



**PLANNING COMMISSION MEETING  
REMOTE PARTICIPATION  
Thursday, December 9, 2021, 7:00 p.m.**

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The Planning Commission meeting was called to order at 7:00 p.m. by Chair Roche.

The Planning Commission held a meeting consistent with Assembly Bill 361/Government Code 54953(e), which included teleconference participation by Planning Commission members, staff members and the public.

**ROLL CALL**

Present: COMMISSIONERS: Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens  
CHAIRPERSON: Roche  
Absent: COMMISSIONER: None

Staff Members Present: Brick, Chan, Chang, Lochirco, Nguyen, Schmidt

**PUBLIC COMMENT:**

There was technical difficulty at the beginning of the meeting as during the Item 2 presentation, attendees started to appear in the Zoom application thus Chair Roche called for Public Comments at 7:25 pm.

There were none.

**ACTION ITEM**

**1. Election of Officers**

Chair Roche recommended that the Election of Officers be moved to after Item 2. There were no objections, and the item was heard after Item 2.

There was a recommendation from staff that moving forward the Election of Officers will always be placed at the end of the agenda and that the newly elected officers will take their respective seats at the next Planning Commission meeting. The Planning Commissioners agreed with this recommendation.

**Nomination for Chair:**

Commissioner Bonilla nominated Commissioner Oquenda for Chair. Commissioner Oquenda accepted the nomination.



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Commissioner Goldstein nominated Commissioner Ali-Sullivan for Chair. Commissioner Ali-Sullivan respectfully declined the nomination.

The nomination for Chair carried with the following roll call vote:

|          |                                                                                       |
|----------|---------------------------------------------------------------------------------------|
| AYES:    | Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens<br>Chair Roche |
| NOES:    | None                                                                                  |
| ABSENT:  | None                                                                                  |
| ABSTAIN: | None                                                                                  |

**Nomination for Vice-Chair:**

Commissioner Oquenda nominated Commissioner Ali-Sullivan for Vice-Chair. Commissioner Ali-Sullivan accepted the nomination.

The nomination for Vice-Chair carried with the following roll call vote:

|          |                                                                                       |
|----------|---------------------------------------------------------------------------------------|
| AYES:    | Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens<br>Chair Roche |
| NOES:    | None                                                                                  |
| ABSENT:  | None                                                                                  |
| ABSTAIN: | None                                                                                  |

**Nomination for Secretary:**

Commissioner Bonilla nominated Commissioner Lowe for Secretary. Commissioner Lowe accepted the nomination.

The motion carried with the following roll call vote:

|          |                                                                                       |
|----------|---------------------------------------------------------------------------------------|
| AYES:    | Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens<br>Chair Roche |
| NOES:    | None                                                                                  |
| ABSENT:  | None                                                                                  |
| ABSTAIN: | None                                                                                  |

**PUBLIC HEARING:**

2. Proposed Development of a new Industrial Campus with Two Industrial Buildings Measuring Approximately 233,000 Square Feet and 155,000 Square Feet and Related Site Improvements Requiring Major Site Plan Review and Conditional Use Permit



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Approval and Review and Approval of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Former Berkeley Farms Site Located at 25450-25550 Clawiter Road (APNs: 439-0080-001-00 and 439-0080-003-14). George Condon on behalf of Dermody Properties (Applicant); DPIF2 CA 25 Clawiter Road LLC (Property Owner)

Acting Principal Planner Schmidt provided a synopsis of the staff report. Ms. Schmidt said that staff received public comments that were forwarded to the Planning Commissioners.

Mr. George Condon applicant, spoke about the project and anticipated tenants.

Discussion ensued between the Planning Commission, staff and the applicant regarding the following: questions about the potentially significant findings in regards to tribal cultural resources, how will these resources be protected and is it typical for tribes not to respond within the timeline; the metal screen application on building number two; the façade design and how were colors chosen; how traffic fees are determined; are they a one time or long term fees and was there a traffic impact study conducted; what can be done to hold developers responsible for potential road impacts; how are the transportation impacts being mitigated; are the vehicle miles traveled (VMT) miles generated on daily trips based on heavier use; tree removal and replacement; can applicant be encouraged to hire Hayward residents; what is being done about the cumulative impacts from greenhouse gas emissions (GHG) for the whole area and is there a local oversight committee; will the building be prepared for solar and if solar is installed will there be carbon offsets; does the City have any agreements with East Bay Community Energy (EBCE) and developers that will allow build out of solar that will benefit both tenant and EBCE.

Acting Principal Planner Schmidt spoke about the potentially significant findings regarding finding any tribal cultural resources, noting there is State law protocol in place for notification to tribes, staff will both mail and email a letter to the tribal contacts and it is not unusual for tribes not to respond. She said this site has been developed about four times, it has been used for agricultural, sheet metal industry and then Berkely Farms. Ms. Schmidt said that every Hayward project will be marked as potentially significant impact, as during digging, there is the possibility of coming across artifacts and tribal cultural resources. Staff wants to make sure that the conditions of approval (COI) contain the protocol to be followed if discoveries occurred. Ms. Schmidt spoke about the process for the landscaping and how applicant's and the City's landscape architects will work together and that tree trends change. She spoke about the cumulative effect of GHG emissions from truck trips and how this needs to be looked at as a whole and not just individual projects. She spoke about how the transportation impacts were determined and that the impacts match the project. Ms. Schmidt said that the City's zoning ordinance does not contain a requirement to hire local residents.



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Mr. George Dix, CEQA consultant with Rincon consultants and the City's California Environmental Quality Act (CEQA) consultant; added that the likelihood of uncovering tribal resources increases as you get closer to the bay and waterways. Mr. Dix spoke about the different types of GHG emissions and how these are mitigated noting that for this development more than half of the GHG is from the truck trips.

Mr. Condon said his company works with cities to hold job fairs to attract local residents and introduce the development's tenants. He spoke about transportation emissions; the building does not have any impacts; and the impacts are from the trucks for GHG.

Ms. Leticia De Brito, with Ware Malcomb Architects, said the metal art panels are cantilevered and spoke about how the art panels were designed for the desired impact and spoke about her company and their designs goals. Ms. De Brito said that solar panels? will be determined by the power need of the tenant and that the roof can support solar panels.

Transportation Engineer Chang explained how the traffic fees are determined; the portion the applicant will be responsible for is based on the number of trips that the project is expected to generate; bicycle lane costs are derived from the City's adopted Bicycle Master Plan and determined by the length of the frontage.

Sr. Civil Engineer Wikstrom spoke about the state law Mitigation Fee Act which allows cities to charge developers for capitol one-time expenditures and the maintenance will be supported by the tax revenue from this development.

Mr. Bill Vosti, with Rincon Consultants the City's CEQA consultants, spoke about how projects assist a city with meeting its GHG goals which in turn assists the State to meet its GHG goals. He said that some cities have their own Climate Action Plan; the regional level will be the Bay Area Air Quality Management District and often staff will use this agency's GHG goals. Mr. Vosti said the CEQA level analysis is performed at a higher level for GHG emissions with the specifics known at that time and when there is a more accurate number that is needed to be reduced then a GHG reduction plan can be formulated and can be enforceable. Mr. Vosti said that carbon offsets can be purchased to reduce GHG emissions.

Chair Roche opened the public hearing at 8.05 p.m.

Mr. Rich Fierro, Hayward resident, thanked staff for the report and asked the Planning Commission to approve the project.

Mr. Kim Huggett, President of the Chamber, said the Chamber's Government Relation Council voted unanimously to endorse this quality project that will bring significant tax



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revenue and jobs to the City. He spoke about the loss of approximately 300 jobs when Berkeley Farms closed adding to a total of 5600 layoffs in the Hayward/Eden area in 2020. Mr. Huggett said the Hayward business community urges approval of the project.

Mr. Francisco Nunez, with Laborers Local 304 representing over 4300 men and women in Alameda County of which 1100 live in Hayward, spoke about traveling long distances for employment and the importance of having quality and good paying job in the area. He highlighted the developers work done on environmental considerations and urged the Planning Commission to approve the project.

Mr. Caleb Stockinger, Hayward resident and Sheetmetal Workers Union Local 104 apprentice, spoke about the importance to have the perspective from construction workers; there are not many opportunities for middle class jobs and said as an apprentice he has been able to work. This project will provide Hayward residents with quality jobs and at the same time enable these workers to shop locally and will have a positive impact on the City's economy.

Mr. Manny Chin, Laborers International Union, and Hayward resident; spoke in favor of the project; this project will allow members to work in the City where they live in and will generate revenue to help local businesses. Mr. Chin asked the Planning Commission to support the project

Mr. Eduard Sandulyak, Hayward resident and International Brotherhood of Electrical Workers 595 member, spoke in support of project; this is a great opportunity for construction workers to work close to home; they will have less stress; and workers will shop in Hayward rather than commuting and spending money elsewhere. He asked that the Planning Commission support this project to enable the City to continue to support its middle-class workers and then they can work close to home and support local businesses.

Mr. Jacob Klein, organizer with the SF Bay Chapter of the Sierra Club, spoke in support of the project and asked the Planning Commission to approve this project as long as the COIs are applied that protect the environment. Mr. Klein thanked for the opportunity to work with community, environmental, and labor interests; to develop projects that support environmental justice, economic development, job creation and a just recovery.

Mr. Doug Bloch, with the Teamsters Joint Council Local 7, spoke about working with different agencies i.e., Sierra Club; appreciates the thoughtful discussion about the regional impact as the Planning Commission discusses a last mile terminal. He reminded everyone that Teamster members lost their jobs when Berkely Farms closed and there were Teamster members who followed Gillig to Livermore and away from Hayward. Mr. Bloch



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said they hope to bring union jobs back to Hayward and have clean vehicles back on the road.

Ms. Martha Kreeger, Group Chair with the Sierra Club; spoke in favor of the project; expressed gratitude to the City and staff for the changes to the Zoning Ordinance that allows for a high level of due diligence as evidenced by the Planning Commission's questions. Ms. Kreeger spoke about Hayward's compromised environment and how Amazon's Last Mile Station would have impacted the City. She said to ask for a full EIR and traffic study; and the Sierra Club stands in solidarity with organized labor.

Mr. Vince Sugrue, representing Hayward Sheetmetal Workers Union Local 104, said that from a construction perspective, Hayward has a rich history of supporting working family values and is proud to see this project before the Planning Commission. He said this is a well thought out project that will play an important role in the City. Dermody Properties will be using a skilled and trained workforce to build this project with workers earning a living wage with benefits. Mr. Sugrue asked the Planning Commission to approve this quality project for Hayward's working families.

Ms. Liz Ortega-Toro, Executive Secretary-Treasurer for the Alameda Labor Council representing 135,000, workers many who live and work in Hayward, asked that the Planning Commission support the project and to encourage the developer to continue discussions with Teamsters who lost their jobs when Berkely Farms closed.

Mr. Diego Hernandez, Laborers Union member, spoke about how this opportunity has given him a chance to make a living wage and be able to support his family. He said that Dermody Properties has provided such opportunities to working families looking and will strengthen the middle class. Mr. Hernandez encouraged the Planning Commission to approve this project.

Chair Roche closed the public hearing at 8:27 p.m.

Commissioner Bonilla made a motion to move the item per the staff recommendation.  
Commissioner Stevens seconded the motion.

Chair Roche commented that she is pleased with the project, the work done with Dermody Properties in collaboration with City staff and local labor has proven to be a very exciting project and looks forward to supporting the motion.

Commissioner Lowe commended staff and Planning Commissioners for challenging the Amazon item which was discussed previously.



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A motion was made by Commissioner Bonilla, seconded by Commissioner Stevens to approve the staff recommendation. The motion passed with the following roll call votes:

|          |                                                                                       |
|----------|---------------------------------------------------------------------------------------|
| AYES:    | Commissioners Ali-Sullivan, Bonilla, Goldstein, Lowe, Oquenda, Stevens<br>Chair Roche |
| NOES:    | None                                                                                  |
| ABSENT:  | None                                                                                  |
| ABSTAIN: | None                                                                                  |

**Item 1, Election of Officers was conducted at this time.**

**APPROVAL OF MINUTES**

**3. Approval of the Planning Commission Meeting Minutes of November 18, 2021**

A motion was made by Commissioner Oquenda, seconded by Commissioner Stevens, to approve the Planning Commission Meeting Minutes of November 18, 2021.

The motion passed with the following roll call votes:

|          |                                                                         |
|----------|-------------------------------------------------------------------------|
| AYES:    | Commissioners Bonilla, Goldstein, Lowe, Oquenda, Stevens<br>Chair Roche |
| NOES:    | None                                                                    |
| ABSENT:  | None                                                                    |
| ABSTAIN: | Commissioner Ali-Sullivan                                               |

**COMMISSION REPORTS**

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

Acting Planning Manager Lochirco announced that the Planning Commission meeting of Christmas week will be canceled and possibly the January 13, 2022, as there were currently no items to be heard. Mr. Lochirco said that there will be a joint City Council and Planning Commission Work Session to continue the objective standards discussion and potential updates to the density bonus ordinance and will provide details when the meeting is scheduled.

***Commissioners' Announcements, Referrals:***

Commissioner Bonilla wished everyone Happy Holidays, it has been fun with the virtual meetings during 2021 and is looking forward to seeing everyone in person in 2022.



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Chair Roche wished everyone Happy Holidays and congratulated the new officers and offered her support.

**ADJOURNMENT**

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

**APPROVED:**

A handwritten signature in black ink, appearing to read "Brigitte Lowe", is written over a horizontal line.

Brigitte Lowe, Secretary  
Planning Commission

**ATTEST:**

A handwritten signature in black ink, appearing to read "Denise Chan", is written over a horizontal line.

Denise Chan, Senior Secretary  
Office of the City Clerk