



**PLANNING COMMISSION MEETING  
COUNCIL CHAMBERS  
Thursday, March 28, 2024, 7:00 p.m.**

The Planning Commission meeting was called to order at 7:02 p.m. by Chair Lowe. The Planning Commission held a meeting in the Council Chamber.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

Present: COMMISSIONERS: Franco-Clausen, Goodbody, Meyers, Patterson  
CHAIRPERSON: Lowe  
Absent: COMMISSIONER: Stevens

Staff Members Present: Lochirco, Ochinero, Parras, Richard, Saebi, Sharma, Tabari, Thompson, Vigilia

**PUBLIC COMMENTS**

There were none.

**PUBLIC HEARING**

**Agenda items continued from the March 14, 2024, Planning Commission meeting.**

**For agenda item No. 1 the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for final decision.**

1. Proposed Installation of Three (3) Telecommunication Monopoles Along the Parapet of an existing Parking Garage located at 27303 Sleepy Hollow Avenue (APN: 455-0026-024-03), Requiring the Approval of Conditional Use Application No. UP-24-0004 for a Class 3 facility, and finding that the project is Exempt from the California Environmental Quality Act (CEQA) per Section 15303, Class 3 Exemption, New Construction or Conversion of Small Structures. Applicant: Kristy Andres, Ericsson; Owner: Joseph Crist, Kaiser Permanente. **(PH 24-015)**

Senior Planner Thompson provided a synopsis of the staff report and presented a PowerPoint presentation.

Commissioner Patterson commended staff on their presentation and expressed curiosity about the placement of the existing monopole and the selected three monopoles for the project. Ms. Patterson questioned why the existing monopole was positioned in the center of the roof and why the chosen location for the three monopoles on the western parapet,



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noting that they may not be very visible from that position. Ms. Kristy Andres, applicant, stated that she didn't have a direct answer but speculated that during the design stages, indicated that she thought it was determined to be a better design choice to place the monopoles on the western parapet edge. Senior Planner Thompson added that applicants typically determine when to invest in new facilities or upgrades to their networks, whether it involves replacing an existing monopole with new equipment or upgrading the existing equipment. Ms. Thompson added that factors such as an increase in demand for service, potential gaps in coverage, a reduction in network speed, and improvements to telecommunication equipment typically drive communication tower installation upgrades. Ms. Andres added that the design objective is to ensure that whenever AT&T has new technology to roll out for upgrading a facility, the team meets to discuss these technology upgrades. This may involve different frequencies operating at a higher capacity or adjusting the site's location, azimuths, or heights to cover a broader area.

Commissioner Meyers noted that the Hayward Municipal Code states that anything over 40 feet requires a Conditional Use Permit and noted that the proposed monopole would be 73 feet and 4 inches tall, and even after subtracting the additional 8 feet from the ground level, it would still exceed the 40-foot threshold. Mr. Meyers expressed curiosity about why this did not trigger the need for a Conditional Use Permit, given that it surpasses the height limit specified in the Code. Senior Planner Thompson responded, recalling that the monopole was approved under a class 1 facility designation due to its design and lower height. She explained that it was determined that the monopole wouldn't be visible from the public right-of-way. However, the recent significant change in height, an increase of 8 feet, triggered the need for a Conditional Use Permit as it now exceeded the height threshold specified in the Code. Commissioner Meyers mentioned that he had observed three empty poles on the west side of the roof, which he believed were intended for the new monopoles. He inquired whether these existing poles were part of the project initiated in April 2021. Senior Planner Thompson stated that her understanding was that a building permit had been issued, but work was halted due to a miscalculation in the field, which was confirmed by the applicant. Commissioner Meyers raised concerns about the potential for lightning strikes due to the height of the monopole being the tallest structure in the vicinity. In response to Commissioner Meyers' inquiry as to studies on the issue, Ms. Andres stated that addressing lightning strikes was not within their scope, but they have complied with all regulations regarding Radio Frequency (RF) safety and have filed with the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC), which are related to heights, including considerations for aviation safety. Commissioner Meyers pointed out that according to the blueprints, the AT&T equipment room features a halon system, but he expressed his understanding that halon systems were prohibited. In response, Ms. Andres stated that she would investigate whether the halon system is currently active, as many older sites may still have such systems in place without them being operational.



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Commissioner Goodbody raised concerns about the potential noise generated by the equipment room, especially from the HVAC system, and how it might affect residents on Aldengate Way, and the businesses located directly west of the monopoles. She asked if there had been any feedback or comments received during the outreach process. In response, Ms. Andres stated that to her knowledge, there had been no feedback from the public, as this project is not a new cellular site and has been in continuous service for many years without any complaints. Senior Planner Thompson added that as part of the condition of approval, the applicant must comply with the City's Noise Ordinance. Therefore, any concerns regarding noise would need to be addressed by ensuring that the project remains within the noise limits outlined in the ordinance.

Chair Lowe opened and closed the public comment period at 7:23 p.m.

A motion to approve the staff recommendation was made by Commissioner Franco-Clausen and seconded by Commissioner Patterson.

The motion carried with the following roll call votes:

|          |   |
|----------|---|
| AYES:    | Commissioners Franco-Clausen, Goodbody, Meyers, Patterson<br>Chair Lowe |
| NOES:    | None  |
| ABSENT:  | Commissioner Stevens  |
| ABSTAIN: | None  |

**For agenda item No. 2, the decision of the Planning Commission is final unless appealed. The appeal period is 10 days from the date of the decision. If appealed, a public hearing will be scheduled before the City Council for a final decision.**

2. Proposed Development of 12 Townhome Condominium Units and Related Site Improvements on a 0.39-Acre Site at 22872 Main Street (APN 427-0001-046-01), Requiring Approval of Tentative Tract Map for Condominium Purposes (8678) and Site Plan Review Application No. TM-23-0004 and an Exemption for Residential Projects Implementing Specific Plans Pursuant to Section 15182 the California Environmental Quality Act (CEQA). Murthy Ayyagari for HAMAARA (Applicant); on behalf of Uday Sista and Swati Pappu (Owners). **(PH 24-016)**

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



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Commissioner Meyers expressed concern about the building height and inquired whether an exterior wall on Main Street might obstruct visibility. Associate Planner Richard responded that the Public Works Transportation team examined the triangle of visibility and reviewed the building, finding no issues with visibility along the corner of Main Street and Armstrong Street. Commissioner Meyers raised concerns about the sharpness of the turn radius onto Main Street, particularly if cars were parked adjacent to the driveway, which could exacerbate the issue. He suggested that painting a portion of the curb red to help address this concern, although he noted the potential downside of further reducing the limited street parking. Senior Civil Engineer Sharma responded that the City's Transportation engineers assessed the area and determined that there would likely be minimal potential conflicts along Armstrong Street and Main Street towards E Street, due to traffic patterns. However, he acknowledged that painting the curb red could be considered by the City at any time, as it falls under the City's control. In response to Planning Commissioner Meyers' inquiry about whether the restaurant owners were also the builders and if they were in agreement with tearing down their restaurant, Project Applicant Uday Sista stated that he owns the land and is assisting the restaurant owner in relocating to a different place. In response to Commissioner Meyers' inquiry about the availability of visitor parking spots, Associate Planner Richard explained that the Downtown Specific Plan does not mandate visitor parking and only requires one parking space per unit. Additionally, she noted that the project is subject eligible for the provisions of AB 2097, which exempts it from any parking requirements since it is within ½ mile of a major transit stop. In response to Planning Commissioner Meyers' concern about the security of leaving large Amazon or FedEx packages at the front door, Associate Planner Richard responded that there is a small wall, creating a private patio area, which would prevent people from easily accessing the front door. Commissioner Meyers noted that the applicant agreed to pay the affordable housing in-lieu fees of \$559,052, and if paid at building permit final, there would be an additional 10% fee. He questioned how the designation of payment timing is determined, whether it is decided by the builder or the owner. Associate Planner Richard responded that the applicant gets to choose whether they would like to pay the fees at building permit issuance or building permit final, and understand that the cost will be greater at building permit final. Commissioner Meyers asked if both fees, in addition to the parking impact fee of \$313,500, would be placed into the City's General Fund, and who decides how they are allocated. Associate Planner Richard responded that the Affordable Housing Fund is managed by the City's Housing Division to finance affordable housing projects and added that most of these park impact fees have been directed towards the La Vista Park development. Senior Civil Engineer Sharma added that by State law, the city must keep track of all development fees separately, as they cannot be commingled with the City's General Fund.

Commissioner Patterson raised a concern about the lack of regulations in the Downtown Specific Plan regarding Transportation Demand Management (TDM) strategies and asked if there was a way to incorporate TDM measures into the project to promote sustainable



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transportation practices and encourage the use of public transportation, such as providing transit passes. Planning Manager Lochirco responded that the City's broader objective is to develop a citywide TDM program, rather than addressing it project by project or site by site and mentioned that projects like this one, which are located close to major transit centers, provide an opportunity to promote TDM approaches. Planning Manager Lochirco added that implementing such strategies might be more challenging for for-sale units compared to rental projects and suggested that the applicant could consider promoting BART passes and other TDM measures. Commissioner Patterson asked if the homeowner association (HOA) has any role in the project, and Planning Manager Lochirco responded that the City is not responsible and does not have any legal authority to enforce or develop any HOA provisions. Additionally, he noted that it would be a requirement for the applicant to get the HOAs registered with the state and develop CC&Rs before selling the units. Commissioner Patterson referred to the neighbor's letter regarding the fence and wondered if staff or the developer could share more information in terms of height and how it might help with privacy concerns. Associate Planner Richard responded that the fence would need to comply with all applicable standards and codes; noted the fence could be no taller than four feet in the required front and street side yard, but could be up to seven feet in the required side and rear yards. In response to Commissioner Patterson's question about the allowable heights and how high they might make it to aid in the privacy of the neighbor, Mr. Sista responded that the plans addresses privacy concerns related to views into the bedroom and bathroom. Associate Planner Richard clarified the neighbor had concerns with the walkway that was against the other properties along the eastern side, and the applicant had agreed to put pedestrian gates on those two sides. Paulomi Upadyay, the architect designer, added that the landscape architect had converted the walkway into a completely landscaped softscape lawn and mentioned that the fence that shares the backyard with the neighbor would probably be 6 feet tall, and if allowed, it could be taller. She noted that the windows are kept very minimal on the third story of the building so that they do not have a direct view into the neighbor's yard.

Commissioner Goodbody raised concerns about mail security and identity theft in the city and asked if the applicant could possibly relocate the mailboxes to the rear of the development to enhance security. Paulomi Upadyay, the architect designer, responded that in the initial schematic designs, they had considered placing the mailbox in the corner. However, as the design developed and more discussions took place, they decided it was better to relocate it to a more publicly visible area. Dilip Krishnan, Civil Engineer for the project, expressed concerns about relocating the mailboxes to the back of the development, noting that moving the mailboxes there would require placing them against the property line at the dead end, leading to potential parking issues and garage blockages. He added that the mail carrier would face difficulties navigating to the back and making a three-point turn; and mentioned that while the current plan shows the mailboxes next to the entrance of one of the units, he expressed willingness to explore options for a better unit with a more robust locking system or other alternatives. Associate Planner Richard added that there have been other projects where the



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mailbox was placed in the rear of the site, but USPS has indicated concerns about the safety of their carriers and placing the mailboxes in a more visible location, such as near the entrance, is preferred for the safety and efficiency of mail delivery.

Commissioner Goodbody raised concerns about parking challenges and acknowledged that the City and Planning Commission cannot impose conditions on HOAs but suggested the applicant encourage residents to use their parking garages 30-60 days after they have moved in rather than using a spot on the street. Mr. Krishnan responded this is something they would encourage through the declaration of Covenants, Conditions, and Restrictions (CC&Rs) in the HOA rules.

Commissioner Franco-Clausen echoed comments made by fellow commissioners on the point regarding parking and asked if there were ways to mandate or implement policies that could encourage the use of parking garages; and encouraged making this a standard practice in all new developments to prevent additional traffic issues. Associate Planner Richard responded that the Hayward Municipal Code stipulates a minimum dimension clear of any obstructions in the garage, and the Code Enforcement Division frequently monitors this requirement. Planning Manager Lochirco added that the City conducted a Downtown Parking Study pre pandemic, examining supply and demand. He further noted certain programs like parking permit programs require a significant amount of staff resources.

Chair Lowe echoed the same concerns raised by Commissioner Goodbody regarding the mailboxes and asked the applicant about the materials that would be used for the mailboxes and to collaborate with staff not only on the location of the mailboxes but also on implementing a better locking system. Mr. Krishnan responded that they would commit to a robust plan to secure the mailboxes. Associate Planner Richard added that there was a single-family subdivision project on Mohr Drive, and they had used a higher gauge aluminum and then steel hardware, which was accepted by the Planning Commission and City Council and was amenable to working with the applicant team to review a similar approach for this project.

Commissioner Franco-Clausen suggested a design option used in Santa Clara County where they have new developments with locked tempered glass structure around their mailboxes, which required a key fob to enter and had cameras surrounding it; and explained the small structure effectively deterred people from attempting to break in, as it was made of glass and only accessible to authorized individuals.

Chair Lowe questioned staff on how they could address the mailbox concern in a Condition of Approval, stressing its importance. She proposed amending the conditions to mandate that the applicant collaborate with staff to incorporate upgraded materials or a steel base for the glass mailbox covering, ensuring the best option for the residents. Planning Manager Lochirco



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indicated that if the applicant agrees to certain additional security provisions as part of the project, they can likely include those provisions, but the Planning Commission cannot require anything beyond what the applicant consents to. Senior Assistant City Attorney Vigilia concurred stating that the project falls under SB330, and proposing a reasonable request to the applicant is permissible. Chair Lowe commented that she found the architecture to be quite industrial-looking and boxy, which she did not find aesthetically pleasing and asked the applicant about alternative designs or plans to address aesthetic concerns. Paulomi Upadaya, the architect designer, responded that they have been trying to maximize the client's request for the size of the rooms in each home while also accommodating other open space requirements and building height requirements, and added they are open to any specific suggestions to make it look better. Chair Lowe was curious about the purpose behind upsizing the trees to 36-inch boxes as opposed to 24-inch boxes. Associate Planner Richard responded that by upsizing to 36-inch boxes, the applicant is meeting the tree mitigation requirements since these larger trees are more expensive due to their maturity and as a result, they have a greater visual impact upon installation.

Chair Lowe commented on the absence of solar panels in the project despite it being solar panel ready. Planning Manager Lochirico clarified that installing solar panels is mandatory for any project built in the state. Chair Lowe then inquired about the presence of electric vehicle (EV) chargers or if the project was merely EV charger ready. Associate Planner Richard explained that the City's Reach Code mandates projects to be EV charger ready. Mr. Krishnan added that they could consider adding one charging point in each garage. Chair Lowe referred to Condition of Approval number 122, which stipulates that the applicant shall install street lighting along Armstrong Street as part of the project. She sought clarification on whether this installation would occur only during construction or if it referred to permanent street lighting. Associate Planner Richard clarified that this condition pertains to the installation of permanent street lighting. Chair Lowe inquired about the construction schedule for the project, expressing concern about potential traffic congestion during school drop-off and pick-up times for parents of students attending Bret Harte Middle School. She asked if there were any plans to schedule construction activities around the hours of 8:00 am to 8:30 am and in the afternoon around 3:00 pm to 3:30 pm to minimize traffic disruption during these peak times. Planning Manager Lochirico responded that as part of any construction, the applicant would be required to submit a traffic control plan to ensure that road closures do not occur during peak traffic times. Senior Civil Engineer Sharma confirmed that it is typical to limit construction hours between 9:00 am and 3:00 pm. Senior Civil Engineer Saebi added that staff monitors construction closely and adjusts working hours if significant traffic impacts are observed, aiming to mitigate disruptions effectively.

Commissioner Patterson questioned the architect about other design elements considered for the project. Ms. Upadaya responded that they had considered various options such as cladding or changing the roofline along Armstrong Street; and mentioned the use of stone glazing,



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different textures on stucco panels, and the addition of features on top of the elevation as potential design enhancements. Associate Planner Richard noted that the project had to comply with all objective design standards, and had to incorporate dividing bands, orioles, and other elements to break up the boxy façade and ensure compliance with the design standards. Commissioner Patterson questioned staff about the progress of the architectural design point system and whether it was applied to projects like this one. Associate Planner Richard responded that this project falls within the Downtown Specific Plan, which already has prescriptive design standards so the design point system does not apply here

In response to Planning Commissioner Meyers' question about any considerations for implementing awnings or similar architectural elements on the first floor along the long flat wall area as such features could potentially add dimension to the wall and enhance its visual appeal, Ms. Upadhyay responded that while it's possible to consider implementing awnings or similar architectural elements on the first floor, there are functional considerations to take into account, particularly concerning the kitchen, pantry, and counter on the second floor. Therefore, it may be challenging to incorporate such features on the upper level while maintaining functionality.

Chair Lowe received confirmation that staff had a preference for collecting in-lieu fees rather than including affordable housing units in small projects like this one, noting that managing one or two affordable housing units in smaller projects is challenging for staff and requires significant resources. Associate Planner Richard elaborated that the collected funds are directed towards addressing funding gaps in other affordable housing projects and there is currently a lengthy list of such projects awaiting funding.

Chair Lowe opened and closed the public comment period at 8:26 p.m.

Commissioner Patterson commended the applicant for addressing the Commissioners' questions and their willingness to consider suggestions; and acknowledged the resident who sent a letter outlining their concerns.

Chair Lowe expressed her desire to ensure that concerns regarding the mailboxes and architectural design are addressed. She emphasized that even if specific conditions are not included, she wants to feel confident that these issues will be resolved satisfactorily. Associate Planner Richard clarified that while she can offer recommendations to the applicant but lacks the authority to enforce architectural changes beyond what meets the objective standards. However, she believes the applicant has shown a willingness to collaborate and implement recommendations based on feedback received.

Commissioner Meyers expressed his desire to address the neighbors living next door to the project, recognizing their longstanding presence in the city; conveyed gratitude for the





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applicant only needing one parking spot but providing two; thanked the applicant for providing open space and for discussing fence arrangements; and requested that the applicant continue to work with the neighbor during the building process to minimize any potential struggles.

A motion to approve the staff recommendation was made by Commissioner Patterson and seconded by Commissioner Franco-Clausen.

The motion carried with the following roll call votes:

|          |   |
|----------|---|
| AYES:    | Commissioners Franco-Clausen, Goodbody, Meyers, Patterson<br>Chair Lowe |
| NOES:    | None  |
| ABSENT:  | Commissioner Stevens  |
| ABSTAIN: | None  |

#### **APPROVAL OF MINUTES**

3. Minutes of the Planning Commission Meeting on February 22, 2024 **(MIN 24-040)**

A motion was made by Commissioner Franco-Clausen, seconded by Commissioner Goodbody, to approve the meeting minutes of February 22, 2024.

The motion carried with the following roll call votes:

|          |   |
|----------|---|
| AYES:    | Commissioners Franco-Clausen, Goodbody, Meyers, Patterson<br>Chair Lowe |
| NOES:    | None  |
| ABSENT:  | Commissioner Stevens  |
| ABSTAIN: | None  |

4. Minutes of the Planning Commission Meeting on February 8, 2024 **(MIN 24-041)**

A motion was made by Commissioner Patterson, seconded by Commissioner Goodbody, to approve the meeting minutes of February 8, 2024.

The motion carried with the following roll call votes:



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

5. Minutes of the Planning Commission Meeting on October 12, 2023 **(MIN 24-042)**

The item was continued to the April 11, 2024, Planning Commission meeting as staff sought clarification on whether there was a motion to proceed.

**COMMISSION REPORTS**

**Oral Report on Planning and Zoning Matters**

Planning Manager Lochirco informed the attendees that the next Planning Commission meeting is scheduled for April 11, 2024, with one item related to the CIP Annual Capital Improvements Project list; and wished everyone a wonderful, safe, and enjoyable Easter, as well as a meaningful Cesar Chavez Day.

**Commissioners' Announcements, Referrals**

Commissioner Goodbody shared that she and Commissioner Franco-Clausen recently attended the League of Cities Planning Commissioners Academy in Long Beach; highlighted some key takeaways from the academy, including a deeper dive into the California Environmental Quality Act (CEQA) and SB35; emphasized the importance of understanding how state legislation, such as SB35, puts pressure on cities to develop streamlined procedures for affordable housing programs; and noted that gaining insight into the legislative process and its impact on local communities was valuable for understanding the work behind the scenes before items come before the Planning Commission.

Commissioner Franco-Clausen shared her perspective on the League of Cities Planning Commissioners Academy; described engaging in discussions about the challenges of implementing state decisions that may not always align with the needs of local communities; expressed excitement about learning more about the League of Cities and its investment in supporting City Councils and Planning Commissions; and highlighted the valuable insight gained into the extensive work carried out by Planning Departments.

**ADJOURNMENT**

Chair Lowe adjourned the meeting at 8:47p.m.



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**APPROVED:**

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Karla Goodbody, Secretary  
Planning Commission

**ATTEST:**

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Amber Parras  
Planning Commission Secretary  
Office of the City Clerk