



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)  
PARTICIPATION  
Thursday, June 27, 2024, 7:00 p.m.**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: COMMISSIONERS: Franco-Clausen, Goodbody, Meyers, Patterson, Stevens  
CHAIRPERSON: Lowe  
Absent: COMMISSIONER: None

Staff Members Present: Corral, Fung, Lens, Morales, Ochinero, Richard, Schmidt, Tabari, Vigilia

**PUBLIC COMMENTS**

There were none.

**WORK SESSION**

1. Work Session on Proposed Zoning Text Amendments to the Hayward Municipal Code Related to Supportive Housing Programs Associated with Implementation of the Hayward 2023-2031 Housing Element **(WS 24-020)**

Associate Planner Richard provided a synopsis of the staff report and presented a PowerPoint presentation.

Commissioner Goodbody questioned the potential impacts to water and sewer infrastructure and public safety, highlighting the need for discussion and outreach with departments such as Maintenance Services, Police, and Fire to address issues like response times for emergency calls and potential strains on the 911 system. Associate Planner Richard responded that there were meetings with Police, Fire, and Utilities Division. Staff expressed general support for expanding options, provided there were enforceable performance standards in the Code to ensure proper regulation and limitation of uses. Commissioner Goodbody suggested focusing on refurbishing existing hotels and motels for Single Room Occupancy (SRO) housing, echoing previous discussions at City Council meetings about the cost benefits and their locations in transit-rich areas. Commissioner Goodbody also suggested exploring partnerships with transit agencies, specifically BART, to utilize their potentially available land for beneficial repurposing or development initiatives. Associate Planner Richard confirmed City Council suggested the same and she will reach out to BART.



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Commissioner Goodbody expressed concern about the increase in unlicensed group homes and questioned the approach towards permitting more of them. She suggested prioritizing licensed homes and possibly grandfathering smaller homes into compliance before zoning new unlicensed properties. Associate Planner Richard noted that State laws require Cities to allow both licensed and unlicensed group homes with up to six residents in areas zoned for single-family residences. She clarified the proposed recommendations aim to increase the capacity for licensed group homes, which undergo a rigorous permitting process with the State and explained the three recommended tiers: maintaining the six-resident threshold as a by-right option, introducing an administrative use permit for medium-sized group homes, and establishing a conditional use permit for larger operations. This adjustment aims to provide greater flexibility compared to the current binary system of regulation.

Commissioner Goodbody questioned whether Planning commissioners will be able to recommend performance standards for operators of the facilities. Associate Planner Richard answered that staff will bring back draft recommendations and Commissioners will be able to give feedback on staff recommendations.

Commissioner Stevens pointed out that 512 homeless individuals were found based off the point in time count which represents a small population. He also posed the question of how health care and substance abuse will be addressed. Associate Planner Richard explained staff consulted with multiple service providers, which informed staff's recommendations to include wrap-around services for certain uses. Many of these facilities already offer comprehensive support such as mental health care and healthcare services on-site, recognizing the additional needs of this population. Commissioner Stevens posed a question whether providing City services and opportunities will draw individuals from neighboring cities with large concentrations of unhoused individuals to relocate. Principal Planner Schmidt clarified that regulations put forth are to service individuals who live in this community and region. Deputy Director of Development Services Morales responded that she anticipates receiving more detailed data following the completion of the recent point-in-time count, which will provide specific information about Hayward's homeless population. This includes surveys to determine where individuals lived before becoming homeless. Previous data suggests that many homeless individuals originate from the same area where they currently experience homelessness, despite challenges in pinpointing their initial homelessness due to extended periods of displacement. In response to Commissioner Stevens' question about oversight from Code Enforcement and their capacity to enforce use permit conditions of approvals, Associate Planner Richard affirmed that Code Enforcement team is well qualified and able to respond to calls for service.

Commissioner Franco-Claussen expressed gratitude for the report and drew from personal experience living in a group home in Hayward as a youth, emphasizing that many young people aging out of foster care end up homeless and tend to remain close to their familiar



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communities for comfort. Concerns were raised about unlicensed group homes based on personal experiences and interactions with recovery homes in Hayward. Commissioner Franco-Clausen highlighted the importance of oversight to prevent issues but voiced support for the concept due to personal insights into the critical need for stable housing and supportive services. She recommended partnering with County agencies and existing organizations to capitalize on their resources and expertise in social services and mental health, emphasizing their existing funding and infrastructure. Finally, Commissioner Franco-Clausen stressed the necessity of ensuring that any new housing initiatives are accompanied by a robust support system to effectively meet the diverse needs of individuals, including those aging out of foster care or reintegrating into society from the justice system. Associate Planner Richard mentioned exploring operational or performance standards for unlicensed group homes. She clarified that the Community Service Department oversees services, sharing many service providers operating group homes in Hayward already integrate various wrap-around services on-site.

Commissioner Meyers raised concerns about the requirements for safe parking facilities, particularly regarding the provision of restrooms. He suggested reconsidering the mandatory inclusion of kitchens and laundry facilities, emphasizing the importance of restroom facilities to prevent sanitation issues in public spaces. Drawing from past experiences with organizing large events, Commissioner Meyers proposed using trailers with multiple restrooms and electrical receptacles, which could be serviced regularly. Commissioner Meyers highlighted the practicality of using such trailers temporarily rather than waiting for permanent plumbing solutions. Associate Planner Richard responded that its staff's intention to locate these facilities on developed sites, such as church properties or nonprofits that already have plumbed bathrooms, thereby minimizing financial burdens for access.

Commissioner Meyers echoed Commissioner Stevens' concerns about whether these programs will attract population from neighboring cities. Associate Planner Richard responded that nearby communities such as Union City, Fremont, Castro Valley and San Leandro have established safe parking programs so she does not anticipate that establishment of safe parking locations in Hayward would be a draw to our city. In addition, Commissioner Meyers posed the question if we should solicit feedback from individuals experiencing homelessness regarding their needs and preferences for services. Associate Planner Richard responded that staff consulted with the service providers who work with these individuals and got feedback from them as they deeply understand their needs.

In response to Commission Meyers' question about 5 tiny home developments, Associate Planner Richard clarified that the Housing Element action item is to establish five tiny home village sites within the City. Currently, there are two approved tiny home villages. Commissioner Meyers also questioned the management plan requirements for SROS. Associate Planner Richard noted that a detailed management plan will require the operator to



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outline their proposed management strategies. These plans will undergo review by the Planning staff and Planning Department to ensure effective property management. Enforcement of the management plan will be handled by the Code Enforcement department..

Commissioner Meyers reflected on past efforts to alter a nearby facility, emphasizing demographic changes as motivation. He questioned the feasibility of enforcing regulations, particularly regarding noise disturbances and unleashed dogs by residents, prompted concerns for community safety. Associate Planner Richard noted that performance standards can mandate on-site staff availability and enforce noise ordinances. However, she clarified that unleashed dogs are a civil or criminal issue, emphasizing the limitations of their authority in such cases.

Commissioner Meyers expressed his desire to eliminate the stigma and opposition often associated with shelters or housing projects for the unhoused in neighborhoods. He believes achieving this requires responsibility in integrating such homes into communities, ensuring they are well-managed and monitored. Doing so allows neighbors to embrace these initiatives, fostering widespread acceptance and potentially addressing homelessness more effectively on a broader scale. Associate Planner Richard shared examples of past projects where the Planning Department mandated communication notification practices. This approach aimed to empower the community to address issues locally with on-site managers rather than involving emergency services unnecessarily. Associate Planner Richard expressed openness to considering similar measures in future projects and welcomed other suggestions for improving community engagement. Commissioner Meyers suggested incorporating requirements for establishing a neighborhood council that could meet regularly to collaborate on ideas and address neighborhood concerns effectively. Associate Planner Richard acknowledged the existence of working groups in certain areas, such as near Weekes Park and Mission Foothills, involving local agencies and service providers. She expressed openness to exploring similar initiatives but emphasized the need to avoid imposing burdensome requirements that could hinder the effectiveness of such groups.

In response to Commissioner Meyers' question whether the 512 Point-In-Time count has increased in neighboring cities, Associate Planner Richard highlighted that Point-in-Time Count data, shows a general increase in homelessness across most cities due to various factors, such as rising living costs and an unstable job market. She emphasized these issues are not unique to the United States but are global in nature. Additionally, Associate Planner Richard noted limitations in the count, which excludes those who were not visible or living with others, indicating a larger population in need of stable housing. Commissioner Meyers expressed appreciation for Planner Richard and Deputy Director Morales, expressing they are ideally suited for leading this effort.



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Commissioner Patterson questioned whether there were specific types of supportive housing that might lead to increased security or maintenance costs for the city, and if these concerns had been thoroughly examined yet. Associate Planner Richard responded that there was no major expressed concern for these recommendations by City Staff. Departments seemed open to alternative housing options because they offer a safe place for these individuals to reside. According to their internal discussions, the number of service calls for the Navigation Center and group homes is generally low and most service calls are related to the unhoused population in downtown. Associate Planner Richard emphasized that the recommended housing types cater to different populations, recognizing that some individuals require intensive mental healthcare, while others, such as transitional youth, benefit from structured environments with peer and adult support. Their intention, supported by city service providers and nonprofits, is to offer a range of housing options tailored to these diverse needs.

In response to Commissioner Patterson question about the availability of Hayward specific data from the Point-in-Time survey, Associate Planner Richard clarified that only the total count of unhoused individuals is currently available. She expressed hope that specific data for Hayward will be available if the sample size is sufficient for meaningful results. Associate Planner Richard provided further clarification that despite the survey being conducted by Hayward officials, the data is managed by the Alameda County coordinator.

Commissioner Franco-Clausen raised concerns about service calls and the capability of law enforcement, noting questions about officer availability and shortages. She acknowledged the challenges faced by a stretched police force with long response times and questioned the feasibility of expanding housing options without adequate police resources to handle existing calls. Commissioner Franco-Clausen echoed colleagues' concerns about the need for supportive housing amidst strained relations between law enforcement and homeless individuals, emphasizing the importance of integrating mental health services into law enforcement responses. She highlighted the necessity of considering law enforcement and mental health resources in implementing new housing initiatives. Associate Planner Richard responded that through discussions with the Hayward Police Department, established service providers don't receive many service calls and suggested that expanding locations and hiring more staff could alleviate pressure on emergency services.

In response to Chair Lowe's question and concerns about whether there will be regulations on how long a vehicle can park at safe parking spaces, Associate Planner Richard responded with the recommendation is to implement specified hours of operation which would require individuals to leave at designated times and return later. She mentioned City Council's interest in exploring expanded hours. In response to Chair Lowe's question of who would enforce such regulations, Associate Planner Richard stated it would be a condition for approval, with responsibility falling on the operator initially and the Code Enforcement Department, if necessary.



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There being no public comment, Chair Lowe opened and closed the public comment hearing at 7:49 p.m.

Commission Goodbody expressed support for tonight's proposal. Associate Planner Richard clarified no action was being requested; rather, staff was seeking feedback.

Commissioner Stevens expressed concerns about basing land use policies on nonprofit organizations' handling of social issues, questioning their effectiveness; highlighted the prevalence of serious mental health conditions among the homeless population; warned that while the issue affects a small percentage of the population, it could potentially impact the broader community; and opposed the implementation of safe parking and the expansion of group homes in residential areas, citing resource limitations and past neighborhood issues.

Commissioner Franco-Claussen expressed gratitude for this discussion and recommendations. She acknowledged the complexity of this discussion and stressed understanding the real-life impacts on residents; highlighted the community's potential to support Hayward by investing in essential services to address homelessness and related challenges; and expressed a strong endorsement for the recommendations and hoped they would lead to meaningful changes and support for those in need.

In response to Commissioner Meyers question about the navigation center's capacity, Associate Planner Richard mentioned uncertainty about the exact number of beds and suggested they could provide specific figures in a future staff report. In response to Commissioner Meyers question about the future of St. Regis, Principal Planner Schmidt shared this would involve relocating the low barrier navigation shelter to Saint Regis and transforming the current Whitesell location into a more secure facility. Saint Regis would be expanded to offer tailored emergency services tailored for individuals experiencing homelessness or facing psychiatric or substance-related challenges. The facility aims to provide specialized care, preventing unnecessary hospitalizations or incarcerations.

Commissioner Patterson expressed support of staff's recommendations and general cleanup of language, recognizing its importance and anticipating clearer definitions; suggested expanding the areas where SROs are allowed and supported the concept of safe parking, but with the caveat that it should not result in people living permanently in their vehicles. Regarding group homes, Commissioner Patterson supports both staff and fellow Commissioners' recommendations, acknowledging her own limited expertise in the area. While supportive of staff recommendations, Commissioner Patterson sought more detailed information on regulations, management, and costs.



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Chair Lowe supported clarifying definitions, stating it will benefit both staff and the community; acknowledged Commissioner Stephens' concerns about relying on nonprofits, noting the complexities due to their varied operations and management styles; shared uncertainties about regulating nonprofits effectively; emphasized the need for specific regulations and enforcement strategies; expressed concerns about the safety of individuals in safe parking lots and the surrounding areas, stressing the importance of clear guidelines for displacing individuals who pose risks.

Commissioner Goodbody suggested considering a creative approach where funds from the pro-housing designations could be set aside to support mental health services; and proposed funding for a mental health ambulance or an EMT at facilities assisting individuals transitioning from substance abuse which would alleviate pressure on the 911 system.

Associate Planner Richard noted that the City's Community Services Department actively seeks and allocates grant money for various services.

## **PUBLIC HEARING**

### **2. Public Hearing on the City of Hayward's Prohousing Designation Application (PH 24-029)**

Deputy Director of Developmental Services Morales provided a synopsis of the staff report.

Commissioner Patterson expressed appreciation for the public outreach efforts and was pleased to receive information at home. She sought clarification whether this outreach was specifically targeted at renters, like themselves, or if it was sent to a broader audience. Deputy Director Morales clarified that no mailers have been sent out. Instead, announcements have been made through The Stack and via interest lists for the Planning Commission and the Homelessness Housing Task Force. In addition, they plan to reach out to community partners and interested parties involved in the housing element. Deputy Director Morales acknowledged that while public feedback may not alter the adopted policies, there is value for raising awareness about the application and gathering input in hopes to provide additional insights or information that could strengthen the application.

In response to Commissioner Stevens' question about the use of funds received through the application, Deputy Director Morales confirmed that these funds must be used through contractors who are paid prevailing wages.

In response to Chair Lowe's questions about the amount of funds the \$9.5 million that the State invested into the program, Deputy Director Morales confirmed that there have been two rounds of applications, with 18 cities awarded funds in the first round and current results



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pending. She also mentioned the possibility of another funding round in the fall. Chair Lowe asked if awarded, the City might receive around \$1.5 million. Deputy Director Morales explained that the base amount is \$750,000, with additional funds based on application points, potentially exceeding \$1 million. Chair Lowe concluded by asking if staff believes pursuing the grant is worthwhile even if no funds are received, to which Deputy Director Morales agreed that it was worthwhile regardless of funds citing potential benefits beyond the grant itself.

Chair Lowe inquired about the adequacy of resources when increasing density through Accessory Dwelling Units (ADUs) in areas not originally designed for higher populations. Deputy Director Morales responded that additional studies and stakeholder work are planned for this policy. Principal Planner Schmidt added that the ADU program includes working with architects to provide pre-approved plans, streamlining the process and reducing permitting delays. Although ADUs are subject to fewer regulations and only one per single-family lot is typically allowed, they represent a modest increase in density.

Chair Lowe questioned whether exceeding State ADU law requirements, which could earn two points, is beneficial enough for Hayward to justify the effort, expressing concerns about resource and safety implications. Principal Planner Schmidt clarified that the program aims to facilitate ADUs through pre-approved plans and reduced fees and is not designed to exceed state allowances for ADUs, thus addressing the concerns while aiming for the points.

Chair Lowe sought clarification on the proposal to eliminate minimum parking requirements for residential development and adopt parking ratios below State thresholds, which could earn two points. Deputy Director Morales explained that the existing zoning already meets or exceeds State requirements, noting that many of the proposals are based on existing adopted policies. Principal Planner Schmidt elaborated that in specific areas like the Mission Blvd. form-based code, there is no minimum parking requirement, only a maximum, which exceeds State flexibility. Similarly, the downtown code requires just one parking space per dwelling unit, which is lower than density bonus requirements. These existing policies are being highlighted as potentially qualifying for points.

In response to Chair Lowe's question pertaining to CEQA analysis being streamlined, Deputy Director Morales clarified that the Downtown Specific Plan utilizes an established Environmental Impact Report (EIR) to streamline applications that conform to the plan, allowing for efficient processing by leveraging existing assessments and ensuring that projects meet requirements effectively. Deputy Director Morales shared that there are three proposed projects: the ADU Study aims to reduce architectural costs and make housing more feasible and affordable, potentially benefiting families and generating income; the Universal Design initiative seeks to incorporate accessibility features into new projects to accommodate people of all abilities; and the Tiny Home Project, which plans to secure subsidies for





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operational costs to ensure its sustainability once built. These initiatives are intended to enhance community benefits and are in various stages of planning and implementation.

In response to Commissioner Goodbody's question regarding Item 1J and the difference between a Workforce Housing Opportunity Zone and Housing Sustainability District, Deputy Director Morales clarified that page 8 of the application outlines the category where the State indicates potential points for scoring. Starting on page 17, the document details the City's proposed policies for qualification, including the City's adopted policies starting on page 20. While the City doesn't meet all of the State's categories, it has identified the ones for which it can earn points for.

There being no public comment, Chair Lowe opened and closed the public comment hearing at 8:24 p.m.

Commissioner Patterson acknowledged the City Council's approved resolution on the matter, and despite differing opinions, understands the initiative will proceed; emphasized targeting renters for outreach efforts for affordable housing benefits; suggested increasing social media and flyer distribution, especially to larger apartment complexes, to ensure that renters are well-informed and can provide feedback; expressed concerns about the cost-benefit ratio of the project, questioning the real benefits to the City given the relatively modest funding and existing regulatory challenges, such as the State Density Bonus Law; and remains cautious about the overall value of the initiative despite its advancement.

Commissioner Stevens expressed support for the application; conveyed frustration with the lack of attention and community engagement pertaining to decisions being made which will impact the City for the next century; and suggested that residents should contact their state representatives to advocate for more local control and a balance between housing development and local governance.

Chair Lowe complemented staff with the implementation of a streamlined permitting process, noting that it improves efficiency; commended the use of funds from the Affordable Housing Trust Fund, which has allocated \$4.4 million to develop 349 affordable housing units; and appreciated seeing these funds being used effectively, with some projects already completed or underway.

### **APPROVAL OF MINUTES**

#### **3. Minutes of the Planning Commission Meeting on April 11, 2024 (MIN 24-078)**

A motion was made by Commissioner Franco-Claussen, seconded by Commissioner Stevens, to approve the meeting minutes of April 11, 2024.



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The motion passed with the following roll call votes:

AYES:	Commissioners Franco-Clausen, Goodbody, Meyers, Patterson, Stevens Chair Lowe
NOES:	None
ABSENT:	None
ABSTAIN:	None

**COMMISSION REPORTS**

**ORAL REPORT ON PLANNING AND ZONING MATTERS**

Principal Planner Schmidt indicated this was the last Planning Commission meeting before the recess, which will extend from July through early August, with the next scheduled meeting for August 22, 2024, pending agenda items.

Chair Lowe thanked staff for their hard work throughout the year and emphasized their vital role in enabling the Commissioners to fulfill their duties effectively.

**COMMISSIONERS' ANNOUNCEMENTS, REFERRALS**

Chair Lowe commended the City Council and City staff for organizing a successful Juneteenth celebration, noting it as a vibrant representation of Hayward.

Commission Franco Claussen announced that she will be hosting National Night Out on Sleepy Hollow on August 7, 2024, sharing City programs with neighbors and community.

**ADJOURNMENT**


Chair Lowe adjourned the meeting at 8:33pm



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**APPROVED:**

  
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Karla Goodbody, Secretary  
Planning Commission

**ATTEST:**

  
\_\_\_\_\_  
Karen Fung  
Planning Commission Secretary  
Office of the City Clerk

