone of changing the downtown area and develop a downtown core; noting that the Green Shutter Hotel has been hindering this progress. Mr. Schott applauds the decision to change the name and does not have a problem with no additional parking. Mr. Schott echoed Mr. Huggett's comments about the alternative transportation options close by and said for the businesses to survive it was important to bring people to the downtown area to live where the downtown resources are within walking distance. Mr. Schott heartily endorses the project.

Commissioner Enders disclosed that she spoke with the applicant by phone today. Ms. Enders thinks this TOD will be great for the downtown area; was very happy that staff included the requirement that each unit has a separate storage unit. Ms. Enders raised concerns about insufficient closet space in the back units; noise from the entertainment district and also from within the building itself; and privacy issues between new second floor decks. Ms. Enders was happy to report that the applicant said they will address all of these issues by: considering the possibility of having the fully furnished back units for students or persons in transition; address any possibility of noise issues; and provide privacy between the decks utilizing options such as a green wall. Ms. Enders was looking forward to this project and thanked staff for working with the applicant.



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Commissioner Faria supported the project, said the project will benefit the downtown area and Hayward. Ms. Faria thanked Mr. Kloppenburg for bringing the project forward.

Chair Parso-York supported the project; felt it was a good project for Hayward; and was delighted that the applicant was retaining the historical integrity of the building

Commissioner Willis Jr. made a motion to approve the item per the staff recommendation. Commissioner Schott seconded the motion.

The motion passed with the following vote:

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

#### **COMMISSION REPORTS**

4. Oral Report on Planning and Zoning Matters

There were none.

5. Commissioners' Announcements, Referrals

The Planning Commissioners shared their positive experiences at the Planning Commissioners Academy sponsored by the League of California Cities. They agreed that it was informative, educational and interesting. The Commissioners thanked staff for alerting them about the Academy and appreciated the opportunity to attend.

Commissioner Faria highlighted the public engagement efforts and shared that some agencies send out public hearing notices as far as 600 feet; some use public media and social networking and commented that she felt the City has lacked more public engagement for meetings and on important items. Ms. Faria said an eye-opening presentation was on autonomous vehicles and asked what as a City was Hayward doing? Ms. Faria wants the Planning Commission be kept informed if plans are in place for the City. She also spoke about the importance of data and pointed out that the presentation from the Planning Commission meeting of March 17, 2016, could have been more beneficial if there had been a presentation of what the project would look like in the neighborhood and how it would impact the surrounding area. This could help the Planning Commission have a better visual perspective of how a project would impact the surrounding areas.





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Commissioner Willis Jr. enjoyed the academy, used the application to look up the seminars, look over the biographical data of the speakers which enabled him to attend all of the sessions he signed up for.

Commissioner Schott said there was a lot of information directed at staff rather than at Planning Commissioners and felt there could have been a better job at splitting up the presentations. Mr. Schott echoed Commissioner Faria comments about the data. Mr. Schott felt it was a worthwhile experience and mentioned that next year the academy will be held at Los Angeles International Airport.

Commissioner McDermott was glad that the City was on the cutting edge about receiving the Planning Commission agenda packets electronically and mentioned taking the Ethics course and how it was presented in such a way that was educational and entertaining. Ms. McDermott commented she felt what could have been improved was that a lot of speakers were from high end cities such as Beverly Hills and Malibu and the Academy needed to have more down to earth speakers and noted that some cities don't have term limits for Planning Commissioners.

Chair Parso-York echoed the comments of his fellow Commissioners; liked the presentation on the new Complete Streets; the presentation on autonomous cars was very interesting; the need to look at having charging stations in every garage; and there was tremendous progress on the autonomous cars. Mr. Parso-York said he learned a lot and was able to learn some tools researching rules and regulations.

Development Services Director Rizk said staff has been tracking autonomous cars and there has been a lot of information and discussion on how to figure out from a roadway design and land use perspective; and agrees that autonomous cars will become the norm of the future.

Chair Parso-York said autonomous cars will be a positive element and much safer with zero accidents, especially for an aging population.

Commissioner Faria noted the autonomous cars will change the entire economy.

**APPROVAL OF MINUTES**

6. None.



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**ADJOURNMENT**

Chair Parso-York adjourned the meeting at 8:57 p.m.

**APPROVED:**

  
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Brian Schott, Secretary  
Planning Commission

**ATTEST:**

  
\_\_\_\_\_  
Denise Chan, Senior Secretary  
Office of the City Clerk