

**PLANNING COMMISSION MEETING
COUNCIL CHAMBERS AND VIRTUAL (ZOOM)
PARTICIPATION
Thursday, September 22, 2022, 7:00 p.m.**

Due to Chair Oquenda being absent, Commissioner Lowe facilitated the Planning Commission meeting as Chair.

The Planning Commission meeting was called to order at 7:00 p.m. by Chair Lowe. The Planning Commission held a hybrid meeting in the Council Chambers and virtually via Zoom.

PLEDGE OF ALLEGIANCE led by Chair Lowe.

ROLL CALL

Present:	COMMISSIONERS:	Bonilla Jr., Goldstein, Roche, Stevens
	CHAIRPERSON:	Lowe
Absent:	COMMISSIONER:	Ali-Sullivan
	CHAIRPERSON:	Oquenda

Staff Members Present: Lochirco, Madhukansh, Ochinero, Parras, Vigilia, Wikstrom

PUBLIC COMMENTS

There were none.

PUBLIC HEARING

1. Proposed Development of a 219,656-Square-Foot Industrial Shell Building on an Approximately 10.9-Acre Site at 3636 Enterprise Avenue (Assessor Parcel Number 439-0099-036-02), Requiring Approval of Major Site Plan Review and Conditional Use Permit and a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program. George Condon on behalf of Dermody Properties (Applicant); Hainted Rock LLC & EGA Investments LLC (Property Owner)

Planning Manager Lochirco provided a synopsis of the staff report. He noted that several comments submitted on the Mitigated Negative Declaration (MND) by the Bay Air Management District were accepted by the applicant and added to the project's Conditions of Approval. Mr. Lochirco clarified that a major site plan was required because the size of the site was larger than the City's requirement and that required Planning Commission review. The size of the building was what triggered the Conditional Use Permit. Though there were no identified tenants, he mentioned that the applicant had agreed to prohibit the site being used as a truck terminal.

Commissioner Stevens requested that staff address his question whether there was fill in at the site and if so, was it anticipated that this would settle. Senior Development Services



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Engineer Wikstrom responded that per the planning entitlement, a full geotechnical report was completed. The report indicated that five borings within the building footprint, all of which encountered dense sands or stiff clays, extending down to the maximum drill depth of 135 feet. The report concluded that with assumed 5-foot of fill, the settlements would be one inch or less. Mr. Wikstrom underscored for Commissioner Stevens that with regards to any on-site settlements having future impact due to sea-level rise, the potential would be negligible.

In response to Commissioner Stevens question about how much cubic yards of fill dirt will be brought onto the project site, Mr. Emad Sarieddine, Civil Engineer with Kier & Wright Civil Engineers, estimated that 45,000 to 50,000 cubic yards of fill dirt will be brought onto the site.

Commissioner Roche asked if recycled water from the adjacent wastewater facility will be used to water the new landscaping at the site. Mr. Sarieddine explained there was no water line along the frontage of Enterprise Avenue that could service the project site. Commissioner Roche encouraged the applicant to explore using recycled water as an option. Mr. Sarieddine indicated that since a clean water line was anticipated to be added, the applicant will install a purple line that can be connected to existing water lines and then in the future, as clean water becomes available, the purple lines can easily be connected for irrigation. Commissioner Roche referenced Condition of Approval No. 38 (GHG-1: Greenhouse Gas Reduction Plan) and asked the applicant if they were willing to install electric vehicle (EV) ready spaces, since it was more expensive to retrofit EV charging stations. Mr. George Condon, with Dermody Properties, responded that the applicant would be amenable to adding EV-ready stations that included conduit running to the parking stalls and would further discuss these numbers with staff. Planning Manager Lochirco explained the EV-ready requirement was tied to the Building Permit and that the project was subject to meet Building Code requirements, adding that amendments to EV charging station requirements outside of the Reach Code were being incorporated in the off-street parking regulations.

Commissioner Roche asked if the creek was exposed and if there were any concerns about water runoff during construction. Mr. George Dix, Environmental Consultant with Rincon Consultants, remarked there was a creek to the south of the project site which was open but channelized. He commented that the project site would not contribute a lot of hydrology to the creek system but noted that some runoff currently went from the project site and into the creek. Mr. Dix stated that when the project was under construction, projects over one acre would be covered under a mandatory Stormwater Pollution Prevention Plan (SWPPP), which was a site-specific plan that includes best management practices to prevent erosion and siltation of the streams, mechanisms for soil and other pollutants from leaving the site and clean up fuels from equipment. Once complete, the



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project will have landscaping and bio-retention areas that will treat runoff from the building.

Mr. Condon confirmed for Commissioner Roche that the applicant will be working with local trade unions in building the project, highlighting that his firm had a relationship with the Mechanical Crafts and Iron Workers unions.

Commissioner Goldstein noticed that Condition of Approval No. 38 included an option of using the East Bay Community Energy Renewable 100 plan, but since the project did not have a tenant, he asked if that requirement would fall under the Use Permit. Mr. Dix responded that GHG-1 was modeled assuming the innate use that was permitted in the General Zoning Industrial District, and that it envisioned many truck trips that may or may not happen. When there was an identified tenant, the greenhouse gas emissions are determined to be significant than what was modeled. If there were still emissions after the tenant-specific plan had been drafted, there would be several options per the mitigation measures that could be implemented to comply with Condition of Approval No. 38. Commissioner Goldstein noted there was no Transportation Demand Management (TDM) program in the plans that include bicycle storage, lockers, showers, and asked if this would be more appropriate for the site plan. Mr. Condon clarified this would come as a tenant was identified and noted that specific improvements would be performed by the applicant for this tenant.

Commissioner Roche asked if the employee space at the back of the building was visible from I-92 and will there be any design to the back façade of the building to make the entryway into Hayward more pleasing. Mr. Condon agreed that the area would be a great gathering space for employees as it would be away from the trucks, adding that the Water Pollution Control Facility had a nice view up to the marsh area. Mr. Condon responded that the applicant could explore a trellis system to be installed with vines along the back of the building. Mr. Saredine stated the applicant would further explore whether the building was visible from the I-92 highway. Mr. Greg Montgomery, with the architect's firm Ware Malcomb, added that there was a secondary office entry on the corner with glazing that would be visible from I-92. Mr. Condon confirmed for Commissioner Roche that the applicant would ensure that anything visible from I-92 would be visually attractive and not a blank concrete wall; and that any space for employees to serve as gathering places for breaks and lunches would also be attractive.

Commissioner Stevens asked what the potential uses might be for the building. Mr. Condon remarked one company had expressed strong interest in the building and that they were in contact with Economic Development staff, but it could not yet be disclosed who they were. He noted any potential tenant will be a warehouse distribution user or a form of light manufacturing. Mr. Condon elaborated that there were two other buildings on Clawiter



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Road that were owned by Dermody Properties, and that these had been leased to Rivian and that there would be significant manufacturing uses in these buildings.

Chair Lowe opened the public hearing period at 7:36 p.m.

Mr. Jason Lindsey, President of Business Agent of Ironworkers Local 378 and representing East Bay Residents for Responsible Development, shared that the applicant had signed an agreement with the Construction Trade Union to have local construction workers build the project and urged the Planning Commission to support the project.

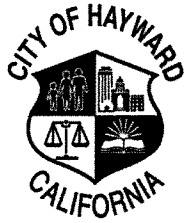
Mr. Brian Werner, Zoom participant, spoke on behalf of Sheet Metal Workers and Mechanical Crafts, noted that Dermody Properties had agreed all construction workers will receive health care and benefits, that the project would create opportunities and equity in the community, and expressed his support of the project.

Chair Lowe closed the public hearing period at 7:39 p.m.

Commissioner Roche made a motion to approve the item per staff recommendation and Commissioner Goldstein seconded the item.

Commissioner Stevens expressed that he was troubled that the project would bring in 50,000 cubic yards of fill into a historic marshland, which would bring thousands of truck trips to dispose soil at the site in order to build a structure in the flood plain. He stated that it was difficult to have the stance of being pro-environment when filling a marshland, if sea-level rise and significant tide events increasing over time were perceived as threats to the environment. He indicated that the proposed development may create a hazard for the shoreline as it was also against the basic principles of shoreline development. Commissioner Stevens noted it was difficult to assign an arbitrary line requiring that the development be a certain distance from the shoreline because biological species do not know where this line exists. He stated that if the use was known for the site, such as if it were to be used as a manufacturing facility producing batteries or semi-conductors employing many people long-term, then he may be supportive of the project. Given that the use and tenant were unknown and that the project was speculative construction, it was difficult for him to support the project as it would not be good use of space or good planning, especially if the site were ultimately used as a storage locker for products.

Commissioner Bonilla Jr. appreciated Commissioner Stevens' comments about speculative construction and use of the property, however he announced his support of the project due to the extensive community benefit being provided, the economic enrichment opportunities, and the alignment with labor, economic, and equity opportunities.



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Commissioner Goldstein supported the project indicating that the business opportunities that come to the community help fund the City's commitments to its residents. He shared that when he served on the General Plan Update Task Force in 2012, the task force collaborated with the community and identified the community's expectations for development. Commissioner Goldstein emphasized that the applicant had an excellent relationship with local unions which benefited working residents of Hayward.

Chair Lowe found it impressive that the applicant had worked with the local unions and accepted additional mitigations to make sure the project exceeded environmental impact requirements. She acknowledged Commissioner Stevens' comment but was hopeful the applicant would find a suitable tenant.

A motion was made by Commissioner Roche and seconded by Commissioner Goldstein, to approve the project per staff recommendation.

The motion passed with the following roll call votes:

AYES:	Commissioners Bonilla Jr., Goldstein, Roche Chair Lowe
NOES:	Stevens
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan
ABSTAIN:	None

APPROVAL OF MINUTES

2. Approval of the Minutes of the Planning Commission Meeting from June 23, 2022.

A motion was made by Commissioner Bonilla Jr., seconded by Commissioner Goldstein to approve the Planning Commission Meeting Minutes from June 23, 2022.

The motion passed with the following roll call vote:

AYES:	Commissioners Bonilla Jr., Goldstein, Roche, Stevens, Chair Lowe
NOES:	None
ABSENT:	Chair Oquenda, Commissioner Ali-Sullivan

COMMISSION REPORTS

Planning Manager Lochirco announced the next Planning Commission meeting would be on



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October 13, 2022 and that staff will present an informational update on the Objective Standards project.

Oral Report on Planning and Zoning Matters

Planning Manager Lochirco announced there was no report.

Commissioners' Announcements, Referrals

Chair Lowe announced there were no Commissioners' announcements or referrals.

ADJOURNMENT

Chair Lowe adjourned the meeting at 7:48 p.m.

APPROVED:

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

Brigitte Lowe, Secretary
Planning Commission

ATTEST:

A handwritten signature in black ink, appearing to be "Avinta Madhukansh-Singh", written over a horizontal line.

Avinta Madhukansh-Singh
Interim Planning Commission Secretary
Office of the City Clerk