

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Zermeño, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bogue, McKillop, Sacks, Fraas, Thnay
CHAIRPERSON Zermeño
Absent: COMMISSIONER One Vacancy

Staff Members Present: Anderly, Conneely, Koonze, Looney, Patenaude

General Public Present: Approximately 16

PUBLIC COMMENT

Chairperson Zermeño introduced former Planning Commissioner, now Council Member, Halliday who was awarded a Resolution from the Commission for her eight years of service.

Council Member Halliday said she was proud and happy to have been a part of the Commission for so many years. You learn a lot and serve the City well.

Al Mendall, Citizens Advisory Commission (CAC), said he would not be able to stay for Item 2, but discussed the funding for the Eden Housing Project on tonight's agenda. He recommended approval of the item, saying it was a good project for the City of Hayward.

AGENDA

1. **Use Permit No. PL-2002-0099 - Robert Lavassani (Applicant/Owner)** – Request to Construct a Restaurant With a Bar and Night Club – The Project is Located at 1705 West Winton Avenue
2. **I. Zone Change PL 2004-0188** – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH)
II. Site Plan Review PL-2004-0191 – Request to Construct 57 Affordable Family Apartments;
III. Exception PL-2004-0192 – Request to Reduce the Required Number of Parking Stalls From 117 to 101; and
IV. Request to Vacate a Portion of Lafayette Street and Reconfigure Lot Lines to Create One Parcel

Eden Housing, Inc. (Applicant), Estate of Ross S. Rasmussen (Owner). The Project is Located at 32519, 32525 and 33527 Mission Boulevard

PUBLIC HEARINGS

1. **Use Permit No. PL-2002-0099 - Robert Lavassani (Applicant/Owner)** – Request to Construct a Restaurant With a Bar and Night Club – The Project is Located at 1705 West Winton Avenue

Assistant Planner Koonze described the application, noting that the Planning Commission first reviewed the application on January 8, 2004, noting that the Commission asked for changes in the plans as well as asked staff to prepare conditions and findings in order to approve the project. He discussed the changes in the design to eliminate all parking and setbacks variances. However, Staff is not pleased with the color of the metal roof. They are also concerned with the columns size and design as well as further changes to the windows. Staff recommended approval of the Use Permit subject to findings and conditions of approval.

Commissioner Bogue asked about the removal of the cover charge and whether it would be appropriate to remove it.

Assistant Planner Koonze responded that the Police Department is satisfied with the proposed security measures and therefore staff is recommending lifting the restriction of the cover charge.

The public hearing opened at 7:40 p.m.

Jay Yinger, representing the applicant noted that they disagree with the three design suggestions, particularly the roof color. The idea is for a contrast with the warm tones of the body of the building, and cooler tones on the roof. As to the sash around the windows, they are olive green. He suggested they might reverse them, an olive green on the roof and gray on the windows. The columns are more of a landscape feature enhancement and stone would make them too wide and too large. He said he asked for a clarification of the window trim. They have a sash and don't know what trim staff would want.

David Cota, COMPREE, said they are supporting this as a quality restaurant but not a nightclub at this location. He commented that there was not enough time for the community to respond once the notice was received. He requested notification further in advance. He said they also disagreed with a number of conditions regarding the Alcohol consumption and the area. He emphasized that they do not support this nightclub application, but would support the restaurant only. He discussed the license types for this business. Hayward does not need another problem nightclub.

The public hearing closed at 7:49 p.m.

Chairperson Zermeño asked whether staff could send more timely notice for the public.



Planning Manager Anderly responded that staff actually sends out notices when the application arrives and then again when it is to be heard 10-days in advance.

Commissioner Sacks asked about the two licenses to which Mr. Cota referred, 47 and 48.

Assistant Planner Koonze responded that the number is there to cover the proposed use.

Commissioner Sacks commented that one is specifically saying it forbids minors and one includes them. She said she just was not clear at the moment.

Assistant Planner Koonze emphasized that the condition covers the usage and intent but if the Commission wants to make a change, they can.

Commissioner Sacks added that it has always been a mystery that minors can be allowed where alcohol is served. She suggested clarification of the allowance of minors in the establishment.

Assistant Planner Koonze pointed to further conditions like Condition 36, minors will not be allowed after 10 p.m. The nightclub music cannot start until after 10 either.

Commissioner Thnay asked the police input into the item and also about other licenses in the area.

Assistant Planner Koonze said the police comments are expressed in the conditions of approval and support the project as long as they have security and the music restrictions. He then showed the number of alcohol selling establishments in the area. The majority of this census tract is industrial. The liquor licenses are spread out in this area. None of them in the area is associated with a nightclub.

Planning Manager Anderly reported that she met with the Acting Chief of Police. The Condition of Approval regarding the hours of operation was their major concern. With them closing at midnight each night, they were convinced they could handle this.

Chairperson Zermeño asked Commissioner McKillop whether minors could go into her restaurant to eat even though wine is sold.

Commissioner McKillop stated that having gone through this process herself and working with the ABC, the Planning Department and the Police Department, she is confident about the process and the departments involved.

Commissioner Bogue explained that the rules of the Alcoholic Beverage Commission might apply even more. The license requires mealtimes and that it functions as a restaurant. He

suggested license 47 is the more appropriate one to have. Condition 34 explains the limitations of the times alcohol can be sold. He questioned the metal roof and thought composition shingle would make more sense. The color does not bother him.

Commissioner Fraas said she liked the roof. It's a modern design. She also thanked the applicant for trying to meet the conditions from before. She then **moved**, seconded by Commissioner McKillop, the staff recommendation. She added to her motion to take away conditions 9, 10, and 11.

Commissioner Thnay agreed that 9, 10, and 11 are not that major. He said seems like the columns fit in with contrast and nature of the building, and appeared to be the right scale. He thanked the applicant for bringing back something of high quality, which will enhance the City of Hayward.

Commissioner Sacks added some comments on condition 9, regarding the term 'earth tones'. She suggested it is a meaningless term since there are many colors on this earth. She suggested that the applicant take a closer look at the pencil thin columns. They do not seem in scale with rest of the building. However, she would support the motion.

Commissioner McKillop said simply she would support the motion.

Chairperson Zermeño thanked COMPREE for being involved. He said he is not worried that this project will saturate alcohol sales in Hayward.

The motion passed unanimously, 6:0, with one vacancy.

2. **I. Zone Change PL 2004-0188** – Request to Amend the Zoning District from Neighborhood Commercial (CN) to High Density Residential (RH)
- II. Site Plan Review PL-2004-0191** – Request to Construct 57 Affordable Family Apartments;
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Planning Manager Anderly noted the proposed zoning is complementary to the surrounding neighborhood and the intended zoning and complies with the policy of the General Plan. Staff supports a recommendation to the City Council to change in the zoning. She showed photos of the neighborhood and explained how the project would fit into the area. She described the designs of the underground parking area and various amenities. To increase usable open space, revisions to the plan now include balconies and patios in many of the units. A required finding to support a parking exception includes "hardship". Studies have shown that with this type of low-income housing, the number of vehicles associated with the units would be less. There is public transportation in front of the building, which will encourage residents to use it. The project will

REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD

Council Chambers

Thursday, June 3, 2004, 7:30 P.M.

777 "B" Street, Hayward, CA 94541

use more wood and stucco. Many of the lower floor units are one-story flats and the upper units are mostly townhouses. She noted the planter strip between the sidewalk and the street, which will make this area more attractive, walkable and safe. The final request is to vacate a portion of Lafayette Street, which would meet the intent of the General Plan by providing adequate vehicle circulation and pedestrian use. Staff recommends adopting the mitigated negative declaration and proposing that the City Council approve the project.

Commissioner Thnay commended her on the thoroughness of the report. He asked about the parking survey and asked whether there was an independent confirmation of the numbers. He added that this is high-density housing.

Planning Manager Anderly responded that this study, prepared by MTC, was provided by the applicant and considered adequate.

Commissioner Sacks suggested that there is preparation for paving being done in the area. She suggested someone might want to look into this.

Chairperson Zermeño added his compliments for having a community center in the project and asked where it would be. He also asked about the recommendations in the report and whether these are, in turn, translated into conditions.

Planning Manager Anderly said yes, in fact they have enhanced the designs so that staff is satisfied with the plan they provided.

The public hearing opened at 8:21 p.m.

Jeff Bennett, Director of Real Estate Development for Eden Housing and the applicant, said he and his team would be available for questions. He said they have been in business since 1968. They have had a strong relationship with the City, and have produced 18 projects over the years in the City of Hayward. He said they are cognizant of community needs and have built 8,000 housing units over the years.

Commissioner Fraas asked who was Sarah Conner for whom they are naming the project.

Mr. Bennett explained that she was a recently deceased original board member who had been very involved in Eden Housing and the community throughout the years.

Commissioner Thnay asked about the residency process and how the selection process works.

Mr. Bennett said that with the need for this type of housing, the applications are plenty. They use a lottery process but focus first on Hayward residents. Applications will be available at City Hall as well as the Library.

Chairperson Zermeño commented on the community room and asked whose idea it was. He congratulated them all.

Mr. Bennett said there need to be things for the children to do. As to the funding they are by low-income tax credits and Block Grant funding. Staff people do the teaching and are paid from the cash flow for the rentals on the properties.

Mike Pyatok, architect for the project, said he was available for questions.

Commissioner Sacks asked how such a good design is being achieved without appearing cheap.

Mr. Pyatok said they have learned how to carefully utilize the budget and spend on what will impact people's lives while not over-spending on the areas no one will see. He noted that they are careful to meet all of the code requirements but tend to make more expenditure on colors and trim. Their budgets are not that much less than what might be needed to do a market-rate development. This is a public investment and so they are built to last. It's a public investment.

Chairperson Zermeño commented that a few years ago, they reviewed plans in which there would be more affordable units from which the fire suppression sprinklers were to be excluded in order to keep the costs down, whereas in this one they are everywhere.

Charlie Cameron said he lives directly behind this project. He said he supports the project but noted traffic problems in the area as well as public transit issues. AC Transit routes have been changed to trunk lines in this area, although there is also a new housing project in Union City. He suggested that with this amount of population in the area, perhaps AC should reconsider adding the route back. He said a traffic light might be needed there. He asked what would happen with the Super Mexico burrito truck and walk area. There is a lot of traffic in the area which moves fast He said there is major construction on the streets right now, they are cosmetically fixing the curb cuts.

Asres Kaffel said he was glad to see something being done in this area. He asked whether they would be for sale or rent. He asked for more explanation about the neighbors they would have.

Mr. Bridges, representing the applicant, explained that these are rental units. This community will have a lot of compliance issues to deal with. He pointed to the 18 projects throughout the City and said they would be happy to show anyone around them.

Dr. Kaffel asked whether this is Section 8 Housing as well as the income level of the tenants.

Chairperson Zermeño suggested that he get together with the Eden Housing people and visit the other locations.

Commissioner Bogue said it might be a good time to ask about the standards and how the project operates. It is a legitimate concern when having a high-rise apartment building in the neighbor to wonder about the new neighbors.

Mr. Bridges said it is not a Section 8 Housing Project for which people have vouchers. This



program is targeted to people making incomes 30 to 60% of medium, such as an income of \$52,000 a year for 4 bedrooms. The income level will be from \$30,000 to \$60,000 a year. It is an apartment project. Their property management firm is strict about the rules. If they are not followed they tenants will be evicted.

Commissioner Sacks asked about the underlying concern that those people with no money will tear up the neighborhood.

Tobias Rivera, Director of Property management for Eden Housing, said they are committed to providing safe and decent housing to families of low income throughout the area. He noted that they conduct criminal background checks as well as credit checks. They are committed to a safe and long-term housing environment. The screening criteria is detailed, and enforced. There are rules for which residents are accountable. There is zero tolerance for graffiti. They are pro-active in getting others involved within the community.

The public hearing closed at 8:43 p.m.

Commissioner Sacks **moved**, seconded by Commissioner Bogue, to move the recommendation to the City Council with all of the staff recommendation.

Commissioner McKillop said it was a pleasure to sit on CAC. It was an excellent report and she is excited with the project. She would support the motion.

Commissioner Thnay said this is a great help to alleviate the high cost of housing. He suggested that with landscaping perhaps there could be a change of trees, something unique and different. Make a statement of a nice tree. He also suggested that the transit access should be considered as to where they can people get too when they get on the bus.

Commissioner Fraas also sat on the CAC and was thrilled that she gets to make a recommendation of this project. It is a great project. She was also glad that the Fairway Homes Association is on board for it. She commented that the crosswalk might be moved as might the moving the bus stop as to traffic. She added her thanks to Ann Bauman and staff for all their work on this project.

Commissioner Bogue suggested that staff might contact AC Transit and alert them to this project as well as Tamarack, the one in Union City. They might be on the lookout to increase service and times.

Chairperson Zermeño thought that maybe this would help AC increase their traffic and services.

The motion passed unanimously 6:0, with one vacancy.

ADDITIONAL MATTERS

DRAFT

3. Oral Report on Planning and Zoning Matters

Planning Manager Anderly acknowledged CED Administrator Bauman's participation in the Eden Housing project. She noted that Ms. Bauman delayed her retirement to shepherd this project to fruition. She then added that the Commission would be meeting again next week.

4. Commissioners' Announcements, Referrals

Commissioner Sacks asked whether the childcare center on Mission has been going.

Planning Manager Anderly said there was decorative fencing on the property but staff would check further and report back.

ADJOURNMENT

The meeting was adjourned by Chairperson Zermeño at 8:51 p.m.

APPROVED:

Christopher Thnay, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary