



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, May 25, 2017, 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 Enders.

**SALUTE TO FLAG**

Commissioner Parso-York led in the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Goldstein, Parso-York, Schott, McDermott, Faria  
CHAIRPERSON: Enders  
Absent: COMMISSIONER: None

Staff Members Present: Bailey, Buizer, Chan, Fakhrai, James, Lawson, Martinez, Neklason, Nguyen, Nichols, Nordahl, Rizk, Vigilia

General Public Present: 7

**PUBLIC COMMENT:**

There were none.

**WORK SESSION:**

1. Review Draft

Planning Manager Buizer introduced the item and provided a background overview of the Complete Communities Strategic Initiative. Ms. Buizer provided a synopsis of the staff report.

Community Services Manager Bailey provided a synopsis of the first two goals, Goal #1: Quality of Life for residents, business owners and community members in all Hayward neighborhoods; Goal #2: Provide a mix of housing stock for all Hayward residents.

Planning Manager Buizer gave a synopsis of Goal #3: Develop a Regulatory Toolkit for Policy Makers, and provided the next steps.

Planning Manager Buizer explained for Chair Enders that vice sales include the



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sale of cigarettes, tobacco, cannabis, and alcohol. Ms. Buizer said staff will be exploring linking fees to commercial development, such as park-in-lieu fees, which is currently linked to residential development, to offset development impacts to parks and open space, while at the same time balancing priorities so to not deter business development in the City.

Commissioner Faria said she was impressed with the action plan and hoped the plan can be accomplished within the two-year period. Ms. Faria was glad to see affordable housing addressed with inclusionary housing and the one-stop shop will be helpful. In response to Ms. Faria's question about addressing property owners who are reluctant to sell properties, but at the same time not keeping their property in good repair, Planning Manager Buizer said there are elements in the plan to address this issue and a purpose of having interdepartmental teams is to have collaboration on efforts and that one of the ideas is to explore a vacant building ordinance and noted the Code Enforcement Division will be involved in developing the ordinance as they will be tasked with enforcing it. Community Services Manager Bailey responded to Ms. Faria's question regarding the employee survey, indicating that all employees take the annual Employee Satisfaction Survey. Ms. Faria said she was glad to hear about the inclusion of micro-units and this issue explored as this could provide opportunities for housing for different ages and incomes. Ms. Faria indicated she was also glad to know that there will be regulations explored for growing cannabis. Ms. Faria concluded by indicating she liked the Complete Communities Strategic Initiative Two-Year Action Plan and that it will provide improvements to the City.

Commissioner Parso-York indicated he was very impressed with the plan and the methods of measuring success. In response to Mr. Parso-York's questions regarding policy for size of sidewalks and parking to make sidewalks feel safer, Planning Manager Buizer said these policies will most likely be a part of the Complete Streets Strategic Initiative and that the two other strategy groups would work closely to make sure there is not too much overlap, but working together to achieve what Council has envisioned. Mr. Parso-York thanked staff for encouraging residents to participate in the community emergency disaster preparedness training.

In response to Commissioner Schott's questions about how does affordable housing work in owner-occupied properties, City Attorney Lawson said the affordable housing policy has gone through several changes the past couple of years, units can either be integrated into the development or developed offsite, or developers can pay an in-lieu fee. Mr. Lawson said there are some legal principles that allow project proponents some options so it is not an absolute condition that Council or Planning Commission can impose on every development. The City Attorney noted on the rental side, there is litigation about the in-lieu fees as developers currently can opt to pay the in-lieu fees and then these fees go into a fund to fund affordable housing units. Mr. Lawson said Council is going to look at inclusive affordable units later this year. Development Services Director Rizk added that there are



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recorded deed restrictions and an elaborate set of regulations for affordable inclusionary housing that restricts an owner from turning around and selling the affordable housing unit at market rate prices. Mr. Rizk responded to Mr. Schott that our in-lieu fees are lower than surrounding communities. Mr. Lawson said the fees are tied into a nexus and this item will be on Council's fall agenda to conduct an update to the nexus fee study. In response to Mr. Schott's question regarding funding the Homework Support Centers, Community Services Manager Bailey said the centers are funded through the Community Development Block Grant (CDBG) and not funded through the Hayward Unified School District (HUSD). Ms. Bailey noted through the success of the homework centers other funding has come forward and the centers are becoming self-sustaining. Ms. Bailey said the federal budget has not been approved yet, but the City is planning in advance if there are reductions to CDBG funding and will continue to fund programs that demonstrate that they are data driven, evidenced based, and show continuous improvement that will allow them to remain the City's highest priorities. Mr. Rizk said the City does not have any control on HUSD impact fees, there are regulations and policies that govern these fees and what these funds can be used for. Mr. Rizk said the City receives park-in-lieu fees and when requested by the Hayward Recreation and Park District (HARD), the City then issues the funds to HARD. Mr. Rizk said the initiatives' action plans are not all new programs, but incorporate a lot of existing programs and allocation of funds that will be considered by City Council as part of the budget discussions. Mr. Rizk said there will probably be a September work session with Council as the initiatives get going. Ms. Bailey said the City is working with other regional partners through an organization called Everyone Home, which allows each jurisdiction to develop policies to address the crises in their communities.

Chair Enders opened the public hearing at 7:54 p.m.

Mr. Curtis Eisenberger, Oakland resident, requested Planning Manager Buizer to reiterate the items for June meetings. In response, Ms. Buizer responded there will be a June 13, 2017, City Council Work Session on the three Strategic Initiatives and a June 27, 2017, Council meeting, when the Strategic Initiatives are scheduled for adoption.

Chair Enders closed the public hearing at 7:59 p.m.

Commissioner McDermott complimented staff on the choice of the team members as it is comprised of staff who are out in the community doing the work. Ms. McDermott suggested that the City take a bold approach to make affordable housing a requirement and not an option to pay in-lieu fees as the situation is worsening and the affordable housing stock is decreasing. Ms. McDermott said she is a strong proponent of affordable housing and is gratified that the City Council will be taking up the torch of affordable housing. In response to Ms. McDermott's question of prioritizing neighborhoods that have the greatest need, Community Services Manager Bailey said the Tennyson Corridor will be the first area



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addressed as the pilot area and then as ideas are implemented, there will be a two-year review to see what worked, with successful ideas to be implemented in other neighborhoods. Ms. Bailey said Council will help identify and prioritize the neighborhoods. In response to Ms. McDermott's questions about the Employee Satisfaction Surveys, Planning Manager Buizer said this was an employee engagement survey, which included questions to help determine if the employees feel engaged, what are the areas that employees feel more training is needed, is management going in the right direction, and do they feel they are part of the whole. Ms. Buizer said the results are shared with the employees anonymously. Ms. McDermott said it is important to have the Employee Survey in place and commended staff on the Strategic Initiative.

Commissioner Willis said he envisioned two community models: a smaller community with a smaller footprint that the City can easier serve, and a community that is more spread out that can be challenging for City services; and asked which model would the City prefer. Planning Manager Buizer responded that the City is moving towards an urban development framework, with the idea to create complete neighborhoods that accommodate multi-modal transportation, close to transit, easy access to services, housing, jobs, with plenty of open space and recreational opportunities. Mr. Willis would like to see a requirement of complete communities that also incorporates complete streets. Community Services Manager Bailey commented that Hayward is a diverse community where there are multi-generational families and the City is hoping to address these issues with the Complete Communities Strategic Initiative. Mr. Willis commented that complete communities must be pedestrian and bicycle friendly and noted there are areas where the sidewalk just ends and then the public is walking in dirt areas.

In response to Commissioner Schott's question about the recent housing bond that was just passed, Community Services Manager Bailey said this was an Alameda County housing bond and City staff is currently researching different types of services and noted that some of the funding will be used to build affordable housing, rental assistance, and housing rehabilitation. Ms. Bailey said staff will know more as it gets closer to July.

Commissioner Goldstein commented that the homeless issue is complex, there is a desperate need for veteran housing and he would like to see an integrated care program. Community Services Manager Bailey said that housing and homelessness is being addressed on a regional level through the Everyone Home Initiative and there will also be funding in the next fiscal year where housing will be addressed in a uniform method across the county. Ms. Bailey said the current priority is to implement the homeless coordinated entry system across the county for anyone who needs access to services, and as resources become available, persons will be assessed based on their needs and then placed. Ms. Bailey said the goal across the county is to locate permanent affordable housing. Ms. Bailey said a survey was conducted in January that indicates that the veteran homeless population is going down, but youth homeless numbers



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are increasing due to low paying jobs and high cost of housing. Mr. Goldstein congratulated the team on a job well done.

Commissioner Parso-York thanked Commissioner Goldstein on his comments about homeless veterans. In response to Mr. Parso-York, Community Services Manager Bailey said staff is working with different organizations such as Abode Housing, Downtown Streets Team and that this is a multi-agency effort to address the homeless issue, including the faith-based community, behavioral health, housing, and health services.

Chair Enders thanked staff involved in the Complete Communities Strategy and reiterated Commissioners' comments regarding: the need for vice taxes, encouraged residents to participate in the Community Emergency Preparedness Training, the need for affordable housing, concerns regarding the homeless issues, and the question of what is a complete community.

Chair Enders made the following recommendations for the goals: Goal #1 - Improving Quality of Life, Ms. Enders referenced the February 28, 2017, Council Work Session Minutes, which referenced a performance measure to develop a GIS system that can show residents where and how close services are in their communities; Goal #2 - Housing Stock that includes affordable housing opportunities and resources; develop a performance measure that gets the homeless off the street and emphasizes the need for mental health services - Ms. Enders noted there is a direct correlation between the visibility of the City's homeless population and how this can lower the number of new businesses and residents coming to the City; Goal #3 - Develop a Regulatory Tool Kit for Policy Makers, Ms. Enders noted the performance measures do not necessarily align with the objectives, but she agrees with the objectives. Ms. Enders referred staff to the February 28, 2017, Council Work Session regarding comments on policy that can be used as performance measures: create balanced developments that have housing, recreation use, commercial use, affordable housing and attractive elements, require contributions toward shuttles in certain areas, and consider open space requirements. Ms. Enders recommended a performance measure to conduct a study on which areas are underserved so the City can inform the developer which areas are going to require shuttles at the beginning of the process. Ms. Enders also suggested revisiting the open space requirements. Ms. Enders commented that this is a great two-year plan and that the arts-in-lieu fees is an excellent idea. Ms. Enders provided the Neighborhood Completeness Indicator documents for the record.

**PUBLIC HEARINGS:** For agenda item No. 2 and No. 3, the Planning Commission may make a recommendation to the City Council.

2. Recommended FY 2018 – FY 2027 Capital Improvement Program



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Public Works Director Fakhrai provided a synopsis of the staff report.

Chair Enders thanked staff for their commitment and hard work in ensuring that services are available to the public.

In response to Chair Enders question about the Sulfur Creek Mitigation and to protect migratory fowl from encountering airport traffic, Public Works Director Fakhrai said since the incident in New York where a flock of birds flew into an airplane, the Federal Aviation Administration has been very strict about open water that attracts birds. Mr. Fakhrai said this is a safety issue as there is an open channel that crosses two main runways that attracts birds and that in this situation, safety is a higher priority than environment. In response to Ms. Enders questions regarding the length of time to replace the 300 miles of cast iron and cement asbestos pipe at a rate of four to six miles annually, Mr. Fakhrai responded that replacing the pipes is a priority, but is very expensive and time-consuming and is a major impact to the community. In response to Ms. Enders' question if the pipe replacement work can be done the same time that the streets are being fixed, Mr. Fakhrai said if it is feasible it can be done and noted that the paving of streets are done very quickly within a day or two, but the replacement of the pipes take several months for each street.

In response to Commissioner Schott's question if the cost of the high-speed Hayward fiber optic project at \$3.3 million is correct, Public Works Director Fakhrai confirmed that the preliminary cost indicated in the staff report is correct. Public Works Director Fakhrai elaborated that the cost is adequate to complete the loop, utilizing a combination of new and existing segments as the City currently has miles of fiber optic lines, indicating once the Master Plan goes to the Council Technology Committee and then to Council, then staff can start the design. Mr. Fakhrai said once the fiber optic cables are installed throughout the City, individual businesses can subscribe to a company like AT&T for fiber optic service.

Commissioner Parso-York commented on the shortfall of funding for paving projects. Public Works Director Fakhrai said since the passage of Senate Bill 1, the City will receive an additional \$2.5-\$3 million per year from the State from gas taxes to be used for the completion of paving projects. Mr. Fakhrai said the City needs approximately \$15 million annually to maintain and improve the condition of the roadways. Mr. Fakhrai spoke about the Pavement Management Program, which is a regional software program adopted by the Metropolitan Transportation Commission. This program helps identify the streets that are the best candidates for the limited funding and at that time if there are any repairs that need to be made to sidewalks, curb or ramps, then these repairs are done at the same time, noting that such repairs fall under the complete streets efforts. In response to Mr. Parso-York's questions regarding improvements to Main Street and a traffic study that was to be done after the completion of the Downtown loop, Mr. Fakhrai said the project will include improvement of Main Street between A and D Streets. Regarding the traffic study, the



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Downtown Specific Plan will be addressing all downtown and neighborhood streets to reduce congestion and speeding.

Commissioner Goldstein thanked staff for their hard work and asked staff to consider solar powered fuel cell filling stations that can be used for fleet cars. In response to Mr. Goldstein's request to fix the Industrial Parkway roadway, including the tree root barriers, Public Works Director Fakhrai said this is a heavily traveled road by not only cars, but heavy trucks and equipment. Mr. Fakhrai said there is a more detailed pavement rehabilitation project planned for this summer or next and he will have staff look at the root damage.

In response to Commissioner Willis Jr.'s questions about adequate signage, claim that there are long stretches of streets with no advanced warning of no pedestrian access, and question asking why doesn't the City use rubber asphalt which is more durable and longer lasting, Public Works Director Fakhrai responded when staff makes major street improvements, staff looks at the Americans Disability Act (ADA) access and will install signage as necessary. Mr. Fakhrai explained that rubber asphalt is typically cost effective and used only for large projects such as freeways.

Chair Enders opened and closed the public hearing at 8:55 p.m.

In response to Commissioner Schott's question about developers who are required to do street improvement if those funds are included in the staff report, Mr. Fakhrai said they were not included when developers do the work themselves or enter a deferred improvement agreement where the property owners commit to pay the City to do the work. In response to Mr. Schott's question regarding a recent issue, Mr. Fakhrai confirmed that new software was installed that overwhelmed the system and all the traffic signals on Industrial Parkway were flashing red and the issue was resolved at about 2 a.m. Mr. Fakhrai also confirmed that the Hayward Police Department was also alerted to the problem.

Chair Ender's emphasized her support of three items, which are all excellent uses for Hayward's tax dollars: the construction of a new water well in case the City loses service from San Francisco Public Utilities Commission, the development of the new Master Plan for recycled water program, and the Police Mobile Command Center.

A motion was made by Commissioner Willis Jr., seconded by Commissioner McDermott, to approve the staff recommendation. The motion carried by the following vote:

AYES: Commissioners Willis Jr., Goldstein, Parso-York, Schott, McDermott, Faria



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	Chair Enders
NOES:	None
ABSENT:	None
ABSTAIN:	None

3. Proposed Single-Family Residence on a Vacant 0.87-Acre Hillside Lot Located at 26446 Parkside Drive, Requiring Site Plan Review and Grading Permit Approval, Application No. PL 201505614; and the Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Richard Jansen (Applicant) on behalf of Neng Zhang (Property Owner)

Planning Manager Buizer introduced Assistant Planner Martinez.

Assistant Planner Martinez provided a synopsis of the staff report and recommendation.

Chair Enders opened and closed the public hearing at 9:07 p.m.

In response to Commissioner Willis Jr.'s question regarding any objections from the community besides the one noted in the staff report, Assistant Planner Martinez said there were general inquiries from the neighbors and the inquiry mentioned in the staff report related to a general concern that street improvements will be implemented. In response to Mr. Willis' question about property easements, Mr. Martinez said it is common in this area, which is also identified in the Hayward Highlands Neighborhood Plan, that many properties in this area do have conservation easements similar to this property, mainly to preserve the natural terrain of the properties and to prevent excessive development. Mr. Martinez confirmed for Mr. Willis that the conservation easement will be preserved for this property.

In response to Chair Ender's question about a preexisting concrete slab, Assistant Planner Martinez said there was a previous application in 2007 that was withdrawn and there was not any historical data on the existing concrete slab. In response to Ms. Ender's question regarding the City's liability in regards to approving this application to allow building on a property with a 20% grade, Senior Assistant City Attorney Vigilia said the property owner is developing at their own risk based on the site's topography. Mr. Martinez added the liability would be on the professionally licensed geotechnical engineer who provides the geotechnical report and recommendations, as well as the other licensed engineers and architects involved.

In response to Commissioner McDermott regarding the average slope of the site exceeding 20%, Assistant Planner Martinez said the applicant will be developing about 120 feet from the property line, there is a conservation easement and the slope average is 25%. In response to Commissioner McDermott's question about who maintains the streets in the area as they are





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in disrepair and full of potholes, Public Works Director Fakhrai said the Old Highland Area was annexed to the City 55 years ago and the property owners were assessed for the sewers and water, but there was a lawsuit for the City's street maintenance assessment as property owners felt it was too high and the City stopped collecting the assessment. Mr. Fakhrai further indicated that the City will make safety repairs on the street as necessary and noted the cost would be approximately \$11 million to repair the streets in the Old Highland area. Mr. Fakhrai explained for Ms. McDermott that the applicant can make street repairs when he builds or he can defer to a later date.

Commissioner Schott noted he was chair of the Highland Neighborhood Task Force in the 1960's. Mr. Schott said this is a great project, but cautioned the applicant to look at his oak trees and shared that in the 1900's, development in that area were cabins.

In response to Commissioner Faria's comment about mitigation efforts by installing retaining walls to address the grade issue, Assistant Planner Martinez confirmed that there will be below grade foundations and all retaining walls will be in compliance with the City's maximum height and wall regulations.

Chair Enders shared that she has relatives that were displaced because of the Loma Prieta earthquake.

A motion was made by Commissioner Schott, seconded by Commissioner Faria, to approve the staff recommendation. The motion passed with the following vote:

AYES:	Commissioners Willis Jr., Goldstein, Parso-York, Schott, McDermott, Faria Chair Enders
NOES:	None
ABSENT:	None
ABSTAIN:	None

#### **APPROVAL OF MINUTES**

4. Minutes of the Planning Commission Meeting on May 11, 2017  
A motion was made by Commissioner Willis Jr., seconded by Commissioner Faria, to approve the minutes of the Planning Commission Meeting of May 11, 2017. The motion carried with the following vote:

**5:0:2 (AYES: Willis Jr., Goldstein, Schott, McDermott, Faria; ABSENT: Enders, Parso-York)**



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**COMMISSION REPORTS**

**Oral Report on Planning and Zoning Matters**

There were none

**Commissioners' Announcements, Referrals**

Commissioner Schott reported that he has been in contact with the Code Enforcement Division and there has been a lot of progress on the illegal truck stop on Industrial Parkway near the bridge. Chair Enders announced that she applauds the City Council for their progress on affordable housing at the May 16 and May 23, 2017 meetings, and that Council has given staff direction to develop a short and long term plan for inclusionary and affordable housing as well as the possibility of increasing the in-lieu fees. Commissioner Parso-York said it was with sadness that he will be resigning from the Planning Commission due to personal reasons, effective immediately. Mr. Parso-York said he has enjoyed his time on the Planning Commission, serving with his fellow Commissioners and working with staff. Mr. Parso-York thanked his fellow Commissioners for the time and experience. Chair Enders wished Mr. Parso-York the best of luck and thanked him for all his contributions to the City.

**ADJOURNMENT**

Chair Enders adjourned the meeting at 9:25 p.m.

**APPROVED:**

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Julius Willis Jr., Secretary  
Planning Commission

**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk