CITY OF
HAYWARD
HEART OF THE BAY

Planning Commission

APRIL 10, 2014

Table of Contents

Agenda 2
Potential New and Enhanced Solid Waste Services
Staff Report 4
Revisions to Hayward's Draft Housing Element
Agenda Report 13
Approval of Minutes
January 9, 2014 17
January 30, 2014 27

CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
THURSDAY, APRIL 10, 2014 , AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:
Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

NON-ACTION ITEMS: (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda).

***WORK SESSION*:**

1. Potential New and Enhanced Solid Waste Services

   Staff Report

Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

2. Revisions to Hayward's Draft Housing Element

Agenda Report

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters

4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

5. **January 9, 2014**
   January 30, 2014

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

CITY OF
HAYWARD
HEART OF THE BAY

DATE: April 10, 2014

TO: Planning Commission

FROM: Vera Dahle-Lacaze, Solid Waste Manager

SUBJECT: Potential New and Enhanced Solid Waste Services

RECOMMENDATION

That the Commission review and comment on this report, and advise staff of desired changes and new or enhanced waste and recycling services.

SUMMARY

This report lists a variety of potential solid waste services for comment by the Commission. These services may be included in a new contract with the City's current franchisee, Waste Management of Alameda County (WMAC), or another service provider. The services will continue to support the goals of the City's Climate Action Plan, as well as County regulations regarding recycling services for multi-family properties and businesses. Staff is scheduling presentations for March, April and May with a variety of City commissions, and community groups to obtain their comments about new services and improvements to current services, as described further in this report.

In July 2014, staff will report to the City Council with a summary of the community's comments and a request for authorization to negotiate a new contract with WMAC or issue a Request for Proposals (RFP) for solid waste services, depending on the results of the negotiations with WMAC.

BACKGROUND

The City of Hayward has several goals related to minimizing solid waste, increasing recycling and providing for the collection and disposal of solid waste. Specifically, the Draft 2014 Hayward General Plan includes policies to:

- Require at least weekly collection of solid waste
- Ensure that the City's recycling services franchisee provides adequate service
- Ensure adequate landfill capacity
- Divert solid waste from the landfill
- Reduce municipal waste generation
- Require its franchisee to arrange for regular collection of recyclables and organics from all municipal facilities

- Provide outdoor recycling collection containers and services to all City parks and related facilities
- Require City Contractors to use best management practices (waste prevention, waste salvage and reuse, recycling and reusing to maximize diversion of waste from landfills)
- Implement recycling in capital projects
- Reduce the use of disposable, toxic or non-renewable products in City operations
- Require demolition, remodeling and major new development projects salvage or recycle asphalt and concrete and other non-hazardous construction and demolition materials
- Increase participation in residential recycling programs, commercial and industrial recycling programs
- Encourage the City's residents to reduce yard clippings through at-home composting
- Separate collection for food and food-soiled paper using organics collection services
- Properly dispose of electronic devices at permitted facilities
- Advocate for using solid waste to generate energy
- Coordinate with and support regional efforts to develop and implement effective waste management strategies
- Educate the community about the benefits of reducing overall consumption
- Maximize the useful value of solid waste
- Implement mandatory recycling for commercial and multifamily uses

Current Waste Management Franchisee - Waste Management of Alameda County (WMAC) has been the City's solid waste services franchisee for the past several decades. Given the City's long-term contractual relationship with WMAC, the City Council authorized staff to initiate exclusive negotiations with WMAC beginning in July 2013 to determine whether terms for a new contract could be agreed upon. City staff is currently authorized to continue discussions with WMAC through July 11, 2014.

While continuing negotiations with WMAC until July 11 may be beneficial, staff has also entered into a professional services agreement with a consultant to assist in preparing a comprehensive solid waste and recycling services Request for Proposals (RFP) and a new franchise agreement. In the event that staff is not able to reach agreement with WMAC, the RFP will be used to competitively procure a new franchise agreement. If the City and WMAC do not reach agreement, staff will issue the RFP in July 2014 to allow sufficient time to select the franchisee and for the franchisee to secure the needed equipment and personnel to start new services by June, 2016.

Mandatory Recycling Ordinance – The Alameda County Waste Management Authority (ACWMA or Authority) operates under the terms of the Joint Exercise of Powers Agreement (JPA) to manage waste in Alameda County. The JPA empowers the ACWMA to enact County-wide ordinances and implement County-wide diversion programs to meet State requirements. The ACWMA Board approved the ordinance on January 25, 2012 to respond to the member agencies' stated goals to landfill no more than 10% by weight of all readily recyclable and compostable materials originating in Alameda County by 2020. This ordinance goes beyond the

State's Mandatory Commercial Recycling Law[1] in that it specifies which materials are targeted for collection and includes inspection and enforcement provisions.

The ordinance consists of two phases. Phase 1 requires businesses with four cubic yards or more of weekly garbage service (large businesses) and all multi-family property owners to arrange for collection of recyclables, such as a variety of paper types, and food and beverage containers made of glass, metal and plastic. All multi-family developments have arranged for collection of recyclables, and 79% (561) of all businesses subject to Phase 1 of the ordinance have also done so. The ACWMA's agents and City staff will continue to work with the remaining larger businesses (149) to provide assistance to implement collection of recyclables.

Inspections and enforcement are performed by the Authority's agents or staff from participating municipalities. Over the past ten months, the Authority's agents have conducted inspections in the City of Hayward. The Authority's agents and City staff provided assistance to those businesses so that they would comply when their bins are re-inspected. Later this calendar year, another round of inspections will be conducted, after which notices of violation may be issued to businesses that do not comply with the ordinance. These notices may only be issued after two warning letters have been mailed and assistance to implement a recycling program has been offered. Such notices may only be issued by the Authority with written approval by staff from participating municipalities. The Authority will assume all costs to implement these services, including assistance to businesses to implement recycling programs, inspection and enforcement. Businesses may also comply with the ordinance by arranging with other service providers, self-hauling their recyclables for donation or sale, or seeking a waiver from the ACWMA if less than 10% by weight of the waste sent to landfill includes the recyclables listed previously.

Phase 2 of the ordinance, which takes effect on July 1, 2014, expands the scope to require all businesses to arrange for collection of recyclables. Also required is collection of food and compostable paper from all multi-family properties and food-generating businesses. The table on the following page summarizes participation by businesses for Phases 1 and 2. The data presented is based on records provided by WMAC and includes businesses with more than four cubic yards of weekly trash service (larger businesses) and businesses with less than four cubic yards of weekly service (small businesses). About 37% (665) of the smaller businesses will be required to subscribe the service provided by WMAC or comply using one of the options described above. In addition, about 78% (409) of all businesses that regularly generate and dispose of organics would need to implement collection of organics. Examples of those businesses include restaurants, grocers, food marts and food processors.

[1] Key Elements of California's Mandatory Recycling Law: http://www.calrecycle.ca.gov/Recycle/Commercial/

Mandatory Recycling Ordinance: Summary of Businesses' Participation

Phase 1: Collection of Recyclables from Large Businesses	No. Accounts	Percent
Total subject to Ordinance	710	
Currently subscribing to service	561	79%
Balance that have not subscribed to WMAC service	**149**	**21%**

Phase 2: Collection of Recyclables from Small Businesses	No. Accounts	Percent
Total subject to Ordinance	1,820	
Currently subscribing to service	1,155	63%
Balance that have not subscribed to WMAC service	**665**	**37%**

Phase 2: Collection of Organics from All Businesses	No. Accounts	Percent
Total subject to Ordinance	521	
Currently subscribing to service	112	22%
Balance that have not subscribed to WMAC service	**409**	**78%**

The ordinance allows member agencies to request postponement of its participation in Phase 2 in order to allow additional time to achieve compliance with the mandated services. The City's solid waste franchise will need to be amended to include collection of organics from multi-family developments before this service can be offered. On November 5, 2013, the City Council approved the City opting out of Phase 2 until an agreement has been reached on terms for a new contract with WMAC or a new contract is awarded through a procurement process. Staff intends to implement the portion of Phase 2 that requires all businesses to arrange for collection of recyclables and organics, because no service changes to the franchise are required. After a new contract has been awarded, the City Council will hold a public hearing to consider implementation of Phase 2 for multi-family properties.

Multi-Family Recycling Services – The City's current contract with WMAC provides recycling services to multi-family residents at no additional charge. WMAC's subcontractor, Tri-CED Community Recycling, offers weekly collection of the recyclables listed previously. City staff offers a brochure printed in four languages. In addition, staff makes presentations describing the services to apartment residents on request from managers.

Business Recycling Services - Services offered businesses include collection of recyclables and organics. Recyclables collection is available at no additional charge, and organics collection is available at half the price of regular garbage collection. Bins ranging from one to seven cubic yards are available, as well as 64- and 96-gallon carts, the latter typically used where space constraints preclude using a bin. Bins and carts may be serviced as often as needed. Although not always the case, numerous businesses, including restaurants and food processors, have been able to reduce garbage service and cost after implementing one or both services.

Assistance with implementing programs, including a waste assessment and employee training, is provided by WMAC, the Authority and City staff. Other City assistance includes labels for the containers and posters for reference by employees and patrons. The labels and posters are printed in Spanish, Chinese and English. City staff will continue to disseminate informational materials to businesses via the monthly bills issued by WMAC.

DISCUSSION

A primary goal of any new waste franchise agreement, whether through an extension of the current franchise with WMAC or through a new agreement with a different service provider, is to preserve and enhance the services that the community is currently receiving at a reasonable cost. Staff has been tracking the expressed desires of Council and community members, both residents and businesses, and the service enhancements detailed below will be considered for the new franchise agreement. The proposed services will continue to support the goals of the City's Climate Action Plan and the mandatory recycling ordinance.

Possible New Services & Enhancements**–** Staff is seeking comments on the proposed services below.

1. **Second Annual Appointment to Remove Bulky Items for Single-Family Homes:** Single-family customers are currently able to schedule one appointment each calendar year to remove a wide variety of household items placed curbside. This service is provided at no additional cost to customers. Two cubic yards of containerized trash or yard trimmings, or some combination of the two, are accepted. Other acceptable items include three large appliances, three pieces of household furniture, three scrap metal items, two mattresses, four passenger car tires, and two televisions, computer monitors, keyboards or other peripherals. The second appointment would offer the same service as the first.

   Currently, about 20% of eligible households participate in the service each year. Because the service is currently offered only once per calendar year, some residents delay scheduling their one-time appointment due to uncertainty of the need for the service for the remainder of the year. As many households wait for the “right” time, many forego taking advantage of the service. With two appointments available, staff anticipates more households will be inclined to use the service. This may increase the visual impact in neighborhoods due to an increase in the *number* of set-outs, however, the *volume* of trash should remain somewhat the same.

   For comparison purposes, single-family residents in Oakland and San Leandro are each eligible for one appointment; Fremont, the Oro Loma Sanitary District and Union City each offer two appointments, and Newark residents may schedule three appointments.

2. **Removal of Bulky Items for Multi-Family Developments:** Multi-family residents currently do not have this service available, though they may arrange for removal of household items for a fee. Each property could be assigned a specified number of cubic yards based on the number of dwelling units and cubic yards allocated to each dwelling unit. Since multi-family properties are generally those with five or more dwelling units, roll-off boxes with capacities ranging from 14 to 30 cubic yards would best utilize the space

available. A number of provisions will need to be implemented to mitigate illegal dumping including, for example, placement of boxes on private property away from public view as much as possible. This service has been requested by some multi-family property owners.

A survey of other cities' services indicates that managers of multi-family properties in San Leandro may schedule one appointment each year to remove bulky items. Also, the Oakland City Council may elect to include this new service at a meeting scheduled for this spring.

3. **Removal of Abandoned Debris:** For the past year, WMAC has been removing abandoned non-hazardous debris placed in the public right-of-way at residential and commercial properties, as well as near the City's litter containers on a trial basis. Staff recommends incorporating this service into a new franchise agreement so that abandoned debris placed in the public right-of-way will continue to be removed within 24 hours, whether the debris has been placed at residential or commercial properties, or near the City's litter containers. This service has a very positive impact on neighborhood cleanliness and appearance as it reduces the time such debris remains uncollected. Properties would continue to be identified by City staff and all debris would be removed within 24 hours of the City's request, excluding weekends.

4. **Separate Collection of Organics from Multi-Family Developments:** As indicated earlier, a new contract would need to include separate collection of organics from multi-family developments to comply with Phase 2 of the mandatory recycling ordinance. If the City Council determines that the City will participate in Phase 2, separate collection of organics from multi-family developments would be required and this service would be added to the franchise agreement. Materials accepted would include yard trimmings, food scraps and food-soiled paper. A challenge at some multi-family properties is to find adequate space which is easily accessible to accommodate the needed containers for this service without impacting existing parking spaces and vehicle circulation. Staff will work with property managers to address this concern.

5. **Choice of Carts or a Bin for Recycling Services for Multi-Family Developments:** Currently, the recycling containers provided to multi-family developments by Tri-CED Community Recycling include multiple, two-wheeled carts for outdoor storage of recyclables, or a 14-cubic yard roll-off box. Tri-CED does not currently offer bin service and does not have any front-loader vehicles to service bins. Some multi-family property managers have expressed a desire to have this service provided using bins. Bin service may reduce visual impacts and impacts to availability of street parking as it would eliminate the need to have several carts placed at the curb. Staff is proposing that bins be offered to multi-family properties. Bins could vary from one cubic-yard to four cubic-yards to provide efficient use of space and may be serviced by WMAC. Staff anticipates that larger properties (those with 50 or more dwelling units) would select bin service if offered. Based on data provided by WMAC, there are 52 properties with 50 or more dwelling units in Hayward.

6. **Alternative Fuel Vehicles (AFVs):** The City's current agreement with WMAC requires compressed natural gas (CNG) or liquefied natural gas (LNG) vehicles for the entire

residential fleet. City staff recommends continuing this provision because AFVs reduce particulate matter (PM) emissions and Nitric Oxide (NO_x) emissions. PM emissions have been identified by the California Air Resources Board as a toxic air contaminant and NO_x is also a significant contributor to smog and a source of poor air quality. Staff also recommends considering AFVs for the ten front-load vehicles used to collect trash, recyclables and organics on commercial and multi-family routes.

7. **Purchase and Installation of New Trash & Recycling Containers in the Downtown:** New trash and recycling containers are proposed to be located throughout Downtown. Recycling containers are currently not provided Downtown and the trash containers are currently a mix of metal and concrete models. The units would be similar to the three pairs of units (BigBelly Solar receptacles) sited along B Street in December, 2012. The proposed units would not require solar power, however, because the trash would not be compacted as the units would be emptied as needed. The new trash and recycling containers would be a visual enhancement as they would be attractive, uniform in appearance, and they would be locked so that they can only be emptied by authorized personnel.

8. **Web-Based Customer Access:** City staff recommends including in the next contract a web-based link that would allow customers to obtain specific information about available services. Web-based access would allow customers to schedule a bulky item appointment, to initiate queries about the services provided or to monitor their account, for example. Other cities that offer web-based access include Emeryville, Fremont, Newark and Union City.

   Currently, customers may use WMAC's website to email questions or to issue on-line payments, but the company's website does not provide information about services available in the City of Hayward. WMAC has proposed preparing a web-based link on their company's website with specific service-related information for City of Hayward customers. Staff anticipates that these services will be available soon. The new web link will be promoted on the City's website.

9. **Offer Compost at Annual Community Event:** Staff recommends requiring 500 cubic yards of bagged compost delivered to a designated location(s) for give away to residents at an annual event to be scheduled. City staff would use the event as another opportunity for public outreach, and the City would serve as its own local market for the compost generated as a result of the services provided.

ECONOMIC IMPACT

New services and enhancements to current services would likely result in higher rates charged residents and businesses. Multi-family developments and businesses are currently provided collection of recyclables at no additional charge. Organics collection is also available to businesses at half the price of regular garbage service under the current agreement. Staff will be evaluating different rate options, which could result in modifications to free or subsidized rates, and will seek direction from Council.

FISCAL IMPACT

The new franchise agreement will not adversely impact the General Fund. Staff will ensure that the franchise fee in the new agreement will not be less than specified in the current agreement and services to City facilities will continue to be provided at no charge.

Measure D funds, which have been declining along with the reduced landfill tonnage, will continue to be used to support implementation of recycling services for residents and businesses. The ACWMA Executive Director has confirmed that the City would continue to receive Measure D funds while the City has opted out of its participation in Phase 2 of the ordinance as the City pursues and implements a new contract.

PUBLIC CONTACT

Staff has begun to schedule presentations for March, April and May with a variety of community groups to obtain comments about possible new services and enhancements to current services. The groups contacted include the City's Boards, Commissions and Task Forces, the Latino Business Roundtable, the Chamber of Commerce Committees, the Rental Housing Owners' Association – Southern Alameda County, the Hayward Area Recreation and Park District, the Rotary Club, faith-based groups, and other neighborhood groups. Staff will also host a table at the Farmers' Market on the City Hall Plaza to ask that patrons complete a survey, for which they will receive a reusable bag. Staff will also host a table at the Cinco de Mayo Festival and the Asian American Heritage Festival to ask that attendees complete a survey.

During each presentation, staff will distribute surveys seeking input on new or enhanced services. Surveys have been prepared for each of the following groups: single-family residents, multi-family residents, multi-family property managers and business owners. The surveys will also ask open-ended questions regarding the quality of the current services provided. The four surveys are posted on the City's website and copies are available in the City's Revenue Division, the Permit Center, the City Clerk's Office, the Public Works – Utilities & Environmental Services office, and at both libraries. The survey can also be completed by visiting the City's home page and selecting the link 'Waste Management Survey,' or by selecting this link: http://www.hayward-ca.gov/GREEN-HAYWARD/waste.shtm.

NEXT STEPS

As noted above, staff will conduct community outreach through May 2014. In July 2014, staff will report to Council with: 1) a summary of the community input and survey responses; 2) a summary of negotiations with WMAC; and 3) depending on the results of the negotiations with WMAC, a request for authorization to negotiate a new contract with WMAC or issue a RFP for solid waste and recycling services.

Prepared by: Vera Dahle-Lacaze, Solid Waste Manager

Recommended by: Alex Ameri, Director of Public Works – Utilities & Environmental Services
and Pat Siefers, Planning Manager

Approved by:

David Rizk, AICP
Development Services Director

CITY OF
HAYWARD
HEART OF THE BAY

____2____

DATE: April 10, 2014

TO: Planning Commission

FROM: Sara Buizer, AICP, Senior Planner

SUBJECT: Revisions to Hayward's Draft Housing Element

RECOMMENDATION

That the Planning Commission reads and comments on this report.

SUMMARY

This work session will provide the Commission with an opportunity to review and comment on the changes that have been made to the Housing Element since its adoption in June 2010. The revised draft Housing Element will also be reviewed by the City Council on May 6, before it is submitted to the State's Housing and Community Development (HCD) Department for review and comment.

BACKGROUND

The current Housing Element of the General Plan was adopted by the City Council on June 22, 2010 and certified by the State on July 9, 2010. State law requires the Housing Element to be updated every five years. Work on the current update began in September, 2012 with the Council's approval to hire Mintier-Harnish to assist with the General Plan update including the update to the Housing Element. On January 28, 2014, after recommendation by the Planning Commission, the City Council approved zoning text amendments related to Transitional and Supportive Housing and Reasonable Accommodations, both of which were required to allow the City to take advantage of a streamlined review process for the Housing Element update. The public comment period on the draft Housing Element is open from March 6, 2014 through April 30, 2014.

DISCUSSION

The California Department of Housing and Community Development (HCD) has a streamlined review process for jurisdictions that adopted a housing element in the fourth cycle that HCD found in substantial compliance with State law. The streamlined update template, provided by HCD, allows the jurisdictions to show where changes were made in the previously adopted housing element. Use of the streamlined update does not relieve the jurisdiction of its obligation to address all statutory requirements of State housing element law, but it does provide a guide to updating necessary portions of the element and facilitates State review of housing element submittals.

For eligible jurisdictions like Hayward, HCD review will rely upon the element in compliance in the prior planning period (2009-2014) and will be limited to changes that have occurred since the prior planning period. HCD will not review areas that have not changed since the content continues to be sufficient to meet statutory requirements. For jurisdictions utilizing the streamlined update, the housing element must indicate where changes have been made. The yellow highlighting throughout the draft Hayward Housing Element identifies new information and information that has changed from the 2010 adopted Housing Element. The highlighting is only used in sections of the element that are subject to streamlined review, which includes the sections on housing site inventory and analysis, analysis of governmental and non-governmental constraints, housing needs assessment, including special needs groups, units at-risk for conversion to market rate, general plan consistency, and coastal zone housing.

The updated City of Hayward Housing Element establishes housing policies and programs for the planning period of 2015 through 2023. It serves as a guide to City officials in decision-making and provides an action plan to implement the housing goals, and is intended to direct residential development and preservation in a manner consistent with the General Plan and overall requirements of the State Housing Element law. The Housing Element identifies local housing issues within the broader regional context, determines associated housing needs, and sets forth a housing strategy to address those needs.

Housing Element – Goals, Policies, and Programs - For the most part, the integrity of the prior Housing Element has been retained. Goals, policies and applicable implementation programs have been carried forward into the update. There have been a few modifications to language and organization in keeping with the style of the Hayward*2040* General Plan update. A new goal, Goal 6 - Housing for Persons with Special Needs, adds new policies to address senior housing needs, family housing needs and student/faculty housing needs. This was based on feedback received during the General Plan update process as well as at the August, 2013 stakeholder meeting.

Regional Housing Needs Allocation (RHNA) – The Housing Element is required to demonstrate that the City has identified and zoned land to sufficiently and appropriately accommodate the development of the housing units identified in Hayward's allocation, which is considered the City's fair share of regional housing needs. The RHNA is not a production quota, but the City must show that the housing units can be *accommodated*. There is no mechanism at the State, regional or City level that requires the units identified in the RHNA to be constructed; however, it should be noted that the One Bay Area Plan and subsequent adopted, regional funding policies favors new transportation projects that are located within Priority Development Areas that tend to be mixed use areas with new housing, including affordable housing.

The RHNA is distributed by income category and covers January, 2014 to October, 2022. Hayward's RHNA is 3,920 units, a 13% increase over the last reporting period, and is:

Extremely Low-Income (up to 30 percent of area median income (AMI)): 425 units
Very Low-Income (up to 50 percent of AMI) : 426 units
Low-Income (51-80 percent of AMI) : 480 units
Moderate Income (81-120 percent of AMI) : 608 units
Above Moderate-Income (more than 120 percent of AMI) : 1,981 Units

Since the RHNA planning period begins on January 1, 2014, the City may count any new units planned or approved and not yet constructed as of January 1, 2014 toward the RHNA. The below table outlines the progress to date on meeting the RHNA. As shown below, the planned and approved units are sufficient to meet the RHNA for above-moderate-income units and the City has no remaining need in this category.

	Number of Housing Units					
	Extremely Low	Very Low	Low	Moderate	Above Moderate	Total
RHNA	425	426	480	608	1,981	3,920
Total Planned/Approved Units	0	173	10	0	2,257	2,440
Remaining RHNA	425	253	470	608	+276	1,756
Potential Units (Sites Inventory)	2,118			768	190	3,076
Remaining RHNA with Potential and Planned Units)	**+970**			**+160**	**+466**	**+1,320**

As part of the analysis to demonstrate that the City can meet its RHNA during the balance of the planning period, the City conducted a sites inventory primarily focused on areas with vacant or underutilized sites. Utilizing the "default density standards" deemed appropriate by State law to accommodate housing for lower-income households, the City of Hayward can assume that sites with a minimum density of 30 units per acre are appropriate for accommodating housing for lower-income households. Based on the assessment of vacant and underutilized residential sites in the Cannery Area, Mt. Eden Neighborhood, South Hayward BART Station Area, Mission Boulevard Specific Plan Area, and Route 238 Study Area, Hayward can accommodate 3,076 units, including 2,118 units at higher densities that can facilitate the development of housing affordable to lower-income households. When including both planned and approved projects to this potential, the City's sites inventory exceeds the remaining RHNA in all income/affordability levels, with a surplus capacity of 1,320 units.

ENVIRONMENTAL REVIEW

An Initial Study and required environmental impact analysis will be completed per the requirements of the California Environmental Quality Act (CEQA) after comments on the draft Housing Element are received from the State Department of Housing and Community Development.

PUBLIC CONTACT

As part of the Housing Element update process, the City implemented the State's public participation requirements in Housing Element law, set forth in Government Code Section 65583 (c)(7), that jurisdictions "…shall make a diligent effort to achieve participation of all economic segments of the community in the development of the housing element." On August 15, 2013, the City of Hayward conducted a workshop with housing developers, service providers and other community stakeholders that represent the housing needs of residents of all economic segments of the community. The City also utilized the hayward2040.org town hall forum to solicit additional input on housing issues and potential solutions. The City also discussed housing issues with the General Plan Task Force in October of 2013 and shared the draft goals, policies, and implementation programs with the General Plan Task Force on January 23, 2014. Notice of this meeting was provided to all interested partieswhen the draft Housing Element was released on March 6, 2014.

SCHEDULE

Hard copies of the Revised Draft Housing Element were provided to Planning Commissioners. A hard copy may also be viewed in the Office of the City Clerk or in the Permit Center.

A work session is planned with the City Council on May 6, 2014, regarding the revised draft Housing Element. Staff intends to submit the draft City of Hayward Housing Element to the State HCD by late May. HCD review is expected to take 60 days. After comments are received from HCD, further revisions, if necessary, will be made in order for HCD staff to indicate their intent to certify the Element, and the Housing Element will be presented to the Planning Commission and City Council, along with environmental impact analysis, for consideration of adoption. Afterwards, the adopted Element will be forwarded to the HCD Department for formal certification.

Prepared by: Sara Buizer, AICP, Senior Planner

Recommended by: Pat Siefers, Planning Manager

Approved by:

_____

David Rizk, AICP
Development Services Director

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 9, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Loché, Trivedi, Faria, Márquez, Lavelle
	CHAIRPERSON:	Lamnin
Absent:	COMMISSIONERS:	McDermott
	CHAIRPERSON:	None

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Conneely, Golubics, Madhukansh-Singh, Rizk, Siefers

General Public Present: 15

ELECTION OF OFFICERS

Commissioner Márquez nominated Commissioner Lamnin to serve as Chair, Commissioner McDermott to serve as Vice Chair, and Commissioner Trivedi to serve as Secretary. Commissioner Loché seconded the motion. An oral vote was taken and the decision was unanimous, with Commissioner McDermott absent. Commissioner Márquez thanked Commissioner Faria for serving as Chair during 2013 and commended her on her leadership.

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Request for Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Zone Change from RH-SD4 (High Density Residential with Overlay) to PD (Planned Development) (Application No. PL-2013-0084) and Vesting Tentative Tract Map 7894 (Application No. PL-2013-0085) associated with 105 Condominiums and 52 Single-family Detached Homes on 8.81 Acres Located at 199 Filbert Street in the Cannery Development – Sullivan Development Group (Applicant); Libitzky Property Companies / Kevin Perkins (Owner)

Senior Planner Golubics provided a synopsis of the report.

Commissioner Márquez disclosed that she had met with the applicant, Mike Sullivan. Senior Planner Golubics confirmed for Commissioner Márquez that the homes in the current Cannery development were all owner occupied.

In response to Commissioner Márquez's question, Senior Planner Golubics clarified that the credit for park in-lieu fees that may potentially be given to the developer are dependent on whether the enhancements made to Panhandle Park in the development site surpass what has been envisioned for the park in the Cannery Design Plan.

Commissioner Márquez noted that along Filbert Street in the proposed development area, there are existing residential houses that have a mixture of different styles, colors and types of fences. She asked staff if the project included a way to make these fences more uniform and consistent with the design plan of the development area.

Senior Planner Golubics stated that he was not aware of any enhancements being made to existing homes that had fences backing into the project site. He shared that a new sidewalk was installed on a portion of Filbert Street leading to Burbank Elementary School.

Development Services Director Rizk added that the fences in question were not proposed to be changed as a part of the project. He stated that the proposed project did include improvements on Filbert Street and all the way to the curb on the east side.

In response to Commissioner Loché's question, Senior Planner Golubics indicated that the additional parking proposed in the project will help to alleviate some of the current parking issues in the Cannery area. Mr. Golubics stated that the developer has offered to add diagonal parking spaces near Burbank Elementary School. He commented that the City has been trying to facilitate a way to resolve the parking issues involving the other Cannery developments and he noted that there will be a meeting held in late January to address this.

Senior Planner Golubics confirmed for Commissioner Loché that in previous phases of the Cannery development, the ratio of parking spaces per dwelling was defined to be 2.42. Mr. Golubics emphasized that the developer has surpassed the parking requirement by including 2.77 parking spaces per dwelling in the current project.

Commissioner Loché noted that increasing the deck sizes would assist in increasing the amount of private open space of the dwelling units and he asked staff how much the developer planned to increase the deck size by. Senior Planner Golubics said that some of the floor plans were close to meeting the requirement for private open space, noting that these units would need to increase the deck size by a couple of inches. He added that other units would have to increase the deck size by approximately one foot.

Commissioner Loché disclosed that he had met with the developer.

Senior Planner Golubics pointed out that the developer would install the public artwork at the gateway to the development on Filbert Street and added that staff has not seen any preliminary plans for what the artwork will look like.

Commissioner Trivedi disclosed that he had met with the developer. He was concerned as to what the parking needs were in the Cannery development and wondered if the current parking spaces requirement would exacerbate the problem of having a development that was deficient in parking. Commissioner Trivedi asked if staff felt that 2.77 parking spaces per unit were sufficient for the development area.

Senior Planner Golubics responded that 2.77 parking spaces per unit would benefit the Cannery development as a whole and shared that other developments in the Bay Area with similar parameters to the proposed project had fewer than 2.77 parking spaces per unit. He stated that staff was comfortable with the additional parking being made available by the developer in this project.

Commissioner Trivedi asked staff if the current occupant of the warehouse where the development is to be located is going out of business or will they be relocating to a different site. Senior Planner Golubics responded that he was unaware of who the current occupant of the warehouse was; however, he stated that the occupant's lease was valid until 2015.

Commissioner Trivedi asked staff to elaborate on what the deficiencies in the development were, specifically the RH and SD-4 setback requirements and the lot coverage standards. Senior Planner Golubics responded that the developer's plans did not meet the front, rear, side, and lot coverage for a high density residential development. He stated that the Cannery Design Plan encouraged that developments in the project area go through the Planned Development (PD) process to accomplish what has been articulated in the design plan, such as making the development pedestrian and transit oriented. Mr. Golubics noted that there was some flexibility built into the PD process to help facilitate this. He indicated that the developer was close to achieving what is outlined in the Cannery Design Plan and exemplified that the plan requires 65% lot coverage and the developer's plans consisted of 70% lot coverage, noting that this was not a huge variance. Mr. Golubics stated that the developer's plans did not deviate greatly from the RH standards, with the exception of the open space requirements.

Commissioner Trivedi asked how the plan amenities line up with the deficiencies they are to substitute in the proposed development. Senior Planner Golubics said that staff's goals are to make the additional amenities offered by the developer relate to whatever the deficiency may be. He indicated that staff was open to hearing if the Planning Commissioners had recommendations for amenities that staff could work with the applicant on in order to enhance the development project. Mr. Golubics described that one featured amenity in the development would be the publically available electric vehicle charging station.

Commissioner Lavelle suggested that the history of the Cannery be considered as a theme for the public artwork. She noted that it was unusual with the given project that the open space requirements were still unsettled and emphasized that these issues need to be resolved before the Planning Commission considers approving the project.

In response to Commissioner Lavelle's question on the open space requirements issue, Senior Planner Golubics responded that staff was working with the developer to meet the open space requirements. He indicated that in the event that the developer does not fulfill these requirements, then the developer would have to propose some type of amenity through the precise plan process.

Director Rizk pointed out that Condition of Approval No. 6 states that prior to submitting the precise plan, the project will provide the minimum amount of required open space and parking on-site. Furthermore, this condition required that the developer provide an additional amenity if the previous requirement could not be met, and the amenity would have to be approved by the Planning Director. Mr. Rizk shared that some of the private open space was not being calculated in the total open space figure for the project because the private open space areas of some of the decks were short in size. He noted that there might be a way to adjust the dimensions of the deck areas so that it may be included in the calculation of the total private open space. Director Rizk added that per Code, the amount of private open space can be doubled when meeting open space obligations.

Commissioner Lavelle complimented the developer for adding more parking on Filbert Street and stated that 2.77 parking spaces was a reasonable amount of parking per residential unit. As a reminder, she noted that the development is intended to be transit oriented and a dense development. She shared that the number of units proposed for the development site is lower than what is maximally possible for the area. Commissioner Lavelle said that in current times, it is more common for a household to have more than two cars and this was being experienced in Hayward. She emphasized that because the development project was transit oriented, when the housing units are marketed, they should be marketed towards individuals who will utilize public transit such as BART.

In response to Commissioner Lavelle's question, Senior Planner Golubics confirmed that every garage in the development will be wired so that it is possible to have charging stations for electric vehicles.

Commissioner Lavelle recommended that it be permissible for a non-electric vehicle to park after 8:00 p.m. in the public parking spot where the charging station will be located for electric vehicles.

Commissioner Lavelle asked staff to clarify what type of affordable housing the developer was being required to provide under Condition of Approval No. 22 which discussed the Inclusionary Housing Agreement (IHA). Senior Planner Golubics stated that the developer is required to provide 10 affordable housing units per the Inclusionary Housing Ordinance. He said that the developer currently has credit for 7 affordable homes from previous phases of the Cannery development and has to either provide for 3 more affordable units or pay the in-lieu fees, the cost of which was $80,000 per unit.

Commissioner Faria asked staff if there was currently a problem with the open space requirement for previous Cannery developments which the City was trying to help resolve with current residents.

Director Rizk shared that there was a neighborhood meeting in the Cannery development where it was suggested that some of the park area be eliminated to accommodate more parking in the development and he noted that Mayor Sweeney did not agree with this. Mr. Rizk responded that the

concerns of the residents did not involve open space requirements but were related to parking issues and the cut-through traffic experienced in the area.

In response to Commissioner Lavelle's question, Senior Planner Golubics reported that there are two Community Facilities District (CFD) in the City, one of which is located in the Cannery development. He stated that the proposed development would join this CFD and a study will be conducted to determine what the needs of the units are.

Director Rizk said that the City will hire a consultant to determine what the demands are for similar developments, such as demands for police services, and what residents in these developments are paying for CFD fees. He pointed out that CFDs are gaining popularity as the fiscal constraints of municipalities continued to increase.

Commissioner Márquez suggested to staff that a certain number of housing units within a development project be required to implement universal design elements in future development projects.

Commissioner Márquez asked staff how the funds generated from the affordable housing units' in-lieu fees would be utilized. Director Rizk stated that the City did have a Housing Authority and that the City recently extended its Interim Relief Ordinance related to Inclusionary Housing. He noted that the City has a hired a consultant to perform an analysis and it was being considered how to use the in-lieu funds for rehabilitation of existing affordable housing. Commissioner Márquez recommended that the in-lieu fees be used towards projects such as home modifications for seniors or improving accessibility.

Senior Planner Golubics indicated for Commissioner Márquez that no comments were received from the public regarding the present public hearing. Planning Manager Siefers added that the noticing for the project was done beyond the 300 feet standard requirement typically used for noticing due to the many concerns that staff has heard from Cannery residents regarding the parking issue.

Chair Lamnin asked staff to discuss why Live/Work Units were not viable for the development project. Senior Planner Golubics responded that based upon the developments to the west in combination with the advice gathered from the various developers in the Cannery, it was determined that Live/Work Units would not be a viable product for this location.

Chair Lamnin asked if amenities such as the availability of Wi-Fi service to residents in the Cannery or a shuttle service, and contributions towards a library have been considered. Senior Planner Golubics stated that none of these have been considered and added that the applicant could address this if such amenities would be feasible to provide.

Chair Lamnin opened the public hearing at 7:46 p.m.

Mike Sullivan, project applicant, expressed his appreciation to staff for all their hard work on the project. He stated that the aim of the project was to be consistent with the Cannery Design Plan approved by the City Council in 2001. Mr. Sullivan said that the development will feature a range of products, including townhomes and Single-family Detached Homes. He noted that the project will strive to have better open spaces and mentioned that he was confident that the project will meet the private open spaces requirement. He stated that he was aware of the parking concerns held by residents in the Cannery and for this reason, the proposed project included additional parking. He described that all homes have side-by-side garages for two vehicles and that there will be sufficient guest parking on-site. Mr. Sullivan added that he was working with City staff in identifying additional areas near the development site that could be improved to provide more parking. He noted that there will be 22 additional public parking spaces on Parkhurst Street and 12 additional parking spaces on Palmer Avenue next to the Water Tower Park. Mr. Sullivan shared that a new proposition which he is working on with staff is creating 27 additional diagonal parking spaces on Meek Avenue.

In response to Commissioner Márquez's question, he pointed out there will be improvements made to Filbert Street which will consist of new pavers, lighting, trees, and shrubs.

Commissioner Faria stated that there were existing homes in the development area which had fences with rear access, she asked the applicant how he would address the issues with these residences being able to continue to use the rear access of the fences on their property. She also asked the applicant who would be responsible for maintaining the amenities proposed for the development. Mr. Sullivan responded that he will be working with each homeowner individually regarding the rear fence access and would also work with these individuals on whether the changes proposed in the project are acceptable to them. He noted that most of the improvements being made will be on the public right of way. He noted that for the homes that have a mixture of different fence types and styles, he will try to work with these homeowners in improving these fences because it may impact the development project's marketing potential.

Mr. Sullivan noted for Commissioner Márquez that the ongoing maintenance of the amenities in the development will be managed by the Homeowner's Association and he pointed out that any changes made to the public right of way will be discussed with City staff in order to ensure that it is acceptable to the City.

In response to Commissioner Loché's question regarding the deck sizes, he mentioned that the minimum calculation for deck sizes is 60 square feet per unit, and he stated that the dimensions of the decks in the project which are currently 53 square feet will be increased so that it is consistent with the minimum requirement. Mr. Sullivan noted that he was considering using a theme that would incorporate the history of the Cannery into the public artwork.

Mr. Sullivan confirmed for Commissioner Loché that increasing the deck size in the units would help to fulfill the private open space requirement.

Commissioner Márquez encouraged the applicant to work with the Hayward Area Historical Society (HAHS) in developing a theme for the public artwork because she recalled that HAHS had expressed a few years ago the idea of having a Memorial Walk in the Cannery development.

Mr. Sullivan clarified for Chair Lamnin that in the development location, it would not be economically viable to have Live/Work Units and he noted that most of the townhomes would contain a den that could be converted to an office area.

Commissioner Trivedi asked the applicant where the parking space of the electric vehicle charging station would be located and whether it would be possible to have a charging station that had the capability to charge multiple electric vehicles at once. Mr. Sullivan responded that the location identified for the charging station was on Private Street B near the crosswalk and he mentioned that this location was selected because it would allow the charging station to be a little removed from being too near the development units. Mr. Sullivan said that he would explore the idea of having a charger that could charge multiple electric vehicles. He confirmed for Chair Lamnin that the intent of this charging station was so that it could be utilized for individuals visiting residents in the Cannery development.

Commissioner Márquez asked the applicant to elaborate on the bio-retention area presented in the Landscape Preliminary Plan. Mr. Sullivan indicated that the bio-retention areas were designated for treating storm water.

Commissioner Trivedi asked the applicant how the 3,400 square feet of deficient open space would be addressed. Mr. Sullivan said that his team did not have enough time to review this open space deficiency because the document was provided recently to him. He stated that City staff computed the group open space and in order to meet this requirement, an amenity might be needed to substitute for this. He pointed out that a potential off-setting condition for the open space requirement might be the 27 additional diagonal parking spaces that will be created on Meek Avenue.

Commissioner Trivedi asked the applicant who the current occupant of the warehouse was. Mr. Sullivan stated that there were two tenants at the warehouse; however one of the tenants had moved out and the second tenant was on 60-day month-to-month lease and would most probably be relocating to San Leandro.

Chair Lamnin disclosed that she met with the applicant. She asked the applicant whether it would be possible for potential homeowners of the development units to request that special ADA design features be included in the units. Lauri Fehlberg, architect with Dahlin Group, stated that it was possible to have wider doors as an option for the Single-family Detached Units and that future homeowners in the development could place this request with the developer. Ms. Fehlberg noted that in developing the plans for the project site, the development team did not go through the process of discussing universal design elements for the current project and pointed out that incorporating universal design elements can become complex for high density residential areas. She added that the development of the architecture could be further explored for the project site when evaluating the building permits and precise plans.

Chair Lamnin said that considering that Hayward is an educational area, she asked whether it would be possible to put in place infrastructure for community Wi-Fi. Ms. Fehlberg responded that her professional experience was that the provision of community Wi-Fi is usually not done for developments that are strictly residential with individual ownership. She added that it would make sense to add community Wi-Fi if the project included a retail component or if it was a large apartment complex with common areas. She noted that the improvements with Panhandle Park, the improvements in parking, and the extra elements such as the jogging path and the exercise station, were amenities in the environment that everyone, including non-residents, could enjoy.

In response to Commissioner Loché, Mr. Sullivan responded that there was a Lighting Plan in the staff report and that a more detailed Lighting Plan would be submitted along with the Precise Plan Process.

Chair Lamnin closed the public hearing at 8:07 p.m.

Senior Planner Golubics confirmed for Commissioner Lavelle that the bio-retention area could not be included in the calculation of the open space area.

Director Rizk clarified for Commissioner Faria that it was typical for Planned Development (PD) Zoning to have a preliminary plan such as the one presented to the Planning Commission at the present meeting. He noted that if the preliminary plan is approved by the City Council, there will be a subsequent Precise Plan submittal that is reviewed and approved by Staff.

Chair Lamnin recommended that the development project include opportunities to have reasonable ADA accommodations as options.

Director Rizk suggested that the Planning Commissioners consider that a condition including opportunities to have ADA accommodations be specific to Single-family Detached Homes as there would be challenges to requiring the townhomes in the development project to be subjected to the same conditions.

Commissioner Trivedi made a motion to approve staff's recommendation, subject to the findings in the report and the conditions of approval, with the following amendments: that the developer will incorporate universal design elements into Single-family Detached Homes; that Condition of Approval No. 6 be modified to state that the current deficient group open space of 3,427square feet be acceptable if the developer provides additional diagonal parking spaces along Meek Avenue adjacent to the triangular park; the developer was encouraged to work with the Hayward Area Historical Society in coming up with a design for the public art to be installed at the entrance of the project that is consistent with the history of the Cannery; that improvements be made to the East side of Filbert Street; and that non-electric vehicles be permitted to be parked in the public parking space designated for electric vehicles after 8:00 p.m.

Commissioner Márquez seconded the motion.

AYES:	Commissioners Loché, Trivedi, Faria, Márquez, Lavelle Chair Lamnin
NOES:	None
ABSENT:	Commissioner McDermott
ABSTAINED:	None

COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters

Development Services Director Rizk noted that the next item on the Planning Commission's agenda was the Integral Communities Development Project which was scheduled for January 23, 2014; however, Director Rizk stated that this item may not be ready by the said date. He polled the Planning Commissioners to see if they would be available to hold a Special Planning Commission Meeting on January 30, 2014. All Planning Commissioners responded that they were available to attend a Planning Commission Meeting on January 30, 2014, with the exception of Commissioner McDermott who was absent. Planning Manager Siefers noted that the January 23, 2014 Planning Commission Meeting would be cancelled.

3. Planning Commissioners Academy, San Francisco, March 26-28, 2014. Please let Pat Siefers know if you are interested in attending.

Planning Manager Siefers asked the Planning Commissioners if they were interested in attending the Planning Commissioners Academy, noting the City of Hayward would pay for the registration fees. Commissioners Lamnin and Trivedi expressed interest in attending the mentioned trainings.

4. Commissioners' Announcements, Referrals

Commissioner Márquez asked staff for an update on the status of the Hayward Amtrak station. Planning Manager Siefers responded that staff would be attending a meeting at the end of the month where issues about which train tracks of the Capitol Corridor will continue to operate will be discussed.

Commissioner Márquez asked staff if it would be possible to organize a Work Session sometime in the future on universal design concepts and compliance with Americans with Disabilities Act guidelines so that Planning Commissioners can be better informed when considering future development projects occurring in Hayward.

Chair Lamnin stated that with recent development projects, it was often too late for developers to incorporate feedback such as universal design elements into the projects. Chair Lamnin suggested that it might be helpful to hold something like a charette that would allow Planning Commissioners to have a conversation with different stakeholders regarding upcoming development projects so that way, the applicant of the project receives clear direction on what staff, residents and the Planning

Commissioners hope to see in the project. Planning Manager Siefers said that it would also be useful for staff to occasionally present the Planning Commission with a study session so that the Planning Commissioners are aware of what projects are underway and are thus able to make their comments available to developers earlier on in the process.

APPROVAL OF MINUTES

5. The minutes of November 21, 2013 were approved with Commissioners Lamnin and Trivedi abstaining and Commissioner McDermott absent.

ADJOURNMENT

Chair Lamnin adjourned the meeting at 8:27 p.m.

APPROVED:

_____

Vishal Trivedi, Secretary
Planning Commission

ATTEST:

_____

Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, January 30, 2014, 7:00 p.m.
777 B Street, Hayward, CA94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Loché, Trivedi, McDermott, Faria, Márquez, Lavelle
	CHAIRPERSON:	Lamnin
Absent:	COMMISSIONERS:	
	CHAIRPERSON:	None

Commissioner McDermott led in the Pledge of Allegiance.

Staff Members Present: Conneely, Golubics, Madhukansh-Singh, Rizk, Siefers

General Public Present: 55

PUBLIC COMMENTS

Mr. Benjamin Goulart, Hayward resident, shared that he was organizing the college youth in Hayward in order to get them more involved with their local government. He expressed concern about the Russell City Energy Center, how costly it was to construct the City Hall building and now the costliness of the Hayward Loop project, and the estimated costs for building the new library. Mr. Goulart stated that the City's elected officials should receive higher wages, that Planning Commissioners should be paid as well, and that City staff was overpaid. He indicated that although Integral Communities was the initial developer of the Cannery project, this developer sold out on the Hayward community by giving the Cannery project to other developers to complete.

PUBLIC HEARING

1. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 194 townhomes and 16,800 square feet of commercial space on an 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)

Development Services Director Rizk introduced Senior Planner Golubics, who provided a synopsis of the staff report. Mr. Golubics noted the suggested revisions to Conditions of Approval Nos. 5, 16, 19, 35(d), and 64 (o), as contained in Attachment IV. He shared that staff received correspondence from the following individuals: Evan Knapp, Mark Donahue, Valarie Snart, Chuck Horner and Barbara Jervis.

Senior Planner Golubics confirmed for Commissioner Trivedi that the reason the open space requirement was changed from 100 square feet to 30 square feet per unit was due to a code requirement in the Zoning Ordinance.

Commissioner Lavelle asked staff why Conditions of Approval Nos. 37 and 38 referenced sanitary sewer and water systems outside of the City. Senior Planner Golubics responded that these properties fell outside the service area of Hayward, which is why they would receive sanitary sewer services from Oro Loma Sanitary District and water services from East Bay Municipal Utility District. He added that the outside sanitary sewer and water system services would not impact the City's analysis of a Community Facilities District (CFD) because CFDs were based on public safety needs.

Commissioner McDermott asked staff if there was a deadline for submitting the Inclusionary Housing Agreement as this was not specified in Condition of Approval No. 13. Senior Planner Golubics stated that the Hayward City Council extended the Interim Relief Ordinance for the Inclusionary Housing Agreements requirements until June 30, 2014 and he noted that the project applicant would have to obtain discretionary approvals by this date if the applicant decided to pay in-lieu fees.

Director Rizk clarified that the Interim Relief Ordinance was extended for six months so that if projects come through which require discretionary approvals by June 30, 2014, and permits for these projects were pulled by the end of 2016 then these projects would be subject to the Interim Relief Ordinance. He pointed out that the Interim Relief Ordinance allowed the payment of in-lieu fees which were $80,000 per unit. Director Rizk said that the Inclusionary Housing Agreement which is addressed in Condition of Approval No. 13 could include the payment of in-lieu fees. He added that Condition of Approval No. 13 stated that prior to filing a map, the Inclusionary Housing Agreement be submitted; however, if the project receives discretionary approval by June 30, 2014, and permits are pulled for the project prior to the end of 2016, then the project will be subject to the Interim Relief Ordinance in effect right now.

In response to Commissioner McDermott's concern about the June 30, 2014 deadline, Director Rizk highlighted that the final map does not have to be submitted to staff by the June deadline, however, the discretionary approval does have to be completed by the deadline, which included the tentative tract map and the Conditional Use Permit (CUP) application. He expressed that he was confident that a decision would be made regarding the Integral Communities project well before the June deadline.

Commissioner Loché pointed out the vagueness of the language in Condition of Approval No. 18 which stated that "the applicant will provide evidence that some townhome first floor plans be design to be a flexible living space," and asked staff what "some" quantified in terms of the number of townhomes that would be built to allow aging in place. Senior Planner Golubics responded that this language was intended to grant the applicant flexibility in the number of townhomes it would be feasible to have with flexible ground floor living space. Mr. Golubics noted that the Planning Commission could choose to specify the number of townhomes they would want the development site to have with first floor plans offering flexible living space.

In response to Commissioner Faria's question, Senior Planner Golubics indicated that so far, staff has only received preliminary plans for lighting the development site. He noted for Commissioner Faria that the green point rating of the project is forthcoming and will be conducted during the building permit stage when staff is reviewing the plans.

Director Rizk added that the green point rated system will be overseen by the non-profit entity Build It Green, which is the City's independent third party rater. He noted that this rating agency would perform the rating upon completion of the project and that they would work with the architect while the plans for the project are being developed in order to attain a score of at least 100.

In response to Commissioner Loché's concern about the number of townhomes that would be built to allow aging in place, Director Rizk noted that there were 42 units in the development that had the alternative floor plan #4 which would incorporate some of the universal design components.

Commissioner Márquez asked staff to speak on issues regarding public transportation, traffic concerns, and the concerns with flooding for the development site.

Senior Planner Golubics stated that according to the traffic impact analysis, one of the indicators in this analysis was that during peak afternoon traffic volume, the traffic that is projected to be generated from the development site in comparison to the traffic generated by the Mervyn's headquarters when it was operating at full capacity, is projected to be half the amount. He noted that one of the conditions of approval require that the applicant work with AC Transit to relocate a bus stop to one of the project frontages. Mr. Golubics indicated that the only issue that the County Flood Control District had with the project was regarding drainage from the site into the flood control channel. He noted that there was a condition of approval that would take care of this issue raised by the Flood Control District.

In response to Commissioner Márquez's question regarding increasing parking spaces in the development site, Senior Planner Golubics stated that there were special ways to look at parking in the Central Parking District. He noted that the developer made up the shortages in parking spaces in the previous version of the plans by adding more parking spaces, including the addition of bicycle parking spaces, and now the project met all parking requirements.

Chair Lamnin stated that some roadway intersections in the area were below a level of service (LOS) D in regards to traffic, and although this was not anticipated to worsen with the development of the project site, she asked staff if there was a way to improve the LOS. Senior Transportation Engineer Parikh indicated that the level of service will remain the same and noted that this does not need significant improvement at the moment. He pointed out that the timing of the signaling system could be modified to improve the LOS. Mr. Parikh shared that staff is looking into other possible ways to improve traffic in the corridor area in order to be able to mitigate future impacts. He confirmed for Chair Lamnin that the project was not impacting the levels of service and shared that there are two intersections in the area that have a current LOS rating of E or F and staff was hoping to improve this to a LOS of D or better in the future.

Chair Lamnin opened the public hearing at 7:38 p.m.

Mark Butler, the project applicant, described that the development site would include two retail buildings and that these will have an architecturally modern look with a high ceiling. Mr. Butler shared that the development will have design features that are consistent with some architectural themes from the surrounding neighborhoods, such as Prospect Hill. He noted that the design plans include soft colors, traditional architecture, and the use of high quality treatments. He shared that the park located in the development is called the "Hangout" and some of the park amenities include a children's play structure, a covered barbecue area, two lounge areas, and a lighted walking trail. Mr. Butler commented that the trail will be open to the public, it will be 10 feet in width, it will be accessible to pedestrians and bicyclists, and will be maintained by the owners of the development.

Commissioner Márquez asked the applicant why they decided to implement elements of universal design into the development plans.

Mr. Butler said that the development consists of four floor plans and two of these floor plans have flexible living space on the ground floor which could allow for additional downstairs living space. He noted that floor plan numbers 2, 3, and 4 have the capacity to provide downstairs living. He shared that according to a marketing company that Integral Communities is working with, it is expected that 40% of the future homeowners in the development community will decide to go with the downstairs living space option. Mr. Butler stated that the homeowners will also have the option to convert some of the ground floor from a garage to downstairs living space later on as well, even if they do not go with this option initially.

In response to Commissioner McDermott's question about the Inclusionary Housing Agreement, Mr. Butler expressed that he was glad that the Interim Relief Ordinance had been extended and commented that Integral Communities will comply with the ordinance deadline. He added that he was confident that the project was on track to receive discretionary approval of the tentative tract map by the June 30, 2014 deadline. Mr. Butler mentioned that having the ordinance was beneficial for the City as it encouraged more market-rate housing.

Commissioner Trivedi said that he was appreciative to the applicant that the latest iteration of the project had incorporated feedback from staff, the community, and the Planning Commission.

Commissioner Trivedi asked the applicant what the phasing plans were for the construction of the retail component in the development project. Mr. Butler replied that the grading for the retail pad, which included the parking lot and the retaining wall for the retail buildings, would be constructed at the same time as the construction of the residential units. He noted that the retail buildings would not necessarily be developed by the same builder at the same time. Mr. Butler stated that the design plan of the retail building will be flexible as it is uncertain if one or multiple retailers would occupy the two different retail sites in the development area, and that this was dependent upon market factors.

Commissioner Lavelle commented that now that there was a clear pattern of how traffic will travel around the development site, she asked staff if this was done to the satisfaction of the current residents on Hazel Avenue. Mr. Butler responded that Integral Communities did take in to account these residents' concerns and that they designed the subdivision so that vehicles leaving the

development site can only make a right turn thereby exiting onto Foothill Boulevard and restricting them from cutting through the adjacent neighborhood.

Commissioner Lavelle said that other concerns expressed by residents living near the proposed development were about lighting, safety, and crime that have been occurring since the closure of the Mervyns headquarters. She indicated that she was impressed with the proposal outlined in the preliminary lighting plan because this will not only make the development area aesthetically attractive, but it will also improve safety.

In response to Chair Lamnin's question about improving lighting in the paseos, Mr. Butler stated that there will be carriage lighting on the front doors and there will also be pathway lighting to make it safe to walk down the paseos.

Richard Bernard, representative of FM3 Research, which is an independent polling firm, indicated that a survey was conducted among 400 randomly selected Hayward voters and he shared the survey results. He noted that residents were asked six questions and that a majority of these residents approved the decisions taken by the City. He shared that among the most approved actions taken by the City which voters were pleased with are: revitalizing the downtown area, planning for future growth and development, and attracting more retail shops and businesses to Hayward. He noted that their survey results yielded that 79% of voters support the proposed development project. Mr. Bernard shared that he has conducted community surveys in the past in order to gauge if there is public support for a proposed development project and he commented that a79% favorability rate for a development project is rare.

In response to Commissioner McDermott's question, Mr. Bernard stated that the flags in the marketing report indicate the voters' voting history by identifying which voters voted in the primary election and which voted in the general election.

Commissioner McDermott asked when the residents were contacted to take the phone survey. Mr. Bernard responded that voters from the sample size were primarily called on weekday evenings, with some voters being contacted on Saturdays and Sundays. He shared that the sample was stratified to ensure that the voters being polled were representative of the demographics of the entire City.

Commissioner McDermott stated that she liked the marketing plan because it allowed individuals from different parts of the community to voice their opinions.

Chair Lamnin asked the applicant about the list of endorsers. Evan Knapp, a Principal with Integral Communities, stated that he recently became aware that there were individuals whose names appeared on the list of endorsers who are not supporters of the development project. He apologized for any errors on the list of endorsers emphasizing that Integral Communities' goal is to not misrepresent anyone and that they were working with their marketing company to make corrections

to this list. Mr. Knapp indicated that there were 1,300 names on the endorsers' list of individuals supporting the project.

Commissioner Loché asked the applicant if they would continue to seek endorsements. Mr. Knapp responded that the intention of the list was not to simply capture the names of individuals supporting the project, but to seek the opinions of individuals on the project. He stated that over the last two years, Integral Communities has worked hard to modify the development project to meet the needs of the community. He described that the modifications included beautifying the retail buildings, implementing traffic calming measures and decreasing housing density. Mr. Knapp added that FM3 Research is a nationally recognized polling firm and shared that according to the study's results, 80% of Hayward residents support the project.

Chair Lamnin asked the applicant if it would be possible to include things such as wider doorways, stairway lifts and smaller elevators as additional options that could be added by homeowners during the development of the residential units. Mr. Knapp responded that there a wide range of options available, pointing out that significant living space changes could be made to the garage without compromising a two-car garage. He added that this flexible living space would promote aging in place. Mr. Knapp described that the additional options also include solar panels, granite countertops, window treatments, grab bars, increased water heater size, to name a few.

Commissioner McDermott asked the applicant that if a homeowner wanted to modify the garage into living space, would they be required to obtain permits from the City. Mr. Knapp confirmed for Commissioner McDermott that the homeowner would have to follow the City's process for pulling permits. He noted that adding living space to the first level by converting some of the garage space and by increasing the interior amenities would theoretically increase the value of the home.

Commissioner McDermott pointed out that there were significant errors in the endorsers' list in the job functions category.

David Buza, a Hayward resident, commented that he has witnessed both good and bad changes occurring in Hayward. He shared that he and his family are very involved in the community and that they support the development project. He commended the City for the landscaping and lighting improvements made to the Mission Boulevard Corridor and stated that the Hayward Loop has eased traffic congestion caused by daily commuters that traverse through the community. Mr. Buza commented that a thriving downtown area needs to be supported with housing, successful retail stores, community events, and an inviting atmosphere and he added that the proposed Integral Communities development project will help achieve this goal.

Alan Parso, a Hayward resident, stated that the decision to approve or deny the development project was about respect for the individuals who provided input in developing the General Plan. He added that the study conducted by Cal Poly titled "Envision Downtown Hayward 2040" which was paid for by tax dollars was a formal and objective study. He said that the study by Dr. Howard identified the Mervyns site as a location for commercial activity and not for housing. He added that Hayward's Economic Development Committee and General Plan Update Task Force identified this site as a catalyst for commercial activity and economic development. He said that the developer's list of endorsers had his name incorrectly written as a supporter of the project. He requested that the

Planning Commission make a vote supporting the community and the creation of jobs in Hayward by denying the project.

Andrew York, a Hayward resident, stated that he is saddened to see struggling businesses and vacant storefronts in the downtown. He stated that a vibrant downtown needs support during the day and that this could be accomplished by promoting the creation of jobs that would employ office workers who could support local restaurants and shops during the day. Mr. York stated that more housing in the downtown area will not help support downtown businesses during the day. He said that although mixed–use was a good concept, it would not create enough jobs in the community. He stated that the downtown area was running out of open land and therefore it was necessary to reserve some of this land for large employers. He indicated that the Mervyns site was the last large parcel of land remaining in downtown Hayward. Mr. York shared that this site has been an option for some time since the closure of Mervyns, noting that this was the reason why corporate real estate firms did not have the opportunity to look into this location since it was not on the market. He requested that the Planning Commission not throw away this opportunity to accommodate a large employer in Hayward.

Deanna Murchison, a Hayward resident, spoke of the positive changes made to the downtown area and appreciated the art murals on display throughout the City. She supported the development project as it would help to revitalize the downtown area.

Deborah Kingdon, a Hayward resident, stated that she lived in close proximity to Hazel Avenue and spoke in favor of the development project as this would bring homeowners into the neighborhood and would help eradicate the problem of drug addicts and homeless persons occupying the vacant site. She shared that she did not feel safe walking her dog in her neighborhood and that people currently deposit litter on her property. Ms. Kingdon emphasized that the addition of homeowners would be beneficial because the homeowners would have a stake in the wellbeing of the surrounding community.

Benjamin Goulart, a Hayward resident, stated that 95% of the people he talked to do not support the project. Mr. Goulart stated that the project would lead to an increase in area traffic. He said that the Mervyns site was originally zoned to be a commercial area and stated that the City had spent lots of money to determine this. Mr. Goulart indicated that the problems being experienced at the Mervyns location could be resolved by more police involvement. He compared rezoning the Mervyns site to the marshland in Hayward and stated that the rezoning of a commercial site to residential was a ridiculous idea, noting that same thinking enabled the construction of the power plant. Mr. Goulart said that everyone is in agreement that something needs to be done with the Mervyns site and indicated that the idea to have a civic center consisting of a sports park, a family park and a hotel were good suggestions for this site as it would create hundreds of jobs in Hayward. He encouraged the Planning Commissioners to consider the civic center proposal that was suggested in the Cal Poly study.

In response to Mr. Goulart's comments, Commissioner Trivedi responded that the Planning Commissioners have no personal stake in the project and he emphasized that they are also Hayward community members who have the City's best interests at heart. Mr. Trivedi stated that the Planning Commission could not consider plans for a civic center unless someone formally presented it to the Planning Commission.

Chair Lamnin asked Mr. Goulart how many individuals he spoke to that yielded a rate of 95% people opposing the Integral Communities development. Mr. Goulart responded that he polled approximately 120 individuals, including residents on Hazel Avenue.

David Pelton, a Hayward resident and business owner, described that it is painful to see all the vacant commercial spaces in the City and noted that Hayward needs more customers that can help support the businesses in town. He pointed out that the customer base is lacking because everyone is traveling outside of Hayward right now to go to work. He supported the project and stated that more customers in downtown would be beneficial to the City.

Antonio Cortez, a Hayward resident, stated that the proposed development is a great opportunity that is long overdue for the area. He indicated that the addition of more residents would benefit local businesses and that the project could help create jobs for more local residents.

Obray VanBuren, a Hayward resident and Community Enhancement Officer and a business representative for UA Local 342, indicated that he supported the project and pointed that he had organized sixteen Hayward residents to attend the Planning Commission meeting to demonstrate their support of the project. He noted that the individuals belonging to his group that were in attendance at the meeting were working class people and that they were pleased to learn after speaking with the developer that the project would create jobs in Hayward. Mr. VanBuren shared that based on his experience with land development projects in Oakland and Union City, these cities were unable to add business offices due to lack of interest by businesses and also due to the state of the economy.

Kim Huggett, President of the Hayward Chamber of Commerce, said that the Chamber held three community briefings and the development project received unanimous support by the business community as proposed residential units would help rejuvenate the downtown businesses. Mr. Huggett shared that the Downtown Hayward Business Improvement Area Advisory Board recently learned at a workshop that the key to rebuilding the downtown was through residential housing. He commented that the proposed development could be the City's gateway as it would be a stylish development with homeowners committed to the community. Mr. Huggett shared that Integral Communities has demonstrated that it is a good community partner to the City by sponsoring the skating park at the Light Up The Season event and also by sponsoring the Business Person, Police Officer, Firefighter, and Educator of the Year awards for three years now.

Guy Warren, a former Hayward resident and a commercial real estate agent, stated that downtown and other parts of Hayward have struggled greatly because Hayward has been a no-growth, anti-market rate housing City for the last 35 years. He commented that Hayward used to be one of the most desirable cities to live in, and now it was one of the least. Mr. Warren said that the no-growth community has hurt the City and as a result, property value, rent and school rankings are low in Hayward. He indicated that Hayward has great potential but the City should listen to experts and

should encourage new market rate housing throughout the City as this would serve as a catalyst in improving commercial real estate, adding that new market rate housing would not be a drain on City resources. He shared that the Mervyns site has been on the market for sale and lease for more than six years and has been marketed to many different retailers, hotel companies, office users and real estate developers. He stated that he has talked to businesses such as Hilton, Red Lion, Whole Foods, Trader Joe's, and other businesses, and these businesses were not interested in the site due to the demographics of the downtown area. Mr. Warren said that it would take the City approximately fifteen years to change the demographics of the downtown. He supported the project because it would eliminate some of the problems currently being experienced with drug dealers, prostitutes and vagrants. He said that the developer has proposed a great development plan as it will turn the downtown into a vibrant community.

In response to Chair Lamnin's question, Mr. Warren responded that high end hotels and retailers are not interested in expanding their business by developing the Mervyns site due to the downtown area's current situation. He stated that in order to draw in major businesses, the downtown area needs to be vibrant and this can be accomplished by bringing in more homeowners consisting of professional adults that could help support the downtown economy.

Dominic Dutra, a Fremont resident, emphasized that Integral Communities underwent a thorough process to hear the opinions of the larger Hayward community. He pointed out that the business and labor communities in the City are also supportive of the project. Mr. Dutra stated that the poll conducted by FM3 Research is a statistically significant study that can be used to infer that Hayward residents on a broader scale favored the project.

Cheryl Kojina, a Hayward resident and former Mervyns' employee, urged the Planning Commissioners to consider what is good for the City's long term interests. She mentioned that the marketing research inaccurately reported her husband and some of her neighbors as supporters of the development. Ms. Kojina stated that the way in which the research questions were posed to Hayward residents was biased and framed in a way that would get responses favoring the project from the public. She commented that just because the Mervyns lot has stood vacant for a few years should not be reason to move forward with any development project and pointed out that this property was unique and had great potential. She said that the economy is improving and the value of residential and commercial property is increasing. Ms. Kojina stated that when Mervyns was in operation, it employed 2,000 individuals and she contrasted this with the 27 jobs that the proposed development project would create. She stressed that there are other locations in the City were housing could be built; however, there are very few locations in the City similar to the Mervyns parcel that could be used as a corporate headquarters or another type of commercial use. She indicated that the project does not follow the City's General Plan which stressed the importance of commercial and retail space for this zone.

Michael Urioste, a Hayward resident and President of the Prospect Hill Neighborhood Association, requested that a moment of silence be observed in honor of late Mr. Norman Snart, a member of the

Hayward community. He stated that his association favored that the Mervyns site be used for commercial development as this would supply jobs in Hayward for the skilled labor force.

Noel Enqriquez, an Outreach Coordinator for the development, stated that he has spoken with lots of businesses and residents located in the vicinity of the proposed project area, and his findings are that a majority of the community favors the project. He provided an update that a total of 1,600 residents and businesses have endorsed the project.

Darin Smith, a Managing Principal with Economic and Planning Systems, stated that his firm conducted an economic impact analysis and reviewed the City's fiscal impact modeling for the project. He reported that according to the analysis, during the construction period, 292 jobs will be created and $8.4 million processing and impact fees will be paid to the City. He indicated that during the build-out phase, approximately $500,000 General Fund revenues will be generated by the project and $9 million of annual retail sales is projected to occur in Hayward. Mr. Smith commented that the approximations made by his firm are conservative and that the revenue generated for the City due to the construction of the development may actually be more. He said that the tax allocation factor for the development site is projected to be 15.3% compared to the City average of 12%, noting that the property tax generated from the proposed development would yield greater property tax revenue for the City. Mr. Smith added that the project would be fiscally beneficial to the City's General Fund.

Perth Bothner, a Hayward resident, stated that he initially signed on as an endorser of the project but decided to rescind his support after learning that the project featured a minimal retail component. He shared that by signing a petition or conducting a phone survey does not mean that the individuals whose opinions are being sought have been exposed to both sides of the issue. Mr. Bothner said that if the choice is between continuing to have a vacant lot and going forward with the development proposal, then most people will favor the proposal. He highlighted that the site would be locked into residential zoning if the project was approved and he indicated that a better long term solution would be to use the site for retail uses or for business offices.

Julie Machado, a Hayward resident, urged the Planning Commission to support long term planning over short term profits and noted that the Mervyns site was not an appropriate location for housing. She commented that the design of the survey which was conducted by the developer was not adequate because it asked residents if they favored a housing development or that the Mervyns site continue to be vacant. Ms. Machado stated that the site was not zoned to utilize the ground floor as living space and that permissible uses of the first floor space would be for commercial or hotel use. She added that the development project was inconsistent with the City's General Plan. Ms. Machado stated that it would be in the best interest of the City to be patient and to wait for a commercial project which could help create jobs for the community. She pointed out that the addition of housing would create infrastructure costs for the City and furthermore stated that housing does not bring in income such as sales and hotel tax. She posed the question if the City was prepared to give up on its vision to have a nice large hotel and conference center in Hayward. She shared that the City Walk development has not helped in bringing customers to shop in the downtown area.

Jaime Mira, a Hayward resident, indicated his support of the project. He shared that his family enjoys visiting the various businesses and restaurants in Hayward. He expressed concern over the

current state of the vacant Mervyns site and indicated that the proposed development would be a significant improvement to the area and would serve as a great asset to the City. Mr. Mira commented that although it was a great idea to have a hotel or a major employer located at the site, he said that unfortunately this was not an available option for the City at the moment. He stated that the new residents who will move to Hayward after the construction of the development will be invested in the City just like his family and will want to make the City a better place to live.

Chair Lamnin noted that Mr. Evan Knapp spoke earlier in response to questions that the Planning Commissioners had and because he had filled out a speaker card, she allowed him a separate chance to speak.

Evan Knapp, with Integral Communities, expressed that he wished that the project had not been so controversial. He said that his company established an office in the City two years ago for the purposes of being able to communicate with and address concerns expressed by the community. He described that with the development project in the Cannery, Integral Communities bought this project out of bankruptcy; they rescued the Cannery project and turned this development into a vibrant community. He commented that the revitalization of the Cannery was one of the factors that resulted in Burbank Elementary School's Academic Performance Index jumping from a low score of two to seven. He pointed out that the buying power of individuals residing in the downtown area was more than that of employees working nearby.

Larry Lepore, Superintendent of the Hayward Area Park and Recreation District (HARD), responded to Commissioner Márquez by stating that HARD has worked with Integral Communities in order to establish a link between the shoreline and the ridge trail which can be used by pedestrians and bicyclists. He noted that Integral Communities agreed to revise the development plans by reducing the housing density which made it easier to achieve a wider pathway linking it to the trail. He indicated that a majority of the pathway would be 10 feet in width and a smaller section of the pathway would be 8 feet in width. Mr. Lepore stated that HARD staff was supportive of the development as the project would provide a community asset.

Commissioner Márquez asked Mr. Lepore if HARD will be included in the process of reviewing the lighting plans of the pathway. Mr. Lepore said that HARD staff could provide input to the developer's landscape architect and he noted that the pathway would be maintained by the Homeowners Association.

Mr. Lepore indicated for Commissioner McDermott that a width of 8 feet should be the absolute minimum for the pathway.

Chair Lamnin closed the public hearing at 9:11 p.m.

Senior Planner Golubics confirmed for Chair Lamnin that there was a City condition that required a certain percentage of the development to be owner-occupied.

Chair Lamnin asked staff if Condition of Approval No. 19 would require the resident to obtain a permit if they desired to make the first floor a living unit with a kitchen. Senior Planner Golubics said that the resident would have to acquire a permit and they would have to meet the thresholds for secondary living units. He indicated that the universal spaces designated in the alternative floor plans are acceptable, but if this space was to become a designated living unit, then there may be potential issues with this which are addressed in Condition of Approval No. 19.

Planning Manager Siefers noted that there are minimum size standards in the Building Code for the size of sleeping rooms and the location of bathrooms in relation to kitchens. She stated that the objective of the project is to provide a single family dwelling unit and this development was not intended to have secondary units within the single family residence. Ms. Siefers indicated that building officials are strongly opposed to having gas and utilities in a second unit as this could result in a bad outcome from a health and safety perspective.

Commissioner Lavelle expressed her support of the project as it will highly improve downtown Hayward. She acknowledged the concerns of the Prospect Hill Neighborhood Association and other residents in the downtown area; however, she noted that there was overwhelming support in the community to bring in this new residential development. She stated that the Planning Commission has held three meetings to discuss the Integral Communities project and that the developer modified the plans based upon the feedback received from the Planning Commission. She said that the very first iteration of the project included a large number of rental units and a small number of homeowners and this has been changed significantly to reduce the number of units to owner-occupied single family units. Ms. Lavelle stated that the proposed development would draw in middle to higher income residents that can afford higher priced homes and she agreed with Mr. Warren's comments that this group of desired residents would have a disposable income to help support the downtown businesses. She said that she concurred with Mr. Knapp's comment that there will be more spending done by the residents of the development than would be done by office workers. She noted that the addition of the pathway, the retail stores, and the improvements in safety and lighting to the area would all be benefits of the development project. Ms. Lavelle stated that it was not necessary to replace the former Mervyns site with another similar type of office space, and she pointed out that there was plenty of commercial space in other parts of Hayward such as the Industrial Boulevard and the Southland Mall area. She commented that she was impressed with the changes to the development plans on the types of window treatments, roofing materials, lighting and paint colors to be used for the project. She noted that the Conditions of Approval for the development were very specific and clear and this would help ensure compliance by the developer and the builder of the project. Ms. Lavelle commented that in the past, the City was able to bring in affordable housing and make improvements to the downtown area through the Redevelopment Agency, and when this was eliminated, the City has since been at a loss to improve blight in the community. She emphasized that with the proposed development project, the City had an opportunity to improve the gateway site into the City.

Commissioner Lavelle made a motion to approve staff's recommendation, including the revised Conditions of Approval.

Commissioner McDermott seconded the motion.

Commissioner Faria expressed her support of the project and she agreed with the comments made by Commissioner Lavelle.

Chair Lamnin offered a friendly amendment to Condition of Approval No. 18 to remove the sentence "This first floor space shall be designed to the residents of that particular space could age in place," and add the following design features as additional options, "stairway lifts, wider doorways, grab bars, and other feasible options," in order to increase accessibility and promote aging in place opportunities.

Chair Lamnin clarified for Commissioner Lavelle that the additional options that she described are included as available options to homeowners.

Commissioner Márquez indicated her support of the friendly amendment as it would promote aging in place. She stated that her opinion on the project has changed due to the availability of new information and also the modifications that the developer has made to the development plans. She applauded her fellow Commissioners for being specific with the changes that they wanted to see in the project; she commended the applicant for listening to the Planning Commission's concerns and for involving Hayward residents and the labor community in the process; and she appreciated the relationship that the developer built with HARD. Ms. Márquez stated that she really liked the open space amenities and the lighting improvements. She emphasized the importance of having more residents in the downtown area that could help support the downtown businesses.

Commissioner Loché stated that although he agreed that the development project would improve the vacant site, he did not agree with the land use proposed for this site, and added that he did not believe the City was best served by permitting a ground floor residential use. He indicated that more housing could benefit the downtown area if the residential housing was on the second floor and above. Mr. Loché said that the proposed development project was not an appropriate long term land use at this site and that he did not support the project.

Commissioner Trivedi said that he supported the motion and he appreciated the community input received on this project as the Mervyns site is located in a critical part of Hayward. He realized the need for a large employer, noting that this was not an option for the City at the moment. Mr. Trivedi shared that the Industrial area had ample space for large employers interested in commencing business in Hayward. He expressed that the development project was not inconsistent with the General Plan and that a mixed-use was appropriate for this site.

Commissioner McDermott shared that she works in a field that relies heavily on marketing research and she noted that the research study conducted by the applicant was representative of the City. She expressed that the she was looking forward to the future residents of this development project helping to support the struggling businesses in the downtown. Ms. McDermott stressed that even though she works full time, she takes time to review all the Planning Commission reports, letters and emails so that she can be well informed on the decisions that she makes as a volunteer member

of the Planning Commission. She was glad to see that the labor community was involved in providing input on the project. Ms. McDermott said that she was supportive of the project.

Commissioner Márquez stated that the development project had the potential to create long term jobs in the City because the additional housing in downtown will cause downtown businesses to thrive again, and therefore these businesses will have to hire more employees to meet the needs of the community.

Chair Lamnin indicated that she supported the motion. She said that at a previous meeting, she voted against the project because the proposed project was different from what was originally envisioned for the Mervyns location. She commented that when the General Plan was created, the belief was that there should be more commercial vibrancy in the downtown, however she pointed out that the General Plan contained a clause which indicated that if the market factors change, then a different type of project would be possible for this location through a CUP application. She said that she was appreciative that both community members who were supportive and those disfavoring the project were present at the meeting and that they had an opportunity to share their opinions on the project. Chair Lamnin said that according to research that she did on her own regarding this project, she learned that residential housing would benefit the downtown because this area needs customers to support the local economy. She added that in order to attract a large retailer, a hotel or a conference center, the City needs to have a customer base in place already to support these types of businesses. She encouraged Integral Communities to work with HARD and other community partners to look at other recreational opportunities. She agreed with having a civic center in Hayward but pointed out that there was no one to build or fund this project at the moment. Chair Lamnin shared that she obtained public opinion at a Street party once and the community expressed interest in having a small scale water park in the City. She requested that Integral Communities talk to the Foothill Safeway in order to ask the store to carry a broader selection and better quality products similar to other Safeway branches in order to promote more shopping in Hayward.

AYES:	Commissioners Trivedi, McDermott, Faria, Márquez, Lavelle Chair Lamnin	
NOES:	Commissioner Loché	
ABSENT:	ABSTAINED:	None

INFORMATIONAL REPORTS

2. Capitol Corridor Train Service

Planning Manager Siefers reported that she has been in contact with Capitol Corridor staff in order to find out when they will switch tracks for the Capitol train. She described that the East Bay has three North/South railroad tracks: the Mulford Subdivision which was closest to the marshlands, the Niles Subdivision which runs through the Hayward Amtrak Station, and the Oakland Subdivision. She stated that staff learned of the draft vision plan mid-November and that decisions were being made about the plan through an ad hoc committee of the Capitol Corridor Joint Powers Board. Planning Manager Siefers stated that City staff attended a Capitol Corridor meeting on November 20, 2013 and provided the board members with a written objection to the concept of moving the trains off the Niles Subdivision track and also their objections to moving the trains out to the marshlands. She commented that the reason staff was objecting the draft vision plans was because

Hayward has been a stop on the Capitol Corridor since the construction of the Amtrak Station and this was a joint collaboration between the City, State, and Amtrak. She reported that the ridership from the Hayward Station was 100 riders per day. She noted that the City is working with the City of Union City to consider alternate options and noted that one option would be to move the train to the Oakland Subdivision next to the BART station which would require riders to do a BART transfer. She shared that this option was a good way to provide numerous communities with service to the Capitol Corridor in a cost effective manner. Planning Manager Siefers described that another option being considered by Caltrain corridor was skipped stop service which was a logical cost effective way to provide transit service to the East Bay. She said that they have pointed out to the Capitol Corridor staff and board that all communities in the East Bay along the Capitol Corridor line have worked hard to create priority development areas that have transit oriented housing and that these developments are along the service lines of BART, the Capitol Corridor and AC Transit. She noted that the Capitol Corridor was managed by BART and was operated by Amtrak under a contract with the State and the National Passenger Railroad. She stated that the track improvements which the Union Pacific requires can be expensive and she noted that since the start of the Capitol Corridor approximately $20 million has been spent on improving the tracks that the trains currently run on between Oakland and San Jose. She indicated that the concept of moving the train out to the tracks along the marshlands was a poor idea according to staff because the marshlands would ultimately require the construction of bridges as the seawater rises. Planning Manager Siefers said that staff has not leafleted the Hayward Amtrak Station yet to make the riders aware of the potential changes in the future, and stated that hopefully the Capitol Corridor train can continue to operate on the current line.

Commissioner Márquez thanked staff for the report.

Commissioner Trivedi asked staff to elaborate on the City's counter proposal to move the current Niles Subdivision to the Oakland Subdivision adjacent to BART. Planning Manager Siefers stated that a cynic might believe that the Capitol Corridor was proposing to move the trains to the Mulford Subdivision so that public money could be used to update the tracks and build bridges to allow trains, including those involved in freight operations, to move along that subdivision. Commissioner Trivedi encouraged the members of the public to contact their elected officials and make their voices heard on the issue of the Hayward Amtrak Station. Planning Manager Siefers commented that the Capitol Corridor's idea is to have an express train service operating from Oakland and stopping in Santa Clara for passengers attending 49ers' games. She commented that this would eliminate many communities in the middle of the East Bay and said that this was not a wise long-range objective.

Commissioner McDermott asked staff what was the recourse for the City of Hayward. Planning Manager Siefers responded that the City has the ability to raise questions and express opposition to the plans. She indicated that if the East Bay cities partner up in their opposition to this project, then they have a chance to be effective and they can try to ensure that all three subdivisions are studied through an Environmental Impact Report.

Commissioner Loché asked if an effort was being made to let the public know what is happening. Planning Manager Siefers responded that no public outreach has been done as of yet informing them of the Capitol Corridor's draft vision plans, and she noted that one idea to inform the public was to disseminate information through leaflets at the Hayward Amtrak Station.

In response to Chair Lamnin's question, Planning Manager Siefers stated that next step would be for the Hayward contingent to meet with Capitol Corridor staff. Chair Lamnin pointed out that it would be a good idea to talk to local media representatives and the local AC Transit board member. Chair Lamnin commented that the ridership seemed to be weighed heavily for cities that have a smaller ridership compared to Hayward. Planning Manager Siefers noted that this was a key moment for future rail planning in California because the Altamont Commuter Express Service, the Capitol Service, the Caltrain Service, and the High-speed Rail Authority are getting together to discuss how they will blend these services and provide improved service to their ridership which would also be acceptable to the freight service.

COMMISSION REPORTS

3. Oral Report on Planning and Zoning Matters

Planning Manager Siefers reported that there were a number of subdivisions in the City that they were near completion in working with developers on and she shared that these subdivisions would be coming before the Planning Commission at a March meeting. She asked if the Planning Commissioners were interested in having a workshop or study session at the Feb 13, 2014 meeting.

Commissioner Márquez mentioned that she was interested in the Planning Commission having a workshop on aging in place, universal design elements and compliance with Americans with Disabilities Act , but noted that staff would need more time to prepare therefore she favored having a workshop on these topics at a later date.

Chair Lamnin added that she was interested in having a workshop on early review processes for projects before the Planning Commission.

Commissioner Faria requested to hear from the City's Economic Development Manager on how the Planning Commission's decisions are impacting the City and she wanted to hear from staff on what the Planning Commission should consider in order to move Hayward forward.

4. Commissioners' Announcements, Referrals

Commissioner Lavelle shared that a Viva Las Vegas event was being held in the City Hall Rotunda on Saturday, February 1, 2014 benefitting the Lighthouse Community Center.

Commissioner Márquez commented that she had great respect for the City of Hayward.

Commissioner Trivedi reported that he attended the Sustainability Committee meeting on January 29, 2014 and the topics discussed were: childhood obesity, Pay As You Save, Property Assessed Clean Energy (PACE) improvement, and Community Choice Aggregation. Commissioner Márquez noted that the time that Sustainability Committee meetings are held might be moved in the future.

APPROVAL OF MINUTES

5. The minutes of December 5, 2013 was unanimously approved.

ADJOURNMENT

Chair Lamnin adjourned the meeting at 10:06 pm.

APPROVED:

_____
Dianne McDermott, Secretary
Planning Commission

ATTEST:

_____
Avinta Madhukansh-Singh, Senior Secretary
Office of the City Clerk