



## CITY OF HAYWARD AGENDA REPORT

Meeting Date 06/12/03  
Agenda Item 3

**TO:** Planning Commission

**FROM:** Erik J. Pearson, AICP, Associate Planner

**SUBJECT:** Site Plan Review No. 01-130-11 and Variance No. PL-2003-0236 – Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant)/Zaballos Enterprises and John Erickson (Owners) - Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a Two-Story Retail/Office Building with No Setback along the Main Street Frontage Where 4-Foot Is Required

The Project Location Is 22405 through 22425 Main Street, at the Corner of Hotel Avenue, in a Central City-Commercial (CC-C) Zoning District

### RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt the Initial Study and Mitigated Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the Site Plan Review application, subject to the attached findings and conditions; and
3. Approve the Variance application, subject to the attached findings and conditions.

### BACKGROUND

This property has been approved for several projects over the years. The earliest was a 20-story mixed use building approved in 1966. In 1984 the site was approved for a 3-story, 24-unit apartment building. The foundation for the apartment building was constructed and then progress on the building did not continue. The building permit was canceled for lack of activity in January 1993. The foundation structure can be seen on the property today. In addition, a trace of the Hayward Fault runs through the property, which makes development of the site physically challenging.

### DISCUSSION

The applicant has proposed to repair and remodel the warehouse and to build a 3,600 square foot building that could be used as an office or for a restaurant (noted as area C on the plans). Also proposed is a two-story building containing 3,495 square feet of retail space on the ground floor

(area E) and a 7,440 square foot second floor office space (area D) that extends over the driveway between area C and area E. The new buildings are required to provide 46 parking spaces and 54 would be provided in a parking lot to the rear of the site. One driveway would provide access from Main Street and a second driveway would provide access to Hotel Avenue via a private alley running across the rear of the property. Retaining walls would be constructed along Hotel Avenue with space for landscaping between the walls. A decorative safety railing would be atop the retaining wall along Hotel Avenue.

The applicant has proposed brick for the primary siding of the new buildings, which would match the brick on the existing office building. The roof material and some siding would be of a green painted metal. Awnings and signs would be constructed with a gray colored metal. The existing concrete walls would be painted a terra cotta brown. The proposal includes a courtyard between the existing office building (area B) and the new office/restaurant building (area C) and could be used for outdoor dining if the front building is developed as a restaurant.

Staff supports the design of the project and feels that the project would be a valuable addition to the Main Street neighborhood and the downtown area. The General Plan designation for the property is Retail and Office Commercial (ROC), which encourages mixed uses of office and retail in the downtown area. The property is located in a Central City-Commercial (CC-C) zoning district, which allows a variety of office and retail uses including restaurants.

The Planning Director has the authority to approve the Site Plan Review, but because a Variance is required for the front yard setback, Planning Commission approval is required. The new buildings would have no setback at the front property line. The Downtown Design Plan requires a 4-foot setback. Staff supports the applicant's request for a variance to allow the building to be constructed with no setback from the front property line for two reasons. First, an active trace fault of the Hayward Fault has been mapped on the property. The Alquist-Priolo Earthquake Fault Zoning Act requires that new structures be setback at least 50-feet from the fault. The 100-foot wide setback area runs through the middle of the property (see Attachment D). This requires any building to be located as far easterly as possible. Secondly, the site is located at the edge of downtown where it is still desirable to have storefronts close to the sidewalk to encourage pedestrian activity.

## **ENVIRONMENTAL REVIEW**

An Initial Study and Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project.

## **PUBLIC NOTICE**

On April 2, 2001, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Prospect Hill Neighborhood Association, the Hayward Area Planning Association and interested parties.

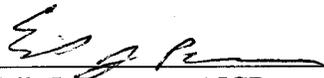
After significant revisions were made to the plans, a second Referral Notice was sent on November 8, 2002. Staff heard from five neighbors who raised concerns about parking and the idea of a sidewalk on Hotel Avenue. The project includes more parking that is required by the City's Off-Street Parking Regulations. Due to the narrow right-of-way width of Hotel Avenue, a sidewalk will only be provided on the north side of the street where a duplex is currently being constructed.

On May 23, 2003, a Notice of Public Hearing for the Planning Commission meeting as well as a Notice of Preparation of an Environmental Document was mailed. Also on May 23, 2003 a copy of the notice was published in the Daily Review newspaper. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

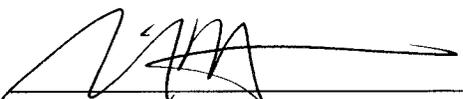
## CONCLUSION

The proposed project complies with the City Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan (with the exception of the front yard setback). The proposal would result in a great asset for the neighborhood and the downtown area. Staff recommends that the Planning Commission approve the Site Plan Review and Variance applications.

*Prepared by:*

  
\_\_\_\_\_  
Erik J. Pearson, AICP  
Associate Planner

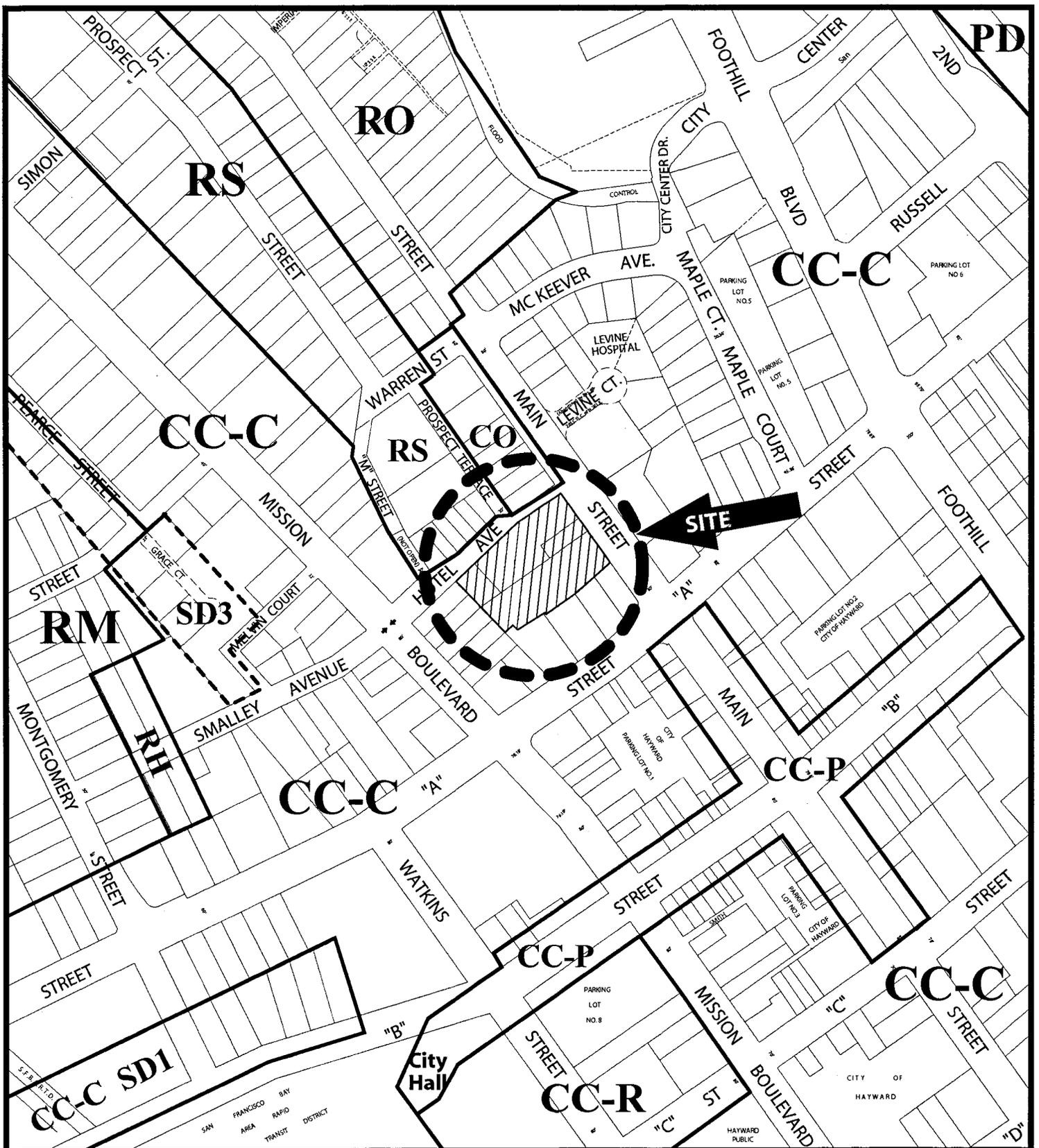
*Recommended by:*

  
\_\_\_\_\_  
Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area & Zoning Map
- B. Findings for Approval of Administrative Site Plan Review Application No. SPR-01-130-11 and Variance Application No. PL-2003-0236
- C. Conditions of Approval for Administrative Site Plan Review Application No. SPR-01-130-11 and Variance Application No. PL-2003-0236

- D. Earthquake Fault Diagram
- E. Initial Study and Mitigated Negative Declaration
- F. Mitigation Monitoring Program
- G. Sign Program  
Plans



**Area & Zoning Map**

PL-2003-0236 VAR

Address: 22405 through 22425 Main Street

Applicant: Chris Zaballos

Owner: Zaballos Enterprises

CC-C-Central City-Commercial

CC-P-Central City-Plaza

CC-R-Central City-Residential

CO-Commercial Office

PD-Planned Development

RH-High Density Residential RHB7

RM-Medium Density Residential RMB 3.5, RMB 4

RO-Residential Office

RS-Single-Family Residential, RSB4,RSB6

SD-Special Design



**CITY OF HAYWARD  
PLANNING DIVISION  
SITE PLAN REVIEW & VARIANCE  
APPROVAL**

**JUNE 12, 2003**

**SITE PLAN REVIEW APPLICATION NO. 01-130-11 and VARIANCE APPLICATION NO. PL-2003-0236: Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant), Zaballos Enterprises and John Erickson (Owners) – Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a New Two-Story Retail/Office Building With No Setback from the Front Property Line Along the Main Street Frontage Where 4-Foot is Required.**

**The Project Location Is 22405 through 22425 Main Street, at the corner of Hotel Avenue, in a Central City Commercial (CC-C) Zoning District**

**FINDINGS FOR APPROVAL:**

- A. Approval of Site Plan Review application No. 01-130-11 and Variance application No. PL-2003-0236, with the adoption of the recommended mitigation measures, will not cause a significant impact on the environment as documented in the Initial Study prepared per the California Environmental Quality Act Guidelines.

**Site Plan Review**

- B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the buildings have been well designed to use similar colors and architecture found on nearby buildings. The project will be a very attractive addition to a neighborhood that has had the site undeveloped for many years.
- C. The development takes into consideration physical and environmental constraints in that the new buildings are designed to be located outside the earthquake setback area.
- D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan.
- E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

## Variance

- F. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints such as the active earthquake fault that runs through the middle of the site.
- G. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification. Other nearby commercial buildings in the Central City Commercial zoning district have a zero front setback.
- H. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Other similar pedestrian friendly retail buildings would be given the same consideration in the downtown area.

**CITY OF HAYWARD  
PLANNING DIVISION  
SITE PLAN REVIEW & VARIANCE  
APPROVAL**

**JUNE 12, 2003**

**SITE PLAN REVIEW APPLICATION NO. 01-130-11 and VARIANCE APPLICATION NO. PL-2003-0236: Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant), Zaballos Enterprises and John Erickson (Owners)** – Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a New Two-Story Retail/Office Building With No Setback from the Front Property Line Along the Main Street Frontage Where 4-Feet is Required.

**The Project Location Is 22405 through 22425 Main Street, at the corner of Hotel Avenue, in a Central City Commercial (CC-C) Zoning District**

**CONDITIONS OF APPROVAL:**

**General:**

1. Site Plan Review Application No. SPR-01-130-11 and Variance Application No. PL-2003-0236, are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approval, the site plan review and variance approval shall be void two years after issuance of the building permit, or three years after approval of the site plan review and variance application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures. If any human remains

- are found, all work shall be stopped and police called to investigate. **(Mitigation Measure)**
6. Prior to application for a Building Permit, the following changes shall be made to the plans:
    - a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
    - b) The sidewalk along the warehouse building shall include pockets for vines to be planted in.
    - c) A lighting plan shall be included to show that light fixtures will only illuminate the site and not surrounding properties. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. Exterior lighting shall be shielded and deflected away from neighboring properties. **(Mitigation Measure)**
    - d) A detail of the retaining walls shall be included to show the finish color and material. Color and material shall be compatible with those of the buildings.
  7. Prior to issuance of a building permit:
    - a. The developer shall submit a soils investigation report to the satisfaction of the City Engineer. **(Mitigation Measure)**
    - b. The developer shall submit to the Building Official a statement of the value of the existing structures located within 50 feet of the active earthquake fault. The Building Official, upon verification of the statement of value, will permit only alterations not exceeding 50 percent of said value. **(Mitigation Measure)**
    - c. The developer shall obtain a tree removal permit prior to the removal of any tree 8" in diameter, or larger. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
    - d. The developer shall cause all three parcels to be merged into one.
  8. Prior to issuance of the first sign permit, the Sign Program shall be amended regarding temporary signs. Section 'J' under General Criteria shall be corrected to reflect the City's Sign Ordinance for promotional and grand opening banners.
  9. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
  10. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

**Landscaping:**

11. One 36" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. The new street trees should be equal in value to the street trees being removed. Street trees are also required along Hotel Street.
12. Trees shall be planted according to the City Standard Detail SD-122.
13. All planter areas adjacent to drives or parking must have a six-inch high class "B" Portland Cement concrete curb.
14. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
15. Tulbaghia is not recommended adjacent to pedestrian area as it may have an unpleasant odor after rain. Proposed olive trees must be of a large enough shape and form to provide pedestrian access under them.
16. Prior to the approval of improvement plans, or issuance of the first building 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.
17. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
18. 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% die-back) 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.
19. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

**Public Streets:**

20. Hotel Way shall be improved and widened to be 20 feet wide, curb to curb. This will include constructing necessary curb, gutter and conform paving along the project frontage.
21. A one (1) foot wide strip shall be dedicated to the City of Hayward along Hotel Way to facilitate construction of the roadway improvements.

22. The existing driveway-type opening located on the intersection of Main Street and Hotel Avenue shall be replaced with a standard street-type opening with a curb radius of 12 feet and with a wheel chair ramp on both corners.
23. Any damaged curb, gutter and/or sidewalk along the Main Street property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
24. An Encroachment Permit shall be obtained from the City prior to the start of any work within the public right-of-way.

**Storm Drainage:**

25. The on-site storm drain system shall be a private system owned and maintained by the property owners.
26. All storm drains and catch basins shall be cleaned at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
27. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
28. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff.
29. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
30. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
31. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

**Sanitary Sewer System:**

32. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
33. Sanitary sewer laterals and water services shall be separated by a minimum of 6 feet.

34. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.

**Water System:**

35. Water service is available subject to standard conditions and fees in effect at the time of application. The two existing water meters appear inadequate to serve the proposed development. The developer shall provide gallon per minute demand to determine the proper size meters.
36. Installation of a separate water meter is recommended to avoid sewer charges for irrigation consumption.
37. The developer shall install individual radio read water meters and Reduced Pressure Backflow Prevention Assembly per City Standard Detail 202 on all new meters.
38. The existing water meter within the proposed driveway shall be abandoned.

**Utilities:**

39. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) company and local cable company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer.

**Retaining Walls:**

40. All proposed retaining walls shall be constructed with decorative reinforced concrete.

**Fire Department:**

41. Addressing for the building and individual tenant spaces shall be completed prior to building plan review. Addresses shall be installed on the building and each tenant space so as to be visible from the street. An address sign shall be installed at the Main Street driveway entrance reflecting the building/unit addresses.
42. The building will require an automatic fire sprinkler system, designed and installed per NFPA 13 Standards. In addition, a dedicated underground fire service line shall be installed as per NFPA 24 Standards and shall be equipped with a fire department connection and main control valve located along Main Street.
43. The proposed restaurant shall be reviewed for occupancy classification. All commercial cooking equipment will require additional fire protection system(s) installed over the cooking equipment and within the exhaust hood(s) and ducting.
44. Appropriate type fire extinguishers will be required throughout the building (and may vary based on occupancy classifications).

45. Future occupants of each tenant space shall report any use and/or storage of hazardous materials to the fire department. No use and/or storage shall occur unless reviewed and approved by the fire department.

**Solid Waste & Recycling:**

46. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 11/18/02.
47. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.
48. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**



**CITY OF HAYWARD  
MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that could not have a 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:***

**Site Plan Review No. 01-130-11 and Variance No. PL-2003-0236** – Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a New Two-Story Retail/Office Building With No Setback from the Front Property Line Along the Main Street Frontage Where 4-Feet is Required. Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant) Zaballos Enterprises and John Erickson (Owners). The property is located at 22405 through 22425 Main Street, at the corner of Hotel Avenue in Hayward, California.

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

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

***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since it surrounded by urban uses.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.

7. The project site is located within a "State of California Earthquake Fault Zone", however, fault investigation reports state that the area where the new buildings are proposed will be located outside the required 50-foot setback from active faults. Future construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff from any future development.
10. The project is consistent with the policies of the City General Policies Plan and the Zoning Ordinance with the exception of the front yard setback requirement for which a Variance is requested.
11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.
12. The project will not have a significant noise impact.
13. The project will not result in a significant impact to public services.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

I. ***PERSON WHO PREPARED INITIAL STUDY:***



\_\_\_\_\_  
Erik J. Pearson, AICP Associate Planner  
Dated: May 19, 2003

II. ***COPY OF INITIAL STUDY IS ATTACHED***

\_\_\_\_\_  
For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail [erik.pearson@ci.hayward.ca.us](mailto:erik.pearson@ci.hayward.ca.us).

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**DISTRIBUTION/POSTING**

- Provide copies to 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.



**DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT  
Development Review Services Division**

**INITIAL STUDY CHECKLIST FORM**

**Project title:** Site Plan Review No. 01-130-11 and Variance No. PL-2003-0236 – Request to Remodel and Reface an Existing Warehouse Building, Demolish an Existing Residence and Build a New Two-Story Retail/Office Building With No Setback from the Front Property Line Along the Main Street Frontage Where 4-Feet is Required. Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant) Zaballos Enterprises and John Erickson (Owners).

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

**Contact persons and phone numbers:** Erik J. Pearson, Associate Planner (510) 583-4210

**Project location:** The property is located at 22405 through 22425 Main Street, at the corner of Hotel Avenue in Hayward, California.

**Project sponsor’s name and address:**  
Chris Zaballos  
R. Zaballos & Sons, Inc.  
22320 Foothill Blvd., Ste. 660  
Hayward, CA 94541

**General Plan:** Retail & Office Commercial (ROC)

**Zoning:** Central City Commercial (CC-C)

**Description of project:** Request to remodel and reface an existing warehouse building, demolish an existing residence and build a new two-story retail/office building with no setback from the front property line along the main street frontage where 4-feet is required. The overall project will have approximately 9,000 square feet of warehouse space, 11,000 square feet of office space and 7,000 square feet of space for retail use.

**Surrounding land uses and setting:** To the north, across Hotel Avenue, is a mix of single and multiple-family residential homes. To the south is a mix of retail, office and

residential uses. To the east, across Main Street are medical and professional offices. To the west are single-family homes sloping down to Mission Boulevard, which is developed with commercial land uses.

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

None.

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**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

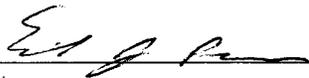
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

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

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

  
\_\_\_\_\_  
Signature

May 19, 2002  
Date

Erik J. Pearson, AICP Associate Planner

City of Hayward

**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?<br><i>Comment: The project will not affect any scenic vista.</i>  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?<br><i>Comment: The project will not damage scenic resources.</i>   | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?<br><i>Comment: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.</i>  | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?<br><i>Comment: Lighting details have yet to be determined.</i><br><i>Mitigation: A lighting plan will be required to show that light fixtures will only illuminate the site and not surrounding properties.</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

**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?<br><i>Comment: The project site does not contain farmland.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?<br><i>Comment: The project is not located in an agricultural district nor an area used for agricultural purposes.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?<br><i>Comment: The project area does not contain agricultural uses or farmland, See II b.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<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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III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan?<br><i>Comment: The project will not conflict with the Bay Area 1997 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality..</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?<br><i>Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter &lt;10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 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)?<br><i>Comment: Due to the small scale of the project, impacts to air quality will be minor and insignificant.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Expose sensitive receptors to substantial pollutant concentrations?<br><i>Comment: The project will not expose sensitive receptors to substantial pollutant concentrations.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?<br><i>Comment: The project will not create objectionable odors affecting a substantial number of people.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

IV. **BIOLOGICAL RESOURCES** -- Would the project:

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?<br><i>Comment: The property is partially developed with and surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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? <i>Comment: The site contains no riparian or sensitive habitat.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Comment: The site contains no wetlands.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Comment: The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>Comment: The project is in conformance with the General Polices Plan and will conform to the requirements of the Tree Preservation Ordinance.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Comment: There are no habitat conservation plans affecting the property.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? <i>Comment: No known historical resources exist on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? <i>Comment: No known archaeological resources exist in on-site.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Impacts:**

*If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*

- |  | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporation | Less Than Significant Impact        | No Impact                           |
|--|--------------------------------|---|-------------------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?<br><i><b>Comment:</b> No known paleontological resources exist on-site.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?<br><i><b>Comments:</b> No known human remains are located on-site.<br/><b>Impacts:</b> If any remains are found, all work will be stopped and police called to investigate.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                                | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

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:   |                          |                                     |                          |                          |
| 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"/> |

***Comment:** The project is located within the Hayward Fault Zone. Reports have been prepared summarizing the results of field investigations (see references below). There is one active trace fault and one inactive trace fault crossing the property. The Alquist-Priolo Earthquake Fault Zoning Act requires that new structures be setback at least 50-feet from the active trace fault. The proposed buildings will be located outside the 50-foot setback. The proposal includes the remodeling and repair of the existing office and warehouse building, which is partially located within the 100-foot wide setback area. The remodeling and repair of the existing building is exempt from the Alquist-Priolo Earthquake Fault Zoning Act provided that the work does not exceed 50 percent of the value of the structure. By limiting the location of new structures to the eastern portion of the property, the exposure of people or structures to rupture of a known earthquake fault will be minimized.*

***Mitigation:** The developer shall submit to the Building Official a statement of the value of the existing structures located within 50 feet of the active earthquake fault. The Building Official, upon verification of the statement of value, will permit only alterations not exceeding 50 percent of said value.*

***References:***

- Preliminary Fault Investigation by Berlogar Geotechnical Consultants dated March 21, 2001;
- Data Evaluation and Supplemental Geologic Hazard Letter by Earth Systems Consultants Northern California dated October 30, 2001.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
ii) Strong seismic ground shaking? <u><b>Comment:</b></u> The site is located within a "State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking." <u><b>Impacts:</b></u> Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction? <u><b>Comment:</b></u> Seismic ground failure, including liquefaction and subsidence is possible, but not likely. Any ground failure is more likely to occur in the parking area and the area of the existing building. The risk associated with the parking area and the existing building is acceptable with regard to the Alquist-Priolo Earthquake Fault Zoning Act. As such, this impact is considered less than significant.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides? <u><b>Comment:</b></u> The project is not located within an area subject to landslides.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil? <u><b>Comment:</b></u> The project site has been graded by previous developers and some topsoil has been removed. The Engineering Division will ensure that proper erosion control measures are implemented during construction.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <u><b>Comment:</b></u> See comment VI (a)(i).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <u><b>Comment:</b></u> Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site. <u><b>Mitigation:</b></u> Prior to issuance of a building permit, the developer shall submit a soils investigation report.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? <u><b>Comment:</b></u> The site would be connected to the City of Hayward sewer system.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<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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**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?<br><i><b>Comment:</b> There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?<br><i><b>Comment:</b> See VII a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?<br><i><b>Comment:</b> See VII a.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?<br><i><b>Comment:</b> See VII a.</i>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?<br><i><b>Comment:</b> The project is not located within an airport zone.</i>     | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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?<br><i><b>Comment:</b> See VII e.</i>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?<br><i><b>Comment:</b> The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) | 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?<br><i><b>Comment:</b> The project is not located in an area of wildlands and is not adjacent to wildlands.</i>               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

a) Violate any water quality standards or waste discharge requirements?      
Comment: *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?      
Comment: *The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves covering a substantial portion of the site with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.*

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?      
Comment: *The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.*

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?      
Comment: *The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?      
Comment: *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*

f) Otherwise substantially degrade water quality?      
Comment: *See VIII a.*

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?      
Comment: *The proposal does not include the development of housing.*

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

**Comment:** According to FEMA Flood Insurance Rate Maps (panel # 065033-0003 dated 2/9/00), this site is not within the 100-year flood hazard area.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

**Comment:** The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.

- j) Inundation by seiche, tsunami, or mudflow?

**Comment:** The project is not in a location that would allow these phenomena to affect the site.

**IX. LAND USE AND PLANNING - Would the project:**

- a) Physically divide an established community?

**Comment:** The project will not physically divide the existing community. The site is currently vacant and its development is expected to be beneficial for the neighborhood..

- b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

**Comment:** The area is designated on the General Policies Plan Map as Retail and Office Commercial (ROC). The ROC designation encourages mixed retail and office uses.

- c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

**Comment:** See IV f.

**X. MINERAL RESOURCES – Would the project:**

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

**Comment:** The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.

- b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

**Comment:** See X a.

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?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> Use of the site for retail, office and warehousing is not expected to generate noise levels incompatible with nearby housing and retail businesses. A noise analysis has not been prepared.</i>  |                          |                          |                          |                                     |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See XI a.</i>  |                          |                          |                          |                                     |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See XI a</i>   |                          |                          |                          |                                     |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See XI a</i>   |                          |                          |                          |                                     |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See VII e.</i>   |                          |                          |                          |                                     |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See VII e.</i>   |                          |                          |                          |                                     |

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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> No new housing is proposed. The businesses are expected to serve an existing customer base.</i>  |                          |                          |                          |                                     |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> Only one house will be removed.</i>  |                          |                          |                          |                                     |
| b) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <i><b>Comment:</b> See XII b.</i>   |                          |                          |                          |                                     |

XIII. **PUBLIC SERVICES**

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:

- a) Fire protection?      
Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.
- b) Police protection?      
Comment: See XIII a.
- c) Schools?      
Comment: See XIII a.
- d) Parks?      
Comment: See XIII a.
- e) Other public facilities?      
Comment: No other public facilities will be significantly impacted.

**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 is not expected to affect demand for area parks.
- 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: The proposal does not include recreational facilities and will not require the construction or expansion of recreational facilities.

**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 proposal will not cause a substantial increase in traffic.
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?      
Comment: See XV a.
- 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 not affect 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:** Any future development will be designed to create no hazardous features or incompatible uses.

- e) Result in inadequate emergency access?

**Comment:** The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.

- f) Result in inadequate parking capacity?

**Comment:** The proposal meets the requirements for parking as specified in the City's Off-Street Parking regulations.

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

**Comment:** The project does not conflict with adopted policies supporting 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 will not exceed wastewater treatment requirements.

- 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:** The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.

- 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:** The project will not require the construction of new or expansion of existing facilities for storm water drainage.

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

**Comment:** The City of Hayward supplies water to the site and has sufficient water to serve the project.

- e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**Comment:** The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.

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

**Comment:** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year 2034.*

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

**Comment:** *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*

**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?

- 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)?

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

## MITIGATION MONITORING PROGRAM

Site Plan Review Application No. 01-130-11 &  
Variance Application No. PL-2003-0236:  
Chris Zaballos for R. Zaballos & Sons, Inc. (Applicant),  
Zaballos Enterprises and John Erickson (Owners)

22405 through 22425 Main Street

### 1. *AESTHETICS*

**Mitigation Measure:** A lighting plan will be required to show that light fixtures will only illuminate the site and not surrounding properties.

**Implementation Responsibility:** City

**Verification Responsibility:** Planning Division

**Monitoring Schedule during Plan Review:** Prior to issuance of building permits.

**Monitoring Schedule during Construction/Implementation:** Building Inspector will ensure that lights are installed per approved plan.

### 2. *AGRICULTURE RESOURCES— No mitigation required*

### 3. *AIR QUALITY— No mitigation required*

### 4. *BIOLOGICAL RESOURCES— No mitigation required*

### 5. *CULTURAL RESOURCES – No mitigation required*

### 6. *GEOLOGY AND SOILS*

**a. Mitigation Measure:** The developer shall submit to the Building Official a statement of the value of the existing structures located within 50 feet of the active earthquake fault. The Building Official, upon verification of the statement of value, will permit only alterations not exceeding 50 percent of said value.

**Implementation Responsibility:** City

**Verification Responsibility:** Building Division

**Monitoring Schedule during Plan Review:** Prior to issuance of building permits.

**Monitoring Schedule during Construction/Implementation:** Building Inspector will ensure that improvements and repairs are limited to those shown on approved plans.

**b. Mitigation Measure:** Prior to issuance of a building permit, the developer shall submit a soils investigation report.

**Implementation Responsibility:** City

**Verification Responsibility:** Engineering & Transportation Division of Public Works

**Monitoring Schedule during Plan Review:** Prior to issuance of building permits.

**Monitoring Schedule during Construction/Implementation:** Building Inspector will ensure that improvements are constructed per the approved report.

- 7. HAZARDS AND HAZARDOUS MATERIALS– No mitigation required**
- 8. HYDROLOGY AND WATER QUALITY– No mitigation required**
- 9. LAND USE & PLANNING– No mitigation required**
- 10. MINERAL RESOURCES– No mitigation required**
- 11. NOISE– No mitigation required**
- 12. POPULATION & HOUSING – No mitigation required**
- 13. PUBLIC SERVICES– No mitigation required**
- 14. RECREATION– No mitigation required**
- 15. TRANSPORTATION/TRAFFIC– No mitigation required**
- 16. UTILITIES AND SERVICE SYSTEMS– No mitigation required**

**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**