



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 10, 2019, 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 Faria.

CALL TO ORDER Pledge of Allegiance

Commissioner Andrews led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Patton, Roche, Goldstein
CHAIRPERSON: Faria
Absent: COMMISSIONER: Bonilla

ELECTION OF OFFICERS:

The item was continued to the next Planning Commission meeting due to Commissioner Bonilla's absence. Commissioner Bonilla was required to remain at the Kaiser Hospital Command Center in order to assist hospitals impacted by the power outage.

Staff Members Present: Brick, Chan, Martinez, Morales, Schmidt

General Public Present: 16

PUBLIC COMMENT:

Mr. Kim Huggett, Hayward Chamber of Commerce President, announced the release of the most recent edition of the Hayward Business & Membership Directory. Mr. Huggett invited the Planning Commission members to the Chamber's many events that are scheduled throughout the year.

PUBLIC HEARINGS: For agenda item No. 1, the Planning Commission may make a recommendation to the City Council. For agenda item No. 2, 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.

Chair Faria announced that there has been a request to hear Item No. 2 first. There was no objection by the Planning Commission members.



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1. Proposed Development of a Mixed-Use Project Consisting of 189 Condominium and Townhome Units; Approximately 10,800 Square Feet of Ground Floor Commercial Space; Open Space Areas Including an Urban park and Plaza, Dog Park and Public Trail, among others; and Related Site Improvement Requiring Approval of Zone Change and Tentative Tract Map Application No. 201806355

Senior Planner Schmidt provided a synopsis of the staff report and PowerPoint presentation. Ms. Schmidt said staff received correspondence that was in favor of the project and this was forwarded to the Planning Commission.

Ms. Leah Beniston, applicant with True Life Companies, spoke about the project and the affordable housing element.

Commissioner Patton disclosed having worked with Ms. Beniston in the past and that this will not pose a conflict of interest. In response to Mr. Patton, Ms. Beniston spoke about the more affordable gas utility option for tenants, but, at this point, this was not a part of the project. Ms. Beniston said there is a condition of approval (COA) for clipper cards and the plan is to include language for the Homeowner Association (HOA) where they can vote on how to invest the funds collected for a transit option.

In response to Commissioner Andrews regarding the dog park, Ms. Beniston said currently the plan is to have two entry ways with one for large dogs and one for small dogs. Ms. Beniston said she believes the new La Vista park will have an area for large dogs, and then True Life can just have a small dog park. Ms. Andrews encouraged the applicant to review the dog park as she likes the park design features and requested the applicant to review the design color and furniture as these items lack cohesiveness.

In response to Commissioner Stevens, Ms. Beniston said the plan is to build the development all at one time and there will be one HOA for the entire development.

In response to Chair Faria about the meeting with the Hayward Area Recreation and Park District (HARD), Senior Planner Schmidt said that the HARD vote allowed for a credit for the 17,000 square feet and HARD recommended that the developer create a small dog park that will be fenced and have the appropriate amenities. Ms. Schmidt said HARD and the City's architect will review the park design. Ms. Beniston assured Ms. Faria that their development is further down the hill and will not block other developments' views. Ms. Schmidt shared that the City does not have an ordinance protecting views and CEQA does not address that topic.

Chair Faria opened the public hearing at 8:42 p.m.



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Ms. Cecilia Miskic, speaking for Treeview Swim Club and the Fairway Park Neighborhood Association, said after reviewing the previous project that had stepped back buildings, she prefers that the housing for this project also be stepped back from the major streets as there can be privacy issues. Ms. Miskic likes the retail and commercial aspects.

Chair Faria closed the public hearing at 8:47 p.m.

Commissioner Andrews asked if there are any City requirements that address step back features for housing, Senior Planner Schmidt responded that there are not any requirements that address housing building step backs at certain intervals, and that from staff's perspective, the project has adequate plane breaks, both horizontally and vertically, which is an effective method to break up the building mass. Staff also felt it was not necessary to have the buildings step back from Mission Boulevard. Ms. Schmidt said if the buildings were stepped back, then the project would lose density on the frontage and the General Plan pushes for higher density development. Ms. Andrews said there is a huge need for daycare which would work in the retail/commercial space.

Commissioner Roche favors the project and likes that the HOA will be collecting funds for transit options and suggested installing charging stations for scooters.

Commissioner Goldstein favors the project as it has all the elements that the Commission has been asking for.

Commissioner Patton said Mission Boulevard is an expressway most of the time and the building mass with the townhomes in the back does not present an issue. Mr. Patton supports the project and hopes that, with the transit demand management options, that the City is also addressing that the parking lifts might not be warranted in the future.

Commissioner Stevens thanked the applicant for developing a great site plan with architecture design that adapts to the topography, likes how the retaining walls are stepped back into the hillside and how the walls are tiered. Mr. Stevens encouraged the applicant's design team to take a close look at the segmented wall and consider the colors and treatment so that the wall feels less imposing.

Commissioner Andrews has concerns that if the daycare option does not work out, that the developer considers a retail option that has a repeat clientele such as a boutique fitness center. Ms. Andrews encouraged the applicant to consider public art at the street level.

A motion was made by Commissioner Goldstein to approve the staff's recommendation with the added condition of approval by Commissioner Andrews to include public art at the street level. Commissioner Patton seconded the motion.



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Commissioner Stevens made a friendly amendment to evaluate the project walls for the design features to be consistent with the building and landscape design within the project and the surrounding neighborhood.

Commissioner Goldstein and Commissioner Patton accepted the friendly amendment.

AYES: Commissioners Stevens, Andrews, Patton, Roche, Goldstein
Chair Faria
NOES: None
ABSENT: Bonilla
ABSTAIN: None

2. Proposed Mixed-Use; Transit-Oriented Development with 140 Affordable Housing Units, a 2,700 Square-Foot Day Care Center, and 1,800 Square-Feet of Ground Floor Commercial Space on a Vacant 2.21-Acre Site Located at 29497, 29447, and 29553 Mission Boulevard, Assessor Parcel Nos. 078C-0438-013-06, 078C-0438-014-00, and 078C-0438-015-02 Requiring Site Plan Review and Density Bonus Application 201806620 and the Adoption of a California Environmental Quality Act Infill Checklist. Meta Housing Corporation (Applicant/Property Owner)

Associate Planner Martinez provided a synopsis of the staff report and PowerPoint presentation. Mr. Martinez announced that Housing Manager Morales and Mr. Abe Lieder, of Rincon Consultants/CEQA consultant, were present to answer any questions. Mr. Martinez announced modifications to Conditions of Approval (COA) Nos. 77 & 78 relating to water meter installation requirements consistent with state law Senate Bill No. 7. Mr. Martinez announced that he provided a copy of the modifications to the Commission and there were also copies for the audience.

Commissioner Roche disclosed having met with the applicant and that she is a volunteer board member of the Treeview Swim Club in the Fairway Park neighborhood that will be receiving a palm tree from the project site.

Chair Faria acknowledged a letter of support from Ms. Jamison and relayed that Commissioner Bonilla was not able to attend this evening and he supports the project.

In response to Commissioner Patton, Housing Manager Morales provided an income limits chart that included the very low-income and other low-income requirements as they related to the project. Associate Planner Martinez said the Council Economic Development Committee members had concerns about the minimal parking plan for the project and potential spillover parking impacts into the neighborhood. Mr. Martinez said the applicant has proposed language that will mitigate parking impacts.



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Commissioner Roche was also concerned about parking impacts from the multiple new developments being built in South Hayward and suggested researching shuttle buses to and from the South Hayward BART station and to find incentives that could encourage residents to utilize public transit options. Principal Planner Lochirco shared that the City is currently working on a study with the cities of Fremont, Union City and other municipalities along with the Alameda County Transit Commission (ACTC) regarding Mission Boulevard being designated a Bus-Rapid-Transit (BRT) Facility which will open up opportunities for more transit options.

In response to Chair Faria's questions regarding solar amenities and the costs, Associate Planner Martinez said that all utility costs are included in the rent and the project architect can speak to the solar design elements.

Mr. Ross Ferrera, Vice President with Meta Housing, said they are installing thermal solar water heater units. Mr. Ferrera said that tenants have a utility allowance and the owner pays the utility costs for water and electricity.

Commissioner Andrews asked applicant to consider including public art in the project. Mr. Ferrera said the project architect will address the project design elements.

Chair Faria asked who will be operating the daycare center, to which Mr. Ferrera responded that they are working with a local individual who is in the process of presenting a business plan to the project applicant and noted that the project is still about two years out.

Mr. Ross Ferrera, with Meta Housing, an affordable housing developer, presented their vision of the Hayward Mission Family Apartments project. Ms. Laura Moffett-Fehlberg, project architect, spoke about the project design elements which is close to another Meta Housing project, the SoHay development, which includes the SoHay park.

Commissioner Goldstein asked about the fish art rendering on the wall, and Ms. Moffett-Fehlberg said the art is located on the wall that protects the daycare.

Commissioner Roche suggested creating a pocket park or greenspace outside of the building and Ms. Moffett-Fehlberg said one of their goals is to create an urban design element to create a community atmosphere that will encourage residents to utilize the new SoHay park. Ms. Moffett-Fehlberg said they have worked carefully on the internal courtyard to create layers of outdoor spaces which includes a roof top area for gathering.

Commissioner Andrews suggested that it would be great to have an iconic image created by a local artist and encouraged the applicant to reconsider the art placement within the



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project. Ms. Andrews is concerned about graffiti. Chair Faria suggested a way of encouraging the community atmosphere is to extend the use of the internal courtyard amenities to outside residents.

Commissioner Andrews and Chair Faria both like the mixed-use space design and the layering of retail space and open areas.

Mr. Ross read from a statement to mitigate the parking issue by establishing two applicants' wait lists during the period prior to the issuance of a temporary certificate of occupancy (i) for applicants with cars, (ii) for applicants without cars. Mr. Ross said the project intent is to have applicants without cars which will help alleviate parking issues.

Chair Faria opened the public hearing at 7:41 p.m.

Cecilia Miskic, speaking for the Treeview Swim Club and Fairway Park Neighborhood Association, said both groups are in favor of the project, the project design, amenities and retail aspects. Ms. Miskic said both groups have met with the applicant.

Chair Faria closed the public hearing at 7:43 p.m.

Commissioner Patton likes the project design, it has a lot of variety and addresses the need for more affordable housing projects and said there needs to be more projects of similar size and scale in the City. Mr. Patton said that the City is doing a wonderful job to address the housing issue. Mr. Patton recommended that the 18 commercial parking spaces have signage stating, "For Commercial Parking Only During Business Hours".

Commissioner Andrews hopes to see more projects like this for Hayward, would like staff to convey to residents and the public the positive work that is being done to bring affordable housing to Hayward and encouraged staff to utilize social media to get the word out. Ms. Andrews reiterated the need for public art and encouraged developers to incorporate more public art into their projects. Ms. Andrews said she loved the retail design and encouraged other developers to take note.

Commissioner Roche is excited about the design elements, likes the inside ride sharing waiting area and likes the outside play area for the children that is shielded from the street. Ms. Roche agrees with her fellow Commissioners that there needs to be more projects like this in Hayward.

Chair Faria appreciates the project and shared that the Commission has been looking for affordable housing developments that integrates all types of housing. Ms. Faria stated that lately the applicants coming before the Commission have paid the in-lieu fees and there is a



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concern that these projects will cause a housing segregation. Ms. Faria said the Commission is excited to finally have an affordable housing project come before them. She thanked the applicant for a thoughtful and well-designed project. Ms. Faria acknowledged the applicant's community outreach and engagement and its importance in the process. Ms. Faria also acknowledged Ms. Jamison's letters that spoke in favor of the project.

A motion was made by Commissioner Patton, seconded by Commissioner Goldstein, to approve the staff's recommendation with modification to Conditions of Approval Nos. 77 & 78 relating to the water meter infrastructure and three additional conditions of approval, 1) the 18 commercial parking spaces are to have signage stating "For Commercial Parking Only During Business Hours", 2) the developer shall establish two applicant wait lists during the period prior to the issuance of a temporary certificate of occupancy, (i) for applicants with cars, (ii) for applicants without cars, and 3) incorporate public art into the project.

The motion passed with the following vote:

AYES: Commissioners Stevens, Andrews, Patton, Roche, Goldstein
Chair Faria
NOES: None
ABSENT: Bonilla
ABSTAIN: None

APPROVAL OF MINUTES

3. Approval of minutes of the Planning Commission Meeting Minutes of September 26, 2019.

Commissioner Andrews made a motion, seconded by Commissioner Patton to approve the Planning Commission Meeting Minutes of September 26, 2019. The motion passed with the following votes:

AYES: Commissioners Stevens, Andrews, Patton, Roche, Goldstein
Chair Faria
NOES: None
ABSENT: Bonilla
ABSTAIN: None



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COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

Commissioner Andrews requested a staff update on affordable housing and asked if there will be a joint work session with the City Council to discuss housing goals. Principal Planner Lochirco said Planning Manager Buizer is in the process of gathering data related to affordable housing and how this data relates to the Regional Housing Needs Allocation (RHNA), and that this will be scheduled to be reported to the Commission at a future meeting. Mr. Lochirco said a joint work session will occur in the new year as Council's schedule for the rest of the year is full and staff will work on coordinating this. Mr. Lochirco added a request for a joint work session initiated by the City Council.

Ms. Andrews said the Commission is seeking guidance about requiring public art in new developments and asked if there has been any discussion about having a public art ordinance. Principal Planner Lochirco said a public art ordinance policy directive would come from Council.

Chair Faria acknowledged City Manager McAdoo, Fire Chief Contreras and City Staff that were involved in setting up the Command Center during the power outage. Ms. Faria was very impressed on how organized the Command Center was and the City was also being used as a resource for other cities.

Commissioner Roche asked if there has been any discussion of a shuttle program to the South Hayward BART station, to which Principal Planner Lochirco said there has been discussion with Cal State University East Bay regarding a shuttle loop and noted that there are a lot of operational considerations that would need to be worked out. Mr. Lochirco said that as the critical mass of the new developments are being built along Mission Boulevard, it becomes more urgent to develop a long-term transit management plan.

ADJOURNMENT

Chair Faria adjourned the meeting at 9:05 p.m.



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APPROVED:

A handwritten signature in black ink, appearing to read "Ray Bonilla", is written over a horizontal line.

Ray Bonilla, Secretary
Planning Commission

ATTEST:

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

Denise Chan, Senior Secretary
Office of the City Clerk