



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, December 14, 2017, 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 Enders.

**CALL TO ORDER Pledge of Allegiance**

Commissioner Schott led in the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., Schott, McDermott, Faria  
CHAIRPERSON: Enders  
Absent: COMMISSIONER: Goldstein

Staff Members Present: Brick, Buizer, Langbauer, Madhukansh-Singh, Schmidt, McNeeley, Hinkle, Fakhrai

General Public Present: 6

**ELECTION OF OFFICERS:**

The Planning Commission held their annual election of officers.

Chair Enders made a motion to elect Commissioner Goldstein as Chair, Commissioner Faria as Vice Chair, and Commissioner Bonila Jr. as Secretary. Commissioner McDermott seconded the motion.

The motion passed with the following vote:

AYES: Commissioners Willis Jr., Bonilla Jr., Schott, McDermott, Faria  
Chair Enders  
NOES: None  
ABSENT: Goldstein  
ABSTAIN: None

**PUBLIC COMMENT:**

There were none.



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**PUBLIC HEARINGS:**

For agenda item No. 1, 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.

For agenda item No. 2 the Planning Commission may make a recommendation to the City Council.

1. Proposed Conditional Use Permit with Site Plan Review to allow the construction of an 8,193 square-foot canopy addition to an existing 15,606 square foot plastic bag manufacturing plant to accommodate the major outdoor storage use for a site located at 3202 and 3208 Diablo Avenue. Application No. PL-2017-02725. Eugene Loh (Applicant) on behalf of Jesse Tseng. (APNs 439-0075-036-02 and 439-0075-035-02).

Assistant Planner Langbauer provided a synopsis of the staff report and presented a PowerPoint presentation.

In response to Commissioner Schott's question whether there were any objections to the project from the local business committee, Assistant Planner Langbauer noted that there were none.

Commissioner McDermott asked staff if plastic bags were currently being stored inside the two buildings and whether adding the outdoor storage would create additional space inside the buildings. Assistant Planner Langbauer indicated that this was correct.

Commissioner Willis Jr. inquired about what type of material would be used to build the canopy and asked whether this would be made of canvas. He mentioned that the staff report indicated that the canopy would be made of durable materials.

Vice Chair Faria asked if the applicant could respond to the question about what material the awning would be made of.

Project applicant Jesse Tseng stated that his architect was on his way to the Planning Commission meeting and that the architect would be able to address the question.

Commissioner Willis Jr. supported the staff recommendation and requested that the Planning Commission be informed at a later time of the material that the canopy would be made of.



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Vice Chair Faria opened and closed the public hearing at 7:13 p.m.

Commissioner McDermott made the motion to approve the Conditional Use Permit with Site Plan Review, based on the analysis set forth in the staff report and including the Findings and Conditions highlighted in Attachment III. Commissioner Willis Jr. seconded the motion.

The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Bonilla Jr., Enders, Schott, McDermott Vice Chair Faria
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

- Proposed Zoning Text Amendment to Chapter 10, Article 1 (Zoning Ordinance) to amend the height limit for the AT, Air Terminal District; Application No. 201706359. The proposed amendment would impact all AT District properties (AT-Commercial, AT-Aviation Commercial, AT-Operations, AT-Recreational, and AT-Industrial Park) located within the boundaries of the Hayward Executive Airport; Application No. 201706359; City of Hayward (Applicant/Owner).

Commissioner Schott asked legal counsel if he should recuse himself from the public hearing as he had a hangar at the Hayward Executive Airport. Assistant City Attorney Brick noted that Commissioner Schott did not need to recuse himself as the economic interest he had in leasing the city structure was not impacted by the proposed regulation.

Senior Planner Schmidt provided a synopsis of the staff report and presented a PowerPoint Presentation. She noted that since the property is owned by the City, any land that is developed would result in revenues to the City.

Commissioner Schott asked if the issue for potential development of the vacant lot was along Hesperian Boulevard or along Corsair Boulevard. Airport Manager McNeeley responded that it was primarily along Hesperian Boulevard and the lot behind La Quinta, which was currently vacant.

Mr. McNeeley noted for Commissioner Schott that the maximum height will be determined when the Federal Aviation Administration (FAA) analyzes the Form 70 and Form 60 that will be submitted. He added that staff did a quick calculation and came up with a height of approximately 140 feet total, which could be allowable under the Part 77 airspace regulations. Mr. McNeeley indicated that roughly a nine to ten story hotel could be accommodated. He mentioned that the areas at the end of the runway were more



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restrictive, and that the areas that staff is looking into as potential development sites along Hesperian Boulevard are to the side and less restrictive.

Commissioner Willis Jr. asked if staff was aware of any decisions made by the FAA regarding height limits for other airports in the vicinity, such as Livermore. He specifically asked if any applications for height limits had been rejected or amended by the FAA.

Airport Manager McNeeley indicated that he was not aware of any decisions for local airports such as Livermore; however, he noted that approximately 15 years ago there was an issue with an airport in San Diego where the contractor built a skyscraper too tall despite the airport restrictions and as a result, had to remove a couple stories of the building after construction.

Mr. McNeeley clarified for Commissioner Willis Jr. that the restrictive areas are the ends of the runways where the planes are landing and taking off; he said that to the sides, there is a 7:1 ratio thereby making it less restrictive to the sides of the runways which provides for more flexibility on height.

Commissioner Willis Jr. asked if the request for increase in height is denied by the FAA, then will the developer be amenable to constructing a building with a lower height. Mr. McNeeley confirmed that this was correct.

Planning Manager Buizer clarified that the staff recommendation before the Planning Commission, which will also be presented to the City Council, is not to establish a height limit. The height limit will remain at 40 feet, the recommended text amendment is to provide flexibility to increase the height limit. She emphasized that when development proposals do come in, there will be a site plan review application that will be thoroughly evaluated. Ms. Buizer underscored that the proposed text amendments would not change the height requirements but would allow for more flexibility, especially if the City has a proposal in the future for a beneficial project offering a better community amenity or a better site layout.

Vice Chair Faria opened and closed the public hearing at 7:26 pm

Commissioner Willis Jr. made a motion per the staff recommendation that the City Council approve the proposed zoning text amendments, subject to the Findings for Approval. Commissioner Schott seconded the motion.



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AYES: Commissioners Willis Jr., Bonilla Jr, Enders, Schott, McDermott  
Vice Chair Faria  
NOES: None  
ABSENT: Goldstein  
ABSTAIN: None

### **APPROVAL OF MINUTES**

3. Approval of minutes of the Planning Commission Meeting of November 9, 2017  
Commissioner McDermott made a motion, seconded by Commissioner Willis Jr., to approve the Planning Commission Meeting Minutes of November 9, 2017. The motion passed with the following votes:

**6:0:1 (AYES: Willis Jr., Bonilla Jr., Enders, Schott, McDermott, Faria; ABSENT: Goldstein.)**

### **COMMISSION REPORTS**

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer wished everyone a wonderful holiday and reminded everyone of the City Hall closure starting December 22, 2017 through January 1, 2018.

Commissioners' Announcements, Referrals:

Commissioner Enders requested that staff provide an update possibly around spring on the affordable housing ordinance.

### **ADJOURNMENT**

Vice Chair Faria adjourned the meeting at 7:28 p.m.

**APPROVED:**

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Ray Bonilla, Jr. Secretary  
Planning Commission



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**ATTEST:**

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Avinta Madhukansh-Singh, Management Analyst  
Office of the City Clerk