



**PLANNING COMMISSION MEETING
VIRTUAL (ZOOM) PARTICIPATION
Thursday, September 8, 2022, 7:00 p.m.**

Attachment VII

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Lowe. The Planning Commission held a meeting virtually via Zoom.

Pledge of Allegiance led by Chair Lowe

ROLL CALL

Present: COMMISSIONERS: Bonilla Jr., Goldstein, Roche, Stevens
CHAIRPERSON: Lowe
Absent: COMMISSIONER: Ali-Sullivan
CHAIRPERSON: Oquenda

Staff Members Present: Lochirco, Kowalski, Madhukansh, Morales, Ochinero, Parras, Blanton, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. Proposed Development with 22 Rental Townhome Units and Related Site Improvements at 27865 Manon Avenue, Assessor Parcel Number 453-0090-014-00, Requiring Approval of Zone Change, Density Bonus, and Site Plan Review Application 202101491. Ragini Vecham for Sunflower Manon LLC (Applicant and Property Owner).

Senior Planner Blanton provided a synopsis of the staff report and PowerPoint presentation.

Mr. Bob Iwersen, Hunt Hale Jones Architects, gave a short presentation on the social, aesthetic, and practical aspects of the project. The project provided pedestrian access to the site as well as parking and service access. The proposed townhomes provided family-style living with materials and soft colors that minimized impact to the surrounding neighborhood.

Commissioner Roche inquired if solar panels were considered over the parking spaces in the rear. Mr. Iwersen answered no, due to the assumption that trees would be planted along the rear property line.

Commissioner Roche expressed concern about there being minimal parking at the site. She asked what discretion the City had with respect to parking. Ms. Blanton clarified that the State Density Bonus Law allowed a reduction in parking since the project included



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affordable units. Commissioner Roche emphasized that the City does not have adequate public transportation infrastructure to continue to under-park projects. Commissioner Roche asked if there was conversation on ride sharing and placement of bike storage. Senior Planner Blanton responded that the project would have to comply with CALGreen requirements noting that bicycle parking will be provided and that there would be storage spaces within the garages. Ms. Blanton noted for Commissioner Roche that a TDM plan had not been developed as it was not required for this type of project. Commissioner Roche asked if there was any guest parking on the property. Ms. Blanton noted that the code does not specify which spaces need to be for residents and which are for guest parking. She stated that there was one enclosed space in each garage for residents and added that there was no strict delineation for the parking spaces in the rear having to be for visitors and were set up as a first come first serve situation.

In response to Commissioner Roche's question about the average rent for the units, project applicant Ms. Ragini Vecham indicated that they were still analyzing this, however based on experience, the rent would be estimated to be \$3,500-\$4,000 per month. Commissioner Roche commented that residents may have to share the units in order to be able to afford this rent, and thereby may have two to potentially five cars based on the size of the home. Commissioner Roche stated that while she supported creating more housing in the city, she was concerned with not having sufficient parking in projects, and while she wants to see infrastructure that would allow people to not need vehicles, the City was not there yet and that the project would create a problem in the neighborhood, saturating it with more vehicles.

Commissioner Stevens understood the parcel will not be subdivided and Ms. Blanton confirmed that is correct and elaborated that it could not be per the Affordable Housing Agreement and that this will remain a rental project.

Commissioner Goldstein shared his concerns about the flat spaces and the windows that faced the sunlight, inquired about the insulation that was being used in the project. Mr. Iwersen responded that R19 fiberglass insulation would be used for the walls and confirmed the project will meet all Building Code requirements. He added that the project featured all electric buildings, with the potential for solar on top and hoped for a minimal cost to the resident. Senior Planner Blanton stated that this level of detail was not required in planning applications as it would come later with the construction level set and that building plan check staff would ensure conformance with building code requirements. Commissioner Goldstein questioned whether it made sense to install a shade canopy over the sun-facing windows and also favored that the large mass areas have some type of decoration to break up the look visually. Mr. Goldstein commented that due to the upgraded code, it seemed that the project would not have the same issues with heat transmission through walls and windows as was experienced by some other properties.



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Commissioner Goldstein inquired if there was an opportunity to unbundle parking. Ms. Blanton agreed that unbundled parking could be considered as part of the project, noting that this had not yet been discussed with the applicant. She elaborated that with unbundled parking, instead of assigning specific spaces to specific units, renters could pay an additional fee if they needed additional parking. She pointed out that with the 19 spaces in the rear, rather than assigning these to units, it could be more demand based. Commissioner Goldstein added that the theory behind unbundled parking was to reward people for not having more cars, and instead using their bicycles or walking. Project applicant Ms. Vecham stated that this was great advice which they could take into consideration.

Chair Lowe asked about the feasibility of renting one-car garage units, requiring the project have unbundled parking, the proposed electrified gate surrounding the property, whether the four proposed solar panels was sufficient, and the potential to have an accessory dwelling unit (ADU) on the ground floor. Senior Planner Blanton remarked it was typical in multi-family projects in the city to have one covered space and one uncovered parking space and this was consistent with Code requirements. Ms. Vecham shared that they have rented similar units with just one-car garages and have not had challenges. Senior City Attorney Vigilia commented he would explore unbundled parking before the item goes before the City Council and stated that the applicant could voluntarily include this if they desired it in their project. With respect to the electrified gate, Ms. Blanton stated that per the conditions of approval, the building permit plans have to be consistent with what was submitted in the application, any deviations would have to be approved by Planning staff and the gate will have to conform to Code requirements. Mr. Iwersen clarified for Chair Lowe that the solar panels cover four areas of the site and this was more than one panel. Ms. Blanton remarked there was no proposal to have an ADU on the ground floor and per ADU laws, habitable space could not be converted into ADUs in the future; for multi-family structures such as the proposed project, only detached ADUs or conversion of non-habitable space, such as up to a quarter of the garage spaces, would be permitted. Ms. Blanton shared that ground floor bedroom and bathroom may be desired for multigenerational living.

Mr. Iwersen confirmed for Chair Lowe that the project meets the Building Code requirements which were to make 10 percent of the units accessible. Ms. Blanton stated that the City's Housing Division reviewed the Affordable Housing Plan. Mr. Iwersen confirmed that unit 20 was a designated affordable unit which was also accessible.

Commissioner Roche commented that the project will become noncompliant with parking requirements if a quarter of the garage is converted to an ADU. Senior Planner Blanton responded that state law does not require ADUs that meet requirements to replace parking on site.



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Commissioner Roche asked about electric vehicle (EV) charging stations and Mr. Iwersen confirmed every garage will have a charging unit. Commissioner Roche asked if the 19 uncovered parking spaces would also have charging stations. Mr. Iwersen stated this was not planned at the moment and that it was not a part of the requirements of the Planning or Building Code. Ms. Blanton shared that current updates were being made to the City's Reach Code and that additional stations may be required.

There being no public comments, Chair Lowe opened and closed the public hearing at 7:47 pm.

Commissioner Bonilla Jr. made a motion to approve the project per staff recommendation, and Commissioner Stevens seconded the motion. Commissioner Bonilla Jr shared his appreciation for the very low-income housing units but agreed with the concerns about parking. He encouraged the applicant to pursue unbundled parking.

Commissioner Stevens loved the design and found the project unique. He noted that the project was another example of how the state has taken away local control of planning and land development and that was very frustrating.

Commissioner Roche stated the project will be a good addition to the neighborhood and supported the project as it would create more housing in the city. She agreed with Commissioner Stevens' comment about the loss of local control.

Commissioner Goldstein concurred with his colleagues, appreciated the applicant for building more housing in the city, the other comments were related to design preferences, and stated that he was also frustrated with the process of the state usurping local control.

A motion was made by Commissioner Bonilla Jr., seconded by Commissioner Stevens, to approve the project per staff recommendation.

The motion passed with the following roll call votes:

AYES:	Commissioners Bonilla Jr., Goldstein, Roche, Stevens
	Chair Lowe
NOES:	None
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan
ABSTAIN:	None



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2. Vesting Tentative Tract Map (Tract 8461) Application No. 202004359 for a 40-unit Townhouse-Style Residential Condominium on a Vacant 1.66-acre Site located at 21339-21447 Oak Street for which a Corresponding Site Plan Review Application (201800932) was Previously Approved in 2019 (APN 415-0170-019-00, 415-0170-020-00, 415-0170-021-00, 415-0170-022-00, 415-0170-023-00, 415-0170-024-00, 415-0170-025-00 and 415-0170-029-02). Applicant: Steven Kodama, Kodama Diseño Architects; Owner: Robert Chen, Golden Oak Real Estate Development LLC.

Associate Planner Kowalski provided a synopsis of the staff report and PowerPoint presentation, along with the background of the project.

Commissioner Stevens asked if each parcel will have four condominium units instead of the townhome style. Mr. Kowalski clarified the proposal would merge the eight existing lots into a single parcel and then subdivide the parcel into 40 townhouses-style condominiums.

Commissioner Goldstein inquired if Hayward Area Recreation and Park District (HARD) staff had reviewed the proposed open space, if there were plans for a public park in the area, and if the project would include public access connecting the development down to the adjacent commercial properties on Foothill Boulevard. Mr. Kowalski noted that HARD was not consulted for private open space within a subdivision. At present, there were no plans to build a public park in the neighborhood. With respect to public access, Planning Manager Lochirco agreed with Mr. Kowalski that the City cannot place a condition on the development such as requiring an access easement into an adjacent private property that required consent from an adjacent property owner who was not a part of the application. Mr. Lochirco added that there was a substantial grade difference between the subject property and the commercial properties along Foothill, and that any pathway created for public access, would have to be ADA accessible.

Commissioner Roche asked for confirmation that the property's Commercial Office zoning designation allowed residential units on the parcels and did not require the residential buildings to have a commercial component. Mr. Kowalski confirmed that this was correct. Commissioner Roche understood the frustration expressed by some members of the surrounding neighborhood and the frustration that the site plan was already approved. Ms. Roche wanted further details about the affordable housing in-lieu Fee. Housing Manager Morales explained developers could choose to either provide onsite or offsite affordable housing, present a proposal that exceeded minimal requirements, or pay the Affordable Housing In-Lieu Fee. Ms. Roche stated not having four affordable housing units on the site felt like a missed opportunity.

Chair Lowe stated that per the 2019 City Council meeting minutes, there was discussion and support to have a commercial component be included in the proposal. Mr. Lochirco remarked the City does not routinely start to rezone properties for the sake of rezoning,



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and that type of larger policy discussion needed to be thought through thoroughly. After the COVID-19 pandemic, the original property was zoned and designated Commercial Office and mixed-use developments featuring ground-floor commercial uses and residential units on upper floors were viable and attractive uses at that time; he indicated that developers now were having a difficult time attracting ground-floor commercial tenants. He did not recommend changing the zoning on a case-by-case basis and suggested evaluating policy implications of making such changes on a development.

Chair Lowe opened the public hearing at 8:17 p.m.

Mr. Tyler Dragoni, a resident of unincorporated Ashland, brought attention to the infrastructure deficit that the area suffered from, indicating that it was a part of the annexation related to Mesa Verde and left the other parts of this neighborhood languishing without any infrastructure. He stressed the importance of developers needing to contribute to overall infrastructure upgrades and stated that the project did not address community needs and did not remediate the historical wrongs that the neighborhood had gone through when adding a freeway in this area was being contemplated.

Ms. Ann Maris, resident of the Grove Way neighborhood, stated that in the previous iteration of the project, affordable housing units were included and that the current proposal was instead opting to pay the affordable housing in-lieu fees. She shared that the projects being built in the area were fenced off from the neighborhood and she was hopeful that the neighborhood could receive something to improve the daily living conditions of residents. Ms. Maris commented that the area is used to be a family neighborhood which included a community center, a flea market, and an elementary school; and now the nearest elementary school was three miles away. She stated that new project would have residents who were car dependent, and that the roadway was already congested and the intersection of Foothill and Apple Avenue was dangerous. She stated that the neighborhood was dealing with gentrification; that a lot of neighbors had moved away; that after buildings have been torn down and rebuilt, they are no longer accessible and affordable to the people who originally lived in that area.

Ms. Anita Wah, a resident of Grove Way, emphasized that as projects have come into the neighborhood, residents have strongly expressed that there was not enough open space and park space, that a community center was lacking; and that by the time residents offered input on a new development, the project had been approved and it was too late. She stated that the neighborhood has evolved into an area that only provides housing and offered no amenities. Ms. Wah urged the City to take responsibility and provide open space and park space in the neighborhood.



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Ms. Marlina Selva requested that the City listen to the neighborhood's plea to preserve a community feeling, and provide necessary amenities such as more access to walking and open space.

Mr. Rick Hatcher, Vice President of HARD, appreciated the Commissioners' comments regarding parks and open space. He concurred that the neighborhood had a park deficit. He stated that while providing more housing was critical, density without amenities was problematic. Mr. Hatcher strongly urged the City and staff to include HARD in discussions as developments come forward.

Mr. Perkins stated that historically, community input at government meetings had not produced much change on pre-concluded decisions. He commented that while approving high-density developments may be profitable for now, they cause a burden on neighborhoods in the future. He pointed out existing challenges with traffic, lack of infrastructure and safety; and that fences were erected blocking pedestrian access to rights-of-way. He stated that the high-density development projects will not alleviate homelessness nor will they enrich the neighborhoods in the years to come, and urged the Planning Commission to vote against the proposed development and side with ethics and community interests.

Chair Lowe closed the public hearing at 8:37 p.m.

Commissioner Roche requested that staff address the concerns raised by the community and underscored that the goal in Hayward was to create livable communities. In response to Commissioner Roche's question, Planning Manager Lochirco stated the off-ramp was a part of Alameda County's jurisdiction and there was ongoing collaboration with the Parcel Groups 8 and 9 projects which were near this area. He added that infrastructure improvements will be needed as projects come forward; every project that is near the Route 238 or 580 corridor is required to reach out to Caltrans as there will be an impact for increased traffic.

Commissioner Roche commented that this neighborhood was impacted as were some other parcel groups from the 238 properties, asked if there would be meetings with these neighborhoods to address as the city moves forward with developments and that per environmental justice plans, these types of concerns should be addressed. Mr. Lochirco encouraged every neighborhood that had concerns about environmental justice issues or safety issues to share these concerns, noting that the City was in the process of adopting an Environmental Justice Element and that there were a lot of policies in the General Plan that support and are intended to improve quality of life, including housing.



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Commissioner Roche was concerned that the surrounding neighborhood was being impacted by two new developments and asked if there was a proactive plan to address residents' concerns. Planning Manager Lochirco responded that there were a lot of community outreach meetings related to Route 238 properties, and that this effort was being led by Assistant City Manager Ott. Mr. Lochirco stated that the only item before the Commission this evening was the approval of the Vesting Tentative Tract Map, and that the housing development portion of the project had already been approved by the City Council in 2019.

Commissioner Bonilla Jr. inquired if Ms. Ann's comments about the affordable housing commitment changing from on-site affordable to in-lieu fees were accurate. Associate Planner Kowalski responded that in 2019, the developer originally indicated they were going to provide affordable housing units on-site but they have since changed their mind, noting that there were no laws prohibiting this change in how they address affordable housing. Commissioner Bonilla Jr. was dismayed with the change, expressing that he favored the affordable on-site build and asked whether the original commitment could be reconsidered. Mr. Steven Kodama, with Kodama Diseño Architects, stated that his firm primarily does affordable housing projects and they were pushing for inclusionary units in the project initially; however, with townhomes that are approximately 1,400 square feet, the costs of construction were approximately \$700,000 due to rising costs in the last few years caused by the pandemic. Mr. Kodama indicated that the applicant's team believes that the payment of the in-lieu fees would go further rather than having a few affordable housing units on-site. Commissioner Bonilla Jr. shared that his frustration with the Affordable Housing Ordinance overall was that it disincentivized on-site affordable housing units because it was cheaper for developers to pay the in-lieu fee.

Commissioner Stevens made a motion to approve the project per staff recommendation.

Commissioner Goldstein asked if the Commission was obligated to approve the Vesting Tentative Tract Map. Senior Assistant City Attorney Vigilia noted that the site plan had been approved by the City Council through an appeal in previous years and the Vesting Tentative Tract Map was a necessary step for the developer to be able to finance construction. Mr. Vigilia believed there was no basis to not approve the Vesting Tentative Tract Map and it would be an abuse of the Planning Commission's discretion if the map were not approved. Commissioner Goldstein acknowledged that many of the Commissioners are frustrated that the neighborhood is underserved by various amenities and services. Commissioner Goldstein seconded the motion.

Chair Lowe concurred with the frustrations of the community members and the other Commissioners, noting that it hits hard that the community has emphasized that their comments have not been heard. She recommended that staff share with City Council that



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Commercial Office zones should be modified or revised so that a commercial or office component is required in all projects. She suggested that the City do an in-depth analysis of the menu of options that developers can choose from for affordable housing, noting that it was continually raised by members of the public that there was support to have the affordable units built as opposed to getting in-lieu fees from developers. She inquired if the applicant would consider building moderate-income housing instead of market-rate housing. Mr. Kodama stated that the goal was to have the homes priced in the moderate-income range. He restated Kodama Diseño Architects pushes for applications to provide affordable housing units but that increased construction costs resulting from the pandemic have made it infeasible for many developers to build them.

A motion was made by Commissioner Stevens, seconded by Commissioner Goldstein, to approve the project per staff recommendation.

The motion passed with the following roll call votes:

AYES:	Commissioners Bonilla Jr., Goldstein, Roche, Stevens Chair Lowe
NOES:	None
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan
ABSTAIN:	None

3. Proposed Proposal to Add Full-Service Automobile Detailing to the Existing Heart of the Bay Self-Service Car Wash Located at the Mobil Gas Station at 391 West A Street (Assessor Parcel Nos. 429-0077-025-01 and 429-0077-026-00) Requiring Approval of Conditional Use Permit Modification No. 202203390. Daljit Singh, New Raja Enterprises LLC (Applicant/Owner). Planning Manager Lochirco provided a synopsis of the staff report and PowerPoint presentation. Pointed out the proposed COA Revisions per applicant.

Associate Planner Kowalski provided a synopsis of the staff report, project background and history of the site.

Chair Lowe asked if there are regulations on whether cars can be left on the site overnight. Mr. Daljit Singh, project applicant, answered the proposal was for express, same day, and detail services only and that vehicles would not be left overnight.

Commissioner Goldstein asked if there were other car wash facilities in the vicinity of the proposed area. Mr. Kowalski responded that staff was not aware of any other carwash applications in the area. Mr. Singh stated there were several carwash facilities in Hayward,



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including the chain Quick Quack Car Wash, which were express service. The car wash facility on Mission Boulevard offered full service, which he was trying to incorporate into his business. Mr. Singh noted that there were two other car washes in Hayward that were two to three miles away. He confirmed for Commissioner Goldstein that the first car wash that was a half mile away from his location had a self-service spray gun mechanism; the second one was Chevron's car wash which had a drive-through tunnel. His service was different as the car wash would be staffed, and vehicles would be prepped before entering the tunnel on a conveyor and, ultimately, being detailed by the employee.

Chair Lowe opened public hearing at 9:07 p.m.

Mr. Tyler Dragoni inquired if the proposed project was in conjunction with the project site across the street. Mr. Singh confirmed that this is correct. Mr. Dragoni restated the project was linked to another project that was similar but larger.

Chair Lowe closed the public hearing at 9:10 p.m.

Commissioner Roche moved to approve the project per staff recommendation, Commissioner Stevens seconded the motion.

Commissioner Goldstein remarked it was good to see small businesses in the City doing well.

A motion was made by Commissioner Roche, seconded by Commissioner Stevens, to approve the project per staff recommendation.

The motion passed with the following roll call votes:

AYES:	Commissioners Bonilla Jr., Goldstein, Roche, Stevens Chair Lowe
NOES:	None
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan
ABSTAIN:	None

APPROVAL OF MINUTES

3. Minutes of the Planning Commission Meeting of June 9, 2022

A motion was made by Commissioner Stevens, seconded by Commissioner Roche, to approve the meeting minutes of June 9, 2022.



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The motion passed with the following roll call votes:

AYES:	Commissioners Commissioner Bonilla Jr., Goldstein, Roche, Stevens Chair Lowe
NOES:	None
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan
ABSTAIN:	None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Planning Manager Lochirco shared that at the September 22, 2022 meeting, the Planning Commission will discuss a project at 3636 Enterprise Avenue. He shared that over the next several months, the City will be rolling out the new EnerGov Electronic Permitting Software System. The software will make submittals of applications seamless.

Housing Manager Morales announced that two projects will receive approximately \$78 million in funding under the California Housing Accelerator Fund. The intent was to start construction on the projects within the next 180 days. One of the projects will provide 56 units of affordable housing for families and the other project will provide 80 units of affordable housing for seniors. A third project that received funding from the same fund will begin construction in the next three months. The project will provide 76 units of affordable housing for seniors.

Commissioners' Announcements, Referrals

Commissioner Roche inquired about the barbed wire fencing around the project on the corner of Mission Boulevard and Hancock Street. Mr. Lochirco confirmed staff would look into this.

Chair Lowe shared her appreciation for staff and the Commissioners during her first time chairing a meeting.

Mr. Lochirco commented the meeting on September 22, 2022 will be in a hybrid format.

ADJOURNMENT

Chair Lowe adjourned the meeting at 9:20 p.m.



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APPROVED:

Brigitte Lowe, Secretary
Planning Commission

ATTEST:

Avinta Madhukansh-Singh
Planning Commission Secretary
Office of the City Clerk