

**PLANNING COMMISSION MEETING
THURSDAY, AUGUST 24, 2023**

**DOCUMENTS RECEIVED AFTER
PUBLISHED AGENDA**

ITEM #1 WS-23-033

Draft Regulations for the Hayward Residential Design Study

Documents and Public Comments

From: Grecia Mannah-Ayon <[REDACTED]>

Sent: Tuesday, August 22, 2023 1:59 PM

To: CityClerk <CityClerk@hayward-ca.gov>

Cc: Stuart Cohen <[REDACTED]>

Subject: Comment Letter for the August 24 Planning Commission meeting, Agenda Item #1

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Good afternoon,

Please find attached our comment letter for the City of Hayward's redlined off-street parking regulations. This letter is for the **August 24, 2023, Planning Commission meeting, Agenda Item #1.**

Please let me know if you have any questions.

Best,

Grecia

Housing Policy Manager, TransForm



August 22, 2023

Hayward Planning Commission
777 B Street, First Floor
Hayward, CA 94541

Re: Off-Street Parking Regulations

Dear Commissioners,

TransForm is a regional non-profit focused on creating connected and healthy communities that can reduce traffic and air pollution, meet climate goals, and include housing affordable to everyone.

We are writing to support the off-street parking regulations being considered at your August 24 meeting, in particular several of the new redline recommendations. The recommended parking strategies will have a host of beneficial impacts, including reducing the cost of construction and maintaining housing, and allowing more space for community amenities, from outdoor dining to more green space. Many of these strategies and benefits are outlined in our recent report [Parking Revolution/Housing Solution](#).

TransForm staff met with Hayward city planners several weeks ago, and we appreciate their attentiveness and excitement to get to parking strategies that provide maximum benefits and are backed up by data.

In particular, we would like to comment on two recommendations:

1. **Senior and Special Needs Housing**

Staff is proposing a minimum parking requirement of 0.5 parking spaces per dwelling unit for senior housing and 0.3 for special needs housing. **These proposals deserve your strong support.**

These lower rates are well-deserved for these uses as TransForm has observed in both Hayward and other cities. We surveyed three buildings in Hayward, one senior, one special needs, and one affordable, and found that of the 171 total spaces provided, only 87 were in use. These 84 unused spaces represented over 25,000 feet of unused parking and over \$4,600,000 in wasted construction costs.

As we face a “silver tsunami” the need for senior housing will only grow. These lower parking requirements allow new developments to be more naturally affordable and more in line with a walkable lifestyle that supports local stores and services.

2. **Residential Credit for Transportation Systems Management Program**

We strongly support the concept of Transportation Systems Management for multifamily residential developments. Encouraging the provision of free transit passes, bicycle amenities,

car sharing, and other alternatives reduces vehicle ownership and driving trips. We do believe, however, that the proposed structure -- with three specific levels -- may be overly constraining as it does not include an additive component. A development that pursues many of these strategies will incur higher costs, bring greater benefits to the community, and should be properly rewarded as such.

While there may be some diminishing benefits in terms of parking demand reduction with each additional strategy, **we believe the new guidelines should allow city staff some discretion to have additional parking reductions, beyond those listed, for developers that propose a multitude of Transportation System Management strategies.**

City planners can reference several models that calculate expected reductions in parking demand, including TransForm's GreenTRIP Connect which only includes strategies with very robust data (the California Department of Housing and Community Development recommends GreenTRIP Connect as a tool for developing and implementing Housing Elements.) TransForm provided [this scenario](#) to provide a Hayward-specific example of how Transportation Systems Management strategies, as well as the provision of affordable housing, can reduce the demand for parking as well as total driving and greenhouse gas emissions.

Finally, TransForm strongly supports the allowance of unbundled parking. Unbundled parking has proven so effective that we believe you should even require it in the areas near transit, where minimum parking requirements are no longer allowed by state law. Unbundled parking is now easier for building managers to implement with new parking tech tools like [Parkade](#).

Again, we appreciate the City's work on implementing smarter parking strategies.

Sincerely,

Grecia Mannah-Ayon
Housing Policy Manager

From: Peggy Guernsey <[REDACTED]>
Sent: Monday, August 21, 2023 12:04 PM
To: Alisha Khan <Alisha.Khan@hayward-ca.gov>
Subject: Re: Revised 8/24/2023 Hayward Planning Commission Agenda

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Maybe you can help me.

i have been reading the agenda and staff report on one of the actions. It says the changes are being made so that it will be easier to understand and apply. My words not the exact from the report.

I DON'T UNDERSTAND what they are saying, let alone changing!!!!!!

I don't know wat to do, or who to talk to. Do I have to sit with someone and go sentence by sentence to understand this???

How can they vote and pass changes the public doesn't see or understand??

Peggy

On Mon, Aug 21, 2023 at 10:36 AM Alisha Khan <Alisha.Khan@hayward-ca.gov> wrote:

Good morning,

Attached is the *revised* City of Hayward Planning Commission agenda for Thursday, **August 24, 2023**. Please note the revised agenda includes a change in venue from the Council Chambers to **Conference Room 2A** – 2nd floor, City Hall. In addition to the change in meeting location, two attachments (Attach III & IV) were replaced for Agenda Item #1 due to formatting errors.

The revised agenda attachments and reports are available via iLegislate and the City's website at <https://hayward.legistar.com/Calendar.aspx>. The complete agenda packet is available for download at the webpage above.

Please note the meeting will be held in Conference Room 2A and virtually via Zoom. Please see the attached for additional information.

Thank you,

Alisha Khan

From: Elizabeth Blanton <Elizabeth.Blanton@hayward-ca.gov>
Sent: Wednesday, August 23, 2023 10:43 AM
To: <[REDACTED]>
Cc: Taylor Richard <Taylor.Richard@hayward-ca.gov>
Subject: RE: Revised 8/24/2023 Hayward Planning Commission Agenda

Hi Peggy,

I'd be happy to set up a call to discuss the project and proposed changes with you. You are welcome to call me at **510-583-4206 (my direct line)** or give me your phone number and let me know a good time to call you.

In short, the project is updating the City's residential development and design standards to make them "objective" as is now required by State law. This means that anyone who reads the new standards should have the same understanding of what is required.

Some of the most significant changes we are recommending include:

- Smaller setbacks, primarily in the Medium Density Residential (RM) and High Density Residential (RH) zoning districts
- Increased heights for duplexes, triplexes, and multi-unit residential buildings in the RM and RH districts
- New design standards that:
 - Limit the square footage of upper floors
 - Require façade design elements to be selected from a menu of options
 - Require projections and recesses that break up long walls on large buildings
 - Specify a new point system to make sure open spaces are well designed
- Allowing for a small reduction in parking if Transportation Demand Management measures are incorporated into a new building (for example, building a bus shelter or providing car share membership to all residents)
- Allowing reduced parking requirements for developments for seniors and those with special needs

In addition, a total of 49 properties within the City are proposed to be rezoned so that their zoning matches their General Plan designations. This is required by State law and will make it easier to make changes to these properties in the future. Each property owner and tenant of a property to be rezoned has received a letter with a map explaining the proposed rezonings.

As I said above, feel free to give me a call any time if you'd like to discuss the project in more detail. In addition, you can attend the upcoming work sessions we have scheduled— **August 24 with the Planning Commission** and **September 12 with the City Council**. Please note that tomorrow's work session with the Planning Commission will be held in person in **Conference Room 2A in City Hall** and virtually over **Zoom**. The same likely will be true of the Council work session.

Hope to talk to you soon,
Elizabeth

Elizabeth Blanton (she/her)
Senior Planner

Phone 510-583-4206 | **Email** elizabeth.blanton@hayward-ca.gov
777 B Street, Hayward, CA 94544



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Staff Responses to Commissioners' Questions



August 24, 2023 – Planning Commission Questions

ITEM #	QUESTION	STAFF RESPONSE
#1	(Attachment I) Table 2 - Existing and Proposed Maximum Building Heights - For my own understanding of how to consider future developments that may become before the Planning Commission...I am aware of detached residential units in Hayward that seem to have a building height of 40' (3-stories), which is outside of the City's existing and proposed height regulations in all residential districts. The properties that I'm referencing are part of a planned development with an HOA and they have a ground (street level) story with a garage, bedroom and bathroom, and 2-stories above. Is this still considered 2-stories, or do regulations differ in some situations?	A building with a garage on the ground floor and two stories above would be considered a three story building. Planned Development (PD) zoning districts establish their own development standards as part of the rezoning process. For this reason, in PDs we often see different heights, setbacks, lot coverages, lot sizes, etc. than in other residential zoning districts.
#1	(Attachment III) Section 10-1.145 Reasonable Accommodation - Can more information be provided about the reason behind the change from the "Planning Commission" to the "applicable deciding body" in paragraph C.4?	Not all projects are reviewed and/or approved by the Planning Commission. As a result, the language in the Reasonable Accommodation section of the code was cleaned up to clarify that the deciding body for a project can make the determination on a Reasonable Accommodation request. For example, if a Site Plan Review application includes a Reasonable Accommodation request, the Planning Manager would make the final determination. If a Major Site Plan Review application includes a Reasonable Accommodation request, the Planning Commission would make the final determination. And if a Rezoning application includes a Reasonable Accommodation request, the Council would make the final determination. This is similar to how Density Bonus requests are approved.

#1	(Attachment IV) Sec. 10.2.407 Tandem Parking Standards. - Can more information be provided about the reason behind the removal of item c.?	Item c was removed to allow all multi-unit residential developments to make use of the tandem parking provision. However, both tandem spaces must be assigned to the same unit. This provides more flexibility to developers to meet parking requirements.
#1	How do Special Design Overlay Districts (SD) differ from the Priority Development Areas in the General Plan?	<p>The Special Design Districts are zoning overlays that provide augmented zoning regulations for certain areas in the city, typically where there is a historic or architectural character that the City wants to maintain. For example, Special Design District 1 provides special standards for the historic “B” Street Streetcar District.</p> <p>The Priority Development Areas (PDAs) specified in the General Plan align with the Bay Area’s Regional Transportation Plan and Sustainable Communities Strategy (Plan Bay Area). These are areas where future housing and employment growth are expected to happen. In some cases, the Priority Development Areas overlap with Special Design Districts (for example, The Cannery neighborhood), but in other cases they are different. PDAs do not have specific zoning regulations associated with them.</p>
#1	(Attachment IV) Does the City charge residents to use Off-Street Electric Vehicle Charging stations or is there a plan to do so in the future? Are there any regulations regarding if, or how much, developers can or should charge for the use of the stations as well?	The City does not charge for use of public EV chargers in our municipal lots and garages, but EV operators do. For example, in the Watkins Street garage, the EV operator, Blink, sets their own rates. The City does not regulate what EV operators can charge, but instead only requires that new development provide the chargers. The City is working with East Bay Community Energy (EBCE) to develop a public charging network. For those chargers, the EBCE Board, which currently includes Councilmember Roche, will set the rates.
#1	(Attachment IV) Sec. 10-2.402, Sec. 10-2.404, and Sec. 10-2.421 provide different standards for parking exemptions near transportation facilities and transit. Can you provide more information about the purpose of these three sections and how they differ.	HMC Section 10-2.402 is a new section that allows for minor parking reductions for multi-unit residential development that include one or more Transportation Demand Management (TDM) measures. This incentivizes the inclusion of TDM measures that reduce parking demand and car ownership. Further, parking is expensive to build and can make housing production infeasible, so these reductions provide added flexibility to developers.



		<p>HMC Section 10-2.404 is a parking reduction applicable only to certain non-residential uses that are in close proximity to transit. Letter c under this section was removed because it is no longer applicable due to HMC Section 10-2.421.</p> <p>HMC Section 10-2.421 is a reference to AB 2097, which is a State law prohibiting jurisdictions from requiring parking within a half mile of a major transit stop (BART or Amtrak in Hayward’s case). The purpose of adding this reference to the code is to comply with the Housing Element and to increase transparency about this new law.</p>
#1	For my learning, can you share where regulations specific to disabled parking can be found as I don't see any in the Off-Street Parking Regulations attachment?	To keep the attachments for this item to a more manageable length, sections not related to the proposed changes were removed from Articles 1 and 2. One of these sections, HMC Section 10-2.700 , contains parking regulations to accommodate persons with physical disabilities.
#1	In reference to the staff report, do the building heights in any of the of the proposed consolidated districts compromise the aircraft flight path or air space? Are the building heights and other development features for the proposed districts aligned with the airport's master plan, regional transit planning and FAA requirements?	The Municipal Code includes Airport Overlay Zones which augment and supersede the development standards of the underlying zoning districts within the Airport Influence Area. These overlays ensure that development within the Airport Influence Area complies with height, density, intensity, use, and other restrictions set by the Airport Land Use Compatibility Plan and FAA requirements.
#1	Attachment III SEC. 10-1.145 REASONABLE ACCOMMODATION: a) recommend clarifying the appeal period from 10 days to 10 business days throughout	Appeal periods within the Municipal Code operate based on calendar days. However, the final day of the appeal period must fall on a business day. For the sake of consistency, staff suggests we maintain this approach for appeals to Reasonable Accommodation decisions.

#1	How many special accommodations for residential projects did the City receive in FY 2022?	No requests were received in FY2022. Staff estimates that approximately one to two requests have been received in the past decade.
#1	How many special accommodation decisions made by the City were appealed in FY 2022?	No appeals were made. Staff is not aware of any appeals to Reasonable Accommodations decisions over the past decade.
#1	I recommend City Council waive the appeal fee to align with other institutions that implement special accommodation policies such as schools & colleges, which neither impose an additional fee to make the accommodation or to appeal the City's decision. If an appeal fee must be imposed, I recommend the City Council consider modeling the fee after the parcel taxes, which exempt low income and senior households. The fees could exempt applicants with special needs seeking the accommodation.	The City Council reviews the Master Fee Schedule annually in the spring. If they elect to adjust the appeal fee for this or any other type of application, they could do so at this time.

Memo for the June 22 Planning Commission Minutes



DATE: August 24, 2023
TO: Planning Commission
FROM: Amber Parras, Senior Secretary
SUBJECT June 22 Planning Commission Meeting Minutes

This serves to amend the June 22 Planning Commission meeting minutes to correct typographical errors.

1) Page five, third paragraph, currently reads:

“Commissioner Goodbody mentioned how she visited the site and spoke with other tenants in the shopping center who were supported of the proposed unit and welcomed the business coming to the vacant spot. Ms. Goodbody had concerns about the condition of the property and appreciated staff’s response about programs that can help the property owner with improvements on the property. She said she took pictures of four large potholes that were on the property and was concerned about the safety of the site as there are seniors in that area and also the lighting around the site during the night as it is relatively dark. She said she spoke with one of the tenants and they told her they tried reaching out to the property management about having brighter lighting around the property and their request went unanswered. Ms. Goodbody commented how she would like to have some dialogue perhaps a work session among the Planning Commission or City Council about what can be done within the Municipal Code or General Plan to better align improvements to properties during the review of Conditional Use Permits. Mr. Bresee commented that he would like his facility to have good lighting with a sign for customers to come in and added that they will have male and female employees working during the day. Ms. Goodbody commented that the lights seem to be on the perimeter of the property right along the tenant’s front area and towards the western end of the property however nothing in the middle and very little where the proposed business will be.”

Proposed to read:

“Commissioner Goodbody mentioned how she visited the site and spoke with other tenants in the shopping center who were **supportive** of the proposed unit and welcomed the business coming to the vacant spot. Ms. Goodbody had concerns about the condition of the property and appreciated staff’s response about programs that can help the property owner with improvements on the property. She said she took pictures of four large potholes that were on the property and was concerned about the safety of the site as there are seniors in that area and also the lighting around the site during the night as it is relatively dark. She said she spoke

with one of the tenants and they told her they tried reaching out to the property management about having brighter lighting around the property and their request went unanswered. Ms. Goodbody commented how she would like to have some dialogue perhaps a work session among the Planning Commission or City Council about what can be done within the Municipal Code or General Plan to better align improvements to properties during the review of Conditional Use Permits. Mr. Bresee commented that he would like his facility to have good lighting with a sign for customers to come in and added that they will have male and female employees working during the day. Ms. Goodbody commented that the lights seem to be on the perimeter of the property right along the tenant's front area and towards the western end of the property however nothing in the middle and very little where the proposed business will be."

2) Page six, fourth paragraph, currently reads:

"Chair Ali-Sullivan appreciated prior comments by Commissioner Goodbody regarding the broader property questions, and asked staff if the City performed an additional check if it received an application for an entity that was looking locate in an area that was a larger owned property. He indicated the benefits of the City performing a review of the broader property as there may be conditions on the property that the City is unaware of, this could include ensuring that it was up to code, had the correct lighting, paving, and landscaping, emphasizing that these could be additional checks over the proposed type of facilities."

Proposed to read:

"Chair Ali-Sullivan appreciated prior comments by Commissioner Goodbody regarding the broader property questions, and asked staff if the City performed an additional check if it received an application for an entity that was **looking to locate** in an area that was a larger owned property. He indicated the benefits of the City performing a review of the broader property as there may be conditions on the property that the City is unaware of, this could include ensuring that it was up to code, had the correct lighting, paving, and landscaping, emphasizing that these could be additional checks over the proposed type of facilities."

3) Page seven, first paragraph, currently reads:

"Planning Manager Lochirco stated that in order to add additional conditions to an individual tenant, this would require imposing a nexus on the property owner who is not the applicant in the proposed project, and indicated that from a Land Use perspective, the Planning Commission should consider that the applicant was the tenant with the proposed project. He noted that there were nuisance provisions in the Hayward Municipal Code that were intended to negate any nuisances, additionally instances of nuisances occurring on public or private property could be reported via Access Hayward with Code Enforcement staff following up on these complaints. He stated that it was evident throughout the City that there were buildings that were in better shape than others, and commented that making Land Use was not under the purview of the Commission, and added that the improving or remodeling of a shopping center could be evaluated by the Commission as it would be a part of the project."

Proposed to read:

“Planning Manager Lochirco stated that in order to add additional conditions to an individual tenant, this would require imposing a nexus on the property owner who is not the applicant in the proposed project, and indicated that from a Land Use perspective, the Planning Commission should consider that the applicant was the tenant with the proposed project. He noted that there were nuisance provisions in the Hayward Municipal Code that were intended to negate any nuisances, additionally instances of nuisances occurring on public or private property could be reported via Access Hayward with Code Enforcement staff following up on these complaints. He stated that it was evident throughout the City that there were buildings that were in better shape than others, and commented that making **policy** was not under the purview of the Commission, and added that the improving or remodeling of a shopping center could be evaluated by the Commission as it would be a part of the project.”

With the change noted above, I respectfully request approval of the amended minutes.