



CITY OF HAYWARD
AGENDA REPORT

Meeting Date 01/23/03

Agenda Item 2

TO: Planning Commission

FROM: Norman Weisbrod, Consulting Project Planner

SUBJECT: Site A – Site Plan Review (PL-2002-0668) – To Raze Four Structures and Construct a New Automobile Sales Facility for Honda; 24919 Mission Boulevard at the Southwest Corner of Orchard Avenue and Mission Boulevard, in a General Commercial-Mission Corridor Special Design (CG-SD2) Zoning District; George Avanesian (Applicant)/Sonic Automotive (Owner)

Site B – Reconsideration of Administrative Use Permit (PL-2002-0188) - Request for Use of Property as a Parking Lot for Automobile Storage; Located at the Intersection of Fletcher Lane and Walpert Street in an Agricultural (A) Zoning District; David Fosgate (Applicant) /Michael Ahern (Owner)

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council:

- Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program;
- Approve the Site Plan Review for the new automobile sales and office facility subject to the attached findings and conditions of approval and;
- Approve the Administrative Use Permit for a parking lot for automobile storage subject to the attached findings and conditions of approval

DISCUSSION:

Given the recent adoption of the Redevelopment Plan and the City Council's request to review new auto dealerships, staff is referring this matter to the Planning Commission and Council.

Site A:

Site A is located at the southwest corner of Orchard Avenue and Mission Boulevard. The property is developed with four commercial buildings that are to be demolished (a taqueria, liquor store, former 'Labor Ready Office' and building used for Honda parts storage and formerly an appliance store). Surrounding properties on Mission Boulevard are developed with various commercial uses. To the rear of this site is a multi-family residential development fronting on O'Neil and Orchard Avenues.

This site consists of four separate parcels. The applicant is entering into a land term land lease and the property lines would remain. Since the building would cross property lines, a non-buildable easement would have to be created to the satisfaction of the Building Official prior to issuance of a building permit.

The proposal is for a new 9,000 square-foot building to be used for new car display, sales and related offices. The building would be two stories in height with auto display and sales area on the first floor and a partial second floor with business offices and employee training. The building has been located as close to the two street frontages as possible while still leaving room for a single row of display cars.

This property is located in the General Commercial-Mission Corridor Special Design Zoning District, which requires a California mission architectural design theme. The building would have a mission tile roof and columns supporting a roof projection along the building elevations facing Orchard Avenue and Mission Boulevard. There would also be a covered vehicle delivery area at the back of the building supported by mission style columns. A tower at the corner of the building facing the intersection with a raised roof element would provide an interesting element along Mission Boulevard.

A monument sign is proposed in the landscaping at the corner of Orchard Avenue and Mission Boulevard. The sign would be 12 feet high and 8 feet wide with the name Honda and their logo. The sign would be stucco to match the building with individual letters for the name and an internally illuminated plastic face for the logo. Staff is recommending a condition that the sign have a California mission theme to tie in with the architecture of the building.

Landscaping would be provided along the Orchard Avenue and Mission Boulevard frontages of the site and along the side and rear property lines. Customer and employee parking would be provided along the side and rear of the building. The remainder of the site would be used for car display including a feature display area at the corner of Orchard Avenue and Mission Boulevard.

An automobile dealership is a primary use in the CG-SD2 Zoning District. The General Plan designation for the area is also retail commercial which would include an auto dealership.

The Hayward Honda dealership is currently located at the northwest corner of Orchard Avenue and Mission Boulevard where automobile sales and service occur. When the new automobile showroom sales facility is completed across the street, the current site is intended to be used for auto service and detailing. This would require modification to the existing conditional use they are presently operating under.

Site B:

Site B is located at Fletcher Lane and Walpert Street. The parcel is an undeveloped 4.61-acre site with an irregular shape. A portion of the site has a slope of 2:1 or greater and the site is within the Earthquake Fault Zone since it is crossed by the Hayward fault. It is bounded by multi-family to the south and east, commercial development to the west and Bret Harte Junior High School to the north. The proposal is to use the site for an outdoor automobile storage parking lot for the new Honda Dealership.

This matter was considered by the Planning Commission at its meeting of September 26, 2002. A motion to approve the project resulted in a vote of 3 Ayes, 3 Noes and 1 Absent. Because no decision was reached by the Planning Commission, the applicant is seeking reconsideration.

Some Commissioners indicated that an auto storage parking lot was not an appropriate use for this property and suggested the land might be used for a park or open space. The Hayward Area Recreation and Park District (HARD) has stated that they are not interested in the purchase of the site.

The parking lot would cover approximately 1.4 acres and would provide storage for 244 vehicles. The portion of the site used for parking would be graded so the parking areas would have a 15 percent grade and the access aisles would have a 5 percent grade. This would require the removal of ten eucalyptus trees and result in the site being visible from Mission Boulevard near Wendy's and the intersection of Mission Boulevard and Fletcher Lane. Since this property is in an Earthquake Fault Zone, the area where buildings could be constructed is limited to a small area on the western portion of the property. The fault zone would not restrict the use of the land as a parking lot.

The storage lot is visible from the balconies of the units to the rear of the property and the parking access driveway, stairway and balconies of the end units of the complex to the south of the site. To minimize the visual impact of the storage lot from Mission Boulevard and the adjacent apartment complexes, a 6-foot high metal picket fence with medium size shrubs and vines planted in front is proposed around the perimeter of the parking lot. An 8-foot high decorative wood fence would also be provided along the southern property line to screen the parking from the adjacent apartment complexes. Additional 15-gallon trees spaced at 20 to 25 feet on center would be planted along the lower bank of the site to provide additional screening. To address some of the concerns raised at the September 26th Planning Commission meeting, the applicant would be planting 14 trees throughout the parking area to screen some of the cars from view from the adjacent residential properties. There are also some areas where additional trees can be provided.

Other improvements include hydro seeding and stabilization of the rear slope. The applicant also proposes extending and rounding out the public right-of-way to improve site lines at the entrance to the parking lot so cars coming around the curve on Walpert Street would have better visibility of cars and trucks exiting the storage facility.

To reduce the impact on adjacent residents, staff recommends limiting the hours of operation for truck carrier traffic to 9:00 a.m. to 4:00 p.m. Monday through Friday and all other vehicular traffic to 7:00 a.m. to 9:00 p.m. daily.

ENVIRONMENTAL REVIEW (CEQA)

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that will not be mitigated, as determined from staff's Initial Study preparation. Therefore, a Mitigated Negative Declaration has been prepared.

PUBLIC NOTICE

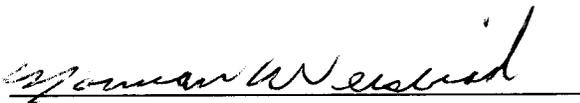
A referral notice was mailed to every property owner and occupant within 300 feet of the subject sites, as noted on the latest assessor's records asking for comments on the project. The Planning Division received one response from a property owner on O'Neil Avenue regarding the new facility at the southwest corner of Orchard Avenue and Mission Boulevard. The property owner reviewed the plans in the Planning Division office and had no objection to the proposal.

On December 24, 2002, a notice of public hearing and preparation of a Mitigated Negative Declaration was published in the Daily Review, mailed to property owners and occupants within 300 feet of the project boundaries, to those who attended the last Planning Commission Meeting and sent to the Mission-Foothills Neighborhood Task Force.

CONCLUSION

This proposal for a new Honda sales facility, auto storage area and would result in a more efficient operation for the dealership and a substantial improvement in the appearance of the Mission Boulevard and Orchard Avenue intersection. The use supports the policy of concentrating new car dealerships in this area of Mission Boulevard. The new building would result in a substantial improvement over the appearance of the existing commercial buildings on the property.

Prepared by:

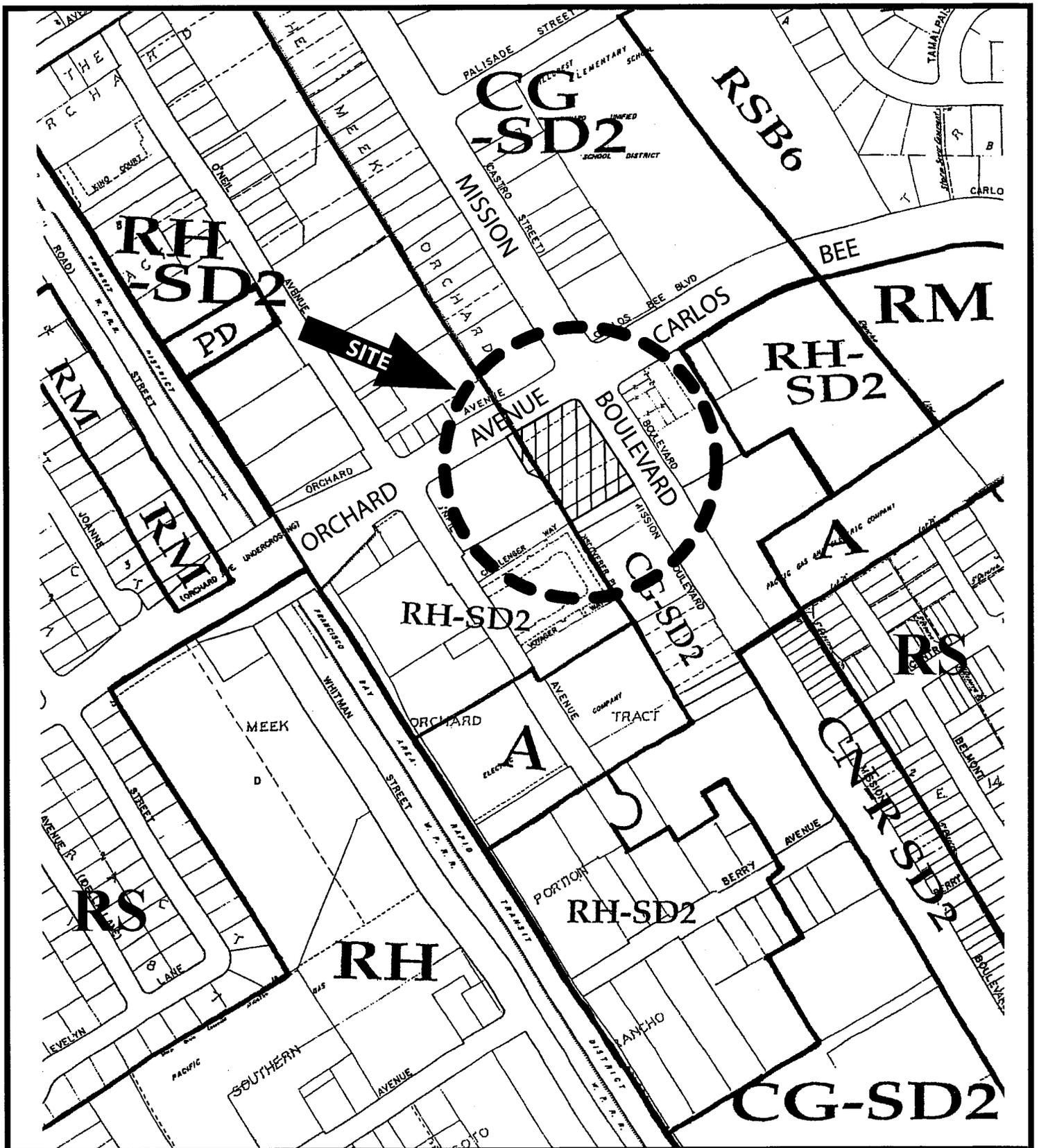

Norman Weisbrod
Consulting Project Planner

Recommended by:


Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area & Zoning Maps
- B. Findings for Approval
- C. Conditions of Approval
- D. Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan
- E. Excerpt of Planning Commission Minutes dated September 26, 2002
Plans



Area & Zoning Map

PL-2002-0668 SPR

Address: 24919, 24933, 24947 Mission Blvd.

Applicant: George Avanesian

Owner: Sonic Automotive

A-Agricultural-ABSA, AB10A, AB100A, AB160A

CG-General Commercial

CN-R-Neighborhood Commercial-residential

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

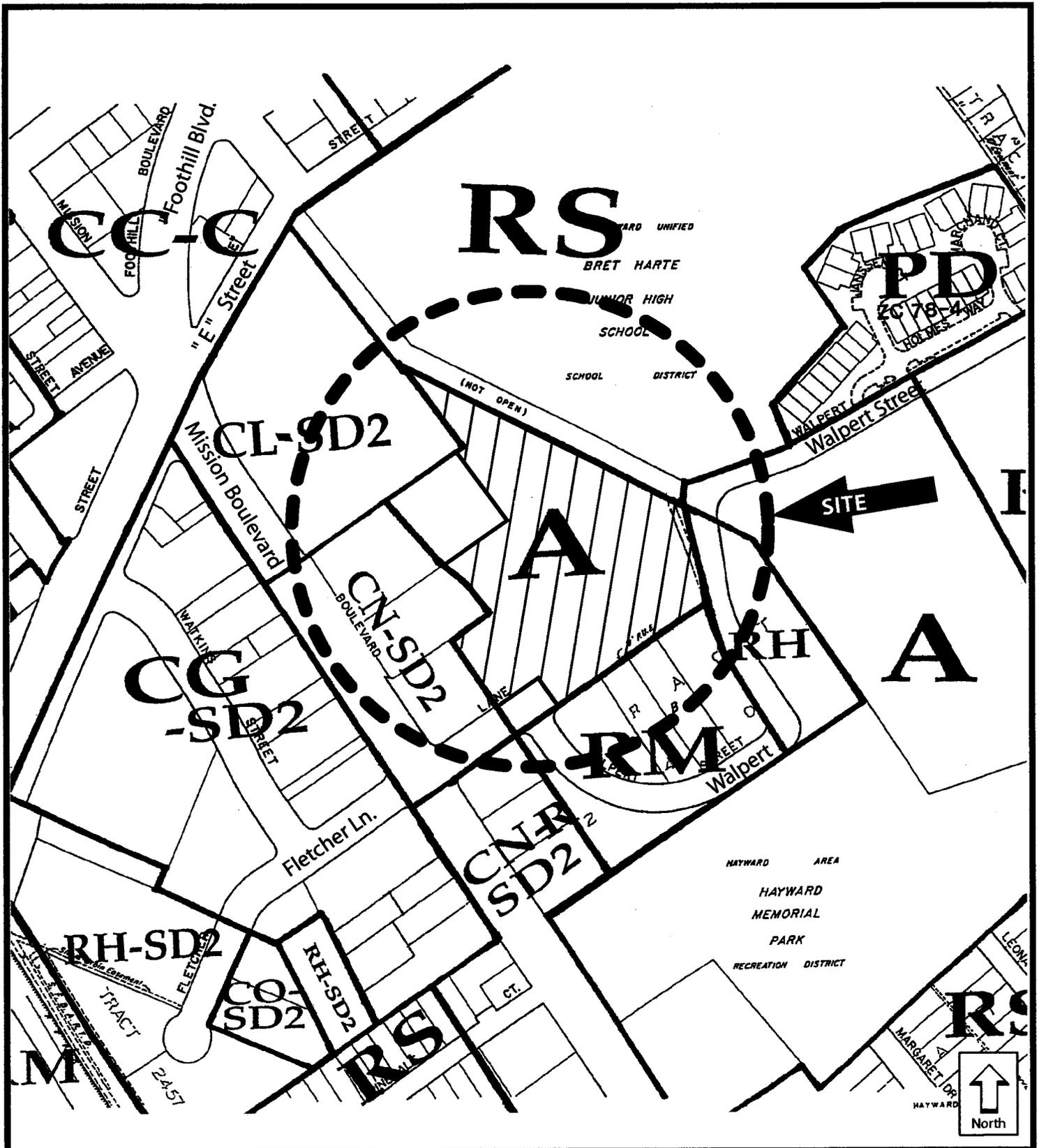
RS-Single-Family Residential, RSB4, RSB6

SD-Special Design





PL-2002-0668 SPR
24919 Mission Blvd.
24933 Mission Blvd.
24947 Mission Blvd.



Area & Zoning Map

PL-2002-0188 UP

Address: Fletcher Lane

Applicant: David Fosgate

Owner: Michael Ahern

A-Agricultural-ABSA,AB10A,AB100A,AB160A

CC-C-Central City-Commercial

CG-General Commercial

CL-Limited Access Commercial

CN-R-Neighborhood Commercial-residential

CO-Commercial Office

PD-Planned Development

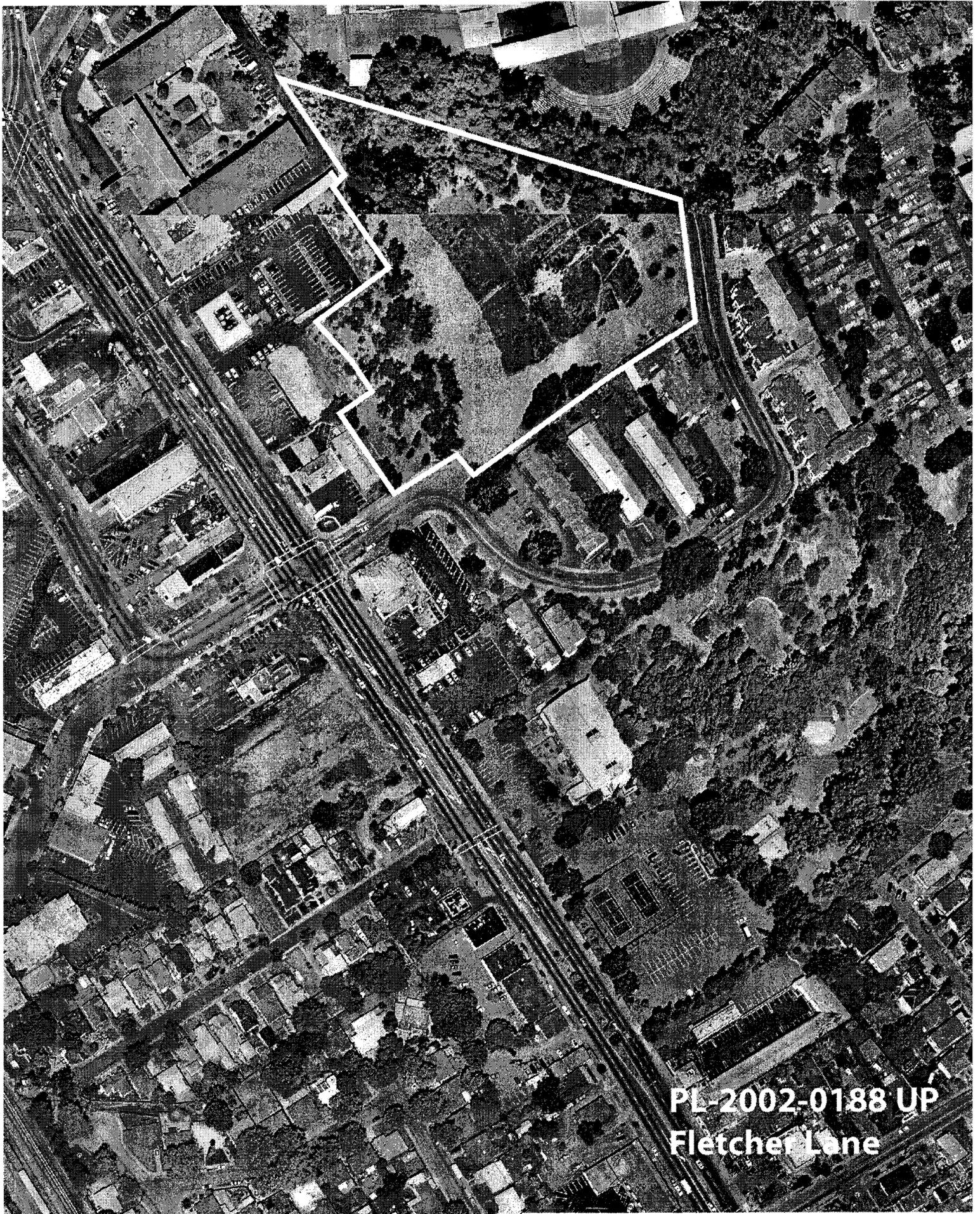
RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential,RSB4,RSB6

SD-Special Design





PL-2002-0188 UP
Fletcher Lane

FINDINGS FOR APPROVAL

Site Plan Review No. PL-2002-0668
George Avanesian for Hayward Honda

1. The application has been reviewed according to the standards and requirements of the California Environmental 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 that can't be mitigated, therefore it is determined that adoption of a Mitigated Negative declaration is the appropriate action.
2. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City. All existing on-site structures will be removed and a new building will be constructed that is in conformance with the Mission Corridor Special Design Overlay Zoning. Landscaping and screen walls will be included in the development to screen the project from adjacent residential structures and enhance its appearance from the Orchard Avenue and Mission Boulevard intersection.
3. The development takes into consideration physical and environmental constraints. The project site is primarily flat with no physical or environmental constraints. The site will be graded to adequately drain to conform to the Clean Water Act and new curb, gutter and sidewalk will be provided where missing or in poor condition.
4. The development complies with the intent of City development policies and regulations. The design of the building complies with the Mission Corridor Special Design Overlay Zoning requiring Mission style architecture. The development is also in conformance with the design theme in the Mission Foothills Neighborhood Plan recommending architecture compatible with the early history of Mission Boulevard as a connection between Spanish ranches and missions on the California coast.
5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development. The development will be screened by an 8-foot high masonry wall and landscaping to enhance the appearance of the site from adjacent residential uses. Conditions of approval will be attached that will mitigate impacts the proposed use may have on surrounding properties and uses.

FINDINGS FOR APPROVAL

Administrative Use Permit No. Pl-2002-0188
David Fosgate (Applicant)/Michael Ahren (Owner)

1. The application has been reviewed according to the standards and requirements of the California Environmental 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 that can't be mitigated; therefore it is determined that adoption of a Mitigated Negative declaration is the appropriate action.
2. The proposed use is desirable for the public convenience or welfare in that it makes use of a parcel that is difficult to develop due to its location within the Alquist Priolo Study Zone and sloped topography.
3. The proposed use will not impair the character and integrity of the zoning district and the surrounding area in that sufficient landscaping has been provided to screen views of the cars from Mission Boulevard and the apartment complexes surrounding the area.
4. The proposed use will not be detrimental to the public health, safety and general welfare in that minimum loss to life and property would occur should an earthquake take place in the vicinity of the site. The site is only for storage of automobiles and no building will be located on the site.
5. The proposed use is in harmony with applicable City policies in that the General Plan Policies & Strategies are supportive of uses that increase revenues to the City. Expanding the storage capacity will support the activities of the nearby auto row.

CONDITIONS OF APPROVAL
Site Plan Review No. PL-2002-0688
George Avanesian for Hayward Honda

1. The proposed application (Site Plan Review Application No. PL-2002-0688) is to locate a new automobile sales facility for Honda at the intersection of Orchard Avenue and Mission Boulevard. The automobile sales facility shall operate according to these conditions of approval and plans approved by the City Council on February 11, 2003, labeled Exhibit "A". This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.
2. Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
3. Violation of these conditions is cause for revocation of the permit after a public hearing before the duly authorized body.
4. The applicant shall apply for all necessary building and grading permits.
5. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
6. The Planning Director shall approve the design and location of exterior lighting fixtures, which shall reflect the Spanish architectural style of the building. Lighting within the parking and display areas shall be provided and be maintained at a level which is adequate for illumination and protection of the premises. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. A photometric lighting plan shall be submitted and approved by the Planning Director. The lighting plan shall comply with the City's Security Ordinance.
7. The dealership shall have no outdoor speakers, telephone ringers or other attention getting devices audible outside the building. Silent systems shall be used for paging of employees.
8. Wrecked or inoperable vehicles shall not be stored on the property.
9. Delivery trucks bringing new automobiles to the site shall not unload vehicles on Orchard Avenue, Mission boulevard or any surrounding streets. All unloading of vehicles shall take place on the subject property.
10. Customer and employee parking shall not be used for car storage or display.
11. All required parking stalls shall meet the minimum standards of the Off-Street Parking Regulations.

12. Roof mounted mechanical equipment shall be fully screened from ground-level view within 150 feet of the property by the roof structure. If there are to be any roof-mounted HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
13. The applicant shall maintain in good repair all fencing, parking lot surfaces, landscaping, lighting, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence or the city has the right to enter and remove and charge the property owner for the clean-up.
14. No outside storage of material, crates, boxes, etc. (other than cars) shall be permitted anywhere on the site.
15. No banners, flags, balloons or other attention devices shall be displayed on the property unless approved by a Temporary Sign Permit.
16. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluation of accidental finds and discover of human remains shall be followed as prescribed in Sections 15064.5 of the California Environmental Quality Act.
17. Prior to issuance of a building permit, the applicant shall record a non-buildable easement or other agreement to the satisfaction of the Building Official.

Engineering

18. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into stormwater runoff to the maximum extent practicable.
19. All driveways to be abandoned shall be removed and replaced with standard curb, gutter and sidewalk, details subject to approval of the City Engineer.
20. Any existing broken sidewalk that creates tripling hazards shall be removed and replaced details subject to approval of the City Engineer.
21. A streetlight shall be installed along Orchard Avenue frontage per SD-120.
22. The plans submitted for a building permit shall show on-site drainage system and outfall. The developer shall provide hydrology and hydraulic calculations to be reviewed by ACFC and WCD.

23. Any work in the right-of-way along the Mission Boulevard frontage of the property will require an encroachment permit from Caltrans.
24. All retaining walls shall be decorative reinforced concrete.
24. An 8-foot high decorative wall shall be constructed along the westerly property line between the subject site and the adjacent multiple-family residential project, details subject to approval of the Planning Director.
25. The project plan shall include erosion control measures to prevent soil, dirt and debris from entering the storm drain system in accordance with the practices outlined in the California Storm Water Best Management Practices Handbook, ABAG, "*Erosion and Sediment Control Handbook*" and Regional Quality Control board's "*Erosion and Sediment Control Field Manual*."
26. Any new driveways shall be constructed to meet Standard Detail SD-110.
27. Public telephones shall not be installed outside of the building.
28. Any construction sign placed on the property shall display the name and phone number of an individual that can respond to complaints of noise and dust. All adjacent property owners shall be informed by letter of construction dates prior to commencement of construction.

Landscaping

29. Prior to issuance of a building permit, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval of the City Landscape Architect. Landscaping and irrigation shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
 - a) Above ground utilities (e.g. gas or electric meters, backflow devices, etc.) shall be screened from the street with shrubs.
 - b) Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
 - c) Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

CONDITIONS FOR APPROVAL

Administrative Use Permit No. PI-2002-0188

David Fosgate (Applicant)/Michael Ahern (Property Owner)

1. The proposed application (Administrative Use Permit Application No. PI-2002-0188) is to locate an outdoor automobile storage parking lot at the parcel located at the intersection of Fletcher Lane and Walpert Street. The automobile storage parking lot shall operate according to these conditions of approval and plans approved by the City Council on February 11, 2003, labeled Exhibit "A". This approval is void one year after the effective date of approval unless a building permit application has been submitted and accepted for processing by the Building Official. Any modification to this permit shall require review and approval by the Planning Director.
2. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
3. The applicant shall apply for all necessary permits.
4. If determined to be necessary for the protection of the public peace, safety and general welfare, the City of Hayward may impose additional conditions or restrictions on this permit.
5. The applicant shall provide signage at the entry gate, not exceeding 6 square feet in area, including the phone numbers of emergency contact persons, in case of an emergency at the facility. There may be no other signs.
6. The applicant shall maintain in good repair all fencing, parking lot surfaces, landscaping, lighting, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence or the City has the right to enter and remove and charge the property owner for the clean-up.
7. The entry gate shall be setback toward the interior end of the entry drive to allow a truck or car to pull out of the flow of traffic on Fletcher Lane. A solid decorative masonry entry wall shall replace the proposed masonry columns at the entry. The design of the masonry entry wall shall be approved by the Planning Director.
8. The street address number shall be located on the entry wall and shall be no less than 10 inches in height with a minimum ½-inch stroke width and of a contrasting color to background.
9. An 8-foot high decorative wood fence shall be provided along the southern property line. Layout and design of fence shall be approved by the Planning Director

10. Truck traffic to and from the site shall occur only between the hours of 9:00 am to 4:00 pm Monday through Friday. All other vehicular traffic shall be limited to 7:00 am to 9:00 pm daily.
11. No wholesale or retail activities shall occur on site. No car washing or auto detailing shall be permitted at the site. The site shall be used only for the storage of passenger automobiles.
12. Only the perimeter of the auto storage parking areas shall be striped delineating the vehicular circulation and parking areas on the site. No individual parking spaces shall be striped. All cars shall be parked within these boundaries.
13. Lighting within the parking storage area shall be provided and be maintained at a level which is adequate for illumination and protection of the premises. Lighting shall be designed by a qualified lighting designer and erected and maintained so that light is confined to the property and will not cast a direct light or glare upon adjacent properties or rights-of-way. A photometric lighting plan shall be submitted and approved by the Planning Director. Lighting Plan shall comply with the City's Security Ordinance.
14. A trash receptacle shall be provided in the vicinity of the main entrance. Trash receptacle shall be approved by the Planning Director.
15. No outside storage of material, crates, boxes, etc. (other than cars) shall be permitted anywhere on site.
16. No electrified fencing or barbed wire shall be allowed at this site.
17. The existing sidewalk off of Fletcher Lane in front of parcel shall be removed and a new sidewalk with handicapped ramps shall be provided along new street curb on Fletcher Lane.
18. Violation of conditions is cause for revocation of permit after public hearing before the duly authorized review body.

Engineering

19. A grading permit shall be obtained prior to any clearing, grubbing and grading of the site. Approximate quantities of cut and fill shall be provided at the time an application for a grading permit is submitted.
20. All graded or disturbed areas that will be idle during the rainy season shall be mulched at the rate of two tons per acre.

21. A BMPs structure such as CDS, CRS and/or equal, shall be installed prior to connection to Fletcher Lane storm drain system.
22. A grassy swale shall be constructed to collect runoff from the slope on the east side of the parking lot and connect to the storm drain system.
23. The Developer shall provide complete hydrology and hydraulic calculations sufficient to analyze downstream impact. The storm drainage system shall be reviewed and approved by ACFC & WCD.
24. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system in accordance with the practices outlined in the California Storm Water Best Management Practices Handbook, ABAG, "*Erosion and Sediment Control Handbook*" and Regional Water Quality Control Board's "*Erosion and Sediment Control Field Manual*."
25. Submit 3 copies of Soils and Geological Investigation Report to the City for review by City's Consultant prior to any site grading.
26. All retaining walls shall be decorative reinforced concrete.
27. No work shall be done in the street except for the replacement of the broken sidewalk along the property frontage.
28. The ground below the undercut sidewalk at the top of site on Walpert Street shall be repaired. Show on the plan a detailed design of how to support the existing undercut sidewalk on Walpert Street.

Traffic

29. The driveway shall be constructed to meet Standard Detail SD-110.
30. No on- or off-loading of vehicles shall take place on Mission Boulevard or Fletcher Lane.

Landscape

31. Prior to the issuance of the grading permit, detailed landscaping and irrigation plans shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy.
32. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. Tree shall not be severely pruned, topped or pollarded. Any trees that are pruned in this

manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City pursuant to Municipal Code. A tree removal permit is required prior to the removal of any tree. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.

33. For each tree removed, three 15-gallon trees shall be provided in replacement. Trees shall be planted on the west bank of the property to provide additional screening from Mission Boulevard as required by the City Landscape Architect. Groundcover shall be provided on the bank between the fence and the west property line.
34. Trees shall be provided to screen the automobile storage within the parking lot from surrounding apartment complexes including additional trees planted within the parking lot as required by the City Landscape Architect. Trees shall be selected and sited to minimize blocking views of the Bay. Trees shall be 15-gallon size minimum and planted 20 to 25 feet on center.
35. A low retaining wall shall be provide along the driveway next to the Eucalyptus grove along the south property line to minimize disturbance of the trees roots.
36. A certified Arborist shall be onsite when any work is done within the drip line of the trees to be protected. The City's tree protection measures shall be used and noted on grading and landscape plans.
37. Landscaping shall be provided from new sidewalk along Fletcher Lane/Walpert Street to the entry gates.
38. An evergreen vine shall be planted on the ornamental iron fence facing Mission Boulevard at 10 feet on center.
39. Hydroseed mix with perennials and shrubs for the rear slope shall be approved by the City Landscape Architect.
40. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed within all required landscape areas, including the hydro seeded slope at the rear of the property. An individual adjustable flood bubbler shall be provided at each tree. Provide check valves for all sprinkler heads to minimize erosion.
41. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
42. Where any landscape area adjoins parking areas, a Class "B" Portland Cement concrete curb shall be constructed to a height of 6 inches above the finish pavement.
43. Landscaping shall be maintained in a healthy, weed-free condition at all times. The

owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent die-back) shall be replaced within ten days of the inspection

Fire Department

44. No driveway grades shall be in excess of 15 percent.
45. The proposed fire hydrants shall be double steamer and installed as per City Standard Detail SD-206. Crash post (bollards) shall be installed to prevent any type of vehicular damage from impact. Crash post shall be installed per City of Hayward Standards.
46. All driveways for the site shall be designated fire lanes and shall have an all weathered surface with a minimum 20-foot width capable of meeting fire truck turning radii at turns and a fire truck turnaround at the dead end. Red-curbing/stripping and fire lane signage shall be installed per City of Hayward Fire Department Standards.
47. A security gate will be installed at the driveway entrance from Fletcher Lane. The minimum width shall be 20 feet. A fire department key switch and /or lock box shall be installed.

Utilities

48. A Reduce Pressure Backflow Prevention Assembly as per the City of Hayward Standard Detail 202 shall be installed on all domestic & irrigation water meters. All Backflow Prevention Assemblies must be the same size as the water meter or line size which ever is larger.



**DEPARTMENT OF
COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division**

MITIGATED 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:

Description of project: Site A – Site Plan Review for the 50,932 square foot property located at the southwest corner of Orchard Avenue and Mission Boulevard. It is currently developed with several commercial buildings occupied by various commercial uses. The existing buildings will be demolished and replaced with a new car dealership show room, outdoor display and offices. The building will be two stories and will be surrounded by customer and employee parking and automobile display areas.

Site B – Administrative Use Permit for the project site located at the intersection of Fletcher Lane and Walpert Street. The parcel contains 4.61 acres with an irregular shape. The proposal is to use the site for an outdoor automobile storage parking lot for the Honda dealership at Orchard Avenue and Mission Boulevard a little more than a half mile away (Site A above). The parking lot will cover approximately 1.4 acres of the site and will accommodate 244 automobiles.

Site C – Modification of the Use Permit for the site located at the northwest corner of Orchard Avenue and Mission Boulevard. It is currently being used as the new car showroom and sales area and car service for the Honda dealership. With the new auto showroom and sales area located across the street will be converted to their auto service and detailing facility.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project, as mitigated, will have no significant effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Checklist Form has been completed for the proposed project. The Initial Study has determined that the proposed project could result in significant effects on the environment. Mitigation measures are proposed so there would be no significant effects on the environment.

IV. PERSON WHO PREPARED INITIAL STUDY: Norman Weisbrod, Consulting Project Planner

Dated: December 18, 2002

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4215.

DISTRIBUTION/POSTING

- Provide copies to project applicants and all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.



Environmental Checklist Form

1. Project title: PL-2002-0295 and 0296 General Plan Amendment and Rezoning, and Vesting Tentative Map Tract 7386, Amending the General Plan Land Use Designation from Industrial Corridor (IC) to Limited Medium-Density Residential and Retail and Office Commercial; Rezoning from Industrial (I) District to Planned Development (PD) District; and Approving Vesting Tract Map for 72 Single-Family Residential Lots to be Served by Private Streets, Four Industrial Parcels and a Commercial Parcel.
2. Lead agency name and address: City of Hayward, Department of Community and Economic Development, 777 B Street, Hayward, CA 94541-5007
3. Contact person and phone number: Norman Weisbrod, Consulting Project Planner, 510-583-4215
4. Project location: Northeast corner of Industrial Parkway West and Stratford Road, APN 464-0120-012 and 462-0100-28-01.
5. Project sponsor's name and address: John Rassier, Rassier Properties, 4135 Blackhawk Plaza Cir, #250, Danville, CA 94504
6. General plan designation: Industrial Corridor (IC)
7. Zoning: (I) Industrial
8. Description of project:

The project consists of a General Plan Amendment and Rezoning to allow for residential, commercial and industrial uses, and Tentative Tract Map for the construction of 72 single-family homes in a cluster format, a 6,200-square-foot neighborhood commercial center and four industrial buildings. The homes will be two-story and will range in size from 1,822 square feet to 2,230 square feet in four different floor plans. Land will be dedicated for the expansion of the adjacent Stratford Village Park including the improvement of the park area.

At the corner of Stratford Road and Industrial Parkway West will be a 6,200 square foot neighborhood shopping center. The building will be divided up into individual tenant spaces on demand.

Four industrial buildings each approximately 12,000 square feet in area, will be provided along the Industrial Parkway West frontage of the property. Each building will be located on an individual parcel. Access will be from Industrial Parkway West and from Stratford Road.

9. Surrounding land uses and setting:

To the west at the northwesterly corner of Industrial Parkway West and Stratford Road is a vacant parcel zoned Industrial(I) District. The remainder of the area to the west and north side of the subject property is the existing Stratford Village development consisting of single-family homes on 4,000-square-foot to 5,000-square-foot lots. To the east and south is industrial zoned property developed with various industrial uses.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

None

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.

Norman Weisbrod
Signature

12/18/2002
Date

Norman Weisbrod
Printed Name

Department of Community
and Economic
Development
Agency

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 Resources | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input checked="" type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" 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 | |

ENVIRONMENTAL ISSUES:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The proposed project consisting of 72 single-family homes, a small commercial building and four industrial buildings are not anticipated to result in significant aesthetic impacts. The two-story homes are in scale with the existing two-story homes to the north of the site. The commercial building enhances the appearance of the intersection and the proposed industrial buildings will be an attractive addition to this industrial corridor.

Industrial Parkway West is classified as an industrial corridor. A requirement of an industrial corridor is 20 feet of landscaping behind the front property line along the entire street frontage of the property. The proposed plan provides 20 feet to 25 feet of landscaping behind the sidewalk. The Industrial Parkway West property line is located 8 feet behind the back of the sidewalk so the landscaped front yard varies from 16 feet to 20 feet. However, the 20 to 25 feet of landscaping provided complies with the intent of the industrial corridor requirement.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: There are mature trees along the Industrial Parkway West and Stratford Road frontages of the property. It appears the trees are located in the public right-of-way and in a location that may interfere with the sidewalk. Consideration should be given to routing the sidewalk around the trees in lieu of their removal. The following mitigation measure will reduce the impact to a level of insignificance:

- The existing trees in the public right-of-way shall be evaluated by the City Landscape Architect to determine the condition of the trees and those that are worth saving. Where feasible, the sidewalk shall meander around the trees to be saved.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See I. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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c) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: Because the site is vacant, typical street lights and indoor and exterior lighting of the residential units, the commercial building and the four industrial buildings will increase the amount of light emanating from the project site. To reduce the impact to a level of insignificance the following mitigation measure shall be implemented as a condition of approval:

- **Lighting shall be designed so that no light spills off-site especially on adjacent residential properties.**

II. AGRICULTURE 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. 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: As a vacant parcel surrounded by a major arterial, residential development and industrial buildings, this site does not have significant value for agriculture use. There are no agricultural uses in the vicinity which would be affected by the proposed development. No agricultural resource impacts are anticipated.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See II. a) above.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See II. a) above.

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:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The traffic volumes associated with this project are not anticipated to be substantial. Therefore, a significant increase in air emission or deterioration of ambient air quality attributed to the project is not anticipated. It should be noted that the latest information provided by the Bay Area Air Quality Management District (BAAQMD) indicates that the Bay Area is designated a non-attainment area for ozone and particulate matter (PM10). Typically, the BAAQMD does not require site-specific air quality analyses for projects that do not meet minimum size threshold (typically in excess of 300 dwelling units), which this project would not meet.

Best Management Practices (BMP) is required as a condition of approval regarding use of equipment during the grading phase of construction. The project will be conditioned to require that all trucks be covered and that daily street sweeping and site watering be implemented during this phase. In addition, vehicle wheels may be required to be washed before entering the public street.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See III. a) above.

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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See III. a) above.

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See III. a) above.

e) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See III. a) above.

IV. BIOLOGICAL RESOURCES -- Would the project:

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: Ruderal species such as wild barley (*Hordeum leporinum*), ripgut grass (*Bromus diandrus*) and black mustard (*Brassica nigra*) dominate the site. These grasses are not sensitive or special status species.

On June 14, 2001, H.T. Harvey and Associates conducted surveys on the site for Burrowing Owls (*Athene Cunicularia*). The purpose of the survey was to confirm whether Burrowing Owls occupied the site and therefore posed constraints to site development. No Burrowing Owls were observed during any of the surveys, but the property was found to be consistent with potential nesting habitat. Because Burrowing Owl habitats are ephemeral, results of the surveys will remain valid for no more than 30 days. Since more than 30 days have elapsed since the above survey date, additional surveys may be required to ensure that no owls have moved onto the site. The following mitigation measure shall be attached to reduce the impact to a level of insignificance:

- **At commencement of construction, a survey for Burrowing Owls shall have been conducted within 30 days. If Burrowing Owls are found on the site, the applicant shall comply with any mitigation measures recommended by the surveyor**

There may be some common bird species that occupy vacant parcels and rodents such as pocket gophers [*Thomomys sp.*]. These species are common to many areas and have no regulatory protective status.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See IV. a) above.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There are no identified wetlands on the project site.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See IV. a) above.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See IV. a) above.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See IV. a) above.

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: There are no known cultural resources in the project area and it is unlikely that any cultural resources will be encountered during site development. Potential impacts related to unknown cultural resources that may be encountered during the construction phase can be mitigated to a level of insignificance with the implementation of the following mitigation measure:

- **In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.**

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment:

- **In the event that archaeological resources, prehistoric or historic artifacts are discovered during any construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Department of Community and Economic Development shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.5 and 15126.4 of the California Environmental Quality Act.**

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See V. b) above.

d) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See V. b) above.

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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.

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: The project site is not within the Earthquake Hazard zone. The Hayward Fault passes about two miles east of the site, while the San Andreas Fault passes about 12 miles west of the site. It is likely that during the lifetime of any future residences, commercial buildings or industrial buildings constructed on the project site, they will be subject to seismic shaking and other earthquake-induced effects. The Uniform Building Code requires new building construction to meet requirements for construction in earthquake-prone areas, which is intended to minimize any potential impacts related to seismic events. The following mitigation measure is recommended in order to reduce potentially significant impacts related to soils and grading to a less than significant level:

- **The buildings shall be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential, industrial and commercial structures.**

ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI. a) i above.

iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI a) I above

iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This is a level site with no potential for landslides.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: The project site is level. The following mitigation measures are recommended to reduce potentially significant impacts related to hydrology and water quality to a less than significant level:

- **Prior to issuance of a building permit or grading permit, site-specific hydrologic and hydraulic calculations shall be submitted to the City Engineer for review and approval.**
- **Prior to issuance of a grading permit, an erosion control plan shall be developed for the site in order to minimize any erosion that may occur during grading. Protection measures may include implementing silt fencing, hay bales and/or sand bags. The erosion control plan shall be submitted to the City Engineer for review and approval.**
- **In accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit, the applicant shall file a Notice of Intent (NOI) with the Regional Water Quality Control Board (RWQCB) advising that the project is under consideration for construction. The applicant shall submit proof of approval from the RWQCB to the City Engineer prior to issuance of a grading permit.**
- **Until such time as all construction of the development has been completed to the satisfaction of the City Engineer, the applicant shall provide current Erosion and Sediment control Plans, and amended Storm Water Pollution Prevention Plans (SWPPP's) for all portions of the site where construction is ongoing.**

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?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI. b) above.

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?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VI. b) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Sewers are available for this site.

VII. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: No hazardous materials of a significant threshold are anticipated to be used at the site.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See VII. a) above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See VII. a) above.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This property is not on a list of hazardous materials sites.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This site is not located within an airport land use plan or within two miles of a public airport or public use airport.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See VII. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: This project will not impair the implementation of or interfere with an adopted emergency response plan.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The area is not subject to wild land fires.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: A drainage plan will have to be submitted and approved by the City Engineer prior to issuance of building permits for the housing, industrial or commercial phases of the project. The San Francisco Bay Regional Water Quality Control Board has authority over drainage on the site, and their approval is required before issuance of any building permits for the individual homes, the commercial building or the industrial buildings.

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)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: This site is undeveloped and rain water does seep into the groundwater supply. Paving of the site and construction of numerous structures will reduce the groundwater recharge. The reduction in recharge will be minor and will not impact any nearby wells.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See VIII. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See VIII. a) above.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See VIII. a) above.

f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: See VIII. a) above.

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 flood hazard delineation map?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: The majority of the property is in Flood Zone B and a portion (approximately 25 percent) within a Special Study Zone AH (elevation 10 feet) Flood Zone. Buildings constructed on the site will have to be placed at an elevation that is not subject to flooding. The following mitigation measure is recommended in order to reduce any flood hazard to a level of insignificance:

- **Fill shall be placed on the site to raise the pad elevation for the homes and the commercial and industrial buildings to a level that is not within a 100-year flood hazard zone, details subject to the approval of the City Engineer. Preliminary estimates show that fill, approximately 1.5 feet deep, will be placed on the property. Approximately 45,000 yards of fill material will have to be imported to the site. This will result in 3,750 truck loads of material. At 70 trucks per day it will take 54 days to fill the site. The city will require that no material is tracked or dropped on city streets and may restrict the trucks to certain routes.**

g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: See VIII. g) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
h) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: See VIII. g) above.

i) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site is several miles inland from the San Francisco Bay shoreline. The potential for inundation due to tsunami and/or seiche is considered remote.

IX. LAND USE AND PLANNING - Would the project:

a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project area is a combination of single-family housing and industrial uses. Developing this property with single-family homes, a small commercial building and four industrial buildings would not divide the community or have a negative impact on the surrounding area.

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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: This 12 acre parcel is presently zoned Industrial (I) District and shown on the General Plan as Industrial Corridor (IC). The proposal is to rezone the property to Planned Development (PD) and amend the General Plan to Limited Medium Density Residential and Retail and Office Commercial

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There is no habitat conservation plan or natural community conservation plan that applies to this site.

X. MINERAL RESOURCES -- Would the project:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: There are no known mineral resources on the site.

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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See X. a) above.

XI. NOISE - Would the project result in:

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: The project site has frontage on Industrial Parkway West, a major arterial serving surrounding industrial and residential uses and east and west flowing traffic through the area. Both passenger vehicles and heavy truck traffic on the street will have a noise impact on residential development on the site. Charles M. Salter Associates Inc. prepared a Noise Impact Assessment dated May 22, 2002. On April 2, 2001, three short-term 10-minute measurements were made throughout the site to quantify noise levels at the different building sites. On August 9, 2001, a 92-hour measurement was made along Industrial Parkway West. The homes will be located about 253 feet northerly from Industrial Parkway West. The proposed commercial building and the industrial buildings and an 8-foot high masonry wall will buffer the residential units from vehicular noise from Industrial Parkway West. The noise analysis estimates that the noise level at the front of the homes facing Industrial Parkway West will be an L_{dn} of 58 and an L_{dn} 53 in the backyard of the homes. This would be "normally acceptable" under the Noise Element of the Hayward General Plan.

The noise analysis estimates the future noise exposure for the three homes backing up to Stratford Road will amount to an L_{dn} of 62 dB in the backyard area. This exceeds the "normally acceptable" level of 60 L_{dn} in the Noise Element of the Hayward General Plan. The three homes along Stratford Road will need to have a solid six-foot high noise barrier/fence along the backyards. The fence can be masonry, wood or other material, provided it has a weight of 2-1/2 lbs/ft² with no cracks or gaps. This will reduce noise to less than 60 dB.

All other homes within the project limits will be exposed to noise levels below 60 dBA and will not require additional noise mitigation.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Comment: See XI. a) above.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

A residential project of 72 residential units, a small commercial building and four small industrial buildings will not result in an increase in the ambient noise levels in the vicinity.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Comment: During construction of the project, there may be an increase of ambient noise levels in the vicinity. Hours of construction should be limited to daytime activity and hour limitations placed on Saturday and Sunday activity. Construction equipment should have sound reduction devices to reduce noise impacts on surrounding properties. Due to acceptable ambient noise level in the vicinity, no mitigation is required.

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: The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

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: See XI.e) above.

XII. 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: The project will allow the construction of 72 single-family cluster homes, a small commercial building and four industrial buildings. Given the small size of the development, potential impacts related to population growth are considered less than significant. No existing housing is located on the project site. Therefore, there are no impacts related to displacement of housing units or people.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

Comment: See XII. a) above.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Comment: See XII. a) above.

XIII. 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:

Fire protection?

Comment: For the commercial and industrial portion of the development the Fire Department will require red-curbed areas to prevent vehicles from parking in non-designated areas within the parking lot and posting of signs designating "No Parking- Fire Lane". The 72 home portion of the development will need a second means of access which can be an Emergency Vehicle Access Road (EVAR). Some of the private street turns are as narrow as 20 feet. These may need some minor revisions to allow fire apparatus to turn without difficulty. Parking will not be allowed on either side of the 20-foot wide roads. Where the private street is 28 feet in width, parking will only be allowed on one side. The Fire Department will require three additional public fire hydrants along the north side of Industrial Parkway West. Fire hydrants will have to be installed every 400 feet in the residential portion of the development.

Police protection?

Comment: Given the urban context and the small scale of the residential development, public service impacts related to police protection are anticipated to be less than significant.

Schools?

Comment: Although Hayward Unified School District staff indicates that Peixoto School may have the classroom capacity to accept additional children, its multi-purpose room consists of a portable classroom building which results in two crowded lunch periods. When classes are dismissed at 3:00 p.m., traffic circulation in the area is very congested, attributed not only to school-related traffic, but also to traffic from industrial development to the south. The following mitigation measure is recommended to reduce potentially significant impacts related to schools to a less than significant level:

- **Mitigation measures include imposition of a school impact fee to the extent allowed by State Law.**

Parks?

Comment: In conjunction with a residential subdivision the Municipal Code requires dedication of land for park purposes, the payment of a fee in lieu of land dedication, or a combination of both, at the option of the City. The City's land dedication requirement for 72 homes is 566 square feet per unit or a total of 40,752 square feet (.94) acres). The applicant is proposing to add only 18,337 square feet (.421 acres) to the existing park adjacent to the development. The deficit is 22,415 square feet. In this case, in addition to land dedication, the developer is proposing to improve the dedicated land to meet the Hayward Area Recreation District's (HARD's) improvement standards and to enhance the existing park. HARD estimates that the cost of the improvements will be at least \$400,000. Based on the land dedication deficit of 22,415 square feet, this would equal about \$17.85 square foot in land value. The project is a planned development; and when there are exceptions to development standards, they must be compensated for or offset. In this instance, the exceptions are reduced yard areas for the homes. The value of the improvements to the expanded area of the park and to the existing park would mitigate the land dedication deficit of 22,415 square feet.

- **Pay for the improvements of the 18,337 square feet of land to be dedicated to Hayward Area Recreation District (HARD) for the expansion of Stratford Village Park. The value of the improvements should equal the value of the deficit in land dedication of 22,415 square feet.**

Other public facilities?

Comment: This parcel will not impact any other public facilities.

XIV. 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: The project will increase the use of the adjacent Stratford Village Park. The project proponent will dedicate 18,337 square feet (.421 acres) of land for the expansion of the park. They will also pay for improvements to both the existing park area and the dedicated area. These improvements will blend in with the existing single-family neighborhood and the proposed new single-family housing. Impacts to the use of existing neighborhood and regional park facilities are anticipated to be less than significant.

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: See XIV.a) above.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Comment: The project site is presently zoned Industrial (I) District. This zoning classification permits a wide range of industrial uses including manufacturing, research and development and warehousing. In addition, it permits administrative and professional offices and limited retail uses. If the property was to develop with an industrial complex, it is estimated that approximately 50 percent of the site area would be covered by buildings. On the 12-acre site, it would be possible to construct approximately 261,360 square feet of building area. Based on the type of industrial uses that would occupy the site, there could be considerable a.m. and p.m. peak hour trips by employees. Industrial development will also generate truck traffic, with the intensity and type based on the individual users. Development of the site with 72 single-family homes, a small commercial center and four industrial buildings will probably result in considerable less a.m. and p.m. peak hour trips than development under the current Industrial District zoning.

The summary of the traffic analysis says that under the existing conditions, each of the five study intersections are operating at Level of Service D or better. The City of Hayward's level of service standard is LOS D. With the addition of project traffic, the five study intersections are expected to continue to operate with little change in the level of service.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

Comment: The project was reviewed by the Alameda County Congestion Management Agency (CMA) and they estimated that the project would not meet the Tier 1 requirement of 100 or more p.m. peak hour trips over baseline conditions and is therefore exempt from the Land Use Analysis Program of the CMP.

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: The project will have no impact on air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Comment: The plan for the 72 homes has a single access into the development from Stratford Road. Due to the scale of the development, The fire department is requiring a second access into the proposed single-family residential development consisting of either another street or an Emergency Vehicle Access Road (EVAR) and/or a possible alternative.

The plans are reflecting some private street turns as narrow as 20 feet in width. This will need some minor revisions to allow fire apparatus to turn without difficulty around these tight corners. Where the private street narrows to 20 feet wide, there shall be no parking of vehicles on either side. These areas shall be red curbed on both side. Where the private street widens to 28 feet in width, there shall only be parking allowed on one side of the street. The other side of the street shall be red-curbed and posted with fire lane signage stating "No Parking – Fire Lane".

e) Result in inadequate emergency access?

Comment: See XV. d) above.

f) Result in inadequate parking capacity?

Comment: Residential Parking - Each unit will be provided with an enclosed two-car garage that complies with the parking requirement for a single-family home. There are 44 auto court guest parking spaces and 91 on street guest parking spaces. Total parking provided is 279 spaces which equals 3.88 spaces per unit.

Commercial Parking - The commercial building will have 30 parking spaces equaling one parking space per 217 gross square foot of building area. This is equivalent to required parking for a typical retail or service-oriented store.

Industrial Parking- The parking for the industrial buildings averages one space per 450 square feet of building area. This is equivalent to the required parking for a small industrial building.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

Comment: This project does not conflict with policies, plans or programs for alternative transportation.

XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Comment: The project has been reviewed by the City of Hayward Utilities (Water) Division. Water and sewer service will be made available subject to standard conditions and fees in effect at the time of application for service. The plans will have to show the location of water, sewer and storm drains. The project plan shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction.

- 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: See XVI. a) above.

- 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: See XVI. a) above.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Comment: See XVI. a) above.

- e)
f) 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: See XVI. a) above.

g) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Comment: The project site will be served by a private trash collecting company. Refuse will be taken to a local transfer station for separation before being trucked to a landfill site. Residents of the residential portion of the development will be provided with all necessary waste/recycling containers and the subdivision as a whole will be required to comply with all statutes and regulations related to solid waste. The commercial and industrial components of the development will be required to recycle refuse when that service becomes available.

h) Comply with federal, state, and local statutes and regulations related to solid waste?

Comment: See XVI. f) above.

XVII. 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: Due to the small scale of the proposed project and the fact that the site is surrounded by existing development, implementation of the proposed development of single-family homes, a small commercial building and four industrial buildings and associated park/open space amenities on-site, is not anticipated to result in significant cumulative impacts. No special-status wildlife species were observed on the site and none are expected due to the extent of the disturbance of the site from surrounding development and activity.

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: See XVII. a) above.

b) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comment: See XVII. a) above.



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bogue, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Zermeño, McKillop, Sacks, Caveglia, Thnay
CHAIRPERSON Bogue

Absent: COMMISSIONER Halliday

Staff Members Present: Anderly, Conneeley, Emura, Looney, Patenaude, Pearson

General Public Present: Approximately 100

PUBLIC COMMENT

There were no public comments.

AGENDA

1. Planning Director Referral of Administrative Use Permit No. PL-2002-0188 – David Fosgate (Applicant) / Michael Ahern (Owner) - To Use the Property as an Outdoor Automobile Storage Facility – The Property is Located at the Intersection of Fletcher Lane and Walpert Street in the Agricultural (A) Zoning District
2. Planning Director Referral of Administrative Use Permit No. PL-2001-0328 and Site Plan Review Application No. PL-2001-0331 – Alameda Muslim League (Applicant): Ibrahim Khan, Sardar K. & Hafijan Dean (Owners): Request to Allow the Construction of a Mosque in the RS (Single-Family Residential) Zoning District – The Property is located at 25000 Muir Street between Orchard and Berry Avenues

PUBLIC HEARINGS

1. Planning Director Referral of Administrative Use Permit No. PL-2002-0188 – David Fosgate (Applicant) / Michael Ahern (Owner) - To Use the Property as an Outdoor Automobile Storage Facility – The Property is Located at the Intersection of Fletcher Lane and Walpert Street in the Agricultural (A) Zoning District

Associate Planner Emura described the project location at the intersection of Fletcher Lane and Walpert Street. The parcel is 4.61 acres with an irregular shape. He noted that the slopes make the property very difficult to develop. With grading the parking will be on a 15 degree slope. The site will be visible from southbound lanes of Mission Boulevard. Ten eucalyptis trees will be removed from the site. Neighbors have expressed concern about the traffic and the slope of

the property. He described the various improvements required on the site.

Commissioner Caveglia asked about the finding #2, and the zoning.

Planning Manager Anderly said the property is zoned agriculture which permits parking lots. She noted that there is not enough room on the property for habitable structures. It is also very close to the Fault Line.

Commissioner Thnay asked about any other vacant sites on Mission to accommodate similar uses.

Planning Manager Anderly responded that it is very difficult for car dealers to find space for car storage.

Commissioner Sacks asked for further information on where the actual parking lot would be.

Commissioner Zermeño asked about several extra trees and whether they were they drawn into the slide.

Associate Planner Emura explained that there would be additional trees to those shown on the plan.

The public hearing was opened at 7:45 p.m.

Bob Fischer, Talent, Oregon, said he was representing the dealership. He noted that they have been working with staff for many months to develop a plan. He said they plan to retain more of the eucalyptus trees. He noted that of the 28 trees, 10 were not salvageable. He also explained that they worked out a reduction in the parking spaces that doesn't require 400 cars. This will help keep the dealership healthy in the community. He commented that he was pleased with the plan and hoping for a favorable vote from the Commission.

Commissioner Sacks asked whether the dealership had ownership of the property.

Mr. Fischer said they did not at this time.

Chairperson Bogue suggested that since the area, looking from the entrance, would not be parked in, would the dealership be amenable to landscaping that area.

Mr. Fischer said they probably would. He added that they would need some security lighting on the premises with the value of inventory. He noted that it would all be directed downward and as minimal as possible.

Commissioner McKillop asked whether the inventory would be brand new cars.

Mr. Fischer responded that it would mostly be, except for those cars accepted as trade-ins. He emphasized that there would be no repair service on this lot. It would be car storage only.

Commissioner McKillop then asked how many transport truck trips a day would be occurring



at this location.

Mr. Fisher said it would be more like three or four a week. He added that if the average dealership sells 10-12 cars a day, it is considered a banner week. He did not think people would really notice the activity on the lot.

Commissioner Zermeño asked about the transport trucks and the parking lot.

Mr. Fisher explained that the lot was designed so that the trucks would move all the way into the area before they have to stop. This means the large trucks would be totally off the street.

Jody Lynn Eldridge, living in the area, said she wanted to address a number of things. She noted that her apartment is on the second floor and she has the best view in town. She said she disagrees with the evaluation of the property as to erosion and the view. She described a herd of deer living on the hill.

Carol Porter, described her property as on the right hand side. She is the owner of the apartment house. She added that the view from second and third floor would not be appropriate. The fence planned for the south side would not be enough coverage to prevent residents from seeing the cars. She commented on the amount of grade on the lot. She was of the opinion that it would be a hazard to build and park there. She suggested saving the property as green, open space, and encouraged members to look at the property.

Commissioner McKillop said she had looked at the property and thought the view from the apartments would not be restricted since the parking lot was on the side.

Bea Thornton stated that this is an atrocity for the city to consider, a parking lot on this lovely open space. She said she worked hard on the Mission-Foothill Task Force. She remembered that a few years ago, the suggestion for this property was for a golf driving range. She commented that this project, in the middle of Hayward close to downtown would create a San Francisco Airport parking lot. She then read part of the Mission-Foothill Task Force report, which stipulated that, "No auto related businesses should be built north of Sycamore." She added that traffic could be a problem, and it would be an eyesore to condominium dwellers. In this area are the cemetery and children going to the high school, junior high, and grade school. This parking lot does not belong there. She asked to have some open space, and said, do not let this happen.

Pat Lane, Joyce Street, stated, putting this car lot here is idiocy. She suggested developing the lot for the youth of the area. She then asked about the land at the end of Winton as an alternative location. She asked the commissioners to reconsider this. Joyce Street has become one of the worst streets for test drives. She wondered what guarantee there was that this will not be a sales lot. She commented that Hayward prides on many of its beautification projects. Lets build it up, not tear it down.

Ruth Collins, Fletcher Lane, said she was very upset to hear this was considered for the location of a parking lot. She said she loved looking out on the deer in the morning. She did not think the lot was suitable for this purpose. She said she would like to see more trees to bring residents closer to nature. She would hate to see it turned into a parking area.

The public hearing closed at 8:16 p.m.

Commissioner Caveglia commented that the issue does revolve around what is possible. He noted that this property could be a park and that this was really a far better idea. He noted that a parking lot is such a bad use of land. He moved, seconded by Commissioner Zermeno to find the proposed project categorically exempt from CEQA guidelines, and not approve the administrative use permit based on the findings that the proposed use is not the best use for the site. He then suggested that City staff work with HARD to develop the parcel into a park for the residents.

Commissioner McKillop asked how much of the parcel would be parking area.

Associate Planner Emura responded that about 1.4 acres would be used in the parking area.

Commissioner Sacks was assured that the view would not significantly change.

Associate Planner Emura also emphasized the condition, which would not allow retail at the site.

Commissioner Sacks said she would rarely speak against any open space proposals. However, she noted that the property has been vacant for more than 25 years and no one here has taken action to secure this property for open space. She said she would vote against the motion.

Commissioner Thnay asked how many applications for use have been submitted for this site, and whether it is a safe area for erosion and hydroseeding.

Planning Manager Anderly responded that in the past 20 years, the only other proposal was the driving range, which would have required very tall nets. She added that there had been inquiries for use as a mini-storage area, but that would have required a zone change.

Associate Planner Emura noted that though there has been no specific erosion control plan submitted by the applicant, staff has added a condition for hydroseeding the slopes and providing an erosion control plan.

Commissioner Thnay commented that he does love open space but sees this application as a balance of rights, residents versus property rights. He expressed some concern with some of the proposal. He noted that Fletcher Lane is probably not constructed for high truck use. This will be a wide-open stretch of parking lot. He commented that he drives through the Industrial Parkway area most days and sees the car auction storage lot view from the freeway. He suggested a mitigation plan with, trees and landscaping within the lot itself, every five or ten parking spaces, to help to soften look of the asphalt. The applicant agreed that it could be done.



Commissioner Zermeño asked the Assistant City Attorney what would happen if the Commission were split on a 3:3 vote.

Assistant City Attorney Conneeley said a tie vote would mean no action was taken and the proposal would then go to the City Council.

The motion failed by the following vote:

AYES:	COMMISSIONERS Caveglia, McKillop, Zermeño
NOES:	COMMISSIONERS Thnay, Sacks CHAIRPERSON Bogue
ABSENT:	Halliday
ABSTAIN:	None

Commissioner Sacks then moved, seconded by Commissioner Thnay, to find the proposed project categorically exempt from CEQA, and to approve the Administrative Use Permit, subject to the findings and conditions.

Commissioner Thnay said he would also like to add a few conditions, including landscaping within the parking area, and also a study as to whether there is any indication of how suitable Fletcher Lane is to handle the extra load.

Commissioner Sacks said she would accept these conditions if staff feels it is appropriate.

Associate Planner Emura said Traffic and Engineering as well as Public Works have all looked at the project. He then commented on the limited number of truck carriers during non-peak commute hours, which might amount to three or four a week. As to the interior landscaping he said he would hope the applicant could accommodate this condition.

Commissioner Thnay clarified that this is for the trucking of a heavy load of cars. He noted that a regular street can sustain a certain amount of trucks, but he wanted to be sure staff had a chance to review this issue.

Planning Manager Anderly said it might be appropriate for Public Works to look at the street for the impacts of heavy wear.

Chairperson Bogue suggested adding a requirement that if the road is damaged, the applicant is responsible for the condition. As the maker of the motion, Commissioner Sacks agreed that if this were appropriate, it would be acceptable.

Commissioner Zermeño said he was voting for some semblance of quality of life. He felt this

parking lot would be destroying this area, and he would vote against the motion.

Commissioner McKillop commented that this project is not an appropriate use for this area. She indicated that she would not support the motion.

Commissioner Caveglia said if it is a choice between an urban park and parking lot, it is easy to decide.

Commissioner Sacks spoke about going over to look at the property. She said she remembered it as more narrow and more difficult. Although it could become many things, it is being used to dump trash and old furniture. It certainly is not getting the kind of care it should be getting at the moment.

Commissioner Thnay questioned how feasible it would be to acquire the land and make it a park.

Planning Manager Anderly responded that cost in acquiring and maintaining the property as a park would be a major factor. She said neither staff nor the City could speak for HARD.

Chairperson Bogue noted that it is not a choice between a park and parking lot since there was no proposal for a park on this property.

The motion to approve the staff recommendation failed by the following vote:

AYES:	COMMISSIONERS Thnay, Sacks
	CHAIRPERSON Bogue
NOES:	COMMISSIONERS Caveglia, McKillop, Zermeño
ABSENT:	Halliday
ABSTAIN:	None

Assistant City Attorney Conneely stated that unless applicant wants to bring it back before the full commission, it would go to the City Council.

The applicant deferred letting the Planning Department know their decision.