



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, June 9, 2022, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Oquenda. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

CALL TO ORDER Pledge of Allegiance: Chair Oquenda

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Goldstein, Lowe, Roche, Stevens
CHAIRPERSON: Oquenda
Absent: COMMISSIONER: Bonilla

Staff Members Present: Buizer, Claussen, Lens, Lochirco, Madhukansh, Ochinerro, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. Proposed Mixed-Use Development of 314 Rental Apartments, including 19 Units Affordable to Very Low and Low-Income Households, 7,100 Square Feet of Ground Floor Retail Space, and related Site and Frontage Improvements at 22330 Main Street (APN 428-0061-061-03, 428-0061-061-04) Requiring an Addendum of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program and Approval of a Major Site Plan Review, Administrative Use Permit, and Density Bonus Application No. 202003725; Nick Clayton for Project Management Advisors, Inc. (Applicant); Amit Goel for Goel Hayward MF LLC (Owner)

Planning Manager Lochirco provided a synopsis of the staff report and PowerPoint presentation. Mr. Lochirco introduced project applicant Mr. Amit Goel who provided an overview of the project.

Chair Oquenda opened the Public Hearing at 8:22 p.m.

Commissioner Oquenda said for the record he had conversations with the Sprinkler Fitters Local 483 representative and with staff; and asked the project applicant if he had come to an agreement with the labor unions. Project applicant Mr. Goel responded that they do not have a project labor agreement, the downtown ordinance requires Condition of Approval No. 14, which they have agreed to. He stated that they have had many conversations with



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various unions and that they fully intend to meet the conditions of approval prior to pulling a building permit.

Commissioner Roche followed up on Commissioner Oquenda's Labor Agreement question and expressed that there may be a lack of enforcement mechanisms with the condition of approval. Senior Assistant City Attorney Vigilia responded per the condition of approval, the applicant would have to comply prior to applying for any site grading or building permit.

Commissioner Roche asked the applicant what has been done to have negotiations with local labor groups and trade unions. Mr. Goel stated that their intentions are to fully comply with Condition of Approval No. 14.

Commissioner Roche asked Mr. Lochirco about unbundled parking and wanted to know if that is when the occupancy gets to 75% or is it automatic when people sign up to live there, that they will have an unbundled parking lease option.

Mr. Lochirco stated that there are two components per the parking management plan which specifically deals with opportunities to reduce parking demands, the applicants trigger the threshold to have a fully implemented parking management plan of 75% at building occupancy; however, the plan has to be reviewed and approved before the building is leased. He noted that as part of the TDM (Transportation Demand Management) Program, one option would be to work in collaboration with the parking management plan to make sure that parking demand and trip generation are reduced, and that this is tied to the CEQA analysis that was done when the project was originally approved.

Commissioner Roche stated that per the TDM plan, it seems there was discussion with Prospect Hill neighbors that there was concern about on-street parking and traffic congestion and asked if this had been addressed. Mr. Lochirco noted that community conversations started back in 2017 when the original Maple and Main project was proposed, a condition of approval was applied as a solution to deal with parking demand and trip reduction, adding that the proposed project was implementing the same strategies as the original project. He stated that even though some of the project components have changed such as more residential units but no office building, most of the parking demand issues experienced in the city occur at nighttime. He stated that enforcement mechanisms could be used as well as the implementation of a parking permit program in the event that parking does become an issue. Mr. Lochirco stated that there are contingency plans and conditions of approval that would require regular studies once the building occupancy gets to a certain point.



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Commissioner Roche acknowledged that the community is concerned as there are potentially two development projects that may impact the neighborhood. She asked staff per the Fehr & Peers study, which stated that there would be a 40% VMT (vehicle miles traveled) reduction and then 20% and requested if there was data to support how TDM plans could reduce the VMT substantially.

Mr. Nick Clayton with Project Management Advisors, Inc. introduced Mr. Robert Reese with Fehr & Peers. Mr. Reese stated that per the TDM elements, that per the California Air Pollution Control Board (CAPCOLA) which is an air quality agency in the state that undertook a research study to identify the effectiveness of individual TDM measures. In the TDM memo, there is a summary of the estimated VMT associated with the TDM measures, these are from the CAPCOLA document, which is the research document on the effectiveness of TDM measures.

Commissioner Roche requested that the Planning Commission receive information in the future about the effectiveness of TDM plans and how they are working in Hayward. Mr. Lochirco said the TDM programs in the city are tied to air quality mitigation measures, which is primarily why many of those have been adopted. He stated that the city's most recent approach at embracing TDM happened a couple of years ago when we were required by the state to change how we evaluate CEQA impact for traffic and transportation, as a part of this Alameda County and other bay area counties adopted a regional approach at TDM programs that were replicated in Southern California. He stated that there are specific quantifiable options that applicants can choose from in order to be able to meet that threshold for projects that have to mitigate VMT, have the option to go to this Alameda County Transportation Commission which is working on a tool-box to allow applicants to pick which one will be the most effective options such as car share and bike share. If the city decided to launch a shuttle program, the applicant has that as an option if they decide that it could help them achieve or reach that TDM requirement. He stated that these are all options that are available and would require regular reporting, evaluating, and auditing to make sure that they are successful.

With regards to the affordable housing requirement, Commissioner Roche was pleased to see inclusive affordable housing, but noted that in a previous iteration there was a higher rate of affordable housing of 10% and the current project proposed 6% affordable housing. Mr. Lochirco said that 10% affordability requirements are for sale market rates units and for rental units it is 6% which is reflected in the affordable housing plan. Depending on how applicants are proposing to comply, they can have a bare minimum or in this case what the applicant has chosen to do is have a deeper level of affordability than what the ordinance requires, and by exceeding ordinance requirements it qualifies them for state density bonus provisions that would allow additional concessions, waivers and incentives.



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Commissioner Roche disclosed that she met with applicant, Mr. Vince Sugrue with Sheet Metal Workers and Mr. Kim Huggett with the Chamber of Commerce. Ms. Roche said with regards to public benefits, she was glad to see that a dog park was added in. Since there would be a lot of residences between the Lincoln Landing project and the proposed development, Ms. Roche asked staff if there was any consideration to include some green space that the public could access.

Mr. Lochirco responded when the Downtown Specific Plan was updated and adopted, which included community conversations over a multi-year period with many public meetings, outreach and community meetings, there were very specific discussions on how the downtown and the urban framework should look. One of the things eliminated in the adoption of the Downtown Specific Plan was the elimination of a common open space requirement. The reason for this was to achieve more residential units and to build out and have a full maximization of this space, it was decided to remove common space dedications as project requirements. Mr. Lochirco noted that the applicant is providing a half-acre of open space to various courtyards on site and although they are not considered a common area like a community garden, it is something that the residents have access to be able to provide them an onsite amenity.

Commissioner Roche asked the applicant about the preservation of old redwood trees that were onsite. Mr. Clayton introduced the project applicant's arborist, Ms. Darya Barar.

Ms. Barar, stated the applicant will be relocating tree number one. In regards to the removal of several street trees, she stated that the reason for removal is based on the condition of the trees as well as the impact from replacement of the sidewalk. She shared that several of the trees in the right of way have lifted the sidewalk egregiously and replacement of the sidewalk may require an intense amount of root pruning in order to get the sidewalk back in that area. The applicant has put into place a streetscape plan with a more appropriate tree species as well as the addition of irrigation and mulch that will provide better growing conditions for the new trees that will be planted. Ms. Barar added that the applicant has also worked to try to preserve the trees that are adjacent to the property, but the trees that are in the center of the site are difficult to work around.

Commissioner Lowe expressed concern that RHNA (Regional Housing Needs Allocation) numbers were being met for very low affordable housing, but not for moderate levels of affordable housing. She stated that it was apparent to her that for Hayward residents who earned a very good income, it was difficult for them to find housing in the city due to a severe lack of moderate level income housing. Ms. Lowe emphasized that although she supported the availability of very low income housing, but by continuing to have project after project with low or very low income affordable housing, she wondered if a whole



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group of people are being left out who are unable to get housing in Hayward because they qualify under the moderate income level for housing.

Mr. Lochirco understood Commissioner Lowe's sentiments and responded that the affordable housing ordinance was adopted several years ago, and that staff was in the process of hiring a consultant to perform a feasibility study to update the affordable housing ordinance. He indicated that the points raised were good policy questions and would go before the Housing Homelessness Taskforce as well as the City Council.

Mr. Lochirco commented that when a project application is filed, the Housing Division reviews the application to ensure the applicant is meeting the requirements of the affordable housing ordinance and noted that there were multiple ways to satisfy the ordinance requirements. He indicated that future updates may have changes to the requirements related to the percentages associated with each housing affordability type and may perhaps address those who fall under the moderate income housing level. He added that a displacement study was also completed by the city. Keeping all of these factors in mind, there may be changes with requirements for new developments once a new ordinance has been drafted and adopted. Mr. Lochirco underscored that the proposed project in its current state exceeds the requirements set forth by the affordable housing ordinance and qualifies for a density bonus. He stated that staff can't dictate to the applicant what level of affordability they incorporate in the project, as long as they are meeting and achieving the current adopted standards of the ordinance.

Ms. Lowe had similar concerns as Commissioner Roche about insufficient public benefits. She asked if there was discussion with the developer about adding a public benefit such as art or open space. Mr. Goel stated that his firm was contributing \$2 million towards parks. Mr. Lochirco said that in response to some of the neighborhood feedback received for the original project, there will be a community benefit for the Ohlone tribe which will include a plaque to commemorate this area. He stated that a project requires a community benefit when it is being rezoned to a planned development; however, the proposed project does not have this requirement. He added that the \$2 million of park in lieu of fees that the applicant will contribute will be used to spread across the Hayward Area Recreation and Park District's jurisdiction which will be money going back into the community. Mr. Lochirco shared that the developer was additionally contributing the following: several transportation enhancements, separate class IV bicycle facility, adding bike lanes on the public street, new curb gutter sidewalk, and street lighting to make the neighborhood pedestrian friendly and walkable.

Mr. Lochirco confirmed for Commissioner Lowe that the \$2.1 million in lieu park fee impact fee was assessed due to the number and size of the residential units proposed for the project. He further indicated that each unit type is assessed a different rate; exemplifying



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that three bedroom will be assessed to a larger rate than a one bedroom or a studio. As was codified in the Park In-Lieu Fee Ordinance, affordable units do get a 50% reduction in a proposed park fees for these units only, since the developer was providing affordable housing,

Ms. Lowe asked staff that because there is open space included within the development site, and there being additional amenities such as a swimming pool and a gym, are the residents less likely to utilize surrounding amenities. Mr. Lochirco responded that some projects will dedicate private property to be used for the community as a whole to be eligible for a partial reduction of the park in lieu fees; however, this project is not doing a land dedication to the city. He shared that with the previous applicant for the Maple and Main Street development in 2017, a similar review and assessment of paying the in lieu fee was presented to the HARD Board and the project was approved in 2017.

Commissioner Stevens asked that since retail is a requirement as part of this project, does it make sense to build retail given the economic conditions of today and the existing vacancy throughout the downtown.

Mr. Goel said retail was a request by the city and staff to incorporate into the project; that there was an ability to demise the 7,100 square feet of retail space into smaller spaces to promote local businesses, small shops, and neighborhood friendly opportunities to serve the residents in the neighborhood. Mr. Goel noted for Commissioner Stevens that having some level of retail is an important service for residents especially in a downtown setting.

Commissioner Stevens asked the applicant if there was a preferred square footage of retail that works well in other locations. Mr. Goel responded that it was region specific and was dependent on the surroundings and also demographics of the area.

Chair Oquenda asked how the city plans to ensure compliance with conditional of approval 14, which was employer provided healthcare for workers in the development of the project. He noted that there was concern received from the public on this point as well.

Mr. Goel responded that enforcement of the condition would fall on the city, noting that the city was reasonable to work with and equitable. He shared that there was a baseline of trust that the city and his firm were working towards the same goal of building quality housing and affordable housing which was a need in the community. He stated that his firm would have to satisfy city requirements, including the many conditions of approval that were a part of the project, before his firm can acquire building permit.

Chair Oquenda opened the public hearing at 8:22 p.m.



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Chair Oquenda closed the Public Hearing at 8:54 p.m.

Mr. Aaron Lanzarin, Hayward resident and a journeymen with Sheetmetal Workers Local Union 104, and because of his union, he is able to afford to raising his family in Hayward. He indicated that he wakes up at 4 a.m. to travel to his job site; having more opportunities to work locally would benefit him and his family tremendously. He requested that the Main Street Project not be approved. He wants other Hayward residents to have similar rights as have been provided to him by being a union worker, which include having health care and an opportunity to one day retire with dignity is a big deal for him. He was proud that the city understand his perspective and approve the downtown plan with included language that developers utilize union workers and hire contractors that provide healthcare for their workers. Mr. Lanzarin stated that currently the developer is not meeting these obligations, and requested that the project be continued to allow labor groups to come to an agreement with the developer.

Mr. Nathan Downs, Vice President of the Prospect Hill Neighborhood Association, stated that although he was excited that there is a benefit to the broader community with tax revenues and developing spaces; however, he indicated that a third party representing the developer reached out two weeks prior to the Planning Commission meeting. He noted that the size of the project had increased significantly. Mr. Downs stated that HARD did not have any green space within 10 minutes of walking distance from his neighborhood; and that the closest green space was Hazel Garden which was owned by the city and managed by his community association. He expressed concern about the immediate impact to the neighborhood resulting from a potential 500 new residents at the proposed development site which included noise, traffic and parking. He requested an extension for consideration of the project so that the community can sit down and discuss their concerns with the developer.

Mr. Carlos Gonzalez, Hayward resident and President of the Prospect Hill Neighborhood, stated that his responsibility was to look out for the best interest of Prospect Hill and was the voice of the residents. He noted that the proposed project and Lincoln Landing site, were within 600 feet of each other. He acknowledged that there was no real positive solution to traffic, and his concerns were related to ingress and egress. He stated that both developments have main arteries that run through Foothill and the residential area of Main Street. He was unsure about the accuracy of the study which indicated a VTR reduction of 40% reduction and wondered if it included other developments in the area. Mr. Gonzalez stated that with an increase in volume of residents, the following city services would have to be expanded: provision of green space, police services, garbage, lighting, maintenance, and public works. He mentioned that there were two separate lots across from Maple and Main Street, perhaps the city should look into these sites and how it can assist with the projected increase in residents.



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s. Avinta announced, next speaker is Casey Huyen:

Mr. KC Huynh, Hayward resident and IBEW Local 595 Journeyman Electrician, shared that he and his family were very dedicated to serving the community; stated that Hayward valued good middle-class jobs and that the developer does not meet this commitment; commuting many hours to get to work negatively impacted his family life. Mr. Huynh underscored that having a commitment to use local workers was a big deal for the community, adding that it will also result in supporting small businesses in Hayward. He stated that the developer is not honoring the city condition to use apprentices in building the project, and the developer has not demonstrated this; for these reasons, he did not support project approval of the project.

Mr. Vince Sugrue, represented hundreds of local construction workers and mechanical craft unions. He stated that have supported other projects previously due to their willingness to utilize local union workforce as these projects provide pathways to the middle class for Hayward residents. He shared that lives are changed for the better when the city approves projects that are built with apprentices from joint labor management programs and projects that hire contractors that provide healthcare for their workers. Mr. Sugrue shared that in 2019, local 104 members and other labor groups, participated in the downtown plan process. The language solidified in the plan helps to expand the shrinking middle class in the city and created opportunities for individuals to get into trades through apprenticeship. Mr. Sugrue underscored that the proposed project did not meet this criteria. He indicated to the Planning Commission that the proposed project was the first of this size since the adoption of this plan and to pass this project presently would not fulfill the obligation and would set a terrible precedent. He requested that you continue this item be continued to allow the developer an opportunity to meet this obligation with trade union groups.

Mr. John Dalrymple, stated that he had the honor of working for the workers and supporting them in their struggle to grow the middle class. He indicated that the residential construction work sites are one of the most exploited conditions of work sites in the country, with exploitation particularly with immigrant workers. The benefit of policies help prevent this from happening, adding that apprentice requirement languages, means providing workers with a pathway to the middle class and to not do so, would be a tremendous setback and would signal to future developers that they can gain greater profits for their investors. Mr. Dalrymple shared that the goal of the General Plan and Downtown Specific Plan was to create a fair deal for working families. He did not believe that the developer intended to meet the condition of approval as he was unable to provide a plan. Mr. Dalrymple did not believe that any of their contractors will bid for this project, and requested a continuance. He stated that in discussions with the developer, the



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developer stated that the project may not be financially feasible if the conditions of approval had been met.

Mr. Pekon Gupta (Z), Hayward resident, said that not all of the trees were on the sidewalk and therefore some could be saved; commented that a portion of \$2 million that the developer is contributing towards saving trees; he stated that one of the trees is approximately 1,000 years old. He urged the city take a balanced action and to avoid becoming a concrete city.

Mr. Dominic LiMandri (Z), District Manager of the Downtown Hayward Improvement Association, which provides special benefits in the form of daily sidewalk sweeping, pressure washing, special events and endorsed the proposed project. He indicated that the special benefit district was built in a way to accommodate increased density and traffic through a variety of measures, noting that as the parcels developed there will be an increase in assessments which would allow augmentation of services in the downtown. He expressed his support for the project and hoped that it would come to fruition; requested that the Planning Commission consider this project in light of the housing prices on the rise not only in the Bay Area, but also in the state of California.

Mr. Dylan Bolt, a Sprinkler Fitters Local 483, represented his trade union members, many of whom were longtime Hayward residents and urged the Commission to support the values of the community members and to continue the project to get to an agreement with the developer.

Mr. Kim Huggett (Z), President and CEO of the Hayward Chamber of Commerce, stated that he served on the Downtown Hayward Improvement Association Board, attested that he was looking forward to this project for six years. He shared that the Government Relations Council, which is comprised of 16 business leaders from the city, unanimously endorsed the Maple and Main project as it will lead to continued economic revitalization. He did have opportunity to work with the project applicant's team and were impressed with their professionalism, solid financial backing and commitment to complete the original vision of the project. He stated that per the city's Economic Development Department, there were 450 business failures in Hayward during the darkest days of the pandemic. The Workforce Development Board reported that at one point we had 5,600 layoffs in the manufacturing sector and the proposed project will help really provide economic rejuvenation to the downtown area. The Chamber of Commerce requests the Planning Commission to support the project so Hayward can move forward with this much needed development.

Mr. Carl Gorringer (Z), downtown Hayward resident, expressed his support of the project; appreciated the new bike lanes on the on the Mc Keever Avenue and the TDM plan presented; requested the addition of ride hailing drop off points along Main Street and



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Maple Court and I appreciate the TDM plan presented. He offered the following suggestions: temporary bicycle parking or bike racks placed outside of the retail space along Mc Keever Avenue and Maple Court; retail spaces should include rear entrances to the courtyard area and back; and favored more green space in the general area. He encouraged the developer to work out an agreement with the trade unions.

Andre Van Horn (Z)

Shannon (Z) – did not speak when called on

Mr. Andre Van Horn (Z), Hayward resident, supported the project. He stated that it was disappointing to see empty lots that present great prime opportunities to get some residents near the Bart Station and residents to help support the businesses in the downtown. I encouraged the Planning Commission to accommodate more development and put pressure on empty lots that have fallen into disrepair and are dangerous.

Commissioner Oquenda Closed Public Comment.

Commissioner Oquenda appreciated the project plans and stated there was a need for housing in the city; stated that there were good additions in this project that will make it a positive addition to the city. On the other hand, he understood the concerns raised by the labor union groups, the exploitation of this workforce and the dangers associated with the job; due to this he was struggling with his decision and requested that staff provide additional information on the procedures for continuance. Chair Oquenda would like to see some agreement worked out between the labor groups and the developer in advance of entitlement.

In response to Mr. Oquenda's question Senior City Attorney Vigilia said continuance of an item is within the discretion of the commission but noted that the City Council is going on recess in July and depending on the outcome of the decision, there's a possibility that Council action may be required. In being mindful of timing, City Council will not reconvene from recess until September. He added that the Planning Commission would not be able to require or direct the applicant to during the continuance period, whether this was to engage with third party stakeholders, community members, and that it would not be appropriate to request this of Applicant; the applicant could choose to engage independently of their own accord.

Mr. Lochirco noted for Chair Oquenda that it was staff's determination that the project does comply with all objective standards, which is why staff recommends approval. The project complies with the city's General Plan, Downtown Specific Plan, and Zoning Ordinance; irrespective of any additional condition that was added as part of the downtown code, which the applicant has agreed to accommodate. Mr. Lochirco reiterated that the staff's



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opinion is that the project as it is currently proposed, meets all of the objective standards and is subject to SB330, the city is compelled to approve the project.

Commissioner Goldstein appreciated the project noting that the project has been desired since 2017; however, he stated that the issues with the union could lead to a dangerous hazard, if things aren't worked out with the union. He stated that if things go poorly during the construction phases because of missed opportunities to have good alignment with our labor workforce, the result might be a building that doesn't get a certificate of occupancy, remains empty for some time, and there's potential for lawsuits out of this miscommunication. For these reasons, he did not support voting in favor of the project without the full agreement of the unions. Commissioner Goldstein stated for the record that he met with the Sheet Metal Workers Union, with the Chamber of Commerce and some other individuals discussing the issues. He emphasized that the project is good, but there was a lot of inherent danger if the issues with labor are not resolved. Mr. Lochirco noted for Commissioner Goldstein that the next available date to get the item on the calendar June 23, 2022. Commissioner Goldstein requested that the item be continued to June 23, 2022.

In response to Commissioner Oquenda's question, land use attorney for the applicant, stated that it was his understanding as well as the applicant's view, that the application had been deemed complete; there have been several mentions of having a labor agreement in place tonight before moving forward, which he noted was not a requirement per the Permit Streamlining Act with the city's list of application requirements; the issue was not raised as an objective standard which the applicant did not comply with; and emphasized that the applicant want ready to move forward and did not want a continuance. The attorney mentioned that discussions will continue as the applicant has to comply with the Specific Plan policy in the development code prior to acquiring a building permit, indicating that this policy was very specific about requirements are for use of apprenticeships and healthcare plans, and did not see value in delaying action.

Commissioner Goldstein stated that project plan was great and had fantastic elements to it; however, he cautioned that if the applicant did not authentically work with labor groups, this may impact the outcome of the project and result in costing the city and developer money, and will antagonize the people who do want the project to happen. For these reasons, he supported to continue the item to a date uncertain.

Commissioner Ali-Sullivan appreciated the public comments received and the many members of the local Hayward community who voiced their concerns. The comments by all residents and the labor groups resonated with me. He stated in being cognizant of the SB 330 requirements and the applicability of the project and the limitations of the Planning Commission to not approve a project, if there was an opportunity for the developer and labor groups of their own accord to have a conversation where all parties agree, this would



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be something he would be in favor of. He stated that it would be in the best interest of the developer to work with local labor groups. He sympathized with residents who commented on the empty lots in downtown Hayward, and commented that the project site had been an eyesore for many years and that the proposed project was a good project. He was supportive of the project because it included low income housing, mixed-use retail, and liked the project elements and how it fits in with the community; however, he struggled with the labor piece. Commissioner Ali-Sullivan underscored that the proposed housing units would be for members of the community and if existing residents could not participate in the building of this project in Hayward, this was of concern to him. He stressed the importance of having developers who want to work with local talent and who want to work with local interests to build our city, and would love to see all parties agree to the project. He supported continuing the project to a later date to see if there can be an agreement between labor groups and the applicant.

Commissioner Roche commented that there was consensus in the project being built and that there was no problem with the actual design; she noted that the Prospect Hill neighborhood was not quite satisfied with the project and also the labor groups, and there was potential to have more discussions about the project. She emphasized that Hayward is a labor friendly town and hoped an agreement could be in place before the final decision. Ms. Roche asked Mr. Lochirco if we continue this to June 23rd, would that be a final decision and that it's not absolute that it needs to go to council as well?

In response to Commissioner Roche, Mr. Lochirco stated that if the Planning Commission did not approve the project, and the decision got appealed, then it would go before the City Council sometime in October. Mr. Lochirco added that if the Commission decided to continue the item to June 23, 2022, this in reality was not a lot of time as staff would have to update the report and publish it one week in advance to make it available to the public, he noted that staff was not available in July.

Commissioner Roche made a motion to continue the item to June 23, 2022, seconded by Commissioner Goldstein.

Mr. Vigilia offered clarification on an element of the motion, that it would not be appropriate to include encouragement of the applicant to take any particular action as part of the motion. He shared that based on the discussions at tonight's meeting, it was evident that there are issues that the Applicant may want to address.

Commissioner Lowe expressed that if the project was delayed a couple months due to the continuance, would this make a difference since development at the proposed site had already been delayed six years. Mr. Lochirco responded that per staff, an application has been deemed complete and staff had an obligation to process the application and bring it to



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a public hearing. He added that at this stage, the submittal requirements and application requirements for this project have been satisfied and there was no reason to not bring the project forward. Additionally, per the Permit Streamlining Requirements for project reviews, the city is allowed 30 days to review a project and then following that there's an expectation of a timely review and public hearing process to follow. The application for this project was deemed complete several months ago and the project is ready to be presented, he noted that the reason the project didn't come before is because details were being worked out for the Affordable Housing and the Density Bonus Application which was submitted in March. Once this had been submitted, the city has a responsibility to timely processing of the application. As was pointed out by Mr. Vigilia, the Planning Commission has the option in their purview to continue the item.

Commissioner Lowe wondered why the project members of the public thought that a certificate of occupancy would be issued for the project by staff if the applicant had not satisfied Condition of Approval No. 14. Although she supported the project, she was disappointed as the original project had more affordable housing units than the proposed; that the entire ground floor didn't have retail; and that only 12 individuals could be employed at the retail use; was concerned that only one of the trees would be preserved in a pot, and preferred that more trees be saved as it takes decades for trees to mature; and was concerned about the negotiations and hoped that the applicant and labor groups could come to an agreement, and for these reasons supported continuing the matter.

Commissioner Stevens thanked the applicant noting that the proposed project was a complete submittal, like the architecture of the plan, and thanked the applicant for having his team present to address questions. He commented that one of the reasons projects do not get built, is because the city does not move forward due to obstacles that hinder the process; adding that the plans for the proposed site were initiated in 2017 and encouraged members of the public to get involved early on when Specific Plans are being created. He expressed concern that while housing was desired in Hayward, the proposed project was being considered to be continued even though it met all of the requirements. He emphasized that the development was for private land which did not involve public money and was concerned why it was being orchestrated how the developer procures labor to build the project. He stated that best price is achieved through a competitive market where all contractors in the field can bid on a project; this leads to efficiency in construction. He stated that city's Building Division would inspect the project and would ensure that it is constructed consistent with the approved plans and the Building Code. Commissioner Stevens underscored that he was not in favor of continuing the item, and supported approval of the project at the present meeting.

A motion was made by Commissioner Roche, seconded by Commissioner Goldstein, to continue the item to a Planning Commission meeting to be held on June 23, 2022.



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, June 9, 2022, 7:00 p.m.**

The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Goldstein, Lowe, Roche
Chair Oquenda
NOES: Commissioner Stevens
ABSENT: Commissioner Bonilla
ABSTAIN: None

COMMISSION REPORTS

Planning Manager Lochirco announced that in addition to the proposed project being continued to the June 23, 2022 Planning Commission; staff will present a report on the Housing Element.

ADJOURNMENT

Chair Oquenda adjourned the meeting at 9:33 p.m.

APPROVED:

Brigitte Lowe, Secretary
Planning Commission

ATTEST:

Jacquelyn Jacobs for Avinta Madhukansh-Singh
Planning Commission Secretary
Office of the City Clerk