



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

Council Chambers

Thursday, October 25, 2018, 7:00 p.m.

777 B Street, Hayward, CA 94541

-
2. Proposal to Construct 8 Attached Townhouse Condominium Units and Related Site Improvements at 420 Smalley Avenue (APN 431-0008-020-00) by GKW Architects (Applicant) on behalf of Tommy Tam (Owner) Requiring Approval of a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Site Plan Review, and the Adoption of a California Environmental Quality Act (CEQA) Infill Checklist. Application no. 201704262

Associate Planner Lee provided a synopsis of the staff report and a PowerPoint presentation. Mr. Lee said there is a revision to the language in Condition of Approval (COA) 23, Section C., to read as follows: "Three of eight units shall provide a bedroom suite on the first floor."

Commissioner McDermott requested the applicant to come forward with their presentation.

Mr. Long Nguyen, project manager and Mr. Kevin Yu, draftsman, representing GKW Architects the applicant, spoke about their vision for the sustainable, holistic, benchmark project that will contribute to the Hayward community. Mr. Nguyen said they incorporated a greenbelt throughout the general area of the development.

Commissioner McDermott inquired about the 2005 Planning Commission recommendation for a tentative tract map, but the development was never built. Mr. Tommy Tam, owner, said there was an economic downturn and the property was sold several times prior to his purchasing the property in 2013. Mr. Gordon Wong, architect with GKW, and Mr. Tam, spoke about how the prior design plans incorporated an existing structure, but that it was very difficult as the structure was not up to current building codes and when consulting City staff the prior design was found to be outdated. Mr. Wong said by working with City staff in Planning and Building they were able to come up with a more modern and sustainable design that is up to current building codes. Mr. Nguyen responded to Ms. McDermott that the affordable housing unit is the three-bedroom unit near the open area space.

Commissioner Patton would like City staff to ensure that the common driveway be illustrated correctly. Associate Planner Lee confirmed for Mr. Patton that the fire vehicle turn-around plans had been approved by the Fire Department. Mr. Wong responded to Mr. Patton that the development will be Homeowner's Association (HOA) controlled and all the condominiums will share a common simple roof design and they have found that the metal roof material works well and can handle the weight of the solar panels. Mr. Patton commended the applicant for bringing forward the sustainable project. Mr. Patton has concerns about infill projects and mixed-housing neighborhoods that have developed over time, and said it is the Commission's job to try and balance the Council's current objectives



**DRAFT MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 25, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

with potential impacts to the surrounding neighborhood. Mr. Patton has concerns that the four-bedroom units will be bringing in more people that will contribute to the already existing parking problem in this area and asked if the applicant will consider modifying the project. Mr. Wong responded that there will be built-in parking regulations in the Conditions, Covenants and Restrictions (CCNRs) that will mitigate any parking issues. Mr. Patton said the project is near BART and spoke about the possibility of lowering the City's parking requirements. Mr. Tam said to solve the neighborhood parking issues and not impact the neighborhood they have included adequate parking which includes three guest parking spaces per unit.

Commissioner Andrews disagrees that the project was compatible with the surrounding neighborhood. In response, Mr. Wong said the applicant's team was able to visit nearby neighborhood houses, noting that the neighboring houses were mostly run-down rentals, and spoke about the design challenges and that they did their best to match designs found throughout Hayward. Mr. Nguyen added the design team took into consideration the existing mix of multi-family units along Smalley Avenue. Ms. Andrews has concerns about parking issues and questioned whether the guest parking is sufficient for the development. Mr. Nguyen said they worked closely with City staff to ensure the City's parking requirement was followed and that the 18 parking spaces exceeds the City's parking requirements. Mr. Tam added they had proposed one more parking space, but this was discouraged by City staff and added it is a challenge to balance providing either more housing or more parking.

Mr. Willis asked about the one car garage unit and electric charging stations. Mr. Nguyen said this is an Americans with Disability Act (ADA) Unit, there will be an ADA space outside of the unit, and that every garage will have a charging station. Mr. Wong confirmed for Mr. Willis that the HOA will be able to enforce the CCNRs' parking regulations to avoid any parking issues and added that they worked with an attorney on developing this language.

In response to Commissioner Bonilla's question about density of the proposed project, Associate Planner Lee said the project is the densest within the Hayward City limits on Smalley Avenue. Mr. Bonilla does not agree that the project meets compatibility standards, has concerns with the moderate-income unit being the smallest, and the parking. Mr. Bonilla noted that in order to survive in the Bay Area there are extended families living together, and he asked about the price of the units. Mr. Wong said the development's target buyers are young professionals, and Mr. Tam shared the four-bedroom units will cost approximately \$700,000. Mr. Tam said in listening to the Commission's feedback that they can modify the design to provide only three-bedroom units with the same number of parking spaces. In response to Mr. Bonilla's comment about the dangers of walking to public transit, Mr. Tam replied that the goal is to make the neighborhood safe by continually improving the neighborhood through development.



**DRAFT MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 25, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Commissioner Faria agreed with the discussion about compatibility, location, and parking, noting that she visited the area today and saw firsthand the existing parking issues, and she has concerns about parking impacts to new and existing residents. Ms. Faria said she acknowledges the City's goal for pedestrian access to transportation, but also has concerns about pedestrian safety utilizing public transit and noted that there are still a lot of vehicles in Hayward's neighborhoods.

Mr. Tam pointed out that as a developer they have been working very diligently with City staff on the City's existing rules and regulations and following those regulations. When presenting a proposed project, they are subject to those rules, and now they are running into issues by following the City's requirements. He pointed out that they have been working with City staff for two years on the project.

Commissioner Goldstein spoke about the parking regulations in his neighborhood. He noted that some residents don't use all their on-property parking spaces and instead park on the street, which can cause a problem for neighbors. He agrees that the CCNRs can enforce the parking regulations but has concerns about spillover parking. Mr. Goldstein favored the project density, noted the Commission has been requesting City staff to maximize the density on future projects, and that this project is commendable for meeting those requirements. Mr. Goldstein does not agree with the affordable unit being smaller, said all the units should be equal sizes, and commended the applicant for including the affordable housing element.

Commissioner McDermott spoke about an experiment using different modes of transportation to see how long it would take to arrive at a destination, where the three modes were a private car, BART, and Catch-a-Ride Carpool, and the winner was BART. Ms. McDermott said if a developer comes forward with a proposed project that is close to public transportation that it is worth consideration. Ms. McDermott said when building higher density developments, parking will be a concern for the community. She requested the applicant to consider having a two-car garage for the ADA unit.

Commissioner Willis spoke about the expense of owning a car and that it is cheaper to utilize public transit or Lyft/Uber. Mr. Willis spoke about his development that allows for adequate parking in garages, driveways and street parking, but that residents will continue to own more cars. Mr. Willis favors the project. He said the two-car garages are sufficient and that the HOA can enforce the parking regulations.

Chair Faria opened the public hearing at 8:30 p.m.

Mr. Clem Paraiso, Smalley Avenue resident, expressed concerns that the proposed project will add to the existing neighborhood parking problems. In response to Chair Faria, Mr. Paraiso



**DRAFT MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 25, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

said he lives about four houses from the proposed project.

Commissioner Andrews said that she has studied urban planning and agrees with the density principles. She commented that when staff emphasizes developments with less parking, she would like staff to consider Hayward's residents who live and work in the City, as it is not always safe to utilize public transportation as neighborhoods can be dangerous for pedestrians

Commissioner Bonilla said he also appreciates the density but has concerns about compatibility issues and the safety issues in taking public transportation. Mr. Bonilla said developers must take into consideration what is being built and where.

Commissioner Patton noted infill projects can be difficult and acknowledges that the applicant has worked diligently with City staff to make sure they followed all the City's building and planning regulations and zoning laws. Mr. Patton said there are approaches to zoning districts that allow for ranges, as what might be appropriate on one street might not be appropriate on the next street. He said the parking issue should be addressed by the Commission and not the HOA. Mr. Wong pointed out that in their review of the neighborhood, a lot of the houses either had one garage or no garages as owners maximized their rental properties by converting garages into living spaces, and this has added to the neighborhood parking issues. Mr. Wong said the design team wanted to alleviate and improve the area and at the same time address the parking issue by having two-car garages with three extra parking spaces to make the development all-inclusive which includes a greenbelt for the residents. Mr. Wong said they wanted to add two more parking spaces but was advised by the Planning and Traffic Controllers to provide group open space. Mr. Wong pointed out that the proposed project is not the densest property in the area and invited the Commission to drive to the area and view the makeup of the different multi-family units. Mr. Wong shared that he understands the concerns about walking in a dangerous neighborhood and offered options for residents if they do not want to walk to or from public transportation. Mr. Wong was amenable to adding two more parking spaces.

Commissioner Willis commented that he is aware of people who utilize public transit by biking to BART and then biking to their jobs in other cities.

Mr. Tam said this is a project to change and improve the neighborhood and said someone needs to move forward, he acknowledges that change does not happen overnight, over time residents will feel safer walking the neighborhood, and that someone needs to take a stand for positive change to happen. Mr. Tam said that he has spoken to owners of multi-family units and noted that they are watching to see the outcome for this project.

Chair Faria closed the public hearing at 8:46 p.m.



**DRAFT MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 25, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

Commissioner Goldstein requested staff to provide the neighborhood make-up. Associate Planner Lee responded that the majority are multi-family units with some single-family homes and said staff only considered the units within the Hayward City limits when he spoke about the density of the project. Mr. Lee pointed out that the project site is right next to County lands where there are denser developments but there are also some smaller lots that cannot accommodate denser developments. Mr. Lee also noted that staff did not analyze all the parcels and that the proposed project is a dense development but not the densest. Mr. Lee said the project followed the City's code for compatibility as the proposed project's height is 30 feet and the maximum height allowed is 40 feet. Mr. Lee said there are multi-family developments right next to the project site which are two stories and similar in bulk to the project, the project's parking slightly exceeds the City's parking requirement by one space, and the majority of the parking spaces are covered. In response to Mr. Goldstein's question of previous parking requirements, Mr. Lee noted that anything built prior to 1959, when the City's zoning code was implemented, had a requirement for single-family homes to have a one car garage. Mr. Lee said there are a lot of legal, non-conforming units that do not meet the City's current parking standards and confirmed for Mr. Goldstein this could be contributing to the current parking issues.

Planning Manager Buizer noted that down the block from the project site on Smalley Avenue there are County lands and staff does not know the County's parking standards which could also be contributing to the current parking issues.

Commissioner Patton said in hearing the feedback from the Commission and the issues raised regarding parking, he asked if the applicant would consider modifications to the project plans. Mr. Wong said that they would be agreeable to modifications.

Assistant City Attorney Brick reminded the Commission that the item is a recommendation to the City Council and that this is not the final approval. He said the Commission can recommend to City Council approval or denial, which can include a recommendation for more parking spaces. Mr. Brick said this recommendation would not require a continuance and will keep the item on the current scheduled timeframe. Mr. Brick confirmed for Commissioner Patton that the Commission can recommend a continuance.

Mr. Tam said to expedite the process he requested if the Commission could provide the number of units and number of parking spaces so that his team would know what the goal is, and then they can work together with City staff. Mr. Tam said they have been working on this project for two years.

Commissioner McDermott said there is an effort to streamline the infill projects and she likes this process as the Commission often hears from developers how long it takes to go through the process. She said if the item were continued that would defeat the purpose of the infill



**DRAFT MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 25, 2018, 7:00 p.m.
777 B Street, Hayward, CA 94541**

checklist.

Commissioner Willis said the project complies with the City's requirements, especially regarding the minimum parking requirements. Mr. Willis said to continue the item would delay the project and the City currently has a housing crisis. Mr. Willis said the issue of parking is a bigger issue that needs to be discussed on a larger scale. Mr. Willis said the applicant has complied with all the City's requirements, paid all the fees, and staff has recommended the project. Mr. Willis favors the project.

Commissioner Willis made a motion, seconded by Commissioner Goldstein, to approve the staff recommendation.

The motion passed with the following vote:

AYES:	Commissioners Willis, McDermott, Goldstein Chair Faria
NOES:	Commissioners Andrews, Bonilla, Patton
ABSENT:	None
ABSTAIN:	None