



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

This meeting was conducted utilizing teleconference and electronic means consistent with State of California Executive Order No. 29-20 dated March 17, 2020, and Alameda County Health Officer Order No. 20-10 dated April 29, 2020, regarding the COVID-19 pandemic.

MEETING

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

CALL TO ORDER

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: Goldstein

Staff Members Present: Agarwal, Billoups, Brick, Chan, Flores, Kelley, Lochirco, Martinez, Nichols, Simpson, Solla

PUBLIC COMMENT:

Public Comments were limited only to items on the Agenda.

PUBLIC HEARINGS: For agenda items No. 1, No. 2, and No. 3, the Planning Commission may make a recommendation to the City Council.

1. Proposed Amendment to Chapter 10, Article 1 (Zoning Ordinance) of the Hayward Municipal Code related to Retail Sales of Tobacco and Tobacco Related Products

Senior Code Enforcement Inspector Flores provided a synopsis of the staff report and a PowerPoint presentation.

Senior Code Enforcement Inspector Flores responded to Commissioner Andrews that Hookah lounges were banned from the City of Hayward in 2014 and there may be some lounges in the unincorporated area of Hayward.

Senior Code Enforcement Inspector Flores confirmed for Planning Commissioner Faria that menthol flavored tobacco products are banned per the proposed Ordinance and this is to be consistent with County and State best practices.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

Planning Commissioner Roche inquired about what education programs are there to help families and youth; why weren't licenses revoked; and what legal actions have occurred. Senior Code Enforcement Inspector Flores said the City will continue to work with Alameda County Public Health Department (ACPHD). Mr. Paul Cummings, Tobacco Control Program Director for Alameda County Health Department, spoke about the treatment approach for youth who are already addicted; the Hayward Unified School District (HUSD) tobacco use and prevention program; and the smokers' helpline a 1-800 number devoted to vaping and phone counseling. Ms. Flores said the City will be addressing violators and the Ordinance will allow us to suspend/revoke licenses. Assistant City Attorney Agarwal said there has not been many legal actions regarding bans of this type and a lot of bay area counties have recently adopted bans for vaping and flavored tobacco products. Mr. Agarwal shared that in 2011 in San Francisco the court upheld a ban from pharmacies selling flavored tobacco products and that cities have a lot of discretion when acting for the sake of public health and safety.

Planning Commissioner Stevens asked about the following: are these products are still legal; who is purchasing these products and what is the demand; and enforcement of sales to underage smokers versus cannabis. Mr. Cummings said the products in the Ordinance are still legal to be used and possessed in Hayward and the restriction is on the sale of the products. Mr. Cummings said there is data on the great increase of tobacco use among youth. Anna Lee from ACPHD provided statistics on the high rates of use of menthol flavored cigarettes- 30% of smokers smoked menthol cigarettes and 50% of smokers 12 to 17 years old. Detective Wright of HPD described decoy operations at businesses to ensure that buyers of cannabis products are of age and this would also apply to tobacco stores. Detective Wright said there are a lot more stores that sell tobacco products than cannabis dispensaries and it would take longer to ensure compliance. Code Enforcement Manager Nichols spoke about the administrative enforcement performed by the City and that currently there are two staff who are assigned to the tobacco inspections.

Chair Bonilla asked about the following: how effective is the City in what we are trying to implement; what alternatives have the City considered to prevent youth smoking; data of what will occur when tobacco bans are instituted; Ms. Lee provided stats of adult use that majority will begin with flavored tobacco products and the Ordinance will have an impact on adults also. Mr. Cummings said what is being proposed will tighten the sale of the flavored tobacco products. Senior Code Enforcement Inspector Flores said the times have changed and the use among youth has increased because the products are easily accessible; with the proposed ordinance there will be increased enforcement along with more resources for youth education. Code Enforcement Manager Nichols said that the City has been trying to be a good steward with local businesses and it is time to pursue those cases that continue to sell to minors and begin the process of suspending licenses. Mr. Cummings said the County currently does not have data on what happens when bans are instituted;



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

there have not been any spikes in domestic violence or substance abuse; and in theory adults will find other ways to obtain tobacco products as youth do not have this same option of access.

Chair Bonilla opened the public hearing at 7:49 p.m.

Public speakers participated by calling the City Clerk's office at (510) 583-4400.

The following speakers spoke in support of the staff recommendation:

Ms. Jennifer Duncan, Substance Abuse Prevention Program Manager at Eden Youth and Family Center, said the tobacco industry is targeting youth through flavored products and advertising; and the industry wants to indoctrinate youth.

Mr. Paul Cummings, Tobacco Control Program Director for ACPHD, said the proposed ordinance which is a multi-strategy approach will protect Hayward's youth; and the tobacco industry is resourceful and relentless to sell their products.

Ms. Cesia Gomez Marcelino, Hayward resident with Youth Advisory Council, spoke about youth smoking and how the advertising entices young people; many of the tobacco retailers are near sensitive areas like schools, playgrounds, and daycares; youth vaping is an epidemic.

Ms. Jessica Fuentes, Junior at Mt. Eden High School, spoke about the far reaching use of tobacco products in high schools such as vape pens and said this product is easily accessible; worked with Alameda and Hayward Police Departments as a decoy and saw first hand how retailers did not check IDs. Teens know that it is very easy to acquire these products.

Mr. Nathan Subramanian, Alameda County Tobacco Control Coalition, spoke about the popularity of flavored tobacco products; positive impact of banning menthol cigarettes and minimum prices will prevent the tobacco industry from finding loopholes.

Dr. Phillip Gardiner, African American Tobacco Control Leadership Council, spoke about the letter that he submitted to the Council in support of the item, remove the menthol exception; how minorities disproportionately are addicted to tobacco products. He said smoking compromises the lungs and immune system. Smokers will have more serious health concerns that can lead into complications with COVID-19.

Mr. Bryan Davis, Alameda County Tobacco Control Coalition, spoke about seeing small packs of tobacco products for one dollar; about how bay area municipalities have put in



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

place mitigation measures to decreases the amount of use; and the high use of tobacco products in high schools where the school population was predominately African American.

Ms. Anna Lee, ACPHD, said it is important for community health and racial equity especially at this time when smokers are at greater risk because of COVID-19; provisions of the ordinance will hold retailers accountable to the community; Hayward has a disproportionate number of tobacco retailers are located in sensitive and low income areas of color; cheap flavored tobacco products are very accessible and provided statistics.

Ms. Karen Halfon, Executive Director of Eden Youth and Family Center, said this will significantly reduce accessibility of these tobacco products including e-cigarettes among school age youth. Ms. Halfon spoke about the preventative measures that they are involved in and provided statistics.

Ms. Paula Carreon, Tennyson High School student, spoke about having a stronger and healthier community; once the ordinance is passed this will make it more difficult for students to be able to purchase these products; and shared that the HUSD survey results are that students say it is very easy to purchase the products and this is very concerning and needs to be resolved.

Ms. Roselyn Moya, Co-Chair Alameda County Tobacco Control Coalition, focus is to protect youths as it is too accessible and provided statistics on how youth are able to purchase products from retailers. The priority is to protect the children.

Mr. Bob Gordon, Alameda County Tobacco Control Coalition, noted that hookahs have so many candy and fruit flavored products that are attractive to youth and is as dangerous as smoking cigarettes; is concerned and requested staff take a look at the language in the ordinance that refers to pharmacies and drug stores. He spoke about how San Francisco passed a comprehensive ordinance in 2017 banning all flavored tobacco products and that this takes the complexities out of the enforcement aspect.

Ms. Liz Williams, Americans for Non-Smokers Rights, suggested increasing the pack size to 20 to prevent the use of coupons and to establish a cap on the number of retailer licenses. She said this has been banned in many communities and has been successful. It is important to protect the health and wellness of the community.

Ms. Blythe Young, Community Advocacy Director for the American Heart Association, said the proposed item will increase enforcement; the City needs to join Alameda County and surrounding cities in banning the sale of flavored tobacco; the six month grace period is adequate time for retailers; and it is important to protect the youth.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

Ms. Deanna Canales, health educator, expressed concern about the youth smoking epidemic; youth are being targeted especially in disadvantaged communities. Thanked the Commission for standing up to protect Hayward's youth and their health

Ms. Elsa Casanova, Organizer with La Familia in the unincorporated area of Alameda County, spoke about the County passing a successful strong tobacco retailer ordinance earlier this year; many children in the Eden Area go to school in Hayward. We must work together to restrict the sale of flavored products to protect the health of our youth.

Ms. Jen Grand Lejano, American Cancer Society Cancer Action Network, Government Relations Director for Northern California, said it is time to update the City's ordinance to protect Hayward's youth; data shows that youth are obtaining these products from retailers and the predatory advertising targets youth.

Ms. Slor Corral, Substance Abuse Coordinator with Eden Youth and Family Center, said she has worked with youth in substance abuse which include using tobacco flavored products. Ms. Corral said 81% of users of flavored tobacco products are age 12 to 17. This ordinance will help bring a better future to Hayward's families.

Ms. Annie Tegen, Campaign for Tobacco Free Kids, reiterated their strong support for the ordinance.

The following speakers spoke in opposition of the staff recommendation:

Mr. Dhruba Bassua, Hayward business owner, spoke about being careful about selling tobacco products; this ordinance will impact his business and he wants to work with the City and urged the Commission and Council to help his business.

Mr. Haroon Ahmed, Hayward business owner, said they are a responsible business and have trained staff to prevent underage sales; they have turned away multiple people who did not have IDs; they follow all the rules; existing guidelines are adequate to prevent sales to minors; increasing smoking age to 21 has helped resolve the situation; removing flavored products from responsible retailers will harm the business owners and will not protect the youth who will find another way to obtain the products on the black market. Mr. Ahmed requested the Planning Commission oppose the ban and invited them to visit his store.

Ms. Rima Khoury, Hookah Chamber of Commerce, said this is a 1,000 year tradition and there is not a teen hookah epidemic in Hayward; she said the CDC and the FDA reports make it clear that hookah is not the problem with youth smoking; they are not being used in schools; and hookahs are three feet tall and cannot be concealed in backpacks or a



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

pocket like vape products. Ms. Khoury explained how hookahs are used and that they are not causing a health concern among youth as they are not appealing to youth and will be collateral damage in the war against vape.

Mr. Mike Ali, Hayward business owner, said his business has had a clean record for the last twenty years and they are very careful to check all IDs. Mr. Ali said he understands the issue with the youth, and they want to work with the City. He said that a lot of his clients are low income and minorities and expressed concern of where his clients will be able to obtain the flavored products and that the City will lose revenue and taxes. He said that the youth will find a way to obtain the products that they want. Mr. Ali said if these products are banned then this will impact his small business and requested to meet and discuss this issue. He said that a lot of small business are owned by minorities who do not speak English. It is unfair to punish a whole industry.

There being no additional speakers, Chair Bonilla closed the public hearing at 8:58 p.m.

Commissioner Andrews disclosed speaking with a tobacco coalition about this item and thanked the speakers for their comments. Ms. Andrews expressed concern about the health dangers to youth and spoke about that over thirty years ago when looking through a Black magazine that should have been celebrating their culture and there was an advertisement for menthol cigarettes. Ms. Andrews said the tobacco industry targeted the minority community then and is continuing to do so now; she is concerned about vaping among youth that is out of control; and is also concerned about the retailers. Ms. Andrews recommended that violators be required to serve environmental community service on par with Keep Hayward Clean and Green Task Force Clean-ups as this is not just a health issue but is also an environmental issue with the trash from tobacco products

Commissioner Faria spoke about her experience in the health industry where she has seen the health impact from years of smoking. Ms. Faria supports the item that will limit youth access to tobacco products.

Commissioner Patton said this is a public health issue and is not the purview of Planning Commission and feels this discussion belongs with the City Council who is in charge of public health policies for the City. Mr. Patton urged the speakers to attend the City Council meeting to provide their comments to Council. He said these amendments are appropriate as the statistics clearly indicate the impact to the City's youth from the vaping and e-products and the Commission has the responsibility to protect our youth. Mr. Patton said the tobacco industry is targeting the youth.

Ms. Roche thanked Planning Commissioner Patton for his comments as she had been struggling with the ban and the impact to small businesses that have been diligent and



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

following the law; questioned the proposed ordinance would impede the freedom of choice; noted the Commission just approved a cannabis businesses with strict controls; and could there have been stronger enforcement and if staff could have penalized the violators prior to getting to this point. Ms. Roche said that she has to support Hayward's youth and the ban would make accessibility difficult. Ms. Roche supports the staff recommendation. Ms. Roche disclosed having met with members of the ACPHD.

Commissioner Stevens agreed with Planning Commissioner Patton that some of the items in the proposed amendment are above the purview of the Commission. Mr. Stevens agreed with the text amendment that related to separation of these establishments from sensitive areas. Mr. Stevens is concerned about page 9 paragraph C that disallows the use of flavored products as well as electronic smoking devices and that this is an overreach and contradictory with previously approved cannabis facilities. He said that this is an enforcement issue and the language should be stronger and should be on par with cannabis regulations. Mr. Stevens said that since the City allows cannabis dispensaries this ban would be a disservice to Hayward's residents and he struggles with that section.

Chair Bonilla agrees with comments by Commissioners Roche and Stevens and said the issue of youth smoking needs to be addressed but the policy might be overreaching in calling for a complete abolishment. Mr. Bonilla pointed out that the amendment is banning only the flavored products while the unflavored products do the same thing. Mr. Bonilla commented that the Commission just approved two cannabis businesses with the names "Auntie Honeys" and "Sticky Thumb" which is similar to the name given the vaping products that attracts youth. He said the cannabis dispensaries are approved to sell clips which are similar to vaping pens and the City needs to expand our thinking on establishing policies to be consistent in applying policies across different businesses. Chair Bonilla said that the measure targets one type of tobacco product when it is known that smoking in general is harmful to your health. Mr. Bonilla expressed concern for the long-lasting impact to Hayward residents once these items are removed from the stores as many people use smoking as an outlet. He said the City needs to implement community campaigns and provide resources to help residents move through the transition so that they don't try to obtain these products out of the City as the purpose of this ordinance is to reduce the tobacco usage in the City and especially among youth. Mr. Bonilla disclosed having met with members of the ACPHD.

Commissioner Andrews noted that during the previous cannabis items she brought up regulating product names so they wouldn't be so attractive to youth. Ms. Andrews asked about having regulations similar to conditions of approval for cannabis businesses; Assistant City Attorney Brick responded that in general, the cannabis application was for a specific land use at a specific location; this item is recommendation for legislation to the



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

City Council. Mr. Brick said the Commission's recommendations can be forwarded to Council for their consideration.

Planning Commissioner Stevens said on Page 9 Section C, he would like a provision put in place to reduce the burden on the City's enforcement division and make sure these products are not being sold to youth. Mr. Stevens said an issue is that there are too many establishments and suggested creating a buffer zone between retailers and sensitive use areas. Code Enforcement Manager Nichols said that staff can look at the enforcement aspect on the different products that attracts youth.

Code Enforcement Manager Nichols responded to Planning Commissioner Roche that staff would consider the Commission's recommendations and present them to Council. Ms. Roche suggested limiting the products to just smoke shops; Senior Code Enforcement Inspector Flores said in staff's research that by allowing some businesses to sell these products is not fair to the rest of the retailers and staff determined to establish the ban for all retailers.

Mr. Patton made a motion to approve the staff recommendation with the added recommendation that staff create a matrix listing the Planning Commissioners suggested amendments. The matrix is to include staff response on whether staff would make these recommendations to Council and the matrix is to be included as an attachment to the staff report to Council.

Commissioner Roche seconded the motion.

Planning Commissioner Andrews agreed with the motion and recommended having the environmental community service for violators who sell illegally to youth.

Planning Commissioner Faria supported the motion and asked for clarification on the matrix.

Planning Commissioner Stevens noted that he has stated his discomfort with page 9 paragraph C.

Chair Bonilla said he has concerns and to include in the matrix to have strong alternatives and why can't the flavored tobacco products be regulated similar to cannabis dispensaries; establish a buffer zone to sensitive areas. He said the matrix can help surface other considerations and alternatives so hopefully City Council can have more of an informed decision as it relates to other alternatives to address the issue.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

After further discussion among the Planning Commissioners, Commissioner Patton clarified his motion.

Commissioner Patton made a motion, seconded by Commissioner Roche, to approve the staff recommendation with the added recommendation that staff create a matrix listing the Planning Commissioners suggested amendments such as: stronger enforcement and regulation language including buffer zones similar to cannabis regulations; violators will be required to serve environmental community service on par with the Keep Hayward Clean and Green Task Force clean ups; address concerns about the tobacco industry targeting certain minority groups and especially youth; prioritize community health; and prioritize providing education and resource programs to address youth addiction. The matrix is to include staff response on whether staff would make these recommendations to Council, and the matrix is to be included as an attachment to the staff report to Council.

The motion passed with the following roll call vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

2. Proposed Amendment of the Hayward 2040 General Plana to comply with changes to State law including the Establishment of new Vehicle Miles Traveled (VMT) CEQA thresholds for the City of Hayward

Principal Planner Lochirco provided a synopsis of the staff report and PowerPoint presentation.

Planning Commissioner Andrews would like important intersections reviewed also. Principal Planner Lochirco said item is specifically for CEQA thresholds and staff can consider intersection impacts for new developments outside of CEQA. Senior Transportation Engineer Solla spoke about the VMT thresholds that pertain to CEQA projects and that other projects would be subject to local transportation analysis which would be associated with a developer's traffic impact fee. Mr. Lochirco said because of the COVID-19 crisis there have been a lot fewer cars on the road. Ms. Megan Weir with Nelson Nygaard said residents working from home has impacted the VMT results and spoke about how working from home can shift travel patterns.

Senior Transportation Engineer Solla clarified for Planning Commissioner Faria that both impact fees, the VMT and the traffic impact fees, cancel each other out. Principal Planner



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

Lochirco said this is to declassify using traffic as a negative environmental impact. He said that staff can still assess an impact fee with a project by project assessment.

Senior Transportation Engineer Solla responded to Planning Commissioner Patton that fees will not be imposed until adopted by the City Council.

Chair Bonilla thanked staff and the consultant team for the comprehensive staff report that made a complex item easy to understand.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 10:07 p.m.

Planning Commissioner Faria appreciates that there is still the opportunity to look at specific intersections when necessary.

Planning Commissioner Roche thanked staff and team for the staff report and including the last mile shuttle as a mitigation measure.

Chair Bonilla said this is a logical change and makes a lot of sense and to understand the environmental impacts from traffic.

Commissioner Stevens made a motion to approve the staff recommendation. Commissioner Faria seconded the motion.

The motion passed with the following roll call vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche Chair Bonilla
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

3. Proposed Amendment to Chapter 10, Article 24 (South Hayward BART/Mission Boulevard Form Based Code), Article 25 (Hayward Mission Boulevard Corridor Form Based Code), Article (Zoning Ordinance), and Article 7 (Sign Ordinance), related to the adoption of a consolidated Mission Boulevard Code within the City of Hayward

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

Planning Commissioner Andrews asked about the retail uses staff has considered for this area; Principal Planner Lochirco said the regulations and codes adopted in 2014 envisioned



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

a retail center for shopping but Amazon and online shopping has changed the economy and cities are left with creating resilient spaces and staff has broadened the definition of uses; there is a need to activate that space; nature of update will expand the number of uses and also create flexibility of what those uses will look like. Ms. Andrews suggested utilizing empty spaces as flex space for residential use that could be used to as temporary housing for individuals. Mr. Lochirco said that is a balance and that once commercial is transitioned to another use the commercial aspect will be gone. Staff has been intentional to preserve the commercial along major corridors and as it branches out into residential, there are spaces that allow for other uses. Mr. Lochirco said that there is the ability to temporarily reassign empty spaces for temporary housing. Mr. Lochirco said as the developments are built there will be more use for the transportation connectivity which includes the bike lanes being used more.

Planning Commissioner Faria said this plan is a great improvement over the previous Form Based Code as it is streamlined and flexible. Ms. Faria said in order to create walkability in the South Hayward area, community needs access to essential services and emphasized that there is a dire need for a grocery store in this area as the closest one is not within walking distance.

Planning Commissioner Patton asked staff to address the outside dining; Associate Planner Martinez said the outside dining is under Section 3.2.070 amending the existing air quality mitigation measures language which speaks to a methodology in mitigating any emissions coming off of Mission Boulevard. Principal Planner Lochirco said staff had a robust conversation in response to Mr. Patton's comments about the outside dining and open spaces immediately adjacent to Mission and where these spaces should be placed. Mr. Lochirco said staff tied this to the existing provision related to air quality; what staff has added to clarify is that the provision states the applicant should create/design a barrier/separation between the Mission Boulevard and the open dining space/seating/gathering area since it is not just a physical noise issue but also an air quality issue. Mr. Lochirco said this is an existing mitigation tool and is required of all projects.

Planning Commissioner Stevens inquired about the Mission Boulevard Neighborhood Classification building forms that speaks to a step up of no less than twelve inches; Principal Planner Lochirco said this creates a break between the sidewalk and the building and is intended as a design aesthetic.

Having no public speakers, Chair Bonilla opened and closed the public hearing at 10:44 p.m.

Commissioner Andrews commented that the City really needs to rethink retail and be flexible for the commercial spaces along Mission Boulevard.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

Planning Commissioner Roche thanked staff for the staff report and the work to streamlining the code, the overlay tool that contributed to the visual presentation and echoed Planning Commissioner Andrews comments about flexibility being key in moving forward because of the uncertainty of what the future will bring post COVID-19.

Planning Commissioner Stevens thanked staff for the clear, concise document and is looking forward to a lot of wonderful developments because of this improved Form Based Code.

Chair Bonilla agreed for to open the public comments at 10:47 p.m. There was one speaker.

Mr. A.J, Hayward resident, spoke about the lack of parking in the Mission Boulevard area and the provisions do not reflect the current residential character. He spoke about the traffic impacts and how the bicycle lanes add to the traffic impacts.

There being no additional speakers, Chair Bonilla closed the public comments at 10:51 p.m.

Principal Planner Lochirco said that staff has incorporated flexibility into the plan, established expectations for developers as well as allows for flexibility. Mr. Lochirco said the language in the Code allows for approval of more parking spaces if the request meets three findings: 1- what is being proposed is consistent with the General Plan as well as parking in a multi-modal network; 2- there is quantifiable justification, the demand must be there if more parking is provided; 3-make sure if a developer adds parking it cannot be at the expense of bicycle and pedestrian circulation. Staff wanted to make sure that it was important that if a developer is offering one option it does not come at the sacrifice of another. Mr. Lochirco said staff added flexibility to the Code which is an improvement and better sets expectations to be able to evaluate each project. He said as there is more development there will be more traffic impacts but also the developments will bring density which opens up the possibility for more public transportation routes such as bus routes and shuttle service.

Chair Bonilla appreciates the following: a more streamlined plan; adaptability; focus on multi-modal transportation; and the plan provides a framework for creating bikeable and walkable communities and outdoor space which can encourage a healthier lifestyle.

Commissioner Roche made a motion to approve the staff recommendation. Commissioner Patton seconded the motion



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

The motion passed with the following roll call vote:

AYES: Commissioners Stevens, Andrews, Faria, Patton, Roche
Chair Bonilla
NOES: None
ABSENT: Goldstein
ABSTAIN: None

APPROVAL OF MINUTES

4. Approval of the Planning Commission Meeting Minutes of May 14, 2020.

Commissioner Andrews made a motion, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of May 14, 2020. The motion passed with the following roll call votes:

AYES: Commissioners Stevens, Andrews, Faria, Patton, Roche
Chair Bonilla
NOES: None
ABSENT: Goldstein
ABSTAIN: None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco announced that there will be an August recess for Planning Commission for a well-deserved rest.

Commissioners' Announcements, Referrals:

Planning Commissioner Roche and Chair Bonilla disclosed that for Item #1, they both had met with members of the ACPHD.

Chair Bonilla thanked staff for assisting with bringing this meeting together and to his fellow Commissioners for their participation and engagement in this evening's meeting.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 11:01 p.m.



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, May 28, 2020, 7:00 p.m.**

APPROVED:

Julie Roche, Secretary
Planning Commission
ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk