



CITY OF
HAYWARD
HEART OF THE BAY

CITY COUNCIL AGENDA
NOVEMBER 19, 2013

MAYOR MICHAEL SWEENEY
MAYOR PRO TEMPORE MARK SALINAS
COUNCIL MEMBER BARBARA HALLIDAY
COUNCIL MEMBER FRANCISCO ZERMEÑO
COUNCIL MEMBER MARVIN PEIXOTO
COUNCIL MEMBER GREG JONES
COUNCIL MEMBER AL MENDALL

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CITY COUNCIL MEETING FOR NOVEMBER 19, 2013
777 B STREET, HAYWARD, CA 94541
WWW.HAYWARD-CA.GOV

CLOSED SESSION
Closed Session Room 2B – 4:30 PM

1. PUBLIC COMMENTS

2. Conference with Labor Negotiators
Pursuant to Government Code 54957.6
 - Lead Negotiators: City Manager David, City Attorney Lawson; Assistant City Manager McAdoo; Human Resources Director Robustelli; Finance Director Vesely; Deputy City Attorney Vashi; Director of Maintenance Services McGrath; Jack Hughes, Liebert, Cassidy and WhitmoreUnder Negotiation: All Groups
 3. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation: Rojas v. City of Hayward, Alameda County Superior Court
Case No. RG12632415, and Oliveira v. City of Hayward, U.S.D.C., C-13-1664 MEJ
 4. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Anticipated Litigation: Two Cases
 5. Conference with Legal Counsel
Pursuant to Government Code 54956.9
 - Pending Litigation: Meserve v. City of Hayward, Alameda County Superior Court
Case No. HG12636333
 6. Adjourn to City Council Meeting
-

CITY COUNCIL MEETING
Council Chambers – 7:00 PM

CALL TO ORDER Pledge of Allegiance Council Member Halliday

ROLL CALL

CLOSED SESSION ANNOUNCEMENT

PUBLIC COMMENTS

The Public Comment section provides an opportunity to address the City Council on items not listed on the agenda or Work Session, or Informational Staff Presentation items. The Council welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Council is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.

ACTION ITEMS: *(The Council will permit comment as each item is called for the Consent Calendar, Public Hearings, and Legislative Business. In the case of the Consent Calendar, a specific item will need to be pulled by a Council Member in order for the Council to discuss the item or to permit public comment on the item. Please notify the City Clerk any time before the Consent Calendar is voted on by Council if you wish to speak on a Consent Item.)*

CONSENT

1. Approval of Minutes of the City Council Meeting on November 5, 2013
[Draft Minutes](#)
2. Adoption of an Ordinance Adding Article 15 to Chapter 4 of the Hayward Municipal Code Relating to Social Nuisances
[Staff Report](#)
[Attachment I Notice of Ordinance](#)
3. Authorization for the City Manager to Execute an Amendment to the Memorandum of Understanding between the City of Hayward and Alameda County Transportation Commission (ACTC) for the Central County Same Day Transportation (Paratransit Taxi) Program
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4. Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Sorensdale Kitchen Renovation Project
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[Attachment IV Park In Lieu Zone Map](#)
5. Sewer Collection System Master Plan: Authorization for the City Manager to Execute an Amendment to the Existing Professional Services Agreement with RMC Water and Environment
[Staff Report](#)
[Attachment I Resolution](#)

November 19, 2013



6. Authorization for the City Manager to Execute a Professional Services Agreement for Design and Construction Administration Services to Convert an Existing Gravity Thickener to a New Primary Clarifier at Water Pollution Control Facility

[Staff Report](#)

[Attachment I Resolution](#)

7. Acceptance of the 2013 COPS Hiring Grant Award

[Staff Report](#)

[Attachment I Resolution](#)

The following order of business applies to items considered as part of Public Hearings and Legislative Business:

- *Disclosures*
- *Staff Presentation*
- *City Council Questions*
- *Public Input*
- *Council Discussion and Action*

PUBLIC HEARING

8. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application (No. PL-2013-0097 TA) to add “Health Club” and “Kennel Ancillary to Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care Only)” as an administrative use in the Central Business Zoning District (Hayward Municipal Code Section 10-1.1300); and approval of Site Plan Review for a 44,983 square-foot health club at 24518 Hesperian Boulevard (Southland Mall property). Sean Wood for Rouse Properties Inc. (Applicant/Owner)(Report from Development Services Director Rizk)

[Staff Report](#)

[Attachment I Resolution with Exhibit A](#)

[Attachment II Ordinance](#)

[Attachment III Area and Zoning Map](#)

[Attachment IV IS,MND & Mit Program](#)

[Attachment V Draft PC Minutes](#)

[Attachment VI Plans](#)

[Attachment VII Proponent's Justification](#)

LEGISLATIVE BUSINESS

9. Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Alcoholic Beverage Outlets (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Summary of Notice](#)



10. Adoption of an Ordinance Amending Hayward Municipal Code Section 10-1.3500, Zoning Ordinance Definitions, to Conform to the City's Alcoholic Beverage Outlets Ordinance (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Summary of Notice](#)

11. Adoption of an Ordinance Amending Hayward Municipal Code Sections 10-1.1520 et seq. and 10-1.1000 et seq., Regulating the City's Central City Commercial (CC-C) Subdistrict and General Commercial (CG) District, to Implement the Alcoholic Beverage Outlets Ordinance (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Summary of Notice](#)

12. Adoption of an Ordinance Amending Chapter 6, Article 2 of the Hayward Municipal Code Relating to Cabarets and Dances (Report from City Clerk Lens)

[Staff Report](#)

[Attachment I Summary of Notice](#)

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

Oral reports from Council Members on their activities, referrals to staff, and suggestions for future agenda items.

ADJOURNMENT

NOVEMBER 26, 2013 MEETING CANCELED – HOLIDAY/BUSINESS CLOSURE

NEXT REGULAR MEETING, TUESDAY, DECEMBER 3, 2013

PUBLIC COMMENT RULES: *The Mayor may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens or organization. Speakers will be asked for their name before speaking and are expected to honor the allotted time. Speaker Cards are available from the City Clerk at the meeting.*

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

*****Materials related to an item on the agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website.**

November 19, 2013



*Written comments submitted to the Council in connection with agenda items will be posted on the City's website. All Council Meetings are broadcast simultaneously on the website and on Cable Channel 15, KHRT. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 583-4400 or TDD (510) 247-3340.

Please visit us on:





**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 5, 2013, 7:00 p.m.**

The City Council meeting was called to order by Mayor Sweeney at 7:00 p.m., followed by the Pledge of Allegiance led by Council Member Zermeño.

ROLL CALL

Present: COUNCIL MEMBERS Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall
MAYOR Sweeney
Absent: None

CLOSED SESSION ANNOUNCEMENT

Mayor Sweeney reported that the Council met with legal counsel pursuant to Government Code 54956.9 regarding McGraw v. Top Grade Construction, City of Hayward, etc., Alameda County Superior Court, Case No. HG126175574. Mayor Sweeney noted there was no reportable action.

PUBLIC COMMENTS

Mr. Jim Drake, Hayward resident, spoke about safety in Hayward and he claimed Hayward ranked number one in the nation for stolen cars.

Mr. Wilson Wu, Film Location Scout/Manager and Oakland resident, expressed Hayward had properties that the film industry could use and he noted that the City needed to have the willpower to allow filming in Hayward.

WORK SESSION

1. Review of 1st Quarter Progress for Police Department Council Priorities FY 2014

Staff report submitted by Police Program Analyst Sugayan, dated November 5, 2013, was filed.

Police Chief Urban and Crime Analyst Hayes provided a synopsis of the report. Police Chief Urban noted, for the record, that Hayward ranked number nine in California for auto theft.

Discussion ensued among Council and City staff. Council members thanked the Police Department for the report and offered the following suggestions to staff: communicate to the State legislature that California Assembly Bill 109, the early release of prisoners back to the communities, had negatively impacted the Hayward Police Department; continue to make progress on reducing crime and offer prevention tools for crime reduction; continue the community outreach and the collaboration and partnership with the Hayward Unified School District and Southland Mall; provide statistics on the rate of arrests and conviction in correlation to crimes committed; provide

statistics on drug-related crime; provide information on policies that had an impact on public safety; and develop policy-level metrics.

2. Update on Future Plans for Southland Mall

Staff report submitted by Economic Development Manager Taylor, dated November 5, 2013, was filed.

Development Services Director Rizk introduced Mr. Sean Wood, Director of Development for Rouse Properties, who provided an overview of the upcoming improvements for Southland Mall.

Discussion ensued among the Council and Rouse Properties representatives. Council members offered the following suggestions: a grocery store at the mall would serve the needs of the surrounding community; a better mix of retail at the mall would complement the restaurants in the area; adding stores along the freeway frontage would increase the visibility of the mall; and installing SolarPort at the mall could reduce the mall's energy cost.

Mr. Ashton Simmons, General Manager for Southland Mall, noted that security at the mall had improved which made it safer and inviting for patrons to visit the mall.

CONSENT

3. Approval of Minutes of the City Council Meeting on October 22, 2013

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to approve the minutes of the City Council Meeting on October 22, 2013.

4. Adoption of an Ordinance Adding Article 13 to Chapter 4 of the Hayward Municipal Code Regarding Food Sharing Events

Staff report submitted by City Clerk Lens, dated November 5, 2013, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Ordinance 13-09, "Ordinance of the City of Hayward, California Adding Article 13 to Chapter 4 of the Hayward Municipal Code Regarding Food Sharing Events"

5. Adoption of an Ordinance Adding Article 14 to Chapter 4 of the Hayward Municipal Code Relating to Park Hours

Staff report submitted by City Clerk Lens, dated November 5, 2013, was filed.



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
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777 B Street, Hayward, CA 94541
Tuesday, November 5, 2013, 7:00 p.m.**

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Ordinance 13-10, “Ordinance of the City of Hayward, California Adding Article 14 to Chapter 4 of the Hayward Municipal Code Relating to Park Hours”

6. Resignations of Nubia Piña and Joelynn Deng from the Hayward Youth Commission and Appointments of Elmer Beltran and Lilybeth Domingo to Fulfill Piña’s and Deng’s Unexpired Terms

Staff report submitted by City Clerk Lens, dated November 5, 2013, was filed.

It was moved by Council Member Peixoto, seconded by Council Member Zermeño, and carried unanimously, to adopt the following:

Resolution 13-162, “Resolution Accepting the Resignations of Nubia Piña and Joelynn Deng from the Hayward Youth Commission and Appointing Elmer Beltran and Lilybeth Domingo to Fulfill Nubia Piña’s and Joelynn Deng’s Terms”

PUBLIC HEARING

7. Proposed Revisions Related to Hayward’s Alcoholic Beverage Outlet Regulations, Proposed New Regulations for Cabarets and Dances to Replace Hayward’s Public Dance Provisions, and Related Amendments to Zoning Ordinance Definitions and the CC-C and CG Zoning Districts; Proposed New Fees - (Text Amendment Application No. PL-2013-0175 TA); Adoption of Negative Declaration; Applicant: City of Hayward

The item was moved by Council Member Zermeño, seconded by Council Member Mendall, and carried unanimously, to continue the item to 11/12/13.

LEGISLATIVE BUSINESS

8. Introduction of an Ordinance Amending the Hayward Municipal Code by Adding Article 15 to Chapter 4 Relating to Social Nuisances

Staff report submitted by Lieutenant Koller and Assistant City Attorney Alvarado, dated November 5, 2013, was filed.

City Attorney Lawson announced the report and introduced Assistant City Attorney Alvarado and Lieutenant Koller who provided a synopsis of the report. Mr. Alvarado noted there was an amendment to Section 4-15.08 (c) of the proposed ordinance.

Mayor Sweeney opened the public hearing at 8:47 p.m.

Mr. Timothy May, Director for the Rental Housing Association, expressed support for the proposed ordinance.

Ms. Jennifer Mish, submitted a card but did not speak.

Mr. Tom Silva, Hayward property manager, supported the amendment of Section 4-15.08 (c) of the proposed ordinance related to attorney fees in an unlawful detainer action between a property owner and a tenant.

Mr. Alfredo Rodriguez, submitted a card but did not speak

Ms. Ann Cygielman, Hayward resident, spoke about problems with an apartment building on Arlette Avenue that was causing public nuisance, noted the children from the building were not supervised, and added she did not feel safe in her neighborhood.

Ms. Gail Steele, Hayward resident, expressed support for the proposed ordinance and relayed nuisance problems on Arlette Avenue which included neighbors dumping oil in front of her house and throwing garbage and rocks into her yard.

Mr. Jim Drake, Hayward resident, expressed support for the proposed ordinance and requested that the police investigate a house on Bradford Avenue that had a history of criminal activity, drugs and prostitution.

Mayor Sweeney closed the public hearing at 9:01 p.m.

Council Member Halliday offered a motion per staff recommendation including the amendment to Section 4-15.08 Penalty for Violations; Enforcement (c) by adding the following, "This section shall not be interpreted to govern attorney fees in an unlawful detainer action between a property owner and a tenant."

Council Member Zermeño seconded the motion.

Council Member Mendall supported the motion and thanked all stakeholders for their efforts.

It was moved by Council Member Halliday, seconded by Council Member Zermeño, and carried unanimously, to adopt the following with an amendment to Section 4-15.08 Penalty for Violations; Enforcement Subsection (c) by adding the following language, "This section shall not be interpreted to govern attorney fees in an unlawful detainer action between a property owner and a tenant."



**MINUTES OF THE CITY COUNCIL MEETING
OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, November 5, 2013, 7:00 p.m.**

Introduction of Ordinance 13--, “Ordinance of the City of Hayward, California Adding Article 15 to Chapter 4 of the Hayward Municipal Code Relating to Social Nuisances”

City Attorney Lawson noted that the ordinance would apply to address the nuisance behavior described by the residents on Arlette Avenue.

9. Update on Status of Exclusive Negotiating Period with Waste Management of Alameda County

Staff report submitted by Director of Public Works-Utilities & Environmental Services Ameri, dated November 5, 2013, was filed.

Director of Public Works-Utilities & Environmental Services Ameri provided a synopsis of the report. It was noted that there was a revised Attachment IV, which indicated that the Council was opting out of Phase 2 of the Alameda County Waste Management Authority’s Ordinance No. 2012-1, regarding the implementation of organics collection at multi-family developments and regulating recycling by businesses, multi-family residences and self-haulers.

Discussion ensued among Council members and City staff.

Mayor Sweeney opened the public hearing at 9:19 p.m.

Mr. Timothy May, Director for the Rental Housing Association (RHA), noted that RHA members looked forward to discussion related to Phase 2.

Mr. Jim Drake, Hayward resident, submitted a card but did not speak.

Mr. Tom Silva, Hayward resident and property manager, noted he looked forward to discussion related to organics collection and recycling for multi-family developments.

Mr. David Tucker, Waste Management of Alameda County (WMAC) representative, expressed that WMAC’s goal was to reach an agreement that would be satisfactory to the City and the residents, and he urged the Council’s support for the proposed resolutions.

Mayor Sweeney closed the public hearing at 9:23 p.m.

Council Member Halliday offered a motion per staff recommendation including the revised Resolution 13-166, which indicated that Council was opting out of coverage of Phase 2 of the Alameda County Waste Management Authority’s Ordinance No. 2012-1, regarding the implementation of organics collection at multi-family developments and regulating recycling by businesses, multi-family residences and self-haulers.

Council Member Zermeño seconded the motion.

Council Member Jones noted he would not support the motion in its entirety and indicated that he would have preferred a process in which the City issued a request for proposal because competition was a healthy process and would best serve the community. Mr. Jones added that he concurred with Resolutions 13-164, 13-165, and 13-166.

It was moved by Council Member Halliday, seconded by Council Member Zermeño, and carried with Council Member Jones voting no and with an amendment to Resolution 13-166, to adopt the following:

Resolution 13-163, “Resolution Authorizing the City Manager to Extend Exclusive Negotiations with Waste Management of Alameda County for an Additional 120-Day Period to March 14, 2014”

Resolution 13-164, “Resolution Authorizing the City Manager to Issue a Request for Proposal for Professional Services to Assist in Preparation of a Request for Proposal for Comprehensive Solid Waste and Recycling Services”

Resolution 13-165, “Resolution Authorizing Extension of the Franchise Agreement Between the City of Hayward and Waste Management of Alameda County, Inc. by One Year to May 31, 2015”

Resolution 13-166, “Resolution of the City Council of the City of Hayward Opting Out of Phase 2 of the Alameda County Waste Management Authority’s Ordinance No. 2012-1, Regarding the Implementation of Organics Collection at Multi-Family Developments and Regulating Recycling by Businesses, Multi-Family Residences and Self-Haulers”

AYES: Council Members Zermeño, Halliday, Peixoto, Salinas, Mendall
MAYOR Sweeney
NOES: Council Member Jones
ABSENT: None
ABSTAINED: None

COUNCIL REPORTS, REFERRALS, AND FUTURE AGENDA ITEMS

There were none.

ADJOURNMENT

Mayor Sweeney adjourned the meeting at 9:29 p.m., in memory of Ms. Doris McVicker and Ms. Holly Rogers.



**MINUTES OF THE CITY COUNCIL MEETING
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Tuesday, November 5, 2013, 7:00 p.m.**

Longtime Hayward resident, Ms. McVicker and her husband Donal McVicker, a retiree from the Hayward Fire Department, were the backbone of the Walpert Center for the developmentally disabled. Mayor Sweeney asked that staff work with Doris McVicker's family to find a suitable place to plant a tree in her memory.

Ms. Holly Rogers was a great leader in the Fairway Park neighborhood, was an advocate for environmental quality, was a community leader, served on the Growth Management Task Force in the early 1990s, was a longtime supporter of the Treeview Swim Club, served on interview panels for police officers, helped the Fire Department write the Hazardous Materials Plan, helped protect the Mission Hills Golf Course, and was a great mentor. Mayor Sweeney asked that staff work with Holly Roger's family to find a suitable place to plant a tree in her memory.

APPROVED:

Michael Sweeney
Mayor, City of Hayward

ATTEST:

Miriam Lens
City Clerk, City of Hayward

DATE: November 19, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Adding Article 15 to Chapter 4 of the Hayward Municipal Code Relating to Social Nuisances

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 5, 2013.

BACKGROUND

The Ordinance was introduced by Council Member Halliday at the November 5, 2013 special meeting of the City Council with the following vote:

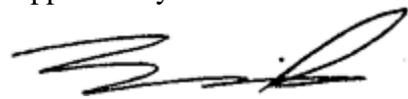
AYES:	Council Members:	Zermeño, Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	None
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The motion was carried with an amendment to Section 4-15.08 (c) by adding the following language at the end of the subsection, “This section shall not be interpreted to govern attorney fees in an unlawful detainer action between a property owner and a tenant.”

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, November 16, 2013. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I Summary of Ordinance Published on 11/16/13

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

ORDINANCE OF THE CITY OF HAYWARD, CALIFORNIA
ADDING ARTICLE 15 TO CHAPTER 4 OF THE HAYWARD
MUNICIPAL CODE RELATING TO SOCIAL NUISANCES

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Article 15 is hereby added to Chapter 4 of the Hayward Municipal Code, as set forth in Exhibit A attached hereto, to be known and referred to as the Social Nuisance Ordinance.

Section 2. If any section, subsection, paragraph or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 3. This Ordinance shall become effective thirty (30) days after adoption by the City Council.

Introduced at the regular meeting of the Hayward City Council held November 5, 2013, the above-entitled Ordinance was introduced by Council Member Halliday.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 19, 2013, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 16, 2013
Miriam Lens, City Clerk
City of Hayward

DATE: November 19, 2013

TO: Mayor and City Council

FROM: Director of Library and Community Services

SUBJECT: Authorization for the City Manager to Execute an Amendment to the Memorandum of Understanding between the City of Hayward and Alameda County Transportation Commission (ACTC) for the Central County Same Day Transportation (Paratransit Taxi) Program

RECOMMENDATION

That Council adopts a resolution authorizing the City Manager to execute an amendment to the Memorandum of Understanding (MOU) between the City of Hayward and Alameda County Transportation Commission (ACTC) to support increased ridership in the Central County Same Day Transportation (Paratransit Taxi) program.

BACKGROUND

In April 2011, ACTC authorized the use of Paratransit Gap Grant Program (GAP) funding to support Coordination and Mobility Management Planning (CMMP) pilot projects throughout Alameda County. In October 2011, Council approved a CMMP pilot program to implement a same day transportation taxi service for eligible riders (individuals 70+ years of age and individuals 18+ years of age with a certified disability) in the Hayward Paratransit service area. Known as the Central County Same Day Transportation Program, the project's initial estimated budget of \$240,000 was based on the budget of a similar program operating in southern Alameda County. At that time, Council authorized the use of \$173,256 (72% of the total estimated program cost) from available Measure B-Paratransit fund balance to support the new service in Hayward. The remaining \$66,744 (28%) of the project budget was provided by ACTC from the GAP funding designated for CMMP pilot projects.

DISCUSSION

The Central County Taxi Program was launched in August 2012, and proved immediately popular with Hayward Paratransit riders. The service has shown strong and consistent growth above projections since it was launched. Over 650 taxi rides were provided in the month of August 2013 alone, exceeding initial projections by 520%. Based on the program's immediate and consistent popularity in the Hayward service area, ACTC estimates that the

increased level of ridership will continue, and has requested an additional \$154,000 of Measure B-Paratransit funds to provide and sustain the increased service levels through the end of the pilot phase (July 31, 2014). There is sufficient Measure B-Paratransit fund balance available to support such an increase, should Council authorize it.

During the two-year pilot phase, ACTC agreed to administer the program including managing vendor contracts and issuing ride vouchers. The vendor selected to deliver taxi service to riders during the project's pilot phase is Hayward-based taxi company St. Mini Cab. The master agreement with St. Mini Cab is currently administered by ACTC. If the program continues to be successful and is extended beyond the pilot phase, ongoing program administration responsibility including administration of vendor contracts would then transition to local control.

FISCAL IMPACT

There is no fiscal impact on the City of Hayward's General Fund. Should Council authorize the City Manager to amend the MOU with ACTC, sufficient Measure B-Paratransit fund balance is available to support the increased service levels.

PUBLIC CONTACT

Presentations and public discussions about the Annual Hayward Paratransit Program Plan and the Central County Same Day Transportation pilot program were made on the following dates:

January 15, 2013: Presentation to the Hayward Paratransit Advisory Committee
March 19, 2013: Presentation to the Hayward Paratransit Advisory Committee
April 4, 2013: Accepted by ACTC's Paratransit Advisory and Planning Committee
May 21, 2013: Adopted by City Council

NEXT STEPS

Should City Council authorize the City Manager to execute an amendment to the current Memorandum of Understanding (MOU) with ACTC, staff will meet with representatives from ACTC to facilitate the execution of the amendment.

Prepared by: Dawn Jaeger, Community Services Manager

Recommended by: Sean Reinhart, Director of Library & Community Services

Approved by:



Fran David, City Manager

Attachment I: Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF HAYWARD AND ALAMEDA COUNTY TRANSPORTATION COMMISSION FOR THE CENTRAL COUNTY SAME DAY TRANSPORTATION PROGRAM

WHEREAS, Alameda County voters approved the Measure B transportation sales tax in the year 2000, and the Alameda County Transportation Commission (ACTC) annually provides Measure B funds to the City of Hayward for Paratransit services; and

WHEREAS, on April 24, 2013, City Council authorized the Annual Hayward Paratransit Program Plan; and

WHEREAS, on May 21, 2013, City Council authorized the City Manager to execute a Memorandum of Understanding between the City of Hayward and ACTC for the Central County Same Day Transportation pilot program; and

WHEREAS, the Central County Same Day Transportation program has significantly exceeded initial ridership estimates, necessitating an amendment to the aforementioned Memorandum of Understanding to support increased service levels;

NOW, THEREFORE, BE IT RESOLVED that the City Manager is authorized to execute an amendment to the aforementioned Memorandum of Understanding providing an additional \$154,000 from available Measure B-Paratransit fund balance to support increased service levels in the Central County Same Day Transportation program through July 31, 2014, in a form approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: November 19, 2013

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Park In-Lieu Fee Appropriation to the Hayward Area Recreation and Park District for the Sorensdale Kitchen Renovation Project

RECOMMENDATION

That Council approves a request for final reimbursement payment of \$457,869.28 from the in-lieu account for Zone C to the Sorensdale Recreation Center Kitchen Renovation Project, which was designed to bring the facility into compliance with the Americans with Disabilities Act (ADA).

BACKGROUND

The City of Hayward requires all subdivisions and other development of land for residential purposes to dedicate public parkland and/or pay in-lieu fees to provide for public park and recreational facilities. Under both California law (the “Quimby Act”) and the City’s ordinance, collected park-in-lieu fees may be used to acquire land for developing new parks or to rehabilitate existing parks in the park dedication zone in which the development project is located. Reimbursements from multiple zones may be made for district-wide parks and facilities.

DISCUSSION

Sorensdale Recreation Center is located at 275 Goodwin Street and has provided special-needs programs to its patrons for over thirty years. The center provides opportunities for people with intellectual disabilities to learn and practice recreational, educational, daily living, and community skill activities. Program activities include functional literacy, functional math, computer skills, communication skills, personal health skills, physical fitness, gardening, woodworking, arts and crafts, performing arts, and music. Life skills learned in the classroom are also practiced in the community.

The existing kitchen at the Sorensdale Recreation Center was built in 1954, and renovation of the kitchen was required to bring the facility into compliance with the Americans with Disabilities Act (ADA) and current Health Department codes. The kitchen renovation project also included renovation of the dishwashing room and food storage areas as well as construction of a new trash enclosure and an ADA-accessible path of travel. In February 2013, HARD provided an estimated renovation project cost of \$800,000 to the City, and the project was finished within that projected

cost. Staff confirms that there are sufficient funds in the Zone C account to complete this project (see table below).

Park In-Lieu Funds

	Zone A	Zone B	Zone C	Zone D	Zone E
Available funds	\$1,118,458.26	\$354.41	\$860,176.30	\$53,287.75	\$76,442.43
Earmarked appropriation for Greenwood Park Expansion	(\$1,091,598.70)				
Sorensdale Kitchen ADA Project (Current request)			(\$457,869.28)		
Remaining balance after the Appropriation	\$26,860.56	\$354.41	\$402,307.02	\$53,287.75	\$76,442.43

Progress reimbursement payments of \$327,756.95 for the kitchen renovation project were approved by the City Council on July 30 and September 24, 2013, and paid to HARD from the in-lieu account for Zone C. HARD now seeks a final reimbursement payment of \$457,869.28 (see attached four request letters from HARD, Attachment III). As noted in the table above, the Zone C account has sufficient funds to reimburse HARD for its final incurred costs for the project, and therefore, staff recommends approval of the proposed use of the park-in-lieu funds for final reimbursement/payment for this project.

FISCAL IMPACT

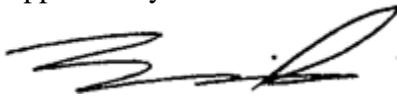
Since the funds needed for this project will be disbursed from the in-lieu park fee accounts, and were previously approved in the FY 2014 budget, , no new fiscal impacts to the City’s overall budget are anticipated.

Prepared by: Michelle Koo, RLA ASLA, Landscape Architect

Reviewed by: Pat Siefers, MPA, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

- Attachment I
- Attachment II
- Attachment III

Attachment IV

- Draft Resolution
- Location Map
- Letters of Reimbursement Request from HARD for Sorensdale Kitchen ADA Project, dated September 11 and 20, October 4 and November 6, 2013
- Park In-Lieu Zone Map

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROVING REQUEST OF HAYWARD AREA RECREATION AND PARK DISTRICT FOR APPROPRIATION OF PARK DEDICATION IN-LIEU FEES FOR THE CONSTRUCTION OF IMPROVEMENTS COMPLYING WITH AMERICANS WITH DISABILITIES ACT (ADA) AT SORENSDALE RECREATION CENTER KITCHEN

BE IT RESOLVED that the City Council of the City of Hayward does hereby approve the request of Hayward Area Recreation and Park District for appropriation of park dedication in-lieu fees in the amount of \$457,869.28, which represents the final reimbursement payment for the Sorensdale Recreation Center Americans with Disabilities Act (ADA) Compliant-Kitchen Renovation Project:

- 1. Sorensdale Recreation Center ADA Compliant-Kitchen Renovation Project –
In Lieu Zone C – \$457,869.28

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

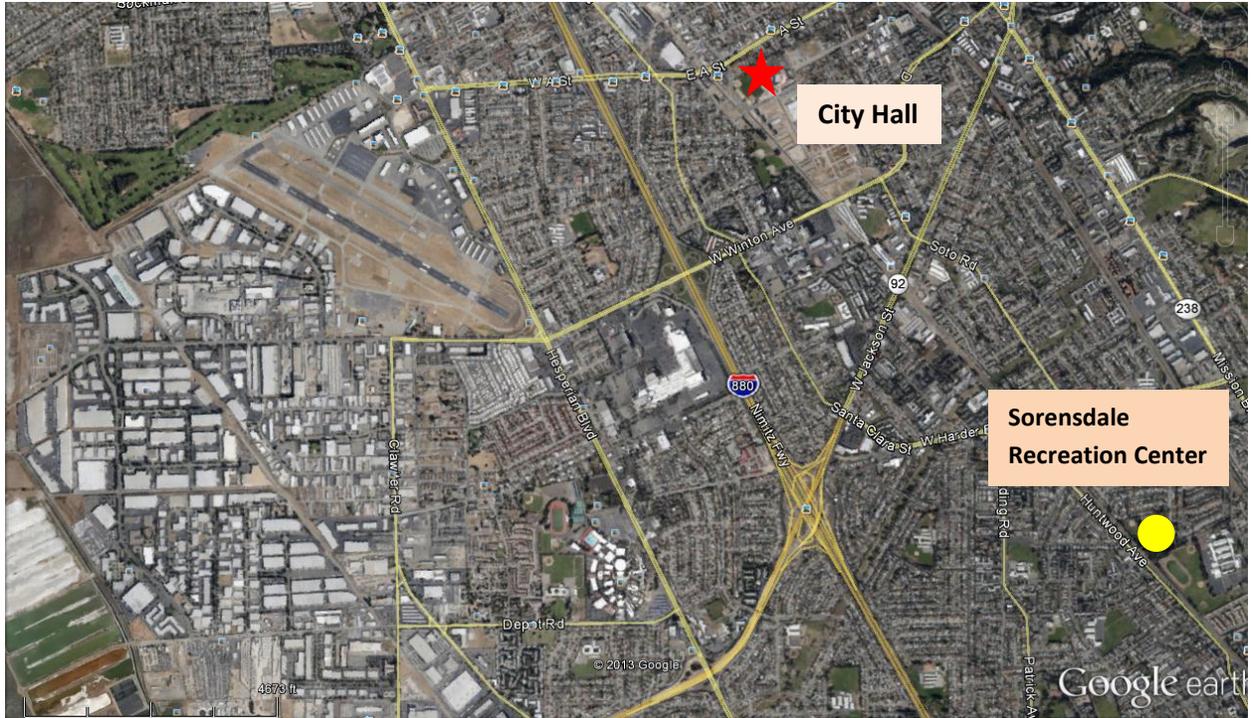
ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

 **Location Map**



November 19, 2013

HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758



September 11, 2013

Kelly McAdoo
 Assistant City Manager
 City of Hayward
 777 "B" Street
 Hayward, CA 94541

RECEIVED

SEP 16 2013

PLANNING DIVISION

RE: Sorensdale Kitchen ADA Project Request for Funds

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) submitted a request on April 10, 2013 to spend in-lieu funds for the Sorensdale Kitchen ADA Project to completely renovate the kitchen. The work is currently in progress. The upgraded kitchen will provide greater accessibility and will meet the new Health Department codes. The estimated cost for this project was \$800,000.

Thank you for the first progress payment of \$122,556.95. The Park District submitted the second progress payment of \$205,200 from the Hayward Zone C account on August 8, 2013, and is now seeking the third progress payment of **\$157,181.70**. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

Cc: Michelle Koo
 Landscape Architect
 090602 Hayward In-Lieu

BOARD OF DIRECTORS

Louis M. Andrade
 Paul W. Hodges Jr.
 Minane Jameson
 Carol A. Pereira
 Dennis M. Waespi

GENERAL MANAGER
 John Gouveia

4-021B-SORENSDALE KITCHEN UPGRADE

Asset ID	Suf	Asset Description	Acquisition Date	Acquisition Cost	Extended Description
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4-121	22	4-121B HEALTH DEPT. PLAN REVIEW	10/31/2012	\$1,150.00	K. ZABEL CC OCT 2012
4-121	23	4-121B PLAN REVISION	10/31/2012	\$625.00	GUTIERREZ/ASSOCIATES
4-121	24	4-121B KITCHEN PERMIT-CITY OF HAYWARD	12/31/2012	\$2,879.08	K.ZABEL DEC 2012 CC
4-121	25	4-121B/TEST MATERIALS	1/3/2013	\$162.00	FORENSIC ANALYTICAL
4-121	26	4-121B/TEST MATERIALS	1/17/2013	\$144.00	FORENSIC ANALYTICAL
4-121	27	4-121B/K. ZABEL FEB13 CC	2/28/2013	\$6,843.87	CITY OF HAYWARD
4-121	28	4-121B/R2388 PROF SVCS	3/28/2013	\$5,000.00	GUTIERREZ & ASSOCIATES
4-121	29	4-121B/R2459 PROGRESS PYMNT	4/11/2013	\$51,300.00	B SIDE INC.
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4-121	40	4-121B LOCATE & MARK PIPES	9/12/2013	\$250.00	C. CRUZ SUB-SURFACE LOCATORS, IN
4-121	41	4-121B/R2495 GROUND RESISTANCE TEST	9/6/2013	\$650.00	POWERNET GLOBAL SERVICES, INC

\$584,938.65



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

September 20, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541



RE: Sorensdale Kitchen ADA Project Request for Funds

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) submitted a request on April 10, 2013 to spend in-lieu funds for the Sorensdale Kitchen ADA Project to completely renovate the kitchen. The work is currently in progress. The upgraded kitchen will provide greater accessibility and will meet the new Health Department codes. The estimated cost for this project was \$800,000.

Thank you for the first progress payment of \$122,556.95. The Park District submitted the second progress payment of \$205,200 from the Hayward Zone C account on August 8, 2013, and the third progress payment of \$157,181.70 on September 11, 2013. The District is now seeking the fourth progress payment of **\$164,321.85**. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

Cc: Michelle Koo
Landscape Architect

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Paul W. Hodges Jr.
Minane Jameson
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Dennis M. Waespi

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John Gouveia

4-021B-SORENSDALE KITCHEN UPGRADE

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4-121	43	4-121B/R2459-PROGRESS PYMNT	9/19/2013	\$11,513.01	B SIDE INC.
4-121	44	4-121B/R2459-PROGRESS PYMNT	9/19/2013	\$17,225.40	B SIDE INC. & KBECK PLUMBING INC
4-121	45	4-121B/R2504-AUG 2013 PROF SVC	9/19/2013	\$3,166.77	NINYO & MOORE
4-121	46	4-121B/COMPANION FLANGE	9/19/2013	\$195.00	WHCI

\$749,260.50



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

October 4, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541



RE: Sorensdale Kitchen ADA Project Request for Funds

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) submitted a request on April 10, 2013 to spend in-lieu funds for the Sorensdale Kitchen ADA Project to completely renovate the kitchen. The work is currently in progress. The upgraded kitchen will provide greater accessibility and will meet the new Health Department codes. The estimated cost for this project was \$800,000.

Thank you for the first progress payment of \$122,556.95. The Park District submitted the second progress payment of \$205,200 from the Hayward Zone C account on August 8, 2013, and the third progress payment of \$157,181.70 on September 11, 2013 and the fourth progress payment of \$164,321.85 on September 20, 2013. The District is now seeking the fifth progress payment of **\$77,451.68**. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

Cc: Michelle Koo
Landscape Architect

BOARD OF DIRECTORS

- Louis M. Andrade
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GENERAL MANAGER

John Gouveia

4-121B-SORENSDALE KITCHEN UPGRADE

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4-121	47	4-121B/LABOR & TRAVEL CHARGE	9/26/2013	\$491.00	STANLEY CONVERGENT SECURITY SOLUTIONS,
4-121	48	4-121B/DOOR PULL/E.LITTLE SEPT 2013 CC	9/30/2013	\$90.65	WW GRAINGER
4-121	49	4-121B/GATE VALVE/GASKET/L.LEPORE 9/13CC	9/30/2013	\$429.53	GROENIGER & CO
4-121	50	4-121B/FLANGE/L.LEPORE SEPT 13 CC	9/30/2013	\$206.83	FERGUSON ENT.
4-121	51	4-121B/R2459 PROGRESS PYMNT	10/3/2013	\$5,262.05	B SIDE INC.
4-121	52	4-121B/R2459 PROGRESS PYMNT	10/3/2013	\$64,421.62	B SIDE INC.
4-121	53	4-121B/WATERLINE & REGULATOR SVCS	10/3/2013	\$990.00	GUTIERREZ & ASSOCIATES
4-121	54	4-121B/R2388 PLANS & SPECS	10/3/2013	\$5,560.00	GUTIERREZ & ASSOCIATES
				\$77,451.68	

TOTAL PROJECT COST

\$826,712.18



HAYWARD AREA RECREATION AND PARK DISTRICT

1099 'E' Street, Hayward, California 94541-5299 • Telephone (510) 881-6700 FAX (510) 888-5758

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NOV 08 2013
PLANNING DIVISION

November 6, 2013

Kelly McAdoo
Assistant City Manager
City of Hayward
777 "B" Street
Hayward, CA 94541

RE: Sorensdale Kitchen ADA Project Request for Funds

Dear Ms. McAdoo:

The Hayward Area Recreation and Park District (HARD) submitted a request on April 10, 2013 to spend in-lieu funds for the Sorensdale Kitchen ADA Project to completely renovate the kitchen. The work has been completed and the in-lieu portion of the project amounted to \$782,196.23. The upgraded kitchen will provide greater accessibility and will meet the new Health Department codes. The estimated cost for this project was \$800,000.

Thank you for the first progress payment of \$122,556.95. The Park District submitted the second progress payment of \$205,200 from the Hayward Zone C account on August 8, 2013, and the third progress payment of \$157,181.70 on September 11, 2013. The fourth progress payment of \$164,321.85 was submitted on September 20, 2013, and the fifth progress payment of \$77,451.68 was submitted on October 4, 2013. The District is now seeking the sixth and final payment of **\$58,914.05**. If you have any questions, please call me at (510) 881-6716 or email me at lepl@haywardrec.org.

Sincerely,

Larry Lepore
Superintendent of Parks

Cc: Michelle Koo
Landscape Architect

BOARD OF
DIRECTORS
Louis M. Andrade
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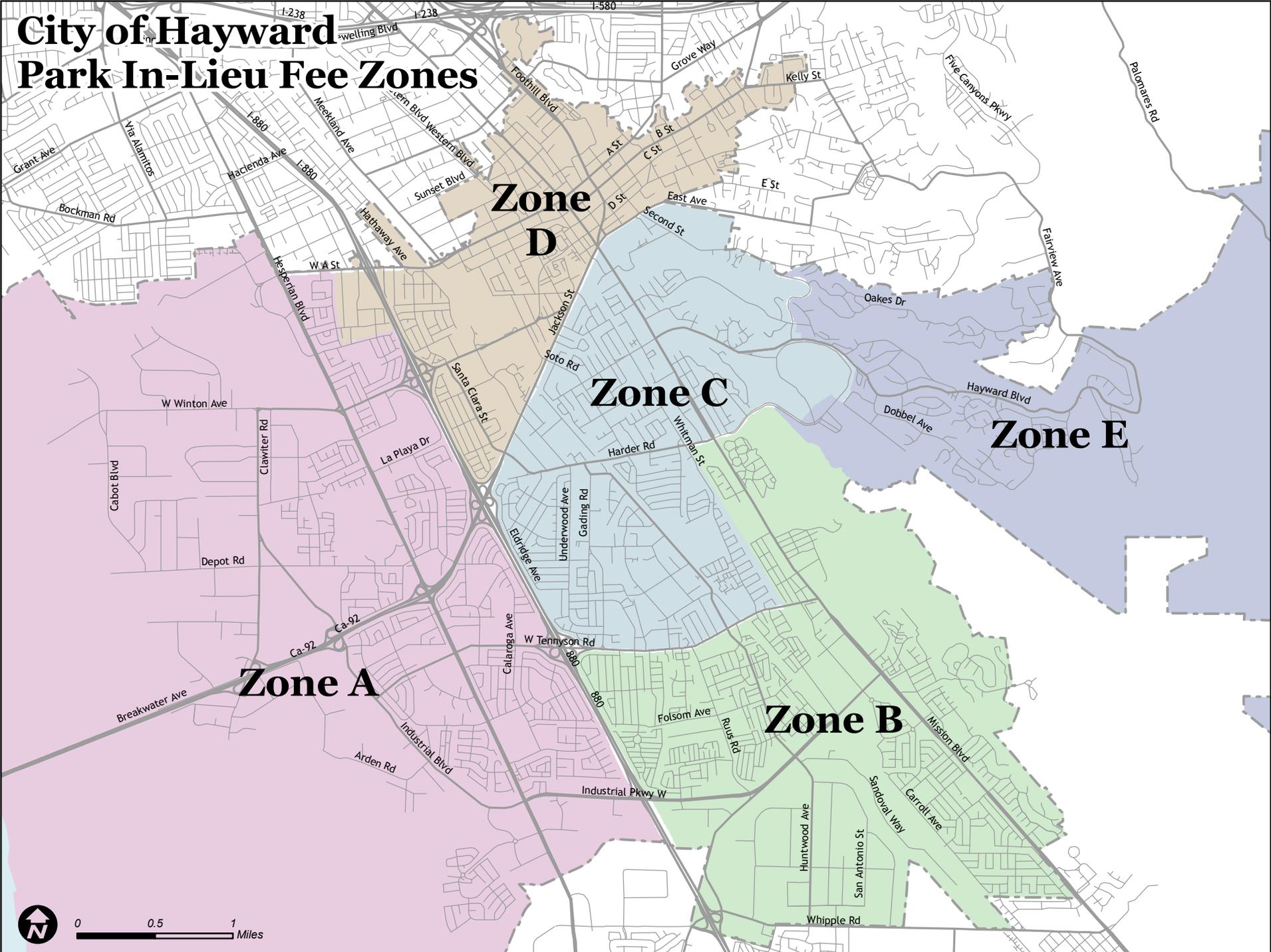
GENERAL MANAGER
John Gouveia

4-121B-SORENSDALE KITCHEN UPGRADE

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4-121	37	4-121B/R2459-PROGRESS PYMNT	8/8/2013	\$77,900.00	B SIDE INC.
4-121	38	4-121B/R2459-PROGRESS PYMNT	9/5/2013	\$113,531.70	B SIDE INC.
4-121	39	4-121B/R2459 PROGRESS PYMNT	9/12/2013	\$42,750.00	B SIDE INC
4-121	40	4-121B/R2495 GROUND TEST	9/12/2013	\$650.00	POWERNET GLOBAL SERVICES, INC
4-121	41	4-121B LOCATE & MARK PIPES	9/12/2013	\$250.00	C. CRUZ SUB-SURFACE LOCATORS INC.
4-121	42	4-121B/R2459 PROGRESS PYMNT	9/19/2013	\$132,221.67	B SIDE INC.
4-121	43	4-121B/R2459 PROGRESS PYMNT	9/19/2013	\$11,513.01	B SIDE INC.
4-121	44	4-121B/R2459 PROGRESS PYMNT	9/19/2013	\$17,225.40	B SIDE INC. & KBECK PLUMBING INC.
4-121	45	4-121B/R2504-AUG 2013 PROF SVC	9/19/2013	\$3,166.77	NINYO & MOORE
4-121	46	4-121B/COMPANION FLANGE CXC	9/19/2013	\$195.00	WHCI PLUMBING SUPPLY CO.
4-121	47	4-121B/LABOR & TRAVEL CHARGE	9/26/2013	\$491.00	STANLEY CONVERGENT SECURITY SOLUTIONS,
4-121	48	4-121B/DOOR PULL/E.LITTLE SEPT 2013 CC	9/30/2013	\$90.65	WW GRAINGER
4-121	49	4-121B/GATE VALVE/GASKET/L.LEPORE 9/13CC	9/30/2013	\$429.53	GROENIGER & CO
4-121	50	4-121B/FLANGE/L.LEPORE SEPT 13 CC	9/30/2013	\$206.83	FERGUSON ENT.
4-121	51	4-121B/R2459 PROGRESS PYMNT	10/3/2013	\$5,262.05	B SIDE INC.
4-121	52	4-121B/R2459 PROGRESS PYMNT	10/3/2013	\$64,421.62	B SIDE INC.
4-121	53	4-121B/WATERLINE & REGULATOR SVCS	10/3/2013	\$990.00	GUTIERREZ & ASSOCIATES
4-121	54	4-121B/R2388 PLANS & SPECS	10/3/2013	\$5,560.00	GUTIERREZ & ASSOCIATES
4-121	55	4-121B/SYSTEM SOUNDING	10/10/2013	\$231.00	STANLEY CONVERGENT SECURITY SOLUTIONS,
4-121	56	4-121B/PLUG	10/17/2013	\$6.07	EAST BAY LAWN MOWER
	57	4-121B/ELECTRICAL WORK	10/31/2013	\$1,879.33	HARVEY ELECTRIC

4-121	58 4-121B/ABATEMENT	10/31/2013		\$8,160.00	SYNERGY ENTERPISES, INC
4-121	59 4-121B/ FINAL PYMNT	10/31/2013	\$	45,207.65	B SIDE INC.
4-121	60 4-121B/TESTING/OBSERVATION	11/6/2013		\$1,012.00	NINYO & MOORE
4-121	61 4-121N/CERTIFIED FINAL REPORT	11/6/2013	\$	500.00	NINYO & MOORE
4-121	62 4-121B/GUTTER	11/6/2013		\$850.00	JEFCO
4-121	63 4-121B/ENVIR HEALTH	11/6/2013	\$	1,068.00	CO OF ALAMEDA ENVIRONMENTAL HEALTH
	TOTAL PROJECT COST			\$885,626.23	

City of Hayward Park In-Lieu Fee Zones





DATE: November 19, 2013

TO: Mayor and City Council

FROM: Director of Public Works –Utilities & Environmental Services

SUBJECT: Sewer Collection System Master Plan: Authorization for the City Manager to Execute an Amendment to the Existing Professional Services Agreement with RMC Water and Environment

RECOMMENDATION

That Council adopts the attached resolution:

1. Authorizing the City Manager to execute an amendment to the existing Professional Services Agreement with RMC Water and Environment for preparation of the Sewer Collection System Master Plan, to include an additional \$85,000 for sewer flow monitoring and recalibration of the hydraulic model, which would increase the total contract not-to-exceed amount to \$455,000; and
2. Appropriating \$85,000 in the Sewer System Improvement Fund.

BACKGROUND

The City's sewer collection system consists of approximately 350 miles of gravity sewers, three miles of force mains, and nine lift stations. The system serves approximately 33,000 residential properties and commercial/industrial users, with an average dry weather flow of twelve million gallons per day (MGD) and an average maximum daily wet weather flow of twenty-three MGD. Sewer collection system master plans are typically updated every ten years or so to evaluate current system performance and identify future needed capital improvements.

On July 17, 2012, the City entered an agreement with RMC Water and Environment, in the amount of \$370,000, to provide professional engineering services to update the sewer collection system master plan, with a focus on system capacity analysis, such as capacity of pipelines, wastewater flow volumes, storm condition impacts, and the performance of wastewater pumping systems. As part of this work, the consultant calibrates a hydraulic model of the sewer collection system to determine whether adequate capacity exists for current and future flows.

DISCUSSION

A key element of utilizing a hydraulic model is to quantify actual dry and wet weather wastewater flows, infiltration and inflow into the system, the length of time wastewater takes to flow from one manhole or utility structure to the next, and the volumes of wastewater at each input point. Staff identified twenty monitoring sites throughout the City to ensure representative data and reliable modeling. Flow monitoring was conducted beginning in December 2012 through April 2013, and

the results were incorporated into the hydraulic model. However, due to unusually dry conditions this past winter, total precipitation was significantly below the average annual rainfall for the Hayward area and therefore not representative of normal conditions. In order to gather more representative data so that the hydraulic model can yield meaningful and usable results, flow monitoring must again be performed during the upcoming wet weather season and the model must be calibrated to reflect the new data.

RMC has indicated that the cost for the additional monitoring and model recalibration will not exceed \$85,000, which staff considers commensurate with the level of effort. This amount reflects a concession from RMC not to include any overhead on the cost of flow monitoring, which is performed by a subcontractor. The monitoring and assessment will be used to generate reliable and data-based recommended system improvements for inclusion in the sewer system’s capital improvement planning.

FISCAL IMPACT

The estimated project costs are as follows:

Master Planning and Engineering Services (original agreement)	\$ 370,000
Additional Flow Monitoring for 2013/14 Wet Season (this action)	85,000
Project Administration – City Staff	30,000
Total:	<u>\$ 485,000</u>

A total of \$400,000 is appropriated for this project in the Sewer Capital Improvement Fund in the FY 2014 Capital Improvement Program. There are sufficient monies in the Sewer Capital Improvement Fund balance to appropriate \$85,000 for additional flow monitoring and update of the hydraulic model.

SCHEDULE

The estimated schedule for this project is summarized as follows:

Execute Professional Service Agreement Amendment	November 2013
Complete Additional Sewer System Flow Monitoring	By April 2014
Master Plan Completion	June 2014

Prepared by: Henry Louie, Senior Utilities Engineer

Recommended by: Alex Ameri, Director of Public Works – Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachment: Attachment I - Resolution

HAYWARD CITY COUNCIL
RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EXISTING PROFESSIONAL SERVICES AGREEMENT WITH RMC WATER AND ENVIRONMENT, AND APPROPRIATING \$85,000 IN THE SEWER IMPROVEMENT FUND FOR ADDITIONAL SEWER FLOW MONITORING AND RECALIBRATION OF THE COLLECTION SYSTEM HYDRAULIC MODEL FOR THE SEWER COLLECTION SYSTEM MASTER PLAN, PROJECT NO. 07522

WHEREAS, the City entered an agreement with RMC Water and Environment on July 17, 2012 to update the Sewer Collection System Master Plan; and

WHEREAS, due to an extraordinarily dry winter season in 2012 and 2013, the City’s rainfall was significantly below the annual average for the Hayward area; and

WHEREAS, in order to accurately calibrate the hydraulic model to represent typical wet weather flows, additional sewer flow monitoring is required.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to execute an amendment to the existing Professional Services Agreement with RMC Water and Environment for an additional \$85,000 for sewer flow monitoring and recalibration of the hydraulic model, which would result in a total not-to-exceed amount of \$455,000 for the Sewer Collection System Master Plan, Project No. 07522, in a form to be approved by the City Attorney.

BE IT FURTHER RESOLVED by the City Council of the City of Hayward that \$85,000 is hereby appropriated in the Sewer Improvement Fund for additional sewer flow monitoring and recalibration of the collection system hydraulic model for the Sewer Collection System Master Plan, Project No. 07522.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



DATE: November 19, 2013

TO: Mayor and City Council

FROM: Director of Public Works - Utilities & Environmental Services

SUBJECT: Authorization for the City Manager to Execute a Professional Services Agreement for Design and Construction Administration Services to Convert an Existing Gravity Thickener to a New Primary Clarifier at Water Pollution Control Facility

RECOMMENDATION

That Council adopts the attached resolution authorizing the City Manager to execute a Professional Services Agreement with Brown and Caldwell for design and engineering services during construction for a project to convert an existing Gravity Thickener to a New Primary Clarifier at WPCF in an amount not to exceed \$320,000.

BACKGROUND

In 2001, Brown and Caldwell completed a Water Pollution Control Facilities (WPCF) Master Plan that concluded the existing three primary clarifiers did not have adequate primary clarification capacity to handle the future wastewater flows. The primary clarifiers are tanks used to purify liquids by allowing biosolids to settle while grease and oils rise to the surface and are skimmed off. The 2001 Master Plan recommended constructing a fourth primary clarifier. A current Master Plan Update, which is expected to be finalized next month, has confirmed that need. Until about twenty years ago, as a component of its primary treatment, WPCF utilized a "Gravity Thickener" which is used to concentrate solids. The structure, which has not been in use for the past twenty years, is located adjacent to the three existing primary clarifier and its shape and design lends itself to conversion to a primary clarifier. In the interest of efficient use of available space and resources, staff has decided to proceed with the recommendation and convert the decommissioned existing gravity thickener to a new primary clarifier.

The major components of the work include: 1) demolish the existing gravity thickener's polystyrene dome and all apparatus inside; 2) apply new coating to the concrete wall and floor surfaces for structural repair and corrosion protection; and 3) convert it to a new primary clarifier.

DISCUSSION

On June 12, 2013, a Request for Proposals to provide engineering services to convert the gravity thickener to a new primary clarifier at WPCF was sent to four engineering consultants. On July 15, 2013, four proposals were received from Brown and Caldwell, HDR Inc., Kennedy/Jenks Consultants, and Lee and Ro, Inc. After reviewing the proposals, staff realized that because some aspects of the condition of the existing structure were unknown, consultants had made varying assumptions regarding condition and presence of hazardous materials, which had contributed to conservative assumptions. Two unknowns were presence of hazardous materials in the tank and the structural integrity of the concrete wall and floor slab. In order to obtain a more realistic design cost, staff decided to perform the needed hazardous material and structural inspections of the existing structure before selection of a consultant. The inspections, testing and analytical work were performed and completed in mid-October. Staff provided the results to the four engineering consultants and requested revised proposals by November 1, 2013, taking into consideration the new information.

A total of three revised proposals were received with Lee and Ro, Inc., deciding not to submit since in the interim they had decided to close their local Bay Area office. After reviewing the revised proposals, staff has determined Brown and Caldwell to be the best qualified firm to perform the work based on its approach, experience with similar projects, qualifications of the team, and reasonableness of level of effort and rates. Therefore, staff recommends executing a professional services agreement with Brown and Caldwell to provide design and engineering services during construction for this project. A detailed scope of work and a proposal fee of \$320,000 have been negotiated with Brown and Caldwell. The not-to-exceed amount of \$320,000 for the professional services agreement will allow \$47,000 for additional services which may be needed during various phases of the project. The additional service is higher than the amount for new designs because the Gravity Thickener was constructed over 40 years ago, and despite efforts to review its existing conditions, not all aspects of its design and construction are known. The higher additional services amount is to cover design and construction service cost that may be necessary to account for these unknown variables.

FISCAL AND ECONOMIC IMPACT

The estimated project costs are as follows:

<u>Design and Construction Administration Services</u>	
Consultant	\$320,000
Design Administration – City Staff	70,000
Construction Contract (Estimated)	1,920,000
Inspection and Testing (Estimated)	<u>90,000</u>
Total	\$2,400,000

The FY2013 Capital Improvement Program includes \$2,430,000 for this project in the Sewer Capital Improvement Fund.

PUBLIC CONTACT

Construction will take place inside the WPCF. Activities during construction should have no impact to the businesses in the vicinity. Nonetheless, prior to start of construction, staff will contact nearby businesses to inform them of the project.

SCHEDULE

The estimated schedule for this project is summarized as follows:

Design Phase:

Begin design	December 2013
Complete plans and specifications	July 2014

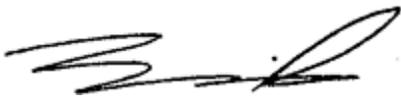
Construction Phase:

Call for bids (Council Action)	September 2014
Open Bids	October 2014
Award of Construction Contract (Council Action)	November 2014
Begin Construction	December 2014
Construction Completion	December 2015

Prepared by: Thomas Lam, Associate Civil Engineer

Recommended by: Alex Ameri, Director of Public Works – Utilities & Environmental Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I - Draft Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH BROWN AND CALDWELL FOR DESIGN AND ENGINEERING SERVICES DURING CONSTRUCTION TO CONVERT A GRAVITY THICKENER TO A NEW PRIMARY CLARIFIER AT WATER POLLUTION CONTROL FACILITY (WPCF), PROJECT NO. 7515

BE IT RESOLVED by the City Council of the City of Hayward that the City Manager is hereby authorized and directed to negotiate and execute a Professional Services Agreement with Brown and Caldwell for design and engineering services during construction for the project titled Convert Gravity Thickener to New Primary Clarifier at WPCF, in an amount not to exceed \$320,000, in a form to be approved by the City Attorney.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: November 19, 2013
TO: Mayor and City Council
FROM: Chief of Police
SUBJECT: Acceptance of the 2013 COPS Hiring Grant Award

RECOMMENDATION

That Council authorizes the City Manager to: (1) accept the 2013 COPS Hiring Grant Award; (2) sign an MOU with the Hayward Unified School District (HUSD) that includes a provision to equally share the projected cost of the grant's match; and (3) authorize expenditure of City funds in the amount of \$581,357.49 over the four-year grant term toward the grant match.

BACKGROUND AND DISCUSSION

On June 4, 2013, the Police Department applied for the United States Department of Justice, Office of Community Oriented Policing Services (COPS) Hiring Program Grant. The grant offered partial reimbursement (75% of the salary and benefits or \$25,000 per year, whichever is less) for hiring new, or restoring laid-off police officer positions for three years, and it required a fourth, unreimbursed "retention year," which would in essence require 100% local funding of the positions in the fourth year. Applicants were allowed to include a statement of economic hardship in support of a partial waiver of the match (unreimbursed projected actual costs). Preference was given to applications addressing school safety issues. The City's application requested two school resource officers (SRO's) with a waiver that would result in 50% grant funding for the first three years.

The addition of two SRO's were projected to leverage the existing core of six police officers assigned to this program and bring the full range of SRO services and programs into all HUSD feeder middle and elementary schools. This would include gang awareness and resistance training in the elementary schools. Additionally, this could provide the resources necessary to update facility security plans and training throughout the School District.

On September 17th, Hayward's selection for funding was announced at a local press conference. On September 27th, the City received written notification of the award amount, and confirmation that it did not include the requested waiver. The City's total grant award is \$250,000. The total cost of two officers for four years is \$1,412,715. While this is a limited grant funding level, a partnership with HUSD to share in the cost of the required match makes this a more attractive opportunity. This Fiscal Impact section below further outlines the financial implications of the grant to the City.

The day after the press conference, HUSD staff proposed a financial partnership to help offset the cost of accepting the grant to the City. On September 25th, the School Board voted to “conceptually” approve a fifty-fifty partnership in sharing the cost of adding these two SRO’s. Following up this vote, and addressing a condition of acceptance for this grant, an MOU with HUSD was created. Based on the existing annual SRO Contract, it added the detail necessary to implement the cost sharing partnership, was pre-approved by the City Attorney’s Office and approved at the November 13th School Board Meeting.

School safety is an apex issue locally and nationally. The perceived quality of Hayward schools is at the foundation of the City’s economic health, and the actual effectiveness of schools starts with a safe environment. The acceptance of this grant will bring an additional level of resources to support this core community issue.

ECONOMIC IMPACT

As stated under the above section, a public perception of high quality education will cascade through our local economy and will improve every aspect of it.

FISCAL IMPACT

This grant’s premise is based on hiring entry level police officers, at the first pay step, and assumes that they will succeed in training and advance at the normal rate. The budget is based on an average police officer salary and benefit cost of \$176,589 per year. Below is a summary of the average cost and matching requirements over the four year term of the grant.

Two New Police Officers/Four Years:	\$1,412,715
Less Grant Award Value:.....	(\$250,000)
Less HUSD Partnership:	(\$581,357)
Four Year Cost to the City:	\$581,357
Average Annual Cost to the City	\$145,339

The City will attempt to fund its share of the grant match for all four years through General Fund vacancy savings, which are a result of normal staffing attrition. No additional funding appropriation is anticipated at this time. Prior to the conclusion of the grant in June 2018, the City will need to reassess the viability of retaining these positions.

The plan for this grant is to extend the award period to coincide with the beginning of the 2014-15 school year (i.e. beginning July 2014). For that reason, should this recommendation be accepted, there will be no impact to the current FY 2014 budget.

NEXT STEPS

Should Council approve this resolution, staff will formally accept the award from the COPS Office, execute the MOU with HUSD, and prepare for the hiring of two new police officer positions.

If not approved, the City will decline the grant award and retain the existing staffing and service levels.

Prepared by: Bob Davis, Administrative Analyst III

Recommended by: Diane E. Urban, Chief of Police

Approved by:



Fran David, City Manager

Attachment I Resolution

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT THE 2013 COPS HIRING GRANT AWARD, AUTHORIZING THE CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE HAYWARD UNIFIED SCHOOL DISTRICT FOR SHARING COSTS RELATED TO THE GRANT AND AUTHORIZING EXPENDITURE OF CITY FUNDS IN THE AMOUNT OF \$581,357.49 OVER THE FOUR-YEAR GRANT TERM TOWARD THE GRANT MATCH

WHEREAS, the City of Hayward was selected to receive \$250,000 of grant funding by the US Department of Justice, Office of Community Oriented Policing Services under the 2013 COPS Hiring Grant program; and

WHEREAS, the award will offset part of the cost of two School Resource Officers for four years; and

WHEREAS, the Hayward Unified School District has agreed to pay \$581,357, or half of the projected cost to the City to accept this award; and

WHEREAS, it is beneficial to the City of Hayward to support student safety in our schools;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hayward authorizes the City Manager to accept the 2013 COPS Hiring Grant award and authorizes the City Manager to execute all agreements related to the grant including a Memorandum of Understanding with the Hayward Unified School District that includes a provision for sharing costs related to the grant, in a form approved by the City Attorney;

BE IT FURTHER RESOLVED, that the City Council of the City of Hayward authorizes the expenditure of City funds in the amount of \$581,357.49 over the four-year grant term toward the grant match.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DATE: November 19, 2013

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application (No. PL-2013-0097 TA) to add “Health Club” and “Kennel Ancillary to Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care Only)” as an administrative use in the Central Business Zoning District (Hayward Municipal Code Section 10-1.1300); and approval of Site Plan Review for a 44,983 square-foot health club at 24518 Hesperian Boulevard (Southland Mall property). Sean Wood for Rouse Properties Inc. (Applicant/Owner)

RECOMMENDATION

Staff recommends that the City Council adopts the attached resolution (Attachment I) approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, text amendment and site plan review application (Attachment IV), and introduces the attached ordinance (Attachment II) approving the requested text amendment.

SUMMARY

The Planning Commission and staff support approval of the text amendment and site plan review application, which would allow the proposed health club at the Southland Mall site. An additional health club in the City of Hayward would provide a facility that encourages physical activity by providing amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient childcare for health club patrons. Such a facility is supported by policies in the draft General Plan and the adopted policies of the California Cities’ “Healthy Eating Active Living” (HEAL) campaign. Furthermore, staff supports approval of the text amendment because an opportunity will be provided for pet boarding and pet day care facilities, which are services that are increasing in demand and are lacking at Southland Mall.

Finally, the proposed health club building would not preclude a future grocery store being developed at Southland Mall to replace the previously existing *Lucky’s* supermarket, a use that has been requested for some time by the surrounding neighborhoods and that would provide access to healthy foods, which is also supported by HEAL campaign and new draft General Plan policies.

BACKGROUND

Local Setting - The site of the proposed health club is an 18.43-acre parcel at Southland Mall and is near the intersection (near the southeastern corner) of Hesperian Boulevard and Southland Drive. The project site consists of a vacant supermarket building, 3,000-square-foot loading dock, and 8,600 square feet of a retail space that is attached to the market loading dock. The site is surrounded by surface parking to the north, west and east, and attached to a retail commercial store to the south.

Adjacent businesses include *Wells Fargo Bank*, *Mimi's Café*, and a *Chevron* gasoline service station to the north. All are within the Central Business Zoning District.

Hayward Executive Airport Land Use Compatibility Plan - The proposed health club would be located within Safety Compatibility Zone 2 of the Hayward Executive Airport Land Use Compatibility Plan (ALUCP). Under California law, applications for development on property within an ALUCP area must be submitted to the Airport Land Use Commission (ALUC) for review. Because of the project's location, an application was submitted to the ALUC for review on August 13, 2013. On September 18, 2013, the ALUC conducted a hearing on the application but took no action. Because the ALUC did not take formal action disapproving the project or finding the project inconsistent with the ALUCP, an overrule action by the City Council is not required.

HEAL Campaign - In July of 2011, the City Council adopted a "Resolution for City of Hayward to Join the League of California Cities' 'Healthy Eating Active Living (HEAL) Cities' Campaign." This campaign is to encourage cities to embrace policies that facilitate activities to promote healthier lifestyles and communities, including healthy diet and nutrition, and adoption of city design and planning principles that enable citizens of all ages and abilities to undertake exercise. The staff report and resolution are available as agenda item #4 at <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2011/CCA11PDF/cca072611full.pdf>. The resolution contains policies that deal with the built environment. The policies that support the approval of the proposed health club and the text amendment include:

- "Revise zoning ordinances to increase opportunities for physical activity."
- "Plan and construct a built environment that encourages, walking, biking and other forms of physical activity."

Planning Commission Action - On October 17, 2013, the Planning Commission unanimously recommended that the City Council approve the proposed text amendment, the proposed site plan review application, and associated Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The Commission expressed support for the text amendment and site plan review noting that the opportunity for additional uses at Southland Mall and the construction of the City Sport Club would further the economic viability of Southland Mall (see draft meeting minutes, Attachment V). The Planning Commission expressed concern regarding the absence of a grocery store in the area around Southland Mall, but was assured by the representative for Rouse Properties, the project applicant and new owner of Southland Mall, that

they were actively seeking retailers to fill this community need. Mr. Ed Bogue, President of the Southgate Area Homeowners Association, expressed support for the project when assured that the applicant is making an effort to secure a grocery store. In addition, Mr. Bogue supported the project because of the applicant's ongoing effort to provide needed services to the surrounding community by attracting restaurants and retailers, and making improvements to the mall.

One of the Planning Commissioners requested that the lap pool in City Sports Club be ADA accessible. The motion for recommending approval of the project reflected the request, and the recommended conditions of approval reflect such action (see Condition #50 in Exhibit A to Attachment I). In addition, this is a requirement of the California Building Code for publicly accessible pools under ADA.

In addition, the Planning Commissioners discussed their support of an overrule of the ALUCP so that the economic viability of Southland Mall is not jeopardized by requiring another layer of review resulting in delaying approvals of projects and possibly driving away potential retailers. The City will be engaging a consultant to further study options and develop a strategy to address such concerns.

DISCUSSION

Proposed Health Club Description – The project entails the demolition of an existing approximately 30,000-square-foot vacant *former Lucky's* supermarket building, demolition of a 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space, to allow the construction and operation of a 44,983-square-foot health club that will be attached to an adjacent existing retail building at Southland Mall. The building would be 40 feet tall from finished grade to the flat roof.

The design of the health club would be similar to the *City Sports Club* located at 2401 Whipple Road. The multi-textured, contemporary designed building will be finished with earth-toned brick veneer, masonry split-face, and cornices and molding. The building will be an attractive addition to the Southland Mall. The entrance to the health club will be located on the north end of the building facing Southland Drive. This elevation will contain large panels of windows surrounded by decorative cornices. This entrance is enhanced by a crown and canopy feature located above the *City Sports Club* business sign located on a masonry split-face façade. The west (facing Hesperian Boulevard) and east (facing the interior of the Southland Mall site) elevations near the east face of the building will contain a bank of faux windows surrounded by a brick veneer. The west and east elevations will also contain four graphic panels, in sets of two, surrounded by brick veneer and accented with cornice and molding. The south elevation will be attached to the existing retail space (see Attachment VI – Plans).

The interior of the building is proposed to include a basketball court, three racquetball courts, a personal training room, a cycling room, a free weights area, circuits and cardio located in the middle of the facility, an aerobics room, men's and women's locker rooms, showers and restrooms, a twenty-five yard lap pool and spa. The health club will also contain a juice bar, a small retail store, childcare area for the children of members working out known as "Kids Klub," and reception and sales offices (see Attachment VI – Plans).

There is adequate parking for the patrons of the health club. According to a trip generation analysis, the health club would generate fewer PM peak-hour vehicle trips than the market and retail uses did, which are to be demolished. The following is an analysis of the trips that would be generated by the health club:

New use:

Health Club – 45,000 square feet x 3.53 trips/1000 square feet = 159 trips

Previous uses:

Grocery Store – 30,000 square feet x 10.50 trips/1000 square feet = 315 trips

Retail – 8,600 square feet x 2.71 trips/1000 = 23 trips

Net reduction -179 trips

There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project generates fewer trips than did the *Lucky's* supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, there will be a less-than-significant impact to traffic, as more fully explained in the attached Mitigated Negative Declaration.

According to the applicant, the proposed hours of operation of the health club would be 5:00 am to 12:00 am daily. The Planning Commission supported these hours of operation.

Potential for Future Grocery Store –Staff has expressed concern to the applicant that the neighborhood became underserved with the closing of *Lucky's* supermarket. Therefore, the applicant submitted a site plan that indicates a vacant retail space adjacent and south of the proposed health club comparable in size to the former *Lucky's* supermarket that could be available for a future grocery store (see Attachment VI- page 1). A grocery store at this location would meet the policies of HEAL and the proposed Community Health and Quality of Life Element of the General Plan (see discussion below). The applicant's leasing team has met with a variety of grocery stores; however, there has not been substantial interest to date. Hayward's Economic Development Manager has offered to assist with securing a tenant for this retail space.

The policies of HEAL and the proposed Community Health and Quality of Life Element of the General Plan relate to the goal of facilitating healthy eating. The applicable policies in the draft General Plan element are:

- “The City shall strive to ensure that all residents are within walking distance of sources of fresh and healthy foods (e.g., grocery stores, healthy corner stores, farmers’ markets, and community gardens (HQL-3.1 - Access to Healthy Foods).”
- “The City shall support and consider incentives to encourage the development of new retail venues that sell local, fresh produce, including farmers’ markets, community –supported agriculture programs, and grocery stores, especially in underserved areas and near schools (HQL-3.2 - New Healthy Food Venues).”

A specific policy of HEAL is to “[f]acilitate the siting of new grocery stores, where possible, to increase public access to healthy food in underserved communities, including access to fresh fruits and vegetables.”

ALUCP Implications - The indicated potential future grocery store site to the south of the proposed health club building is located within Safety Compatibility Zone 3 of the ALUCP. The occupancy levels allowed for a retail store or a grocery store are the same, per the California Building Code, and therefore, the number of occupants of a future similarly sized grocery store would be no more than what the retail space could accommodate. However, until the City were to take an overrule action on the entire or relevant portions of the ALUCP, a proposal for a new grocery store at this site would be required to be submitted to the ALUC for review for consistency with the ALUCP. If the ALUC does not find that the project is consistent, then the City of Hayward could move forward with an overrule of that decision (or the entire ALUCP) to assure that the policies of the HEAL campaign and the proposed General Plan can be met.

Protection of economic development efforts at Southland Mall has been an ongoing concern of the City Council. Therefore, staff is currently moving forward with hiring a consultant to assist in developing findings and/or strategy related to an overrule of the entire ALUCP document scheduled for Planning Commission and City Council review in the Spring of 2014. With an adopted overrule, proposed projects within the Airport Influence Area would not be subject to ALUC review and only subject to City of Hayward review, thereby potentially decreasing the time required for project approval.

Text Amendment Project Description – The application request consists of a text amendment to add “Health Club” and “Kennel” ancillary to “Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care only)” as an administrative use in the Central Business Zoning District, where Southland Mall is located. The text amendment, along with approval of the site plan review application, would facilitate the construction of a 44,983-square-foot health club and would increase Southland’s ability to attract other desired uses.

Southland Mall does have a physical fitness studio, *Planet Fitness*. The addition of “Health Club” as a primary use in the Central Business District is necessary in order to construct the proposed facility, which would contain a swimming pool, locker rooms, etc. The existing definition of “Physical Fitness Studio,” related to the existing *Planet Fitness* studio, states: “[d]oes not include facilities typically of large health clubs such as, showers, a pool, racquetball or tennis courts.” “Health Club” is defined as “[a]n establishment which provides physical fitness equipment, classes, and facilities such as racquetball and tennis courts and/or swimming pools for patrons to use for a fee.”

The applicant has taken this opportunity to also request that the Zoning Ordinance be amended to add “Pet Boarding and Pet Day Care” as authorized uses in the Central Business District. These facilities are commonly offered at pet stores and at regional shopping centers. The addition of these uses will increase the economic viability of Southland Mall and provide options for Hayward residents for such services.

Text Amendment Findings – In order for the text amendment to be approved, the following findings must be made. Staff provides reasons below to support the findings, which are incorporated in the

attached resolution (Attachment I). The applicant's responses to the findings are included as Attachment VII to this report.

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

The proposed text amendments will promote the public health, safety, convenience, and general welfare of the residents of Hayward by providing the opportunity for an additional health club in the City of Hayward. In addition, the health club will provide amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient childcare for health club patrons. Furthermore, the text amendment will provide an opportunity for pet boarding and pet day care facilities, which are services that are currently not available at Southland Mall.

B. The proposed change is in conformance with all applicable, officially adopted policies and plans.

The proposed text amendments are in conformance with all applicable, officially adopted City policies. The stated purpose of the Central Business District is to "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The addition of "Health Club," "Kennel Ancillary to Pet Store," and "Kennel" (Pet Boarding and Pet Day Care, Only) as permitted uses will provide more opportunity for retail, services and recreation facilities at Southland Mall, which will better serve the residents, employees and visitors to the City with minimal impacts. In addition, the proposed text amendments are in conformance with the City Council's resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "[r]evise zoning ordinances to increase opportunities for physical activity" and "[p]lan and construct a built environment that encourages, walking, biking and other forms of physical activity."

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

No properties are proposed to be reclassified; however, uses are proposed to be added to the Central Business District zoning regulations. It has been determined through environmental analysis that the proposed health club construction and operation can be accommodated by existing streets, and future additional kennels or boarding facilities for pets would not impact the capacity of streets to accommodate those uses. There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project will generate fewer trips than did the *Lucky's* Supermarket and retail space, there will be less of an impact on these routes caused by this project. In addition, it has been determined through environmental analysis that the proposed health club construction and operation and the future additional kennels or boarding facilities for pets will not impact fire protection, police protection, schools and parks. Furthermore, it has been determined that waste water treatment facilities, landfills, water supplies, and storm water drainage facilities

have the capacity to serve the proposed health club and future kennels or boarding facilities for pets.

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

No properties are proposed to be reclassified. The proposed text amendment would provide opportunity for additional uses at Southland Mall in the Central Business Zoning District. As the result of the introduction of health club as a primary use in the Central Business District, *City Sports Club* will be built and offer amenities that are not currently available at Southland Mall. The amenities include a swimming pool, racquetball courts, a basketball court and child care for patrons using the health club facilities.

Furthermore, the addition of kennels (ancillary to pet stores) and kennels (pet boarding and pet day care only) as allowed uses provides the opportunity for pet boarding facilities at Southland Mall. The pet boarding facilities would provide a convenient option for Hayward residents to provide care for their pets when they are out of town. These proposed uses are compatible with existing primary and conditional uses in the Central Business District in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. The potential for noise from the operation of pet boarding and pet day care will be minimal on adjacent businesses and will not affect residential properties due to the distance of these uses from residential neighborhoods. In addition, the potential for fugitive dust and dirt will be reduced through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses, including *Mimi's Café*, *Wells Fargo Bank* and the remaining retail space. Since all uses of the health club will be contained within the building, exterior noise will not be generated by the operation of the health club. Traffic generated during the proposed daily hours of operation of 5:00 am to midnight is not expected to exceed the traffic generated by the former use of the site. Since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

Site Plan Review Findings - In order for the Site Plan Review application to be approved, the following findings must be made, which are also incorporated into the attached resolution.

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

The proposed health club is compatible with on-site and surrounding structures and uses and is an attractive addition to the City and Southland Mall in that the health club structure is designed to be compatible with the surrounding structures, including restaurants, retail, and commercial uses surrounding the health club and the site. The development is also compatible with surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, such as the main Southland Mall building/complex,

while others are smaller, such as the free-standing restaurants on the Mall property. The structure is designed and detailed to be an attractive addition to the City. In addition, the project will meet current landscape and development standards.

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

The proposed health club meets the development standards and the criteria specified in the Hayward Design Guidelines. The building meets height, lot coverage, landscape, and parking standards. The site of the proposed health club is within the Hayward Executive Airport Land Use Compatibility Plan's Safety Compatibility Zone 2; the entire parcel is split between Safety Compatibility Zones 2 and 3. Environmental analysis has been completed and it was determined that the proposed 40-foot height (90-foot elevation above sea level) of the health club is within the acceptable height of a building as not to pose a hazard to air navigation. In addition, the design of the health club will incorporate features to increase the safety of the building occupants, including reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system and an increased number of emergency exits. Furthermore, the applicant and health club operator have agreed to limit the building occupancy to a maximum of 494 people, which was the maximum allowed at the previous *Lucky's* supermarket.

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

The proposed health club complies with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. As conditioned, the construction and operation of the health club will meet all development standards and minimum design and performance standards. In addition, the project is consistent with the purpose of the Central Business Zoning District, which exists to "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The health club provides an additional health/recreation amenity at Hayward's only regional mall. Furthermore, the proposed site plan review is in conformance with the City Council's resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "[r]evise zoning ordinances to increase opportunities for physical activity" and "[p]lan and construct a built environment that encourages, walking, biking and other forms of physical activity."

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

The proposed health club will operate in a manner acceptable and compatible with surrounding development in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. In addition, the potential for fugitive dust and dirt during construction will be reduced through the adopted mitigation

measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses, including *Mimi's Café*, *Wells Fargo Bank*, and the remaining retail space. Since all uses of the health club will be contained within the building, exterior noise will not be generated by the operation of the health club. Traffic generated during the proposed daily hours of operation of 5:00 am to midnight is not expected to exceed the traffic generated by the former use of the site. Since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

Environmental Review - Staff prepared an Initial Study/Mitigated Negative Declaration (IS/MND) (Attachment V) that identifies potentially significant impacts under the environmental topics of: Air Quality, Geologic/Soils, Hazards & Hazardous Materials and Noise. However, the IS/MND identifies mitigation measures, agreed to by the applicant, that would reduce those impacts to a *less than significant level*. The IS/MND was made available for public review from August 30, 2013 through September 24, 2013. No comments were received.

The Mitigation Monitoring and Reporting Program that identifies responsibility for mitigation implementation and oversight is included in Attachment II and the mitigation measures have been included in the recommended conditions of approval (Attachment VI). The Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program were also posted at the Alameda County Clerk's Office on August 30, 2013, in compliance with the California Environmental Quality Act (CEQA) Guidelines.

ECONOMIC IMPACT

Southland Mall is a significant revenue generator for the community and a regional employer. The text amendment will provide more opportunity for retail, services, and recreation facilities at Southland Mall, which will better serve the residents, employees and visitors of the City of Hayward. The text amendment and the construction of the City Sports Club are efforts of Rouse Properties to improve the appeal and economic viability of Southland Mall, which in turn, will have positive economic impacts for the community and region. The City of Hayward Economic Development staff is committed to working with Rouse Properties to ensure a quality retail mix that maximizes both retail sales and promotes the vitality of Southland Mall. In addition to efforts in recruiting a grocery store, staff recently has been contacted regarding an updated master sign program for the mall.

FISCAL IMPACT

Staff has conducted a fiscal impact analysis of the project, which estimates that the project will generate \$53,294 of taxable sales annually; \$3,031 from a retail shop and juice bar.

PUBLIC OUTREACH

On March 21, 2013, an Official Notice of Receipt of Application was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records and to

the Southgate Area Homeowners Association. The Southgate Area Homeowners Association requested a copy of the plans to review.

On August 29, 2013, a Notice of Notice of Availability of a Mitigated Negative Declaration and Public Hearing was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records, and to the Southgate Homeowners Association. In addition, on August 31, 2013, a public notice of Availability of a Mitigated Negative Declaration was published in *The Daily Review*. The published review period began August 30, 2013 and ended September 24, 2013, which is more than the minimum 20 days required. Staff did not receive comments.

On October 7, 2013, a Notice of Public Hearing for the October 17 Planning Commission hearing was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records, and to the Southgate Area Homeowners Association. Staff did not receive comments.

On November 8, 2013, a Notice of Public Hearing for this Council hearing was sent to every property owner and occupant within 300 feet of the subject parcel, as noted on the latest assessor's records, and to the Southgate Area Homeowners Association. At the time of the writing of this report, staff had not received comments.

NEXT STEPS

Should Council adopt the attached resolution and introduce the attached ordinance, staff will present the ordinance for adoption at the next Council meeting on December 3. The Site Plan Review and Text Amendment applications would be effective once the text amendment ordinance is adopted.

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

Reviewed by: Pat Siefers, Planning Manager

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David
City Manager

Attachments:

Attachment I	Draft Resolution, with Exhibit A- Conditions of Approval
Attachment II	Draft Ordinance
Attachment III	Area and Zoning Map
Attachment IV	Initial Study Checklist/Mitigated Negative Declaration/Mitigation Monitoring & Reporting Program

Attachment V
Attachment VI
Attachment VII

Draft October 17, 2013, Planning Commission Meeting Minutes
Project Plans
Proponent's Justification for approval of the Text Amendment and
Site Plan Review applications

HAYWARD CITY COUNCIL

RESOLUTION NO. 13-

Introduced by Council Member _____

RESOLUTION ADOPTING MITIGATED NEGATIVE
DECLARATION AND MITIGATION MONITORING AND
REPORTING PROGRAM AND APPROVING TEXT
AMENDMENT NO. PL-2013-0097 AND SITE PLAN REVIEW
NO. PL-2013-0098 REGARDING HEALTH CLUB AND
OTHER NEW USES AT SOUTHLAND MALL

WHEREAS, Text Amendment No. 2013-0097 amends Hayward Municipal Code Section 10-1.1315(a) and Section 10-1.1320(a), to add “Health Club” and “Kennel - Ancillary to Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care Only)” as an administrative use in the Central Business (CB) zoning district; and

WHEREAS, Site Plan Review No. PL-2013-0098 concerns a request to construct and operate a 44,983 square-foot health club at 24518 Hesperian Boulevard (APN: 442-0010-006-01); and

WHEREAS, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a duly noticed public hearing on October 17, 2013, regarding the project and recommended approval of the Initial Study, Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program, the proposed text amendments and the proposed site plan review application; and

WHEREAS, the project was considered by the City Council at a duly noticed hearing conducted on November 19, 2013; and

WHEREAS, the City Council of the City of Hayward has independently reviewed and considered the information contained in the Initial Study upon which the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are based; certifies that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been completed in compliance with the requirements of the California Environmental Quality Act; and finds that the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adequately analyze the potential impacts of the proposed text amendments and the proposed site plan review application.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. The text amendments and site plan review will not have a significant impact on the environment pursuant to the California Environmental Quality Act. Approval of

Text Amendment No. PL-2013-0097 and Site Plan Review PL-2013-0098 will not cause a significant impact on the environment, as documented in the Initial Study. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared in accordance with the California Environmental Quality Act (CEQA) guidelines. The Initial Study and Mitigated Negative Declaration reflect the independent judgment of the City of Hayward.

2. The proposed text amendments will promote the public health, safety, convenience and general welfare of the residents of Hayward by providing the opportunity for an additional health club in the City. In addition, the health club will provide amenities that are currently lacking at Southland Mall, such as a basketball court, racquetball courts, a swimming pool and spa, and convenient childcare for health club patrons. Furthermore, the text amendments will provide an opportunity for pet boarding and pet day care facilities, which are services that are currently not available at Southland Mall and are increasing in demand.

3. The proposed text amendments are in conformance with all applicable, officially adopted City policies. The stated purpose of the Central Business District is to "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The addition of "Health Club," "Kennel - Ancillary to Pet Store," and "Kennel (Pet Boarding and Pet Day Care, Only)" as permitted uses will provide more opportunity for retail, services and recreation facilities at Southland Mall, which will better serve the residents, employees and visitors to the City with minimal impacts. In addition, the proposed text amendments are in conformance with the City Council's resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "[r]evise zoning ordinances to increase opportunities for physical activity" and "[p]lan and construct a built environment that encourages, walking, biking and other forms of physical activity."

4. No properties are proposed to be reclassified; however, uses are proposed to be added to the Central Business District zoning regulations. It has been determined through environmental analysis that the proposed health club construction and operation can be accommodated by existing streets, and future additional kennels or boarding facilities for pets would not impact the capacity of streets to accommodate those uses. There are two major Congestion Management Program routes near the project: Hesperian Boulevard and Winton Avenue. Since the project will generate fewer trips than did the *Lucky's* Supermarket and retail space, there will be less of an impact on these routes caused by this project. In addition, it has been determined through environmental analysis that the proposed health club construction and operation and the future additional kennels or boarding facilities for pets will not impact fire protection, police protection, schools and parks. Furthermore, it has been determined that waste water treatment facilities, landfills, water supplies, and storm water drainage facilities have the capacity to serve the proposed health club and future kennels or boarding facilities for pets.

5. No properties are proposed to be reclassified. The proposed text amendment would provide opportunity for additional uses at Southland Mall in the Central Business Zoning District. As the result of the introduction of health clubs as a primary use in the Central Business District, *City Sports Club* will be built and offer amenities to that are not

currently available at Southland Mall. The amenities include a swimming pool, racquetball courts, a basketball court and child care for patrons using the health club facilities.

Furthermore, the addition of kennels (ancillary to pet stores) and kennels (pet boarding and pet day care only) as allowed uses provides the opportunity for pet boarding facilities at Southland Mall. The pet boarding facilities would provide a convenient option for Hayward residents to provide care for their pets when they are out of town. These proposed uses are compatible with existing primary and conditional uses in the Central Business District, in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. The potential for noise from the operation of pet boarding and pet day care will be minimal on adjacent businesses and will not affect residential properties due to the distance of these uses from residential neighborhoods. In addition, the potential for fugitive dust and dirt will be reduced through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses, including *Mimi's Café*, *Wells Fargo Bank* and the remaining retail space. Since all uses of the health club will be contained within the building, exterior noise will not be generated by the operation of the health club. Traffic generated during the proposed daily hours of operation of 5:00 am to midnight is not expected to exceed the traffic generated by the former use of the site. Since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

6. The proposed health club is compatible with on-site and surrounding structures and uses and is an attractive addition to the City and Southland Mall in that the health club structure is designed to be compatible with the surrounding structures, including restaurants, retail, and commercial uses surrounding health club and the site. The development is also compatible with surrounding structures in terms of mass and bulk. Some surrounding structures are large and monolithic, such as the main Southland Mall building/complex, while others are smaller, such as the free-standing restaurants on the Mall property. The structure is designed and detailed to be an attractive addition to the City. In addition, the project will meet current landscape and development standards.

7. The proposed health club meets the development standards and the criteria specified in the Hayward Design Guidelines. The building meets height, lot coverage, landscape, and parking standards. The site of the proposed health club is within the Hayward Executive Airport Land Use Compatibility Plan's Safety Compatibility Zone 2; and the entire parcel is split between Safety Compatibility Zones 2 and 3. Environmental analysis has been completed and it was determined that the proposed 40-foot height (90-foot elevation above sea level) of the health club is within the acceptable height of a building so as not to pose a hazard to air navigation. In addition, the design of the health club will incorporate features to increase the safety of the building occupants, including reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system and an increased number of emergency exits. Furthermore, the applicant and health club operator have agreed to limit the building occupancy to a maximum of 494 people, which was the maximum allowed at the previous *Lucky's* supermarket.

8. The proposed health club complies with the intent of City development policies and regulations through compatibility with the context and conformity to contextual constraints of the site, surrounding uses and existing traffic patterns. As conditioned, the construction and operation of the health club will meet all development standards and minimum design and performance standards. In addition, the project is consistent with the purpose of the Central Business Zoning District, which exists to "...make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity." The health club provides an additional health/recreation amenity at Hayward's only regional mall. Furthermore, the proposed site plan review is in conformance with the City Council's resolution to join and implement the League of California Cities' "Healthy Eating Active Living (HEAL) Cities" campaign, especially related to HEAL policies to "[r]evise zoning ordinances to increase opportunities for physical activity" and "[p]lan and construct a built environment that encourages, walking, biking and other forms of physical activity."

9. The proposed health club will operate in a manner acceptable and compatible with surrounding development, in that construction noise will be temporary and will comply with the construction hours specified in the Hayward Municipal Code. In addition, the potential for fugitive dust and dirt during construction will be reduced through the adopted mitigation measures and monitoring program. It has been determined that the health club will generate fewer trips than the former *Lucky's* supermarket and 8,600 square feet of retail space; therefore, adequate parking will be available for health club patrons and for the surrounding businesses, including *Mimi's Café*, *Wells Fargo Bank* and the remaining retail space. Since all uses of the health club will be contained within the building, exterior noise will not be generated by the operation of the health club. Traffic generated during the proposed daily hours of operation of 5:00 am to midnight is not expected to exceed the traffic generated by the former use of the site. Since the health club will not be adjacent to residences, traffic noise impacts will be insignificant.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the above findings, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are hereby adopted and the text amendments and site plan review are hereby approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution and the adoption of the companion ordinance.

IN COUNCIL, HAYWARD, CALIFORNIA November 19, 2013

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

CONDITIONS OF APPROVAL

As amended by the Planning Commission on October 17, 2013

Site Plan Review No. PL-2013-0098

Sean Wood For Rouse Properties, Inc. (Applicant/Owner)

24518 Hesperian Boulevard

Request to construct and operate a health club

Site Plan Review No. PL-2013-0098 is approved subject to the conditions listed below. This permit becomes void three years after the effective date of approval, unless the business has been established in accordance with these conditions of approval, or a time extension of this application is approved. All conditions shall be met prior occupancy of the building and prior to the issuance of a business license. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division fifteen days prior to November 21, 2016.

If a building permit is issued for construction authorized by the site plan review approval, said approval shall be void two years after issuance of the building permit, or three years after approval of the 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 use permit approval.

General

1. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
2. Hours of operation shall be limited to 5:00 am to midnight daily. A change to the hours of operation shall be approved by the Planning Director.
3. The property owner shall be responsible for graffiti-free maintenance on all exterior elevations of the building. Graffiti shall be removed within forty-eight hours after the applicant or owner has become aware of the occurrence.
4. No pay phones shall be permitted on the exterior of the building or premises. Pay telephone(s) maintained on the interior of the premises shall be limited to outgoing calls only.

5. The building shall comply with the California Building, Electrical, Plumbing, and Mechanical Codes with emphasis on occupancy separation, exiting requirements, ventilation, disabled access, and restroom numbers and design.
6. The building shall comply with the California Energy Code and the City of Hayward Green Building Ordinance.
7. Submit for proper building permits for the construction of the building to the Building Division.
8. If it comes to the attention of the Planning Director that there are problems occurring as a result of the health club operations, the Planning Director may call the site plan review application up to the Planning Commission for consideration of imposing additional conditions or revocation. Violation of any of the conditions of approval of this site plan review may constitute grounds for revocation pursuant to Section 10-1.3260 of the Zoning Ordinance.

Airport Land Use Commission

9. The occupant load shall be limited to 494. Per the California Building Code and Fire Code, occupant load signage shall be installed on all levels of the establishment.
10. The “Kids Klub” shall be limited to children that are accompanied by a parent or guardian using the health club facilities.
11. To the satisfaction of the Building Official, the applicant shall provide additional emergency exits. The additional emergency exits shall be shown on the plans submitted for building permit.

Fire Department

12. Submit for proper building permits for the construction/alterations of the building to the Building Department.
13. Fire sprinkler system shall be installed to meet all requirements of the current California Fire Code and NFPA 13. The maximum water pressure used in the sprinkler design shall not exceed eighty PSI.
14. Building fire alarm system shall be provided when the occupant load of the building exceeds 300 persons. When the occupant load exceeds 1,000 persons, an emergency voice/alarm communications system shall be provided in accordance with the current California Fire Code and NFPA 72.

Hazardous Materials Office

15. Pool and sanitary chemicals containers will require labeling and secondary containment.
16. Provide building occupancy ratings and indicate on building permit plans if demolition will involve removing any existing hazardous materials.

Landscape

17. Prior to the approval of the first building permit, detailed landscape and irrigation plans shall be reviewed and approved by the City Landscape Architect and shall be a part of approved improvement plans and the building permit submittal. The plans shall be prepared by a licensed landscape architect on an accurately surveyed base plan and shall comply with the City's *Hayward Environmentally Friendly Landscape Guidelines and Checklist for Professionals, Bay-Friendly Water Efficient Landscape Ordinance, Off-Street Parking Regulations, and Municipal Codes*.
18. As part of the building permit submittal, provide a tree mitigation summary chart on the landscape plan listing trees to be removed, value of trees to be removed, trees with assigned identification numbers in the arborists report, total value of mitigation, and proposed tree sizes and their value equaling the mitigation value. The tree mitigation goal of \$21,150 must be met above and beyond providing required trees in compliance with the City Ordinances. One of the acceptable mitigation methods is upsizing required trees.
19. A tree preservation bond will be required for all trees that are to remain, and the bond will be in effect throughout the construction period and until completion of the entire project improvements. If any trees that are designated as saved are removed or damaged during construction shall be replaced with trees of equal size and equal value.
20. Tree preservation guidelines and design recommendations in the arborist report shall be included on a tree preservation and mitigation plan and shall be implemented during the construction. Tree mitigation summary shall be included in the tree preservation and mitigation plan as well.
21. All trees shall be planted a minimum of five feet away from any underground utilities, a minimum of fifteen feet from a light pole, and a minimum thirty feet from the face of a traffic signal, or as otherwise specified by the City of Hayward, Landscape Architect. Trees shall be planted according to the City Standard Detail SD-122 and the detail shall be included in the landscape plans.
22. When bio-infiltration, bio-retention, or bio-detention areas are located adjacent to pavement including curbs, sidewalks, walkways and structure, additional one-foot wide leveled landscape area shall be provided before the side slopes in the treatment area.

23. A matched precipitation (MP) rotator type of irrigation system is required. Set the heads back two-feet from the back of curb. Revise estimated total water use (ETWU) accordingly.
24. Root barriers shall be installed linearly against the paving edge in all instances where a tree is planted within seven-feet of pavement or buildings, and as directed by the landscape architect.
25. Planting backfill mix shall be one-part organic compost and two-parts native soil. Provide an adequate rootable soil volume of a minimum of eighty-five cubic feet when planting trees in tree wells in parking lots to comply with Hayward Environmentally Friendly Landscape Guidelines and Checklist for Professionals.
26. On-grade planting area shall be amended with minimum nine-cubic-yards of organic compost per 1,000 square feet (one-to-four ratio), and shall be rototill thoroughly into minimum top nine-inches of soil.
27. All planting areas shall receive three-inches deep organic recycled chipped wood mulch in the shade of Dark Brown Color.
28. Any slope equal or greater than three-to-one ratio shall receive erosion control netting.
29. Prior to the issuance of Certificate of Occupancy, all landscape and irrigation shall be completed in accordance to the approved plan and accepted by the project landscape architect prior to submitting a Certificate of Completion. The final acceptance form must be submitted prior to requesting an inspection to the City Landscape Architect. An Irrigation Schedule shall be submitted prior to the final inspection and acceptance of improvements.
30. 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 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 the Municipal Code.

Public Works, Solid Waste

31. All businesses must subscribe to at least weekly trash service with the City's franchisee. As of July 1, 2012, all businesses with four cubic yards or more of weekly trash service are required to arrange for weekly collection of mixed recyclables, e.g., paper; glass, metal and plastic food and beverage containers.

32. Adequate indoor and outdoor storage space for recyclables is required by state law (California Public Resources Code 42910-42912) and Hayward Municipal Code 5-1.27. For more information, please contact Paul Rosenbloom, Recycling Specialist at (510) 583-4724 or at paul.rosenbloom@hayward-ca.gov.
33. Federal law requires a roof on an outdoor trash enclosure where food or other organics is generated for disposal (Federal Clean Water Act). For questions about the requirement for a roof on enclosures, please contact Jim Lear, Public Works Engineering & Transportation at (510) 583-4785.
34. A trash enclosure shall be provided and shall meet the following requirements:
 - a. For trash enclosure size requirements to meet the needs of the health club, please contact Paul Rosenbloom at (510) 583-4724 or email at paul.rosenbloom@hayward-ca.gov
 - b. The trash enclosure shall have eight-inch CMU walls.
 - c. A six-inch-wide curb or bumper is required along the interior perimeter of the enclosure and extending at least three feet long between the garbage, recycling, and/or organics bins.
 - d. A minimum space of one-foot is required between containers and the walls of the enclosure to allow for maneuvering the containers.
 - e. Gates are required to hinge from the corners of the enclosure to allow for maximum accessibility to the containers.
 - f. The enclosure must be constructed on a flat area with no more than a two-percent grade.
 - g. A roof over the enclosure is required. For questions, contact Jim Lear, Public Works Engineering & Transportation at (510) 583-4785.
 - h. A concrete pad extending twenty feet from the enclosure to accommodate for truck weight is recommended.
 - i. Signage indicating "Garbage Only" on one side of the enclosure is required and "Recyclables Only" on the other. If an organics bin is required, signage indicating "Organics" is required.

- j. If a compactor will be used or if washing inside the trash enclosure is planned, a drain inlet connected to the sanitary sewer line is required. If the compactor is proposed for a below-grade loading area, the minimum loading height is thirty feet. For questions about these requirements, contact Jim Lear, Associate Civil Engineer at (510) 583-4785.
 - k. On plans as part of the building permit submittal, dashed lines indicating the collection vehicles' path of travel to enter the property, service each container, and exit are required. For safety reasons, a forty-foot turning radius or turnaround is required for any street that would otherwise require the collection truck to back up a distance greater than 150 feet.
 - l. If gates with locks are planned to limit access to the trash enclosure, the applicant must provide keys or cards to the service provider, Waste Management of Alameda County (510) 537-5500. Keys and locks may also be obtained from Waste Management for a nominal fee.
35. City regulations require that applicants for all construction, demolition, and/or renovation projects in excess of \$75,000 must recycle all asphalt and concrete and at other materials generated from the project. To obtain a building permit, applicants must complete a Construction & Demolition Debris Recycling Statement and obtain signature approval from the City's Solid Waste Manager. City regulations also stipulate that applicants MUST a Debris Recycling Summary Report, along with all weigh tags, at the conclusion of the project. Weigh tags MUST indicate actual quantities recycled and disposed for each facility to which materials were delivered for processing and/or disposal, and must indicate the City of Hayward as the jurisdiction of origin. (HMC Chapter 5, Article 10).
 36. The applicant shall comply with City's Franchise Agreement with Waste Management of Alameda County.
 37. Construction and demolition (C&D) debris may be collected and transported by authorized haulers, other than Waste Management of Alameda County (WMAC) provided that such C&D debris is (1) removed from a premise 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 similar apparatus; or (2) directly loaded onto a fixed body vehicle and hauled directly to a facility for recycling, composting or disposal and that holds all applicable permits.
 38. In order to comply with the City's Franchise Agreement with WMAC, all building permit applicants and contractors are required to remove the C&D debris from a project site in one of the ways approved by the City of Hayward, Solid Waste Management. For a list of authorized haulers and processing facilities, please contact Paul Rosenbloom at (510) 583-4724. The following is required to be completed:

- a. **Separate Loads by Material:** The contractor shall separate the materials as “clean” loads (e.g., wood, or metals), and hauls the loads to a facility that accepts the materials for processing. For a booklet listing these facilities, please contact the Public Works Department at (510) 583-4700.
 - b. **Source Separated Recyclable Materials:** The contractor may hire an authorized hauler or deliver the collected materials to a recycling facility other than WMAC. Contact Paul Rosenbloom at (510) 583-4724 for material compliance requirements.
39. **Source Separated Recyclable Materials** means Recyclable Materials, segregated by the generator, at the site of generation and taken to be recycled at a recycling facility that holds all applicable permits, provided that: (1) loads which consist of mixed paper contain no more than ten-percent by weight of non-recyclables; and (2) loads which consist of commingled recyclable materials other than mixed paper contain no more than five-percent by weight of non-recyclable material.
- Recyclable Materials include, but are not limited to: cardboard; paper; plastic; scrap metal; beverage containers; clean (untreated and unpainted) wood; unpainted drywall; carpet and carpet padding; soil; and inserts (concrete, asphalt, brick, rock, gravel, tiles). Source Separated Organic Materials means Organic Materials, segregated by the generator, at the site of generation, which are taken to be composted at a facility that holds all applicable permits, provided that loads of organic materials contain no more than five-percent by weight of non-compostable materials.
40. If any load(s) of C&D debris does not comply with the required provisions, then all such debris must be removed by WMAC.

Public Works, Utilities

- 41. The building is currently served by one-inch domestic water meter (account 160610003), an eight-inch fire service (account 160616002) and a two-inch irrigation meter (account 160443001). If the existing water service lines and meters cannot be reused, they must be abandoned by City of Hayward Water Distribution Personnel at the owner’s/applicant’s expense.
- 42. A four-inch water service line and a three-inch domestic water meter are required to be installed. Water service installations for services larger than two-inches are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage. The current cost for the installation of a four-inch water service line and three-inch domestic water meter is \$117,740 (\$14,000 installation cost + \$103,740 facilities fee).

43. Separate irrigation water meter shall be installed for landscaping purposes. The existing two-inch irrigation meter is allowed to be reused.
44. A Reduced Pressure Backflow Prevention Assembly shall be installed on each domestic and irrigation water and domestic meter, per City Standard SD-202. Backflow Prevention Assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is bigger.
45. The plans indicate that a six-inch fire service line will be installed. All fire services shall be installed by City Water Distribution Personnel at the applicant's/developer's expense, per City Standard SD-204. Minimum sizing shall be per Fire Department's requirements. Fire service installations are billed on an actual cost basis with a time and materials deposit due prior to the start of installation. The final billing of the job will be the actual costs of the work performed and materials used. If actual costs are less than the deposit amount, the owner/applicant will receive a refund in the amount of the unused deposit. If actual costs exceed the deposit amount, the owner/applicant will receive an invoice in the amount of the overage. The cost for the installation of an eight-inch fire service line has been calculated at \$19,984 (\$13,500 time & materials deposit for installation + \$6,484 facilities fee).
46. Water mains and services, including the meters, must be located at least ten feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least six feet from and one-foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade piping materials.
47. The sanitary sewer laterals shall have cleanouts and be constructed per City Standard Detail SD-312.
48. It is projected that the health club will discharge an average of 7,068 gallons per day. The Sanitary Sewer Connection fee has been calculated at \$259,313. If additional information is available at the time the sewer connection fee is due (such as water consumption history for the City Sports Club location at 2401 Whipple Road), the new information may be used to recalculate the amount of the sewer connection fee.
49. Complete the following on the plan submittal for the building permit
 - a. If it will not be reused, indicate that the existing one-inch domestic water meter and service will be abandoned at the main.
 - b. If it will not be reused, indicate that the existing eight-inch fire service line will be abandoned at the main.

- c. Revise the plans to show that the new domestic water service line will be four-inches, not three-inches.
 - d. Show the locations and sizes of the existing backflow prevention assemblies and the new backflow prevention assemblies. The backflow prevention assemblies shall be at least the size of the water meter or the water supply line on the property side of the meter, whichever is bigger.
50. The lap pool shall meet Americans with Disabilities Accessibility standards.

Mitigation Measures

- 51. **Mitigation Measure 1:** All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.
- 52. **Mitigation Measure 2:** All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- 53. **Mitigation Measure 3:** All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.
- 54. **Mitigation Measure 4:** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.
- 55. **Mitigation Measure 5:** Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.
- 56. **Mitigation Measure 6:** All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- 57. **Mitigation Measure 7:** The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD's telephone number shall also be visible to ensure compliance with applicable regulations.
- 58. **Mitigation Measure 8:** All diesel powered equipment (\geq 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

59. **Mitigation Measure 9:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.
60. **Mitigation Measure 10:** Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.
61. **Mitigation Measure 11:** The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.
62. **Mitigation Measure 12:** Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.

ORDINANCE NO. _____

AN ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTIONS 10-1.1315(a) AND 10-1.1320(a) TO ALLOW HEALTH CLUBS AND KENNELS AS PERMITTED USES IN THE CENTRAL BUSINESS (CB) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN THE AS FOLLOWS:

Section 1. Hayward Municipal Code Chapter 10, Section 10-1.1315(a), Primary Uses, and Section 10-1.1320(a), Administrative Uses, are hereby amended to add health clubs and kennels as permitted uses in the Central Business (CB) zoning district and to read in full as follows:

“SEC. 10-1.1315 USES PERMITTED.”

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
 - (1) **Administrative and Professional Offices/Services.**
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) **Automobile Related Uses.**
Automobile parts store.
 - (3) **Personal Services.**
 - (a) Barber or beauty shop.
 - (b) Dance studio.
 - (c) Dry cleaner/laundry.
 - (d) Health Club**
 - (e) Martial arts studio.
 - (f) Music studio.
 - (g) Nail salon.
 - (h) Palm reading.
 - (i) Photography studio.
 - (j) Physical fitness studio.
 - (k) Shoe repair shop.
 - (l) Tailor/seamstress shop.

- (4) Residential Uses.
Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
- (a) Antique store.
 - (b) Appliance store.
 - (c) Art and art supplies store.
 - (d) Bakery.
 - (e) Bicycle shop.
 - (f) Bookstore.
 - (g) Camera store.
 - (h) Card shop.
 - (i) Carpet/drapery store.
 - (j) Clothing store.
 - (k) Coffee/espresso shop.
 - (l) Delicatessen.
 - (m) Fabric store.
 - (n) Floral shop.
 - (o) Furniture store.
 - (p) Garden supplies store.
 - (q) Gift shop.
 - (r) Hardware store.
 - (s) Jewelry store.
 - (t) Locksmith shop.
 - (u) Music store.
 - (v) Nursery (plant).
 - (w) Paint/wallpaper store.
 - (x) Pet grooming shop.
 - (y) Pet store. (Kennel-When ancillary to Pet Store)
 - (z) Plumbing and heating store.
 - (aa) Restaurant. (Where not abutting a residential district or property and no bar)
 - (bb) Sporting goods store.
 - (cc) Stationary store.
 - (dd) Supermarket.
 - (ee) Theater (Small Motion Picture or Live Performance only.)
 - (ff) Toy store.
 - (gg) Variety store.
 - (hh) Video sales and rental store.
- (6) Service Commercial Uses.
- (a) Copying or reproduction facility.
 - (b) Mailing or facsimile service.
 - (c) Reverse vending machine(s). (When located within a convenience zone)

- (7) **Other Uses.**
- (a) Banquet hall. (Where not abutting a residential district or property and where no alcohol is served)
 - (b) Broadcasting studio.
 - (c) Catering facility.
 - (d) Christmas tree or pumpkin patch lot. (See General Regulations Section 10-1.2735d. for standards)
 - (e) Day care home. (State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)
 - (f) Day Care Center. (State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)
 - (g) Public agency facilities.
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:
- (1) Accessory buildings and uses. (See Section 10.1.845d.)
 - (2) Garage sales. (4 per year per dwelling. See General Regulations Section 10-1.2735e.)
 - (3) Home Occupation. (See definitions.)
 - (4) Household pets.

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
- (1) Administrative and Professional Offices/Services.
None.
 - (2) Automobile Related Uses. (See Section 10-1.1045h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
 - (3) Personal Services.
Suntan parlor.

- (4) Residential Uses.
None.
- (5) Retail Commercial Uses.
- | | |
|-------------------------|--|
| (a) Convenience market. | (See General Regulations Section 10-1.2735b. for regulations of alcohol) |
| (b) Kennel | (Pet Boarding and Pet Day Care only) |
| (c) Restaurant. | (Where abutting a residential district or property and no bar) |
- (6) Service Commercial Uses.
- | | |
|--------------------------------|---|
| (a) Appliance repair shop. | (Not ancillary to primary use) |
| (b) Hotel or motel. | (Where not abutting a residential district or property) |
| (c) Recycling Collection Area. | (When located within a convenience zone) |
- (7) Other Uses.
- | | |
|--|---|
| (a) Ambulance service. | |
| (b) Auction. | |
| (c) Banquet hall. | (Where not abutting a residential district or property) |
| (d) Carnival. | |
| (e) Catering facility. | (Where not abutting a residential district or property) |
| (f) Commercial Amusement. | |
| (g) Cultural facility. | |
| (h) Educational facility. | |
| (i) Home occupation - expanded. | |
| (j) Hospital, convalescent home. | |
| (k) Outdoor gathering. | (See General Regulations Section 10-1.2735h.) |
| (l) Passenger transportation terminal. | |
| (m) Recreational facility. | |
| (n) Religious facility. | |
| (o) Temporary use.” | |

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional invalid or beyond the authority of the City such decision shall not affect the validity of the remainder of this ordinance which shall continue in full force and effect provided that the remainder of the ordinance absent the unexcised portion can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. Effective Date. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2013, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2013, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

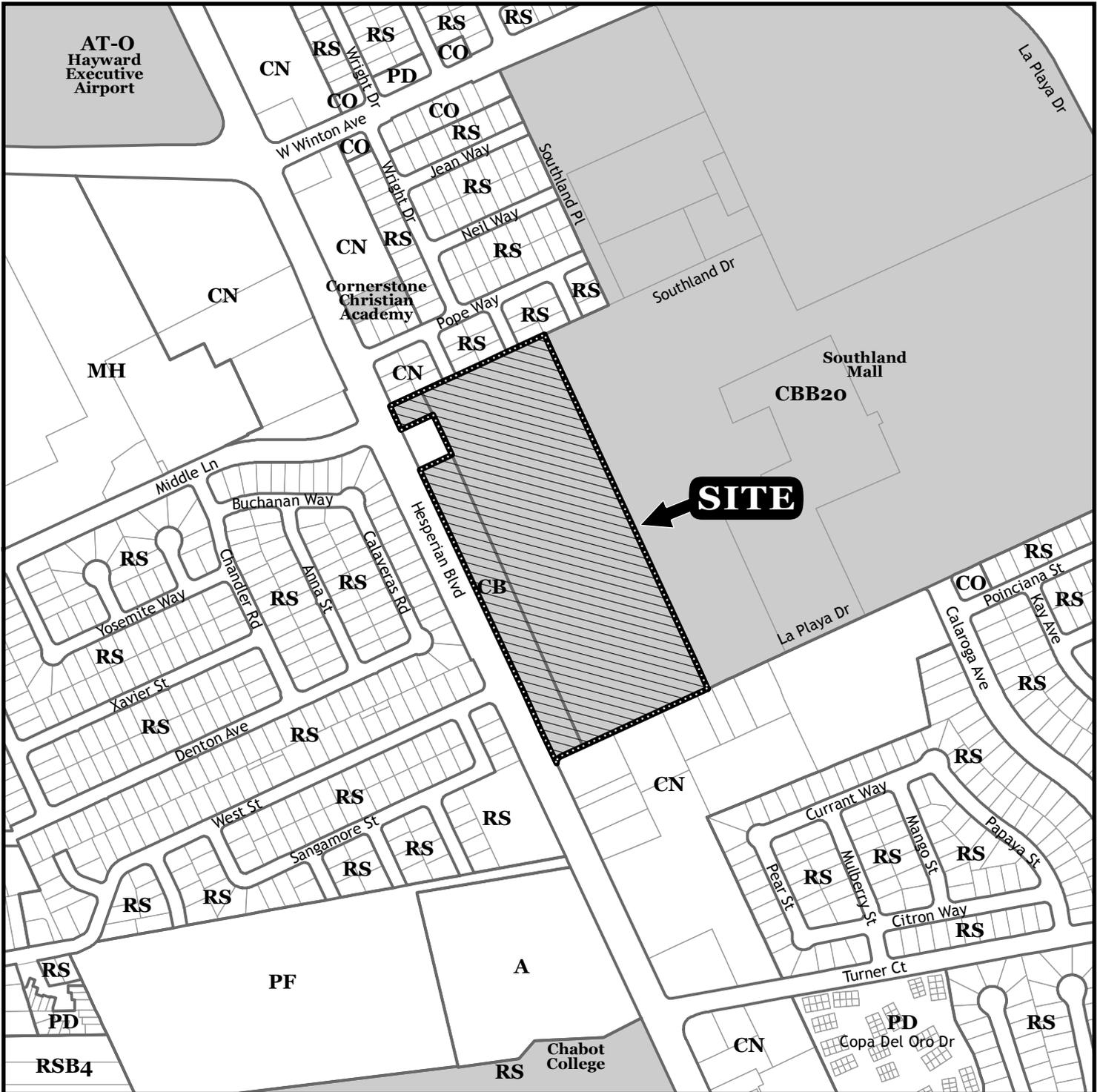
ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



Area & Zoning Map



PL-2013-0097&0098 TA&SPR

Address:
24500 Hesperian

Applicant:
Steve Backman

Owner:
Rouse Properties

Zoning Classifications

RESIDENTIAL

- MH Mobile Home Park
- RM Medium Density Residential, min lot size 2500 sqft
- RMB3.5 Medium Density Residential, min lot size 3500 sqft
- RS Single Family Residential, min lot size 5000 sqft
- RSB4 Single Family Residential, min lot size 4000 sqft

COMMERCIAL

- CB Central Business
- CBB20 Central Business, min. lot size 20,000 sqft
- CN Neighborhood Commercial
- CO Commercial Office

OPEN SPACE

A Agricultural

AIR TERMINAL

AT-O Air Terminal - Operations

OTHER

- PD Planned Development
- PF Public Facilities

0 100 200 300
Feet



**DEPARTMENT OF
DEVELOPMENT SERVICES
Planning Division**

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that the Project summarized below (and described in detail of the attached Initial Study) would not result in a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, Public Resources Code Section 2100 *et seq.*

I. PROJECT DESCRIPTION:

Text Amendment No. PL-2013-0097 and Site Plan Review No. PL-2013-0096- Request to amend the Hayward Municipal Code (Zoning Ordinance) Section 10-1.1315 a. Uses Permitted, a. Primary Uses, (3) Personal Services to allow Health Club as a primary use; Section 10-1.1315 Uses Permitted, a. Primary Uses, (5) Retail Commercial Uses to allow Kennel ancillary to Pet Store, and Section 10-1.1320 Conditionally Permitted Uses, a. Administrative Uses, (5) Retail Commercial Uses to allow Kennel (Pet Boarding and Day Care only) (see attached Text Amendment.) In addition, proposed demolition of an existing approximately 30,000-square-foot vacant market, demolition of 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to adjacent an existing retail building.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

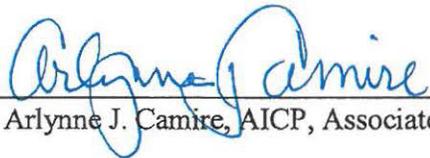
III. FINDINGS SUPPORTING DECLARATION:

1. The proposed Project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The Project will not result in any development that would adversely affect any scenic resources.
3. The Project will not result in any development that would have an adverse effect on agricultural land. The text amendment and site plan review pertain to the Central Business District only.

4. The Project will temporarily effect air quality during the construction phase to less than significant levels since construction would include use of best practices (as recommended by the Bay Area Air Quality Management District; see Air-Mitigation Measures 1-8).
5. The Project will not result in any development that would have significant impacts to biological resources such as wildlife and wetlands. The Project site is in an urbanized setting, devoid of natural habitats.
6. The Project will not result in any development that would have significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains since the project site is in an urbanized area developed with buildings.
7. The text amendment and site plan review would have a less than significant impact from geological hazards due to mitigation. The project site not located within the Hayward Fault Zone. A health club will be built on soils know to be expansive and be subject to liquefaction; however, California Building Codes will be followed to alleviate possible effects (see Geology and Soils-Mitigation Measures 9 and 10).
8. The text amendment and the site plan review would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
9. The text amendment and the site plan review would not create a significant hazard to the public or the environment through the routine transport, use, disposal, storage, release or handling of hazardous materials. The height of the health club is 90 feet above sea level and therefore would not interfere with air navigation. The health club is an in-fill Project that meets the standards set forth in California Airport Land Use Planning Handbook (January 2002) and the Hayward Executive Airport, Airport Land Use Compatibility Plan (HWD ALUCP). However, mitigation is recommended to incorporate design features to increase the safety of the building occupants (See Hazards and Hazardous Materials-Mitigation Measure 11.)
10. The text amendment and site plan review would not affect water quality standards since all the construction of the health club will follow mandatory water quality requirements during construction.
11. The text amendment and site plan review are not in conflict with the policies of the City General Policies Plan and the Zoning Ordinance since the proposed uses are appropriate for a regional mall and are consistent with other uses in the Central Business District. In addition, the project is within the Retail and Office Commercial General Plan Designation which includes regional shopping centers.
12. The text amendment and site plan review would not result in a significant impact to mineral resources since the project site is a regional mall in an urban setting.
13. The text amendment and site plan review would not result in population growth or the displacement of residents.

14. The text amendment and site plan review would not result in a significant noise impact to the surrounding area. Construction noise impacts would be temporary. Due to the proximity of the Hayward Executive Airport interior noise requirements of 50 dBA will be met (See Noise Mitigation Measure 12.)
15. The text amendment and conditional use permit could not result in a significant impact to public services. Conditions of approval of the site plan review for proper security at the proposed health club and Fire Code compliance is required.
16. The text amendment and site plan review would not result in a significant impact to traffic or result in changes to traffic patterns or emergency vehicle access. The health club would generate fewer trips than the market and retail space combined. In addition, emergency vehicle access will be maintained. Adequate parking will be provided to accommodate health club patrons.
17. The text amendment and site plan review would not result in a significant impact to utilities and city services. Existing stormdrains, sewers and water treatment capacities are adequate. In addition, the proposed project would not impact schools, recreational facilities or parks.

IV. PERSON WHO PREPARED INITIAL STUDY:

Signature:  Dated: August 13, 2013
Arlynn J. Camire, AICP, Associate Planner

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4206

DISTRIBUTION/POSTING

Provide copies to project applicants and all organizations and individuals requesting it in writing.
Provide copy to Alameda County Clerks Office.

- 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.

**Mitigation Monitoring and Reporting Program
Text Amendment No. PL-2013-0097
Site Plan Review Application No. PL-2013-0096
Rouse Properties, Inc. (Applicant/Project Sponsor)**

August 13, 2013

Air Quality:

Significant Environmental Impact: *The construction of the health club would cause carbon monoxide emissions and emissions of PM10 particulate matter, which will be mitigated to less than significant levels though required implementation of basic construction mitigation measures (see below), and as a result, all impacts will be less than significant. Construction of the project could exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx and therefore, to insignificant levels, during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better (see Mitigation Measure 8 below). Operation of the Project would not exceed any applicable screening threshold of the Bay Area Air Quality Management District (BAAQMD). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed operation of the project screens below what would require additional evaluation; thus the proposed Project will not violate any air quality standard for NOx, Co and PM10; thus, the impact is less than significant.*

The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following Bay Area Air Quality Management District "Basic Construction Mitigation Measures."

- Mitigation Measure 1:** All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.
- Mitigation Measure 2:** All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- Mitigation Measure 3:** All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.
- Mitigation Measure 4:** All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.

Mitigation Measure 5: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.

Mitigation Measure 6: All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

Mitigation Measure 7: The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD's telephone number shall also be visible to ensure compliance with applicable regulations.

Mitigation Measure 8: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: During all phases of project construction

Geology and Soils

Significant environmental Impact: *Proposed health club - According to Figure 9.5, Liquefaction Hazard Map, of the General Plan EIR, the project site is located in an area of liquefaction susceptibility that is classified as Moderate. According to Table 9.5 in the EIR, Classification of Liquefaction Susceptibility, the project site is in an area with potential impacts during an earthquake that could involve localized ground cracking, isolated liquefaction-induced ground deformation, and localized damage. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.*

Mitigation Measure 9: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District is to facilitate the construction of a health club. There are no kennel facilities proposed at this time. Figure 9-3, Soils Map of the Hayward General Plan EIR, shows much of the health club building site is on Danville-Botella soils, which are silty clay loams with a high shrink-swell potential. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance. Hayward’s development review and construction oversight requires the incorporation of recommendations of a registered geotechnical engineer in accordance with the California Building Code and geotechnical practices. Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.*

Mitigation Measure 10: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward Planning Division

Timing: Prior to issuance of a Building Permit for the project

Hazards and Hazardous Materials

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would allow uses in the CB Zoning District and at Southland Mall that are within two miles of a public airport within the Airport Influence Area of the Hayward Airport Land Use Compatibility Plan (HWD ALUCP). The text amendment would facilitate the demolition of existing 30,000-square-foot vacant supermarket building and 8,600 square feet of retail space, and the construction of the health club. The 18.43-acre parcel on which the health club is proposed is located within the Airport Influence Area of the HWD ALUC within Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 2 is developed with a*

parking lot, Mimi's Café (6,785 square feet), Wells Fargo Bank (5,858 square feet) and an approximately 21,776-square-foot portion of a 43,532 retail space, which is split between Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 3 contains a separate 29,119 square foot retail building and an Olive Garden Restaurant (9,215 square feet). All structures are located on an 18.43-acre parcel.

The proposed health club meets the requirements for infill development of the HWD ALUCP (Section 2.7.5.7 Special Conditions, a. Infill), in that the development is similar or below the occupant loads of existing surrounding land uses, such as Mimi's Café, which is a land use (small eatery) that would be prohibited to be built or expanded in Safety Compatibility Zone 2. The parcel containing the proposed health club is less than 20 acres in size and meets the maximum parcel size threshold required for infill projects. Also, as required by the Infill provisions, the proposed health club would not extend the perimeter of the parcel or the area already developed with the existing restaurant and retail uses. The existing use of small eateries is classified as an incompatible use within Safety Compatibility Zone 2, but is a conditionally compatible land use within Safety Compatibility Zone 3.

Also, HWD ALUCP Section 3.3.2.10 states "The ALUC generally supports clustering as a means for both enhancing safety compatibility in the vicinity of airport and accomplishing other developments objectives." The health club would occupy the pad of the Lucky Supermarket that was developed in 1961 as part of the Palma Ceia Shopping development. **By developing the health club on the pad of the former Lucky Supermarket, the Project continues to cluster development at the Southland Mall property, consistent with the policies of the HWD ALUCP.** According to the HWD ALUCP, "No development shall be clustered in a manner that would exceed the intensity limits listed as incompatible to Table 3-2." However, Section 3.3.2.7 Nonresidential Development Criteria, subsection a, of the HWD ALUCP states "Nonresidential intensity criteria derive from "urban" (heavily developed) settings (as set forth in Table 9C of the Caltrans Handbook), which reflects the current environment around HWD. Subsection b states "The compatibility of a proposed nonresidential land use shall be evaluated using the land use types listed in Table 3-2." Using this list, the 18.44-acre site can be classified as a Mixed Use Retail Center with Restaurant Facilities (approx. 110 s.f./person), which is listed as a conditionally compatible use for Safety Zone 2 in Table 3-2 of the HWD ALUCP. As shown below, the number of people anticipated for the site exceeds the standard of 40 people per acre for Zone 2. **However, the calculated number of maximum occupants per acre for the parcel and proposed and existing uses, including the proposed health club, does not exceed the 2011 California Airport Land Use Planning Handbook standard (Safety Zone 2-Inner Approach/Departure Zone, Figure 4C Maximum Single Acre Urban Setting) of 120-160 people per acre.**

In analyzing the maximum number of occupants per acre, two methods were utilized; Building Code Occupant Load Method and Parking Requirement Method. Both of these methods are described in the example calculations found in Exhibit 9C-2 of the California Airport Land Use Planning Handbook. Parking counts are based on the required parking per the City of Hayward Off-Street Parking Regulations and calculations are based on the California Building Code occupant load tables sited in Exhibit C-1 of the HWD ALUCP with adjustments according to the instructions. The calculations are as follows:

Building Code Occupant Load Method

Zone 2 acreage: 9.99

Building Occupant Load in Zone 2: Wells Fargo (59) + Mimi's (452) + Proposed Fitness Center (900) + Vacant Retail #1 (1,452) = 2,863 x .50** = 1,432 occupants

Zone 2 allowed per Table 9c: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban:120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 1,432 people ÷ 9.99 acres = 143 people per acre – **Does not comply with the 2001 Handbook; however, complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Building Occupant Load in Zone 3: ½ of Vacant Retail #1 (726) + Vacant Retail #2 (971) + Olive Garden (614) = 2,311 x .50 = 1,156 occupants.

Zone 3 allowed per Table 9C: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 3 people per acre: 1,156 people ÷ 8.44 acres = 137 people per acre – **Does not comply with the 2001 Handbook, but complies with the 2011 Handbook.**

Parking Requirement MethodZone 2 acreage: 9.99

Parking Requirements: Wells Fargo -- 1 space/250 ft² (24 spaces) + Mimi's--1 space/200 ft² (34 spaces) + Proposed Fitness Center--1 space/200 ft² (225 spaces) + Vacant Retail #1-- 1 space/250 ft² (174 spaces*) = 457 required spaces x 1.5 people per space = 686 people

Zone 2 allowed per Table 9C:40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban:120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 686 people ÷ 9.99 acres = 69 people per acre -- **Does not comply with 2001 Handbook, but complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Parking Requirements: Olive Garden--1 space/200 ft² (46 spaces) + Vacant Retail #2--1 space/250 ft² (116 spaces) + Vacant Retail #1--1 space/250 ft² (only half of the building is in zone 3, so half of the required parking is counted: 87 spaces) = 249 required spaces x 1.5 people / space = 374 people

Zone 3 allowed per Table 9c: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Table 3-2 HWD ALUCP 80 people

Zone 3 people per acre: 374 ÷ 8.44 acres = 44 people per acre -- **Complies with Table 3-2, and 2001 and 2011 Handbooks.**

In summary, the intensity of use of the entire parcel with the proposed health club is compliant for Safety Zone 2 per the 2011 California Airport Land Use Planning Handbook and compliant with the 2001 and 2011 California Airport Land Use Planning Handbooks for Safety Zone 3. In other words, the more recent Handbook lists an intensity of use that is greater than that in the 2001 Handbook, on which the HWD ALUCP Table 3-2 is based. A Mixed Use Retail Center is listed as a conditionally compatible Zone 2 use in Table 3-2. Safety design features can be incorporated to mitigate the hazards to building occupants. The applicant has reduced the window area to accomplish this and would provide seven emergency exits while the California Building Code requires four emergency exits (See attachment 7).

Mitigation Measure 11: The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward, Planning and Building Divisions

Timing: At time of Building Permit submittal.

Noise

Significant environmental Impact: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will facilitate construction of a new health club. No kennel facilities are proposed at this time. People working within and visiting the health club will not be exposed to excessive noise levels since the interior project noise levels are required to be 50 dBA. In reference to the General Plan EIR, based on a 24 hour average; according to Table 7.5, Summary of Long-Term Noise Measurements, noise levels would be 61 Ldn; Table 7.6, Summary of Short-Term Noise Measurements, general aviation and aircraft noise peaked at 71 Ldn. Both are exterior readings and will be mitigated for building occupants. In addition, as required by the HWD ALUCP Section 3.3.1.3 c, “All proposed land use changes beyond the 60 CNEL contour are considered consistent with the noise compatibility policies set forth in this ALUCP, provided they are consistent with local policies.” The Hayward General Plan Noise Mitigation Policy 13 states “The City will seek to protect the public health, safety, and welfare against the adverse effects of excessive noise.” In addition, a Noise Mitigation Strategy of the General Plan states “8. Continue to monitor the effectiveness of noise control programs at the Hayward Executive Airport.” Enforcement of the Noise Control Program will help to abate airport related noise. Since the interior noise levels will be mitigated to 50 dBA, the impact is in compliance with the General Plan policy and the impact is less than significant impact.*

Mitigation Measure 12: Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.

Implementation Responsibility: Project developer

Monitoring Responsibility: City of Hayward, Planning and Building Divisions

Timing: At time of Building Permit submittal.



**DEPARTMENT OF DEVELOPMENT SERVICES
Planning Division**

INITIAL STUDY CHECKLIST

Project Title: Text Amendment Application No. PL-2013-0097 and Site Plan Review Application No. PL-2013-0096

Lead agency name/address: City of Hayward, Development Services Department; 777 B Street, Hayward, CA 94541-5007

Contact person: Arlynn J. Camire, AICP, Associate Planner
(510) 583-4206
arlynn.camire@hayward-ca.gov

Project location: 24518 Hesperian Boulevard, Hayward, CA (APN: 442-0010-006-01)

Project Sponsor's Name and Address: Rouse Properties Inc.
Sean Wood
1114 Avenue of the Americas
Suite 2800
New York, NY 10036-7703

General Plan Designation: Retail and Office Commercial (see Attachment 1- General Plan Map)
Zoning Designation: Central Business District with a minimum lot size of 20,000 square feet (CB and CBB20) (see Attachment 2 - Zoning Map)

Project description: Amendment to Article 1, Chapter 10 of the Hayward Municipal Code (Zoning Ordinance) to add language under the following Sections of the Central Business (CB) Zoning District : Section 10-1.1315 Uses Permitted, a. Primary Uses, (3) Personal Services - to allow "Health Club" as a primary use; Section 10-1.1315 Uses Permitted, a. Primary Uses, (5) Retail Commercial Uses - to allow "Kennel ancillary to Pet Store" as a primary use, and Section 10-1.1320 Conditionally Permitted Uses, a. Administrative Uses, (5) Retail Commercial Uses - to allow "Kennel (Pet Boarding and Day Care only)" as a conditional use (see Attachment 3 - Proposed Text Amendment). The Central Business Zoning District includes Southland Mall.

In addition, Site Plan Review Application No. PL-2013-0096, associated with the proposed demolition of an existing approximately 30,000-square-foot vacant former *Lucky's* supermarket building, demolition of a 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to an adjacent existing retail building. The building would be 40 feet tall from finished grade. The proposed hours of operation are 5:00 am to 12:00 am. The health club would be located on an 18.43-acre portion of Southland Mall (a regional mall).

Surrounding land uses and setting:Regional Setting

The City of Hayward is known as the “Heart of the Bay” due to its central location in Alameda County along the east side of the San Francisco Bay, twenty-five miles southeast of San Francisco, fourteen miles south of Oakland, twenty-six miles north of San Jose, and ten miles west of the valley communities of San Ramon, Dublin, and Pleasanton. The City of Hayward lies along the southeastern shore of the San Francisco Bay, at the western end of the Diablo Mountain Range. Topography in the eastern portion of Hayward generally consists of moderately steep foothills descending from the Diablo Range, leveling into a valley before reaching the San Francisco Bay.

The Nimitz Freeway (US 880) passes through the City of Hayward on its path between the City of San Jose and the San Francisco-Oakland Bay Bridge. The Hayward-San Mateo Bridge, State Route 92, spans the San Francisco Bay between the cities of Hayward and Foster City. The City of Hayward borders the cities of San Leandro, Union City, Fremont and Pleasanton. The census-designated places bordering Hayward within Alameda County are Castro Valley, San Lorenzo, Cherryland, and Fairview.

City Setting

The City of Hayward is highly urbanized, with the shoreline and hillsides containing natural open space. Commercial development tends to be located along major arterial streets such as Mission Boulevard, Foothill Boulevard, Jackson Street, Tennyson Road, and Hesperian Boulevard. The western and southern portions of Hayward primarily consist of industrial land uses. To the east and north of the industrial corridor lie numerous tracts of residential development often centered upon public school sites.

Local Setting

The project site is located at Southland Mall, a regional shopping center that is bordered by the Nimitz Freeway (I-880) to the east, residential tracts and Winton Avenue to the north, Hesperian Boulevard with residential tracts to the west and La Playa Drive with commercial development and a residential neighborhood to the south. The Hayward Executive Airport is located northwest of the project site. See Attachment 4 - Local Setting.

Existing Project Site Setting

The site of the proposed health club is located at 24518 Hesperian Boulevard on an 18.43 acre parcel at Southland Mall and is near the intersection (near the southeastern corner) of Hesperian Boulevard and Southland Drive. The project consists of a vacant supermarket building, loading dock, and 8,600 square feet of a retail space that is attached to the market loading dock. The site is surrounded by surface parking to the north, west and east, and attached to a retail commercial store to the south.

Adjacent businesses include Wells Fargo Bank, Mimi’s Café, and Chevron Gasoline Service Station to the north. See Attachment 5 – Site Plan. All are within the Central Business Zoning District (CB and CB), which is where future kennels (as primary uses or ancillary to pet stores) associated with the proposed text amendment (see below) could be allowed, though no specific proposal or application has been submitted for such uses at this time.

Requested Local Approvals: The following actions by the Lead Agency are necessary to carry out the project:

- Text Amendment to the Zoning Ordinance: The Applicant proposes to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District.
- Site Plan Review: The zoning regulations require such review when a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards and guidelines. Proposed demolition of an existing approximately 30,000-square-foot vacant supermarket building, demolition of 3,000-square-foot loading dock, and demolition of 8,600-square-foot of retail space to allow the construction and operation of a 44,983-square-foot health club that will be attached to adjacent an existing retail building constitutes such a project.
- Building Permit: (Hayward Municipal Code 07-17) The City of Hayward Development Services Department would review the proposed construction activities.
- Grading Permit: (Hayward Municipal Code Section 10-8.10: The City of Hayward Public Works Department would review the proposed grading plans and issue a permit.

Other public agencies whose approval is required:

Federal Aviation Administration requires a *Form FAA 7460-1* (Notice of Proposed Construction or Alteration) to be filed for a finding of determination that the construction of the proposed health club project will not be a hazard to air navigation.

The Alameda County Airport Land Use Commission requires the filing of a *Land Use Compatibility Determination Application Form* to allow review of the project since the location of the proposed health club is located within the Airport Influence Area of the Hayward Executive Airport and to determine compliance with the Airport Land Use Compatibility Plan.

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 and Forestry Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input checked="" 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 Arlyne J. Camire

August 13, 2013
Date

Arlyne J. Camire
Printed Name

EVALUATION OF ENVIRONMENTAL IMPACTS:

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District that encompasses Southland Mall would not have an effect on scenic vistas; thus, no impact. The health club requires review by the City of Hayward through the site plan review process. The health club site is not visible from any designated scenic vista and would not have a substantial adverse effect on a scenic vista. The Project site is located in a developed, urbanized setting at a regional mall. The surrounding area is entirely developed; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>Comment: The text amendment and proposed health club would not result in a negative effect on scenic resources since development is in an urban setting at a regional mall that is devoid of natural features due to development; thus, no impact. Refer to I a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>Comment: The text amendment and proposed health club would not result in development that will result in a negative effect on the visual character or quality of the site and its surroundings. Additional landscaping will be planted with the construction of the health club to meet current City of Hayward landscape requirements and future projects will be subject to Site Plan Review, if required; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and proposed health club would not result in development that will result in a new source of substantial light or glare. The health club project and future projects will comply with the Hayward Municipal Code and design requirements related to aesthetics, light and glare. Any security lighting for the health club and future developments within the CB Zoning District would be confined to the Project site directed downward towards parking lots and walkways; not towards the sky and away from residential neighborhoods. Refer to I a.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II. AGRICULTURE AND FOREST

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Comment: <i>The text amendment would only affect the Central Business Zoning District via amending the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses. The proposed health club will be located within the Central Business Zoning District. The project would not affect the Agricultural District. The health club project would be located in the Central Business District and not affect farmland; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? Comment: <i>The text amendment to modify the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning. The proposed health club will be located within the Central Business Zoning District. The project site for the construction of a health club is not located in the Agricultural District nor is it subject to a Williamson Act contract; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? Comment: <i>The Project does not impact such lands or zoning for such lands.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use? Comment: <i>Refer to II c.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Comment: <i>Refer to II b and II c.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. **AIR QUALITY** -- Where applicable, the significance criteria established by the Bay Area Air Quality Management District (BAAQMD) is relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? **Comment:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District, the demolition of existing 30,000-square-foot market and 8,600 square feet of retail space, and the construction of the health club would not conflict with or obstruct implementation of the Bay Area Air Quality Management Plan. At this time, only the health club is proposed to be built. The operational air quality would improve since the 44,983-square-foot health club generates fewer trips (159 PM Peak period) than the market and the retail space combined (338 PM Peak Period). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed project screens below what would require additional evaluation; therefore the proposed Project will not violate any air quality standard; thus no impact.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Comment: <i>The construction of the health club would cause carbon monoxide emissions and emissions of PM10 particulate matter, which will be mitigated to less than significant levels, though required implementation of basic construction mitigation measures (see below), and as a result, all impacts will be less than significant. Construction of the project could exceed the BAAQMD threshold for NOx. In order to reduce construction impacts to below the BAAQMD's threshold for NOx and therefore, to insignificant levels, during construction activity, all diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better (see Mitigation Measure 8 below). Operation of the Project would not exceed any applicable screening threshold of the Bay Area Air Quality Management District (BAAQMD). Based on the District's criteria (thresholds of significance; 1999 and 2011), the proposed operation of the project screens below what would require additional evaluation; thus the proposed Project will not violate any air quality standard for NOx, Co and PM10; thus, the impact is less than significant.</i></p> <p>Mitigation Measure 1: All exposed surfaces including parking areas, staging areas, soil piles, grading areas and unpaved access roads shall be watered two times per day.</p> <p>Mitigation Measure 2: All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</p> <p>Mitigation Measure 3: All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power is prohibited.</p> <p>Mitigation Measure 4: All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. The building pad shall be laid as soon as possible after grading unless seeding or soil binders are used.</p> <p>Mitigation Measure 5: Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR].) Clear signage shall be provided for construction workers at all access points.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>Mitigation Measure 6: All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>Mitigation Measure 7: The applicant shall post a publicly visible sign with the telephone number and person to contact regarding dust complaints. This person shall respond and take corrective action within 48 hours of receiving a complaint. BAAQMD’s telephone number shall also be visible to ensure compliance with applicable regulations.</p> <p>Mitigation Measure 8: All diesel powered equipment (≥ 100 horsepower) shall be California Air Resources Board (CARB) Tier 3 Certified or better.</p>				
<p>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)? <i>Comment: Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Expose sensitive receptors to substantial pollutant concentrations? <i>Comment: There are no sensitive receptors located near Southland Mall and the health club site that would be impacted by the Project. Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Create objectionable odors affecting a substantial number of people? <i>Comment: The Project would not create such odors. Refer to III a & b.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. **BIOLOGICAL RESOURCES** -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife Service or U.S. Fish and Wildlife Service? **Comment:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of the health club would not affect any fish and wildlife species or California Department of Fish and Wildlife Service or U.S. Fish and Wildlife Service regional plans, policies, or regulations. The project site is in an urban setting that is developed with a regional mall. Pet Store is designated currently as a permitted primary use in the Central Business Zoning District, and the text amendment would allow pets to be boarded within buildings, which will not affect wildlife. The project will not cause any additional land within or outside the project site to be paved or otherwise developed. The project site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site at a regional mall. The site is devoid of plant or wildlife special-status species; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 Wildlife Service or US Fish and Wildlife Service? **Comment:** *The Project and Project site do not contain or involve any riparian habitat or other sensitive natural communities; thus, no impact.*

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? Comment: <i>The Project will not affect any wetlands since the project site is located in an urban setting, which contains no wetlands; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? Comment: <i>The Central Business Zoning District lands, including the health club project site, is not adjacent to or in the vicinity of any significant biological resources nor will the Project interfere with the movement of any migratory fish or wildlife species; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Comment: <i>The introduction of kennel services; pet boarding and pet day care is in compliance with ordinances protecting biological resources. The introduction of household pets to the Southland Mall would follow the requirements of the Animal Welfare Act. The health club project site is at a regional mall in an urban setting. The health club project is required to comply with the City's Bay-Friendly Water Efficient Landscape Ordinance, Hayward Environmentally Friendly Landscape Guidelines and Checklist for the landscape professional, and Municipal Codes. As a condition of approval of the site plan review, the applicant is required to provide a comprehensive arborist's report by a licensed arborist on all existing trees that are proposed to be saved and removed within the limit of project area and to comply with the City's tree preservation ordinance that requires all protected trees to be preserved or if removed, to be replaced with trees equal in value to those removed; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>Comment: The health club project site is at a regional mall in an urban setting. The site is not adjacent to or in the vicinity of any significant biological resources as it is an infill site. The Project site is not within an area designated in a Habitat Conservation Plan, nor within a local, regional or state habitat conservation plan. The text amendment would allow pets to be boarded within buildings which will not affect biological resources. Any new kennel as an administrative use requiring environmental review; thus, no impact.</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 California Environmental Quality Act, Title 14; Chapter 3; Article 5; Section 15064.5? <i>Comment: The Project would not affect historical resources as defined in § 15064.5. The site of the health club and properties within the Central Business District are not identified on any federal, state, or local register of historic places; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5? <i>Comment: Project would not affect archeological resource in that the site has been developed. However, as a condition of approval of the site plan review and any application that requires construction that requires excavation, if archaeological resources were discovered during construction, work shall stop in the area of the discovery until a qualified archaeologist can assess the significance of the find and appropriate measures taken to mitigate impacts to any significant resources to levels of insignificance. The impact would be less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Comment: <i>The Project would not affect paleontological resources or geologic features. The site and all properties in the Central Business District have been developed and contain no visible, unique geologic features. Past extensive urban use of the site has substantially disturbed the soil; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<p>d) Disturb any human remains, including those interred outside of formal cemeteries? Comment: <i>There are no records of any human remains located on the health club project site, properties within the Central Business District, nor cemeteries nearby. In the event that human remains, archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act guidelines. Due to extensive prior disturbance, there is a very low likelihood of disturbing human remains. Standard procedures for grading operations would be followed during development, which require that if any such remains or resources are discovered, grading operations are halted and the resources/remains are evaluated by a qualified professional and, if necessary, mitigation plans are formulated and implemented. These standard measures would be conditions of approval should the Project be approved; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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VI. GEOLOGY AND SOILS -- Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?</p> <p><i>Comment: The site of the proposed health club is located approximately 2 miles from the Hayward fault zone, therefore would not be subject to fault rupture. The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would also be located 2 miles from the Hayward fault zone since Southland Mall contains the only Central Business District parcels in the City of Hayward; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>ii) Strong seismic ground shaking? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not be affected by strong seismic ground shaking until construction or tenant improvements to Southland Mall take place to accommodate the proposed uses. The construction of the health club would not result in development that would expose people to any geologic hazard. This portion of the city is located on a broad alluvial plain deposited from the East Bay Hills. The site is not in a known fault zone. However, an earthquake of moderate to high magnitude could cause considerable ground shaking at the proposed health club site. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, the anticipated impact would be less than significant.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>iii) Seismic-related ground failure, including liquefaction? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not be affected by seismic-related ground failure, including liquefaction until construction or tenant improvements to Southland Mall take place to accommodate the proposed uses.</i></p> <p><i>Proposed health club - According to Figure 9.5, Liquefaction Hazard Map, of the General Plan EIR, the project site is located in an area of liquefaction susceptibility that is classified as Moderate. According to Table 9.5 in the EIR, Classification of Liquefaction Susceptibility, the project site is in an area with potential impacts during an earthquake that could involve localized ground cracking, isolated liquefaction-induced ground deformation, and localized damage. The proposed health club will be designed using sound engineering judgment and adhere to the latest California Building Code (CBC). Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.</i></p> <p>Mitigation Measure 9: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit such evaluation to the City for review and approval. Any recommendations shall be incorporated into the final design and construction of the health club building.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>iv) Landslides? Comment: <i>The text amendment would only allow the proposed uses within the Central Business Zoning District area, including at Southland Mall, which is located in a flat area not in the hillside; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>b) Result in substantial soil erosion or the loss of topsoil? Comment: <i>Refer to VI a.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?</p> <p>Comment: <i>Refer to VI a.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District is to facilitate the construction of a health club. There are no kennel facilities proposed at this time. Figure 9-3, Soils Map of the Hayward General Plan EIR, shows much of the health club building site is on Danville-Botella soils, which are silty clay loams with a high shrink-swell potential. A design level geotechnical evaluation shall be conducted and submitted for review and approval prior to issuance of building permits and if liquefaction is determined to be probable, measures as recommended by the project geotechnical consultant shall be implemented. Such measures, such as special foundation construction, will reduce the significance of liquefaction-related impacts to a level of insignificance. Hayward's development review and construction oversight requires the incorporation of recommendations of a registered geotechnical engineer in accordance with the California Building Code and geotechnical practices. Therefore, with the mitigation measure below, the anticipated impact is considered less than significant.</i></p> <p>Mitigation Measure 10: Prior to issuance of a Building Permit, the applicant shall conduct a design level geotechnical evaluation and submit that for review and approval and any recommendations shall be incorporated into the final design and construction of the project.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Comment: <i>The proposed health club and possible future kennel facilities are required to connect to the Hayward Municipal sewer system.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VII. GREENHOUSE GAS EMISSIONS --

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? **Comment:** *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would not generate greenhouse gas emissions. The text amendment would facilitate the construction of a health club. An August 8, 2013 study of the health club project was performed by Urban Crossroads (Attachment 6). This study used the California Emissions Estimator Model (CalEEMod) to evaluate the GHG impacts. The Bay Area Air Quality Management District (BAAQMD) recommends using the CalEEMod model in lieu of the Urban Land Use Emissions Model (URBEMIS) in calculating project greenhouse gas emission and evaluating air quality, as required by the BAAQMD. The Project site is currently developed with a 30,000- square- foot grocery building, 3,000-square-foot loading dock, and 8,600 square feet of retail space (Entitled Land Use) that will be demolished. The proposed Project includes development of approximately 45,000 SF of health club. While the Project would produce GHG emissions, the potential GHG emissions associated with the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. This report concludes that there are no new significant GHG impacts resulting from the Project nor is there any substantial increase in the severity of GHG impacts. Therefore, this impact is less than significant.*

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? <i>Comment: The August 8, 2013 Urban Crossroads study concluded that the health club project would produce GHG emissions, however, the potential GHG emissions associated with the health club project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. Moreover, the project will be in compliance with the City of Hayward Green Building Ordinance. As discussed in VIIa above, the project will not exceed the threshold for operation greenhouse gases; thus no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HAZARDS AND HAZARDOUS MATERIALS -- Would the project:

<p>a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? <i>Comment: The Project would result in an infill commercial use which would have no effect on the transport, storage, use, or disposal of hazardous materials; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<p>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? <i>Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would not introduce uses that would produce or require the use of hazardous materials that would create a significant hazard to the public or the environment, based on similar types of uses that exist in other areas of Hayward. The text amendment would facilitate the construction of a health club, which would not result in uses that could create a significant hazard to the public or the environment through the reasonable foreseeable upset and accidental conditions involving the release of hazardous materials into the environment; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Comment: <i>The Project would result in the construction of a health club and adding the uses of health club and kennel to the Central Business District regulations. The project would not result in hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Comment: <i>The Project would result in the construction of a health club and adding the uses of health club and kennel to the Central Business District. The project site is not included among 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; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

Comment: *The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would allow uses in the CB Zoning District and at Southland Mall that are within two miles of a public airport within the Airport Influence Area of the Hayward Airport Land Use Compatibility Plan (HWD ALUCP). The text amendment would facilitate the demolition of existing 30,000-square-foot vacant supermarket building and 8,600 square feet of retail space, and the construction of the health club. The 18.43-acre parcel on which the health club is proposed is located within the Airport Influence Area of the HWD ALUC within Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 2 is developed with a parking lot, Mimi's Café (6,785 square feet), Wells Fargo Bank (5,858 square feet) and an approximately 21,776-square-foot portion of a 43,532 retail space, which is split between Safety Compatibility Zones 2 and 3. Safety Compatibility Zone 3 contains a separate 29,119 square foot retail building and an Olive Garden Restaurant (9,215 square feet). All structures are located on an 18.43-acre parcel.*

The proposed health club meets the requirements for infill development of the HWD ALUCP (Section 2.7.5.7 Special Conditions, a. Infill), in that the development is similar or below the occupant loads of existing surrounding land uses, such as Mimi's Café, which is a land use (small eatery) that would be prohibited to be built or expanded in Safety Compatibility Zone 2. The parcel containing the proposed health club is less than 20 acres in size and meets the maximum parcel size threshold required for infill projects. Also, as required by the Infill provisions, the proposed health club would not extend the perimeter of the parcel or the area already developed with the existing restaurant and retail uses. The existing use of small eateries is classified as an incompatible use within Safety Compatibility Zone 2, but is a conditionally compatible land use within Safety Compatibility Zone 3.

*Also, HWD ALUCP Section 3.3.2.10 states "The ALUC generally supports clustering as a means for both enhancing safety compatibility in the vicinity of airport and accomplishing other developments objectives." The health club would occupy the pad of the Lucky Supermarket that was developed in 1961 as part of the Palma Ceia Shopping development. **By developing the health club on the pad of the former Lucky Supermarket, the Project continues to cluster development at the Southland Mall property, consistent with the policies of the HWD ALUCP.***

According to the HWD ALUCP, "No development shall be clustered in a manner that would exceed the intensity limits listed as incompatible to Table 3-2." However, Section 3.3.2.7 Nonresidential Development Criteria, subsection a, of the HWD ALUCP states "Nonresidential intensity criteria derive from "urban" (heavily developed) settings (as set forth in Table 9C of the Caltrans Handbook), which reflects the current environment around HWD. Subsection b states "The compatibility of a proposed nonresidential land use shall be evaluated using the land use types listed in Table 3-2." Using this list, the 18.44-acre site can be classified as a Mixed Use Retail Center with Restaurant Facilities (approx. 110 s.f./person), which is listed as a conditionally compatible use for Safety Zone 2 in Table 3-2 of the HWD ALUCP.

As shown below, the number of people anticipated for the site exceeds the standard of 40 people per acre for Zone 2. However, the calculated number of **maximum** occupants per acre for the parcel and proposed and existing uses, including the proposed health club, does not exceed the 2011 California Airport Land Use Planning Handbook standard (Safety Zone 2-Inner Approach/Departure Zone, Figure 4C Maximum Single Acre Urban Setting) of 120-160 people per acre.

In analyzing the maximum number of occupants per acre, two methods were utilized; Building Code Occupant Load Method and Parking Requirement Method. Both of these methods are described in the example calculations found in Exhibit 9C-2 of the California Airport Land Use Planning Handbook. Parking counts are based on the required parking per the City of Hayward Off-Street Parking Regulations and calculations are based on the California Building Code occupant load tables sited in Exhibit C-1 of the HWD ALUCP with adjustments according to the instructions. The calculations are as follows:

Building Code Occupant Load Method
Zone 2 acreage: 9.99
 Building Occupant Load in Zone 2: Wells Fargo (59) + Mimi's (452) + Proposed Fitness Center (900) + Vacant Retail #1 (1,452) = 2,863 x .50** = 1,432 occupants
 Zone 2 allowed per Table 9c: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)
 Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban: 120-160 people per acre (2011 California Airport Land Use Planning Handbook)
 Zone 2 people per acre: 1,432 people ÷ 9.99 acres = 143 people per acre – **Does not comply with the 2001 Handbook; however, complies with the 2011 Handbook.**

Zone 3 acreage: 8.44
 Building Occupant Load in Zone 3: ½ of Vacant Retail #1 (726) + Vacant Retail #2 (971) + Olive Garden (614) = 2,311 x .50 = 1,156 occupants.
 Zone 3 allowed per Table 9C: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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Zone 3 people per acre: 1,156 people ÷ 8.44 acres = 137 people per acre – **Does not comply with the 2001 Handbook, but complies with the 2011 Handbook.**

Parking Requirement Method

Zone 2 acreage: 9.99

Parking Requirements: Wells Fargo -- 1 space/250 ft2 (24 spaces) + Mimi's--1 space/200 ft2 (34 spaces) + Proposed Fitness Center--1 space/200 ft2 (225 spaces) + Vacant Retail #1-- 1 space/250 ft2 (174 spaces*) = 457 required spaces x 1.5 people per space = 686 people

Zone 2 allowed per Table 9C: 40 – 60 people per acre (2001 California Airport Land Use Planning Handbook)

Zone 2 allowed per Figure 4C Safety Zone 2-Inner Approach/Departure Zone Urban: 120-160 people per acre (2011 California Airport Land Use Planning Handbook)

Zone 2 people per acre: 686 people ÷ 9.99 acres = 69 people per acre -- **Does not comply with 2001 Handbook, but complies with the 2011 Handbook.**

Zone 3 acreage: 8.44

Parking Requirements: Olive Garden--1 space/200 ft2 (46 spaces) + Vacant Retail #2--1 space/250 ft2 (116 spaces) + Vacant Retail #1--1 space/250 ft2 (only half of the building is in zone 3, so half of the required parking is counted: 87 spaces) = 249 required spaces x 1.5 people / space = 374 people

Zone 3 allowed per Table 9c: 80 – 100 people per acre (2001 California Airport Land Use Planning Handbook). Zone 3 allowed per Figure 4D Safety Zone 3-Inner Turning Zone Urban: 300-450 people per acre (2011 California Airport Land Use Planning Handbook)

Table 3-2 HWD ALUCP 80 people

Zone 3 people per acre: 374 ÷ 8.44 acres = 44 people per acre -- **Complies with Table 3-2, and 2001 and 2011 Handbooks.**

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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In summary, the intensity of use of the entire parcel with the proposed health club is compliant for Safety Zone 2 per the 2011 California Airport Land Use Planning Handbook and compliant with the 2001 and 2011 California Airport Land Use Planning Handbooks for Safety Zone 3. In other words, the more recent Handbook lists an intensity of use that is greater than that in the 2001 Handbook, on which the HWD ALUCP Table 3-2 is based.

A Mixed Use Retail Center is listed as a conditionally compatible Zone 2 use in Table 3-2. Safety design features can be incorporated to mitigate the hazards to building occupants. The applicant has reduced the window area to accomplish this and would provide seven emergency exits while the California Building Code requires four emergency exits (See attachment 7).

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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The proposed 40-foot height of the proposed health club (90-foot elevation above sea level) is within the allowable height per Figure 7-8, Inner Portion of the Approach, Surface Plan-Runway 28L of the Hayward Executive Airport, Airport Layout Plan Update.

Therefore, the height of the building would not be a hazard to air navigation.

Since the Project site is located in an urbanized setting at a regional mall, the surrounding parking lots at Southland Mall can be considered acceptable open lands for the landing of aircraft according to the California Airport Land Use Planning Handbook (October 2011) Chapter 4, Developing Airport Land Use Compatibility Policies, "Characteristics of Open Land" page 4-2. The mitigation measure below will ensure impacts will be less than significant.

Mitigation Measure 11: The proposed health club structure shall incorporate design features to increase the safety of the building occupants. Safety design features may include but not limited to: reinforced concrete block walls, limited number of windows, no skylights, a fire sprinkler system, and increased number of emergency exits.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Comment: There is no private airstrip within the vicinity of the CB Zoning District and Southland Mall; therefore, no impact

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g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District, the construction of the health club and operation of the health club would not impair implementation of adopted emergency response or emergency evacuation plans. An evacuation plan will be posted in the health club and in any pet store or kennel; thus, no impact.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **Comment:** The text amendment, and the health club would not expose people or structures to a significant risk of loss, injury or death involving wildland fires since the site and the Central Business District are not located in areas of wildlands; thus no impact.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IX. HYDROLOGY AND WATER QUALITY -
 - Would the project:

a) Violate any water quality standards or waste discharge requirements? ***Comment:** The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would facilitation the construction of a health club but kennel facilities are not proposed at this time. All commercial uses in the City of Hayward are required to meet clean water standards. The health club project would not result in any development that would cause a violation of any water quality standards or waste discharge requirements. New construction in the City of Hayward is subject to mandatory water quality requirements imposed as a condition of construction. New development projects are required to implement Best Management Practices for both construction and post-construction periods that limit periods during which grading occurs, filtration of stormwater prior to entering public drainage systems and similar requirements. Implementation of those practices would ensure no violation of water quality standards results from the construction of the health club.*

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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)?</p> <p>Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in any development that would affect ground water supplies or interfere substantially with ground water recharge. The underlying groundwater basin at Southland Mall in the Central Business District is not utilized as a water supply and no pumping activities occur within the City of Hayward.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? Comment: <i>All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Comment: <i>All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and managed such that post-development run-off rates do not exceed pre-development run-off rates; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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? <i>Comment: All drainage from the health club site and Southland Mall is required to be treated before it enters the storm drain system and there is sufficient capacity to handle any drainage from the property; thus, the impact is considered less than significant.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality? <i>Comment: The text amendment and the construction of the health club would not result in substantially degradation of water quality. The health club will be serviced by existing water systems.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Comment: No new housing is associated with this Project; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? <i>Comment: The Project site is not located within a mapped 100-year flood hazard are; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? <i>Comment: The Project site is not near a levee or dam; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow? <i>Comment: The Project site and Southland Mall located in the Central Business District is not be subject to inundation by seiche, tsunami or mudflow; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business Zoning District would facilitate the construction of a proposed health club and future proposed kennel uses at Southland Mall. The Project would not result in any development that would physically divide an established community; thus, no impact.

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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 text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District is consistent with the uses that are allowed in the Central Business District that encourages development at a regional mall and therefore, not in conflict with the Zoning Ordinance or the Hayward General Plan. The construction of the health club would not be in conflict with the Zoning Ordinance or the General Plan. The proposed uses are appropriate for a regional mall and are consistent with other uses in the Central Business District. In addition, the project is within the Retail and Office Commercial General Plan Designation which includes regional shopping centers; thus, no impact. Also, see discussion under VIII e.

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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? <i>Comment: The text amendment and the health club would not result in any development that would conflict with a habitat conservation plan or a natural community conservation plan since the health club project site and Southland Mall in the Central Business District is not in an area covered by a conservation plan; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI. 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? <i>Comment: The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District would allow uses to be located only in an urbanized developed setting. There aren't mineral resource on the Project site or at Southland Mall; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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? <i>Comment: There aren't mineral resources on the Project site; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. 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?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p><u>Comment:</u> The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District would not result in uses that would generate noise levels in excess of standards established in the Hayward General Plan or the Noise Ordinance. Temporary health club construction noise and any future construction noise will be controlled by the Hayward Noise Ordinance, and specifically, the project will comply with the construction hours specified in the City’s Noise Ordinance; therefore, any impacts will be less than significant.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? <u>Comment:</u> No significant vibration impacts are anticipated for the health club project site; thus no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will not result in noise levels in excess of the vehicle traffic produced by those using Hesperian Boulevard. The Project would not involve an increase in the ambient noise levels in the area; thus, no impact.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? <u>Comment:</u> <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District will not result in an increase in ambient noise levels. However, the construction of the health club will affect existing residential development and businesses near with a slight increase in ambient noise levels during the construction of the proposed health club project. Construction is limited to the allowable hours per the City's Noise Ordinance; thus the impact is considered less-than-significant and no mitigation is required.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact	
<p>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District will facilitate construction of a new health club. No kennel facilities are proposed at this time. People working within and visiting the health club will not be exposed to excessive noise levels since the interior project noise levels are required to be 50 dBA. In reference to the General Plan EIR, based on a 24 hour average; according to Table 7.5, Summary of Long-Term Noise Measurements, noise levels would be 61 Ldn; Table 7.6, Summary of Short-Term Noise Measurements, general aviation and aircraft noise peaked at 71 Ldn. Both are exterior readings and will be mitigated for building occupants. In addition, as required by the HWD ALUCP Section 3.3.1.3 c, “All proposed land use changes beyond the 60 CNEL contour are considered consistent with the noise compatibility policies set forth in this ALUCP, provided they are consistent with local policies.” The Hayward General Plan Noise Mitigation Policy 13 states “The City will seek to protect the public health, safety, and welfare against the adverse effects of excessive noise.” In addition, a Noise Mitigation Strategy of the General Plan states “8. Continue to monitor the effectiveness of noise control programs at the Hayward Executive Airport.” Enforcement of the Noise Control Program will help to abate airport related noise. Since the interior noise levels will be mitigated to 50 dBA, the impact is in compliance with the General Plan policy and the impact is less than significant impact.</i></p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>Mitigation Measure 12: <i>Interior project noise levels are required to be 50 dB CNEL as required by the HWD ALUCP.</i></p>				

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? Comment: <i>There is no private airstrip near the Southland Mall located in the Central Business District; thus, no impacts.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? Comment: <i>The text amendment and health club would not induce substantial population growth in any area of the City. There are no aspects of the project that would induce population growth; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? Comment: <i>The Project would not displace any residents; thus no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? Comment: <i>The text amendment and health club would not result in any development that would displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. The construction would take place at a regional mall in the Central Business District not within a residentially zoned area; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XIV. PUBLIC SERVICES --

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
Fire protection? Comment: No new fire protection facilities would be required as a result of the Project. The health club would be equipped with a fire sprinkler system and all Fire Codes are required to be met; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection? Comment: The text amendment and the health club would not result in a need for additional police protection. The health club would have a security system and would employ security; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools? Comment: No new school facilities would be required as a result of the text amendment and the health club project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks? Comment: The text amendment and health club project would not generate additional use of the park systems in the area; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities? Comment: No other public facilities would be significantly impacted; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Comment: The text amendment would facilitate an additional recreation opportunities in the Central Business District and not negatively impact parks or facilities; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Comment: The Project would not generate such impacts, as described in this document; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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XVI. TRANSPORTATION/TRAFFIC --

Would the project:

a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? ***Comment:** The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District. The text amendment facilitates the construction of a health club that would include a revised circulation and parking plan for the health club within the limit of work, which will be required to be approved by City staff and implemented as a normal development standard requirement. Street circulation, mass transit and sidewalks would not be affected; thus, no impact.*

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? Comment: <i>The health club would generate fewer trips than the market and the retail uses did, which are to be demolished.</i></p> <p><i>Fitness Center – 45,000 square feet x 3.53 trips/1000 square feet = 159 trips</i></p> <p><i>Previous uses</i></p> <p><i>Grocery – 30,000 square feet x 10.50 trips/1000 square feet = 315 trips</i></p> <p><i>Retail – 8,600 square feet x 2.71 trips/1000 = 23 trips, resulting in a net difference of 179 trips. Adequate parking will be provided to meet the demands of the health club patrons. There are two major Congestion Management Program routes in the vicinity of the project; Hesperian Boulevard and Winton Avenue. Since the Project generates fewer trips than the existing Lucky Supermarket and retail space, there will be less of an impact on these routes caused by this project; thus, less than significant impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow “Health Club” and “Kennel ancillary to Pet Store” as permitted primary uses and “Kennel (Pet Boarding and Day Care only)” as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in an increase to air traffic levels and would not result in a change to air traffic patterns; thus, no impact.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? Comment: <i>The text amendment to amend the Hayward Municipal Code (Zoning Ordinance) to allow "Health Club" and "Kennel ancillary to Pet Store" as permitted primary uses and "Kennel (Pet Boarding and Day Care only)" as conditional uses in the Central Business (CB) Zoning District and the construction of a health club would not result in hazards due to design features. The health club would have clearly marked fire lanes and emergency access aisles will be maintained; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) Result in inadequate emergency access? Comment: <i>The text amendment would not result in inadequate emergency access. The health club would not include any construction that would result in inadequate emergency access. Fire lanes will be marked and emergency access aisles will be maintained. . The health club would have an evacuation plan and fire lanes marked and emergency access aisles will be maintained; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? Comment: <i>The text amendment and the health club project would not conflict with adopted policies, plans, or programs supporting alternative transportation. The project involves no changes to existing public roadways, bicycle or pedestrian facilities; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII. UTILITIES AND SERVICE SYSTEMS

-- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Comment: <i>The proposed uses and the proposed health club will use existing storm drains and sewers. The amount of waste water produced by the construction and operation of the health club can be accommodated by existing infrastructure and would not cause the City of Hayward wastewater treatment plan to exceed requirements of the Regional Water Quality Control Board or exceed its treatment capacity; thus, no impact.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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: Refer to XVIII.a.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: There is sufficient capacity to accommodate the proposed uses and the proposed health club project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Comment: here is sufficient capacity to accommodate the proposed text amendment and the proposed health club project. Utility fees will be paid for adequate access to City of Hayward water; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the City of Hayward 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 is the wastewater treatment provider for Southland Mall including the health club project site. There is sufficient capacity to accommodate the proposed project; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Comment: The health club project and any future kennel use will be subject to the regulations stipulated in Chapter 5, Article 1 Solid Waste Collection and Disposal in the City's Municipal Code. There is sufficient capacity to accommodate the proposed project. Landfill capacity at Altamont Landfill would be able to accommodate health Club operations; thus, no impact.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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g) Comply with federal, state, and local statutes and regulations related to solid waste?

Comment: Construction waste guidelines for the recycling of construction waste would be followed and are required to be followed for all new construction. In addition, health club operations and any future kennel operations would be required to comply with City of Hayward Solid Waste commercial requirements; thus, no impact.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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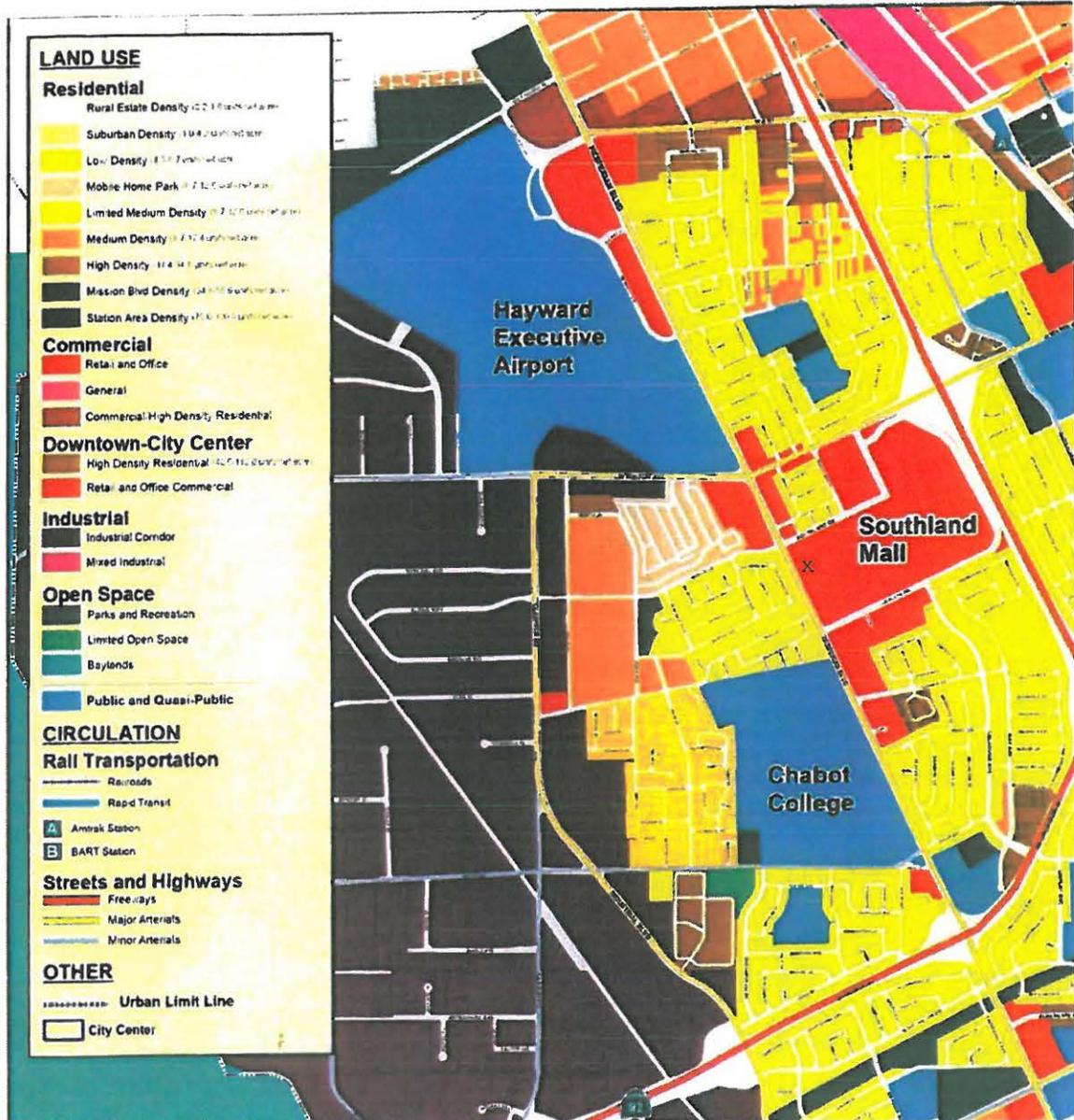
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE --

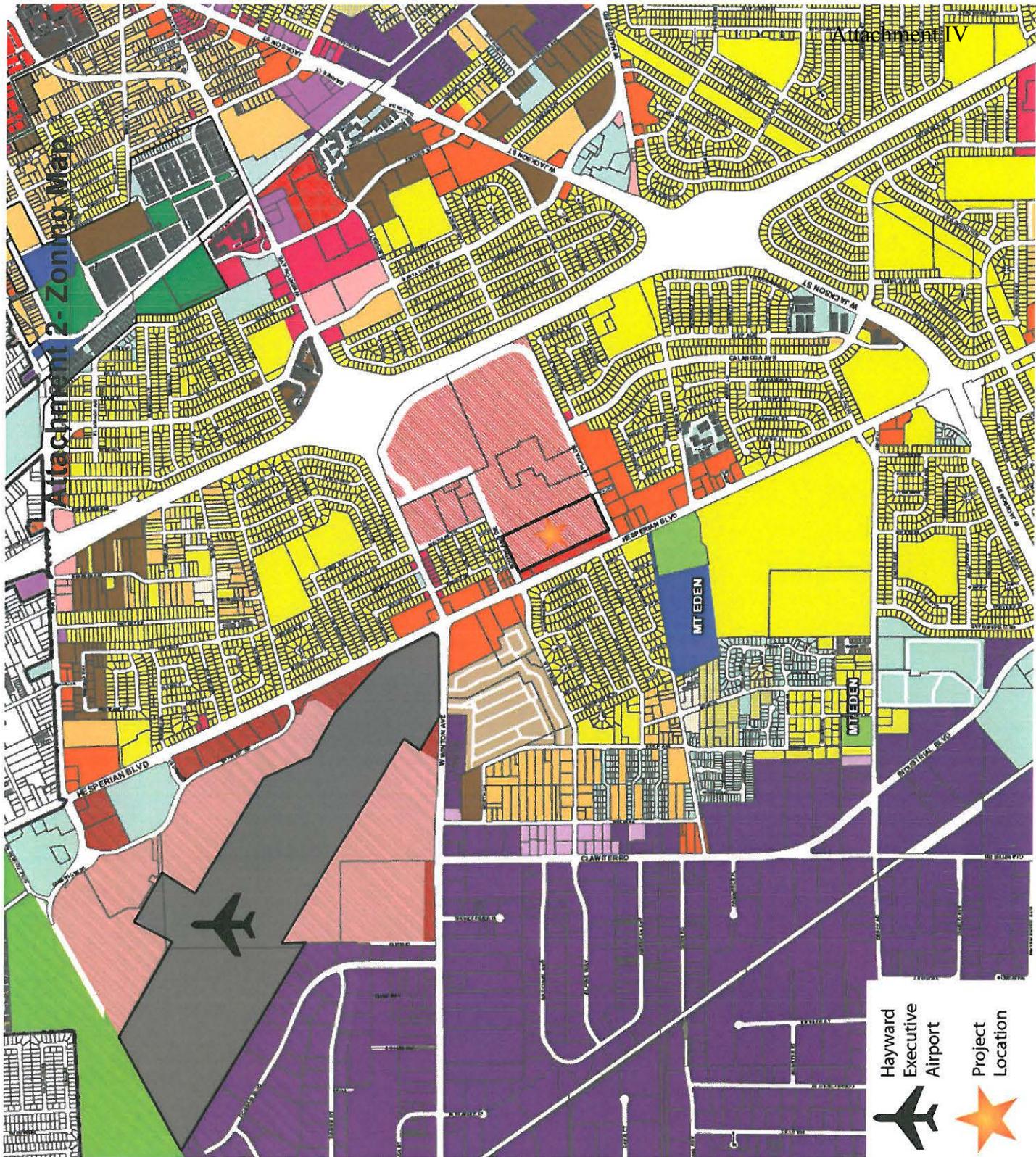
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Comment: The text amendment and the proposed health club project would not result in development of any currently undeveloped land. The health club project would have no impact on the natural environment, as this infill project exclusively calls for the development of land that has already been developed at a regional mall (Southland Mall in the Central Business District); In addition, any kennel activities will be required to meet Animal Welfare Act requirements. Thus, the project will have no impact and specifically will not 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.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
<p>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)?</p> <p>Comment: <i>The text amendment and the health club project are consistent with the density of development identified in the City's General Plan in the Retail and Office designation which recognizes development at Southland Mall and encourages uses that are regional serving. As evidenced in the checklist above, with mitigation, it has been determined that the Project would not have any significant impacts; thus no impact regarding cumulative impacts.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> <p>Comment: <i>The text amendment and the proposed health club project, per mitigation measures identified in this document, would not have any environmental impacts that will cause substantial adverse effects on human beings, either directly or indirectly.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>





Residential	Commercial	Central City	Mission Boulevard Corridor Form-Based Code	South Hayward BART Form-Based Code	Industrial	Air Terminal	Open Space	Other	Special Design Districts
RSB40 Single Family Residential, minimum lot size 40,000sqft	RO Residential Office	CC-C Central City Commercial	M-T3 Sub-urban Zone, 4.3 to 17.5 units/net acre	S-T4 Urban General Zone, 17.5 to 35 units/net acre	I Industrial	AT-IP Air Terminal Industrial Park	A Agriculture, includes Combining Districts	PF Public Facilities	SD 1 B Street Sreecar Special Design District
RSB20 Single Family Residential, minimum lot size 20,000sqft	CN Neighborhood Commercial	CC-R Central City Residential	M-T4 Urban General Zone, 17.5 to 35 units/net acre	S-T5 Urban Center Zone, 35 to 55 units/net acres	LM Light Manufacturing	AT-C Air Terminal Commercial	FP Flood Plain	PD Planned Development	SD 3 College Special Design District
RSB10 Single Family Residential, minimum lot size 10,000sqft	CN-R Neighborhood Commercial/Residential	CC-P Central City Plaza	M-T4-2 Urban General Zone, 17.5 to 35 units/net acre	S-T5-2 TOD Density Overlay 2, 40 to 85 units/net acre	BP Business Park	AT-ARM Air Terminal Medium Density Residential	OS Open Space	RNP Residential Natural Preserve	SD 4 Cannery Area Special Design District
RSB8 Single Family Residential, minimum lot size 8,000sqft	CR Regional Commercial		M-T4-1 Urban General Zone, 17.5 to 35 units/net acre	S-T5-1 TOD Density Overlay 1, 75 to 100 units/net acre		AT-AC Air Terminal Airport Commercial			SD 5 Mission-Gain Area Special Design District
RSB6 Single Family Residential, minimum lot size 6,000sqft	CO Commercial Office		M-T5 Urban Center Zone, 35 to 55 units/net acres	S-CS Civic Space Zone		AT-O Air Terminal Operations			Hayward Foothills Trail Special Design District
RS Single Family Residential, minimum lot size 5,000sqft	CB Central Business		M-T5-2 Height Overlay 2, 2 to 3 stories			AT-R Air Terminal Recreation			
RSB4 Single Family Residential, minimum lot size 4,000sqft	CBB20 Central Business, minimum lot size 20,000sqft		M-T5-1 Height Overlay 1, 2 to 4 stories						
RMB4 Medium Density Residential, minimum lot size 4,000sqft	CG General Commercial		M-CS Civic Space Zone						
RMB3.5 Medium Density Residential, minimum lot size 3,500sqft	CL Limited Access Commercial								
RM Medium Density Residential, minimum lot size 2,500sqft									
RH High Density Residential, minimum lot size 1,250sqft									
RHB7 Mobile Home Park									
MH Mobile Home Park									
SMU Sustainable Mixed Use, 17.4 to 100.0 dwelling units/net acre									

Hayward Executive Airport
 Project Location

Labels on Map

SEC. 10-1.1300 CENTRAL BUSINESS DISTRICT (CB)

Sections:

- Section 10-1.1305 Purpose.
- Section 10-1.1310 Subdistricts.
- Section 10-1.1315 Uses Permitted.
- Section 10-1.1320 Conditionally Permitted Uses.
- Section 10-1.1325 Lot Requirements.
- Section 10-1.1330 Yard Requirements.
- Section 10-1.1335 Height Limit.
- Section 10-1.1340 Site Plan Review Required.
- Section 10-1.1345 Minimum Design and Performance Standards.

SEC. 10-1.1305 PURPOSE.

The CB District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to make provision for a principal downtown area of regional importance, and several outlying areas of more than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.

SEC. 10-1.1310 SUBDISTRICTS.

Any combining B District (see Section 10-1.2400).

SEC. 10-1.1315 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District.
 - (1) **Administrative and Professional Offices/Services.**
 - (a) Accounting and financial offices. (excluding check cashing stores)
 - (b) Architectural and engineering offices.
 - (c) Banks and financial institutions.
 - (d) Chiropractic and acupuncture offices.
 - (e) Insurance and real estate offices.
 - (f) Law offices.
 - (g) Medical and dental offices.
 - (h) Travel and airline agency offices.
 - (2) **Automobile Related Uses.**
 - Automobile parts store.

Attachment 3 – Proposed Text Amendment

- (3) Personal Services.
 (a) Barber or beauty shop.
 (b) Dance studio.
 (c) Dry cleaner/laundry.
 (d) **Health Club**
~~(d)~~ (e) Martial arts studio.
~~(e)~~ (f) Music studio.
~~(f)~~ (g) Nail salon.
~~(g)~~ (h) Palm reading.
~~(h)~~ (i) Photography studio.
~~(i)~~ (j) Physical fitness studio.
~~(j)~~ (k) Shoe repair shop.
~~(k)~~ (l) Tailor/seamstress shop.
- (4) Residential Uses.
 Residential dwelling unit(s). (Above first floor commercial uses only)
- (5) Retail Commercial Uses.
 (a) Antique store.
 (b) Appliance store.
 (c) Art and art supplies store.
 (d) Bakery.
 (e) Bicycle shop.
 (f) Bookstore.
 (g) Camera store.
 (h) Card shop.
 (i) Carpet/drapery store.
 (j) Clothing store.
 (k) Coffee/espresso shop.
 (l) Delicatessen.
 (m) Fabric store.
 (n) Floral shop.
 (o) Furniture store.
 (p) Garden supplies store.
 (q) Gift shop.
 (r) Hardware store.
 (s) Jewelry store.
 (t) Locksmith shop.
 (u) Music store.
 (v) Nursery (plant).
 (w) Paint/wallpaper store.
 (x) Pet grooming shop.
 (y) Pet store. **(Kennel-When ancillary to Pet Store)**
 (z) Plumbing and heating store.
 (aa) Restaurant. (Where not abutting a residential district or

property and no bar)

(bb) Sporting goods store.

(cc) Stationary store.

(dd) Supermarket.

(ee) Theater

(Small Motion Picture or Live Performance only.)

(ff) Toy store.

(gg) Variety store.

(hh) Video sales and rental store.

(6) Service Commercial Uses.

(a) Copying or reproduction facility.

(b) Mailing or facsimile service.

(c) Reverse vending machine(s).

(When located within a convenience zone)

(7) Other Uses.

(a) Banquet hall.

(Where not abutting a residential district or property and where no alcohol is served)

(b) Broadcasting studio.

(c) Catering facility.

(d) Christmas tree or pumpkin patch lot.

(See General Regulations Section 10-1.2735d. for standards)

(e) Day care home.

(State-licensed, less than 24-hour care for children or adults, 14 or fewer persons, excluding staff. See definitions)

(f) Day Care Center.

(State-licensed, less than 24-hour care for children or adults, 15 or more persons, excluding staff. See definitions.)

(g) Public agency facilities.

b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the CB District:

(1) Accessory buildings and uses.

(See Section 10.1.845d.)

(2) Garage sales.

(4 per year per dwelling. See General Regulations Section 10-1.2735e.)

(3) Home Occupation.

(See definitions.)

(4) Household pets.

SEC. 10-1.1320 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CB District subject to approval of an administrative use permit:
- (1) **Administrative and Professional Offices/Services.**
None.
 - (2) **Automobile Related Uses.** (See Section 10-1.1045h. for special requirements)
 - (a) Automobile repair (minor and major).
 - (b) Automobile service station.
 - (c) Car wash.
 - (d) Parking lot.
 - (3) **Personal Services.**
Suntan parlor.
 - (4) **Residential Uses.**
None.
 - (5) **Retail Commercial Uses.**

(a) Convenience market.	(See General Regulations Section 10-1.2735b. for regulations of alcohol)
(b) Kennel	(Pet Boarding and Pet Day Care only)
(b) (c) Restaurant.	(Where abutting a residential district or property and no bar)
 - (6) **Service Commercial Uses.**

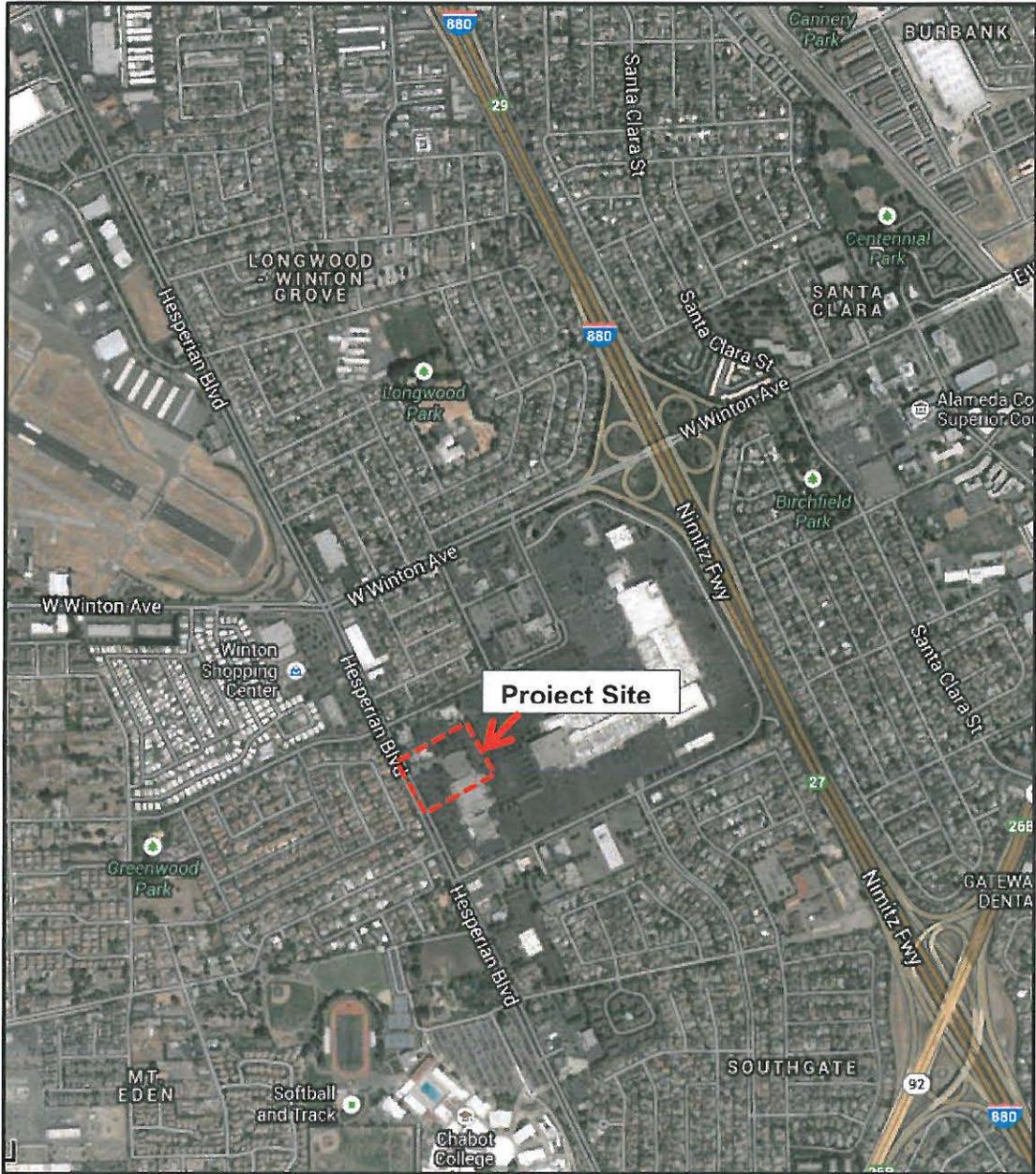
(a) Appliance repair shop.	(Not ancillary to primary use)
(b) Hotel or motel.	(Where not abutting a residential district or property)
(c) Recycling Collection Area.	(When located within a convenience zone)
 - (7) **Other Uses.**

(a) Ambulance service.	
(b) Auction.	
(c) Banquet hall.	(Where not abutting a residential district or property)
(d) Carnival.	
(e) Catering facility.	(Where not abutting a residential district or property)
(f) Commercial Amusement.	
(g) Cultural facility.	
(h) Educational facility.	

- (i) Home occupation - expanded.
- (j) Hospital, convalescent home.
- (k) Outdoor gathering.

(See General Regulations Section 10-1.2735h.)

- (l) Passenger transportation terminal.
- (m) Recreational facility.
- (n) Religious facility.
- (o) Temporary use.





August 8, 2013

Mr. Sean Wood
ROUSE PROPERTIES
6225 North State Highway 161, Suite 425
Irving, TX 75038

Subject: Southland Mall Fitness Center Greenhouse Gas Evaluation

Dear Mr. Wood:

As requested, Urban Crossroads, Inc. is pleased to submit this greenhouse gas evaluation associated with the proposed Southland Mall Fitness Center (Project) which includes the development of approximately 45,000 square feet (SF) of fitness center space in the City of Hayward.

PROJECT DESCRIPTION AND LOCATION

The Project site is currently developed with a 30,000 square foot grocery building, 3,000 SF loading dock, and 8,600 SF of retail space that will be demolished. The proposed Project includes development of approximately 45,000 SF of fitness center space. The Project site is generally located at 24500 Hesperian Boulevard in the City of Hayward.

On July 26, 2013, the South Coast Air Quality Management District (SCAQMD), in consultation with the California Air Pollution Control Officers Association (CAPCOA) and other air districts, released the latest version of the California Emissions Estimator Model (CalEEMod™) version 2013.2. The purpose of this model is to more accurately calculate air quality and greenhouse gas (GHG) emissions from direct and indirect sources and quantify applicable air quality and GHG reductions achieved from applicable mitigation measures. As such, the latest version of CalEEMod was used for this project¹.

The purpose of this evaluation is to evaluate the potential impacts to greenhouse gases associated with construction and operation of the proposed Project, and recommend measures to mitigate impacts considered potentially significant in comparison to established regulatory thresholds.

STANDARDS OF SIGNIFICANCE

The Bay Area Air Quality Management District (BAAQMD) has developed significance thresholds for regulated pollutants, as summarized at Table 1.

¹ The Bay Area Air Quality Management District (BAAQMD) also recommends using the CalEEMod model in lieu of the URBEMIS Model (personal communication with Alison Kirk, Bay Area Air Quality Management District on 05/13/13).

Mr. Sean Wood
ROUSE PROPERTIES
August 8, 2013
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TABLE 1

May 2011 Air Quality Guidelines		
Pollutant	Construction	Operational
GHGs	Compliance with Qualified Climate Action Plan OR 1,100 MT of CO ₂ e/year OR 4.6 MT CO ₂ e/SP/yr (residents + employees)	

GREENHOUSE GAS EVALUATION

While the Project would produce GHG emissions, the potential GHG emissions associated with the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use. Thus, this report concludes that there are no new significant GHG impacts resulting from the Project nor is there any substantial increase in the severity of GHG impacts. The following discussion provides additional information that supports this finding.

Table 2 provides a summary of the Proposed Project's and Entitled Land Use Operational emissions. The net project emissions will not exceed any applicable threshold. In fact, the Project would not exceed GHG emissions that would otherwise occur under the Entitled Land Use.

CONCLUSION

The Project will not exceed any of the applicable BAAQMD thresholds for greenhouse gas emissions during construction or operational-related activity and a less than significant impact will occur.

If you have any questions, please contact me directly at (949) 660-1994 ext. 217.

Respectfully submitted,

URBAN CROSSROADS, INC.



Haseeb Qureshi, MES
Senior Air Quality Specialist

HQ

JN: 08837-02 MEMO

Mr. Sean Wood
ROUSE PROPERTIES
August 8, 2013
Page 3

TABLE 2
SUMMARY OF OPERATIONAL GREENHOUSE GAS EMISSIONS (ANNUAL)
PROPOSED PROJECT VS. ENTITLED LAND USE

Scenario	Emissions (metric tons per year)			
	CO ₂	CH ₄	N ₂ O	Total CO ₂ E
Proposed Project				
Annual Construction related emissions amortized over 30 years	8.76	0.0019	--	8.80
Area	8.00E-04	--	--	8.50E-04
Energy	169.93	6.08E-03	2.14E-03	170.72
Mobile	1,063.39	0.0553	--	1,064.55
Waste	52.07	3.08	--	116.69
Water	6.69	0.09	2.10E-03	9.17
Total CO₂E (All Sources)	1,370.93			
Entitled Land Use (Grocery/Retail Store)				
Area	6.90E-04	--	--	7.30E-04
Energy	432.13	0.0179	4.62E-03	433.94
Mobile	2,208.22	0.1214	--	2,210.77
Waste	36.18	2.14	--	81.08
Water	8.71	0.1416	3.40E-03	12.74
Total CO₂E (All Sources)	2,738.53			
Net Project Emissions Potential (Proposed minus Entitled) (CO₂E)	-1,367.60			
2011 BAAQMD Threshold	1,100			
Threshold Exceeded?	NO			

Source: CalEEMod™ model output, See Attachment "B" for detailed model outputs.
Note: Totals obtained from CalEEMod™ and may not total 100% due to rounding.

Mr. Sean Wood
ROUSE PROPERTIES
August 8, 2013
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ATTACHMENT "A"
CalEEMod Model Outputs

Existing Land Uses (grocery store/retail)
 Bay Area AQMD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Supermarket	30.00	1000sqft	0.69	30,000.00	0
Regional Shopping Center	8.60	1000sqft	0.20	8,600.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	64
Climate Zone	5			Operational Year	2014

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Utility Company Pacific Gas & Electric Company

CO2 Intensity (lb/MW/hr)	641.35	CH4 Intensity (lb/MW/hr)	0.029	N2O Intensity (lb/MW/hr)	0.006
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1.3 User Entered Comments & Non-Default Data

- Project Characteristics -
- Land Use -
- Demolition -
- Architectural Coating -
- Construction Phase - No construction emissions
- Off-road Equipment - No construction emissions

Table Name	Column Name	Default Value	New Value
tbiConstructionPhase	NumDays	10.00	1.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	1.00	0.00
tbiOffRoadEquipment	OffRoadEquipmentUnitAmount	2.00	0.00

2.0 Emissions Summary

2.1 Overall Construction

Unmitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Percent Reduction	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
0.0000											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

**2.2 Overall Operational
Unmitigated Operational**

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Area											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	7.3000e-004
Energy											0.0000	432.1323	432.1323	0.0179	4.6200e-003	433.9386
Mobile											0.0000	2,208.2247	2,208.2247	0.1214	0.0000	2,210.7749
Waste											36.1791	0.0000	36.1791	2.1381	0.0000	81.0797
Water											1.3753	7.3379	8.7132	0.1416	3.4000e-003	12.7419
Total											3.00044	2,440.0000	2,442.0000	2.410	0.0200e-003	2,130.3000

2.2 Overall Operational Mitigated Operational

Category	tons/yr										MT/yr					CO2e	
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O		
Area											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004
Energy											0.0000	432.1323	432.1323	0.0179	4.6200e-003		433.9386
Mobile											0.0000	2,208.2247	2,208.2247	0.1214	0.0000		2,210.7749
Waste											36.1791	0.0000	36.1791	2.1381	0.0000		81.0797
Water											1.3753	7.3379	8.7132	0.1416	3.4000e-003		12.7397
Total											36.1791	2,440.1247	2,476.3044	2.4100	0.0200e-003		2,478.7344

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Percent Reduction	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	1.2402e-003	0.0000

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/1/2014	5	1	

Off Road Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	0	8.00	81	0.73
Demolition	Rubber Tired Dozers	0	1.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	0	6.00	97	0.37

Trips and M

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	0	0.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

Acres of grading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NEIO-CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

3.2 Demolition - 2014
Unmitigated Construction Off-Site

Acres of rading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

3.2 Demolition - 2014
Mitigated Construction Off-Site

Acres of rating

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	2,208.224 ₇	2,208.224 ₇	0.1214	0.0000	2,210.774 ₉
Unmitigated											0.0000	2,208.224 ₇	2,208.224 ₇	0.1214	0.0000	2,210.774 ₉

4.2 rip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Regional Shopping Center	369.28	429.74	217.06	624,484	624,484
Supermarket	3,067.20	5,327.70	4993.20	4,169,039	4,169,039
Total	3,436.48	5,757.44	5,210.26	4,793,523	4,793,523

4.3 Trip Type Information

Land Use	Miles						Trip %				Trip Purpose %			
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	H-S or C-C	H-W or C-W	H-O or C-NW	Primary	Diverted	Pass-by		
Regional Shopping Center	9.50	7.30	7.30	16.30	64.70	19.00	64.70	16.30	19.00	54	35	11		
Supermarket	9.50	7.30	7.30	6.50	74.50	19.00	74.50	6.50	19.00	34	30	36		

4.4 Fleet Mix

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.546249	0.062948	0.174600	0.125189	0.034587	0.004960	0.015036	0.022157	0.002053	0.003311	0.006538	0.000702	0.001670

0 Energy Detail

Historical Energy Use: N

1 Mitigation Measures Energy

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Electricity Mitigated											0.0000	368.2782	368.2782	0.0167	3.4500e-003	369.6960
Electricity Unmitigated											0.0000	368.2782	368.2782	0.0167	3.4500e-003	369.6960
Natural Gas Mitigated											0.0000	63.8541	63.8541	1.2200e-003	1.1700e-003	64.2427
Natural Gas Unmitigated											0.0000	63.8541	63.8541	1.2200e-003	1.1700e-003	64.2427

2 Energy by Land Use - Natural Gas Unmitigated

Land Use	Natural Gas Use kBTU/yr	tons/yr										MT/yr					
		SO2	CO	NOx	CO	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Supermarket	1.1553e+006											0.0000	61.6512	61.6512	1.1800e-003	1.1300e-003	62.0264
Regional Shopping Center	41280											0.0000	2.2029	2.2029	4.0000e-005	4.0000e-005	2.2163
total												0.0000	3.3341	3.3341	1.2200e-003	1.100e-003	4.2427

2.2 Energy by Land Use - Natural Gas

Mitigated

Land Use	Natural Gas Use kBtu/yr	tons/yr										MT/yr							
		SO2	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e	
Supermarket	1.1553e+006											0.0000	61.6512	61.6512	1.1800e-003	1.1300e-003			62.0264
Regional Shopping Center	41280											0.0000	2.2029	2.2029	4.0000e-005	4.0000e-005			2.2163
Total												0.0000	63.8541	63.8541	1.2200e-003	1.1100e-003			64.242

2.3 Energy by Land Use - Electricity

Unmitigated

Land Use	Electricity Use kWh/yr	MT/yr							CO2e
		Total CO2	CH4	N2O	CO2e	CH4	N2O	CO2e	
Regional Shopping Center	99846	29.0464	1.3100e-003	2.7000e-004	29.1582				
Supermarket	1.1661e+006	339.2319	0.0153	3.1700e-003	340.5378				
Total		368.2783	0.0153	3.4400e-003	369.6960				

3 Energy by Land Use - Electricity

Mitigated

Land Use	Electricity Use kWh/yr	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	99846	29.0464	1.3100e-003	2.7000e-004	29.1582
Supermarket	1.1661e+006	339.2319	0.0153	3.1700e-003	340.5378
Total		368.2783	0.0153	3.4400e-003	371.6960

0 Area Detail

1 Mitigation Measures Area

Category	tons/yr																
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e	
Mitigated											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004
Unmitigated											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	0.0000	7.3000e-004

□ 2 Area by SubCategory

Unmitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	7.3000e-004
□ total											0.0000	1.0000e-004	1.0000e-004	0.0000	0.0000	1.3000e-004

Mitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	6.9000e-004	6.9000e-004	0.0000	0.0000	7.3000e-004
□ total											0.0000	1.0000e-004	1.0000e-004	0.0000	0.0000	1.3000e-004

□ 0 Water Detail

□ 1 Mitigation Measures Water

Category	Total CO2	CH4	N2O	CO2e
Mitigated	8.7132	0.1416	3.4000e-003	12.7397
Unmitigated	8.7132	0.1416	3.4000e-003	12.7419

□ 2 Water by Land Use

Unmitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	0.637024 / 0.390434	1.6024	0.0208	5.0000e-004	2.1956
Supermarket	3.69805 / 0.114373	7.1109	0.1208	2.9000e-003	10.5463
Total		8.7132	0.1416	3.4000e-003	12.7419

2 Water by Land Use

Mitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Regional Shopping Center	0.637024	1.6024	0.0208	5.0000e-004	2.1953
Supermarket	0.390434	7.1109	0.1208	2.9000e-003	10.5444
total		1.132	0.141	3.4000e-003	12.13

0 Waste Detail

1 Mitigation Measures Waste

Category/Year

Category/Year	Total CO2	CH4	N2O	CO2e
	MT/yr			
Unmitigated	36.1791	2.1381	0.0000	81.0797
Mitigated	36.1791	2.1381	0.0000	81.0797

2 Waste by Land Use

Unmitigated

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	9.03	1.8330	0.1083	0.0000	4.1079
Supermarket	169.2	34.3461	2.0298	0.0000	76.9718
total		36.1791	2.1381	0.0000	81.0797

Mitigated

163

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Regional Shopping Center	9.03	1.8330	0.1083	0.0000	4.1079
Supermarket	169.2	34.3461	2.0298	0.0000	76.9718
total		36.1791	2.1381	0.0000	81.0797

0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type

86

10.0 Vegetation

Hayward Fitness Center
 Bay Area AQMD Air District, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
Health Club	45.00	1000sqft	1.03	45,000.00	0

1.2 Other Project Characteristics

Urbanization	Urban	Wind Speed (m/s)	2.2	Precipitation Freq (Days)	64
Climate Zone	5			Operational Year	2014

Utility Company Pacific Gas & Electric Company

CO2 Intensity (lb/MW/hr)	641.35	CH4 Intensity (lb/MW/hr)	0.029	N2O Intensity (lb/MW/hr)	0.006
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1.3 User Entered Comments & Non-Default Data

Project Characteristics -

Land Use -

Demolition - 30,000 SF of grocery/3,000 SF loading dock/8,600 SF existing retail

Architectural Coating -

Table Name	Column Name	Default Value	New Value
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2.0 Emissions Summary

2.1 Overall Construction
Unmitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	263.1840	263.1840	0.0559	0.0000	264.3587
Total											0.0000	263.1840	263.1840	0.0559	0.0000	264.3587

Mitigated Construction

Year	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
2014											0.0000	262.9197	262.9197	0.0559	0.0000	264.0930
Total											0.0000	262.9197	262.9197	0.0559	0.0000	264.0930

Percent Reduction	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.1004	0.1004	0.1211	0.0000	0.1000

**2.2 Overall Operational
Unmitigated Operational**

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Area											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Energy											0.0000	169.9299	169.9299	6.0800e-003	2.1400e-003	170.7220
Mobile											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506
Waste											52.0672	0.0000	52.0672	3.0771	0.0000	116.6859
Water											0.8444	5.8503	6.6947	0.0870	2.1000e-003	9.1732
total											2.11	1,231.10	1,220.20	3.2214	4.2400e-003	1,311.132

**2.2 Overall Operational
Mitigated Operational**

Category	tons/yr										MT/yr					CO2e
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	
Area											0.0000	8.0000e-004	0.0000	0.0000	0.0000	8.5000e-004
Energy											0.0000	169.9299	6.0800e-003	2.1400e-003		170.7220
Mobile											0.0000	1,063.3895	0.0553	0.0000		1,064.5506
Waste											52.0672	0.0000	3.0771	0.0000		116.6859
Water											0.8444	5.8503	0.0870	2.1000e-003		9.1718
Total											2.1111	1,231.00	3.2214	4.2400e-003		1,311.1312

Percent Reduction	tons/yr										MT/yr					CO2e	
	CO	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O		CO2e
	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	0.0000	2.0000e-004	0.0000	0.0000	1.44e-000

3.0 Construction Detail

Construction Phase

Phase Number	Phase Name	Phase Type	Start Date	End Date	Num Days Week	Num Days	Phase Description
1	Demolition	Demolition	1/1/2014	1/28/2014	5	20	
2	Site Preparation	Site Preparation	1/29/2014	1/30/2014	5	2	
3	Grading	Grading	1/31/2014	2/5/2014	5	4	
4	Building Construction	Building Construction	2/6/2014	11/12/2014	5	200	
5	Paving	Paving	11/13/2014	11/26/2014	5	10	
6	Architectural Coating	Architectural Coating	11/27/2014	12/10/2014	5	10	

Offload Equipment

Phase Name	Offroad Equipment Type	Amount	Usage Hours	Horse Power	Load Factor
Demolition	Concrete/Industrial Saws	1	8.00	81	0.73
Demolition	Rubber Tired Dozers	1	8.00	255	0.40
Demolition	Tractors/Loaders/Backhoes	3	8.00	97	0.37
Site Preparation	Graders	1	8.00	174	0.41
Site Preparation	Rubber Tired Dozers	1	7.00	255	0.40
Site Preparation	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Grading	Graders	1	6.00	174	0.41
Grading	Rubber Tired Dozers	1	6.00	255	0.40
Grading	Tractors/Loaders/Backhoes	1	7.00	97	0.37
Building Construction	Cranes	1	6.00	226	0.29
Building Construction	Forklifts	1	6.00	89	0.20
Building Construction	Generator Sets	1	8.00	84	0.74
Building Construction	Tractors/Loaders/Backhoes	1	6.00	97	0.37
Building Construction	Welders	3	8.00	46	0.45
Paving	Cement and Mortar Mixers	1	6.00	9	0.56
Paving	Pavers	1	6.00	125	0.42
Paving	Paving Equipment	1	8.00	130	0.36
Paving	Rollers	1	7.00	80	0.38
Paving	Tractors/Loaders/Backhoes	1	8.00	97	0.37
Architectural Coating	Air Compressors	1	6.00	78	0.48

rips and M

Phase Name	Offroad Equipment Count	Worker Trip Number	Vendor Trip Number	Hauling Trip Number	Worker Trip Length	Vendor Trip Length	Hauling Trip Length	Worker Vehicle Class	Vendor Vehicle Class	Hauling Vehicle Class
Demolition	5	13.00	0.00	189.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Site Preparation	3	8.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Grading	3	8.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Building Construction	7	19.00	7.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Paving	5	13.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT
Architectural Coating	1	4.00	0.00	0.00	12.40	7.30	20.00	LD_Mix	HDT_Mix	HHDT

3.1 Mitigation Measures Construction

3.2 Demolition - 2014

Unmitigated Construction On-Site

Acres of rading 1

Category	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
MTR/yr																
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	22.9494	22.9494	5.8300e-003	0.0000	23.0718
Total											0.0000	22.9494	22.9494	5.8300e-003	0.0000	23.0718

3.2 Demolition - 2014

Unmitigated Construction Off-Site

Acres of rating 1

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	6.6460	6.6460	6.0000e-005	0.0000	6.6473
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.1456	1.1456	7.0000e-005	0.0000	1.1471
Total											0.0000	0.0010	0.0010	1.3000e-004	0.0000	0.0044

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	22.9221	22.9221	5.8200e-003	0.0000	23.0443
Total											0.0000	22.9221	22.9221	0.0200e-003	0.0000	23.0443

3.2 Demolition - 2014

Mitigated Construction Off-Site

Acres of rading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	6.6460	6.6460	6.0000e-005	0.0000	6.6473
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	1.1456	1.1456	7.0000e-005	0.0000	1.1471
Total											0.0000	8.7916	8.7916	1.3000e-004	0.0000	8.7944

3.3 Site Preparation - 2014

Unmitigated Construction On-Site

Acres of rading

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.6521	1.6521	4.9000e-004	0.0000	1.6623
Total											0.0000	1.6521	1.6521	4.9000e-004	0.0000	1.6623

3.3 Site Preparation - 2014
Unmitigated Construction Off-Site

Acres of rading 1.

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706
Total											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.6501	1.6501	4.9000e-004	0.0000	1.6603
Total											0.0000	1.6501	1.6501	4.9000e-004	0.0000	1.6603

**3.3 Site Preparation - 2014
Mitigated Construction Off-Site**

Acres of grading 1.0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706
Total											0.0000	0.0705	0.0705	0.0000	0.0000	0.0706

3.4 grading - 2014

Unmitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.7137	2.7137	8.0000e-004	0.0000	2.7306
Total											0.0000	2.7137	2.7137	8.0000e-004	0.0000	2.7306

3.4 rading - 2014

Unmitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412
Total											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Fugitive Dust											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	2.7105	2.7105	8.0000e-004	0.0000	2.7273
Total											0.0000	2.7105	2.7105	8.0000e-004	0.0000	2.7273

3.4 **grading - 2014**

Mitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412
Total											0.0000	0.1410	0.1410	1.0000e-005	0.0000	0.1412

3. **Building Construction - 2014**

Unmitigated Construction On-Site

Acres of Pa ing 0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	187.2502	187.2502	0.0454	0.0000	188.2036
Total											0.0000	187.2502	187.2502	0.0454	0.0000	188.2036

3. Building Construction - 2014
Unmitigated Construction Off-Site

Acres of Paing 0

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	15.5137	15.5137	1.6000e-004	0.0000	15.5171
Worker											0.0000	16.7427	16.7427	1.0400e-003	0.0000	16.7646
total											0.0000	32.2564	32.2564	1.2000e-003	0.0000	32.2564

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	187.0274	187.0274	0.0454	0.0000	187.9797
total											0.0000	187.0274	187.0274	0.0454	0.0000	187.9797

3. Building Construction - 2014
Mitigated Construction Off-Site

Acres of Paving 0

Category	tons/yr										MT/yr					CO2e
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	15.5137	15.5137	1.6000e-004	0.0000	15.5171
Worker											0.0000	16.7427	16.7427	1.0400e-003	0.0000	16.7646
Total											0.0000	32.2564	32.2564	1.2000e-003	0.0000	32.2564

3. Paving - 2014

Unmitigated Construction On-Site

Category	tons/yr										MT/yr					CO2e
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	
Off-Road											0.0000	6.3336	6.3336	1.8400e-003	0.0000	6.3722
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	6.3336	6.3336	1.8400e-003	0.0000	6.3722

3. Paing - 2014

Unmitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735
Total											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Off-Road											0.0000	6.3260	6.3260	1.8400e-003	0.0000	6.3646
Paving											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Total											0.0000	6.3260	6.3260	1.8400e-003	0.0000	6.3646

3. Paing - 2014

Mitigated Construction Off-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735
total											0.0000	0.5728	0.5728	4.0000e-005	0.0000	0.5735

3. Architectural Coating - 2014

Unmitigated Construction On-Site

esidential Indoor 0.0000 Non-esidential Indoor 0.0000 Non-esidential Outdoor 22.0000

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.2766	1.2766	1.8000e-004	0.0000	1.2805
total											0.0000	1.2766	1.2766	1.8000e-004	0.0000	1.2805

3. Architectural Coating - 2014

Unmitigated Construction Off-Site

Residential Indoor 0 Residential Outdoor 0 Non-Residential Indoor 0,000 Non-Residential Outdoor 22,000

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765
Total											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765

Mitigated Construction On-Site

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Archit. Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Off-Road											0.0000	1.2751	1.2751	1.8000e-004	0.0000	1.2789
Total											0.0000	1.2751	1.2751	1.8000e-004	0.0000	1.2789

**3. Architectural Coating - 2014
Mitigated Construction Off-Site**

Residential Indoor 0.0 Residential Outdoor 0.0 Non-Residential Indoor 0.0 Non-Residential Outdoor 22.00

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Hauling											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Vendor											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Worker											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765
Total											0.0000	0.1762	0.1762	1.0000e-005	0.0000	0.1765

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4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

Category	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506
Unmitigated											0.0000	1,063.3895	1,063.3895	0.0553	0.0000	1,064.5506

100

4.2 Strip Summary Information

Land Use	Average Daily Trip Rate			Unmitigated Annual VMT	Mitigated Annual VMT
	Weekday	Saturday	Sunday		
Health Club	1,481.85	939.15	1202.85	2,357,339	2,357,339
Total	1,481.85	939.15	1,202.85	2,357,339	2,357,339

4.3 Trip Type Information

Land Use	Miles						Trip %			Trip Purpose %		
	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	H-S or C-C	H-O or C-NW	Primary	Diversified	Pass-by	
Health Club	9.50	7.30	7.30	16.90	64.10	19.00	64.10	19.00	52	39	9	

4.4 Fleet Mix

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.546249	0.062948	0.174600	0.125189	0.034587	0.004960	0.015036	0.022157	0.002053	0.003311	0.006538	0.000702	0.001670

0 Energy Detail

Historical Energy Use: N

1 Mitigation Measures Energy

Category	tons/yr										MT/yr					CO ₂ e
	ROG	NOx	CO	SO ₂	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH ₄	N ₂ O	
Electricity Mitigated											0.0000	108.2627	108.2627	4.9000e-003	1.0100e-003	108.6795
Electricity Unmitigated											0.0000	108.2627	108.2627	4.9000e-003	1.0100e-003	108.6795
Natural Gas Mitigated											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
Natural Gas Unmitigated											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425

□₂ Energy by Land Use - Natural Gas

Unmitigated

Land Use	tons/yr										MT/yr					CO ₂ e
	Natural Gas Use kBTU/yr	ROG	NOx	CO	SO ₂	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH ₄	
Health Club	1.1556e+006										0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
□total											0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425

2 Energy by Land Use - Natural Gas

Mitigated

Land Use	Natural Gas Use kBTU/yr	tons/yr										MT/yr							
		SO2	CO	NOx	CO2	ROG	PM10	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio-CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Health Club	1.1556e+006													0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425
Total														0.0000	61.6672	61.6672	1.1800e-003	1.1300e-003	62.0425

3 Energy by Land Use - Electricity

Unmitigated

Land Use	Electricity Use KWh/yr	MT/yr									
		Total CO2	CH4	N2O	CO2e						
Health Club	372150	108.2627	4.9000e-003	1.0100e-003	108.6795						
Total		108.2627	4.9000e-003	1.0100e-003	108.6795						

3 Energy by Land Use - Electricity

Mitigated

Land Use	Electricity Use kWh/yr	Total CO2	CH4	N2O	CO2e
Health Club	372150	108.2627	4.9000e-003	1.0100e-003	108.6795
Total		108.2627	4.9000e-003	1.0100e-003	108.6795

0 Area Detail

1 Mitigation Measures Area

Category	ions/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Mitigated											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Unmitigated											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004

□ 2 Area by SubCategory

Unmitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
total											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004

Mitigated

SubCategory	tons/yr										MT/yr					
	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio- CO2	Total CO2	CH4	N2O	CO2e
Consumer Products											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
Landscaping											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004
Architectural Coating											0.0000	0.0000	0.0000	0.0000	0.0000	0.0000
total											0.0000	8.0000e-004	8.0000e-004	0.0000	0.0000	8.5000e-004

□ 0 Water Detail

□ 1 Mitigation Measures Water

Category	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	6.6947	0.0870	2.1000e-003	9.1718
Unmitigated	6.6947	0.0870	2.1000e-003	9.1732

2 Water by Land Use

Unmitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Health Club	2.66144 / 1.63121	6.6947	0.0870	2.1000e-003	9.1732
Total		6.6947	0.0870	2.1000e-003	9.1732

2 Water by Land Use

Mitigated

Land Use	Indoor/Outdoor Use	Total CO2	CH4	N2O	CO2e
	Mgal	MT/yr			
Health Club	2.66144 1.63121	6.6947	0.0870	2.1000e-003	9.1718
Total		6.6947	0.0870	2.1000e-003	9.1718

0 Waste Detail

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1 Mitigation Measures Waste

Category/Year

Category/Year	Total CO2	CH4	N2O	CO2e
	MT/yr			
Mitigated	52.0672	3.0771	0.0000	116.6859
Unmitigated	52.0672	3.0771	0.0000	116.6859

2 Waste by Land Use

Unmitigated

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Health Club	256.5	52.0672	3.0771	0.0000	116.6859
Total		52.0672	3.0771	0.0000	116.6859

Mitigated

191

Land Use	Waste Disposed tons	Total CO2	CH4	N2O	CO2e
Health Club	256.5	52.0672	3.0771	0.0000	116.6859
Total		52.0672	3.0771	0.0000	116.6859

0 Operational Offroad

Equipment Type	Number	Hours/Day	Days/Year	Horse Power	Load Factor	Fuel Type
10.0 Vegetation						

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**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, October 17, 2013, 7:00 p.m.
777 B Street, Hayward, CA94541**

MEETING

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair Faria.

ROLL CALL

Present: COMMISSIONERS: Loché, Trivedi, McDermott, Lamnin, Márquez, Lavelle
CHAIRPERSON: Faria
Absent: COMMISSIONER: None
CHAIRPERSON: None

Commissioner Lamnin led in the Pledge of Allegiance.

Staff Members Present: Camire, Conneely, Frascinella, Golubics, Irizarry, Madhukansh-Singh, Rizk, Siefers

General Public Present: 27

PUBLIC COMMENTS

None

PUBLIC HEARING

1. Request to Modify Conditions of Approval (PL-2010-0046) to Allow Minors on Weekends, to Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application (No. PL-2013-0097 TA) that would add “Health Club” and “Kennel Ancillary to Pet Store” as primary uses and “Kennel (Pet Boarding and Day Care Only)” as an administrative use in the Central Business Zoning District (Hayward Municipal Code Section 10-1.1300); and approval of a proposed new 44,983 square-foot health club at 24518 Hesperian Boulevard (Southland Mall property). Sean Wood for Rouse Properties, Inc. (Applicant/Owner)

Director David Rizk introduced the new Planning Commissioner Pat Siefers to the Planning Commission.

Associate Planner Camire provided a synopsis of the staff report. She stated that staff supported the approval of the project because the health club amenities that were currently lacking at Southland Mall will be built, there will be opportunities for Pet Boarding and Pet Day Care Facilities which were common at regional shopping centers and lacking in the neighborhood of the proposed project site, the health club building would not preclude a future grocery store in the area, and that the

City's policies on the HEAL campaign and proposed General Plan for a health community would be met. Staff recommended that the Planning Commission recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring & Reporting Program and approve the requested Text Amendment and Site Plan Review applications, subject to the Findings and Conditions of Approval.

Associate Planner Camire confirmed for Commissioner Lavelle that the health club would have a completely enclosed indoor swimming pool. Associate Planner Camire also confirmed that if the applicant wanted to modify the hours of operation of the health club to remain open 24 hours every day of the week, this would be permitted under current City regulations.

Associate Planner Camire stated that there were three other Health Club facilities in Hayward which have similar amenities, such as indoor swimming pools. She noted that the proposed health club facility was needed at the proposed location.

Commissioner McDermott acknowledged that neighborhood near Southland Mall was underserved due to an absence of a nearby grocery store and that the residents in the area have expressed a need for this.

Associate Planner Camire confirmed for Commissioner McDermott that Rouse Properties owned all of the property located at the Southland Mall site, with the exception of Sears. Commissioner McDermott commented that Rouse Properties had previously mentioned that they would be proactive in bringing a grocery store to this site. Associate Planner Camire responded that Rouse Properties had communicated to staff that they were searching for grocery retailers.

Commissioner McDermott asked why the former Lucky's site was still vacant. Associate Planner Camire indicated that the applicant could best answer Commissioner McDermott's question.

Commissioner Márquez asked staff if the applicant would reconfigure the layout of the parking lot. Associate Planner Camire stated that the parking lot would remain the same; however, some landscaping work would be performed in the parking lot. She pointed out that there would be additional landscaping along Hesperian Boulevard as well.

Commissioner Márquez raised the question of what lighting improvements would be made to the surrounding parking lot. Commissioner Márquez suggested that potential retailers such as a Fresh & Easy Neighborhood Market or Trader Joes might be appropriate for the proposed location.

Commissioner Márquez asked if the swimming pools would be equipped with something similar to a lift that would increase the accessibility of the pools to residents that may have physical challenges. Associate Planner Camire responded that language could be added to include this in the conditions of approval.

Commissioner Lamnin said the staff report addressed that increased safety of building occupants could be ensured by limiting the number of windows at the proposed health club.

Associate Planner Camire noted receiving comments from the Airport Land Use Commission (ALUC) in how the building could be made safer and in compliance with the Airport Land Use



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Compatibility Plan. She mentioned that the applicant agreed to provide additional emergency exits in the building. Associate Planner Camire confirmed that the design of the health club consisted of decreasing the number of windows on the side walls of the building, noting that the windows on the side walls would be glass panels.

Commissioner Lamnin added that the design should incorporate skylights as the building would have a limited number of windows.

Commissioner Loché asked if it would be difficult for a new grocery store to locate to a different part of the building, given that the health club would be occupying the site that was formerly occupied by Lucky supermarket.

Associate Planner Camire responded that any future proposed site for a grocery store at the Southland Mall site within Safety Compatibility Zones 2 and 3 would have to be reviewed by the ALUC.

Director Rizk added that it was difficult for staff to state whether it would be easier or more difficult for a grocery store to locate at the site previously occupied by Lucky supermarket or at a different location at the Southland Mall site, because this was dependent upon ALUC. He shared that the reason that the ALUC did not take any action at the September 18, 2013 meeting was because there were only four of the seven ALUC commissioners present. Director Rizk stated that a vote was taken by the ALUC to determine if the proposed health club was consistent with the Airport Land Use Compatibility Plan; however, this motion failed due to a vote count of three commissioners in favor and one against the motion. The proposed health club was to not exceed the occupancy level of the former Lucky Supermarket and the areas that it was replacing. He said that if the same criteria was used in the future, and if this project was approved for a grocery store where the grocery store would go in a location to the south of the proposed health club, staff would have to conduct a preliminary analysis to show that the number of occupants for the grocery store would not exceed the retail space occupants. Director Rizk said that the main criteria would be to not exceed the occupancy levels of the previously existing uses at those sites.

Associate Planner Camire confirmed for Commissioner Loché that the intent of the Text Amendment Application to add a Kennel Ancillary to a Pet Store was because the applicant wanted to include permitted uses for future potential tenants.

Associate Planner Camire clarified for Commissioner Trivedi that the applicant's plans were to demolish the site of the former supermarket, the loading dock, and 8,600 square feet of retail space. She added that the remaining retail space would not be demolished.

In response to Commissioner Lamnin's question, Associate Planner Camire responded that staff did not conduct an analysis to see if the proposed project would have an impact on the physical fitness studio in the mall.

Associate Planner Camire clarified for Chair Faria that the proposed space for a future grocery store is 29,000 square feet.

In response to Chair Faria's question, Associate Planner Camire stated that she had spoken with the Southgate Area Home Owner's Association and had also sent copies of the plans to them. She noted that the concern that residents of the neighborhood expressed was the need to have a grocery store on site.

Chair Faria opened the public hearing at 7:32 p.m.

Mr. Sean Wood, Director of Development for Rouse Properties, thanked staff for their hard work. He mentioned that Rouse Properties owns thirty-two properties, all of which are malls that are ready for redevelopment. He indicated that although Southland Mall is older and that there are many challenges that his company is faced with there is a lot of interest on the part of Rouse Properties, its shareholders, and from the community to improve the site. Mr. Wood stated that the health club project would be the catalyst that would help improve the remaining retail space at this site. He said that Rouse Properties is actively looking to redevelop other parts of Southland Mall as well.

Mr. Wood confirmed for Commissioner Márquez that the City Sports Club facility located on Whipple Road is approximately the same square footage as the proposed project. He shared that Rouse Properties performed a photometric study of entire site and thus, the applicant will be adding lighting to some areas and will also be improving lighting in other areas. He noted that there will be lighting fixtures mounted to the side walls of the building that face the parking lot. Mr. Wood stated that there are a lot of trees in the parking lot that shaded the lighting in the area.

Commissioner Márquez asked the applicant how receptive Rouse Properties is to attracting grocery stores such as Trader Joes, Fresh & Easy Neighborhood Market and Sprout Farmers Market as potential tenants at the site.

Mr. Wood stated that his company had spoken with all three of the grocery stores referenced by Commissioner Márquez regarding opening a grocery store at the proposed Southland Mall location. Mr. Wood indicated that Fresh & Easy Neighborhood Market which was recently sold and that Sprouts Farmers Market toured the site and they did not express interest in the site. He noted that it would be a win for Rouse Properties if they could get Trader Joes to open a store at this site. Mr. Wood mentioned that they had shown the site plan to many grocery retailers. Rouse Properties had informed grocery stores interested in the site that the front entrance to the grocery store would have to face Hesperian Boulevard, and the grocery retailers have been receptive to this. The applicant shared that his company could construct a building which would be in the range of 45,000 to 48,000 square feet in size, noting that this was more in par with the size of grocery retailers like Safeway. He said that bringing a grocery store to this location is something which Rouse Properties is actively working on.

Commissioner Trivedi asked the applicant if they have considered having an ethnic grocery store at the proposed site, such as 99 Ranch Market or Chavez Supermarket.

Mr. Wood responded that Rouse Properties is open to the idea of having an ethnic grocery store based at the proposed site.



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Commissioner Trivedi asked the applicant what obstacles there are with the current site that are making it difficult to open a grocery store there.

Mr. Wood said that one of the challenges with the site was that there is limited parking available; however, he noted that the parking issue could be addressed. Mr. Wood also shared that one of the interested grocers wanted to have the main entrance to the market face Macys which was against Rouse Properties' recommendation.

In response to Commissioner Trivedi's question, Mr. Wood responded that his company had conversations with different retailers. Mr. Wood indicated that Rouse Properties is attempting to be proactive in seeking approval of the text amendment for the kennel ancillary to pet store so that it would be an easier process to have a potential tenant open a pet boarding or pet day care facilities at the Southland Mall. He commented that Southland Mall was over fifty years old and that Rouse Properties would like to be proactive in opening up the mall to other future retail uses at the site.

Commissioner McDermott shared that there was an increase in the Asian and Hispanic population residing in Hayward. She was pleased that the applicant was actively searching for a grocery store that could occupy the proposed site and noted that the addition of a grocery store at Southland Mall could boost business at the mall itself.

In response to Commission McDermott's question, Mr. Wood said that the entire health club facility will be compliant with the Americans with Disabilities Act (ADA) standards. He was unaware if there was a lift in the swimming pool which would enable disabled persons to get in and out of the pool; however, he stated that this could be added as a condition of approval. He confirmed for Commissioner McDermott that the childcare services offered by the Kids Klub at the health club would be included in the membership and that members could utilize this service only while working out at the facility.

Chair Faria asked the applicant what the cost of a membership at the proposed health club would be; however, he did not have that information available to him.

Commissioner McDermott shared that the City Sports Club on Whipple Road had a \$149 initiation fee in addition to a \$39 monthly membership fee.

Commissioner Lamnin asked the applicant if the proposed health club could be a potential risk to the existing health club, Planet Fitness, also located at Southland Mall.

Mr. Wood responded that Planet Fitness had a lower membership rate and that the two facilities offered different amenities from one another. He pointed out that both Planet Fitness and City Sports Club were closely situated to one another on Mowry Avenue in Newark as well and that both facilities are performing well.

Commissioner Márquez recommended that the health club offer promotions such as a one week

trial period for the facility and it should also offer a senior discount.

Commissioner Loché added that Chabot College was near the health club and that the facility should offer a student discount as well.

Mr. Edward Bogue, resident of 729 Poinciana Street and President of the Southgate Area Home Owner's Association, emphasized that his community is in need of a grocery store at the Southland Mall site. He stated that although the proposed site of the health club was the HOA's first choice, they feel that there were still other opportunities at this location to open a grocery store. He expressed his support of the text amendment and the application for the health club. Mr. Bogue shared that he is not opposed to the hours of operation of the health club and further noted that he would be amenable to the facility operating 24 hours a day.

Chair Faria closed the public hearing at 7:51 p.m.

Commissioner Márquez made a motion to request that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program associated with a Text Amendment Application, that would add "Health Club" and "Kennel Ancillary" as primary uses and "Kennel (Pet Boarding and Day Care Only)" as an administrative use in the Central Business Zoning District, and approval of the proposed health club at 24518 Hesperian Boulevard, per staff recommendation, with an amendment to add a condition of approval requiring the applicant to comply with ADA standards and ensuring that disabled persons were able to gain access to the swimming pool located inside the health club.

Commissioner Márquez said that she liked the proposed project and mentioned that City Sports Club was a well-run business. She indicated that the health club will be a positive addition to the neighborhood. Commissioner Márquez was pleased with the efforts being made by Rouse Properties in getting a grocery store to locate at the proposed site and emphasized the need for this in the community.

Commissioner Trivedi seconded the motion and stated that he is glad to see that a nice, new development would be occurring at the proposed site. He said that he is looking forward to seeing some of the empty storefronts at the proposed site being occupied by new businesses.

Commissioner Lamnin expressed her support of the motion. She recommended that Mr. Wood speak with Macys because she had received comments from the community that a lot of products were unavailable at the Southland Mall Macys.

Commissioner McDermott supported the motion and said that rejuvenation of Southland Mall was important to the community. She stated that the addition of a new facility such as the health club may help to attract other potential businesses to Southland Mall. Commissioner McDermott shared that she had observed that pet stores located at malls bring in more customers and she noted that the addition of a pet store could also be beneficial to boosting business at Southland Mall.

Commissioner Loché supported the motion, commenting that he visited a City Sports Club and that it was a beautiful facility and that this health club would be welcomed by the community. He stated that it was good to see a new development occurring along Hesperian Boulevard as this was

**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION****Council Chambers****Thursday, October 17, 2013, 7:00 p.m.****777 B Street, Hayward, CA94541**

sometimes viewed as the forgotten area in Hayward since most of the current developments have been occurring in Downtown Hayward and Mission Boulevard Corridor areas.

Commissioner Lavelle indicated her support of the motion. She appreciated the efforts being made by Rouse Properties in searching for a grocery store that could serve the Southland neighborhood. Commissioner Lavelle supported having an Asian grocery store noting that this was overdue to have in the community. She stated that there were already a few successful Hispanic supermarkets in the community. Commissioner Lavelle commented that the proposed site of the health club was perfect for new modern design and also pointed out that the restaurants in the Southland Mall area were doing well. She encouraged City Sports Club to be innovative in the programs that they offer and recommended that the facility consider coordinating outdoor activities.

Commissioner Márquez acknowledged Mr. Bogue for being present and for his comments regarding the need for a grocery store at the Southland Mall site. She conveyed to Rouse Properties that there are examples of malls that have gone through transformations and improved for the better and she expressed the same hope for Southland Mall. Commissioner Márquez recommended to the applicant to consider modifying the façade of the mall by having outdoor entrances to its stores.

Chair Faria supported the motion, commenting that the health club will be a significant improvement to the area and also appreciated the efforts being made to bring a grocery store to the Southland Mall site.

AYES: Commissioners Loché, Trivedi, McDermott, Lamnin, Márquez, Lavelle
Chair Faria
NOES: None
ABSENT: None
ABSTAINED: None

- ~~2. Request for adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of a Conditional Use Permit (Application No. PL-2012-0069) and Vesting Tentative Tract Map (Application No. PL-2013-0070) associated with 194 townhomes and 16,800 square feet of commercial space on an 11.33 acre site located at 22301 Foothill Boulevard. Integral Communities (Applicant); MDS Realty II & 22301 Foothill Hayward, LLC (Owners)~~

~~Senior Planner Golubics provided a synopsis of the report. He pointed out that staff proposed to modify Conditions of Approval Nos. 12 and 47. The staff recommendation was that Condition of Approval No. 47 be stricken, as this was similar to Condition No. 12; and Condition No. 12 was the preferred one. There was Condition of Approval No. 26(h) which addressed traffic improvements. A previous condition required raised medians on Hazel to prevent left turn movements out of the project site. He noted that the staff recommendation was to change the language from having raised medians to incorporating "pork chop" islands. Staff recommended that Condition of Approval No. 64(d) which related to the grading and building permit requirements be modified to state that "Prior~~

**SOUTHLAND MALL-
 LA FITNESS**

HAYWARD
 CALIFORNIA

LEGEND



PLANTING NOTES

- All work shall be performed by persons familiar with planting work and under the supervision of a qualified planting foreman.
- Plant locations are to be adjusted in the field as necessary to screen utilities but not to block windows nor impede access.
- Branching height of trees shall be a 6'-0" minimum above finish grade.
- Each tree specie planted shall be matching in size and shape.
- Landscape contractor shall hire an accredited soils analysis firm to test soil and abide by recommendations contained within for proper plant growth.
- On grade planting backfill mix shall consist of 50% imported topsoil, 50% native soil (with no rocks larger than 2" diameter).
- All on-grade planting areas are to receive iron and nitrogen stabilized redwood soil conditioner at the rate of 6 cubic yards/1000 square feet, evenly tilled 6" deep into the soil to finish grade.
- All planting areas shall be top-dressed with 3" layer of fir bark chips having a maximum size of 1" diameter.
- All street trees to be installed in accordance with the standards and specifications of the City of Hayward.
- All trees within 4' of paving areas shall have deep root barriers installed. Deep root barrier Model No. UB.24.2. (415) 344.1464.
- All slopes greater than 2.5:1 shall be covered with jute netting per the manufacturer's specifications. Overlap all edges a minimum of 2" and secure as required with metal staples.
- All lime treated soil shall be excavated from planting areas.

WATER CONSERVATION CONCEPT STATEMENT

The irrigation system shall be designed to meet current water efficiency standards and State Model Water Efficient Landscape Ordinance AB 1881 as required by local jurisdictions while achieving the goal of effectively and efficiently providing the landscape with water by means of high efficiency spray irrigation to the turf and ground cover areas and drip irrigation bubblers to restricted shrub planting and shrub mass planting areas as applicable.

Irrigation systems shall be designed to accommodate recycled water where available either currently or in the future as directed by the local water purveyor. Recycled water systems shall be designed in accordance with local and state codes.

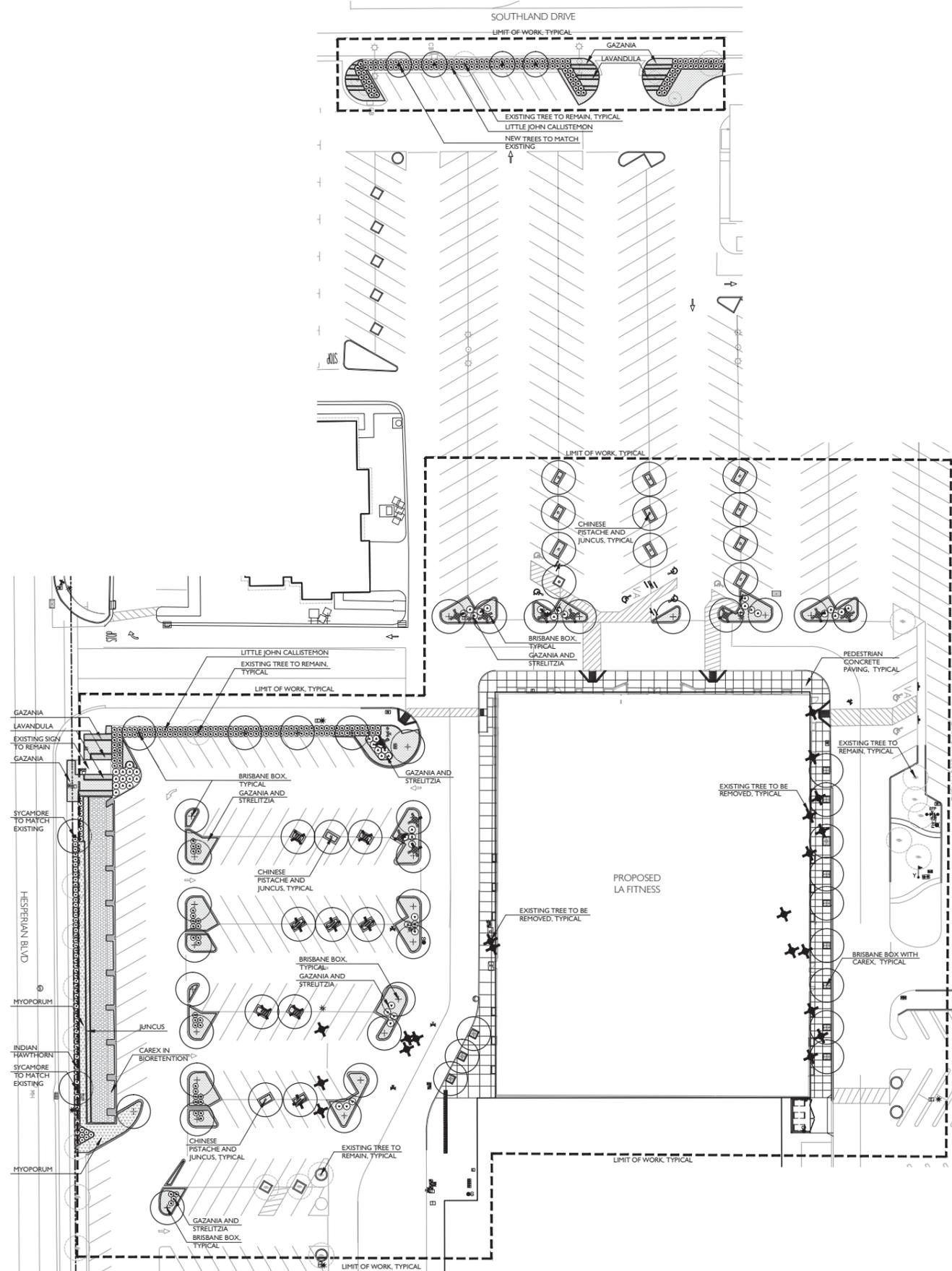
Irrigation systems for landscapes greater than 5,000 sf shall have a dedicated water meter for irrigation.

A Water Efficient Landscape Worksheet shall be included with hydrozone information table, water budget calculations and irrigation operation schedules.

A state of the art ET based self adjusting irrigation controller shall be specified for this project to automatically control the water allocated to each valve grouped per individual hydrozone (based on plant type and exposure). This shall include rain and flow sensors as applicable for a higher level of water conservation.

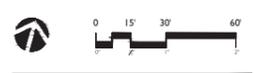
Tree bubblers shall be included on separate circuits to isolate the irrigation to the trees and provide deep watering to promote a deeper root structure.

The drip system shall incorporate pressure compensating drip bubblers with 1/4" drip tubes to each plant which delivers water at 90% efficiency at an application rate that matches the soil type.

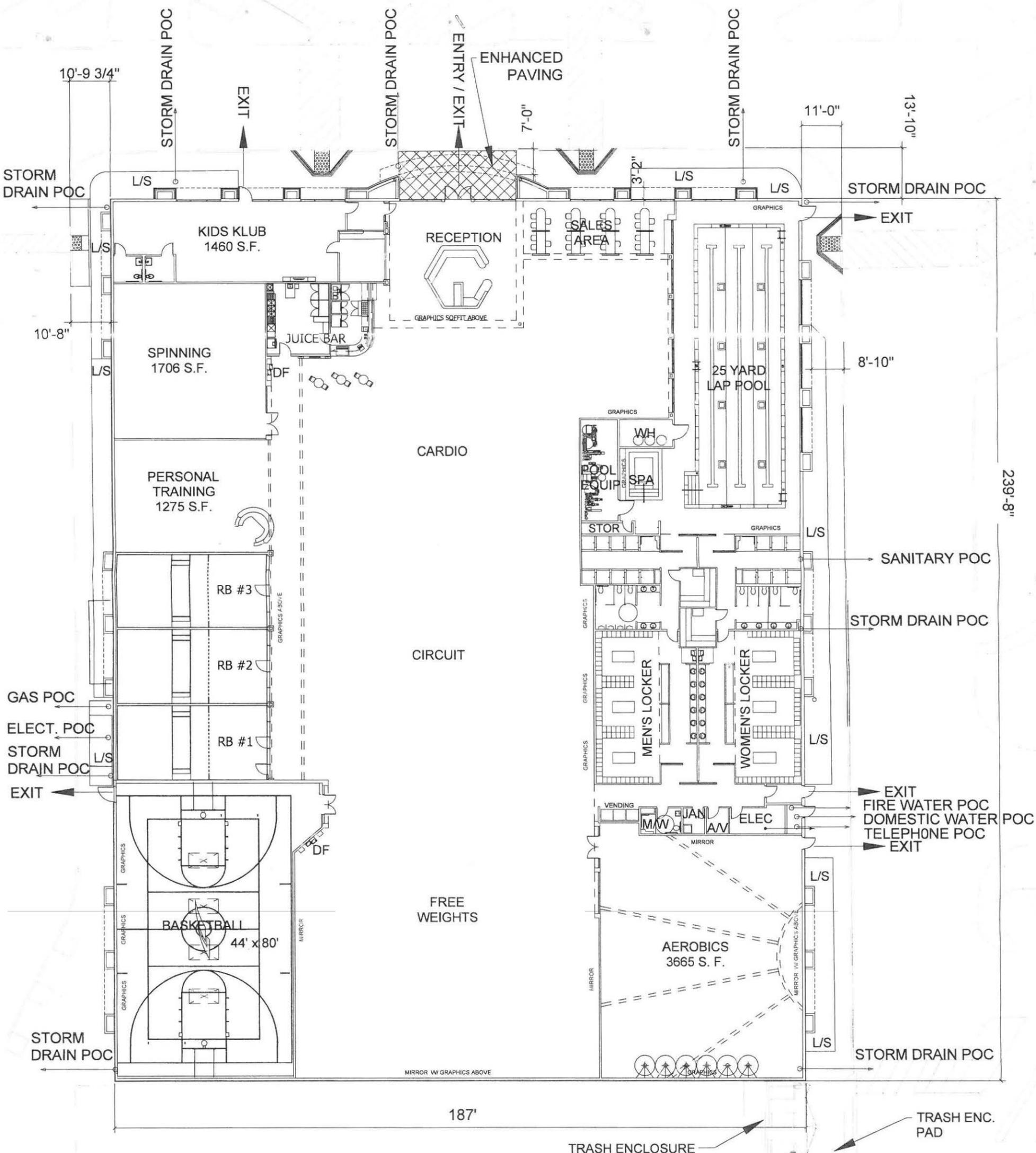


ISSUE	DESCRIPTION	DATE

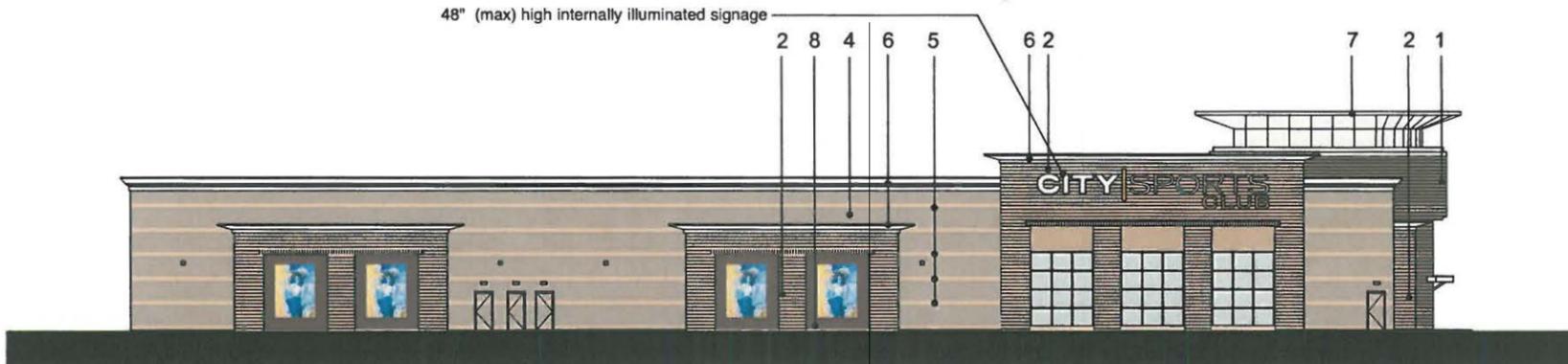
PROJECT NUMBER:	4496
DRAWN:	LE.NL
CHECK:	LE
DATE:	06/14/2013
SCALE:	1" = 30'-0"



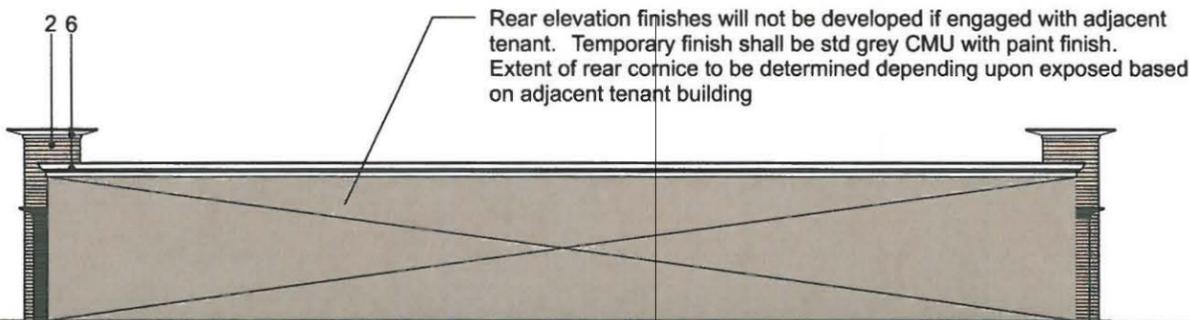
LANDSCAPE CONCEPT



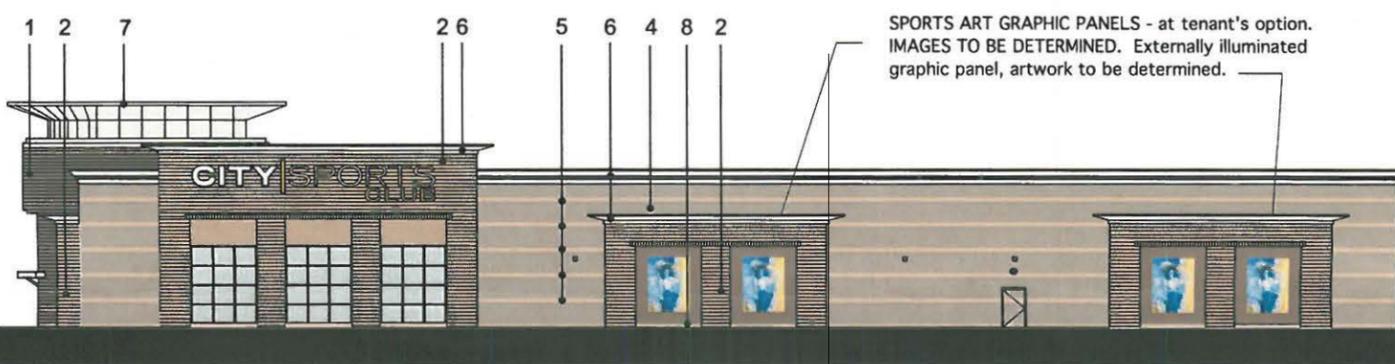
48" (max) high internally illuminated signage



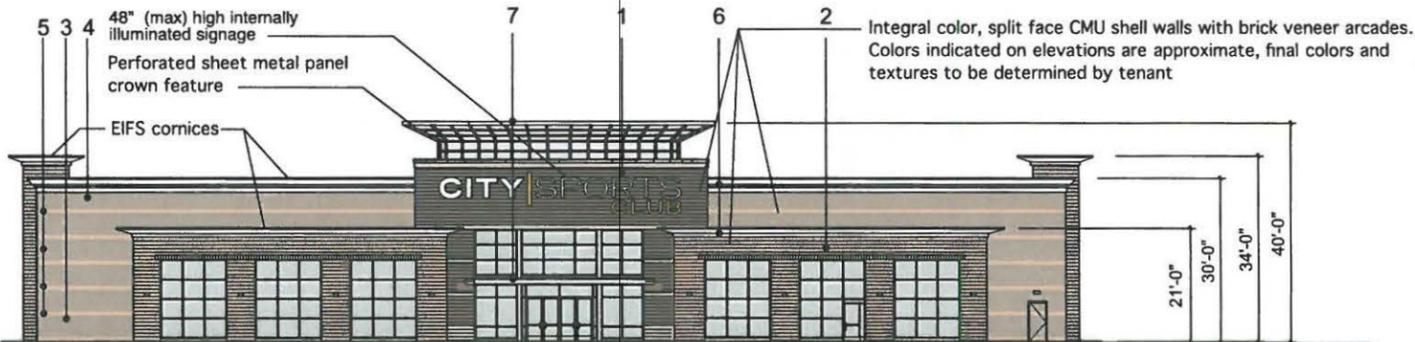
East Elevation



South Elevation



West Elevation



North Elevation

INFORMATION PROVIDED FOR DESIGN INTENT ONLY. DESIGN PROFESSIONAL OF RECORD IS RESPONSIBLE FOR VERIFICATION OF APPLICABLE CODE REQUIREMENTS.

Color Legend

- 1 Interstate Brick - Smokey Mountain
- 2 Interstate Brick - Desert Sand
- 3 Base Color - Mutual Masonry Co. - 8x16" Face Dimension Mountain Brown Split Face
- 4 Field Color Mutual - Masonry Co. - 8x16" Face Dimension Mesa Tan Split Face
- 5 Stripes Accent Color - Mutual Masonry Co. - 8x16" Face Dimension Mesa Tan Ground Face
- 6 Cornice & Moulding - #20YR 58/085 - ICI#548
- 7 Metal Crown Element & Canopy - #30GG 52/011 - ICI#A 1158 or Match Berridge Color "Parchment"
- 8 Insets Color - #70YR 16/128 - ICI#A307



Concept Elevations - Hayward, CA - Southland Mall

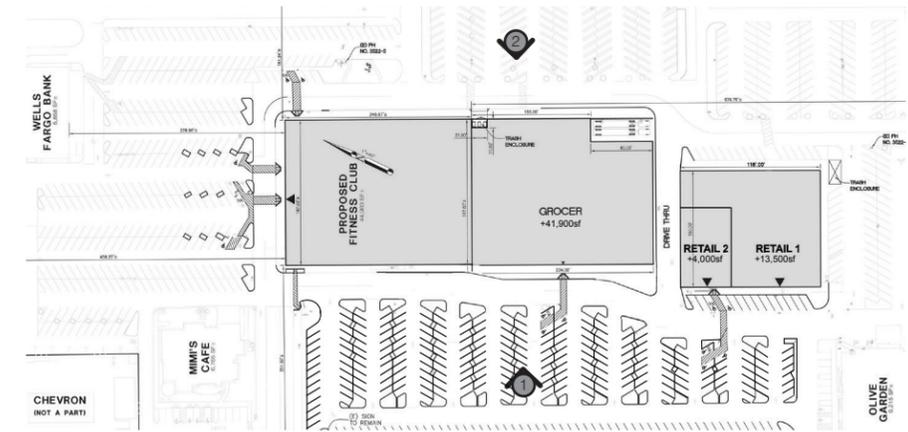
02.27.13



1 CONCEPTUAL WEST ELEVATION
SCALE: 1"=50'-0"



2 CONCEPTUAL EAST ELEVATION
SCALE: 1"=50'-0"



SITE PLAN KEY

SCALE: N.T.S.

SOUTHLAND MALL - RETAIL

Hesperian Blvd.

ROUSE PROPERTIES

CONCEPTUAL ELEVATIONS EXHIBIT

HAYWARD, CA

KTGY # 20130143
Conceptual
Conceptual - Revised

04.01.2013
09.12.2013
10.01.2013

KTGY Group, Inc.
Architecture+Planning
17922 Fitch
Irvine, CA 92614
949.851.2133
ktgy.com



Proposed text amendment to Section 10-1.1300 - Central Business District (CB)

**SEC. 10.1.130 USES PERMITTED **

a. Primary- Uses

(3) Personal Service

Add: Health Clubs (allowed in the CBB20 – Central Business (Minimum lot size 20,000 Sq. Ft.) only)

Justification:

As indicated in the Purpose Section of the Central Business District (CB), this district provides for regulations that makes provisions for “...several outlying areas of other than neighborhood importance, where concentrations of comparison shopping facilities, financial and business services, and amusement or recreation may be found in quantity.” Large health clubs are typically intended to serve the greater local residential neighborhoods and employment areas. Currently in Hayward, commercial zoning districts in which personal services uses such as health clubs are permitted are primarily concentrated on the east side of the freeway. Permitting Health Club uses in the CBB20 (Minimum lot size 20,000 Sq. Ft.) district, specifically at Southland Mall, would allow that use on the west side of the freeway where much of the residential population resides.

This amendment would not affect any of the other properties zoned CB as there are currently no other properties zoned CBB20 in Hayward. .

Southland Mall is a large centrally-located commercial center that serves the residential neighborhoods on the west side of Highway 880. In addition, the city’s industrial/business park and light manufacturing uses are found on the east side of Highway 880 and Southland Mall’s adjacency to Highway 880 positions the mall to serve

these employment areas as well. These businesses generally benefit from personal services such as health clubs.

Having this use centrally located in Hayward may also help reduce VMTs (vehicle miles traveled) in the east and central areas of Hayward by allowing a health club closer to both residents and employees in the area..

The proposed Health Club would be located on the west end of the Mall property. This area has frontage along Hesperian Blvd and the Health Club will have parking and signage along Hesperian Blvd, which would be in keeping with neighborhood commercial uses along this corridor.

Due to the following factors, we believe that a text amendment allowing Health Clubs in CBB20 districts within Hayward should be approved:

- Health Clubs are consistent with the intent of the CB district which is to provide uses that serve "...several outlying areas of other than neighborhood importance".
- Southland Mall's central location along 880 uniquely positions it to serve residential areas to the west, employment areas to the east and various other outlying areas along the heavily-traveled 880 corridor.
- A Health Club use at Southland Mall would bring a fresh look and feel to the portion of the mall located along Hesperian and may encourage other users to locate along that portion of the property.

- The investment in a new high-quality Health Club will help to create a critical mass and daily traffic that may attract other tenants to the center.
- The addition of a Health Club use along the 880 could help to reduce vehicle miles traveled which is a welcome relief to many commuters.
- There are no other properties that have the CBB20 District designation in Hayward; therefore, the proposed amendment would not affect development of any other properties that are zoned CB.

DATE: November 19, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Chapter 10, Article 1 of the Hayward Municipal Code Relating to Alcoholic Beverage Outlets

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 12, 2013.

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 12, 2013 special meeting of the City Council with the following vote:

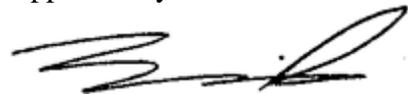
AYES:	Council Members:	Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	Zermeño
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The motion was carried with direction to staff to develop a grading system for alcoholic beverage outlets and bring it to Council as part of the annual report regarding the implementation of the new provisions.

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, November 16, 2013. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment:
Attachment I Summary of Ordinance Published on 11/16/13

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

**ORDINANCE AMENDING CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE RELATING TO ALCOHOLIC BEVERAGE OUTLETS**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Upon the adoption of this Ordinance, Sections 10-1.2735b(1)-(13) of the Hayward Municipal Code are hereby repealed and, in substitution thereof, Sections 10-1.2750 through 10-1.2775, entitled “Alcoholic Beverage Outlets,” are hereby enacted to read as follows. The City Clerk is hereby directed to renumber Sections 10-1.2735c through 10-1.2735k sequentially to reflect the repeal of Section 10-1-2735b. The City Clerk is further directed to revise section references, as appropriate, throughout the City’s Zoning Ordinance to reflect the change in sequencing, resulting from the repeal of Sections 10-1.2735b(1)-(13) and the renumbering of Sections 10-1.2735c through 10-1.2735k.

SECTION 10-1.2750 ALCOHOLIC BEVERAGE OUTLETS

Sections:

Section 10-1.2750	Purpose
Section 10-1.2751	Definitions
Section 10-1.2752	Performance Standards for Alcoholic Beverage Sales Establishments
Section 10-1.2753	Security Requirements for New On-Sale Alcohol-Related Establishments with Cabaret Licenses
Section 10-1.2754	Conditional Use Permits for New Alcoholic Beverage Sales Establishments
Section 10-1.2755	Posting of Conditions of Approval
Section 10-1.2756	Findings
Section 10-1.2757	Application for Conditional Use Permit
Section 10-1.2758	Requirements for New On-Sale Alcohol-Related Establishments
Section 10-1.2759	Requirements for New Off-Sale Alcohol-Related Establishments
Section 10-1.2760	Conditions of Approval
Section 10-1.2761	Existing Establishments Selling Alcoholic Beverages
Section 10-1.2762	Modifications Permitted in Alcoholic Beverage Sales Establishments
Section 10-1.2763	Notice
Section 10-1.2764	Letter of Public Convenience or Necessity
Section 10-1.2765	Emergency Action to Abate Imminent Threats to Public Health, Safety or Welfare; Summary Suspension Procedures
Section 10-1.2766	Critical Incident Response Fee for Alcoholic Beverage Sales Establishments
Section 10-1.2767	Legal Nonconforming Alcoholic Beverage Sales Establishments; Deemed Approved Status
Section 10-1.2768	Notification to Owners of Deemed Approved Status
Section 10-1.2769	Deemed Approved Performance Standards
Section 10-1.2770	Procedure for Enforcement of Deemed Approved Performance Standards
Section 10-1.2771	Revocation of Deemed Approved Status

Section 10-1.2772	Liability for Expenses
Section 10-1.2773	Inspection and Right of Entry
Section 10-1.2774	Nuisance
Section 10-1.2775	Cumulative Remedies
Section 10-1.2776	Annual Report

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at the special meeting of the Hayward City Council held November 12, 2013, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 19, 2013, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 16, 2013
Miriam Lens, City Clerk
City of Hayward

DATE: November 19, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Hayward Municipal Code Section 10-1.3500, Zoning Ordinance Definitions, to Conform to the City's Alcoholic Beverage Outlets Ordinance

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 12, 2013.

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 12, 2013 special meeting of the City Council with the following vote:

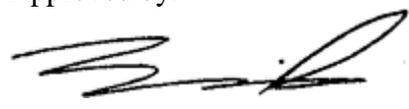
AYES:	Council Members:	Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	Zermeño
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The motion was carried with direction to staff to develop a grading system for alcoholic beverage outlets and bring it to Council as part of the annual report regarding the implementation of the new provisions.

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, November 16, 2013. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment: Attachment I Summary of Ordinance Published on 11/16/13

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTION 10-1.3500, ZONING ORDINANCE DEFINITIONS, TO CONFORM TO THE CITY'S ALCOHOLIC BEVERAGE OUTLETS ORDINANCE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution 13-168, approving the text changes requested in Zone Change Application PL-2013-0175TA.

Section 2. Zoning Ordinance Section 10-1.3500, relating to definitions, is hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to conform to the City's Alcoholic Beverage Outlets ordinance introduced herewith and as such amendments are more specifically shown on Attachment "A" hereto.

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at the special meeting of the Hayward City Council held November 12, 2013, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 19, 2013, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 16, 2013
Miriam Lens, City Clerk
City of Hayward

DATE: November 19, 2013

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: Adoption of an Ordinance Amending Hayward Municipal Code Sections 10-1.1520 et seq. and 10-1.1000 et seq., Regulating the City's Central City Commercial (CC-C) Subdistrict and General Commercial (CG) District, to Implement the Alcoholic Beverage Outlets Ordinance

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 12, 2013.

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 12, 2013 special meeting of the City Council with the following vote:

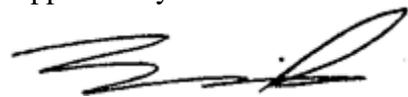
AYES:	Council Members:	Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	Zermeño
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The motion was carried with direction to staff to develop a grading system for alcoholic beverage outlets and bring it to Council as part of the annual report regarding the implementation of the new provisions.

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, November 16, 2013. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment: Attachment I Summary of Ordinance Published on 11/16/13

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

ORDINANCE AMENDING HAYWARD MUNICIPAL CODE SECTIONS 10-1.1520 ET SEQ. AND 10-1.1000 ET SEQ., REGULATING THE CITY'S CENTRAL CITY COMMERCIAL (CC-C) SUBDISTRICT AND GENERAL COMMERCIAL (CG) DISTRICT, TO IMPLEMENT THE ALCOHOLIC BEVERAGE OUTLETS ORDINANCE

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. The City Council incorporates by reference the findings contained in Resolution 13-168, approving the text changes requested in Zone Change Application PL-2013-0175TA.

Section 2. Zoning Ordinance Sections 10-1.1520 through 10-1.1523, relating to the Central City Commercial (CC-C) Subdistrict, are hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to implement the City's Alcoholic Beverage Outlets ordinance introduced herewith and as such amendments are more specifically shown on Attachment "A" hereto.

Section 3. Zoning Ordinance Sections 10-1.1000 through 10-1.1020, relating to the General Commercial (CG) District, are hereby amended to add certain text (as indicated by underline) and delete certain text (as indicated by strikeout), to implement the City's Alcoholic Beverage Outlets ordinance introduced herewith and as such amendments are more specifically shown on Attachment "B" hereto.

Section 4. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 5. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

Introduced at the special meeting of the Hayward City Council held November 12, 2013, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 19, 2013, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 16, 2013
Miriam Lens, City Clerk
City of Hayward

DATE: November 19, 2013
TO: Mayor and City Council
FROM: City Clerk
SUBJECT: Adoption of an Ordinance Amending Chapter 6, Article 2 of the Hayward Municipal Code Relating to Cabarets and Dances

RECOMMENDATION

That the City Council adopts the Ordinance introduced on November 12, 2013.

BACKGROUND

The Ordinance was introduced by Council Member Mendall at the November 12, 2013 special meeting of the City Council with the following vote:

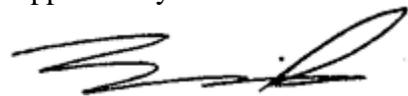
AYES:	Council Members:	Jones, Halliday, Peixoto, Salinas, Mendall
	Mayor:	Sweeney
NOES:	Council Members:	Zermeño
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The motion was carried with direction to staff to develop a grading system for alcoholic beverage outlets and bring it to Council as part of the annual report regarding the implementation of the new provisions.

The summary of the Ordinance was published in the Hayward Daily Review on Saturday, November 16, 2013. Adoption at this time is therefore appropriate.

Prepared and Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachment: Attachment I Summary of Ordinance Published on 11/16/13

**PUBLIC NOTICE OF AN INTRODUCTION OF ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD**

**ORDINANCE AMENDING CHAPTER 6, ARTICLE 2 OF THE HAYWARD MUNICIPAL
CODE RELATING TO CABARETS AND DANCES**

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Purpose and Intent.

Section 2. Upon the adoption of this Ordinance, Sections 6-2.10 through 6-2.17, entitled “Public Dances,” of the Hayward Municipal Code are hereby repealed and, in substitution thereof, Sections 6-2.10 through 6-2.35, entitled “Cabarets and Dances,” are hereby enacted to read as follows:

SECTION 6-2.10 CABARETS AND DANCES

Sections:

Section 6-2.10	Title
Section 6-2.11	Definitions
Section 6-2.12	Cabaret License Required
Section 6-2.13	Exception to License or Permit Requirements for Certain Public Dances
Section 6-2.14	Application for a License
Section 6-2.15	License Application Fee
Section 6-2.16	License Application, Acceptance, Referral, Investigation and Report
Section 6-2.17	License Issuance
Section 6-2.18	Suspension and Revocation of License
Section 6-2.19	Procedures for the Suspension and Revocation of Cabaret and Dance Licenses
Section 6-2.20	Expiration of Licenses
Section 6-2.21	Renewal Procedures and Fees for Licenses
Section 6-2.22	Licenses Non –Assignable
Section 6-2.23	Commencement of Operations
Section 6-2.24	Obligation to Inform of Certain Changes Concerning Licensees
Section 6-2.25	Record and Video Systems
Section 6-2.26	Permits for Single Cabaret or Public Dance Events
Section 6-2.27	Operating Regulations for all Cabarets and Dances
Section 6-2.28	Licensee/Permittee Responsible for Violations
Section 6-2.29	Violation of State and City Laws
Section 6-2.30	Patron Safety and Security
Section 6-2.31	Posting Operating Regulations
Section 6-2.32	Inspection for Enforcement; Summary Suspension
Section 6-2.33	Powers of Chief of Police and Officers
Section 6-2.34	Injunctive Relief; Administrative Citation
Section 6-2.35	Violations; Penalties

Section 3. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the

City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 4. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective thirty days after adoption.

Introduced at the special meeting of the Hayward City Council held November 12, 2013, the above-entitled Ordinance was introduced by Council Member Mendall.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on November 19, 2013, at 7:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this Ordinance is available for examination by the public in the Office of the City Clerk.

Dated: November 16, 2013
Miriam Lens, City Clerk
City of Hayward