



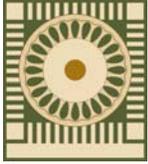
CITY OF
HAYWARD
HEART OF THE BAY

PLANNING COMMISSION

NOVEMBER 17, 2011

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CITY OF HAYWARD
777 B STREET, HAYWARD, CA 94541-5007
(510) 583-4205 / www.hayward-ca.gov
LIVE BROADCAST – LOCAL CABLE CHANNEL 15

AGENDA
HAYWARD PLANNING COMMISSION
Thursday, November 17, 2011, AT 7:00 PM
COUNCIL CHAMBERS

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

ROLL CALL

SALUTE TO FLAG

PUBLIC COMMENT: (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

NON-ACTION ITEMS: (Work Session items are non-action items. Although the Commission may discuss or direct staff to follow up on these items, no formal action will be taken. Any formal action will be placed on the agenda at a subsequent meeting in the action sections of the agenda).

None.

ACTION ITEMS: (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

PUBLIC HEARINGS: For agenda item No. 1 the Planning Commission can either recommend approval to the City Council or deny the application. Any denial action is appealable. 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 agenda item No. 2 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.



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

1. **Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner)** – Request for a zone change from High Density Residential District to General Commercial District, repeal the Mission Corridor Special Design Overlay District, and Site Plan Review associated with a proposed renovation of the Toyota Dealership.

The properties to be rezoned are 24690 through 24710 O’Neil Avenue, the properties of the Toyota Dealership also include 24760 and 24778 O’Neil Avenue and 24773 Mission Boulevard (Assessor’s Parcel Nos. 444-36-34-3, 44-6, 45-6, 46, 47, and 48), approximately 200 feet north of Orchard Avenue, on a through-lot having frontage on both Mission Boulevard and O’Neil Avenue. The Mission Corridor Special Design Overlay District Encompasses the Mission Boulevard Corridor Between Jackson Street and Harder Road.

[Staff Report](#)

[Attachment I - Area Map](#)

[Attachment II - Site Plan](#)

[Attachment III - Mission Corridor Design District](#)

[Attachment IV - Initial Study and Negative Declaration](#)

[Attachment V - Findings for Approval for the ZC Application](#)

[Attachment VI - Findings for Approval For the TA Application](#)

[Attachment VII - Findings For Approval For the SPR Application](#)

[Attachment VIII - Conditions of Approval](#)

[Attachment IX - Development Plans](#)

2. **Conditional Use Permit No. PL-2011-0334** – One year review of operations of ME Restaurant and Lounge and modifications of conditions of approval.

The property is located at 926 B Street.

[Staff Report](#)

[Attachment I Area & Zoning Map](#)

[Attachment II Findings](#)

[Attachment III Conditions](#)

[Attachment IV List of Events](#)

COMMISSION REPORTS:

3. Oral Report on Planning and Zoning Matters
4. Commissioners’ Announcements, Referrals

APPROVAL OF MINUTES

5. None.

ADJOURNMENT

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

NOTE: Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

DATE: November 17, 2011

TO: Planning Commission

FROM: Tim R. Koonze, Associate Planner

SUBJECT: **Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner) – Request for a Zone Change from High Density Residential District to General Commercial District, Repeal the Mission Corridor Special Design Overlay District, and Site Plan Review Associated with a Proposed Renovation of the Toyota Dealership**

The Properties to be Rezoned are 24690 Through 24710 O’Neil Avenue, the Properties of the Toyota Dealership Also Include 24760 and 24778 O’Neil Avenue and 24773 Mission Boulevard (Assessor’s Parcel No’s 444-36-34-3, 44-6, 45-6, 46, 47, and 48), Approximately 200 Feet North of Orchard Avenue, On a Through-Lot Having Frontage on Both Mission Boulevard and O’Neil Avenue, the Mission Corridor Special Design Overlay District Encompasses the Mission Boulevard Corridor Between Jackson Street and Harder Road

RECOMMENDATION

That the Planning Commission recommends that the City Council: 1) adopts the Initial Study and Negative Declaration, 2) approves the zone change for three parcels fronting O’Neil Avenue from High Density Residential (RH) District to General Commercial (CG) District, 3) approves the Zoning Ordinance text amendment to repeal the Mission Corridor Special Design Overlay (SD-2) District, and 4) approves the site plan review to expand and remodel the Toyota automobile dealership, based on the attached findings and the conditions of approval.

SUMMARY

Staff is supportive of the proposed project, as conditioned, because it would help facilitate expansion and success of a valued automobile dealership that provides fiscal benefit to the City, while minimizing impacts to adjacent properties. Also, removal of the special design overlay district, which is anticipated to occur in approximately one year with adoption of the Mission Boulevard Form-Based Code, would allow businesses along this portion of Mission Boulevard wishing to expand or remodel more flexibility in design. Such flexibility would assist in attracting new businesses and promoting existing businesses, offering residents a greater variety of retail choices in this portion of the City. The City’s site plan review process will ensure that future projects would be well designed and compatible with surrounding uses.

BACKGROUND

The Toyota dealership site has two street frontages as the property extends from Mission Boulevard to O'Neil Avenue. It includes six separate parcels that would be required to be merged with this proposal. It is a flat parcel that has a slight slope towards the southwest corner of the property.

The existing automobile showroom office and two supporting maintenance and repair buildings were originally constructed for Chrysler in 1969 as a primary use on the portions of the property that are in the General Commercial Zoning District. The Toyota dealership moved to the site in 1991 and has been operating within the original buildings. According to City aerial photos, sometime between 2006 and 2009, auto display parking expanded onto one of the residential properties that is involved in the proposed zone change. The other two properties proposed for the zone change have vacant boarded-up structures consisting of three dilapidated detached single-family homes and one duplex that would be deconstructed and replaced with display parking (refer to Attachment II). The existing structures have no historical significance.

There are commercial uses to the east, across Mission Boulevard, and to the north and south of the property along Mission Boulevard. There are multi-family uses to the west, across O'Neil Avenue, and to the north and south of the property along O'Neil Avenue.

DISCUSSION

Project Description - The applicant proposes to expand the Toyota dealership site to include three properties to the northeast of the existing dealership that are currently zoned High Density Residential (refer to Attachment II). The expansion would create more automobile display parking and allow for the addition of a carwash building that would be installed for the exclusive, non-public use by the Toyota dealership. To expand the auto dealership onto these properties, the applicant is requesting that they be rezoned to General Commercial, to match the zoning of the rest of the property.

The applicant is also proposing to remodel the existing buildings on the Toyota dealership site with a modernist architectural design that would not be in keeping with the Mission Corridor Special Design Overlay District, which requires a Spanish ranch or California mission theme. To allow for the proposed design, the applicant has submitted a text amendment application requesting that the Mission Corridor Special Design Overlay District be repealed.

While automobile dealerships are a primary use in the General Commercial District, the site plan review would ensure that the proposed use would meet the goals of the site plan review which "is aimed at fostering development and the establishment of uses which take into account on-site and surrounding structures and uses to an attractive City physical and environmental constraints and traffic circulation so that the new development is accomplished in an orderly manner, complies with the of City development policies and regulations, and is operated in a manner determined to be acceptable and compatible with surrounding development".

Zone Change - The approval of a zone change is needed to allow the three underutilized residential properties that are zoned High Density Residential, which are located in the northwest portion of the existing Toyota dealership property, to be utilized for commercial use (refer to Attachment II). Changing the zoning to General Commercial (CG) District would be consistent with the zoning of the properties that currently support the dealership. The CG zoning would allow the properties to be used for additional display parking, create a better circulation area, and allow for the construction of the proposed carwash facility.

The largest of the three properties is a 0.6-acre parcel that is currently used for display parking. The other two properties combined contain 0.4 acre and consist of boarded-up, vacant multi-family dwellings that are proposed to be deconstructed. The properties where the proposed rezoning is proposed have a General Plan designation of Commercial/High Density Residential. The proposed CG zoning is consistent with this General Plan designation.

Additional traffic to the Toyota dealership as a result of the expansion and remodeling would be minimal as the expansion comprises additional display area and the construction of a carwash facility. The additional truck traffic for new car deliveries for the site for the additional display area would also be nominal. Additionally, the majority of the truck carriers currently unload vehicles on O'Neil Avenue and then drive the vehicles onto the site. Improved on-site circulation and a recommended condition of approval would require that all loading and unloading of trucks occur on-site, thus reducing impacts to the surrounding neighborhood (refer to Recommended Condition of Approval 10 in Attachment VIII).

The carwash facility would not be open to the public and would only be used to serve the automobiles sold at the dealership. All traffic created by the carwash would occur on-site. A sound study was performed by Colia Acoustical Consultants dated September 13, 2011, which concluded that, with the installation of a Noise Reduction Package on the dryer unit into the carwash, the noise generated from the carwash would reach a maximum of 69.6 decibels at the O'Neil Avenue property line (back of sidewalk). The City's Noise Ordinance allows 70 decibels at the property line between the hours of 7:00 a.m. and 9:00 p.m. within a residential area. A recommended condition of approval would require the use of the Noise Reduction Package and limit the operation of the carwash between the hours of 7:00a.m. and 9:00 p.m. (refer to Recommended Condition of Approval 9 a and b in Attachment VIII). Therefore the carwash facility would comply with the City's Noise Ordinance without any additional acoustical shielding, such as a sound wall.

Placement of an eight-foot-high masonry wall between the residential and commercial uses would act as a visual barrier and would also attenuate noise that may be generated from the commercial site. Other than the noise from the carwash, which has been addressed, the display would not generate any appreciable noise or activity, thus making the commercial use compatible with the adjacent residential uses.

Zone Change Findings - In order for the Zone Change Application to be approved, the following findings must be made.

A. Substantial proof exists that the proposed change will promote public health, safety,

convenience and general welfare of the residents of Hayward.

The zone change will allow the expansion and enhancement of an automobile dealership that is located within an area that has historically been considered “auto row.” The maintenance of this land use provides for local and regional shopping opportunities and contributes to the City’s economy proving beneficial to both the convenience and welfare to Hayward residents.

B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.

The zone change would allow for the expansion of an existing automobile dealership that is consistent with the intent of maintaining commercial uses along Mission Boulevard and the zone change would be consistent with the General Plan land use designation of Commercial/High Density Residential.

C. Streets and public facilities existing or proposed area adequate to serve all uses permitted when the property is reclassified.

The public streets and facilities are adequate to serve the expanded automobile display area and carwash facility.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.

In conjunction with the zone change, the City is processing a site plan review application to ensure that the proposed expanded automobile display area and carwash facility would be compatible with the surrounding uses. Improved on-site circulation and a recommended condition of approval requiring that all loading and unloading of trucks occur on-site would ensure minimal impacts to the surrounding neighborhood. In addition, the site plan review is conditioned to provide an eight-foot high masonry wall between the commercial and residential uses. It would also require the carwash facility to incorporate a Noise Reduction Package on the dryer unit and would limit the operation of the carwash facility to the hours of 7:00 a.m. to 9:00 p.m. thereby, according to the sound study, conforming to the City’s Noise Ordinance.

Text Amendment- To Repeal the Mission Boulevard Special Design Overlay District - The Mission Corridor Special Design Overlay District (Hayward Municipal Code Section 10-1.2615) requires that all construction that occurs along the Mission Boulevard corridor between Jackson Street and Harder Road be of a Spanish ranch or early California mission design (refer to Attachment III for limits to the Mission Corridor Special Design Overlay District). That design requires low spreading rooflines and warm earth color and textures. The Special Design Overlay District was established as a result of a strategy established in the Mission-Foothills Neighborhood Plan that was approved in 1992. The special design was suggested by the Mission-Foothills Task Force as a way to create a more unified appearance along the Mission Corridor.

Most of the buildings within the Special Design Overlay District were constructed prior to the establishment of the special design district and consist of boxy commercial architecture common in the 1950s and 60s. Renovation of these existing buildings to conform to the District's design requirements would be difficult and in some cases impossible as the district calls for *low spreading rooflines* used in single-story design and many of the existing buildings are two-story in height.

The requirement for all building construction to resemble a Spanish ranch design has not worked well in this district. There have been other dealerships that have implemented the special design requirements in their building architecture, such as the Honda and Volkswagen dealerships, with unsuccessful results. Although these buildings utilized some barrel-tile roof and earth-tone stucco siding, the primary architectural features are not consistent with the Spanish ranch design.

Also, the City is currently processing a specific plan and form-based code for this area that is scheduled for Council adoption in the fall of 2012. The proposed form-based code proposes to use the same design standards as the South Hayward BART/Mission Boulevard Form-Based Code that was approved by City Council on October 11, 2011. The proposed code encourages a high-density urban type of development that does not include any particular architectural design or style. The Spanish ranch or California mission design favors a lower-density suburban development.

It is staff's opinion that the subject site should be removed from the Mission Corridor Special Design Overlay District. The Spanish ranch and California mission architectural styles does not reflect the desired design nor is it well adapted to the type of buildings needed by auto dealerships. The removal of the design district would allow Toyota to have a design that is more in line with a modern automobile dealership incorporating crisp building lines and utilizing metal and glass for the showrooms, reflective of a more contemporary architectural style.

Text Amendment Findings - In order for the text amendment application to be approved, the following findings must be made. Staff's responses to those findings are included below.

A. Substantial proof exists that the proposed change will promote public health, safety, convenience and general welfare of the residents of Hayward.

The proposed text amendment would prove beneficial to the welfare of Hayward residents in that it allows business wishing to expand or remodel more freedom in design, which would assist in attracting new businesses and promoting existing businesses, offering residents a greater variety of retail choices. Currently, it could be financially prohibitive to renovate existing buildings to conform to the Spanish design and in some cases, it could be impossible for the building to conform to the requirement of a *low spreading roofline*. In the cases of additions, not only would the addition have to meet the Spanish design theme, the entire façade of an existing building would also have to be remodeled. This could prove cost prohibitive for some businesses. The removal of the Spanish design requirement would make it easier for existing business to expand and new businesses to locate along Mission Boulevard, thereby creating more economic growth opportunities for businesses and a greater variety of retail choices for Hayward residents.

B. *The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.*

Relevant stated purposes of the Zoning Ordinance are to, “retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, and recreational amenities; allow for the infill and reuse [of] areas at their prevailing scale and character; and accommodate expansion of development into vacant and under-utilized lands within environmental and infrastructure constraints.”

The removal of the Mission Corridor Special Design Overlay District would allow for a wider variety of architectural design and would provide more opportunities for expansion of existing businesses that would promote the general welfare of the City. Also, deletion of the Special Design Overlay District would be consistent with the Economic Development strategy identified in the General Plan that reads, “*Revitalize declining commercial and industrial areas and obsolete facilities through reasoning, redevelopment, rehabilitation and other available means.*” The expansion and remodel of the existing dealership will revitalize the Toyota dealership business and help strengthen Hayward’s remaining “auto-row.”

C. *Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.*

The removal of Special Design Overlay District would not have an effect on the streets and public facilities.

D. *All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.*

Although the Mission Corridor Special Design Overlay District requires Spanish ranch and California mission design for new buildings and additions, it does not address modifications to existing buildings. In most cases, it is not feasible to renovate all existing buildings or portions of a building on a site within the special design area. The proposed form-based code for this area does not require the Spanish ranch/California mission architectural design theme, but rather focuses on creating transit and pedestrian-oriented neighborhoods that addresses the form of buildings, while allowing for more architectural freedom.

Site Plan Review - The applicant is proposing a modernist building design that replicates a brand design that Toyota is using in many of its other dealerships. The building design reflects the company, its products, and the sales campaign used for the past few years. Approval of the site plan would allow for such a design, as well as a site layout that allows for better on-site circulation, increased display area, merging of the service buildings, and the installation of a carwash facility.

The applicant proposes the architectural remodel of the showroom building that would include the use of metal panels, double-glazed glass and exterior plaster. A new entry portal leading to the showroom is proposed that would include translucent glass and steel members painted white. A

new porte-cochere is proposed on the south end of the showroom building where customers would pick-up their newly-purchased vehicle and Toyota staff would orient the car owner to the features of vehicle he/she purchased. The applicant proposes to remove the elongated maintenance building that parallels Mission Boulevard and expand the maintenance building located behind the primary showroom building, thereby minimizing the presence of the maintenance building as seen from Mission Boulevard.

The site would be designed to lessen the impact of the dealership to the surrounding properties. The site design includes 25 on-site customer parking spaces. Currently customers park along Mission Boulevard of wherever they can find room on site. The revised on-site circulation plan would also allow trucks to load and unload on-site. According to the Toyota Operations Manager, the majorities of the truck carriers unload the vehicles on O'Neil Avenue, then drive them onto the site.

Most high-end Toyota dealerships have carwashes. A carwash facility is proposed towards the rear of the property parallel to O'Neil Avenue. A condition of approval requires that the building be architecturally designed to be compatible with the multi-family units located across O'Neil Avenue by using architectural features and materials more commonly used in residential development. A sound study was performed by Colia Acoustical Consultants dated September 13, 2011, which concluded that acoustical shielding, such as a sound wall, would not be required as long as the carwash facility incorporates a Noise Reduction Package on the dryer unit for the carwash and the carwash operation is limited to the hours of 7:00 a.m. to 9:00 p.m. (refer to Condition of Approval 9 a and b in Attachment VIII). With these measures, there would be no need for any further sound attenuation. It should be noted that, although not required by the sound study, the eight-foot-high that would be installed along the O'Neil Avenue property frontage and along the side property lines (north and south) wherever the commercial use abuts residential uses. The wall would not only act as a visual barrier, but would create further sound attenuation to the residents from noise generated from the commercial site.

The masonry wall, along with a 10-foot-wide landscaped area located between the O'Neil Avenue sidewalk and the wall, would screen the commercial activity from the street and soften its presence along O'Neil Avenue. The wall, through architectural features, landscaping, and the use of anti-graffiti coating, would be designed to reduce the likelihood of graffiti. The wall would replace the existing chain link fence with razor ribbon (refer to Recommended Conditions of Approval 8 and 34 in Attachment VIII).

Site Plan Review Findings - In order for the Site Plan Review Application to be approved, the following findings must be made. Staff's responses to those findings are also included below.

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.

Ensuring the automobile dealership is compatible with surrounding uses would require the applicant to comply with the recommendations of the noise study, which requires the installation of a Noise Reduction Package on the dryer unit into the carwash and limiting the carwash operation to the hours of 7:00 a.m. to 9:00 p.m. In addition, an eight-foot high wall would be installed O'Neil Avenue frontage and along the side (north and south)

property lines wherever the commercial use abuts residential uses. Traffic impacts would be nominal in that, although the dealership is expanding its display area, there is also a larger site and better on-site circulation to accept delivery of car stock and all loading and unloading would occur on-site. The remodel of the existing dealership would result in an attractive addition to the City.

B. *The development takes into consideration physical and environmental constraints.*

The property slopes from Mission Boulevard to O'Neil Avenue with a slight slope from north to south as well. A new drainage system is being installed to meet current storm water clarification requirements. This drainage system is being designed to take advantage of the natural slope of the property and maximize overland flow, thereby minimizing future maintenance problems.

C. *The development complies with the intent of City development policies and regulations.*

The expansion of the automobile dealership is consistent with the Economic Development strategy identified in the General Plan that reads, "*Revitalize declining commercial and industrial areas and obsolete facilities through reasoning, redevelopment, rehabilitation and other available means.*" The expansion and remodel of the existing dealership will result in a more desirable business as viewed from Mission Boulevard, will help revitalize this business, and will help strengthen Hayward's remaining "auto-row."

D. *The development will be operated in a manner determined to be acceptable and compatible with surrounding development.*

The proposed improvements will improve on-site circulation, provide adequate on-site customer parking, and provide a better barrier between the commercial use and adjoining residential properties. A noise study determined that the car wash facility, as conditioned, will meet the City's Noise Ordinance standards and, with the addition of an eight-foot-high decorative masonry wall to provide a visual and sound attenuation barrier between commercial and residential properties would make the proposed use compatible with the adjoining residential properties. Traffic impacts would be nominal in that, although the dealership is expanding its display area, there is a larger site and with better on-site circulation that is capable of provide on-site loading and unload of trucks which currently perform this function along the O'Neil Avenue frontage.

Environmental Review - An Initial Study and Negative Declaration have been prepared for the project pursuant to the California Environmental Quality Act (CEQA) (see Attachment IV). No significant environmental impacts are expected to result from the project. The review period for the environmental documents ends November 28, 2011, prior to the anticipated City Council hearing.

PUBLIC CONTACT

On July 18, 2011, a Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest County Assessor's records. Planning staff received no responses as a result of that notification.

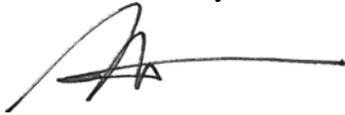
On October 31, 2011, a Notice of this Public Hearing was published in *The Daily Review*. At the time of completion of this report, the Planning Division had not received any correspondence related to such notice.

NEXT STEPS

The applications have been tentatively scheduled for a public hearing in front of the City Council on December 20, 2011. The decision of the City Council would be final.

Prepared by: Tim R. Koonze, Associate Planner

Recommended by:



Richard Patenaude, AICP
Planning Manager

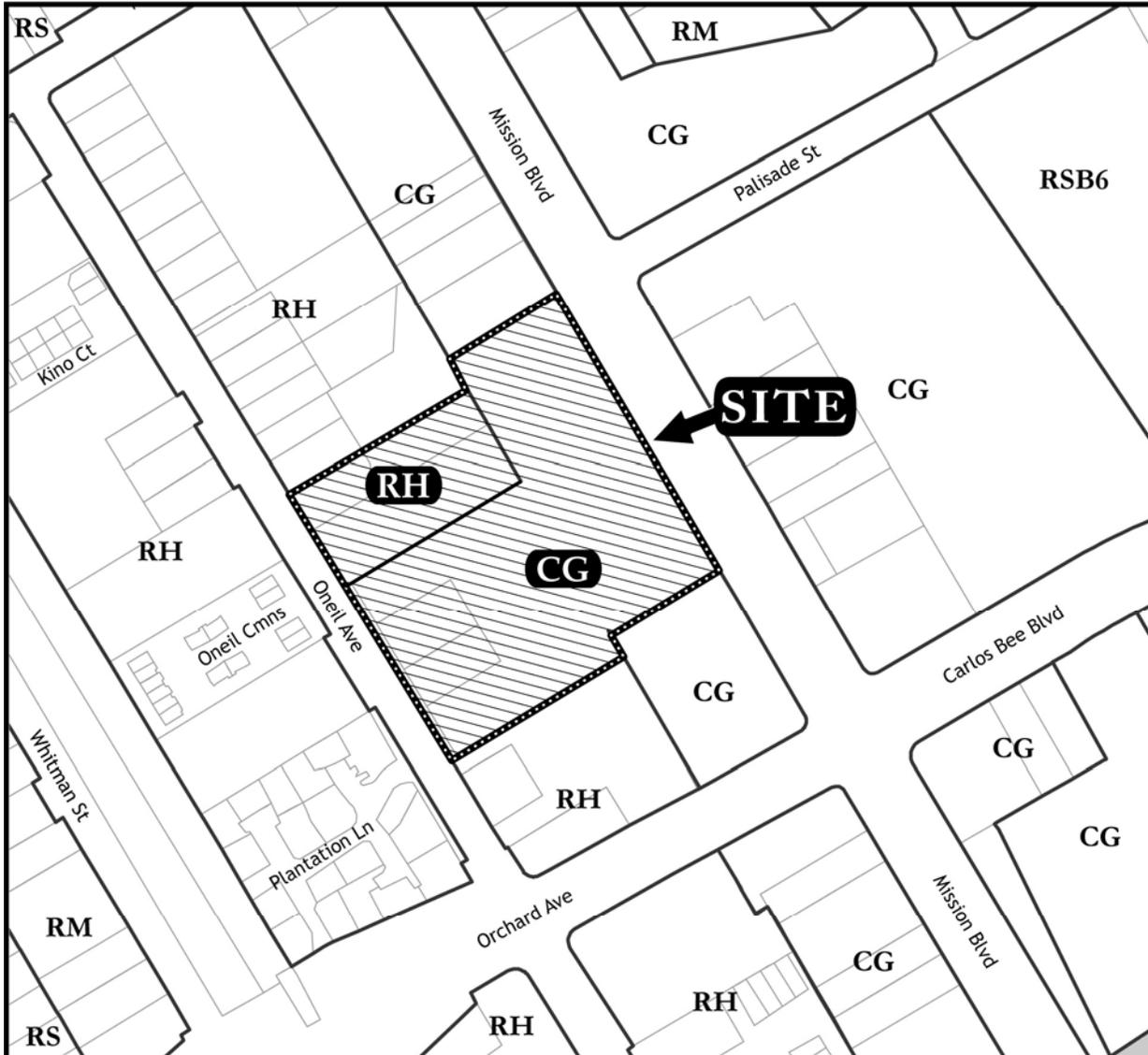
Approved by:



David Rizk, AICP
Development Services Director

Attachments:

- Attachment I Area Map
- Attachment II Site Plan Aerial
- Attachment III Mission Corridor Special Design Overlay (SD-2) District
- Attachment IV Initial Study Checklist and Negative Declaration
- Attachment V Findings for Approval for the Zone Change Application
- Attachment VI Findings for Approval for the Text Amendment Application
- Attachment VII Findings for Approval for the Site Plan Review Application
- Attachment VIII Recommended Conditions of Approval
- Attachment IX Development Plans



Area & Zoning Map

PL-2011-0283 ZC

PL-2011-0348 TA

PL-2011-0215 SPR

Address: 24773 Mission Boulevard

Applicant: Larry Tidball

Owner: Auto Mission Ltd

Zoning Classifications

RESIDENTIAL

RH High Density Residential, min lot size 1250 sqft

RM Medium Density Residential, min lot size 2500 sqft

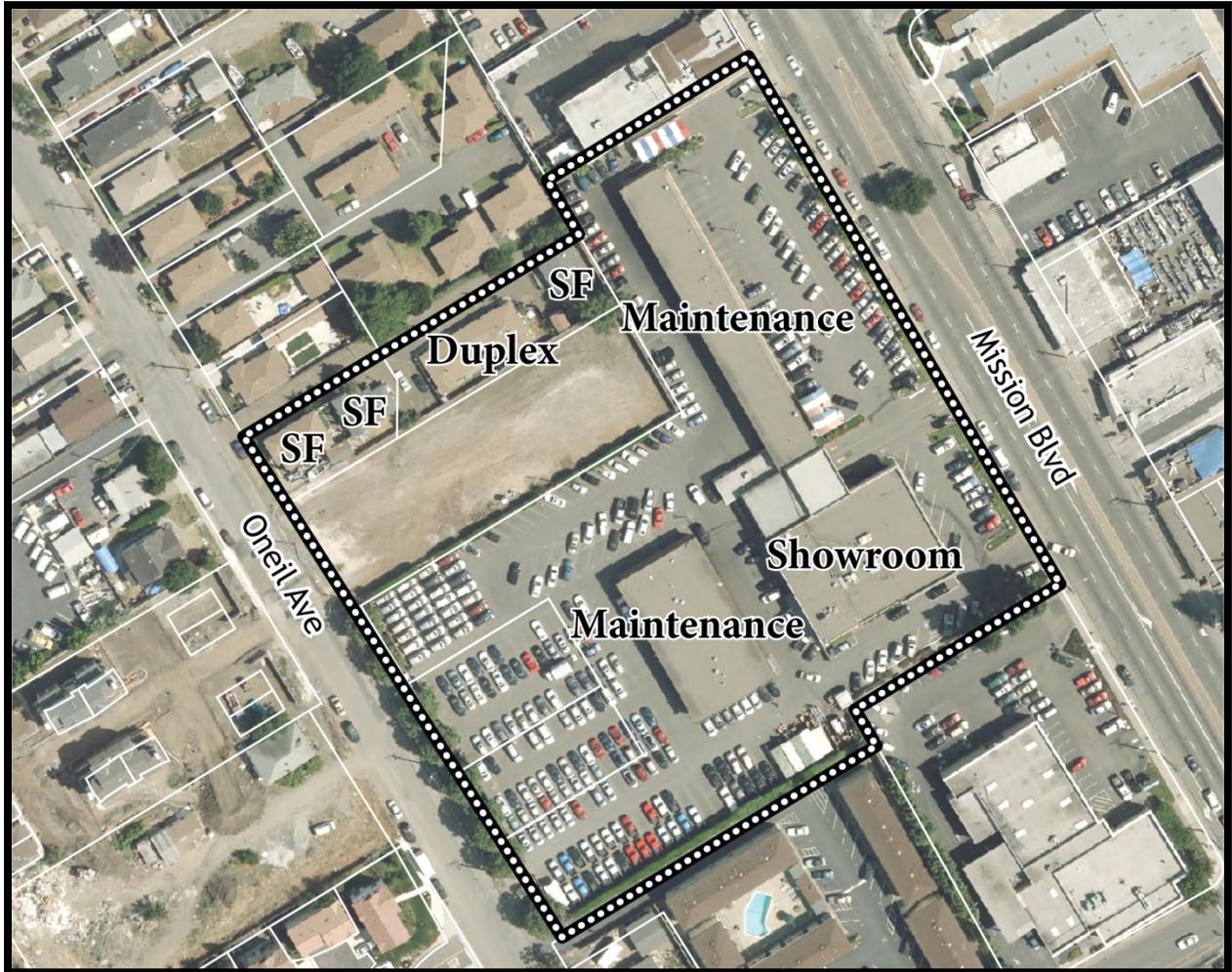
RS Single Family Residential, min lot size 5000 sqft

RSB6 Single Family Residential, min lot size 6000 sqft

COMMERCIAL

CG General Commercial





Aerial Photo Identifying Existing Buildings

Zone Change Application PL-2011-0283

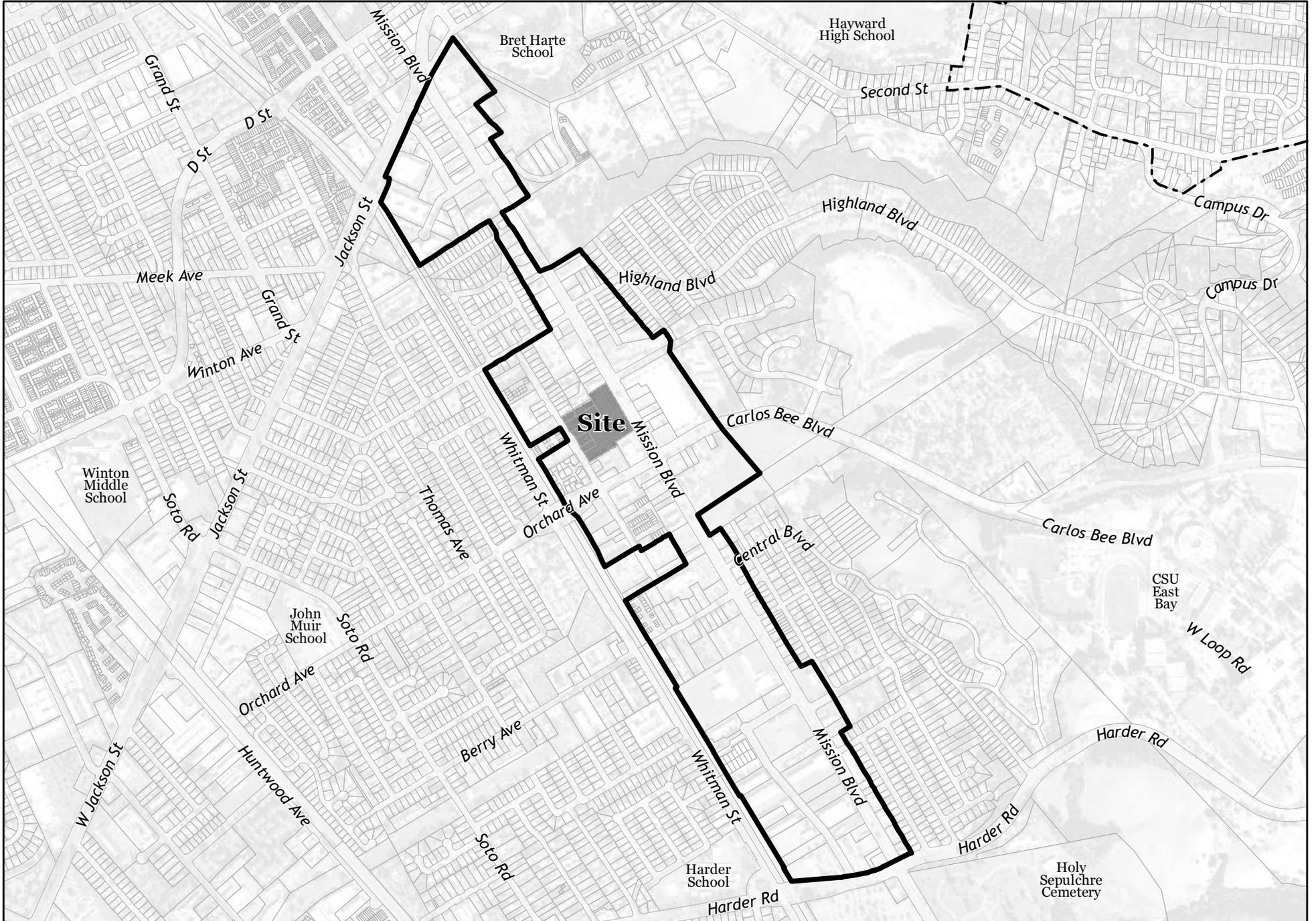
Text Amendment Application PL-2011-0348

Site Plan Review Application PL-2011-0215

Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner)



Special Design District 2





**DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division**

NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

- I. *PROJECT DESCRIPTION:*** Proposal entails changing the zoning of three properties, totaling approximately one acre, from High Density Residential District to General Commercial District to accommodate an expansion of the existing Toyota automobile dealership. The application also includes a text amendment to repeal the Mission Corridor Special Design Overlay District, which requires new construction along the Mission Boulevard Corridor between Jackson Street and Harder Road to be of a Spanish ranch or early California mission design. There is also a site plan review application for the remodeling and expansion of the existing Toyota automobile dealership which consist of remodeling the existing sales/display building, removing one of the service buildings and expanding the remaining service building, expanding display parking onto the properties affected by the zone change, and the construction of a car wash facility that would serve the dealership and not be open to the public.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:*

The proposed project could not have a significant effect on the environment.

III. *FINDINGS SUPPORTING DECLARATION:*

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not located within a “State of California Earthquake Fault Zone”, however, may experience ground shaking due to the proximity to active faults in the region. Construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff for any future developments.
10. The project is consistent with the policies of the City General Policies Plan, the Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

IV. PERSON WHO PREPARED INITIAL STUDY: Tim Koonze, Associate Planner

Signature: _____

Dated: _____

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4114



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title:

Lead agency name and address: City of Hayward, 777 "B" Street, Hayward, CA 94541-5007

Contact person: Tim R. Koonze, Associate Planner
(510) 583-4207 tim.koonze@hayward-ca.gov

Project location: Property is located at 24773 Mission Boulevard approximately 200 feet north of Orchard Avenue.

Project sponsor's name and address: Stantec
19 Technology Drive
Irvine, CA 92628
Attn: Larry Tidball

General Plan: Commercial High Density Residential (CHDR)

Zoning: General Commercial (GC)/High Density Residential (RH)

Description of project: Proposal entails changing the zoning of three properties, totaling approximately one acre, from High Density Residential District to General Commercial District to accommodate an expansion of the existing Toyota automobile dealership. The application also includes a text amendment to repeal the Mission Corridor Special Design Overlay District, which requires new construction along the Mission Boulevard Corridor between Jackson Street and Harder Road to be of a Spanish ranch or early California mission design. There is also a site plan review application for the remodeling and expansion of the existing Toyota automobile dealership which consist of remodeling the existing sales/display building, removing one of the service buildings and expanding the remaining service

building, expanding display parking onto the properties affected by the zone change, and the construction of a car wash facility that would serve the dealership and not be open to the public.

**Surrounding land
uses and setting:**

The uses surrounding the subject site include commercial uses to the east, north and south of the property along the Mission Boulevard frontage and multi-family residential development to the west, north and south along the O'Neil Avenue frontage.

**Other public agencies
Whose approval is
required:**

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input checked="" type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input checked="" type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Printed Name

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The proposed improvements would not affect any scenic vista.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: No scenic resources exist in the area.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The proposal would remodel an existing dealership with modernist architecture. It would remove four dilapidated residential buildings replacing them with an automobile display area. It would remove unsightly slatted chain-link fence and replace it with a decorative masonry wall. The proposal does include the construction of a car wash near the O'Neil Avenue frontage but it is setback 11 feet from the property line and would be located behind an eight-foot high decorative masonry wall. The carwash is designed with stucco siding and a tile roof to be more complimentary to the adjoining residential properties, thus the impact is considered less-than-significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>Comment: The light generated from the is considered less than significant given the surrounding developed area; no mitigation is required</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURE AND FOREST

RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. -- Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? ***Comment:*** *The project site does not contain such farmland.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural district nor in an area used for agricultural purposes, nor is it subject to a Williamson Act contract.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment <i>The project does not involve the rezoning of forest land or timberland; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment <i>The project does not involve the loss of forest land or involve conversion of forest land; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use, or conversion of forest land to non-forest use? Comment <i>The project does not involve changes to the environment that could result in conversion of Farmland or forest land; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? Comment <i>The project consists of remodeling an existing automobile dealership and rezoning approximately one acre of land from a residential use to a commercial use that would be used for new car display and will not conflict with the goals of the air quality plan; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment <i>The Bay Area Air Quality Management District (BAAQMD) has established screening criteria as part of their CEQA guidance to assist in determining if a</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<i>proposed project could result in potentially significant air quality impacts. Based on the District's criteria, the proposed project screens below what would require additional evaluation; thus the proposed project will not violate any air quality standard and there is no impact.</i>				

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? Comment <i>The proposed project meets the screening criteria in Table 3-1 of the Air District's CEQA Guidelines; thus, it can be determined that the project would result in a less-than-significant cumulative impact to air quality from criteria air pollutants and precursor emissions.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Expose sensitive receptors to substantial pollutant concentrations? Comment <i>The project consists of minor modifications to an existing automobile dealership that will not involve exposing sensitive receptors to substantial pollutant concentrations; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Create objectionable odors affecting a substantial number of people? Comment <i>The project consists of remodeling an automobile dealership, expanding its display area, and constructing a car wash none of which would create any objectionable odors; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Comment: <i>The project will not have a substantial adverse affect on any wildlife species as the site is already developed</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>with buildings and parking area and is located within an established developed neighborhood and is not known to contain any or contribute to any species identified as a candidate, sensitive, or special status species.</p>				
<p>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? Comment: <i>The project would have no substantial adverse effect on any riparian habitat as the property is developed and the site is located within an established developed area.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The project site is a developed site that contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: <i>The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor in that it is located within an existing developed area.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The project site does not contain any significant stands of trees. Any significant trees located on-site and along the property frontages shall remain and be protected during construction, thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? Comment: <i>There are no habitat conservation plans affecting the property.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5? Comment: <i>There are no historical resources associated with the improvements on the site or the affected parcels. In addition, the surrounding properties have no historical significance, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? Comment: <i>No known archaeological resources exist on the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment: <i>No known paleontological resources exist on the site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Disturb any human remains, including those interred outside of formal cemeteries? Comment: <i>There are no records of any human remains located on the subject sites. There are no improvements proposed as part of this project that are not on properties that have previously been developed. If future construction reveals human remains the developer would be required to contact the local coroner and, if determined necessary, the Native American Heritage Commission.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. Comment <i>The affected parcels are located approximately 250 feet west of the Hayward Fault zone; however, any future buildings would be designed and constructed to comply with the California Building Code; thus the impact is considered less-than-significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>ii) Strong seismic ground shaking? Comment <i>The project site is located near the Hayward Fault which will most likely experience strong ground shaking in the event of an earthquake rupturing on the Hayward Fault; however, future buildings will be designed and constructed to withstand an earthquake; thus the impact is considered less-than-significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>iii) Seismic-related ground failure, including liquefaction? Comment <i>The project site is not located in an area prone to liquefaction due to seismic related ground failure; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>iv) Landslides? Comment <i>The project site is a flat lot located in the downtown Hayward area and not located in an area impacted by landslides; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment <i>The project site is a flat, fully developed lot whereby minimal grading will take place to accommodate future construction. The project will implement soil erosion measures during construction; thus the impact is considered less-than-significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Comment <i>The project is not proposed on soil that is unstable; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment <i>The project site does not contain any expansive soils; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment <i>The project is connected to an existing sewer system with sufficient capacity and does not involve septic tanks or other alternative wastewater; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VII. GREENHOUSE GAS EMISSIONS --

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? Comment <i>Any commercial development that could occur on the parcels being rezoned from residential to commercial fall below the allowable screening criteria established by the Bay Area Air Quality Management District thus would not exceed the threshold of significance for Greenhouse gas emissions; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? Comment <i>The three parcels that are rezoned to commercial will be utilized as display parking for the automobile dealership and to construct a car wash facility. The project is consistent with applicable plans and policies for reducing greenhouse gas emissions; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **Comment** *The automobile dealership currently has mechanic shops that perform mechanical work and use petroleum by-products such as oil and waste oil, however, not in large enough volumes to pose a significant hazard to the public or the environment. The existing and proposed mechanics shops are regulated by the City of Hayward's Hazardous Materials Division and are required to meet all safety requirements. The project does not propose to changes the nature of the shops or their scope of work, thus, no significant impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **Comment** *See VIII a).*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **Comment** *There are no schools within one-quarter of a mile of the project sit, thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **Comment** *The project site is not on a list of hazardous materials sites; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **Comment** *The project is not located within an airport land use plan area; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? Comment <i>The project is not located within the vicinity of a private air strip; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Comment <i>The project site is midblock within a developed area fronting on O'Neil Avenue, a public street, and Mission Boulevard, a State highway and will not interfere with an adopted emergency response plans or evacuation plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? Comment <i>The project site is not located within the City's Wildland Interface Area; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX. HYDROLOGY AND WATER QUALITY

-- Would the project:

a) Violate any water quality standards or waste discharge requirements? Comment <i>The project will comply with all water quality and wastewater discharge requirements of the City; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? Comment <i>The project will be connected to the existing water supply and will not involve the use of water wells and will not deplete groundwater supplies or interfere with groundwater recharge; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment <i>The project site is an infill site that is developed with an automobile dealership with a portion of the site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment <i>The project site is an infill site that is developed with an automobile dealership with a portion of the site that was previously developed with residential uses. All drainage from the site is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Comment <i>The project site is an infill site that drains to an existing storm water main that has sufficient capacity to handle any drainage from the property; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) Otherwise substantially degrade water quality? Comment <i>All drainage from the site drains into an existing drainage system that has sufficient capacity to serve the site and all drainage is required to be treated before it enters the storm drain system; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
flood hazard delineation map? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>				
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? Comment <i>The project site is not located within a 100-year flood hazard area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. LAND USE AND PLANNING -- Would the project:				
a) Physically divide an established community? Comment <i>The proposal is to modify an existing automobile dealership within e an existing neighborhood that has a mixture of commercial and multi-family uses, therefore there would be no changed to the community; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? Comment <i>The project involves a Zone Change from High Density Residential to General Commercial and to remove the Special Design Overlay District 2 from the City's Zoning Ordinance which requires new construction to comply with a Spanish Ranch design. Two of the parcels affect by the zone change have four vacant dilapidated residential structures on the site and the remainder parcel is currently being used a automobile display areas. An 8-foot-high mason</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>wall will be required to be erected between the commercial use and the adjacent multifamily uses both a visual separation and a sound buffer. The Spanish ranch design requirement has not proved beneficial to the affected Mission Boulevard area and no longer reflects the design the City would like to see along Mission Boulevard. The commercial use and proposed modern design could be implemented without being out of place with other commercial designs and would be consistent to the area thus be considered less-than-significant.</p>				

<p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan? Comment <i>The project site is not covered by any habitat conservation plan or natural community conservation plan; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XI. MINERAL RESOURCES -- Would the project:

<p>a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Comment <i>There are no known mineral resources on the project site; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<p>b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? Comment <i>The project site is not identified as a site known to have mineral resources; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XII. NOISE -- Would the project result in:

<p>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Comment <i>The project involves a Zone Change from High Density Residential to General Commercial and the removal of the Special Design Overlay District 2 from</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><i>the Zoning Ordinance that requires new construction to comply with a Spanish Ranch design. Two of the parcels affect by the zone change have four vacant dilapidated residential structures on the site and the remainder parcel is currently being used a automobile display areas. An 8-foot-high mason wall will be required to be erected between the commercial use and the adjacent multifamily uses both a visual separation and a sound buffer. The project proposes to construct a car wash near the O'Neil Avenue street frontage. An Acoustical Analysis prepared by Colia Acoustical Consultants, dated September 13, 2011, determined that as long as the facility incorporates the Noise Reduction Package on the dryer unit and the car wash only operated between the hours of 7am to 9pm, no acoustical mitigation would be required. Conditions of Approval will require that that car wash operation conform to these requirements. In addition, the City is requiring a masonry wall to be constructed along the O'Neil Avenue frontage which will also contribute toward sound attenuation, thus the sound generated from the car wash would be considered less-than-significant.</i></p>				
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Comment See XII a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Comment See XII a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Comment See XII a).</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Comment <i>The project is not located within an airport land use plan area; thus, no impact.</i>				

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Comment <i>The project is not located within the vicinity of a private air strip; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIII. POPULATION AND HOUSING --

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Comment <i>The project involves a Zone Change from High Density Residential to General Commercial which would result in the loss of five residential units. The proposed commercial project will not induce population growth, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment <i>The project involves a Zone Change from High Density Residential to General Commercial which would result in the loss of five residential units which have been vacant for over five years, thus there is no significant impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Comment <i>The project involves a Zone Change from High Density Residential to General Commercial which would result in the loss of five residential units which have been vacant for over five years, thus, there is no replacement housing needed and there is no significant impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. PUBLIC SERVICES --				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? Comment <i>The project is proposing a commercial use within an urbanized area that is already served by police and fire. Since the use is commercial it would not have an impact on schools or parks. No mitigation is required</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Comment <i>The project is proposing a commercial use which would not create an impact on existing neighborhood and regional parks or other recreational facilities, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Comment <i>The project is proposing a commercial use which does not include require recreational facilities or require the construction or expansion of recreational facilities, thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. TRANSPORTATION/TRAFFIC --				
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? Comment <i>The project will not conflict with any plan regarding effective performance of the circulation system., The project is a commercial project fronting on two streets providing adequate access; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Comment. <i>No level of service will be impacted by the commercial use on an existing in-fill lot; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Comment <i>The project involves no change to air traffic patterns; thus, no impact</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Comment <i>The project has been designed to meet all City requirements, including site distance and will not increase any hazards; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access? Comment <i>The project is on an in-fill site completely accessible and will not result in inadequate emergency access; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with adopted policies, plans, or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment <i>The project does not involve any conflicts or changes to policies, plans or programs related to public transit, bicycle or pedestrian facilities; thus, no impact.</i>				

XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment <i>The project will not exceed wastewater treatment requirements; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Comment <i>There is sufficient capacity in the existing storm drain system to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>				
g) Comply with federal, state, and local statutes and regulations related to solid waste? Comment <i>There is sufficient capacity to accommodate the proposed project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Comment <i>The project will not have any impacts on wildlife or fish habitat nor eliminate a plant or animal community; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Comment <i>As evidenced in the checklist above, it has been determined that the project will not have any significant impacts; thus no impact to cumulative impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Comment <i>The project will not have any environmental impacts thus will not cause substantial adverse effects on human beings; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**CITY OF HAYWARD
PLANNING DIVISION**

ZONE CHANGE APPLICATION

November 17, 2011

Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner) – Request for a Zone Change from High Density Residential District to General Commercial District, Repeal the Mission Corridor Special Design Overlay District, and Site Plan Review Associated with a Proposed Renovation of the Toyota Dealership

The Properties to be Rezoned are 24690 Through 24710 O’Neil Avenue, the Properties of the Toyota Dealership Also Include 24760 and 24778 O’Neil Avenue and 24773 Mission Boulevard (Assessor’s Parcel No’s 444-36-34-3, 44-6, 45-6, 46, 47, and 48), Approximately 200 Feet North of Orchard Avenue, On a Through-Lot Having Frontage on Both Mission Boulevard and O’Neil Avenue

The project will not have a significant impact on the environment, cumulative or otherwise, the project reflects the City’s independent judgment, and, therefore, a Negative Declaration has been prepared.

FINDINGS FOR APPROVAL

- A. Substantial proof exists that the proposed change will promote public health, safety, convenience and general welfare of the residents of Hayward.***

The zone change will allow the expansion and enhancement of an automobile dealership that is located within an area that has historically been considered “auto row.” The maintenance of this land use provides for local and regional shopping opportunities and contributes to the City’s economy proving beneficial to both the convenience and welfare to Hayward residents.

- B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.***

The zone change would allow for the expansion of an existing automobile dealership that is consistent with the intent of maintaining commercial uses along Mission Boulevard and the zone change would be consistent with the General Plan land use designation of Commercial/High Density Residential.

C. Streets and public facilities existing or proposed area adequate to serve all uses permitted when the property is reclassified.

The public streets and facilities are adequate to serve the expanded automobile display area and carwash facility.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.

In conjunction with the zone change, the City is processing a site plan review application to ensure that the proposed expanded automobile display area and carwash facility would be compatible with the surrounding uses. Improved on-site circulation and a recommended condition of approval requiring that all loading and unloading of trucks occur on-site would ensure a minimal impact to the surrounding neighborhood. In addition, the site plan review is conditioned to provide an eight-foot high masonry wall between the commercial and residential uses, it would require the carwash facility to incorporate a Noise Reduction Package on the dryer unit into the carwash and would limit the operation of the carwash facility to the hours of 7:00 a.m. to 9:00 p.m. thereby, according to the sound study, conforming to the City's Noise Ordinance.

**CITY OF HAYWARD
PLANNING DIVISION**

TEXT AMENDMENT APPLICATION

November 17, 2011

Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner) – Request for a Zone Change from High Density Residential District to General Commercial District, Repeal the Mission Corridor Special Design Overlay District, and Site Plan Review Associated with a Proposed Renovation of the Toyota Dealership

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The project will not have a significant impact on the environment, cumulative or otherwise, the project reflects the City’s independent judgment, and, therefore, a Negative Declaration has been prepared.

FINDINGS FOR APPROVAL

- A. Substantial proof exists that the proposed change will promote public health, safety, convenience and general welfare of the residents of Hayward.***

The proposed text amendment would prove beneficial to the welfare of Hayward residents in that it allows business wishing to expand or remodel more freedom in design, which would assist in attracting new businesses and promoting existing businesses, offering residents a greater variety of retail choices. Currently, it could be financially prohibitive to renovate existing buildings to conform to the Spanish design and in some cases, it could be impossible for the building to conform to the requirement of a *low spreading roofline*. In the cases of additions, not only would the addition have to meet the Spanish design theme, the entire façade of an existing building would also have to be remodeled. This could prove cost prohibitive for some businesses. The removal of the Spanish design requirement would make it easier for existing business to expand and new businesses to locate along Mission Boulevard, thereby creating more economic growth opportunities for businesses and a greater variety of retail choices for Hayward residents.

B. *The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.*

Relevant stated purposes of the Zoning Ordinance are to, “retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, and recreational amenities; allow for the infill and reuse [of] areas at their prevailing scale and character; and accommodate expansion of development into vacant and under-utilized lands within environmental and infrastructure constraints.”

The removal of the Mission Corridor Special Design Overlay District would allow for a wider variety of architectural design and would provide more opportunities for expansion of existing businesses that would promote the general welfare of the City. Also, deletion of the Special Design Overlay District would be consistent with the Economic Development strategy identified in the General Plan that reads, “*Revitalize declining commercial and industrial areas and obsolete facilities through reasoning, redevelopment, rehabilitation and other available means.*” The expansion and remodel of the existing dealership will revitalize the Toyota dealership business and help strengthen Hayward’s remaining “auto-row.”

C. *Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.*

The removal of Special Design Overlay District would not have an effect on the streets and public facilities.

D. *All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations.*

Although the Mission Corridor Special Design Overlay District requires Spanish ranch and California mission design for new buildings and additions, it does not address modifications to existing buildings. In most cases, it is not feasible to renovate all existing buildings or portions of a building on a site within the special design area. The proposed form-based code for this area does not require the Spanish ranch/California mission architectural design theme, but rather focuses on creating transit and pedestrian-oriented neighborhoods that addresses the form of buildings, while allowing for more architectural freedom.

**CITY OF HAYWARD
PLANNING DIVISION**

SITE PLAN REVIEW APPLICATION

November 17, 2011

Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner) – Request for a Zone Change from High Density Residential District to General Commercial District, Repeal the Mission Corridor Special Design Overlay District, and Site Plan Review Associated with a Proposed Renovation of the Toyota Dealership

The Properties to be Rezoned are 24690 Through 24710 O’Neil Avenue, the Properties of the Toyota Dealership Also Include 24760 and 24778 O’Neil Avenue and 24773 Mission Boulevard (Assessor’s Parcel No’s 444-36-34-3, 44-6, 45-6, 46, 47, and 48), Approximately 200 Feet North of Orchard Avenue, On a Through-Lot Having Frontage on Both Mission Boulevard and O’Neil Avenue

The project will not have a significant impact on the environment, cumulative or otherwise, the project reflects the City’s independent judgment, and, therefore, a Negative Declaration has been prepared.

FINDINGS FOR APPROVAL

- A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.***

Ensuring the automobile dealership is compatible to surrounding uses would require the applicant to comply with the recommendations of the noise study which requires the installation of a Noise Reduction Package on the dryer unit into the carwash and limiting the carwash operation to the hours of 7:00 a.m. to 9:00 p.m. In addition, an eight-foot high wall would be installed O’Neil Avenue frontage and along the side (north and south) property lines wherever the commercial use abuts residential uses. Traffic impacts would be nominal in that, although the dealership is expanding its display area, there is also a larger site and better on-site circulation to accept delivery of car stock and all loading and unloading would occur on-site. The remodel of the existing dealership would result in an attractive addition to the City.

B. The development takes into consideration physical and environmental constraints.

The property slopes from Mission Boulevard to O'Neil Avenue with a slight slope from north to south as well. A new drainage system is being installed to meet current storm water clarification requirements. This drainage system is being designed to take advantage of the natural slope of the property and maximize overland flow, thereby minimizing future maintenance problems.

C. The development complies with the intent of City development policies and regulations.

The expansion of the automobile dealership is consistent with the Economic Development strategy identified in the General Plan that reads, "*Revitalize declining commercial and industrial areas and obsolete facilities through reasoning, redevelopment, rehabilitation and other available means.*" The expansion and remodel of the existing dealership will result in a more desirable business as viewed from Mission Boulevard, will help revitalize this business, and will help strengthen Hayward's remaining "auto-row."

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The proposed improvements will improve on-site circulation, provide adequate on-site customer parking and provide a better barrier between the commercial use and adjoining residential properties. A noise study determined that the car wash facility, as conditioned, will meet the City's Noise Ordinance standards and, with the addition of an eight-foot-high decorative masonry wall to provide a visual and sound attenuation barrier between commercial and residential properties would make the proposed use compatible with the adjoining residential properties. Traffic impacts would be nominal in that, although the dealership is expanding its display area, there is a larger site and with better on-site circulation that is capable of provide on-site loading and unload of trucks which currently perform this function along the O'Neil Avenue frontage.

**CITY OF HAYWARD
PLANNING DIVISION**

November 17, 2011

Zone Change Application PL-2011-0283 / Text Amendment Application PL-2011-0348 / Site Plan Review Application PL-2011-0215 – Stantec, Larry Tidball (Applicant) / Auto Mission Ltd. (Owner) – Request for a Zone Change from High Density Residential District to General Commercial District, Repeal the Mission Corridor Special Design Overlay District, and Site Plan Review Associated with a Proposed Renovation of the Toyota Dealership

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Any modification to these permits shall require review and approval by the Planning Director. If determined to be necessary for the public safety and general welfare, the City may impose additional conditions or restrictions on this permit.

The dealership improvements shall be installed and the dealership shall operate according to these conditions of approval, the plans labeled Exhibit "A". This permit becomes void three years after the effective date of approval, unless prior to that time the operation of the bar has commenced. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to December 20, 2014.

CONDITIONS OF APPROVAL

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers, and agents from and against any or all loss, liability, expense, claim cost, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. A copy of these conditions of approval must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
3. All parking spaces identified for customer parking shall comply with the specifications of the City’s Off-Street Parking Regulations including providing a tree for every six parking stalls.
4. The exterior of the premises, including the adjacent sidewalk and parking lot shall be illuminated during all hours of darkness during which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. The lighting shall meet Title 24 of the California Building Code.

5. The exterior of the premises shall be kept clean including the sidewalk and landscape area across the frontages of their establishment. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or in the parking lot. Paint and windows shall be kept clean and cracked or broken glass must be replaced within 48 hours of discovery.
6. The applicant shall be responsible for graffiti-free maintenance on all exterior elevations of the building. Graffiti shall be removed within 48 hours after the applicant or owner has become aware of the occurrence.
7. All disability parking and access shall comply with the latest edition of the California Building Code.
8. An eight-foot-high decorative wall shall be installed along the O'Neil Avenue frontage and along any property line that separates commercial use from residential use. The wall, through architectural features and the use of anti-graffiti coating, shall be designed to reduce the likelihood of graffiti. The design and location of the wall shall meet the approval of the Planning Director.
9. The carwash facility shall implement the recommendations specified in the Acoustical Analysis prepared by Colia Acoustical Consultants dated September 13, 2011 which concluded that:
 - a. The dryer unit of the carwash shall utilize the Noise Reduction Package that is available; and
 - b. Limit the hours of the carwash operation to 7:00 a.m. to 9:00 p.m.
10. All loading and unloading of trucks shall be conducted on-site and shall not be done within the public streets.

Engineering

11. Parcel Merger Application with an initial deposit in the amount of \$3,000 shall be submitted prior to or in concurrent with the Building Permit Application. All parcels must be under common ownership and title must be held in the exact manner for each parcel. Parcels shall be combined in order to comply with the City Building and Zoning Ordinance requirements. Parcel Merger Notice shall be executed and recorded prior to the issuance of any building permits.
12. Prior to issuance of a building permit, the owner shall dedicate 25-foot-wide strip of right of way along the O'Neil Avenue frontage measured from the center line of the original 50 ft. wide road right of way.
13. Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
14. The applicant/developer's Registered Civil Engineer shall perform all Civil Engineering design work unless otherwise indicated. Improvement plans shall be submitted for review and approval by the City Engineer. At minimum the Improvement Plans shall consist of existing site plan including topographic information, existing utility systems including drainage system, and proposed improvements of the project site including stormwater quality treatment facilities.

15. The project plans shall include a storm drain design that complies with post-construction stormwater requirements to provide treatment of the stormwater according to the National Pollutant Discharge Elimination System (NPDES) permit's numeric criteria. The storm drain design shall comply with the C.3 established thresholds and shall incorporate measures to minimize pollutants to the maximum extent practicable (MEP).
16. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
17. The project shall be designed with BMPs complying with the hydraulic sizing criteria listed in Provision C.3 of the Alameda County Clean Water Program (ACCWP) NPDES permit (page 30). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5-12 has a section titled "BMP Design Criteria for Flow and Volume". These materials are available in the internet at www.cabmphandbooks.com.
18. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information comprising of: (1) Impervious Material Form, and (2) Operation and Maintenance Information Form and submit the forms to the City Engineer.
19. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the owner/developer shall execute a Storm Treatment Measures Maintenance Agreement (as prepared by the City of Hayward and is available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
20. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, a Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system for review and approval of the City Engineer.
21. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, a copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
22. Project applicant shall be aware of the additional, **New Stormwater Use and Treatment Requirements that will go into effect December 1, 2011.** The full text of the MRP for the applicable new requirements in Provisions C.3.b.ii and C.3.c.i.2 of the San Francisco Bay Municipal Regional Stormwater National Pollution Discharge Elimination System Permit ("Municipal Regional Permit" or "MRP") may be downloaded at www.cleanwaterprogram.org.
23. The proposed storm water mitigation area shall be discharge into the County storm drain system. The developer's engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm system shall be reviewed and

approved by the Alameda County Flood Control and Water Conservation District (ACFC & WCD). An Encroachment Permit shall be obtained from ACFC & WCD for any work associated with ACFC & WCD facilities. Said improvements shall be inspected by a County Inspector.

24. Any excavation on O'Neil Avenue shall be backfilled in conformance with City standard SD-310 and paved with slurry seal the whole width of the street a minimum distance of 10 feet on both sides of the excavation.
25. Any damaged and/or broken sidewalk along the property frontages as determined by the City Inspector shall be removed and replaced.
26. Prior to Building Division's final inspection of the showroom building, the unused driveways on O'Neil Avenue shall be removed and replaced with standard curb, gutter and sidewalk to match the existing.
27. Any installation of improvements along the Mission Boulevard frontage shall be coordinated with the Route 238 Corridor Improvement Project. Please coordinate with Senior Civil Engineer, Kevin Briggs, at (510) 583-4760.

Public Works Utilities

28. Water & Sewer Service are available and subject to standard conditions and fees in effect at time of application.
29. Prior to issuing a building permit, provide gallon per minute demand on plans to determine proper water meter size. The maximum gallon per minute demand on a 2" water meter is 130.
30. A separate irrigation meter shall be installed for landscaping purposes.
31. Prior to Building Division's final inspection of the showroom, all existing water services to be abandoned along the O'Neil Avenue frontage shall be disconnected and capped to the satisfaction of the City Engineer.
32. Prior to Building Division's final inspection of the showroom, all existing sanitary sewer laterals on O'Neil Avenue to be abandoned shall be disconnected and capped at the sewer main.
33. All fire services shall have a detector check and trim/fire meter installed by City Water Distribution.

Landscaping

34. A 10-foot-wide strip of land between the sidewalk and the proposed masonry wall shall be landscaped with irrigation. The design of the landscaping and irrigation shall meet the approval of the City's Landscape Architect.
35. Prior to Building Division final inspection of the showroom building, a landscape and irrigation plan shall be submitted that meets the approval of the City's Landscape Architect. The plans shall comply with the City of Hayward Bay-Friendly Water Efficient Landscape Ordinance.
36. Plant material shall be regionally specific and adopted to summer dry climate. Plant spacing shall not encourage shearing or cutbacks on regular bases; however the plants shall be spaced to fill in within 2 years.

Water Pollution Source Control

37. Applicant shall provide information to WPSC regarding flow rate and loading to the oil/sand interceptor, and provide documentation of proper sizing of the interceptor.
38. Install controls mechanisms, such as berming, to prevent transient wash water from entering the storm drain system after cars exit the wash.
39. Liquid and dry materials shall have secondary containment sufficient to provide protection from accidental discharge to the sanitary or stormwater collection system.
40. Any exterior painting shall be completed in weather conditions that will allow the paint to dry prior to rainfall.
41. All wastewater from sawcutting operations shall be captured and kept from discharge to the storm drain system. Sawcutting water may be filtered to remove sand and cement, neutralized to pH less than 12, and the filtered and neutralized water may be discharged to the sanitary sewer on-site.
42. All on-site storm drain inlets shall be cleaned at least once per year immediately prior to the rainy season. Additional cleaning may be required by the City.
43. All on-site storm drain inlets shall be clearly stenciled "No Dumping, Drains to Bay."

Fire Department

44. Prior to Building Division final inspection of the showroom building, the building permit site plan shall indicate a fire apparatus access road that meets the approval of the City Fire Chief. Due to firefighter fighting operations we need access to all parked vehicles.
45. Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire access apparatus access road shall extend to within 150 feet of all portion of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. In another word, building shall be built within 150 feet hose lay distance of a fire access road.
46. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
47. The building permit plans shall indicate the location of existing fire hydrants. The average spacing between hydrants is 300 feet. Any portion of the building or facility shall be within 400 feet of a fire hydrant. Additional hydrant is required if the above requirement is not met.
48. Prior to Building Division's final inspection of the showroom building, a fire sprinkler plan shall be submitted that meets the approval of the Fire Chief. Fire sprinkler protection is required though out Building D as shown on Exhibit A. As per Hayward Ordinance No. 10-14 Section 903.2.19 EXISTING BUILDINGS: Sprinklers required when any addition or additions to the original building which

will add 10% or more to the total floor area of the existing building and the resulting floor area is 3000 sq. ft. or more for S-1 occupancies or 5,000 sq. ft. or more for other occupancies.

49. Prior to Building Division's final inspection of the showroom building provide a fire sprinkler plan that shows fire sprinkler protection throughout the Showroom building including canopies. Fire sprinkler protection is required when tenant improvement meets the following: As per Hayward Ordinance No. 10-14 Section 903.2.19 EXISTING BUILDINGS: When any addition or additions to the original building which will add 10% or more to the total floor area of the existing building and the resulting floor area is 3000 sq. ft. or more for S-1 occupancies or 5,000 sq. ft. or more for other occupancies. Fire Sprinklers also are required when there has been accumulative area of alteration, addition or repair (Ordinance No. 10-14 Section 903.2.19 #5).
50. The building permit plans shall identify the location of new/existing fire department connection for each building on the site plan. It shall be located on the street/fire apparatus access side of buildings, fully visible and recognizable from the street or nearest point of fire department vehicle access. Fire department connection shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the building for other fire apparatus.
51. Because uses have occurred on the site that are known to have included hazardous materials, the City of Hayward's Fire Department Hazardous Materials Office is requiring a Phase I environmental review for the project site prior to issuance of a building permit. The completed study shall be submitted to the City of Hayward's Fire Department Hazardous Materials Office.
52. A complete chemical inventory shall be submitted by the operator/owner for the project. An inventory shall be completed for each occupancy type and control area of the facility, and it shall include any outside storage and use of hazardous materials. Chemicals falling into more than one hazard category, should be listed in each category and chemicals in more than one state should be listed in each state with the quantities listed in pounds for solids, gallons for liquids and cubic feet (at standard temperature and pressure) for gases. Clearly describe the proposed chemical use and/or storage for this business.

Individual container size is requested along with whether the material is in use or storage, inside the building or outside and in an open system or closed system. A *Chemical Inventory Worksheet Packet*, including the hazardous materials hazard categories, can be obtained by contacting the Hazardous Materials Office at 510-583-4926. A summary of the chemical inventory for the project should be included on a separate sheet of the plans, along with a sheet that identifies the control areas and occupancy areas of the facility.

53. To ensure that the proposed closure of the hazardous materials facilities associated with this project is completed properly, submit a closure plan to the Hazardous Materials Office for review and approval.

LEGEND

	FIRE LANE
	NEW CONSTRUCTION THIS PHASE
	NEW BIOSWALE

SHEET INDEX

SP1	SITE PLAN- PHASE 1
SP2	SITE PLAN- PHASE 2
C-1	CONCEPTUAL GRADING & WATER QUALITY PLAN PHASE 1
L1	PRELIMINARY LANDSCAPE PLAN-PHASE 1
L2	PRELIM. LANDSCAPE CALCS & NOTES- PHASE 1
A101	BLDG. A & B FIRST FLOOR PLAN-PHASE 1
A102	BLDG. A SECOND FLOOR PLAN-PHASE 1
A110	BLDG. C FIRST & SECOND FLOOR PLAN-PHASE 1
A120	BLDG. D FIRST & SECOND FLOOR PLAN-PHASE 1
A130	BLDG. E CAR WASH FLOOR PLAN-PHASE 1
A501	BLDG. A & B EXTERIOR ELEVATIONS-PHASE 1
A502	BLDG. A & B EXTERIOR ELEVATIONS-PHASE 2
A510	BLDG. B & C EXTERIOR ELEVATIONS-PHASE 1
A520	BLDG. D & E EXTERIOR ELEVATIONS- PHASE 1
A521	BLDG. D EXTERIOR ELEVATIONS- PHASE 2

KEY NOTES (1.01)

DIVISION 1 - GENERAL CONDITIONS/ EXISTING ITEMS

- EXISTING PROPERTY LINE.
- DEMO EXISTING PLANTER CURB.
- EXISTING SHRUBS, TREES & LANDSCAPING.
- EXISTING CONCRETE PLANTER CURB, TYP.
- EXISTING SIGN.
- EXISTING BUILDINGS TO BE DEMOLISHED.
- EXISTING CONCRETE AUTO DISPLAY PAD TO REMAIN.
- EXISTING PUBLIC SIDEWALK.
- EXISTING DRIVEWAY.
- NEW CONCRETE PLANTER CURB.
- NEW STANDARD 9' X 20' CUSTOMER/DISPLAY PARKING.
- NEW STANDARD 9' X 18' DISPLAY PARKING.
- NEW 9' X 20' HANDICAPPED PARKING SPACE.
- NEW PATH OF TRAVEL.
- NEW LANDSCAPE PLANTER.
- EXISTING SITE LIGHT FIXTURE, TYP.
- EXISTING TRASH ENCLOSURE.
- EXISTING STORAGE CONTAINER.
- EXISTING EASEMENT.
- NEW 8' HIGH CMU SOUND WALL.
- EXISTING 5' HIGH CMU WALL- INCREASE HEIGHT TO 8'.
- NEW RAISED CONCRETE DISPLAY PAD.
- EXISTING OFF SITE FIRE HYDRANT TO REMAIN.

PROJECT DATA

ZONING: CG-SD2/RH-SD2
APN# 444-0036-034-03, 444-0036-044-06, 444-0036-045-06, 444-0036-046-00, 444-0036-047-00
SITE AREA: 189,507 S.F. (4.35 ACRES)
BUILDING AREA: 33,057 S.F.

BUILDING	AREA	OCCUPANCY	TYPE OF CONST
BUILDING A :			
FIRST FLOOR (E):	9,099 SF	B & S2	TYPE IIB
SECOND FLOOR (E):	2,565 SF		
NVD CANOPY (N) :	1,209 SF		
TOTAL BLDG. A :	12,873 SF		
BUILDING B :			
FIRST FLOOR (E) :	870 SF	B	TYPE IIB
SERVICE CANOPY (E):	2,640 SF		
BUILDING C :			
FIRST FLOOR (E) :	7,561 SF	S1	TYPE IIB
BUILDING D :			
FIRST FLOOR (E) :	7,222 SF	S1	TYPE IIB
SECOND FLOOR (E) :	796 SF		
TOTAL BLDG. D :	8,018 SF		
BUILDING E :			
FIRST FLOOR (N)	1,095 SF	B	TYPE IIB

LOT COVERAGE: 17.4%

SCOPE OF WORK

IMAGE UPGRADE AND RENOVATION OF AN EXISTING TOYOTA DEALERSHIP & ADDITION OF CAR WASH BLDG. REMDEL OF FRONT FACADE TO ADD NEW ENTRY PORTAL LEADING TO THE SHOWROOM. THE NEW PORTAL WILL BE OF TRANSLUCENT GLASS & STEEL MEMBERS PRIMED & FINISHED IN TOYOTA WHITE GLOSS.

- THE SHOWROOM STOREFRONT CURTAIN WALL WILL BE REFINISHED TO MATCH CLEAR ANODIZED ALUM.
- WRAP THE SHOWROOM EXTERIOR AND SERVICE WRITE UP AREA WITH NEW ACM PANELS COORDINATED WITH THE NEW ENTRY PORTAL.
- THE REMAINDER OF THE BUILDING EXTERIOR WILL BE REFINISHED & REPAINTED.
- NEW SIGNAGE WILL BE INSTALLED. DETAILS OF THE SIGNAGE TO BE PROVIDED SEPARATELY.
- INTERIOR REMODELING AND NEW INTERIOR FINISHES NOT A PART OF CITY DESIGN REVIEW.

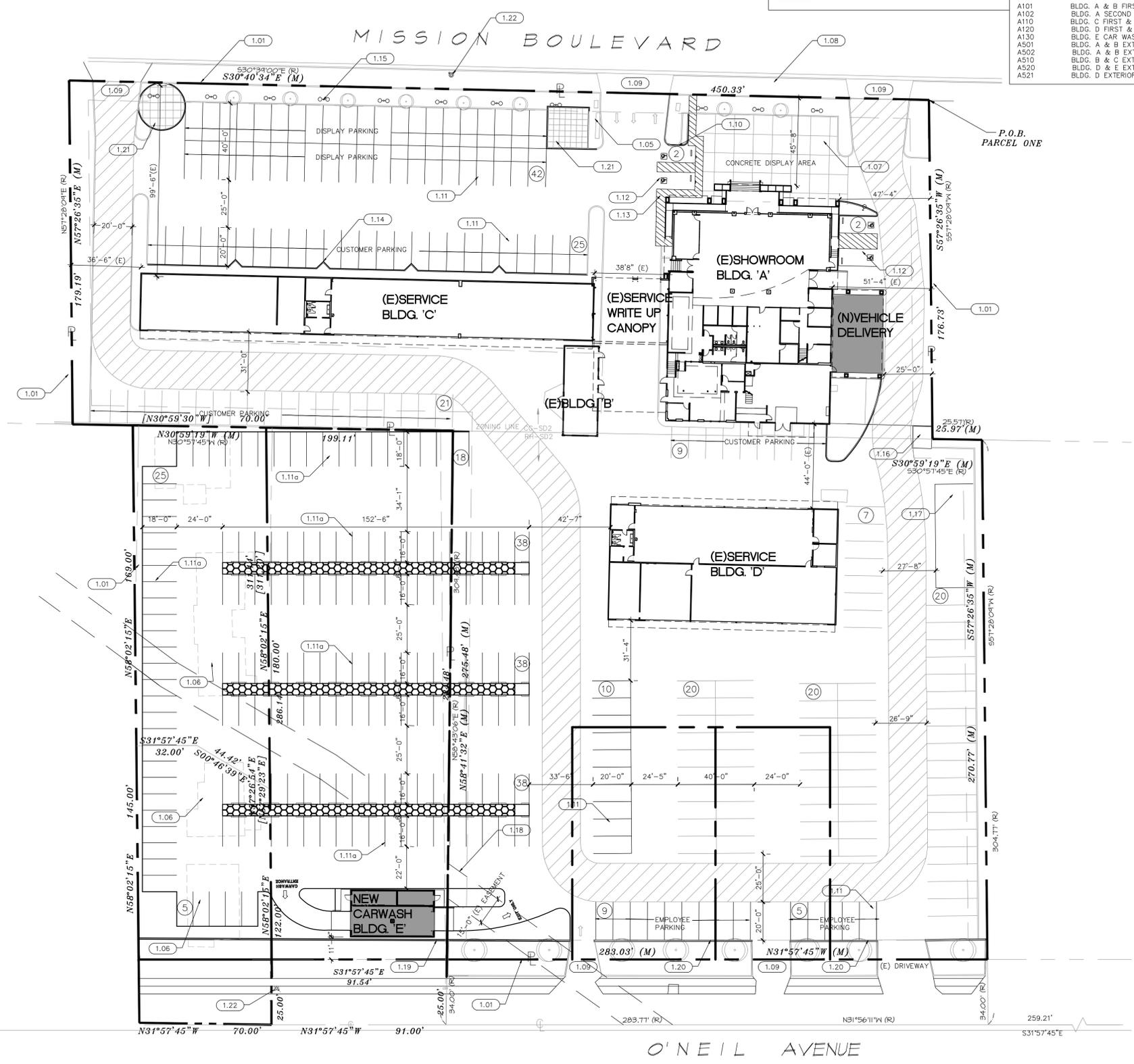
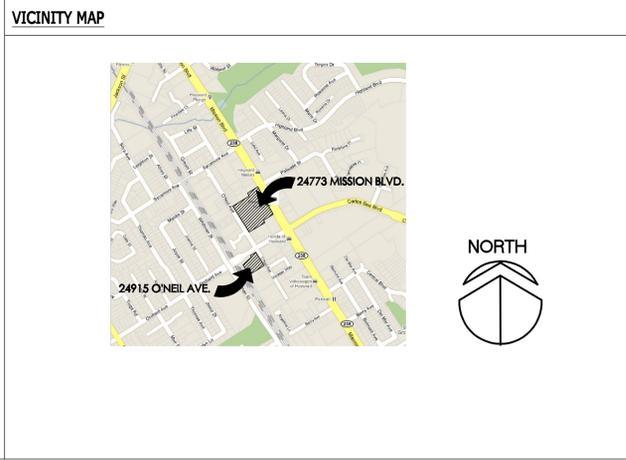
PARKING CALCULATION

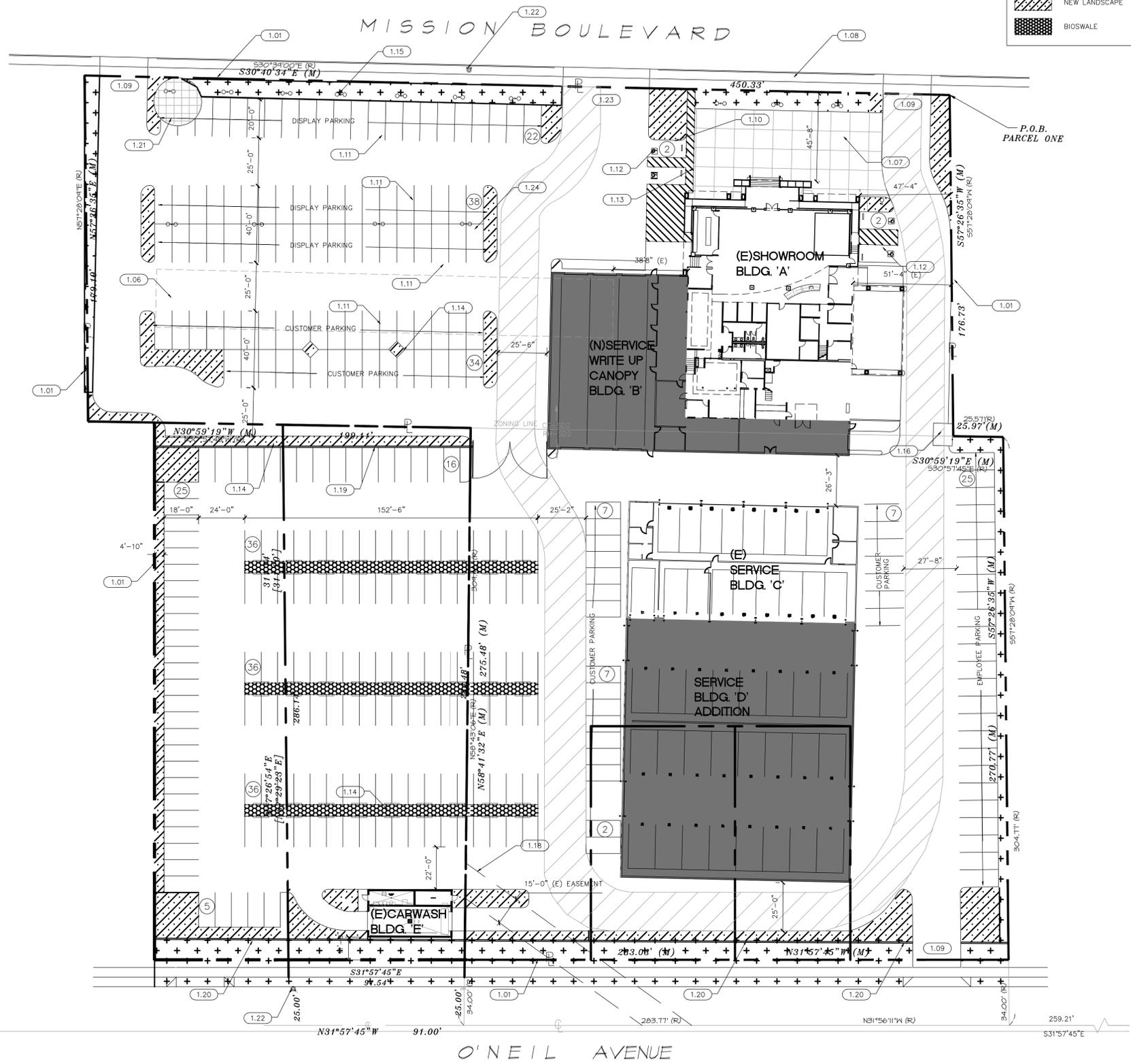
CUSTOMER/EMPLOYEE PARKING REQUIRED:

SALES- 8,636 SF/250 SF = 35 STALLS
PARTS- 4,751 SF/1000SF = 05 STALLS
SERVICE-19,670 SF/600 = 33 STALLS
TOTAL PARKING = 73 STALLS (INC. 3 ACCESSIBLE STALLS)

PARKING PROVIDED:

CUSTOMER/EMPLOYEE PARKING: = 73 STALLS
DISPLAY PARKING = 281 STALLS
TOTAL PARKING = 354 STALLS (INC. 4 ACCESSIBLE STALLS)





LEGEND

	FIRE LANE
	NEW CONSTRUCTION THIS PHASE
	(E) LANDSCAPE
	NEW LANDSCAPE
	BIOSWALE

KEY NOTES 1.01

DIVISION 1 - GENERAL CONDITIONS/ EXISTING ITEMS

- EXISTING PROPERTY LINE.
- DEMO EXISTING PLANTER CURB.
- EXISTING SHRUBS, TREES & LANDSCAPING.
- EXISTING CONCRETE PLANTER CURB, TYP.
- EXISTING SIGN TO BE RELOCATED.
- EXISTING CONCRETE SWALE
- EXISTING CONCRETE AUTO DISPLAY PAD TO REMAIN.
- EXISTING PUBLIC SIDEWALK
- EXISTING DRIVEWAY
- NEW CONCRETE PLANTER CURB.
- NEW STANDARD 9' X 20' CUSTOMER PARKING.
- NEW 9' X 20' HANDICAPPED PARKING SPACE.
- NEW PATH OF TRAVEL.
- NEW LANDSCAPE PLANTER
- EXISTING SITE LIGHT FIXTURE, TYP.
- EXISTING TRASH ENCLOSURE
- EXISTING STORAGE CONTAINER
- EXISTING EASEMENT
- NEW 8' HIGH CMU WALL
- EXISTING CMU WALL
- NEW RAISED CONCRETE DISPLAY PAD
- EXISTING OFF SITE FIRE HYDRANT TO REMAIN
- NEW DRIVEWAY
- NEW SITE LIGHT FIXTURE TO MATCH EXISTING

PROJECT DATA

ZONING: CG-SD2/RH-SD2
 APN# 444-0036-034-03, 444-0036-044-06, 444-0036-045-06, 444-0036-046-00, 444-0036-047-00
 SITE AREA: 189,507 S.F. (4.35 ACRES)
 BUILDING AREA: 45,971 SF

BUILDING	AREA	OCCUPANCY	TYPE OF CONST
BUILDING A :			
FIRST FLOOR (E) :	9,099 SF	B & S2	TYPE III B
SECOND FLOOR (E) :	2,565 SF		
NVD CANOPY (E) :	1,209 SF		
TOTAL BLDG. A :	12,873 SF		
BUILDING B :			
FIRST FLOOR (N) :	2,932 SF	B	TYPE III B
SERVICE CANOPY (N) :	5,048 SF		
TOTAL BLDG. B :	7,980 SF		
BUILDING C :			
FIRST FLOOR (E) :	7,222 SF	S1	TYPE III B
SECOND FLOOR (E) :	796 SF		
TOTAL BLDG. C :	8,018 SF		
BUILDING D :			
FIRST FLOOR (N) :	15,985 SF	B	TYPE III B
BUILDING E :			
FIRST FLOOR (E) :	1,095 SF		

LOT COVERAGE: 24.2%

SCOPE OF WORK

BUILDING DEMOLITION OF EXISTING SERVICE WRITE UP & SERVICE & ADDITION TO THE SHOWROOM & EXISTING BLDG. "D"

THE CURRENT SERVICE WRITE UP & SERVICE SPACES WILL BE DEMOLISHED & RELOCATED AS ADDITION TO EXISTING BUILDINGS "A" & "D".

EXTERIOR FINISHES WILL MATCH PHASE 1 CONSTRUCTION.

- NEW SIGNAGE WILL BE INSTALLED. DETAILS OF THE SIGNAGE TO BE PROVIDED SEPARATELY.
- INTERIOR REMODELING AND NEW INTERIOR FINISHES NOT A PART OF CITY DESIGN REVIEW.

PARKING CALCULATION

CUSTOMER/EMPLOYEE PARKING REQUIRED:

SALES- 8,636 SF/250 SF = 35 STALLS
 PARTS- 6,201 SF/1000SF = 06 STALLS
 SERVICE-24,465 SF/600 = 41 STALLS

TOTAL PARKING = 82 STALLS (INC. 4 ACCESSIBLE STALLS)

PARKING PROVIDED:

CUSTOMER/EMPLOYEE PARKING: = 86 STALLS
 DISPLAY PARKING = 214 STALLS

TOTAL PARKING = 300 STALLS (INC. 4 ACCESSIBLE STALLS)



Stantec Architecture Inc.
 19 Technology Drive
 Irvine CA 92618 US
 Ph: (949) 923-6000
 Fax: (949) 923-6121
 stantec.com

Autonation.
 200 SW 1ST AVE., 14TH FLOOR
 FT. LAUDERDALE, FL 33301

NO.	DATE	REVISION / MILESTONE	APP.	DATE
9-21-2011	2ND PLANNING SUBMITTAL			
6-29-2011	1ST PLANNING SUBMITTAL			

DO NOT USE FOR CONST. UNLESS INITIALED AND DATED

PROJECT MGR. _____ DATE _____

RS _____

DWN. _____ CHKD. _____ DSGN. _____ DATE _____

HAYWARD TOYOTA
 24773 MISSION BLVD.,
 HAYWARD, CA 94544

SITE PLAN- PHASE 2

JOB No. 2007101005
 PERMIT No. _____
 PROJECT No. _____

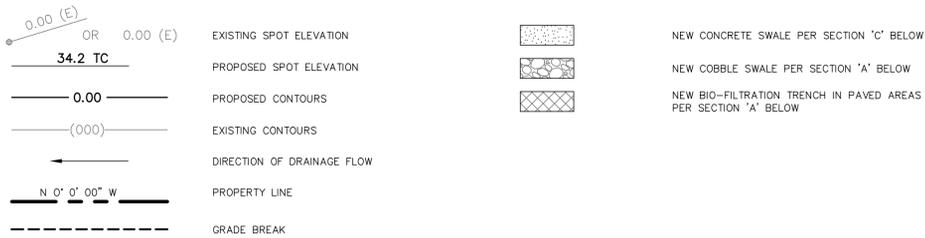
SP2

DRAWING: v: 1/2007/active: 1/2007/01005/structure: 1/2007/01005_02.dwg PLOTTED: 9/21/2011 9:28 AM BY: Kikar, Vandana

KEY NOTES

- 2.1 COBBLE SWALE BIO-FILTRATION TRENCH PER DETAIL 'A' THIS SHEET.
- 2.2 5' WIDE CONCRETE SWALE AND BIO-FILTRATION TRENCH PER DETAIL 'C' THIS SHEET.
- 2.3 BIO-FILTRATION TRENCH UNDER PAVED AREAS PER DETAIL 'B' THIS SHEET.
- 2.4 STORM DRAIN INLET.
- 2.5 STORM DRAIN TURNING STRUCTURE.
- 2.6 PAVED PARKING AREA.
- 2.7 CONNECT TO EXISTING DRAIN INLET.
- 2.8 EXISTING 15' WIDE STORM DRAIN EASEMENT PER RE322 O.R.IM200. (72" STORM DRAIN)

LEGEND



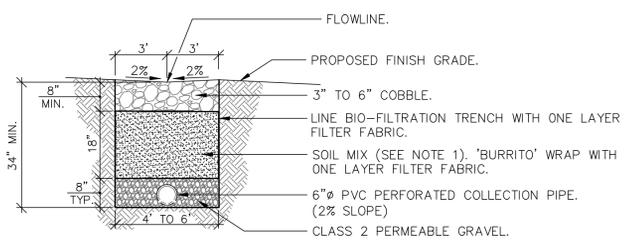
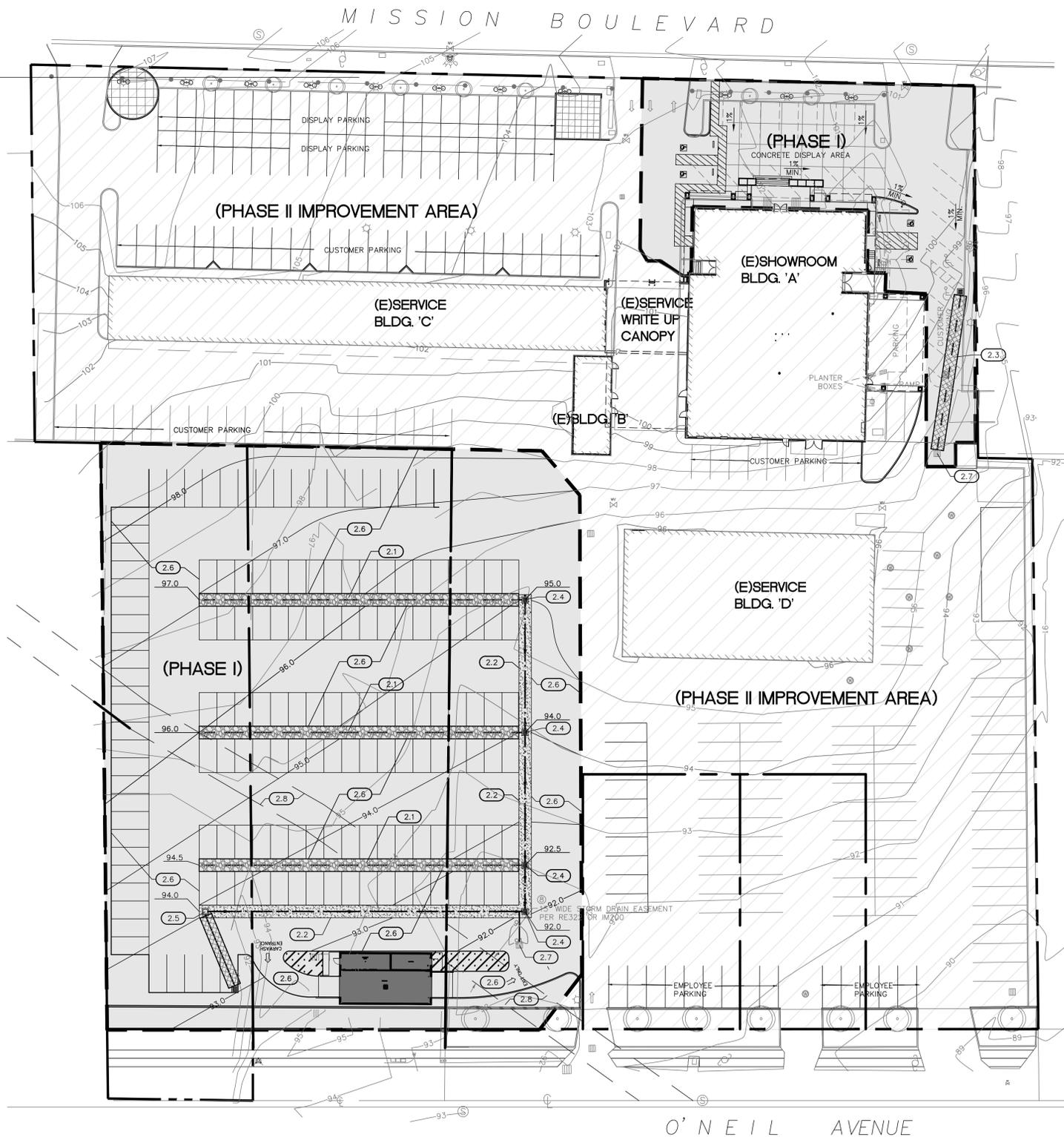
- BW BACK OF WALK
- FF FINISH FLOOR
- FL FLOW LINE
- LIP EDGE OF SWALE OR GUTTER
- TS TOP OF SLAB
- GB GRADE BREAK
- TC TOP OF CURB
- TG TOP OF GRATE
- TP TOP OF PAVEMENT
- FG FINISH GRADE
- TW TOP OF WALK
- CF CURB FACE

VICINITY MAP

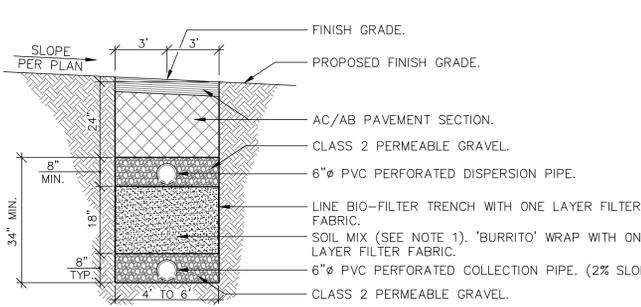


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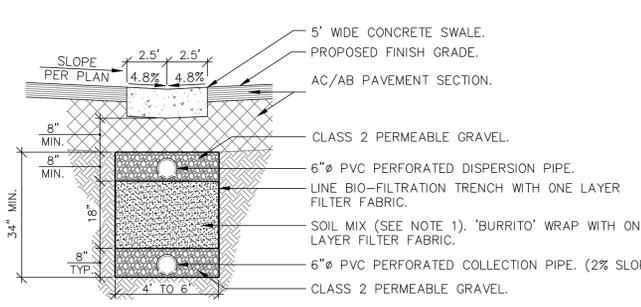
Stantec
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NOTE:
 1. COARSE SAND WITH LESS THAN 15% FINES AND NO CLAY OR WASHED CONCRETE SAND WITH LESS THAN 15% FINES WITH LESS THAN 5% PASSING #200 SIEVE.



NOTE:
 1. COARSE SAND WITH LESS THAN 15% FINES AND NO CLAY OR WASHED CONCRETE SAND WITH LESS THAN 15% FINES WITH LESS THAN 5% PASSING #200 SIEVE.



NOTE:
 1. COARSE SAND WITH LESS THAN 15% FINES AND NO CLAY OR WASHED CONCRETE SAND WITH LESS THAN 15% FINES WITH LESS THAN 5% PASSING #200 SIEVE.

BENCHMARK INFORMATION

THE GRADING DESIGN SHOWN HEREON IS BASED ON A FIELD SURVEY PERFORMED SLOOTEN CONSULTING, INC., DATED MARCH 13, 2006 AND UPDATED APRIL 13, 2006.

1. **BENCHMARK** CITY OF HAYWARD
 CITY OF HAYWARD DISC LOCATED IN THE CENTERLINE OF O'NEILL AVE. ACROSS FROM 24698 O'NEILL AVE. WITH AN ELEVATION OF 93.93' WAS USED AS THE BENCHMARK FOR THIS SURVEY.

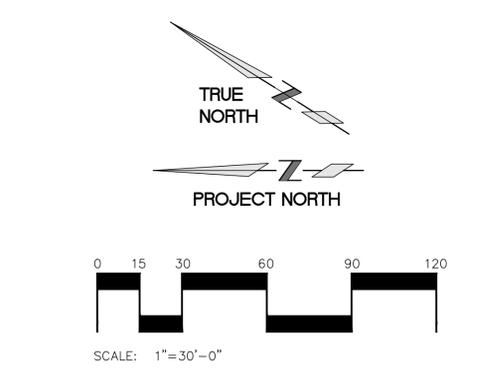
TOPOGRAPHIC AND BOUNDARY INFORMATION

BENCHMARK, BASIS OF BEARING, BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS FROM THE ALTA/ACSM LAND TITLE SURVEY PREPARED BY SLOOTEN CONSULTING, INC., DATED MARCH 13, 2006 AND UPDATED APRIL 13, 2006.

FLOOD ZONE NOTE

- 1. THIS PROJECT IS IN FLOOD ZONE "C" FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP (F.I.R.M.) ON COMMUNITY PANEL NO. 065033011E, DATE FEBRUARY 9, 2007.
- 2. PER CITY OF HAYWARD RECORDS THIS SITE IS OUTSIDE OF A FLOOD HAZARD ZONE.

NO.	DATE	REVISION / MILESTONE	APP.	DATE
8-19-2011		2ND PLANNING SUBMITTAL		
6-29-2011		1ST PLANNING SUBMITTAL		
		REVISION / MILESTONE		



MLB ENGINEERING
 1488 GEORGIA COURT
 ROHNERT PARK,
 CALIFORNIA 94928
 TEL (707) 585-1369 FAX (707) 293-9157

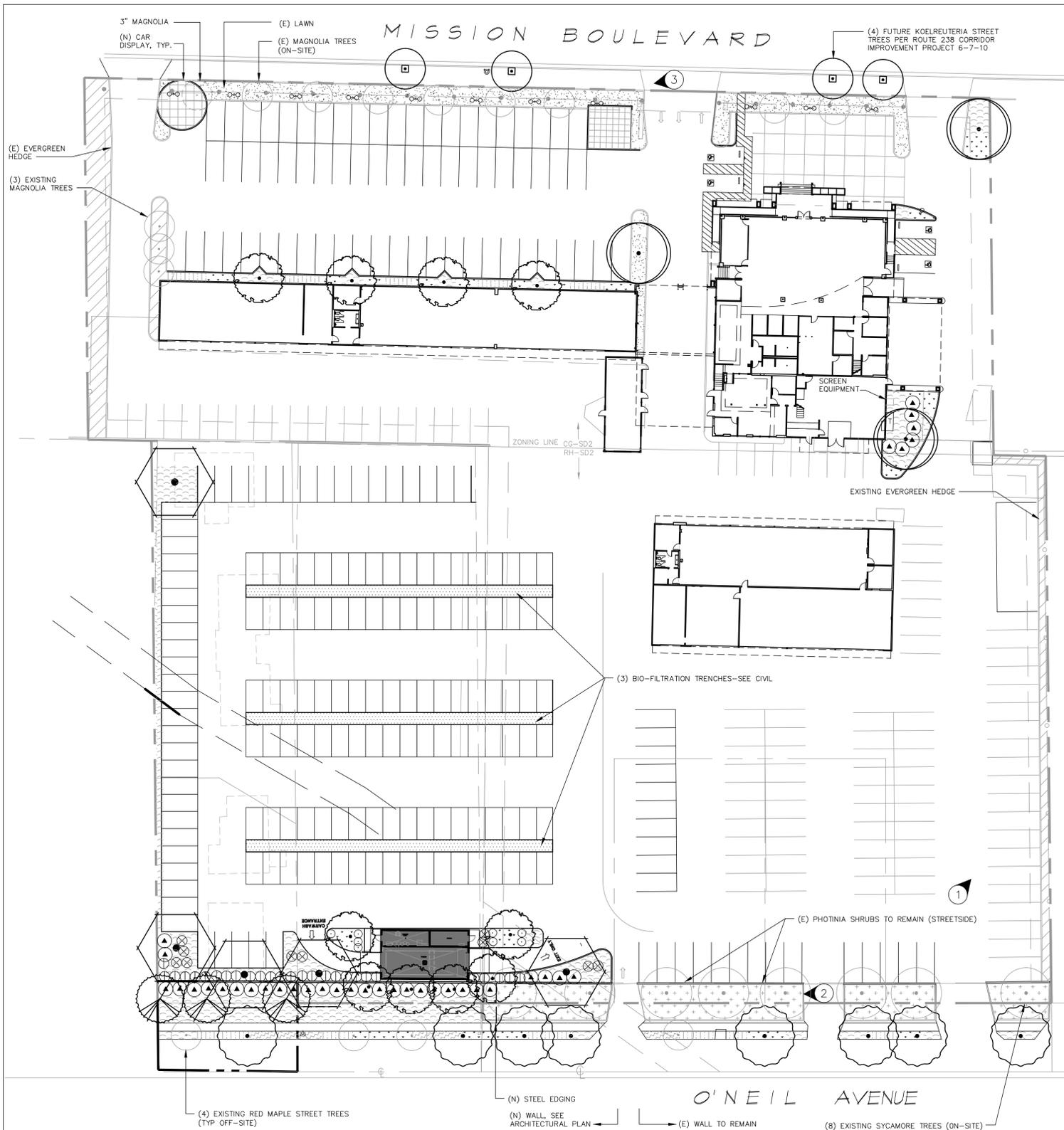
HAYWARD TOYOTA
 24773 MISSION BLVD.,
 HAYWARD, CA 94544

CONCEPTUAL GRADING AND WATER QUALITY PLAN (PHASE 1)
 JOB No. 2007101005
 PERMIT No.
 PROJECT No.

AutNation
 200 SW 1ST AVE., 14TH FLOOR
 FT. LAUDERDALE, FL 33301

DO NOT USE FOR CONST. UNLESS INITIALED AND DATED
 PROJECT MGR. _____ DATE _____
 RS _____
 DWN. CHKD. DSGN. DATE _____

C-1

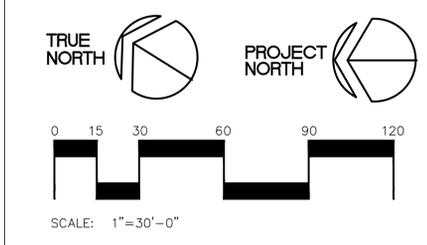


PLANTING LEGEND

SYMBOL	SIZE	QTY.	MATURE HEIGHT	BOTANICAL NAME	WATER REQMT	COMMON NAME
TREES						
	15 GAL.	13	25'	PHOTINIA FRASERI, STD.	M	FRASERS PHOTINIA
	15 GAL.	3	30'	MAGNOLIA 'SAMUEL SOMMERS'	M	SAMUEL SOMMERS MAGNOLIA
	15 GAL.	8	40'	ACER RUBRUM - O'NEIL STREET (OR PER CITY)	M	RED MAPLE
	15 GAL.	4	40'	ARBUTUS 'MARINA'	L	-
	15 GAL.	3	40'	PLATANUS RACEMOSA		
	-	1	-	EXISTING TREE TO BE REMOVED APPROXIMATE LOCATION	-	-
	-	19	-	EXISTING TREE TO REMAIN APPROXIMATE LOCATION	-	-
	-	4	-	OFFSITE (O'NEIL)	-	-
	-	3340	-	EXISTING LANDSCAPING TO REMAIN	-	-
	-	3555	-	EXISTING LAWN TO REMAIN	-	-
	-	4	-	FUTURE STREET TREES BY CITY	-	-
SHRUBS						
⊖	5 GAL.	13	8'	MYRSINE AFRICANA 'SCARLETT MARGIN'	L	VARIEGATED AFRICAN BOXWOOD
⊙	5 GAL.	8	4'	MULENBERGIA DUMOSA	L	BAMBOO MUHLY
⊗	5 GAL.	10	4'	PHORMIUM COOKIANUM 'TRICOLOR'	L	NEW ZEALAND FLAX
⊕	5 GAL.	34	7'	PITTOSPORUM TOBIRA 'VARIEGATA'	L	TOBIRA
GROUNDCOVERS / MASS PLANTINGS						
	BIO-FILTRATION TRENCH PER CIVIL	2280 S.F.	-	SEE CIVIL		UN-IRRIGATED
	1 GAL. 36" O.C.	806 S.F.	30"	NANDINA 'HARBOR DWARF'	L	DWF HEAVENLY BAMBOO
	1 GAL. 18" O.C.	312 S.F.	18"	FESTUCA AMYTHESTINA 'SUPERBA'	L	TUFTED FESCUE
	1 GAL. 36" O.C.	1501 S.F.	30"	HELICOTRICHON SEMPERVIRENS	L	BLUE OAT GRASS
	-	3577 S.F.	-	WOOD MULCH, 3" DP		
	1 GAL. 36" O.C.	4017 S.F.	24"	LANTANA MONTEVIDENSIS	L	LANTANA
SITE FEATURES - TYPICAL						
	20 L.F.			STEEL EDGING		
	NOT SHOWN			ROOT BARRIER: INSTALL AT TREES (EXCEPT PALMS) PLANTED 4' OR LESS FROM CURBS, BUILDINGS, OR PAVEMENT. HOWARD WIRE CLOTH COMPANY, HAYWARD, CA. (510)887-8787 OR 24" LINEAR PLASTIC PANEL FROM DEEP ROOT OR EQUAL.		
TOTAL LANDSCAPED AREA: 7,518 S.F.						

SEE SHEET L2 FOR ALL CALCULATIONS, LANDSCAPE STATEMENT, BAY FRIENDLY CHECKLIST, ETC.

NOT FOR BIDDING OR CONSTRUCTION
 THESE DRAWINGS ARE UNDER REVIEW AND SUBJECT TO REVISIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN FINAL DRAWINGS, (INITIALED IN TITLE BLOCK), BEFORE FINALIZING BIDS OR BEGINNING CONSTRUCTION.



VICINITY MAP NOT TO SCALE

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HAYWARD TOYOTA
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PRELIMINARY LANDSCAPE PLAN - PHASE 1

JOB No. 2007101005

PERMIT No. _____

PROJECT No. _____

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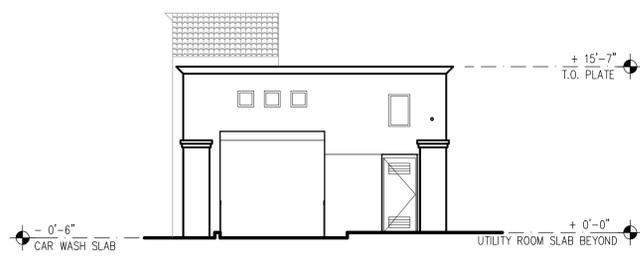
REG. INTER. LANDSCAPE ARCHITECT
 MAT SHU RUTH #2238
 SIGNATURE 6/30/11
 EXPIRES 6/30/11
 STATE OF CALIFORNIA

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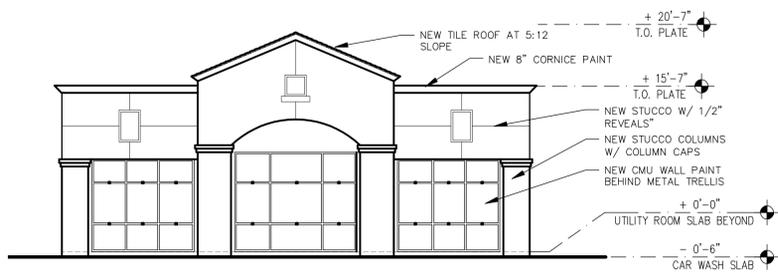
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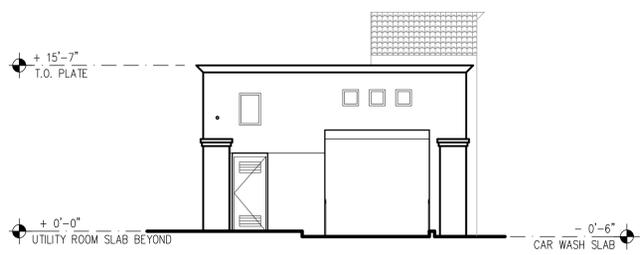
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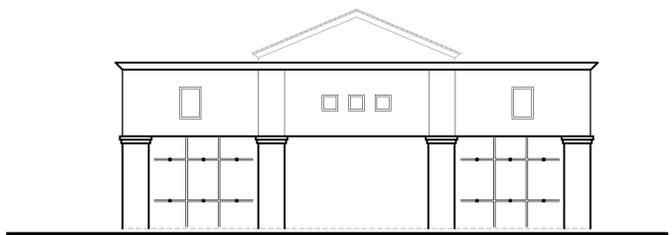
SOUTH ELEVATION - CARWASH
SCALE: 1/8"=1'-0"



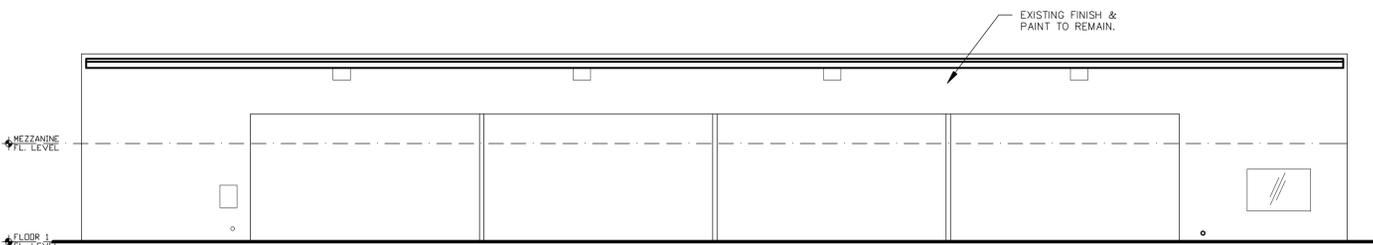
WEST ELEVATION - CARWASH- BLDG. WALL
SCALE: 1/8"=1'-0"



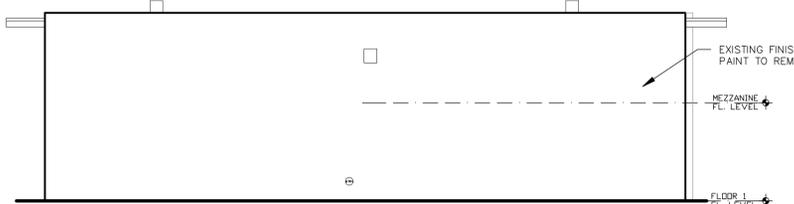
NORTH ELEVATION - CARWASH



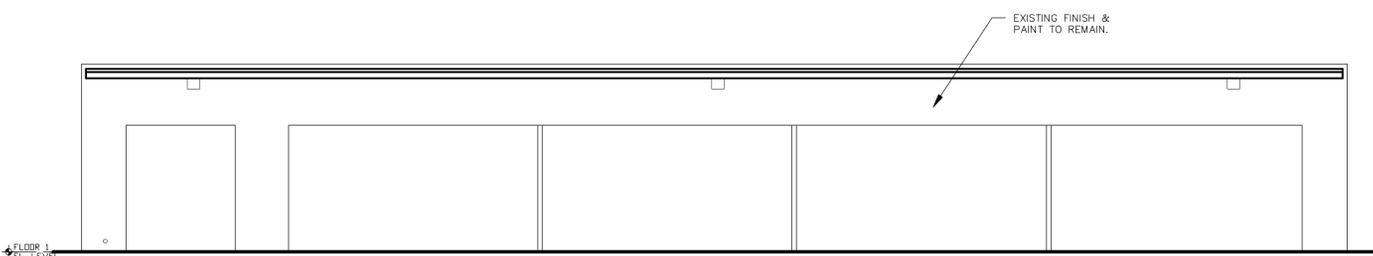
EAST ELEVATION - CARWASH- BLDG. WALL
SCALE: 1/8"=1'-0"



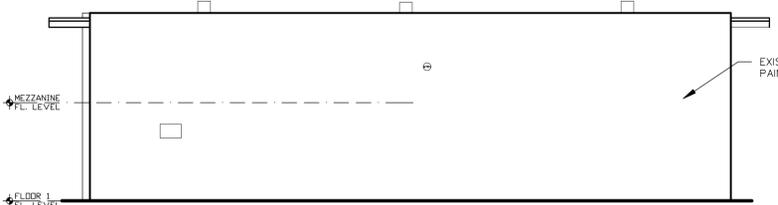
EXISTING EAST ELEVATION - BUILDING 'D' SCALE: 1/8"=1'-0"



EXISTING SOUTH ELEVATION - BUILDING 'D' SCALE: 1/8"=1'-0"



EXISTING WEST ELEVATION - BUILDING 'D' SCALE: 1/8"=1'-0"



EXISTING NORTH ELEVATION - BUILDING 'D' SCALE: 1/8"=1'-0"

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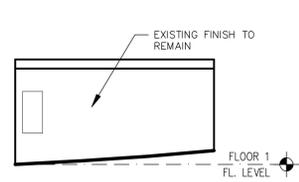
PROJECT MGR.	DATE
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CHKD	
DSGN	
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HAYWARD TOYOTA
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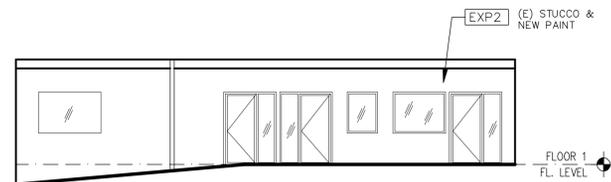
EXTERIOR ELEVATIONS
(N BLDG) 'E' + (E) BLDG. 'D'
PHASE 1

JOB No.	2007101005
PERMIT No.	
PROJECT No.	

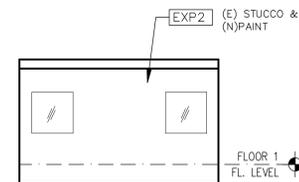
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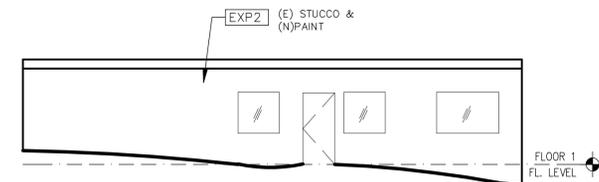
EXISTING EAST ELEVATION - BUILDING 'B' SCALE: 1/8"=1'-0"



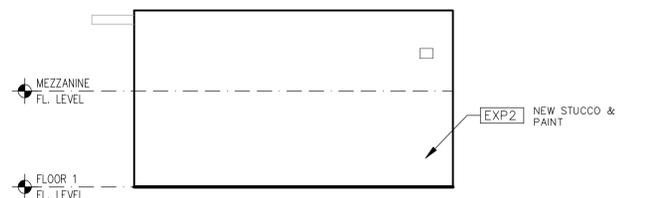
SOUTH ELEVATION - BUILDING 'B' SCALE: 1/8"=1'-0"



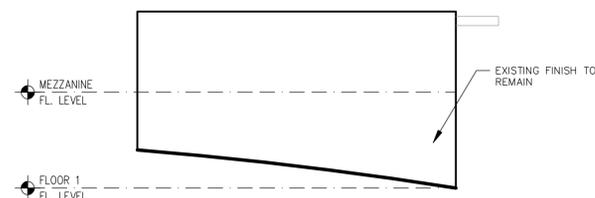
EXISTING WEST ELEVATION - BUILDING 'B' SCALE: 1/8"=1'-0"



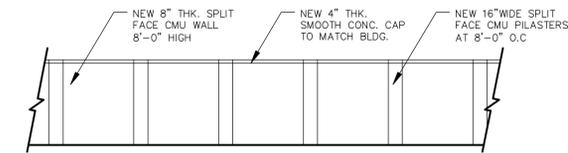
EXISTING NORTH ELEVATION - BUILDING 'B' SCALE: 1/8"=1'-0"



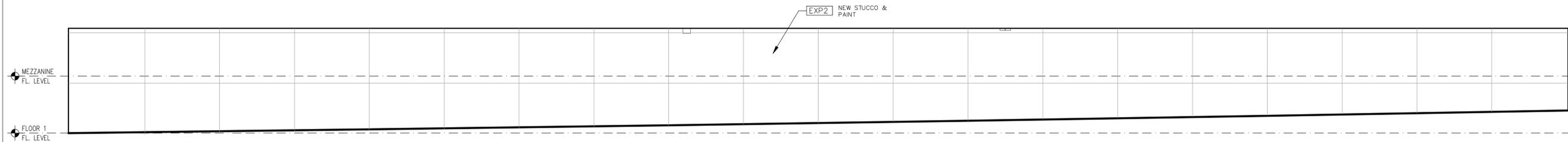
EXISTING NORTH ELEVATION - BUILDING 'C' SCALE: 1/8"=1'-0"



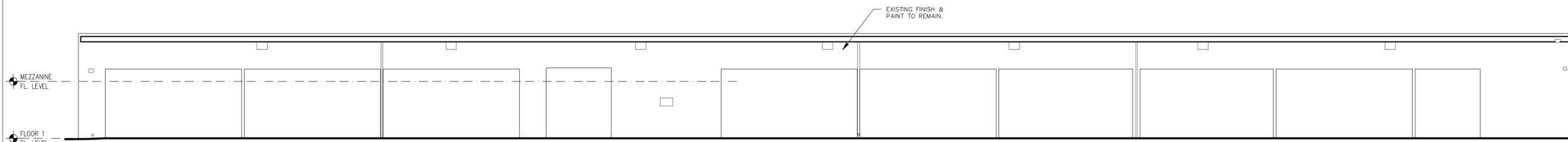
EXISTING SOUTH ELEVATION - BUILDING 'C' SCALE: 1/8"=1'-0"



NEW WEST FENCE WALL SCALE: 1/8"=1'-0"



EXISTING EAST ELEVATION - BUILDING 'C' SCALE: 1/8"=1'-0"



EXISTING WEST ELEVATION - BUILDING 'C' SCALE: 1/8"=1'-0"

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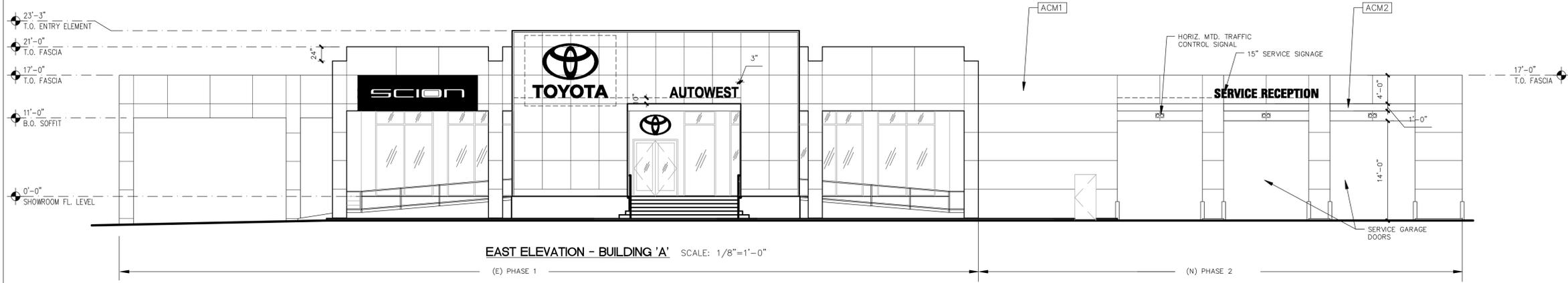
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EXTERIOR ELEVATIONS
 (E) BLDG. 'B' + (E) BLDG. 'C'
 PHASE 1
 JOB No. 2007101005
 PERMIT No.
 PROJECT No.

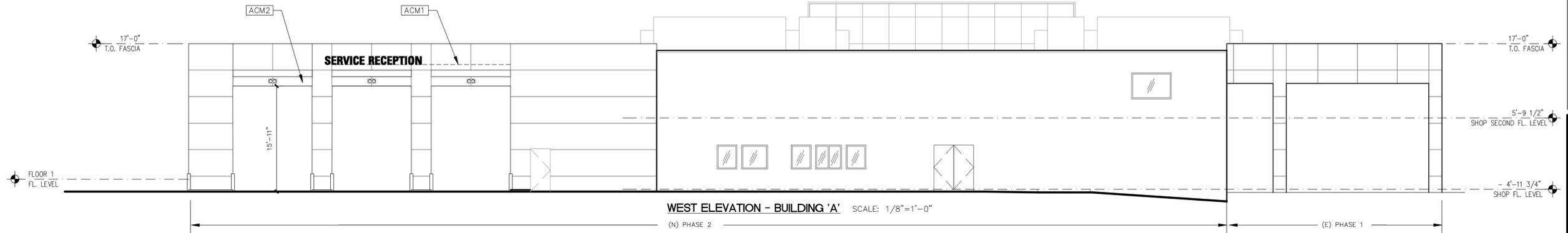
A510



EAST ELEVATION - BUILDING 'A' SCALE: 1/8"=1'-0"

(E) PHASE 1

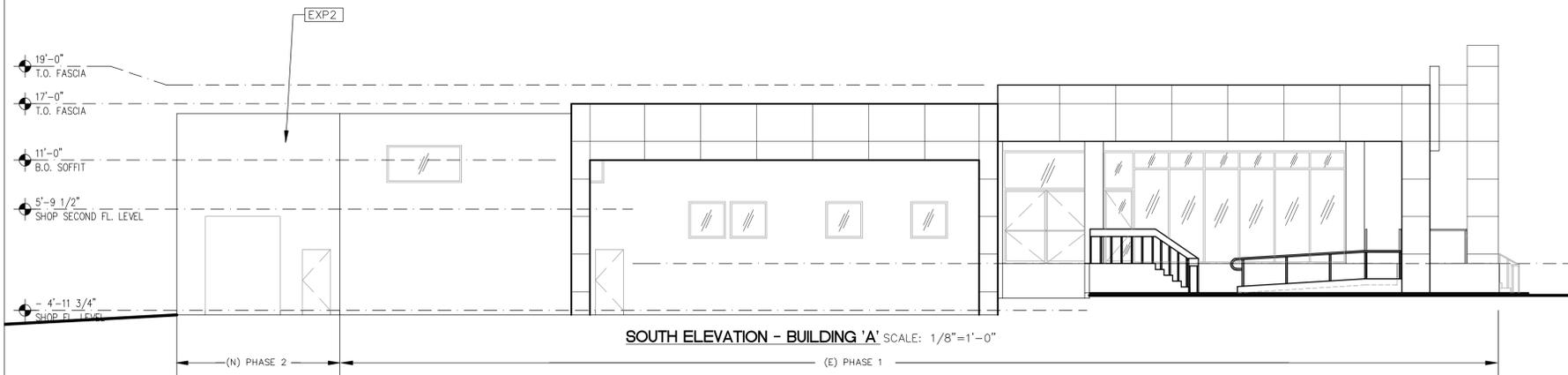
(N) PHASE 2



WEST ELEVATION - BUILDING 'A' SCALE: 1/8"=1'-0"

(N) PHASE 2

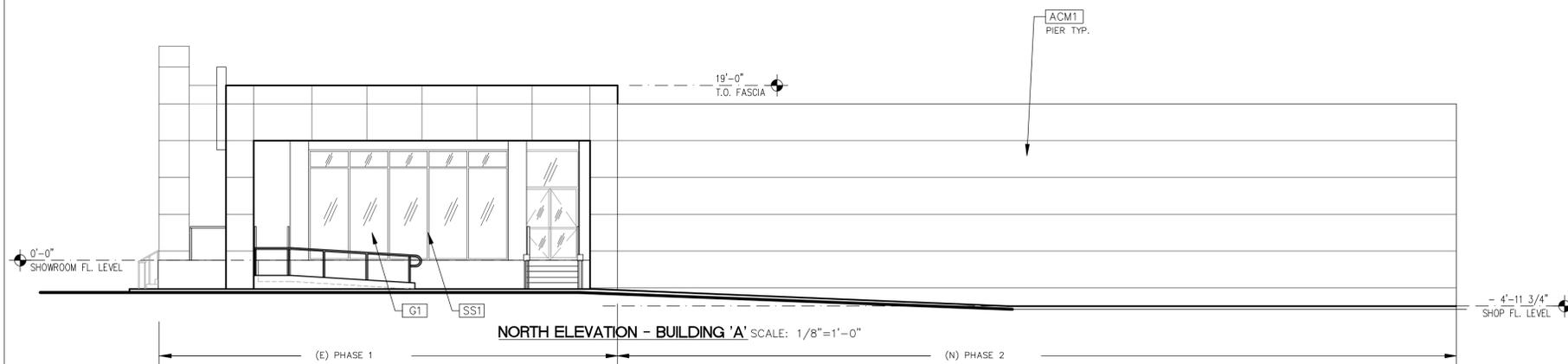
(E) PHASE 1



SOUTH ELEVATION - BUILDING 'A' SCALE: 1/8"=1'-0"

(N) PHASE 2

(E) PHASE 1



NORTH ELEVATION - BUILDING 'A' SCALE: 1/8"=1'-0"

(E) PHASE 1

(N) PHASE 2

EXTERIOR FINISH LEGEND

NO.	LOCATION	COLOR & MATERIAL SPECIFICATION	DESCRIPTION	MANUFACTURER/
ACM1	EXTERIOR FACADE AND COLUMNS	4MM THICK BONDED METAL PANEL "TOYOTA SILVER"	ALUMINUM COMPOSITE MATERIAL	REYNORBOND BY ALCOA, OR ALPOLIC BY MITSUBISHI
ACM2	EXTERIOR FACADE AND COLUMNS	4MM THICK BONDED METAL PANEL "TOYOTA RED"	ALUMINUM COMPOSITE MATERIAL	REYNORBOND BY ALCOA, OR ALPOLIC BY MITSUBISHI
ACM3	EXTERIOR FACADE AND COLUMNS	4MM THICK BONDED METAL PANEL "TOYOTA BLACK"	ALUMINUM COMPOSITE MATERIAL	REYNORBOND BY ALCOA, OR ALPOLIC BY MITSUBISHI
ACM4	SURROUND OF EXTERIOR PORTAL	4MM THICK BONDED METAL PANEL "TOYOTA WHITE"	ALUMINUM COMPOSITE MATERIAL	REYNORBOND BY ALCOA, OR ALPOLIC BY MITSUBISHI
EXP1	EXTERIOR SOFFITS	TO MATCH DRYVIT MOONLIGHT WHITE 612 OR STO NA05-0058 LIGHT GREY	EXTERIOR PLASTER	TO BE SELECTED BY DEALER ARCHITECT
EXP2	EXTERIOR WALLS (SERVICE AREA)	TO MATCH DRYVIT MOONLIGHT WHITE 612	EXTERIOR PLASTER	TO BE SELECTED BY DEALER ARCHITECT
G1	GLAZING, GLASS DOORS	CLEAR DOUBLE GLAZED, TEMPERED	EXTERIOR GLAZING	-
G2	SERVICE WRITE-UP/ SERVICE LANES, SERVICE MGR/ SERVICE LANES, TRAC/ SERVICE LANES, SERVICE ENTRY/ SERVICE LANES, F&I/ NEW CAR DELIVERY, SERVICE/ SALES BLDG.	CLEAR DOUBLE GLAZED, TEMPERED	EXTERIOR GLAZING	-
G3	GLAZING, GLASS DOORS	CLEAR SINGLE GLAZED, TEMPERED	INTERIOR GLAZING	-
GP1	PORTAL	ALL STEEL MEMBERS TO BE PRIMED AND FINISHED IN "TOYOTA WHITE GLOSS"		NOVUM STRUCTURES CONTACT: STEVE SKOWBO PHONE: (262)255-5561 FAX: (262)255-5086
SS1	-	REPLACE EXISTING STOREFRONT/ CURTAINWALL W/ NEW CLEAR ANODIZED ALUM.	EXISTING STOREFRONT/ CURTAINWALL SYSTEM	-

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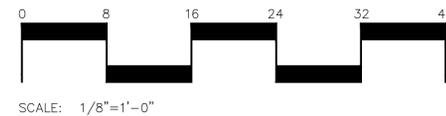
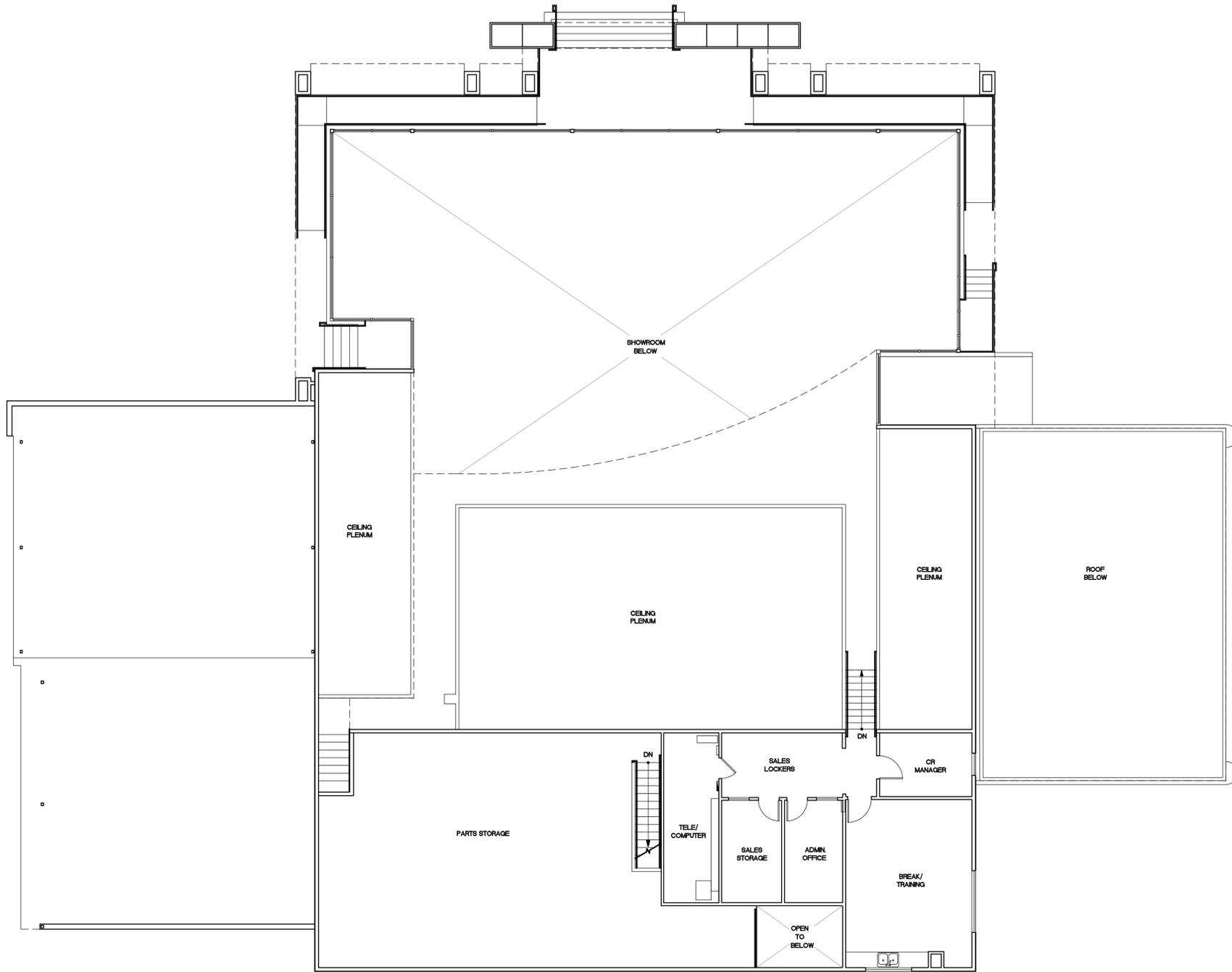
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HAYWARD TOYOTA
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EXTERIOR ELEVATIONS
 (N) BLDG. 'A' + BLDG. 'B'
 PHASE 2

JOB No.	2007101005
PERMIT No.	
PROJECT No.	

A502



KEY NOTES 1.01

GENERAL NOTES



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DWN.	CHKD. DSGN. DATE

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EXISTING BLDG. 'A'
SECOND FLOOR PLAN
PHASE 1
JOB No. 2007101005
PERMIT No.
PROJECT No.

A102

DRAWING: v:\2007\active\2007101005\architecture\drawing\planning phase\2007101005_0102.dwg PLOTTED: 9/21/2011 9:16 AM BY: Kekar Venkatesh

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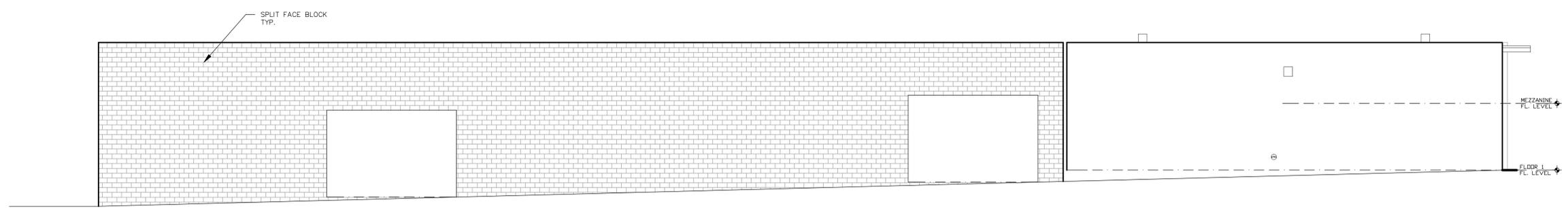
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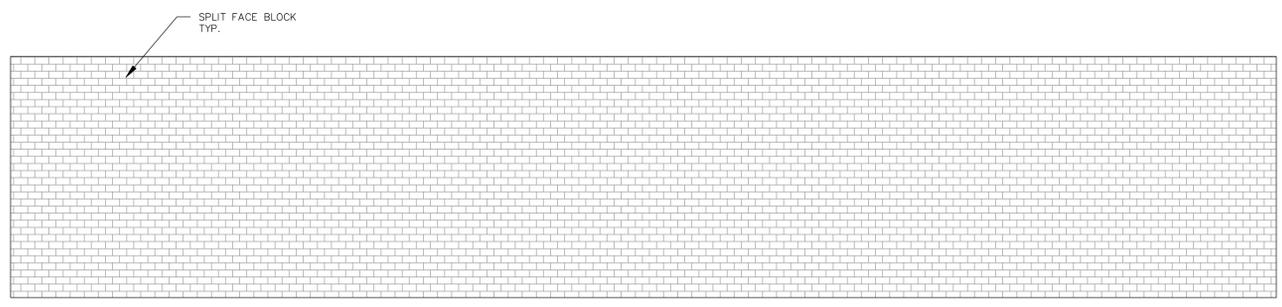
EXTERIOR ELEVATIONS
 (N) BLDG. 'D'
 PHASE 2

JOB No.	2007101005
PERMIT No.	
PROJECT No.	



NEW SOUTH ELEVATION - BUILDING 'D'

EXISTING SOUTH ELEVATION - BUILDING 'D'



NEW WEST ELEVATION - BUILDING 'D'



SOUTH ELEVATION - CARWASH SCALE: 1/8"=1'-0"



WEST ELEVATION - CARWASH- BLDG. WALL SCALE: 1/8"=1'-0"



EAST ELEVATION - CARWASH- BLDG. WALL SCALE: 1/8"=1'-0"



WEST ELEVATION - CARWASH- BLDG WALL W/ FENCE WALL IN FRONT SCALE: 1/8"=1'-0"



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EXTERIOR ELEVATIONS
 (N) CAR WASH
 PHASE 1

JOB No. 2007101005
 PERMIT No.
 PROJECT No.

A520e

DATE: November 17, 2011

TO: Planning Commission

FROM: Arlynn J. Camire, AICP, Associate Planner

SUBJECT: Conditional Use Permit No. PL-2011-0334 – One Year Review of Operations of ME Restaurant and Lounge and Modifications of Conditions of Approval - The Property is Located at 926 B Street

RECOMMENDATION

That the Planning Commission finds that the proposed project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities, and approves the proposed modifications to the Conditions of Approval of Conditional Use Permit PL-2011-0334, subject to the attached findings.

SUMMARY

On December 15, 2010, the City Council approved a conditional use permit to operate a restaurant and night club (ME Restaurant and Lounge) within the downtown entertainment area, subject to conditions of approval that were designed to minimize the establishment's potential negative impacts to the Downtown and on public safety resources. The adopted conditions contain stringent operating procedures that include: reimbursement of costs for excessive Police Department calls for service; submission of a security plan to be reviewed and approved by the Police Department; training of serving staff in the proper procedures for the serving of alcoholic beverages; and specific hours and days that live entertainment and dancing are allowed. In addition, the conditional use permit requires review after one year of operation to assure that the business is being operated in conformance with the conditions of approval and without detriment to the public health, safety and welfare. The one-year anniversary of the opening of ME Restaurant and Lounge was August 19, 2011.

Over the past year, ME Restaurant and Lounge has been operated in general compliance with the use permit conditions of approval. Because of these responsible operations, and as requested by the business operator, this review is also as an opportunity to revise the conditions of approval to meet the operating needs of the establishment, while maintaining practices to minimize impacts on not only public safety resources, but on adjacent downtown businesses and residents. Therefore, staff recommends that conditions be modified or added as reflected in this staff report and in Attachment III to assure noise impacts are mitigated and that public safety and night club security is maintained, while also allowing an opportunity for more dance events, more live background music and more community-oriented events.

BACKGROUND

On November 19, 2009, the Planning Commission reviewed the proposal to operate a restaurant with a night club on Friday and Saturday nights for patrons 21 years of age and older. In addition, a Zoning Ordinance text amendment was requested that would eliminate the separation requirement of 100 feet between on-sale alcoholic beverage establishments and a park within the Central City-Plaza Zoning Subdistrict, which would allow the night club to be adjacent to Newman Park. The Planning Commission was split (3:3:1) whether to recommend approval of the conditional use permit and text amendment proposal. The main concern was the potential impact of the night club on Police Department resources on Friday and Saturday nights. However, some Commissioners felt that the experience of the applicant and her commitment to security indicated that the restaurant and night club would be operated in a responsible manner.

On December 15, 2009, the City Council approved the conditional use permit (5-2-0). The City Council added conditions of approval that required Newman Park to be cleaned-up on Saturday and Sunday mornings, that the lighting in the park be assessed, and that the conditional use permit be non-transferable. In addition, on January 5, 2010, the City Council adopted an amendment to the Zoning Ordinance to allow new on-sales alcoholic establishments within the downtown entertainment area without a separation requirement from a park. This allowed ME Restaurant and Lounge to operate next to Newman Park.

Downtown has been the location of late night crime associated with patrons who frequent bars, restaurants, and night clubs. The majority of the Critical Incidents have occurred in Municipal Parking Lot 2 behind Bijou Restaurant, near the B Street entrance. Since ME Restaurant and Lounge is adjacent to Municipal Parking Lot 1, these incidents have not been associated with ME Restaurant and Lounge. According to Hayward Police Department staff, 26 incidents have occurred involving people self-identified as patrons of ME Restaurant and Lounge during police investigations. These 26 incidents, which Police Department staff does not consider excessive, did not occur within ME Restaurant and Lounge and include assault, disorderly conduct, intoxication, and theft. Of the 26 incidents, a total of five resulted in a minor impact on police services in the downtown district because five officers were required to disburse people or to investigate. However, of the 26 incidents associated with ME Restaurant and Lounge, none were considered "Critical Incidents," which would have required police to request reimbursement for their services. According to Hayward Police Department staff, the security personnel at ME Restaurant and Lounge act responsibly and follow the procedures in the adopted Security Plan, which require security personnel to contact the Hayward Police Department if there is a disturbance outside of the establishment.

There has been one violation of the conditions of approval that has been corrected by the security company. On February 15, 2011, staff from the Hayward Police Department and the Alcoholic Beverage Control (ABC) inspected the establishment and it was noted that there were several security guards who could not produce proof of State of California licensure and were cited by the ABC. The Police Department is satisfied that the problem has been corrected and recommends approval of the revised conditions of approval.

DISCUSSION

According to business owner Monica Thompkins, the scope of services provided at ME Restaurant and Lounge has increased steadily over the last year. Dinners are served six nights a week and Sunday brunch is served. The Friday and Saturday night club operation and the Sunday entertainment events have been successful. Dance classes have been added with Chicago Steppin' lessons on Tuesday evenings and Salsa lessons on Wednesday evenings, which typically end by 9:00 pm. Business luncheons, non-profit organization meetings, cultural and political events, fundraisers, wine tastings, and private parties have been hosted at the restaurant (see list of events in Attachment IV). These events and services that are offered are not specifically addressed by the conditions of approval, but fulfill a community need. Therefore, the business owner is requesting, and staff is recommending, modifications to the existing conditions to accommodate these additional services and functions. As discussed in more detail below, staff, including Hayward Police Department staff, is recommending changes to the conditions of approval to allow the business to operate in a more profitable manner while meeting the requirements of public safety.

Staff met with the business owner to discuss proposed modifications to the conditions of approval. Discussion of the business owner's requested changes, staff's proposed modified conditions, and staff discussion follows. The proposed text modifications to the current conditions of approval are shown in bolded and stricken text below.

- a. Staff proposes a clarification to Condition No. 4 that would clearly define the night club nights as Friday and Saturday nights:

Night club shall mean any alcoholic beverage sales commercial activity in conjunction with providing live entertainment (including the playing of recorded music by a disc jockey) or dancing between the hours of 9:00 pm to 2:00 am **on Friday and Saturday evenings** regardless of whether the establishment is simultaneously offering full restaurant meal service or charges an entry fee or increases the sale price of beverages.

- b. Staff proposes a clarification to Condition No. 7 to provide specifically that lighting meets the requirements of the City's Security Ordinance:

The exterior of the premises, including adjacent public sidewalks and all parking lots under control of licensee(s), shall be illuminated during all hours of darkness during, which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. The lighting shall meet Chapter Title 24 of the California Building Code **and City Ordinance 90-26, Building Security Standards Ordinance.**

- c. Condition No. 20 (q) currently prohibits "in and out" privileges, unless the patron pays the full admittance fee upon re-entry. The owner has requested this condition be modified to allow that customers be charged to re-enter a paid event on a case-by-case basis to be determined by security personnel. The intent of this condition is to maintain club safety; therefore, the Hayward Police Department staff recommends that each customer who is allowed to return to the club be rescreened for weapons, intoxication and illegal drug use

prior to re-entry. The prohibition against “in and out” privileges has been deleted and staff recommends approval of the following modified condition instead:

~~The prohibition of “In and Out” privileges~~ **are permitted during the night club activity at the discretion of the management.** ~~If a patron leaves~~ **All patrons who leave the building** for any reason **shall be screened by security personnel upon returning with a magnetic wand and all purses or other bags shall be visibly checked to assure no weapons are allowed inside the building. In addition, each returning patron shall be screened for intoxication and/or illegal drug usage.** ~~an admittance charge in full is required to be paid prior to re-entry.~~

- d. In addition, staff believes that the security staff should be required to attend Alcoholic Beverage Control’s Licensee Education on Alcohol and Drugs (LEAD) training to be able to screen for intoxication and illegal drug usage. Therefore, Condition No. 33 is recommended to be modified to reflect this requirement as follows:

The permittee ~~before operation begins~~, and all employees, within three months from the date of hire, who are engaged in the dispensing of alcoholic beverages **or security of the establishment**, shall attend the Department of Alcoholic Beverage Control’s LEAD Training. Any employee hired ~~after this permit is approved~~ shall attend such Training within three months of his/her date of hire. As proof of attending the Training, the Department of Alcoholic Beverage Control certificate of completion shall be submitted by the permittee for each employee upon completion of such training to the Hayward Police Department. The applicant for each employee may contact the Hayward Police Department at 510-293-7272 for information regarding class scheduling.

- e. The owner has also requested permission to serve alcoholic beverages until 2:00 am. The Police Department staff is not supportive of this request and prefers that alcohol sales cease at 1:30 am to allow security personnel ample time to assure that alcohol consumption ceases by 2:00 am, as stated in the approved Security Plan and as required by State Alcoholic Beverage Control regulations. Furthermore, the Police Department supports the modification since a full menu is available for those who consume alcoholic beverages. Thus, the Police Department recommends the following modification to Condition No. 28:

The sale ~~and~~ service ~~and interior on-site consumption~~ of alcoholic beverages shall be discontinued not later than by closing or 1:30 am, whichever is earlier, each day of the week. Food service is required to continue to the close of business each day of the week. A full menu must be made available during all business hours.

- f. The owner has requested permission to impose a minimum two-drink requirement in lieu of a cover charge, to assist with the budget for entertainment. Staff recommends modification of Condition No. 32 to allow a minimum purchase, as opposed to a minimum drink requirement, in lieu of a cover charge to honor the intent of the original condition, which is to not encourage the excessive drinking of alcoholic beverages. Staff is of the opinion that a minimum two-drink cover may encourage people to drink while a minimum purchase

requirement will give people non-alcoholic options such as food, non-alcoholic beverages, or merchandise. Condition No. 32 is proposed to be modified to read:

~~No~~ A minimum ~~drink~~ purchase or similar charge *maybe* imposed on or required of customers entering the establishment. ***This shall not include a minimum drink purchase.*** An admission charge or cover charge is permitted.

- g. The owner requests the authority to charge admission to any event, including Sunday events. Staff does not have a concern with this request and is aware that the owner needs to cover costs associated with operating the establishment. Therefore, Condition No. 40 is proposed to read as follows:

An admission charge is allowed ~~only for all the night club activities, except for the regular restaurant service. between the hours of 9:00 pm until 2:00 am on Friday and Saturday.~~

- h. Staff, including that of the Hayward Police Department, is of the opinion that live entertainment, including dancing, is acceptable until 10 pm on Sundays through Thursdays, as long as adequate security personnel are provided. As reflected later in this report, staff is recommending a new condition (Condition 20(s)) be added to ensure such security personnel are present for such activities and events. Also, allowing such activities until 10 pm on Sundays through Thursdays will increase the likelihood that this business will be a successful and profitable one. Condition No. 41 is proposed to be modified to read as follows:

Live entertainment, ***dancing***, community talent shows, poetry readings, and similar entertainment as ~~determined by the Planning Director~~, are permitted on Sundays ***through Thursdays*** up to ~~9:00~~ ***10:00*** pm. ~~an admission charge is not permitted for such events. Dancing is prohibited.~~

- i. The owner has requested that bands be allowed to use the stage when performing background music. Hayward Police Department and Planning staffs do not have concerns with this request. However, staff proposes a modification requiring that music be in compliance with the City's Noise Ordinance so that the music will not be a nuisance to adjacent downtown businesses and residents. The modified condition shall read:

Condition No. 42. ***Live or recorded*** background music shall be permitted anytime ***in compliance with the City of Hayward Noise Ordinance regulations.*** ~~Background music may be live or recorded and shall not utilize a stage nor involve dancing. Live music shall not be~~ ***is allowed to be amplified. except on Friday and Saturday during night club hours of 9:00 pm to 2:00 am, and Sunday live entertainment from 7:00 pm to 9:00 pm.***

- j. To accommodate the demand and popularity for dancing, the owner has also requested that dancing be permitted everyday of the week. The proposed modifications would allow dancing at private events past 10:00 pm, and on Sundays through Thursdays until 10pm. The Police Department supports dancing everyday of the week with limits on the hours, a requirement of one security guard per every 50 patrons, and review of a contract for each private event to assure

that adequate security personnel will be provided. The following text has been added to Condition No. 43:

Dancing is permitted on Fridays, Saturdays, Halloween, New Year's Eve, and on National Holidays from 9:00 pm until 2:00 am; on Sundays through Thursdays from 5:00 pm to 10:00 pm; and past 10:00 pm at private events approved by the Police Department.

- k. To assure adequate security at such events, the following condition (Condition 20(s)) has been added as follows:

Security staff shall be provided during private, weeknight and Sunday events as determined by the Police Department at a rate of one licensed security guard for every 50 patrons. For private events, the applicant shall provide a contract to the Police Department to determine the number of licensed security guards required.

- l. The owner wishes to host fashion and lingerie shows. Staff supports hosting fashion shows; however, it does not support a modification to allow lingerie shows since the Zoning Ordinance specifically prohibits entertainment where human genitals or female breasts are not completely and opaquely covered. Therefore, Condition No. 46 is proposed to read as follows:

There shall be no adult entertainment as defined by Zoning Ordinance Section 10-1.2735 (a). In addition, there shall be no ~~fashion or~~ lingerie shows. ***Fashion shows are allowed.***

Findings for Approval of the Modified Conditionals of Approval - Staff is of the opinion that the findings required to be made to modify the existing use permit conditions can be made, as indicated below.

- a. The proposed use, as conditioned, is desirable for the public convenience or welfare.**

ME Restaurant and Lounge would continue to offer local entertainment and dining opportunities which are in proximity to downtown residential and employment, and public transportation and the municipal parking lots, which would help promote a lively, pedestrian-friendly downtown atmosphere.

- b. The proposed use will not impair the character and integrity of the zoning district and surrounding area.**

The revised conditions imposed on the operation of the restaurant and night club will ensure safe and orderly conduct by requiring adequate licensed security guards for events that will have dancing on Sundays through Thursdays, Halloween, New Year's Eve, National Holidays, and at private events to be approved by the Hayward Police Department, who will determine adequate levels of security.

Also, the proposed use permit revisions would meet the land use purposes expressed in the Central City-Plaza (CC-P) Subdistrict section of the Zoning Ordinance, as follows:

To establish a unique environment of retail and other complementary uses contributing to the pedestrian nature and quality of such streets as B Street.¹

ME Restaurant and Lounge serves affordable meals and offers a variety of entertainment, which would encourage pedestrian activity by offering an additional downtown evening dining and entertainment choice.

In addition, the purpose of the Central City-Commercial (CC-C) Subdistrict is also met as indicated below.

To establish a mix of business and other activities this will enhance the economic vitality of the downtown area. Permitted activities include, but not limited to retail, office, service, lodging, entertainment, education, and multi-family residential uses.²

Entertainment is an activity that is encouraged within this zoning district. ME Restaurant and Lounge would continue to offer nightclub entertainment and be expanded to allow dancing activities any day of the week while continuing to offer family entertainment on Sundays.

c. The proposed use, as conditioned, will not be detrimental to the public health, safety, or general welfare.

ME Restaurant and Lounge is required continue to adhere to all of the operational requirements as approved in the conditions of approval and the security plan, which regulates the serving of alcoholic beverages, and the number of licensed security personnel required for each night club event, dance event and private party. In addition, the revised conditions of approval require that ME Restaurant and Lounge comply with the City of Hayward Noise Ordinance to minimize impacts on adjacent businesses and residents. Furthermore, adherence to the Building Security Ordinance will assure adequate outdoor lighting exists to facilitate a safe exterior environment.

d. The proposed use is in harmony applicable City policies and the intent and purpose of the zoning district involved.

The Land Use Policies and Strategies of the City's General Plan include:

In the Downtown Area-

Continue to implement the Downtown Design Plan and the Core Area Specific Plan.³

As reflected in the following paragraph, the Downtown Core Area Specific Plan recognizes that alcoholic outlets are part of community life and that allowing them with controls, is a component to the revitalization of downtown Hayward.

¹ Zoning Ordinance, Section 10-1.1540, Central City-Plaza Subdistrict (CC-P)

² Zoning Ordinance, Section 10-1.1520, Central City-Commercial Subdistrict (CC-C)

³ City of Hayward General Plan, Land Use Element, Land Use Policies and Strategies, Downtown Area, p. 2-18

*The consumption of alcohol is a part of community life. As we look to the future of downtown Hayward, preventive planning to avoid alcohol-related problems must be recognized as an essential element in the revitalization process. It is important to manage alcohol availability in our downtown in a positive way that enhances the economic and social character of this vital area of our City. The successful revitalization of downtown will likely include new restaurants and entertainment facilities, many of which will sell alcoholic beverages and will hopefully become an asset to downtown. Policy makers should be afforded the opportunity to review and impose conditions of approval for certain alcohol related outlets to insure such uses are not a detriment to the downtown.*⁴

The modified conditions of approval require ME Restaurant and Lounge to operate in compliance with a Security Plan approved by the Hayward Police Department, which requires the business owner to work collaboratively with the Police Department with the goal of maintaining a safe and secure facility where alcohol consumption is monitored. This includes training servers and licensed security personnel to screen patrons for weapons, intoxication, illegal drug use and age verification for alcohol consumption. In addition, food service is required during regular business hours. Furthermore, all night club, entertainment, dance, and private events require adequate licensed security. All measures are designed to assure that the establishment is operated in harmony with City policies of the Central-City Plaza and Central-City Commercial Subdistricts.

Police Department Staff Review - According to Hayward Police Department staff, the security plan is being followed and there have not been excessive calls for service. Over the past year, the patrons of the night club were not found to utilize the park before, during, or after the night club activities. The Police Department feels that the condition of approval that requires ME Restaurant and Lounge security to patrol the park during the hours of the night club operation is successful in preventing loitering in Newman Park by night club patrons.

Therefore, the Police Department staff supports the conditions of approval as modified by staff, which are generally as requested by the business owner, with a few exceptions: no lingerie fashion shows and the cessation of alcoholic beverage service at 1:30 am.

The conditions of approval will still allow the Police Chief to make the determination that if the use is detrimental to surrounding uses and the downtown, or the Police Department has received excessive service calls, a revocation hearing can be scheduled before the Planning Commission.

Economic Development Staff Review - The Economic Development staff recommends approval of the modifications to the conditions of approval, because the owner has met all City requirements for this business to date and strives to run it in a professional and safe manner. Economic Development staff indicates that Downtown has a need for well-run entertainment facilities like ME Restaurant and Lounge that serves the needs of the community and follows good security procedures. Staff is also of the opinion that the events the businesses owners want to have at this location, such as special family events, political events, cultural celebrations, holiday events, charitable events, fund raisers, fashion shows, dance classes, and family entertainment, are needed in a city the size of Hayward. Economic Development staff indicates that the owners of the business have always been

⁴ *The Core Area Plan*, p. 28.

willing to adhere to tight security measures and attempts to follow rules to assure safe events, and that the ME Restaurant and Lounge fills an entertainment niche.

Environmental Review - It has been determined that this project is categorically exempt from environmental review, in accordance with the California Environmental Quality Act (CEQA) guidelines, Section 15301, Existing Facilities.

PUBLIC CONTACT

An official notice of this application was sent on November 4, 2011 to property owners and tenants within a 500-foot radius. In addition, the notice was sent to COMMPRE, the Hayward Chamber of Commerce, and the Downtown Business Advisory Board. No public comments have been received at the time of finalizing this staff report in response to the notice.

NEXT STEPS

If the Commission approves the recommended use permit modifications, the operations of the business will be reviewed by the Development Services Department and the Police Department staff following one year of continued operation of ME Restaurant and Lounge to determine compliance with use permit conditions, and if staff determines that the use permit requires additional modification, it will come back to PC for further action.

Prepared by: Arlyne J. Camire, AICP, Associate Planner

Recommended by:



Richard Patenaude, AICP
Planning Manager

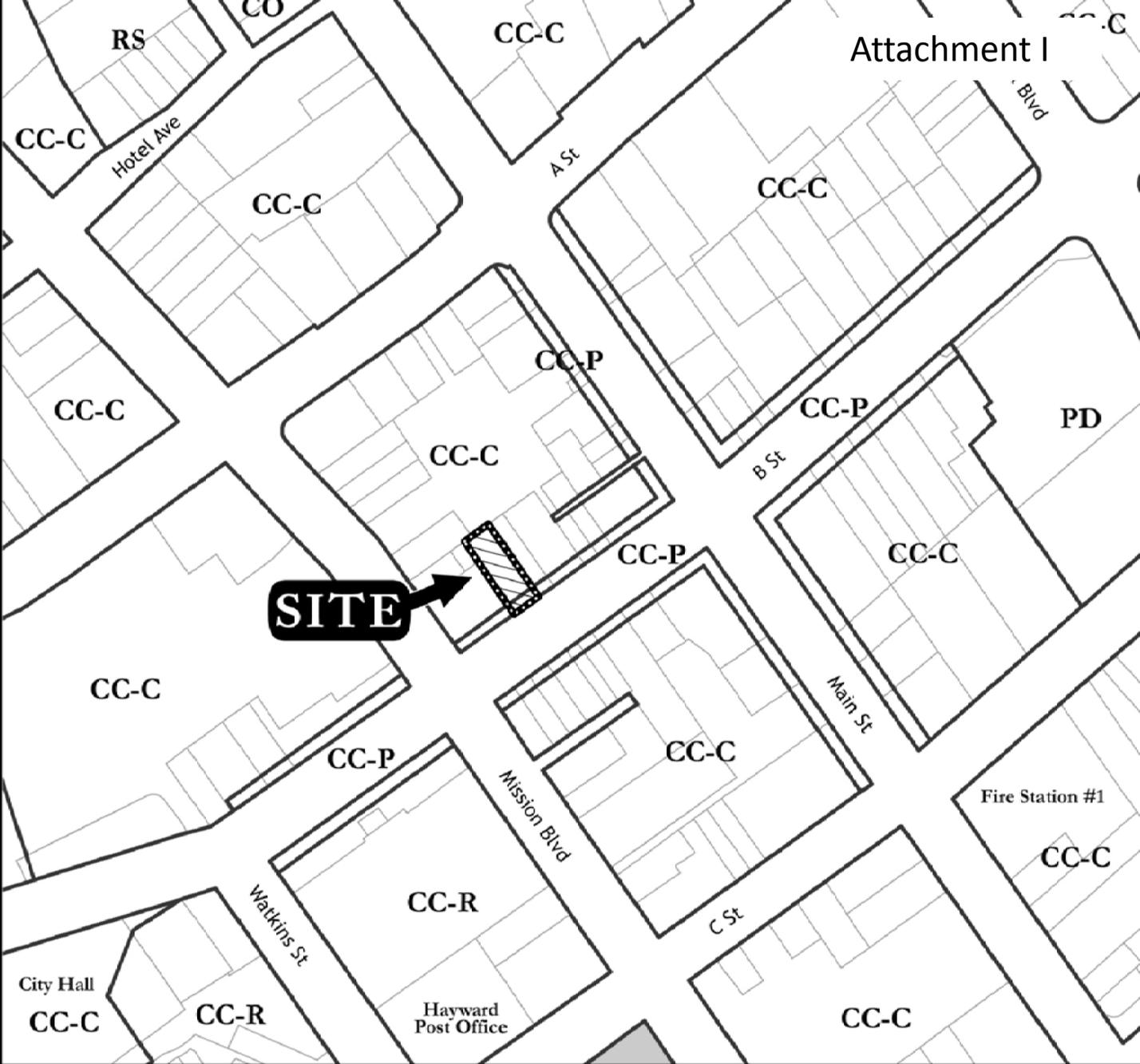
Approved by:



David Rizk, AICP
Development Services Director

Attachments:

Attachment I	Area & Zoning Map
Attachment II	Findings for Approval
Attachment III	Staff-Recommended Modified Conditions of Approval
Attachment IV	List of ME Restaurant and Lounge Events



Area & Zoning Map

PL-2011-0334 CUP

Address: 926 B Street

Applicant: Monica Thompkins

Owner: Danesh Shah

Zoning Classifications

RESIDENTIAL

RS Single Family Residential, min lot size 5000 sqft

COMMERCIAL

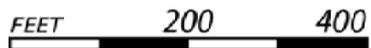
CO Commercial Office

CENTRAL CITY

CC-C Central City - Commercial

CC-P Central City - Plaza

CC-R Central City - Residential



FINDINGS FOR APPROVAL
ASSOCIATED WITH REVISIONS TO
USE PERMIT APPLICATION NO. PL-2011-0334
Monica Thompson, ME Restaurant and Lounge (Applicant)
Dinesh Shah (Owner)
926 B Street

One-Year Review of Request to Operate a Restaurant and Night Club with a Full Bar

General

- A. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.
- B. The proposed revisions to the conditional use permit are desirable for the public convenience or welfare.

ME Restaurant and Lounge would continue to offer local entertainment and dining opportunities which are in proximity to downtown residential and employment, and public transportation and the municipal parking lots, which would help promote a lively, pedestrian-friendly downtown atmosphere. The adopted security plan will continue to be enforced and followed to assure public safety.

- C. The proposed revisions to the conditional use permit will not impair the character and integrity of the zoning district and surrounding area.

The revised conditions imposed on the operation of the restaurant and night club will ensure safe and orderly conduct by requiring additional licensed security guards for events that will have dancing on Sunday through Thursday, Halloween, New Year's Eve, National Holidays, and at private events to be approved by the Police Department who will determine adequate levels of security.

The intent of the use permit meets the land use purposes expressed in the Central City-Plaza (CC-P) Subdistrict section of the Zoning Ordinance:

To establish a unique environment of retail and other complementary uses contributing to the pedestrian nature and quality of such streets as B Street.¹

ME Restaurant and Lounge serves affordable meals and offers a variety of entertainment which would encourage pedestrian activity by offering an additional downtown evening dining and entertainment choice.

¹ Zoning Ordinance, Section 10-1.1540, Central City-Plaza Subdistrict (CC-P)

In addition, the purpose of the Central City-Commercial (CC-C) Subdistrict, as stated below, would continue to be met:

To establish a mix of business and other activities which will enhance the economic vitality of the downtown area. Permitted activities include, but not limited to retail, office, service, lodging, entertainment, education, and multi-family residential uses.²

Entertainment is an activity that is encouraged within this zoning district. ME Restaurant and Lounge will continue to offer nightclub entertainment and family entertainment on Sundays, with allowed activities to be expanded to allow dancing activities any day of the week.

- D.** The proposed revisions to the use permit will not be detrimental to the public health, safety, or general welfare.

ME Restaurant and Lounge is required to continue to adhere to all of the operational requirements as approved in the conditions of approval and the security plan which regulate the serving of alcoholic beverages, and the number of licensed security personnel required for each night club event, dance event and private party. In addition, the conditions of approval require that ME Restaurant and Lounge to comply with the City of Hayward Noise Ordinance to minimize impacts on adjacent businesses and residents. Furthermore, adherence to the Building Security Ordinance will assure adequate outdoor lighting exists to facilitate a safe exterior environment.

- E.** The purposed revisions to the use permit are in harmony applicable City policies and the intent and purpose of the zoning district involved.

The Land Use Policies and Strategies of the City's General Plan include the following statement related to the Downtown Area:

Continue to implement the Downtown Design Plan and the Core Area Specific Plan.³

The Downtown Core Area Specific Plan recognizes that alcoholic outlets are part of community life and that allowing them with controls, is a component to the revitalization of downtown Hayward:

The consumption of alcohol is a part of community life. As we look to the future of downtown Hayward, preventive planning to avoid alcohol-related problems must be recognized as an essential element in the revitalization process. It is important to manage alcohol availability in our downtown in a positive way that enhances the economic and social character of this vital area of our City. The successful revitalization of downtown will likely include new restaurants and entertainment facilities, many of which will sell alcoholic beverages and will hopefully become an asset to downtown. Policy makers

² Zoning Ordinance, Section 10-1.1520, Central City-Commercial Subdistrict (CC-C)

³ City of Hayward General Plan, Land Use Element, Land Use Policies and Strategies, Downtown Area, p. 2-18

*should be afforded the opportunity to review and impose conditions of approval for certain alcohol related outlets to insure such uses are not a detriment to the downtown.*⁴

The modified conditions of approval require ME Restaurant and Lounge to operate in compliance with a Security Plan approved by the Hayward Police Department, which requires the business owner to work collaboratively with the Police Department with the goal of maintaining a safe and secure facility where alcohol consumption is monitored. This includes training servers and licensed security personnel to screen patrons for weapons, intoxication, illegal drug use and age verification for alcohol consumption. In addition, food service is required during regular business hours. Furthermore, all night club, entertainment, dance, and private events require adequate licensed security. All measures are designed to assure that the establishment is operated in harmony with City policies of the Central-City Plaza and Central-City Commercial Subdistricts.

⁴ *The Core Area Plan*, p. 28.

**CONDITIONS OF APPROVAL
AS AMENDED BY THE PLANNING COMMISSION ON NOVEMBER 17, 2011**

**USE PERMIT APPLICATION NO. PL-2011-0334
Monica Thompson, ME Restaurant and Lounge (Applicant)
Dinesh Shah (Owner)
926 B Street**

One-Year Review to Operate a Restaurant and Night Club with a Full Bar

Use Permit Application No. PL-2011-0334 is approved subject to the conditions listed below.

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. A copy of the conditions of approval for the conditional use permit must be kept on the premises of the establishment and posted in a place where it may readily be viewed by the general public.
3. At the expense of the applicant, the Planning Commission shall review the use permit and the facility's conformance with the conditions of approval after one-year of operation.
4. Night club shall mean any alcoholic beverage sales commercial activity in conjunction with providing live entertainment (including the playing of recorded music by a disc jockey) or dancing between the hours of 9:00 pm to 2:00 am *on Friday and Saturday evenings* regardless of whether the establishment is simultaneously offering full restaurant meal service or charges an entry fee or increases the sale price of beverages.
5. In the event that the business transfers ownership, this conditional use permit allowing a night club shall not transfer. The new owner is permitted to operate a restaurant with a full bar, however, a conditional use permit allowing the operation of a night club is required to be approved.
6. Violation of any of the conditions of approval of this conditional use permit may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

General Operations

7. The exterior of the premises, including adjacent public sidewalks and all parking lots under control of licensee(s), shall be illuminated during all hours of darkness during which the premises are open for business in a manner so persons standing in those areas are identifiable by law enforcement personnel. The lighting shall meet Chapter Title 24

of the California Building Code *and City Ordinance 90-26 Building Security Standards Ordinance*.

8. The premises shall be kept in a clean, well-maintained condition. Paint and windows shall be kept clean and cracked or broken glass shall be replaced promptly. The licensee(s) shall be responsible for removing graffiti from the premises under the control of the licensee(s) within 48 hours. Public sidewalks adjacent to the establishment shall be cleaned daily. The management shall ensure that no trash or litter originating from the establishment is deposited on neighboring properties or the street.
9. The business owner and staff are required to remove all litter from Newman Park prior to opening of the restaurant on Saturday and Sunday mornings.
10. There shall be no promotional signs of any kind affixed on the interior or exterior of the windows of the business, except for one information area with a maximum area of six square feet providing hours of operation, emergency contact information, etc. The storefront glass shall not be tinted.
11. No pay phones shall be permitted on the exterior of the building or premises. Pay telephone(s) maintained on the interior of the premises shall be limited to outgoing calls only.
12. Per the California Building Code and Fire Code, occupant load signage shall be installed on all levels of the establishment.
13. Except during night club activities, occupancy of all uses on all three floors shall be limited to a total of 514 per the California Building Code. The occupancy of each floor shall be clearly posted and enforced by the establishment staff. During night club hours, total occupancy is limited to 243 persons, or the maximum occupancy of the main level as established by the architect and approved by the City Building Official.

Police Department and Safety

14. The occurrence of more than two critical incidents during nightclub hours within a one-year period may constitute grounds for revocation of this permit.
 - (a) "Critical Incident is defined as any event in the sole discretion of the Police Chief that results in a crime of violence or large unruly gathering necessitating a police response of five or more police officers. Crimes of violence may include but are not limited to discharge of firearms, robbery, physical assault or assault with a deadly weapon.
 - (b) "Premises or its adjoining grounds" will include within the structure of 926 B Street, the sidewalk where queuing for admission occurs, the area to the rear of the building, including the parking lot within 50 feet of the building, and Newman Park.

Nothing in this condition restricts the authority of the City to seek revocation of this permit for a single incident of extreme severity.

15. The Hayward Police Department will conduct periodic audits of all Police calls for service involving the restaurant and night club. If after reviewing the audit, the Hayward Police Chief determines that there has been an excessive number of calls for service involving the restaurant and night club's operation, the Police Chief or his designee will meet with the permittee to discuss the calls for service and allow the permittee to make changes in operations (i.e. genre of music, facility, marketing demographics) to reduce the number of calls for service. If the permittee is unwilling to make changes or refuses to make changes in restaurant and night club operations to reduce calls for service, the Police Chief may recommend revocation of this permit.
16. Commission of a criminal offense by the permittee or any employee of the permittee where it is determined that the establishment is the location the offense was committed and the Hayward Police Chief has determined that the committed offense is detrimental to the public health safety, or general welfare, shall be grounds for revocation of this permit.
17. The business operator shall be responsible to reimburse the Hayward Police Department for costs associated with a police response that fits the criteria of "Critical Incident," as defined above. Failure to pay costs within 30 days of billing for the Hayward Police Department response to a Critical Incident may constitute grounds for revocation of this use permit.
18. All employees and the permittee of the restaurant and night club shall work collaboratively with the Hayward Police Department, with the goal of maintaining a safe, secure facility. The permittee and employees will call the Hayward Police Department as needed to work with intoxicated, uncooperative, or disruptive patrons. The Facility Security Plan shall be implemented in response to disruptive incidents and patrons. If the permittee or employee of the facility, including security officers, are not able to resolve issues involving disruptive patrons they shall call the Hayward Police Department and request assistance. Failure to work collaboratively with the Hayward Police Department or to reasonably call for assistance, as needed, may result in revocation of this permit.
19. The permittee and the security staff shall be responsible for implementation of the security plan approved by the Hayward Police Chief and for the maintenance of the peace to ensure order on the property. The permittee shall take all necessary steps to ensure that permittee's patrons and visitors refrain from incidents of violence, intoxication, and/or loud or obnoxious behavior that adversely impact the safety and welfare of patrons in the facility and citizens in the surrounding area and the community.
20. Prior to operation of the restaurant and night club, a written security and safety plan shall be submitted for review and approval by the Police and Fire Departments to ensure maintenance of peace and safety on the subject property and in the surrounding area. The security and safety plan be maintained at all times and shall address, but not be limited to, the following:

- (a) The number, training, duties, means of identification and equipment of security personnel / bouncers;
- (b) Age verification procedures, weapon screening and customer access controls;
- (c) Prevention of loitering and alcohol consumption in the vicinity of the establishment and parking areas;
- (d) Prevention measures to be taken to ensure that patrons and visitors refrain from incidents of violence and/or intoxication that adversely impact the safety of the community;
- (e) Rules of acceptable conduct;
- (f) Protocol for contacting the Hayward Police Department for disturbances and acts of violence;
- (e) Compliance with the Alcoholic Beverage Control license requirements;
- (f) The written policies, procedures and practices of security personnel/ bouncers;
- (g) Fire prevention measures, fire alarm and suppression systems and fire exiting;
- (h) After-hours security;
- (i) Policies and procedures for graffiti, outside litter control and indoor pay phones;
- (j) Maintenance of maximum occupancy loads including an accurate system to keep head counts for Police Department and Fire Marshal reporting;
- (k) Cash handling procedures
- (j) Evacuation and procedure plan which addresses: fire, natural disaster, crime of violence and power failure;
- (l) Location of security staff, i.e. security personnel shall be assigned to rear parking area for the duration of the night club;
- (m) Protocol for dealing with a patron refusing to leave and citizen's arrest for trespassing;
- (n) Protocol and procedures for clearing patrons under the age of 21 from the facility by 9:00 pm on Friday and Saturday;
- (o) Night Club and restaurant occupancy compliance and patron removal;
- (p) Specifications and operating procedures for a Close Circuit Television System with a Digital Video Recorder covering the parking lot, entrances and exits, bar area and public assemblage areas on all floors.
- (q) ~~The prohibition of "In and Out" privileges~~ ***are permitted during the night club activity. If a patron leaves All patrons who leave the building for any reason shall be screened by security personnel upon returning with a magnetic wand and all purses or other bags shall be visibly checked to assure no weapons are allowed inside the building. In addition, each returning patron shall be screened for intoxication and/or illegal drug usage. an admittance charge in full is required to be paid prior to re-entry.***
- (r) During night club and entertainment facility operations, security staff will screen all guests for dangerous weapons. Magnetic wands will be used and all purses or other bags will be visibly checked to assure no weapons are allowed inside the building. Knives, clubs, chemical agents, tasers and other electroshock devises, firearms and replica firearms are strictly prohibited. All

guests and patrons entering the facility will be screened, even if for the purpose of re-admittance.

- (s) ***Security staff shall be provided during private, weeknight and Sunday events as determined by the Police Department at a rate of one security guard for every 50 patrons. For private events, the applicant shall provide a contract to the Police Department to determine if the security is adequate.***

21. The permittee shall discourage patrons and visitors from loitering and/or consuming alcoholic beverages in adjacent public rights-of-way, parking areas, and properties. Licensee(s) shall post and maintain on the premises and in the facility's parking lot notices or signs, no less than eighteen inches by twenty-four inches (18"x 24") in size, clearly visible to the patrons of the facility and parking lot and to persons on the public sidewalk stating in 2-inch block lettering the following:

NO LOITERING OR OPEN ALCOHOLIC BEVERAGE CONTAINERS ARE ALLOWED ON OR IN FRONT OF THESE PREMISES

22. Queuing for admission to the facility shall be formed at the B Street entrance. Stanchions and rope shall be used to delineate the queue, if needed, and placement shall allow a four-foot sidewalk right-of-way clearance. No congregation of patrons shall be permitted at the rear of the building. Queues are to be limited to areas that do not impede the entrances to adjacent businesses. Queued guests waiting in line to enter the night club shall be allowed to use the restaurant's restroom facilities. Security Staff shall verify that such guest is 21 years or older then escort the guest to the restroom and escort the guest back to the line.
23. The allowed maximum occupancy of the establishment on Friday and Saturday nights is 243 persons, or the maximum occupancy of the main level determined by the architect and approved by the City Building Official. A plan that specifies the steps that would be taken to enforce this restriction shall be submitted for review and approval by the Hayward Police Department as part of the above-referenced security plan.
24. Between the hours of 8:00 pm and 2:00 am of the following day every Friday and Saturday, the permittee/licensee shall provide at least four uniformed security guards licensed by the State of California who are employees of and acting under the direction of a Private Patrol Operator duly licensed as such by the State of California. The starting hour or the required number of licensed uniformed security guards may be adjusted at the discretion of the Chief of Police.
25. Interior illumination shall allow the unaided inspection of personal identification by members of the Hayward Police Department and Security Personnel while inside the premises. The applicant shall provide a uniform minimum of light level of at least one-foot-candle at the walking surface of level throughout the establishment.

Alcohol and Food Sales Procedures

26. Violation of Department of Alcohol Beverage Control regulations is grounds for revocation of this permit.
27. The sale of alcoholic beverages for consumption off the premises is strictly prohibited.
28. The sale ~~and~~ service ~~and interior on-site consumption~~ of alcoholic beverages shall be discontinued not later than by closing or 1:30 am, whichever is earlier, each day of the week. Food service is required to continue to the close of business each day of the week. A full menu must be made available during all business hours.
29. No person under 21 years of age shall be allowed in or on any portion of the premises under the control of the licensee after 9:00 pm on Friday and Saturday.
30. The establishment shall operate only as a License Type 47 per the state Department of Alcoholic Beverage Control regulations.
31. The applicant is required to bring the Alcoholic Beverage Control application to the Planning Division for review in consultation with Police Department staff. At that time, the conditions of approval will be attached to the application form to be submitted by the proponent to the Department of Alcoholic Beverage Control.
32. ~~No~~ A minimum ~~drink~~ purchase or similar charge *maybe* imposed on or required of customers entering the establishment. ***This shall not include a minimum drink purchase.*** An admission charge or cover charge is permitted.
33. The permittee, before operation begins, and all employees, within three months from the date of hire, who are engaged in the dispensing of alcoholic beverages ***or security of the establishment***, shall attend the Department of Alcoholic Beverage Control's LEAD Training. Any employee hired after this permit is approved shall attend such Training within three months of his/her date of hire. As proof of attending the Training, the Department of Alcoholic Beverage Control certificate of completion shall be submitted by the permittee for each employee upon completion of such training to the Hayward Police Department. The applicant for each employee may contact the Hayward Police Department at 510-293-7272 for information regarding class scheduling.
34. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premises.
35. The sale of alcoholic beverages for consumption OFF the premises is strictly prohibited.
36. Self-service of alcohol is prohibited, including refrigerated coolers or buckets of drinks in ice available prior to the customer's order of such.
37. The sales of alcoholic beverages shall not exceed 40 percent of the total sales of the restaurant/bar food sales as required for full-service restaurants by Hayward Municipal

Code Section 10-1.2735(b)(2)(c). The licensee shall, at all times, keep records which reflect separately the gross sales of food and the gross sales of alcoholic beverages of the licensed business. Said records shall be sent to the Chief of Police on a quarterly basis beginning three months of operation of the business.

38. Tables in the main floor dining area shall remain in place ~~on Friday and Saturday~~ after 9:00 pm to facilitate the serving of full meals.

Sound and Entertainment

39. The front door(s) or any operable windows shall be kept closed at all times during times when amplified music or entertainment is occurring, except in the cases of typical ingress and egress, or emergency situations. Deliveries during such times shall be prohibited. Front door(s) may not include a screen or ventilated security door. Noise generated by the establishment or its patrons shall not exceed ambient noise levels beyond the area under the control of the licensee.
40. An admission charge is allowed ~~only~~ for all ~~the night club~~ activities, ***except for the regular restaurant service.*** ~~between the hours of 9:00 pm until 2:00 am on Friday and Saturday.~~
41. Live entertainment, ***dancing***, community talent shows, and poetry readings, and similar entertainment ~~as determined by the Planning Director~~, are permitted on Sunday ***through Thursday*** up to ~~9:00~~ ***10:00*** pm; ~~an admission charge is not permitted for such events. Dancing is prohibited.~~
42. Background music shall be permitted anytime ***in compliance with the City of Hayward Noise Regulations.*** Background music may be live or recorded ~~and shall not utilize a stage nor involve dancing.~~ Live music ~~shall not be~~ ***is allowed to be*** amplified. ~~except on Friday and Saturday during night club hours of 9:00 pm to 2:00 am, and Sunday live entertainment from 7:00 pm to 9:00 pm.~~
43. ***Dancing is permitted on Friday, Saturday, Halloween, New Year's Eve, and on National Holidays from 9:00 pm until 2:00 am; on Sunday through Thursday from 5:00 pm to 10:00 pm; and past 10:00 pm at private events approved by the Police Department.*** The permittee shall obtain and maintain a valid Dance Permit pursuant to Section 6-2.10 et seq of the Hayward Municipal Code at all times dancing is allowed inside the establishment and the permittee shall at all times conduct such dances in accordance with the regulations established in the Hayward Municipal Code. The Dance Rules & Regulations pursuant to Hayward Municipal Code Section 6-2.15 shall be observed and posted in a conspicuous place within the premises.
44. Earplugs shall be made available to all employees.

45. There shall be no more than two billiard tables in the facility. Coin operated games (other than billiard tables) shall be limited to four in number and shall be located in the basement lounge area.
46. There shall be no adult entertainment as defined by Zoning Ordinance Section 10-1.2735 (a). In addition, there shall be no ~~fashion or~~ lingerie shows. ***Fashion shows shall be allowed.***

Pre-Operations

47. Not more than 25 percent of the store front windows shall be obstructed to allow a clear view into the establishment. Floor plans shall be revised at the time of submittal of a Building Permit application to show relocation of the restrooms. The plans shall be approved by the Planning Director prior to submittal for a Building Permit for tenant improvements.
48. At the time of submission for a Building Permit for tenant improvements, a copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set. Final occupant loads shall be identified on the plans by the architect in accordance with applicable codes and shall reflect both a seating factor and a standing factor.
49. Prior to final inspection/occupancy, all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director, Building Official, Police Chief, and Fire Chief.
50. The rear entrance is allowed to be used for restaurant entry and exit. The rear entrance is not permitted to be used as an entrance or exit, during night club hours on Friday and Saturday, 9:00 pm to 2:00 am, except as an emergency exit only. An audible alarm shall be installed on the rear door and shall be armed during times when the rear door is an emergency exit. Also, a security staff member shall be stationed at such exit during Friday and Saturday evenings to ensure patrons do not use such rear entrance. The hours that the rear entrance is available to customers shall be posted on the exterior and interior adjacent to the rear door.
51. All exterior signs shall require a separate Sign Permit and shall comply with the Sign Ordinance of the City of Hayward.
52. No mechanical equipment, solar collectors, television or satellite reception antennas may be placed on the roof unless it is adequately screened from view by the proposed roof structure. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
53. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced. Any work done in the right-of-way requires an encroachment permit from the City.

Public Works, Utilities

54. Prior to issuing a building permit, provide gallon per minute demand on plans to determine proper water meter size. Any modifications needed to the water service and/or water meter (upsized, downsized, relocated, etc.) must be performed by City Water Distribution Personnel at the applicants'/developer's expense.
55. The applicant/developer shall install a Reduced Pressure Backflow Prevention Assembly on each domestic and irrigation water meter, per City Standard SD-202.
56. The applicant shall install a grease control device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.
57. A separate water service line is required to supply the fire sprinkler system. All fire services shall have a Double-Detector Check and Trim/Fire meter installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements.

Solid Waste

58. Adequate indoor and outdoor storage space for recyclables is required by state law. No materials of any kind may be stored outside the building and the frequency of trash and recyclable collection shall be sufficient to prevent overflow. The business owner shall participate in the Commercial Recycling and Organics Collections program. Please call Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4700 for more information.

Fire Department

59. Install a fire sprinkler system consisting of a Light Hazard system to be installed in the seating area and an Ordinary Hazard Group 1 system to be installed in service areas. The system shall be installed per NFPA 13 Standards. This type of sprinkler system requires a dedicated underground fire service line to supply water to the automatic fire sprinkler system.
60. Install a manual fire alarm system throughout the building. Design and installation shall be per CFC, Article 10 and NFPA 72 Standards.
61. Fire protection is required for all commercial cooking equipment (hood and exhaust ducting). Fire protection systems shall meet NFPA 96 Standards for installation.

62. Provide portable fire extinguishers throughout the building with a minimum rating of 2A:10BC. The kitchen shall have Class K type fire extinguisher(s) within 30 feet of the cooking equipment. Portable fire extinguishers shall be installed in locations as approved by the Fire Department.
63. The door at the rear of the building labeled as "Exit." Exit plans shall be posted in appropriate locations as approved by the Fire Marshal.
64. Interior decorative materials shall be flame treated.
65. Building construction for A-2 occupancy shall meet the 2007 CBC and other applicable city standards and ordinances.
66. An annual permit for Place of Assembly shall be obtained. The initial permit shall be obtained prior to certificate of occupancy.
67. Prior to plan submittal contact the Hazardous Materials Office to verify that hazardous materials issues within the building or occupancy are cleared. (510) 583-4910. Limit cleaning products to ten gallons maximum.

List of ME Restaurant and Lounge Events

Wedding reception
Political events (Bill Quirk kick off for assembly)
Graduation celebrations (high school and college)
Birthday celebrations (50th, 60th, 75th, 80th and others)
Retirement celebrations (Masons)
Hispanic Heritage event
Week long Mardi Gras events
Fund Raisers (American Heart Association, Supporting Future Growth - accredited state
childcare, Battered Women's Shelter)
Fashion Shows
Hair shows featuring beauty salons of Hayward
Baby showers
Black History events
Adopted Hayward Battered Women's Shelter – ME staff and customers adopted this shelter at
Christmas. ME received gifts for every child and ME donated gifts for every mother.
ME had dinner and fellowship with the shelter Christmas eve.
Holiday events (Alameda County, Hayward Teachers Association, churches)
Dance classes (Salsa and Chicago Steppin')
Open Mic (clean, families welcome)
Comedy shows (clean, families welcome)
Meetings (churches, Black Women Organized for Political Action)
Annual organization receptions (African American Educator Association)
Video shoots
Wine tastings (one was hosted by Oakland Raider Jacoby Ford)
Participated in Hayward Restaurant Walk