



CITY OF HAYWARD AGENDA REPORT

AGENDA DATE February 17, 1998

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT FOR THE SOUTH OF ROUTE 92 AREA (GPA 97-110-02, CITY OF HAYWARD, APPLICANT), SPECIFIC PLAN (SP 98-210-01), DEVELOPMENT GUIDELINES, TEXT CHANGE (TC 98-140-01) TO ESTABLISH FOUR NEW ZONING CLASSIFICATIONS AND ZONE CHANGE (ZC 98-190-03)

RECOMMENDATION:

It is recommended that the City Council:

- I. Adopt the attached resolution which--
 - A. Certifies the Environmental Impact Report (EIR);
 - B. Adopts the mitigation measures as conditions of approval of the Specific Plan and the Mitigation Monitoring and Reporting Program;
 - C. Adopts a Statement of Overriding Considerations;
 - D. Adopts a General Plan Amendment (GPA) to establish--
 - (1.) The Urban Limit Line;
 - (2.) Change General Plan land use designations and revise the General Policies Plan Map--
 - (a.) on the Oliver East parcel and
 - (b.) on the Oliver West and Weber parcels;
 - E. Adopt the Specific Plan and Development Guidelines for the South of 92 Area.
- II. Introduce a text change to the Zoning Ordinance to establish four new zones: Business Park, Light Manufacturing, Commercial Retail and Open Space;
- III. Introduce ordinance to prezone Oliver East and rezone the Oliver West and Weber properties in accordance with the attached proposed zoning map.

BACKGROUND/DISCUSSION:

On July 25, 1995, the City Council authorized the preparation of a Specific Plan for approximately 1,200 acres south of Highway 92 and west of Industrial and Hesperian

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Boulevards. As a result of the sale of Cargill property to the Wildlife Conservation Board on February 8, 1996, the study area was redrawn to include the Weber and Oliver Trust properties.

Overall Development Concept of Specific Plan

The Plan area is located between industrially zoned land, developed industrial sites and the Baumberg Tract, former Cargill Salt property that has been acquired by the Wildlife Conservation Board for open space and natural habitat. As such, the development concept for the Plan area is to provide a transition from busy industrial-type activities to a serene natural environment. To achieve this, the Specific Plan:

- (1) takes the opportunity to expand upon the existing industrialized areas near Hesperian and Industrial Boulevards and along Arden/Baumberg Avenues by developing business park and light manufacturing uses;
- (2) benefits from the proximity of the natural areas by developing bay-oriented neighborhoods and controlled public access on the western edge; and
- (3) preserves those parts of the plan area that could be viable natural habitats.

The land use concept for the Plan area calls for both the development and the conservation of land. There are four distinct development areas: business park/light manufacturing area on Oliver East and the City of Hayward parcels; single family residential development on Oliver West, light manufacturing and wetlands preservation on the Weber parcels and the sports park on Oliver East and ACFCWCD properties. Figure IV-1 (following page IV-1) in the Specific Plan depicts the location of each type of land use. Associated with the residential uses are neighborhood parks and trails. Acreage for the conservation and enhancement of wetlands as permanent open space is also provided. Table IV-1: Land Use Program in the Specific Plan lists the number of acres for each type of use by property. Attached is the Planning Commission Public Hearing Agenda Report of February 12, 1998 which describes the Specific Plan in greater detail.

Guidelines Overview

The Development Guidelines provide a consistent set of standards for all phases of development. The Guidelines ensure that the development called for in the Plan is attractive, distinctive, safe and enduring. They focus primarily on all of the public elements of a project (the streets, parks, paths/trails, open space) and upon those aspects of specific site development that have the greatest effect on the quality of the

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public elements, including street landscaping, driveways, parking, building setbacks, height and mass requirements, and site landscaping.

The Development Guidelines are divided into sections which focus on the business park/light manufacturing zones, the residential development, overall landscape design, the sports park, walls and fencing, lighting, and signage. The accompanying agenda report for the Planning Commission Worksession on February 12, 1998 describes the Development Guidelines in detail.

The Final EIR

The Final EIR lists all commenting correspondence and then provides responses to comments in two ways. First, a Master Response has been prepared for each of the eight most commented upon categories. Second, in the Comments and Responses section, the Planning Commission Meeting minutes and each comment letter is published on even-numbered page(s) and the response to the identified comments is published on the odd-numbered page(s) located opposite the comment letter to make it easy for the reader to see the specific response to each comment. The attached Planning Commission Public Hearing Report of February 12, 1998 reviews the issues most frequently identified through public comment and a summary of the responses prepared by the EIR consultant.

General Plan Amendment (GPA)

Attached is a proposed General Plan Amendment (GPA 97-110-02) for the South of Route 92 Specific Plan. It includes changes to the Growth Management Element and the General Policies Plan to reflect the Specific Plan. Please note that the proposed changes in General Plan designations for the Oliver West and Weber properties are contingent based upon approval of a vote of the Hayward electorate.

Text Changes to the Zoning Ordinance and Zone Changes for the Specific Plan

Currently Oliver West and Weber properties are zoned Flood Plain. The Oliver East parcel is zoned M2 (Industrial) by the County. The City parcel is zoned Industrial.

Text changes to the City's Zoning Ordinance have been included to establish the zones identified in the Specific Plan and are described in detail in the attached Text Change and the Development Guidelines. If the Specific Plan is approved by City Council, establishment of rezoning designations on the Oliver East parcel will be established immediately. Zoning designations for the Oliver West and Weber properties will be contingent upon approval, by vote, of the Hayward electorate of proposed changes in General Plan designations for those properties.

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PLANNING COMMISSION

On February 12, 1998, the Planning Commission held a public hearing on all of the documents related to approval of the South of Route 92 Specific Plan.

Bay Trail

At the hearing, staff brought to the Commission's attention changes relating to the alignment of the Bay Trail. On the day of the hearing, staff learned that the alignment of the Bay Trail described in the Specific Plan documents was only one of a number of possible alignments of the Trail. Although staff was of the understanding, after meeting with affected agencies, that the Specific Plan accurately represented the location of the Bay Trail, there has been no formal endorsement of any Bay Trail route through or around the Specific Plan Area that changes the currently adopted route along Hesperian Boulevard. Staff, therefore, requested that all references to the Bay Trail be deleted from the Specific Plan, the Development Guidelines and the EIR. Planning Commissioners were concerned that the Bay Trail be addressed and that the developer facilitate an alignment of the Trail either through or around the Specific Plan Area. Bay Trail and East Bay Regional Parks District staff, present at the public hearing, wanted provisions for the Trail to be made. The developer concurred and agreed that as a condition of tentative map approval, a Bay Trail alignment through or around the Specific Plan Area be agreed upon by representatives of the Bay Trail, East Bay Regional Parks District, the City and the developer.

Public Hearing

The applicant gave a brief presentation on the project at the public hearing which was followed by approximately fifteen speakers from the public. Most of the speakers were in support of the project including representatives of the Hayward Historical Society, the Chamber of Commerce, the Hayward Area Recreation and Park District (HARD). However, concerns were raised on behalf of the Hayward Area Shoreline Planning Agency (HASPA), including its Citizens Advisory Committee, and the Ohlone Audubon Society. The HASPA resolution read at the public hearing questioned the adequacy of the FEIR with regard to delineation of wetlands, adequacy and placement of buffer zone, unresolved location of the Bay Trail, airport noise and geologic considerations such as flooding. The representative also indicated that HASPA will continue to cooperate with the City and the property owners to refine the Specific Plan.

The Ohlone Audubon Society representative recommended exclusion of Oliver West from the Plan because it requires significant land fill to be raised above the flood plain. The Audubon Society believes that Oliver West should be included in the National Wildlife Refuge. In addition, the Audubon Society representative expressed concern

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about the inclusion of both open space preserve areas and public parks and recreational facilities (including golf courses and zoos) in the proposed Open Space (OS) zone.

The Planning Commission voted 4-3 to recommend that Council approve the all of the documents with the following modifications:

1. That all documents be amended to eliminate to references to a specific Bay Trail alignment and that the Plan require that, prior to tentative map approval, a Bay Trail alignment through or adjacent to the Specific Plan Area be agreed upon by representatives of the Bay Trail, East Bay Regional Parks District, the City and the developer.
2. That a condition of approval of the residential development in the Plan Area be the disclosure of noise and geologic issues to future homebuyers.

Commissioners supporting approval of the project cited the high quality of the proposed development, its beneficial impact on the City's economic development and the benefit to local nonprofit organizations. Commissioners opposing the project cited concerns regarding the amount of truck traffic for land fill to be generated by the project along Mission and Industrial, lack of total clarity on the location of wetlands, the inclusion of open space preserve and parks and recreation in the same zone and the location of residential development west of the railroad tracks.

Regarding the Open Space zone, staff believes that the Urban Limit Line delineates the areas that are appropriate for parks and recreation from those that are open space preserves, wetlands, and habitat. The Army Corps of Engineers will decide the regulatory status of the wetlands in the Specific Plan area under Section 404 of the Clean Water Act in an official jurisdictional determination by the Corps. As recommended by the Planning Commission, concerns regarding placement of the Bay Trail can be addressed in the Specific Plan by making agreement between Bay Trail, East Bay Regional Parks District, the City and the developer regarding the Bay Trail alignment a condition of approval of the tentative map. Also, as a condition of tentative map approval, the developer must demonstrate to the satisfaction of FEMA that the project has been removed from the flood plain. Attached is an addendum prepared by EIP, the City's environmental consultant, which addresses questions and concerns raised at the Council worksession on February 3, 1998.

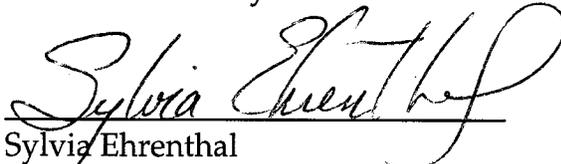
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Prepared by:



Ann R. Bauman
Community Planning and Economic
Development Administrator

Recommended by:



Sylvia Ehrenthal
Director of Community and
Economic Development

Approved by:



Jesús Armas
City Manager

- Attachments:
- A. Specific Plan (SP 98-210-01) (originally distributed under separate cover on January 30, 1998)
 - B. Environmental Impact Report (originally distributed under separate cover on January 30, 1998)
 - C. Draft Environmental Impact Report (originally distributed under separate cover on November 7, 1997)
 - D. Mitigation Monitoring and Reporting Program
 - E. Program EIR Addendum
 - F. Development Guidelines for the South of Route 92 Specific Plan (distributed with 2/12/98 worksession agenda report)
 - G. Planning Commission Public Hearing Report 2/12/98
 - H. Planning Commission Worksession Report 2/12/98
Master Resolution
Text Change Ordinance Amending the Zoning Ordinance (TC 98-140-01)
Zone Change Ordinance (ZC 98-190-03)

**SOUTH OF ROUTE 92
GENERAL PLAN AMENDMENT AND SPECIFIC PLAN
OLIVER ESTATE/WEBER PROPERTIES**

**DRAFT
MITIGATION MONITORING AND REPORTING PROGRAM**

Prepared For:

City of Hayward
Department of Community and Economic Development

Prepared By:

EIP Associates
601 Montgomery Street, Suite 500
San Francisco, California 94111

(415) 362-1500

January, 1998

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INTRODUCTION

BACKGROUND

All public agencies are required to adopt mitigation monitoring or reporting programs when they approve projects with Environmental Impact Reports (EIRs) or Negative Declarations that identify significant environmental impacts. The reporting and monitoring program must be adopted when a public agency makes its findings under the California Environmental Quality Act (CEQA: Chapter 2.6 Section 21081.6) so that the program can be made a condition of project approval. The program must be designed to ensure project compliance with mitigation measures during project implementation. If certain project impacts extend beyond the project implementation phase, long-term mitigation monitoring should be provided in the monitoring program.

PURPOSE

The South of Route 92 Specific Plan Mitigation Monitoring and Reporting Program will ensure that all required mitigation measures are completed as part of Specific Plan area project construction and maintained in a satisfactory manner during project implementation. This Program is designed in a checklist format for ease of use by the responsible parties. The checklist identifies the individual mitigation measures and the time frame for implementation, and assigns a party responsible to implement, monitor, and confirm the implementation of the mitigation measure. The checklist will be used by the City of Hayward to verify that all required mitigation measures are incorporated into the project(s) and will provide a convenient tool to determine whether required mitigation measures have been fulfilled.

MITIGATION MONITORING AND REPORTING PROGRAM

MANAGEMENT

The City of Hayward Department of Community and Economic Development will be responsible for overall implementation and administration of the Mitigation Monitoring and Reporting Program for development of the Specific Plan area. Duties would include the following:

- Conduct routine inspections, plan checking, and reporting activities.
- Serve as a liaison between the City and developer(s) regarding mitigation monitoring issues.
- Coordinate activities of consultants hired by the developer(s) when such expertise and qualifications are necessary to implement and monitor mitigation measures.
- Coordinate with agencies having mitigation monitoring responsibilities.
- Assure follow-up and response to citizens' complaints.
- Complete forms and checklists for reporting. Maintain reports and other records and documents generated by the monitoring program.
- Coordinate and assure corrective actions or enforcement measures are taken, if necessary.

BASELINE DATA

The baseline data for each of the environmental impact mitigation measures to be monitored over the duration of the project is contained in the Program Environmental Impact Report (EIR) prepared for the South of Route 92 Specific Plan project.

ENFORCEMENT

The Mitigation Monitoring and Reporting Program will be incorporated as a condition of Specific Plan project approval. Therefore, all mitigation measures must be complied with in

order to fulfill the requirements of the approval. In addition, a number of the mitigation measures will be incorporated into project designs and implemented during the course of the development review process. These measures will be checked on plans, in reports, and in the field prior to the granting of construction-related permits (i.e. grading, building, and occupancy permits). If compliance is not found, these permits would not be granted. Most of the remaining mitigation measures will be implemented during the construction, or project implementation phase. If work is performed in violation of mitigation measures, stop work orders may be issued.

Other mitigation measures will be monitored over time in order to ensure long-term compliance. These mitigation measures include the success of wetland and habitat enhancement and wetland water quality protection. Community and Economic Development Department staff are to amend mitigation measures if necessary to assure success. Mitigation measures and monitoring actions are provided in the Checklist. Mitigation measure numbers (i.e., 3.1.2-1) are the same as documented in the South of Route 92 Program EIR. In addition to identifying the monitoring and reporting actions, the Checklist provides specific penalties for non-compliance.

MONITORING AND REPORTING

The monitoring and reporting program identifies each mitigation measure for a significant environmental impact and specifies the following:

- mitigation action(s) required and the timing of mitigation action(s)
- the criteria or performance standard established for each mitigation measure
- responsible party or agency to conduct the monitoring and reporting
- the frequency of monitoring
- the frequency of reporting the outcome of monitoring activities, and
- sanctions to be imposed for noncompliance with required mitigation measures

FUNDING

The requirements for mitigation monitoring and reporting do not provide a specific funding mechanism for implementation of mitigation monitoring and reporting programs. However, public agencies have the authority to levy charges, fees or assessments to pay for the program, just as they currently do for the preparation of EIRs.

CHECKLIST
SOUTH OF ROUTE 92 GENERAL PLAN AMENDMENT
AND
SPECIFIC PLAN
OLIVER ESTATE/WEBER PROPERTIES

DRAFT MITIGATION MONITORING
AND REPORTING PROGRAM

3.1.3 TRAFFIC AND CIRCULATION

Mitigation Measure 3.1.3-1

- **Hesperian Boulevard/Industrial Boulevard:** Provide a free eastbound-to-southbound right-turn lane. In addition, modify the northbound approach to provide two left turn lanes, two through lanes, and one combination through and right lane. Modify the southbound approach to provide two left turn lanes, one through lane and one combination through and right turn lane. Modify the westbound approach to have one left turn lane, two through lanes and one right turn lane. Provide eight-phase signal operation.
- **Hesperian Boulevard/Tripaldi Way:** Signalize the intersection as required for General Plan conditions.
- **I-880 Southbound Ramps/Industrial Parkway:** Widen the off-ramp (southbound) approach to provide a second left-turn lane as recommended under General Plan conditions.
- **Hesperian Boulevard/Tennyson Road:** Install a second exclusive southbound left turn lane as recommended for General Plan conditions.
- **Industrial Boulevard/State Route 92 Westbound Ramps:** Provide the same mitigation as recommended for the General Plan scenario: Widen the northbound approach to provide a second exclusive left-turn lane. This improvement would necessitate minor widening of a portion of the westbound on-ramp to accept the second left turn lane. The impact triggering this mitigation measure is not considered significant because the projected LOS is the same as in the General Plan scenario and the intersection delay does not increase by 4 seconds or more .

- **Hesperian Boulevard/State Route 92 Eastbound Ramps:** Provide the same mitigation as recommended for the General Plan scenario: Widen the eastbound off-ramp approach to provide a second exclusive right turn lane and by widening the southbound approach to provide a second exclusive left-turn lane. The latter improvement would necessitate widening of the eastbound on-ramp to accept the second left-turn lane. The impact triggering this mitigation is not considered significant because the project LOS is the same as in the General Plan scenario and the intersection delay does not increase by 4 seconds or more.

Monitoring Action/Timing

Preparation of intersection improvement construction plans and specifications prior to project construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.3-1.

Responsible Agency

City of Hayward, Department of Public Works.

Monitoring Frequency

Upon City approval of intersection improvement construction plans and specifications.

Reporting Frequency

At completion of installation of intersection improvements.

Noncompliance Sanction

No sanctions. Responsibility rests with the City of Hayward.

Mitigation Measure 3.1.3-3

- To reduce the duration of filling operations, six days per week of filling shall be permitted.
- Traffic control personnel shall be provided at the entrance of the LaVista Quarry during peak periods in order to safely control truck operations. Alternatively, interconnected traffic signals could be installed at this location.
- A traffic control plan shall be developed prior to any filling operations which specifies time of operations, roadway cleaning requirements and responsibilities, roadway maintenance and repair responsibilities, traffic signing and flagging requirements, signal timing adjustments, etc. The City of Hayward shall approve such plan prior to the initiation of any trucking filling operations.

Monitoring Action/Timing

Preparation of construction plans and specifications prior to project construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.3-3.

Responsible Agency

City of Hayward, Department of Public Works.

Monitoring Frequency

Upon City approval of construction plans and specifications.

Reporting Frequency

On-going during fill operations.

Noncompliance Sanction

No approval of construction plans and specifications. Halting of fill operations during problem resolution.

3.1.4 VISUAL QUALITY AND COMMUNITY CHARACTER

Mitigation Measure 3.1.4-1

The planning and design of projects for buildout of the Specific Plan area should conform to the provisions of the Development Guidelines chapter of the Specific Plan. Conformance review would occur with each development decision utilizing the Development Guidelines criteria within the Specific Plan. Conformance review would occur during the City of Hayward's project review process prior to the issuance of grading and construction permits.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-1. City should devise a worksheet which identifies the Development Guideline requirements as part of the permit issuance process.

Responsible Agency

City of Hayward, Department of Community and Economic Development. Updates to be provided to City by project sponsors.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

Withholding of issuance of grading and construction permits.

Mitigation Measure 3.1.4-2

Some physical and visual unification of parcels throughout the Plan area would be achieved through the use of landscape development, pedestrian/bike trails and sidewalks per the Specific Plan Design Guidelines. To the extent feasible, the trail system should extend from the Oliver West parcel into the Oliver East parcel and Sports Park facility. A sidewalk for pedestrians and bicyclists is planned to be incorporated into the earth fill/bridge structure crossing over the Union Pacific Railroad tracks.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-2. City should devise a worksheet which identifies the Development Guideline requirements as part of the permit issuance process.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the East Bay Regional Parks District, Hayward Area Recreation District, U.S. Army Corps of Engineers, and any other agency determined to be a Responsible Agency. Updates to be provided to City and Agencies by project sponsors.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

Withholding of issuance of grading and construction permits.

Mitigation Measure 3.1.4-3

Provide sufficient variation in slopes of the earth fill profile and installation of plant materials in the attempt to visually blend the railroad overcrossing into the landscape development program..

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-3.

Responsible Agency

City of Hayward, Department of Community and Economic Development.

Monitoring Frequency

Development of project concept plans, overcrossing construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Noncompliance Sanction

Withholding of issuance of grading and construction permits.

Mitigation Measure 3.1.4-4

Specific design details of the buffers have not been developed although the design concept has been developed. The buffers would consist of earth berms or levees with water features and native plant materials affording seasonal interest if and as approved by the California Department of Fish and Game.

The buffers should be designed to alleviate their uniform length and width in order to avoid monotony in design and improve their appearance with respect to the planned residential setting. Buffer design should be integrated and consistent with the overall plan for informal landscape development within the residential portion of the Specific Plan area which would reduce the visual impact of uniform buffers to a level of insignificance. The buffers should not remain as visually isolated and singular components of landscape development (for additional information regarding the buffers, see section 3.2.3, *Biological Resources*).

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-4.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the East Bay Regional Parks District, Hayward Area Recreation District, U.S. Army Corps of Engineers, and any other agency determined to be a Responsible Agency.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

Withholding of issuance of grading and construction permits.

Mitigation Measure 3.1.4-5

Night lighting for public streets would need to conform with City of Hayward standards consistent with current street lighting. For mitigation, night lighting along public streets, in business park and industrial areas, and in the Sports Park, should be focused downward and/or shielded to avoid glare and point sources of light interfering with the vision of residents and motorists on local roadways. Lighting elements should be recessed within their fixtures to prevent glare. The overall objective would be to establish area lighting that would be adequate for safety and surveillance, but minimize the potential effects lighting on nighttime views from locations within and around the Specific Plan project area. A specialist in lighting design should be consulted to determine light source locations, light intensities and type of light source.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-5.

Responsible Agency

City of Hayward, Department of Community and Economic Development.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

Withholding of issuance of grading and construction permits.

Mitigation Measure 3.1.4-6

The stockpiling and storage of construction materials and equipment prior to installation and use should be minimized to the extent practicable. Only construction materials and equipment required for several days of construction within a given area should be stockpiled at one time. Although construction staging areas have not been designated at this time, such staging areas should be located as close to or within the area of construction as possible, out of the way of community traffic and pedestrian use. This mitigation measure is applicable to developed areas only, including off-site developed areas adjacent to the Weber parcel and on-site areas (such as residential development), which become occupied as the Specific Plan area is developed.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.4-6.

Responsible Agency

City of Hayward, Department of Community and Economic Development.

Monitoring Frequency

Ongoing per development of project construction plans and specifications, and field checks during construction.

Reporting Frequency

Ongoing per development of project construction drawings and Specifications, and field checks during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

3.1.6 UTILITIES

Water

Mitigation Measure 3.1.6-1

The City of Hayward would need to construct the pump capacity required to boost distribution capacity to meet project-related water demand. The City would be responsible for assessing and mitigating any associated environmental impacts. As a condition of providing water services, the City would recover the project's proportional share of the cost of developing the required pumping capacity, and that amount would be equal to the share of the project's use of the increased capacity.

Monitoring Action/Timing

Conduct pumping capacity design, environmental review under CEQA (an Initial Study as warranted), and collect necessary fees to construct the pumping facility. Construct the pumping facility, all in advance of project construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.6-1.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the Department of Public Works.

Monitoring Frequency

At completion of specified activities as shown above under "*Monitoring Action/Timing*".

Reporting Frequency

At completion of specified activities as shown above under "*Monitoring Action/Timing*".

Noncompliance Sanction

No sanctions. Mitigation Measure 3.1.6-1 is a City responsibility.

3.1.7 PUBLIC SERVICES

Police Protection

Mitigation Measure 3.1.7.1

- a) The City of Hayward would fund the Department's staffing and equipment needs as demands for police services increase with Specific Plan buildout.

- b) Project plans should be submitted to the Police Department for comment on feasible design measures that would increase safety and reduce the demand for police services.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.7-1.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the Police Department.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

No approval of construction plans and specifications.

Fire Services

Mitigation Measure 3.1.7-2

As a condition of Specific Plan approval the following measures will be implemented):

- a) All nonresidential structures will be equipped with appropriate automatic fire extinguishing sprinkler systems.
- b) Install Traffic preemption emitters at signalized intersections between responding stations Nos. 4, 6, and 7 and the project site as identified by the Department. The Department will specify and purchase the appropriate firefighting apparatus and equipment. The project sponsor would be responsible for the full capital costs of installing traffic preemption emitters and the firefighting apparatus and equipment.
- c) A second access off Baumberg Avenue for the Weber property and across the at-grade railroad crossing on the Oliver Trust Properties will be provided and will be designed to support the Department's minimum requirement of 56,000 pounds.

- d) An earth filled railroad overpass that meets the weight, width, and height requirements for Fire Department emergency vehicle access will be provided over the railroad tracks.
- e) Secondary and emergency vehicle access will meet all Department requirements including being 20 feet in width and unobstructed, having an all weather driving surface, contain Department approved automatic electronic opening devices if gates are used, and roundabout accessible. In addition all public roadways, emergency vehicle access points and cul-de-sacs must meet Departmental turning radius standards with vertical clearances a minimum of 13 feet 6 inches.
- f) Fire hydrants will be spaced a maximum of 400 feet apart. Hydrants will provide 1500 gallons per minute at 20 points per square inch. The buried water supply pipe must meet NFPA 24 Chapter 8 "Private Fire Service Mains and their Appurtenances.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.7-2.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the Fire Department.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

No approval of construction drawings and specifications.

Schools

Mitigation Measure 3.1.7-3

Prior to Tentative Tract Map approval, the City, School District, and project sponsors will, in accordance with the City's General Plan, need to agree to full facility mitigation for

additional classroom and typical support facilities.

Monitoring Action/Timing

Agreement for the provision of specified school facilities prior to Specific Plan adoption.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.7-3.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the School District and project sponsors.

Monitoring Frequency

At completion of preparation of agreement, prior to adoption of Specific Plan.

Reporting Frequency

At completion of preparation of agreement, prior to adoption of Specific Plan.

Noncompliance Sanction

No adoption by the City of the Specific Plan.

Solid Waste

Mitigation Measure 3.1.7-4

Implement existing recycling programs at the City and County level to reduce solid waste generation and disposal.

Monitoring Action/Timing

Ongoing. City to ensure that Specific Plan area occupants have sufficient information and facilities so as to avail themselves to existing solid waste recycling programs.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.7-4.

Responsible Agency

Project sponsors and City Hayward Department of Community and Economic Development.

Monitoring Frequency

Ongoing. Prior to issuance of occupancy permits.

Reporting Frequency

Ongoing. After issuance of occupancy permits.

Noncompliance Sanction

No issuance of occupancy permits.

Mitigation Measure 3.1.7-5

There are two options for reducing solid waste construction impacts:

1. The City of Hayward Department of Community and Economic Development could determine the amount of construction material recycling that is presently feasible. The City could then require -- as a condition of any Specific Plan approval -- that the project sponsor achieve this level and sufficiently document it.
2. Or the City could require as a condition of Specific Plan approval that project sponsors consult with the City to secure information on construction recycling options and programs available to contractors and require construction contractors to provide construction waste recycling plans as part of their bids that they develop in consultation with the City. The plans would include the amount of recycling they would achieve for different materials, the methods they would use, and the measures they would use to document the accomplishment.

Monitoring Action/Timing

Preparation of construction specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.7-5.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the project sponsors and their contractors.

Monitoring Frequency

At completion of preparing construction specifications.

Reporting Frequency

At completion of preparing construction specifications.

Noncompliance Sanction

Withholding of issuance of construction permits.

3.1.8 HAZARDOUS MATERIALS

Mitigation Measure 3.1.8-1

Prior to developing any individual parcel on the project site, an environmental site assessment should be performed to identify the likelihood of contamination of soil, groundwater, or existing buildings and other structures. If contamination is determined to be likely, material sampling will be conducted to determine the nature and scope of such contamination. On the basis of these investigations, a remediation plan will be developed that will specify measures to be taken to protect workers and the public from exposure to specific hazards. An appropriate environmental professional will certify that the proposed remediation plans will protect human health and be consistent with federal, state, and local requirements as implemented by agencies overseeing the clean-up effort. Prior to commencing work on contaminated sites, a site safety plan will be prepared and implemented in accordance with guidance from the National Institute for Occupational Safety and Health and the U.S. Occupational Safety and Health Administration as set forth in *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities*.

Monitoring Action/Timing

Conduct environmental site assessment.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.8-1.

Responsible Agency

Project Sponsors in collaboration City of Hayward (Certified Unified Program Agency).

Monitoring Frequency

At completion of each site assessment.

Reporting Frequency

At completion of each site assessment.

Noncompliance Sanction

No issuance of grading permits.

Mitigation Measure 3.1.8-2

In accordance with Policy 3B of the *City of Hayward's Hazardous Waste Management Plan*, firms wishing to locate at the Specific Plan project site will demonstrate their commitment to the policy of hazardous materials use reduction as a condition for receiving any land use approvals or business permits. At the request of the City of Hayward, industries will be required to supplement initial designs with mandatory plans to further reduce the amount and

toxicity of any hazardous materials required on site. Progress toward accomplishing this objective will be assessed as part of the permit renewal process.

Monitoring Action/Timing

Review of hazardous materials use reduction policy.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.8-2 to minimize hazardous materials storage and use.

Responsible Agency

City of Hayward Department of Community and Economic Development.

Monitoring Frequency

Prior to issuance of business permits.

Reporting Frequency

After issuance of business permits.

Noncompliance Sanction

No issuance of business permits.

Mitigation Measure 3.1.8-3

To protect new occupants from existing hazards of potential train derailments, new buildings along the railroad right-of-way should be constructed at least 100 feet from the railroad tracks. Pedestrian access to the railroad right-of-way should be restricted to the extent possible through the use of fences, walls, or other suitable barriers. Pedestrians could thereby be limited to crossings approved by the California Public Utilities Commission. Barriers should not interfere with the planned emergency vehicle access across the tracks.

Monitoring Action/Timing

Preparation of concept plans, construction drawings and specifications per Specific Plan Development Guidelines.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.8-3.

Responsible Agency

City of Hayward, Department of Community and Economic Development in collaboration with the project sponsors.

Monitoring Frequency

Ongoing per development of project concept plans, construction drawings and specifications.

Reporting Frequency

Ongoing per development of project concept plans, construction drawings and Specifications.

Noncompliance Sanction

No City approval of project concept plans, construction drawings and specifications.

3.1.9 CULTURAL RESOURCES

Mitigation Measure 3.1.9-1

Further archival and field study by an historian/archaeologist should be conducted. If buried archaeological resources are not discovered during a field survey, it may be recommended by the historian/archaeologist that an archaeologist monitor construction grading and excavation activities. If during construction, archaeological remains are discovered, work should be halted in the area of the find and the archaeologist consulted. Prompt evaluations could then be made regarding the significance/importance of the find and a course of action acceptable to all concerned parties could then be adopted.

Should archaeological resources be discovered during construction operations, development related impacts to important prehistoric archaeological sites could be mitigated by the following alternatives.

1. Avoidance of archaeological sites through modification of development plans that would allow for the preservation of the resources. Incorporation of site locations into protected open space or parklands would serve this purpose.
2. Covering or “capping” sites with a protective layer of fill. This could be a very good way of mitigating potential impacts in situations where public access may be increased as a result of development. Archaeological monitoring during the filling process would be recommended.
3. In circumstances where archaeological deposits cannot be preserved through avoidance or capping, data recovery through excavation would be the recommended plan. This measure would consist of excavating those portions of the sites that would be adversely impacted. The work should be accomplished within the context of a detailed research design and in accordance with current professional standards. The program should result in the extraction of sufficient volumes of archaeological data so that

important regional research considerations can be addressed. The excavations should be accomplished by qualified professionals and detailed technical reports should result.

All such procedures should follow the CEQA Guidelines, contained in Appendix K. Compliance with the following State laws regarding impacts to prehistoric Native American burials should be strictly enforced.

- The Health and Safety Code Section (b) states: that in the event of a discovery of human remains, all work is to stop and the County Coroner is to be called.
- Public Resources Code Section 5097.98 addresses the handling of archaeological remains that have been identified as Native American.

Monitoring Action/Timing

Archival and field study for cultural resources, and then ongoing during construction if resources are found.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.1.9-1.

Responsible Agency

Project sponsors in collaboration with the City of Hayward Department of Community and Economic Development.

Monitoring Frequency

Prior to issuance of grading and construction permits. Ongoing during construction as determined necessary.

Reporting Frequency

Prior to issuance of grading and construction permits. Ongoing during construction as determined necessary.

Noncompliance Sanction

No City issuance of grading and construction permits. Stop work order during construction.

3.2.1 GEOLOGY, SOILS AND SEISMICITY

Mitigation Measure 3.2.1-1

Incorporate current seismic-restraint criteria in the design of excavations, foundations and structures for the project, using updated guidelines from the 1997 Uniform Building code, as

appropriate. Implementation of this mitigation measure, as described below, would reduce seismically induced ground shaking damage impacts to an insignificant level. (I)

- A. The minimum seismic-resistant design standards for all proposed facilities shall conform to the CBC Seismic Zone 4 Standards and applicable portions of the City's policies and ordinances.
- B. If additional seismic-resistant earthwork or construction design criteria are recommended by the geotechnical investigations, they shall be incorporated as necessary, based on the site-specific recommendations of California-registered geotechnical and structural engineering professionals, recommended in cooperation with a California Certified Engineering Geologist.
- C. During site preparation, the registered geotechnical professional shall be on the site to supervise implementation of the recommended criteria.
- D. The geotechnical consultant shall prepare an "as built" map/report, to be filed with the City, showing details of the site geology, the location and type of seismic-restraint facilities, and documenting the following requirements, as appropriate.
 1. Engineering analyses shall demonstrate satisfactory performance of existing or re-compacted alluvium and existing or new fill where they form part or all of the support for structures.
 2. Access, foundations and underground utilities in fill or alluvium shall be designed to accommodate settlement or compaction estimated by the site-specific investigations of the geotechnical consultant.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.1-1.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

Ongoing per development of project construction drawings and specifications.

Reporting Frequency

Ongoing per development of project construction drawings and specifications.

Noncompliance Sanction

No City approval of construction drawings and specifications.

Mitigation Measure 3.2.1-2

Incorporate seismic-restraint criteria in the design of excavations, foundations and structures for the project. Implementation of this mitigation measure would be as described in Mitigation Measure 3.2.1-1.

Mitigation Measure 3.2.1-3

Require site-specific soil suitability analysis and stabilization procedures, and design criteria for foundations, as recommended by a California-registered soil engineer during the design phase of the Plan Area.

- A. The minimum static ground failure design standards for all proposed facilities shall conform to City Building Code Standards and applicable portions of the City's policies and ordinances.
- B. During the design phase for the Specific Plan Area, the developer's registered soil engineering consultant shall provide documentation to the City that:
 - 1. site-specific soil suitability analyses has been conducted in the area of the proposed foundation to establish the design criteria for appropriate foundation type and support, and
 - 2. the recommended criteria have been incorporated in the design of foundation.
- C. During grading for these sites, the registered soils professional shall be on the site:
 - 1. to observe areas of potential soil unsuitability,
 - 2. to supervise the implementation of soil remediation programs, and
 - 3. to verify final soil conditions prior to setting the foundations.
- D. The registered soils engineering consultant shall prepare an "as built" map, to be filed with the City, showing details of the site soils, the location of foundations, sub-drains and clean-outs, the results of suitability analyses and compaction tests.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.1-3.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

Ongoing per development of project construction drawings and specifications, and during project construction as required. As-builts to be prepared prior to occupancy.

Reporting Frequency

Ongoing per development of project construction drawings and specifications, and during project construction as required.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction if needed. No occupancy permits issued without as-built drawings.

Mitigation Measure 3.2.1-4

If grading or construction are to occur during the wet season, require an erosion and sediment transport control plan, designed by an erosion control professional, or landscape architect or civil engineer specializing in erosion control, that would meet the following objectives for the grading and construction period of the project.

- A. The erosion and sediment transport control plan shall be submitted, reviewed, implemented and inspected as part of the approval process for the grading plans for each project.
- B. The plan shall be designed by the developers' erosion control consultant, using concepts similar to those developed by the Association of Bay Area Governments, as appropriate, based on the specific erosion and sediment transport control needs of each area in which grading and construction is to occur. The possible methods are not necessarily limited to the following items.
 - Confine grading and activities related to grading (demolition, construction, preparation and use of equipment and material storage areas (staging areas), preparation of access roads,) to the dry season, whenever possible.

- If grading or activities related to grading need to be scheduled for the wet season, ensure that structural erosion and sediment transport control measures are ready for implementation prior to the onset of the first major storm of the season.
 - Locate staging areas outside major drainage ways.
 - Keep the lengths and gradients of constructed slopes (cut or fill) as low as possible.
 - Discharge grading and construction runoff into small drainages at frequent intervals to avoid buildup of large potentially erosive flows.
 - Prevent runoff from flowing over unprotected slopes.
 - Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction.
 - Keep runoff away from disturbed areas during grading and related activities.
 - Stabilize disturbed areas as quickly as possible, either by vegetative or mechanical methods.
 - Direct runoff over vegetated areas prior to discharge into public storm drainage systems, whenever possible.
 - Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or siltation fences.
 - Make the contractor responsible for the removal and disposal of all sedimentation on-site or off-site, that is generated by grading and related activities of the project.
 - Use landscaping and grading methods that lower the potential for downstream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods.
 - Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team.
- C. During the installation of the erosion and sediment transport control structures, the erosion control professional shall be on the site to supervise the implementation of

the designs, and the maintenance of the facilities throughout the demolition, grading and construction period.

- D. The erosion control professional shall prepare an "as built" erosion and sediment control facility map, to be filed with the City, showing details of the permanent elements of the plan and providing an operating and maintenance schedule throughout the operational period of the project.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.1-4.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

3.2.2 HYDROLOGY AND WATER QUALITY

Mitigation Measure 3.2.2-1

Incorporate runoff control design in the drainage collection system for the project.

- (a) The project engineer would perform detailed, site-specific hydrologic and hydraulic analyses for the proposed development areas, to validate the drainage calculations for the Specific Plan Area as a whole. The analyses would be in conformance with City of Hayward and ACFCO standards for the 100-year storm, would quantify the proposed development area's increased stormwater runoff volumes, and would quantify the effect on the capacity of the existing drainage facilities, including the levees along Old Alameda Creek.

- (b) The proposed additions to the storm-drainage system would be designed to accommodate the anticipated flows from the Specific Plan Area. The project engineer would include facilities in the storm-drain infrastructure that would avoid increasing the risk of offsite flooding or increasing the area of offsite 100-year floodplains. Such facilities could include detention or storage structures.
- (c) Facilities to accommodate the additional volume of stormwater runoff would be designed, reviewed, and incorporated into development prior to completion of the permitting process for this project. Specific structural mitigation measures that could be included in the facilities include detention basins, energy reducers, and oversized pipes and catch-basins that could act as temporary storage facilities for stormwater runoff.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.2-1.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications.

Reporting Frequency

At completion of preparation of project construction drawings and specifications.

Noncompliance Sanction

No City approval of construction drawings and specifications.

Mitigation Measure 3.2.2-2

- (a) Construction should be scheduled for the dry season.
- (b) The project will be subject to an NPDES permit from the RWQCB. This permit requires that the applicant develop a Storm Water Pollution Prevention Plan. The permit requirements of the Regional Board would be satisfied prior to granting of a building permit by the City of Hayward.
- (c) A soil erosion and sedimentation control plan would be submitted to the City of Hayward by the applicant for individual development sites proposed under the

Specific Plan prior to grading. This plan may include, but would not be limited to, the erosion control methods outlined in Mitigation Measure 3.2.1-4 (soil erosion control).

Monitoring Action/Timing

Preparation of construction drawings and specifications to include erosion control

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.2-2.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Mitigation Measure 3.2.2-3

Easily cleanable catch-basins, debris screens, and grease separators or similar water quality protection devices should be installed in the on-site drainage facilities. Maintenance of the facilities could be ensured through in-lieu fees paid to the City, or the establishment of homeowner associations.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.2-3.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site

reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Mitigation Measures 3.2.2-4

Project construction sites within the Specific Plan Area in areas of high groundwater shall submit a geotechnical report which designates specific groundwater conditions and subdrain requirements and incorporates them in the project design.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.2-4.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications.

Reporting Frequency

At completion of preparation of project construction drawings and specifications.

Noncompliance Sanction

No City approval of construction drawings and specifications.

Mitigation Measure 3.2.2-5

- (a) Sufficient fill would be added to bring the lowest occupied floor of each building at least one foot above the estimated 100-year flood elevation, and to raise levees and flood walls protecting the residential area to provide at least three feet of freeboard during the 100-year flood event (proposed as part of the project). Design of the flood wall should be coordinated with design of the noise wall (see Section 3.2.5, *Noise*), so as to integrate both walls into a single structure.

- (b) Sufficient fill would be added to access routes to and from the residential areas to allow safe passage during the 15-year inundation (proposed as part of the project).
- (c) Minor storm drainage facilities would be sized, at least, for the 10-year flood event (proposed as part of the project).
- (d) The City would require the preparation of a flood plain analysis to evaluate alterations in floodwater characteristics, including depth, extent and velocity, caused by the addition of fill, and stipulating measures (such as diversion of flood waters or raising of levees) to protect adjacent occupied areas.
- (e) The final design for the fill and flood protection measures would be included in the Plans and Specifications for the project.

Monitoring Action/Timing

Preparation of construction drawings and specifications.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.2-5.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

3.2.3 BIOLOGICAL RESOURCES

Mitigation Measure 3.2.3-1

The loss of 1.7 acres of wetland on the Weber property shall be replaced by removing or excavating at least 1.7 acres of berms or old levees within the wetland preserve area on the southern end of the Weber property. The replacement of only 1.7 acres of wetland (a 1:1

ratio) is the minimum requirement based on State and Federal policies of “no net loss” of wetland acreage or value. Replacement ratios for mitigation habitat area to impacted habitat area are often higher than 1:1. For example, the U.S. Fish and Wildlife Service recently required creation of 16.38 acres of wetland to mitigate for the loss of 0.9 acres of salt marsh habitat occupied by the endangered salt marsh harvest mouse, an 18:1 ratio (Redwood Shores Levee Rehabilitation Project Biological Opinion 8/5/90).

More typical mitigation ratios are in the 1:1 to 3:1 range, such as the 1.5:1 ratio required for losses of wetlands and the 3:1 ratio required for loss of riparian forest on the Sisquoc River Aggregate Mining Specific Plan (DEIR 6/96). Variations in ratios reflect differences in habitat value of areas impacted, temporal losses of habitat value reflecting time required for replacement habitat to mature, and other factors. Because the wetlands in the Specific Plan area are of relatively low quality and can be replaced with habitats supporting mature wetland vegetation within one to two years, lower ratios would be adequate for mitigation purposes. To justify lower replacement ratios, however, the following measures should be implemented prior to development:

1. The remaining wetlands should be enhanced in value by removing existing drainage pipes and channels, adding water retention structures to allow for greater areas and periods of inundation, and planting native species with control of non-native species. These habitat enhancement measures would help provide offsets for losses of habitat values.
2. The replacement of wetland area and enhancement of existing wetlands should be conducted prior to disturbance of wetlands on the project site to minimize temporal losses.

Monitoring Action/Timing

Preparation of construction drawings and specifications to include wetlands/habitat replacement, and site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.3-1.

Responsible Agency

City of Hayward, Department of Public Works and Department of Community and Economic Development in collaboration with the project sponsors, U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site

inspections during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site inspections during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Mitigation Measure 3.2.3-2

Before construction begins on the Weber property, an eight foot high masonry block wall should be installed along the southern extent of the industrial area to prevent trash from blowing into the wetlands. This wall would also reduce the visual contact between humans and wildlife.

Buildings should be designed such that the building perimeter would be along the boundary adjacent to the wetland. This design would serve two purposes: 1) on-site activities would occur farther from the wetland habitat, and 2) the buildings would act as a visual and acoustic shield between the human activity and the wetland habitat. No setbacks would be required with this measure.

Leases should have and property sales should include deed restrictions prohibiting cats or dogs from being on the premises.

The industrial sites should be graded such that stormwater drains into local sewers and not into the wetlands or the channels on the property. Earthen berms should be installed where appropriate to prevent runoff and accidental spills from draining into the wetlands.

In order to reduce the stormwater system capacity and to increase water volume to the wetlands, the roofs of the buildings may be designed to drain directly into the wetlands, provided the water does not come in contact with roadways, parking areas, loading areas, storage areas or stormwater from such areas.

One large educational sign should be placed in a prominent and visible place explaining the value of the adjacent biotic habitats and methods for protecting these resource. Catch basins that do not drain into sewers should be labeled to indicate that they drain into the San Francisco bay.

Monitoring Action/Timing

Preparation of construction drawings and specifications and lease agreements. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.3-2.

Responsible Agency

City of Hayward, Department of Public Works and Department of Community and Economic Development in collaboration with the project sponsors, U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications, and lease agreements. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications, and lease agreements. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Mitigation Measure 3.2.3-3

The loss of 0.03 acres of wetlands on the Oliver property should be mitigated by the creation of at least that much area of additional wetland within the 100 foot buffer around the Oliver property. The 0.33 acres of freshwater marsh habitat (and one willow tree) occurs on the periphery of the property and could possibly be avoided. If avoidance is not possible, it should also be mitigated by replacement within the 100-foot buffer zone. The exact mitigation ratio and design will need to be developed with and approved by the relevant agencies, including the United States Fish and Wildlife Service, and California Department of Fish and Game.

Monitoring Action/Timing

Preparation of construction drawings and specifications, periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.3-3.

Responsible Agency

City of Hayward, Department of Public Works and Department of Community and Economic Development in collaboration with the project sponsors, U.S. Fish and Wildlife Service, and California Department of Fish and Game .

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site inspections during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during site inspections.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Mitigation Measure 3.2.3-4

A 100-foot wide buffer zone is proposed to be retained between residential areas and all adjacent habitat WCB lands to the West and wetland to the North. This area should be landscaped with screening native vegetation, primarily native grasses and shrubs.

A 50 foot wide channel within all the buffer zones should be created to serve as a water barrier. The channel within the buffer zone should be designed to allow circulation for water quality and mosquito abatement. There should be no bridges or structures to allow the passage of predatory animals. Water levels should be maintained at a high level to discourage cats and foxes from leaping across.

Language should be included into the community Codes, Covenants and Restrictions to require that all pets be restrained at all times, including cats.

Trash containers should be emptied as needed, and trash should be picked up within the buffer zone on a regular basis. Because urban runoff can contain fertilizers and toxins which could affect the water quality within the channels, storm water from the residential area should drain into the storm sewers and not into the wetland channels. Fertilization of these channels could result in odoriferous alga blooms.

Education is one of the best methods to reduce residential related impacts. The Bay trail within the buffer area should have educational signs indicating the significance of the habitat area. The channel and buffer treatment will need to be designed with and approved by the United States Fish and Wildlife Service, and the California Department of Fish and Game.

Monitoring Action/Timing

Preparation of construction drawings and specifications and lease agreements. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.3-4.

Responsible Agency

City of Hayward, Department of Public Works and Department of Community and Economic Development in collaboration with the project sponsors, U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications, and Codes, Covenants and Restrictions. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications, and Codes, Covenants and Restrictions. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

Based on preliminary discussions with representatives of the California Department of Fish and Game, the following (edited) statement has been provided by individuals representing the Oliver Trust concerning the creation of buffers between the Oliver West parcel and adjacent wetland/Water Conservation Board (WCB) parcels.

“Buffer Zone. The proposed residential development on the Oliver West parcel has an 18 acre portion of the Weber property identified as salt marsh harvest mouse habitat adjacent to its northern boundary and the WCB property planned as an extension of the Bay Refuge area adjacent to its westerly boundary. In order to buffer the potential impacts on wildlife utilizing these adjacent areas, a 100 foot wide buffer zone totaling approximately 10.5 acres is proposed to be installed on the property’s northerly and westerly boundaries as part of the subdivision improvements. Discussions with the State of California Department of Fish and Game indicate that a water area at least three feet deep and a minimum of thirty feet wide is the most effective way to provide a barrier between the properties preventing domestic animals from traveling into the open space areas (see Figure 3.2.3-2). Conceptually, it is proposed that the outboard forty foot wide portion of the buffer area be utilized for the water feature. The remaining sixty feet would be utilized for an extension of the Bay Trail (20 feet) around the interior of the buffer zone and for the side slopes between the existing ground elevations (1 to 3.5 feet above sea level) and the finished elevations of the residential neighborhood (a minimum of eight feet above sea level). The water feature would be dug to a depth of approximately four feet below sea level and its exterior side walls would have an average elevation of three feet above sea level. Salt water would flow to the water feature

in the buffer area via pipes installed from the ACFC D A-2 channel and Old Alameda Creek at an elevation one foot below sea level near the lower reach of the flow line of those respective channels. This approach would ensure that the water feature would have a minimum of three feet of water in it at all times but could have as much as 7 feet in it during periods of high tide. The hydraulics of this approach would enable the water feature to benefit from tidal action on a regular basis. The remainder of the buffer zone would be landscaped largely with drought resistant native grasses. It is proposed that a Homeowner's Association be formed encumbering the Oliver West residential property that would own and maintain the buffer zone."

Mitigation Measure 3.2.3-5

The burrowing owl habitat is located within the 100-foot-wide buffer zone proposed in Mitigation Measure 3.2.3-4. Incorporation of the burrow within that zone and avoidance of owl disturbance during construction of a buffer water channel would reduce the impact. To mitigate for disturbances within 160 feet of the burrow, owl burrows will be enhanced at the required ratio of 2:1 by either creating new burrows or enhancing existing unsuitable burrows following CDFG guidelines. Enhancement will be conducted at the outer edge of the 100-foot buffer strip. While this location will be approximately 90 to 100 feet away from development, rather than the required 160 feet away, the location is suitable since other adjacent properties will remain undeveloped.

Burrows enhancement will follow designs suggested in CDFG guidelines. A monitoring plan, including mitigation success criteria, will be submitted to CDFG prior to implementation, and an annual report will also be submitted to CDFG. Fill material will not be placed on the 100-foot-wide buffer zone. While the burrow on the site is not expected to be disturbed by construction activities, passive relocation is expected to be necessary due to the construction of a moat to protect wildlife from domestic animals. Passive relocation will be conducted following CDFG guidelines, and occupied burrows will not be disturbed during the nesting season of February 1 through August 31 unless authorized by the CDFG, in accordance with the CDFG guidelines.

Any upland areas within the entire 100-foot-wide buffer strip along the Oliver West property boundary should be maintained as appropriate burrowing owl foraging habitat. These areas shall be planted with low-growing annual grasses and mowed (not disced) annually to maintain an open area where burrowing owls can easily forage. No more than 30% cover by shrubs or herbaceous species higher than 3 feet should be allowed to become established on the strip. No landscaping or ornamental vegetation shall be planted within the buffer zone. Any undeveloped upland area on the south and southeast side of the Oliver West property should also be planted and maintained following these guidelines.

In compliance with CDFG's burrowing owl survey protocol, a preconstruction survey will also be conducted within 30 days prior to the beginning of construction activities since owls often change location and could have taken residence on the site prior to construction.

Monitoring Action/Timing

Preparation of construction drawings and specifications and lease agreements. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.3-5.

Responsible Agency

City of Hayward, Department of Public Works and Department of Community and Economic Development in collaboration with the project sponsors, U.S. Fish and Wildlife Service and California Department of Fish and Game.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

3.2.4 AIR QUALITY

Mitigation Measure 3.2.4-1

Dust emissions from construction-related activities can be greatly reduced by implementing control measures. The Bay Area Air Quality Management District has developed feasible control measures for construction emissions of PM₁₀, (particulates).

Basic Control Measures. The following controls should be implemented at all construction sites:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.

- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

Enhanced Control Measures. The following measures shall be implemented at all construction sites greater than four acres in area:

- All "Basic" control measures listed above.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Optional Control Measures. The following control measures shall be implemented at active large construction sites that are located near residences along Bridge Road, Baumberg Avenue, or Old Arden Road or any other sensitive receptors:

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading and other construction activity at any one time.

Monitoring Action/Timing

Preparation of construction specifications. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.4-1.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction specifications. Stop work order during construction.

3.2.5 NOISE

Mitigation Measure 3.2.5-1

The following mitigation measures address the time of construction and devices to reduce construction equipment noise.

- To minimize construction noise impacts upon nearby residents, limit construction hours to between 7:00 AM and 7:00 PM on weekdays and prohibit all construction work on weekends. Any work outside of these hours should require a special permit from the City of Hayward based on compelling reasons.
- Construction equipment should be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise.
- The contractor should locate stationary noise sources away from residents in developed areas and require use of acoustic shielding with such equipment when feasible and appropriate.

Monitoring Action/Timing

Preparation of construction specifications. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.5-1.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors and construction contractors.

Monitoring Frequency

At completion of preparation of project construction specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction specifications. Stop work order during construction.

Mitigation Measure 3.2.5-2

A noise performance standard shall be established for the Weber parcel industrial/residential boundary. Hourly average noise levels generated by new light industrial uses shall not exceed an hourly average noise level (L_{eq}) of 55 dBA during the daytime and 50 dBA during the nighttime as measured at any common residential property boundary. Each new light industrial land use proposal shall be evaluated to determine the noise levels that are expected from the land use. Noise control treatments shall be incorporated into the design of the project that would be expected to result in noise levels consistent with the noise performance standards.

Monitoring Action/Timing

Preparation of construction drawings and specifications, and lease agreements.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.5-2.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications, and lease agreements.

Reporting Frequency

At completion of preparation of project construction drawings and specifications, and lease agreements.

Noncompliance Sanction

No City approval of construction drawings and specifications. No granting of occupancy permits.

Mitigation Measure 3.2.5-3

The following mitigation measures would reduce the impact of train noise to an insignificant level:

- With respect to the residential outdoor environment, construct a soundwall along the residential property boundary common to the railroad right-of-way and extend it along the north and south property boundaries for a distance of about 150 feet. The soundwall should be constructed of masonry blocks, precast masonry panels, or concrete panels and should be airtight over the surface and at the base of the wall. The wall should be approximately 8 to 10 feet high as measured above the final building pad elevations. The final height of the soundwall would depend upon the grading plans and the relationship of the pad elevations to the railroad track elevations. The 8- to 10-foot height would be appropriate if the pad elevations and base of wall elevations are approximately at-grade with the railroad track elevation. Design of the noise wall should be coordinated with the design of the flood wall (see Section 3.2.2, *Hydrology and Water Quality*), so as to integrate both walls into a single structure.

- With respect to the residential indoor environment, pursuant to the requirements of the Noise Element of the General Plan, prepare a detailed noise analysis during the design phase for the houses which identifies the noise control treatments necessary to achieve an L_{dn} of 45 dBA or less inside the new houses. Further require that the analysis shall demonstrate how single-event noise levels from individual railroad trains will be controlled so as not to exceed a maximum instantaneous noise level (L_{max}) of 50 dBA in bedrooms and 55 dBA in other noise sensitive rooms, such as living rooms, dining rooms, kitchens, etc. Noise control treatments, such as sound rated windows, doors, wall constructions, and forced air ventilation (so windows may be closed), if properly specified, would be able to achieve these noise limits.

Monitoring Action/Timing

Preparation of construction drawings and specifications. Periodic site inspections during construction.

Monitoring Evaluation Criteria/Performance Standards

Conformance with Mitigation Measure 3.2.5-3.

Responsible Agency

City of Hayward, Department of Public Works in collaboration with the project sponsors.

Monitoring Frequency

At completion of preparation of project construction drawings and specifications. Periodic site reviews during the construction period.

Reporting Frequency

At completion of preparation of project construction drawings and specifications. After periodic site reviews during construction.

Noncompliance Sanction

No City approval of construction drawings and specifications. Stop work order during construction.

REPORTING

PROCEDURE

The suggested forms on the following pages are provided to establish a system of mitigation monitoring and reporting. The forms are developed for the following purposes:

- (1) To allow for transferring mitigation measures as established in the Program above in recognition of subsequent stages of project planning and construction activities.
- (2) To track each mitigation measure throughout the construction process to insure implementation.
- (3) To document each mitigation measure conformance with program objectives upon the completion of construction.
- (4) To tailor the mitigation monitoring program to the requirements of the project. To avoid over-simplifying or over-complicating the monitoring effort.
- (5) To evaluate the effectiveness of in-place mitigation measures and implement revisions as appropriate to insure the ongoing effectiveness of each mitigation measure.
- (6) To develop remedial actions as required to insure mitigation effectiveness.
- (7) To maintain complete records where substantiation of mitigation monitoring is warranted.

MITIGATION MONITORING REPORT

The Mitigation Monitoring Report form serves as a cover sheet for a project mitigation report. This form identifies the project, project sponsor and provides a checklist of the subject areas where mitigation monitoring and reporting is required for a project. This form provides an overview of the general aspects of the monitoring program.

MITIGATION MONITORING COMPLIANCE

The Mitigation Monitoring Compliance Report form identifies whether the mitigation is derived from an EIR or Negative Declaration. This form also provides space for the statement of a mitigation measure, the performance standards for mitigation compliance, details about site

inspections and whether the mitigation measure when implemented is acceptable or unacceptable. The form also allows for specifying who is responsible for determining compliance and the timing (scheduling) for compliance determination.

A separate form is used for each mitigation measure. If the implemented mitigation measure is not achieving its intended purpose, or was not success fully implemented, the specific actions required for compliance may be noted on the form.

MITIGATION MONITORING VERIFICATION

The Mitigation Monitoring Verification form provides for a statement of findings that a previously unacceptable mitigation attempt when modified through further action, is in fact, acceptable as modified or altered. This form is filled out after the specific actions for mitigation compliance have been completed and are found acceptable. The completed package with a memorandum may then be submitted for City approval at the conclusion of the mitigation monitoring and reporting program for the Specific Plan project.

SOUTH OF ROUTE 92 SPECIFIC PLAN MITIGATION MONITORING REPORT

Project: _____
Address _____
Applicant: _____
Name _____
Address _____
File No. _____

Mitigation Monitoring Summary

<u>Subject</u>	<u>Mitigation Required</u>		<u>* Mitigation Completed and Acceptable</u>	
	Yes	No	Yes	Date
Land Use	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Traffic/Parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Public Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Utilities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Energy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Hazardous Materials	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Visual Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Cultural Resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Soils, Geology	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Drainage	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Water Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Vegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Wildlife	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Air Quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
Other (Specify) _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____

* See Compliance Report,
Sheet _____.

**SOUTH OF ROUTE 92 SPECIFIC PLAN
MITIGATION MONITORING COMPLIANCE REPORT**

File No.: _____

Project: _____ A.P. No. _____

Subject Category: _____

EIR Sch. No. _____ Neg. Dec. _____

Type of Mitigation: Project Design Project Ongoing Cumulative

Mitigation Statement:

Mitigation Performance Standard:

Responsibility to Implement Mitigation: _____

Responsibility to Assess Compliance: _____

Date of Inspection: _____

By: _____

Consultant

City

Compliance:

Acceptable _____

Unacceptable _____

(Further Action Required - see below)

Action Required for Compliance (Describe):

(Attach Mitigation Monitoring Verification Report)

Responsibility for Compliance Determination: _____

Timing for Compliance Determination: _____

Signed: _____

Date: _____

Sheet No. _____

**SOUTH OF ROUTE 92
GENERAL PLAN AMENDMENT AND SPECIFIC PLAN
OLIVER ESTATE/WEBER PROPERTIES**

PROGRAM ENVIRONMENTAL IMPACT REPORT

-- ADDENDUM --

Prepared for:
City of Hayward/Department of Community and Economic Development

Prepared by:
EIP Associates

February, 1998

ADDENDUM

This is an addendum to the Final Environmental Impact Report (EIR) prepared for the South of Route 92 General Plan Amendment and Specific Plan, Oliver Estate/Weber Properties. This addendum was prepared in response to comments that were raised at the joint City Council/Planning Commission Specific Plan and EIR work session held on February 3, 1998. This addendum provides clarification and further information regarding the content of the Draft and Final EIRs prepared for the South of Route 92 General Plan Amendment and Specific Plan project.

1. Buffer at South Boundary (Oliver West and East Parcels)

The following addresses a question regarding the possible need for a buffer along the southern boundary of the Oliver West property to protect wildlife in the Cargill Salt Ponds from human activity on the proposed Bay Trail.

A buffer between the Trail and the salt ponds along the southern boundary of the Oliver West parcel would be unnecessary for several reasons. First, the Cargill Salt Ponds only offer habitat to wildlife during the winter months, when the ponds fill with water and are used by water birds for foraging. During the summer months, the salt ponds are actively harvested. There is also no nesting habitat within the Cargill Salt Ponds. Because of this seasonal habitat availability, it is expected that disturbance to wildlife in the salt ponds by humans on the Bay Trail would be minimal since significant numbers of people would not be using the trail during the rainy season. In the summer months, when trail use and human activity intensifies, the habitat value of the salt ponds diminishes and wildlife are not prevalent.

Second, the Cargill Salt Ponds are already subject to human disturbance in the form of waterfowl hunting during the winter months. There are several established hunting blinds and reports of hunters actively using the salt ponds. The majority of human-sensitive wildlife species would already be temporarily displaced during the hunting season into nearby habitat. Human activity along the Bay Trail is not expected to exceed this level of disturbance.

Third, if human disturbance to wildlife foraging in the salt ponds were to occur from activity on the Bay Trail, there is suitable foraging habitat in adjacent salt ponds further to the south and to the west for wildlife to retreat. These adjacent ponds would provide an adequate distance barrier away from the trail and its activity to prevent subsequent disturbances. In addition, these limited disturbances, should they occur, would not be considered significant because a) there is suitable nearby habitat into which wildlife can retreat, and b) due to the lack of nesting habitat, they would

not result in the loss of mating opportunities, nor would they result in nest or chick abandonment with resulting reproductive failure.

2. Seepage Through Fill

Concern has been expressed that water may seep through the fill and damage structures on the site, or their occupants. Several factors combine to eliminate this potential risk. First, Section 1402A — Weather Protection, of the California Building Code, requires that exterior surfaces of structures for human occupancy, including foundation walls that surround basements, be waterproofed at the time of construction with materials approved by the [City of Hayward] for this purpose. Section 1402A also requires that positive drainage, *i.e.*, drainage of runoff outward, away from the structure's walls, be established in the design and construction of the building.

Given that these basic requirements would be met, there remained concern that the long-term exposure of foundation components to fill in the low-lying Specific Plan Area might eventually lead to seepage damage from groundwater, ponded rain water, or irrigation water remaining "perched" in the fill. This possibility is treated in the filling plan through the composition, placement, and design of the fill. The crushed rock material used for the engineered fill in the Plan Area would contain a mixture of particle sizes from fine to coarse, that would be spread and compacted in 6- to 8-inch layers, precluding the possibility that extensive clay layers (which could trap water) would occur in the fill. The portions of the Plan Area overlying the thickest zones of Bay Mud would have extra fill added to compensate for settlement by compressing the Mud, thus reducing the Mud's permeability and squeezing water out of the Mud. Being less permeable, less water would be percolate through the mud under the filled areas. Water squeezed upward through the fill, and rain water and irrigation water percolating down through the fill would be collected by a system of leach-lines which would convey the water to outfalls in the storm drainage system to prevent the buildup of water beneath the Plan Area.

Finally, the design levels of the finished ground surface of the fill in the Plan Area, *i.e.*, the elevations after settlement, are between 7 and 11 feet above mean sea level. The geotechnical explorations indicate that groundwater was encountered no higher than 1 foot above mean sea level during the season when the highest levels of ground water would be expected to occur. This means there would be about 6 feet of engineered fill between the highest groundwater levels expected and the finished ground surface in the Plan Area. This depth, plus the leach system, would preclude capillary action from raising the groundwater to the elevation of the developed portions of the Specific Plan Area.

3. Vibrations from Train Traffic

Concern has been expressed that vibrations from railroad trains that pass through the Specific Plan Area will be felt by residents or cause damage to structures. The amount of vibration created by a train would depend on the speed of the train and the weight of the load it carried. Slow, short, or lightly loaded trains would create less vibration than fast, long, or heavily loaded ones. Long, heavy, fast trains would create the most vibration for the greatest duration of time.

Vibrations from all trains would be damped naturally by the ground through which they pass. All vibrations would die out almost completely within several hundred feet of the source (the train passing along the tracks). The strongest vibrations would substantially dissipate within 5 to 15 feet of the source of vibration, depending on the strength of the source (load, length, and speed of the train) and the medium through which the vibrations traveled (rock, native sediment, engineered fill, Bay Mud). The shortest, sharpest shocks are carried through bedrock, which vibrates more or less as a unit, transmitting the vibrations relatively rapidly. Because Bay Mud consists of a mixture of several different types of material (water, clay, sand,) internal interference to shock waves tends to be set up, resulting in the transmission of longer, more rolling vibrations.

Native sediments' and engineered fills' transmission of vibrations is a mix of these types, dependant on the composition of the soils or fills.

A critical factor in assessing the potential for vibration-caused damage is the distance from the source to the area of concern. Because no structures for human occupancy would be within 130 feet of the track centerline (the distance from the track centerline to the Plan Area boundaries) there would be no likelihood of damaging vibration from railroad operations. However, occupants could feel vibrations from at least some of the trains which pass through the Specific Plan Area. The engineered fill would transmit vibrations that could be sensed by residents as slight quivering or trembling of walls or furniture. Although these vibrations might be found uncomfortable by some residents, they are not considered damaging to well-designed and soundly constructed buildings.

4. School Population Projections

The school population projections (student generation factors per single-family residential unit) as explained on page 3.1.7-13 of the Draft EIR were provided by the Hayward Unified School District. These projections were verified with Mr. Larry Lepore, Director of Facilities and Planning.

Mitigation measure 3.1.7-3 on page 3.1.7-14 is changed to read as follows:

"Prior to ~~Specific Plan~~ ~~Tentative Tract Map~~ approval, the City, School District and Developer will, in accordance with the City's General Plan, need to agree to full facility mitigation for the additional classroom facilities."

5. Noise Levels

In Final EIR Master Response MR-8, Table MR-1 on page 36 is changed to read Table MR-8. In addition, the L_{max} range in the lower right-hand box is changed from 78-58 to 78-98 dBA.



ITEM NO: 1

**AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD**

**MEETING OF:
February 12, 1998**

TO: Planning Commission

FROM: Ann Bauman, Community Planning and Economic Development Administrator

SUBJECT: ENVIRONMENTAL IMPACT REPORT, GENERAL PLAN AMENDMENT FOR THE SOUTH OF ROUTE 92 AREA (GPA 97-110-02, CITY OF HAYWARD, APPLICANT), SPECIFIC PLAN (SP 98-210-01), DEVELOPMENT GUIDELINES, TEXT CHANGE (TC 98-140-01) AND ZONE CHANGE (ZC 98-190-03) TO ESTABLISH FOUR NEW ZONING CLASSIFICATIONS

RECOMMENDATION:

That the Planning Commission recommend that the City Council :

- ◆ certify the Environmental Impact Report (EIR);
- ◆ adopt a General Plan Amendment (GPA) to establish the Urban Limit Line, change General Plan land use designations on the Oliver East parcel and revise the General Policies Plan Map to change the land use designations for the Oliver West and Weber parcels; [Note: Changes in General Plan designation from Open Space to designations identified in the GPA on the Oliver West and Weber properties are subject to approval by a vote of the Hayward electorate.]
- ◆ adopt the Specific Plan and Development Guidelines for the South of 92 Area. [Note: The portion of the Plan/Guidelines covering the Oliver West and Weber parcels will be implemented only if the Hayward electorate approves the changes in land use designations identified in GPA 97-110-02 for the affected properties.]
- ◆ amend the Zoning Ordinance to establish four new zones, Business Park, Light Manufacturing, Commercial Retail and Open Space.
- ◆ prezone Oliver East and establish zoning on Oliver West and Weber properties. [Note: This zoning on Oliver West and Weber is contingent upon approval of the

Hayward electorate of the changes in land use designations identified in GPA 97-110-02 for the affected properties.]

DISCUSSION

Background

Establishing the Urban Limit Line (ULL)

On December 14, 1993, Council approved the establishment of an Urban Limit Line, excluding from urban development the area South of Route 92 and Industrial Boulevard and West of Hesperian Boulevard to the Union City border, effective January 1, 1997, unless a Specific Plan establishing the ULL was developed and approved by City Council in the interim. City staff was directed to work with the affected property owners to prepare a Specific Plan for consideration by the Planning Commission and the City Council. If such a plan were developed and approved by Council prior to January 1, 1997 (now extended to March 1, 1998), then the Urban Limit Line for the study area would be established as part of the Specific Plan.

Original Project Area

On July 25, 1995, the City Council authorized the preparation of a Specific Plan for approximately 1,200 acres south of Highway 92 and west of Industrial and Hesperian Boulevards. The primary property owners within the original project area were the Oliver Trust, John Weber and the Cargill Salt Company. The City of Hayward, State of California and the Alameda County Flood Control Water Conservation District also own small parcels within the area. Figure 2 in the Specific Plan is a map depicting property ownership in the original Plan area.

Upon Council authorization, the staff then --

- ◆ developed an RFP for the preparation of a Specific Plan and Environmental Impact Report (EIR) and undertook a competitive procurement process to obtain a consultant team to carry out this work. A team led by PBR, a land use planning firm located in San Francisco, was chosen.
- ◆ assembled a Project Advisory Team to review the work products generated by the PBR Team.
- ◆ began the process of working with the PBR Team to develop conceptual land use alternatives for the Specific Plan site.

Five alternatives were completed and the process of obtaining public input had been initiated when it was learned that Cargill had decided to sell their acreage to the Wildlife Conservation Board (WCB). Funds for that sale were approved by the WCB on February 8, 1996. The 773 acres purchased by the WCB will be preserved as permanent open space and habitat for migratory waterfowl and threatened and endangered species, including the salt marsh harvest mouse and the California Clapper Rail.

Description of Current Project

As a result of the sale of Cargill property, the study area was redrawn to include the Weber and Oliver Trust properties. Much of the Phase I (development of land use concepts for the specific plan) work had to be redone, due to the reduced size of the study area. Infrastructure and access, for example, had to be completely redesigned. The Plan area was reduced to the properties shown on Figure 3 in the Specific Plan.

The Specific Plan and Development Guidelines provide considerable detail on proposed allowable uses, infrastructure and development standards for the Oliver East and West parcels, the City parcel, the Alameda County Flood Control Water Conservation District (ACFCWCD) parcel and the Weber properties at the eastern edge of the original plan area. However, the Cargill sale effectively isolated about 40 acres ("Oliver-92") owned by the Oliver Trust which lie along the southern edge of the State Route 92 right-of-way adjacent to the Point Eden Business Park. The 40 acres are almost two miles from the remainder of the current plan area. They cannot be physically or visually integrated with the rest of the plan area and will require separate street access and sewer, water, gas and electric facilities if developed. As a consequence, planning for the isolated acreage has remained conceptual. In general, it is assumed that, of the 40 acres, the wetlands portion, about 32 acres, will not be developed. The 8-acre uplands portion is the only part of Oliver-92 recommended to be included within the City's Urban Limit Line.

SPECIFIC PLAN

Overview

Data about the proposed projects and the project site has continued to evolve during this time period, the Specific Plan has, therefore, been updated and revised to include the most recent data available. The final Specific Plan (Plan) describes the location, physical characteristics and the economic context of the Plan area. It also sets forth the Specific Plan's objectives, General Plan policies and zoning for the Plan area and the ways in which the Specific Plan is or is not consistent with the General Plan. The Specific Plan discusses allowable land uses, circulation, public facilities and services, recreation and open space and utilities. The last chapter discusses how the Plan will be implemented.

Land Uses

Overall Development Concept

The plan area is located between industrially zoned land, developed industrial sites and the Baumberg Tract, former Cargill Salt property that has been acquired by the Wildlife Conservation Board for open space and natural habitat. As such, the development concept for the Plan area is to provide a transition from busy industrial-type activities to a serene natural environment. To achieve this, the Specific Plan:

- (1) takes the opportunity to expand upon the existing industrialized areas near Hesperian and Industrial Boulevards and along Arden/Baumberg Avenues by developing business park and light manufacturing uses;
- (2) benefits from the proximity of the natural areas by developing bay-oriented neighborhoods and controlled public access on the western edge; and
- (3) preserves those parts of the plan area that could be viable natural habitats.

The land use concept for the Plan area calls for both the development and the conservation of land. There are four distinct development areas: business park/light manufacturing area on Oliver East and the City of Hayward parcels; single family residential development on Oliver West, light manufacturing and wetlands preservation on the Weber parcels and the sports park on Oliver East and ACFCWCD properties. Figure IV-5 (following page IV-1) in the Specific Plan depicts the location of each type of land use. Associated with the residential uses are neighborhood parks and trails. Acreage for the conservation and enhancement of wetlands as permanent open space is also provided. Table IV-1: Land Use Program in the Specific Plan lists the number of acres for each type of use by property.

Special Characteristics of the Specific Plan Area

New Zoning Designations

The Plan includes four new zoning designations: Business Park (BP), Light Manufacturing (LM), Commercial/Retail (CR) and Open Space (O). Allowable uses are described in the Development Guidelines and a brief summary follows.

- ◆ **Business Park (BP)** includes administrative, executive and business offices, design professions offices, research and development, analytical and scientific offices, and headquarters of region-wide software, biotech, finance, insurance or other similar types of offices.
- ◆ **Light manufacturing (LM)** includes the manufacture and assembly of machines, appliances and instruments, electrical supplies, pharmaceutical or biological products; laboratories; industrial support and service facilities; and research and development facilities. Warehousing is not permitted unless it

is to store a product manufactured or assembled onsite or to store a product for which Hayward is the "point-of-sale" to the end user (i.e., Hayward receives a portion of sales tax on the product). Facilities that use significant quantities of hazardous materials will require a use permit.

- ◆ **Commercial/Retail (CR)** is similar to the City's Neighborhood/Commercial (CN) zoning. It allows grocery stores, drug stores, florists, hardware stores and more; however, it does not allow check cashing stores, automobile repair or parts stores, or dance studios which are permitted or allowed with administrative or with conditional use permits in the CN zone.
- ◆ **Open Space (O)** is used to designate the neighborhood parks and the sports park. Because new zoning districts are proposed, a Zoning Ordinance Text Change and a Zone Change will accompany the Specific Plan when it is considered at public hearing.

Open Space Ordinance

On February 25, 1997, the City adopted an ordinance which made any changes in open space designations on the City's General Policies Plan Map after January 1, 1996, subject to approval by a majority of the Hayward electorate. The Oliver West and Weber parcels are currently designated Open Space-Baylands on the General Policies Plan Map; therefore, adoption of a General Plan Amendment changing these designations would become effective only if approved by a majority of Hayward voters. Since any Specific Plan must be consistent with the City's General Plan, the Specific Plan covering the Oliver West and the Weber properties would become effective only if the General Plan Amendment were approved by the voters. Therefore, the resolutions which will be considered at the public hearing for the adoption of the GPA, Specific Plan and Development Guidelines covering the Oliver West and Weber parcels will be written to be contingent upon approval of the Hayward electorate.

Jurisdictional Boundaries

Figure I-3 (following page I-2) in the Specific Plan shows the jurisdictional boundaries in the area. Currently, the Oliver East parcel is in Alameda County, although it is within the City of Hayward's Sphere of Influence. Oliver East is designated "Industrial Corridor" on the City's General Policies Plan Map. Water and sewer serving this parcel will be connected to the City's water and wastewater systems. It is the City's intention to annex the Oliver East parcel and the FEIR has been prepared with that action in mind.

The two acre ACFCWCD parcel is located in Union City, although within the City's Sphere of Influence. The Oliver Trust will attempt to purchase the property from ACFCWCD; if it is not possible to purchase the entire property, then it is anticipated that the Trust will purchase sufficient square footage for the storm water pump station and appropriate easements. Although a letter from the ACFCWCD indicated that they did not want to sell

this parcel, subsequent conversations with the County indicate that they would be willing to sell a majority of the site. If a majority of the property is purchased, it will be annexed by the City.

Location of Wetlands and Habitat and the Establishment of the Urban Limit Line (ULL)

In 1997, two wetlands delineations were completed, one for the Oliver East/Oliver West and one for the Weber parcels. A total of 52.1 acres of jurisdictional wetlands were delineated on the Weber property, of which about 1.7 acres would be impacted by the Specific Plan. As previously noted, Mr. Weber would like to include another approximately two acres of wetlands in the development area, making a total of approximately four acres that would be impacted. Only about 0.48 acre of jurisdictional wetlands was found on the Oliver West property, of which approximately 0.03 would be impacted. No jurisdictional wetlands were found on the Oliver East site because none of that parcel occurs within the 1857 Bay shoreline as defined by the U.S. Army Corps of Engineers.

Urban Limit Line

Figure X-1 (following page X-1) in the Specific Plan shows the proposed location of the Urban Limit Line. Oliver East, Oliver West and approximately 22 acres of uplands on the Weber parcels would be included within the ULL as appropriate for development. Almost all jurisdictional wetlands and all of the 18 acre Salt Marsh Harvest Mouse habitat would be outside the ULL, and, therefore, excluded from development. However, the ULL has been drawn to allow Mr. Weber to develop approximately four acres of wetlands, if he is successful in obtaining permits to do so from the jurisdictional agencies.

Sports Park

A 25-acre sports park is planned along the edge of Old Alameda Creek on the Oliver East and ACFCWCD parcels. The largest of Hayward's community parks, it will contain active recreation facilities, including several baseball and soccer fields as well as basketball and tennis courts. The precise mix of uses is to be determined by the Hayward Area Recreation District's planning staff. To be maintained by the Hayward Area Recreation District, it will be a community resource where sports leagues can conduct season and play-off games with some spectator seating. The sports fields will be equipped with night lighting which allows for the full utilization of the facility. Parking will be available in designated areas on the adjoining street and in on-site lots. The sports park is located on the east side of the SP/UP railroad tracks in order to be easily accessible to all, including employees in the adjacent business park and the residential development. Although the Plan includes the two acre ACFCWCD parcel, if that parcel is not available for sale, then two acres of business park/light manufacturing will become part of the sports park.

The Plan assumes that the City will transfer its 12.2 acres to the Oliver Trust, in exchange for 25 acres to be developed as the sports park. The City's 12.2 acres will be used as

business park. The exact nature of the land exchange will be finalized before development of Oliver East proceeds.

DEVELOPMENT GUIDELINES

The Guidelines are used, in conjunction with City codes, standards and ordinances, by the Master Developer, to design and build the major elements of the Plan. The guidelines are also used by the City in evaluating applications for site development in the Plan area.

Guidelines Overview

The Development Guidelines provide a consistent set of standards for all phases of development. The Guidelines are proposed to be adopted when action is taken on the Specific Plan to ensure that the development called for in the Plan is attractive, distinctive, safe and enduring. They focus primarily on all of the public elements of a project (the streets, parks, paths/trails, open space) and upon those aspects of specific site development that have the greatest effect on the quality of the public elements, including street landscaping, driveways, parking, building setbacks, height and mass requirements, and site landscaping.

The Development Guidelines are divided into sections which focus on the business park/light manufacturing zones, the residential development, overall landscape design, the sports park, walls and fencing, lighting, and signage. The accompanying agenda report for the Planning Commission worksession describes the Development Guidelines in detail.

ALTERNATIVES REVIEWED IN THE DEIR

The draft EIR reviewed three alternatives to the draft Specific Plan:

- (1) No build/no project which equals no development, the properties remain relatively vacant as per current conditions;
- (2) No project/develop as per existing zoning which, in effect, means that Oliver East can be developed as industrial under existing County zoning which has a wide variety of uses including open storage and warehousing; and
- (3) HASPA Plan/Oliver East Alternative which consists of no development west of railroad tracks except compatible open space uses and includes some wetlands restoration; business park/industrial development east of railroad tracks.

In the context of the alternatives studied, the Specific Plan calls for the greatest amount of development and consequently has the highest number of significant impacts. Although the vast majority of wetlands are excluded from development under the Specific Plan, the Specific Plan has not been designated the "environmentally superior alternative" because the other alternatives contain less development. The three alternatives, however, do not

fulfill other City objectives such as expanding the supply of owner-occupied housing and increasing the variety of housing stock, particularly housing for professionals, technical specialists and managers and business owners, and creating opportunities for businesses that provide higher wage jobs and/or sales tax revenues to develop and expand in Hayward.

THE FINAL EIR

The Final EIR lists all commenting correspondence and then provides responses to comments in two ways. First, a Master Response has been prepared for each of the eight most commented upon categories. Second, in the Comments and Responses section, the Planning Commission Meeting minutes and each comment letter is published on even-numbered page(s) and the response to the identified comments is published on the odd-numbered page(s) located opposite the comment letter to make it easy for the reader to see the specific response to each comment.

The following is an overview of the issues most frequently identified during the public comment period and a summary of the responses prepared by the EIR consultants.

Residential Development and Environmental Noise

Issue Summary

The issue of environmental noise in the proposed residential area was raised at the PC public hearing and in a number of written comments. As a result, the EIR noise consultant monitored noise levels at the project site over a five consecutive day period, 24-hours a day, at three locations on the Oliver West parcel. The measurements began on Friday, December 12, 1997 and were concluded on Tuesday, December 16, 1997.

Measurement Location 1 was about 100 feet from the Union Pacific railroad tracks; Location 2 was in the approximate center of the site; Location 3 was at the western boundary of the site. The measurements at Location 1, adjacent to the railroad tracks, provided hourly average data and single-event data for the railroad trains over the entire monitoring period. Data gathered at Locations 2 and 3, provided hourly data and single-event data, for aircraft overflights.

EIR Conclusion

The noise consultants found that there were significantly more trains along that track than was reported to the EIR consultants by PUC staff. In addition to PUC staff, the Union Pacific railroad public projects engineer and the Oakland Terminal Superintendent were contacted. There are many discrepancies between the reports from each of these sources -- all of them reporting fewer trains than the noise data indicated; therefore, the EIR consultants utilized the actual recorded single-event and hourly noise data in their evaluation of the noise impacts on this site. Their findings were that the noise data were consistent with that which could be expected along a railroad line and that the mitigations

in the EIR – a sound wall along the residential property boundary common to the railroad right of way and preparation of a detailed noise analysis at the point of application, identifying treatments necessary to achieve acceptable interior noise levels of L_{dn} of 45 dBA or less -- were sufficient.

Regarding aircraft noise, the noise consultants concluded that :

While aircraft noise is a significant contributor to the overall noise environment at the project site, the site's noise exposure would be considered compatible with the proposed residential development. The direct effects of speech interference and sleep disturbance would be minimal at this site.

Regarding noise impacts due to the proposed expansion at Oakland Airport, the consultant concluded that, although there is a substantial increase in aircraft activity projected, FAA requirements to phase out Stage 2 (the noisiest) aircraft by the year 2000 would offset the effects of increased flight activity.

Location of the "Historic" Shoreline of the San Francisco Bay

Issue Summary

Some commentors stated that the EIR misinterpreted the location of the "historic shoreline" of the San Francisco Bay, therefore, providing inaccurate information in the EIR regarding the amount and location of wetlands subject to Federal jurisdiction. Commentors have stated that there are more jurisdictional wetlands than the 0.48 acre estimated for this property and that the mitigation for development proposed as the preferred alternative is grossly inadequate.

EIR Conclusion

The EIR consultants utilized the U.S. Army Corps of Engineers 1857 mapping which defines the limit of the Corps jurisdiction under Section 10 of the Rivers and Harbors Act of 1899. Irrespective of the geology, hydrology, or morphology of the Bay margin, this boundary is considered by the Federal government to be the "jurisdictional" shoreline and is so defined by law. Therefore, the wetlands delineation referred to in the EIR text utilized the Federal jurisdictional shoreline since the delineation would be submitted for approval to Federal authorities.

The Buffer

Issue Summary

There were a variety of questions, comments and concerns about the proposed buffer zone which focused on how it would work and whether it would actually prevent predators from attacking endangered species.

EIR Conclusion

The proposed buffer zone is based upon an approach approved by the U.S. Fish and Wildlife Service for Redwood Shores, a similar project to South of 92 Oliver West. Endangered species in that case were also the salt harvest mouse and the California Clapper Rail. The FEIR describes the buffer in significantly greater detail than the draft EIR. On the South of 92, as in the Redwood Shores case, if wetlands are jurisdictional, the final decision on the adequacy of the buffer will be made by the U.S. Fish and Wildlife Service and the property owners will have to abide by that decision in order to develop the property.

Wetlands

Issue Summary

Several comments were made to the effect that the wetlands delineations that were made were inaccurate, inadequate, and/or not enough information was provided to determine whether they were done properly.

EIR Conclusion

The FEIR details the regulatory background, wetland delineation methodology and results and wetlands habitat values. These delineations will be submitted for review and approval to the U.S. Army Corps of Engineers and be reviewed by Federal biologists among others for accuracy, thoroughness and completeness.

Predators, Burrowing Owl, California Clapper Rail and Salt Marsh Harvest Mouse

Issue Summary

There were a variety of comments on these issues and potential impacts. These are important issues; some, such as the Borrowing Owl, have scientific methodologies to address and mitigate any impacts.

EIR Conclusion

In the case where specific scientific methodologies and guidelines approved by wildlife agencies exist to mitigate the impacts, those have been included in the EIR as mitigation measures. In response to comments, Mitigation Measure 3.2.3-5, in regard to the Burrowing Owl, has been made more specific, in accordance with Department of Fish and Game guidelines.

With regard to the assertion by the US Fish and Wildlife Service that the DEIR did not take the Recovery Plan into account, the EIR consultants found that the Recovery Plan objectives for habitat restoration or acquisition do not mention these properties by name, although adjacent properties are listed by name. Under the present Act, listing decisions must be based on the best available scientific and commercial data. This also applies to Recovery Plans. The Salt Marsh Harvest Mouse and California Clapper Rail Recovery Plan referred to by the Service, was developed in the 1980s and discussions with Service staff in the

Endangered Species Branch indicated that to date they have been unable to locate the scientific data on which it was based.

Regarding predators, it is important to note that the mitigation measures proposed are intended to be cumulative. Any one mitigation measure would not be sufficient, in and of itself, to reduce the potential impacts of development on adjacent habitat, but all of the measures proposed should collectively and cumulatively reduce the impacts to insignificant levels.

Upland Habitat Values

Issue Summary

Some comments suggested that the value of upland habitat on the project site, particularly for wintering and migratory waterfowl was not adequately addressed.

EIR Conclusion

The EIR consultants took another look at the upland portions of the Oliver and Weber properties that are proposed for development. Their findings confirmed the original DEIR conclusions that these areas have low habitat value, except for brief times following harvest, with the exception of the burrowing owl (discussed below). Therefore, they concluded that loss of that habitat was considered less than significant. The areas considered to have moderately high habitat values are the wetlands which are either not being developed or the loss of which will be required to be fully mitigated. Upland foraging habitat for burrowing owl and other species will be replaced within the 100-foot buffer and is proposed to be preserved and restored on the Baumberg Tract.

Potential for Liquefaction as a Result of Earthquake

Issue Summary

Several comments were made about the potential for liquefaction in the Specific Plan area.

EIR Conclusion

No liquefiable soils were encountered on the Oliver parcels; i.e. no significant loose sand layers were encountered within the maximum depth explored (about 52 feet below the existing ground surface). Although a relatively soft sandy silt layer was encountered below a depth of 30 feet in one test-boring on Oliver West, this was not judged liquefiable because of the high clay content. The Bay Mud also has such a high clay content that it does not liquefy, although its high water content makes it subject to settlement. The proposed filling of most of the Specific Plan area would accelerate the settlement of the Bay Mud by squeezing water out of it and compressing it, thereby, reducing the amount of settlement anticipated from the weight of buildings and reducing the potential for differential settlement. The Bay Mud beneath the developed portion of the Specific Plan area would be more stable after filling than it is now.

Even though the site could be expected to be subject to very strong ground shaking during a major earthquake on the Hayward Fault, because no liquefiable soils were encountered on the site, there would be little likelihood of seismically-induced ground subsidence or lateral spreading. Seismic risks to structures proposed for development in the Specific Plan area would be no greater than for similar, modern, well-designed and constructed developments elsewhere in the Bay Area. Foster City and Redwood Shores are two examples of similar developments that performed well during the 1989 Loma Prieta earthquake.

Flood Control/ Amount of Fill

Issue Summary

At the Council/Planning Commission worksession on February 3, 1998, it was pointed out that the Oliver Trust and Weber properties are in the floodplain and are, due to recent rains, flooded at this time.

EIR Conclusion

The Federal Emergency Management Agency (FEMA) is responsible for the management of floodplain areas. The Specific Plan area is within the "100-year" floodplain, as has been evident during the January and February rain storms. Being relatively flat and close to sea level, the Plan area will need additional fill and other drainage improvements to prevent water damage to the foundations of buildings and infrastructure. All site preparation and construction will be in accordance with the latest FEMA, State of California, and Uniform Building Code standards. As was discussed at the February 3 worksession, engineering and building codes in the 1990s have been designed to address the problems encountered by earlier projects in this type of environment (e.g. Foster City).

The amount of fill required to meet FEMA standards for the Plan area is approximately 2.2 million cubic yards. During the filling operation, between 71 and 85 weeks of trucking with 400 loaded trucks per day would travel between the LaVista Quarry and the site. Therefore, a traffic control plan approved by the City of Hayward will be required prior to any filling operation. The Plan must specify the time of operations, roadway cleaning requirements and responsibilities, roadway maintenance and repair responsibilities, traffic signing and flagging requirements, signal timing adjustments, and control of dust and debris.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The following are significant and unavoidable impacts:

- Loss of approximately 211 acres of open space, currently designated as Open Space-Baylands on the General Policies Plan Map due to the development of single family homes and light manufacturing facilities on the Oliver West and Weber properties.

- Loss of approximately 238 acres of Important Farmland on Oliver East and West (designated as such because flowers and hay were grown there).
- Loss of currently vacant agricultural land would constitute a significant change in visual conditions in the Specific Plan area.
- Construction activities for the light manufacturing uses planned on the Weber parcel would cause temporary noise level increases for residential land uses located in the Baumberg Avenue area.

Because the implementation of the Specific Plan may result in certain unavoidable significant impacts, even if all feasible mitigations are imposed, the City Council must adopt a Statement of Overriding Considerations prior to making a decision on the Specific Plan.

GENERAL PLAN AMENDMENT (GPA)

Attached is a proposed General Plan Amendment (GPA 97-110-02) for the South of Route 92 Specific Plan. It includes changes to the Growth Management Element and the General Policies Plan to reflect the Specific Plan. Please note that the proposed changes in General Plan designations for the Oliver West and Weber properties are conditional based upon approval of a vote of the Hayward electorate.

TEXT CHANGES TO THE ZONING ORDINANCE AND ZONE CHANGES FOR THE SPECIFIC PLAN

Currently Oliver West and Weber properties are zoned Flood Plain. The Oliver East parcel is zoned M2 (Industrial) by the County. The City parcel is zoned Industrial.

Text changes to the City's Zoning Ordinance have been included to establish the zones identified in the Specific Plan and are described in detail in the attached Text Change and the Development Guidelines. If the Specific Plan is approved by City Council, establishment of rezoning designations on the Oliver East parcel will be established immediately. Zoning designations for the Oliver West and Weber properties will be contingent upon approval, by vote, of the Hayward electorate of proposed changes in General Plan designations for those properties. These new zoning districts will be incorporated into the Zoning Consistency Matrix as part of the 1998 General Plan Annual Review.

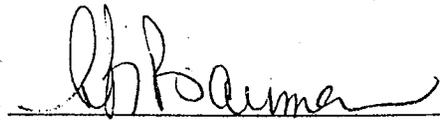
PUBLIC NOTICE

On January 30, 1998, public notices were sent to all responsible public agencies and interested organizations and individuals, announcing the public hearing on the and the availability of the FEIR. A public hearing notice was published in the "Daily Review" on February 3, 1998.

NEXT STEPS

After the Planning Commission public hearing, on February 17, 1998, there will be a public hearing before City Council on these items. If City Council votes to certify the EIR and adopts the Specific Plan, GPA, and the text changes to the Zoning Ordinance, then the property owner and the City will proceed with the annexation of the Oliver East parcel and the property owners of the Oliver West and Weber properties will work with the City to identify an election date.

Prepared and Approved by:



Ann R. Bauman

- Attachments:
- A. Specific Plan (SP 98-210-01) (originally distributed under separate cover on January 30, 1998)
 - B. Table IV-1, Land Uses (for Specific Plan)
 - C. Environmental Impact Report (originally distributed under separate cover on January 30, 1998)
 - D. Draft Environmental Impact Report (originally distributed under separate cover on November 7, 1997)
 - E. Development Guidelines for the South of Route 92 Specific Plan (distributed with 2/12/98 worksession agenda report)
 - F. General Plan Amendment (GPA 97-110-02)
 - G. Text Changes to Zoning Ordinance (TC 98-140-01)
 - H. Zone Change (ZC 98-190-03)
 - I. Letters to EIP from Frank Berlogar Responding to EIR Comments
 - J. Mitigation Monitoring Report (to be delivered under separate cover)

**TABLE IV-1 LAND USES
(FOR SPECIFIC PLAN)**

**Table IV-1 : Land Use Program*
South of Route 92 Specific Plan**

Land Use	Oliver East	Oliver West	City of Hayward	Weber	ACFC WCD	Acres
Business Park	42.10		12.00			54.10
Light Manufacturing	27.60			21.50		49.10
Retail	3.50					3.50
Residential		81.50				81.50
Neighborhood Parks		7.50				7.50
Sports Park	23.00				2.00	25.00
Wetlands/ Habitat		0.03		52.10		52.13
Open Space Buffer		10.40				10.40
Landscaped Areas/Internal Trails	2.00	5.00		4.90		11.90
Roads & Overpass	10.10	26.10	0.20	2.00		38.40
Gross Acres	108.30	130.50	12.20	80.50	2.00	333.53

Note: This Land Use Program does not include the 40 acres of Oliver - 92 property, 8 acres of which is uplands intended for development and 32 acres of which is wetlands intended for open space.

* Approximate acreages subject to survey.

ATTACHMENT F

**GENERAL PLAN AMENDMENT
(GPA 97-110-02)**

PROPOSED
GENERAL PLAN AMENDMENT
(GPA 97-110-02)
for the
SOUTH OF ROUTE 92 SPECIFIC PLAN

The proposed General Plan Amendment includes changes to the Growth Management Element and the General Policies Plan to reflect the South of Route 92 Specific Plan. These changes are further described in the following sections.

Amendments to the Growth Management Element

Amend the Growth Management Element as follows:

1. Revise text on Page 2 under Section II.A.2 to read:

The Urban Limit Line in the shoreline area shall follow the General Policies Plan boundary between those areas designated as Open Space-Baylands and those areas designated for urban development (Residential, Commercial, Industrial, Public/Quasi-Public, Open Space-Parks and Recreation).

2. Revise the Open Space Framework map on Page 3 (see Exhibit A) and the Shoreline Area map on Page 6 (see Exhibit B) to reflect adoption of the permanent location of the Urban Limit Line as proposed in the South of Route 92 Specific Plan and elimination of the provisional alignment originally adopted as part of the Growth Management Element on December 14, 1993.

Amendments to the General Policies Plan

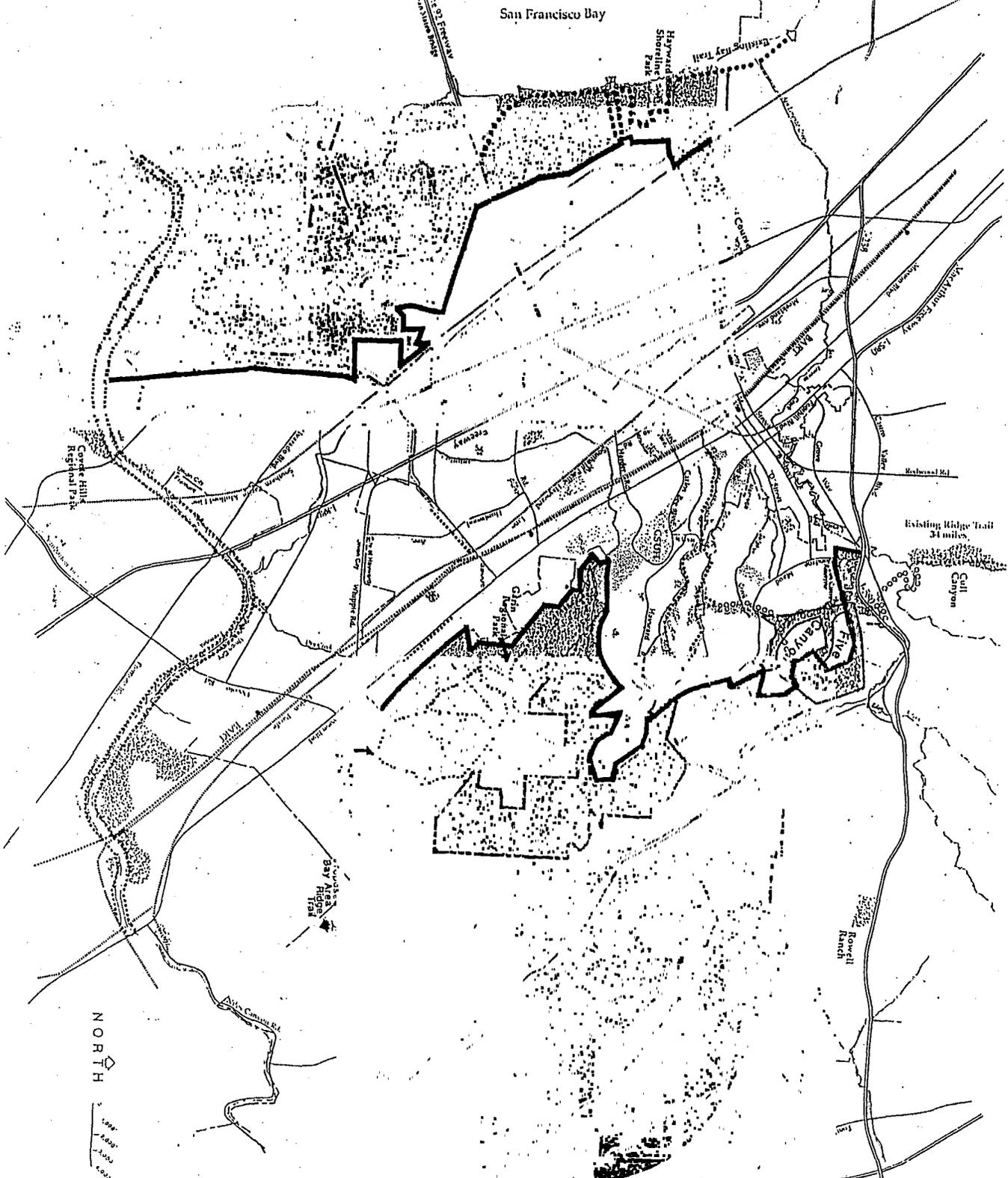
Amend the General Policies Plan as follows:

1. Revise text on Page X-5 under Urban Limit Line by deleting the last two sentences referring to effective dates of adoption.
2. Revise the General Policies Plan Map (see Exhibit C) to: a) reflect adoption of the permanent location of the Urban Limit Line as proposed in the South of Route 92 Specific Plan and elimination of the provisional alignment originally adopted as part of the Growth Management Element on December 14, 1993; and b) delete the fourth sentence describing the provisional adoption of the Urban Limit Line in the box immediately below the title of the Map.

3. Revise the General Policies Plan Map (see Exhibit C) to change the land use designations for portions of the South of Route 92 Specific Plan area as follows:
 - a. Oliver East (approximately 25 acres): from Industrial Corridor to Open Space-Parks and Recreation;
 - b. Oliver East (approximately 3.5 acres): from Industrial Corridor to Retail and Office Commercial;

4. Revise the General Policies Plan Map (see Exhibit C) to change the land use designations for portions of the South of Route 92 Specific Plan area as follows, subject to the approval of the Hayward City electorate pursuant to the Hayward Open Space Ordinance:
 - a. Oliver West (approximately 123 acres): from Open Space-Baylands to Low Density Residential;
 - b. Oliver West (approximately 7 acres): from Open Space-Baylands to Open Space-Parks and Recreation;
 - c. Weber (approximately 24 acres): from Open Space-Baylands to Industrial Corridor.

EXHIBIT A



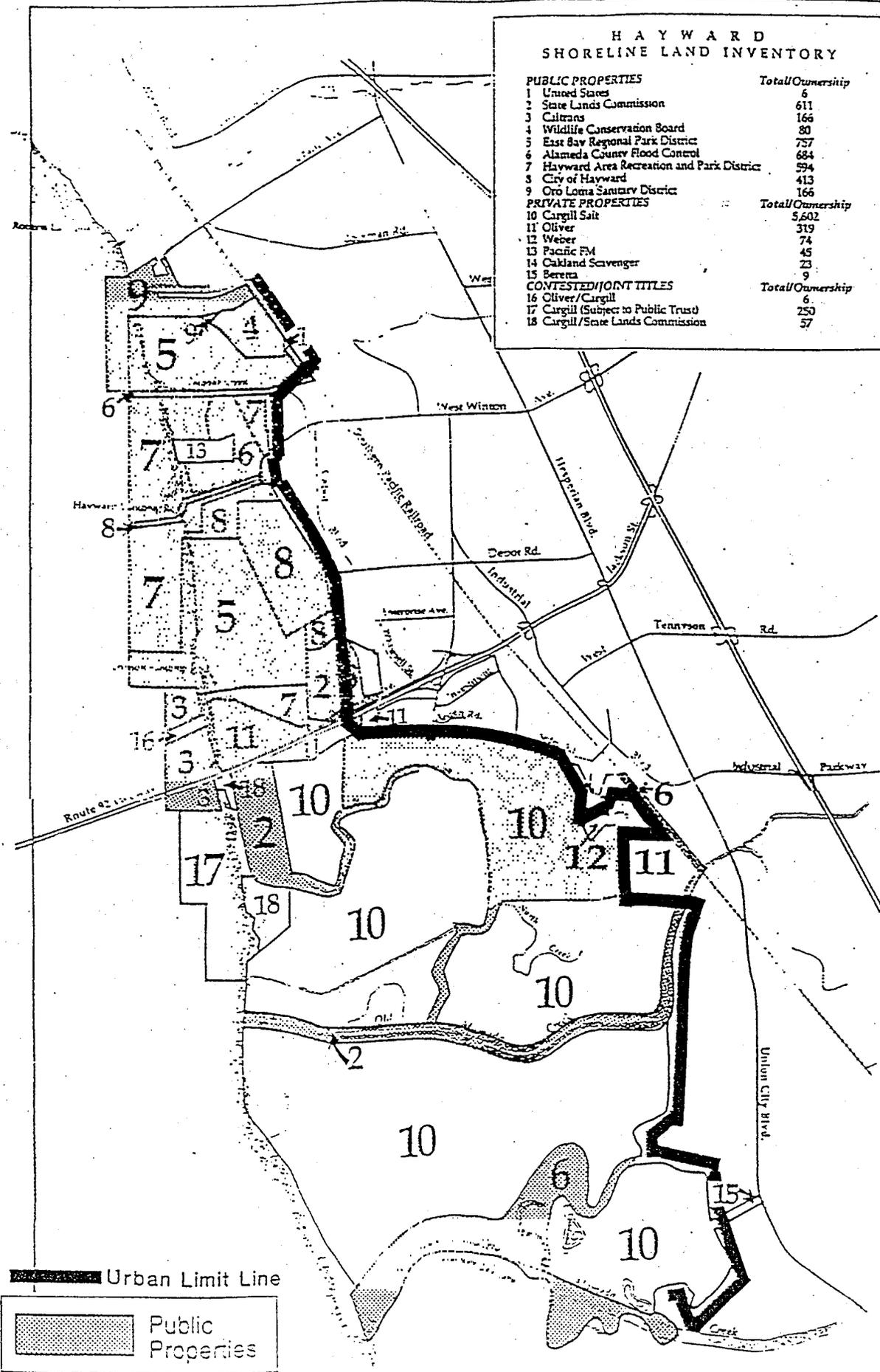
OPEN SPACE FRAMEWORK

- OPEN SPACE FRAMEWORK**
-  Urban Limit Line
 -  Public Open Space
 -  Land to be Dedicated for Public Open Space in connection with development
 -  Campuses, and Campuses already designated as Open Space
 -  Private Salt Ponds, Agriculture and Grazing already designated as Open Space
 -  Existing Trails
 -  Proposed Bay and Ridge Trails
 -  Other Trail Proposals

**Proposed Amendment
GROWTH MANAGEMENT
ELEMENT**

HAYWARD
SHORELINE LAND INVENTORY

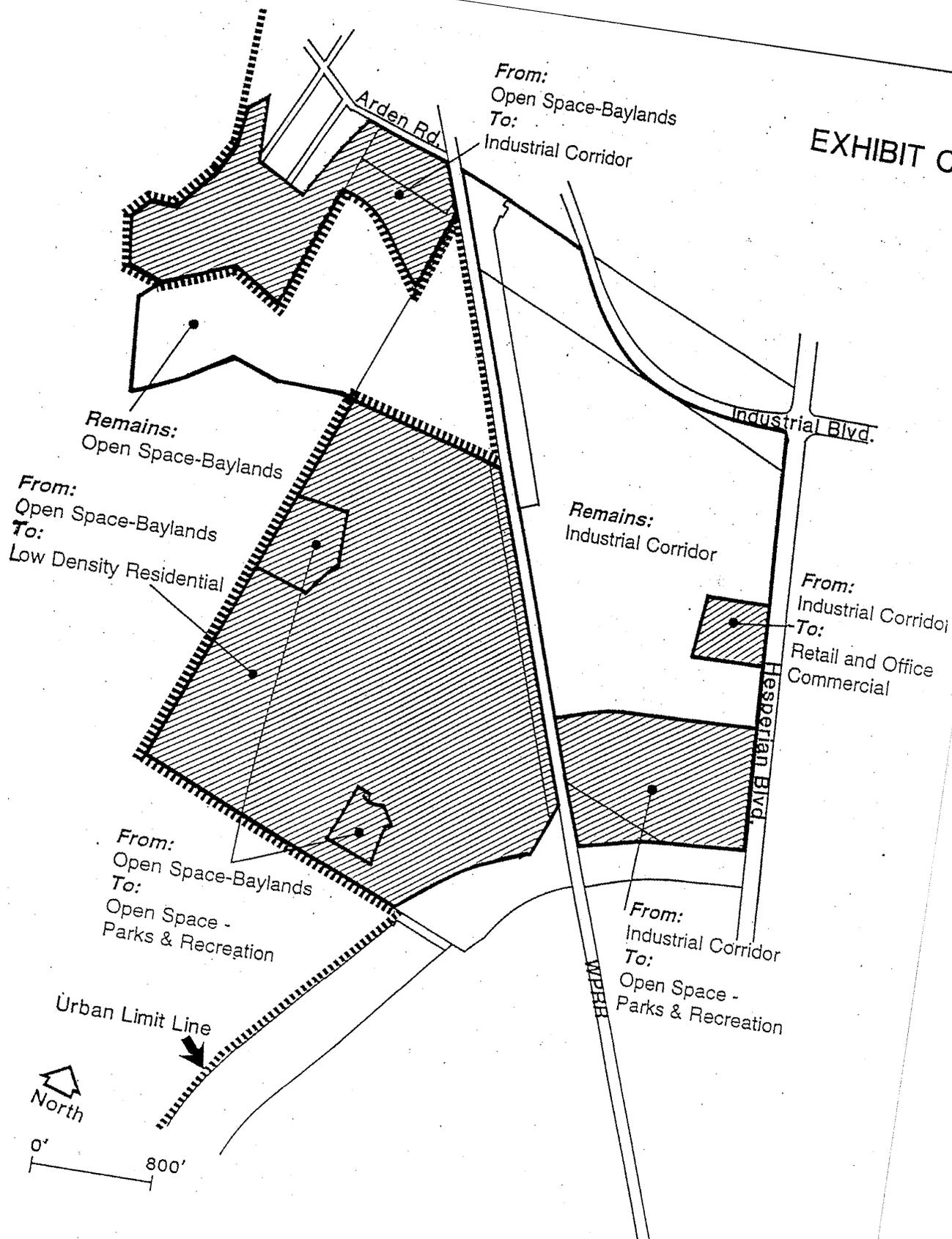
PUBLIC PROPERTIES		Total Ownership
1	United States	6
2	State Lands Commission	611
3	Caltrans	166
4	Wildlife Conservation Board	80
5	East Bay Regional Park District	757
6	Alameda County Flood Control	684
7	Hayward Area Recreation and Park District	594
8	City of Hayward	413
9	Oro Loma Sanitary District	166
PRIVATE PROPERTIES		Total Ownership
10	Cargill Sait	5,602
11	Oliver	319
12	Weber	74
13	Pacific FM	45
14	Oakland Scavenger	23
15	Bereta	9
CONTESTED/JOINT TITLES		Total Ownership
16	Oliver/Cargill	6
17	Cargill (Subject to Public Trust)	250
18	Cargill/State Lands Commission	57



Urban Limit Line

Public Properties

EXHIBIT C



Proposed Amendment
GENERAL POLICIES PLAN

ATTACHMENT G

TEXT CHANGE (TC 98-140-01)

SEC. 10-1.270 OPEN SPACE/PARKS AND RECREATION DISTRICT (OS)

Sections:

- Section 10-1.270 Purpose.
- Section 10-1.271 Subdistricts.
- Section 10-1.272 Uses Permitted.
- Section 10-1.273 Conditionally Permitted Uses.
- Section 10-1.274 Lot Requirements.
- Section 10-1.275 Yard Requirements.
- Section 10-1.276 Height Limit.
- Section 10-1.277 Site Plan Review.
- Section 10-1.278 Minimum Design and Performance Standards.

SEC. 10-1.270 PURPOSE. The OS District shall be subject to the following specific regulations in addition to the general regulations hereinafter contained in order to promote and encourage a suitable environment devoted to parks, recreation, or passive or active open space uses for the enjoyment of all members of the community. The OS District may be used to preserve and protect land areas of special or unusual ecological or geographic interest.

SEC. 10-1.271 SUBDISTRICTS.

NONE.

SEC. 10.272 USES PERMITTED.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District.
- | | |
|--|-------------------------------------|
| (1) Open space preserve areas. | (Wetlands, habitat refuge area) |
| (2) Public parks and recreation facilities | (Including golf courses, zoo, etc.) |
- b. **Secondary Uses.** The following uses are permitted as secondary or subordinate uses to the uses permitted in the OS District:
- | | |
|---|--|
| (1) Accessory building and uses. | (Including concession stands, maintenance buildings, parking lot, restroom building, etc.) |
| (2) Public recreational equipment and fields. | (Athletic courts and fields, picnic facilities, Play equipment, reservoir, swimming pool, trails, train, etc.) |
| (3) City sponsored events and festivals. | (Zucchini festival) |

SEC. 10-1-273 CONDITIONALLY PERMITTED USES.

- a. **Administrative Uses.** The following uses are permitted in the OS District subject to approval of an administrative use permit:
 - (1) Outdoor gatherings.
 - (2) Temporary uses.

- b. **Conditional Uses.** The following uses are conditional uses permitted in the OS District subject to the approval of a conditional use permit:
None.

SEC. 10-1.274 LOT REQUIREMENTS.

- a. Minimum Lot Size: 1 acre.
- b. Minimum Lot Frontage: 35 feet.
- c. Minimum Average Lot Width: 200 feet.
- d. Maximum Lot Coverage: 40 percent.
- e. Minimum Lot Depth: 100 feet.
- f. Special Lot Requirements and Exceptions: See Section 10-1.503

SEC. 10-1.275 YARD REQUIREMENTS.

- a. Minimum Front Yard: 30 feet.
- b. Minimum Side Yard: 30 feet.
- c. Minimum Side Street Yard: 30 feet.
- d. Minimum Rear Yard: 30 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

SEC. 10-1.276 HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet.
- b. Maximum Accessory Building Height: 26 feet.
- c. Maximum Height for Fences/hedges/walls.
 - (1) Front and side Street Yard: 4 feet.
 - (2) Side and Rear Yard: 6 feet.(Also see Section 10-1.278 for additional standards.)
- d. Special Height Requirements and Exceptions: See Section 10-1.506

SEC. 10-1.277 SITE PLAN REVIEW REQUIRED.

Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences in certain circumstances.)

SEC. 10-278 MINIMUM DESIGN AND PERFORMANCE STANDARDS.

This Section establishes design and performance standards that shall apply to the construction of open space/park and recreation buildings and uses in the OS District.

Open Space/Park and Recreation Uses.

For open space/park and recreation buildings and uses, refer to the applicable criteria and standards contained in the CN District, Section 10-1.320.

SEC. 10-1.370 COMMERCIAL/RETAIL DISTRICT (CR)

Sections:

Section 10-1.370 Purpose.

Section 10-1.371 Subdistricts.

Section 10-1.372 Uses Permitted.

Section 10-1.373 Conditionally Permitted Uses.

Section 10-1.374 Lot Requirements.

Section 10-1.375 Yard Requirements.

Section 10-1.376 Height Limit.

Section 10-1.377 Site Plan Review.

Section 10-1.378 Minimum Design and Performance Standards.

Section 10-1.370 Purpose.

The CR District is intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor.

Section 10-1.371 Subdistricts.

None.

Section 10-1.372 Uses Permitted.

The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District.

- (a) Bakeries, including baking for sale on premises only
- (b) Barbers and beauty shops
- (c) Bicycle shops
- (d) Bookstores and libraries
- (e) Carpet, drapery and floor covering stores
- (f) Catering establishments
- (g) Delicatessen limited to a maximum of 3,000 square feet
- (h) Drug stores and prescription pharmacies
- (i) Electrical appliance repair and sales
- (j) Depository/Financial Institutions (Banks, Savings & Loans, Credit Unions)
- (k) Florists
- (l) Gift shops
- (m) Grocery Stores
- (n) Gymnasiums and health clubs
- (o) Hardware stores
- (p) Hobby shops
- (q) Ice cream stores
- (r) Janitorial services and supply establishments (Retail)
- (s) Laundries and dry cleaners (Retail)

- (t) Locksmiths
- (u) Music stores
- (v) Newsstands
- (w) Office supply, furniture and business machine stores
- (x) Optical and optometry shops
- (y) Paint, glass and wallpaper shops
- (z) Photographic supply stores
- (aa) Picture framing shops
- (bb) Post offices
- (cc) Reprographic services
- (dd) Commercial realtors and real estate offices
- (ee) Full service restaurants
- (ff) Shoe repair shops
- (gg) Sign painting shops
- (hh) Sporting goods stores including mens and womens shoes and apparel
- (ii) Stationery stores
- (jj) Tailor or dressmaking shops
- (kk) Travel agencies and bureaus
- (ll) Video rentals
- (mm) Watch and clock repair shops

Section 10-1.373 Conditionally Permitted Uses.

The following uses are conditional uses permitted in the CR District subject to the approval of a conditional use permit.

- (a) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents
- (b) Second floor offices, including but not limited to business, professional and administrative offices

Section 10-1.374 Lot Requirements.

- a. Minimum Lot Size: 20,000 square feet
- b. Minimum Lot Frontage: 100 feet
- c. Minimum Average Lot Width: 100 feet
- d. Maximum Lot Coverage: 30 percent
- e. Minimum Lot Depth: 200 feet
- f. Maximum Floor Area Ratio 30 percent

Section 10-1.375 Yard Requirements.

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Yard: 25 feet

- c. Minimum Side Street Yard: 25 feet
- d. Minimum Rear Yard: 25 feet
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

Section 10-1.376 Height Limit.

- a. Maximum Building Height: 30 feet (40 feet including mechanical)
- b. Maximum Accessory Building Height: N/A
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Yard: No fences or walls allowed
 - No fences or walls allowed on side yard
 - (2) Side and Rear Yard: No rear yard fences/walls over 6 feet (without variance)
- d. Special Height Requirements and Exceptions: See Section 10-1.506

Section 10-1.377 Site Plan Review.

Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.378 Minimum Design and Performance Standards

On-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces. Refer to applicable specific plans for other special design and performance standards.

SEC. 10-1.380 BUSINESS PARK (BP)

Sections:

Section 10-1.380 Purpose.

Section 10-1.381 Subdistricts.

Section 10-1.382 Uses Permitted.

Section 10-1.383 Conditionally Permitted Uses.

Section 10-1.384 Lot Requirements.

Section 10-1.385 Yard Requirements.

Section 10-1.386 Height Limit.

Section 10-1.387 Site Plan Review.

Section 10-1.388 Minimum Design and Performance Standards.

Section 10-1.380 Purpose.

The BP District is intended to provide for establishment of high quality business office parks in a campus environment at key locations within the Industrial Corridor.

Section 10-1.381 Subdistricts.

None.

Section 10-1.382 Uses Permitted.

The following uses, or uses determined to be similar by the Planning Director, are permitted in the BP District.

- (a) Administrative, executive and business offices
- (b) Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing and related services
- (c) Business consultant offices
- (d) Design professions offices (engineering, architectural, drafting, etc.)
- (e) Research, development, analytical and scientific offices
- (f) Manufacturers' representatives and sales offices
- (g) Headquarters or region-wide finance, insurance and real estate offices
- (h) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents
- (i) Travel agencies
- (j) Publishing
- (k) Any other use determined by the City of Hayward to be substantially similar to any of the above permitted uses
- (l) Restaurants

Section 10-1.383 Conditionally Permitted Uses

The following uses are conditional uses permitted in the BP District subject to the approval of a conditional use permit: None.

Section 10-1.384 Lot Requirements.

- a. Minimum Lot Size: 1.5 acres
- b. Minimum Lot Frontage: 250 feet
- c. Minimum Average Lot Width: 250 feet
- d. Maximum Lot Coverage: 35 percent
- e. Minimum Lot Depth: 300 feet
- f. Maximum Floor Area Ratio 60 percent

Section 10-1.385 Yard Requirements.

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Yard: 25 feet
- c. Minimum Side Street Yard: 50 feet
- d. Minimum Rear Yard: 25 feet
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

Section 10-1.386 Height Limit.

- a. Maximum Building Height: None
- b. Maximum Accessory Building Height: N/A
- c. Maximum Height for Fences/hedges/walls: 4 feet
 - (1) Front and Side Street Yard: No fences or walls allowed
 - (2) Side and Rear Yard: 6 feet
- d. Special Height Requirements and Exceptions: See Section 10-1.506

Section 10-1.387 Site Plan Review.

Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.388 Minimum Design and Performance Standards.

On-site parking shall be provided at 1 space per 250 square feet; compact spaces shall comprise no more than 30 percent of the total spaces. Refer to applicable specific plans for other special design and performance standards.

SEC. 10-1.410 LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT (LM)

Sections:

Section 10-1.410 Purpose.

Section 10-1.411 Subdistricts.

Section 10-1.412 Uses Permitted.

Section 10-1.413 Conditionally Permitted Uses.

Section 10-1.414 Lot Requirements.

Section 10-1.415 Yard Requirements.

Section 10-1.416 Height Limit.

Section 10-1.417 Site Plan Review.

Section 10-1.418 Minimum Design and Performance Standards.

Section 10-1.410 Purpose.

The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.

Section 10-1.411 Subdistricts.

None.

Section 10-1.412 Uses Permitted.

The following uses, or uses determined to be similar by the Planning Director, are permitted in the LM District.

- (a) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced
- (b) Manufacturing or combining processes of biological products, provided no noxious or offensive fumes or odors are produced
- © Manufacturing and assembly of clothing
- (d) Manufacturing and assembly of televisions and radios, including parts and components
- (a) Assembly of electrical appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances
- (b) Assembly of electric appliances such as radio and television receivers, phonographs and home motion picture equipment, but not including electrical machinery
- (c) General office uses (including computer centers) where o office user shall have less than 2,000 square feet of usable space
- (d) Publishing

- (e) Light manufacturing support and service facilities to include activities limited to the servicing of products produced on the Parcel or servicing of businesses on the Parcel, such as: repair and maintenance of appliances or component parts, tooling; printers, testing shops, small machine shops, copying, photo engraving, etc.
- (f) Sales at wholesale manufacturers' representatives and sales office, or sales to the ultimate consumer of products made to the customer's orders
- (g) Engineering, drafting and design facilities
- (h) Any research and development use listed above may be operated in conjunction with any allowed light manufacturing use or office use
- (i) Public utility equipment buildings and public service pumping stations
- (j) Any other use determined by the Planning Director to be substantially similar to any of the above permitted uses.

Section 10-1.413 Conditionally Permitted Uses.

The following uses are conditional uses permitted in the LM District subject to the approval of a conditional use permit:

- (a) Manufacturing and assembly of business machines, including electronic data processing equipment, accounting machines, calculators and related equipment. Manufacturing and assembly of computer hardware and software, communications, testing equipment, and furniture
- (b) Manufacturing and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire cable assembly, provided no noxious or offensive fumes or odors are produced
- (c) Manufacturing of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film
- (d) Laboratories, including commercial, testing, research, experimental or other laboratories, including pilot plants
- (e) Printing, lithography and engraving
- (f) Accessory uses and structures when related to and incidental to a permitted use
- (g) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced
- (h) Research and development facilities and such facilities which require area available for laboratories to execute product development. Any research and development use may be operated in conjunction with any allowed light manufacturing use or office use. All typical uses associated with research and development and light manufacturing for the electronics and semiconductor industries.
- (i) All typical uses associated with research and development and light manufacturing for the electronics and semiconductor industries.

Section 10-1.414 Lot Requirements.

- a. Minimum Lot Size: 10,000 square feet
- b. Minimum Lot Frontage: None
- c. Minimum Average Lot Width: 70 feet
- d. Maximum Lot Coverage: 2 acres
- e. Minimum Lot Depth: 250 feet
- f. Maximum Floor Area Ratio: 250 feet

Section 10-1.415 Yard Requirements.

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Yard: 25 feet
- c. Minimum Side Street Yard: None
- d. Minimum Rear Yard: 25 feet
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

Section 10-1.416 Height Limit.

- a. Maximum Building Height: None
- b. Maximum Accessory Building Height: None
- c. Maximum Height for Fences/hedges/walls: 4 feet
 - (1) Front and Side Street Yard:
 - (2) Side and Rear Yard:
- d. Special Height Requirements and Exceptions: See Section 10-1.506

Section 10-1.417 Site Plan Review.

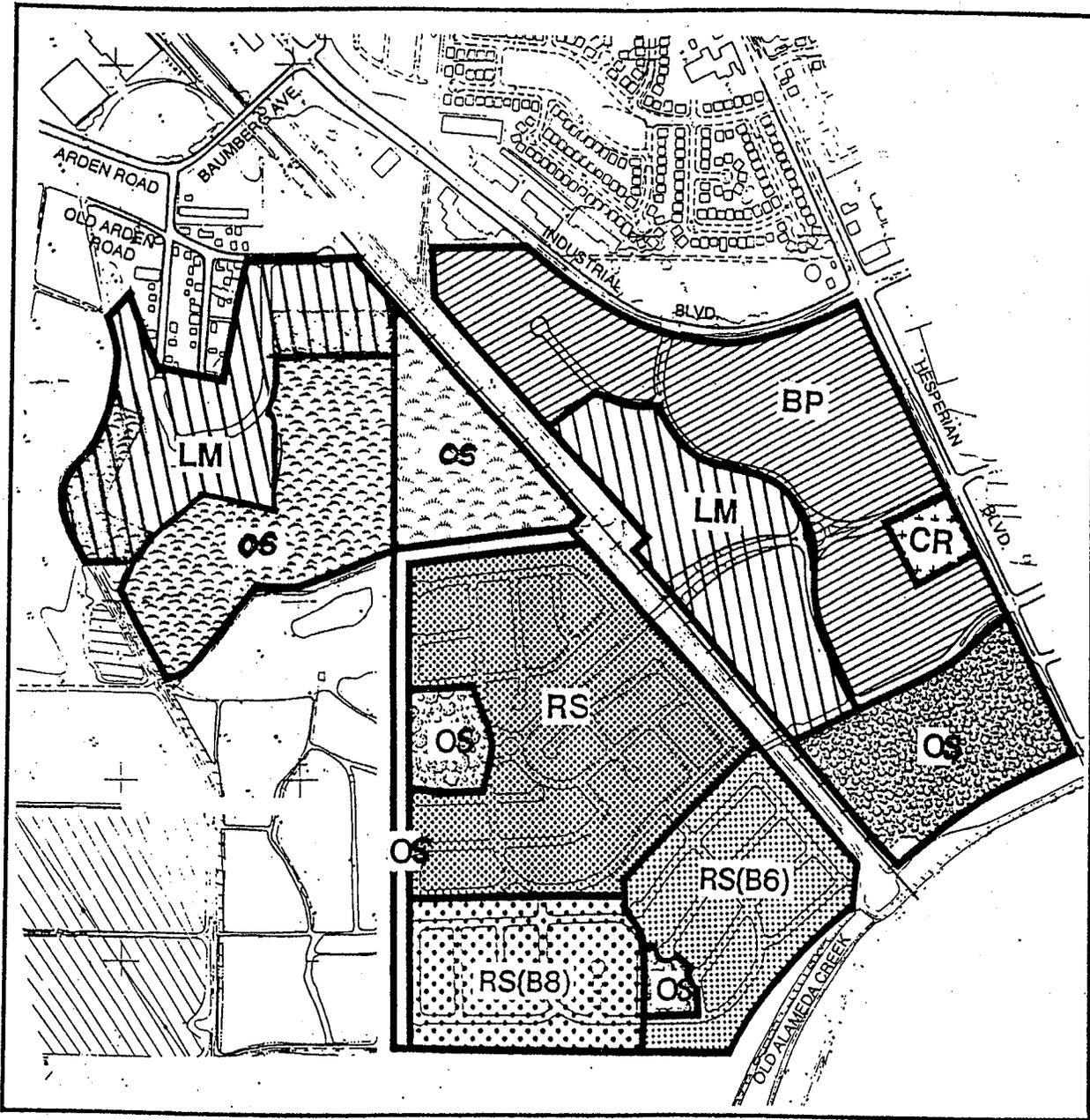
Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.418 Minimum Design and Performance Standards.

On-site parking shall be provided at 1 space per 350 square feet; compact spaces shall comprise no more than 30 percent of the total spaces. Refer to applicable specific plans for other special design and performance standards.

ATTACHMENT H

ZONE CHANGE (ZC 98-190-03)



LEGEND

 BP BUSINESS PARK	 RS(B6) RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS	 OS HABITAT
 LM LIGHT MANUFACTURING	 RS(B8) RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS	 OS OPEN SPACE - BUFFER ZONE
 CR COMMERCIAL/RETAIL	 OS OPEN SPACE - NEIGHBORHOOD PARKS	 OS WETLANDS
 RS RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS	 OS OPEN SPACE - SPORTS PARK	



SOUTH OF ROUTE 92 SPECIFIC PLAN

ZONING

ZC 98-190-03

ATTACHMENT I

**LETTERS TO EIP FROM
FRANK BERLOGAR**

December 17, 1997
Job No. 2100.203

BGC
BERLOGAR
GEOTECHNICAL
CONSULTANTS



Ms Ann Bauman
Director, Community and Economic Development
City of Hayward
25151 Clawiter Road
Hayward, California 94545-2759

Subject: Response to Geotechnical Issues
Draft Environmental Impact Report
South of Route 92 Specific Plan
Hayward, California

Gentlemen:

We have prepared this letter to respond to a number of geotechnical issues discussed in the draft DEIR dated October, 1997 prepared by EIP for the South of Route 92 Specific Plan. The geotechnical issues are discussed in section 3.2.1 of the document, titled "Geology, Soils and Seismicity". In this letter we will respond to various statements from the draft DEIR referenced by page number and paragraph. Our comments are as follows:

Page 3.2.1-5. paragraph 2:

The draft environmental impact report makes the following statement: "The Loma Prieta Earthquake (M 7.1, M_w 6.9) of 17 October, 1989 on the San Andreas fault, caused severe damage throughout the Bay Area much of it in the southern East Bay, in the vicinity of Hayward"; this statement is factually untrue. The damage from the Loma Prieta earthquake in the southern East Bay was, in fact, relatively limited and there was no particular concentration of damage in the vicinity of Hayward. Damage in the San Francisco Bay Area from the Loma Prieta earthquake was in fact concentrated in the bay margin areas of Oakland, Emeryville, Berkeley, Treasure Island, and the Marina and south of Market areas in San Francisco. In general, the heavy damage in those areas was associated with areas where poorly constructed structures had been built on weak and sometimes liquefiable fill placed directly over relatively thick deposits of Bay Mud. In general, those were relatively old fills placed without good engineering design and control during construction.

Page 3.2.1-5. paragraph 3

The last sentence of this paragraph reads: "Earthquakes of these magnitudes are sufficient to create horizontal ground accelerations in bedrock and in stiff unconsolidated sediments severe enough to cause major damage to structures, foundations and other ground utility lines not specifically designed to resist lateral forces generated by earthquakes". The California Building Code (CBC) requires that inhabited structures and foundations for those structures be designed to resist lateral forces generated by earthquakes. The reference to designing underground utility lines to resist lateral forces generated by earthquakes lacks technical merit. Underground utility

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lines are actually never designed to resist lateral forces generated by earthquakes. They are designed with sufficient flexibility to accommodate the ground motions caused by earthquakes rather than being designed to resist the lateral forces. Redundancies such as additional feeder lines, interconnected loops and valves are typically built into water lines to assure water supply for post-earthquake fire fighting.

Page 3.2.1-8, paragraphs 2 and 3

These paragraphs present descriptions of near surface soil characteristics presented in the Soil Survey of Alameda County prepared by the U.S. Department Agriculture. The Soil Survey was prepared mostly from surface observation and aerial photograph interpretation, and generally represents information on the uppermost five feet or so of soils. The purpose of the soil survey was to provide information on the near surface soil for agricultural purposes. Because of the non-engineering intent and characteristics of this information, it is generally not considered to be particularly meaningful from an engineering perspective and should never be used as a source of indication of site-specific geotechnical characteristics of the soil. Corrosivity is not considered a major constraint to the development; in reality, it is a common design consideration to be taken into account when designing structures that are going to be embedded in the ground. It is important to keep in mind the fact that the site will receive a layer of imported fill ranging up to 10 feet in thickness. The DEIR identifies La Vista Quarry as the "best" source of this imported fill in which most of the foundations be embedded; soil and rock materials from La Vista Quarry are not considered corrosive.

We take exception to the comment in paragraph 2 making reference to water ponding next to foundations, thereby weakening them. We do not consider this comment to be applicable to this site because current design standards will preclude ponding of water adjacent to foundations, thus eliminating the potential for the foundation weakening imagined by the authors of the DEIR.

Page 3.2.1-11, paragraph 3

The last sentence of the paragraph on faults reads as follows: "For buildings constructed to current CBC seismic resistance standards, the damage potential is lower, but still not in substantial, unless the buildings are constructed using site specific design to address the proximity of the fault". It is difficult to understand the technical basis for this statement by the DEIR authors since the plan area is located approximately 2.3 miles from the Hayward fault. Thus the South of Route 92 Specific Plan area is further away from the fault than most of Hayward. If the DEIR authors concern is the proximity of the site to the Hayward fault, then the Oliver property is better situated than most of the incorporated areas of Hayward.

We believe that it would be appropriate for buildings to be constructed using site specific design criteria. However, the proximity issue is much less significant for this site than it is for most of Hayward. We will discuss the site specific structural design issues with regard to building codes in our response to page 3.2.1-18.

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Page 3.2.1-11, paragraph 4

This paragraph addresses the issue of geo-seismic hazards and constraints. Figure 3.2.1-3 identifies two small areas northwest and west of the Oliver property as having liquefaction potential. The closest identified area of liquefiable materials is an area approximately 800 feet from the northwest corner of the Oliver property (within a few hundred feet of City property included in the project). The geotechnical report for the Oliver property concludes that no liquefiable materials are present at the site based on the fact that no liquefiable materials were encountered in the borings on the Oliver property. As such, it is our opinion that the liquefaction potential would not be a design issue or constraint for development of the Oliver property. The DEIR authors have also indicated that the Oliver property is subject to the seismic hazard of lateral spreading. Lateral spreading is a seismic ground failure that is associated with sloping ground or open slope faces containing or overlying a layer of liquefiable soil. The closest open face in the project area is the artificial channel of Alameda Creek, which is approximately 8 to 9 feet lower than the finished grades in the proposed project. As described above, BGC encountered no liquefiable soils in our borings, which were extended to depths of up to 52 feet. Since liquefiable soils are not present, we judge that the potential for lateral spreading at the Oliver property is considered to be very low.

We take exception to the identification of settlement as a ground failure hazard by the DEIR. Settlement is not a ground failure hazard; it is a natural process that is well-understood by geotechnical engineers. Settlement is generally expected to occur in most construction projects that require placement of fill, especially when fill is placed over compressible natural soil deposits. Settlement is routinely accommodated in the design of improvements and structures on most sites. The settlement (consolidation) of fine-grained soils like Bay Mud is a relatively slow process; the settlement process is not affected by seismic ground shaking. The procedure of analyzing and predicting long-term settlements expected to occur on the site is well established and has been successfully accomplished on many sites throughout the San Francisco Bay Area. The expected settlement will be addressed during the design of the project. As such, settlement will be a geotechnical design issue on this site but, in our judgement, settlement should not be considered a "ground failure" hazard.

Page 3.2.1-13, paragraph 1

This paragraph discusses the expected ground shaking levels at the Specific Plan Area. Figure 3.2.1-3 is a compilation titled "Ground Shaking Amplification (Modified Mercalli Intensity, abbreviated "MM"). We would like to point out that this figure does not actually represent "Ground Shaking Amplification"; rather it shows estimated MM ground shaking intensity. The boundary between "very high" (MM-IX) and "extremely high" (MM-IX/X) shaking intensity is shown as the approximate location of the former San Francisco Bay shoreline. The data source given is the (1996) ABAG publication "On Shaky Ground" which includes maps at a scale of 1:1,000,000 which is approximately 1 inch equals 16 miles. Such large scale maps are clearly inappropriate for site-specific evaluation. The documentation for the maps specifically states the accuracy of estimated ground shaking could vary by as much as one MM intensity level. It

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appears that the DEIR authors concluded that portions of the site will be subject to very high or extremely high intensity ground shaking based on this compilation. The authors state that the ABAG predicted MM intensities are development "constraints"; they consider MM intensity IX to be a "low constraint" and MM intensity IX/X to be a "moderate constraint" to development.

The Modified Mercalli intensity scale used by the ABAG publication is a subjective, non-quantitative attempt to rank how different levels of ground shaking will be perceived by people and how, in general, buildings will be affected. In reality, local site-specific ground conditions and the quality of building design construction have very significant effects on the perceived MM intensity. As such, MM intensity is simply not suited for and is not generally used for evaluating quantitative design issues. We, therefore, do not feel that it is meaningful to say that estimated MM intensities can be considered a "constraint" to development of the Oliver property. Seismic ground shaking is a design consideration for the project, but it is more appropriately evaluated and addressed by the methods presented in the CBC, as we discuss in our response to page 3.2.1-18.

Page 3.2.1-13, paragraph 3

We take exception to the third sentence of this paragraph that states as follows: "Structures and foundations not designed to withstand seismic vibration, or supported on ground subject to seismically-induced settlement would be damaged during earthquakes".

With regard to the issue of structures and foundations not being designed to withstand seismic vibration, the CBC clearly mandates that all structures and foundations should be appropriately designed to withstand seismic vibration. With regard to the issue of seismically induced settlement, only those areas underlain by liquefiable soils would have a potential to experience seismically induced settlement. Only one small area of possible liquefaction hazard has been identified at the western corner of the Specific Plan Area and no liquefaction soils were encountered in the Oliver property geotechnical investigation.

Page 3.2.1-14, paragraph 2

The first sentence of this paragraph reads as follows: "The Bay Mud underlying the South of Route 92 Specific Plan Area is compressible, subject to settlement from its own weight and from that of additional loads imposed on it". We agree that the Bay Mud is compressible and subject to settlement from additional loads imposed on it but as discussed above, the definition of those settlements is a routine design issue. It is a misstatement of facts to say that the Bay Mud is subject to settlement from its own weight. The Bay Mud materials are fully consolidated under their own weight and subject to settlements only from additional loads imposed on them. The magnitude and rate of settlement is readily predicted and can readily be taken fully into account during the design of the project.

This paragraph also describes a seismic phenomena that the authors called "mud waves". We are not clear what the authors mean by the term "mud waves" because seismically induced "mud

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waves" have not been defined or established in technical literature. We are aware of using the term "mud wave" to describe the static (non-seismic) bearing failure of very soft Bay Mud as heavier materials are placed on the mud causing the displacement of the very soft muds. Since such very soft muds are not present on this site, there is no factual basis for discussion of this hazard.

Finally, the paragraph makes reference to "rapid and uneven surface changes expected to occur during development". As previously discussed, the predicted long-term settlements will not be a "rapid" process. The settlement process will, in fact, occur slowly over several years. Like most sites, there will be differential settlement, but the magnitude of the expected differential settlement can readily be accommodated in the design of foundations and other improvements.

3.2.1-17. paragraph 1

This paragraph defines two criteria and discusses those criteria as follows:

1. "The basic criterion applied to the analysis of the impacts of excavation, construction and grading, is whether or not implementation of the project, as proposed, would create a fundamental adverse change in soil, geologic or seismic conditions that would last beyond the initial development".
2. "The basic criterion applied to the analysis of geo-seismic hazards that could endanger the use of the project or adjacent areas during the lifetime of the project is whether or not the implementation of the project, as proposed, would increase the exposure of people in the vicinity to unmitigated seismic hazards, soil or slope instability hazards or other hazardous geotechnical conditions".

"Impacts in either of these categories would be considered unavoidable significant effects of the project if they could not be A) reduced to an acceptable level of risk, B) eliminated, or C) avoided by using existing techniques, generally recognized by geotechnical consultants in the Bay Area to be applicable and feasible".

With regard to the Oliver property, the planned importation of fill will result in settlement of the Bay Mud. However, the settlement can be readily accommodated in the design and construction of the project. Further the imported, engineered fill to be placed and compacted on the project will provide the benefits of 1) improved support of foundations and 2) elevating foundations above the corrosive on-site soils.

Impact 3.2.1-1

We concur with the DEIR authors statement that the South of Route 92 Specific Plan area will be subjected to at least one major earthquake during the useful economic life of the project. However, this statement is just as true for the remainder of the San Francisco Bay Area. As such, the impact of seismically induced ground shaking on this project would be similar to many

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other developed areas of the San Francisco Bay Area. It should be pointed out that the performance of structures built on other Bay Mud developments including Foster City and Redwood Shores (both of which are underlain by much greater thicknesses of Bay Mud than the Specific Plan Area) was in fact very good during the Loma Prieta earthquake, and other earthquakes experienced in the area since these projects have been developed over the last 30 years. Thus, past experience in the Bay Area shows that structures on modern Bay Mud sites that were designed and constructed according to the CBC have performed well during earthquakes. The structures in the proposed new development will be constructed to a newer, and more stringent version of the CBC, as discussed below. As previously stated, the potential for seismic ground failure on this site is considered very low and should not be considered a significant impact or constraint to development.

3.2.1-18. paragraph 2

This paragraph discusses the parameters used in the seismic design process incorporated into the current CBC (California Building Code). The CBC is a modification of the Uniform Building Code (UBC). This paragraph specifically discusses the seismic zone factor (Z) that is used as a parameter in the design process for the current CBC. The DEIR states that the seismic zone factors "roughly correspond" to the peak horizontal accelerations expected from a maximum credible earthquake in the given design area. This is incorrect. In fact, the seismic zone factor is simply a dimensionless empirical design parameter (it does not have units of acceleration) and seldom, if ever, equates with the expected peak horizontal acceleration at the site. The authors subsequent statement that the "parameters of CBC zone 4 will be exceeded by the estimated design earthquake" is technically incorrect and therefore misleading.

The seismic design section of the UBC has recently been updated, and these changes will soon be incorporated into the CBC. The updated CBC will be in effect by the time that the proposed development enters the design phase for structures. The updated CBC will take into account factors that relate specifically to site soil conditions, proximity to faults and the earthquake potential of the dominant fault. As such, it is more stringent than the current CBC. It is judged that, from a geotechnical engineering standpoint, the upcoming version of the CBC will adequately address the seismic ground shaking expected at the site and it should be used to design the proposed structures to be constructed at the site. We therefore do not believe that it will be necessary to apply any specific seismic design procedure other than that specified in the updated CBC.

3.2.1-18. paragraph 3

This paragraph states: "The geologic conditions at each development site, the criteria for determining the design earthquake for the specific construction site, and seismic-restraint criteria for areas in which structures will be located must be investigated by a Certified Engineering Geologist or Geotechnical Engineer in consultation with the geotechnical and structural of the project. We believe that it is appropriate to follow this procedure and are very confident that

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the engineering design for improvements on this site constructed in accordance with the criteria thus developed will adequately account for the general constraints at the site.

Impact 3.2.1-3

This impact discusses the potential impact of founding buildings and infra-structures on loose, unengineered fill, or in Bay Mud. Since the fill proposed for this site will be compacted engineered fill, the first portion of this impact would not apply. Since it is proposed to raise the elevation of the entire project area with imported fill, none of the building foundations will be founded in Bay Mud. Given the elevation of the top of the Bay Mud and the placement of the imported fill to raise site grades, it does not appear likely that any of the infrastructure will be founded in Bay Mud. Finally, as we have pointed out several times previously, seismic ground failure is not expected on the Oliver property. Thus, this potential impact does not apply to the site.

We appreciate the opportunity to comment on the Draft Environmental Impact Report. We are confident that the development of the Oliver Trust property in accordance with the criteria presented in our geotechnical investigation of the site will result in a well designed, well built project which will be an asset to the residents and the City of Hayward. Please call the undersigned if you have any questions.

Respectfully submitted,

BERLOGAR GEOTECHNICAL CONSULTANTS

Sai Wing Lai

Paul Sai-Wing Lai
Associate Engineer
GE 2326, Exp. 12/31/99



Frank Berlogar

Frank Berlogar
RCE 20383, Exp. 9/30/01



PSL/FB:pv

- Copies: Addressee (1)
- EIP Associates (1)
- Attention: Mr. Ted Adams, Vice President
- Callahan Property Company (1)
- Attention: Mr. Joseph Callahan

wp51.letter/5759

BERLOGAR GEOTECHNICAL CONSULTANTS

December 17, 1997
Job No. 2100.203

BGC
BERLOGAR
GEOTECHNICAL
CONSULTANTS



Ms Ann Bauman
Director, Community and Economic Development
City of Hayward
25151 Clawiter Road
Hayward, California 94545-2759

Subject: Response to Public Comments
Draft Environmental Impact Report
South of SR92 Specific Plan
Hayward, California

Dear Ms Bauman:

We have prepared this letter to respond to public comments pertaining to the geotechnical section of the Draft Environmental Impact Report (section 3.2.1 of the document, titled "Geology, Soils and Seismicity"), dated October, 1997 prepared by EIP Associates for the Oliver property in Hayward, California. The comments were submitted by members of the public in the form of letters to the Hayward Planning Department. Along with copies of some of the letters, we received a summary list of what appears to be relevant excerpts from selected letters. Our responses are directed to pertinent comments in the following letters:

1. Letter by Ronald and Viola Barklow, dated November 10, 1997;
2. Letters by Margaret Mary Bauer, date November 16 and November 17, 1997;
3. Letter by Frank Delfino dated November 12, 1997;
4. Letter by William Weller dated November 17, 1997;
5. Letter by Sherman Lewis , dated November 17, 1997; and
6. Letter from Hayward Area Shoreline Planning Agency (HASPA), dated November 12, 1997, including comments summary table and attached report by Janice Delfino and Adolph Oliver re-iterating specific comments.

Barklow Letter

The environmental effects and neighborhood impacts of quarrying La Vista Quarry (dust, visual, noise, etc.) should also be addressed.

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The issue of the quarry operation at La Vista Quarry is not relevant when considering the Specific Plan Area for the following reasons:

1. The quarry operates under approved permits by Alameda County.
2. The quarry has an approved Reclamation Plan that permits the export from the quarry site of quantities of overburden material that is greater than the quantity of import fill needed for the Oliver property.
3. It does not appear to us that there are sites in Hayward east of Highway 880 that will accommodate a significant portion of the overburden material to be trucked from La Vista Quarry. In all likelihood, the overburden material will be trucked to one or more low-lying sites west of Highway 880 even if it is not imported to the Specific Plan Area.

The draft does not address the failure of the emergency access road through Oliver East into Oliver West, across the tracks or otherwise, in case of major earthquake.

The emergency vehicle access road will cross the A-2 flood control channel of Alameda Creek via a reinforced concrete box culvert covered with a soil backfill/roadbed. Properly designed box culverts are typically unaffected by earthquakes. In our opinion, it is highly unlikely that the emergency vehicle access crossing would suffer significant damage in the event of strong seismic ground shaking. It is conceivable that there could be some damage or cracking of the pavement surface, but the roadway would still be functional for emergency purposes.

Bauer Letters

November 16 Letter

Due to the water table and earthquake factors for land fill areas this land is, to a rational person, not developable.

Bay Mud sites have been successfully designed and constructed in the San Francisco Bay Area for more than 30 years using proper engineering design and construction practices. The soil, groundwater and seismic conditions at the Oliver property have been investigated by BGC and were found to be similar to nearby developed sites. The soil, groundwater and seismic conditions will be properly addressed in project design and construction.

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November 17 Letter

A section of our hills will be destroyed and used to destroy a wetlands habitat on the other side of the city.

As stated above, the material would be quarried from the existing La Vista Quarry as part of the State-mandated reclamation plan which has already been approved by Alameda County.

Frank Delfino Letter

... the City of Hayward "... is continuing to develop land-use regulations in areas where soils or underlying materials intensify ground shaking".

Most geotechnical engineers currently believe (partly based on experience from the 1989 Loma Prieta earthquake and the 1985 Mexico City earthquakes) that soft soils like Bay Mud actually attenuate (i.e., dampen), rather than intensify ground shaking when the earthquake source (the Hayward Fault) is nearby.

As a reminder, the January 17, 1994 Northridge, California earthquake, Mw 6.7, demonstrated that the building designers still do not know how to construct buildings to resist earthquakes. Many of the buildings that failed were only a few years old. These buildings were not built on Bay Mud. Will Hayward's regulations perform any better than the Northridge disaster?

The structures that would be constructed on the proposed project would be designed according to new, recently updated seismic building codes. The new seismic building codes incorporate geotechnical knowledge gathered from studies of recent earthquakes, including the January 17, 1994 Northridge event. The newer design process considers the effect of soil conditions, fault proximity and fault characteristics. Given the more stringent design requirements of the latest Uniform Building Code, the performance of structures to be built in the Specific Plan Area can be expected to perform better than structures design by earlier building codes.

What is the risk assessment for the structures which are proposed for development?

The (seismic) risks to structures proposed for development will be no greater than for other, similar, modern well-designed and constructed developments in the Bay Area. Similar developments in places like Foster City and Redwood Shores performed quite well during the Loma Prieta earthquake, even though they were designed by building codes that are now outdated.

What percentage of the structures will fail in a Mw 7.0 earthquake?

None of the structures are expected to "fail" in a magnitude 7.0 earthquake. The intent of seismic building codes is to prevent building failure and collapse, and therefore safeguard "life

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and limb". As previously stated the structures will be designed according to the latest applicable seismic building code.

In spite of the MITIGATION MEASURES stated in the DEIR, there has not been an economical method of building an earthquake resistant building on bay mud.

This statement is not correct. In fact, hundreds of new buildings are built every year in the Bay Area on Bay Mud, and all of them are designed to be earthquake-resistant. Earthquake-resistant design is required by State law. As previously mentioned, similar developments (on Bay Mud) in Foster City and Redwood Shores performed quite well during the Loma Prieta earthquake.

The DEIR (page 3.2.1-14) states that the underlying bay mud would have an adverse impact on the infrastructure.

The DEIR presented opinions on potential effects on infrastructure related to seismic issues, long-term settlement and soil corrosivity. The opinions of the EIR authors were based on preliminary information. The Berlogar Geotechnical Consultants soil investigation (published after the DEIR) describes the site-specific geotechnical conditions and gives geotechnical recommendations for development. Based on the BGC report, the specific geotechnical concerns described in the DEIR are either not present at the site (such as seismic ground failure) or are easily mitigated by commonly used engineering design and construction methods.

Weller Letter

The ground has been designated by the U.S.G.S. as a liquefaction hazard area.

To the very best of our knowledge, there are not published USGS maps that identify the Specific Plan Area as a liquefaction hazard area. Liquefiable soils were not encountered in the site-specific BGC geotechnical investigation of the Oliver property. Further, Figure 3.2.1-3 of the DEIR shows only one small area of possible liquefaction hazard at the west corner of the Specific Plan Area.

Lewis Letter

The EIR should include a map showing the locations of the 39 test bores. The results of the bores should be reported in a technical study summarized in the DEIR and available to the public. The conclusion of Pail Lai of Berlogar Geotechnical consultants reported verbally by Mr. Callahan to the city about the absence of sand lenses, and thereby the seismic safety of the site, needs to be submitted in writing and subject to review by a disinterested soils engineer.

The BGC geotechnical investigation of the Oliver property includes a site plan showing the locations of test borings, boring logs, results of laboratory tests, geotechnical conclusions and

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recommendations for site development. Our subsurface investigation did not encounter liquefiable soils at the site.

The amount of water in the mud is as least as important, and possibly more important, than sand lenses.

Fine grained deposits like the Bay Mud are not subject to ground failure from liquefaction or seismically induced subsidence. There are geotechnical considerations related to the long-term settlement of soils like the Bay Mud, but these are routinely addressed by the design of grading and foundations. In fact, the proposed placement of fill will have the effect of reducing the water content thereby increasing the shear strength and density of the mud. The soil conditions resulting from the planned site grading will provide predictably reliable support for the planned residential and commercial/industrial development.

HASPA Letter

Table included in attachments: "South of Route 92 General Plan Amendment and Specific Plan"

3.2.1-3 The peak horizontal accelerations for alluvium underlain by Bay Mud needs to be given. These numbers must be known for correct engineering of structures in the project area.

Estimated peak horizontal ground accelerations for the site are discussed in the geotechnical investigation report for the Oliver property which has just been completed. The updated seismic building codes that will be used in project design account for soil conditions, fault proximity and fault characteristics.

3.2.1-7 The Berlogar Geotechnical Consultants site maps need to be provided to determine if sampling density has been sufficient to locate subsurface sand lenses subject to liquefaction during local seismic events.

The locations of borings and the boring logs are presented in the soil report. Liquefiable soils were not encountered in the 19 borings drilled at the site.

The ground water level is not static, but rises and falls with the season. Information on its yearly fluctuation is needed over the project area to enable assessment of drainage and fill requirements.

Ground water levels at the site have been recorded over a two year period and found to range between Elevation +1 and Elevation -2 feet. The site is to be filled to about Elevation 8, which is 7 or more feet above the ground water. At that depth, ground water issues should not be a significant factor for the Oliver property.

BERLOGAR GEOTECHNICAL CONSULTANTS

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We hope this document adequately addresses the relevant comments. We are pleased to be able to assist you in the response to the above geotechnically relevant comments. Please feel free to contact us if any new questions or issues arise.

Respectfully submitted,

BERLOGAR GEOTECHNICAL CONSULTANTS

Paul Sai-Wing Lai
Paul Sai-Wing Lai
Associate Engineer
GE 2326, Exp. 12/31/99



Frank Berlogar
Frank Berlogar
PSL/FB:pv

- Copies: Addressee (1)
- EIP Associates (1)
- Attention: Mr. Ted Adams
- Callahan Property Company (1)
- Attention: Mr. Joe Callahan

wp51/letter/5784

BERLOGAR GEOTECHNICAL CONSULTANTS



_____ : WS
**AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD**

**MEETING OF:
February 12, 1998**

TO: Planning Commission
FROM: Ann R. Bauman, Community Planning and Economic Development Administrator
**SUBJECT: DEVELOPMENT GUIDELINES FOR THE SOUTH OF ROUTE 92 OLIVER
AND WEBER PROPERTIES**

Recommendation:

It is recommended that Planning Commission review and comment on the Development Guidelines for the South of 92 Oliver and Weber properties.

Background:

In the October 28, 1997 worksession, staff and consultants reviewed the draft Specific Plan and draft Environmental Impact Report for the South of 92 project with City Council. In addition to preparation of the Specific Plan and EIR, the Specific Plan process includes the preparation of development guidelines for the design, siting, construction and maintenance of the land uses identified in the Specific Plan. The Guidelines presented at worksession today are a draft for Planning Commission review and comment.

The Guidelines are used, in conjunction with City codes, standards and ordinances, by the Master Developer, to design and build the major elements of the Plan. The guidelines are also used by the City in evaluating applications for site development in the Plan area.

Guidelines Overview

The Development Guidelines provide a consistent set of standards for all phases of development. The Guidelines are proposed to be adopted when action is taken on the Specific Plan to ensure that the development called for in the Plan is attractive, distinctive, safe and enduring. They focus primarily on all of the public elements of a project (the streets, parks, paths/trails, open space) and upon those aspects of specific site development that have the greatest effect on the quality of the public elements, including street landscaping, driveways, parking, building setbacks, height and mass requirements, and site landscaping.

The Development Guidelines are divided into sections which focus on the business park/light manufacturing zones, the residential development, overall landscape design, the sports park, walls and fencing, lighting, and signage.

Business Park/Light Manufacturing

For the Oliver East and Weber parcels, the Guidelines describe restrictions on use within the business park/light manufacturing zones (pages 2-4 through 2-8). The landscape master plans section illustrates the features and intent of the landscape concept (pages 2-8 through 2-10). Within the business park/light manufacturing and residential development, the guidelines are divided into three groups with specific treatments to unify the South of Route 92 Plan Area:

- ◆ Public Corridor -- which includes the vehicular travel and turning lanes, medians, bike lanes, curbs, gutters, traffic signage and signals. All of these improvements will be built by the Master Developer to City standard and, except for the medians, will be maintained by the City.
- ◆ Public Service Easement (PSE) -- which extends from the back of the curb to the edge of each Development Site. It includes the medians, sidewalks, off-street bike paths, plan area decorative street lighting, street furniture, project-related signage, bus stops, easement for trenched utilities, primary and secondary gateways into the Plan Area, PSE landscaping, grading, and irrigation. These improvements will be built by the Master Developer and maintained by the Master Developer and, when the Plan Area is built-out, by the Commercial Property Owners Association.
- ◆ Development Site -- which encompasses all exterior elements within an individual parcel and excludes the adjoining PSE. There is more design flexibility within the individual parcel. However, owners must still meet all of the siting and design requirements of these Guidelines. The parcel owner will construct, install and maintain the parking lots, landscaping, irrigation, site lighting, regulatory and directional signage, service area screening and side and rear yard treatment.

To make it easier for the reader to see how the Public Corridor and the Streetscape inter-relate, Pages 2-13 through 2-26 depict the street cross-sections with each of the appropriate landscape cross-sections for the Oliver East parcel business park/light manufacturing. Pages 2-27 and 2-28 depict the street cross-section for the Weber property light manufacturing. The landscape cross-section for this type of street is on page 2-17 since streets D, E, and F have the same type of landscape treatment.

The landscape character for the public spaces of the business park/light manufacturing zones is established by--

- ◆ carefully engineered road rights-of-way;
- ◆ broad landscape-enhanced public service easements on all public roadways;
- ◆ the requirement that entry landscaping and monumentation be designed to create a desirable business park and residential arrival sequence;
- ◆ requirements for the screening of parking so it is not visible from the street.

The Guidelines introduce the concept of Floor Area Ratios (FARs) as a way to control the amount of development on a given site. A very complicated version of this concept was used in Hayward about 20 years ago in the redevelopment area but fell into disuse and was discontinued more than 10 years ago. In the Guidelines, FAR is defined as "the gross square footage of all buildings...on a parcel divided by the gross square footage of the parcel. The resulting percentage must not exceed the maximum FAR established for each type of land use within the allowable building height, setback and site landscape coverage requirements. Pages 2-43 and 2-44 illustrate the FAR concept. FARs are commonly employed by localities for this type of development.

The character of the built environment is created through the establishment of FARs to control the amount of site development while creating the type of development which encourages major business park tenants. Other site development standards such as front, side and rear yard setbacks are included that ensure high quality development will occur that is compatible with surrounding uses.

Residential Development

The Residential Development on Oliver West is characterized by a memorable arrival sequence via the landscaped overpass which provides a vista of the residential area and Wildlife Conservation Board property beyond. Residents arrive at a large landscaped roundabout with a pedestrian parkway and a five acre neighborhood park. Within the neighborhood is a 25-foot wide pedestrian parkway which can be used by residents to walk between the area's two neighborhood parks. Streets will be lined by street trees and will have sidewalks on both sides. There will be an open space buffer with natural vegetation and running water on the western residential edge, creating views towards the Bay. Within the Plan Area, walls and fencing are kept to a minimum and are only prescribed when necessary to protect one use from another.

Sports Park

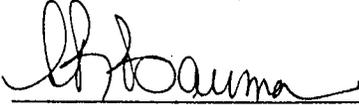
The Sports Park is briefly described in concept here. HARD is currently working on the park design.

Planning Commission
Development Guidelines for South of 92
February 12, 1998

Next Steps

This worksession is an opportunity for Planning Commission to obtain an overview of the Guidelines and discuss areas of interest prior to the public hearing this evening.

Prepared and Recommended by:



Ann R. Bauman
Community Planning and
Economic Development Administrator

Attachment: Development Guidelines

CM 2-13-98

ORDINANCE NO. 98-_____

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE, TO ESTABLISH NEW ZONING DISTRICTS AND REGULATIONS FOR THE OPEN SPACE/PARKS AND RECREATION DISTRICT, THE COMMERCIAL/RETAIL DISTRICT, THE BUSINESS PARK DISTRICT, AND THE LIGHT MANUFACTURING, PLANNING/RESEARCH AND DEVELOPMENT DISTRICT

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

Section 1. FINDINGS. The City Council hereby finds and determines that:

- (a) This Ordinance adopts text changes to the Zoning Ordinance, codified as Chapter 10, Article 1 of the Hayward Municipal Code ("HMC"), to establish four new zoning districts to be known as follows:
 - (1) The Open Space/Parks and Recreation ("OS") District.
 - (2) The Commercial Retail ("CR") District
 - (3) The Business Park ("BP") District and
 - (4) The Light Manufacturing, Planning/Research and Development ("LM") District
- (b) The potential environmental impacts of these new district regulations and reclassifying properties located in the South of Route 92 planning area ("South of 92 Area") to these new zoning district classifications are assessed in the Program EIR certified by the City Council's adoption of Resolution No. 98-_____.
- (c) Substantial proof exists that the proposed text change will promote the public health, safety, convenience, and general welfare of the residents of Hayward for the reasons set forth in Resolution No. 98-_____.
- (d) The proposed text change is consistent with the General Plan, and the new district classifications and the regulations for each new district conform with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans.

- (e) The adoption of this text change to the Zoning Ordinance does not constitute a reclassification of property; and
- (f) Existing streets and public facilities will not be impaired by the adoption of this Ordinance, based on the data contained in the South of 92 Area Program EIR, and the provisions of the South of Route 92 Specific Plan.

Section 2. Text Changes. The text of the Zoning Ordinance, Chapter 10, Article 1 of the Hayward Municipal Code, is hereby amended to add the regulations set forth in Exhibit A, which is incorporated as a part of this Ordinance, and contains regulations pertaining to the OS district as HMC Section 10-1.270 et seq.; the CR district as HMC Section 10-1.370 et seq.; the BP district as HMC Section 10-1.380 et seq.; and the LM district as HMC Section 10-1.410 et seq.

Section 3. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 1998, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward
held the ____ day of _____, 1998, by the following votes of members of said City
Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

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

EXHIBIT A TO ORDINANCE 98-_____:

Zoning district regulations for the
Open Space/Parks and Recreation ("OS") District
Commercial Retail ("CR") District
Business Park ("BP") District and
Light Manufacturing, Planning/Research and Development ("LM") District

OPEN SPACE/PARKS AND RECREATION DISTRICT (OS)

Sections:

Section 10-1.270 Purpose.

Section 10-1.271 Subdistricts.

Section 10-1.272 Uses Permitted.

Section 10-1.273 Conditionally Permitted Uses.

Section 10-1.274 Lot Requirements.

Section 10-1.275 Yard Requirements.

Section 10-1.276 Height Limit.

Section 10-1.277 Site Plan Review.

Section 10-1.278 Minimum Design and Performance Standards.

SEC. 10-1.270 PURPOSE. The purpose of the OS District is to promote and encourage a suitable environment devoted to parks, recreation, or passive or active open space uses for the enjoyment of all members of the community. The OS District classification may be also be used to preserve and protect land areas of special or unusual ecological or geographic interest.

SEC. 10-1.271 SUBDISTRICTS.

None.

SEC. 10.272 USES PERMITTED.

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the OS District.

- (1) Open space preserve areas (Examples: wetlands, habitat refuge areas)
- (2) Public parks and recreation facilities (Examples: regional parks, community and neighborhood parks)
- (3) Private parks and recreation facilities (Examples: Homeowner Association owned parks and swim centers.)

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

- (1) Accessory building and uses. Examples: concession stands, maintenance buildings, parking lot, restroom building)

(2) Public recreational equipment Examples: (Athletic courts and fields, picnic facilities, and fields; play equipment, reservoir, swimming pool)

(3) City sponsored events and festivals.

SEC. 10-1-273 CONDITIONALLY PERMITTED USES.

a. **Administrative Uses.** The following uses are permitted in the OS District subject to approval of an administrative use permit:

(1) Outdoor gatherings.

(2) Temporary uses.

(3) Special events (Examples: City-sponsored events and facilities)

b. **Conditional Uses.** The following uses are conditional uses permitted in the OS District subject to the approval of a conditional use permit:

(1) Special use facilities (Examples: sports parks or complexes, golf courses, zoos, nature centers)

SEC. 10-1.274 LOT REQUIREMENTS.

a. Minimum Lot Size: 1 acre.

b. Minimum Lot Frontage: 35 feet.

c. Minimum Average Lot Width: 200 feet.

d. Maximum Lot Coverage: 40 percent.

e. Minimum Lot Depth: 100 feet.

f. Special Lot Requirements
and Exceptions: See Section 10-1.503

SEC. 10-1.275 YARD REQUIREMENTS.

a. Minimum Front Yard: 30 feet.

b. Minimum Side Yard: 30 feet.

- c. Minimum Side Street Yard: 30 feet.
- d. Minimum Rear Yard: 30 feet.
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

SEC. 10-1.276 HEIGHT LIMIT.

- a. Maximum Building Height: 40 feet.
- b. Maximum Accessory Building Height: 26 feet.
- c. Maximum Height for Fences/hedges/walls.
 - (1) Front and side Street Yard: 4 feet.
 - (2) Side and Rear Yard: 6 feet.(Also see Section 10-1.278 for additional standards.)
- d. Special Height Requirements and Exceptions: See Section 10-1.506

SEC. 10-1.277 SITE PLAN REVIEW REQUIRED. Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines. This may include fences (i.e., such as anodized gray chain link fences in certain circumstances.)

SEC. 10-278 MINIMUM DESIGN AND PERFORMANCE STANDARDS. The following are minimum design and performance standards for certain developments in the OS District:

Open Space/Park and Recreation Uses. For open space/park and recreation buildings and uses, refer to the applicable criteria and standards contained in the minimum design and performance standards for Commercial Development and Cultural, Educational Religious or Recreational Facilities (HMC sections 10-1.490 et seq.)

COMMERCIAL/RETAIL DISTRICT (CR)

Sections:

Section 10-1.370 Purpose.

Section 10-1.371 Subdistricts.

Section 10-1.372 Uses Permitted.

Section 10-1.373 Conditionally Permitted Uses.

Section 10-1.374 Lot Requirements.

Section 10-1.375 Yard Requirements.

Section 10-1.376 Height Limit.

Section 10-1.377 Site Plan Review.

Section 10-1.378 Minimum Design and Performance Standards.

Section 10-1.370 Purpose. The CR District is intended to provide for limited retail, service, and office commercial uses which serve the needs of workers within the Industrial Corridor.

Section 10-1.371 Subdistricts.

None.

Section 10-1.372 Uses Permitted.

a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the CR District, as primary uses.

- (1) Bakeries, including baking for sale on premises only
- (2) Barbers and beauty shops
- (3) Bicycle shops
- (4) Bookstores and libraries
- (5) Carpet, drapery and floor covering stores
- (6) Catering establishments
- (7) Delicatessen limited to a maximum of 3,000 square feet
- (8) Drug stores and prescription pharmacies
- (9) Electrical appliance repair and sales

- (10) Depository/Financial Institutions (Banks, Savings & Loans, Credit Unions)
- (11) Florists
- (12) Gift shops
- (13) Grocery Stores
- (14) Gymnasiums and health clubs
- (15) Hardware stores
- (16) Hobby shops
- (17) Ice cream stores
- (18) Janitorial services and supply establishments (Retail)
- (19) Laundries and dry cleaners (Retail)
- (20) Locksmiths
- (21) Music stores
- (22) Newsstands
- (23) Office supply, furniture and business machine stores
- (24) Optical and optometry shops
- (25) Paint, glass and wallpaper shops
- (26) Photographic supply stores
- (27) Picture framing shops
- (28) Post offices
- (29) Reprographic services
- (30) Commercial realtors and real estate offices
- (31) Full service restaurants

- (32) Shoe repair shops
- (33) Sign painting shops
- (34) Sporting goods stores including mens and womens shoes and apparel
- (35) Stationery stores
- (36) Tailor or dressmaking shops
- (37) Travel agencies and bureaus
- (38) Video rentals
- (39) Watch and clock repair shops

Section 10-1.373 Conditionally Permitted Uses.

- a. The following uses are conditional uses permitted in the CR District subject to the approval of a conditional use permit.
 - (1) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents
 - (2) Second floor offices, including but not limited to business, professional and administrative offices

Section 10-1.374 Lot Requirements.

- a. Minimum Lot Size: 20,000 square feet
- b. Minimum Lot Frontage: 100 feet
- c. Minimum Average Lot Width: 100 feet
- d. Maximum Lot Coverage: 30 percent
- e. Minimum Lot Depth: 200 feet
- f. Maximum Floor Area Ratio 30 percent

Section 10-1.375 Yard Requirements.

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Yard: 25 feet
- c. Minimum Side Street Yard: 25 feet
- d. Minimum Rear Yard: 25 feet
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

Section 10-1.376 Height Limit.

- a. Maximum Building Height: 30 feet (40 feet including mechanical)
- b. Maximum Accessory Building Height: N/A
- c. Maximum Height for Fences/hedges/walls:
 - (1) Front and Side Street Yard: No fences or walls allowed
No fences or walls allowed on side yard
 - (2) Side and Rear Yard: No rear yard fences/walls over 6 feet
(without variance)
- d. Special Height Requirements and Exceptions: See Section 10-1.506

Section 10-1.377 Site Plan Review. Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.378 Minimum Design and Performance Standards

- a. **Parking.** On-site parking shall be provided at 1 space per 200 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.
- b. **South of Route 92 Area.** The development of CR zoned properties in the South of Route 92 planning area are also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.
- c. **Specific Plan Requirements:** Refer to applicable specific plans for other special design and performance standards.

BUSINESS PARK (BP)

Sections:

Section 10-1.380 Purpose.

Section 10-1.381 Subdistricts.

Section 10-1.382 Uses Permitted.

Section 10-1.383 Conditionally Permitted Uses.

Section 10-1.384 Lot Requirements.

Section 10-1.385 Yard Requirements.

Section 10-1.386 Height Limit.

Section 10-1.387 Site Plan Review.

Section 10-1.388 Minimum Design and Performance Standards.

Section 10-1.380 Purpose. The BP District is intended to provide for establishment of high quality business office parks in a campus environment at key locations within the Industrial Corridor.

Section 10-1.381 Subdistricts.

None.

Section 10-1.382 Uses Permitted.

- a. **Primary Uses.** The following uses, or uses determined to be similar by the Planning Director, are permitted in the BP District as primary uses.
- (1) Administrative, executive and business offices
 - (2) Business service offices, including employment agencies, accountants, notaries, stenographic, addressing, computing and related services
 - (3) Business consultant offices
 - (4) Design professions offices (engineering, architectural, drafting, etc.)
 - (5) Research, development, analytical and scientific offices
 - (6) Manufacturers' representatives and sales offices
 - (7) Headquarters or region-wide finance, insurance and real estate offices
 - (8) Medical and dental clinics that provide services to workers in the light manufacturing areas, and nearby residents

(9) Travel agencies

(10) Publishing

(11) Restaurants

Section 10-1.383 Conditionally Permitted Uses The following uses are conditional uses permitted in the BP District subject to the approval of a conditional use permit: None.

Section 10-1.384 Lot Requirements.

- | | | |
|----|----------------------------|------------|
| a. | Minimum Lot Size: | 1.5 acres |
| b. | Minimum Lot Frontage: | 250 feet |
| c. | Minimum Average Lot Width: | 250 feet |
| d. | Maximum Lot Coverage: | 35 percent |
| e. | Minimum Lot Depth: | 300 feet |
| f. | Maximum Floor Area Ratio | 60 percent |

Section 10-1.385 Yard Requirements.

- | | | |
|----|---|----------------------|
| a. | Minimum Front Yard: | 50 feet |
| b. | Minimum Side Yard: | 25 feet |
| c. | Minimum Side Street Yard: | 50 feet |
| d. | Minimum Rear Yard: | 25 feet |
| e. | Special Yard Requirements and Exceptions: | See Section 10-1.504 |

Section 10-1.386 Height Limit.

- a. Maximum Building Height: None
- b. Maximum Accessory Building Height: N/A
- c. Maximum Height for Fences/hedges/walls: 4 feet
 - (1) Front and Side Street Yard: No fences or walls allowed
 - (2) Side and Rear Yard: 6 feet
- d. Special Height Requirements and Exceptions: See Section 10-1.506

Section 10-1.387 Site Plan Review. Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.388 Minimum Design and Performance Standards.

- a. **Parking.** On-site parking shall be provided at 1 space per 250 square feet; compact spaces shall comprise no more than 30 percent of the total spaces. Refer to applicable specific plans for other special design and performance standards.
- b. **South of Route 92 Area.** The development of CR zoned properties in the South of Route 92 planning area is also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.
- c. **Specific Plan Requirements:** Refer to applicable specific plans for other special design and performance standards.

**LIGHT MANUFACTURING, PLANNING/RESEARCH AND
DEVELOPMENT (LM)**

Sections:

Section 10-1.410 Purpose.

Section 10-1.411 Subdistricts.

Section 10-1.412 Uses Permitted.

Section 10-1.413 Conditionally Permitted Uses.

Section 10-1.414 Lot Requirements.

Section 10-1.415 Yard Requirements.

Section 10-1.416 Height Limit.

Section 10-1.417 Site Plan Review.

Section 10-1.418 Minimum Design and Performance Standards.

Section 10-1.410 Purpose. The LM District is intended to provide for limited manufacturing and other light industrial uses within the Industrial Corridor which are compatible with business parks and adjacent residential areas.

Section 10-1.411 Subdistricts.

None.

Section 10-1.412 Uses Permitted.

- a. The following uses, or uses determined to be similar by the Planning Director, are permitted in the LM District as primary uses.
- (1) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced
 - (2) Manufacturing or combining processes of biological products, provided no noxious or offensive fumes or odors are produced
 - (3) Manufacturing and assembly of clothing
 - (4) Manufacturing and assembly of televisions and radios, including parts and components
 - (5) Assembly of electrical appliances such as lighting fixtures, irons, fans, toasters and electric toys, but not including refrigerators, washing machines, dryers, dishwashers and similar home appliances
 - (6) Assembly of electric appliances such as radio and television receivers, phonographs

- (5) Printing, lithography and engraving
- (6) Accessory uses and structures when related to and incidental to a permitted use
- (7) Manufacturing or combining processes of pharmaceutical products, provided no noxious or offensive fumes or odors are produced
- (8) Research and development facilities and such facilities which require area available for laboratories to execute product development. Any research and development use may be operated in conjunction with any allowed light manufacturing use or office use. All typical uses associated with research and development and light manufacturing for the electronics and semiconductor industries.
- (9) Uses typically associated with research and development and light manufacturing for the electronics and semiconductor industries.

Section 10-1.414 Lot Requirements.

- a. Minimum Lot Size: 10,000 square feet
- b. Minimum Lot Frontage: None
- c. Minimum Average Lot Width: 70 feet
- d. Maximum Lot Coverage: 40%
- e. Minimum Lot Depth: 250 feet
- f. Maximum Floor Area Ratio 40%

Section 10-1.415 Yard Requirements.

- a. Minimum Front Yard: 50 feet
- b. Minimum Side Yard: 25 feet
- c. Minimum Side Street Yard: None
- d. Minimum Rear Yard: 25 feet
- e. Special Yard Requirements and Exceptions: See Section 10-1.504

and home motion picture equipment, but not including electrical machinery

- (7) General office uses (including computer centers) where an office user shall have less than 2,000 square feet of usable space
- (8) Publishing
- (9) Light manufacturing support and service facilities to include activities limited to the servicing of products produced on the Parcel or servicing of businesses on the Parcel, such as: repair and maintenance of appliances or component parts, tooling; printers, testing shops, small machine shops, copying, and photo engraving
- (10) Sales at wholesale manufacturers' representatives and sales office, or sales to the ultimate consumer of products made to the customer's orders
- (11) Engineering, drafting and design facilities
- (12) Any research and development use listed above may be operated in conjunction with any allowed light manufacturing use or office use
- (13) Public utility equipment buildings and public service pumping stations

Section 10-1.413 Conditionally Permitted Uses.

- a. The following uses are conditional uses permitted in the LM District subject to the approval of a conditional use permit:
 - (1) Manufacturing and assembly of business machines, including electronic data processing equipment, accounting machines, calculators and related equipment. Manufacturing and assembly of computer hardware and software, communications, testing equipment, and furniture
 - (2) Manufacturing and assembly of electrical supplies, such as coils, condensers, crystal holders, insulation, lamps, switches and wire cable assembly, provided no noxious or offensive fumes or odors are produced
 - (3) Manufacturing of scientific, medical, dental and drafting instruments, orthopedic and medical appliances, optical goods, watches and clocks, electronics equipment, precision instruments, musical instruments and cameras and photographic equipment except film
 - (4) Laboratories, including commercial, testing, research, experimental or other laboratories, including pilot plants

Section 10-1.416 Height Limit.

- a. Maximum Building Height: None
- b. Maximum Accessory Building Height: None
- c. Maximum Height for Fences/hedges/walls: 4 feet
- d. Special Height Requirements and Exceptions: see section 10-1.506

Section 10-1.417 Site Plan Review. Site Plan Review approval may be required before issuance of any building or construction permit within this district if the Planning Director determines that a project materially alters the appearance and character of the property or area or may be incompatible with City policies, standards, and guidelines.

Section 10-1.418 Minimum Design and Performance Standards.

- a. **Parking.** On-site parking shall be provided at 1 space per 350 square feet; compact spaces shall comprise no more than 30 percent of the total spaces.
- b. **South of Route 92 Area.** The development of CR zoned properties in the South of Route 92 planning area is also subject to the provisions of the South of Route 92/Oliver & Weber Properties Specific Plan and the Development Guidelines for the South of Route 92 Oliver/Weber properties.
- c. **Specific Plan Requirements:** Refer to applicable specific plans for other special design and performance standards.

pm 2-13-98

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTIONS 10-1.156 AND 10-1.166 OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING AND PREZONING CERTAIN TERRITORY LOCATED IN THE SOUTH OF ROUTE 92 PLANNING AREA

WHEREAS, Zone Change Application No. ZC 98-190-03 concerns reclassification of parcels located within the City of Hayward, commonly known as the Weber Property and the Oliver West Property; and the prezoning of the property located in Alameda County, commonly known as the Oliver East Property, in connection with the approval of the General Plan amendment known as GPA No. 97-110-02 and the adoption of the Specific Plan known as the South of Route 92/Oliver & Weber Properties Specific Plan ("South of 92 Specific Plan") pursuant to the approval of Resolution No. 98-____; and

WHEREAS, new zoning districts known as the Open Space/Parks and Recreation (OS) district, the Commercial/Retail (CR) district, the Business Park (BP) district, and the Light Manufacturing, Planning/Research and Development LM district have been established pursuant to the approval of Text Change Application No. TC 98-140-01 by the adoption of Ordinance No. 98-____; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, the City Council has reviewed and considered all material presented, including the recommendations made by the Planning Commission, the recommendations of its staff and the other documents and comments submitted at the City Council's February 17, 1998, public hearing on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. SCOPE. This Ordinance pertains to the rezoning and prezoning of the properties located in the South of Route 92 planning area, which are commonly referred to as the Weber, Oliver West, and Oliver East properties.

Section 2. FINDINGS. The City Council incorporates by reference the findings and approvals contained in companion Resolution No. 98-____. In addition, the City Council also finds and determines as follows:

- A. The City Council's findings regarding the environmental impacts of the proposed rezoning and pre-zoning which are conditionally approved by this Ordinance are set forth in Resolution No. 98-_____.
- B. Substantial proof exists that the proposed zone changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward by rezoning properties to enable implementation of the South of 92 Specific Plan approved by Resolution No. 98-_____.
- C. The proposed zone changes are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan, as amended, and the South of 92 Specific Plan, as conditionally approved by Resolution No. 98-_____.
- D. Streets and public facilities existing or proposed are adequate to serve all uses permitted, based on the infrastructure requirements contained in the South of 92 Specific Plan;
- E. All uses permitted will be compatible with present and potential future uses.

Section 3. ZONE CHANGES TO WEBER PROPERTY.

Sections 10-1.156 and 10-1.166 of Chapter 10, Article 1 of the Hayward Municipal Code are hereby amended by rezoning certain parcels identified below located within the City limits of Hayward, commonly referred to as the Weber Property, located in the South of 92 Area Specific Plan, in accordance with the map attached to this Resolution as Exhibit A:

- A. APN No. 461-40-1 and 461-40-2 to be rezoned as a Light Manufacturing, Planning/Research and Development (LM) District
- B. APN No. 461-40-3 and a portion of APN No. 461-40-4 to be rezoned as an Open Space/Parks and Recreation (OS) District

SECTION 4. ZONE CHANGES TO OLIVER WEST PROPERTY.

Sections 10-1.156 and 10-1.166 of Chapter 10, Article 1 of the Hayward Municipal Code are hereby amended by rezoning certain parcels identified below located within the City limits of Hayward, commonly referred to as the Oliver West Property in the South of 92 Area Specific Plan, in accordance with the map attached to the Resolution as Exhibit A:

A. As to APN No. 461-35-7:

1. An approximately ___ acre portion to be rezoned as an RS district.
2. An approximately ___ ace portiohn to be rezoned as an RSB6 District.
3. An approximately ___ portion to be rezoned as an RSB8 district.
4. An approximately ___ acre portion to be rezoned as an Open Space/Parks and Recreation (OS) District

B. APN No. 461-35-6 to be rezoned as an Open Space/Parks and Recreation (OS) District.

Section 5. PREZONING OF OLIVER EAST PROPERTY.

Sections 10-1.156 and 10-1.166 of Chapter 10, Article 1 of the Hayward Municipal Code are hereby amended to prezone certain parcels identified below located within Alameda County, commonly referred to as the Oliver East Property in the South of 92 Area Specific Plan, in accordance with the map attached to the Resolution as Exhibit A:

A. APN No.456-95-2-4:

1. An approximately ___ acre portion to be rezoned as Business Park(BP)
2. An approximately ___ acre portion to be rezoned as Commercial/Retail (CR)
3. An approximately ___ acre portion to be rezoned as Light Manufacturing, Planning/Research and Development (LM).
4. An approximately ___ acre portion to be rezoned as Open Space (OS).

Section 6. EFFECTIVE DATE.

A. Weber Property and Oliver West Property. This ordinance shall become effective on the latest of the following dates as to the Weber Property and the Oliver West Property on the effective date of the General Plan Map changes adopted by Resolution No. 98-_____.

B. Oliver East Property. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

Section 7. 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.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 1998, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 1998, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

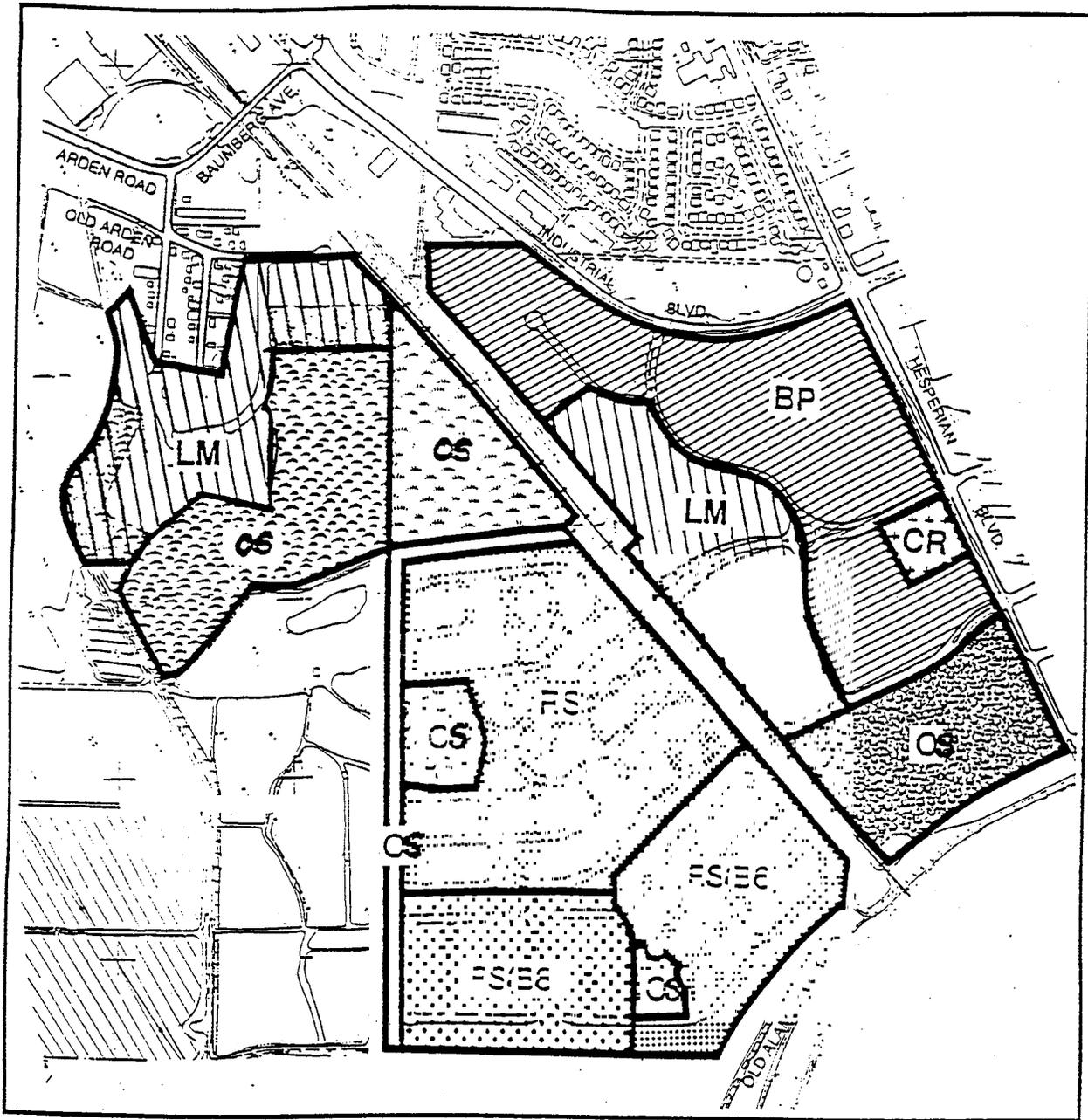
APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



LEGEND

 BP	BUSINESS PARK	 RS(B6)	RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS	 ES	HABITAT
 LM	LIGHT MANUFACTURING	 RS(B8)	RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS	 OS	OPEN SPACE - BUFFER ZONE
 CR	COMMERCIAL/RETAIL	 OS	OPEN SPACE - NEIGHBORHOOD PARKS	 OS	WETLANDS
 RS	RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS	 OS	OPEN SPACE - SPORTS PARK		

SOUTH OF ROUTE 92 SPECIFIC PLAN

ZONING

EXHIBIT A

ZC 98-190-03

HAYWARD CITY COUNCIL

DM 2-13-98

RESOLUTION NO. 98-_____

Introduced by Council Member _____

**RESOLUTION CERTIFYING PROGRAM ENVIRONMENTAL IMPACT REPORT,
APPROVING MITIGATION MONITORING AND REPORTING PROGRAM, ADOPTING
STATEMENT OF OVERRIDING CONSIDERATIONS , A GENERAL PLAN
AMENDMENT, AS WELL AS THE SPECIFIC PLAN AND DEVELOPMENT
GUIDELINES FOR THE OLIVER AND WEBER PROPERTIES IN THE SOUTH OF
ROUTE 92 PLANNING AREA**

Be it resolved by the City Council of the City of Hayward as follows:

WHEREAS, on December 14, 1993, the City Council approved the establishment of an Urban Limit Line, excluding from urban development the approximately 1,200 acre area located south of State Route 92 and Industrial Boulevard and West of Hesperian Boulevard to the Union City border (the "South of 92 Area"), with such Urban Limit Line delineation to become effective on January 1, 1997, if a Specific Plan for the South of 92 Area was not adopted by that date which established a different Urban Limit Line; and

WHEREAS, on July 25, 1995, the City Council authorized the preparation of a Specific Plan for the South of 92 Area and directed City staff to work with the affected property owners to prepare a Specific Plan for consideration by the Planning Commission and the City Council; and

WHEREAS, the Cargill-Salt Division, the owner of an approximately 773 acre portion of the South of 92 Area subsequently sold its property to the California State Wildlife Conservation Board, and such property was thereafter removed from the South of 92 Area; and

WHEREAS, the privately owned lands currently comprising the South of 92 Area consist of three areas: the Weber Parcel, and the Oliver East and Oliver West Parcels, as depicted in the Land Ownership Map attached as Exhibit A to this Resolution. The Weber Parcel is an approximately 80.5 acre site owned by Mr. John Weber (APN nos. 461-40-1, 461-40-2, and no. 461-40-3) located on the northwest portion of the proposed Specific Plan area, which is designated on the General Plan Map for Open Space-Baylands uses. A total of approximately 238.8 acres is owned by the Gordon Oliver Estate and Trust ("Oliver Trust"), located to the east (Oliver East) and the west (Oliver West) of the Southern Pacific railroad tracks. The Oliver East

property (APN 456-95-2-4) consists of approximately 122.5 acres located within the jurisdictional boundaries of Alameda County and is zoned as an "M-2" area pursuant to the County's zoning regulations, a classification which permits industrial areas. If the Specific Plan is approved, the Oliver East property would be annexed to the City of Hayward. The Oliver West property (APN Nos. 461-35-6 and 461-35-7) consists of approximately 130.5 acres located within the City of Hayward, which is designated on the General Plan Map for Open Space-Baylands uses and is zoned Flood Plain ("FP"); and

WHEREAS, the South of 92 Area also includes publicly owned properties, consisting of an approximately 12.1 acre site owned by the City of Hayward (APN no. 456-95-1-5) and approximately 2.2 acres owned by the Alameda County Flood Control District (APN no. 456-95-10-5); and

WHEREAS, the City Council has extended the deadline for establishment of the Urban Limit Line in the vicinity of the South of 92 Area on a number of occasions to enable the completion of a proposed Specific Plan, and such deadline currently expires on March 1, 1998; and

WHEREAS, the proposed land use policies for the South of 92 Area are contained in a proposal for an amendment to the General Plan ("GPA 97-110-02"), including the General Plan Map designation changes depicted in Exhibit B, for adoption of a Specific Plan for the South of Route 92 Area ("SP 98-210-01"), for a text change to the Zoning Ordinance to add new zoning district regulations for four new zoning district classifications, to be known as the Business Park ("BP"), Light Manufacturing ("LM"), Commercial Retail ("CR") and Open Space ("OS") districts ("ZC 98-140-01"), the rezoning of the Weber East property and zone change of that portion of the other properties located in South of 92 Area ("ZC 98-190-03") illustrated in Land Use Map attached hereto as Exhibit C (jointly "the South of 92 Area Proposal"); and

WHEREAS, a draft and final Program Environmental Impact Report (jointly "Program EIR") has been prepared to assess the potential environmental impacts of proposed land use policies for the South of 92 Area, describe alternatives to the South of 92 Area Proposal and potential mitigation measures; and

WHEREAS, the Planning Commission has considered the Program EIR and aforementioned applications at a joint City Council-Planning Commission held on February 3, 1998, and at the Planning Commission's public hearing held on February 12, 1998, and has recommended the City Council's certification of the Program EIR, a proposed Mitigation Monitoring Plan and adoption of the South of 92 Area Proposal; and

WHEREAS, the City Council held a public hearing on February 17, 1998, and has considered the reports and documents presented by City staff, the Planning Commission's

recommendation, and the written and oral comments presented at the public hearing;

NOW THEREFORE, THE CITY COUNCIL HEREBY ADOPTS THE FOLLOWING FINDINGS AND ACTIONS:

I. SOUTH OF 92 AREA PROPOSAL. The South of 92 planning area contains three privately owned properties: the Weber Parcel, the Oliver East Property located east of the railroad tracks and the Oliver West Property located west of the railroad tracks. This planning area is situated between industrially zoned land, and developed industrial sites to the east. The planning area is bordered to the north and northwest by the Baumberg Tract, a property formerly owned by Cargill Salt which was acquired by the Wildlife Conservation Board. The heart of the proposal is a Specific Plan, and certain changes to the General Plan Map necessary to enable the rezoning of portions of the site to one of the following new zoning district classifications: Business Park (BP), Light Manufacturing (LM), Commercial/Retail (CR). In addition a new Open Space (O) zoning district would be created. The principal land uses proposed by the Specific Plan are as follows:

- **Oliver East Property.** This is an approximately 122.5-acre area currently within the jurisdictional boundaries of Alameda County and designated as part of an Industrial Corridor. This area would be annexed into the City of Hayward if the voter approve the General Plan Map amendment necessary to enable implementation of the Specific Plan. Thereafter, part of this site would be classified on the General Plan Map to Open Space-Parks and Recreation (approximately 25 acres) and to Retail and Official Commercial (approximately 3.5 acres). The Specific Plan calls for a range of business park, light manufacturing and retail uses to be developed in a business park setting on approximately 85.2 acres. A 25-acre sports park is planned for the southern portion of the Oliver East parcel; the park site would be conveyed to the City of Hayward and would be developed to afford a variety of playing fields for active recreation, areas for passive recreation and associated parking.
- **Oliver West Property.** This area comprises approximately 130.5 acres currently designated as Open Space-Baylands use on the General Plan, and zoned Flood Plain (FP). The General Plan Map designation for an approximately 123 acre portion of this Property would be changed to Low Density Residential, if approved by Hayward voters, as required by the provisions of Ordinance No. 97-01. The Specific Plan proposes low density residential uses for approximately 81.5 acres which will be subdivided into approximately 578 lots, with lot sizes consisting of 5,000, 6,000 and 8,000 square foot lots. In addition, there would be a 100 foot open space buffer between the proposed residential development and the lands to the west which are owned by the Wildlife Conservation Board and the Old Alameda Creek located on the southern boundary of this site. This 100-foot buffer, which will include a 50-foot wide water channel, will mitigate the potential

for disturbance to wildlife areas outside the Specific Plan boundary which may otherwise result due to the proximity of the proposed residential development.

- **Weber Property.** The Weber Property is an approximately 80.5 acre site owned by Mr. John Weber (APN nos. 461-40-1, 461-40-2, and no. 461-40-3) located on the northwest portion of the proposed Specific Plan area, currently designated on the General Plan Map for Open Space-Baylands uses. The bulk of this Property would retain the Open Space-Baylands uses. However, approximately 25 acres of this site would be reclassified on the General Plan Map as part of an Industrial Corridor and then rezoned as an LM district to enable the development of light manufacturing land uses on approximately 21.5 acres oriented around a single collector street. Approximately 52.1 acres of the Weber Property would remain as wetlands-open space. Approximately 1.7 acres of existing wetlands would be filled, an environmental impact which would be mitigated by the creation of a 1.7 acre wetland on other portions of the site. In addition, an additional 3.7 acres would be filled under a more intensive development variant, if the Army Corps. Of Engineer issues the approval required by Section 404 of the federal Clean Water Act.

Further information about the proposed development contemplated by the Specific Plan may be found in the staff reports presented to the City Council, as well as the Specific Plan, the Development Guidelines which will implement the design objectives Specific Plan, and in the Program EIR, as well as other documents maintained by City staff.

II. **PROGRAM EIR CERTIFICATION.** The City Council has reviewed the documents comprising the Draft and Final Program EAR for the South of Route 92 General Plan Amendment and Specific Plan - Oliver Estate/Weber Properties (jointly the "Program EIR") and hereby finds that such Program EIR reflects the independent judgment of the City Council and its staff, is an adequate and extensive assessment of the environmental impacts of the South of 92 Proposal. Accordingly, the City Council hereby certifies such Program EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"). The City Council also incorporates by this reference the findings contained in the Program EIR as to the environmental effects of the South of 92 Area Proposal, together with the additional findings contained in this Resolution.

III. **CONSIDERATION OF PROJECT ALTERNATIVES.** The draft Program EIR reviewed three alternatives in addition to the South of 92 Area Specific Plan, as follows

- **No Build/No Project Alternative.** This alternative would result in no development of the Oliver West and Weber parcels, since such properties would continue to be classified as Open Space-Baylands and such properties remain in their current essentially undeveloped conditions. This alternative also assumes that the Oliver East property will not be annexed

and could be developed as industrial under existing Alameda County zoning regulations which allow a wide variety of uses including open storage and warehousing.

- HASPA Plan/Oliver East Alternative. This alternative consists of no development on the Oliver West parcel and Weber parcel which are located to the west of railroad tracks except compatible open space uses and includes some wetlands restoration; business park/industrial development east of railroad tracks.
- Alternative Location Alternative. This alternative explores whether it is feasible to implement the development objectives contained in the Specific Plan on an alternative location. The Draft Program EIR determined that there is no other feasible or available location for a unified development similar to the Specific Plan proposal.

In the context of the alternatives studied, the Specific Plan calls for the greatest amount of development and consequently has the highest number of significant impacts. Although the vast majority of wetlands are excluded from development under the Specific Plan, the Specific Plan has not been designated the "environmentally superior alternative" because the other alternatives contain less development. The City Council finds that the environmentally superior alternative is the No Project alternative because there would be no change in land use of the Oliver West Property and Weber Parcel under this alternative. Therefore portions of the Specific Plan area would likely remain in agricultural production and there would be no loss of approximately 238 acres of agricultural land deemed to be "Important Farmland." There would also be no change in the approximately 211 acres which is designed as Open Space-Baylands in the General Plan. However, the three alternatives to the proposed Specific Plan do not fulfill other City objectives such as expanding the supply of owner-occupied housing and increasing the variety of housing stock, particularly housing for professionals, technical specialists and managers and business owners, and creating opportunities for businesses that provide higher wage jobs and/or sales tax revenues to develop and expand in Hayward. Accordingly approval of the No Project and HASPA alternatives are rejected as infeasible and because these alternatives will not fulfill the City objectives which will be advanced by implementation of the Specific Plan, which are described in more detail in the Statement of Overriding Considerations contained in Section VI of this Resolution.

IV. MITIGATION MEASURES. The City Council also finds that the proposed mitigations incorporated in the South of 92 Area Specific Plan, and the Mitigation Monitoring and Reporting Program will reduce all of the environmental impacts of the Proposal to an insignificant level, except those unavoidable impacts hereafter described more specifically. The City Council accordingly approves the Mitigation Monitoring and Reporting Program and requires the development of the South of 92 Area and issuance of development approvals which may be issued in the future to incorporate the mitigations set forth in the Mitigation Monitoring and Reporting Program.

V. UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS. The adoption and implementation of the South of 92 Proposal may have certain significant and unavoidable environmental effects, which cannot be feasibly mitigated through the imposition of changes or alternatives to the project. These unavoidable impacts are as follows:

- A.** Approximately 211 acres of that portion of South of 92 Area located on the Oliver West and Weber properties, which is currently designated on the General Policies Plan Map as Open Space-Baylands, will be developed into low-density residential and light manufacturing uses.
- B.** Approximately 238 acres of land on the Oliver East and Oliver West properties, on which hay and flowers were grown, will also be designated for future development, as more specifically described in the proposed Specific Plan; and thereby result in the loss of currently undeveloped agricultural land.
- C.** Development of the Weber property could result in the filling of approximately 1.7 acres of wetlands, which will be mitigated by the creation of at least 1.7 acres of wetlands on other parts of the Weber property, through the removal or excavation of berms or levees. In addition, the increased development proposed by the more intensive development concept which Weber proposes ("Weber variant") would result in the loss of an additional 3.7 acres of wetlands, which cannot be mitigated through the on-site creation of replacement wetlands. If the Weber variant is to be developed, there will be an unavoidable and significant loss of 3.7 acres of on-site wetlands. There is little likelihood that the Weber variant will be approved since the U.S. Army Corps of Engineers would not issue a "Section 404 permit" which would allow wetland fill of the 3.7 acre site, based on existing federal policies which mandate that there be "no net loss" of wetlands. If the necessary "Section 404" permit and related federal and state approvals are not issued, Weber will be required to redesign the proposed development in light of such federal and state agency determinations.
- D.** The portions of the South of 92 Area which will be developed pursuant to the Specific Plan will be visible as an extension of existing urban development towards the Bay.
- E.** There will be short term construction related impacts resulting from the development of the light manufacturing uses proposed for the Weber parcel, which would cause temporary noise level increases for residential land uses located in the Baumberg Avenue area. The Mitigation Monitoring and Reporting Program requires a number of noise mitigations. However, it is possible that there may still

be significant unavoidable short term noise impacts which result during the construction period.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS. As previously indicated, none of the alternatives to the South of 92 Area Proposal considered in the Program EIR are either infeasible or would not achieve the basic objectives of the development goals specified in the Specific Plan. In addition, although many of the Project's environmental impacts will be avoided or reduced to insignificant levels by the mitigation measures required by the Mitigation Monitoring and Reporting Program, the implementation of the Specific Plan will nevertheless result in certain unavoidable or significant environmental impacts. On balance, these unavoidable or remaining impacts are deemed to be acceptable in view of the significant economic and social benefits which the approval of the Project applications will make possible. The principal benefits include, but are not limited to, the following:

- A. The implementation of the South of 92 Area Proposal will result in the dedication of 25 acres for a regional Sports Park, 7.5 acres of neighborhood parks, 10 acres of open space/buffer, and 52 acres of wetlands, 18 of which are habitat for the salt marsh harvest mouse. The sports park is highly desired by HARD and by many community residents who participate in various sports leagues.
- B. The implementation of the South of 92 Area Proposal will provide 578 single family homes of various lot sizes from 5,000 square feet to 8,000 square feet in support of policies in the Economic Development Element, General Policies Plan and the Housing Element's 70% owner-occupancy goal for Hayward. These policies call for additional housing for professional, technical, and managerial employees, a mix of housing for middle and upper-middle income households to attract new business and industry.
- C. The implementation of the South of 92 Area Proposal will provide at least 50 acres of business park and 50 acres of light manufacturing, providing the opportunity to create a campus environment that will be different from any current development in Hayward. This type of development supports the policies in the Economic Development Element that focus on attracting new high tech, biotech, and other new and expanding industries to Hayward that have high quality, high wage jobs.
- D. The implementation of the South of 92 Area Proposal will result in several traffic improvements including substantial improvements at the intersection of Industrial Boulevard and Hesperian Boulevard and along Hesperian Boulevard, including the improvement of right turn and left turn movements at the Industrial/Hesperian intersection and, along Hesperian, addition of auxiliary turning lanes, restriping and the provision of medians which act alternatively as landscape features and left

turn pockets.

VII. **GENERAL PLAN AMENDMENTS.** Accordingly, based on the foregoing findings, the City Council hereby determines that it is in the public interest to approve the General Plan amendment contained in GPA 97-110-02, which is next described in more detail.

A. The changes to the Growth Management Element are as follows:

1. The text on Page 2 under Section II.A.2 is revised to read as follows:

"The Urban Limit Line in the shoreline area shall follow the General Policies Plan boundary between those areas designated as Open Space-Baylands and those areas designated for urban development (Residential, Commercial, Industrial, Public/Quasi-Public, Open Space-Parks and Recreation)."

2. The Open Space Framework map on Page 3 and the Shoreline Area map on Page 6 are revised to reflect the permanent location of the Urban Limit Line as proposed in the South of Route 92 Specific Plan and elimination of the provisional alignment originally adopted as part of the Growth Management Element on December 14, 1993.

B. The General Policies Plan is amended as follows:

1. The text on Page X-5 under Urban Limit Line is revised by deleting the last two sentences referring to effective dates of adoption.

2. The General Policies Plan Map is revised to reflect adoption of the permanent location of the Urban Limit Line as proposed in the South of Route 92 Specific Plan and elimination of the provisional alignment originally adopted as part of the Growth Management Element on December 14, 1993, and delete the fourth sentence describing the provisional adoption of the Urban Limit Line in the box immediately below the title of the Map.

3. The General Policies Plan Map is revised as depicted in Exhibit B to this Resolution to change the land use designations for portions of the South of Route 92 Specific Plan area as follows:

a. Oliver East (approximately 25 acres): from Industrial Corridor to Open Space-Parks and Recreation.

- b. Oliver East (approximately 3.5 acres): from Industrial Corridor to Retail and Office Commercial.
4. Revise the General Policies Plan Map in the manner generally depicted in Exhibit B to this resolution to change the land use designations for the following portions of the South of Route 92 Specific Plan area from Open Space-Baylands to a different land use designation, subject to the approval of the Hayward City electorate required by Ordinance No. 97-01.
- a. Oliver West (approximately 123 acres): from Open Space-Baylands to Low Density Residential.
 - b. Oliver West (approximately 7 acres): from Open Space-Baylands to Open Space-Parks and Recreation.
 - c. Weber (approximately 24 acres): from Open Space-Baylands to Industrial Corridor.

VIII. SPECIFIC PLAN AND DEVELOPMENT GUIDELINES . Based on the South of 92 Area Proposal's consistency with the General Plans amended by this Resolution and subject to the implementation of the mitigation measures set forth in the Mitigation Monitoring and Reporting Program, the City Council also approves and adopts the Specific Plan for the South of 92 Area titled "South of Route 92/Oliver & Weber Properties Specific Plan," and the Development Guidelines for the South of 92 Area, a copy of which are on file in the office of the City Clerk.

IX. ADMINISTRATIVE RECORD. A copy of the Program EIR, staff reports and communications to the Planning Commission and City Council are on file in the office of the City Clerk. In addition, other documents comprising the administrative record in this matter are on file in the office of the Community and Economic Development Department.

X. EFFECTIVE DATE. All policies approved by this Resolution shall take effect thirty days after this Resolution is adopted, except for the changes in the General Policies Plan Map designation for the Oliver West and Weber properties currently designated as Open Space-Baylands to another land use designation, which are described in subsection VII.B. 4 of this resolution. Similarly, the policies in the Specific Plan pertaining to the Oliver West and Weber properties, which are dependent on the change in land use designations applicable to such properties from Open Space-Baylands to another designation, shall not take effect if the voters fail to approve such changes.

XI. SEVERABILITY. If the voters fail to approve the change in land use designations applicable to the Oliver West and Weber properties, then the remaining portions of this Resolution are to be considered severable and to be valid and enforceable as to the Oliver East property.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

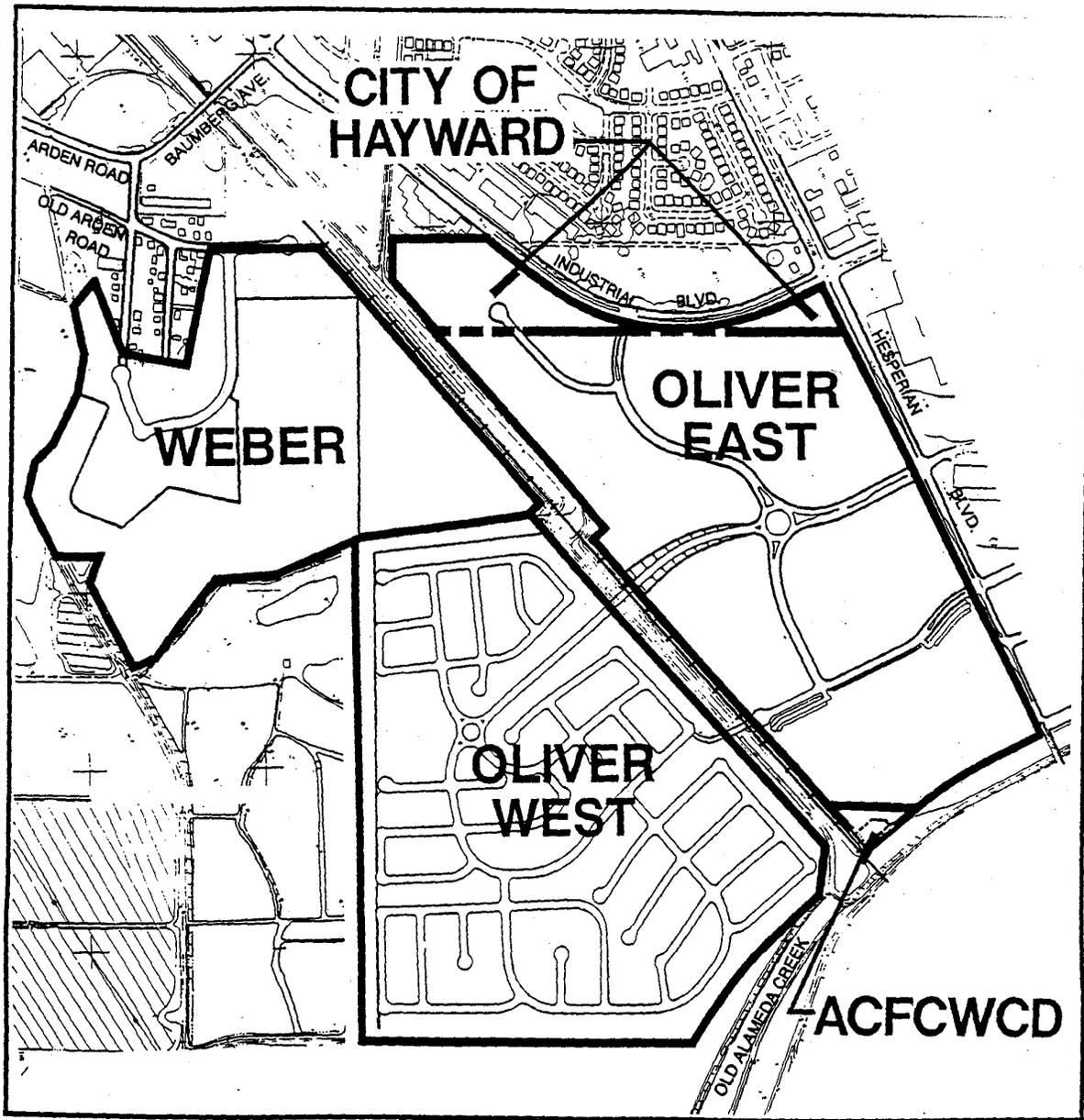
ABSENT:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward



SOUTH OF ROUTE 92 SPECIFIC PLAN

LAND OWNERSHIP

EXHIBIT A

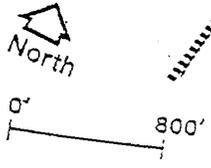
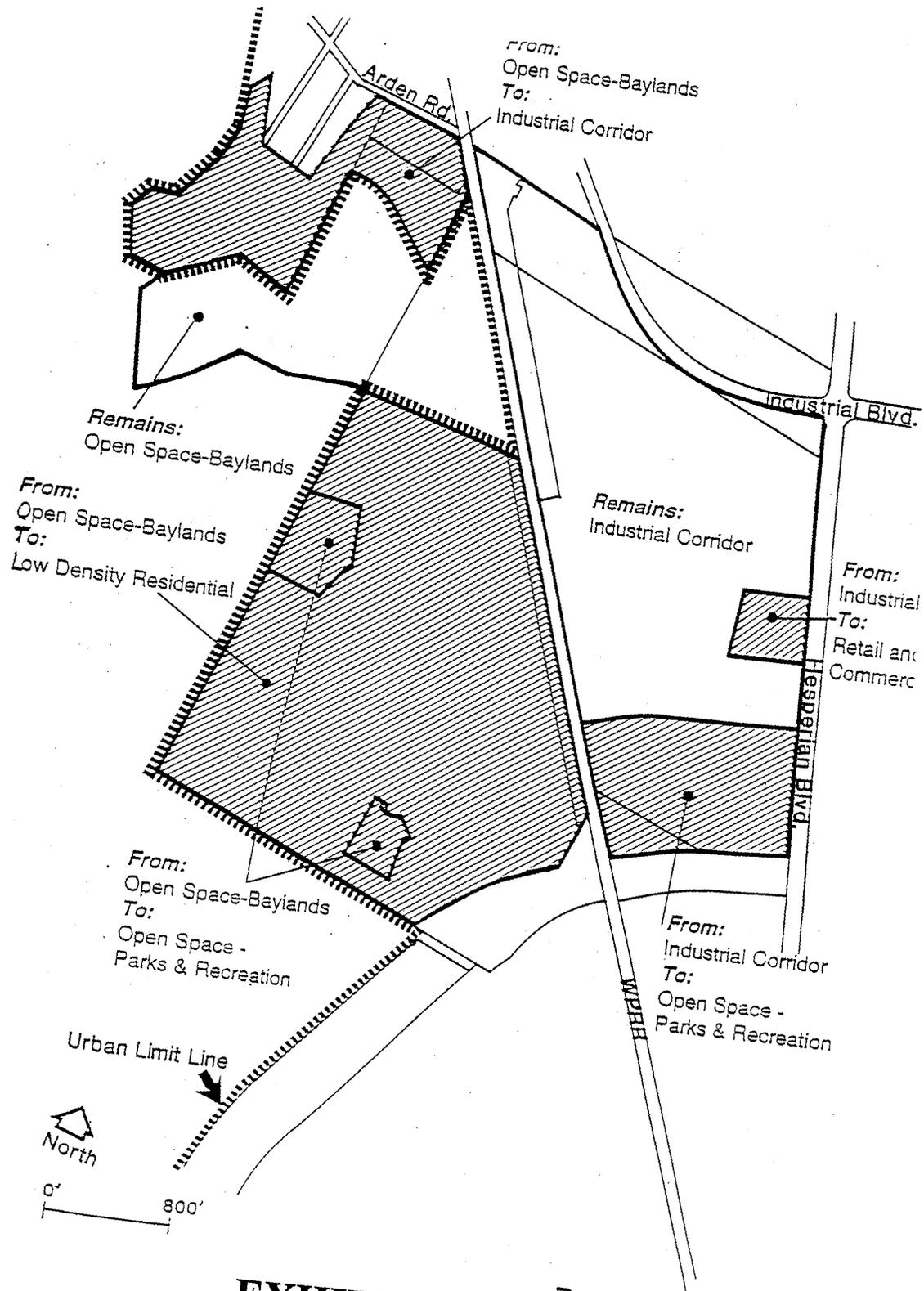
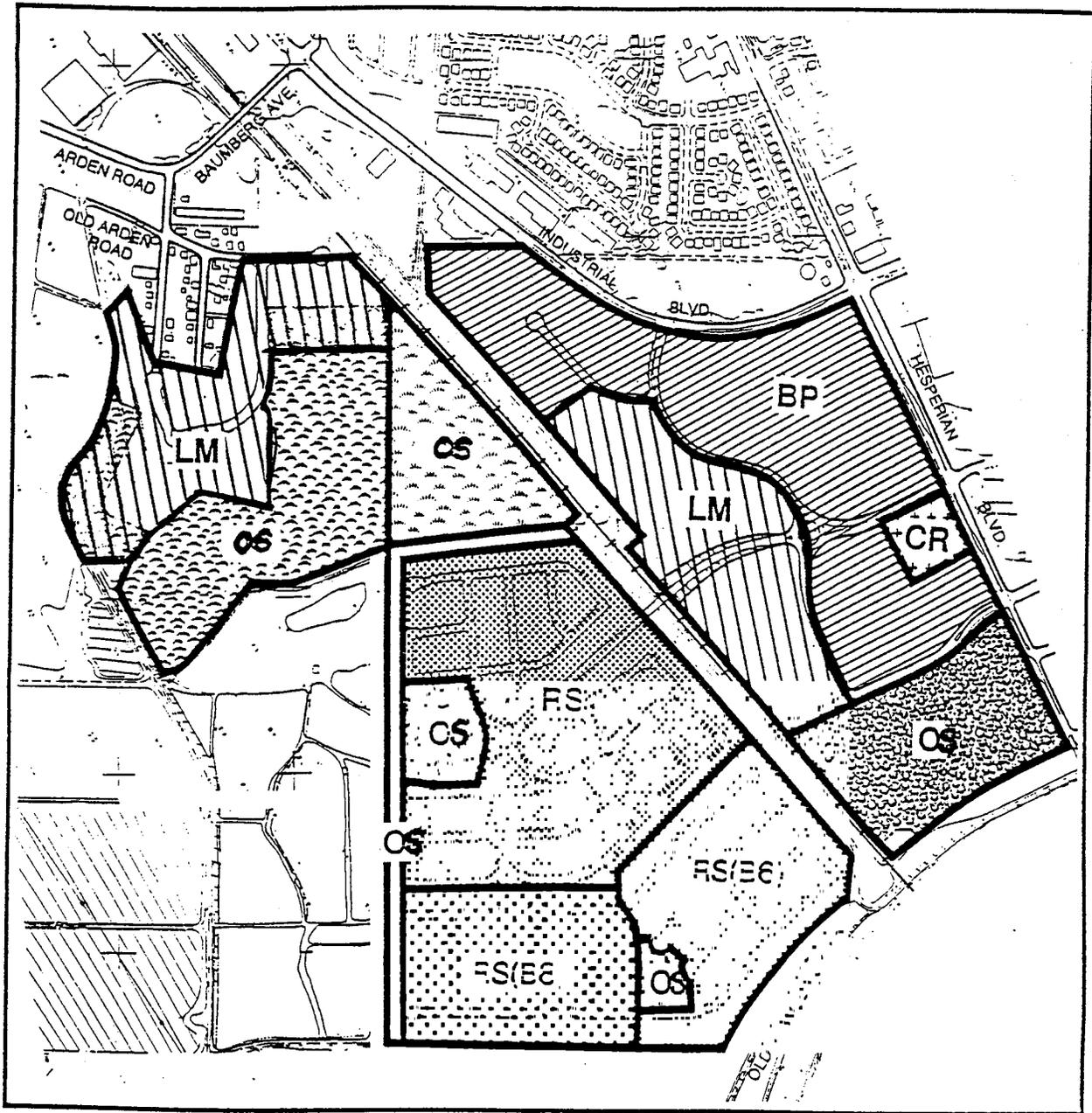


EXHIBIT B

Proposed Amendment
GENERAL POLICIES PLAN



LEGEND

 BP BUSINESS PARK	 RS(B6) RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS	 OS HABITAT
 LM LIGHT MANUFACTURING	 RS(B8) RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS	 OS OPEN SPACE - BUFFER ZONE
 CR COMMERCIAL/RETAIL	 OS OPEN SPACE - NEIGHBORHOOD PARKS	 OS WETLANDS
 RS RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS	 OS OPEN SPACE - SPORTS PARK	

SOUTH OF ROUTE 92 SPECIFIC PLAN

ZONING

ZC 98-190-03

EXHIBIT C