



**PLANNING COMMISSION MEETING
REMOTE PARTICIPATION
Thursday, March 11, 2021, 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. Members of the Planning Commission, City Staff, and members of the public participated via the Zoom Webinar platform.

MEETING

A meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Roche.

ROLL CALL

Present: COMMISSIONERS: Ali-Sullivan, Bonilla, Oquenda, Patton, Stevens
CHAIRPERSON: Roche
Absent: COMMISSIONER: Goldstein

Staff Members Present: Ameri, Billoups, Brick, Chan, Chang, Lochirco, Nguyen, Schmidt

PUBLIC COMMENT:

There were none.

Chair Roche asked if the Planning Commissioners had any objections to hearing the Public Hearing Item #2 first. There were no objections.

WORK SESSION:

1. General Plan Annual Progress Report - 2020

Acting Planning Manager Lochirco provided a synopsis of the staff report and a PowerPoint presentation.

Discussion ensued between the Planning Commission and staff regarding the following:

How was the City able to get ahead on some of the projects; do the transportation impact fees nexus cover all land uses such as commercial, housing and industrial; how will the COVID pandemic impact the twenty-year long range plans and priorities and is there a broader framework that is being used; requested staff to provide data on the Community Emergency Response Program to make sure that all the areas of the City are being included; how has the COVID pandemic affected the City's businesses noting that the



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outside eating events have been popular and will there be a pivot in the Downtown Plan for this element be included; and what will Hayward's businesses look like in the future with the need for more delivery services; and was glad that the shuttle survey completed.

Acting Planning Manager Lochirco spoke about shifting priorities based on grant availability; transportation nexus studies to review all land uses; application of fees; the impacts of the pandemic and housing crisis; implementing programs from the city's General Plan; items prioritized per the Council's Strategic Roadmap; the Economic Development department's business concierge program; and partnerships needed for a shuttle service program.

Commissioner Oquenda said for the City's Housing Element, he urged Council to include a fair chance housing component and would like to see a commitment from the City to include equal opportunities for those with criminal histories. He said there have been releases from prisons and reforms and it is important these individuals are protected, and noted how black, brown, and poorer communities are disproportionately affected. Mr. Oquenda said it is important to recognize the relationship to discrimination based on race, disability, national origin, and immigration status. He said it is important to add the fair chance component into the City's planning vision to embrace inclusion, compassion and equity in the City's General Plan and Housing Element.

Acting Planning Manager Lochirco said that per a State mandate the City will be including an environmental and social justice element in the City's Housing Element.

Chair Roche opened and closed the public hearing at 7:57 p.m.

Commissioner Bonilla said he was disappointed on the progress on CS 10, 11 and 12, regarding the City's disaster readiness and spoke about the need to reprioritize these three goals. The City is situated in earthquake country and impacted by global warming and there needs to be citywide disaster drills to prepare the City's population in the event of a disaster.

Acting Planning Manager Lochirco said he will share this with Council.

Commissioner Oquenda appreciated Commissioner Bonilla's comments on the disaster preparedness and elevating these priorities and supports recommending to Council to consider the importance of these priorities.

PUBLIC HEARING:

For agenda items No. 2, the Planning Commission may make a recommendation to the City Council.



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2. Proposed Zoning Text Amendment to Article 1, Chapter 10, Section 10-1.1600 of the Hayward Municipal Code to include "Truck Terminals" as a Conditionally Permitted Use Within the IP (Industrial Park) District; and approval of a Conditional Use Permit to Establish a Last Mile Delivery Station for Amazon Logistics in an Approximately 507,500 Square Foot Industrial Building at 2701 W. Winton Avenue (APN: 438-0030-019-00). Amazon.com Services, Inc. (Applicant); Black Creek Group (Property Owner)

Chair Roche is concerned that the Commission has insufficient information to make a decision, as there is a huge discrepancy between the City and the applicant. Ms. Roche asked about the possibility of continuing this item based on significant last-minute changes received by the Commission and asked for Commissioners' comments.

Assistant City Attorney Brick recommended that if the Commission was considering continuing the item, to allow the item to be heard. Then if the Commission still feels that there was not sufficient information to be able to make a recommendation, a motion can be made to continue the item.

Chair Roche asked the Commissioners if they want to speak and provide comment about this item. Ms. Roche said if there is Commissioner consensus to hear the item then we can proceed in that direction.

Commissioner Patton said the Commission received several pieces of information just within the last several hours that are technical in terms of the response from the applicant regarding the staff report and the conditions of approval. Mr. Patton said there was a letter from the applicant's attorney and their traffic engineer regarding the following: the nexus in the staff report and the City's ability to level mitigation fees; and questions regarding the City's Engineering Department's methodology for computing trips.

Commissioner Patton said this last-minute information is very technical, is relevant to the project and he would prefer that City staff and City engineers meet with the applicant's traffic engineers to come to some resolution on these issues as a Planning Commission meeting is not the place for an engineering meeting or legal meeting regarding nexus. Mr. Patton recommended that staff respond to the applicant's attorney submittals and that the City engineers provide a written response to the methodology questions on traffic mitigation fees and trip generation rates. Mr. Patton said it is inappropriate to have a public hearing at this time as there were issues still to be resolved.

Commissioner Bonilla concurs with Chair Roche about the continuance as he is neither prepared to discuss this item or entertain staff's presentation. He said there were too many open-ended questions that will continue to multiply as there was insufficient time to review



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the information provided only two hours prior to the meeting. Mr. Bonilla completely agrees on continuing the item to a future meeting.

Commissioner Ali-Sullivan said he was prepared to discuss this item as he spent a significant amount of time researching the item, identifying questions, comments, and concerns. It is very disappointing and troubling that Amazon submitted a document on the day of the hearing at 2:35 pm, countering the major sections of the Conditional Use Permit requirements. Mr. Ali-Sullivan shares his fellow Commissioners position that the Commission is not prepared to discuss the item this evening because of the document submitted by Amazon at the last-minute.

Assistant City Attorney Brick said from the Commissioners' comments, there is sufficient support to either table the item or continue the item to a date certain.

Acting Planning Manager Lochirco said the next Planning Commission meeting date of March 25, 2021, is available, there are no items scheduled for that date.

Chair Roche asked if there was sufficient time for staff and the applicant to meet and resolve issues.

Public Works Director Ameri said that staff is prepared to meet with Amazon at any time to resolve the issues and apologized that staff did not have time to resolve the issues that both the City and applicant can agree upon. Mr. Ameri said there should be sufficient time to resolve the issues by the next Planning Commission meeting date of March 25, 2021.

Acting Principal Planner Schmidt said that her staff report is clear, and she could present her item tonight. Ms. Schmidt said she would not be able to address the issues that are causing concern related to Transportation and Engineering.

Chair Roche said that in hearing from Public Works Director Ameri that staff is ready to meet and resolve any issues. This is a good solution since according to staff, if the item is continued to the next Planning Commission meeting date of March 25, 2021, this will save the City and applicant time in terms of reposting the item.

A motion was made by Commissioner Patton to continue the item to March 25, 2021, seconded by Commissioner Oquenda.

Acting Planning Manager Lochirco said it would be good to check with the applicant to make sure they are available on March 25, 2021.



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Mr. Stephen Maduli-Williams, with Amazon, said that they will be happy to present their project on March 25, 2021.

Commissioner Bonilla wanted to confirm that the applicant will work diligently with staff for a resolution to the issues and when the item returns to March 25, 2021, there will not be opposing views.

Mr. Stephen Maduli-Williams said they have been working on the issues for the past several weeks, speaking with jurisdictions around the country, on the west coast and in California, regarding these types of issues and are more than willing to engage the City regarding the impact fees associated with the project.

A motion was made by Commissioner Patton to continue the item to March 25, 2021, seconded by Commissioner Oquenda.

The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Bonilla, Oquenda, Patton
Chair Roche
NOES: None
ABSENT: Commissioners Goldstein and Stevens could not participate in the vote
because of technical difficulties
ABSTAIN: None

APPROVAL OF MINUTES

3. Approval of the Planning Commission Meeting Minutes of February 11, 2021.

A motion was made by Commissioner Oquenda, seconded by Commissioner Bonilla to approve the Planning Commission Meeting Minutes of February 11, 2021.

The motion passed with the following roll call votes:

AYES: Commissioners Ali-Sullivan, Bonilla, Oquenda, Stevens
Chair Roche
NOES: None
ABSENT: Commissioner Goldstein
ABSTAIN: Commissioner Patton



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COMMISSION REPORTS

Oral Report on Planning and Zoning Matters:

Acting Planning Manager Lochirco reminded the Commissioners that the League of California Cities Planning Commissioner Conference is slated for the end of March and if anyone would like to attend to please let him know by Wednesday. Also, if any Commissioners would like to become a member of the Planning Commissioners American Planning Association, to also let him know by Wednesday.

Acting Planning Manager Lochirco noted this was going to be Commissioner Patton's last meeting and now there will be one more meeting for the continued item on March 25, 2021. Mr. Lochirco announced that former Council Member Mendall will be serving on the Planning Commission for the short-term beginning in April until the full recruitment is conducted and a new Planning Commissioner appointed to serve beginning in September 2021.

Commissioners' Announcements, Referrals:

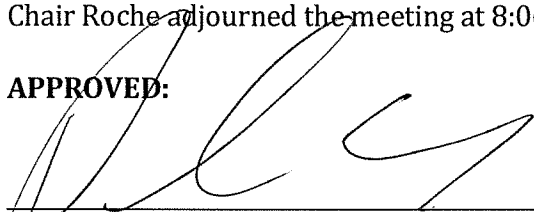
Commissioner Ali-Sullivan thanked staff for the APA activities and is looking forward to that.

Chair Roche thanked the Commissioners for their comments and for staff on their great presentation.

ADJOURNMENT


Chair Roche adjourned the meeting at 8:06 p.m.

APPROVED:



Robert Stevens, Secretary
Planning Commission

ATTEST:



Denise Chan, Senior Secretary
Office of the City Clerk