



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 28, 2019, 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 Faria.

**CALL TO ORDER Pledge of Allegiance**

Commissioner McDermott led in the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Willis, Andrews, Bonilla, Patton, McDermott  
CHAIRPERSON: Faria  
Absent: COMMISSIONER: Goldstein

Chair Faria granted Commissioner Willis' request to be excused as he did not feel well.

Staff Members Present: Brick, Chan, Lochirco, Ott, Stefanski, Vigilia

General Public Present: 11

**PUBLIC COMMENT:**

There were none.

**WORK SESSION:**

1. Update on the Planning, Development, and Disposition of Former State Route 238 Corridor Lands Pursuant to the Purchase and Sale Agreement with the California Department of Transportation (Caltrans)

Assistant City Attorney Brick reminded the Commissioners that this item might come before the Commission again and that it was important that they should not make any comments which would indicate how they would vote on this item or indicate any strong bias for or against the project.

Commissioner Andrews disclosed that her company submitted a proposal for a project on Parcels 3 and 4 and will not be making any comments on this item.

Deputy City Manager Ott provided a synopsis of the staff report which included the background, history and timeline of the project and presented a PowerPoint presentation.



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Management Analyst Stefanski provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Patton said it is important for the City to maintain a discretionary review of the project and asked if there has been a community development program developed for each parcel. Deputy City Manager Ott said through the community outreach, staff has a strong sense of what issues the community cares about and said the City will be focusing on the top issues of affordable housing, trails and open space. Ms. Ott said the City is the property owner and will have a say in what will happen to these properties and what will be included in the projects.

Deputy City Manager Ott explained for Commissioner McDermott the term exclusive negotiations agreement (ENA), which means the City can only be in talks with that certain developer and cannot entertain any other developers during the term of the ENA. Assistant City Attorney Brick responded to Ms. McDermott that ideally the City should be in escrow prior to 2022 and if some parcels cannot be sold by 2022, then Caltrans will take the parcels back. Ms. Ott responded to Ms. McDermott that the November 2017 community outreach meeting resulted in approximately 150 community members attending and there have been approximately 20 stakeholder meetings on different topics. Ms. McDermott said it is very important to have extensive community outreach to ensure that the community is informed.

Deputy City Manager Ott described the Request for Proposals (RFP) process for Commissioner Bonilla and shared that most of the parcels will go through this RFP process. Ms. Ott said for Parcel 7, the City was approached by a Subaru dealership and the Council decided that it was the community's desire to bring back auto dealerships which will help generate revenue for the City. Mr. Bonilla encouraged staff to continue with the community outreach as it is very important for the stakeholders to be informed about the vision for the community. Mr. Bonilla supports the topics of affordable housing and open space and was inspired by what he viewed in the plans. He also appreciates the strategic thinking of how staff is looking at the parcels regarding affordable housing and in-lieu fees.

Chair Faria appreciates the community input, is looking forward to having more affordable housing and open space and asked about the cell tower on Parcel 7. Deputy City Manager Ott responded that the City owns that parcel and the tower will be part of the dealership.

Chair Faria opened the public hearing at 7:38 p.m.

Ms. Vicki Lewis, Castro Valley resident whose property backs up to Parcel 8, appreciates the community outreach and noted there were community meetings in 2009 and 2010 for the Commission, staff and the community members to reference.



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Ms. Mary Ann Higgs, Hayward resident whose property backs up to the Bunker Hill parcel, said the community outreach has been fantastic and that staff has listened to the community, but feels that less than the proposed maximum number of residences of 1,000 plus units should be built on Parcel 6. Ms. Higgs asked the City to be conscious of traffic patterns and consider a grocery store for Parcel 7 which will benefit the surrounding community which includes the anticipated new residents.

Mr. Bill Espinola, Hayward resident, said he is disappointed that community outreach was not done for Parcel 7 prior to the City entering into the ENA with the Subaru dealership. He said the City needs to consider the impact to the community and how the residents would be better served with a grocery store.

Mr. Nestor Castillo, educator and Alameda County resident, spoke on behalf of residents of Parcel 8 regarding the displacement of residents living on Bridge Court. Mr. Castillo would like a community land trust established to maintain affordability of these units. Mr. Castillo would like a community benefits agreement and said public land should go towards public good.

Ms. Ida Alvarez, longtime resident of Parcel 8, said the City needs to maintain affordable housing, she is happy the City is going to help existing residents and would like the City to consider the community land trust. Ms. Alvarez said she opposed the auto dealership and that Parcel 7 could be used to help the homeless and those who are mentally ill.

Chair Faria closed the public hearing at 7:53 p.m.

Deputy City Manager Ott thanked the Commission and speakers, and staff will take their comments into consideration and will return to the Commission with a specific plan. Ms. Ott noted staff is always available for any questions.

Chair Faria asked staff to provide information about the community land trust and how the Commission can work with the community to maintain affordable housing and avoid displacement.

Deputy City Manager Ott said staff will meet with the Oakland land trust and staff is pursuing affordable housing projects. Ms. Ott said staff are in discussions with Habitat for Humanity to avoid displacement of existing residents.

Commissioner Patton said a grocery store in a high traffic area such as Mission Boulevard can cause delays and accidents.



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2. Review of Proposed Updates to the Mission Boulevard Corridor and South Hayward BART Station Form Based Codes

Principal Planner Lochirco provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Andrews expressed concerns about the Form-Based Code being able to address the numerous vacant spaces and suggested considering uses that will create activity in the downtown area. Ms. Andrews suggested different uses and to incorporate a public art component to reduce some of the blight and said there is too much parking in the downtown area. Principal Planner Lochirco said staff is looking at the uses and how there can be more flexibility to allow previously unallowed uses.

Commissioner Bonilla favors ground floor uses and suggested bringing in uses to activate the Mission Boulevard area such as nice restaurants. He suggested to help make Mission Boulevard a destination spot to have the Form-Based Code address traffic slowing measures in order to encourage walkability and pedestrian friendly areas. Principal Planner Lochirco said the goal of the Form-Based Code is to establish criteria to make the area more conducive to walkability with elements such as wider sidewalks, better juxtaposition between sidewalks and building height, and to have staff look at the public realm element by including items such as benches and bike racks. Mr. Lochirco pointed out that when going through this process staff found duplications between the City's Municipal Code and the Form-Based Code and terminology inconsistencies. Mr. Lochirco said Hayward's Form-Based Codes follows the Smart Code Institute, and the goal is to make the Form-Based Code clear on what the expectations are for developers on what uses are allowed and what forms are expected.

Commissioner Patton said the City needs to create a safe environment for the public with a connection to how people feel when walking the streets. He said simplicity is best and suggested creating Form-Based guidelines with the approach to create concentrated retail at dense intersections then work on having more pedestrian oriented uses such as yoga studios situated along the sidewalks. Mr. Patton suggested the City create incentives for developers to have traffic access at corners and create a circulation/parking plan by looking at each block as a whole unit. Mr. Patton suggested streamlining the process by establishing a threshold where staff can administratively approve plans when a developer has met the requirements of the Form-Based Code, and developments that go beyond this threshold will go before the Planning Commission.

Commissioner McDermott agreed with Commissioner Patton on simplifying and establishing guidelines of plans that can be approved administratively by staff. Ms. McDermott said there has been an evolution along Mission Boulevard with the loss of the



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dealerships and some uses that have opened along Mission Boulevard look ragtag which gives a bad impression of Hayward. Ms. McDermott said the City needs to be careful about what uses are going into the vacant buildings and would like to see consistency in the uses along Mission Boulevard. Ms. McDermott suggested bringing back entertainment along Mission Boulevard that appeals to youth and young adults. Ms. McDermott suggested bringing in live/work environments along Mission to help activate the area.

Chair Faria would also like to see a simplified code and to have consistency requirements for developers, she suggested relaxing the code in order for residents to have services where they live. Ms. Faria said there is the need to have pedestrian safety elements such as incorporating more slip lanes and selecting the correct landscaping, as existing trees have caused sidewalk damage which have become a safety hazard. Ms. Faria agrees with the public art component and noted that when parking is limited along the main thoroughfares this causes spillover parking into the neighborhoods.

Commissioner Andrews agrees with bringing in more wellness alternatives along Mission Boulevard and suggested staff walk Foothill and Mission Boulevards to be able to see what will work. Ms. Andrews said when she walked Mission Boulevard it felt like a freeway. Ms. Andrews agrees with Commissioner McDermott about having consistency with the uses along Mission Boulevard.

Chair Faria opened and closed the public hearing at 8:37 p.m.

**PUBLIC HEARING:**

3. Application to Amend Chapter 10, Article 1 (Zone Ordinance), Section 10-1.3603(B) related to a Proposed Modification of the Required Setbacks for Commercial Cannabis Businesses from certain sensitive land uses; and Chapter 10, Article 1 (Zoning Ordinance), Section 10-1.3607(C).1 related to a Reduction of the Overconcentration Buffer from 1,000 feet to 500 feet for Commercial Cannabis Retail Dispensaries of the Hayward municipal Code in the City of Hayward, Requiring Approval of a Zoning Text Amendment, Application No. 201900727

Principal Planner Lochirco provided a synopsis of the staff report and a PowerPoint presentation.

Commissioner Patton asked about what has transpired in the past and where the City is headed, to which Principal Planner Lochirco responded to that the City needed to be cautious when regulations were established regarding the new Cannabis industry. Mr. Lochirco said since then, other cities have relaxed their standards and boundaries. The City's proposed changes are only regarding the setback allowances to make businesses



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more conducive for their patrons, and noted the City has land use regulations in place which addresses that there is still no public consumption allowed. Mr. Lochirco said the City feels comfortable that there is enough regulatory framework surrounding the Cannabis industry and pointed out that, unique to Hayward, is that Cannabis operators are required to renew their licenses on a yearly basis. Mr. Lochirco said staff is seeking ways to streamline the process without negatively impacting the community. Mr. Lochirco said currently only two applicants are preparing to open and noted revenue projections have yet to be realized.

Commissioner Andrews asked about the design requirements for having dispensaries closer together, to which Principal Planner Lochirco said the land use regulations require operators to ensure the site is safe with the following components: lighting elements, security in place, correct displays, each dispensary goes through a police safety review, and each dispensary is subject to a conditional use permit, as not every location is suitable for this use.

Commissioner Bonilla spoke about visiting Portland where the Cannabis dispensaries were very inviting and were designed to fit into the landscape and noted the operators should be able to accomplish the same here in Hayward. Mr. Bonilla favors reducing regulations and asked what cities have 500-foot setbacks, to which Principal Planner Lochirco said the City has modeled its regulations after Santa Rosa, and that San Francisco and Emeryville have reduced their regulations and developed criteria for areas of mixed uses that will still ensure a safe environment.

Commissioner McDermott does not favor reducing the setbacks and would like to have more family-oriented businesses. Ms. McDermott expressed concerns that the City needs to be careful with the number of dispensaries in the downtown area. Principal Planner Lochirco said Council has limited the number of dispensaries to three and even if the text amendment is changed, the number of dispensaries remains the same.

Principal Planner Lochirco confirmed for Commissioner Bonilla that by direction of the City Council additional dispensaries cannot come to Hayward.

Chair Faria said with the knowledge that the dispensaries will still be 500 feet apart, she can support the motion. Principal Planner Lochirco explained the Cannabis application process and that Council has set the cap at three dispensaries.

Principal Planner Lochirco confirmed for Commissioner Andrews that the Planning Commission will be the referring body to Council for the Cannabis dispensaries' design review. Ms. Andrews encouraged staff to be strict about what is brought before the Planning Commission and that the dispensaries' design needs to be upscale.

Chair Faria opened and closed the public hearing at 8:37 p.m.



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Commissioner Patton made a motion, seconded by Commission Bonilla, to approve the staff recommendation. The motion passed with the following votes:

AYES: Commissioners Andrews, Bonilla, Patton  
Chair Faria  
NOES: McDermott  
ABSENT: Goldstein and Willis  
ABSTAIN: None

**APPROVAL OF MINUTES**

4. Approval of the Planning Commission Meeting Minutes of February 14, 2019.

Commissioner Bonilla made a motion, seconded by Commissioner McDermott, to approve the Planning Commission Meeting Minutes of February 14, 2019. The motion passed with the following votes:

AYES: Commissioners Andrews, Bonilla, McDermott  
Chair Faria  
NOES: None  
ABSENT: Goldstein and Willis  
ABSTAIN: Patton

**COMMISSION REPORTS**

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

Principal Planner Lochirco reminded the Commissioners to file their Annual Form 700 which is due by Tuesday, April 2, 2019.

**Commissioners' Announcements, Referrals:**

There were none.

**ADJOURNMENT**

Chair Faria adjourned the meeting at 9:13 p.m.



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**APPROVED:**

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Ray Bonilla Jr., Secretary  
Planning Commission

**ATTEST:**

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Denise Chan, Senior Secretary  
Office of the City Clerk