



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/14/99
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community & Economic Development

SUBJECT: Zone Change Application No. 99-120-01 - Bill Boyl, Greenberg Farrow Architecture, Representing The Home Depot (Applicant), City of Hayward (Owner) – Request a Zone Change to Construct a Home Improvement Retail Center with Garden Center - The Project Site is Adjacent to Hayward Executive Airport and Generally Bound by Hesperian Boulevard, Sueirro Street, Skywest Drive and West “A” Street

RECOMMENDATION:

The Planning Commission (4:3) and staff recommend that the City Council:

- 1) Adopt the Mitigated Negative Declaration;
- 2) Determine that the proposed structures and appurtenances do not create any hazard or interfere with aircraft landing or take-off; and
- 3) Approve the Planned Development District subject to the attached findings and conditions of approval.

BACKGROUND:

The proposal is a request for a change of zone from “AT-C” (Air Terminal Commercial) District to “PD” (Planned Development) District to accommodate construction of a 107,920-square-foot home improvement retail center with an accessory 23,928-square-foot garden center.

The site is part of a strip of land, along the westerly side of Hesperian Boulevard, designated as “Retail & Office Commercial” on the General Policies Plan Map. The property is zoned “Air Terminal-Commercial” (AT-C) District. This project conforms to the general plan designation but is not specifically listed as a permitted use in the AT-C zone, thus necessitating the change of zone to Planned Development District (PD). The PD District permits land uses permitted in any other district provided that such use complies with the General Policies Plan. The “Retail & Office Commercial” (ROC) designation indicates areas of the City where mixed retail and office uses are encouraged. The Home Depot proposes to lease the subject site from the City for 20 years; the lease agreement will be a separate action.

The Planning Commission, at their meeting of July 29, 1999, by a 4:3 vote, determined that this project is consistent with the General Policies Plan and recommended its approval. The dissenting Commissioners stated that this project, although serving a community need, is not appropriate for the proposed site.

Thirty-four members of the public spoke on this matter during the Planning Commission hearing. Ten persons spoke in favor of the project citing benefits in job creation and City revenues. Twenty-four persons spoke against the project citing concerns of added traffic on Hesperian Boulevard, decrease in quality of life, competition for smaller businesses, airport safety and the use of virgin wood products.

Land Use Compatibility

State and Federal agencies have determined that compatible land use planning for airport development can include non-aviation activities such as commercial shopping centers. This is especially so when these activities are located in a lateral position to the airfield. The centerline of the nearest runway is located approximately 1,400 feet laterally to the southwest. In 1966, recognizing the need to convert the subject property along Hesperian Boulevard into a more productive asset for the Airport, the Federal Aviation Administration (FAA) released the land for non-aviation use. Due to the project's location on Hesperian Boulevard and its proximity to the Hayward Executive Airport, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels.

The Executive Inn is located directly north of the primary loading docks. It has been determined that loading/unloading operations may be disruptive to the operations of the adjacent motel. In that regard, the property line between The Home Depot and Executive Inn was moved 35 feet to the south to provide a wider buffer between these two uses such that the buildings will be separated by a distance of 100 feet. An 8-foot-high masonry wall will be constructed on the property line, and the loading ramp will be depressed approximately 5 feet to further buffer any noise. Furthermore, a condition of approval restricts hours of operation for loading/unloading to the hours of 8:00a.m. and 8:00p.m. daily. A gate will be required within the rear driveway to prevent through traffic and other activities during unauthorized times.

The Home Depot has requested that loading/unloading operations be permitted as early as 6:00a.m. weekdays and Saturdays. In addition, The Home Depot is requesting to remain open for business as late as Midnight weekdays and Saturdays; a condition of approval requires closure at 10:00p.m. The proposed conditions of approval ensure that there will be a reasonable measure of quiet requested by the adjacent Executive Inn, St. Joachim's Church and the residential neighborhood. Expansion of the operating hours may noticeably increase noise levels during times of day that are ordinarily quiet.

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

Building Elevations & Site Design

The proposed structure is a concrete tilt-up building with minimal articulation except at the primary public entrance. The design of the building elevations, as submitted, is not consistent with the City of Hayward Design Guidelines. The guidelines require attention to the City's gateways and concern for projecting an image of quality development. This development is sited at the northerly end of the Hesperian Boulevard corridor and helps define that northern gateway. The proposed architecture fails to adequately address the need for high-quality development at such an important site.

Staff recommends that the building design be enhanced to meet the City's design requirements. An acceptable design would include the addition of roofed arcades to balance out the building entrances; designing the main entry to avoid a "false front" appearance when viewed from the sides; increasing the cornice band width to be more in proportion with the height and mass of the building; providing accent tiles, offsets, recesses, arcades and other decorative elements to the long expanses of wall; adding bases to all columns; and hiding downspouts within vertical elements/columns that "pop out" from the wall. The garden center perimeter needs to incorporate a significant architectural element that is consistent with the remainder of the building; chain-link fencing is not an appropriate architectural solution and should not be visible from the street frontages. The outdoor display along the front of the store will be limited to areas designated as such on the plans and designed as an integral part of the building; these areas will be under the arcades and out of the travel lanes. Staff recommends that, should this project be approved, conditions of approval be included to require a significant architectural redesign of the building. Staff has developed a design concept, Exhibit F, which is illustrative of an acceptable design for the proposed project; it is possible that a number of design solutions could meet the intent of the City's design requirements. Also attached are several examples how The Home Depot has responded to local community conditions and requirements in other locations.

Parking and Circulation

Although the project requires 444 parking spaces, 557 parking spaces are proposed, including twelve spaces for persons with disabilities. Thirty-nine (39) parking spaces will not be available during times of seasonal sales, such as that for Christmas trees. The parking lot will be accessed primarily from the existing section of Sueirro Street between Hesperian Boulevard and Skywest Drive by a 30-foot-wide driveway that will span the realigned Sulphur Creek.

There are two secondary driveways on Skywest Drive. The most northerly one provides for ingress and egress for truck traffic. The other driveway provides access to the travelway running along the front of the store. Trucks will not be allowed to enter from Hesperian Boulevard; they

will be required to use the driveway from Skywest Drive. Smaller trucks will be able to turn around within the delivery area and also exit onto Skywest Drive. Larger trucks will exit onto Hesperian Boulevard, but most will turn right again onto Sueirro Street and Skywest Drive so that they can access I-880 via West A Street.

There are also two secondary driveways on Hesperian Boulevard. The most northerly one, adjacent to Executive Inn, provides for exiting truck traffic only. The other driveway provides access to the travelway running along the front of the store; this driveway will provide right-turn-in and right-turn-out movements only. The need for the secondary driveways on Hesperian Boulevard has been questioned because of the concern regarding traffic on that street. In response, the Planning Commission recommended that the two driveways directly accessing Hesperian Boulevard be closed. However, there is insufficient turning radius to allow the larger trucks to turn around to exit onto Skywest Drive. The trucks will be forced to travel through the parking area and there will be the potential for auto-truck conflicts. Passenger vehicles attempting to exit onto Skywest Drive may also be subject to delays while waiting for trucks to negotiate turns onto Skywest Drive. Such trucks will likely also block the parking aisles, which will inhibit vehicle circulation.

Closing the more southerly driveway on Hesperian Boulevard is less problematic, but will unnecessarily restrict and inhibit circulation. Right-turning vehicles from Home Depot onto Hesperian Boulevard will have virtually no impact on Hesperian Boulevard.

Staff recommends that the driveways on Hesperian Boulevard remain open. The driveways can be physically modified to force right turns only. Furthermore, the median in Hesperian Boulevard prohibits the ability to make left turns. Closure of these driveways would also ultimately create congestion on Sueirro Street. With the required street and intersection improvements, this project will not significantly impact the traffic flow on Hesperian Boulevard and, therefore, there is no reason not to allow the secondary driveways.

Traffic

The Traffic & Circulation Study looked at the addition of the traffic generated by the project at the intersections of West "A" Street/Hesperian Boulevard and West Winton Avenue/Hesperian Boulevard. The study determined that at both intersections there would be a few seconds increase in the delay, but that the peak hour levels of service would not drop.

The unsignalized intersection at Hesperian Boulevard/Sueirro Street experiences long delays for the southbound left-turn and on the eastbound and westbound approaches due to the traffic volume on Hesperian Boulevard. Since the project is adding a significant amount of traffic to this intersection, it will be signalized as a part of the project. This signal will also provide for protected pedestrian movements across Hesperian Boulevard.

While not directly related to the traffic generated by the project, the traffic study also analyzed the effect of a second signal for improved access to the Longwood-Winton Grove neighborhood at

either Marin Avenue or Longwood Avenue. Both were found to not impact traffic signal coordination on Hesperian Boulevard. Staff will conduct neighborhood meetings during Fall 1999 to address this separate signalized access issue.

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

PUBLIC INPUT

Approximately 221 letters have been received regarding this project: 152 express support; 69 express opposition. In addition, St. Joachim's Parish submitted a petition in opposition signed by 540 members (70% Hayward residents). Skywest Townhome owners submitted a petition in opposition with 103 signatures. The Home Depot submitted 1,209 cards and letters it collected in support of the project.

CONCLUSION

The Home Depot says that it can better serve the Hayward/Castro Valley market by locating a store in Hayward. The Home Depot considers the stores in Union City and San Leandro to be overcrowded. The Home Depot analyzed a number of alternative sites in Hayward, but could not secure a more suitable location. The Home Depot believes this site provides the best separation from its other stores and is a good location from which to serve the Hayward/Castro Valley market.

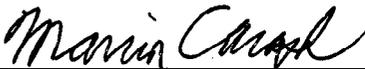
The Home Depot will provide a retail/service option not currently provided in the City of Hayward. The proposed development is consistent with the City's long-term plan that designates this site for Retail & Office Commercial uses and its zoning regulations. With the proposed conditions of approval, the Planning Commission and staff recommend that the City Council approve this project.

Prepared by:



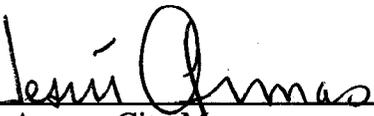
Richard E. Patenaude
Associate Planner

Recommended by:

for 

Sylvia Ehrenthal
Director of Community & Economic Development

Approved by:

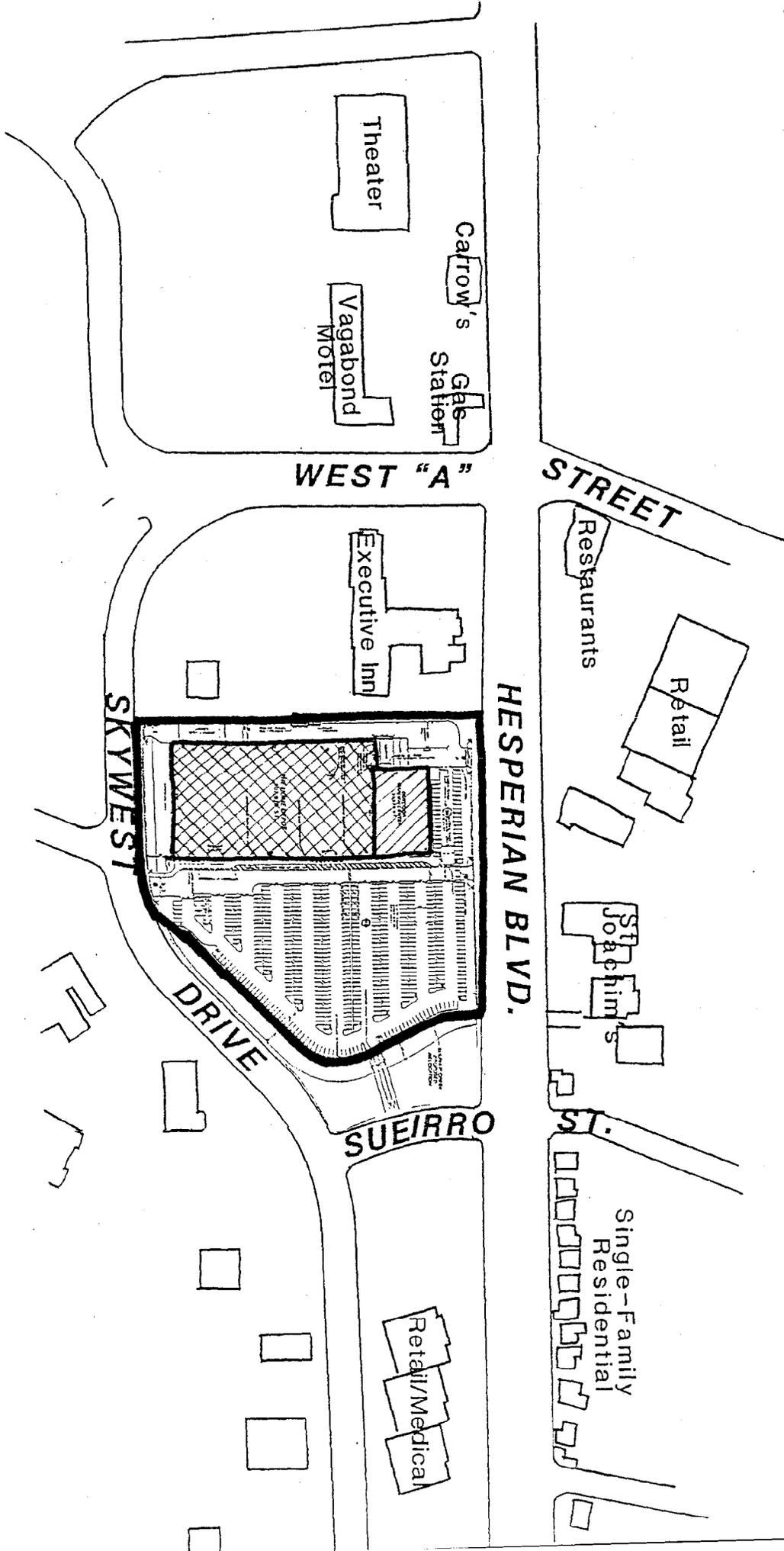


Jesús Armas, City Manager

Attachments: Exhibit A - Area Map
Exhibit B - Findings for Approval
Exhibit C - Conditions of Approval
Exhibit D - Mitigated Negative Declaration/Mitigation Monitoring Plan
Exhibit E - Draft P.C. Minutes/Agenda Report dated 7/29/99
Exhibit F - Illustrative Staff Elevations
Plans and Elevations
Public Comments
Draft Resolution

9.10.99

EXHIBIT A



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

Based on the staff report and the public hearing record:

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

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

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

Planning Division

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

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

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

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

remain closed between 8:00 p.m. and 8:00 a.m. The design and location of the gate shall be submitted as part of the Precise Plan for review and approval by the Planning Director.

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

Design

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

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

Landscaping

22. As part of the Precise Plan, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
- a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls. The minimum dimension of any new tree well or landscape median shall be five feet, measured from back of curb.
 - b. Parking areas shall be buffered from the street with shrubs. Where shrubs are used for buffering, their type and spacing shall create a continuous 30-inch high screen within two years. In compliance with this condition, additional shrubs will be required along Hesperian Boulevard and Skywest Drive. Berms and garden walls may be required along Hesperian Boulevard to screen the loading dock from view of the street.
 - c. A landscape planter(s) shall be placed along the easterly side of the garden center to soften the edge of the building. If desired, the planter(s) may be raised above the parking lot grade within a decorative pre-cast concrete container(s) or other approved structure(s). The planter size shall be appropriate for the type of plants contained in the structure(s). Vines supported on a decorative metal trellis would be an acceptable alternative where the planter width (inside) could be reduced to a minimum of 12 inches.
 - d. Vines shall be planted every 5 feet on the west building façade or on a decorative trellis along the wall.
 - e. A vine and shrub pocket planter shall be located at the base of each decorative column fronting the building. Planters shall incorporate a temporary decorative barrier to protect plant materials from pedestrian traffic and shopping carts until plants have matured.
 - f. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
 - g. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
 - h. Landscaping contiguous with Sulphur Creek shall provide a compatible transition zone between the site and wetland vegetation.
 - i. Sulphur Creek shall be vegetated as recommended in the wetland mitigation plan. Temporary drip irrigation shall be provided as necessary for plant establishment.
 - j. A 6-foot-high decorative wrought-iron fence shall be provided between the parking lot and Sulphur Creek. Landscaping materials shall be installed along the northerly side of the fence that will provide a dense screen at least three feet high when mature. Until maturity is achieved, a temporary 3-foot-high screen shall be placed along the base of the fence to stem the flow of litter and debris from the parking lot; the Planning Director shall approve such screen.

- k. Existing sycamore street trees along Hesperian Boulevard shall be preserved. Tree preservation measures shall be included on the site and grading plans and trees shall be protected at all times during construction. A tree preservation bond, or other surety equal in value to the cost of tree replacement shall be provided prior to commencing construction activities. A tree removal permit shall be required prior to the removal of any trees on site.
 - l. Street trees, low shrubs and groundcover shall be planted within the 10-foot public right-of-way along Sueirro Street and Skywest Drive and on both sides of the entry road from the site. Trees shall be minimum 24-inch box planted 40 feet apart according to City Standard Detail SD-110.
 - m. Evergreen trees shall be planted every 20 feet along the northwest property line. Trees shall be minimum 24-inch box.
 - n. An 8-foot decorative masonry or pre-cast wall shall be constructed along the northerly property line. The wall shall be finished on both sides and include detailed pilasters with column and wall caps. Wall details shall be approved by the Planning Director. The wall shall be landscaped on both sides with shrubs and evergreen vines. Vines shall be spaced 5 feet apart.
 - o. The bridge over Sulphur Creek shall include decorative detailing and finishes, including the pavement, as approved by the Planning Director.
23. Landscaping shall be installed per the Precise Plan and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
24. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

Parking/Driveways

25. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking areas shall be paved with either Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls. As part of the Precise Plan, the Planning Director shall approve the design of the driveway, curbing and materials to be used. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
26. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls and pick-up areas.

27. Decorative pavement, subject to approval by the Planning Director, shall be located at the "customer pick-up lane."
28. The driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as colored, stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized.

Building Division

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

31. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items:
- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
 - c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
 - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
 - e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
 - f. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
 - g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
32. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2).
33. Water Pollution Source Control requirements shall include but not be limited to the following:
- a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
 - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.

- c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
- d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute stormwater runoff.
- e. All discharges and connections shall require approval from Water Pollution Source Control.

Utilities

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

Public Safety

45. The plans shall be submitted for proper building permits and fire permits. At that time, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials on storage racking, lumber storage, high pile storage issues, etc.
46. The building will have an automatic fire sprinkler system installed. The fire sprinkler system shall be designed per NFPA 13, 24 and 231-C. Fire extinguishers are also required throughout the building.
47. The applicant shall provide a chemical inventory list to the fire department for review. Plans also show an emergency generator (propane fueled) on the north side of the building. The propane tank shall be submitted to the fire department for review and approval.
48. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
 - a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building".
 - b. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius.
 - c. The trash enclosure shall be of a non-combustible construction.
 - d. Fire lanes shall be identified with red curbing and signage.
49. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.
50. Any public telephone(s) shall be located within the interior of the building, unless otherwise authorized by the Planning Director. Any public telephone allowed to be installed on the exterior of the building shall be limited to out-going calls only and shall be located near the store entry.

Solid Waste

51. The plans indicate the location of a proposed 42-cy trash compactor for The Home Depot. However, the plans must also indicate whether it will be used to store refuse or recyclables. The Home Depot shall participate in the City's recycling program. The applicant shall clearly indicate on the Precise Plan the proposed location and dimensions of each enclosure, indicating whether the trash and recyclables will be compacted. The applicant must also indicate the number and type of refuse and recycling containers that will be used. The space and available capacity provided for the storage of trash must be the same size as that provided for recyclables. The procedure that must be followed regarding sorting and collection of recyclables is provided for in Section 3.2.02 of the Franchise Agreement.

52. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 foot long, should also be placed between the refuse dumpster(s) and the recycling containers.
53. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.
54. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
55. The applicant must ensure that there is adequate space for a garbage truck to service each dumpster. A 40-foot turning radius is adequate for garbage trucks.
56. If the applicant intends to use a compactor that is not rented from the garbage company, then the applicant must ensure that the compactor can be pulled by the garbage company's trucks, since some compactors require special roll-off trucks for pick up and return.
57. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
 - a. Show the anticipated start and completion dates of the project.
 - b. Estimate the quantities of construction and demolition waste that will be generated by the project.
 - c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.
58. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
59. The applicant shall to provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
60. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be landfilled.

Engineering/Transportation Division

61. A traffic signal at Hesperian Boulevard and Sueirro Street shall be designed and installed as part of the project. The signal design shall be subject to approval by the City Engineer and shall be operational prior to the opening of the store to the public.
62. The applicant shall complete the frontage improvements to include 10-foot-wide sidewalks on Hesperian Boulevard and Skywest Drive from the northerly property line to Sueirro Street. Frontage improvements include streetlights as required by the City Engineer. The applicant shall be responsible for installing crosswalks at driveway entrances.
63. The applicant shall provide a deceleration (right-turn) lane on southbound Hesperian Boulevard to Sueirro Street. The deceleration lane should be approximately 150 feet long and the design shall be subject to approval by the City Engineer. The applicant shall be responsible for restriping Sueirro Street as shown on the site plan.
64. The applicant shall provide appropriate signage at project entrances and exits. Signage shall meet CalTrans standards. In addition to the signs illustrated on the site plan, the applicant shall install a "Right Turn Only" sign at the exit of the northerly driveway on Hesperian Boulevard. Also, there shall be a "No Right Turn" sign on southbound Hesperian Boulevard before that same driveway. The applicant shall post "No Stopping Any Time" signs along the adjoining street frontages.
65. The curb return radii on Skywest Drive and Sueirro Street shall be 30 feet. The curb returns for the main driveway on Hesperian Boulevard shall meet the City's driveway standard for arterial streets with a four-foot offset (SD 110, Sheet 2 of 2).
66. The project is subject to the issuance of a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a California Department of Fish & Game Stream Alteration Agreement for the realignment of Sulphur Creek. This project is subject to, and shall comply with, all requirements and conditions of these permits, certifications and agreements. Any modification to this planned development district, and its conditions of approval, due to compliance with these permits, certifications and agreements shall require review and approval by the Planning Director.
67. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.



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

INITIAL STUDY CHECKLIST FORM

Project title: **Planned Development 99-120-01, Greenberg Farrow Architecture (Applicant) / City of Hayward (Owner) – Request for a change of zone from “AT-C” (Air Terminal-Commercial) District to “PD” (Planned Development) District to accommodate construction of a 107,920-sqaure-foot home improvement warehouse/retail center (Home Depot) with an accessory 23,928-square-foot garden center.**

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

Contact persons and phone numbers: Richard E. Patenaude, Associate Planner – (510) 583-4213

Project location: The project site is adjacent to Hayward Executive Airport and generally bound by Hesperian Blvd., Sueirro St., Skywest Dr. and West “A” Street, in the northwesterly portion of the City of Hayward, California.

Project sponsor’s name and address: Bill Boyl, Greenberg Farrow Architecture, 1900 Embarcadero, Ste. 301, Oakland, CA 94606

General Plan: Retail & Office Commercial

Zoning: Air Terminal-Commercial (AT-C)

Description of project: Change of zone from “AT-C” (Air Terminal-Commercial) District to “PD” (Planned Development) District to accommodate construction of a 107,920-sqaure-foot home improvement warehouse/retail center (Home Depot) with an accessory 23,928-square-foot garden center on 15.1 acres. Primary access would be off the existing portion of Sueirro Street between Hesperian Boulevard and Skywest Drive; secondary access would be from driveways directly off Hesperian Boulevard and Skywest Drive. Hesperian Boulevard would be signalized at Sueirro Street. A total of 539 parking stalls, including 12 handicapped stalls, are proposed. The proposal also includes the realignment of the existing Sulphur Creek channel.

Surrounding land uses and setting:
 North: Executive Inn, and vacant parcel
 South: Vacant parcel
 East: Retail center; St. Joachim’s Catholic Church; and single-family residences (across Hesperian Blvd.)
 West: Hayward Executive Airport (across Skywest Dr.)

Other public agencies whose approval is required: U.S. Army Corps of Engineers; Regional Water Quality Control Board; and California Department of Fish & Game

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Land Use and Planning | <input checked="" type="checkbox"/> Transportation/Circulation | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population and Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input checked="" type="checkbox"/> Geological Problems | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input checked="" type="checkbox"/> Water | <input type="checkbox"/> Hazards | <input type="checkbox"/> Cultural Resources |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Mandatory Findings
Of Significance | | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

Richard E. Patenaude

Printed name

June 29, 1999

Date

City of Hayward

ENVIRONMENTAL IMPACTS:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
I. LAND USE AND PLANNING. <i>Would the proposal:</i>				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Comment: The site is designated on the General Policies Plan Map as Retail & Office Commercial. The property is zoned (AT-C) Air Terminal - Commercial. This project conforms to the general plan designation but is not specifically listed as a permitted use in the AT-C zone, thus necessitating the change of zone to (PD) Planned Development District (HZC Section 10-1.460). The PD District permits land uses permitted in any other district provided that such use complies with the General Plan.</i>				
b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>Comment: See comment under I. a). The project provides setbacks and a property line wall to protect the adjacent hotel from impacts caused by loading/unloading operations. The project provides a signalized intersection at Hesperian Boulevard and Sueirro Street. It has been determined that commercial shopping centers may be compatible on lands in a lateral position to the airfield.</i>				
<i>Impact: Loading/unloading operations may be disruptive to the operations of the adjacent motel.</i>				
<i>Mitigation: Hours of operation for loading/unloading shall be restricted to non-nighttime/early morning hours.</i>				
<i>Monitoring: Condition of Approval</i>				
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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II. POPULATION AND HOUSING. *Would the proposal:*

- a) Cumulatively exceed official regional or local population projections?

Comment: The project site is currently vacant. The proposed land use is consistent with those anticipated in the general plan. Development of the proposed project would not affect population projections, induce substantial growth or displace existing housing.

- b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

- c) Displace existing housing, especially affordable housing?

III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- a) Fault rupture?

Comment: The project site is not located within a "State of California Earthquake Fault Zone". The site is located approximately 1.9 miles from the Hayward fault system.

It is likely that the site will be subjected to a major earthquake during the life of the proposed structure. No active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site; however, ground-shaking may be violent.

- b) Seismic ground shaking?

Comment: See comments under III. a.

*Impacts: The subject site is in an area shown in ABAG's report **On Shaky Ground** as having an anticipated Modified Mercalli Shaking Intensity of IX (Violent) for a 7.0 quake on the southern segment of the Hayward Fault. The proposed project will be required to be built to the most recent Uniform Building Code regulations.*

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Mitigation Measures:

- The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
- New construction is required to comply with the Uniform Building Code (UBC) standards, portions of which are dedicated to minimizing seismic risk.

Monitoring:

Implementation of these mitigation measures will reduce geotechnical impacts to a level of insignificance. The mitigation measures are required prior to approval of a building permit.

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| c) Seismic ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: See comments under III. a.

Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is possible but not likely at this site. This impact is considered less than significant.

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| d) Seiche, tsunami, or volcanic hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Landslides or mudflows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Erosion, changes in topography or unstable soil Conditions from excavation, grading, or fill? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: See comments under III. a. The proposed construction of a home improvement warehouse/retail center and associated parking lot will increase the amount of impervious surface area on-site. The site will be constructed to finished grades that will be above the existing ground surface elevations and will require fill material from an approved offsite source. Due to the fact that the site is relatively flat with existing drainage and the developed nature of the surrounding environment, site soil modifications are not expected to result in potentially significant impacts.

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| g) Subsidence of land? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comment: See comments under III. a.

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| h) Expansive soils? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: See comments under III. a.

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| i) Unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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IV. WATER. *Would the proposal result in:*

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| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
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Comment: The project site is currently vacant and contains a portion of Sulphur Creek that currently flows through an open earth channel. The channel has a trapezoidal configuration with a bottom width that ranges from 5 to 10 feet, and side slopes that range from 2:1 to 3:1. The existing channel is approximately 730 feet long and 5 feet deep. The existing channel top is approximately 30 feet. Sulphur Creek is densely vegetated except for concrete-lined sections of the channel that provide erosion protection at the outlet to the reinforced-concrete pipes beneath Hesperian Boulevard and the inlet to the reinforced-concrete pipe beneath Skywest Drive. Approximately 430 feet downstream of the site, Sulphur Creek flows through four 48-inch-diameter culverts beneath a taxiway within the Hayward Executive Airport. Sulphur Creek continues in a downstream direction through engineered channels across the Airport and ultimately discharges into San Francisco Bay. The upstream direction is also an engineered concrete-lined channel for over a mile in distance.

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

Impacts

Development of the proposed project will increase the amount of impervious services on-site over existing conditions. The proposed building footprint and associated parking lot will cover nearly 85% of the site

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potentially Significant</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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with impervious surfaces; the remainder will be pervious landscaping area.

These are potentially significant impacts.

Mitigation Measures

- *A storm drainage plan, showing the proposed layout, length, size and inverts between catch basins, shall be submitted to the City Engineer for review and approval prior to issuance of any grading permits.*
- *Structural control shall be installed to inlets, to treat surface runoff prior to discharging into the storm drainage system. This shall be accomplished to the satisfaction of the City Engineer prior to issuance of an occupancy permit.*
- *The City of Hayward shall obtain a Department of the Army Individual Permit, a Section 401 Water Quality Certification, and a Stream Alteration Agreement.*
- *Any stream flow present within Sulphur Creek during construction will be diverted around construction activities using an instream cofferdam and flexible piping, or other suitable means of stream flow diversion as described in the California Department of Fish & Game Streambed Alteration Agreement.*

Implementation of these mitigation measures will reduce water impacts to a level of insignificance.

Monitoring: Conditions of Approval

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| b) Exposure of people or property to water related hazards such as flooding? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: See comment under IV. a. The majority of the site is located within Flood Zone C (areas of minimal flooding). The southeast corner of the site is located within Zone B (areas between limits of the 100- and 500-year flood; or areas subject to 100-year flooding with average depths less than one foot).

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| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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| d) Changes in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

V. AIR QUALITY. *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comments: Traffic signal management efforts will facilitate traffic flow on-site and along the Hesperian Boulevard corridor. This will help to minimize air quality impacts from vehicles. In addition, the project will provide local hardware options for which nearby populations travel to neighboring communities to obtain.

Impacts: Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.

Mitigation Measure

- In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.*

Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Monitoring: Condition of Approval

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| b) Expose sensitive receptors to pollutants? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: See comment under V. a.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Alter air movement, moisture, or temperature, or cause any change in climate? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
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- | | | | | |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Create objectionable odors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

VI. TRANSPORTATION/CIRCULATION. Would the proposal result in:

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Increased vehicle trips or traffic congestion? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Comments: The Revised Traffic & Circulation Study, dated June 25, 1999, was prepared for The Home Depot project by Associated Transportation Engineers. The Hesperian Boulevard/West A Street intersection currently operates at LOS D during the A.M. peak hour and LOS C during the P.M. peak hour. The Hesperian Boulevard/West Winton Avenue intersection operates at LOS F during the A.M. peak hour and LOS D during the P.M. peak hour. The unsignalized intersection at Hesperian Boulevard/Sueirro Street experiences long delays for the southbound left-turn and on the eastbound and westbound approaches due to the traffic volume on Hesperian Boulevard. The intersection operation based upon average vehicle delay is LOF F due to these movements.

On the project site plan, there are two driveways onto Hesperian Boulevard. The northerly driveway will be for exiting only while the southerly driveway would allow access to and from the Home Depot parking lot for southbound Hesperian Boulevard traffic. There is also a truck access driveway off Skywest Drive. The main driveway onto Sueirro Street will provide northbound traffic access onto and off of Hesperian Boulevard. A future driveway on Sueirro Street, west of Hesperian Boulevard and opposite the Home Depot driveway, can provide access to the vacant property on the south side of Sueirro Street.

Impacts: The project is expected to generate 3,777 ADT, 159 A.M. peak hour and 309 P.M. peak hour trips, some of which will be "primary" trips and some (about 10%) "pass-by" trips. The project analysis determined levels

	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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of service within the Hesperian Boulevard corridor between West A Street and West Winton Avenue based upon two alternatives. One alternative is a traffic signal at the "tee" intersection of Hesperian Boulevard/Marin Avenue and an unsignalized intersection at Hesperian Boulevard/Longwood Avenue/Skywest Drive. A second alternative is a traffic signal at Hesperian Boulevard/Longwood Avenue/Skywest Drive with no connection to Hesperian Boulevard at Marin Avenue. The traffic signals for either alternative are fairly-well spaced to allow for traffic signal timing coordination to facilitate traffic flow on Hesperian Boulevard. The operation of signals from West A Street to south of Longwood Avenue is forecast to operate at an acceptable level of service with the operation of the signal at West Winton Avenue being unacceptable due to existing traffic.

The project traffic on the Sueirro Street eastbound approach at Hesperian Boulevard will experience increased delay. Therefore, as part of the project, the Hesperian Boulevard/Sueirro Street intersection will be signalized. This will reduce the minor movement delays and provide an intersection operation of LOS B.

The first alternative provides for LOS B at Sueirro Street, LOS A at Marin Avenue and LOS F at Longwood Avenue/Skywest Drive due to the delays experienced by the minor movements. The second alternative provides for LOS B at Sueirro Street and LOS A at Longwood Avenue/Skywest Drive. The frontage road connection at Marin Avenue would operate at LOS A. The Home Depot project will improve the ingress/egress for the Longwood-Winton Grove neighborhood by the installation of the traffic signal at Sueirro Street. The Home Depot project would not significantly impact the access and circulation in the Longwood-Winton Grove neighborhood with respect to providing other signals along Hesperian Boulevard.

Mitigations:

- *Install a traffic signal at the Hesperian Boulevard/Sueirro Street intersection.*
- *Construct access to Sueirro Street, Hesperian Boulevard and Skywest Drive as shown on the site plan.*

Implementation of these measures will reduce potentially significant impacts to a level of insignificance.

Monitoring: Conditions of Approval.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Comment: The City of Hayward Parking Ordinance requires this project to provide 444 parking spaces. The project is providing 539 parking spaces.</i>				
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Comment: The project site is a vacant parcel covered with grasses and several trees. The northwest corner of the site contains a paved road that was a former driveway and taxiway to the property immediately to the north of the site. The site contains three concrete foundations near the northwest corner, two concrete pads south of and adjacent to Sulphur Creek, and a round concrete pad near the western edge. A sewage pump station is located in the center of the site immediately to the north of Sulphur Creek.

Sulphur Creek. The project site contains a portion of Sulphur Creek that currently flows through an open channel. The channel has a trapezoidal configuration with a bottom width that ranges from 5 to 10 feet, and side slopes that range from 2:1 to 3:1. The existing channel across the site is approximately 730 feet long and 5 feet deep. The existing channel top is approximately 30 feet. Sulphur Creek is densely vegetated except for

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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concrete-lined sections of the channel that provide erosion protection at the outlet to the reinforced-concrete box beneath Hesperian Boulevard and the inlet to the reinforced-concrete pipes beneath Skywest Drive. Approximately 430 feet downstream of the site, Sulphur Creek flows through four 48-inch-diameter culverts beneath a taxiway within the Hayward Executive Airport. Sulphur Creek continues in a downstream direction through channelized reaches across the Airport and ultimately discharges into San Francisco Bay.

The dominant species in the channel include bermuda grass (*Cynodon dactylon*), cattail (*Typha latifolis*) and umbrella sedge (*Cyperus eragrostis*).

The area of Army Corps of Engineers jurisdiction in the channel that includes waters of the United States and wetlands is 0.3 acre with an average width of 21 feet across the project site.

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

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

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

Burrowing Owl. Staff conducted a daytime survey for the

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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burrowing owl at the project site on June 7, 1997. No burrowing owls, nor any evidence of occupation, were observed.

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

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

A restoration specialist will assist in the preparation of detailed planting plans and will oversee implementation of the plan. As-built planting plans will be prepared immediately following plant installation in order to track the success of the plantings over the monitoring period. The channel will be monitored annually for a period of three years following implementation. Annual monitoring reports will be prepared for the City of Hayward and will be submitted to the resource agencies requesting the information. The annual monitoring reports will assess the plant survivability and percent cover of the installed plantings. Also, the overall habitat functions and values will be evaluated. If the target goals for the plantings are not achieved at the end of three years, additional plantings may be required. If engineered components are not functioning properly or overall habitat values are declining, contingency plans may be recommended. Contingency plans for any modification to the mitigation area will be submitted to the resource agencies for approval prior to implementation.

For the emergent wetland and wetland fringe areas, an overall cover of 75% will measure success. The willow stakes will be monitored based on 50% areal cover of the total area planted. The goal for container plant materials

will be 80% survivability with a good-excellent vigor rating.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Locally designated species (e.g., heritage trees)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Wetland habitat (e.g., marsh, riparian, and vernal pool)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments/Impacts/Mitigation/Monitoring: See I.a. above.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| e) Wildlife dispersal or migration corridors? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

VIII. ENERGY AND MINERAL RESOURCES.

Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Conflict with adopted energy conservation plans? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Comment: Construction would be designed and performed according to applicable codes. Therefore, there would be no conflict with adopted energy conservation plans and no inefficient or wasteful use of nonrenewable resources. There are no known mineral resources on the site.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Use nonrenewable resources in a wasteful and inefficient manner? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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Comment: See comment under VIII. a.

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|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

IX. HAZARDS. *Would the proposal involve:*

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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to, oil, pesticides, chemicals or radiation)?

Comments: A Phase I environmental site assessment (ENVIRON, 1998. Phase I Environmental Site Assessment, Northeast corner of the Intersection of Skywest Drive and Sueirro Street, Hayward, California), and a Phase II preliminary subsurface investigation (ENVIRON, 1998 Final Report of Findings of Preliminary Subsurface Investigation, Northeast corner of the Intersection of Skywest Drive and Sueirro Street, Hayward, California) were conducted on the site. An underground metallic object was detected approximately 300 feet to the north of Sulphur Creek during the Phase I investigation. Soil gas, soil and groundwater samples were obtained from 17 borings across the site near the underground metallic object and the existing concrete foundations. Soil samples from four of the borings surrounding the underground metallic object contained total petroleum hydrocarbons as diesel (TPHd) that ranged from 31 to 155 milligrams per kilogram. These reported concentrations do not warrant remediation. Existing tanks will be removed.

Impacts: The Home Depot provides for sale materials which may be classified as carcinogens, combustible and flammable liquids, flammable solids, irritants, oxidizers, pesticides, toxic and/or water-reactive. Such materials have the potential of being released to the surrounding area in the event of a hazard. A Hazardous Materials Classification Report has been submitted to the Fire Department.

Mitigation Measure: The Fire Department shall require appropriate conditions of approval such that any release of hazardous materials will be kept to an acceptable level of risk.

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. NOISE. *Would the proposal result in:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Exposure of people to severe noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Comment: Due to the project's location on Hesperian Boulevard and in proximity to the Hayward Executive Airport, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels.

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, maintenance of public facilities, including roads, and in other government services. Because the proposed project is a retail store it would have no effect on schools.

b) Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See comment under XI. a.

c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See comment under XI. a.

d) Maintenance of public facilities, including roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See comment under XI. a.

e) Other government services?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: See comment under XI. a.

XII. UTILITIES AND SERVICE SYSTEMS. *Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?*

- a) Power or natural gas?

Comment: The proposed project would not result in a need for new systems or supplies, or substantial alterations to utilities including, power or natural gas, communications systems, sewer or septic tanks, solid waste disposal, or local or regional water supplies. At the present time there is existing power, drainage, and telephone services adjacent to the site.

- b) Communications systems?

Comment: See comment under XII. a.

- c) Local or regional water treatment or distribution facilities?

Comment: See comment under XII. a.

- d) Sewer or septic tanks?

Comment: See comment under XII. a.

- e) Storm water drainage?

Comment: See VI. Biological Resources

- f) Solid waste disposal?

Comment: See comment under XII. a.

- g) Local or regional water supplies?

Comment: See comment under XII. a.

XIII. AESTHETICS. *Would the proposal?*

- a) Affect a scenic vista or scenic highway?

Comment: The Hayward Design Guidelines and the Landscape Beautification Plan require private property improvements along the Hesperian Boulevard corridor. This end of the corridor serves as a secondary entrance to the City. The project as proposed does not provide the expected level of design appropriate to this location. Specific comments on the architecture/materials and conditions of approval will be included in the staff report. The Planning Commission and the City Council will make the final determination regarding the appropriateness of the design of the project.

Mitigation Measure: The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.

Monitoring: The Planning Commission and the City Council will determine adherence to the City standards.

- b) Have a demonstrable negative aesthetic effect?

Comment: See comment under XIII. a.

- c) Create light or glare?

Comment: The development of the site may result in a negligible increase in light and glare generated from building and parking lot lighting, but will not have an adverse impact on surrounding areas.

The following standard condition of approval will be required:

- A proposed lighting plan is required for submittal to be reviewed and approved by the Planning Director prior to issuance of occupancy permits.*

XIV. CULTURAL RESOURCES. Would the proposal:

- a) Disturb paleontological resources?

Comment: No archaeological or paleontological resources are known to exist at the project site.

- b) Disturb archaeological resources?

Comment: See comment under XIV. a.

Impacts:

If previously unknown resources are encountered during grading activities, this could result in a potentially significant impact.

Mitigation Measures:

- The City shall require standard mitigation measures in connection with potential archaeological resources. Any appropriate historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

Implementation of these mitigation measures will ensure that the project has a less than significant impact related to cultural resources.

- c) Have the potential to cause a physical change that would affect unique cultural values?

Comment: There are no known cultural nor historical resources on the site. The site was formerly used as part of a military base and all buildings have been removed.

- d) Restrict existing religious or sacred uses within the potential impact area?

XV. RECREATION. *Would the proposal:*

- a) Increase the demand for neighborhood or regional parks or other recreational facilities?

- b) Affect existing recreational opportunities?

XVI. MANDATORY FINDINGS OF SIGNIFICANCE.

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

- b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

- c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)

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

XVII. EARLIER ANALYSES.

- a) **Earlier analyses used.** None
- b) **Impacts adequately addressed.** Yes
- c) **Mitigation measures.** Mitigation measures are included and will be incorporated into the project as conditions of approval.

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

1. LAND USE & PLANNING

Mitigation Measure: Restrict hours of operation for rear yard activities
Implementation Responsibility: City
Verification Responsibility: City Planning Division
Monitoring Schedule during Plan Review: N/A
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during the post-construction period throughout the life of the project

2. POPULATION & HOUSING - No mitigation required

3. GEOLOGIC PROBLEMS

Mitigation Measure: Submit final grading plan and comply with UBC
Implementation Responsibility: City
Verification Responsibility: City Building Division
Monitoring Schedule during Plan Review: Prior to approval of building permit
Monitoring Schedule during Construction/Implementation: On-going during construction and prior to issuance of certificate of occupancy

4. WATER

a. Mitigation Measure: Submit storm drain plan treat surface water prior to discharge into storm drain system
Implementation Responsibility: City
Verification Responsibility: City Engineering Division
Monitoring Schedule during Plan Review: Prior to approval of building permit
Monitoring Schedule During Construction/Implementation: Condition of Approval - On-going during construction and prior to issuance of certificate of occupancy

b. Mitigation Measure: Obtain Department of the Army Individual Permit, Section 401 Water Quality Certification, and Stream Alteration Agreement
Implementation Responsibility: City
Verification Responsibility: Public Works Department

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

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

5. ***AIR QUALITY***

Mitigation Measure: Reduce intermittent air pollutants during construction
phase

Implementation Responsibility: City

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: N/A

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

6. ***TRANSPORTATION/CIRCULATION***

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

Implementation Responsibility: City

Verification Responsibility: City Engineering Division

Monitoring Schedule during Plan Review: N/A

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

7. ***BIOLOGICAL RESOURCES***

Mitigation Measure: Restore wetlands vegetation along realigned Sulphur
Creek

Implementation Responsibility: City

Verification Responsibility: Public Works Department

Monitoring Schedule during Plan Review: N/A

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

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

9. ***HAZARDS***

Mitigation Measure: Prevent release of hazardous substances

Implementation Responsibility: City

Verification Responsibility: Fire Department

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

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

10. NOISE – See Land Use & Planning

11. PUBLIC SERVICES – No mitigation required

12. UTILITIES & SERVICE SYSTEMS – No mitigation required

13. AESTHETICS

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

Implementation Responsibility: City

Verification Responsibility: Planning Division

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

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

14. CULTURAL RESOURCES – No mitigation required

15. RECREATION – No mitigation required

The Public Hearing Opened at 7:40 p.m.

Hector Carabillo, 30717 Brae Burn Avenue Street, spoke against the extension.

Jason Moreno, 25200 Carlos Bee Boulevard, said private property should not be taken for public use.

John McCarthy, 932 B Street #2, expressed concern regarding the environmental issues on the site and other public safety concerns. He said the implications of closing off Watkins Street should be addressed more fully before the project continues.

Ray Baker, 770 "A" Street, the appellant, said this is not a good location for a supermarket since 15 businesses will need to be closed, as well as the street. He suggested that there is no extraordinary reason to grant the extension. He asked that an independent environmental study be done since there is insufficient information to evaluate the application.

The Public Hearing Closed at 7:50 p.m.

Commissioner Halliday moved, seconded by Commissioner Bogue, to deny the appeal and grant the extension.

Commissioner Caveglia added that there are right of access circumstances beyond the control of the site applicant, which should be considered in granting a time extension.

Commissioner Bennett reiterated that this was merely an extension of the permit not a further approval of the building.

Commissioner Williams said that the applicant has the opportunity for two one-year extensions and this is justified and reasonable.

Commissioner Bogue agreed that the applicant has made progress and there was no reason to deny the extension.

Chairperson Fish also agreed to support the motion.

The motion passed 7:0.

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

Associate Planner Patenaude described the various public meetings and public input that had gone into the project and the number of changes made to the design as a result. He outlined the details of the project and the request for a change in zoning of the airport property. The City would lease the property to The Home Depot for 20 years. Sulphur Creek would be realigned. The primary entrance to the store would bridge the creek. He told in detail the accommodations which would be made for the landscaping and building design. He also answered a number of questions from the Commission.



Airport Manager Shiner added that the project would be compatible with the airport. This site has proven to have a good safety record and the building would not interfere with aviation. He added that the the project conforms to FAA conditions such that the Home Depot stipulations will not in any way interfere with air space and aviation use.

Deputy Director of Public Works Bauman described the traffic conditions and modifications for access to Hesperian.

Public Hearing Opened at 8:53 p.m.

Bill Boyl, Greenberg Farrow, architect for Home Depot and applicant for the project, asked for consideration for several items in the conditions of approval including: a change in the delivery hours from 6 a.m. to 9 p.m. since the hotel next door says the a.m. hours do not seem to matter to their clientele. Also, they would like to operate the store from 6 a.m. until midnight. They have discovered that the optimum height for the light standards is 22 feet. He also asked for reconsideration of the outdoor storage limitations since there are various times during the year when they would need to have items outside the store. He said that although the employees have 2-way radios, they still need loud speakers in the garden area for emergencies.

Patrick McGaughey, Home Depot manager, said they were anxious to bring jobs and tax revenues into the City.

Carl Costa, 22835 Optimist Street, said he was a regular user of Home Depot but asked that the Hesperian exit be removed.

Kathy Kealy, 1166 Denton Avenue, said she is opposed to the congested usage of Hesperian.

Art Kealy, 1166 Denton Avenue, said that as a homeowner in Hayward, he is concerned about how the quality of life in Hayward would be affected by this project.

Father Ray Zielezienski, St. Joachim's Parish, asked Commissioners to think carefully about the good of the people of the City rather than the money that would be collected through the project. If, however, they see fit to approve the project, he asked that a commitment be made to the people in the form of a Center to serve the needs of the northwest Hayward area.

Maureen Bessette, 24881 Yoshida Drive, spoke in support of the project.

Anne Martino, 2612 Erskine Lane, said she was not against Home Depot but did object to the location since traffic on Hesperian is already horrendous.

Glen Kirby, 30520 Hoylake Street, also spoke against the project. He said the big stores make it much more difficult for the smaller stores to compete.

Rigo Cabezas, 15891 Via Pinale, San Lorenzo, complained about the noise level already bothering the Church and school from Hesperian traffic.

Ernest Jaramillo, 18637 Hunter Avenue, said the two Hesperian exits are an abomination, and the loud speakers would be a problem to the Parish.

Ralph Padilla, 788 Bluefield Lane, spoke in support of the Home Depot and what it could mean for the City.

Mike Derrick, 23271 Klamath Road, approved of the plans and asked why some other City should gain all of the revenues rather than Hayward. He said this is a good project.

Jerry Marks, 2511 Bradford Avenue, opposed the project because Home Depot tends to ruin small businesses.

Lynn Hanley, 1008 Sahara Court, a resident of the Skywest Townhomes behind the project, said the site is inappropriate. She suggested a more Industrial location, closer to Clawiter, for example. She said they bought a home across from the airport three years ago, knowing what that was going to be like but this will bring in much more traffic and be more disturbing to the neighborhood.

Estelito Chavez, 24577 Williment Way, supported the Home Depot and thanked them for a beautiful plan to bring the store into the City. He also cited the number of jobs the firm would bring to the City.

Evelyn Cormier, 31020 Carrol Avenue, thanked the City planners for the reprieve for Sulpher Creek. However, she was concerned about the loss created to the small business people in town. She also wondered about the number of new projects previously approved for Hesperian in that area and the amount of traffic generated by all of these projects. She suggested the City and the company look at other sites.

Chairperson Fish called for a ten-minute recess at 9:43 p.m.

He resumed the meeting at 9:53 p.m.

William Aquino, 22445 Fuller Avenue, said he has lived in Hayward for a number of years and we need a place like Home Depot. There will always be problems. However, that is why the City hires educated people. This is valuable property. Something is going to go in there. He cited City revenue losses which projects like this will help replace. He suggested that this is Hayward's chance for jobs and revenue.

George Diamantine, 808 B Street, said the impact on local business would be horrendous, and then named all of the businesses which would be hurt. He added that the quality of life will change. He suggested that it should go on the ballot for the people to decide.

Bob Billmire, 27520 Grandview Avenue, said he was against Home Depot being located within the City. It is too big and too powerful. It will crush the smaller merchants, and add more vacant stores within the downtown area. He added that the traffic statistics are not adequate. They are missing the three recently approved projects on Hesperian as well as the widening of San Mateo Bridge, all of which will dump more traffic onto Hesperian. He suggested getting more realistic figures from the Union City and San Leandro stores as to how many customers a day each gets.



John McCarthy, 932 B Street #2, said the City is misleading the people and cited language from 1966 airport documents. He said the PUC State Aeronautics Division should be consulted. The City Airport Committee is not qualified by State law to make these decisions.

Howard Beckman, 1261 Via Dolorosa, San Lorenzo, referred to his recent comments during the Zoning Ordinance hearings and suggested the impact on the environment is regional. He suggested that an EIR is necessary for complete information on the project.

John Kyle, 22638 Teakwood Street, spoke in support of the project. He said the traffic light at Sueirro Street would be a godsend for the children at St. Joachim's.

Sara Moore, 680 Sacramento Street, San Francisco, spoke against the Home Depot Corporation since they are still the largest retailer of virgin rainforest wood in the world. She stated they can not let down the pressure. Numerous companies have committed to stop buying virgin rain forest products and this is the chance to tell Home Depot it is time for them to join.

Alexandra Waring, 340 Channing Way #248, San Rafael, said she, too, supported rain forest protection and indicated that the City is in a unique position to convince the company to stop selling virgin wood from the rain forests of the world. She suggested the City deny Home Depot entry into the community until they make a commitment to stop buying virgin rain forest products.

At Commissioner Caveglia's request, Patrick McGaughey, Home Depot manager, responded by saying they have focused efforts on forest conservation and were the first retailer to join a business counsel to protect the wilderness.

Allen Franke, 17992 Sunol Road, said he had a petition from the Skywest homeowners against the project, particularly objecting to the increased traffic. He said they all agreed it should be moved to the Industrial area.

Jessica Huerta, 1532 West Street, supported the project for the jobs it will bring to Hayward.

Jim Pineda, 25565 Spring Drive, supported the project and said he has been with Home Depot a number of years.

Samantha Pineda, 25565 Spring Drive, a Home Depot manager said the business would be a great asset to the City. They would provide jobs and careers for residents as well as long-term investments and development of community projects.

John Radican, 960 Castlewood Way, asked for denial of the project at this location. He suggested that the planners who are recommending the increase to the traffic on Hesperian along "A" Street don't live near that location.

Hugh Logan, 1085 Via Corolla, San Lorenzo, said the Mitigated Negative Declaration was incomplete. He said many delivery trucks would travel through San Lorenzo. The traffic signals will also generate more traffic through the area. School children at St. Joachim's will

be confronting safety problems as well.

Mark Branco, 678 Marin Avenue, said there is not enough emphasis being placed on Sueirro Street being accessed at three different points.

Jason Moreno, 25200 Carlos Bee Boulevard, said there were still too many questions of safety at the airport and Southland. He referred to the recent landing of a light plane at the shopping center. He asked for further information on the enforcement of delivery truck schedules. He added that he opposed the Home Depot for the deterioration it would bring to the City of Hayward and the detrimental impact it would have on the quality of life.

Howard Clark, no address given, said he was concerned about the traffic lights and how traffic was going to flow on Hesperian.

Hector Carabillo, 30717 Brae Burn Avenue Street, said he was also opposed the application because of the traffic on Hesperian. He added that sales tax revenue seems more important than people do at this point.

Ruth Fernandez, no address given, said she lives next to the church and the traffic on Hesperian is getting worse. They had previously asked for a traffic light at Sueirro and Hesperian, and there was never money for it. Now that Home Depot comes in, the project calls for a stop light at that corner.

The Public Hearing was Closed at 10:48 p.m.

Commissioner Williams agreed that many people are very concerned about the location on Hesperian. However, he added that the EIR goes through a checklist and mitigation measures then address the environmental issues. He agreed that small businesses would be affected but the key to success in small business is how you serve your customers. He particularly liked the amount of money generated for the City by the lease of the land and the tax revenue and the number of jobs available for City residents. He agreed that traffic is an issue. He then asked the Home Depot representative whether closing the Hesperian exit would kill the project.

Mr. Boyl agreed that traffic is a concern and having a right turn onto Hesperian is important since it works better but the project could continue without it.

Commissioner Bennett asked for further information regarding the status of the burrowing owl on the property.

Associate Planner Patenaude said that he had walked a grid of the property during nesting season and saw no burrowing owl activity.

Commissioner Bennett then asked about the City Manager having previously indicated that an EIR would be conducted regarding the Sulpher Creek project.

Deputy Director of Public Works Bauman said environmental documentation only was necessary for the project but not a full EIR.

Commissioner Bennett asked how it was determined that there was no known paleontology on the site.



Associate Planner Patenaude responded that none has been found in this area.

Commissioner Bennett then moved, seconded by Commissioner Halliday, to recommend to the City Council to deny the application because of the number of issues that have not been addressed; that it was not in conformance with the General Policies Plan Map, and not in conformance with the intent and purposes of the Zoning Ordinance designation of Planned Development (PD) as proposed. She then spoke to the motion saying that Home Depot serves a need and has a purpose in this community. If it were for another site in Hayward, she might support it. It is convenient at this location but not appropriate. She said she appreciated the response and concern of the people who came to the hearing.

Commissioner Halliday added that she was not a fan of "big box" stores. She did say it was wonderful how many people came to the meeting to express an opinion. She added that she, too, would like to see another site in the City for this store. It just really does not fit in with the other uses in the area. She said this is Hayward's tourist area and it does not work next to a hotel.

Commissioner Williams said this is a working airport with no passengers. He would not support the motion since the pluses outweigh the negatives for the project. This project would bring to Hayward what other cities in the area enjoy.

Commissioner Zermeño said he appreciated the efforts of those present but agreed that there was a positive side to the project. He added that he would not support this motion and when the City Council considered the project, he said he would lobby for a community center, more bus service in the area, moving the loading docks and rethinking the entrance on Hesperian Boulevard. The area is already half-residential and half-commercial so this would not be that much of a change of use.

Commissioner Bogue said he, too, did not agree with the motion. Hesperian Boulevard is a major arterial in the City and that is where traffic should be. He added that he was concerned with the traffic patterns described and was not pleased with the design of the building. He said the design shown at the public meeting at Centennial Hall was more interesting.

Commissioner Fish said he also would not support the motion. Building on Hesperian at this location will happen sooner or later.

The motion failed by the following vote:

AYES:	COMMISSIONERS Bennett, Caveglia, Halliday
NOES:	COMMISSIONERS Bogue, Williams, Zermeño CHAIRPERSON Fish
ABSENT:	None
ABSTAIN:	None

Commissioner Williams then moved, seconded by Commissioner Zermeño, to approve the recommendation with these additional conditions: that the Hesperian driveways be closed; that

there be no loudspeakers on the property; that the outside storage of materials not be in sight of Hesperian; and that the property be swept daily with awareness of the surrounding area. Commissioner Bennett indicated that she would oppose the motion for the same reasons she initiated her own motion opposing the project.

Commissioner Bogue asked for a friendly amendment to change Condition 13, that graffiti be painted out within one day rather than seven. He then proposed accepting the applicants' petition for a change of the light standards to 22 feet.

Commissioner Williams said he thought not.

Commissioner Zermeño said he would support the motion and particularly liked removing the exits from Hesperian.

Commissioner Bogue said he would hesitate supporting the motion for that reason since the big rig deliveries would have a difficult time serving the property.

Chairperson Fish said he would support the motion to pass the plan on to Council.

The motion carried by the following vote:

AYES:	COMMISSIONERS Bogue, Williams, Zermeño CHAIRPERSON Fish
NOES:	COMMISSIONERS Bennett, Caveglia, Halliday
ABSENT:	None
ABSTAIN:	None

~~ADDITIONAL MATTERS~~

~~3. Oral Report on Planning and Zoning Matters~~

~~Planning Manager Anderly discussed various recent City Council actions.~~

~~4. Commissioners' Announcements, Referrals~~

~~Commissioner Bennett asked whether it was appropriate in the processes and procedures for individuals to ask questions to staff.~~

~~Assistant City Attorney Borger indicated that it is not a process of cross-examining the staff. The debate and questions should be directed to the Chair and not staff.~~

~~Commissioner Williams suggested that staff look into the business at the exit of 580 and Foothill where there are, once again, a dumpster and other debris in sight.~~

~~Commissioner Halliday thanked Commissioner Williams for his tenure as Chair during the past year.~~

~~Commissioner Williams said he appreciated the cooperation of staff and that he was glad he did not have to chair this particular meeting.~~



CITY OF HAYWARD AGENDA REPORT

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

TO: Planning Commission

FROM: Richard E. Patenaude, Associate Planner

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

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

RECOMMENDATION:

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

DISCUSSION:

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

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

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

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

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

Setting

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

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

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

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

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

Building Elevations & Site Design

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

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

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

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

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

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

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

Landscaping

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

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

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

Parking and Internal Circulation

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

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

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

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

External Traffic

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

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

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

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

Sulphur Creek

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

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

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

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

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

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

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

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

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

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

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

There have been no other reports of burrowing owl activity on this site by either the Department of Fish & Game or the Audubon Society in response to the Mitigated Negative Declaration. However, a condition of approval requires further surveys during the nesting season to determine if owls occur on the site.

Noise

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

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

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

Public Safety

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

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

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

ENVIRONMENTAL REVIEW:

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

PUBLIC HEARING NOTICE:

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

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

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

CONCLUSION:

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

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

Prepared by:



Richard E. Patenaude
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments

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

EXHIBIT F

Due to the length and size of this exhibit, the Plans and Elevations are available for public examination at the Main Library, City Clerk's Office and the Planning Division.

DRAFT JB 9/8/99

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTION 10-1.135 OF
CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL
CODE BY REZONING CERTAIN TERRITORY
CONSIDERED IN CONNECTION WITH ZONE CHANGE
APPLICATION 99-120-01

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

Section 1. Section 10-1.135 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning property located along the westerly side of Hesperian Boulevard from AT-C (Air Terminal-Commercial) District to PD (Planned Development) District, as set forth in Exhibit A attached hereto and made a part hereof.

Section 2. 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.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, 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

DRAFT

MS 9/2/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION APPROVING THE PRELIMINARY
DEVELOPMENT PLAN AND MITIGATED NEGATIVE
DECLARATION IN CONNECTION WITH ZONE CHANGE
APPLICATION NO. 99-120-01 TO ACCOMMODATE
CONSTRUCTION OF A HOME IMPROVEMENT RETAIL
CENTER**

WHEREAS, Zone Change Application No. 99-120-01 concerns a proposal to rezone property located along the westerly side of Hesperian Boulevard from AT-C (Air Terminal Commercial) District to PD (Planned Development) District, as set forth in Exhibit A attached hereto and made a part hereof, in order to allow for the construction of a 107, 920 square foot home improvement retail center with an accessory 28,928 square foot garden center; and

WHEREAS, the subject property is owned by the City of Hayward and it is anticipated that the City will lease the site to a retail operator to construct and conduct a retail business in a manner consistent with the Preliminary Development Plan; and

WHEREAS, 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, a mitigated negative declaration and a mitigation monitoring program have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward has reviewed and considered all material, comments, and testimony presented to it at a public hearing, duly noticed according to law, on Zone Change application 99-120-01; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration and mitigation monitoring plan have been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration and mitigation monitoring program reflect the independent judgment of the City of Hayward.

WHEREAS, the City Council hereby finds and determines that:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study determined that the proposed project, with the recommended mitigation measures, would not result in significant negative effects on the environment.
2. The proposed zone change and project are in conformance with the intent and purpose of the Zoning Ordinance designation of Planned Development (PD) District. Such District permits land uses allowed in any other district provided that the use conforms with the General Policies Plan, as in this instance.
3. The project is in conformance with the General Policies Plan Map designation of Retail & Office Commercial (ROC). It is in substantial harmony with the character and integrity of the existing neighborhood in that it is not out of scale with current development trends in the neighborhood, and will provide a retail use in a retail-oriented district. Additionally, State and Federal agencies have determined that commercial shopping centers constitute a compatible use on airport lands when they are located in a lateral position to an airfield, as is the case with this project.
4. The development, as conditioned, will provide a use that will be in conformity with applicable performance standards, will be appropriate in size, location and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding commercial and industrial development in that the proposed use is permitted at this location. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.
5. Reclassification of the property to PD is compatible with present and potential future uses in that commercial and retail uses are permitted and contemplated for this area. The proposed zone change will have a beneficial effect that could not otherwise be achieved in that it will permit the development and operation of a large retail home improvement business which will provide service to the citizens of Hayward, as well as job opportunities and revenue.
6. The surrounding streets and utilities are adequate to serve the development.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, Zone Change Application No. 99-120-01 is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

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