



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, April 12, 2018, 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 Goldstein.

CALL TO ORDER Pledge of Allegiance

Commissioner Schott led in the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., Schott, Faria
CHAIRPERSON: Goldstein
Absent: COMMISSIONER: McDermott
Vacancy: ONE

Staff Members Present: Brick, Chan, Lee, Lochirco

General Public Present: 97

PUBLIC COMMENT:

There were none.

WORK SESSION:

Work Session items are non-action items. Although the Council may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda

1. Preliminary review of a proposed Tentative Parcel Map and Planned Development (PD) Rezoning Application to subdivide a 6.2-acre parcel into two parcels and construct a 39,500-square-foot church building, 15,100-square-foot gymnasium/life center, and 61-unit senior affordable housing development at 29831 Clearbrook Circle (APN 083-0254-002-06). Application No. 201800410: Abdul Esmail (Applicant) on behalf of Pilgrim Baptist Church (Owner)

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

Sr. Pastor Larry Ellis, provided a presentation on the proposed project and how this move to Hayward would be in the best interest of the congregation. Pastor Ellis asked members



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of his church to stand which was the majority of the people in attendance. Pastor Ellis said they are willing to revise the plans and wants to work together with the City and the community and be a good neighbor. Pastor Ellis asked the Planning Commission to consider their proposal.

Associate Planner Lee responded to Commissioner Willis that at this time staff has not made recommendations for mitigation measures and confirmed that on a portion of the project site a previous development's plans were not completed. Pastor Ellis responded to Mr. Willis that a member of his congregation works for MidPen Housing and after meeting with MidPen saw that this partnership would work for the vision of building senior housing. Mr. Willis encouraged Pastor Willis to work on more outreach to the neighborhood as the Planning Commission had received approximately 41 letters of opposition. Pastor Ellis said they are willing to work with the neighborhood to revise the project plans which would include reducing the scope of the project, increase the amount of parking spaces, and will work on obtaining a harmonious relationship with the neighbors. Pastor Ellis spoke about one community outreach effort where approximately 30 to 40 members of the public participated, also the church has sent emails to homeowners' associations inviting the HOAs to meet with the church in an effort of transparency and being a good neighbor. Mr. Willis encouraged staff to include geologic conditions on the project include scaling down the size of the church building and to have more parking to meets the City's parking requirements.

Mr. Felix AuYeung, MidPen Housing Director of Business Development, the housing partner with Pilgrim Baptist Church, responded to Commissioner Bonilla's question regarding who would be eligible for the senior housing development. Mr. AuYeung said the senior housing development is independent from the church, the senior housing element will utilize low income housing tax credits, it is for general public use, and 100% of the senior housing development will be restricted for low income housing.

Mr. Felix AuYeung provided a presentation about MidPen Housing and the partnership with Pilgrim Baptist Church.

Mr. Abdul Esmail, architect for the project, spoke about his company and the proposed project. Mr. Esmail said the plans are still a work in progress and they will be taking the Planning Commission's feedback and revise their plans accordingly of what will work best for the Church and the City.

In response to Commissioner Bonilla Jr.'s concerns about the vulnerable senior population being near a risky fault line area and what mitigation measures have been set in place to ensure that the residents are safe, Mr. AuYeung said MidPen is working with an architectural firm to ensure the buildings are safe, the geotechnical studies are completed



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and that there are licensed engineers and architects to assist MidPen and guide the building plans. Mr. AuYeung noted that the planned housing development consists of smaller buildings that will be safe and will not be built on top of the fault line. Mr. Bonilla said the prevailing concern is safety, the earthquake fault, liquefaction, impacts to preserving the natural environment and effects to local land and wildlife. Mr. Bonilla said there are dangers building in a high-risk area and building such a large campus in a residential neighborhood and asked about the possibility of the Church finding a more suitable site to build this proposed project. Pastor Ellis spoke about the efforts to find the land that will work for the proposed project, he believes this is the right place for the church, and spoke about the positive impacts his church will have on the community and that they can mitigate any concerns. Mr. Bonilla encouraged Pastor Ellis to conduct more outreach to the community.

Associate Planner Lee confirmed for Commissioner Schott that a portion of Clearbrook Circle is a private street that is maintained by the homeowner's association (HOA) of the apartment complex to the north and that currently there are no plans to widen the street. Mr. Lee responded to Mr. Schott that the Fire Department expressed their concerns on the areas where driveway slopes are over 10% and will not be safe for fire apparatus to be able to access the proposed project. Mr. Schott commented that churches rarely fit into established neighborhood but noted how Bishop Macklin's Glad Tidings Church slowly made tremendous improvements to the Tennyson corridor area. Mr. Schott commented that he likes the positive aspect of the senior housing as he is a big proponent of keeping seniors in Hayward, which then frees up housing for new families to move in. Mr. Schott pointed out that MidPen Housing has done great things and is similar to Hayward's own Eden Housing.

Commissioner Faria disclosed meeting with various members of Pilgrim Baptist Church and that it would be a great benefit to Hayward to have the church come here especially the affordable housing element. Ms. Faria said the community issues revolved more around the geotechnical concerns and impacts to the neighborhood and traffic.

In response to Chair Goldstein about the status of the California Environmental Quality Act (CEQA) analysis, Associate Planner Lee said the CEQA analysis would not occur until the proposed project plans were further solidified and that staff does have the geotechnical report which will be reviewed by the CEQA consultant to ensure that the findings are correct and agreed upon. The CEQA report will conduct a more detailed analysis. Mr. Goldstein cautioned Pastor Ellis that there was a previous project that went bankrupt on a property adjacent to the project site because of geotechnical issues that were later found. Pastor Ellis commented that the initial study was conducted by a top Fremont engineering firm. Mr. Esmail said the fault line does not run through the property. Mr. Goldstein said



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this is a very worthy project especially since it also contains an affordable housing element and wants to make sure that all neighborhood concerns are addressed.

Chair Goldstein opened the public comments at 8:13 pm.

David Sakata, Hayward resident, has concerns about the impacts to the environment and wildlife.

Brian Crump, Hayward resident and church member, supports the project and spoke about the goals and mission of the church.

Ms. Patrice Twiggs, Hayward resident and church member, spoke in support of the church project and the positive services provided by the church.

Mr. James McCrea, Hayward resident, spoke about concerns about impacts to the existing traffic, light pollution at night, noise from proposed gym, insufficient fire apparatus access to the proposed senior housing near an earthquake fault and impacts to the abundant existing wildlife.

Mr. Tom Bauer, Hayward resident, spoke about the dangers of building on this property, existing issues with the hillside when it rains and spoke about attempts to shore up the hillside to prevent mudslides. Mr. Bauer commended staff on their responsiveness to his emails and noted some of his concerns are included in the staff report. Mr. Bauer said he is quite familiar with Pilgrim Baptist Church and their amazing work with San Mateo youth. Mr. Bauer said the church was very vocal against same sex marriage and is very concerned about the church being a good neighbor and moving into his neighborhood.

Mr. Roy and Jeanine Sullivan, Hayward residents and church members, spoke about the positive aspects of the church and how the church would be a tremendous asset to the Hayward community and are very happy when they found out the church was relocating to Hayward. Ms. Jeanine Sullivan said the church is big on education.

Ms. Leslie Curry, Hayward resident and 20-year church member, spoke in favor of the church and spoke about her participation in the church and requested the Planning Commission approve the building project. Ms. Curry would like Hayward residents to benefit from the Church's guidance.

Ms. Margaret Warhurst, Hayward resident and spokesperson for Hurst Highland Village directly above the proposed project, said the spirit of the community will be affected, the church has not reached out to the Village residents or owners, downscale the proposed project, existing traffic issues, and noted there are many areas in Hayward where a project of this scope can work much better.



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Mr. Stephen Roberts, Hayward resident and church member, spoke in favor of the church and the proposed project. Mr. Roberts said Hayward is a great diverse community and the church would be a great asset and a great neighbor to Hayward and. Mr. Robert said the church promotes multi-cultural worship, celebrates diversity and is inclusive.

Ms. Kristina Burnett, Hayward resident, said she is not against the church but against the project location for both the church and senior housing, there are safety and noise concerns, concentrated traffic on Sundays, impacts to a quiet residential neighborhood, preservation of the hillside, concerns about seniors trying to walk down the hill, stability of the hill and noise during the construction.

Ms. Ranees Weselak, Hayward resident, said the church can be a valuable asset to the City but not at this location. Ms. Weselak had concerns about safety because of landslides and the creek that runs under the area and noted the impact of the additional traffic. Ms. Weselak also had concerns about noise, trucks for events, as there are existing problems on weekends with visitors to Garin Park and the lack of community outreach.

Mike Legan, Hayward resident and representing the Clearbrook HOA, said the church can be a valuable asset to the community and then spoke about safety concerns and hillside failure. He said the aquifers are a mudslide hazard and has caused several homes to slide and spoke about the mitigation measures for this problem. Mr. Legan was concerned construction impacts to the hillside and requested the City review the previous reports. Mr. Legan provided documents to be distributed to the Planning Commission and staff.

Mr. Jamar Earnest, Oakland resident and longtime church member, spoke in favor of the proposed project and spoke about the positive aspects of the church on his life. Mr. Earnest spoke about the church offering carpool and buses to services to assist decreasing the traffic impact and the need to come to a compromise.

Darius Hinton, Hayward resident and church member, spoke in favor of the proposed project and spoke about the goals and mission of the church. Mr. Hinton said the church would be an asset to the City.

Ms. Whitney Warhurst, Hayward resident asset manager for 29843 Clearbrook Circle, spoke about the lack of outreach and how the church has an easement onto the property and has concerns that the church will be utilizing the easement roads during construction as her development paid to have the roads redone. Ms. Warhurst said they could lose tenants because the proposed project will be obstructing tenant's views.



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Mr. Blane Warhurst, Hayward resident and property owner of Hurst Highland Village right above the proposed project, spoke about the seismic issues and loss of views and this is not the right location for safety reasons.

Chris Patterson, Hayward resident and church member, spoke in favor of the church and spoke about how supportive the church for him and his family when his wife passed away. Mr. Patterson is excited about the church relocating to Hayward.

Mr. Todd Luman, Hayward resident, spoke about concerns about the size of the church, his primary concern is traffic especially on weekends both for Garin Park and the church. Mr. Luman asked for due diligence surrounding issues of geology and stabilization of the community.

Mr. David Fuller, Hayward resident, spoke against the proposed project, had concerns about environment preservation, his main concern being safety for residents, children, and pets when construction trucks and additional traffic come into the neighborhood and noted there is a sidewalk on only one side of the street. Mr. Fuller said the church would be an asset to Hayward at a more suitable location.

Mr. David Oxford, Hayward resident, said he welcomes the church to come to the City but had concerns about underground aquifers, if there is a landslide on Garin he would not have access to his neighborhood, the volume of traffic on Garin on weekends and the impact of construction vehicles and neighborhood access during construction.

Mr. Adithya Naresh, Hayward resident, concerns about impacts to the neighborhood environment and spoke about the peacefulness of the area and the benefit of living close to Garin Park. Mr. Naresh spoke about the existing traffic issues and the great traffic impact with the addition of the church.

Ms. Jennifer Conner, Hayward resident, said she does not feel safe in her neighborhood because of ongoing dangerous traffic issues, relayed almost being struck by cars, and weekend parking issues as Garin Park visitors spill over into the neighborhood. Ms. Conner said the City has not been able to address the multiple concerns including requests for speed bumps and the mudslides when it rains.

Ms. Ana Rojas, Hayward resident, said there are existing parking issues and has concerns about church parking spilling over into the neighborhood, has concerns about the impacts to her home from the construction; if trees are removed that hold the soil this can create a dangerous situation for her home, and has concerns about impacts to nature and wildlife.



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Mr. Ruben Houston, Hayward resident and church member, spoke in favor of project and the need for affordable housing and spoke about what the church can for the community. Mr. Houston said he understands the concerns of the community.

Ms. Mimi Bauer, Hayward resident, President of Fairway Park Neighborhood Association, said they did not receive notice of proposed project, would like the church to come to Hayward, it has an amazing program and would be beneficial to the Hayward community but spoke against the proposed project in this location as it would put the church members in a dangerous situation because of the potential for landslides. Ms. Bauer provided a development history of the area and how some houses were not always built to the best standards, spoke about multiple landslides in the area, and some houses were condemned. Ms. Bauer said standards must be upheld and that is why there is the current staff and Planning Commission. Ms. Bauer hopes that another more suitable property can be found for the church as the church would benefit the Hayward community.

Mr. Bauer responded to Commissioner Schott that the plastic was placed on the hillside about four years ago. Mr. Bauer will provide the Commission with a video of the last big rains which cause the ground to slide down the hill.

Chair Goldstein closed public comments at 9:21 p.m.

Principal Planner Lochirco said the purpose of the Work Session was for staff to request policy guidance from the Planning Commission, to solicit feedback from the public, to identify any concerns the Commission might have related to the project, and for the Commission to provide feedback to the applicant.

Staff provided the staff analysis page that included discussion topics as a guide for the Commission.

Commissioner Faria said based on her observations of the site she made the following comments; the scale of the development is too large, location of buildings may impact apartment residents' views, there is a concern about the plastic on the hillside on Woodland, and there are compatibility issues between the church and the neighborhood. Ms. Faria said the church has a lot to offer the City but was not sure this is the right location for the church. Ms. Faria's main concerns are; the geotechnical issues as she would hate to see people get hurt, traffic impacts, existing accessibility issues for bicycles and pedestrians, Garin Avenue cannot accommodate the existing residents, and construction impacts to existing residents.

Commissioner Willis suggested that the Church find a more suitable location but if the church must build at this site, then scale down the project to be more suitable for the area,



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and there needs to be very strict geological conditions of approval to mitigate the earthquake fault and the potential for landslides, look at widening the roadway to improve access to the project site and have sufficient parking for church members to prevent parking encroachment into the neighborhood.

Commissioner Bonilla commented on the positive aspects of the proposed project but there were many community concerns about preserving the natural beauty of the area, and the safety concerns of landslides, liquid faction, geotechnical concerns which will be covered under the CEQA analysis. Mr. Bonilla said the benefits the church would bring to the City outweighs the fact that churches do not pay taxes. Mr. Bonilla commented that there needs to be more open space added to the project, the building size needs to be scaled down, location of buildings should not be built on the steepest grade, how will the project fit in with the existing community, and the building aesthetics needs to be improved.

Commissioner Schott was on the task force that developed the hillside design guidelines and had concerns as the proposed project plans had a lot of deviations from these guidelines. Mr. Schott said he is an advocate of site stakes to visualize what the proposed buildings will look like. Mr. Schott said transportation issues need to be worked out with AC transit to provide transportation to the project site for both parishioners and senior residents. Mr. Schott would like to see some public art, a softening of the parking lot suggesting a tree canopy, and staff can work with the applicant on revisions to the project.

Chair Goldstein commented that the church has an amazing vision. Mr. Goldstein commented on the concerns of impacts to traffic, noting he just lives a couple blocks up from the project site and how people park on his street when visiting Garin Park, there is a concern for a 50-seat bus going up that roadway, the applicant needs to conduct community outreach and have a dialogue with the neighborhood. Mr. Goldstein suggested the applicant utilize the "Next Door" app to communicate with the neighbors. Mr. Goldstein said it is difficult to visualize the size of the buildings and would need to see this and spoke about the Complete Streets initiatives that the applicant can participate in which would be beneficial for the neighborhood and for the applicant to consider traffic calming measures. Mr. Goldstein said he can visualize the church on the project site being beneficial as opposed to more homes and apartments and noted the geotechnical issues will need to be addressed.

Pastor Ellis spoke about their willingness to make changes to scale down the proposed project.

Commissioner Willis said there will be a need for traffic and parking mitigation during church services when many people will be coming into the neighborhood at the same time. Mr. Willis said access needs to be improved and there will be concerns about encroachment



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into the neighborhood causing traffic and parking impacts to the neighbors as many of the church members will be driving to attend services.

Associate Planner Lee said a traffic study will be reviewed by the Department of Public Works Transportation and Engineering Division and this study will be a supporting document to the CEQA document.

Principal Planner Lochirco said Associate Planner Lee will be in touch with Pastor Ellis to coordinate the next steps. Mr. Lochirco said once the application is completed the CEQA analysis can be conducted, once the CEQA is completed then the proposed project will come back to the Planning Commission for recommendation to the City Council and that the City Council is the final authority on this project

APPROVAL OF MINUTES

2. Minutes of the Planning Commission Meeting of January 25, 2018
Commissioner Willis Jr. made a motion, seconded by Commissioner Schott, to approve the Planning Commission Meeting Minutes of January 25, 2018. The motion passed with the following votes:

4:0:0 (AYES: Willis Jr., Goldstein, Bonilla Jr., Schott, ABSTAIN: Faria; ABSENT: McDermott)

3. Approval of minutes of the Planning Commission Meeting Minutes of March 22, 2018.
Commissioner Willis Jr. made a motion, seconded by Commissioner Schott to approve the Planning Commission Meeting Minutes of March 22, 2018. The motion passed with the following votes:

4:0:0 (AYES: Willis Jr., Goldstein, Schott, Faria; ABSTAIN: Bonilla Jr. ABSENT: McDermott)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

There were none.

Commissioners' Announcements, Referrals:

There were none.



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ADJOURNMENT

Chair Goldstein adjourned the meeting at 10:09 p.m.

APPROVED:

Ray Bonilla Jr., Secretary
Planning Commission

ATTEST:

Denise Chan, Senior Secretary
Office of the City Clerk