

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION**

Council Chambers

Thursday, May 26, 2016, 7:00 p.m.

777 B Street, Hayward, CA 94541

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., Goldstein, Enders, Schott, McDermott, Faria
CHAIRPERSON: Parso-York
Absent: COMMISSIONER: None

SALUTE TO FLAG

Commissioner McDermott led in the Pledge of Allegiance.

Staff Members Present: Brick, Buizer, Chan, Christensen, Fakhrai, Hinkle, Kelley, Nekalson, Rizk, Schmidt, Thomas

General Public Present: 23

PUBLIC COMMENT:

There were none.

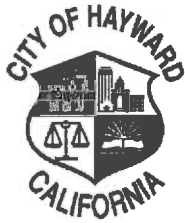
WORK SESSION:

1. Preliminary Review of a Proposed Project: Lincoln Landing Mixed Use Development (Application No. 201400648). Applicant: Scott Athearn on behalf of Dollinger Properties/Owner: DP Ventures LLC

Senior Planner Schmidt provided a synopsis of the staff report. Ms. Schmidt noted the applicant was here to provide a presentation and answer any questions about the project

Mr. Scott Athearn, on behalf of Dollinger Properties, provided a brief overview of Dollinger Properties and their philosophy about how they purchase and develop properties in high end retail in the bay area and they retain these properties. Mr. Athearn spoke about the project and the City Council Work Session on December 2, 2014, and the resulting community outreach and the modifications that were made.

Mr. Dave Johnson, architect on the project, spoke about the many design elements and how it will be dramatic, provides a strong statement, and how it leads up to the residential from



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the retail. Mr. Johnson said the design will be a benefit to area, there will be dense landscaping, open space elements and the elements are carried to the rear with the creek walk tied into the public park. Mr. Johnson said the sustainability element was heading towards LEED platinum level.

Chair Parso-York opened up the Public Hearing at 7:31 p.m.

Mr. Kim Huggett, Chamber of Commerce President, spoke in favor of the project and was excited at the prospect of bringing more people to live in the downtown area and the planning for the needed amenities to serve this influx of residents.

Mr. Ben Goulart, President of the Prospect Hill Neighborhood Association, said the developer has conducted outreach to the Prospect Hill neighborhood, is in favor of the following: the creek walk element; the pedestrian friendly design, and the façade elements. Mr. Goulart said two concerns for the Prospect Hill neighborhood was the height of the building, traffic backing up onto Hazel and the need for more traffic studies. Mr. Goulart encouraged staff to take a look at Mr. Sherman Lewis' study that would have traffic going onto Foothill and not onto Hazel.

Mr. Dag Forssell, Hayward resident, spoke in favor of Mr. Sherman Lewis' study, liked the walkable aspect of the study, and requested that Mr. Lewis' study be considered.

Mr. Bruce King, Friends of San Lorenzo Creek, said he had discussed the project with City staff, Hayward Area Recreation and Park District (HARD) staff, and Alameda County Flood Control District. Mr. King spoke in favor of the creek walk and provided comments about protection of the San Lorenzo Creek and public's enjoyment of the Creek. Mr. King spoke about the convergence of several creeks and the need to respect the creek environment, such as the need for more creek setback areas. Mr. King spoke about more connectivity to other trails, natural creek areas and parks

Mr. Blaine Ricketts, Hayward resident, spoke about traffic concerns, how the traffic was already out of control, would like to see creative mitigation measures put in place such as ride sharing and shuttles to BART. Mr. Ricketts said this was an exciting project and there was a lot of good work put into it.

Mr. Frank Goulart, Hayward resident, was concerned about the six story building and said it should be moved onto Foothill Boulevard away from the single family homes. Mr. Goulart said the City was giving away a catalyst site and does not see this project as bringing in the millennials and others into the downtown area. Mr. Goulart felt the residential parking of this development was a violation of the General Plan and once the



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EIR is completed, Mr. Goulart would like to be able to speak about the item again. Mr. Goulart asked for clarification of creek walk boundaries.

Chair Parso-York closed the public hearing at 7:44 pm.

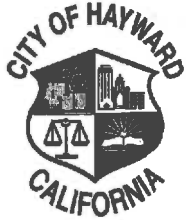
Commissioner Willis Jr. commented that he agrees with staff's recommendations to create more walkways, include green elements such as solar panels and would like electric charging stations added. Mr. Athearn confirmed that there will be a resident accessible clubhouse.

Commissioner Enders requested staff to provide pedestrian views in order for the Commission to get a better idea of how it would be to walk around the development. Mr. Athearn explained for Ms. Enders that there will be two building phases, Phase 1 is to build all of the retail/commercial and the leases won't be signed until construction begins and the construction in southern tower (at City Center/Foothill). Phase 2 will include construction of northern tower (at Hazel/Foothill). Mr. Athearn said for traffic mitigation, there are plans for a bike share program and for the electric charging stations. Senior Planner Schmidt responded to Ms. Enders that the Alameda County Flood Control District's research showed that they cannot support daylighting the creek but did support green planting on the opposite wall and Ms. Schmidt will provide the Commission with the report.

In response to Commissioner McDermott, Planning Manager Buizer provided a brief history of the prospective developments for the site up to the present project proposed by the applicant, Dollinger Properties, which includes the significant modifications by Dollinger. Ms. McDermott commented that through time the other projects have changed from very little commercial to what it is now and that she appreciated the applicant's community outreach efforts. Mr. Athearn spoke about the transition of the name of the project from the Phoenix to the current name of Lincoln Landing.

Commissioner Faria thanked the applicant and staff for the project renderings from the different vantage points that enabled the Commission to see how the building heights will be viewed. Mr. Athearn explained for Commissioner Faria that Dollinger Properties is a for-rent developer and that they build and hold the properties to rent out and they build high quality units. Ms. Faria stated that she felt if these were homeowner units there would be a sense of investment and pride of home ownership.

Mr. Athearn will provide the Commission with a list of their developments and also one that is currently being built in San Jose. Senior Planner Schmidt clarified for Commissioner Schott that the developer will pay in-lieu fees for parks and schools. Ms. Schmidt spoke about the impacts and the level of mitigation and the explained difference between a mitigated negative declaration and an environmental impact report. Mr. Athearn said they



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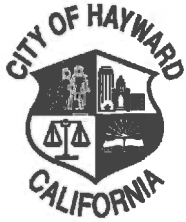
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are retail builders first and he is confident that they will have tenants for the retail spaces. Mr. Schott said it is important to have high quality apartment complexes; hopes the applicant can help with fixing the loop; stated the need for more off street parking, having an area for ride share drop off, consider highlighting Highway 50, and incorporate public art.

Traffic Manager Kelley responded to Chair Parso-York that staff is currently reviewing the traffic study that includes pedestrian accessibility in the area but Mr. Kelley added having a traffic signal between the two shopping centers would not be feasible. Mr. Parso-York expressed concern about the efforts to promote pedestrian walkability and strongly requested that the City consider parking on both sides of Foothill Boulevard, as it would be good to have a barrier between pedestrians and moving vehicles. Mr. Athearn said they will be following the lighting standard to have non-intrusive lighting along the San Lorenzo Creek which should help mitigate the graffiti.

Commissioner Goldstein said a café on the roof with a view of the creek could work for the area and would like the developer to consider supporting the local artist community by providing an area to display their art. Senior Planner Schmidt said the creek walk area was public space owned by the Alameda County Flood Control District and that there will be agreements and easements and there will be a mechanism for maintaining the green space. Mr. Goldstein expressed he was glad to hear about the bike racks. Mr. Athearn spoke about the bike share program with a bike repair area for residents and said the apartments will be professionally managed. Mr. Athearn said that these amenities are to encourage residents to use BART and get out of their cars. Mr. Athearn responded to Mr. Goldstein that he would be willing to find out about the emergency shelter program

Commissioner Enders highlighted the comments about the importance of walkability; the connectivity to existing bike paths; desire to schedule a Work Session after the EIR is completed; and commended Commissioner Schott for bringing up the Mural Arts Program. Ms. Enders said it was up to the Planning Commission to strive for environmental sustainability during the development phase. Ms. Enders cited the General Plan Goal NR 2.6 regarding greenhouse gas reduction in new developments and noted the project has strived to meet all of the goals except for the greenhouse gas emissions reductions. Ms. Enders said she was not opposed to a project of this magnitude if certain environmental considerations are met and cutting edge technology innovations are explored. She said proven methods to obtain zero net energy building certification are natural occurring assets like passive solar orientation, natural ventilation, daylighting, thermal mass, and nighttime cooling. Ms. Enders stressed the importance of pedestrian accessibility that seems to have been undermined by the street level parking. She supports the green mobility suggestion of the BART shuttle and a sidewalk café along the creek walk. Ms. Enders said the zero net energy certification contributes to less greenhouse gases which



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were in line with the City General Plan goals LU-1, NR-2 and NR 2.4. Ms. Enders said the proposed project should be able to protect itself from the highs and lows of the economy by having a healthy combination of retail/commercial and residential space. Ms. Enders said if the developer can achieve the zero net energy certification that she would be supportive of the project.

Mr. Athearn responded to Commissioner Schott that the semi-trucks would enter on Hazel and exit on Civic Center Drive.

Planning Manager Buizer explained the concept of unbundled parking for Commissioner McDermott.

Chair Parso-York said his experience with unbundled parking is that it does not work as residents will not pay for parking then the surrounding neighborhood is impacted with the same residents taking up all of the street parking and then homeowners are not able to park in front of their own houses. Mr. Parso-York thanked the applicant as this proposal was far better than prior proposals. He liked the design elements, especially the two towers that will allow for air and light and surrounding neighborhoods views are not totally blocked. Mr. Parso-York liked the creek walk and commended staff for working with the other agencies and that this element will benefit not only the residents but the entire neighborhood.

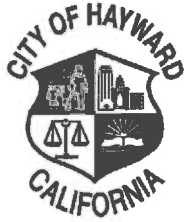
Mr. Athearn thanked the Commission for their comments and his team will discuss the feedback and will do their best. He said they are very excited and looking forward to making this significant investment.

PUBLIC HEARINGS: For agenda item No. 2, the Planning Commission may make a recommendation to the City Council. For 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 decision.

2. Recommended FY 2017–FY 2026 Capital Improvement Program

Public Works Director Fakhrai provided a synopsis of the staff report and presented a PowerPoint presentation.

Public Works Director Fakhrai responded to Commissioner Schott that the City works on both the streets and the sidewalks on a rotation basis, but if there are hazardous spots, then they will be repaired as soon as possible. Mr. Fakhrai will pass on the recommendation to staff about the use of gray water. Mr. Fakhrai said staff is considering



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the types of trees and root barriers so that the trees will not damage the sidewalks and pipelines. Mr. Schott asked about renaming a portion of Torrano Avenue to Dollar Street.

In response to Commissioner Enders, Public Works Director Fakhrai said that CIP funds can be diverted during times of emergency, but the City would have to work with the funding agency. Mr. Fakhrai stated staff will continue to look at other funding sources for projects on the unfunded list, but pointed out that the gap between funded and unfunded projects has been decreased dramatically from prior years.

In response to Commissioner McDermott, Public Works Director Fakhrai said the Economic Development staff and Technology Services Department has been able to secure funding for installing a fiber optic loop in the City. Mr. Fakhrai said in the paving program, staff is looking at key locations where conduits can be installed and added that Economic Development and Tech Services are working on a Fiber Master Plan that will be presented to Council later in the year.

Chair Parso-York is glad to hear that staff was pulling conduit to be able to install the fiber optic cable later on.

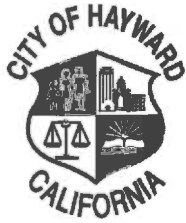
Public Works Director Fakhrai spoke about the traffic calming measures to encourage people to drive slower by the use of striping and other measures such as education. Mr. Fakhrai said there were three tiers of traffic calming measures with tier three being the most costly which includes traffic circles.

Chair Parso-York opened and closed the public hearing at 9:27 p.m.

Commissioner Willis Jr. made a motion per the staff recommendation that the FY 2017-2026 CIP is consistent with the City's General Plan.

Commissioner Faria seconded the motion.

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



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3. Recommended Approval of a Conditional Use Permit to Store Marble Slabs Under an Outdoor Canopy, Located at 23190 Connecticut Street

Commissioner Goldstein recused himself because he has a friendship with one of the architects at the firm and left the Chambers at 9:30 p.m.

Assistant Planner Christensen provided a synopsis of the staff report.

Chair Parso-York opened the public hearing at 9:33 p.m.

Mr. Roger Wilson, Architect Walnut Creek, said the purpose of canopy is to protect the stone and added that the stone will be stored vertically.

Chair Parso-York opened and closed the public hearing at 9:35 p.m.

Commissioner Willis Jr. made a motion to move the item per the staff recommendation.

Commissioner Schott seconded the motion.

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

COMMISSION REPORTS

4. Oral Report on Planning and Zoning Matters

There were none.

5. Commissioners' Announcements, Referrals

Commissioner McDermott announced that she presented her fellow Commissioners with a cupcake signifying cancer awareness. Ms. McDermott said the American Cancer Society will be holding a relay on June 4 at the Alden Oliver Park across the street from Costco. Ms. McDermott she is team captain of Team #1 and encouraged everyone to come out and participate.



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APPROVAL OF MINUTES

6. None.

ADJOURNMENT

Chair Parso-York adjourned the meeting at 9:38 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Brian M. Schott", is written over a horizontal line.

Brian Schott, Secretary
Planning Commission

ATTEST:

A handwritten signature in blue ink, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary
Office of the City Clerk