

**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, January 9, 2020, 7:00 p.m.  
777 B Street, Hayward, CA 94541**

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**MEETING**

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

Commissioner Goldstein arrived at 7:05 p.m.

**CALL TO ORDER Pledge of Allegiance**

Commissioner Faria led in the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche, Goldstein  
CHAIRPERSON: Bonilla  
Absent: COMMISSIONER:

Staff Members Present: Brick, Buizer, Chan

General Public Present: 12

**PUBLIC COMMENT:**

There were none.

**PUBLIC HEARINGS:** For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Proposed Residential Development Consisting of Nine Detached Single-Family Homes with Six Accessory Dwelling Units on a Single Parcel Located at 25036-25096 Carlos Bee Boulevard (Assessor Parcel Number 445-0170-039-013) Requiring Approval of Zone Change and Tentative Tract map (8473) and adoption of a Mitigated Negative Declaration with Mitigation Monitoring and Report Program Application No. 201802159

Planner Manager Buizer provided a synopsis of the staff report and PowerPoint presentation.

Ms. Zohreh Gharaati, owner applicant, spoke about the proposed project and how it will add to the community. Ms. Gharaati said that they listened to the Planning Commission's suggestions and have made changes to the project. Ms. Gharaati said currently this is an



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empty lot, homeless people have camped there, there is rubbish and rodents and that she has cleaned up the area several times.

Ms. Joanne Wong, project architect, spoke about moving the project forward and how they have done several redesigns. Ms. Wong said they are willing to continue working with City staff on this project.

Commissioner Goldstein commented about a letter that has concerns that the proposed project would block their view. Mr. Goldstein said in viewing different iterations, there will be minimal impact to existing residents' views. Mr. Goldstein noted that there is not an ordinance that protects residents' views.

Planning Manager Buizer stated that there should not be traffic impacts as there has not been a lot of development in that area as the land was previously owned by Caltrans.

Commission Roche asked about the neighbor's concerns about slope stability and how the retaining walls would impact the area. Senior Civil Engineer Baquilar said that once all the plans have been submitted for building and grading permits, staff will be conduct a thorough review to ensure that all requirements for design, building, grading, construction and safety are met. Mr. Baquilar said there are earthquake setbacks and staff will make sure that the setback requirements are met. Planning Manager Buizer said the trees to be removed are part of the development footprint and the meandering path will be a usable pedestrian path that will offer access to the park that will be built at the western end of the property.

Commissioner Faria thanked the community for offering their concerns and thanked the developer and architect to listening to the community. Planning Manager Buizer said the California Energy Code requires the developer to prewire the units for vehicle charging stations. Ms. Faria would like parking accommodations in the Covenants, Conditions and Restrictions (CC&Rs) for the accessory dwelling (ADU) units.

Planning Manager Buizer responded to Commissioner Patton that this project was deemed complete prior to the effective date of the new State legislation that became effective on January 1, 2020. Ms. Wong responded to Mr. Patton regarding the placement of the front doors that the developer was encouraged to have a design element along Carlos Bee Boulevard which includes the placement of the front door away from Carlos Bee. Ms. Wong said the design intent was to make sure the placement of front doors, windows and garage doors were all cohesive.

In response to Commissioner Andrews's questions about neighborhood outreach, Ms. Gharaati said that she attempted to meet with the neighbors but did not receive a response.



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Ms. Andrews expressed continued concerned about the traffic impacts from Overlook Avenue. Planning Manager Buizer said the appropriate time to look at the potential traffic impacts for the area will be during the environmental analysis for future projects as development in Parcel Group 6 will incorporate this proposed project as part of a collective analysis.

Ms. Wong responded to Commissioner Stevens that pathways can be added for the ADUs that orient towards the Carlos Bee Boulevard sidewalk for access to the university. Ms. Wong said the developer was also thinking about the ADUs being utilized for aging in place residents.

Planning Manager Buizer responded to Chair Bonilla that staff will continue to work with AC Transit and the university to have shuttle service and bus stops. Ms. Buizer said as the development of Parcel 6 moves along, there will be more residents that equates to mass for the public transit agency to consider providing more public transit access for residents. Chair Bonilla echoed traffic impact concerns.

Chair Bonilla opened the public hearing at 7:36 p.m.

Mr. Paul Hancock, Hayward resident, has concerns that the construction will impact the neighborhood below and can jeopardize the stability of the slope. Mr. Hancock said that existing residents have made improvements to their properties to avoid impact from the slope. Planning Manager Buizer said that all plans are public record and Mr. Hancock is welcome to review the plans in the Planning Department. Ms. Buizer noted that the proposed development is on the flattest part of the property as the developer is not building on the steepest part of the project site.

Mr. Tuan Nguyen, Hayward resident, has the same concerns as Mr. Hancock about how the project will impact their homes and would like the developer to build retaining walls to protect the existing neighborhood. Mr. Nguyen said there are existing traffic impacts and parking issues. He spoke about an existing apartment development whose residents are already are parking in their area.

Ms. Sara Hancock, Hayward resident, echoed the frustration of Mr. Nguyen and spoke against the project. Ms. Hancock is pleased about the reduction in the number units and spoke about existing parking impacts from both existing apartment residents and college students.

Chair Bonilla closed the public hearing at 7:47 p.m.

Commissioner Faria said that the eighteen parking spaces is significant and goes towards



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meeting the needs of the residents and asked about the view impact to the existing residents. Planning Manager Buizer provided visuals of the plan for the Commission that shows that the proposed development poses minimal view impact as there is grade differential between the proposed project and existing homes above. Ms. Buizer said the developer did their best to not impact existing residents.

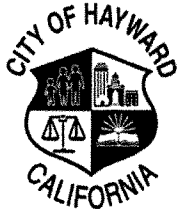
Commissioner Patton thanked the applicant for listening to the Commission and commended them for the positive design changes to reduce density and developing a design compatible with the surrounding neighborhood. Mr. Patton noted that the City does not have a view protection ordinance and from the project plans the view impact will be minimal. He said infill process is challenging and difficult and that even with the ADUs the parking is adequate and is more than has been seen in other projects. Mr. Patton supports the project.

Commissioner Andrews thanked the developer for having a work session which provided the opportunity for the community to come out and share their concerns. Ms. Andrews has concerns about potential traffic impacts as more developments are built in this area and trusts that staff will be reviewing all future projects and will look at the overall traffic impacts to the area. Ms. Andrews said the City is in desperate need for housing and agrees with her fellow Commissioners that the parking is more than adequate. Ms. Andrews said the applicant listened to the Commission's recommendations and encouraged the applicant to continue outreach to the neighborhood and educate them on the safety of the design.

Commissioner Stevens said this is a great project and a successful design of a geographically constrained site. The applicant confirmed that there was a geotechnical study conducted. Mr. Stevens encouraged the applicant to work with and educate the neighbors on the project's details on the design and safety factors specifically for the slope and retaining wall and the overall project.

Commissioner Roche appreciated the work of staff and the applicant for reducing the density and encouraged the applicant to continue her community outreach efforts to educate them on the design and regarding the stability of the slope. Ms. Roche likes the amount of parking and suggested residents contact staff about a residential parking permit program for Overlook Avenue since their parking is being impacted by Cal State students parking there all day. Ms. Roche agreed with Commissioner Stevens suggestion for a pathway to Carlos Bee Boulevard from the ADUs.

Commissioner Goldstein thanked staff and the applicant for the collaborative effort on the proposed project. Mr. Goldstein hopes that the fact that a geotechnical study has been conducted and a geologist will be continuing to survey the project during the grading and development phases will ease the neighbors' concerns. Mr. Goldstein said the grade difference between existing homes and the proposed project will result in minimal view



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impact. Mr. Goldstein encouraged residents to work with their employers to be able to work from home.

Chair Bonilla appreciates the collaborative effort between staff and the developer which has resulted in the reduction in units, inclusion of ADUs and a nice design that fits in with the surrounding neighborhood. Mr. Bonilla said as Caltrans properties are developed that there be a continued effort to look at the developments as a whole in order to mitigate potential traffic impacts.

Commissioner Patton made a motion, seconded by Commissioner Goldstein, to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Stevens, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### **APPROVAL OF MINUTES**

2. Minutes of the Planning Commission Meeting of December 12, 2019.

Commissioner Roche made a motion, seconded by Commissioner Andrews, to approve the Planning Commission Meeting Minutes of December 12, 2019. The motion passed with the following votes:

The motion passed with the following vote:

AYES:	Commissioners, Andrews, Faria, Patton, Roche, Goldstein Chair Bonilla
NOES:	None
ABSENT:	None
ABSTAIN:	Stevens

#### **COMMISSION REPORTS**

***Oral Report on Planning and Zoning Matters:***

Planning Manager Buizer requested the Commission provide responses to attend future trainings.



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***Commissioners' Announcements, Referrals:***

Commissioner Patton requested staff provide new legislative updates to the Commission.

Commissioner Andrews announced an item regarding incentivizing housing is on the City Council Work Session agenda for next Tuesday, January 14, 2020.

**ADJOURNMENT**

Chair Bonilla adjourned the meeting at 8:10 p.m.

**APPROVED:**

A handwritten signature in black ink, appearing to read "Julie Roche", is written over a horizontal line.

Julie Roche, Secretary  
Planning Commission

**ATTEST:**

A handwritten signature in black ink, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary  
Office of the City Clerk