



**MINUTES OF THE SPECIAL MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
REMOTE PARTICIPATION
Thursday, July 9, 2020, 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, regarding the COVID-19 pandemic.

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: Andrews, Faria, Goldstein, Roche, Stevens
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: Patton

Staff Members: Billoups, Brick, Buizer, Chan, Martinez, Solla

PUBLIC COMMENT:

Public Comments were limited only to items on the Agenda.

Chair Bonilla announced that there has been a request to hear Item #2 first. There were no objections.

WORK SESSION

1. Draft Hayward Bicycle and Pedestrian Master Plan

Senior Transportation Engineer Solla provided a synopsis of the staff report and a presentation.

Planning Commissioner Andrews disclosed that she attended a pedestrian safety meeting and thanked staff for holding the meetings and engaging the community. Ms. Andrews asked how the community has reacted to the new bike lanes, and if there had been any studies on traffic impacts, as she received comments from bike-focused organizations about the lack of data after the lanes were installed. Ms. Andrews appreciated the intersection of Tennyson and 880 as an area of focus as there have been quite a few deaths at that intersection and is concerned for pedestrians and cyclists as it still looks unsafe and communication with Caltrans has been spotty.



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Senior Transportation Engineer Solla stated there was a lot of community feedback and a lot of confusion as people did not understand what the bike lanes were there for; staff discussed this feedback and the next time the program is implemented there will be information on the City's website about the separated bike lane program. Ms. Solla mentioned that some people thought these new areas were for parking and staff decided to add additional delineators, striping and reflective pavement markers on the ground, to let motorists know that this was a separation and to treat it like a sidewalk. Ms. Solla said that studies have shown that the physical separation has encouraged more people to bike along that corridor and more people walking on the sidewalk; people do not feel comfortable without some type of separation; and for the vehicular traffic this has been a traffic calming measure. Ms. Solla noted that there has been policy coordination with other agencies such as Caltrans, Hayward Area Regional Park District (HARD), East Bay Regional Park District (EBRPD), and Alameda County; and this includes creating policy on how to coordinate joint projects such as this, as technically this is not Hayward's right of way but it does affect the City; and spoke about the improvements made at this freeway onramp which is now one lane as opposed to two lane. This helps with visibility for pedestrians and bicyclists. Caltrans also installed rapid flashing beacons which pedestrians and cyclists can activate. Ms. Andrews said that the offramp needs to have safety measures also.

Planning Commissioner Faria asked about youth participation, including the Hayward Youth Commission; Senior Transportation Engineer Solla said there is a portion in the plan that talks about age demographics and considered ages 16 and older as staff did not want to skew the data of people choosing to walk to work; and other charts did not include children under the age of 16. Ms. Faria said this is an opportunity to get feedback from younger children ages 10-12 years old who ride their bikes to school and other places and can offer a different perspective on their experiences.

Planning Commissioner Roche said it is great to be focusing on this now as people want to be outside; asked about a dedicated staff person; bike sharing programs; and data post COVID. Senior Transportation Engineer Solla said there are currently Transportation staff who, along with their regular duties, also take care of implementing the bicycle and pedestrian improvements and pursuing grants. Ms. Solla said that studies have shown that for every 100,000 residents that a local government should have a dedicated staff person for the pedestrian and bicycle programs which will enable the City to obtain more quickly other types of funding grants. Ms. Solla said included in the plan that speaks to bike share and other types of micro-mobility transportation such as electric scooters; there are a lot of grants that help with this and Alameda County was offering a grant to assist with this type of program and spoke about programs at other cities. Ms. Solla said data is too recent and staff was not able to include it with the Plan.



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Planning Commissioner Stevens said with the increase in popularity of micro-mobility, especially related to e-scooters and e-bikes, as in Oakland, there is a huge transition to people using these devices and the density of use increases; if there is a class 4 bikeway built with a minimal width and then there is a massive demand for these devices, the bikeway will reach capacity quickly. He suggested if the new Master Plan could include flexibility and thought to future innovations and future popularity, so the bikeways can be increased in size as space permits. Senior Transportation Engineer Solla said that Transportation staff tries to implement a plan that is flexible such as the class 4 bicycle facility, that instead of installing a curb, like on Mission Boulevard, another option for vertical separation is the safe hit posts, the delineators, which are easily removable and provides the flexibility to be moved over as needed.

Chair Bonilla opened the public hearing at 8:52 p.m.

Mr. Steven Dunbar, Board Member, Bike East Bay, thanked staff for their work on this item and said this is a great solid plan and is a big change from 2007. He shared the dangers of bike riding in the City. He supported the item and spoke about elements of the plan and the importance of hiring a dedicated staff person to be able to obtain grants. Mr. Dunbar said the City should set more specific goals. Senior Transportation Engineer Solla stated that staff will have more specific goals in the final Plan.

Chair Bonilla closed the public hearing at 8:56 p.m.

Planning Commissioner Andrews recommended that as staff conducts more community outreach, they have a plan to educate and inform the public, in addition to what has already been done as this is a huge change; agrees that staff needs to specify goals and appreciated the speaker's comments; agrees with Commissioner Faria's comments about obtaining children's comments as this is their mode of transportation; would like more data on where people are going when using their bikes such as what type of jobs are they go to as there is the drastic differences in income in the City as this will speak to job balance; and requested data of bike sharing post COVID.

Planning Commissioner Faria commented that bike and pedestrian safety is a priority and there should be a focus on improving areas of high danger such as the loop and other areas as mentioned by Commissioner Andrews; encourages having lead times in crosswalks, need more current data and is glad to hear that it will be part of the final version of the Plan, make sure staff follows up with schools that they are encouraging bike safety and that HUSD are aware of how to use bike lanes appropriately to be able to educate the children.



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Planning Commissioner Roche commented that she would not have ridden her bike along Mission Boulevard prior to the bike lanes being installed and said that she has seen a huge resurgence in our local community as they feel safer with the bike lanes. Ms. Roche noted that the bike lanes are also working as a traffic calming measure and that drivers will just have to get used to them, and she appreciated the speaker's comments. Ms. Roche said it is the time to capitalize on the resurgence of bike riding because of the pandemic and the importance of having a dedicated staff person for this program.

Planning Commissioner Stevens thanked staff for the great Plan and especially likes the existing and recommended facilities map as it is easy to understand and follow. Mr. Stevens agrees with Commissioner Andrews' comments about the complexity and education regarding class 4 facilities; he thinks that having implemented these throughout other parts of the bay area that he sees challenges with them and that a two way cycle track will create more challenges for the community to learn about. Mr. Stevens recommended educating the community and reminded everyone about the great presentation in June about equity in outreach and that this is key to helping the community understand the benefits and use of the cycle tracks. Mr. Stevens said the Mission Boulevard's class 4 state of the art facility that has beautiful new pavement, sidewalks, buffers, and lights and said that when a City implements a lot of these facilities through grants or other sources, there is not always the benefit of having all these great features. Mr. Stevens encouraged the City to look at the pavement condition as poor pavement condition can be difficult for cyclists to navigate and the more complex issue is the lighting which is key for safety and give more thought to uniform lighting.

Planning Commissioner Goldstein said this is a great Plan and spoke about being on the General Plan Task Force where a lot of the topics in this Plan were discussed and he is encouraged by the greater detail, depth, and expansion of the Complete Streets and specifically the bicycle and pedestrian components. Mr. Goldstein said that as a resident in the Fairway Park area, the Mission Boulevard improvements are brilliant and are doing exactly what was hoped, which is residents coming out and actually walking on Mission Boulevard and riding their bikes and feeling safe and utilizing the bike lanes. Mr. Goldstein said it is inviting and welcome and spoke about the effective traffic calming measures. He said that the hoop type bicycle lockups are not ideal because of the cost of a bicycle is so high and recommended that the Plan encourage the use of bike lockers.

Chair Bonilla agreed with his fellow Commissioners that this was a very comprehensive plan and he appreciates it. Mr. Bonilla said because Hayward has flat roads it is conducive to bicycle usage, the City has great weather and spoke about the benefits of being a green community and the City's strategic goals to being green and the Plan will help the City be a cleaner, greener, and healthier community. Mr. Bonilla said there is a desire to make sure this plan is interconnected with other modes of transportation across the City. He said that



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it is important to gather the data post COVID to see if there will be different types of ridership patterns on public transportation such as whether the ride share program be as attractive as it was pre-COVID. He said it is important that the City has a well-rounded plan that is not tone deaf to the current situation that the community is dealing with. Mr. Bonilla emphasized looking at the interconnectivity of biking and walking; noted it would be advantageous for the City to have a dedicated staff person especially if people will be working from home more; the importance of lighting and safety that go hand in hand and whatever the City can do to brighten up the streets and provided the example of Oakland's Lake Merritt of how well it is lit up, people are out enjoying the environment and walking was very comfortable.

PUBLIC HEARING

For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of decision. If appealed, a public hearing will be scheduled before the City Council for final decision.

2. Proposed Multi-Family Residential Development with Nine Dwelling Units on a Vacant 0.27-Acre Infill site Located at 24997 O'Neil Avenue, APN: No. 444-0057-006-00 Requiring Approval of Site Plan Review and Density Bonus Application 201901824. Marc DiGiacomo (Applicant) on Behalf of Pawan Kumar (Property Owner)

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

Planning Commissioner Andrews asked about onsite bicycle parking; if there were any auto parking issues and impacts as this has been the subject of emails received from the community; Associate Planner Martinez spoke about the table in the Form Based Code (FBC) that identifies the different bicycle types and the methods to accommodate bicycle storage and he described the different types. Mr. Martinez said the proposed bicycle accommodation of U Racks is allowed by right in the FBC and the other types would require a warrant which is an additional review process. Ms. Andrews asked if the applicant would consider upgrading the bicycle racks as bike theft is an issue. Mr. Kumar (applicant) said he is open to considering options for upgraded bicycle parking, he said there is limited open space as to why they kept the design simple. Mr. Martinez said the project site is in compliance related to parking in the Hayward Municipal Code and the FBC standards as in the FBC it is intentional to set the maximum parking standards to further shy away from automobile reliance. Mr. Martinez said that in addition to the nine private parking spaces onsite and the proposed on street improvements including the sidewalk, curb and gutter, and frontage improvements, which the applicant is responsible to perform, there will be an additional two to three on street parking spaces that previously did not exist.



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Planning Commissioner Faria asked about green improvements for the development and changing the affordable housing unit from a one bedroom to a two-bedroom unit. Associate Planner Martinez said per the 2019 California Building Code the minimum requirements for multi-family structures include some form of solar component in the development and in addition to the State building code, the City has adopted the Reach Codes that might require onsite vehicle charging stations. Mr. Martinez said a change to the affordable unit would be at the discretion of the owner and said that the proposed unit that has been identified as the affordable unit has been reviewed by the Housing Division and deemed compliant with the City's Affordable Housing Ordinance. Mr. Kumar would like to have added more affordable units, but it would not be affordable as he is a regular person and not a developer. Mr. Kumar said that he will be living in one of the units and renting out the others. Mr. Kumar said that the affordable unit is ADA compliant and is in a prime location and requested the Commission keep the project as proposed.

Planning Commissioner Goldstein asked about the frontage improvements; BBQ area design; can the color scheme be changed to be more creative and not so bland. Associate Planner Martinez spoke about the current state of the project site that does not have a continuous sidewalk on the west side of the site and the street improvements will include a street dedication in which the City will be taking some frontage of the property line in order to accommodate a continuous sidewalk, curb and gutter and will create pedestrian continuity on the west side of the project site. Mr. Martinez noted that there are sidewalks, curbs and gutters to the right and left of the project site; and the BBQ design will be finalized during the post entitlement phase of the building permit process. Mr. Martinez said pursuant to State law and the Housing Crisis Act of 2019 the State is pushing more objective standards provided there are not more specific guidance in the City's zoning documents on specific color palettes and the City is precluded from including subjective comments or requirements. He added that this does not preclude the applicant from working with the Planning Commission on appropriate colors. Mr. Martinez said there is a Condition of Approval (COA) that all final colors and materials will be approved by the Planning Director prior to the building permit issuance. Mr. Kumar is happy to accommodate and is very open to changing the color scheme if the color is not too bright and shiny and hard on the eyes. Mr. Goldstein thanked the applicant for being flexible and for the infill project and the much-needed housing.

Planning Commissioner Roche also had concerns about the parking impacts and the amount of parking and to achieve parking closer to the maximum percentage; there is a larger issue of community parking impacts; and the need to provide upgraded bicycle security. Associate Planner Martinez said neighborhoods can apply for the residential permit parking program to help mitigate parking issues; this site includes the affordable housing element; he is optimistic and one item to strive for in the future is that these developments will create density that will bring mass transit to the area. Mr. Martinez noted we are in a transitional stage and building for the future. Ms. Roche suggested that the multi-unit residences come together and



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communicate about how to mitigate the parking issues. Mr. Kumar is open to considering the upgrade for bike security.

Planning Commissioner Stevens thanked for the staff and applicant for such detailed answers to our questions.

Chair Bonilla asked about the affordable housing requirements and noted the density bonus incentives when an affordable unit is included in a proposed project do not seem comparable; asked the difference in price for the affordable unit versus a market rate unit. Associate Planner Martinez responded that per the 2019 Alameda County AMI a one-bedroom affordable unit at very low would rent for \$1,117.00 and a two-bedroom rent is \$1,257.00. Mr. Martinez said the market rent would be up to the owner. Mr. Bonilla asked if the applicant would consider having a two-bedroom affordable unit; Mr. Kumar responded that originally the plan was for seven units and to pay the in-lieu fee. He said after discussion with staff and understanding the need for affordable housing and how this will positively impact the Hayward community, he decided to make this a nine-unit project. Mr. Kumar said the costs to build a two-bedroom unit as opposed to a one-bedroom unit are very high and reiterated that he is not a developer and wants to be sustainable to the community and his financial situation. Mr. Kumar said that he is very happy and open to suggestions on numerous items and requested the Commission to help keep him financially viable and to accept his request. Chair Bonilla asked the applicant if he would be amendable to building two one-bedroom and seven two-bedroom units and make one of the two bedroom the affordable unit; Mr. Kumar said that in looking at the site he would not be able to build that configuration of units and still have the parking and open space amenities.

Chair Bonilla opened the public hearing at 7:45 p.m.

Mr. Steven Dunbar, Board Member, Bike East Bay, said he is glad that the applicant is open to upgrading to the secure bike lockers which will require a warrant per the Form Based Code (FBC). Mr. Dunbar said he researched the FBC and that it says that that secure bicycle parking is defined by a locker and asked if staff can look at this in the future and change the FBC to have secure bicycle lockers by right.

John Burham, Hayward resident, asked about the plan for the greenery outside the project and how it will look aesthetically to the area for people walking by. Associate Planner Martinez explained the landscaping plans for the project and the street improvements.

Chair Bonilla closed public hearing at 7:49

Planning Commissioner Andrews said that she is happy that the proposed development has affordable housing included; she agrees that affordable housing needs to be viewed from



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an equity lens as well as including this element as part of the project; she agrees with the comments about having a two-bedroom affordable unit as there seems to be a lot of focus on landscaping and open space and though these elements are important, the focus should be on housing people. She suggested that for future developments, consider what elements can be cut to be able to have another unit that will provide more habitable housing, which should be the goal of these projects. Ms. Andrews is concerned about the number of people that will reside in the one-bedroom units and said that infill projects are difficult and spoke about the parking impacts and that the City is not where it needs to be to address neighborhood parking issues. Ms. Andrews said the staff needs to provide information to communities regarding residential parking permits. She spoke about having a well-designed project that will not attract graffiti; thanked her colleagues for the insightful questions and comments.

Planning Commissioner Faria appreciated Planning Commissioner Andrews comments and feels there will be parking impacts in this area. She spoke about an opportunity to parking in the warehouse area during the evenings and suggested the applicant work with the warehouse property owner and the neighborhood regarding parking issues. Ms. Faria appreciated the affordable unit but the recommended that the City look at having the maximum units be made a requirement and the affordable housing units should be at least two or more bedrooms. Ms. Faria shared Commissioner Roche's concerns about the mother and daughter email on safety and the parking issues.

Assistant City Attorney Brick said regarding the discussion about converting the one-bedroom affordable unit to a two-bedroom unit or decrease the number of units, he reminded the Commission of the high threshold under the Housing Accountability Act, to deny a project or reduce the number of units in a project there has to be specific findings when there is a project that complies with the General Plan and the zoning. The Commission would have to specify what exactly is the conflict with the General Plan and zoning or there must be a significant health and safety issue.

Planning Commissioner Goldstein thanked the applicant for the inclusion of the affordable housing unit and how much it helps the Hayward community and how it will make this affordable unit available sooner rather than later.

Planning Commissioner Roche thanked Associate Planner Martinez and the applicant. Ms. Roche spoke about the consideration of in-lieu fees as opposed to the need to build affordable units. Mr. Roche suggested bringing the in-lieu fees in line with construction costs or eliminating the fees will be only way there will be satisfaction to be able to address the affordable housing needs of the Hayward community. Ms. Roche said that developers will meet the minimum requirements and said that there needs more work to be done. Ms.



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Roche echoed her colleague's comments about parking options for the applicant and the community to look at.

Planning Commissioner Stevens said this is a complex site and commended the applicant, appreciated the design and the use of the land and the City is going to get a sidewalk and parking. Mr. Stevens asked about the outdoor amenity space which is a great feature but that this might not have been the best use of space and that an additional two more two-bedroom units, which could have been designated affordable, had the outdoor space been designed differently. Mr. Stevens said he wished there were a way in the planning code in which the project was developed to really provide some additional flexibility.

Chair Bonilla echoed the comments of his fellow Commissioners on affordability and the in-lieu fees. He has been dissatisfied with in-lieu fees the entire time he has been on the Planning Commission and would like the fees to either be increased or eliminated. Mr. Bonilla mentioned that this an election year, Council Members can make an impact on these requirements, and that if we want our voices to be heard and for our hands to not be continually tied by policies that is being put in place which leaves the Commissioners feeling dissatisfied, he encouraged people to get out and talk to our City Council Members and Council candidates and make sure that everyone is aligned to do the best for the Hayward community. He said that as much as he wants to be happy about the proposed project and the inclusion of the affordable unit it is only a one-bedroom and would rather see a two-bedroom unit. Mr. Bonilla said that he hopes that staff and Council Members hears this message and that this message is taken back to the entire Council. Mr. Bonilla said that he truly appreciates the design, affordable housing unit built onsite and echoes Planning Commissioner Goldstein comment that the affordable unit will be available sooner rather than later.

A motion was made by Planning Commissioner Goldstein, seconded by Commissioner Stevens, to approve the staff recommendation.

Chair Bonilla offered a friendly amendment for on-site bicycle lockers.

Discussion ensued between staff and the Commissioners about the requirement of a warrant for the bicycle lockers. After discussion, Commissioner Goldstein and Commissioner Stevens accepted the friendly amendment.

Commissioner Goldstein restated the motion to approve the staff recommendation and grant a warrant to require the installation of on-site bicycle enclosers in lieu of the proposed bicycle racks as a Condition of Approval.

The motion carried with the following roll call vote:



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

3. Approval of the Planning Commission Meeting Minutes of June 25, 2020.

Commissioner Stevens made a motion, seconded by Commissioner Faria to approve the Planning Commission Meeting Minutes of June 25, 2020.

The motion passed with the following roll call votes:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Principal Planner Lochirco announced currently there are no items on the agenda for the July 23 Planning Commission meeting and since there is an August recess, staff will see the Commissioners in September.

Commissioners' Announcements, Referrals:

Planning Commissioner Goldstein wished everyone a nice summer.

Planning Commissioner Stevens noted there are plans for a new beach park south of Half Moon Bay and that the San Mateo County Parks and Recreation are seeking the public's feedback on this new park.

Chair Bonilla announced that there will be Saturday street closures in the downtown area and invited everyone to come down to shop and eat local, and there will be social distancing protocols for the outdoor dining and hopes to see everyone there.



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ADJOURNMENT

Chair Bonilla adjourned the meeting at 9:19 p.m.

APPROVED:

A handwritten signature in cursive script, appearing to read "Julie Roche", written over a horizontal line.

Julie Roche, Secretary
Planning Commission

ATTEST:

A handwritten signature in cursive script, appearing to read "Denise Chan", written over a horizontal line.

Denise Chan, Senior Secretary
Office of the City Clerk