



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, January 25, 2018, 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 Goldstein.

**CALL TO ORDER Pledge of Allegiance**

Commissioner Enders led the Pledge of Allegiance.

**ROLL CALL**

Present: COMMISSIONERS: Willis Jr., Bonilla Jr., Enders, Schott  
CHAIRPERSON: Goldstein  
Absent: COMMISSIONER: McDermott, Faria

Staff Members Present: Brick, Handa, Hinkle, Lee, Lochirco, Pearson

General Public Present: 37

**PUBLIC COMMENTS:**

There were none.

**PUBLIC HEARINGS:** For agenda item No. 1, 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.

1. Proposed Vesting Tentative Parcel Map, Site Plan Review and Environmental Review to merge 11 parcels and construct a 507,500-square-foot industrial building at 2655-2893 West Winton Avenue (APNs 438-0030-001-04, 438-0030-001-06, 438-0030-001-08, 438-0030-006-00, 438-0030-008-02, 438-0030-009-02, 438-0030-013-01, 438-0030-013-02, 438-0030-014-00, 438-0030-015-00, & 438-0101-020-01). Application No. 201702969; Paceline Investors (Applicant) on behalf of Industrial Property Trust (Owner).

Associate Planner Jay Lee provided a synopsis of the staff report.

Commissioner Schott inquired about the \$125,000 grant by the Applicant for solar, and if a facility has been identified for its use. Mr. Lee responded that the grant would be issued to the City, for use at its discretion, and that a facility has not yet been identified.



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Chair Goldstein asked if, in keeping with the Complete Streets initiative, there were plans to install bike lanes and similar features near the project. Mr. Lee confirmed that a buffered bike lane would be added on West Winton, as well as a meandering pathway.

Chris Sanford, Industrial Property Trust, and Teresa Goodwin, HP Architects, gave a presentation providing additional information regarding the project.

Commissioner Willis Jr. inquired whether solar could be installed prior to the tenants moving in, to capitalize on the opportunity to produce clean energy. Mark English, Paceline Investors, stated that the East Bay Community Energy (EBCE) tariffs are currently set too low to make installing a solar array economically viable at this time. Mr. English noted that the idea of the grant was to fund a project that would have significant impact to the user, rather than building a solar array “on spec” that may have minimal impact on their tenants. Mr. English commented that building the roof solar-ready provides their tenants optimum flexibility.

Commissioner Willis Jr. asked if EBCE was the only potential buyer for the energy produced. Mr. English replied that two other options were the future occupant and PG&E. Mr. English noted that PG&E’s tariff structure is lower than EBCE’s, and PG&E recently discontinued their solar power purchase program. Commissioner Willis Jr. commented that it is a pity that solar panels could not be installed over the entire roof.

Commissioner Willis Jr. commented on the information distributed by Lozeau Drury LLP, and on protection of wetlands and endangered species, and asked Mr. English if the project would be subject to mitigation measures. Mr. English pointed out that there is a 10-foot high concrete masonry wall that extends the entire length of the western boundary of the property and separates the property and its impacts from neighboring wildlife.

Commissioner Schott inquired about the divisibility of the building. Ms. Goodwin noted that while it is an ideal single-tenant building, the space and utilities could be divided for two tenants.

Commissioner Enders asked staff if the City has taken steps to mitigate sea level rise. Mr. Lee reported that the City has had a resiliency study done, and participates on the Hayward Area Shoreline Planning Agency (HASPA), a joint powers authority that is creating the Shoreline Master Plan. The goal of the Shoreline Master Plan is to analyze the problem and propose alternatives for the best ways to adapt to sea level rise along the entire shoreline. Commissioner Enders inquired about the cost for a Shoreline Master Plan. Mr. Lee noted that a figure of \$700,000 was discussed.



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Chair Goldstein opened the public hearing at 7:48 p.m.

Michael Lozeau, with Lozeau Drury LLP, on behalf of Laborers International Union of North America (LIUNA) Local 304, stated that his firm filed comments with the City earlier today and submitted copies for the record. Mr. Lozeau apologized for the late submission of the comments, noting that they had just recently learned of the project. Mr. Lozeau expressed concerns regarding whether the Negative Declaration meets CEQA standards, or whether there is a fair argument of possible significant environmental impacts. Mr. Lozeau cited concerns about air quality and greenhouse gas emissions, impacts to wildlife, visual and aesthetic impacts.

Xavier Pantoja, Hayward resident and member of Sprinkler Fitters Union Local 483, spoke favor of the project, noting that it would bring good paying construction jobs to the area and improve the appearance of the property.

Bryan Dominguez, Hayward resident and member of Local 483, spoke in support of the project. He noted that he is a lifelong Hayward resident, his union is located in Hayward, and the project will put a lot of local people to work. Mr. Dominguez commented that as a bicycle rider, it will be nice to have a safe street to ride on.

Aaron Lanzarin, Hayward resident and member of Sheetmetal Workers Local 104, spoke in favor of the project, commenting that the project would improve the appearance of the area.

Mike Taylor, Hayward resident and member of Sheetmetal Workers Local 104, commented on the improvements to the site and the opportunity to have a reasonable commute and see industrial growth in Hayward.

Stan Smith, Hayward resident and business manager of Sprinkler Fitters Local 453, noted that the union office is approximately one-half mile from the proposed site, and he looks forward to having a quality neighbor. Mr. Smith stated that Mr. Sanford and Mr. English made a commitment to work with many of the trades to ensure quality construction, with many of the jobs being filled by apprentices in state-approved training programs. Mr. Smith urged the Commission to approve the project.

Adolph Jacob, Hayward resident and apprentice electrician with IBEW Local 595, spoke in favor of the project. Mr. Jacob expressed excitement to see a new project going up in his hometown, and an opportunity for apprentices like himself to learn new things.

Obray Van Buren, Hayward resident and business representative for Plumbers Local 342, spoke in support of the project. Mr. Van Buren stated that in the short term, the project will



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create construction jobs for local people, and in the long term it will create jobs that will last a lifetime. He urged the Commission to approve the project, to create additional workforce opportunities.

Zachariah Oquenda, Hayward resident, spoke in favor of the project, commenting how the project fits with the scope of the General Plan, especially with the industrial tech and innovation corridor, and noted that development of the property will eliminate the blight and abatement issues and create employment opportunities. Mr. Oquenda suggested that in keeping with the Complete Communities concept, the City consider ways to work with developers and tenants to bring transit and other forms of transportation into the area.

David Gold, Land Use and CEQA partner at Morrison & Foerster, commented on the thorough work by staff on the Initial Study, Mitigated Negative Declaration, staff report, Conditions of Approval and Mitigation Monitoring and Reporting Program. Mr. Gold noted that the project is compliant with the City's General Plan and zoning, and in 2014 the City adopted an EIR in its General Plan and studied this site for industrial uses. Mr. Gold urged the Commission to put aside the letter that was received just prior to the hearing.

Chair Goldstein closed the public hearing at 8:09 p.m.

Commissioner Willis Jr. commented that he liked the project, despite the objections regarding the environmental impacts. Commissioner Willis Jr. noted that the Eden Shores Homeowner's Association neighborhood of 534 homes collectively pay \$27,000 per year to the California Department of Fish and Wildlife toward mitigation measures and habitat preservation.

Commissioner Bonilla Jr. asked how many jobs the project is estimated to create. Mr. Sanford estimated the project would generate 200-300 short term construction jobs, representing 30+ trades. Depending upon the tenant, the long-term projection could be 200-250 jobs per shift. Commissioner Bonilla Jr. inquired if the developer has considered how it might bring in or partner with public transportation to make the site more accessible. Mr. Sanford stated there are two AC Transit bus stops within a block of the site, and a bike rack will be installed. Commissioner Bonilla Jr. encouraged the developer to stay actively involved in the mitigation of liquefaction, which is of real concern to the community. Mr. Sanford stated that it has been accounted for in the building design.

Commissioner Schott commented that the building will create impacts, and that there is an extreme shortage of industrial space in the city. Commissioner Schott stated that he would personally like to see the solar installed rather than a grant to the City, because of the message it would send. Commissioner Schott commented on the letter from Lozeau Drury



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LLP, noting that using Local 304 would create more local jobs, and could be accommodated on a project of this size.

Chair Goldstein added that the unions in Hayward are very friendly to the City, and it benefits the community to maintain those good relations. Chair Goldstein expressed hope that the Applicant could work out the issues with Local 304.

Commissioner Enders asked Mr. Lozeau for clarification on Local 304's position on the project. Mr. Lozeau stated that Local 304 has commented on the need for a full EIR. Commissioner Enders commented that this project will be great for bringing quality jobs to the city, and it was obvious that the developer worked closely with staff to bring forward a great project. Commissioner Enders expressed appreciation for the decorative art on the outside of the building, solar readiness, elimination of the blight, extra landscaping and walking/biking path.

Commissioner Enders expressed concerns about not having a full EIR for this project, especially with Caltrans and East Bay Regional Park District supporting a full EIR, and recognized she may be the only person in the room that feels this way. Commissioner Enders suggested that the developer consider paying into an improvement district to address issues of sea level rise. Mr. Lee commented that, pending funding, the Shoreline Master Plan will identify adaptation measures on a regional scale. Commissioner Enders asked where funding for the Plan would typically come from. Mr. Lee mentioned grants for which the City has applied. Commissioner Enders commented that it would be in the Applicant's best interest to see the Shoreline Master Plan developed, and recommended that the Applicant pay a small fee toward its development. Commissioner Enders reiterated her environmental concerns, and her preference for a full EIR.

Commissioner Schott commented that in June 2017 the voters approved Measure AA, a \$12 annual regional parcel tax for wetlands restoration, and asked if the City could apply for Measure AA funds for the Shoreline Master Plan. Mr. Lee responded that while the City applied for Measure AA funds for another project, the Shoreline Master Plan was not the best fit for the grant requirements. Mr. Lee indicated that the Plan could be a more competitive project for next year's grants, which will consider large scale planning projects.

Commissioner Willis Jr. made a motion to approve the staff recommendation, subject to the Conditions of Approval. Commissioner Schott seconded the motion.

Commission Schott asked the maker of the motion if he would consider changing one of the conditions to require that solar panels be installed on the roof, rather than a grant to the City. Commissioner Willis Jr. noted the Applicant's response to the question when he posed it earlier, and asked if the Applicant would be agreeable to this change. Mr. English commented



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that the \$125,000 would do more good in the form of a grant to go toward a specific program or set of projects; however, the Applicant would agree to the change.

Chair Goldstein commented that since the developer is already making the grant, there is nothing to add by requiring solar to be built on the roof; however, leaving the roof space open creates the possibility for a tenant to install their own solar. Commissioner Schott agreed to support the original motion.

Chair Goldstein also expressed concern with not having a full EIR.

Commissioner Willis Jr. made a motion to approve the staff recommendation, subject to the Conditions of Approval. Commissioner Schott seconded the motion. The motion passed with the following vote:

AYES: Commissioners Willis Jr., Bonilla Jr., Schott, Chair Goldstein  
NOES: Commissioner Enders  
ABSENT: Commissioners McDermott, Faria  
ABSTAIN: None

**APPROVAL OF MINUTES**

**2. Approval of minutes of the Planning Commission Meeting of December 14, 2017**

A motion was made by Commissioner Schott, seconded by Commissioner Bonilla Jr., to approve the minutes of the Planning Commission Meeting of December 14, 2017. The motion carried with the following vote:

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

**3. Approval of minutes of the Planning Commission Meeting of January 11, 2018**

A motion was made by Commissioner Schott, seconded by Commissioner Willis Jr., to approve the minutes of the Planning Commission Meeting of January 11, 2018. The motion carried with the following vote:

AYES: Commissioners Willis Jr., Bonilla Jr., Schott, Chair Goldstein  
NOES: None  
ABSENT: Commissioners McDermott, Faria



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ABSTAIN: Commissioner Enders

**COMMISSION REPORTS**

Oral Report on Planning and Zoning Matters:

Principal Planner Jeremy Lochirco announced that Commissioner Heather Enders submitted her resignation from the Planning Commission. Commissioner Enders is moving out of Hayward, and tonight will be her last meeting.

Heather Enders was appointed to the Planning Commission in September 2014, and has been passionate about many issues facing the community. Mr. Lochirco thanked Commissioner Enders on behalf of the Development Services Department and the City of Hayward for her many years of service to the residents of Hayward.

Commissioners' Announcements, Referrals:

None.

**ADJOURNMENT**

Chair Goldstein adjourned the meeting at 8:34 p.m.

**APPROVED:**

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Ray Bonilla, Jr. Secretary  
Planning Commission

**ATTEST:**

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Marian Handa, Acting Deputy City Clerk  
Office of the City Clerk