



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, June 27, 2019, 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 Faria.

CALL TO ORDER Pledge of Allegiance

Commissioner McDermott led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis, Andrews, Bonilla, Patton, McDermott
CHAIRPERSON: Faria
Absent: COMMISSIONER: Goldstein

Staff Members Present: Brick, Buizer, Chan, Ott, Stefanski

General Public Present: 23

PUBLIC COMMENT:

There were none.

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

1. Route 238 Corridor Lands Development-Parcel Group 5: Bunker Hill: Review and Recommendation to the City Council to Approve Draft Master Development Plan and Addendum to the 2014 General Plan Environmental Impact Report

Deputy City Manager Ott presented the item and presented Management Analyst Stefanski.

Management Analyst Stefanski provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Bonilla commented that smaller ADUs might not be feasible in this multifamily household climate. Mr. Bonilla said the community has voiced concerns about safety, earthquake and landslide risks, to which Deputy City Manager Ott responded that the developers will have to conduct additional landslide and geotechnical studies.



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Commissioner McDermott asked about the results of community outreach conducted by staff, to which Deputy City Manager Ott responded that the major issue from the community would be to retain the 20,000 sq. foot lot size and then the problem would be that the development would have less units. Ms. Ott said the Council Economic Development Committee's (CEDC) consensus was that the 10,000 sq. foot lot size is a quarter acre, and this was sufficient given the housing crisis. Ms. McDermott disclosed visiting the site and commented on the narrow streets, concerns about traffic impacts, parking issues and congestion especially with multigenerational households. Ms. McDermott said the preferred option for the affordable housing element is excellent and should be a condition of approval and requested that her suggestion be passed on to Council.

Commissioner Willis has concerns regarding parking issues in developments with large homes as homeowners are renting out rooms. Mr. Willis would like to see a strong homeowner's association (HOA) in place that will be able to enforce parking regulations. Ms. Ott addressed the issue of parking and said if there is more parking then this will decrease the amount of open space and area for landscaping. She said there needs to be a balance between parking, 2-3 car garages, larger driveway aprons and on street parking spaces and that staff is open to suggestions from the Commission. Ms. Ott said having an all-electric development was a Council request to have a more sustainable development and added that building codes are going in this direction. Mr. Willis recommended that the housing design be compatible with the existing neighborhood. Planning Manager Buizer said there are certain requirements that are non-negotiable such as the number of units and other aspects that can be negotiated such as the size of the units.

Commissioner Patton said the Work Session in February was on all the Caltrans properties and this was the first time that the Planning Commission was provided with actual plans for Parcel 5. Mr. Patton requested that for future projects that the process be amended so that when there is a project of this magnitude there would be a Work Session prior to the Public Hearing to give the Planning Commission the opportunity to study and discuss the project prior to having to make a decision. Mr. Patton noted that there have been multiple speakers for this item and the two common major issues were to retain the existing 20,000 sq. foot lot size and the traffic impacts on the Carlos Bee Boulevard intersection. Mr. Patton said in reviewing the California Environmental Quality Act (CEQA) analysis, the level of service at the new intersection will exceed the significant standard, but because the signal warrants were less than significant, this negated the new intersection's significant impact. Assistant City Attorney Brick said the City is comfortable with the CEQA analysis performed by LSA and is comfortable moving forward. Mr. Patton expressed concerns with signal warrants and public safety and requested additional traffic impact analysis for Carlos Bee Boulevard that includes traffic gaps, traffic speed, if there will be a safety pocket in the middle of the street, and vehicle queuing. Mr. Patton requested a detailed report on the



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Transportation Demand Management (TDM) when the item returns to the Planning Commission.

Commissioner Andrews disclosed meeting with Mary Ann Higgs. Ms. Andrews wanted to ensure the City is aware that there can be a disconnect between study results and what people experience and that there needs to be second level review. Deputy City Manager Ott noted that there will be more engineering and analysis conducted for the Carlos Bee Boulevard intersection. Ms. Ott said the City currently does not have a recycled water infrastructure for residential areas and staff will conduct further studies of bringing the recycled water into these areas and open spaces. Ms. Andrews requested that as the design plan moves forward to ensure staff is aware of the transition of homes and lot sizes and to also be mindful of the existing neighborhood. Ms. Andrews said this awareness will also help with parking. Ms. Andrews is concerned about fires and requested that there be a condition that addresses defensible space around the homes.

Chair Faria strongly recommended that improvement and maintenance of the following streets be addressed in the RFPs: Westview Way, Maitland Drive, and Central Boulevard. Ms. Faria is highly concerned about first responder vehicle access, public safety for residents and especially children walking to school. Ms. Faria said that when she visited the area, it was difficult to drive through the area beginning with Westview. Planning Manager Buizer said that per the staff report, Maitland Drive, Central Boulevard and Bunker Hill Boulevard will all be widened and improved and noted that part of the future proposal is whether the streets outside of the project boundaries will be included in the improvements which would include Westview Way and other roads. Deputy City Manager Ott said the Fire Department will review all plans and will make the appropriate recommendations for Fire and First Responder vehicle access.

Chair Faria opened the public hearing at 8:07 p.m.

Mr. Eric Morve, Hayward resident, thanked the Planning Commission for addressing the narrow streets, spoke about the traffic issues and requested traffic mitigation. Mr. Morve relayed how residents have tried to have the City address traffic mitigation, but current City regulations did not allow this.

Mr. Bruce Lepore, Hayward resident, supports the proposal and asked that major consideration be given to Carlos Bee Boulevard and that the residents on Westview Way and Central Boulevard be taken into consideration.

Ms. Donna Fitzgerald, Hayward resident, likes the rural environment of her neighborhood, has concerns about the impact to the natural wildlife habitat, wants to retain the current lot size and consider the parking impacts from CSUEB students parking throughout the



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neighborhood. Ms. Fitzgerald has concerns about traffic speed on Harder Road and the construction hours.

Ms. Mary Ann Higgs, Hayward resident, likes the rural environment of her neighborhood and supports the proposed project. Ms. Higgs said she has reviewed the project thoroughly and sees the value in the variation of the lot sizes but has a different perspective and made the following suggestions: to retain the 30% lot coverage; the minimum lot size is to be 7,000 sq. ft., have a maximum of 70 units, remove the ADUs and have the developer pay the in-lieu fee.

Mr. Chris Cagurangan, Hayward resident, is very concerned about the traffic impacts and since the City and Cal State University East Bay have not entered into an agreement on the CSUEB parcel, this will become a major issue as there will be an additional 200 cars coming down Carlos Bee Boulevard.

Ms. Colleen Cagurangan, Hayward resident, supports developing the Parcel 5 and her main concerns are traffic impacts, requested the maximum number of houses be reduced, keep the average lot size closer to 20,000 sq. ft. and maintain the 30% lot size coverage. Ms. Cagurangan would like this project contingent on the agreement with CSUEB for the access to Carlos Bee Boulevard, and if an agreement is not met, then the project would not be feasible. She would like a fire gate at the corner of Central Boulevard where it turns onto Bunker Hill Boulevard.

Ms. Anna Marraro, Hayward resident, thanked the Planning Commission for thinking about the existing residents and asked to please preserve what residents currently have. She has concerns that the new development will affect the natural wildlife habitat and will impact the neighborhood atmosphere.

Mr. Victor Malone, Hayward resident, is very concerned about the number of units, size of lots, and the potential traffic impacts. Mr. Malone thanked staff for the community outreach and thanks the Commission for listening to the residents' concerns.

Mr. Hong Kim, Hayward resident, submitted a card but did not speak.

Mr. Kevin Ng, Hayward resident, has concerns about public safety and suggested putting a road on Central Boulevard which will provide more access and egress for the entire neighborhood. Mr. Ng would like the preservation of the natural wildlife habitat.

Mr. Daniel Bolt, Hayward resident, said the most important topic should be access and egress and the traffic impacts, and does not want the existing neighborhoods to become a pass through for the new residents.



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Ms. Alicia Lawrence with the Hayward Collective spoke about how the City evicted 24 families and asked why those 24 units weren't automatically designated as affordable housing as this is public land. She asked why the Surplus Land Act isn't being used as a best practice for all the public lands for which the City is responsible. Ms. Lawrence said the Collective is asking for clarity on the deed restrictions on the ADUs and why ADUs are being allowed to fulfill the affordable housing requirement. Ms. Lawrence strongly encouraged the Planning Commission that if the Affordable Housing Ordinance is not serving the needs of the community that this message needs to be sent to the City Council as the community needs more "onsite affordable housing". Ms. Lawrence stated that the City has not built enough affordable housing for years.

Ms. Cookie Cameron, Hayward resident, has concerns about the traffic impacts and asked about the possibility of building a road at Central Boulevard up by Bunker Hill Boulevard near Harder Road. Ms. Cameron thanked staff for their hard work and listening to the resident's concerns and for trying to save the natural wildlife habitat.

Ms. Peggy Guernsey, Hayward resident, spoke about the compromise of the hillside on Delmar Avenue that caused landslides when CSUEB graded the hill. Deputy City Manager Ott addressed Ms. Guernsey's concerns that the 238 Foothill Trail will be managed by HARD and that there are riparian areas to protect the natural wildlife in the area. Ms. Ott said staff is currently working with both AC Transit and CSUEB about bus service in that area.

Ms. Debbie Frederick, Hayward resident, has concerns about housing density and traffic impacts and congestion and suggested another traffic access/egress avenue. Ms. Frederick said it is reasonable to take a moment and have a more detailed information session on this item.

Mr. Bruce King with Friends of San Lorenzo Creek is glad to see the open space areas and creeks and requested the establishment of creek setbacks from the houses similar to the Alameda County Watercourse setbacks and that fire protection vegetation management be applied. Mr. King said a conservation easement needs to be established for the open spaces.

Mr. Thomas Birt, Hayward resident, would like to retain the minimum density and lot sizes, and that the infrastructure will not support 74 new homes.

Ms. Amanda Guernsey, Hayward resident, is very concerned about traffic speeding and traffic impacts and safety concerns for the existing neighborhoods. She said there is danger from landslides and that the hillside will be compromised. Ms. Guernsey has concerns about the lack of affordable housing and opposes the housing project.



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Ms. Bernadette Chan, Hayward resident, favors the project but has concerns about the traffic impacts and the traffic slope can be dangerous when it rains. Ms. Chan agrees with other speakers about considering another access/egress on Central Road. Ms. Chan said that the existing residents were assured by Mayor Halliday and Council Member Mendall that they will retain their gas utilities service and to please ensure that the developer is alerted of this and does not accidentally shut off their gas service.

Chair Faria closed the public hearing at 9:04 p.m.

Commissioner Willis said the main issues from speakers were the potential traffic impacts, lack of affordable housing, and establishing the creek setbacks. Mr. Willis said his own development has one access road and there never is any backup of traffic even with additional homes built and the Costco Warehouse. Mr. Willis said his main concerns are the issue of parking, City focus on building more affordable housing, and that this is a great opportunity to accomplish this as these lands are under the City's control. Mr. Willis recommended the establishment of the creek setbacks as proposed by the Friends of San Lorenzo Creek, and to address public safety and traffic impacts, and create a second access/egress road.

In response to Commissioner Andrews' question about fire gates mentioned by existing residents, Deputy City Manager Ott shared that in discussions with Fire Chief Contreras, he is not amendable to fire gates because of the wildlife and does not want any impediments for Fire vehicle access into the new development. Ms. Andrews suggested that staff have more meetings with the community as there is too much of a disproportion between the minimum 5,000 sq. ft. lots and the maximum 20,000 sq. ft. and this needs to be resolved. Ms. Andrews supports higher density but expressed concerns about the need for more traffic and environmental studies of how the additional housing will impact the entire regional area.

Commissioner Bonilla commented on the residents' appreciation of being able to provide feedback and have their concerns addressed during the planning of this new neighborhood. Mr. Bonilla is familiar with the neighborhood and was concerned about the gentrification of the neighborhood and the housing crisis as these will be multimillion-dollar homes and asked for whom these homes are being built as the average Hayward resident would not be able to afford these homes. Mr. Bonilla said he agreed that ADUs are not the preferred option to address affordable housing units, as the preferred option is to integrate onsite affordable housing into the development. Mr. Bonilla said there are many large homes currently being built in the Hayward hills and there is high density housing being built in the flatlands. Mr. Bonilla is trying to see how the plan for this community parcel will benefit the community that needs it the most. Mr. Bonilla requested an analysis of the past two years of what development projects the City has approved as there does not



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seem to be a balance between upper income housing versus affordable housing, as this data will be useful information for the Planning Commission. Mr. Bonilla said the 238 Foothill Trail is a community asset and should be managed by HARD and has concerns about the traffic impacts.

Commissioner Patton commented that the project will provide open space, trails, riparian space, and for the size of the lots, this is suburban density and not high density and agrees that these will be million-dollar houses. Mr. Patton acknowledges that this change will be difficult for the existing neighborhood. Mr. Patton wants to see how the safety issues will be addressed, a detailed Transportation Demand Management Plan, and there needs to be more affordable housing incorporated into the development and to allow the developer to make a proposal. Mr. Patton wants the developer to provide a plot for the homes to enable the City to make a better decision on the balance and transition on lot and housing layout, and wants the structural setbacks shown on the plans. Mr. Patton suggested a residential permit parking program for this entire area to stop students from parking in the neighborhood. Mr. Patton supports the project at this point and wants to see the details as outlined above.

In response to Commissioner McDermott that the existing residents were given assurance by Mayor Halliday and Council Member Mendall that they would retain their gas utility service, it is important that what the City tells residents is what will happen; Deputy City Manager Ott said there will be a condition in the RFP that will address the gas service for existing residents. Ms. McDermott concurs with her fellow Commissioners and has concerns about traffic impacts, especially regarding Commissioner Patton's comments about traffic signals and that any RFP needs to pay strict attention to the traffic signals. Ms. McDermott commented that it is important for the development design to maintain privacy between homes. Ms. McDermott said she is generally in favor of the plan.

Chair Faria recommended that the following issues need to be addressed: establish creek setbacks and research another access road that will benefit the new and existing community. Ms. Faria thanked all the speakers for their participation and thanked staff for their community engagement. Ms. Faria commented that it is not easy to make these decisions as this will impact people's lives. She acknowledges that this neighborhood is gifted with nature and would like to see it maintained, but because of the housing, the natural wildlife habitat might be compromised in the future. Ms. Faria said with her recommendations incorporated she will support the item. Deputy City Manager Ott responded to Ms. Faria regarding lot size that there will be a balance between the lot sizes, there will be an average of 10,000 sq. ft. lots and pointed out that this site has a challenging topography.



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Deputy City Manager Ott provided a summary of the Planning Commission's eight recommendations to Council, and they are as follows:

- 1-Conduct an additional traffic circulation, engineering and safety analysis regarding Carlos Bee Boulevard, and research another traffic access point taking into consideration safety aspects,
- 2-Developer needs to provide a detailed Transportation Demand Management (TDM) plan that will be evaluated by the Planning Commission,
- 3-Site guidelines need to be reviewed for compatibility for both the transition between the new homes and transition to existing neighborhood, with the design done in a mindful manner
- 4-RFP to maintain gas utility service for existing residents as assured by Mayor Halliday and Council Member Mendall
- 5-Establish creek setbacks as outlined by Friends of San Lorenzo Creek
- 6-Establish an irrevocable public easement for the 238 Foothill Trail and Parkland that will be managed by HARD and will be maintained as a public asset into perpetuity
- 7-Incorporate defensible landscaping
- 8-Have Council consider the Planning Commission's different points of view regarding incorporating more affordable housing into the new development.

Deputy City Manager Ott mentioned that for the entire Route 238 parcels overall, currently 17% of units are designated for affordable housing which exceeds the required 10% per the Affordable Housing Ordinance.

Chair Faria stated that the Planning Commission has had many discussions and they are all in consensus about the need to have onsite affordable housing incorporated into new developments as it is important to have different levels of income living together and not singled out. The Planning Commission does not want separate affordable housing developments.

Commissioner Bonilla concurred wholeheartedly with Chair Faria's comments about integrated affordable housing units. Deputy City Manager Ott confirmed for Mr. Bonilla that the deed restricted ADUs are into perpetuity. Ms. Ott responded to Mr. Bonilla's question regarding the coordination with the Housing Manager on large projects, that staff is in constant discussions with the Housing Manager to ensure that the developments are following the Affordable Housing Ordinance and explained the complexities of the required regulatory agreements.

In response to Commissioner Andrews question about enforcement of affordable housing units, Deputy City Manager Ott explained the mechanism of recordation of regulatory agreements on affordable housing units facilitated by the Housing division. Ms. Ott shared



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that the City noticed the Notice of Funding Availability (NOFA) towards the end of last year and three projects were awarded funding that will have a total of approximately 400 affordable housing units. Planning Manager Buizer shared that two projects that received funding through the NOFA were previous projects that came before the Planning Commission and were approved as market-rate projects and that through the process the projects changed hands to an affordable housing developer that will help meet the Regional Housing Need Allocation (RHNA) requirement. Ms. Buizer shared that in the future the Planning Commission will see more developments with the affordable housing element incorporated into them.

Commissioner Willis made a motion, seconded by Commissioner Patton, to approve the staff recommendation with eight recommendations: (1)-conduct additional traffic impact analysis focusing on safety aspects and research another traffic access and egress point; (2)-have the developer bring forward a detailed Transportation Demand Management (TDM) plan; (3)-evaluate site guidelines for compatibility for both the transition between the new homes and transition to existing neighborhood and that the design be done in a mindful manner (4)-include in the RFP protection language for existing residential gas utility service users, (5)-incorporate defensible space landscaping into the design guidelines; (6)-establish creek setbacks as outlined by the Friends of San Lorenzo Creek; (7)-establish an irrevocable public easement for the 238 Foothill Trail and Parkland which will be managed by the Hayward Area Recreation and Park District (HARD); (8)-have Council consider the Planning Commission's different points of view regarding incorporating more affordable housing into the project. The motion passed with the following vote:

AYES:	Commissioners Willis, Andrews, Bonilla, Patton, McDermott, Chair Faria
NOES:	None
ABSENT:	Goldstein
ABSTAIN:	None

APPROVAL OF MINUTES

2. Approval of the Planning Commission Meeting Minutes of June 13, 2019

Commissioner Willis made a motion, seconded by Commissioner Andrews to approve the Planning Commission Meeting Minutes of June 13, 2019. The motion passed with the following votes:

AYES:	Commissioners Willis, Andrews, Patton, Chair Faria
NOES:	None



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ABSENT: Goldstein
ABSTAIN: Bonilla, McDermott

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

Commissioner Andrews reminded everyone about the All-American Festival that will be held at Mt. Eden Mansion, this Saturday, June 29, 2019, starting at 11 a.m.

Commissioner Bonilla requested staff to provide the Planning Commission with an overview of affordable housing projects and noted it was informative to hear about the previous market rate project that is now an affordable housing project.

ADJOURNMENT

Chair Faria adjourned the meeting at 9:44 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk