



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, January 24, 2019, 7:00 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

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

**CALL TO ORDER Pledge of Allegiance**

Commissioner Patton led in the Pledge of Allegiance.

**ROLL CALL**

Present:        COMMISSIONERS:    Willis, Andrews, Bonilla, Patton, Goldstein  
Absent:        Chair Faria, Commissioner McDermott

Staff Members Present: Chan, Lee, Lochirco, Schmidt, Vigilia

General Public Present: 44

**PUBLIC COMMENT:**

There were none.

**WORK SESSION:**

1. Preliminary Review of a Proposed Planned Development (PD) Rezone to construct a 20,740-square-foot church building, supporting administrative and assembly buildings totaling 10,508 square feet, and a 34-unit senior affordable housing development on a 6.2-acre parcel located at 29831 Clearbrook Circle (APN 083-0254-002-06). Application No. 201800410; Abdul Esmail (Applicant) on behalf of Pilgrim Baptist Church (Owner)

Commissioner Andrews recused herself and left the dais at 7:05 p.m. Ms. Andrews stated that her current employer was considering a project with the applicant.

Associate Planner Lee provided a synopsis of the staff report and a PowerPoint presentation.

Deacon Thurman White and Pastor Larry Ellis, with Pilgrim Baptist Church, approached the podium. Mr. Thurman spoke about the project, provided a history and purpose of the



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church, and why the church is relocating to Hayward from San Mateo. Mr. Thurman spoke about their community outreach and the significant revisions to the project.

Commissioner Goldstein encouraged the applicant to continue the community engagement sessions and encouraged the applicant to include a bicycle and pedestrian plan that embraces the surrounding neighborhood as this is a City priority. Mr. Goldstein suggested a transportation plan for senior residents and the addition of several restaurants and grocery stores in the area. He mentioned nearby future development that will be beneficial to both residents and church members. Mr. Goldstein said smaller buses for transportation would be ideal based on the slope of the hill. Associate Planner Lee said the fault line runs through the parking area. Mr. Goldstein said per City regulations there cannot be development within 50 feet of the fault line and requested the applicant speak to the geological issues of the site.

Mr. Abdul Esmail, architect for Pilgrim Baptist Church, spoke about the location of the fault line and pointed out that the nearest building is 75 feet from the fault line. Mr. Esmail said per the geotechnical report, slippage is negligible.

Commissioner Patton said this is a great site, noted the City's concern if there was a seismic event during a meeting, and would like to see the Church's operational mitigation measures. Mr. Patton suggested utilizing a landscape architect for the parking area, the applicant needs to provide visual analysis in terms of site sections in relation to the mass of the sanctuary and requested the applicant provide what other community benefits the church be offering.

Mr. Esmail responded that the geotechnical report will provide different views and will provide this to Associate Planner Lee.

Commissioner Bonilla said he appreciates the Church's efforts to reduce the size of the project based on the feedback from the Planning Commission and the community. Mr. Thurman said the church is preparing for future growth and they did not want to have to come back to the City in a couple of years.

Pastor Ellis shared that about ten years ago there was a congregation of 600, but the existing congregation is about 200 members.

Commissioner Bonilla asked the applicant to address staff's concerns. Mr. Esmail responded that they are working on providing staff with more information and are working on addressing the open space issues.

Associate Planner Lee said there are better ways to connect the open space with the rest of the community and for the applicant to provide a substantial amount of open space.



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Commissioner Bonilla suggested the community benefit be accessible to the community. Mr. Thurman said the senior housing will be open to the public and will be developed during Phase 2 and added that they have been having conversations with other non-profit housing agencies.

Commissioner Patton reminded staff to keep in mind the quality of the project.

Vice-Chair Willis said this is a better plan than what was previously submitted, but he has concerns about traffic when members are coming to the church for services at the same time. Mr. Willis said this is a bad location for a senior residence as the seniors will be isolated from amenities. Mr. Willis said the surrounding neighborhood has not accepted the project at this time and noted a previous developer did not continue with the project because of the difficulty in grading the site and the proximity to the fault.

Mr. Thurman said they will have the geological reports and facts to validate the project and if there are issues they will have mitigation measures in place. Mr. Thurman spoke about discussions with the apartment owner, Mr. Warhurst, and that the retaining wall will in fact be a benefit to the apartments below. Mr. Esmail said mitigation measures are in place to ensure transportation for the senior residents.

Vice-Chair Willis spoke about the neighborhood concern and asked the applicant to address these issues prior to coming back to the commission with their final plans.

Commissioner Goldstein stated the applicant should point out existing amenities such as gas stations, restaurants, Fairway Park Shopping Center and the other existing neighborhood churches, when conducting community outreach. He commented that there are not any traffic impacts from the existing churches. Mr. Goldstein suggested the applicant stagger events to lessen the traffic impact to the neighborhood and encouraged the applicant to consider amateur radio as a mitigation measure against natural disasters.

Vice-Chair Willis opened the public hearing at 8:10 p.m.

Mr. Blane Warhurst, Hayward apartment owner, spoke about his concerns and thoughts, that he respects the applicant's right to build, but wants to protect the existing neighborhood and environment.

Mr. Robert Conner, Hayward resident, spoke about the changes to the neighborhood and that he wants to protect the natural wildlife habitat, has concerns that development has affected these habitats, and that there are better places to build a development like this project.



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Vice-Chair Willis closed the public hearing at 8:17 p.m.

2. Preliminary Review of a Zone Change to Planned Development District and a Vesting Tentative Tract Map to Construct a 14-unit Subdivision on an Approximate 1.64-Acre Vacant Lot located at 25036 to 25096 Carlos Bee Boulevard. Application No. 201802159; Kodama Diseno Architects (Applicant) on behalf of Zoreh Gharaati (Owner)

Commissioner Andrews returned to the dais at 8:18 p.m.

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

Senior Planner Schmidt clarified for Commissioner Goldstein that the project is short two parking spaces to comply with City regulations.

Commissioner Patton commented that the project is too complicated for the size of the site and suggested two to three attached townhomes and referred the applicant to the Sienna Hill project in Oakland. Mr. Patton was not in favor of lot 14, suggested a more attached unit consistent with the rest of the project and for the applicant to provide more open space.

Mike Vigilia provided direction to the Commission.

Senior Planner Schmidt explained for Commissioner Bonilla that the condominium units are affordable by design because they are not deed restricted, and do not include a lot with land which should be more affordable as opposed to single family homes.

Ms. Joanne Wong, with Kodama Diseno Architects, spoke about the project and the challenges, and provided a visual presentation with a 3D model. Ms. Wong provided a hand-out for the Planning Commission and staff and provided a PowerPoint presentation of the project.

Ms. Wong responded to Commissioner Andrews about the plans to make Unit 14 an affordable housing unit as this can offset the building costs on such a difficult site and that amenities for aging in place can be installed in another unit.

Commissioner Patton suggested landscaping to help mitigate the noise from the busy street and feels that the architectural style is not appropriate for the area.



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Commissioner Goldstein likes the appealing design and landscaping, strongly recommends the applicant conduct community outreach including neighborhood associations and suggested including a bicycle and transportation plan and other amenities. Senior Planner Schmidt said the CEQA document will be forthcoming.

Commissioner Bonilla expressed concern about making Unit 14 the affordable unit as it is secluded from the rest of the development and staff has issues with this unit regarding parking and parking circulation. Ms. Gharaati, the owner, responded that it is difficult to estimate the unit cost as this will be dependent upon building costs and guessed the price could be \$750,000 which is comparable to other units in Hayward. Mr. Bonilla said with the price similar to single-family homes in Hayward, he does not want the units marketed as "affordable by design". Mr. Bonilla suggested the applicant consider a more contemporary design and he liked the inclusion of the affordable unit. Mr. Bonilla said if Unit 14 were removed this could resolve any parking and circulation requirements and allow for more open space.

Commissioner Andrews suggested including accessory dwelling units (ADU) into the design and the price of \$750,000 is not affordable for Cal State East Bay students.

Commissioner Goldstein commented that the cost of housing in the bay area is astounding and thanked Commissioner Andrews for reminding everyone about ADUs. Mr. Goldstein encouraged the applicant to include ADUs in their design.

Ms. Gharaati, owner, spoke about the high cost of building because of the challenges that are present at the site.

Commissioner Andrews said ADUs make the project more attractive as the ADUs can be automatic income for buyers and enables buyers to be able to afford the units.

Vice-Chair Willis likes the project, said the City needs more housing units and once there is more housing supply, this could level out the high price of housing. Mr. Willis suggested electric vehicle (EV) charging stations in each unit and said reports show that young people ages 18 to 21 years old are not purchasing cars.

Vice-Chair Willis opened the public hearing at 9:05 p.m.

Ms. Sara Hancock, Hayward resident, said her house is located behind the project site, spoke about the site challenges and how it will impact their views and property values. Ms. Hancock said there should be a reduction in the number of units.

Ms. Aimee Adams, Hayward resident, spoke against the project and the impacts to the existing



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neighborhood.

Mr. Tuan Nguyen, Hayward resident, spoke against the project, against the zoning change, the need for a higher retaining wall, impacts to the immediate neighbors, loss of privacy, slippage, and that these units will not be affordable at \$750,000.

In response to Vice-Chair Willis' question about easements, Senior Planner Schmidt said there are easements fronting Carlos Bee, staff is very concerned about the slope of the hill, and City engineers will thoroughly study and review the plans, studies and geotechnical reports and will come up with appropriate conditions. Ms. Schmidt assured the public that the project still must go through a thorough environmental review process, and if it is found that the slopes are unstable, or if there needs to be taller and/or deeper walls, then these would be recommended in the conditions of approval and mitigation measures. Ms. Schmidt said staff wanted to bring the project to the Planning Commission because staff has deep concerns about the project, including that the project feels too crowded, but the applicant continued to say that the project was only feasible if they build a certain number of units. Ms. Schmidt said staff was relying on the Commission to provide feedback to the applicant that the project may not be supported as proposed.

Vice-Chair Willis closed the public hearing at 9:15 p.m.

Senior Planner Schmidt clarified for Commissioner Bonilla that views and privacy are not protected under CEQA or the Hayward Municipal Code (HMC). Ms. Schmidt said one of the benefits of this site being lower than the residents in the back is that there will be a natural topographic differential between the project and the homes in the back. Staff asked the applicant to provide staff and the Commission with slope diagrams showing the relation of the project to the existing homes. Mr. Bonilla suggested that the applicant conduct more neighborhood outreach and listen to the community's concerns in order to reach common ground.

Commission Andrews reiterated that the applicant should conduct neighborhood outreach.

**APPROVAL OF MINUTES**

**3. Approval of minutes of the Planning Commission Minutes of November 8, 2018**

Commissioner Patton made a motion, seconded by Commissioner Bonilla, to approve the Planning Commission Meeting Minutes of November 8, 2018. The motion passed with the following votes:



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**4:0:2:1 (AYES: Willis, Andrews, Bonilla, Patton, ABSENT: Faria, McDermott; ABSTAIN: Goldstein)**

**COMMISSION REPORTS**

Oral Report on Planning and Zoning Matters:  
There were none.

Commissioners' Announcements, Referrals:

Commissioner Bonilla requested a roster of upcoming topics from staff. Principal Planner Lochirco said staff is working on a tentative agenda, and currently on the schedule for the February 14 meeting is the Downtown Specific Plan EIR. For the following meeting on February 28, there are three items, two Work Sessions for the 238 properties and the Form Based Code Updates and an action item of a text amendment for a recommendation to Council on Cannabis to reduce the over concentration buffer.

**ADJOURNMENT**

Vice-Chair Willis adjourned the meeting at 9:22 p.m.

**APPROVED:**

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Ray Bonilla Jr., Secretary  
Planning Commission

**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk