



## CITY OF HAYWARD AGENDA REPORT

Planning Commission  
Meeting Date 07/29/99  
Agenda Item 2

**TO:** Planning Commission

**FROM:** Richard E. Patenaude, Associate Planner

**SUBJECT:** Zone Change Application No. 99-120-01 - Bill Boyl, Greenberg Farrow Architecture, Representing The Home Depot (Applicant) / City Of Hayward (Owner) – Request for a change of zone from “AT-C” (Air Terminal-Commercial) District to “PD” (Planned Development) District to accommodate construction of a 107,920-square-foot home improvement retail center with an accessory 23,928-square-foot garden center.

The project site is adjacent to Hayward Executive Airport and generally bound by Hesperian Blvd., Sueirro St., Skywest Dr. and West “A” Street.

### RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council 1) adopt the Negative Declaration; 2) determine that this use of City property by The Home Depot is consistent with the General Policies Plan; 3) determine that the proposed structures and appurtenances do not create any hazard or interfere with aircraft landing or take-off; and 4) approve the Planned Development District subject to the attached findings and conditions of approval.

### DISCUSSION:

This project is a request for a change of zone from “AT-C” District to “PD” District to accommodate construction of a 107,920-square-foot home improvement warehouse/retail center (The Home Depot), with an accessory 23,928-square-foot garden center, on approximately 10 acres owned by the City of Hayward. For comparison of size, the Costco Business Center building at West A Street and Hathaway Avenue contains approximately 105,000 square feet.

The Home Depot proposes to lease the site from the City for 20 years; the lease agreement will be a separate action. However, the City Municipal Code ascribes certain powers and duties to the Planning Commission, one of them being to “advise and recommend ... regarding the acquisition, use, or disposition of City-owned real property.” (Sec. 2-3.02) The Planning Commission must, therefore, determine whether this project is consistent with the General Policies Plan.

The site is part of a strip of land, along the westerly side of Hesperian Boulevard, designated as “Retail & Office Commercial” on the General Policies Plan Map. The property is zoned “Air

Terminal-Commercial” (AT-C) District. This project conforms to the general plan designation but is not specifically listed as a permitted use in the AT-C zone, thus necessitating the change of zone to Planned Development District (PD). The PD District permits land uses permitted in any other district provided that such use complies with the General Policies Plan. The “Retail & Office Commercial” (ROC) designation indicates areas of the city where mixed retail and office uses are encouraged.

State and Federal agencies have determined that compatible land use planning for airport development can include non-aviation activities such as commercial shopping centers. This is especially so when these activities are located in a lateral position to the airfield. The centerline of the nearest runway (28R) is located approximately 1400 feet laterally to the southwest; this is the Airport’s secondary runway. In 1966, recognizing the need to convert the subject property along Hesperian Boulevard into a more productive asset for the Airport, the Federal Aviation Administration (FAA) released the land for non-aviation use subject to certain provisions. The provisions include the right of passage for aircraft over the property’s airspace, a height restriction to ensure airspace protection, and a determination that structures or objects will not interfere with aircraft landing or take-off. The City will adhere to all provisions required in the FAA’s 1966 release document, as well as all current FAA regulations.

Setting

The approximately 10-acre parcel is currently vacant. The site is covered with grasses and several trees. The northwest corner of the site contains a paved area that was a former driveway and taxiway to the property immediately to the north of the site. The site contains three concrete foundations near the northwest corner, two concrete pads south of and adjacent to Sulphur Creek, and a round concrete pad near the western edge. A sewage pump station is located in the center of the site immediately to the north of Sulphur Creek; the pump station will be moved to the westerly side of Skywest Drive.

The surrounding land uses, zone districts and general plan land use designations are as follows:

	Existing Use(s)	Zone District(s)	Gen'l Plan Land Use Designations
North	Executive Inn / Vacant	AT-C	ROC
South	Vacant	AT-C	ROC
East	St. Joachim’s Catholic Church/Retail Shopping Center/Single-Family Residences	CN/RS	ROC/LDR
West	Airport Operations	AT-AC	PQP

AT-C = Air Terminal-Commercial; AT-AC = Air terminal-Aviation Commercial; CN = Neighborhood Commercial; LDR = Low-Density Residential; PQP = Public & Quasi-Public; ROC = Retail & Office Commercial; RS = Single-Family Residential

A Phase I environmental site assessment, and a Phase II preliminary subsurface investigation, were conducted on the site. An underground fuel tank was detected approximately 300 feet to the north of Sulphur Creek during the Phase I investigation. Soil gas, soil and groundwater samples were obtained from 17 borings across the site near the tank and the existing concrete foundations. Soil samples from four of the borings surrounding the tank contained diesel in the range of 31 to 155 milligrams per kilogram. These reported concentrations do not warrant remediation. However, the existing tanks will be removed.

### Building Elevations & Site Design

The proposed structure is a concrete tilt-up building with minimal articulation except at the primary public entrance. However, the primary entry element is designed such that it appears to be a "false front" when viewed from the sides and not a significant focal point. The entries, with arcades located on one side only of each entry, do not present a balanced composition. The garden center, which is directly visible from Hesperian Boulevard and the neighborhood to the east, contains no significant architectural elements and is surrounded by chain-link fencing. The building contains extensive blank walls that need to be broken up by offsets, recesses, arcades and other features. The building does not provide attractive facades with consistent architectural detailing on all visible sides.

The length of the building is aligned on an east-west axis along the northerly property line. The building is 568 feet long and is set back a minimum of 90 feet from Hesperian Boulevard and a minimum of 58 feet from Skywest Drive. The outdoor garden center, framed by part of the building, faces Hesperian Boulevard. The height of the building is 32 feet with the architectural feature at the primary entrance extending to 42 feet. The height of the garden center is 20 feet.

The primary loading dock faces east toward Hesperian Boulevard and the retail shopping center across the street; the dock is set back a minimum of 215 feet from that street. A secondary loading dock for lumber off-loading faces the northerly property line near Skywest Drive. The loading docks, and the enclosures for trash, propane, and pallets, are located along the northerly side of the building and are screened from the adjacent properties by an 8-foot-high masonry wall. This wall will be landscaped on both sides.

The Home Depot customarily displays sale items outside along the front of the store and at the garden center. The outdoor display along the front of the store will be limited to areas designated as such on the plans and designed as an integral part of the building; these areas will be under the arcades and out of the travel lanes. Seasonal sales at the garden center will be limited to two 14-day periods, and an additional four weekends, per year. In addition, Christmas tree sales will be permitted.

The architectural design of the building elevations, as submitted, is not consistent with the City of Hayward Design Guidelines. The guidelines require attention to the City's gateways and concern

for projecting an image of quality development. This development is sited at the northerly end of the Hesperian Boulevard corridor and helps define that northern gateway. The proposed architecture fails to adequately address the need for high-quality development at such an important site.

It is staff's opinion that the building design can be enhanced to meet the City's design requirements. An acceptable design would include the addition of roofed arcades to balance out the building entrances; designing the main entry to avoid a "false front" appearance when viewed from the sides; increasing the cornice band width to be more in proportion with the height and mass of the building; providing accent tiles and other decorative elements to the long expanses of wall; adding bases to all columns; and hiding downspouts within vertical elements/columns that "pop out" from the wall. The garden center perimeter needs to consist of a significant architectural element that is consistent with the remainder of the building; chain-link fencing is not an appropriate architectural solution and should not be visible from the street frontages. Staff recommends that, should this project be approved, conditions of approval be included to require a significant architectural redesign of the building.

### Landscaping

The Hayward Design Guidelines and the Landscape Beautification Plan require private property improvements along the Hesperian Boulevard corridor to develop a quality image of the City of Hayward. A condition of approval requires that, prior to the issuance of a building permit, a detailed landscape and irrigation plan be prepared by a licensed landscape architect and submitted for review and approval by the City.

The conceptual landscape plan indicates a significant use of trees along the perimeter of the site and within the parking lot. There is a 20-foot-wide landscape strip along Hesperian Boulevard. This strip could provide for a full range of landscape options to screen the parking lot and the seasonal sales area from view of the street, including the use of berms, shrubs and garden walls. The end of the building facing Hesperian Boulevard, the garden center, will be landscaped to soften the building and accent the landscaping along the street frontage. A 50-foot-wide landscape area along the westerly end of the building provides for landscaping of adequate size to visually break up the mass of this bulky building.

The 8-foot-high screen wall along the northerly property line will be landscaped on both sides to soften the appearance of the wall; correspondingly, the wall will be constructed of decorative masonry materials such that it will contribute aesthetically to its surroundings. The landscaping along the edge of Sulphur Creek will be consistent with the native plant palette used to revegetate the creek. The landscaping plan will include a decorative wrought-iron fence between the parking lot and the creek. The fence will provide safety and prevent unauthorized entry into the creek, while the landscape, when mature, will help stem the flow of litter and debris from the parking lot.

### Parking and Internal Circulation

The project requires 444 parking spaces including 9 parking spaces for persons with physical disabilities. Five hundred fifty-seven (557) parking spaces are proposed, including twelve spaces for persons with disabilities. Thirty-nine (39) of the parking spaces will not be available for parking during times of seasonal sales, such as that for Christmas trees.

The parking lot will be accessed primarily from the existing section of Sueirro Street between Hesperian Boulevard and Skywest Drive by a 30-foot-wide driveway that will span the realigned Sulphur Creek. There are two secondary driveways on Hesperian Boulevard. The most northerly one, adjacent to Executive Inn, provides for exiting truck traffic only. The other driveway provides access to the travelway running along the front of the store; this driveway will provide right-turn-in and right-turn-out movements only.

There are also two secondary driveways on Skywest Drive. The most northerly one provides for ingress and egress for truck traffic. The other driveway provides access to the travelway running along the front of the store; this driveway will provide for all turning movements to and from Skywest Drive. The need for the secondary driveways on Hesperian Boulevard has been questioned because of the concern regarding traffic on that street (see External Traffic, below). However, it has been determined that, with the required street and intersection improvements, this project will not significantly impact the traffic flow on Hesperian Boulevard and, therefore, there is no reason not to allow the secondary driveways.

Trucks will not be allowed to enter from Hesperian Boulevard; they will be required to use the driveway from Skywest Drive. Smaller trucks will be able to turn around within the delivery area and also exit onto Skywest Drive. Larger trucks will exit onto Hesperian Boulevard, but most will turn right again onto Sueirro Street and Skywest Drive so that they can access I-880 via West A Street.

### External Traffic

A Traffic & Circulation Study, dated June 25, 1999, was prepared for The Home Depot project by Associated Transportation Engineers. The projected new traffic generation can be expressed in two ways - the increase in Average Daily Traffic (ADT), or the increase in peak-hour trips. During the morning commute time, 77 vehicles would be going to the store, and 66 vehicles would be leaving, each hour. During the evening commute time, 181 vehicles would be going to the store, and 147 vehicles would be leaving, each hour. The difference between the numbers of cars arriving and leaving during the peak hours accounts for differences in time that people spend in the store. Over a whole day (ADT), it is projected that 3,400 new trips would come to and from a large building materials/home improvement center such as The Home Depot.

The study found that the Hesperian Boulevard/West A Street intersection currently operates at Level of Service (LOS) D during the A.M. peak hour and LOS C during the P.M. peak hour. The Hesperian Boulevard/West Winton Avenue intersection operates at LOS F during the A.M. peak hour and LOS D during the P.M. peak hour. The unsignalized intersection at Hesperian Boulevard/Sueirro Street experiences long delays for the southbound left-turn and on the eastbound and westbound approaches due to the traffic volume on Hesperian Boulevard. The intersection operation based upon average vehicle delay is LOS F due to these movements. The study looked at each of these intersections on Hesperian Boulevard with the addition of the traffic generated by the project. The study determined that at both Hesperian Boulevard/West A Street and Hesperian Boulevard/West Winton Avenue there would be a slight increase, by seconds, in the delay, but that the peak hour levels of service would not drop. Since the project is adding a significant amount of traffic to the unsignalized intersection of Hesperian Boulevard/Sueirro Street, that intersection will be signalized as a part of the project. This will reduce the minor movement delays and provide an intersection operation of LOS B. This signal will provide for protected pedestrian movements across Hesperian Boulevard.

While not directly related to the traffic generated by the project, the traffic study also analyzed the effect of a second signal for improved access to the Longwood-Winton Grove neighborhood at either Marin Avenue or Longwood Avenue. Both were found to not impact traffic signal coordination on Hesperian Boulevard. Staff will conduct neighborhood meetings during Fall 1999 to address this separate signalized access issue.

In general, it has been determined that The Home Depot would not create a significant negative impact on traffic on Hesperian Boulevard nor within the adjacent residential neighborhoods. There would be no change in regard to accessing St. Joachim's Catholic Church except that there would be signal protection for the significant number of southbound U-turns into the frontage road and for pedestrian crossings. The frontage road will also be included in the signalization at Sueirro Street to avoid conflicts with other traffic.

### Sulphur Creek

The project site contains a portion of Sulphur Creek that currently flows through an open earth channel. The channel has a trapezoidal configuration with a bottom width that ranges from 5 to 10 feet, and side slopes that range from 2:1 to 3:1. The existing channel is approximately 730 feet long and 5 feet deep. The existing channel top is approximately 30 feet wide. Sulphur Creek is densely vegetated except for concrete-lined sections of the channel that provide erosion protection at the outlet from the reinforced-concrete box beneath Hesperian Boulevard and the inlet to the reinforced-concrete pipes beneath Skywest Drive. The dominant plant species in the channel include bermuda grass (*Cynodon dactylon*), cattail (*Typha latifolis*) and umbrella sedge (*Cyperus eragrostis*). Approximately 430 feet downstream of the site, Sulphur Creek flows through four 48-inch-diameter culverts beneath a taxiway within the Hayward Executive Airport. Sulphur Creek continues in a downstream direction through engineered channels across the

Airport and ultimately discharges into San Francisco Bay. The upstream direction, easterly of Hesperian Boulevard, is also an engineered concrete-lined channel for over a mile in distance.

According to the San Francisco Bay Region (Region 2) Water Quality Control Plan, dated June 21, 1995, there are no beneficial uses listed for Sulphur Creek. The intermittent creek supports limited aquatic life and is not known to accommodate any recreational uses. In addition, the project will only affect a limited area of Sulphur Creek, which is not expected to adversely impact aquatic habitat along the creek corridor.

The project proposes to realign the open channelized portion of Sulphur Creek. The proposed realignment consists of a trapezoidal earth channel section with a reinforced concrete box section crossing under Skywest Drive. The proposed configuration would have a bottom width of 14 feet with approximate side slopes of 2:1. The realigned channel is approximately 1000 feet in length with a maximum depth of 6 feet and an approximate top width between 38 and 44 feet.

The Army Corps of Engineers has jurisdiction in the channel because it is considered to be waters of the United States and it has been determined that this channel is wetlands with an area of 0.3 acre and an average width of 21 feet across the project site. The City of Hayward will be required to obtain a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Stream Alteration Agreement. The new channel will be designed and landscaped according to these permits and agreements, which are in the process of being developed. Access to the creek, and related safety concerns, will be addressed during the final design. The City of Hayward will be responsible for maintenance of this portion of Sulphur Creek.

The realigned channel will be planted in three zones. The central portion of the bottom will be planted with emergent wetland species such as bulrush, spikerush, American brooklime, watercress and brass buttons. The outer perimeter of the bottom will be planted with wetland fringe vegetation such as arroyo willow, yellow willow, monkeyflower, gum plant, meadow barley and rushes. The slopes will be planted with a mixture of riparian tree and shrub species typical of the Sulphur Creek corridor. The mixture will include species such as California rose, toyon, coyote brush, coast live oak, sycamore and California bay.

As a condition of approval, the realigned channel will be constructed either prior to or concurrent with construction of The Home Depot. Planting is anticipated to occur in the late fall or winter of 1999/2000. Collection and installation of live willow stakes will occur in January/February when the plant material is dormant. Late fall/early-winter planting will maximize the potential for successful establishment of the new plantings. Hydroseed will be applied before the first rains of the season and before plantings are installed.

A restoration specialist will assist in the preparation of detailed planting plans and will oversee implementation of the plan. As-built planting plans will be prepared immediately following plant installation in order to track the success of the plantings over the monitoring period. The channel will be monitored annually for a period of three years following implementation. Annual

monitoring reports will be prepared for the City of Hayward and will be submitted to the resource agencies requesting the information. The annual monitoring reports will assess the plant survivability and percent cover of the installed plantings. Also, the overall habitat functions and values will be evaluated. If the target goals for the plantings are not achieved at the end of three years, additional plantings may be required.

*Red-legged Frog.* Zander Associates conducted protocol surveys for the California red-legged frog (*Rana aurora draytoni*) at the project site on June 5, June 25, July 8 & July 23, 1998. Two daytime surveys and two nighttime surveys were conducted in accordance with the U.S. Fish & Wildlife Service's "Guidance on Site Assessment & Field Surveys for California Red-legged Frog" (February 18, 1997). No red-legged frogs were observed in any of the four surveys, nor did habitat conditions in the channel appear suitable to support this species. Based on these observations, the red-legged frog is not present on the site.

*Burrowing Owl.* Staff conducted a Phase I pedestrian survey between 1:00 p.m. and 2:00 p.m. on June 7, 1997, during the peak of the breeding season (April 15 – July 15). The weather was clear and sunny with unlimited visibility. The survey was conducted such that there was 100% visual coverage of the ground surface. The grasses had been mowed to less than an inch in height and were dry. The only animals observed were two ravens circling the site. The only potential burrows present were man-made in the course of conducting a soil survey of the site; these burrows were clean. Man-made structures, primarily in the form of abandoned pavement, were inspected and no burrows were present. No burrowing owls, nor any evidence of occupation, were observed, nor did habitat conditions appear suitable to support this species at this time, as described in The California Burrowing Owl Consortium's "Burrowing Owl Survey Protocol and Mitigation Guidelines" (April 1993). Therefore, a Phase II survey is not required. There have been no other reports of burrowing owl activity on this site by either the Department of Fish & Game or the Audubon Society in response to the Mitigated Negative Declaration. However, a condition of approval requires further surveys during the nesting season to determine if owls occur on the site.

## Noise

Due to the project's location on Hesperian Boulevard and its proximity to the Hayward Executive Airport, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels.

The Executive Inn is located directly north of the primary loading docks. It has been determined that loading/unloading operations may be disruptive to the operations of the adjacent motel. In that regard, the existing property line between The Home Depot and Executive Inn was created 35 feet to the south to create a wider buffer between these two uses such that the buildings will be separated by a distance of 100 feet. An 8-foot-high masonry wall will be constructed on the property line, and the loading ramp will be depressed approximately 5 feet to further buffer any noise. Furthermore, a condition of approval restricts hours of operation for loading/unloading to

the hours of 8:00 a.m. and 8:00 p.m. A gate will be required within the rear driveway to prevent through traffic and other activities during unauthorized times.

### Public Safety

The Crime Analysis Unit of the Hayward Police Department was asked to determine the potential crime impact of the proposed project. The unit conducted an informal survey of police agencies of 10 other cities, within 25 miles of Hayward, with a The Home Depot. The other agencies were asked about the nature of calls for service to, neighbor response to, and the zoning conditions for The Home Depot location. While the subject stores were affected by typical types of on-site theft associated with a retail center, The Home Depot did not impact the surrounding neighborhood in regard to crime. Some agencies responded that they were impressed with the parking-lot security provided by The Home Depot.

The Home Depot provides for sale materials that may be classified as carcinogens, combustible and flammable liquids, flammable solids, irritants, oxidizers, pesticides, toxic and/or water-reactive. Such materials have the potential of being released to the surrounding area in the event of a hazard. A Hazardous Materials Classification Report has been submitted to the Fire Department. The Fire Department will require appropriate measures, prior to the issuance of a building permit, such that any release of hazardous materials will be kept to an acceptable level of risk.

The lighting of this property is of particular concern to the Airport. Exterior light fixtures need to be shielded so that they do not create a hazard or interfere with aircraft landing or take-off. A condition of approval requires that the Airport Manager review and approve the lighting plan.

### ENVIRONMENTAL REVIEW:

The project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Checklist was prepared for the project. Issues with potentially significant impacts discussed in the checklist were in regard to aesthetics, air quality, seismic safety, noise, traffic, wetlands and wildlife. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, could not result in significant effects on the environment. Therefore, a mitigated negative declaration was filed on June 29, 1999.

### PUBLIC HEARING NOTICE:

On June 29, 1999, a Notice of Public Hearing and Notice of Preparation of the Mitigated Negative Declaration was mailed to every property owner and occupant within 300 feet of the property as noted on the latest assessor's records, as well as to all property owners in the

Longwood-Winton Grove Neighborhood, and to all parties having previously expressed an interest in this project.

On July 7, 1999, a public information meeting, conducted by the City of Hayward, was held at Centennial Hall. Notice of this meeting was sent along with the Notice of Public Hearing described above; approximately 250 persons attended this meeting. The purpose of this meeting was to describe the project to those attending and to receive their input regarding the project. The project has been modified to reflect the public input received up to and at this meeting. Most notably, the main entrance to the project was moved from a new intersection on Hesperian Boulevard to Sueirro Street, and, although it will be realigned, Sulphur Creek was retained as an open channel rather than placed into an underground box culvert.

### **CONCLUSION:**

The Home Depot will provide a retail/service option not currently provided in the City of Hayward. The Home Depot says that it can better serve the Hayward/Castro Valley market by locating a store in Hayward. The Home Depot considers the stores in Union City and San Leandro to be overcrowded. The Home Depot analyzed a number of alternative sites in Hayward, but could not secure a more suitable location. The Home Depot believes this site provides the best separation from its other stores and is a good location from which to serve the Hayward/Castro Valley market. The proposed development is consistent with the City's long-term plan that designates this site for Retail & Office Commercial uses.

The project is consistent with the City's General Policies Plan provisions and its zoning regulations. With the proposed conditions of approval, staff recommends that the Planning Commission recommend approval of this project to the City Council.

**Prepared by:**



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Richard E. Patenaude  
Associate Planner

**Recommended by:**



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Dyana Anderly, AICP  
Planning Manager

Attachments

- A. Findings for Approval
- B. Conditions of Approval
- C. "Frequently Asked Questions" - Handout from Public Information Mtng.
- D. Area Map
- E. Plans and Elevations
- F. Letters/Responses to Mitigated Negative Declaration
- G. Mitigation Monitoring Plan

**FINDINGS FOR APPROVAL**  
**Planned Development District No. 99-120-01**  
**Hesperian Blvd. @ Sueirro St.**  
**Bill Boyd, Greenberg Farrow Architecture (Applicant)**  
**City of Hayward (Owner)**

Based on the staff report and the public hearing record:

- A. The project application 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.
- B. The project is in conformance with the General Policies Plan Map designation of Retail & Office Commercial. It has been determined that commercial shopping centers may be compatible on lands in a lateral position to an airfield, such as the proposed project is located in relation to the Hayward Executive Airport.
- C. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Planned Development (PD) as proposed. Such district permits land uses permitted in any other district provided that such use complies with the General Policies Plan.
- D. The development, as conditioned, will provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the proposed use is permitted at this location. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
- E. The surrounding streets and utilities are adequate to serve the development.
- F. The project provides setbacks and a property-line wall to protect the adjacent hotel from impacts caused by loading/unloading operations. Hours of operation for such activities will be restricted to further protect the operation of the hotel.
- G. The project will not affect population projections, induce substantial growth or displace existing housing.
- H. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground-shaking.

- I. The project site contains a channelized portion of Sulphur Creek. The project requires that this stream be realigned. The stream is under the jurisdiction of the Army Corps of Engineers, an area equal to 0.3 acre. Although this section of stream supports only limited aquatic life, the realigned channel will be planted with native wetland vegetation. No endangered, threatened or rare species are known to inhabit the project site.
- J. A requirement to reduce dust generation and exhaust emissions during construction, and the facilitation of traffic flow by traffic signal management, will reduce air quality impacts to a level of insignificance.
- K. The project provides a signalized intersection at Hesperian Boulevard and Sueirro Street. This improvement will ensure that the project does not adversely impact traffic conditions along the Hesperian Boulevard corridor.
- L. Construction related to this project will be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.
- M. The Fire Department will require appropriate measures to reduce any release of hazardous materials below an acceptable level of risk.
- N. The project will have no effect on government services or utilities.
- O. No known archaeological or paleontological resources exist on the project site.
- P. The use of this City-owned land by The Home Depot is consistent with the General Policies Plan.
- Q. The proposed structures and appurtenances do not create any hazard or nor do they interfere with aircraft landing or take-off.

**CONDITIONS OF APPROVAL**  
**Planned Development District No. 99-120-01**  
**Hesperian Blvd. @ Sueirro St.**  
**Bill Boyd, Greenberg Farrow Architecture (Applicant)**  
**City of Hayward (Owner)**

**Planning Division**

1. Planned Development District No. 99-120-01 to accommodate construction of a 107,920-square-foot home improvement warehouse/retail center (The Home Depot) with an accessory 23,928-square-foot garden center shall be constructed according to these conditions of approval and the plans approved by the City Council on September 14, 1999. This approval is void one year after the effective date of approval unless prior to that time a Precise Plan or an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to September 14, 2000.

If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted in sufficient detail for approval, the Planning Commission may initiate consideration of reclassification of zoning district.

2. The Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, details for fencing, architectural plans with enhanced elevations, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. Prior to application for a building permit, a Precise Plan shall be submitted which reflects the ultimate configuration of the streets and other public improvements and the final design of the realigned Sulphur Creek.
3. Prior to final inspection, all pertinent conditions of approval and all improvements indicated on the approved Precise Plan shall be completed to the satisfaction of the Planning Director.
4. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.
5. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes and within areas designated for outdoor display of merchandise for sale. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.
6. Outdoor display of merchandise for sale and outdoor seasonal sales areas shall be limited to those areas so designated on Exhibit A-1.

**ATTACHMENT B**

7. The seasonal sales at the garden center shall be limited to two 14-day events per year, and to an additional 4 weekends per year, exclusive of Christmas tree sales. Christmas tree sales may additionally be permitted in accordance with Section 10-1.5072 of the City of Hayward Zoning Ordinance.
8. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding residents and commercial uses would not be bothered and that loitering is not permitted.
9. Sidewalks and parking lots must be swept daily to prevent the accumulation of litter and debris and to minimize the amount of wind-blown debris into Sulphur Creek and surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged to the storm drain. If any cleaning agent or degreaser is used, washwater shall not discharge to the storm drains; washwaters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval, and conditions of the City wastewater treatment plant. Mechanical groundskeeping activities, such as leaf blowers and parking lot sweepers, shall be limited to daylight hours only; early morning hours shall be avoided as much as possible.
10. A minimum of two trash receptacles shall be placed at each customer entry to the building. Trash receptacles shall be a decorative, pre-cast concrete type with a self-closing metal lid. Placement and design of the receptacles shall be submitted with the Precise Plan for approval by the Planning Director.
11. No vending machines shall be displayed outside the building, except for newspaper racks. No food vendor cart shall be displayed outside the building.
12. An exterior loud speaker system is prohibited. Paging shall be limited to the use of pagers, cell phones or other similar devices to ensure that paging does not create an audible nuisance for the adjacent properties.
13. The applicant shall maintain in good repair all building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
14. The hours of operation of the store shall be limited to 6:00 a.m. to 10:00 p.m. Deliveries, and any other activity in the yard along the northerly property line, shall occur between the hours of 8:00 a.m. and 8:00 p.m. only. Delivery vehicles shall access the site from Skywest Drive only. A decorative gate shall be installed across the rear drive to prevent unauthorized deliveries, illegal dumping and other activities at the rear of the building that might disturb the operation of the existing and future uses to the north. The gate shall remain closed between 8:00 p.m. and 8:00 a.m. The design and location of the gate shall be submitted as part of the Precise Plan for review and approval by the Planning Director.

15. The site must be surveyed for burrowing owls during the nesting season (February 1 – August 31) to determine if owls occur on the site or within 250 feet of the site. The methods must follow the Department of Fish & Game’s survey protocol. The survey report will be submitted to the Department of Fish & Game (DFG) for review and approval. If Owls are observed during the surveys (or have nested on the site within the last three years) a burrowing owl habitat map and mitigation plan must be prepared by a qualified ornithologist. Impacts to the burrowing owls shall be mitigated through the protection and enhancement of off-site habitat at a 1:1 acreage replacement ratio. Written verification that the DFG has approved the mitigation plan must be submitted to the Planning Division before a grading permit will be issued. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted and the report must be submitted to the DFG for review and approval. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Verification that the DFG has determined that the pre-construction surveys are adequate must be provided to the Planning Division.

### Design

16. The façade shall be articulated in such a way to reduce the massive scale and the uniform appearance of such a large building and to provide visual interest that will be consistent with developing a quality image for the City of Hayward. The architectural elevations shall be modified, to the satisfaction of the Planning Director, to reflect these guidelines, including, but not limited to, the following:
  - a. The plans indicate a 3-bay, roofed arcade to the west of the primary entrance, and a 2-bay, roofed arcade to the east of the lumber entrance. In order to balance out the elements of the front elevation and to provide pedestrian scale at the entries to the building, a 2-bay, roofed arcade shall be added to the east of the primary entrance and to the west of the lumber entrance.
  - b. The main entry shall be designed to avoid a “false front” appearance when viewed from the sides.
  - c. The cornice band shall be wider to be more in proportion with the height and mass of the building.
  - d. Accent tiles shall be added to long expanses of wall in a pattern such as that used at the primary entry.
  - e. Bases shall be added to all columns.
  - f. Downspouts shall not be visible from view and shall be placed within vertical elements/columns that “pop out” from the wall.
  - g. The tool rental center shall be redesigned as part of the new arcade; chain-link, or other similar, fencing shall not be used.
  - h. The garden center shall be redesigned such that the perimeter consists of a significant architectural element consistent with the main structure; chain-link, or other similar, fencing shall not be used.
17. The shopping cart storage area(s) shall be screened from view from the parking lot and adjacent streets and properties by a solid masonry wall at least 3 feet in height. The

materials and colors of this wall shall be consistent with those of the structure. The location and details of this wall shall be submitted with the Precise Plan for review and approval by the Planning Director.

18. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
19. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval, subject to the following:
  - a. compliance with the City of Hayward Sign Regulations and the Precise Plan;
  - b. the base and framing of any freestanding/monument sign shall reflect the architectural design, colors and materials of the building;
  - c. wall signs shall use individual channel letters;
  - d. directional signs shall not exceed 6 sq.ft. in area per face and 3 feet in height; and
  - e. the applicant/business operator shall not display any illegal banner signs, portable signs or other illegal signs on the property.
20. All equipment and storage enclosures shall be constructed with a solid wall and metal access gate. The enclosure shall be smooth-faced concrete block with stucco coat to match the color and texture of the primary building exterior. The enclosure wall shall incorporate a decorative cap and inset expansion joints to break up the wall mass. No other area of the site shall drain onto this enclosure area. It is understood that the content of the storage area is primarily wood. If other materials are stored, the enclosure shall be covered with a solid roof structure to be approved by the Planning Director. No equipment or materials shall extend beyond the top of the enclosure(s).
21. Exterior lighting for the establishment shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorists, nor spills onto nearby properties, onto the Airport or up into the sky. The fixtures shall be designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than eight feet high. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaires shall be of a design that complements the architectural style of the building and the landscaping in developing a quality image of the City of Hayward pursuant to the Landscape Beautification Plan and shall be approved by the Planning Director as part of the Precise Plan. The maximum height of the luminaires shall be 18 feet unless otherwise permitted by the Planning Director. The lighting, and its related photometric, plan shall be reviewed and approved by the Planning Director and the Airport Manager.

### Landscaping

22. As part of the Precise Plan, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping

and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:

- a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls. The minimum dimension of any new tree well or landscape median shall be five feet, measured from back of curb.
- b. Parking areas shall be buffered from the street with shrubs. Where shrubs are used for buffering, their type and spacing shall create a continuous 30-inch high screen within two years. In compliance with this condition, additional shrubs will be required along Hesperian Boulevard and Skywest Drive. Berms and garden walls may be required along Hesperian Boulevard to screen the loading dock from view of the street.
- c. A landscape planter(s) shall be placed along the easterly side of the garden center to soften the edge of the building. If desired, the planter(s) may be raised above the parking lot grade within a decorative pre-cast concrete container(s) or other approved structure(s). The planter size shall be appropriate for the type of plants contained in the structure(s). Vines supported on a decorative metal trellis would be an acceptable alternative where the planter width (inside) could be reduced to a minimum of 12 inches.
- d. Vines shall be planted every 5 feet on the west building façade or on a decorative trellis along the wall.
- e. A vine and shrub pocket planter shall be located at the base of each decorative column fronting the building. Planters shall incorporate a temporary decorative barrier to protect plant materials from pedestrian traffic and shopping carts until plants have matured.
- f. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
- g. 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.
- h. Landscaping contiguous with Sulphur Creek shall provide a compatible transition zone between the site and wetland vegetation.
- i. Sulphur Creek shall be vegetated as recommended in the wetland mitigation plan. Temporary drip irrigation shall be provided as necessary for plant establishment.
- j. A 6-foot-high decorative wrought-iron fence shall be provided between the parking lot and Sulphur Creek. Landscaping materials shall be installed along the northerly side of the fence that will provide a dense screen at least three feet high when mature. Until maturity is achieved, a temporary 3-foot-high screen shall be placed along the base of the fence to stem the flow of litter and debris from the parking lot; the Planning Director shall approve such screen.
- k. Existing sycamore street trees along Hesperian Boulevard shall be preserved. Tree preservation measures shall be included on the site and grading plans and trees shall be protected at all times during construction. A tree preservation bond, or other surety equal in value to the cost of tree replacement shall be provided prior to commencing construction activities. A tree removal permit shall be required prior to the removal of any trees on site.
- l. Street trees, low shrubs and groundcover shall be planted within the 10-foot public right-of-way along Sueirro Street and Skywest Drive and on both sides of the entry road from the site. Trees shall be minimum 24-inch box planted 40 feet apart according to City Standard Detail SD-110.

- m. Evergreen trees shall be planted every 20 feet along the northwest property line. Trees shall be minimum 24-inch box.
  - n. An 8-foot decorative masonry or pre-cast wall shall be constructed along the northerly property line. The wall shall be finished on both sides and include detailed pilasters with column and wall caps. Wall details shall be approved by the Planning Director. The wall shall be landscaped on both sides with shrubs and evergreen vines. Vines shall be spaced 5 feet apart.
  - o. The bridge over Sulphur Creek shall include decorative detailing and finishes, including the pavement, as approved by the Planning Director.
23. Landscaping shall be installed per the Precise Plan and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
24. 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% 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.

#### Parking/Driveways

25. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking areas shall be paved with either Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls. As part of the Precise Plan, the Planning Director shall approve the design of the driveway, curbing and materials to be used. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
26. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls and pick-up areas.
27. Decorative pavement, subject to approval by the Planning Director, shall be located at the "customer pick-up lane."
28. The driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as colored, stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized.

## **Building Division**

29. Applicant shall apply for all necessary building permits from the Building Division. All structures, antenna and utility improvements shall be in accordance with the Uniform Building Code, National Electrical Code, Uniform Fire Code, and any applicable code as adopted by the City of Hayward.
30. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer prior to occupancy. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff. Prior to issuance of a building permit, a drainage plan shall be submitted that meets the approval of the Planning Director, and shall include the following:
  - a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
  - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices per applicant's discretion which accomplish the same shall be installed to intercept and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
  - c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
  - d. The labeling of all on-site storm drain inlets in the shopping center with "No Dumping - Drains to Bay," using approved methods approved by the City.
  - e. The cleaning of all storm drains in the shopping center at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
  - f. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.
  - g. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a building permit.
31. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant 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 work order. The NPDES program shall include the following items:

- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
  - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
  - c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
  - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
  - e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
  - f. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
  - g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
32. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).
33. Water Pollution Source Control requirements shall include but not be limited to the following:
- a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
  - b. 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.
  - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
  - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
  - e. All discharges and connections shall require approval from Water Pollution Source Control.

## **Utilities**

34. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size.
35. All water services shall be located on Skywest Drive. Water service is unavailable from Hesperian Blvd. or Sueirro St.
36. Install Reduced Pressure Backflow Prevention Assembly as Per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
37. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.
38. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
39. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.
40. All locations of existing and proposed water meter(s) shall be shown on the Precise Plan.
41. Water service shall be made available subject to standard conditions and fees in effect at time of application.
42. Sanitary connections for the new retail building shall be subject to the review, approval, and conditions of the City wastewater treatment plant.
43. All water mains shall be looped.
44. Replace all existing full-steamer fire hydrants along Skywest Drive and Sueirro Street with double-steamer fire hydrants. Install on-site fire hydrants as required by the Fire Department and City Engineer.

## **Public Safety**

45. The plans shall be submitted for proper building permits and fire permits. At that time, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials on storage racking, lumber storage, high pile storage issues, etc.
46. The building will have an automatic fire sprinkler system installed. The fire sprinkler system shall be designed per NFPA 13, 24 and 231-C. Fire extinguishers are also required throughout the building.

47. The applicant shall provide a chemical inventory list to the fire department for review. Plans also show an emergency generator (propane fueled) on the north side of the building. The propane tank shall be submitted to the fire department for review and approval.
48. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
  - a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building".
  - b. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius.
  - c. The trash enclosure shall be of a non-combustible construction.
  - d. Fire lanes shall be identified with red curbing and signage.
49. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
50. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located near the store entry.

#### **Solid Waste**

51. The plans indicate the location of a proposed 42-cy trash compactor for The Home Depot. However, the plans must also indicate whether it will be used to store refuse or recyclables. The Home Depot shall participate in the City's recycling program. The applicant shall clearly indicate on the Precise Plan the proposed location and dimensions of each enclosure, indicating whether the trash and recyclables will be compacted. The applicant must also indicate the number and type of refuse and recycling containers that will be used. The space and available capacity provided for the storage of trash must be the same size as that provided for recyclables. The procedure that must be followed regarding sorting and collection of recyclables is provided for in Section 3.2.02 of the Franchise Agreement.
52. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
53. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.

54. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
55. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. A 40-foot turning radius is adequate for garbage trucks.
56. If the applicant intends to use a compactor that is not rented from the garbage company, then the applicant must ensure that the compactor can be pulled by the garbage company's trucks, since some compactors require special roll-off trucks for pick up and return.
57. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
  - a. Show the anticipated start and completion dates of the project.
  - b. Estimate the quantities of construction and demolition waste that will be generated by the project.
  - c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.
58. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
59. The applicant shall to provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
60. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

#### **Engineering/Transportation Division**

61. A traffic signal at Hesperian Boulevard and Sueirro Street shall be designed and installed as part of the project. The signal design shall be subject to approval by the City Engineer and shall be operational prior to the opening of the store to the public.
62. The applicant shall complete the frontage improvements to include 10-foot-wide sidewalks on Hesperian Boulevard and Skywest Drive from the northerly property line to Sueirro Street.

Frontage improvements include streetlights as required by the City Engineer. The applicant shall be responsible for installing crosswalks at driveway entrances.

63. The applicant shall provide a deceleration (right-turn) lane on southbound Hesperian Boulevard to Sueirro Street. The deceleration lane should be approximately 150 feet long and the design shall be subject to approval by the City Engineer. The applicant shall be responsible for restriping Sueirro Street as shown on the site plan.
64. The applicant shall provide appropriate signage at project entrances and exits. Signage shall meet CalTrans standards. In addition to the signs illustrated on the site plan, the applicant shall install a "Right Turn Only" sign at the exit of the northerly driveway on Hesperian Boulevard. Also, there shall be a "No Right Turn" sign on southbound Hesperian Boulevard before that same driveway. The applicant shall post "No Stopping Any Time" signs along the adjoining street frontages.
65. The curb return radii on Skywest Drive and Sueirro Street shall be 30 feet. The curb returns for the main driveway on Hesperian Boulevard shall meet the City's driveway standard for arterial streets with a four-foot offset (SD 110, Sheet 2 of 2).
66. The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Stream Alteration Agreement for the realignment of Sulphur Creek. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Any modification to this planned development district, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.
67. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.

## THE HOME DEPOT

### FREQUENTLY ASKED QUESTIONS

**Why does *The Home Depot* want to build a store in Hayward when it has nearby stores in Union City and San Leandro?**

*The Home Depot feels that it can better serve the Hayward/Castro Valley market by locating a store in Hayward. The stores in Union City and San Leandro are considered to be overcrowded.*

**Aren't there other sites in Hayward that would accommodate *The Home Depot*?**

*The Home Depot analyzed a number of sites in Hayward, but could not secure a suitable location. It feels that this site provides the best separation from its other stores and is a good location from which to serve the Hayward/Castro Valley market. The proposed development is consistent with the City's long-term plan which designates this site for Retail & Office Commercial uses.*

**What are the up-to-date traffic figures for Hesperian Boulevard? The previously-reported ADT (Average Daily Traffic) number of 42,000 is from 1993.**

*The original traffic study did use a 1993 figure of 42,000 trips. While one would naturally assume that this number would be higher today, the revised traffic study references traffic counts performed by the City in 1998 showing a lower ADT of 36,600. This drop is probably due to the completion of improvements to I-880, which were under construction in 1993.*

**Hesperian Boulevard is a very congested street already. How much traffic will *The Home Depot* add?**

*The projected traffic generation can be expressed in two ways – the increase in Average Daily Traffic, or the increase in peak-hour trips. During the morning commute time, 77 vehicles would be going to the store, and 66 vehicles would be leaving, each hour. During the evening commute time, 181 vehicles would be going to the store, and 147 vehicles would be leaving, each hour. The difference between the numbers of cars arriving and leaving during the peak hours accounts for differences in time that people spend in the store. Over a whole day (ADT), it is projected that 3,400 trips would come to and from a large building materials/home improvement center such as The Home Depot.*

**How will delivery trucks access *The Home Depot*?**

*There is a separate driveway off Skywest Drive for delivery trucks to access the back of the store. The trucks will not be allowed to enter from Hesperian Boulevard. Smaller trucks will be able to turn around within the delivery area and exit onto Skywest Drive.*

*Larger trucks will exit onto Hesperian Boulevard, but most will turn right again onto Sueirro Street and Skywest Drive so that they can access I-880 via West A Street.*

**How will access to St. Joachim's Church be affected?**

*Based on concerns raised by church parishioners, the previous proposal to provide a traffic signal directly across from the church driveway has been dropped. Under the present plan, the existing intersection at Sueirro Street will be signalized instead. Therefore, there will be no change in regard to accessing the church except that now there will be signal protection for the significant number of southbound U-turns into the frontage road and for pedestrian crossings. The frontage road will also be signalized at Sueirro Street to avoid conflicts with other traffic.*

**What is going to happen to Sulphur Creek?**

*An earlier plan showed that Sulphur Creek would be placed in an underground box culvert to pass under the parking lot. However, in response to community concern, the revised plan retains it as an open channel and it will continue to serve as a wetland habitat.*

**Doesn't the FAA have to approve the use of this site by The Home Depot?**

*The FAA released this property for non-aviation use in 1966 subject to certain provisions. Those provisions include the right of passage for aircraft over the airspace, a height restriction of approximately 100 feet, and a determination that structures or objects not create any hazard or interfere with aircraft landing or take-off. The proposed development meets these provisions.*

**Won't the crime rate increase in the surrounding areas because of The Home Depot?**

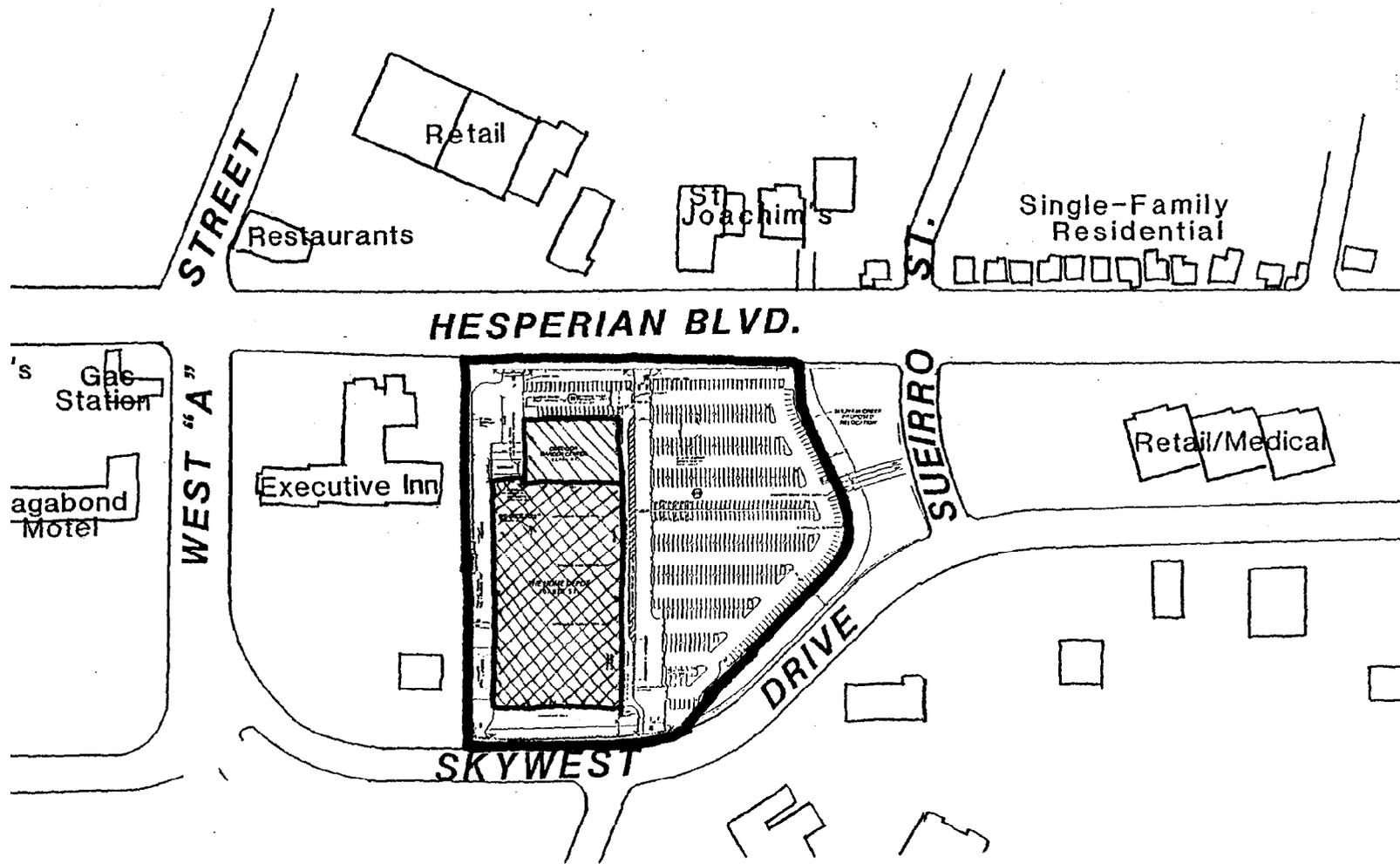
*An informal survey of other cities with The Home Depot shows that there is no increase in crime in the surrounding areas that can be attributed to the store.*

**Won't there be more noise in the area because of The Home Depot?**

*It is likely that the loading area along the north side of the store will create noise for the adjacent properties, especially Executive Inn. A solid wall will be required to minimize the noise nuisance on these properties. However, it is expected that noise levels from the rest of The Home Depot project will not exceed the current noise levels originating at Hayward Executive Airport or along Hesperian Boulevard.*

**How much money will the City get from The Home Depot?**

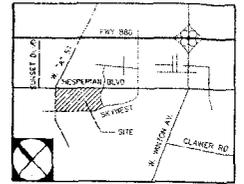
*The City will receive approximately \$400,000 per year for the land lease to The Home Depot; this money will go to the Airport Fund to be spent on Airport-specific projects. It also may be expected that the City will receive approximately \$200-300,000 per year in sales tax revenues; this money will go to the general fund to provide City services.*





**GREENBERG FARROW ARCHITECTURE**  
 ARCHITECTURE ENGINEERING PLANNING  
 1500 EMERALD DRIVE SUITE 301 OAKLAND, CA 94606  
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**LOCATION MAP**



**PROJECT INFORMATION**

**SITE AREA**  
 THE HOME DEPOT 10.32 ACRES  
 HD SITE COVERAGE: 29.32% (12,776 SF/AC)

**BUILDING AREA**  
 THE HOME DEPOT 107,920 SF  
 GARDEN CENTER 23,928 SF  
 TOTAL 131,848 SF

**PARKING COUNT SUMMARY**  
 REQUIRED BY CITY:  
 THE HOME DEPOT 444 SPACES  
 (including Garden Center)

HOME DEPOT PROVIDED 550 SPACES

HOME DEPOT RATIO PROVIDED: 4.17/1000 SPACES/SF

**ZONING CLASSIFICATION**  
 EXISTING AVIATION COMMERCIAL  
 PROPOSED PLANNED DEVELOPMENT  
 CONSTRUCTION TYPE TYPE V-N  
 OCCUPANCY USE GROUP M

**SITE REVISION SUMMARY**

- ADDED SIGNAGE REQUIREMENTS AT DRIVEWAY AND WEST SIDE OF TRAIL FROM CITY REGULATIONS, MOVED SIGN TO CORNER TO COMPLY WITH LOCAL REGULATIONS AND CITY ORDINANCES.  
 - NEW DRIVEWAY LIGHTING ADDED TO WEST SIDE OF DRIVEWAY TO COMPLY WITH LOCAL REGULATIONS AND CITY ORDINANCES.  
 - ADJUSTED SIGNAGE TO COMPLY WITH LOCAL REGULATIONS AND CITY ORDINANCES.  
 - ADJUSTED SIGNAGE TO COMPLY WITH LOCAL REGULATIONS AND CITY ORDINANCES.

**PROJECT NOTES**

- THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING, LANDSCAPE REQUIREMENTS MUST BE VERIFIED.
- ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN ARE PROPOSED AND MUST BE VERIFIED.
- THIS SITE PLAN IS BASED ON CAD FILE PROVIDED BY LARK ANDERSON AND ASSOCIATES, SHEET C-1, DATED 8/24/98.

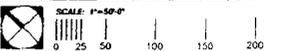
**DRAWING ISSUE/REVISION RECORD**

DATE: 07/20/99

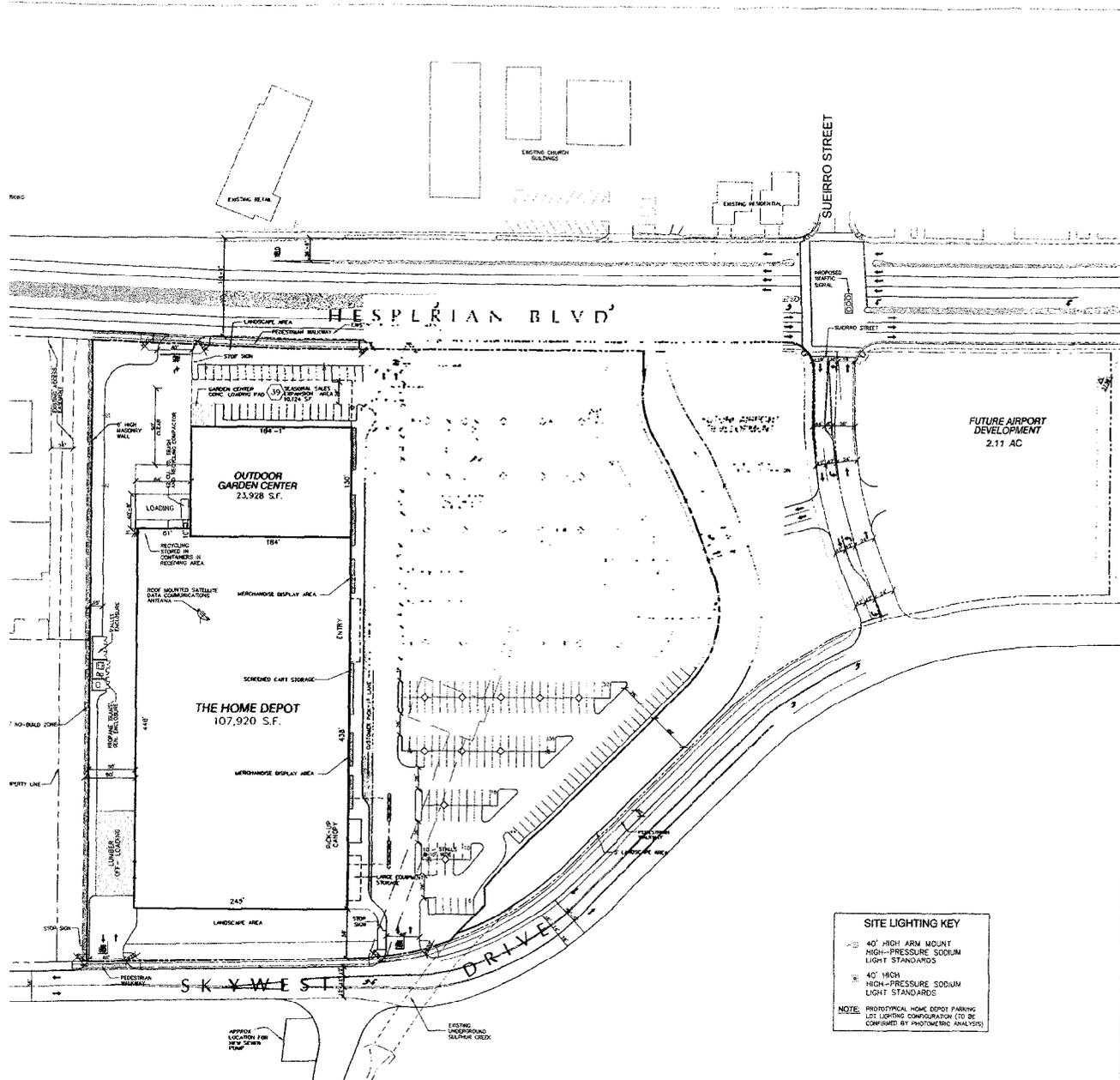
**SITE PLANNER** S.H./L.H.  
**SITE DEV. COORDINATOR** B. BOYD  
**R. E. MARKET** HAYWARD, CA  
**R. E. AGENDA NAME** HAYWARD (AIRPORT)

**THE HOME DEPOT**  
**HAYWARD, CA**  
**HESPERIAN BLVD AND SKYWEST DR**

GFA PROJECT NUMBER 970265.02



**CA-659m**



**SITE LIGHTING KEY**

- 40' HIGH ARM MOUNT HIGH-PRESSURE SODIUM LIGHT STANDARDS
- 40' HIGH HIGH-PRESSURE SODIUM LIGHT STANDARDS

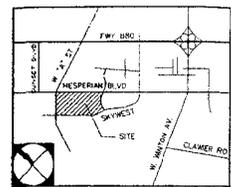
NOTE: PROTOTYPICAL HOME DEPOT PARKING LOT LIGHTING CONFIGURATION (TO BE CONFIRMED BY PHOTOMETRIC ANALYSIS)

ATTACHMENT E



**GREENBERG FARROW ARCHITECTURE**  
 ARCHITECTURE ENGINEERING PLANNING  
 15091 BARCADERO SUITE 101 OAKLAND, CA 94606  
 VOICE 510/536.1875 FAX 510/536.3887

**LOCATION MAP**



**PROJECT INFORMATION**

**SITE AREA**  
 THE HOME DEPOT 10.36 ACRES

HD SITE COVERAGE: 29.20% (12,726 SF/AC)

**BUILDING AREA**  
 THE HOME DEPOT 107,910 SF  
 GARDEN CENTER 23,919 SF  
**TOTAL 131,829 SF**

**PARKING COUNT SUMMARY**

REQUIRED BY CITY:  
 THE HOME DEPOT 444 SPACES  
 (Including Garden Center)

HOME DEPOT PROVIDED 557 SPACES

HOME DEPOT RATIO PROVIDED: 4.22/1000 SPACES/SF

**ZONING CLASSIFICATION**  
 EXISTING AVIATION COMMERCIAL  
 PROPOSED PLANNED DEVELOPMENT  
 CONSTRUCTION TYPE TYPE V-N  
 OCCUPANCY USE GRCPJ M

**SITE REVISION SUMMARY**

- ADDED MEDIAN STRIP AND CURB CUT LOCATIONS TO HESPERIAN BLVD PER LARS ANDERSEN AND ASSOCIATES SURVEY. ADDED CORRECTED HOTEL FOOTPRINT AND NEIGHBORING BUILDINGS.
- RETAINED ORIGINAL SUEIRO STREET LOCATION, RELOCATED CREEK. REMOVED SITE ACCESS ROAD AT HESPERIAN. CHANGED DRAWING SCALE. ADDED PARKING AND FUTURE DEVELOPMENT OPPOSITE CREEK. RELIANT INTERSECTION OF WEST A STREET AND SKYWEST. INCORPORATED STREET IMPROVEMENTS AT SKYWEST AND HESPERIAN.

**PROJECT NOTES**

- THIS CONCEPTUAL SITE PLAN IS FOR PLANNING PURPOSES ONLY. SITE SPECIFIC INFORMATION SUCH AS EXISTING CONDITIONS, ZONING, PARKING, LANDSCAPE REQUIREMENTS MUST BE VERIFIED.
- ALL CURB CUTS AND TRAFFIC SIGNALS SHOWN ARE PROPOSED AND MUST BE VERIFIED.
- THIS SITE PLAN IS BASED ON CAD FILE PROVIDED BY LARS ANDERSEN AND ASSOCIATES, SHEET C-11 DATED 8/14/98.

**DRAWING ISSUE/REVISION RECORD**

DATE: 06/30/99

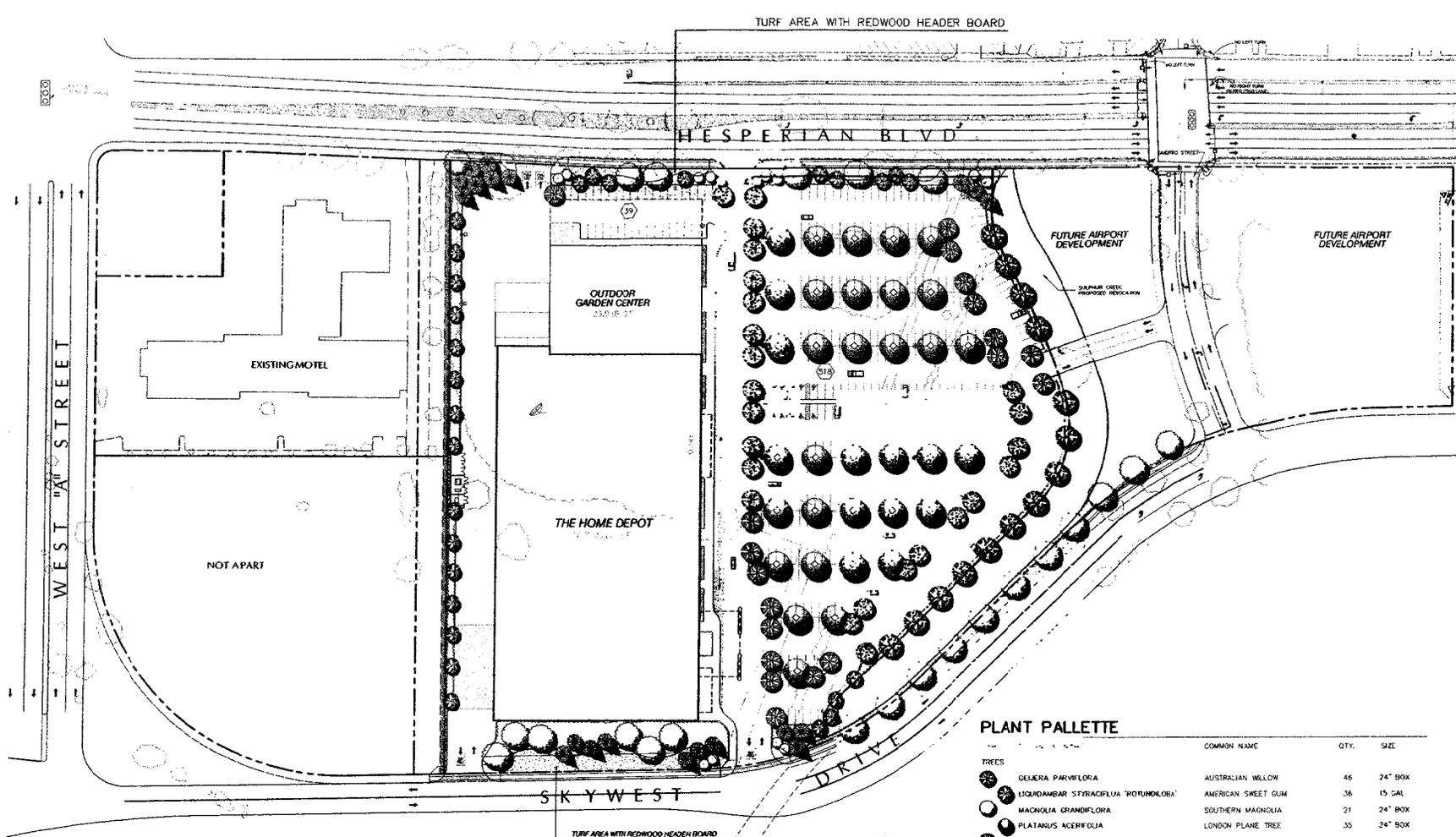
**SITE PLANNER** S.H./E.H.  
**SITE DEV. COORDINATOR** D. BOYL  
**R. E. AGENDA NAME** HAYWARD, CA  
**HAYWARD (AIRPORT)**

**THE HOME DEPOT HAYWARD, CA**  
**HESPERIAN BLVD AND SKYWEST DR**

**GPA PROJECT NUMBER 97008-02**

SCALE: 1"=50'-0"  
 0 25 50 100 150 200

**CA-659k**



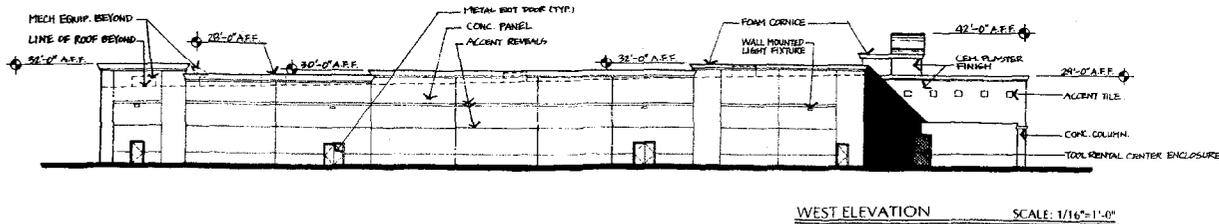
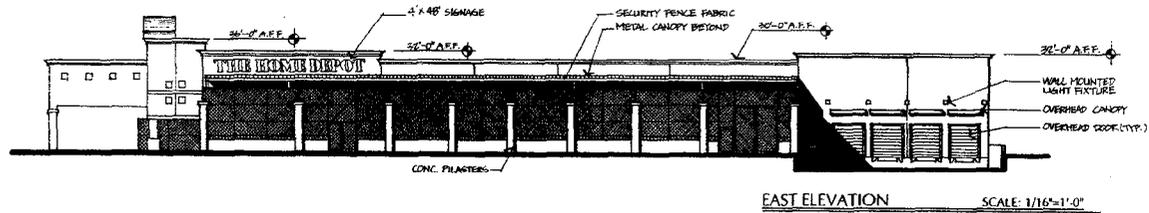
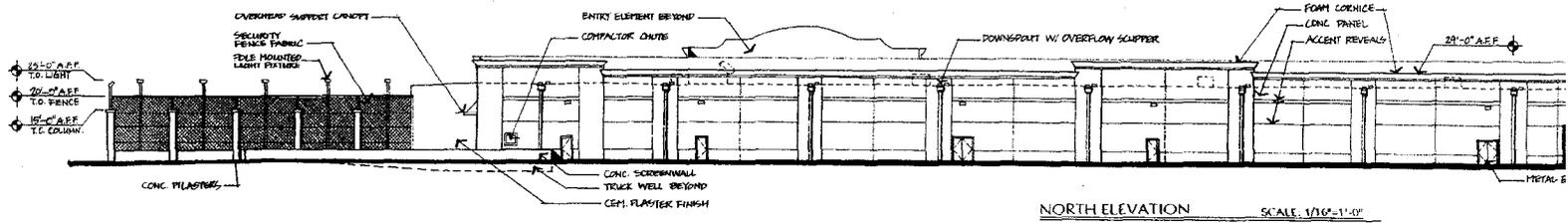
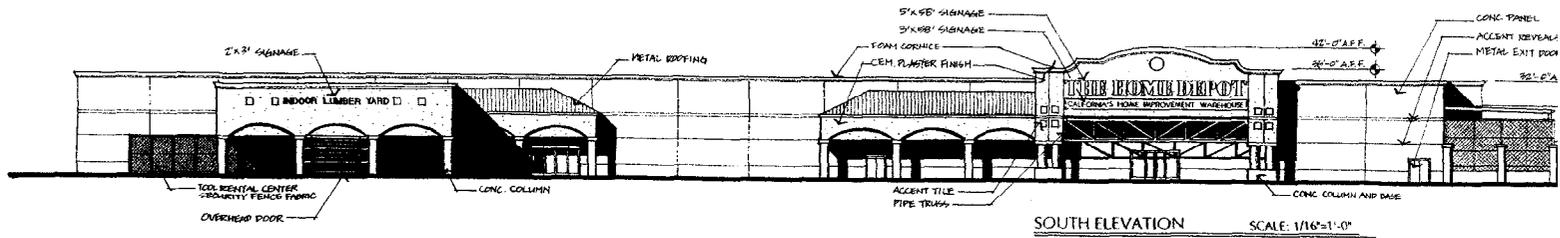
**PLANT PALLETTE**

TREES	COMMON NAME	QTY.	SIZE
●	GELERA PARVIFLORA AUSTRALIAN MALLOW	46	24" BOX
●	LIQUIDAMBAR STRYACIFLUA 'ROTUNDOLOBA' AMERICAN SWEET GUM	36	15 GAL
●	MAGNOLIA GRANDIFLORA SOUTHERN MAGNOLIA	21	24" BOX
●	PLATANUS ACERIFOLIA LONDON PLANE TREE	35	24" BOX
●	PRUNUS CERASIFERA 'AUROROPURPUREA' PURPLE LEAF PLUM	6	24" BOX
●	PRUNUS SERRULATA 'KWANZA' JAPANESE FLOWERING CHERRY	16	24" BOX
●	SEQUOIA SEMPERVIRENS COAST REDWOOD	23	24"/36" BOX
<b>SHRUBS - SCREEN</b>			
●	ESCALLOMIA 'TRADESII' ESCALLOMIA	5	GAL
●	XILOSMIA CONGESTUM XILOSMIA	5	GAL
<b>SHRUBS - PERIMETER</b>			
●	ESCALLOMIA 'TRADESII' ESCALLOMIA	5	GAL
●	MAHONIA AQUAFOLUUM OREGON GRAPE	5	GAL
●	PISTIOPORIUM TOBIRA 'VARIECOLA' VARIEGATED TOBIRA	5	GAL
●	RHAPHIDOLEPS INORICA 'PINK CLOUD' INDIAN HAWTHORN	5	GAL
<b>PARKING LOT</b>			
●	COTONEASTER CONGESTUS COTONEASTER	5	GAL
●	DIETES VEGETA FORTNIGHT LILY	5	GAL
●	LANTANA MONTEVIDENSIS 'CONFETTI' LANTANA	1	GAL
●	PITISOPORIUM TOBIRA 'WHEELER'S DWARF' WHEELER'S DWARF TOBIRA	1	GAL
●	TILSIAHIA VIOACEA SOCIETY GARLIC	1	GAL
●	MERURUM INUS 'DWARF' LAURUSTINUS	5	GAL
<b>ENTRY</b>			
●	COTONEASTER CONGESTUS COTONEASTER	5	GAL
●	JUNIPERUS CHENSIS 'SEA GREEN' SEA GREEN JUNIPER	5	GAL
●	JUNIPERUS HORIZONTALIS 'BLUE CHIP' BLUE CHIP JUNIPER	5	GAL
●	LANTANA MONTEVIDENSIS 'CONFETTI' LANTANA	1	GAL
●	MERURUM INUS 'DWARF' LAURUSTINUS	5	GAL
<b>GROUNDCOVERS</b>			
●	HEGERA HEDRA 'HAPPY' HAPPY'S ENGLISH IVY		FLATS
●	LIRIA VINCA MAJOR LIRIA		FLATS
●	VINCA MAJOR PERIBOMBLE		FLATS

**SITE LIGHTING KEY**

- 40' HIGH ARM MOUNT HIGH-PRESSURE SODIUM LIGHT STANDARDS
  - 40' HIGH MOUNT HIGH-PRESSURE SODIUM LIGHT STANDARDS
- NOTE: PHOTOGRAPHICAL HOME DEPOT PARKING LOT LIGHTING CONFIGURATION TO BE CONFIRMED BY PHOTOMETRIC ANALYSIS

**CONCEPTUAL LANDSCAPE PLAN**



1  
HA)  
HI

**LETTERS RECEIVED**

**ATTACHMENT F1**

## **ATTACHMENT F1 - LETTERS**

**The letters received will not be scanned in because of their quantity. They are on file at City Hall in the Planning Department, at the Main Library, and at the Weekes Branch.**

**RESPONSES TO  
MITIGATED NEGATIVE DECLARATION**

**ATTACHMENT F2**

**MITIGATION MONITORING PROGRAM  
THE HOME DEPOT  
Hesperian Boulevard & Sueirro Street**

**1. LAND USE & PLANNING**

**Mitigation Measure:** Restrict hours of operation for rear yard activities

**Implementation Responsibility:** City

**Verification Responsibility:** City Planning Division

**Monitoring Schedule during Plan Review:** N/A

**Monitoring Schedule During Construction/Implementation:** Condition of Approval - On-going during the post-construction period throughout the life of the project

**2. POPULATION & HOUSING – No mitigation required**

**3. GEOLOGIC PROBLEMS**

**Mitigation Measure:** Submit final grading plan and comply with UBC

**Implementation Responsibility:** City

**Verification Responsibility:** City Building Division

**Monitoring Schedule during Plan Review:** Prior to approval of building permit

**Monitoring Schedule during Construction/Implementation:** On-going during construction and prior to issuance of certificate of occupancy

**4. WATER**

**a. Mitigation Measure:** Submit storm drain plan treat surface water prior to discharge into storm drain system

**Implementation Responsibility:** City

**Verification Responsibility:** City Engineering Division

**Monitoring Schedule during Plan Review:** Prior to approval of building permit

**Monitoring Schedule During Construction/Implementation:** Condition of Approval - On-going during construction and prior to issuance of certificate of occupancy

**b. Mitigation Measure:** Obtain Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

**Implementation Responsibility:** City

**Verification Responsibility:** Public Works Department

**Monitoring Schedule during Plan Review:** Condition of Approval - Prior to realignment of Sulphur Creek

**Monitoring Schedule during Construction/Implementation:** On-going during construction

5. ***AIR QUALITY***

**Mitigation Measure:** Reduce intermittent air pollutants during construction phase

**Implementation Responsibility:** City

**Verification Responsibility:** City Building Division

**Monitoring Schedule during Plan Review:** N/A

**Monitoring Schedule during Construction/Implementation:** On-going during construction

6. ***TRANSPORTATION/CIRCULATION***

**Mitigation Measure:** Install traffic signal at Hesperian Boulevard/Sueirro Street

**Implementation Responsibility:** City

**Verification Responsibility:** City Engineering Division

**Monitoring Schedule during Plan Review:** N/A

**Monitoring Schedule during Construction/Implementation:** Condition of Approval – Prior to opening of store to the public

7. ***BIOLOGICAL RESOURCES***

**Mitigation Measure:** Restore wetlands vegetation along realigned Sulphur Creek

**Implementation Responsibility:** City

**Verification Responsibility:** Public Works Department

**Monitoring Schedule during Plan Review:** N/A

**Monitoring Schedule During Construction/Implementation:** Condition of Approval – On-going during construction and prior to issuance of certificate of occupancy per Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement

8. ***ENERGY & MINERAL RESOURCES*** – No mitigation required

9. ***HAZARDS***

**Mitigation Measure:** Prevent release of hazardous substances

**Implementation Responsibility:** City

**Verification Responsibility:** Fire Department

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

**Monitoring Schedule during Construction/Implementation:** On-going during the post-construction period throughout the life of the project

10. **NOISE** – See Land Use & Planning
11. **PUBLIC SERVICES** – No mitigation required
12. **UTILITIES & SERVICE SYSTEMS** – No mitigation required
13. **AESTHETICS**

**Mitigation Measure:** Comply with Hayward Design Guidelines and Landscape Beautification Plan

**Implementation Responsibility:** City

**Verification Responsibility:** Planning Division

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

**Monitoring Schedule during Construction/Implementation:** On-going during the post-construction period

14. **CULTURAL RESOURCES** – No mitigation required
15. **RECREATION** – No mitigation required