

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 24, 2019, 7:00 p.m.  
777 B Street, Hayward, CA 94541**

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**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**

Chair Faria led in the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Stevens, Andrews, Bonilla, Patton, Roche, Goldstein  
CHAIRPERSON: Faria  
Absent: COMMISSIONER: None

Commissioner Goldstein arrived in Chambers at 7:02 p.m.

**ELECTION OF OFFICERS**

Chair Faria announced that staff has requested that this item be moved until after the Public Hearings.

Commissioner Bonilla made a motion to move this item until after the Public Hearings, and Commissioner Patton seconded the motion.

AYES: Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein  
Chair Faria  
NOES: None  
ABSENT: None  
ABSTAIN: None

***Staff Members Present: Chan, Davis, Lochirco, Ott, Vashi***

General Public Present: 23

**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.

For agenda item No. 3, the Planning Commission may continue the item to the next regular Planning Commission meeting, scheduled for November 14, 2019.

Chair Faria announced that there was a request to hear Item #2 before Item #1. There was no objection by the Commission.

Chair Faria announced that Item #3 will be continued until the next Planning Commission meeting on November 14, 2019.

1. Proposal to Subdivide a 1.21-acre site into 18 Parcels to allow the construction of 14 Townhomes with common open space areas and related site improvements at 28538 Huntwood Avenue (APN 465-0025-005-03) Requiring approval of a vesting Tentative Tract Map and Site Plan Review. Application No. 201705535 by James Chao (Applicant) on behalf of Zhong Yin Liu (Owner)

Principal Planner Lochirco provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Roche has concerns about the driveway apron that can impact public safety and emergency vehicle access. Principal Planner Lochirco said the Commission can place limitations to driveway parking by adding a condition to the conditions of approval (COA).

Commissioner Patton was disappointed about the developer's modifications and that the concept of a suburban style four-bedroom townhome is not appropriate for this site. Mr. Patton said this is an infill site and there is an opportunity to develop something special, and he is willing to exchange incentives of density and parking in order for the developer to include more affordable housing and density. Mr. Patton does not support the revised project.

Commissioner Bonilla appreciates the affordable unit, but he has concerns about the driveways blocking emergency vehicle access throughout the development. Mr. Bonilla said the eight visitor parking spaces was inadequate.



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Commissioner Andrews requested staff review the requirement for approving housing projects. Principal Planner Lochirco said the requirements are that it is multi-family, and, in compliance with the General Plan regarding density, density consistency with the neighborhood. Mr. Lochirco said the applicant is not asking for any exceptions and the project is in compliance with both the General Plan and the zoning guidelines. Ms. Andrews agreed with Commissioner Patton that the four-bedroom homes are very dense for the site and would like to see what mitigation measures can be proposed for the driveways and parking issues.

Mr. James Chao, applicant, said they welcomed the Commission's comments and took their suggestions to heart. Mr. Chao said they met with staff, reviewed the data that staff provided, selected a premium lot for the affordable unit, agreed to all the conditions of approval (COA), and included in the homeowner's association (HOA) bylaws that driveway parking is prohibited. Mr. Chao requested that the Commission approve the revised project to help address the dire housing conditions.

Commissioner Bonilla asked about the costs of the homes. Mr. Chao responded that at this time, they do not know the costs to build the houses as this has been a ten-year project and it is very expensive to build in the bay area.

Commissioner Roche said she is conflicted because of the parking issue in the area, but that Mr. Chao was correct that this site has been vacant for quite some time and is not providing a benefit to the community. Ms. Roche said this project would be the last development going into this area and when she visited the site in the evening hours, there was no room for spillover parking, as there are several multi-unit buildings in the area.

Mr. Chao said the project site is very close to the South Hayward BART station, and per the City's ordinance, a development within a certain distance to public transit is allowed to have less parking.

Mr. Chao responded to Commissioner Andrews that they conducted public outreach and that they have been working on the project for ten years and in that time, the cost of building has increased substantially. Ms. Andrews said this is a very busy neighborhood and that there should be more density as a lot of developments have units with less square feet.

Mr. Chao responded to Commissioner Stevens that the location of the storm drains is per the guidelines of the Public Works Department – Utilities Division.

There being no public comments, Chair Faria opened and closed the public hearing at 8:44 p.m.



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Commissioner Patton commented that he appreciates the applicants time and diligence on the work done on the project. Mr. Patton said that infill projects are very difficult, and the Commission needs to balance community objectives such as affordability, density, safety, parking, and open space. Mr. Patton said the Planning Commission's goal is to create livable neighborhoods and that the project's modifications and discussion did not address the issues identified by the Commission.

Commissioner Patton made a motion to move the staff recommendation of Option #1 to deny the Vesting Tentative Tract Map No. 8456 and Site Plan Review Application 201705535, based on the Findings for Denial.

Commissioner Roche seconded the motion and commented that she is conflicted as this is a large family neighborhood in a small area. Ms. Roche said there is a need for housing, but the project will not benefit the entire neighborhood unless it is a self-contained development and the developer can address the parking issue.

The motion carried with the following vote:

AYES:	Commissioners Stevens, Andrews, Patton, Roche
NOES:	Chair Faria, Commissioners Bonilla and Goldstein
ABSENT:	None
ABSTAIN:	None

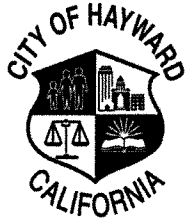
Chair Faria observed that this was a confusing vote because of the recommendation that Commissioners saw on their screens.

Commissioner Bonilla commented that the applicant will probably appeal to the City Council and it is important for the City Council to know how the Planning Commission voted.

Principal Planner Lochirco said that the motion was to deny, and the Planning Commission approved Commissioner Patton's motion. Mr. Lochirco said for the record, if there was confusion surrounding a Commissioner's vote, the Commissioners can state their vote.

Assistant City Attorney Vashi said that since the vote has already been taken, she suggested that if a Commissioner would have voted differently if the recommendation had been worded differently, they can state for the record what their vote would have been. Ms. Vashi commented that from the discussion this would not change the results of the vote.

Commissioner Roche agreed with Commissioner Bonilla that if the applicant appeals it needs to be clear how the Planning Commission voted.



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Chair Faria stated she wanted to vote aye to approve the denial.

For the record the Planning Commissioners did a voice vote to clarify their votes:

Commission Stevens - Aye  
Commissioner Bonilla - No  
Commissioner Andrews - Aye  
Chair Faria- Aye  
Commissioner Patton -Aye  
Commissioner Roche - Aye  
Commissioner Goldstein - No

2. Route 238 Corridor Land Development – Parcel Group 6: Carlos Bee Quarry: 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 provided a synopsis of the staff report and PowerPoint presentation.

In response to Commissioner Patton's question about the Statement of Overriding Considerations for significant impacts, Deputy City Manager Ott said this project is subject to comply with all mitigation measures that are part of the City's General Plan and that the project is California Environmental Quality Act (CEQA) compliant. Ms. Ott said that by adopting the mitigation monitoring report from the General Plan Environmental Impact Report (EIR) and making the findings under the addendum, the City can move forward with the project.

Commissioner Roche commented that keeping in mind the PG&E blackouts, she suggested that in case of an emergency staff consider including the requirement of installing generators. Deputy City Manager Ott said the Fire Department reviews the site plans and staff can add to the conditions of approval mitigation measures for wildfire prevention.

Commissioner Bonilla asked if there have been successful developments implemented with the focus on walkability and carless environments. Deputy City Manager Ott responded that currently there are no developments with the carless concept that is part of the "Bayview Village Concept" that is being suggested by the Hayward Area Planning Association (HAPA). The Bayview Village Concept is based on the elimination of on-street parking, eliminating parking for the units, not allowing cars on the interior streets and have nearby parking lots. Ms. Ott said this is not part of the City's Master Plan for Parcel 6, but it is an overall City goal and she mentioned that she has worked on projects that had an aggressive transportation strategy to get residents out of their cars. Ms. Ott said



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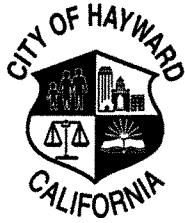
transportation management plans are part of some current developments as more and more residents want to live near transit hubs where they can utilize public transportation. Ms. Ott said that staff is open to feedback from the development community, and, regarding public outreach, a couple of hundred residents have been involved with Parcel 6.

In response to Commissioner Andrews, Deputy City Manager Ott said the Council Economic Development Committee (CEDC) has given direction not to have gas utility for this development and the undergrounding of utilities will be a requirement for Parcel 6. Ms. Ott commented that the State is headed in this direction and that within the next five years, all new developments will have an electric only utility requirement. Ms. Andrews expressed concern about the 10,000 square feet of retail space for Parcel 6, as it might not be viable as it requires customers to drive up to the retail establishment. Ms. Ott said that Parcel 6 is isolated, and staff does anticipate a demand for retail/commercial and if there is interest, it could be a hybrid space associated with a larger element such as a community space. Ms. Ott said staff will work with the developer on the retail/commercial space and wants the funds to go towards an element which would be used by everyone. Ms. Andrews has concerns about earthquakes in that area. Ms. Ott said the Building Division will require the developer to conduct further geotechnical analysis of the area and the developer will be required to develop plans based on the analysis.

Commissioner Goldstein commented that the Bayview Village component that is part of the request for proposals (RFP) to the builders but is not a requirement. Deputy City Manager Ott said this is a new and innovative concept and currently there is not any market data and that staff is conducting market testing through the RFP. Mr. Goldstein said there is merit to the plan but at the end of the day, if it is not financially viable for developers, it may not come to fruition. Ms. Ott said staff wanted to honor Mr. Sherman Lewis' suggestions by requiring the following: onsite affordable housing, green elements, and parks and trails.

Commissioner Stevens asked about the developer's timeline. Deputy City Manager Ott provided the performance schedule that developers will be required to follow which includes entering into a disposition and development agreement (DDA) with the City. Ms. Ott said the advantage of being a public landowner is that the City can have more requirements and can create incentives to keep moving the project forward.

Chair Faria commented that there has been transit options discussion on previous projects such as shuttle service for residents to encourage the use of public transit. Ms. Faria asked if there will be coordination between different developments that will be utilizing Carlos Bee Boulevard. Deputy City Manager Ott said the same engineer is working on both parcels that intersect Carlos Bee Boulevard to ensure that there is coordinated engineering analysis for the intersections.



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Chair Faria opened the public hearing at 7:37 p.m.

Ms. Peggy Guernsey, Hayward resident, raised concerns about the building impact on the Hayward fault, preserving the wildlife habitat and the endangered species in that area and asked what happened to the prior concept of housing for teachers. She said her home will be impacted from the development, but she was not notified because her home was not within 100 feet of the project. Deputy City Manager Ott said that developers cannot build on top of faults noting that for Parcel Groups 3 and 5, there was very expensive trenching to find out where the fault traces are located. Principal Planner Lochirco said without the project development specifics details, it is difficult to speculate what potential impacts can occur, noting that Parcel 6 is in an environmentally sensitive area and the construction will need to reflect the sensitive nature of the area. Mr. Lochirco said developers cannot build over a fault line or within a certain proximity of the fault lines and that there are required setbacks. Ms. Ott said there has been an environmental review analysis and 12 acres have been set aside for conservation and passive open space areas for the creek habitat and riparian areas to be protected. Ms. Ott said the developed areas will be Americans with Disability Act (ADA) compliant. Chair Faria said that projects' conditions of approval address landscaping, native plants and endangered species.

Mr. Sherman Lewis, Hayward resident, said that he has been working on the Bay View Village concept for several years, and that this concept covers full range of mobility options, affordable housing, and residents will have to learn how to use alternative modes of transportation. Mr. Lewis said the resident funded purchase of buses will be managed by the homeowner's association (HOA). Mr. Lewis said he has conducted research of San Francisco neighborhoods where 65% of residents use alternative modes of transportation. Mr. Lewis spoke about possible collaboration with California State University East Bay (CSUEB) about a shuttle service.

Mr. Lewis explained to Commissioner Goldstein the high cost of entitlement, design and site improvements and that he has been trying for the past two years to generate interest but so far has not had any luck.

Chair Faria closed the public hearing at 7:58 p.m.

Commissioner Patton made a motion to approve the staff's recommendation, and Commissioner Goldstein seconded the motion.

Commissioner Bonilla said this project can really make a dent in the housing crisis, but there is a lot of education on the no car concept that will have to be conducted to change people's behavior to living without cars. Mr. Bonilla commented that Hayward is a commuter city. He likes the creativity of the project and sees that it could serve CSUEB because of the proximity.



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Mr. Bonilla said further outreach needs to be conducted.

Chair Faria commented that she sees high-tech company buses pick up employees from Southland mall and sees this as an opportunity for companies to invest in a project like this and embrace it for the housing affordability, environmental impact and accessibility. Ms. Faria agrees that not having a car can be a shock, but studies show that millennials are not buying vehicles.

Commissioner Bonilla is interested in the project's target population transit patterns and wants to ensure that the project takes into consideration those aspects of peoples' lives.

Chair Faria reopened the public hearing at 8:04 p.m.

Mr. Miguel Flores, Hayward resident, speaking for the Redstone Place cul-de-sac where he lives, spoke about concerns about the wildlife habitat environment, creek contamination, noise impacts from the development, the trails that will come into contact with their street, property lines, and traffic impacts for existing residents and additional impacts if the new residents do not use the alternate transportation methods.

Chair Faria closed the public hearing at 8:08 p.m.

The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein Chair Faria
NOES:	None
ABSENT:	None
ABSTAIN:	None

3. Proposed Development of a Fuel Facility with Related Site Improvements at the Costco Business Center Located at 22330 Hathaway Avenue, APN No. 429-0082-003-00. Barghausen Engineering on behalf of Costco Wholesale Corporation (Applicant/Owner), requiring approval a major modification a to an existing Planned Development Zoning District (Application No. 201706217) and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

The item was continued until the next Planning Commission Meeting on November 14, 2019.

### **ELECTION OF OFFICERS**

Ms. Faria called for nominations for office of Chair of the Planning Commission.





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Commissioner Patton nominated Commissioner Bonilla to the office of Chair. The nomination carried with the following votes:

AYES: Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein  
Chair Faria  
NOES: None  
ABSENT: None  
ABSTAIN: None

Chair Faria called for nominations for the office of Vice-Chair of the Planning Commission.

Commissioner Patton nominated Commissioner Andrews to the office of Vice-Chair. The nomination carried with the following votes:

AYES: Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein  
Chair Faria  
NOES: None  
ABSENT: None  
ABSTAIN: None

Chair Faria called for nominations for the office of Secretary of the Planning Commission.

Commissioner Bonilla nominated Commissioner Roche to the office of secretary. The nomination carried with the following votes:

AYES: Commissioners Stevens, Andrews, Bonilla, Patton, Roche, Goldstein  
Chair Faria  
NOES: None  
ABSENT: None  
ABSTAIN: None

#### **APPROVAL OF MINUTES**

Commissioner Roche said there is a correction on Page 5 for item 1, that there should be a pocket park for the "exterior" of the building. Secretary Chan said she will review the video and make any corrections.

4. Approval of the Planning Commission Meeting Minutes of October 10, 2019



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Commissioner Andrews made a motion, seconded by Commissioner Patton, to approve the Planning Commission Meeting Minutes of October 10, 2019, with an amendment by Commissioner Roche. The motion passed with the following votes:

AYES: Commissioners Stevens, Andrews, Patton, Roche, Goldstein  
Chair Faria  
NOES: None  
ABSENT: None  
ABSTAIN: Bonilla

**COMMISSION REPORTS**

***Oral Report on Planning and Zoning Matters:***

Principal Planner Lochirco said as a follow-up, Planning Manager Buizer is collecting data on the Regional Housing Needs Allocation (RHNA) numbers to present to the Commission at the next meeting.

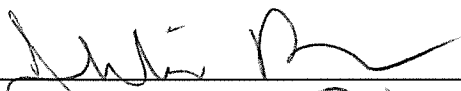
***Commissioners' Announcements, Referrals:***

Commissioner Bonilla thanked Chair Faria for her service over the past year.

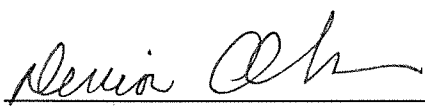
**ADJOURNMENT**

Chair Faria adjourned the meeting at 9:12 p.m.

**APPROVED:**

  
\_\_\_\_\_  
Ray Bonilla Jr., Secretary, Julie Roche  
Planning Commission

**ATTEST:**

  
\_\_\_\_\_  
Denise Chan, Senior Secretary  
Office of the City Clerk