



**PLANNING COMMISSION MEETING
CONFERENCE ROOM 2A AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, August 24, 2023, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:08 p.m. by Chair Ali-Sullivan. The Planning Commission held a hybrid meeting in Conference Room 2A and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: COMMISSIONERS: Garg, Goodbody, Lowe, Patterson, Stevens
CHAIRPERSON: Ali-Sullivan
Absent: COMMISSIONER: None

Staff Members Present: Blanton, Lochirco, Ochinero, Parras, Richard, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

WORK SESSION

1. Draft Regulations for the Hayward Residential Design Study **(WS 23-033)**

Senior Planner Blanton provided a synopsis of the staff report reviewing changes to the Municipal Code proposed as part of the Hayward Residential Design Study. She noted that staff is focusing the presentation on the most substantial changes. Ms. Blanton introduced Associate Planner Richard who co-presented the PowerPoint presentation and introduced Ms. Poonam Narkar, consultant with WRT, who was available for questions via Zoom.

Commissioner Garg commended staff for their work and expressed concerns related to the fire safety of the landscaping and setback requirements. She noted that housing stock is being built in an era of increased fire risk and questioned whether staff had considered this in the preparation of the draft standards.

Senior Planner Blanton responded that there aren't any standards proposed regarding plant species, however all landscaping has to be consistent with the City's water efficient landscape ordinance. She mentioned Staff is currently updating the Tree Preservation Ordinance so some additional landscaping standards will be forthcoming. In terms of setbacks, code requirements like fire rated walls help with making sure that fires are not easily able to move from one place to another. She said that the Fire Department runs several programs to reduce wildfire risk including weed abatement in the Hills area. She added that the standards don't specify what species of plants are required in the landscaping setbacks, but the setbacks are



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consistent with the size of required landscaping buffers.

Commissioner Garg commented that she is curious about the predicted increases in fire risk in the City of Hayward, as there are many predicted over the next few decades, and she wanted to understand whether these design standards are forward looking in terms of the climate risk. She also questioned egress methods and routes for the higher density areas if Hayward was to experience a very fast-moving wind driven fire like Maui recently experienced. She asked if these design standards would make a firestorm situation worse or would they make it easier to evacuate.

Senior Planner Blanton responded that because life safety is paramount above all things, the fire code supersedes the Zoning Ordinance. She added that Staff has checked in with the Fire Department on the proposed standards. She continued that the Hayward Fire Department has a Fire Protection Engineer on staff, which not all cities do. She mentioned that the Fire Department takes a careful look at all development projects during the review process to make sure they have proper egress and evacuation routes, especially developments in the hills where there are limited access roads.

Commissioner Stevens commented that he was a big fan of small lot subdivision standards and that to his understanding, it's a development type that is very common in the Bay Area, cheaper to build, and desirable as the market shows that people don't want to live with a shared wall. He continued how he would really encourage Staff to explore that more and he disclosed that he knows Ms. Narkar very well as she is a colleague of his. Mr. Stevens was curious about the 10-foot front yard setback in the High Density Residential (RH) district. He stated that he is familiar with a lot of form base codes in various other jurisdictions and when there is a very high-density residential, they usually build it right up to the right-of-way line. He questioned staff if there was a reason why Staff is establishing a ten-foot setback in this district.

Senior Planner Blanton responded that Associate Planner Richard and herself worked with the consultant team, were trying to play with this tension that they were hearing from the Planning Commission and from community members of wanting to reduce setbacks while also allowing for buffers and landscaping. She stated that they did neighborhood walks through the different parts of the City and people commented on the importance of landscaping. A high-density residential district is intended to support more dense housing rather than a twenty-foot setback more common in detached residential neighborhoods. Ms. Blanton added that staff is open to the idea of a smaller setback, particularly in the High Density Residential (RH) or the Medium Density Residential (RM) districts. Associate Planner Richard added that the RH district is still not as dense as the Downtown and Mission Boulevard districts which establish front setbacks between zero to about ten feet. Ms. Blanton added that the density will be determined by the General Plan, but the maximum density



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allowed on RH zoned parcels is typically about 34 dwelling units per acre.

Commissioner Stevens commented that for example if there is a development with adjacent sidewalks that are already ten or twelve feet wide, another ten-foot setback seems like too much. He asked if developers could include sidewalks in their required setbacks. He also had a concern about the landscaping buffer standard. For instance, if a developer was to build a building that is only ten feet higher than the neighboring building, but its elevation is raised five to seven feet above the adjacent property, which makes the new building sit fifteen plus feet above that of the neighboring building. The standard should include fills as well as height, so it does not feel like the existing building is in the shadow of a giant new building. Senior Planner Blanton responded that she could think of a specific project that Associate Planner Richard reviewed where this exact issue came up. She added that the definition for building height in Hayward is measured from the existing or finished grade, whichever is lower, to the midpoint of the roof, so if a grade change is existing, then the standards as proposed wouldn't require a buffer.

Commissioner Stevens expressed how excited he was to see the open space points system in the draft. He thought the points are fair and were well distributed. He commented how he would like to advocate for an architectural points system as these would be important to the people living outside of the development. For instance, if we value arcades and galleries those should receive a lot of points. Senior Planner Blanton wanted clarification from Commissioner Stevens, if instead of a menu of options for design features, he is proposing that we assign those design features points and set points thresholds that projects have to meet. Commissioner Stevens confirmed that this is what he is proposing.

Commissioner Lowe commended staff for all their hard work and presentation. She expressed concerns regarding attachment two, page fourteen, Section 10-1.209, Site Plan Review Required. She wanted staff to clarify as it sounded to her like this would allow developers to make changes to the design of projects that had previously been approved by the Planning Commission or City Council. Ms. Lowe questioned the section that stated, "shall be required before issuance of any building or construction permit only if the Planning Director determines this", as the word "only" worried her.

Senior Planner Blanton responded that this regulation remains exactly as written in the current code. It means that any new project if said project would alter the appearance of a street or neighborhood, could require a Site Plan Review process. She added that Site Plan Review is an administrative process, which is reviewed and approved by staff unless the project also has a tract map or something that would require it to be reviewed by the Planning Commission. Ms. Blanton continued that staff always has the right to put a project through that process, however sometimes there are projects that are waived from having to go through Site Plan Review. For instance, if there was a single-story home and the developer is



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adding an addition in the backyard which would not be visible from the street, staff might waive the Site Plan Review process if the project met all standards. Ms. Blanton added that Staff tends to only waive the Site Plan Review if Staff is confident that it is not something that is going to be felt or seen by the neighborhood and it doesn't change the visual appearance of the street in any significant way.

Planning Manager Lochirco added that by default, Staff almost always requires Site Plan Review, as that is the baseline. Mr. Lochirco continued with an example that if a project applicant submitted a project and if what they are proposing is relatively consistent with what everyone else in the neighborhood has and it meets setbacks and all the other development standards; those would be instances where staff would waive the site plan review and not subject the homeowner to a discretionary process, which includes noticing of neighbors. He added that there have been instances where there has been individual homeowners in a single-family neighborhood where the neighborhood is built as a one-story neighborhood and an applicant would like to come and add a second story, which would be the only two-story house in the neighborhood. He continued that because this would be doubling the size of any other house in the neighborhood, staff in those instances would require Site Plan Review for the purpose of transparency and to give the public the opportunity to weigh in. Mr. Lochirco added that staff mostly defaults to the site plan review process which serves as a discretionary process as staff embraces transparency and being able to communicate to the public. He added that there are some elements of discretion if it happens to be a controversial project or some sensitivity in the neighborhood, that will often require Site Plan Review.

Commissioner Lowe stated that the development she has in mind is by the old Holiday Bowl. It seemed like there were some minor changes by the developer that didn't seem to be what the community thought they were getting, and she questioned Staff as to why this is something different. Mr. Lochirco responded that the Site Plan Review is typically for projects that have not already been reviewed and vetted and would be for new projects or new applications. He added that often, when there are projects that have already been approved and vetted, there are policies and allowances in the existing Hayward Municipal Code that allow for minor alterations as this happens with nearly every project that has been approved by staff, the Planning Commission, or the City Council. He continued that they all go through a series of changes, the reason being that at the point when projects come before these bodies including Staff, they're conceptual. Mr. Lochirco added that planning applications don't include detailed constructional level documents. Also, there may be comments or code changes that have transpired since the project was originally approved, which can also force some design changes. He said that often this does happen and there is some discretion that staff will have to exercise as to which changes are minor and which are significant. Mr. Lochirco continued that if they're changing from one color to a different color, a slightly different tint of shade or changed landscaping materials, this likely would be considered as a minor modification. He said that there was a project a couple years back that was approved



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with wonderful ornate detailed garage doors. He said the architect and the applicant had every intent to add those but then the pandemic hit, and shortages happened, and the developers couldn't acquire these products anymore. So they were forced to either not complete the project as promised or swap out materials for something that would be similar. Mr. Lochirco said that Staff had looked at the before and after and thought it was not a substantial change that would cause a significant problem for the community or decision makers and Staff would approve it. Commissioner Lowe asked if the people were satisfied with that change as she had heard that some members of the community members were not pleased with how the project near Holiday Bowl had turned out as she was told it was due to a minor change that they were told was going to happen, but it ended up being a major change. Mr. Lochirco responded that architects do an amazing job painting a pretty picture as they're doing exactly what they need to do, which is selling their proposal. He said that when people see a site that is still under construction and it doesn't yet fit the pretty image because maybe the trees are not matured or the plants haven't been installed yet, you're going to see some pushback. Mr. Lochirco continued that there should be some patience exercised for the pretty picture to turn into reality which could take some time.

Commissioner Lowe said that she noticed a couple of places where it said handicap accessibility, wondering if that is the politically correct term used. Senior Planner Blanton responded that some of the codes date back to the 1960's, however the parking code lists the term as people with disabilities. Ms. Lowe questioned staff on attachment four for Off-Street Parking, Section 10-2.405, why the credit for senior citizen/handicapped housing is crossed out. Associate Planner Richard responded that the section was taken out and replaced by Section 10-2.310, which allows a reduced parking rate for seniors and special needs housing, without having to request a reduction. She continued that she would note that there are other words that are better than special needs housing, but the term relates to a very specific code in the California Government Code, which is the reason for the terminology in the City's Municipal Ordinance. Ms. Lowe stated that she wanted to make sure Staff is being inclusive.

Commissioner Goodbody commented on staff report attachment one, table five of the Residential Transportation Demand Management program, as she appreciated the efforts to learn the feedback from the community and Transform regarding the parking reduction offered to projects that include TDM measures. She was concerned that the reductions might make it hard for multi-family developments to accommodate large families where multiple cars are required to take one child to one school and another child to a different school and also get yourself to work. She encouraged staff to be a little flexible and cognizant of the needs of the families living in those developments that need cars. Senior Planner Blanton asked a follow-up question as to whether the percentage reductions should be reduced. She stated that Associate Planner Richard did a lot of research and the proposed TDM table was simply a good place to start. Ms. Goodbody commented that she thought the measures are fine, but suggested maybe adding another measure or allowing some flexibility would be helpful.



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Commissioner Patterson commended staff for their presentation and all the hard work that went into the attachments, and for answering her questions. She appreciated the intentional language that was used in unbundled housing as she hoped it makes it less of a burden and a positive measure. She continued that she thought the point system was great as she doesn't have any feedback about whether there should be other amenities. She said she wanted to echo what Commissioner Goodbody had mentioned as she had wondered about the ratios and appreciated the public comments received by Transform as they mentioned a study that shows how the recommended ratios would be appropriate for the community. She continued to state that in the staff report it is said that "objective standards are defined as standards that involve no personal or subjective judgment", hoping that wherever the parking standards land, they will have some data backup, as she is worried that based on some people's experience, there will not be enough parking for larger families living in the multi-family housing. She also mentioned that multiple sections within the parking code are related to similar topics. She recommended that the code be reorganized so that like topics are located together. Senior Planner Blanton responded that with this project Staff is trying to consolidate information and organize it in a way that is easier to navigate. She said that staff could certainly do more organizational work to try to make other parts of the code a little easier to navigate as well.

Commissioner Garg had follow-up questions related to TDM and parking reduction percentages. She said she is happy to see the TDM measures include requirements like connectivity to proposed bike routes. She questioned that "transit accessible" could mean a lot of things given how frequently the bus routes come. She said she is curious as to what extent was there any consideration given, as in some areas of Hayward you have bus routes that are served very lightly, so if the removal of off-street parking is for a bus that comes a few times a day on weekdays, that is different than being near Bay Area Rapid Transit (BART). Senior Planner Blanton responded that in the beginning they talked about should any of these TDM reductions only be eligible based on proximity transit or transit headways, but that didn't land in the draft policy. However, she does not see why it couldn't. She continued that if the need is to offer the sort of reductions only in areas that are within a proximity of BART or within areas where buses have 20-minute headways, she sees it to be reasonable. Associate Planner Richard commented that one caveat to that is it may not be well used if the project is by BART because those areas through Assembly Bill 2097 (AB2097) were granted a reduction in parking to zero, so there would be no need to include the TDM measures. She added that she thinks there is room to add bus stations, especially on lines with frequent headways. Ms. Blanton commented, for example that one of the options is for carshare, so that is not dependent on transit. She mentioned that staff could dig more into options like this that are not dependent on transit. Commissioner Garg commented that these structures are likely to be here for several decades and said we should think about what the community might look like in thirty or fifty years from now as she imagined it would be denser and imagined car use



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will be quite different by then as technology changes. She appreciated building to the future as a big part of that will be reducing off-street parking spaces, but recommended thinking creatively about incentives for providing shuttle services or car sharing including charging stations, and other types of amenities. She expressed the need to think creatively as this will presumably be a code that will last for quite some time.

Chair Ali-Sullivan questioned slide 11 Open Space Point System from the presentation, asking staff to clarify if the point values are the number of points that a project needs to meet. Senior Planner Blanton confirmed that is correct. Mr. Ali-Sullivan said that the points system is interesting as it has come up in their discussions before and as he was looking at one of the smaller projects and doing the math, a multi-unit project could theoretically meet the system with a single item and he had wondered if that was indeed the goal or if staff would want to relook at the point allocation so that you would need to have a few things before actually meeting that threshold versus just one. Ms. Blanton responded that for a smaller project, a four-to-ten-unit project with the threshold as 50, there are items on the list that are worth 50 points but suggested that this could be augmented so that nothing is worth 50 points. She added that maybe a four to ten unit isn't right for the range and four to five could have one and six to ten must have more points stating that it could be adjusted if in an agreement that one amenity is not going to be enough for a ten-unit development. She continued that she and Associate Planner Richard played with the numbers and were trying to think about combinations that would be reasonable for different size projects. She said they were happy to take any specific suggestions that the Commission may have. Mr. Ali-Sullivan commented that he loved the point system and suggested five points for a bench as it is helpful or ten points for a table with a bench next to it, or a water fountain. He thought these all are just simple things that add value to the street experience or residential experience. He noted that a playground should be worth more points, as it seemed sort of low and he thought that's an attractive amenity that has good usefulness. He added that there's a point for lawn areas but stated that lawns take a lot of water so perhaps it could a landscaped area with a certain square footage is worth a certain number of points versus just lawn area. Ms. Blanton responded that lawns are at 15 points as staff struggled with that because they agree that lawns are not water-efficient but also acknowledge that children like to play on lawns. Mr. Ali-Sullivan mentioned he loves swimming pools and hot tubs, but he wondered if 50 points was the right number. He also wondered from a land use perspective if it is appropriate to pave over a lot of land that is now permeable with a water-intensive use like a swimming pool. Ms. Blanton clarified that swimming pools were at a 75-point system and questioned if that was too much.

Chair Ali-Sullivan commented on the special needs and senior parking reductions saying that reducing those numbers and unbundling parking is a win-win situation that he is supportive of. He questioned how a developer would be able to predict parking; for instance, if a developer is building a 400-unit condo development or a 100-unit apartment building, they



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would have to plan if there will be underground parking, podium parking, or surface parking. He continued that if they wanted to unbundle the parking, how would the developers know who is going to take the parking? It would be hard to determine how many spots are needed. Ms. Blanton clarified that the unbundled parking policy doesn't set the number of spaces required, stating that if that 400-unit development is required to have eight hundred spaces, they still must provide eight hundred spaces. Instead, it would allow the developer discretion in how to assign those spaces. Mr. Ali-Sullivan said that the idea about unbundling is reducing parking for people who really don't need it, and if no one wants a parking space, it means that the parking is unnecessary. Ms. Blanton responded that unbundling parking, allows for adjusting the allotment of parking spaces. She continued that for her household, she and her husband have shared a car for the last decade and there are other people that live in their complex who have multiple kids where the household might require three cars. She said that instead of giving both households two spaces, the household that needs fewer spaces could receive savings for that while the household that needs more spaces could pay extra. She continued that the unbundled policy is not addressing the parking demand issue, as that is where the TDM comes in, but it is addressing the fact that empty spaces can be purchased and reassigned to households that need them.

Chair Ali-Sullivan commented that he is very supportive of this project and that it'll be fascinating to see what happens in twenty years but would like to address the TDM policy as he has been on homeowner boards in multiple buildings and is currently the president of his homeowner's association. He said the number one issue he has seen in his communities is parking, and the challenge is that you can try and force behavior and incentivize certain behavior, but at the end of the day, people love their cars and love driving their individual cars. He questioned the carshare idea as he thought of Zipcar, and wondered if this was still a thing. He shared that he hasn't done carshare in about fifteen years and questioned why someone would use a carshare if they can just have an Uber pick them up and not have to worry about parking the car. Associate Planner Richard responded that she lives in Oakland and in her neighborhood carshare vehicles park on the street, as Oakland has an agreement with the carshare company. She continued that they are used more if you're going to do a trip to a store which requires placing items in a vehicle, and you don't want to wait for an Uber each way. She added, however, for those just trying to get to a destination and then back, maybe an Uber is a better situation, stating that staff is flexible in adding or changing the TDM measures to reflect the Commission's direction. Mr. Ali-Sullivan mentioned the idea of a loading zone for Uber or Lyft pick-up better, as he worried about having a carshare spot dedicated to an antiquated service where usage is not growing. He questioned the bus shelter measure and how that would work for a developer and if they must coordinate with AC Transit. Ms. Richard responded that in the draft regulations, it says the bus shelter design must be approved by the City of Hayward and AC Transit. She continued that AC Transit has specific design guidelines about bus shelter design. Senior Planner Blanton added that there are a lot of bus stops that don't have shelters, they just have benches, or a pole and it would be



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helping to fill in that gap to make waiting for the bus a bit more attractive and easier. She also said that bus shelters also sometimes have electronic signs that say next bus in fifteen minutes. Mr. Ali-Sullivan had thoughts on the TDM policy as he is facing that right now in his homeowner's association between the physical infrastructure versus the programmatic infrastructure. He questioned what would happen if Staff granted authority or allowance for reduction in parking when developers say they are going to have bus passes for everyone and that happens for the first three to five years but then years later no one is buying the bus passes and now that development is lacking the necessary parking. He questioned what enforcement mechanisms there would be, as he is concerned that people like their cars and now we will have created this TDM program where the physical property doesn't have enough parking spaces. He continued that if there is a demand then those cars are going to go onto the street and then we still have a problem with parking. Associate Planner Richard agreed that it's hard to regulate and that the property owner must enter into a written agreement that sets forth what they have to do and guarantee that there will be no substantial alterations in the amenities that will create a greater demand for parking without the City's prior knowledge and approval. She continued that it would be an agreement that will go to the City Attorney's Office. Ms. Richard added that the Transportation Department is working on a full TDM program for the City, which would include a monitoring component, but the program is not developed yet. Planning Manager Lochirco added that the TDM programs are very well intentioned and not always very well executed as he thought everybody recognized that it really requires a shift in behavior, which sometimes is easier said than done. He agreed with Chair Ali-Sullivan in having flexibility in a TDM policy, as there may be things that may not be listed or haven't been invented yet but could be an option five or ten years down the road that we would want to embrace. He said that Uber or Lyft hadn't been thought of twenty years ago, nor had been able to get a shared vehicle on the street. Mr. Lochirco said that individual tenants are going to influence their behavior and what this project is trying to do is provide other options for people than getting in their car as many studies have supported that unless there is a viable alternative, no one is going to get out of their car. He added that there needs to be something that's reliable whether it's a regular or frequent bus service or another option like carshare or Uber that could supplement the need to have a vehicle in this year now. He said that he understood the flexibility and a well-intentioned TDM program and if doesn't work then to try something else as it doesn't mean that TDM isn't effective, it just means that the measure may not be as appropriate as something else.

Chair Ali-Sullivan questioned staff regarding the setbacks as he assumed staff has calculated the number of additional units that could be achieved by slimming down setbacks, as Commissioner Stevens had questioned. Senior Planner Blanton commented that when it comes down to how many units you can fit on a site, there are a lot of variables that go into that, the height of a development, the setbacks, the open space, and the parking. They have heard from the community that they don't want to reduce the number of required parking



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spaces, maybe with the exception of if developments provide some of these TDM strategies. As a result, staff has tried to pull all the other levers especially for the RM and RH districts, to push back the setbacks a little, to increase the height a bit to be more intentional regarding the open space, in order to allow more housing units and make development more feasible. She referenced that these recommendations came from the Options and Recommendations Report that had diagrams that showed conceptual buildings that could be built based on current standards. Ms. Narkar commented on how they arrived at the ten-foot setbacks. They took into consideration the development feasibility on the parcel as the existing twenty-foot setbacks were turning out to be quite a constraint when trying to accommodate the parking requirements and of the required number of units to meet the allowable density. She addressed Commissioner Stevens' previous comment regarding why the ten feet front setback was selected and allowing development to be built to the property line. She added that a part of this study session is to understand what the Commission's comfort level is regarding setbacks in residential neighborhoods. Ms. Narkar continued that a lot of mixed developments especially along Mission Boulevard are probably much more suitable to build to the property line where there is benefit to bringing the ground floors, especially non-residential ground floors, all the way up to the property line. She continued that when it comes to the residential units at the ground level, then we should think about privacy. Some ways to provide privacy is by giving the ground floor a higher elevation and allowing for a landscape buffer in front of the residential units facing the street so that there is some level of privacy incorporated in the design. She said a five-foot setback would also provide a good landscape buffer, but she thought the reason staff landed at a ten-foot setback is because it gave enough room not only for a landscape buffer but also did not feel as though the building is overwhelming for a pedestrian on a residential street that is typically going to be relatively narrower than a street like Mission Boulevard. Ms. Narkar added that it also comes down to the ratio between the distance between building to building with the total height of the building. As these are citywide standards, it is hard to identify unique conditions from one neighborhood to the other; stating the reason for the ten-foot setbacks is because it seemed like an appropriate medium that would work for most street widths within the city. She added that she could consider studying going less than ten feet if that is what's recommended by the Planning Commission. Chair Ali-Sullivan commented that it would be helpful to see what those numbers look like if it opens ten thousand more housing units or some significant number, then maybe it would inform the decision. Ms. Narkar responded that she is unsure if it's going to necessarily increase the number of residential units as she studied example parcels within each of the zoning districts as building height increases will allow for more residential units than reduced setbacks. She added that reducing the setback from ten feet to five feet is not going to give a significantly higher number of units, however it will give flexibility to open space layouts.

Chair Ali-Sullivan questioned staff regarding the Mission Boulevard code area, wanting clarification as to if these standards are already objective. Senior Planner Blanton responded



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that staff has started the process of going through the Downtown code and the Mission Boulevard code. They were both written more recently so they are already largely objective and include very detailed standards, which is why they haven't been the focus of this project. She continued that there is a short section with about five or six design standards in the Mission Boulevard code that are subjective. Associate Planner Richard added that the Mission Boulevard code says that a building must use similar materials to the surrounding ones, which is not objective. Ms. Blanton continued that the code requires a variation in form, which again, is not objective. She added that the question staff would like feedback on is do you think the language from the Residential code sections, the menus of options, a point system for architectural design, is appropriate to use for Mission Boulevard or does the Planning Commission think that it needs a different approach. Chair Ali-Sullivan responded that he doesn't have an answer, but he does think it references the question Commissioner Stevens was sort of alluding to regarding perhaps the architectural standards and what is subjective versus objective and wanting nice architecture along Mission Boulevard versus just meeting the base minimum requirements of housing.

Commissioner Stevens commented that Commissioner Lowe had him thinking about what she was saying about projects advancing through the review process and when they're constructed not actually looking like what was approved. He added how the crafty architects come up with all kinds of ways that are misleading. He thought it was great that there are objective standards that are listed. He said he looked at the multi-unit residential for four plus units and the facade design requirements and he thought if he was a developer and needed to pick three of the following elements, he would pick the four-inch window recesses, window molding that are four inches, and the two distinct building materials; noting that it is pretty easy to achieve versus all the other items on the list. He continued that it stated the use of at least three arches, columns, beams, or other features; as one could put an arch fixed to the edge of the building and call it good, as its objective, but seemed difficult to interpret. Ms. Blanton responded that they get a range of developers in Hayward, sometimes they get architects who make beautiful designs, and sometimes they get first time developers that are only looking to see if they meet requirements. She added that the struggle with objective design standards is that in order for them to be enforceable, they must be specific it has to be something that somebody who has no design background would understand to the same degree that staff would, as they cannot come to different interpretations. Ms. Blanton said that the project team has been going back and forth drafting standards, taking out standards, and revising standards. If there is anything that they can't meaningfully make objective, they have taken it out of the code. She added that this is their first pass and if there were any standards or options that the Commission would want to see, staff could potentially look into it. Commissioner Stevens said the number one thing would be to look at Los Gatos' code. He mentioned how he likes ratios - for instance, the windows should be twenty-five percent of the surface area, the ratio of the frame around the window should be ten percent or something along those lines. He said he thinks these should design standards should apply to



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the Mission Boulevard code area as he thinks they would be aggregated, and everything would be made simple, and it would be a good approach.

Chair Ali-Sullivan opened the public comment period at 8:30 p.m.

Ms. Ro Aguilar, Hayward resident, commented that she would like to compliment staff on the revisions of the Residential Design Standards as she thought they did very good work as her husband and herself had given their input. Ms. Aguilar said she thought the direction it is going in is in line with the Strategic Plan and the goals and objectives of the City to build more diverse housing. She said the Strategic Plan, the Zoning Ordinance, the revision of the Density Bonus Ordinance all address inclusionary housing and the importance of inclusionary housing. She continued that most of this allows for more flexibility and building, and perhaps more inclusionary housing. She would like to encourage staff to review this draft in the lens of inclusionary housing to see if there were any designs which would discourage or work against inclusionary housing and see if they can modify those standards. Ms. Aguilar said she compliments the reduction in the setbacks, but if they could go to five feet that will help with the flexibility and inclusionary housing, as flexibility in building height definitely helps with inclusionary housing. She asked Staff if there was anything in the drafts that would discourage or hinder inclusionary housing, as it would be helpful to know given the importance of inclusionary housing in the City's Strategic Plan, Zoning Ordinance, and the Density Bonus revision.

Collin Thormoto, public speaker, and member of the Hayward Community Services Commission commented the changes proposed to encourage denser development in Hayward and simplify the Zoning Ordinance. Mr. Thormoto would like to congratulate City staff and the Consulting Group that worked on the new chart for residential zones as it is legible, and he loved it, however he does have some changes which he encourages the Planning Commission and City Staff to consider during the upcoming discussion. He continued that according to the resident satisfaction survey, housing and homelessness are top concerns, he mentioned that we are also in the midst of a climate breakdown due to carbon emissions, much of which in California are caused by motor vehicle use. He said zoning is a tool which can help tackle both of these issues simply by designing for people. He continued that these zones as they exist now are barrier to gradual and diversified development, since over twenty-thousand parcels are zoned for single family housing, and there is no way other than a Planned Development rezoning to do more than a triplex. It must include the additional massing restrictions, which allows One Step densification by right for example from duplex to quadruplex or two-story to a three-story but allow smaller developers to gradually create denser housing where it is needed without waiting a decade for Planned Development zones to create ultra-dense housing all at once. Mr. Thormoto said the smaller scale densification will be steady, gradual, and at smaller risk of failure or opposition due to the scale. He added the massing restriction that is proposed would prohibit the kind of pedestrian friendly areas that have historically



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existed from Kyoto to Istanbul to Prague to Boston and closed spaces approaching a one-to-one building height to street with ratio have been the norm. He continued that he admitted that people do not want grey boxes everywhere but there are some other ways of addressing this issue, providing examples of the Painted Ladies in San Francisco or Brown Stones in New York or Downtown Hayward; noting that these buildings are efficient, pedestrian friendly, and can be used for a variety of purposes without demolition. Mr. Thormoto urged the Planning Commission to consider expanding the allowable uses to encourage entrepreneurship and make neighborhoods properly walkable as the Housing Element highlighted most of the city is designated as low resource, according to the 2021 TCAC Opportunity Areas Report. He added that when he lived in South Hayward for a long time, the closest grocery store was in Union City. He said by expanding the allowable uses in historically residential areas, local stores and businesses can open where people are, encouraging walkability and neighborhood vibrancy. He said he appreciated the work done so far and encouraged the City to think broader on zoning and encourage the Planning Commission and staff to consider rethinking regulations to include pleasant walkable neighborhoods, expand allowable uses to encourage the development of neighborhood amenities, and to allow one step density increase by right to encourage gradual and coherent development. He added that these steps will ensure Hayward is built for the people who live within it, allowing housing for more people, making neighborhoods more livable, and make the City more environmentally friendly.

Chair Ali-Sullivan closed the public comment period at 8:37 p.m.

Commissioner Goodbody followed up on the public comments, expressing regard for thinking outside of the box and being creative with the use of neighborhood amenities, and thanked the speaker for the indication. She recommended to staff, as she referenced table four of the Staff Report on Residential Open Space Amenities and Associated Points Value, looking at indoor spaces giving the example of the Community Rooms. Ms. Goodbody said she noticed there are a lot of empty ground floor spaces in some of the previously approved projects and she wondered if those spaces could be used to provide services to the residents and the greater Hayward community. Alternatively, we could provide points for a satellite site of the Hayward Library, a Health Center, Chabot Las Positas College District, or Hayward Adult School. She thanked the speaker for the indication.

Chair Ali-Sullivan referenced the point allocation in table four in the staff report and wanted to know what is envisioned with the amphitheater with the seating for at least twenty-five people versus the co-working space with Wi-Fi, tables, seating, and a bathroom, or a basketball court as he assumed these would get much more use than an amphitheater. He questioned having indoor or outdoor amenities that are going to be used versus amenities that are nice to have but only used twice a year. He added that he thought it is important not to discourage an amphitheater, but this shouldn't be worth more points than other amenities, however he loved the point system mentioning that it has been talked about close to a year



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ago when the process started, and he couldn't wait to see it come to fruition.

Commissioner Garg commented that in regard to preparing for the future and preparing for environmental changes, she questioned staff how these design regulations would be impacted as she remembered from the Shoreline studies that in a number of different scenarios, many parts of Hayward would be subjected to ground water encroachment. She was curious as to whether this has been looked into as to how these design changes might take in affect or whether something needs to be done to ensure that new construction is prepared for scenarios that the City has already mapped out. Associate Planner Richard responded that unlike other communities in the Bay Area, the areas predominantly impacted by sea level rise and groundwater emergence are industrial or commercial throughout the city. Ms. Richard added that there are some policies in the Shoreline Adaptation Master Plan and now within the City's proposed Safety Element to create an update on the Floodplain Ordinance and to have higher finished floors or to think about requiring more bio retention, however none of those are included specifically in this project, but it is something that the City is thinking about.

Commissioner Patterson questioned staff about the TDM measures and trying to do behavior changes, whether there was a study that had been done about Hayward resident driving patterns, and how many people are commuting through the city versus outside to neighboring cities versus over a bridge, as she felt those things really impact whether you need a car. Ms. Patterson was curious as to if there was more knowledge it would help come up with strategies to support the realities of the community as things shift and change. Planning Manager Lochirco responded that the Alameda County Transportation Commission has been working very diligently for a lot of projects to come up with a menu of options for TDM, for instance a bus shelter in a location that doesn't have any service doesn't make any sense. Mr. Lochirco added that they have created a similar point system for projects that are required to reduce vehicle miles traveled that says if you lived in certain areas that would require you to drive because there is no other suitable option to get around. He added that then they would have to come up with other alternative means of transportation, such as adding bike lanes, or if you're a business providing employees passes to BART or some other sort of transit. He continued that is intended to be a suite of options with the realization that not every location is going to be suitable for every option. He said you wouldn't want to offer a BART pass to somebody who is four miles from a BART Station as that wouldn't give the same results because it would require that person to get into a car or get into some vehicle to get to the BART Station. He added that Alameda County has developed something like that, and the Public Works Department and Planning Division are also looking into something very similar as that was a part of the General Plan Update that was done a few years prior going from a trip generation model to a vehicle miles travel model, as it all filters into the TDM strategy. He said there were a lot of great examples as he wouldn't necessarily compare Hayward to San Francisco in terms of success of TDM because Hayward is still a quasi-suburban community



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that does not have the same kind of infrastructure; however, that doesn't say that ten years from now that doesn't change. He said he does agree there are a lot of studies and he thought that is the basis and vision for some of the recommendations however they are not quite there yet. Senior Planner Blanton added that the scope of this is limited to make residential standards objective, and the Public Works Department has it on their long-term plan to develop a citywide TDM program. Ms. Blanton added that they have referenced some best practices with other counties and other cities but going into much more detail at this point is not appropriate for this project, but it could be for the next full body TDM program.

Commissioner Garg responded that because these are design standards that will be in place for decades, she would like to see the next iteration of this process, as she doesn't want the idea of putting TDM parking reduction options into these designs right now. Ms. Garg continued that she felt the Planning Commission staff had asked a lot of questions on how to design for today and the future and would love to see some more creativity. She added if it can be procedural and then have a five-year review or something along those lines. She thought about what the speaker said in the public comments and the reality for this area both from a climate preparedness standpoint and livability standpoint as traffic is horrible and we would want to be mindful of how it impacts residents today.

Chair Ali-Sullivan questioned staff if there was any thought for the TDM piece in creating a similar point allocation system as a suite of TDM measures. Mr. Ali-Sullivan added for instance, if you do two things you will get a ten percent reduction or if you do four things you will get a fifteen percent reduction.

Senior Planner Blanton commented that they have a lot of clarity on the five questions that were presented to the Planning Commission. Ms. Blanton said there are two things they would like more direction on regarding the small lot single family residential project and if the Planning Commission was supportive in staff developing some sort of system or streamlined process for small lot single family or if there are any concerns about it. She also questioned what Commissioner Stevens brought up about exploring points for the architectural design detail standards, asking if they were supportive given the example that instead of having a menu of options and saying to pick three instead saying this option is worth ten points, another option is worth five points, or something that is more weighted like the proposed open space standards. The Commission expressed support for both the future development of small lot subdivision standards and for converting the façade design standards into a point system. She added that staff will work on some revisions for the next time they come back to the Planning Commission for the adoption hearings as they will be making a recommendation to the City Council; stating that if staff didn't get it right, if Planning Commission had some suggestions for them, they could make those changes before the final version of the document gets to the City Council.



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APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting on June 22, 2023 **(MIN 23-087)**

A motion was made by Commissioner Goodbody, seconded by Commissioner Stevens, to approve the meeting minutes of June 22, 2023, as amended.

The motion passed with the following roll call votes:

AYES:	Commissioners Garg, Goodbody, Lowe, Patterson, Stevens Chair Ali-Sullivan
NOES:	None
ABSENT:	None
ABSTAIN:	None

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Planning Manager Lochirco said that City Council had taken action earlier that week and they completed their interviews of a potential Planning Commissioner for the one vacancy and selected an alternate. Mr. Lochirco added that the candidate will be sworn in at the City Council meeting on September 12, 2023, and congratulated the three existing Planning Commissioners that received reappointments and will continue serving on the Hayward Planning Commission. He continued that the next Planning Commission meeting will be September 14, 2023, and the new Planning Commissioner will be joining, as they currently have two items for consideration as both projects have been in the works for quite some time, and he looked forward to bringing them forward to the Planning Commission for action. He hoped everyone has a wonderful and safe Labor Day coming up and hopes everyone had a wonderful and safe summer.

Commissioners' Announcements, Referrals

Chair Ali-Sullivan commented that it felt good to be back as it had been a long couple of months and is happy to see everyone and looks forward to having a full house in three weeks with all seven Planning Commissioners.

ADJOURNMENT

Chair Ali-Sullivan adjourned the meeting at 8:54 p.m.



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APPROVED:

Anika Patterson, Secretary
Planning Commission

ATTEST:

Amber Parras
Planning Commission Secretary
Office of the City Clerk