



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, March 27, 2025, 7:00 p.m.**

Attachment I

The Planning Commission meeting was called to order at 7:03 p.m. by Chair Hardy. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: CHAIRPERSON: Hardy
COMMISSIONERS: Franco-Clausen, Haman, Lowe, Meyers, Stevens
Absent: COMMISSIONER: Goodbody

Staff Members Present: Allen, Corral, Hamre, Kowalski, Lochirco, Morales,
Ochinero, Tabari, Terentieff, Vigilia

PUBLIC COMMENTS

There were none.

ACTION ITEMS

1. Nomination and Election of Officers

At the February 27, 2025, Planning Commission meeting, Commissioner Hardy nominated Commissioner Meyers for the position of Secretary. As Commissioner Meyers was absent, the vote was tabled until the next meeting to allow for acceptance. At the March 27, 2025 meeting, Chair Hardy confirmed that Commissioner Meyers was willing to serve, and the nomination was unanimously approved.

PUBLIC HEARING

2. Vesting Tentative Tract Map (Tract 8520) Application No. TM-24-0006 for a New Multi-Family Residential Subdivision with 27 Three-Story Townhouse-Style Condominiums and a Four-Story 18-Unit Multi-Family Building on a Vacant 1.14-Acre Site Located at 21659 Mission Boulevard (APN 428-0006-058-01) for which a Corresponding Vesting Tentative Tract Map, Site Plan Review and Density Bonus Application (201902713) was previously approved in September 2020 but for which the previously approved Vesting Tentative Tract Map has since expired. Applicant/Property Owner: Sophie Nguyen, Secured Asset Fund Corporation; Project Engineer: Jeffrey Moore, Greenwood & Moore, Inc. **PH 25-010**

Staff report submitted by Senior Planner Kowalski dated March



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27, 2025, was filed.

Senior Planner Kowalski provided a synopsis of the staff report.

Commissioner Lowe questioned whether the environmental impact of trees and the potential impacts related to migrating or nesting birds inhabiting those trees were included in the site plan review and suggested that it might be important to incorporate considerations for bird habitats into the conditions of approval. Senior Planner Kowalski replied that the consideration of environmental impacts, particularly regarding bird habitats, should indeed be included in the site plan review, as it is a standard requirement when trees are removed from a site. However, he observed that this aspect was not mentioned in the conditions of approval for the subdivision map. He committed to checking whether it was included in the conditions for the site plan review and the density bonus, emphasizing that it needs to be addressed if it is currently absent.

Commissioner Haman inquired about the reason for discrepancy in the property size, referencing the Planning Commission meeting held on September 29, 2020, where the original size of the property was stated as 1.12 acres and that the updated size was now listed as 1.14 acres. Senior Planner Kowalski acknowledged the discrepancy but expressed that he could not provide a clear explanation for it, suggesting it was likely just an oversight.

Commissioner Haman asked whether the current tree and landscaping schedule complied with the existing tree ordinance. Senior Planner Kowalski confirmed that the landscape plans were approved during the site plan review entitlement process, and mentioned that the plans were likely attached to the staff report for reference along with the project's architectural plans, although he was unsure if they were included. Senior Planner Kowalski assured the commission that the landscape plans had been reviewed to ensure compliance with the standards in effect at that time, specifically in 2020, and were already memorialized.

Commissioner Haman inquired whether there was a final report regarding any endangered wildlife nesting sites in the area to which Senior Planner Kowalski explained that it is a standard requirement for a bird expert to inspect the trees prior to their removal to ensure there are no active nests. Senior Planner Kowalski emphasized that this step is critical before any tree removal begins and stated that if this requirement is not already included in the conditions for the site plan review application from 2020, it would be added to the Vesting Tentative Tract Map. He noted that the inspection must occur no more than 14 days before the start of tree removal, as this timeframe is enough for any nesting birds to establish themselves in trees.

Commissioner Haman asked whether the concerns raised by the Planning Commission in 2020 regarding colors and other architectural details were addressed in the approval process. Senior Planner Kowalski responded that the applicants were not required to present any revised



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architectural plans for the current application and clarified that the conditions of approval from the 2020 site plan review still stand, and the applicants must meet those conditions. One specific requirement was to provide artwork on the facade of the apartment building facing Mission Boulevard, which they will need to fulfill.

Commissioner Meyers inquired about the original situation involving two separate properties and noted that the current plan involves eliminating that division. Senior Planner Kowalski clarified that the property has always been one large lot and explained that, in 2020, the previous proposal aimed to split this lot into two smaller ones, maintaining the same total land area. However, that split is no longer feasible due to the presence of water lines that need to run between the townhomes and the apartment building. Senior Planner Kowalski noted that all water service must come from Montgomery Street, as the apartment building cannot draw water from the Mission Boulevard mains for specific reasons that the engineer could explain further, and that new water services were not allowed by the water service provider, East Bay Municipal Utility District ("East Bay MUD"), to cross property lines.

Commissioner Meyers expressed curiosity about how the current situation of having one lot, which is now attached to the townhome property, might affect the potential for someone to buy the apartment building in the future, as opposed to if it had been two separate lots. Senior Planner Kowalski indicated that while it might still be feasible to subdivide the property in the future, the issue with the water line would need to be resolved first. East Bay MUD would not permit a property line to exist between the apartments and the townhomes if a water line crossed that property line. He expressed concern that if a new property line were established, it could necessitate increased fire ratings for the buildings, depending on their proximity to the new boundary. He noted that this situation would also involve two separate owners and insurance policies, making it more complicated. Commissioner Meyers commented that he recognized the potential conflict early on when considering the implications of having two separate lots. Senior Planner Kowalski noted that if a property line were to be reinstated between the apartments and the townhomes, certain building codes would come into play.

Commissioner Meyers inquired whether a third-party bird expert is used for inspections or if this task is handled by a staff member. Senior Planner Kowalski clarified that developers are responsible for hiring their own qualified wildlife biologist, who must be licensed by the State of California, however the City does not require them to use the City's consultant for these types of inspections.

Commissioner Meyers inquired as to how the development plans to accommodate overflow parking for extra vehicles and guest parking, given the parking deficits, pointing out that the 27 townhomes provide only 24 parking spaces, creating a shortfall of three spaces if each household has one working driver and vehicle. He also mentioned that the 18 apartments have only 11 parking spaces, raising concerns about adequate parking availability. Senior Planner



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Kowalski responded that the current parking situation reflects what is available. He explained that the Mission Boulevard Zoning Code does not set minimum parking requirements for new projects, which was a significant shift in policy from earlier times. This decision was based on the presence of robust AC Transit bus service and the nearby BART station, although he acknowledged that the site might not be very walkable to BART. Senior Planner Kowalski suggested that as the bus service improves and becomes more frequent, residents of these developments may come to understand the parking limitations. He indicated that those who choose to live in such developments will need to manage their parking needs accordingly, particularly if they have multiple cars. He admitted that he did not have a definitive solution to the parking concerns but provided context on the rationale behind the current arrangements. Commissioner Meyers clarified that his concerns are not against the project itself but rather reflect apprehension about the current parking requirements and their implications for the development.

Chair Hardy sought clarification regarding a different version of the reach code, noting it was not reflected in the materials received, particularly in relation to the green building standards. Associate Planner Kowalski explained that there is a city-specific reach code and a statewide green building code known as Cal Green, which is updated every three years. In 2022, the developers submitted their building permit applications under the previous cycle, which did not include the new requirement for buildings to be all electric. He assured that other aspects, such as rooftop solar installations on the townhomes and apartment building, as well as electric vehicle charging infrastructure, would still be required. Chair Hardy asked if she missed the information regarding the reach code, as she had thoroughly reviewed the document but did not see it included in the conditions for approval. Associate Planner Kowalski clarified that the City does not include a specific condition requiring compliance with the California Green Building Code, as this requirement is already mandated for all construction in California and would not be explicitly stated in the site plan review conditions from 2020.

Chair Hardy opened public comment at 7:26 p.m.

Sophie Nguyen introduced herself, thanking the commission for the opportunity to speak, and expressed her willingness to answer any questions and mentioned that Brian Dorward of Greenwood & Moore, their civil engineer, was also present to address any technical inquiries.

Mr. Dorward explained that his firm had been the civil engineers for the project since 2020 and had submitted plans for a building permit at the end of 2022; noted that they received initial comments in the summer of 2023, with significant feedback arriving in October 2023; discussed challenges related to fire service water supply, mentioning that they initially proposed dual water meters for the condominiums but later learned that fire service lines could not be supplied from Montgomery Street; highlighted the complexities of the project's location with relation to the municipal water service system, straddling the border between Hayward



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and Alameda County, and the existence of dead-end water lines within Montgomery Street, which posed additional challenges; and concluded by inviting any further questions from the commissioners.

Ro Aguilar expressed a desire for more sustainable mixed-use zoning; praised the infill zoning for providing diverse housing options; emphasized that the development would be even better if it included a requirement for inclusionary affordable housing; pointed out that this addition would help the City meet its low-income housing RHNA goals and strategic plan objectives; and noted that while the townhomes are intended for ownership and the apartments for rental, she did not see any provisions for inclusionary housing designated for low or very low-income residents.

Chair Hardy closed public comment at 7:31 p.m.

Commissioner Stevens made a motion to approve the vesting tentative tract map TM-24-006, and added a comment regarding a letter received that evening from the California Housing Defense Fund, expressing his annoyance with its reminder about State law obligations. Commissioner Stevens emphasized that the State has significantly diminished local control over development in Hayward over the past few years and encouraged those concerned about this issue to educate themselves and consider voting out the state senators and assembly members currently representing them.

Commissioner Lowe seconded the motion.

Commissioner Franco-Claussen reiterated concerns about parking in housing developments and how a parking deficit will impact public safety. She questioned who would manage towing and ensure access for those with parking spots. She noted the City is assuming that most new residents are single or tech workers, when many families in Hayward still drive and rely on parking in housing developments where they live. Commissioner Franco-Claussen added that the lack of guest parking also raises equity and legal concerns among residents. She expressed disappointment in the ongoing deficit of parking solutions during critical housing discussions, emphasizing the importance of considering the long-term impacts of these decisions and questioning the reliability of public transit as a solution. She urged the need for better planning to address the community's parking needs.

Chair Hardy agreed with Commissioner Franco-Claussen regarding the ongoing parking issues, acknowledging the difficulty of supporting family-oriented developments without adequate parking. However, she expressed appreciation for the mixed-use aspect of the project, noting the inclusion of both rental apartments and townhomes for purchase as a positive development, especially given the current shortage of new apartments.



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Senior Planner Kowalski addressed the Commission, clarifying a comment made by Ms. Aguilar during the public comment portion of the hearing regarding affordable housing. He informed them that the project will include four affordable units, with three of the townhomes designated as ownership units, which is quite unusual. Additionally, one rental unit in the apartment building will also be affordable.

It was moved by Commissioner Stevens, seconded by Commissioner Lowe, and carried unanimously, to make a recommendation to the City Council for the Vesting Tentative Tract Map (Tract 8520) Application No. TM-24-0006 to be approved.

AYES:	COMMISSISONER	Haman, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	Franco-Claussen
ABSENT:	COMMISSISONER	Goodbody
ABSTAIN:	COMMISSIONER	

3. General Plan Amendment to the Hazards Element of the Hayward 2040 General Plan to Incorporate a Reference to the Hayward Local Resilience Plan **PH 25-012**

Staff report submitted by Interim Deputy Fire Chief Hamre dated March 27, 2025, was filed.

Interim Deputy Fire Chief Hamre provided a synopsis of the staff report.

Commissioner Haman inquired about the name change in the Local Hazard Mitigation Plan (LHMP) from the Association of Bay Area Governments to the Hayward Local Resilience Plan. He questioned whether this change signifies that Hayward is now operating independently and is no longer part of the broader regional framework. Interim Deputy Fire Chief Hamre responded that he does not believe the name change indicates a shift in status; rather, it seems to be an omission in the staff report. Planning Manager Lochirco confirmed that Hayward is still a member of the Association of Bay Area Governments (ABAG), indicating that the change in the plan's name does not reflect a loss of regional affiliation.

Commissioner Haman requested examples of eligible public assistance projects that could be included in the discussion. Interim Deputy Fire Chief Hamre explained that eligible public assistance projects generally fall into two categories: hazard mitigation and community resilience initiatives, and highlighted ongoing efforts focused on building resilience through wildland preparation and vegetation management, as well as enhancing the resilience of homes in hilly areas to better prepare for potential disasters.



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Commissioner Haman asked whether the priorities have changed since the previous approval and what is currently considered Hayward's top priority. Interim Deputy Fire Chief Hamre replied that, according to FEMA and the local resilience plan, Hayward's top priorities are earthquake and wildfire hazards, given the high risks associated with these in the East Bay. He noted that while these are the main focuses, the plan remains comprehensive, and the City is working harder on projects related to the expanding hazards in California, particularly concerning wildland management.

Commissioner Stevens inquired whether the only modifications to the plan are indicated in red text within the document, specifically in Attachment Three. Interim Deputy Fire Chief Hamre confirmed that the only modifications to the plan are shown in red text on page three, specifically on line 136, along with a footnote just above it.

Commissioner Stevens expressed concern about Goal Five regarding urban wildfire hazards, referencing recent events in Los Angeles. He questioned whether there should be more concrete plans in place, particularly regarding evacuation during wildfires, which he found noteworthy, and emphasized that while having policies is important, they become ineffective if not actively implemented. Interim Deputy Fire Chief Hamre responded that there are two main objectives currently being pursued: ensuring eligibility for funding both pre- and post-disaster, which is the purpose of the footnote added to the document adopted in 2023. He emphasized that a significant part of his role involves enhancing community resilience to wildfires and that efforts are actively underway to expand services in this area.

Commissioner Stevens inquired whether one of the actionable policies could be the local chipping program sponsored by the department. Interim Deputy Fire Chief Hamre confirmed that the local chipping program is part of their current efforts. He mentioned that they are preparing a vegetation management plan and exploring projects and grants to reduce threats to neighborhoods. He noted that California is actively promoting new LRA hazard maps and is focused on building resilience through neighborhood and home hardening projects. Interim Deputy Fire Chief Hamre added that the department is working to support residents in developing more resilient homes and communities.

Commissioner Stevens inquired about how residents living in urban wildfire risk areas could learn more about available resources and how the city could assist in funding related initiatives. Interim Deputy Fire Chief Hamre advised that residents can visit the City of Hayward website, which has a section on defensible space and home hardening. He noted that the state of California is also expanding its resources and is currently mailing information to residents in high hazard areas to inform them about the new state hazard maps and available resources.

Commissioner Stevens asked for clarification, confirming that the amended document is important because it enables the City to secure funding from state resources both pre- and post-



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disaster. Interim Deputy Fire Chief Hamre confirmed that the document is crucial for securing funding. He explained that in a disaster, federal aid typically covers about 75% of recovery costs, leaving 25% to the community.

Commissioner Stevens inquired about a preemptive approach regarding the primary egress route from the hills, specifically Hayward Boulevard. He asked if there is an emergency evacuation plan for this route and if not, whether one could be developed. He also questioned if any necessary modifications to the road could be a potential grant application for funding. Interim Deputy Fire Chief Hamre replied that developing an evacuation plan could indeed be a potential project for funding. He noted that there are several evacuation routes from the Hayward Hills, not just Hayward Boulevard and that the City, along with the county, currently utilize Genesys for evacuation modeling and notifications to residents.

There being no public comment, Chair Hardy opened and closed public comment at 7:45 p.m.

Commissioner Stevens acknowledged that while the policy is valuable, it only holds meaning when there is a concrete plan, funding, and a clear understanding of implementation. He emphasized a lack of awareness among residents regarding evacuation plans and voiced concern about the dangers faced by those living in the hills and flatlands alike. Commissioner Stevens criticized the tendency to create policies that are not actively followed, suggesting that the language used should be simplified for more straightforward communication about these issues.

Commissioner Lowe agreed with Commissioner Stevens, emphasizing the importance of community awareness regarding safety plans and expectations. She expressed surprise at the mention of multiple exit routes from the hills, noting she was only aware of two and welcomed further information. She acknowledged the City's efforts to reach out to residents about hazards and public safety, stressing the need for improved communication in this area. Despite these concerns, she supported recommending the general plan amendment to incorporate references to the Hayward Local Resilience Plan to the City Council.

It was moved by Commissioner Lowe, seconded by Commissioner Stevens, and carried unanimously, to approve the General Plan Amendment to the Hazards Element of the Hayward 2040 General Plan.

AYES:	COMMISSISONER	Franco-Claussen, Haman, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	
ABSENT:	COMMISSISONER	Goodbody
ABSTAIN:	COMMISSIONER	



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APPROVAL OF MINUTES

4. Minutes of the Planning Commission Meeting on February 27, 2025 **MIN 25-041**

It was moved by Commissioner Franco-Claussen, seconded by Commissioner Lowe, and carried unanimously, to approve the minutes of the Planning Commission meeting on February 27, 2025.

AYES:	COMMISSISONER	Franco-Claussen, Haman, Lowe, Meyers
	CHAIR	Hardy
NOES:		
ABSENT:	COMMISSISONER	Goodbody
ABSTAIN:	COMMISSIONER	Stevens

COMMISSION REPORTS

Commissioner Franco-Claussen expressed appreciation for the responsiveness of the team that addressed her request to trim trees near power lines; emphasized the importance of this action for fire prevention and community safety, noting that her neighbors, who were unaware of the ongoing community efforts, were grateful for the work done by the two young men who executed the task effectively; and thanked the team for their collaboration with the relevant division, highlighting how meaningful their prompt response was following the previous meeting.

Chair Hardy shared that she and Commissioner Hammond attended the Planning Commissioners Academy from March 5, 2025, to March 7, 2025; and expressed gratitude for the opportunity to attend where they learned about the latest developments and upcoming laws as well as connecting with planning commissioners from other cities.

Planning Manager Lochirco noted that the next agenda item on April 10, 2025, will be the annual Capital Improvement Program (CIP) project list and that the Public Works team will be making the presentation for this item. He mentioned that this routine item is updated yearly and covers projects from fiscal year 2026 to fiscal year 2035, as new projects are added, and completed projects are removed from the list.

Commissioner Franco-Claussen expressed her interest in the upcoming presentation but noted that she will be unable to attend the meeting due to work travel; and mentioned that her accommodations do not allow for public access, so she will miss the meeting.



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ORAL REPORT ON PLANNING AND ZONING MATTERS

There were none.

COMMISSIONERS' ANNOUNCEMENTS, REFERRALS

There were none.

ADJOURNMENT

Chair Hardy adjourned the meeting at 7:56 p.m.

APPROVED:

Ron Meyers, Secretary
Planning Commission

ATTEST:

Briea Allen
Planning Commission Secretary
Office of the City Clerk