



**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, October 10, 2024, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:00 p.m. by Vice Chair Hardy. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

Staff Members Present: Allen, Cole-Bloom, Corral, Lee, Lens, Lochirco, Morales, Schmidt, Sharma, Ochinero, Richard, Tabari, Vigilia

PUBLIC COMMENTS

As there was no public comment, Vice Chair Hardy opened and closed public comment at 7:03pm.

WORK SESSION

1. Work Session on Proposed Zoning Text Amendments to Chapter 10 (Planning, Zoning and Subdivisions) of the Hayward Municipal Code Related to Supportive Housing Programs Associated with Implementation of the Hayward 2023-2031 Housing Element **(WS 24-030)**

Associate Planner Richard provided a synopsis of the staff report.

Commissioner Meyers requested clarification on Action 13.4, specifically the distinction between "by right allowances" and the "administrative use permit process" and a clear description of both processes. Associate Planner Richard explained that "by right" means there is no permit required for those uses while an administrative use permit require a staff-level review of the use to ensure compliance with codes and to establish conditions that minimize nuisances. She noted that conditional use permits require Planning Commission approval.

Commissioner Stevens asked about the safe parking proposal, noting that it would require an administrative use permit, which is approved by staff, and inquired whether neighbors would be notified before the administrative use permit for safe parking is issued. Associate Planner Richard confirmed that neighbors within a 300-foot radius would be notified once



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the administrative use permit application for safe parking is received, and explained that they would also be informed when a decision is made, with the opportunity to appeal that decision to the Planning Commission. During the initial notification, community members can express their concerns and comments, which staff will compile and share with the applicant, potentially suggesting changes based on community feedback.

Commissioner Stevens sought confirmation on whether, during the processing of the administrative use permit, planning staff would evaluate the safe parking to ensure adequate fire access. Associate Planner Richard nodded yes. Commissioner Stevens also mentioned restrooms in the process, questioning whether building codes, which set restroom requirements based on occupancy, would be considered during the review. Associate Planner Richard explained that the regulations require at least 10,000 square feet of habitable space on-site to accommodate facilities, which typically have a sufficient number of restrooms. This threshold, along with the requirement for 50 parking spaces, is intended to ensure that there is a substantial capacity available for this use on the property.

Commissioner Stevens inquired whether, as part of the administrative use permit process, applicants might need to obtain building permits to upgrade facilities such as restrooms and laundry areas to which Associate Planner Richard confirmed that if the applicants do not demonstrate existing restroom and laundry facilities, they would need to include those upgrades as part of their development project, which would then be reviewed by all relevant agencies, including utilities, building, fire, and code departments.

Commissioner Haman asked whether the reported number of 171,000 homeless individuals, including 512 from Hayward, also encompasses residents currently living in single-room occupancy (SRO) units, group homes, shelters, and similar facilities. Associate Planner Richard clarified that the number of 512 homeless individuals from Hayward is based on a point-in-time count conducted earlier this year, which includes only those identified as being on the street or in vehicles and does not include individuals residing in shelters or supportive housing.

Commissioner Haman inquired whether there is a specific number available for individuals in shelters or supportive housing to which Community Services Manager Cole-Bloom clarified that the count includes individuals living in emergency shelters, as these facilities report their occupancy during the same visual count of unsheltered individuals; however, she noted that the count does not include those in single-room occupancy (SRO) units. She explained that both shelters participating in the coordinated entry system and those that do not report separately are included in the total number.

Commissioner Haman asked whether the goal is to provide services specifically for all levels of homelessness in Hayward, or if there is a broader goal of expanding services to address a



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significant portion of the unhoused population throughout the region or state. Associate Planner Richard explained that the regulations are specific to Hayward and pertain solely to development within the City; without mandating any particular services.

Commissioner Haman asked whether the current plan is to build for maximum capacity in terms of services and then safeguard those services in case the need does not reach that level. Associate Planner Richard stated the current goal is to establish zoning regulations that enable the development of necessary services, ensuring that the community has the capacity to meet future needs as they arise, and mentioned that many recommendations for these regulations were based on input from service providers in Hayward, who expressed a desire for a zoning code that allows supportive housing development without requiring lengthy and costly rezoning processes.

Commissioner Haman asked whether the five emergency resolutions adopted by the City Council are in response to a significant emergency that necessitates the removal of existing barriers to which Associate Planner Richard explained that the five emergency resolutions, adopted over the past few years, were aimed at waiving zoning requirements that served as barriers to effectively supporting the unhoused population and vulnerable communities. These resolutions underline the need for the new regulations to eliminate such obstacles.

Commissioner Haman inquired about the rationale behind removing boarding homes and fraternity/sorority uses from the regulations to which Associate Planner Richard explained that they are being removed because they are already included under the broader definition of group homes. She noted that group homes are regulated at different levels based on the number of residents, making it a more suitable classification.

Commissioner Haman asked where individuals utilizing safe parking services would go between the hours of 10 a.m. and 5 p.m. Associate Planner Richard explained that individuals utilizing safe parking would return to the streets, go to their jobs, or seek services at other facilities, and noted that the chosen hours are intended to prevent the presence of broken-down vehicles on site, which could become a nuisance. Additionally, the regulations are designed to ensure = daytime users of churches and community centers have access to parking during those hours. She mentioned that this approach aligns with programs in Fremont and Union City, with slight adjustments made to minimize interference with morning commutes, allowing for an extended safe parking operation .

Commissioner Haman inquired whether individuals utilizing safe parking services would be able to make reservations to which Associate Planner Richard responded the ability to make reservations will be outlined in the management plan, which will be reviewed as part of the administrative use permit process. The service operator will develop this plan, detailing the rules, enrollment procedures, and protocols for addressing any violations, including how



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individuals not following the rules may be removed from the program.

Commissioner Haman asked if the number of parking spaces for safe parking meets the needs of Hayward residents, or if demand is expected to follow the creation of spaces. Associate Planner Richard explained that every surrounding city has safe parking programs, making Hayward the only city in the area without one. She emphasized that the program is designed to serve Hayward residents currently living on the streets. She noted that the Police Department has conducted outreach and frequently encounters individuals who need to be asked to move from street to street due to the lack of permanent places to stay overnight.

Commissioner Haman asked whether the permanent safe parking facilities would include mobile baths, mobile showers, and laundry facilities, in which Associate Planner Richard replied yes.

Commissioner Haman asked how long individuals can stay in the safe parking program. Associate Planner Richard clarified that the length of stay in the safe parking program refers to the specific hours allowed for parking. Commissioner Haman clarified his question, asking if individuals could stay in the safe parking program for a month, a year, or any specified duration. Associate Planner Richard noted that the duration of residents' enrollment in the program would likely be outlined in the management plan. She pointed out that similar programs in Fremont and Union City do not impose limits on how long individuals can participate.

Commissioner Meyers inquired if portable restrooms have been considered, referencing a previous discussion from a meeting in June. Associate Planner Richard explained that while mobile showers and laundry facilities have been included, the proposed regulations would require permanent restrooms for safe parking. She emphasized concerns from the City's Water Pollution Source Control, Utilities division, and Maintenance Services regarding issues with portable restrooms, including the risk of contamination affecting public sewers, which could lead to fines and loss of funding. She expressed that permanent restrooms are essential for providing a dignified facility for individuals and noted that safe parking would be located on properties like churches that already have restrooms.

Commissioner Meyers acknowledged the discussion about service providers being willing to offer restrooms, and noted that while many small churches have large lots they may lack sufficient restroom capacity. He suggested that portable restroom trailers could be a practical solution, needing only periodic cleaning. He expressed a preference not to rule out this option, advocating flexibility and emphasizing the importance of consulting with sanitation experts, while also believing that keeping the option open would be beneficial. Associate Planner Richard agreed to further explore the idea of using portable restroom



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trailers instead of traditional portable toilets with staff.

Vice Chair Hardy expressed support for aligning single-room occupancy (SRO) requirements with hotel regulations but raised concerns about whether converted hotels would meet certain SRO requirements. She specifically mentioned aspects such as the maximum unit size of 400 square feet, minimum storage space, parking, and kitchen facilities, questioning whether these requirements might conflict with the existing features of hotels. She asked if this potential issue had been considered. Associate Planner Richard stated that she had discussed the potential conversion of hotels into SROs with the Building division, which confirmed that it is feasible, and noted that adding storage is typically straightforward and that hotels generally have larger parking requirements than one space per room. Regarding the maximum unit size, she mentioned that it wouldn't exceed the dimensions of typical hotel rooms in Hayward. For kitchens, she clarified that the regulations specify "efficiency kitchens," which consist of a wet bar, outlets for appliances, and a sink—features that can be easily incorporated into existing spaces.

Vice Chair Hardy inquired about the requirement for emergency shelters to be located at least 300 feet apart, noting that there was no similar distance requirement mentioned for other types of supportive housing; asked why this specific limitation exists, whether it aims to limit the number of emergency shelters in the City, or if there are specific concerns related to their proximity; and also questioned whether similar considerations should be applied to other supportive housing types. Associate Planner Richard explained that the 300-foot distance requirement for emergency shelters was included because state regulations limit the city's ability to impose strict standards for such facilities. She noted that this practice is common among other cities, and the distance is not significant enough to hinder development while helping to avoid concentrated facilities in specific neighborhoods. She acknowledged the potential to explore similar requirements for other types of supportive housing but cautioned that many parcels in Hayward are already developed, and adding more distance requirements could further reduce feasible locations for these facilities. She highlighted that there are already numerous distance regulations in place for other uses, which often leaves very few available parcels for development.

Vice Chair Hardy asked why Winters was selected as a point of comparison for SRO regulations, noting that most other comparisons were local. Associate Planner Richard explained that not many cities have well-defined SRO regulations, and Winters was selected because it has experience in building SROs to support its large migrant farmworker population. While Winters is not a similar size or location to Hayward, its approach serves as an appropriate model. She noted that Winters's regulations are also comparable to those in Milpitas .

Vice Chair Hardy inquired about the allowing of psychiatric and rehabilitation care facilities



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in areas designated for general industrial and industrial park areas which seems to contradict feedback from outreach, which indicated that supportive housing should be located near public facilities, grocery stores, medical services, and transit. She expressed concern that this rationale did not seem to apply to psychiatric facilities. Vice Chair Hardy asked whether individuals in these facilities would be allowed to come and go during the day, and if that would impact the importance of their proximity to transit and other services. Associate Planner Richard confirmed that psychiatric and rehabilitation care facilities are often locked and individuals are typically transported there. She noted that the location in general industrial areas was chosen partly because some communities might not want these facilities nearby, making it a suitable decision to place them in these zones.

Vice Chair Hardy noted that the term "family" was crossed out in the regulations and inquired about the reasoning behind this decision. She expressed concern that removing the definition of "family" could be limiting, although she acknowledged that the term appears in other sections of the document, such as "single-family residence" and "multifamily residence." She asked whether eliminating the definition would create any potential issues. Associate Planner Richard explained that removing the definition of "family" shouldn't be problematic because other relevant terms have their own definitions. She noted that the term "family" has historically been used in zoning codes to restrict alternative living situations, often defining single-family homes in a way that limits non-nuclear family arrangements, such as multi-generational households or friends living together. She emphasized that the definition was not necessary for the document and that its removal aligns with a more inclusive approach to housing.

Commissioner Stevens inquired whether the transient occupancy tax would still apply, if hotels are converted into single-room occupancies (SROs) in designated districts. Associate Planner Richard confirmed that, once a hotel is converted into a single-room occupancy (SRO), the transient occupancy tax would no longer apply.

There being no public comment Vice Chair Hardy opened and closed the public comment section at 7:38 p.m.

Commissioner Meyers expressed deep concerns about the a "by right" planning process for supportive housing, emphasizing the importance of community feedback; highlighted issues like increased police calls and neighborhood disruptions linked to ministerial projects; argued against it as it undermines local oversight and community input; urged for a collaborative approach that involves residents in shaping projects, advocating for adjustments that could benefit both the unhoused population and the community; and called for the removal of "by right" language from the proposed amendments to better align developments with local needs and concerns. Associate Planner Richard clarified that the actions in to the Housing Element, including those involving "by right" developments, have



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already been adopted by the City Council.

Commissioner Meyers acknowledged that the actions had already been adopted but wanted to emphasize the importance of their implications for the community and the need for local input in future developments. Associate Planner Richard clarified that, apart from licensed group homes, all the proposed uses would not be considered "by right" and would require a discretionary review process, ensuring community involvement in decision-making.

Commissioner Stevens expressed concern about the lack of public attendance at the meeting, highlighting that the changes being discussed could significantly impact neighborhood character; questioned the absence of service providers, wondering why they weren't present to advocate for their needs and share their challenges; emphasized that effective regulation and enforcement requires adequate City resources, which he felt were insufficiently addressed, potentially leading to increased costs for residents; argued against allowing safe parking through a staff-level administrative use permit, advocating instead for a process with greater public scrutiny due to the proximity of proposed locations to residential areas; and expressed concerns about the conversion of hotels into Single Room Occupancy (SRO) units, expressing concern that such changes could turn revenue-generating properties into liabilities, especially in a challenging economic environment.

Commissioner Haman expressed general support for the changes but emphasized the need for clearer definitions regarding different levels of service beyond just navigation centers and group homes; advocated for flexibility in amending regulations in the future and echoed concerns about the lack of public participation, noting he expected more community members to be present to share their views; supported the proposed SRO regulations but suggested that they could include a range of configurations, from units with shared facilities to those with individual kitchens and bathrooms; stressed the importance of proximity to public transportation and the necessity of trained staff for management; raised the idea of considering the conversion of St. Regis into emergency shelters, emphasizing the need for secure environments and crisis management; inquired about the possibility of reservations for safe parking initiatives and again highlighted the importance of location near amenities and effective management; and questioned the funding for these initiatives and suggested that zoning changes should be evaluated on a case-by-case basis with increased public input.

Vice Chair Hardy acknowledged the passion of her fellow Commissioners and their commitment to representing the diverse views of Hayward residents; noted that she sees progress from the previous discussions, but she finds the complexity of the issues challenging, suggesting that it might be beneficial to consider the different topics separately rather than voting on everything at once; and raised a question about why psychiatric and rehabilitation care facilities were not included in the discussion points, indicating that she feels she needs more time to process that aspect. Associate Planner Richard noted that there



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is a statutory deadline to adopt the regulations by January 31st, which limits the time available for further discussions or modifications.

Planning Manager Lochirco emphasized that the development of these regulations was not done in isolation; there was extensive outreach to stakeholders, and input from multiple community meetings contributed to the policies in the housing element. He noted that just because no one was present at the meeting doesn't mean there's a lack of interest or that community outreach wasn't significant. He clarified that ongoing community engagement will continue as the draft moves forward, but the City is under a statutory deadline to adopt these regulations to remain compliant with state housing laws. Therefore, the regulations must be considered together to avoid complications with the housing element.

Associate Planner Richard provided additional context, noting that many service providers and stakeholders have opted to attend the upcoming Council meeting instead of the Planning Commission meeting to avoid attending two sessions. She highlighted that she has emailed public commenters from previous meetings, specifically prominent community members like Ro Aguilar and Peggy Guernsey, emphasizing that the team has made significant efforts to engage those interested in the process.

Vice Chair Hardy expressed gratitude for the clarification, noting that their previous comments weren't meant to imply a lack of outreach but rather to highlight the complexity of the issues at hand. She acknowledged the deadline and appreciated the efforts made by the planning team to engage with the community.

Item 2 was moved to the December 12, 2024, meeting.

COMMISSION REPORTS

Planning Manager Lochirco made six announcements: 1) the October 24, 2024, Planning Commission meeting will likely be canceled due to no items being currently scheduled; 2) City Hall will be closed on October 14th for Indigenous Peoples Day, encouraging everyone to take time to observe the day; 3) the Mariachi Festival at City Hall starting tomorrow at 5 PM 4) a trunk or treat event at Heritage Plaza on Saturday, October 26th; and 5) the final South Hayward market on Sunday, October 27th, at the South Hayward BART station.

Commissioner Meyers mentioned that a variety of companies and entities will be participating, with Ron Meyers showcasing a vehicle at the Halloween Trunk or Treat event. Commissioner Meyers is constructing a fun structure for his truck to enhance the experience and warmly invited everyone to come out and enjoy the festivities.



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Commissioner Haman reminded everyone that on October 19th, the Keep Hayward Green and Clean Task Force will host a cleanup event at Palma Ceia Park from 8:00 AM to 12:00 PM. He encouraged participation in this community effort to beautify the area.

ORAL REPORT ON PLANNING AND ZONING MATTERS

COMMISSIONERS' ANNOUNCEMENTS, REFERRALS

ADJOURNMENT

Vice Chair Hardy adjourned the meeting at 8:02 pm.

APPROVED:

Karla Goodbody

Karla Goodbody, Secretary
Planning Commission

ATTEST:

Briea Allen

Briea Allen
Planning Commission Secretary
Office of the City Clerk

