



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 27, 2020, 7:00 p.m.
777 B Street, Hayward, CA 94541**

MEETING

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

CALL TO ORDER Pledge of Allegiance

Commissioner Roche led the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche, Goldstein
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: None

Staff Members Present: Blanton, Brick, Buizer, Monlux

General Public Present: 20

PUBLIC COMMENT:

There were none.

WORK SESSION:

1. Preliminary Review of a Major Site Plan Review and Conditional Use Permit Application to Construct Three Speculative Industrial Buildings and a Three-Story Data Center on an Approximately 25-acre Site located at 25800 Clawiter Road (APN: 439-0080-003-07, 439-0080-003-12, 439-0080-010-00, 439-0080-005-02, and 439-0080-003-10). Application No. 201906718; Teresa Goodwin for HPA Architecture (Applicant) on behalf of Janet Galvez for Hines (Owner)

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

Janet Galvez for Hines and Teresa Goodwin for HPA Architecture (owner/applicant) gave a brief presentation.



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Vice Chair Andrews asked about the proposed community benefits. As the regulations are new, Associate Planner Blanton explained the background behind the idea of community benefit tradeoffs. Vice Chair Andrews asked about staff shuttles. Associate Planner Blanton stated that had not been discussed. Vice Chair Andrews asked if the applicants have researched the effect on local restaurant establishments from the on-site cafeteria offerings. Applicant stated she was not familiar with offerings in the area, agreed to do outreach to local retail/restaurants. Vice Chair Andrews suggested making campus food offerings outwardly facing and open to the public to support local industrial area. Vice Chair Andrews asked about a public art component and shared concerns about potential graffiti. Applicant discussed tenant's security plan. Vice Chair Andrews asked if they had reviewed the Shoreline Master Plan. Associate Planner Blanton stated she will share the plan with applicant. Vice Chair Andrews questioned the low staffing based on parking; applicant clarified they will have 150+ staff across 3 shifts. Vice Chair Andrews asked about proposed partnerships with K-12. Applicant indicated that was proposed by Building 4 tenant who was unavailable to speak tonight.

Commissioner Faria asked about a rendering to show the view of building 4 from the Hwy 92 perspective. Applicant stated that had not been completed. Commissioner Faria asked about bicycle access along Clawiter. The Applicant stated it had not been addressed and confirmed there is sidewalk access and bicycle parking and storage on site.

Commissioner Roche thanked the applicant for being open to suggestions and recommended convertible outside space for potential future use and alternatives to parking. Commissioner Roche revisited Vice Chair Andrews' comment about shuttles. Commissioner Roche asked what steps they are taking to be green given that a data center uses a lot of energy. Associate Planner Blanton discussed sustainability guidelines outlining energy and water usage and mentioned specifics had not yet been finalized as part of the review process.

Commissioner Patton thanked staff and applicants for efforts to set the vision for the new district. Commissioner Patton noted that the goal of work sessions is to identify areas of concern to be addressed, but not giving pointed direction. Commissioner Patton discussed letters received from adjacent businesses expressing concern about bikes, busses, accessibility, sidewalks, etc. Commissioner Patton questioned the effect of private projects and how they contribute to the public realm. Commissioner Patton asked staff if there are other buildings in the City that match the proposed height of building 4. Planning Manager Buizer stated there would not be buildings that tall for long. Commissioner Patton expressed concern about flexibility based on design of building and parking and what potential uses could be considered in the future.



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Commissioner Goldstein encouraged enhanced bicycle lanes or pedestrian bridges. Commissioner Goldstein pointed out the limited accessibility to other dining options and recommended inviting nearby shop owners to leave menus and to encourage the use of food delivery services. Commissioner Goldstein recommended they codify in the lease agreement to allow lessors to host food trucks. The applicant mentioned their property managers have been making positive outreach. Commissioner Goldstein suggested different design elements to break up the color blocks. Commissioner Goldstein proposed that it be written in the documentation that that any open space cannot be built upon should the building use change.

Commissioner Stevens questioned the number of occupants, and the long-term economic benefit analysis of the data center. Commissioner Stevens wanted clarity of the design and construction of the PG&E yard. Applicant shared they are still in planning stages, not ready to share design yet.

Chair Bonilla asked what the plan is to mitigate the hazards of a PG&E yard and rail lines next to a data center. Applicant shared their Environmental Consultant is evaluating that. The Applicant discussed potential TI (Tenant Improvements) and indicated that tenants are more interested in TI benefits inside. Chair Bonilla discussed health benefits to outdoor offerings. Chair Bonilla asked for more information on the proposed increased public amenities. Applicant talked about enhanced landscaping and outdoor seating between buildings 1 and 2. Chair Bonilla wanted to know how they plan to make it feel more connected as opposed to fragmented campus. Applicant mentioned that they haven't seen examples of connecting campus across rail lines throughout bay area. Chair Bonilla asked if they will be seeking LEED certifications for data center? Applicant stated they will look into it.

There being no speakers, Chair Bonilla opened and closed the public hearing at 7:59 p.m.

Vice Chair Andrews said the proposed community benefits don't really benefit the community; she would like to see more effort for public art and community gathering space, there is a missed opportunity for businesses to engage. Vice Chair Andrews stated that for a 25-year campus, a shuttle should be part of the conversation, as the data center will use a lot of energy and a shuttle will help offset the footprint and be an employee benefit. Vice Chair Andrews suggested the applicant revisit partnering with local restaurants to be a feature of the space, perhaps including a bicycle café or food trucks and make it open to public. Vice Chair Andrews encouraged them to look to San Leandro, Seattle, many cities across the nation where industrial space as community space is being done.



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Commissioner Patton does not believe the project is where it needs to be in terms of proposed public benefits justifying the variances being requested. Commissioner Patton encouraged Planning staff to discuss long term public improvements with Engineering staff.

Commissioner Faria would like to see renderings showing the visual impact from Hwy 92 before making a decision. Commissioner Faria agrees with fellow Commissioners that there is a need for a public art component, and that benefits aren't sufficient to offset the ask for the variances. Commissioner Faria wants the applicant to improve bicycle access to Clawiter and encourage public transit.

Commissioner Stevens would like to see more data on the community benefits, and concrete analysis to support the revenue.

Chair Bonilla would like to see changes to the design to make the buildings more attractive. Chair Bonilla thinks it is important to increase a cohesive feeling of space, and make it more open and more green. Chair Bonilla said the public benefits need to be comparable to the significant exceptions requested.

PUBLIC HEARINGS: For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

2. Proposed Adult Residential Facility for Clients with Deficits in Self-Help Skills, Life Skills, and a Diagnosis of Mental Illness or Mental Disorder within Two Existing Buildings and Related Site Improvements at 1641 and 1659 D Street (APN: 427-0056-035-00), Requiring Approval of Conditional Use Permit with Site Plan Review Application No. 201806007. Haidie Bautista and Imelda Sabado (Applicant); Edwin S and Fabiana L TRS Bautista (Property Owner)

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

Commissioner Roche had concerns about the look of the parking lot and suggested landscaping to soften the view from the street. Commissioner Roche thanked the applicant for addressing security concerns in their business plan. Commissioner Roche noted property values wouldn't be affected as the property was previously used as a similar facility type.

Commissioner Patton asked staff if there had been outreach to the neighbors to identify any potential concerns. Associate Planner Blanton spoke about their outreach effort to current neighbors as well as neighbors in applicant's other facility in Oakland, including research done



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of available records through the County, and shared that staff had no concerns. Commissioner Patton expressed concern that with the parking improvements, there is a lot of concrete, asked if there is green area outside for the clients. Associate Planner Blanton shared information about additional landscaping around the building and accessibility to several parks in close proximity.

Commissioner Faria asked the applicant about their average occupancy. Applicant stated it will depend on Alameda County, they can accept as low as 2-5 per month, but their Oakland facility is currently full. Most residents are long-term. Commissioner Faria asked about the security/emergency plan for times when there is only one staff member in building. The applicant has someone reachable by phone 24-hours as standby, and another staff member in building next door; this is the same staffing model as their Oakland facility. Commissioner Faria addressed citations from the State and clarified if the report was precipitated by a singular incident or found during regular survey. The applicant said it was found during a regular survey, and their caregiver misidentified treatment guidelines for a medication.

Vice Chair Andrews asked about the average number of visitors. The applicant said with 15 clients in Oakland, they get 1 or 2 visits per day. This depends on client, the needs of their case manager, how much family lives nearby etc. Vice Chair Andrews asked about the deficiencies of having no manager on hand at all times. The applicant stated there will be a House Manager for every shift. Vice Chair Andrews asked if Hayward PD has reviewed the proposal plan. Associate Planner Blanton said PD had reviewed the plan and added a condition of approval that the use permit could be revoked if there are continual problems at this location. Vice Chair Andrews wants to ensure PD is trained on how to interact with individuals at this facility. The applicant would like to meet with PD to introduce them to the facility and discuss what to expect.

There being no speakers, Chair Bonilla opened and closed the public hearing at 8:26 p.m.

Vice Chair Andrews strongly recommended meeting with PD and establishing partnerships with local organizations that can support the facility. Vice Chair Andrews is glad to see these types of services being offered in Hayward.

Commissioner Stevens asked about conditions of approval 36 C; wanted to ensure the applicant has factored the cost of the engineering improvements into their budget. The applicant acknowledged they had no concerns.

Commissioner Faria drove by the site and recommended some improvements to the outdoor space. Commissioner Faria stated this will help a lot of people, and there is a great need for these services. Commissioner Faria emphasized the need to provide security and safety for staff as well as clients, and keeping neighbors informed.



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Commissioner Goldstein echoed statements made by the Commission and thanked applicants for bringing services to Hayward. Commissioner Goldstein reinforced the need to meet with HPD and recommended learning about amateur radio disaster response and getting to know the radio operators at Hayward Fire Dept who can provide a volunteer response when needed.

Commissioner Roche applauded the applicant for bringing this to Hayward and stated there are multiple agencies interested in seeing them succeed.

Chair Bonilla welcomed the applicant to Hayward and said we need help with the most vulnerable in our community.

Vice Chair Andrews made a motion to approve staff recommendation with an added condition of approval that the applicant meet with the Chief of Police and participate in training with officers prior to opening.

Commissioner Faria seconded the motion.

The motion passed with the following vote:

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

APPROVAL OF MINUTES

3. Approval of minutes of the Planning Commission Meeting Minutes of January 23, 2020.
(Continued from February 13, 2020)

Vice Chair Andrews made a motion, seconded by Commissioner Roche, to approve the Planning Commission Meeting Minutes of January 23, 2020. The motion passed with the following votes:

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



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4. Minutes of the Planning Commission Meeting of February 13, 2020.

Commissioner Stevens made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of February 13, 2020. The motion passed with the following votes:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters: None

Commissioners' Announcements, Referrals: None.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 8:41 p.m.

APPROVED:

Julie Roche, Secretary
Planning Commission

ATTEST:

Merry Monlux, Deputy City Clerk
Office of the City Clerk