



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, regarding the COVID-19 pandemic. The Planning Commission members participated via the Zoom Webinar platform.

MEETING

A meeting of the Planning Commission was called to order at 7:00 p.m. by Chair Roche.

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Bonilla, Goldstein, Mendall, Oquenda, Stevens
CHAIRPERSON: Roche
Absent: COMMISSIONER: None

Staff Members Present: Billoups, Blanton, Brick, Chan, Schmidt

PUBLIC COMMENT:

There were none.

PUBLIC HEARING:

For agenda item no. 1, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

1. Proposed Three-Story Condominium Development with 18 Residential Units on a Lot with Four Existing Unoccupied Single-Family Homes and a Garage Located at 692 Berry Avenue, APN: 444-0057-033-00, Requiring Approval of Vesting Tentative Map 8572, Site Plan Review Application 202023050, including an Affordable Housing Plan. Marc D. Giacomo (Applicant) on behalf of Sohail Karim c/o Basil Yaqub (Property Owner)

Senior Planner Blanton provided a synopsis of the staff report and a PowerPoint presentation. Ms. Blanton announced that Housing Manager Morales and the applicant were present to answer questions.

Mr. Basil Yaqub and Mr. Sohail Karim, property owners, said they were present to answer any questions.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Discussion ensued between the Planning Commission and City staff regarding the following: why does the Form-Based Code (FBC) not include minimum parking requirements; why was the City not aware that there are tenants on site; what is the range for very low income housing requirement; is there a parking space plan and any incentives for tenants to go carless; what is staff's expectation and concerns when there is insufficient parking, noting there is no available street parking; could the City suggest offsite parking to developers; do the low-income unit residents have to pay the same HOA fees as the market rate units; and what is occurring at the State level to address the parking situation.

Questions to applicants: why was staff not notified that there are tenants on the property; was underground parking considered; how will the use of long term bike lockers be determined; what relocation assistance will be provided to the tenants; what is the plan to assign the parking spaces; is there any guest parking; this being a timber frame structure, will increasing wood costs be challenging given current economic conditions; do additional features make the project expensive; the Commissioners would have liked more information about the tenant situation and forms of tenancy; will leases need to be ended; and the certificates of occupancy.

Mr. Basil Yaqub responded that the owners have notified all of the tenants about the development plan; there will be a six-month official notice for tenants of when they need to vacate the premises; owners will be providing moving and monetary assistance and have a plan to provide a moving truck; there was room available to have above ground parking; the parking space plan is to assign one parking space per unit; it is economical to build the project; all tenants are month to month; provided age of houses; the plan for cash for keys provides motivation to tenants to move and be able to afford to move; there is no low-income issue as all the tenants are over the median income; the six months came about because of the good relationship they have with their tenants.

Marc Giacomo, project architect said building management will cover the details of the bike lockers; there is no guest parking; and wood frame is the least expensive to build with.

Commissioner Ali-Sullivan stated that the applicant should have notified City staff that the homes were being rented and that he is glad that he drove by the site as the tenancy issue is important and raises a lot of questions.

Senior Planner Blanton spoke about why FBC for this area has maximum but not minimum parking requirements; said the details for the bike lockers will be at the building permit stage and that there will be a homeowners' association (HOA). Regarding parking requirements, staff is required to follow the State code including how staff review developments; staff will have discussions with applicants; updating residential design guidelines; objective standards; how the state requirements change rapidly. Ms. Blanton



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

said the first building was issued a certificate of occupancy in 1970 and that staff was not provided with the tenant information and apologized to the Commission about this missing information.

Housing Manager Morales provided the following data: for very-low income two-person household the maximum income is \$54,800; for a four-person household the maximum income is \$68,500. Ms. Morales said the Residential Rent Stabilization Ordinance applies to this property; which includes the rent increase limitation; eviction for cause protection. Ms. Morales said what she understands is that Cash for Keys, instead of eviction, the tenant would voluntarily terminate their tenancy in exchange for the relocation package provided by the developer; by agreeing to leave the eviction process is avoided. The City has a Tenant Relocation Assistance Ordinance that requires the developer pay at a minimum one month's rent. Ms. Morales said for the tenant to have sufficient funds to relocate it would require negotiations with the owner to reach an acceptable agreement and participate in the rental assistance and there are no proximity requirements for the relocation as it is up to the tenant to find housing. Ms. Morales said the owner establishes the HOA fees and this cost does is factored into the affordable unit sales price. Ms. Morales said for the owners to remove the property from the rental housing market they would have to comply with the Ellis Act which is State Law.

Commissioner Oquenda stated that for transparency, the tenancy situation should have been provided to the Commission and this omission changes how he feels about moving forward with this item as he has a lot of questions. Mr. Oquenda said based on needed information this can trigger the City's tenant protection ordinance and the 1970 information provided by staff that suggests that more research needs to be done on local laws to protect the tenant from relocation and stated this is gentrification 101. Mr. Oquenda asked, per the Tenant Relocation Assistance Ordinance, would this be considered a faultless eviction under the ordinance. He said the developer's Cash for Keys is getting around the eviction process hoping that voluntary arrangements can be made, and the tenant would feel comfortable enough to take the funds to be displaced or move and would be waiving their rights to fight the eviction. Mr. Oquenda said this property is covered by the rent-control ordinance and will trigger a vacancy decontrol process if this turns into an eviction process if the tenants and owner cannot come to an agreement. He wondered what the tenants would be interested in if they are notified of all their rights.

Chair Roche asked why this information was not included in the staff report as it is a pertinent issue; with the Rental Assistance, is there any requirement that the relocation be within a certain radius of the project, so tenants are not disrupted and allow them to stay in the area.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Senior Planner Blanton apologized that staff was not aware of this change to provide this information to the Commission. Ms. Blanton said that she will make sure that Planning staff is aware of this issue for future projects.

Mr. Yaqub commented that the owners came up with the six-month timeframe and Cash for Keys voluntarily, as they wanted to give their tenants as much time as possible and financial help; he said there are no low-income issues as all their tenants are over the median income.

Chair Roche opened and closed the public hearing at 7:51 p.m.

Commissioner Mendall said he was on the City Council when the FBC was revised a couple years ago and provided some background that when the FBC was before the City Council regarding the elimination of the minimum parking formula; the intent was not to never have any parking and at that time, there was a clear understanding between staff and Council that future Councils and Planning Commissions would have the discretion to impose reasonable parking requirements. Mr. Mendall continued that at that time, since the City had this discretion, the FBC was passed without a minimum parking requirement. In his conversations with staff this week, he learned that the state law, referenced in the staff report, was passed a couple of years ago, basically eliminates cities' discretion to impose additional parking requirement and the only way for the City to impose additional parking is to have a minimum parking requirement formula in the FBC which Hayward does not have at this time and asked clarification from staff.

Senior Planner Blanton confirmed that is her understanding of the State Law.

Acting Principal Planner Schmidt said what Commissioner Mendall explained is correct, the current FBC does not contain any minimum parking requirements.

Commissioner Mendall said that separate from the action item this evening; the Commission can encourage the City Council to review the FBC and return the minimum parking requirement in the codes, so that the City can have discretion to reject projects that have insufficient parking. Mr. Mendall said this project does not have sufficient parking for the eighteen two-bedroom units, as this will usually require on average about 30 parking spaces plus there is not any guest parking. The area is already parking impacted and this project will be adding to the parking issue, and he is not very happy about this and would like to vote against the project but that the Commission's hands are tied because of the lack of a minimum parking requirement in the FBC. The Commission cannot reject a project because of insufficient parking. Mr. Mendall noted that besides the lack of parking, this is a nice project, likes the density, the project fits in with the neighborhood. Mr. Mendall hopes that the motion will include encouraging the Council to return the minimum parking requirements back into



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

the FBC.

Commissioner Goldstein agreed with Commissioner Mendall but has mixed feelings as there should be incentives to get homeowners out of their cars and there are good reasons with this project for homeowners to look at the proximity to public transportation and begin to consider different modes of transportation. He shared that in his neighborhood everyone over the age of 18 has a car, motorcycle and/or bicycle. He said the project neighborhood is parking impacted and suggested having parking options such as unbundled parking, working with neighboring businesses for parking options and stated that the parking issue needs to be addressed.

Commissioner Bonilla shares the parking concerns as he has lived on Berry Street and noted the two auto shops park their cars on the street which also adds to the neighborhood's parking issues; there are high density apartments and driveways are constantly blocked. He said the 18 parking spaces and no guest parking is insufficient and the excess parking will end up on the street. Mr. Bonilla commented that the concept of carless neighborhoods is great, but Hayward is not there yet, and that Berry Street is not a safe street as there is crime in this neighborhood such as people getting shot, fights, and lots of car break-ins and burglary. Mr. Bonilla shared an event he attended of Tennyson High students speaking about their concerns about gentrification and the developments that the City is approving continues to make this unaffordable for them and their families. Now he said Hayward's 16-year-old high school students must work two jobs to help their families afford rent rather than focusing on going to school. Mr. Bonilla said the City needs to put forth a strong commitment to make sure that the City is building affordable housing and not displacing Hayward residents, which is something that this project will be doing. He has concerns about the tenants being evicted because the owner wants to develop the property and asked staff how the tenant situation works with the City's ordinance, and should this project be revisited to ensure that it meets the City's ordinance that Commissioner Oquenda spoke about.

Housing Division Manager Morales said that the project meets the City's affordable housing ordinance requirement and if the tenants voluntary leave, this satisfies the rent stabilization ordinance requirements; if the developer must evict any tenants, then this would trigger the just cause provisions of the ordinance and the owner will likely use the state law - Ellis Act eviction to remove the units from the rental housing market.

Commissioner Bonilla asked if there was a mechanism to ensure that the tenants are aware of and have a clear understanding of their tenant rights as there have been some developers and landowners who can be aggressive in getting tenants to leave. Ms. Morales deferred to the City Attorney's Office if there is a requirement for notifying the tenants of the City's residential rent stabilization ordinance as part of the development process and suggested requiring the project allow the tenants have the right of first refusal to the units.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Assistant City Attorney Brick said that since staff thought the units were vacant, research was not conducted on the noticing requirements under both the Ellis Act and the City's ordinances. Mr. Brick said whether the project is approved, the developer would still need to comply with both state laws and City ordinances. Mr. Brick said two fair conditions would be to require noticing of tenant rights and the right of first refusal and that we can hear from the applicant to see what they have planned.

Mr. Yaqub apologized that they had not notified staff that the homes were occupied, and this was not done on purpose. He noted that the right of first refusal is part of their plan and that some of the tenants had already inquired about this; he added that he just looked up the Ellis Act requirement and that is four months and their timeline for tenants is six months.

Commissioner Bonilla asked staff if the noticing includes tenant rights and protections. Housing Division Manager Morales said the ordinance noticing requirements is that tenants be made known of their rights at the time of their lease or the enactment of the ordinance. She said there would not be a violation of the ordinance if the developer provides notices to the tenants. Mr. Bonilla is open to adding these two conditions of approval; 1) for the noticing of tenants of their rights and 2) tenants have the right of first refusal. Mr. Bonilla said he appreciates the developers plans, but the staff report did not identify that the units were rented which makes him question the integrity on a lot of items and he would be more comfortable if these amendments are in writing to ensure sure that there are full commitments.

Commissioner Ali-Sullivan likes the project and design and that he is supportive of positive investment in Hayward; he has two large concerns, one regarding parking spaces which there are multiple compact spaces and noted the ingress and egress will be a problem; he noted the developer is selling the units then the parking issue will be passed on to the HOA. Mr. Ali-Sullivan said unfortunately this is not in conflict with the FBC and not grounds for rejecting the project. He is glad that he brought the occupancy issue to everyone's attention as this is very concerning and he questions if the tenants were always there; if at the time of application were the units vacant then owner then rented them out and the City was not told of this. Mr. Ali-Sullivan said how this was handled is very concerning.

Commissioner Stevens is completely supportive of the project, likes the architecture and design; recognizes that this is a complex site to develop; noted that labor, material, and land prices are not going down and it is important that the developers are aware of the potential risks. He said both state and City have tenant eviction requirements and does not see a challenge with this. Mr. Stevens said the project can integrate some parking stackers which can double the parking spaces from one to two and is a common requirement in Berkeley and Oakland. He encouraged the developer to install these, or the HOA would need to resolve this issue by either securing offsite parking or installing the stackers.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Acting Principal Planner Schmidt said the key provision is that there is not a parking requirement in the FBC thus this cannot be added as a requirement and cannot impose this requirement on the developer. However, the applicant can add these or at some later date the HOA can apply to install parking stackers and this would need to go through the permitting process.

Commissioner Stevens asked if this project causes a parking nuisance in the neighborhood what would be the enforcement action.

Acting Principal Planner Schmidt said that street parking is not considered a nuisance unless a person is double parking or blocking fire lanes.

Assistant City Attorney Brick said parking is not considered a nuisance unless people are blocking driveways, fire lanes or fire hydrants. He said that if there is an issue then the City's Code Enforcement Division would go out and perhaps HPD also.

Commissioner Oquenda is also concerned about parking issues; has concerns that Hayward residents are outpriced and feels there is something wrong when two professionals cannot afford a two-bedroom condo; he wants to make sure that the tenants are aware of all their rights; he does not support the project because of the lack of information about the tenants and the vacancy issue and that this is justification to require more information. Mr. Oquenda also attended the Tennyson High school student presentation on the issues and the pressures the students are feeling, and this is a textbook example of gentrification and will have an impact on people. He said this requires more knowledge about the tenants so that the Commission can make an informed decision.

Chair Roche also has parking and existing tenant concerns and asked the applicant if they would consider adding a second affordable housing unit to help an existing tenant to be able to stay in the same area. Ms. Roche asked if the addition of a second affordable unit can be done through a COA.

Mr. Karim, owner, said that after obtaining the information about the Affordable Housing Ordinance they had considered making the affordable housing unit even more affordable.

Mr. Yaqub said they would be agreeable to add a moderate-income unit to help a current tenant be able to purchase an affordable housing unit.

Assistant City Attorney Brick confirmed that this can be done by the addition of a COA.

Housing Division Manager Morales said if the owner changes the affordable housing plan to include one very low-income unit and one moderate income unit, staff can modify the plan.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Chair Roche has concerns about the rental notification and keeping in mind Commissioners concerns, she asked if the item can be continued to allow staff to come back with more information about the occupied units. Ms. Roche said there is a large housing development down the street and asked if this is occupied and will add to the parking impacts.

Assistant City Attorney Brick said if there is a motion to continue the item to a date certain this is possible.

Senior Planner Blanton said that she does not know the status of that development.

Mr. Yaqub responded to Commissioner Oquenda's comments, the owners are agreeable to provide the tenants with tenants' rights documentation and are here to work with the City.

Commissioner Mendall wanted to confirm that there are no legal grounds to deny the project but there is justification for a continuance for more information.

Assistant City Attorney Brick confirmed Mr. Mendall's statement.

Commissioner Mendall said that he must follow the law and does not see any justification to deny the project but can make the project better with additional COAs. He asked if the Commission could unbundle the parking from the units.

Mr. Yaqub said that they are open to unbundling the parking.

Assistant City Attorney Brick said to include the unbundled parking is fine especially since the owner is agreeable to this amendment.

Commissioner Mendall made a motion per the staff recommendation with the following added three conditions of approval:

- 1-Tenants are to be notified of their tenant rights
- 2-The Planning Commission recommend to the City Council to consider adding minimum parking standards to all the Form-Based Codes
- 3-Require the parking be unbundled from the units

Commissioner Bonilla made a friendly amendment to add two more COAs:

- 4-in addition to the very low-income unit, add a moderate-income unit in the affordable housing plan
- 5-add right of first refusal for the current tenants

Commissioner Mendall accepted Commissioner Bonilla's friendly amendments.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Attachment I

Commissioner Bonilla seconded the motion.

Commissioner Mendall asked staff if the five added COAs were clear.

Acting Principal Planner Schmidt said that she is fine with the five added COAs and especially since the applicant has agreed to the majority of the COAs. Ms. Schmidt said the only amendment that would not be a part of this project would be the recommendation to Council.

Commissioner Mendall said that amendment can be separated from the project and voted on separately as a recommendation to Council.

Assistant City Attorney Brick said that minimum parking requirement should not be part of this motion, the Chair can ask if there is consensus to referring this to Council and then staff can see about placing this on the Council agenda for a joint Work Session, which is traditionally done in the past.

Commissioner Mendall said he will remove the recommendation to the Council.

Commissioner Bonilla was agreeable to this change and asked if the maker would add the six-month requirement for the tenant noticing. Commissioner Mendall said that he was agreeable to this.

Commissioner Goldstein has concerns that the unbundled parking needs to have additional requirements for this to work as an incentive for residents. Mr. Goldstein has concerns and asked if the Commission should set a rate for the parking spaces.

Assistant City Attorney Brick said the issue with this is that resident would be paying the HOA which are the residents and that this might be better left to the HOA.

Acting Principal Planner Schmidt said the owners can look at the best practices for unbundled parking to see what will work.

Commissioner Ali-Sullivan said he has an issue with the addition of the moderate-income unit as this goes to the issue of equity and if this has been equitably applied to other developers. Mr. Ali-Sullivan said the assumption is that this moderate-income unit will go to one of the current tenants and from what he understands there is a list for the low-income housing and there is no guarantee for the tenants. Mr. Ali-Sullivan made a friendly amendment to remove the added moderate income unit item for a separate vote.

Commissioner Mendall said that he accepts the friendly amendment for the moderate-income unit amendment to be voted on separately.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Commissioner Bonilla said that he does not accept the friendly amendment and does not agree with Commissioner Ali-Sullivan. He said that Chair Roche asked very clearly if the applicant was willing to add another affordable unit and the owners said yes; there were no conditions placed on this request; the Commission did not say the applicant had to include the moderate income unit in order for their project to be approved. Mr. Bonilla said that he is not sure where the conflict is and that he is unwilling to separate the moderate-income unit amendment from the motion. Mr. Bonilla said if there is not an additional moderate-income unit, then he would like to discuss other options to ensure there is equity in the community that is clearly going to be gentrified by this development.

Assistant City Attorney Brick said that the Commission can continue the discussion on the motion; there was a request to separate the moderate-income unit amendment from the main motion and if there is second for this request, then the vote on the request to separate will occur first to determine if there is enough support to separate the moderate-income unit amendment.

Commissioner Oquenda said that since there has been so much discussion on the parking and other issues; he made a friendly amendment to separate all the amendments.

Commissioner Ali-Sullivan made a motion to separate the moderate-income unit amendment from the primary vote.

Commissioner Stevens requested Commissioner Ali-Sullivan to briefly state his reason for the separation of the moderate-income unit amendment.

Commissioner Ali-Sullivan said he does not support forcing the owners based on a vote contingent on the overall approval of the project to add in a requirement that is over the City's requirement when this is not done on a consistent basis with other developers. He said this is a question of equity and does not believe it should be part of the main motion.

Commissioner Stevens seconded the motion.

A motion was made by Commissioner Ali-Sullivan, seconded by Commissioner Stevens, to divide the motion by separating the proposed condition of approval that added an additional moderate-income unit to the proposed affordable housing plan from the remainder of the main motion.

The motion failed by the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Mendall, Stevens
NOES:	Commissioners Bonilla, Goldstein, Oquenda and Chair Roche



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

ABSENT: None

ABSTAIN: None

Commissioner Oquenda withdrew his earlier friendly amendment. Mr. Oquenda said without a tenant displacement relocation plan in place, he will not be able to support the motion.

Commissioner Stevens asked for clarification on the first right of refusal.

Housing Division Manager Morales said the first right of refusal gives the existing tenants the option to purchase one of the units; she said there was a comment made by a commissioner whether this includes the affordable units as this includes a marketing requirement as there is a Hayward tenant and employee preference under the City's AHO and she would have to do more research on the affordable units.

Chair Roche clarified that her amendment was only to add the moderate-income unit and the amendment for the first right of refusal is separate.

Commissioner Ali-Sullivan asked staff about the low-income housing process; if there is a process for preference to an existing tenant; asked Chair Roche that when she added the moderate-income unit was this done on the assumption that the unit would go to an existing tenant. He asked the owner if they agreed to the addition of the moderate-income unit based on the assumption that the unit would go to an existing tenant.

Chair Roche said her intent was to add another affordable unit as there is a great need for affordable housing in the City.

Housing Division Manager Morales replied that each of the projects would have to market their affordable units separately; will have to establish a lottery which will establish the order by which people can apply for the units; then sort the list by preference by which an applicant lives or works in Hayward.

Mr. Yaqub said that the owners are okay with the second affordable unit being offered to the general public.

Commissioner Bonilla appreciated Chair Roche asking for the second affordable unit as the City's Regional Housing Needs Allocation (RHNA) numbers are low and the City has a lot of work to do regarding affordable housing. Mr. Bonilla said he is elated to support the item and it is commendable when Chair Roche asked the applicant if they would be willing to add a second affordable unit and the applicant's willingness to add the unit. Mr. Bonilla appreciates the applicant, their commitment; the tenant assistance program with six months of noticing; and the first right of refusal. He said that if more developers practiced the corporate



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

citizenship and goodwill the City would be a better place as the City continues to develop. He thanked Chair Roche for her leadership.

Chair Roche thanked Commissioner Bonilla for his comments, and she agrees; she is very happy with the motion and the amendments; she is glad the owner is willing to add a moderate-income unit and demonstrated his commitment to the community. Chair Roche supports the item.

Assistant City Attorney Brick asked for clarification on the language for the first right of refusal amendment; that this is for the market rate units and affordable units as legally possible.

Commissioner Mendall and Commissioner Bonilla confirmed as such.

Commissioner Ali-Sullivan stated that he was not opposed to the moderate-income unit being added to the project, he said it is commendable; he was opposed to any inequitable treatment of applicants by the Commission as it relates to units being required in developments. Mr. Ali-Sullivan said based on the applicant's response that the addition of the moderate-income unit is not related to any of the existing tenants, and that they are adding the unit out of the goodness of their heart. Mr. Ali-Sullivan supports the motion.

Commissioner Oquenda commented that every development that goes before the Commission is asked if they can do more to include affordable housing thus there was not an issue of equity and since the applicant is willing to add another affordable unit there was not an issue. Mr. Oquenda said he will be voting no because there was not sufficient consideration to include an actual written plan; there was insufficient transparency and disclosure regarding displacement of tenants and to protect tenants' rights. Mr. Oquenda said by valuing homeowners who will be purchasing the units over the current tenants; and without more information he does not feel this is a decision that he is comfortable making.

A motion was made by Commissioner Mendall seconded by Commissioner Bonilla to approve the staff recommendation with the addition of the following four conditions of approval:

- 1-Parking will be unbundled from the sale of the units.
- 2-Applicant will provide a notice to all tenants potentially displaced by the project, at least six months prior to eviction, specifying the tenants' rights under state and City laws.
- 3-All tenants displaced by the project will be offered first right of refusal on all market rate units and if legally permissible, on the income restricted units.
- 4-Applicant will comply with the City's AHO by providing two deed restricted units, one available for very low income and one for moderate income.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

Attachment I

The motion passed with the following roll call votes:

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

APPROVAL OF MINUTES

2. Approval of the Planning Commission Meeting Minutes of May 13, 2021.

A motion was made by Commissioner Bonilla seconded by Commissioner Stevens to approve the Planning Commission Meeting Minutes of May 13, 2021.

The motion passed with the following roll call votes:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were no announcements.

Commissioners' Announcements, Referrals:

Commissioner Goldstein reminded everyone that Memorial Day is coming up and to honor the veterans and consider what others have lost.

Commissioner Bonilla wanted to highlight the Tennyson High School event that he, Commissioner Oquenda, and Chair Roche attended, that relates to the work done by the Commission. Mr. Bonilla said they heard from fifteen students about how gentrification is impacting the students, their families, and their friends. Mr. Bonilla said that this is a very diverse student population with over 97% being minorities; that 75% of students are considered economically disadvantaged and living in poverty. He said the students discussed how new luxury apartments and development are driving up rents and making



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

life harder on the community; and how they are experiencing firsthand the effects of gentrification. Many of the students are working multiple jobs to help their families with bills and rent, while going to school. The students have a call for action and are asking for better City policy; related to decisions on preserving and increasing affordable housing; increase in the minimum wage; and more protections against evictions and rising rents, as they fear without these protections, they and their families will be pushed out of the Hayward that they call home. Mr. Bonilla said that these items weighed heavily on his mind during tonight's discussion.

Mr. Bonilla made an announcement related to COVID-19, there is a national coalition that strengthens the community's role and general health equity beyond COVID. He spoke about the report Equity and Vaccination and spoke about an implementation toolkit that provides clear directives and calls to action for local governments and community partners. He encouraged everyone to visit the [Communivax.org](https://www.Communivax.org) website for further information.

Commissioner Mendall requested staff to add a consent item to the next Planning Commission agenda to draft a letter, signed by Chair Roche, about recommending to the City Council to review adding the minimum parking requirement to all the FBC.

Assistant City Attorney Brick said the Commission can then have an official vote to send a letter of recommendation to the Council.

Chair Roche said that she is happy to sign the letter as she would like this issue forwarded to Council.

Commissioner Oquenda echoed the comments of Commissioner Bonilla about the Tennyson High School event experience and what the students shared today. He was a little disappointed on the vote tonight and said this will be moment of reflection of how he could have made the motion stronger and more in favor of anti-displacement policy and goals. Mr. Oquenda said he is interested in a referral related to the AHO and would like an update on the status of the AHO in the City's strategic roadmap and requested a timeline of when this can be before the Commission to provide input.

Commissioner Goldstein was asked to email staff regarding language for the letter.

Chair Roche asked staff for instructions on the city email addresses for the Commission. Acting Principal Planner Schmidt said she will find out more from staff.

ADJOURNMENT

Chair Roche adjourned the meeting at 9:14p.m.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, May 27, 2021, 7:00 p.m.**

APPROVED:

Robert Stevens, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk