



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, January 28, 2021, 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, the Planning Commission, City Staff, and members of the public participated via the Zoom Webinar platform.

MEETING

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

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Goldstein, Patton, Roche, Stevens
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: None

Staff Members Present: Billoups, Brick, Buizer, Chan, Martinez, Wikstrom

ELECTION OF OFFICERS:

Nomination for Chair:

Commissioner Goldstein nominated Commissioner Roche for Chair. Commissioner Roche accepted the nomination.

The motion carried with the following roll call vote:

AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

Nomination for Vice-Chair:

Commissioner Roche elected Chair Bonilla for Vice-Chair. Chair Bonilla accepted the nomination.

The motion carried with the following roll call vote:



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AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

Nominations for Secretary:

Commissioner Goldstein nominated Commissioner Patton for Secretary. Commissioner Patton declined the nomination.

Commissioner Roche nominated Commissioner Stevens for Secretary. Commissioner Stevens accepted the nomination.

The motion carried with the following roll call vote:

AYES: Commissioners Ali-Sullivan, Goldstein, Patton, Roche, Stevens
Chair Bonilla
NOES: None
ABSENT: None
ABSTAIN: None

PUBLIC COMMENT:

Mr. Zachariah Oquenda, newly appointed Planning Commissioner, introduced himself and congratulated Chair Roche, Vice-Chair Bonilla, and Secretary Stevens on their elections to office.

PUBLIC HEARING:

For agenda item No. 1 the Planning Commission may make a recommendation to the City Council.

1. Proposed Single-Family Residence and Attached Accessory Dwelling Unit on a Vacant 0.21-Acre Hillside Lot with an Average Slope Greater than 20% Located at 2579 Home Avenue, APN: 081D-1660-040-00, Requiring Approval of Site Plan Review and Grading Permit Application No. 202000579, Bich-Khoi Do (Applicant) and Bradley Switzer (Owner)

Commissioner Stevens disclosed that he lives slightly more than 1000 feet from the proposed project, and he is a member of the Old Highlands Homeowners Association



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(OHHA). He said that he is not a board member and did not participate in any of the comments by the OHHA. Mr. Stevens said that there is not a conflict of interest and that he will be participating in the item.

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

Discussion ensued between the Planning Commission and staff regarding the following: the Hayward Highlands Neighborhood plan which was superseded by the City's 2014 General Plan; Accessory Dwelling Unit (ADU) regulations and City requirements; the City's adopted grading ordinance; City Council review requirements for slopes greater than 20%; staff said there are constitutional limitations that precludes a City from setting occupancy caps on single family residences; the City has the authority to enforce public nuisances; solar panels will be required; staff confirmed adoption of Reach Codes that limits the ability to extend new gas lines for construction of single family residences and confirmed that this project will not have gas service; what was the prior use of this property; and inquired about community outreach beyond the City's notification requirements. Staff spoke about the neighborhoods' concerns of flooding of downhill properties on Home Street and described the proposed project's appropriate mitigation measures with two detention basins and pervious pavements for lower driveway and the possible expansion of condition of approval (COA) # 39 that can address a ten-year storm.

Chair Roche opened and the public hearing at 7:42 p.m.

Ms. Joy Rowan had connectivity issues with ZOOM and will call in.

Mr. Robert Carlson, OHHA Vice President, spoke against the item and requested the Planning Commission to consider tabling the item and requested more time to have an opportunity to review the project to enable more public comments. He said there will be parking and flooding issues.

Ms. Valeria Caveglia, OHHA resident, said that the lot has been empty since she moved across the street in 1978 and that there are existing parking issues in the neighborhood.

Mr. Brad Switzer, owner, said this will be his primary residence, his wife's extended family will be living in the ADU; he is a former resident of the area and is very familiar and sensitive to the issues discussed such as the parking issues and the narrow one-way street. Mr. Switzer spoke about the mitigation measures they have been put in place to address parking and runoff mitigation. He expressed the desire to incorporate some of the City's mitigation measures for drainage to ensure that the water is diverted properly and not into



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neighbors' properties. He confirmed that the project will include solar panels that will not add to the height of the project.

Ms. Joy Rowan, OHHA resident, is glad to hear that Mr. Switzer will be living in the house; that the OHHA put in its own storm drains and that this area needs to be studied for a ten-year storm mitigation. She spoke about existing parking issues.

Chair Roche closed the public hearing at 7:56 p.m.

Commissioner Goldstein commented that the neighborhood's concerns have not been adequately addressed and recommended tabling the item to allow the OHHA, City staff and the owner time to meet about these concerns.

Commissioner Bonilla expressed concerns about the flooding and appreciated the City instituting a ten-year storm/flood mitigation plan; has concerns about the size, scale and appearance as compared to the existing neighborhood; make sure the ADU remains affordable; and was glad to hear that the owner will be residing in the home and his in-laws will be living in the ADU. Mr. Bonilla would like to see the fragmentation between the neighborhood and owner worked out and for the two parties to come together and communicate.

Commissioner Stevens said COA # 39 needs to be revised regarding the water detention system; the old Highland area is a semi-rural setting with an out of the city type living and the neighborhood's character needs to be respected; he has concerns about the removal of the oak tree and why the development is not embracing the existing tree. He said that architectural form and site design are critical and creates the character of the neighborhoods and he would like the applicant to return to the drawing board and be more respectful of the hillside and character of the environment. Mr. Stevens said that open space is important and even though decks are considered open space, there is not any dirt under the proposed decks. Mr. Stevens said that he would second the tabling of this item as more work needs to be done between the owner and the OHHA to come up with a better plan.

Commissioner Ali-Sullivan said that he supports tabling the item if there is the chance that the owner, who is familiar with the neighborhood, and the OHHA, find a way to work together to come to an agreement on the proposed project. He commented about ADUs and that this project proposes that the ADU is attached to the main structure.

Commissioner Patton said that he wanted to remind everyone that the reason the item is before the Commission is the recommendation for the grading permit and the current process. Mr. Patton commented that he had expressed concerns with staff about a year ago



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about the City reviewing this process in other cities. Mr. Patton said the State's intent regarding ADUs has always been about affordable housing and from an engineering and water perspective when a property is developed drainage will be improved. He said he is not convinced that there will be a benefit to tabling the item; there will not be any material changes except improved communication between the property owner and the OHHA. Mr. Patton said that the direction from the State and ADU ordinances speaks to the benefit of fast-tracking projects.

Chair Roche agrees with Commissioner Patton as the issue before the Commission is the slope issue and that City staff has worked with the owner on all other mitigation measures. Ms. Roche commented that the speakers spoke about existing flooding issues in the neighborhood and that there is a broader issue that needs to be addressed for the whole neighborhood. Ms. Roche appreciated Commissioner Patton's comments about how property improvements help mitigate drainage issues. She spoke about visiting the area and that there are existing mini-mansions and lots of large homes that are not as visible from the street as this project because of the location. Ms. Roche likes the architecture and design and asked staff what would happen if the Commission tabled the item.

Assistant City Attorney Brick said if the item were tabled, then the item gets continued to the next meeting. Mr. Brick said this is usually not done at Planning Commission meetings as the item is a recommendation to the City Council, and that by not voting the Commission is not assisting Council with the proposed project. Mr. Brick said that it would be more beneficial to vote on the item and to provide feedback to the City Council which can include addressing COA #39 regarding drainage and recommendations to specifics so that staff can bring this recommendation to the Council.

Chair Roche said by moving forward with a vote, this will allow the OHHA more time to review the project and they can present their concerns to the City Council.

Commissioner Ali-Sullivan said there was no value in continuing the item other than the owner and OHHA being able to communicate. He said the proposed project itself would not change in two weeks regarding scale and water management. Mr. Ali-Sullivan said based on the letters that were received this project has been under review by the HHA for over a year. He said the City has done a good job in reviewing the OHHA comments and letters and addressed the concerns raised in a satisfactory manner.

Associate Planner Martinez confirmed for Commissioner Goldstein that the item is tentatively scheduled to be heard by the City Council on February 16, 2021.

Commissioner Stevens commented that as Chair Roche mentioned, architectural form in a lot of the communities throughout Hayward often do not fit the neighborhood and he sees



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this as an opportunity to influence how this development is going to look and feel. Mr. Stevens said this is an opportunity for the applicant and the OHHA to work together over the next several weeks to refine the concept, adjust the architecture and provide a project more suitable and consistent with the neighborhood's character. Mr. Stevens said that he does not see tabling the item as an issue as long as it requires the owner more due diligence to refine the design and really listen to what the community's been stating.

Commissioner Goldstein made a motion that the Planning Commission recommends to the City Council to approve the staff recommendation and that COA #39 is updated to reflect a ten-year storm to be reviewed by the City Engineer and recommended that the owner and the OHHA meet to discuss parking and any other items prior to the City Council meeting.

Commissioner Bonilla asked about the merit of having the two parties meet.

Commissioner Goldstein said if the parties cannot resolve issues prior to the City Council meeting, then the OHHA can bring their grievances to the City Council.

Commissioner Ali-Sullivan seconded the motion. Mr. Ali-Sullivan commented that it would be beneficial for the applicant to meet with the OHHA and work together on a resolution.

A motion was made by Commissioner Goldstein, seconded by Commissioner Ali-Sullivan.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Goldstein, Patton Chair Roche
NOES:	Commissioners Bonilla and Stevens
ABSENT:	None
ABSTAIN:	None

APPROVAL OF MINUTES

2. Approval of the Planning Commission Meeting Minutes of October 22, 2020.

A motion was made by Commissioner Bonilla seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of October 22, 2020.

The motion passed with the following roll call votes:

AYES:	Commissioners Ali-Sullivan, Bonilla, Goldstein, Stevens Chair Roche
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NOES: None
ABSENT: None
ABSTAIN: Patton

COMMISSION REPORTS

Commissioner Patton announced that effective April 1, 2021, he will be resigning from the Planning Commission and will be relocating to Atlanta. Mr. Patton requested an update on the Costco Fuel Facility item.

Oral Report on Planning and Zoning Matters:

Planning Manager Buizer provided an update on the Costco item per Commissioner's Patton request. Ms. Buizer said the item moved forward to the City Council and Council approved the Costco gas station with recommendations to a change in the process. Council recently adopted a resolution that will change the process for new auto fueling station applications; these applications will be brought before the Council Economic Development Committee, then before the Planning Commission for a recommendation, then to the City Council for a final decision.

Planning Manager Buizer asked Zachariah Oquenda to join the meeting and officially welcomed him to the Planning Commission, Mr. Oquenda was officially appointed by the City Council on Tuesday, January 26, 2021, and was sworn in by the City Clerk's Office. Mr. Oquenda thanked Ms. Buizer for the official welcome and is excited to join the Planning Commission.

Planning Manager Buizer announced that former Assistant City Manager Hurtado retired at the end of December and Deputy City Manager Ott was promoted to Assistant City Manager. Development Services Director Simpson will be retiring at the end of March. Ms. Buizer announced that she will be promoted to Acting Deputy Director of Development Services, and she will be promoting Jeremy Lochirco and Leigha Schmidt to Acting Planning Manager and Acting Principal Planner. Ms. Buizer said that with her new position she will be attending more Council meetings and Principal Planner Lochirco and Senior Planner Schmidt will be attending the Planning Commission meetings. Ms. Buizer wished Commissioner Patton good luck and that staff has enjoyed his expertise.

Commissioners' Announcements, Referrals:

Chair Roche welcomed Mr. Oquenda and wished Commissioner Patton good luck.



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Commissioner Bonilla and Chair Roche congratulated Planning Manager Buizer on her promotion.

ADJOURNMENT

Chair Roche adjourned the meeting at 8:39 p.m.

APPROVED:

A handwritten signature in black ink, appearing to read "Robert Stevens", is written over a horizontal line.

Robert Stevens, Secretary
Planning Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary
Office of the City Clerk