

CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov



CITY OF
HAYWARD
HEART OF THE BAY

Agenda

Thursday, March 12, 2020

7:00 PM

Council Chambers

Planning Commission

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

CALL TO ORDER Pledge of Allegiance: Commissioner Goldstein**ROLL CALL****PUBLIC COMMENTS**

The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action.

ACTION ITEMS

The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item.

WORK SESSION

Work Session items are non-action items. Although the Commission 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. [WS 20-012](#) SB743 Work Session on Level of Service (LOS) to Vehicle Miles Traveled (VMT) Analysis

Attachments: [Attachment I Staff Report](#)
[Attachment II Proposed VMT Threshold Maps](#)

APPROVAL OF MINUTES

2. [MIN 20-036](#) Minutes of the Planning Commission Meeting of February 27, 2020

Attachments: [Attachment I Draft Minutes of February 27, 2020](#)

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters

Commissioners' Announcements, Referrals

ADJOURNMENT

NEXT MEETING, MARCH 26, 2020, 7:00PM

PLEASE TAKE NOTICE

That if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing.

PLEASE TAKE FURTHER NOTICE

That the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

****Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.



CITY OF HAYWARD

Hayward City Hall
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File #: WS 20-012

DATE: March 12, 2020

TO: Planning Commission

FROM: Planning Manager

SUBJECT

SB743 Work Session on Level of Service (LOS) to Vehicle Miles Traveled (VMT) Analysis

RECOMMENDATION

That the Commission review the report and provide feedback on the proposed local land use thresholds for Vehicle Miles Traveled (VMT) related to CEQA impact analysis, which requires an amendment of the *Hayward 2040 General Plan*.

SUMMARY

SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving. The change is being made by replacing LOS with vehicle miles of travel (VMT) and providing streamlined review of land use and transportation projects that will help reduce future VMT growth. This shift in transportation impact focus is expected to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, increase the mix of land uses, and improve public health with more multimodal transportation networks.

City staff and the transportation consultant, Nelson\Nygaard, will present information about the new SB743 regulations and present proposed changes to the CEQA guidelines to identify Vehicle Miles Traveled (i.e., vehicle usage) as the metric to evaluate a project's transportation impacts. The proposed changes will require the adoption of new local thresholds to identify traffic impacts and will require an amendment to the *Hayward 2040 General Plan*. Currently, the City has Level of Service (LOS) as the threshold used in CEQA evaluations and the proposed changes would replace the current LOS thresholds with new VMT thresholds.

ATTACHMENTS

Attachment I Staff Report

Attachment II Proposed VMT Threshold Maps

File #: WS 20-012



SUBJECT

SB743 Work Session on Level of Service (LOS) to Vehicle Miles Traveled (VMT) Analysis

RECOMMENDATION

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SUMMARY

SB 743 changes the focus of transportation impact analysis in CEQA from measuring impacts to drivers, to measuring the impact of driving. The change is being made by replacing LOS with vehicle miles of travel (VMT) and providing streamlined review of land use and transportation projects that will help reduce future VMT growth. This shift in transportation impact focus is expected to better align transportation impact analysis and mitigation outcomes with the State's goals to reduce greenhouse gas (GHG) emissions, encourage infill development, increase the mix of land uses, and improve public health with more multimodal transportation networks.

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BACKGROUND

In September 2013, Governor Brown signed Senate Bill (SB) 743, which creates a process to change the way that transportation impacts are analyzed under CEQA. Specifically, SB 743 requires OPR to amend the CEQA Guidelines to provide an alternative to Level of Service (LOS) for evaluating transportation impacts. Particularly within areas served by transit, those alternative criteria must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." (Public Resources Code Section 21099(b)(1).)

The purpose of SB743 was to better align transportation impacts analysis under CEQA with the State's goals of reducing greenhouse gas emissions and traffic-related air pollution as well as promoting multimodal transportation networks and a diversity of land uses. Under the

existing framework of congestion-based analysis using LOS, infill and transit-oriented development is often discouraged because such projects are in areas with high vehicle volumes and/or constrained right of way, which contributes to existing traffic congestion. As policymakers and legislators have recognized, congestion-based analysis does not necessarily improve the time spent commuting and is often at odds with state goals of reducing vehicle usage and promoting public transit. A frequent solution to reducing LOS at intersections is to increase overall roadway capacity (such as constructing new roadways or adding travel/turn lanes to existing roadways), which studies have found can lead to an increase in system-wide congestion and an increase in travel time. Additionally, LOS does not accurately reflect comprehensive vehicle travel as it only focuses on individual local intersections and roadway segments and does not evaluate the entire vehicle trip.

VMT is not a new tool for assessing environmental impacts under CEQA. It is used to assess a project's impact on greenhouse gas emissions, air quality, and energy. Using VMT per capita for analyzing transportation impacts emphasizes reducing the number of trips and distances vehicles are used to travel to, from, or within a development project. Projects located near transit and/or within infill areas have lower VMT per capita than projects in rural or undeveloped areas because there are more opportunities to walk, bike and take transit or to take short trips. The shift to VMT per capita analysis under CEQA is intended to encourage the development of jobs, housing, and commercial uses in closer proximity to each other and to transit and discourage development of projects in more rural parts of the City.

In December 2018, the Governor's Office of Planning and Research (OPR) published their latest Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory) to assist lead agencies in implementing SB 743. This document includes methods for determining screening thresholds and significance thresholds. Prior to the release of the final OPR Technical Advisory, multiple cities adopted VMT-based analysis requirements, providing case studies of practical approaches to establishing VMT-based thresholds for environmental review.

In January 2019, the Natural Resources Agency finalized updates to the CEQA Guidelines including the incorporation of SB 743 modifications. The Guidelines changes were approved by the Office of Administrative Law and are now in effect. Specific to SB 743, Section 15064.3(c) states, "A lead agency may elect to be governed by the provisions of this section immediately. **Beginning on July 1, 2020, the provisions of this section shall apply statewide.**"

As a result of SB 743, traditional measures for mitigating congestion (e.g., widening roads, adding turn lanes, and making similar investments that expand vehicle capacity) will now be replaced with measures that mitigate additional driving, such as increasing transit options, facilitating biking and walking, changing development patterns and managing parking. To effectively implement transportation analysis required under SB 743, Nelson Nygaard evaluated the existing legal framework, reviewed applicable policies and programs that support a new approach to traffic impact analysis, analyzed the City's existing development and environmental review process, and considered the outreach and communication needs to build a coalition of support.

Stakeholder Interviews. In an effort to understand current and future transportation analysis needs in the City of Hayward, Nelson Nygaard completed a comprehensive review and analysis of the existing policies and practices contained within various policy documents (*Hayward 2040 General Plan*, Climate Action Plan, Bicycle Master Plan, etc.) and additionally conducted extensive interviews with various local stakeholders, including City staff, transit agencies, private developers, and community organizations. In the process of interviewing these stakeholders, several key themes emerged including:

- **Hayward's development review process can be improved:** Stakeholders identified the need to make the process more streamlined and predictable. Several stakeholders noted the increased costs of development due to a process that is vulnerable to delay and exposed to litigation risks late in the process.
- **Hayward's transportation system needs to become less car centric and more multimodal:** In the past, the development review process has focused on the mitigation of impacts to drivers rather than impacts to people who walk, bike, or use public transit.
- **Engineering and transportation staff use vehicle analysis to inform traffic operation needs, and want to maintain a measurement of automotive delay outside of CEQA:** Stakeholders identified the need to better communicate potential transportation impacts of a project to the public, and that using intersection Level of Service (LOS) does a poor job of communicating vehicular delay.
- **Transportation topics in which people are most interested:** At public meetings today, the most vocal and visible stakeholders are most concerned about pedestrian safety, overall vehicle volumes, travel times, and neighborhood traffic intrusion.
- **Transportation mitigations need updating:** The current process focuses on the mitigation of traffic impacts and doesn't require mitigations to support lower VMT.
- **Additional mechanisms, such as adoption of a transportation impact fee (TIF), could further support a transition from LOS to VMT per capita:** The City has initiated a Citywide Multi-Modal Study to study how a transportation impact fee could be implemented. The study will be helpful in creating the tools needed to simplify the development review process and ensure the City receives contributions from developers even when LOS mitigations are no longer required under CEQA.

When drafting the local VMT thresholds, Nelson Nygaard considered stakeholder feedback and recognized the ongoing efforts by the City to expand the multimodal network.

DISCUSSION

As mentioned above, SB 743 requires OPR to revise the CEQA Guidelines to provide alternative criteria for evaluating transportation impacts to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses. Once the CEQA Guidelines are amended to include new thresholds, automobile delay, as described by LOS or similar measures of vehicular capacity or

congestion, will no longer be considered a significant impact under CEQA, and will be replaced by VMT per capita.

While the City has the discretion to set thresholds of significance for what constitutes a significant impact in CEQA, the criteria for determining the significance of transportation impacts must promote the reduction of greenhouse gas (GHG) emissions, develop multimodal transportation networks, and create a greater diversity of land uses. As such, OPR recommends cities adopt quantified thresholds for residential, office, and retail land use since these land uses have the greatest influence on VMT per capita. Figure 1 shows the thresholds of significance recommended by OPR and the thresholds recommended by staff. Maps that reflect the proposed VMT per capita thresholds are included as Attachment II.

Figure 1 Thresholds of Significance for Residential, Office, and Retail Projects

	OPR Recommendation	Hayward Recommendation
Residential	<ul style="list-style-type: none"> 15% below existing average daily VMT per capita. Existing VMT per capita may be measured as regional VMT per capita or as city VMT per capita 	<ul style="list-style-type: none"> 15% below existing citywide average daily VMT per capita for the City of Hayward
Office	<ul style="list-style-type: none"> 15% below existing regional average daily VMT per employee 	<ul style="list-style-type: none"> 15% below existing regional average daily VMT per employee
Retail	<ul style="list-style-type: none"> Net increase in total VMT 	<ul style="list-style-type: none"> Net increase in total VMT

Residential and Office Land Use Projects. Meeting State targets for GHG emission reduction goals will require a statewide reduction in total VMT; however, this effort does not translate directly to VMT thresholds for individual projects on a local level. Therefore, OPR recommends cities use an efficiency metric (reduction per capita or employee) to determine the threshold of significance for residential and office land uses. Specifically, OPR suggests that reducing VMT per capita to 15% below average is achievable at the local, project level and is also consistent with achieving the State's climate goals.

Retail Projects. For retail projects, OPR recommends that any net increase in VMT indicates a significant impact since retail trips are typically diverted from another existing retail site. Local serving retail is assumed to have a less than significant impact because trips redirected to/from these sites tend to be shorter than existing trips to non-local retail. Cities can use existing definitions of local serving or regional serving retail, taking into consideration any project specific information, such as market studies or economic impacts analysis that might provide information about customers' travel behavior. Alternatively, OPR notes that cities can use 50,000 square feet as the size threshold; projects below this threshold would be considered local serving and projects above this threshold would be considered regional serving.

Mixed-Use Projects. The City can evaluate mixed-use projects based on each separate land use or by considering the dominant use. Since the thresholds are typically efficiency metrics (per capita or per employee), each land use can be analyzed separately. The VMT per capita of a residential mixed-use project is not increased by additional onsite land uses, it is only decreased due to internal trip capture. If a lead agency elects to consider only the dominant use, they can disregard all other uses. For instance, if the mixed-use project

contains mostly housing with some local serving retail, the lead agency may choose to only analyze the residential use.

Additional Land Use Categories. The City can determine thresholds of significance for additional land use categories that are not listed in Figure 1, by creating a significance threshold using more location-specific information. For example, San José created two separate “employment” land use thresholds, one for office (general employment) and one for industrial employment. For other uses, San José’s policy states that the project should use a threshold in accordance with the most appropriate type(s), as determined by the Public Works Director.

SCREENING THRESHOLDS FOR LAND USE PROJECTS

Under SB 743, it is assumed that some types of development can be exempt from a transportation analysis under CEQA due to their inherent less than significant impact on VMT per capita. A less than significant impact on VMT per capita may result from a project’s location, size, or the land use of the development. A project only needs to meet one of four screening criteria to “screen out” of the requirement to complete a transportation impact analysis. OPR’s Technical Advisory provides guidance on screening the following four types of projects:

- Small Project Screen
- Development in low VMT zones
- Transit Based Screens
- Affordable Housing Screen

Cities are encouraged to develop screening thresholds to determine when detailed analysis is needed. Screening thresholds allow for a greater degree of certainty for both the lead agency and the public. Additional analysis, including a full environmental impact report, can be required for projects that do not meet the screening threshold.

Small Project Screen. Under CEQA before implementing SB 743, most cities used peak hour trip generation to determine the need for a TIA. Peak hour trip generation is determined based on the project size and land use type. Each city that has adopted VMT-based analysis requirements has reduced the project size threshold for residential and employment land use compared to Hayward’s current one of 100 peak hour trips. The Alameda County Congestion Management Agency’s (CMA) threshold is also 100 peak hour trips and projects with more than 100 peak hour trips are currently considered to have a regional impact.

Absent substantial evidence that a project would generate a significant level of VMT per capita, OPR recommends that projects that generate less than 110 total trips per day generally may be assumed to cause a less-than significant transportation impact.¹ In addition, the project must be consistent with the City’s General Plan and regional Sustainable Communities Strategy (*Plan Bay Area*). Figure 2 (below) lists the small project screening criteria that are being recommended by staff, which are consistent with OPR recommendations.

¹ Governor’s Office of Planning and Research, Technical Advisory on Evaluating Transportation Impacts in CEQA, December 2018, p 12.

Figure 2 Project Screening Criteria

Land Use	OPR Recommendation	Hayward Recommendation
Residential	<ul style="list-style-type: none"> ▪ Detached housing: 12-13 units ▪ Attached housing: 20-23 units 	<ul style="list-style-type: none"> ▪ Detached housing: 15 units ▪ Attached housing: 25 units
Employment	<ul style="list-style-type: none"> ▪ Office: 10,000 - 12,000 SF 	<ul style="list-style-type: none"> ▪ Office: 10,000 SF
Local Serving Retail	<ul style="list-style-type: none"> ▪ Less than 50,000 SF 	<ul style="list-style-type: none"> ▪ Less than 50,000 SF

Development in Low VMT Areas. OPR guidance recommends streamlining the review process for office and residential development projects located in areas with low VMT per capita/per employee as an effective method of reducing total VMT and meeting GHG reduction goals. Projects that locate in areas with low VMT per capita/per employee, and incorporate similar features (i.e., density, mix of uses, transit accessibility) will exhibit similarly low VMT. Adopting a map-based screen clearly communicates where projects that meet minimum VMT requirements can be screened out from detailed VMT analysis under CEQA. Low VMT areas can be determined using a travel demand model.

Transit Screen. In addition to small project-based criteria, residential, retail, and employment projects within half a mile of an existing major transit stop or transit corridor will have a less-than-significant impact on VMT per capita. OPR's Technical Advisory recommends that residential, retail, office, and mixed-use projects located within a half-mile of an existing major transit stop should be assumed to have less than significant impact on VMT per capita. A major transit stop is defined as a rail station or the intersection of two or more bus routes with service every 15 minutes or less during morning and evening commute periods.

Affordable Housing Screen. In addition to the small project screening criteria, staff recommends the City adopt a map-based screen to streamline affordable housing located in Priority Development Areas (PDAs) and high-quality transit, defined as a bus or train at least every 15 minutes during peak hours. A project must be 100% deed-restricted affordable housing and meet minimum density, parking maximum, and active transportation requirements.

POLICY CONTEXT AND CODE COMPLIANCE

The City has several policies to support the transition from LOS to using VMT per capita, including policies contained in the *Hayward 2040 General Plan*, including the following goals:

- M-1.4 Multimodal System Extensions
- M-1.5 Flexible LOS Standards
- M-1.8 Transportation Choices
- M-2.2 Regional Plans
- M-2.5 Regional Traffic Impacts
- M-4.3 Level of Service
- H-3.2 Transit Oriented Development
- H-3.3 Sustainable Housing Development

Additionally, the City's Climate Action Plan contains several goals and policies related to the reduction of VMT, including:

- M-8.2 Citywide TDM Plan
- M-8.4 Automobile Commute Trip Reduction
- M-9.10 Unbundled Multifamily Parking
- NR-2.6 Greenhouse Gas Reduction in New Development

As previously noted, the adoption of new CEQA thresholds for the analysis of traffic impacts will require an amendment to the *Hayward 2040 General Plan* to replace references to LOS with VMT.

ENVIRONMENTAL REVIEW

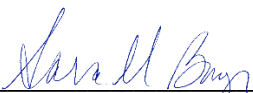
The project will require an amendment of the *Hayward 2040 General Plan* to reflect updated policies and thresholds using VMT. Following study sessions with the Planning Commission and City Council, the draft documents will be finalized and prepared in accordance with the California Environmental Quality Act (CEQA), to determine if and to what extent the proposed regulations would have a significant effect on the environment.

NEXT STEPS

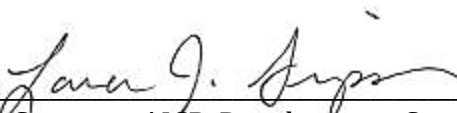
Following input and feedback from the Planning Commission, staff will present the proposed thresholds to the Council Infrastructure Committee (CIC) and the City Council for public review and feedback. Pending any additional revision, staff will return to the Planning Commission and City Council in May 2020 for adoption of the new thresholds and approval of the General Plan Amendment.

Prepared by: Jeremy Lochirco, Principal Planner
 Charmine Solla, Senior Transportation Engineer
 Meghan Weir, Principal, Nelson Nygaard
 Marvin Ranaldson, Associate, Nelson Nygaard

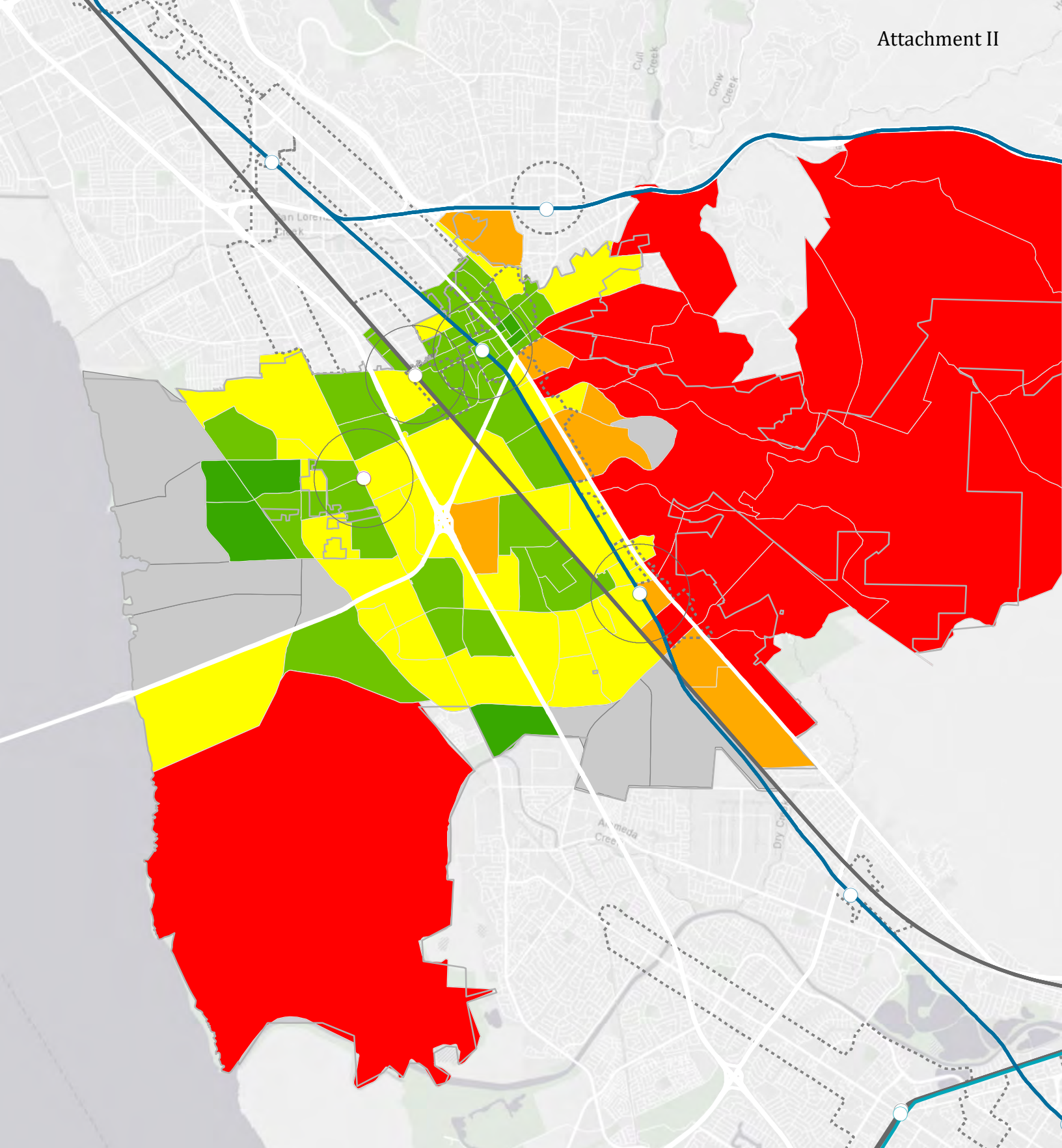
Approved by:



Sara Buizer, AICP, Planning Manager



Laura Simpson, AICP, Development Services Director



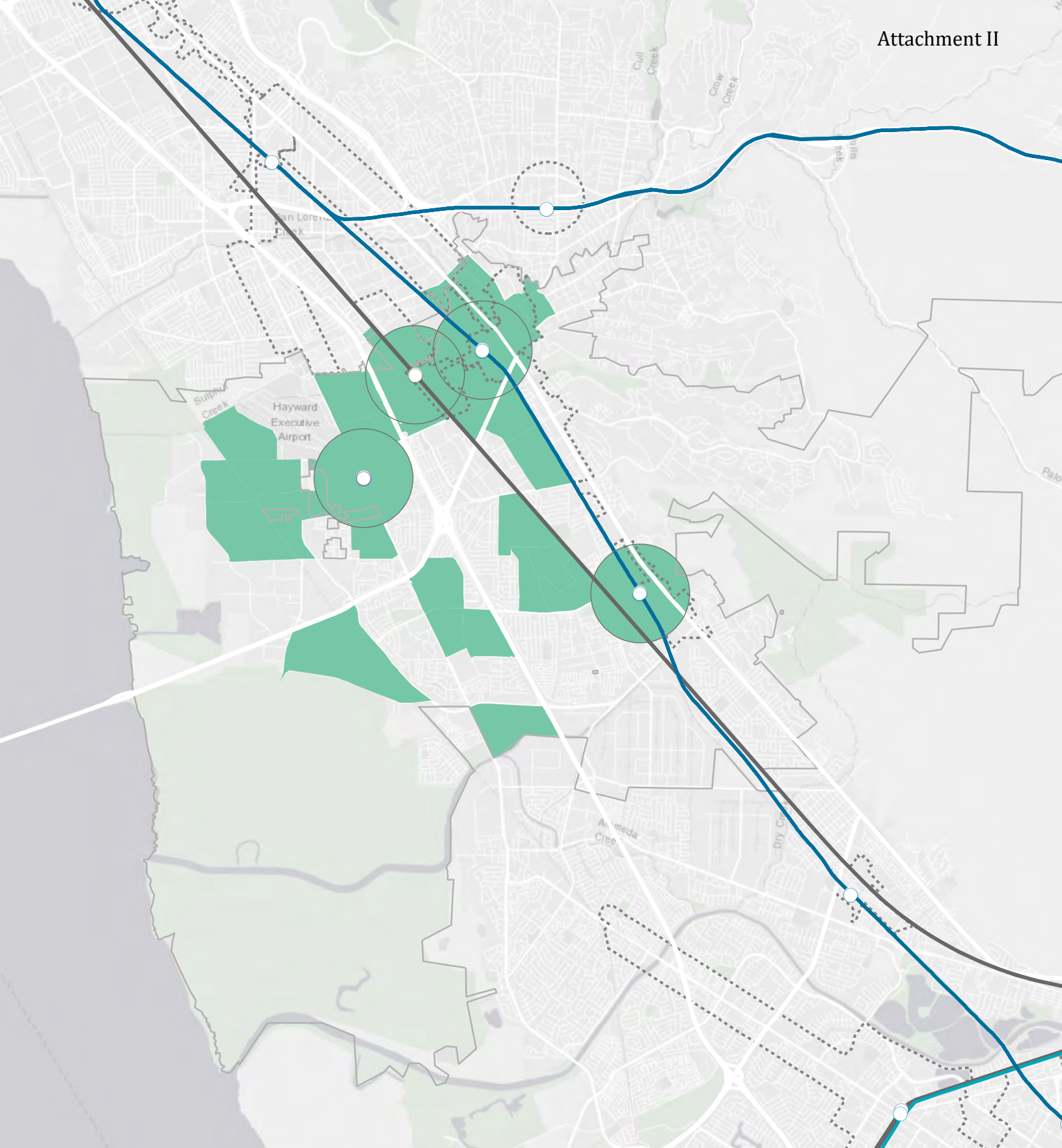
Relative Variation from Local Average VMT per Resident (2020)

Data Sources: ACTC

- Major Transit Center
- Amtrak Stops
- BART Stops
- ACE Stops
- Amtrak
- BART
- ACE
- PDA
- PDA

Maximum Distance to Major Transit Center

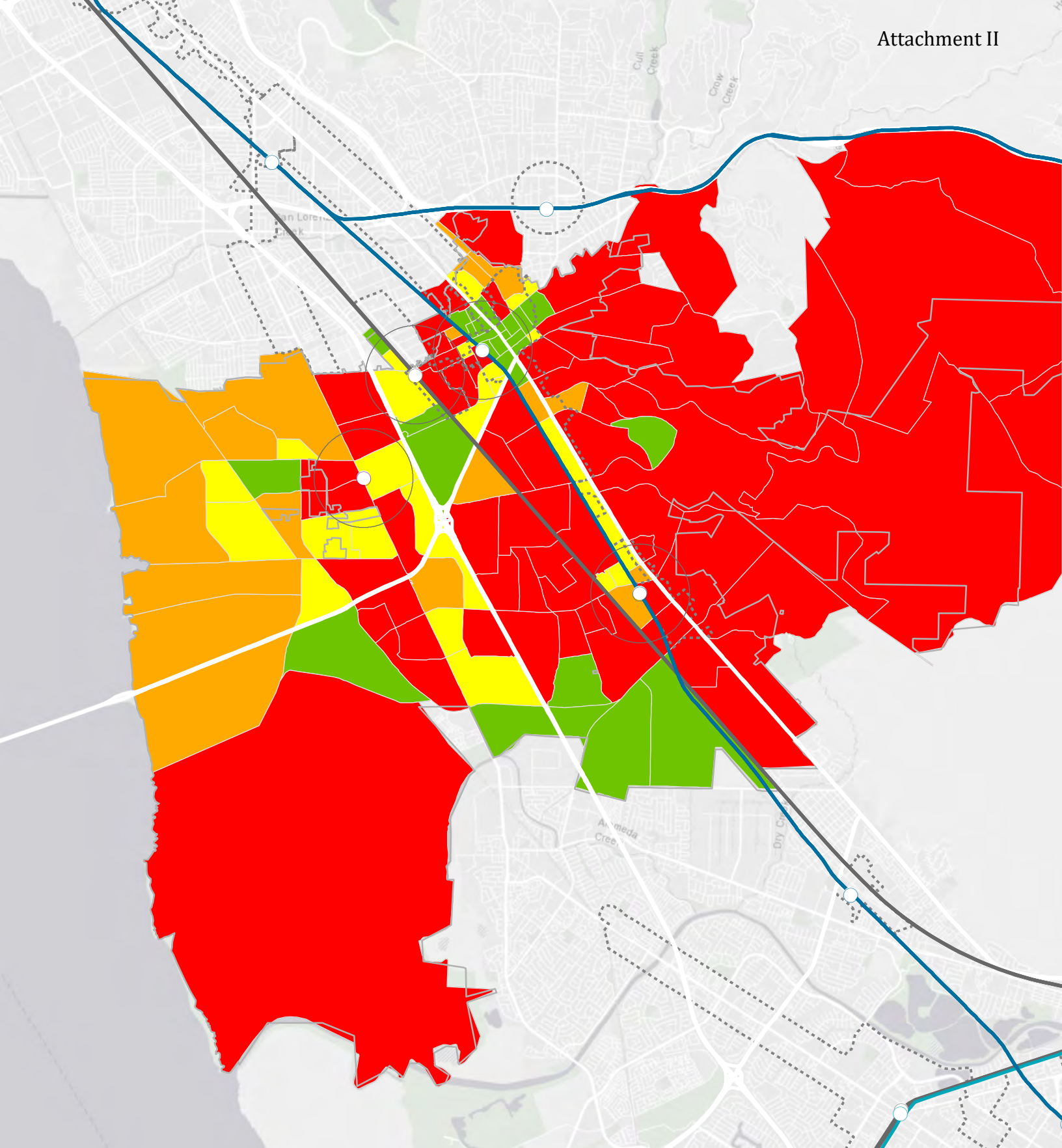
- More than 15% below average
- 0-15% below average
- 0-15% above average
- More than 15% above average
- No data



Regional Variation from Regional Average VMT per Worker (2020)

Data Sources: ACTC

- Major Transit Center
 - Amtrak Stops
 - BART Stops
 - ACE Stops
 - Amtrak
 - BART
 - ACE
 - PDAs
 - PDAs
- Maximum Distance from Regional Average/2 mile of major transit
- Less than 15% below average
 - Between 15% below average to average
 - Between average and 15% above average
 - More than 15% above average
 - No data



Regional VMT per Worker (2020)

Data Sources: ACTC

Major Transit Center

Amtrak Stops

BART Stops

ACE Stops

Amtrak

BART

ACE

PDAs

PDAs

More than 15% below average

0-15% below average

0-15% above average

More than 15% above average

No data

More than 15% below average

0-15% below average

0-15% above average

More than 15% above average

No data

More than 15% below average

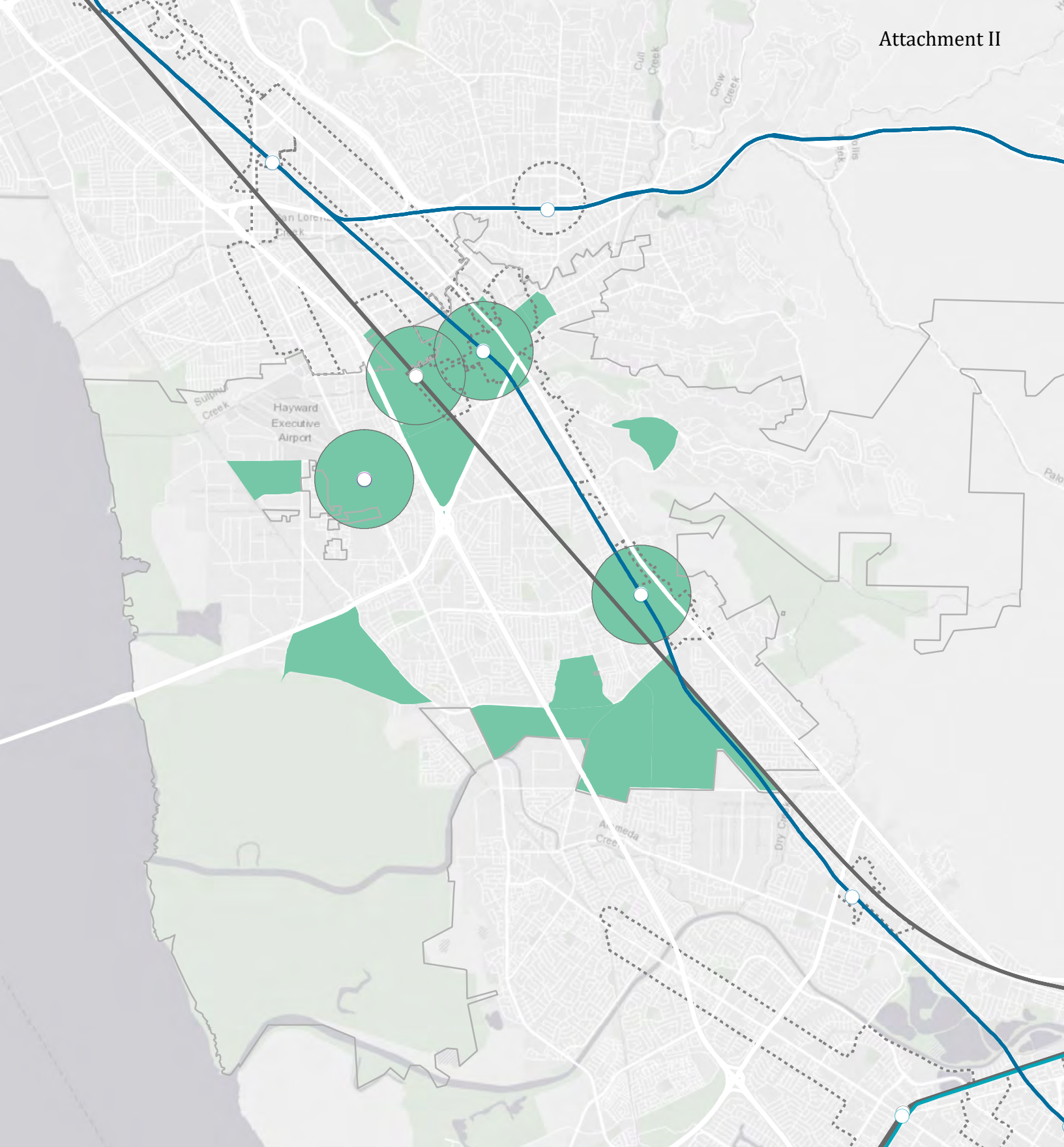
0-15% below average

0-15% above average

More than 15% above average








No data

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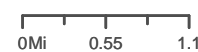


NOTE: School Variation from Regional Average VMT per Worker (2020)

Data Sources: ACTC

-  Major Transit Center
-  Amtrak Stops
-  BART Stops
-  ACE Stops
-  Amtrak
-  BART
-  ACE

- Less than 15% below average
 ■ Between 15% below average to average
 ■ Between average and 15% above average
 ■ More than 15% above average
 ■ No data





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File #: MIN 20-036

DATE: March 12, 2020

TO: Planning Commission

FROM: Director of Development Services

SUBJECT

Minutes of the Planning Commission Meeting of February 27, 2020

RECOMMENDATION

That the Planning Commission approve the minutes of the Planning Commission meeting of February 27, 2020

SUMMARY

The Planning Commission held a meeting on February 27, 2020

ATTACHMENTS

Attachment I Draft Minutes of February 27, 2020



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 27, 2020, 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 Bonilla.

CALL TO ORDER Pledge of Allegiance

Commissioner Roche led the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Stevens, Andrews, Faria, Patton, Roche, Goldstein
CHAIRPERSON: Bonilla
Absent: COMMISSIONER: None

Staff Members Present: Blanton, Brick, Buizer, Monlux

General Public Present: 20

PUBLIC COMMENT:

There were none.

WORK SESSION:

1. Preliminary Review of a Major Site Plan Review and Conditional Use Permit Application to Construct Three Speculative Industrial Buildings and a Three-Story Data Center on an Approximately 25-acre Site located at 25800 Clawiter Road (APN: 439-0080-003-07, 439-0080-003-12, 439-0080-010-00, 439-0080-005-02, and 439-0080-003-10). Application No. 201906718; Teresa Goodwin for HPA Architecture (Applicant) on behalf of Janet Galvez for Hines (Owner)

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

Janet Galvez for Hines and Teresa Goodwin for HPA Architecture (owner/applicant) gave a brief presentation.



**MINUTES OF THE REGULAR MEETING OF THE
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Vice Chair Andrews asked about the proposed community benefits. As the regulations are new, Associate Planner Blanton explained the background behind the idea of community benefit tradeoffs. Vice Chair Andrews asked about staff shuttles. Associate Planner Blanton stated that had not been discussed. Vice Chair Andrews asked if the applicants have researched the effect on local restaurant establishments from the on-site cafeteria offerings. Applicant stated she was not familiar with offerings in the area, agreed to do outreach to local retail/restaurants. Vice Chair Andrews suggested making campus food offerings outwardly facing and open to the public to support local industrial area. Vice Chair Andrews asked about a public art component and shared concerns about potential graffiti. Applicant discussed tenant's security plan. Vice Chair Andrews asked if they had reviewed the Shoreline Master Plan. Associate Planner Blanton stated she will share the plan with applicant. Vice Chair Andrews questioned the low staffing based on parking; applicant clarified they will have 150+ staff across 3 shifts. Vice Chair Andrews asked about proposed partnerships with K-12. Applicant indicated that was proposed by Building 4 tenant who was unavailable to speak tonight.

Commissioner Faria asked about a rendering to show the view of building 4 from the Hwy 92 perspective. Applicant stated that had not been completed. Commissioner Faria asked about bicycle access along Clawiter. The Applicant stated it had not been addressed and confirmed there is sidewalk access and bicycle parking and storage on site.

Commissioner Roche thanked the applicant for being open to suggestions and recommended convertible outside space for potential future use and alternatives to parking. Commissioner Roche revisited Vice Chair Andrews' comment about shuttles. Commissioner Roche asked what steps they are taking to be green given that a data center uses a lot of energy. Associate Planner Blanton discussed sustainability guidelines outlining energy and water usage and mentioned specifics had not yet been finalized as part of the review process.

Commissioner Patton thanked staff and applicants for efforts to set the vision for the new district. Commissioner Patton noted that the goal of work sessions is to identify areas of concern to be addressed, but not giving pointed direction. Commissioner Patton discussed letters received from adjacent businesses expressing concern about bikes, busses, accessibility, sidewalks, etc. Commissioner Patton questioned the effect of private projects and how they contribute to the public realm. Commissioner Patton asked staff if there are other buildings in the City that match the proposed height of building 4. Planning Manager Buizer stated there would not be buildings that tall for long. Commissioner Patton expressed concern about flexibility based on design of building and parking and what potential uses could be considered in the future.



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Commissioner Goldstein encouraged enhanced bicycle lanes or pedestrian bridges. Commissioner Goldstein pointed out the limited accessibility to other dining options and recommended inviting nearby shop owners to leave menus and to encourage the use of food delivery services. Commissioner Goldstein recommended they codify in the lease agreement to allow lessors to host food trucks. The applicant mentioned their property managers have been making positive outreach. Commissioner Goldstein suggested different design elements to break up the color blocks. Commissioner Goldstein proposed that it be written in the documentation that that any open space cannot be built upon should the building use change.

Commissioner Stevens questioned the number of occupants, and the long-term economic benefit analysis of the data center. Commissioner Stevens wanted clarity of the design and construction of the PG&E yard. Applicant shared they are still in planning stages, not ready to share design yet.

Chair Bonilla asked what the plan is to mitigate the hazards of a PG&E yard and rail lines next to a data center. Applicant shared their Environmental Consultant is evaluating that. The Applicant discussed potential TI (Tenant Improvements) and indicated that tenants are more interested in TI benefits inside. Chair Bonilla discussed health benefits to outdoor offerings. Chair Bonilla asked for more information on the proposed increased public amenities. Applicant talked about enhanced landscaping and outdoor seating between buildings 1 and 2. Chair Bonilla wanted to know how they plan to make it feel more connected as opposed to fragmented campus. Applicant mentioned that they haven't seen examples of connecting campus across rail lines throughout bay area. Chair Bonilla asked if they will be seeking LEED certifications for data center? Applicant stated they will look into it.

There being no speakers, Chair Bonilla opened and closed the public hearing at 7:59 p.m.

Vice Chair Andrews said the proposed community benefits don't really benefit the community; she would like to see more effort for public art and community gathering space, there is a missed opportunity for businesses to engage. Vice Chair Andrews stated that for a 25-year campus, a shuttle should be part of the conversation, as the data center will use a lot of energy and a shuttle will help offset the footprint and be an employee benefit. Vice Chair Andrews suggested the applicant revisit partnering with local restaurants to be a feature of the space, perhaps including a bicycle café or food trucks and make it open to public. Vice Chair Andrews encouraged them to look to San Leandro, Seattle, many cities across the nation where industrial space as community space is being done.



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Commissioner Patton does not believe the project is where it needs to be in terms of proposed public benefits justifying the variances being requested. Commissioner Patton encouraged Planning staff to discuss long term public improvements with Engineering staff.

Commissioner Faria would like to see renderings showing the visual impact from Hwy 92 before making a decision. Commissioner Faria agrees with fellow Commissioners that there is a need for a public art component, and that benefits aren't sufficient to offset the ask for the variances. Commissioner Faria wants the applicant to improve bicycle access to Clawiter and encourage public transit.

Commissioner Stevens would like to see more data on the community benefits, and concrete analysis to support the revenue.

Chair Bonilla would like to see changes to the design to make the buildings more attractive. Chair Bonilla thinks it is important to increase a cohesive feeling of space, and make it more open and more green. Chair Bonilla said the public benefits need to be comparable to the significant exceptions requested.

PUBLIC HEARINGS: 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 final decision.

2. Proposed Adult Residential Facility for Clients with Deficits in Self-Help Skills, Life Skills, and a Diagnosis of Mental Illness or Mental Disorder within Two Existing Buildings and Related Site Improvements at 1641 and 1659 D Street (APN: 427-0056-035-00), Requiring Approval of Conditional Use Permit with Site Plan Review Application No. 201806007. Haidie Bautista and Imelda Sabado (Applicant); Edwin S and Fabiana L TRS Bautista (Property Owner)

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

Commissioner Roche had concerns about the look of the parking lot and suggested landscaping to soften the view from the street. Commissioner Roche thanked the applicant for addressing security concerns in their business plan. Commissioner Roche noted property values wouldn't be affected as the property was previously used as a similar facility type.

Commissioner Patton asked staff if there had been outreach to the neighbors to identify any potential concerns. Associate Planner Blanton spoke about their outreach effort to current neighbors as well as neighbors in applicant's other facility in Oakland, including research done



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of available records through the County, and shared that staff had no concerns. Commissioner Patton expressed concern that with the parking improvements, there is a lot of concrete, asked if there is green area outside for the clients. Associate Planner Blanton shared information about additional landscaping around the building and accessibility to several parks in close proximity.

Commissioner Faria asked the applicant about their average occupancy. Applicant stated it will depend on Alameda County, they can accept as low as 2-5 per month, but their Oakland facility is currently full. Most residents are long-term. Commissioner Faria asked about the security/emergency plan for times when there is only one staff member in building. The applicant has someone reachable by phone 24-hours as standby, and another staff member in building next door; this is the same staffing model as their Oakland facility. Commissioner Faria addressed citations from the State and clarified if the report was precipitated by a singular incident or found during regular survey. The applicant said it was found during a regular survey, and their caregiver misidentified treatment guidelines for a medication.

Vice Chair Andrews asked about the average number of visitors. The applicant said with 15 clients in Oakland, they get 1 or 2 visits per day. This depends on client, the needs of their case manager, how much family lives nearby etc. Vice Chair Andrews asked about the deficiencies of having no manager on hand at all times. The applicant stated there will be a House Manager for every shift. Vice Chair Andrews asked if Hayward PD has reviewed the proposal plan. Associate Planner Blanton said PD had reviewed the plan and added a condition of approval that the use permit could be revoked if there are continual problems at this location. Vice Chair Andrews wants to ensure PD is trained on how to interact with individuals at this facility. The applicant would like to meet with PD to introduce them to the facility and discuss what to expect.

There being no speakers, Chair Bonilla opened and closed the public hearing at 8:26 p.m.

Vice Chair Andrews strongly recommended meeting with PD and establishing partnerships with local organizations that can support the facility. Vice Chair Andrews is glad to see these types of services being offered in Hayward.

Commissioner Stevens asked about conditions of approval 36 C; wanted to ensure the applicant has factored the cost of the engineering improvements into their budget. The applicant acknowledged they had no concerns.

Commissioner Faria drove by the site and recommended some improvements to the outdoor space. Commissioner Faria stated this will help a lot of people, and there is a great need for these services. Commissioner Faria emphasized the need to provide security and safety for staff as well as clients, and keeping neighbors informed.



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Commissioner Goldstein echoed statements made by the Commission and thanked applicants for bringing services to Hayward. Commissioner Goldstein reinforced the need to meet with HPD and recommended learning about amateur radio disaster response and getting to know the radio operators at Hayward Fire Dept who can provide a volunteer response when needed.

Commissioner Roche applauded the applicant for bringing this to Hayward and stated there are multiple agencies interested in seeing them succeed.

Chair Bonilla welcomed the applicant to Hayward and said we need help with the most vulnerable in our community.

Vice Chair Andrews made a motion to approve staff recommendation with an added condition of approval that the applicant meet with the Chief of Police and participate in training with officers prior to opening.

Commissioner Faria seconded the motion.

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

3. Approval of minutes of the Planning Commission Meeting Minutes of January 23, 2020.
(Continued from February 13, 2020)

Vice Chair Andrews made a motion, seconded by Commissioner Roche, to approve the Planning Commission Meeting Minutes of January 23, 2020. The motion passed with the following votes:

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



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4. Minutes of the Planning Commission Meeting of February 13, 2020.

Commissioner Stevens made a motion, seconded by Commissioner Faria, to approve the Planning Commission Meeting Minutes of February 13, 2020. The motion passed with the following votes:

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

COMMISSION REPORTS

Oral Report on Planning and Zoning Matters: None

Commissioners' Announcements, Referrals: None.

ADJOURNMENT

Chair Bonilla adjourned the meeting at 8:41 p.m.

APPROVED:

Julie Roche, Secretary
Planning Commission

ATTEST:

Merry Monlux, Deputy City Clerk
Office of the City Clerk