



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 26, 2018, 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 Goldstein.

CALL TO ORDER Pledge of Allegiance

Commissioner Bonilla Jr. led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., Schott, McDermott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: None
Vacancy: ONE

Staff Members Present: Brick, Briggs, Buizer, Chan, Chang, Hinkle, Schmidt,

General Public Present: 71

PUBLIC COMMENT:

There were none.

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

1. Proposed Development of Mixed Use Project Consisting of 472 Multi-Family Residential Units; 20,000 Square Feet of Commercial Space; 2.4 acres of Parkland and Trails; and, Related Site Improvements for Sohay Located on Scattered Sites in South Hayward Requiring Approval of General Plan Amendment, Zone Change and Tentative Tract Map Application No. 201704129, and Approval of a Mitigated Negative Declaration with Mitigation and Monitoring Plan; Applicant: William Lyons Homes, Inc.; Owners: City of Hayward, Hayward Area Recreation and Park District (HARD), Alameda County Flood Control District (ACFCD), and Bay Area Rapid Transit (BART).

Senior Planner Schmidt provided a synopsis of the staff report and a PowerPoint Presentation.



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Mr. Scott Roylance representing William Lyons Homes, spoke about the proposed project on the non-contiguous parcels and presented a video. He spoke about the vision to activate the area with a combination of retail and rental properties and with a proposed park with attractive elements that would work well for the City. Mr. Roylance said the design team was in attendance to answer any questions and requested the Planning Commission's support for project.

In response to Commissioner Willis' question about negotiations between the City and various parties, Assistant City Attorney Brick said the negotiations were ongoing and hence, that it would not be appropriate to comment on them at that time. Mr. Brick stated that if the proposed project was approved and sale finalized, staff could update Planning Commission on the sale at that time. In response to Mr. Willis' questions regarding the number of affordable housing units per the City's Affordable Housing Ordinance and the use of public open space for residents, Senior Planner Schmidt said the total percentage of affordable housing units for the development is approximately 10 percent, but the number is significantly higher than is required per the City's Affordable Housing requirements when looking at the number of rental units for low income households and staff believes this is an adequate offset. Ms. Schmidt said regarding the use of public open space for residents, in the proposed Conditions of Approval, staff has recommended more common open space for residents. Mr. Willis favors the project.

In response to Commissioner Schott's question of the management the property sites, Mr. Roylance said a property management company will be selected to manage both the rental and retail/commercial components. Mr. Roylance said the developer has maximized the area to provide retail to activate the area with rental units above the retail and the developer envisions eight to fifteen retail spaces. Planning Manager Buizer responded to Mr. Schott that the condition to demolish vacant structures is a typical condition included in projects. Senior Planner Schmidt pointed out for Mr. Schott that the plans indicate there will be a masonry wall built along the BART tracks and the project site is included under the Landscape and Lighting District (LLD) which falls under the Public Works Department, Engineering and Transportation Division.

Commissioner McDermott commented that this is a complex project and is happy that there is an affordable housing component as there is a current housing crisis in the State and there could be changes in the future to density and height. Ms. McDermott is disappointed with the size of 475 square feet studios instead of larger one and two-bedroom units. In response to Ms. McDermott's question of sustainable affordable rental units Mr. Roylance said one of the COAs requires an execution of an Affordable Housing Agreement with the City in which one of the requirements will be for the apartment owner to verify that the tenants are meeting the income requirements to maintain the affordable housing provision for the rental units.



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In response to Ms. McDermott's question regarding this site being in a flood zone, Mr. Roylance answered the remedy to get the units out of the flood zone is by raising the house pad by a foot and provide this documentation to the Federal Emergency Management Agency (FEMA). Ms. McDermott commented that she is familiar with William Lyons Homes and that they are a reputable company. Ms. McDermott said to be able to have housing there will be traffic impacts and hopes that the increased housing developments in the South Hayward area will result in a grocery store coming to the area soon. Mr. Roylance noted the school district supports the project and the developer will work with the school district and pay the school impact fees. Ms. McDermott said she is pleased with the project and the developer did a great job.

In response to Commissioner Faria, Senior Planner Schmidt said the one parking space per unit does meet the South Hayward Form Based Code parking requirement of 1.5 parking spaces maximum per unit. Mr. Roylance responded to Ms. Faria's question of noise mitigation and measures, the developer conducted an acoustic study which indicated where the noise needed to be addressed and the mitigation measures have been incorporated into the developments plans. In response to Ms. Faria's question of how the park will be maintained, Senior Planner Schmidt said the plan is for the developer to build the park, then dedicate the park to the Hayward Area Recreation and Park District (HARD), the funding for maintenance will be funded by the LLD with maintenance performed by HARD. Ms. Schmidt noted there are several existing parks that follow this model. Ms. Faria said she appreciated the affordable housing element, likes the stacking for accessibility and the overall development plan has brought a Grocery Outlet store to the Fairway Park neighborhood.

Commissioner Bonilla appreciates the developer working with the City on adding the affordable housing element into the plans and wants to ensure that the project will benefit and serve Hayward residents and would like to see more housing for low and very low-income residents. Mr. Bonilla appreciates the work done to create rental versus ownership units in the area and the efforts to align with the City's initiative surrounding the complete streets and communities. Mr. Bonilla wants to make sure that developers coming into the City are focused around meeting the needs of the community and the limitations around what can be affordable to Hayward residents. Mr. Roylance said the developer followed the City's affordable housing guidelines.

In response to Chair Goldstein's inquiry about traffic impacts, mitigation and conditions, Senior Planner Schmidt said staff from Public Works, Engineering and Transportation and the traffic consultant from TJKM were present. Mr. Chis Kinzel of TJKM Transportation Consultants, the agency that prepared the traffic impact analysis, provided an overview regarding existing traffic and ten intersections identified by staff. Mr. Kinzel said in their studies that most of the intersections did not meet the City's standards but by adjusting



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conditions, such as signal timing, the intersections were brought up to the City's standards except for two. Mr. Kinzel said one of the intersections that did not meet the standards was at Dixon Street and Valle Vista Avenue that will need to be signalized and the other intersection is at Mission Boulevard at Valle Vista Avenue where the remedy will be to add another lane. Mr. Kinzel said the developer will pay their fair share to remedy these intersections. He said that overall the project fits well with the surrounding area and it is fortunate that high capacity streets are near to absorb some of the traffic. In response to Mr. Goldstein, Mr. Kinzel said the additional traffic is less than 5% and is not significant.

Chair Goldstein noted that Mission Boulevard is being reconstructed to underground the utility wires and to add more signal automation to help improve traffic impacts. Mr. Kinzel said the improvements were taken into consideration in their analysis.

Commissioner Schott spoke about issues with traffic being routed onto Hayward streets by traffic apps when freeways are very busy and asked has the traffic analysis been able to mitigate this. Mr. Kinzel said that if cities create situations to prohibit the traffic movement then the software will remove city streets from the apps.

Associate Transportation Planner Chang, said the access to the site is a signalized intersection at Industrial Boulevard and Dixon Street where you can make a left turn going eastbound and the project site can also be accessed through Mission Boulevard. Mr. Chang said the driveways at the PA 3-1 area are right-in and right-out only due to the existing median at Industrial Parkway.

Commissioner Willis said since there is only one parking space per unit, he had concerns about parking encroachment and inquired if the parking spaces will be unbundled, Mr. Roylance said the design is for one parking space per unit and said the nature of higher density developments is to take commuters off the road and to be able to live closer to where you work. Mr. Roylance said the parking will be regulated through the Conditions, Covenants and Restrictions (CCNR).

Commissioner Bonilla said parking should be included with the units and relayed his experience in which he lived in the City View development where there was unbundled parking with the generalization that residents would be taking public transportation and that it did not work out that way. Mr. Bonilla said fighting for a second parking space or paying for a parking space when you are already paying market rate for your unit was not the wisest idea.

Chair Goldstein opened the public hearing at 8:09 p.m.



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Mr. Kim Huggett, Chamber of Commerce President, appreciated staff and developer for working on such a difficult development. Mr. Huggett spoke in favor of the project and the location near the business park area which will help drive economic development. Mr. Huggett said the Chamber is very excited about the possibility of residents living where they work and spoke about the need for affordable housing.

Ms. Veronica Knott, Hayward resident, has concerns about the project, spoke about the existing traffic impacts because of the high-density developments that have already been built in Hayward. Ms. Knott said the proposed project's affordable housing consists of studios and one bedrooms and the majority of low income residents are families who need larger apartments. Ms. Knott said the neighborhood needs a full-service grocery store such as a Safeway or Lucky.

Mr. Zachariah Oquenda, Hayward resident, supports the project overall, it is a positive addition and will help revive the South Hayward Mission Garin neighborhood. The development will provide long term jobs for the area, build more density along a public transit, will provide 48 affordable housing units and asked about the density bonus law not being enforced. He urged the Commission to approve project. Senior Planner Schmidt said the applicant is not taking advantage of the State density bonus available to them because the developer could build more units under the General Plan designation but because of the development type which is a townhome and the feasibility, the developer is likely not interested in developing a higher density product.

Mr. Bruce King, Friends of San Lorenzo Creek, was impressed with the project's trails, parks and other amenities and the proximity to creek channels which brings the public in contact with the creek. Mr. King said there needs to be a remedy for creek enhancements missing from the project, such as native trees, bushes, plants and native rocks, which will make the channel function more like a creek. He said this is a once in a lifetime opportunity and should be included as part of this project. Chair Goldstein encouraged Mr. King to give his concerns to staff and hopes the developer will consider Mr. King's concerns.

Mr. Jose Aquirre, Hayward resident and laborer with Local 304, spoke in favor of the project and that it will give residents an opportunity to live and work in the City. He encourages the Planning Commission to move forward with project.

Mr. Fernando Campos, Hayward resident and a member of Laborers Local 304, said this a great start and commended the developer on his great vision to build in Hayward. He supports the project.

Fernando Estrada, Business Manager with Laborers Union of Alameda County, said there are over 2000 union laborers who live in Hayward and he supports the project.



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Mr. Jeff Dixon, Sprinklerfitters Union Local 483, spoke in support of the project and asked his fellow union members representing multiple crafts to stand up and almost half the public in attendance stood up. Mr. Dixon spoke in favor of the project and said that William Lyons Homes came to the labor unions and presented the project and commended the developer for wanting to pay good wages. Mr. Dixon said the developer understands the economics of living in the City.

Mr. Bill Espinola, Hayward resident with Bay Association of Realtors, spoke in favor of the project and said the developer made a presentation at the Chamber of Commerce. Mr. Espinola said he knows this area, this is a great project for South Hayward, will help with the housing crisis and urged the Planning Commission to approve project

Mr. Glenn Kirby, Fairway resident, said the City should invite developers who builds density housing as this project does not have the density that the City needs being so close to a major transportation corridor and to be able to bring in a major grocery store.

Ms. Ro Aquilar, Fairway resident, said this project site is a goldmine to make a difference for Hayward and requests that the Planning Commission recommend higher density in this area and for the proposed project to have four or five levels of housing especially along Mission Boulevard.

Mr. Niko Rivera, Dixon Street resident, has concerns about existing traffic impacts and the need to improve Dixon Street and Valle Vista Avenue and noted the parking along Dixon Street is reserved for BART riders. Chair Goldstein invited Mr. Rivera to send his comments and concerns to the developer and spoke about planned changes to the lighting control at two intersections.

Mr. Obray Van Buren, Hayward resident, spoke about the history of the Dixon neighborhood and spoke in favor of the project. Mr. Van Buren said he sees a beautiful project coming to Hayward and that Hayward needs to create its own stimulus package and how this project will make Hayward upwardly mobile. Mr. Van Buren is Business Representative for UA Local 342, and is a member of a large group of union members who are partners with the City. This is an opportunity to live and work in Hayward and supports this project one hundred percent.

Ms. Andrea Toledo, Hayward resident, spoke about existing traffic problems in the Dixon area, that coming out of their driveway is a nightmare and how residents will lose parking spaces with the proposed project. Ms. Toledo does like the project and would like a four-way stop at the planned driveway at Dixon Street leading to the PA3 neighborhood. Ms. Toledo said she did not receive any responses to her two letters to staff.



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Senior Planner Schmidt said there will be a raised crosswalk at the intersection to slow down traffic and noted there will be a stop at the Valle Vista Avenue and Dixon Street intersection however there will not be a stop sign at the Dixon Street driveway to the PA3 neighborhood.

Chair Goldstein encouraged Ms. Toledo to communicate with staff and the developer about her traffic and parking concerns.

Mr. Gordon Smith, Hayward resident, spoke about concerns and issues with parking, traffic, parking spaces reserved for BART parking and had questions about parking, sidewalks, street sweeping, what amenities will the new park have as he would like to be sure to have the same amenities at the existing park. Mr. Smith is glad the developer is going to develop the vacant lands. Senior Planner Schmidt said the developer will develop sidewalks along the frontages of the proposed development. Chair Goldstein encouraged Mr. Smith to send his concerns to staff.

Chair Goldstein closed the public hearing at 9:07 p.m.

Commissioner Schott said this is a very complex project that will build a neighborhood and will be a positive addition to Hayward. Mr. Schott said too much density does not always fit in with a city and any traffic parallel to 880 will have traffic impacts and he would like to see more destination traffic rather than drive through traffic. Mr. Schott likes the concept of rental housing and townhomes with a variety of sizes that can bring in families and younger people. Mr. Schott said the more density built in an area the less people will engage each other, the proposed project is an opportunity to build a neighborhood and will have positive impact on the South Hayward area.

Commissioner Willis said traffic is a result of growth with more people living together in an area and shared there are 534 households in his neighborhood and they do not have a traffic issue and when more houses were built, the neighborhood thought there would be traffic impacts where none evolved. Mr. Willis' issue is with parking and parking encroachment and said the developer has to make sure there is sufficient parking as there will be visitors and a public park. Mr. Willis said this is a good project, it is positive for businesses and provides the opportunity for Hayward residents to live and work in the City. Mr. Willis does not agree with the suggestion of increasing project density.

Commissioner Bonilla shares the same concerns about parking and said the studios and one-bedrooms will not suffice as typically low-income residents have families that require larger units. Mr. Bonilla has concerns about the one space parking, understands the traffic issues, and that living in the Bay Area compromises people lives but does not want Hayward residents to have to compromise their lives because of traffic issues. Mr. Bonilla said there



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should be more density as long as it is done correctly as density can equate to a vibrant community where people will want to come to and gather. Mr. Bonilla shares some of the concerns of the community and appreciates the time everyone has spent preparing their thoughtful comments.

Commissioner McDermott said this is an interesting project, there are a lot of positives in this project and it will provide an opportunity for Hayward residents to work where they live. Ms. McDermott said she will be supporting the wonderful project and perhaps the Commission should recommend that high density be considered.

Commissioner Faria agreed with many of the sentiments shared and feels the project will be a great benefit to the area and that the Fairway Park residents support the project. Ms. Faria has concerns about parking and traffic as there is a lot of pass through traffic in this area. Ms. Faria feels this is a good project and will improve the area, it will rid the area of the vacant lots, and will provide affordable housing which can be for those who want to downsize or upsize. Ms. Faria will be supporting this project.

Chair Goldstein said a study shows that 40% of Hayward's traffic does not originate or end in Hayward. Mr. Goldstein shared participating in the General Plan Update Task Force and that the City's General Plan are the rules governing development, every city must have a General Plan and this document then becomes part of the constitution for the city. Mr. Goldstein said the City's zoning ordinances are built around the General Plan and developers review this document. The zoning ordinances dictate the density for the City and this developer meets the density requirements. Mr. Goldstein said if the Commission recommends more density this could cause a problem. He said the Planning Commission makes recommendations to the Council, and Council takes final action on the project including any zoning modifications. Mr. Goldstein said the City wants families to stay together and for people who work in Hayward to be able to live in the City.

Commissioner Willis made a motion, Commissioner Schott seconded the motion, to approve the staff recommendation

Commissioner Bonilla appreciated Chair Goldstein's comments and noted the proposed project contains a lot of amendments to the General Plan, such as changing zoning requirements related to how much park space is required. Mr. Bonilla also appreciated the comments related to the density requirement being a range, but this project is at the low end of the density range and there might be opportunities to continue to push that scale for future developers looking to develop in Hayward. Mr. Bonilla said the Planning Commission needs to be accountable and stand behind their decisions and be willing to go to Council and justify those decisions. Mr. Bonilla says the buck should stop with us regarding these decisions while taking into consideration feedback from the community and also taking into consideration



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our understanding of the housing crisis.

Chair Goldstein agreed with Commissioner Bonilla and said it is important that each Commissioner stands behind their decisions.

Commissioner Willis made a motion, Commissioner Schott seconded the motion, to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Bonilla Jr., Schott, McDermott, Faria Chair Goldstein
NOES:	None
ABSENT:	None
ABSTAIN:	None
VACANCY:	One

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer said an update will be forthcoming. Chair Goldstein noted that Commissioner Schott will not be present during the month of June.

Commissioners' Announcements, Referrals:

There were none.

ADJOURNMENT

Chair Goldstein adjourned the meeting at 9:35 p.m.



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APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk