

CITY COUNCIL MEETING
TUESDAY, OCTOBER 3, 2017

Documents Received After Published Agenda

ITEM # 5 – PH 17-087

Questions and Answers

AGENDA QUESTIONS & ANSWERS
MEETING DATE: OCTOBER 3, 2017

Item #5: Proposed Subdivision and Construction of 35 Townhomes and a Mixed-Use Building of 39 Apartment Units with 1,020 square feet of Ground Floor Commercial Use on a 2.7-Acre Project Site Located at 26601 Mission Boulevard (West Side, North of Sorenson Road) Assessor Parcel Number (APN) 452-0036-30-05, Requiring: 1) Approval of an Amendment to South Hayward BART/Mission Boulevard Form-Based Zoning Code (Article 24) to Allow Residential Density Transfer/Averaging Among Like-Zoned Development Sites in the Urban General transect zones T4 (17.5 DU/Acre min; to 35 DU/Acre max) and T5 (35 DU/Acre min; to 55 DU/Acre max); 2) Site Plan Review; 3) Warrants for: (a) Roof Pitch, (b) Excess Parking in the T4 zone, (c) Glazing Less than 30% for the First Story along Mission Boulevard, and (d) Parking within the Layer 2 Setback Area; 4) Vesting Tentative Map 8335 Associated with the Subdivision; and 5) Mitigated Negative Declaration. KB Home (Applicant) and DNS Capital Partners LLC/Robert Telles (Owner/Applicant). Application No. 201601022

Q: For the Haymont project (Item 5 on Tuesday's agenda):

Do we have any leverage to require affordable units in this development given that the date of compliance is August 23, 2017 (as noted on page 13 of 18 in the staff report), which is after Council's direction regarding the including of affordable units in new developments?

In the Conditions of Approval, Item 17c, page 15 of 33: Why is Mission Boulevard being repaired? "Grind, overlay and restripe and restripe half street pavement width of Mission Boulevard with 2-inch hot mix asphalt, and dig outs and repair failed pavements as necessary."

Also, I thought we now had a standard condition of approval requiring that the CC&R's will include periodic inspections to ensure garages are maintained for car parking?

A: The projects were submitted to the City on 2/26/2016 (KB Townhomes) and 3/21/2016 (Telles apartments) and have been under review since that time. As you are aware the current ordinance does allow for the project to meet their obligation by paying fees instead of providing on-site units. Although the Council has given direction to staff to modify the Ordinance, this has not occurred yet. Therefore, the applicant still has the option of paying the fees instead of providing on-site units. We needed to complete a new nexus study in order to make modifications to the Ordinance. This report will be coming back to Council for consideration on October 17.

In addition, the Governor has signed legislation allowing the requirement that affordable units be included in residential rental projects, but this will not be effective until January. The 10/17 affordable housing report is being modified to reflect the new legislation, signed last Friday. While not applicable to this specific development, this is a helpful legislative response to litigation that prohibited inclusionary housing requirements from being applied to rental housing developments.

Condition of approval 17c is a standard condition of approval that requires the developer to repair any segments of Mission Boulevard that are impacted by the construction of their project.

As for condition 17c, Mission Boulevard is not damaged. However, larger development projects typically damage the public roads, curb & gutters, sidewalks, etc., during their construction. This condition will provide a level of assurance that Mission Boulevard will be repaired in case it is damaged during the course of this project's construction.

The requirement for periodic garage inspections was an oversight. We will modify Condition of Approval 52.k to include this language and discuss during staff's presentation tonight.

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Letter Submitted on Behalf of Hernandez Family

I am here on behalf of the Hernandez family living at 26710 Colette St, the corner house on Colette and Sorenson. I have in the past written emails regarding our family's concerns about the proposed project, and have never received follow up, updates, or explanations addressing our concerns. To ensure these considerations are taken seriously I will address them here. We purchased this home in June 2015, the very first our family has owned. It took my 2 brothers, mom, and myself to come together to be able to purchase this home. One of the aspects of the home that attracted us was the yards size and "scenic view." As such the following are our specific concerns:

1. Privacy: Having a 59 foot complex on the back of our property will undoubtedly impact the privacy we currently enjoy. The height of the building will allow various individuals from multiple units visual access to our property
2. Scenic View: Your report states there are no scenic vistas that will be impacted by the construction of these buildings, but I beg to differ. As stated earlier one of the selling points for us was the view of the hills. Although you all may not think there is an impact on any scenic view, from our family's perspective there absolutely is. No longer will we be able to come home after work or relax on weekends with a view of the hills, but rather would have to look at a towering building. This is more than a backyard with a view to us; this is a sanctuary for us. One where we can come home and relax and let the stresses of the world remain beyond our fence, this is especially important because two of us who live here are

- Marine Corps veterans with service connected disabilities one of which is diagnosed with PTSD.
3. Traffic: During commute hours traffic throughout Mission but especially near our home is horrendous. People have increased their use of Mission through the years as an alternative to 880 to get to 580. Additionally there have been countless times when I have seen pedestrians almost hit by vehicles on Sorenson. Further, when Moreau High School begins and ends their school day it exacerbates congestion. I would also like to add that the average home in Hayward utilizes 1.9 vehicles. With this development you are potentially adding 140 vehicles to this specific neighborhood.
 4. Parking: Within this neighborhood parking is terrible. Many times I cannot park within the vicinity of our home because the number of vehicles in this neighborhood. The adjacent apartment complexes have designated parking onsite but it is still not enough to accommodate all their vehicles and they overflow into our neighborhood. Again, adding 140 vehicles will overly complicate the parking situation.
 5. Property Value: Where can we see what the impact of our property value will be due to this construction? The city's studies are focused on the benefits that favor developers. But, where are our advocates?

We understand Hayward wants to move forward as a destination city in the Bay Area. We see the construction and

proposed construction on Mission, Foothill, and throughout the city. We would love to see our city advance as well. But, we don't want to lose soul and essence of our city by being taken advantage of by developers.

This home is part of our American dream. I will not apologize for wanting to have our sanctuary remain in place and for advocating for my family, as well as other neighbors we have spoken with. It is unfortunate that these decisions are made by folks whose homes and neighborhoods are minimally impacted by these kinds of decisions.