



**PLANNING COMMISSION MEETING MINUTES
COUNCIL CHAMBERS AND VIRTUAL (ZOOM) PARTICIPATION
Thursday, February 8, 2024, 7:00 p.m.**

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

PLEDGE OF ALLEGIANCE

AB 2449 TELECONFERENCE NOTIFICATIONS AND CONSIDERATION

Chair Lowe announced that Commissioner Goodbody requested to participate in the meeting via Zoom under AB 2449 due to illness.

ROLL CALL

Present: COMMISSIONERS: Goodbody, Meyers, Patterson, Stevens
CHAIRPERSON: Lowe
Absent: COMMISSIONER: Franco-Clausen (*)

Commissioner Franco-Clausen arrived in the Council Chambers at 7:06 p.m.

In-Person Staff Members Present: Gagarin, Lens, Lochirco, Ochinero, Kowalski, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

ACTION ITEMS

PUBLIC HEARING

For agenda item No. 1 the Planning Commission may make a recommendation to the City Council.

1. Main and B Street: Proposed Six-Story Mixed-Use Development Containing 30 Residential Apartment Units, a 1,005-Square-Foot Ground Floor Commercial Space and Parking Garage with Automated Parking Stacker System on a Vacant 0.17-Acre Parcel Located at 966 B Street (APN 428-0056-057-00) Requiring Approval of Major Site Plan Review, a Density Bonus and Environmental Consistency Checklist pursuant to CEQA for Application No. SP-23-0006; Applicant/Architect: Toby Long and Joshua Jewett of Clever Homes by Toby Long design; Property Owner: Chris Music, Main & B Developments LLC. **(PH 24-004)**

Associate Planner Kowalski provided a synopsis of the staff report. He announced that correspondence was received after the publication of the agenda, pointing out a typo in an attachment and expressing the opinion that the development is too tall for downtown and



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would be inconsistent with the historic fabric of the area. In addition, staff distributed and amended Attachment IV - Conditions of Approval which reflected the removal of Condition of Approval No. 11.

The architect/applicant, Toby Long, was in attendance to address any questions.

Commissioner Stevens questioned if the City is required to conduct shadow studies for tall buildings. Planning Manager Lochirco confirmed it was not required for this project.

In response to Commissioner Patterson's question if engagement was done with the community and business owners, Associate Planner Kowalski stated that there was no formal community outreach above and beyond the City's standard notification processes that take place when an application is first received and when the public hearing is scheduled. Planning Manager Lochirco relayed that project applicants are encouraged to be good community partners and engage in outreach, but it is not a Hayward Municipal Code requirement. It was also noted that community feedback received from noticing is forwarded to applicants for consideration and to make them aware of the concerns of the community.

Commissioner Franco-Claussen posed a question of how the practice of developers communicating to the neighbors impacted by the project can be more suggested to developers. Planning Manager Lochirco responded that the Planning Division staff does recommend community outreach to applicants and relies on them to pursue the effort.

In response to Commissioner Goodbody's question about bicycle parking locations, Associate Planner Kowalski clarified the long-term bicycle parking is located inside the building for residents and short-term bicycle parking is outside on the sidewalk. Mr. Kowalski confirmed Condition of Approval No. 94 refers to the exterior bicycle racks. Commissioner Goodbody questioned the benefits, opportunities, and challenges of modular units. Mr. Long explained the construction process where the wood-framed structure would be built off site, allowing an accelerated construction process, and decreasing the overall environmental and community impact during this stage. Additionally, this type of construction allows the interior to be nearly complete when the modular units are delivered to the site and is a unique way to assemble a building. Planning Manager Lochirco noted that the project is subject to California Environmental Quality Act (CEQA) and geotechnical reports and State law requirements must be satisfied in response to Commissioner Goodbody's concern regarding safety and the liquefaction and earthquake fault zones. Mr. Long noted the developers have presented and gained support from the Chamber of Commerce as well as a few local committees.

Commissioner Meyers shared he visited businesses adjacent to the project and had an opportunity to speak with the community who expressed concern for limited parking in



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downtown, the proposed height of the building, and unhoused individuals dwelling in the remains of the basement of the building that burned down on the site. In response to Commissioner Meyers' question about the height of the tallest nearby building, Associate Planner Kowalski noted the highest nearby building is three stories and buildings measuring five and six stories are currently under construction roughly four-five blocks east of the project. He also noted the Downtown Specific Plan allows for buildings up to seven stories.

In response to Commissioner Meyers' question of how the parking spaces will be divvied up amongst the apartments, Mr. Long explained the use of an unbundled approach to parking spot allocation and spot assignments. Associate Planner Kowalski noted that without a stacking system, the size of the parking garage would only allow for nine parking spaces.

Commission Meyers wanted to understand the workings of the vehicle stacking system and sought clarification of how it would work for the residents. Scott Woodworth, representative from Tapco, the automated parking system manufacturing company, presented a video to demonstrate the stacking system in use.

Mr. Long noted that everyday delivery loading and unloading will take place on the street and a dedicated loading spot has not yet been determined. There is access to an adjacent alley way that can be utilized for deliveries. In response to Commissioner Meyers' question, Mr. Long confirmed the building's elevator is designed for standard residential use, which is common for a building of its size.

Scott Woodworth indicated that a podium EV-charger can be installed on each platform, with the option of being electric vehicle (EV) ready. Mr. Long noted one section will be an EV bay and can be expanded by the developer as needed and expressed an interest in evaluating other impacts from power loss on the ability of the stacking system to continue functioning.

In response to Chair Lowe's question about the possibility of tenants utilizing the adjacent municipal parking lot, Transportation Planner Steven Chang shared that there is a four-hour parking restriction in the municipal lot between 9 a.m. and 4 p.m. which is enforced. In addition, Chair Lowe questioned how waivers will essentially affect the quality of work. Senior Assistant City Attorney Michael Vigilia noted that there is Density Bonus Law criteria that only allows for a decision-making body to reject a waiver request if it would result in a public safety hazard or violate a State or Federal law.

In response to Commissioner Franco-Claussen's question about whether this building is conducive to families, Mr. Long noted three-bedroom units are conducive to families and diverse tenant type accommodations. He added that there are two accessible parking spaces at the ground level that do not require machinery, as well as accessibility and adaptability provisions throughout the building to meet accessible living and Americans with Disabilities



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Act (ADA) code standards.

In response to Commissioner Patterson's question about a 15% requirement for attaining a density bonus, Housing Manager Christina Morales noted a formula under the state Density Bonus determines the requirement for affordable housing and stated that the proposal exceeds the requirements of the City's Affordable Housing Ordinance, provides for a deeper subsidy, and aligns with the amount of density proposed in exchange for three very low-income units. Commissioner Patterson expressed concern for seven waivers and questioned the appropriateness of the amount of affordable housing units in a small space. In response, Planning Manager Lochirco clarified that the applicant is entitled to unlimited waivers under State Density Bonus law, and as such have requested seven waivers to make the project feasible, all of which the City must grant under the law, unless there are specific findings to deny the request tied to life/safety.

In response to Commissioner Stevens' question about whether it makes economic sense to have a small commercial space on the ground floor, staff indicated that commercial space on the ground floor is desired by the City to activate the street. While Mr. Long could not address the economic sense of this approach from the developer's perspective without consulting with his client, he thought having as much revenue generated from as many square feet of the building as possible would be beneficial to supporting the infrastructure work.

In response to Commissioner Meyers' question about the potential disruption of local businesses during construction of the project, Mr. Long stated that construction impacts will be minimized because a majority of the construction will be away from the project site, thus reducing overall construction time at the actual site by about 50%. Additionally, he addressed the location and use of a crane to erect the building, the requirement under the California Building Code to build a solar energy system, and an unfinalized metering system. Planning Manager Lochirco noted that collaboration with City staff will be ongoing to minimize project disruptions and ensure emergency service delivery during construction. Housing Manager Christina Morales indicated that the terms of the deed restriction for two very low-income units is in perpetuity, and one unit is restricted for 55 years due to the Density Bonus law. Associate Planner Steve Kowalski stated that the City will review the proposed art installation on the building exterior and that it will be required to be installed at the developer's expense.

Commissioner Goodbody shared an example of a residential building where the resident loading/unloading zone was positioned in front of the building and the commercial loading/unloading zone was an adjacent alley on the back of the building, demonstrating that this layout was feasible.

Chair Lowe opened the public hearing at 8:33 p.m.



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Vic Kralj, owner of The Bistro, a business across the street on the opposite corner from the proposed development, voiced his opposition to the project. He suggested scaling the project back by making it a three-story building to match the landscape of the adjacent buildings. He stated the community was not approached and expressed concern for the lack of parking in the project and shadowing that would be cast by the building height.

Michael Booker, Hayward Unified School District teacher and Hayward resident living across the street from the proposed project, expressed concern for the prospective residents coming into the low-income units, favored a three-story height, and felt that the project did not provide enough parking spaces.

Frank Goulart, Hayward resident, shared the history of the site and suggested placing a William Hayward mural on the building as the art installation since he was the original property owner back in the 1800's.

Chair Lowe closed the public hearing at 8:43 p.m.

Commissioner Stevens expressed appreciation for the building architecture, driveway access, and parking, noted the City's limited mandating ability under the Density Bonus law, encouraged the City Council to review the Downtown Specific Plan, suggested more flexible uses of the ground level space as opposed to a commercial use, appreciated removing Condition of Approval No. 11, and supported implementing a historic mural for William Hayward as the required art installation.

Commissioner Stevens made a motion to approve staff's recommendation.

Chair Lowe seconded the motion.

Commissioner Meyers supported Commissioner Stevens' comments and liked the idea of murals that depict the history of Hayward.

Commissioner Patterson thanked staff and participants and appealed to the developers to consider making changes relative to comments and feedback that were made during the meeting.

Commissioner Franco-Clausen thanked staff and supported equity in action, local business owners for taking the time to comment on projects and changing the project design to a three-story building if at all possible.

Commissioner Goodbody thanked staff and all of the participants and supported the project.



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Chair Lowe expressed an understanding of the concerns voiced by the neighbors, noted that State law has taken away many choices from local governments and thought the City needs more autonomy at the local level, expressed excitement about the project's attractive architecture and added parking, appreciated the inclusion of very low income housing, and supported the project.

A motion to approve the staff recommendation with an amendment to remove Condition of Approval No. 11 was made by Planning Commissioner Stevens, seconded by Chair Lowe.

The motion passed with the following roll call votes:

AYES:	Commissioners Franco-Clausen, Goodbody, Meyers, Patterson, Stevens Chair Lowe
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting on December 7, 2023 (MIN 24-013)

A motion was made by Planning Commissioner Franco-Clausen, seconded by Planning Commissioner Patterson, to approve the meeting minutes of December 7, 2023.

The motion passed with the following roll call votes:

AYES:	Commissioners Franco-Clausen, Goodbody, Patterson, Stevens Chair Lowe
NOES:	None
ABSENT:	None
ABSTAIN:	Meyers

3. Minutes of the Planning Commission Meeting on December 14, 2023 (MIN 24-014)

A motion was made by Planning Commissioner Franco-Clausen, seconded by Planning Commissioner Stevens, to approve the meeting minutes of December 14, 2023, with a clarification to a statement about roll call.

The motion passed with the following roll call votes:



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AYES: Commissioners Franco-Clausen, Goodbody, Meyers, Patterson, Stevens
Chair Lowe
NOES: None
ABSENT: None
ABSTAIN: None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Planning Manager Lochirco reported two items are scheduled for the upcoming Planning Commission meeting on February 22, 2024: 1) project that was previously approved is proposing to add a tentative map to allow the sale of units; and 2) the Annual General Plan Implementation progress report, which is a State requirement. Following Commission review of this item, it will be brought to City Council and filed with the State by the April 2024 deadline.

In addition, he extended an invitation to attend a Special City Council Work Session on Saturday, February 10, 2024, to discuss the Strategic Roadmap and will provide an opportunity to listen to Council's priorities over the next couple of years.

Commissioners' Announcements, Referrals

Commissioner Franco-Claussen stressed the importance of community engagement.

Commissioner Meyers announced a free waste drop off certificate offered by the City every two months which allows residents to dispose of household debris to Hayward's transfer station. He encouraged registration and participation for this no cost service provided to community members.

Commissioner Patterson shared that while the discussion of the agenda items was extensive, the conversation was valuable.

ADJOURNMENT

Chair Lowe adjourned the meeting at 9:04 p.m.



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APPROVED:

Karla Goodbody, Secretary
Planning Commission

ATTEST:

Karen Gagarin
Planning Commission Secretary
Office of the City Clerk