



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 25, 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, Chan, Lochirco, Nguyen, Schmidt

General Public Present: 31

PUBLIC COMMENT:

There were none.

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

1. Application to Amend Chapter 10, Article (Zoning Ordinance) and Article 2 (Off-Street Parking Regulations) related to the creation of new Industrial District Regulations within the Hayward Municipal Code and the Adoption of Industrial District Design Guidelines

Senior Planner Schmidt provided a synopsis of the staff report and a PowerPoint Presentation.

Ms. Martha Miller, Project Manager consultant with Lisa Wise Consulting, provided a recap of the revisions to the new Industrial District Regulations.

Commissioner Patton referenced the correspondence from some stakeholders stating they did not receive the public notice mailers and requested staff to speak about the non-conforming uses. Senior Planner Schmidt responded that the City has one non-conforming use ordinance that covers the entire city, and that, per the ordinance, if the use was legally



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established via a use permit or business license, then the use is grandfathered-in and can continue to operate indefinitely. However, the use in this circumstance is limited, and if the owner wishes to expand, the expansion will need to be consistent with the new regulations. Ms. Schmidt shared that prior to the community meeting in January 2018, staff sent out 13,000 postcards to all property owners and business addresses within the Industrial District (ID) which includes a 300-foot buffer around the ID. Staff also emailed approximately 20,000 businesses who provided email addresses on their business licenses. Ms. Schmidt shared that staff also emailed persons on the interested parties list that staff maintained. Ms. Schmidt said the second public hearing notice for tonight's meeting was mailed to 13,700 property owners and business addresses within the ID which includes a 300-foot buffer around the ID. In response to Mr. Patton's questions about transferability of business uses, Mr. Brick responded that, in general, if a business is sold there should not be an issue as long as there is not a period greater than 6 months that the use is discontinued.

Commissioner Willis asked about the non-conforming use regulations, to which Senior Planner Schmidt responded that staff decided, for consistency, to stay with the City's current well-established standards for non-conforming uses. Ms. Schmidt added that staff considered a more aggressive approach of placing a moratorium on non-conforming uses but decided to allow the change to happen incrementally and organically.

In response to Commissioner Patton's question of how staff tracks the bonus Floor Area Ratio (FAR), Senior Planner Schmidt responded that this is a rare element and is only found in the Industrial Park sub-district (IP) for a very specific use. Ms. Schmidt shared that staff now has technology that assists with tracking the FAR and she is confident that the data staff has collected is accurate. Ms. Schmidt explained how she utilized the City's Geographic Information System (GIS) to view the thousands upon thousands of parcels to determine that the average FAR was .36 with a margin of error +/- .5. Ms. Schmidt shared that staff only looked at parcels that have development on the site.

Chair Faria opened the public hearing at 7:29 p.m.

Mr. Marc Fontana, Hayward property owner, has concerns that the new regulations will be damaging to him and his family and shared how they have been in business since 1988. Mr. Fontana said they did not receive proper notification and that a lot of the existing businesses are non-conforming under the new regulations. In response to Commissioner McDermott, Mr. Fontana responded that the business was established in 1916 making garden decor. In response to Mr. Willis, Mr. Fontana replied he only found out this morning about the new regulations that would affect his property.



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Mr. Jose Tejada, Hayward resident, has concerns about the new regulations and asked staff to explain what is going to happen to the existing residents. Mr. Tejada said the City has not done anything to improve the area even though they pay their taxes.

Mr. Ted Landauazo, Hayward business owner, said he did not receive the public notice, has concerns of how the changes will affect his business of 35 years, and that he employs 50 to 80 people per day. Mr. Landauazo said the City has neglected this area for all this time and feels what prompted the new regulations is the residential units that have come into the area.

Mr. George Clever, Partner with Hines, the new owners of the former Gillig site, said their company will be improving and investing about \$100 million into the site. Mr. Clever requested staff to reconsider the open space requirement for the General Industrial area because the 10% open space requirement for the General Industrial area of their site equates to the size of one-and-a-half football fields.

Mr. Khaira, Hayward resident, has concerns for residents that live in the industrial area as all day long there is constant flow of traffic and the large trucks raise a lot of dirt and dust and there is a lack of worker parking which results in a lot of trash left in the area. Mr. Khaira hopes the new regulations for the light industrial sub-district will help improve the area and make it safer for the residents and especially the children.

Mr. Juan Martinez, Hayward resident and business owner, shared that nothing was done when he came to the City to report his concerns about excessive noise from businesses and medical hospital waste washed down the sewer drain. Mr. Martinez said the City needs to focus on enforcing the current regulations and would like the City to communicate to both business owners and residents.

Ms. Noor Chaaban, representative for Technicon Construction, said her company plans to purchase a business property on Pacific Street which falls under the new Light Industrial subdistrict. Ms. Chaaban has concerns if their plans will be reviewed under the existing regulations, because when she when submitting their plans today, in speaking with staff, it was unclear what would happen.

Mr. Edward Bogue, Hayward resident, said the most dramatic change is for the area that will be designated the new Light Industrial subdistrict from the existing General Industrial designation. Mr. Bogue has concerns about the existing large sites that do not abut residential areas and how they will be affected by the new Light Industrial regulations. Mr. Bogue suggested that staff take another look and consider redrawing the area lines.



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Chair Faria asked about the impact to residents who live in the Industrial District, to which Senior Planner Schmidt replied that per the current regulations the residential uses are non-conforming and are not allowed in the Industrial District and this does not change with the new regulations. Ms. Schmidt shared that the new Light Industrial (IL) sub-district regulations are to create a buffer zone for the existing residents from the heavier industrial uses.

Mr. Yaowinder Singh, Hayward business owner for 17 years, has concerns about how the new Light Industrial sub-district regulations will affect existing businesses, especially the trucking companies that require larger outdoor space.

Chair Faria closed the public hearing at 8:10 p.m.

In response to Commissioner Bonilla, Senior Planner Schmidt said existing business will be allowed to continue operating under the new regulations. Economic Development Manager Nguyen addressed Mr. Bonilla's question regarding property values in the Industrial District and said that at this time property values are very high with under a 4% vacancy rate and staff is unsure how the new regulations could potentially affect property values. Mr. Nguyen said the City has been experiencing a lot of interest from outside parties because Hayward is more affordable for businesses. Ms. Schmidt shared that after the Planning Commission and City Council Work Sessions in October and December, respectively, staff had a very good idea which direction the City was headed. She said there was no reason for staff to expect there would be a deviation from the draft regulations except for minor amendments. Ms. Schmidt said there are videos of the meetings with Council, the Planning Commission and the community. She said that when applicants come to the Planning Counter to inquire about properties, staff informed the applicants that the City's Industrial District Regulations are in the process of being updated and provided the applicants with the draft regulations. Principal Planner Lochirco responded to Mr. Bonilla's question about applications, and said applications received today are not vested until approved and that applications can be subject to either the administrative or conditional use permit process dependent upon many factors and timelines. Mr. Bonilla acknowledged the speakers and thanked staff for their diligence and comprehensive report.

Commissioner Patton said the City's vision for establishing the Light Industrial District is to improve the City. Mr. Patton requested that the Design Guidelines include a public right-of-way element in order for the City to be able to apply for grants and federal funding. Mr. Patton said that along the Route 92 Corridor he suggested the inclusion of a major site plan review for taller office buildings along with office building illustrations. Mr. Patton suggested staff review the 10% open space requirements for industrial parks as this requirement is better suited for commercial park districts.



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Commissioner McDermott commented that it has been a three year process for this item and staff has conducted a number of community outreach meetings along with two Public Notice mailings, sent out a large number of emails to stakeholders of record, and that staff maintained an interested parties list and made sure to notify everyone on that list.

Commissioner Willis said these new changes are what is in the best interest for the majority of the City. Mr. Willis supports this project.

Commissioner Andrews commented that as a resident she had heard about the Industrial Regulations update and the numerous community outreach meetings. Ms. Andrews suggested that the business owners research the many City resources to stay abreast of what is going on. Ms. Andrews commended staff on their outreach efforts and for the inclusion of food trucks and community art which will benefit the workers in the area. Ms. Andrews spoke about how this used to be Russell City area with a majority of African American residents and how these residents were displaced to make room for the industrial area. She commented that the City's goal with the new regulations is to create a buffer zone from the industrial uses for the existing residents. Ms. Andrews supports the item.

Chair Faria commented that change is difficult and that there will be impacts but the City's responsibility is to ensure there is a plan for the future. Ms. Faria thanked staff for the community outreach and the information. Ms. Faria thanked the speakers and acknowledged the difficulty in presenting their feelings and how the regulations might impact them.

Commissioner Willis made a motion to approve the staff recommendation.

Commissioner Patton made a friendly amendment to include a recommendation to staff about the inclusion of a public right-of-way element, that Industrial District Design Guidelines include illustrations of office buildings along the Route 92 Corridor, and the requirement of a major site plan review for office buildings to qualify for the bonus floor area ratio.

Principal Planner Lochirco said the Industrial Regulations Update was focused on private property, and the public accessibility element will be included in the Bicycle Master Plan update which is currently in process. Commissioner Patton has concerns that in the Industrial Regulations Update, office buildings are required to include bicycle accessibility, and he wants to make sure there is public right-of-way accessibility and safety for bicycle riders along the public access. Senior Planner Schmidt shared that the Public Works Engineering and Transportation Department is looking at public accessibility and right-of-way regulations and are aware of the Industrial Regulations Update. Ms. Schmidt also



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shared that developers will be required to provide bike paths and accessibility along the frontages of the sites they are developing.

Commissioner Willis made a motion, seconded by Commissioner Patton, to approve the staff recommendation with a recommendation to staff to modify the Industrial District Design Guidelines to reflect office building illustrations along the Route 92 Corridor and include the requirement of a major site plan review in order for applicants to take advantage of the .8 bonus floor area ratio. The motion carried by the following vote.

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

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting of March 28, 2019

Commissioner Willis made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of March 28, 2019.

The motion passed with the following vote:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

Commissioner Andrews announced that there is a Keep Hayward Clean and Green event on Saturday and to visit the City's website for more information. Ms. Andrews also announced a neighborhood Smoothie Event at Palma Ceia Park on Sunday.



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ADJOURNMENT

Chair Faria adjourned the meeting at 8:39 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk