



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, May 9, 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 Bonilla led in the Pledge of Allegiance.

ROLL CALL

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

Staff Members Present: Ameri, Buizer, Chan, Garcia, Golubics, Kelley, Schmidt, Vigilia

General Public Present: 35

PUBLIC COMMENT:

Ms. Mary Ann Higgs, Hayward resident, spoke about the Route 238 Corridor, Parcel 5, that will be coming before the Planning Commission in June. Ms. Higgs requested that Parcel 5 retain the same zoning designation of Residential Natural Preserve, Special District 7; General Plan designation Suburban Density Residential to be able to require new buyers to be held to the same standards as the existing property owners.

PUBLIC HEARINGS: For agenda item Nos. 1, 2 and 3, the Planning Commission may make a recommendation to the City Council.

1. Recommended FY 2020-FY 2029 Capital Improvement Program

Public Works Director Ameri provided a synopsis of the staff report and a PowerPoint presentation. Mr. Ameri announced that Deputy Public Works Director Garcia and Transportation Manager Kelley were present to answer any questions.

Commissioner Andrews asked about paying for the freeway exit improvements. Director Ameri responded that freeway project exits are paid by Caltrans, Alameda County Transportation Commission, or other sources. Fred Kelley, Transportation Services Manager, shared that it's anticipated that project freeway project exits will continue to be funded by Measure BB Alameda County sales tax funds. Commissioner Andrews also asked



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about the livable neighborhoods project, and what percentage goes towards South Hayward, to which staff responded that the South Hayward Youth and Family Center, and La Vista Park, totaling more than \$30M, are located in South Hayward. Commissioner Andrews also asked what department is managing the Neighborhood Improvement Grant Fund and the Mural Art Program, to which staff responded that it's being managed by the Development Services department. Commissioner Andrews also asked if the walking study released by CA Walks was considered in these improvements, to which staff responded that it's being considered as part of these improvements, as well as considering other pedestrian and bicycle accessible studies, as part of the relevant master plan update, anticipated to be complete by the end of the year or early 2020, as well as addressing pedestrian accessibility in the railroad crossings in other studies.

Commissioner Patton asked that as the Planning Commission discusses the future vision for public improvements in the new industrial districts that it also be added to the list of potential CIP program review. Director Ameri shared that there are City Council policies surrounding the percentage of funds that can be used, and as new projects are approved, they are incorporated into the CIP after Council Infrastructure Committee review.

Commissioner Bonilla asked how it's determined what streets are rehabilitated, to which staff replied that the existing street condition is examined, the importance of the street, and resident requests. Commissioner Bonilla also asked what's included in miscellaneous expenses. Director Ameri later reported back that the fiber optic project and improving parking lots are examples of miscellaneous expenses.

Commissioner McDermott asked about well-traveled streets that have bad potholes that are a safety issue and hard on cars. Director Ameri shared that the City tries to respond and fix them as soon as possible. Well-maintained streets also need upkeep, and more work can be accomplished on well-maintained streets with less funds than spending funds on heavily damaged streets. Streets with more problems are very expensive to rehabilitate. Commissioner McDermott also asked about the mural art program and asked how successful it's been in abating graffiti in the City. Director Ameri replied that it's been highly effective, and that the public respects and enjoys them. Commissioner Andrews also shared that graffiti has been dramatically reduced in her local park where a mural was added.

Commissioner Willis wants public safety to be a priority for street improvements. He's concerned about Industrial Blvd. West and wants the public to be warned where there are no sidewalks available to pedestrians and doesn't want for the City to be liable for any possible injuries. Director Ameri responded that, in the past, sidewalks were not as important to be installed in industrial areas, and that sidewalks are being installed as new developments are approved, but at a very high cost.



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Commissioner Bonilla suggested that future fund data also include how the funds are in alignment with the Council Strategic Priorities and Plans.

Commissioner Faria asked if the airport revenue is self-generating. Director Ameri responded that the airport is considered an enterprise business which receives no funding from the general fund and generates its own revenue for all its expenditures, as well as developing economic activity for the City. Commissioner Faria also asked about the funding for improvement fees, such as sewer, etc. that residents typically pay, to which staff responded that the improvement project fees for water, sewer, stone water, and recycling programs are also enterprise projects that receive zero general funds and are self-generating programs.

Commissioner Faria opened and closed the Public Hearing at 7:44 p.m., as there were no public speakers.

Commissioner Bonilla made a motion, seconded by Commissioner Willis, to approve the staff recommendation. The motion carried by the following vote.

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

2. Proposed Commercial Cannabis Retail Dispensary at 1004 B Street (Assessor Parcel No. 428-0061-056-00) by Siavash Afshar on Behalf of Hayward Station (Applicant); Alfred J. Antonini (Property owner), Requiring Approval of Conditional Use Permit Application No. 201806005

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

The applicant's team approached the podium to respond to any questions.

In response to Commissioner Patton's question about seismic upgrades, Mr. Sid Afshar, applicant, said that the building is well built, and the architect and structural and mechanical engineers have inspected the building and have not encountered any structural or seismic issues that needed to be addressed.

Commissioner Bonilla inquired about how many new jobs will be generated, and Ms. Alicia Darrow, applicant's team, responded that initially there will be twelve new jobs and



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staffing will increase as needed and that they will be hiring and contracting locally. In response to Mr. Bonilla's inquiry, staff will return with revenue information to share with the Commission.

Mr. Doherty, applicant's team, confirmed for Commissioner Willis that the dispensary is permitted for retail sales only with a maximum sale of four ounces per person. Ms. Darrow said the State of California has a tracking system and sales are tracked throughout the State so that an individual cannot go to another dispensary and purchase more than the allowed maximum four ounces.

Ms. Darrow explained for Commissioner McDermott how the State of California's tracking system works and that all dispensaries are required to have the State's system. Mr. Doherty said he was instrumental in bringing the dispensary to Hayward in order to get the illegal sales off the streets and into a regulated dispensary. Mr. Doherty said they conducted outreach to neighboring business and that they intend to be good business neighbors and will ensure having the proper security measures in place. Mr. Doherty confirmed that none of the product or activity inside the dispensary can be seen from the street because of the design elements that will be installed on the windows. Senior Planner Schmidt relayed to the Commission that there should be minimal impact on public services because of the business' design and security measures. Mr. Doherty said they have joined the Chamber of Commerce and will be setting aside a budget for the community benefit that will be an essential part of the business.

Commissioner Andrews wanted to ensure that the applicant team was experienced, that the employee application process is fair, and that the downtown area be free from debris. Ms. Darrow shared her 18 years of experience in several cities, how they are working with equity programs for the employee application process, and that the employees and security will be maintaining the area to ensure it is clean and debris free.

Mr. Afshar confirmed for Commissioner Willis that the security guards will ensure that there is no cannabis product consumption on the sidewalk and surrounding area and that there will be classes to teach consumers the proper use of the cannabis products. Mr. Afshar shared that many seniors have turned to cannabis use and away from opioids.

Mr. Afshar responded to Chair Faria that the security guards are not armed. Senior Planner Schmidt responded to Ms. Faria's concerns about the location and impacts to family events and large gatherings such as street fairs where children are present. Ms. Schmidt said staff did struggle with this item based on the central location in the downtown area but given the strong security measures in place, the business plan, the annual requirement to renew the cannabis permit to be able to continue to operate in this location, there would be minimal impact during events and staff was able to recommend the item. Ms. Faria



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appreciated the improvements that will be made to the building and that it will be an asset to the entire block, and she is glad that the windows will not be blacked out but etched in a light color and she also likes the interior design. Mr. Afshar shared that other cities have similar concerns, and some cities have instituted onsite consumption with the appropriate security measures and proper ventilation system in place. Mr. Doherty added that if any patrons cause problems, they will not be allowed back into this business.

Senior City Attorney Vigilia confirmed for Commissioner McDermott that per the City's smoking ordinance, wherever it is unlawful to smoke tobacco the same applies for cannabis.

Chair Faria opened the public hearing at 8:29 p.m.

Mr. Fred Jaffin, Hayward resident, cautioned the Commission about having a smoke shop in the downtown area and has concerns when there are community events and the impacts to the community and City resources.

Commissioner Andrews would have preferred another use for this building and commented that for the dispensary to be located in the downtown area and with other surrounding businesses, it is in line with the direction that the City is going and with what the City Council has approved. Ms. Andrews supports the item.

Chair Faria closed the public hearing at 8:34 p.m.

Commissioner Willis commented that California voters adopted Proposition 64 in 2016, the Adult Use of Marijuana Act (AUMA) and said that even though he objects to this type of business in Hayward close to where people gather, the applicant has followed the rules and the laws are clear so that he will be supporting the item.

Commissioner Bonilla made a motion, seconded by Commissioner McDermott, to approve the staff recommendation. The motion carried with the following vote:

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

3. Proposal to subdivide an existing 8.88 acre parcel into 22 parcels to allow the construction of 19 single-family residences with common open space areas and related site improvements at 29080 Fairway Avenue (APN 085A-6428-002-00) by Erik Hayden for Hayden Land Company, LLC (Applicant) on behalf of Carrie Aitken (Owner) requiring a



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Tentative Tract Map, Planned Development (PD) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201603891

Senior Planner Golubics provided a synopsis of the staff report and a PowerPoint presentation. Mr. Golubics said the East Bay Regional Park District requested to add a Condition of Approval (COA), "Prior to approval of the Precise Plan for the project, the applicant shall continue to have constructive conversations with the East Bay Regional Park District (EBRPD) regarding the Park District's possible use of the development's main access road off Carden Lane".

Commissioner Patton commented about safety and the public access roads for the first responders and to ensure the streets are wide enough for vehicle access and egress, building materials to inhibit fire destruction and said that the cement roofs are excellent and for the applicant to ensure there is defensible open space. Mr. Patton recommended more open space amenities and for the Homeowner's Association (HOA) to work with the neighboring Stonebrae development to develop contiguous open space that will create better defensible space and that the applicant consider twenty-eight feet wide roads and add a three-foot-wide access path. Senior Planner Golubics said lighting will be a part of the precise plan and Mr. Patton suggested low level bollards to illuminate the access roads along the street.

Ms. Carrie Aitken, owner, spoke about the project and introduced her consultant Mr. Erik Hayden.

Commissioner Willis suggested that the development have a strong HOA, with strong Conditions, Covenants and Restrictions (CCNR) in order for the HOA to be able to manage, monitor and enforce the private street parking.

Commissioner Andrews asked about the status of the cell tower in that area, and Mr. Hayden shared that the cell tower is located on Stonebrae Property and the applicant is working with the Stonebrae HOA to provide funding to plant new trees around the cell tower. Ms. Andrews expressed concerns about emergency vehicles access and traffic impacts, as when she visited the site by Stonebrae Elementary, she could not get through because of the traffic. Mr. Hayden spoke about Stonebrae Elementary traffic issues of car queuing and he described the school's efforts to lessen these traffic impacts. Mr. Hayden spoke about the traffic report they had conducted with the result that the additional 19 homes will not add any significant traffic impact during the times that school is in session.

Mr. Hayden conveyed to Commissioner Bonilla that the applicant is more than willing to have a conversation and work with the East Bay Regional Park District.



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In response to Commissioner Patton's request to widen the emergency access roads, consider joint maintenance with Stonebrae and move the property lines, Mr. Hayden responded that the Fire Department has approved the emergency access road, the HOA will be maintaining the sloped portions of the lots, and due to slope and topography of the site, the homes are located on the flattest area of the site and property lines are to meet the 8,000 square foot minimum lot requirement.

In response to Chair Faria, Mr. Hayden said the geotechnical report showed that the site is gradable and that the grading will be standard. Mr. Dominic Carucci, project civil engineer, shared information about the slope and that there will also be landscaping in the sloped areas. Mr. Carucci added that for the slope that faces the Stonebrae road, there is a slope easement on the development's plans that gives the HOA the right to maintain that land.

Commissioner Andrews preferred that the proposed project included an affordable housing element and requested the developer include an affordable housing element in their next project. Ms. Andrews requested that staff conduct a cost analysis to present to the Commission for the next project.

Commissioner Bonilla was in full agreement with Commissioner Andrews about the need to integrate affordable housing into all future developments.

Commissioner McDermott mentioned that there are cities that require the affordable housing element and it is in each new development's COAs. Ms. McDermott said the City has become more aggressive by raising the in-lieu fees to discourage developers from paying in-lieu fees. Ms. McDermott liked that the homes will have backyards as the developments near transit tend to not have backyards. She also mentioned that more often single-family homes will house multigenerational families which increases the number of cars per home.

Chair Faria disclosed meeting with the applicant.

Chair Faria opened the public hearing at 9:12 p.m.

Mr. Norm Hamill, Hayward resident, spoke in favor of the project and that it is consistent with the surrounding neighborhood. Mr. Hamill said that he commutes daily to the Hayward BART station and that he has not experienced any traffic issues.

Ms. Jenni Hamill, Hayward resident, said they are members of Stonebrae Club and they support the project. They like the development's plans and feels the in-lieu fees will serve the City well.



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Mr. Mehdi Sadeghi, Stonebrae resident, spoke in favor of the project and that the development is a perfect land use for this site and that it will fit in with the surrounding area.

Mr. Gregory Adcock, Hayward resident, spoke in favor of the project that it will enrich the City and will fit in with the surrounding neighborhood. The applicant will incorporate native plants and will remove trees that pose a hazard.

Mr. Fred Jaffin, Hayward resident, does not object to the project and said that the City has a traffic problem at Stonebrae Elementary that needs to be resolved and that public safety needs to be made a priority.

Chair Faria closed the public hearing at 9:23 p.m.

In response to Commissioner Andrews request for information on the traffic study, Transportation Manager Kelley shared that staff have been working with the Hayward Unified School District (HUSD) for two years to resolve the traffic impacts surrounding Hayward schools during drop-off and pick-up times. Mr. Kelley said the City commissioned a traffic study that came up with costly options to resolve these traffic impacts. Mr. Kelley said that the proposed development will not add to the existing traffic impacts surrounding Stonebrae Elementary.

Commissioner McDermott suggested that HUSD explore reinstating the school bus program again as the traffic issues really started when parents had to drop-off and pick-up their children and the school parking lots were never designed for this type of vehicular activity. Transportation Manager Kelley said some busing does occur as Stonebrae was originally intended as a neighborhood walkable school. Mr. Kelley is working on options with HUSD to alleviate the number of vehicles that go up the hill to the school.

Commissioner Willis said the issues of dropping off and picking up of children at and around the school are a safety issue that needs to be addressed immediately. Mr. Willis added that there is an encroachment issue that needs to be addressed immediately by the Hayward Police Department (HPD) when several cars back up into the public street. Transportation Manager Kelley shared that HPD does enforce the traffic in the area to ensure that parents are adhering to traffic rules and added that some parents will park on Carden Lane and walk their children into the school.

Commissioner Patton thanked the applicant for the well-planned proposed project and likes that the development has addressed the open space issue and that it is important to have defensible space. He said this is a high-end development and that the in-lieu fee is appropriate. Mr. Patton supports the project.



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Commissioner Patton made a motion, seconded by Commissioner Willis, to approve the staff recommendation which includes a new Condition of Approval under the section Precise Plan Submittal, "Prior to approval of the Precise Plan for the project, the applicant shall continue to have constructive conversations with the East Bay Regional Park District (EBRPD) regarding the Park District's possible use of the development's main access road off Carden Lane". The motion carried with the following vote:

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

APPROVAL OF MINUTES

4. Minutes of the Planning Commission Meeting of April 25, 2019

Commissioner McDermott made a motion, seconded by Commissioner Andrews, to approve the Planning Commission Meeting Minutes of April 25, 2019. The motion carried with the following votes:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

Commissioner McDermott shared that she visited a completed project on Second Street and that it is very nice and encouraged her fellow Commissioners to visit the finished project. Commissioner Andrews thanked Planning Manager Buizer for sending the Commission an update on the City projects as it is very helpful and informs the Commission on what is



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going on. Ms. Buizer mentioned that the reports are updated quarterly and will ensure it is shared with the Commission.

ADJOURNMENT

Chair Faria adjourned the meeting at 9:38 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk