



**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, Ochinerio, 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



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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



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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



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

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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:**

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Anika Patterson, Secretary  
Planning Commission

## **ATTEST:**

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Amber Parras  
Planning Commission Secretary  
Office of the City Clerk