



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, October 1, 2015, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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1. Proposed Demolition of a Portion of the Eastern Part of Southland Mall and Construction of a New Five-Theater Cinema with Ancillary Beer and Wine Sales at One Southland Mall Drive, requiring approval of a Conditional Use Permit in the Central Business with Special Lot Standards Combining District for minimum 20,000 square foot lot (CBB20) District, Ashton Simmons (Applicant)/ Southland Mall L.P. (Owner).

Planning Manager Buizer requested that this item be continued to the regularly scheduled Planning Commission meeting on October 15, 2015 as this would allow staff and the project applicant some time to solidify the Conditions of Approval. Development Services Director Rizk apologized for any inconvenience this postponement may have caused, adding that the request to postpone came from the applicant with short notice and noted that staff did not have the opportunity to re-notice this item.

Commissioner McDermott made a motion to continue the item per staff recommendation to the regularly scheduled Planning Commission meeting on October 15, 2015; the motion was seconded by Commissioner Willis Jr. The motion passed with the following vote:

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

2. Proposed subdivision and construction of 24 single-family homes on a 1.9-acre site at 23645 and 23653 Eden Avenue, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development, Vesting Tentative Tract Map 8242 and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Tony Dutra, Dutra Enterprises, Inc. (Applicant/Owner), Ruben and Ruby Dorris (Owners).

Senior Planner Ajello provided a synopsis of the staff report.

Chair Parso-York opened the public hearing at 7:17 p.m.

Mr. Tony Dutra, project applicant, commended staff for their hard work on the project. He shared that prior to the development of this area, he had witnessed illegal activity such as the sale of stolen vehicles occurring on his property in broad daylight. Mr. Dutra highlighted that with combined efforts between his firm, the city and the county, the development site had undergone a huge transformation in recent years.



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Ms. Malvina Okuda, property owner on Saklan Avenue, asked the applicant if the proposed development bordered her property. She shared that she had an issue with Standard Pacific on a previous development regarding border fences.

Mr. Tony Dutra pointed out on a map that Ms. Okuda's property did not border his property and he did not think that her property would be impacted by the proposed project.

Chair Parso-York closed the public hearing at 7:25 p.m.

Commissioner Enders expressed support for the project design. She asked staff about Attachment II: Draft Conditions of Approval, Mitigation Nos. 4 and 5, specifically in regards to what the threshold was for organochlorine pesticides found in the surface soil at the site and she requested that staff elaborate on the mitigation.

Senior Planner Ajello stated that as part of the environmental document, the applicant had soils engineers conduct a phase I and phase II site assessment. She noted that during the assessment, it was determined that there was organochlorine on the site. Phase II of the assessment recommended resampling of the site to determine the extent to which the chemical was present on the property. Based on the results, it was determined that the highest amount found on the property exceeded the Regional Water Control Board's threshold of 0.44 parts per million for residential development. She stated that the soil consultants recommended retesting, excavating and removing all the soil from the site. After this has been done, the soil consultants do retesting too determine if the presence of the chemical is still present in the soil. Ms. Ajello underscored that the applicant had already completed remediation, which was the removal of the contaminated soil and also noted that the applicant had already prepared the preliminary remediation closure report. She highlighted that prior to the issuance of building permits, the applicant will have to obtain a clearance letter from the Regional Water Control Board.

Commissioner Enders pointed out that the only public comment received on the item prior to the meeting was a letter from the Public Works Agency of Alameda County, where the agency expressed concern about the water runoff from this site being related to the chemicals found in the soil. Commissioner Enders stressed that she was highly concerned about this and would appreciate an update from staff on the remediation that is conducted.

Commissioner McDermott commented that she worked and traveled frequently through the Clawitter area, expressing that she was pleased to see how developments in the area, such as the KB Home development, had transformed the area. She stated that the presence of more residents in the area could be correlated with a decline in the negative activity that was evident in the same area previously. Ms. McDermott was concerned about the potential parking issues that may emerge in the development area, noting that only visitors of a



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particular residence and residents themselves could utilize the parking available on driveways. She commented that with the newer developments, larger homes were being built on smaller lots and therefore, the backyards of these homes were also smaller. She noted that it was not always convenient for families to go to a park nearby to allow their children to play outdoors. Ms. McDermott asked the applicant to explain the amenities that were being proposed for the project.

Mr. Dutra stated that the amenities of the project included the following: photovoltaic solar systems that will be installed in every unit; the development would exceed the common and open space requirements; there would be a provision of surplus parking spaces accomplished via the private driveways; the addition of attractive paving through the development in excess of what is required for tree mitigation in order to create an attractive and cohesive landscape and hardscape design throughout development.

Mr. Dutra confirmed for Commissioner McDermott that tankless water heaters would be available in the development.

Commissioner McDermott stated that according to a report presented by the Economic Development department, 47,500 people visit the light industrial corridor area. She commented that a majority of these individuals probably do not live nearby and stated that the proposed development would provide individuals currently commuting to the area an opportunity to buy a home in the area and thereby travel less of a distance for work. Ms. McDermott added that the proposed development provided more affordable homes than the housing prices for Santa Clara County. She indicated her support of the infill project, stating that it was conducive to what was built in the surrounding area.

Commissioner Faria appreciated the efforts in improving this neighborhood noting that there had been tremendous improvements already. She acknowledged that the project included bedrooms on the first floor as this was an important feature in the designs that promoted aging in place. She mentioned that the architectural design fit in well with the surrounding developments. Ms. Faria expressed concern about potential parking challenges, noting that some future residents would have multigenerational families living within a residence, and therefore having access to four parking spaces may not be enough for such family units. She shared that when she visited the development area, she observed that many residents were utilizing street parking and she commented that there may not be adequate parking on the streets for visitors.

Commissioner Enders commented that many of the projects that the Planning Commission reviews have parking concerns. After briefly polling the public present at the meeting, she highlighted that many individuals drove to attend the Planning Commission meeting.



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Planning Manager Buizer noted for Commissioner Schott that the park in-lieu fees are deposited into a specific park zone; these funds are then utilized to either make improvements to existing parks or build new parks within that same zone. She added that the funds are managed by the City and are utilized by the Hayward Area Recreation and Park District (HARD) as this agency was the City's park district.

Commissioner Goldstein indicated his support of the project. He shared that he lived in a development where street parking was limited. He commented that initially he was unsure how the parking would be adequate for large gatherings that he planned to host at his home; however, he pointed out that this had not been a huge problem and that residents have to find appropriate ways to make the parking situation work for them. He noted that one way this could be accomplished was by residents utilizing their garages for parking rather than for storage. He stressed the importance of residents in the development being considerate of individuals visiting the park when utilizing parking spaces around the park.

Chair Parso-York stated that obesity remained a concern among children, adding that residential developments in the past had large backyards where children could play and be active. He stated that the project was well designed and that it was fulfilling a housing need in the area. In regards to parking concerns, Mr. Parso-York stated that residents have a tendency to inappropriately use their garage as storage space; adding that he favored having car ports over garages as people cannot use car ports for storage.

Commissioner Schott emphasized that the developer had exceeded the City's parking requirements, commenting that if there still remained an issue with parking, then perhaps the City's requirements need to be reevaluated. He stated that it was unfair to express to the developer that the Planning Commission as a body was unsatisfied with the availability of parking if the developer had exceeded the requirements.

Commissioner McDermott made a motion to recommend that the City Council approve the project per staff recommendation, seconded by Commissioner Goldstein.

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

3. Proposed Subdivision and Construction of 18 Detached Single Family Homes on a 1.96 Acre Parcel located at 24178 and 24570 Saklan Road, requiring a change to the zoning from RM (Medium Density Residential) to PD (Planned Development), Vesting Tentative Tract Map No. VTTM 8226, and Adoption of a Mitigated Negative