



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 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 participated via the Zoom Webinar platform.

MEETING

The Planning Commission meeting 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, Lochirco, Ott, Wikstrom

PUBLIC COMMENT:

There were none.

PUBLIC HEARING:

For agenda items Nos. 1 and 2, 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.

Chair Roche Announced that Item #2 will be continued to a date uncertain.

1. Proposed Development with 176 Affordable Housing Units and an Approximately 36,000 Square Foot School on the Southern Portion of Parcel Group 3 Located North of Tennyson Road between 16th Street and the Future La Vista Park, APN Nos 078C-0626-00309, 078C-0626-003-16, 078C-0626-001-07, 078C-0641-010-1, 078C-0635-013-03, 078C-0640-007-06, 078C-0641-001-00, Requiring Site Plan Review, Administrative Use Permit, and Density Bonus Application 202001594. Eden Housing, Inc. (Applicant) on Behalf of the City for Hayward (Property Owner) (Continued from June 24, 2021)

Commissioner Bonilla disclosed that after consulting the City Attorney's Office, he will not be able to participate in this item as he lives within 500 feet of the project site. Mr. Bonilla left the meeting at 7:06 p.m.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Commissioner Stevens disclosed that he regularly collaborates with LSA and Associates, the City's CEQA consultant and this does not pose a conflict of interest.

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

Ms. Kate Blessing-Kawamura, Senior Project Developer with Eden Housing, spoke about the project, the Pacific Companies and Eden Housing and presented a PowerPoint presentation.

Ms. Courtney Garcia, CEO with The Primary School, spoke about their project, presented a PowerPoint presentation, and discussed their collaboration with community partners.

Discussion ensued between the Planning Commission, staff, and applicants on the following: is the school going to be a part of the Hayward Unified School District (HUSD) and the financial impact if not able to partner with HUSD; concerns about insufficient parking spaces and asked how density is calculated; questions about the safety and appropriateness of building a structure so close to the earthquake fault; include a requirement for preference for Hayward residents, City employees and teachers; bike access and connections to transit; section GG regarding the landscaping for the retaining walls on the western elevation of the school; the elevation of the building and will it cast a substantial shadow on the neighboring development site; what are the closest transit connections and is there a possibility for shuttle services; has there been discussions about scooter service options; who will address property maintenance, trash or other nuisances issues and who can residents and the public contact; and will parking be maintained and will there be enhanced security for residents.

Ms. Garcia spoke about the ongoing discussions and with HUSD and if this does not work out there is the option of a charter school. Ms. Garcia said they will not be pursuing a private school option.

Senior Planner Blanton spoke about the density bonus law regarding parking in relation to how close the project is to the BART station; density is based on the developable area of the parcel; most mobility connections are on Mission Boulevard and the City has paratransit services. Ms. Blanton said that SB330 protects residential development and does not include school development. Ms. Blanton shared that the City and the applicant are in still active negotiations about the design of the access road and retaining walls; said the La Vista Park team and applicant are still working on the grading issues. Ms. Blanton shared that with these adjustments still ongoing, there may be some retaining walls that could possibly be removed. Ms. Blanton said that there are ongoing discussions with the developer about the parking lot for residents.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Senior Civil Engineer Wikstrom spoke about what happens if there were an earthquake event and that these have been addressed in the Building Code; there are different considerations for occupancy for the school and this factors into the structural analysis and building code review and deferred these questions to the City's Building Official. Mr. Wikstrom said if there is a partnership formed with HUSD there could be additional review by the Division of State Architect. Mr. Wikstrom said the retaining wall renderings were not to scale.

Linda Mandolini, Eden Housing, spoke about another project where there was a preference system utilizing points and spoke about the need to comply with fair housing laws in the selection of residents and Eden will have discussions with staff to set up a similar system for this project; services staff will work with residents on assisting residents for transportation services especially residents with disabilities; spoke about staff that maintain the properties.

Transportation Engineer Chang spoke about the bike access from Tennyson and that included in the COAs will be requirements that the applicant make modifications so that cyclists are more comfortable using this bike access area. Mr. Chang said that staff will make sure the safety aspect of mobility connections are included.

Ms. Blessing-Kawamura answered transit questions and spoke about Eden's services; said there will be a property manager and facilities staff that are onsite to address any issues; she spoke about the ongoing discussions on how to maintain the parking area and that they are in talks with the neighboring property owner to enhance the lighting in that area to ensure resident safety.

Assistant City Manager Ott said the City can coordinate with the Community Services Division regarding paratransit services. Ms. Ott said when the City is the seller, they can require language regarding property maintenance upkeep in the Development Agreement.

Chair Roche opened the public hearing at 8:14 p.m.

Mr. Zac Bowling spoke in strong support of the project.

Mr. Rene Tionguico, former Hayward resident, spoke of his time growing up in Hayward and how his family have always been renters. He spoke in favor of the affordable housing project and that Hayward residents should be given preference and noted that he submitted written comments.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Mr. Collin Thormoto, Hayward Collective member, spoke in favor of the project; has concerns about what units are dedicated to what income level; noted there is a need for wheelchair accessible ramps; spoke about comments submitted earlier about the Primary School. Mr. Thormoto encouraged the City to develop an additional public lands policy to ensure that all public lands are developed in a transparent manner that is beneficial to the Hayward community.

Ms. Pearlinda Howell, Hayward parent of the Primary school, spoke in support of the school and described the school's holistic approach to education. Ms. Howell spoke about growing up in Hayward.

Mr. Fern, spoke in favor of this important project and asked if AC Transit can be contacted to extend service to this and other developments in this area. He said the site is locally situated to public transit.

Ms. Magdalena Ramos, spoke in support of the Primary School and spoke about the positive aspects of the school that has positively impacted her daughter and the family.

Mr. Blake Felson with Felson Company; spoke in support of the Eden Housing and the project; he said that they do have the following concerns: as mentioned by Commissioner Stevens, the shadowing on their Mission Heights property; on 16th St impacts with security as this area needs improved lighting; the asphalt is broken and needs to be repaved; and would like to work with the applicant on landscaping as they want their residents to have something nice to look at.

Mr. Chiwide, Hayward resident, fully supports the project; the positive aspect of being near the BART station which would be great on the environment; and he likes the school.

Ms. Lacei Amodei, with the Hayward Collective, spoke about comments previously submitted; spoke in support of the project; it is a great community benefit; the parcels are going for 100% affordable housing; encouraged the City to consider residents and educators priority preference.

Chair Roche closed the public hearing at 8:34 p.m.

Senior Planner Blanton said that there are still ongoing discussions as the Development agreement will be going to Council in the fall; there is a condition of approval (COA) that will address the lighting on 16th Street; noting that the applicant is already working with neighboring property owners; there are COAs covering street improvement and landscape; and the City is always looking to improve transit options for all residents in this area.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Chair Roche is excited about the project, this is an incredible collaboration between the City, Eden Housing, Primary School and Pacific Companies; this is a unique opportunity for future residents and their families as their children will be able to attend school and have other services right on the site. Ms. Roche hopes that the City moves forward with this project; encourages staff to continue to look at offsite parking that includes EV charging stations for the Mission corridor; and glad shuttle service was brought up. Ms. Roche supports the project.

Commissioner Oquenda is strongly in support of the project and has been for a while; grateful for the partnership and the support services that the Primary School will be offering. He said the structure and model that the Primary School presented is inspiring. Mr. Oquenda stated that attachment five provides the break down of the affordability levels and provided his calculations: very low-income units will be two and that 136 units are low income. Mr. Oquenda added that three quarter of the units will be designated low-income which is less than 80% AMI and commented that the matrix can be complicated.

Housing Manager Morales spoke about the Affordable Housing Ordinance and the density bonus, there will be a mixture of units; there is an overlay of different funding source requirements; and that since this will be a tax credit project there will be a deeper affordability for the units.

Commissioner Mendall asked for confirmation from staff that there will be additional street lighting and safety improvements on 16th Street. Mr. Mendall disclosed meeting with the Primary School team and Eden Housing. Mr. Mendall fully supports preference for Hayward residents and that the City Council and staff should follow up on this requirement and appreciates Eden Housing being open to this. Mr. Mendall said the appropriate time to make a request of AC Transit to extend their services is once the housing project and La Vista Park are completed and there is a critical mass of people either living there or going to the park as a destination spot and the City should follow up on this in about three to four years. Mr. Mendall is fully in support of the project; appreciates Eden Housing as they have quality projects and perform long term maintenance on their properties and is looking forward to voting on this project.

Senior Planner Blanton confirmed for Commissioner Mendall that there is a COA from the Public Works Department that a detailed plan that includes onsite and offsite lighting will be reviewed during the improvement plan phase. Mr. Mendall asked staff to keep Mr. Felson informed of the lighting plans as the plans move forward.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Assistant City Manager Ott said that staff is negotiating the transactional agreements that go along with the affordable housing plan and the documents will be recorded on the land and will run with the land; and noted that Ms. Mandolini mentioned that Eden Housing is opened to having the Hayward preference requirement on all the units and there will be ongoing discussions as part of the DDA. Ms. Ott said that staff hears the Planning Commission loud and clear and that the preference requirement was already being discussed between Housing Manager Morales and Eden Housing.

Commissioner Stevens said that he agrees with the concept but does not agree with the execution; he said from his review and the discussion, plans are incomplete; plans are changing and that in many communities the project would not be before the Commission because of this. He does not agree that this is a walkable project; does not see how cyclist will access the site and that there needs to be a better look at the how the objective standards are being defined. Mr. Stevens said what bothers him is that residents with physical challenges will have a difficult time gaining access to transportation on Mission Boulevard; and asks why a project is being proposed that would expand paratransit use. He said this is not the correct topography for this type of land use. Mr. Stevens said the Hayward hills should never have been developed and pointed out that Fremont hills are beautiful and along the peninsula the hills are overbuilt. Mr. Stevens said to build a 66-foot-tall structure in this location is a visual challenge and degrades from Hayward's beauty. Mr. Stevens does not support the project as designed.

Commissioner Ali-Sullivan said in theory this is a very good project; he supports public housing and the inclusion of community services in a project; supportive of the school project and is very supportive of projects that are located near transit. Mr. Ali-Sullivan said that in practice he does not favor the project as it proposes to build a high-density tall building near an earthquake fault line; and it is unfathomable to propose to build a school with 400 students on top of a fault line. Mr. Ali-Sullivan agrees with Commissioner Stevens that this is a fallacy to assume that this is a transit friendly development as most residents will have cars which then brings up the question of parking. He said the six-story monolith does not fit in with the community and does not visually integrate well. Mr. Ali-Sullivan said what he understands is that per SB 330, that a project must be approved if it objectively meets the standards of the General Plan and the Zoning Ordinance and even though he does not agree with a lot of what was presented in the proposed project; the project does objectively meet the standards of the General Plan and Zoning Ordinance. He said he does not believe he can vote against the project and will grudgingly support the item. Mr. Ali-Sullivan asked why the applicant and City staff progressed so far along with this type of project in the Hayward hills and that he finds this problematic to be building such a high-density project on top of the Hayward fault. He said it is like putting a school at the end of an airport runway which would never ever be considered.



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

Commissioner Goldstein favors the project; the school with all its wrap around services will promise to make the community stronger and healthier. Mr. Goldstein said the project elements are: there is a place to live; it is close to transportation which studies have shown is one of the biggest contributors to financial mobility; there is a school there and residents and children do not need a car to get to school or the park and are able to take advantage of all the services speaks volumes. He supports the project and is looking forward to another outstanding Eden Housing project.

A motion was made by Commissioner Oquenda seconded by Commissioner Chair Roche, to approve the staff recommendation. The motion passed with the following roll call votes:

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

Commissioner Bonilla returned to the meeting at 8:59 p.m.

2. Proposed Mixed-Use Neighborhood Consisting of Nine Live/Work Lofts Fronting Mission Boulevard and 46 Townhome Units Totaling 55 Units Requiring Approval of Vesting Tentative Map 8556 and Major Site Plan Review Application 202005195 and Approval of an Affordable Housing Plan at 27177 and 27283 Mission Boulevard (APNs 452-0056-007 and 452-0056-008). TTLC Moreau-Pestana-Acton LLC/3 M Properties LLC and James and Nadine Pestana (Applicant/Owners)

The item has been continued to a date uncertain.

APPROVAL OF MINUTES

3. Minutes of the Planning Commission Meeting of July 8, 2021.

A motion was made by Commissioner Goldstein, seconded by Commissioner Oquenda, to approve the Planning Commission Meeting Minutes of July 8, 2021.

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



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, July 22, 2021, 7:00 p.m.**

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Acting Planning Manager Lochirco reminded all that this is the last meeting prior to the August recess. The next Special Planning Commission is on September 2, it was rescheduled from September 9th because of the Admission Day Holiday. Mr. Lochirco announced that there will be a joint Work Session meeting with the City Council on Tuesday, September 28, 2021, regarding the Housing Element, Equity Plan Update and Zoning Guidelines.

Commissioners' Announcements, Referrals:

Commissioner Stevens asked if there were upcoming downtown events.

Commissioner Mendall noted there will be the Downtown Street party on August 19, 2021.

ADJOURNMENT

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

APPROVED:

Robert Stevens, Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk