



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, May 8, 2025, 7:00 p.m.**

Attachment I

The Planning Commission meeting was called to order at 7:01 p.m. by Chair Hardy. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: CHAIRPERSON: Hardy
COMMISSIONERS: Goodbody, Haman, Lowe, Meyers, Stevens
Absent: COMMISSIONER: Franco-Clausen

Staff Members Present: Corral, Lochirco, Ochinero, Richard, Tabari, Vigilia

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. Proposed Demolition of an Existing Detached Residence and Construction of Three Residential Condominium Units on a 0.22-Acre Site Located at 477 Harris Road (Assessor's Parcel Number (APN) 453-0060-047-00, Requiring Approval of a Zone Change from Low Density Residential (RL) to Medium Density Residential (RM), Vesting Tentative Map, Site Plan Review and Finding that the Zone Change is Consistent with the Hayward 2040 General Plan EIR and the Proposed Development is Exempt Pursuant to the California Environmental Quality Act (CEQA), Application No. 202000576. Applicant: Michael Ryan, Michael Ryan Architects. Owners: Huting Cai, Jun Shen **PH 25-018**

Staff report submitted by Principal Planner Schmidt dated May 8, 2025, was filed.

Associate Planner Richard provided a synopsis of the report.

Commissioner Haman questioned how the proposed zone change would promote public health, safety, convenience, and general welfare, seeking clarification or evidence to support that finding. Associate Planner Richard emphasized that there is clear justification for the zone change due to the ongoing housing crisis and the need for additional housing units in a part of Hayward that is well-served by commercial amenities, public services, and access to public transit. She pointed out that the proposed development is compatible with the surrounding area, noting it is less dense than some nearby projects located to the rear and side of the property.



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Commissioner Haman asked for clarification on what beneficial effect the zone change would have to which Associate Planner Richard explained that the proposed zone change would create more livable space, by allowing a three story townhouse project, which is not achievable under the existing zoning regulations. She added that, in these designs, the ground floor is mostly occupied by the garage, so the upper levels are essential for providing sufficient living space.

Commissioner Haman asked if there was any supporting evidence that the subdivision design or proposed improvements are unlikely to cause significant environmental harm. Associate Planner Richard explained that the City includes standard conditions of approval in all applications to protect the environment. She further noted that the City's General Plan Background Report evaluates each parcel for potential habitat concerns. In this case, the parcel in question has already been developed, meaning it has little to no likelihood of containing sensitive habitat, which reduces the potential for environmental damage.

Commissioner Lowe asked whether the Sycamore tree mentioned in the materials was in such poor health that it would have needed to be removed regardless of the project. Associate Planner Richard responded by acknowledging that, as she is not a landscape architect, she could not provide a definitive answer. However, she noted that the arborist report did not specify whether the Sycamore tree was diseased or dying, but it did indicate the tree was in poor condition, which contributed to its low valuation. She added that some tree species—possibly including Sycamores—have limited lifespans and tend to decline over time, making eventual replacement common in residential areas.

Commissioner Lowe asked for clarification on why the three trees mentioned seemed to be valued more highly than the protected Sycamore tree and whether it was due to the number of trees, the amount of canopy they would provide, or their level of maturity. Associate Planner Richard explained that the higher value of the three new trees is likely due to their box size, meaning they will be planted as larger, more established trees. She added that these trees will be located at the rear of the property and, since they are newly planted, they will be healthy, which also contributes to their overall value.

Commissioner Stevens asked about the purpose of the features located above the windows on the north elevation, at the rear side of the building, as shown on sheet A2.1 of Attachment 4, noted that these elements appear to cantilever off the face of the building, and requested clarification on their function or intent within the design. Architect Ryan explained that the features in question were originally designed as sunshades and would cast shadows and block sunlight during the brightest parts of the day, while still allowing sunlight in as it moved across the building. He shared that the building was initially positioned on the opposite side of the property line, but after the new regulations took effect, the design was flipped to the other side to create a buffer zone. He acknowledged that with the building's reorientation, their



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effectiveness may have changed, and he may need to revisit or revise their design.

Commissioner Stevens asked whether anything could be done to enhance or improve the north elevation of the building to better match the quality of the rest of the design. Architect Ryan agreed that improvements could be made to the north elevation and suggested that adding more windows could help bring more energy and visual interest to that side of the building. He admitted that, due to his own bias, the rear elevation may have been treated more as a utilitarian side, with window placement driven by function rather than aesthetics. However, he expressed a willingness to revisit and enhance the design to better align with the rest of the building's architectural quality.

Commissioner Meyers asked what languages the mailers are sent in, and whether they are distributed in multiple languages to ensure accessibility for the community. Associate Planner Richard responded that the mailers are distributed in English, but they include a notice stating that recipients can contact the City to request a translation of the information into other languages. Associate Planner Richard emphasized that this is typical for most outreach materials, noting that mailers are quite limited in space and usually contain only a brief sentence about the project. Because of this limited information, recipients are encouraged to reach out to the project planner for more details or assistance, including language support if needed. Planning Manager Lochirco added that the current approach has been the City's long-standing policy. He noted that if there is interest in changing how notifications are handled—such as providing multilingual mailers by default—that decision would need to come from the City Clerk's Office and the City Council, as they set the direction for public notification procedures.

Commissioner Meyers inquired if there were any statistics or data available regarding whether people take the second step of reaching out to the project planner for further information or language assistance after receiving the mailers. Associate Planner Richard explained that, as someone who frequently processes projects, she does receive inquiries about the project and is often asked to translate information, with most of those requests being for Spanish translations.

Commissioner Meyers asked if there was a way to track the status of the balance in the Affordable Housing in-lieu fee, specifically, to find out what projects might be funded in the future using the current balance. He noted that the fee is just over \$160,000 if paid immediately and expressed interest in knowing which projects are anticipated for that funding. Planning Manager Lochirco explained that he would check with the Deputy Development Services Director Morales, to gather information on the current balance of the in-lieu fee account and report back to the Planning Commission. He noted that the availability of funding for future projects depends on the amount of fees collected, which varies based on development activity. Shovel-ready projects with secured funding are prioritized for funding, and NOFAs are issued when enough funds are available, though they are not issued annually. He added that the in-lieu



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fee balance reflects only projects that have actually paid the fee and moved forward.

Commissioner Meyers inquired about the perimeter fences for the project, asking how they will interact with existing neighboring properties. He also wanted to know if the neighbors would have a say in the fence design and whether they would be required to pay for any part of the fence. Architect Ryan explained that they plan to install a fence on one side, specifically along the area where the unit entrances are, as opposed to the driveway area. He added that for the lower part of the property, they are fully committed to covering the cost of the fence and allowing the neighbors to have a say in its design. He noted that for the upper side of the property, they intend to use a "good neighbor" fence, with the same approach—allowing neighbors to have input. Architect Ryan emphasized that the cost of the fencing is not a major concern in the overall construction budget, and the clients are willing to pay for the fences around the property. He added that, on the southern side of the property, they are proposing a garden wall instead of a traditional fence. The wall would be made of cementitious material with a wire lattice for vines to grow on, aiming to create a more aesthetically pleasing feature. He mentioned that this design could also be applied to other areas of the property, with the goal of enhancing the overall visual appeal.

Commissioner Meyers inquired about the solar mandate, asking if it is known yet where the solar array will be located—whether it will be installed on the garage or on the flat roof. Associate Planner Richard explained that solar placement is not reviewed during the planning entitlement stage because the plans at that point are conceptual and not design-level documents. She noted that solar placement will be reviewed during the building permit stage and will need to comply with all applicable provisions of the California Building Code, the California Green Building Code, and the Reach Code.

Commissioner Goodbody asked if adding lattice and greenery would meet the Commission's interest, noting that artistic elements were not in the conditions of approval or project plans. Associate Planner Richard responded that in this zoning district, public art is optional and typically encouraged along major thoroughfares like Mission Boulevard, where visual impact is greater. She added that although this project is not located on such a street, the project meets design standards through the inclusion of specific façade design elements.

Chair Hardy asked for clarification regarding the mitigation for the removal of a protected tree, specifically the statement that the applicant would "upsized three street trees." She requested more information on what "upsizing" involves and whether the applicant selects the location for these trees or if the term refers to a different process. Associate Planner Richard explained that the City typically requires street trees to be planted in 24-inch boxes. She noted that "upsizing" means the applicant will plant 36-inch box trees instead and that the tree species must be approved by the City's landscape architect, are usually native species, and will be planted along the property's frontage. Chair Hardy asked whether she may have missed the



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arborist report or if it was included in the documents. Associate Planner Richard stated that the arborist report was not included in the materials but is referenced in the staff report. Chair Hardy asked whether the arborist report would be added when the project goes to City Council, noting that such reports have been included in past cases. She inquired if the inclusion is optional or varies depending on the project. Associate Planner Richard explained that the project dates back to a 2020 application, and the arborist report references earlier plans that have since changed. She noted that the architect revised the design to shift the building closer to the higher-density area and farther from the single-family homes. She added to avoid confusion the report was not included, and instead, all relevant information was summarized in the staff report.

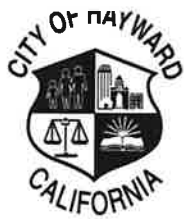
Chair Hardy noted that the project will be three stories and questioned how "consistency" is being defined—whether it refers to broader, citywide trends or aligns with the character of the immediate surrounding area. Associate Planner Richard responded that the project is consistent with the long-term vision for the neighborhood as outlined in the General Plan, which designates the area as Medium Density Residential (MDR). She explained that the project is intended to serve as a transitional development between existing higher-density projects and lower-density single-family homes, which are allowed to remain until they are eventually redeveloped.

Chair Hardy asked whether there is a requirement to re-notify the public after a certain period, or if the original notice remains valid indefinitely. Associate Planner Richard explained that there is no requirement to re-notice after a long time, though staff may do so as a best practice if the public was previously engaged. She noted that since there were no public comments during the original 2020 outreach, no additional notice was given. She added that the Hayward Municipal Code only requires notice for decisions, but the City typically exceeds that by also noticing application receipt.

Commissioner Haman inquired about the current number of market-rate units and followed up by asking whether there is a greater need for low-income units compared to market-rate ones. Associate Planner Richard responded that the City is still in the second year of the RHNA (Regional Housing Needs Allocation) cycle and has not yet met its production targets in any income category. She noted that this project will contribute toward meeting those goals, particularly in the market rate income category, which has not yet been fulfilled.

There being no public comment, Chair Hardy opened and closed public comment at 7:33 p.m.

Commissioner Meyers expressed appreciation to the architect for including one additional parking spaces in the project, given that parking is often a concern for both the Commission and the public.



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Commissioner Stevens made a motion to move forward with Item Page 25018 and encouraged the applicant to revisit the north elevation of the building. He suggested there may be an opportunity to expand the windows—specifically in Unit 1 or possibly Unit 3—to reduce the starkness of that façade. He noted that enhancing this side of the building would be beneficial, especially given the uncertainty of future development to the north and emphasized the value of maintaining a visually appealing structure on all sides.

Commissioner Lowe seconded the motion.

Commissioner Haman expressed concern about the three-story height of the project, noting that it will likely cast significant shadow on the adjacent property to the west. He pointed out that the building's orientation may increase shading impacts, particularly in the afternoon when outdoor space is most used. He recalled that the project had previously been mirrored and asked why it was flipped back, suggesting that a different orientation might reduce shading impacts on neighboring properties and the project's own open space. He emphasized that the potential for extended shadow, especially during times when children may be outside, remains a concern with the current layout.

Associate Planner Richard clarified that the City of Hayward does not have shade study requirements or related regulations, so shadow impacts are typically not part of the project review. She explained that staff had asked the architect to shift the building away from the adjacent single-family residence and closer to the denser developments to reduce impacts on neighboring homes. She also noted that while the project includes a small open space area, it was not required—since open space is not mandated for developments with fewer than four units—and was included voluntarily to enhance livability.

Planning Manager Lochirco added that the property to the west, which was the subject of shadow concerns, is already zoned for Medium Family Residential. He noted that under current zoning regulations, that property is entitled to develop up to three stories without needing Commission approval.

Chair Lowe expressed appreciation for the added parking, which she felt went above and beyond typical expectations. She noted that although the building will be three stories, it remains within the allowable height limits and is actually below the maximum permitted. She also commended the applicant and architect for exceeding the required 50 façade design points by achieving 80, reflecting a strong effort to create a high-quality development for the city.

It was moved by Commissioner Stevens, seconded by Commissioner Lowe, and carried unanimously, to approve the proposed demolition of an existing detached residence and construction of three residential condominium units on a 0.22-acre site located at 477 Harris road (assessor's parcel number (apn) 453-0060-047-00.



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AYES:	COMMISSISONER	Goodbody, Haman, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	
ABSENT:	COMMISSISONER	Franco-Claussen
ABSTAIN:	COMMISSIONER	

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting on March 27, 2025 **MIN 25-056**

It was moved by Commissioner Lowe, seconded by Commissioner Haman, and carried unanimously, to approve the minutes of the Planning Commission on March 27, 2025.

AYES:	COMMISSISONER	Goodbody, Haman, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	
ABSENT:	COMMISSISONER	Franco-Claussen
ABSTAIN:	COMMISSIONER	

3. Minutes of the Planning Commission Meeting on April 10, 2025 **MIN 25-059**

It was moved by Commissioner Lowe, seconded by Commissioner Haman, and carried unanimously, to approve the minutes of the Planning Commission on April 10, 2025.

AYES:	COMMISSISONER	Goodbody, Haman, Lowe, Meyers, Stevens
	CHAIR	Hardy
NOES:	COMMISSIONER	
ABSENT:	COMMISSISONER	Franco-Claussen
ABSTAIN:	COMMISSIONER	

COMMISSIONERS' ANNOUNCEMENTS, REFERRALS

Planning Manager Lochirco provided a brief update on upcoming Planning Commission meetings. He announced that the May 22, 2025, meeting will include two items: a recommendation to City Council regarding potential rezoning near the Hayward Executive Airport to allow drive-through facilities, and final consideration of the Stack Data Center project, which previously had a work session focused on community benefits. He also noted that the Tree Preservation Ordinance is tentatively scheduled for the first meeting in June. While the agenda for the second June meeting is still uncertain, the Commission will recess through July and part of August, allowing members to plan accordingly.



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ADJOURNMENT

Chair Hardy adjourned the meeting at 7:41 p.m.

APPROVED:

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

Ron Meyers, Secretary
Planning Commission

ATTEST:

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

Briea Allen
Planning Commission Secretary
Office of the City Clerk