



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 12/11/01
AGENDA ITEM 9
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

- SUBJECT:**
- I. General Plan Amendment GPA 01-110-04 – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Retail and Office Commercial;
 - II. Zone Change ZC 01-190-07 - Amend the Zoning District from Industrial (I) to Neighborhood Commercial District (CN);
 - III. Site Plan Review SPR 01-130-24 - Site Plan Review for Neighborhood Shopping Center

Sherman L. Balch (Applicant) and Ramon J. and Danilo J. Catbagan (Owner) - The Project is Located on the West Side of Stratford Road Between Industrial Parkway West and Pacheco Way

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council certify the Mitigated Negative Declaration and approve the General Plan Amendment, the Zone Change and the Site Plan Review subject to the Findings and Conditions of Approval.

DISCUSSION:

The Planning Commission (7:0) recommended approval of the General Plan Amendment, the Zone Change and the Site Plan Review which would allow for the development of retail commercial uses in an area that would serve nearby resident, employees of the Industrial District, and commuters. During the Planning Commission hearing, a representative of the Chamber of Commerce and two nearby residents spoke in support of the project, and another nearby resident expressed concern about the location of access driveways noise.

Although the applicant submitted a letter appealing the Planning Commission's action, the applicant indicated to staff that a main concern centers on the hours of operation imposed by the Planning Commission (7:00 a.m. to 10:00 p.m.), indicating that they are too restrictive. Technically, because the Planning Commission's action was merely a recommendation to the City Council, the recommendation itself it cannot be appealed. Nonetheless, the City Council is charged with the responsibility to hear the application in the normal review process of a General Plan Amendment and Zone Change. The applicant has also indicated that because the proposed commercial project is intended to provide support services for the proposed housing development on the north side of

Stratford Road, he would prefer that subject applications not be approved unless the General Plan Amendment and Zone Change relating to the housing project are also approved.

General Plan Policies

The General Plan Policies Plan supports development of new commercial centers in areas where there has been residential growth and there may be a lack of neighborhood convenience centers. The area to the north has seen growth in new housing units and there is a recognized need for retail and service commercial uses that support the adjacent residential area. The General Policies Plan states that attractive commercial centers will be fostered in land use decisions in these situations. While this proposal removes the possibility of developing the property with an industrial use, the site is relatively small (only 23,000 square feet) and the proposed retail commercial use would be supportive of the surrounding industrial activity, commuters, and the surrounding residents.

Zoning Ordinance

The property has three street frontages (Industrial Parkway West, Stratford Road and Pacheco Way) and substantial required building setbacks from Industrial Parkway West and adjacent residential development. Considering the size of the parcel and required setbacks, the developable portion of the site is relatively small for industrial purposes. The rezoning of this property to Neighborhood Commercial District (CN) would provide shopping for the residents in this immediate area, for commuters on Industrial Parkway West and for employees in the surrounding industrial area.

Site Plan Review

If the Council were to approve the General Plan Amendment and the zone change, the applicant would be able to develop the property with commercial uses that are consistent with those allowed in the Neighborhood Commercial District. Accordingly, the City Council is being asked to approve a site plan review application for a small commercial center. If approved, the applicant would not be required to carry out the specific project proposed. He would, however, be limited to constructing a commercial development that is consistent with City Design Guidelines.

The proposal is a 6,000-square-foot retail commercial building fronting on Stratford Road and backing up to the City of Hayward storm water pumping station. Access to the center would be from both Stratford Road and Pacheco Way. Thirty-one parking spaces will be provided. The building exterior is stucco with a mission-style concrete tile roof. The height of the building is well below the 40-foot maximum height limit permitted in the Neighborhood Commercial District and equivalent to the maximum 30-foot building height limit of the surrounding residential neighborhood.

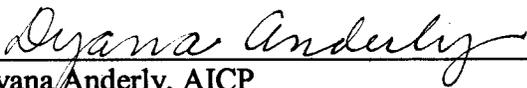
The conceptual floor plan shows the building being divided up into five tenant spaces. The applicant indicates that it is anticipated that Starbucks Coffee will occupy one of the spaces. They will have an outdoor patio area for use by their customers. Other possible tenants the applicant has been talking with are a dry cleaners and a dental office.

Signs will consist of individual letters placed on the building wall between the top of the store front windows and the eave centered over each tenant entry door. A monument sign is proposed at the Industrial Parkway West and Stratford Road corner of the site. The building has unobstructed visibility from Industrial Parkway West and Stratford Road and the proposed wall signs facing those two streets will give excellent identification for the shopping center. Due to the small scale of the center and its excellent visibility, it is not recommended that the monument sign be permitted.

Conclusion

Although the applicant has indicated a preference for developing the property with retail commercial uses only if housing on the east side of Industrial Parkway West is approved, staff is supportive of the applications for commercial uses for the reasons cited above.

Prepared by:



Dyana Anderly, AICP
Planning Manager

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

- Exhibits:
- A. Area Map
 - B. Draft Planning Commission Meeting Minutes and Staff Report, dated September 20, 2001
 - Site Plan
 - Draft Resolutions

12/5/01

MINUTES



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, September 20, 2001, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

Commissioner Bogue said he disagreed with the motion. If it were so simple, it would not require a use permit. He noted that the neighbors were overwhelming against it. He added that it is crossing the line from pets to livestock.

Commissioner Caveglia commented that he feels it is soothing to know there will be three red hens scratching around in his town. Were the Commission attempting to ban dogs, the response would be overwhelming. He added that perhaps people need perspective. There should be more tolerance between neighbors, and they should try to get along. There are serious problems in the City of Hayward, and chickens are not one of them.

Commissioner Williams noted his previous comments that the three hens are harmless, but the neighbors have expressed the grief they cause to the neighborhood tranquility. He commented that having these chickens is harming the neighbors. It will result in a problem in the neighborhood and as a consequence he would not support the motion.

Commissioner Zermeño noted that this is an urban setting and should not allow chickens.

Commissioner Thnay said that a lot of things are allowed in the City. This would not have been a problem if the applicant had worked at being a good neighbor. He strongly urged the owners to be excellent neighbors and keep the chickens clean. Being a good neighbor is the key.

Commissioner Sacks indicated that Commissioner Thnay pointed out Condition 6. To her, this will take care of the problems. She supported the motion.

Chairperson Halliday said this is a difficult decision, particularly with so many of the neighbors signing a petition against allowing the chickens. She indicated that there might be a lot of chickens raised in the City of Hayward without a use permit. She added that humans need animals for comfort and solace.

The motion carried by the following vote:

AYES: COMMISSIONERS Sacks, Caveglia, Thnay
CHAIRPERSON Halliday

NOES: COMMISSIONER Zermeño, Williams, Bogue

ABSENT: None

ABSTAIN: None

2. **General Plan Amendment (I) GPA 01-110-04** – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Retail and Office Commercial; **Zone Change (II) ZC 01-190-07** – Request to Amend the Zoning District from Industrial (I) to Neighborhood Commercial District (CN); **Site Plan Review (III) SPR 01-130-24** - Site Plan Review for Neighborhood Shopping Center. **Ramon J. and Denilo J. Catbagan (Applicant); Sherman L. Balch (Owner)**. The Project Site is Located on the West Side of

Stratford Road between Industrial Parkway West and Pacheco Way

Project Planner Weisbrod described the property and its surroundings. There is no direct access to Industrial Parkway West and, because of its size, it is an unlikely parcel for industrial uses. He described the prepared building design and size. He said staff is recommending that the project be restricted to wall signs only. He said the appearance of the structure ties in with the neighborhood. Staff recommends approval.

Commissioner Bogue discussed the trash enclosure.

Project Planner Weisbrod said the original proposal was to place them in the corners of the parking lot. However, staff was recommending that it be inside the building and the dumpster would be rolled out to the street.

Commissioner Sacks asked about the location of the driveway onto Stratford.

Project Planner Weisbrod said Pacheco Road would probably be used infrequently. There should be no problem closing it, if desired.

Commissioner Thnay discussed the closing of the driveway onto Pacheco Road, which would leave only the driveway onto Stratford. He thought this would create problems with the ingress and egress from Industrial Parkway West. If there were an accident at the entryway, there would be no way out of the lot. He commented that it might be better to have the Pacheco Road access than not to have it.

The public hearing opened at 8:07 p.m.

Anthony Varni represented Mr. Balch, the applicant. He said his client was confined to the hospital. They were pleased with staff recommendation. He said they had with them various consultants who would be available to answer questions.

Chairperson Halliday asked should the housing project following this on the agenda was not found appropriate, whether the shopping center would still be developed.

Mr. Varni explained that three years ago the property was sold, but the City thought there was a need for a neighborhood center in the area. Mr. Balch bought the property back for three times the selling price. He believes that he can not pay for it without the residential area included in the project. He commented that the commercial center is something the City wanted. It would not be economically feasible without the residential project. With approval of residential, they would definitely build the commercial.

Commissioner Bogue asked whether these could be tied together in the actions of the Commission.

Planning Manager Anderly said the Commission should act separately on the two items.

Skip Pearson requested consideration of a monument sign.



Ed Evangelista, homeowner on Welford Lane, and a Civil Engineer, said he had no objections except to the noise and traffic which would affect nearby residents. He noted that it is a good development but there will be impacts to residents. He said he would prefer closing the Pacheco driveway.

John T. Rassier, speaking for the applicant, commented that if a Starbucks is contracted for the center, it would need to open earlier than 7 a.m.

Heidi Kammeyer who lives in the mobile home park at Georgian Manor, said this center would be greatly appreciated, and expressed her support.

William R. Dean, Jr., also from the mobile home park, said he could see no reason why this small shopping would have a problem with a 10 p.m. closure. He said he would strongly approve of the center.

Commissioner Williams commented that for most businesses, being open from 7 a.m. to 10 p.m. is a long time.

Ed Mullins representing the Chamber of Commerce noted that they have been very diligent in protecting the Industrial zoning. However, given the location of the property, this use is probably a very good one. If it could not be developed during the recent economic boom, it would be far more difficult in economic hard times. He said they urged approval.

Chip Pierson, architect of the project, discussed the location of the Starbucks on the site and said it is actually the closest to Industrial Parkway West. It is as far away from the residential as possible. He then discussed the condition regarding the trash enclosure, which was moved from front parking to the back. He said they would like not to have to tuck it into the building. This would limit their space and make it difficult to keep clean. He asked that they be allowed to keep it outside the building. He agreed that Starbucks would need an earlier opening but might close by 9 p.m.

Planning Manager Anderly noted that staff opposed the outside location for the trash enclosure, and noted that a variance application would have to be made to allow the enclosure in the setback as requested.

Commissioner Williams expressed concern in placing further restrictions on small businesses as to the hours. He suggested they were micromanaging by setting the times for the Center.

Commissioner Bogue asked whether the trash enclosure could be brought into the confines of the building without bringing it inside one of the structures.

Mr. Pierson said they could enclose it and make it look like it's a part of the building.

The public hearing closed at 8:45 p.m.

Commissioner Caveglia **moved**, seconded by Commissioner Williams to recommend approval to the City Council subject to the findings and conditions of approval.

Commissioner Thnay commented that it is a good project and will well serve the homes in the area. He noted that a soundwall would be a disservice to the neighborhood. He suggested that they plant trees that would provide a canopy cover along Pacheco. He said that overall it is a good project.

Commissioner Zermeño commented that this was a nice in-fill project.

Chairperson Halliday agreed that she liked the project. She commented that closing the driveway on Pacheco would be okay. They would rely on staff analysis. She would also support the staff recommendation for the trash enclosure. She would favor the hours of 6 a.m. to 9 p.m.

Commissioner Bogue said he, too, would support the motion. This will be an asset to the neighborhood and it fits the property. He commented that there are very few services on Industrial Parkway. He was impressed with this application.

The motion passed unanimously.

~~3. **General Plan Amendment (I) GPA 01-110-02** – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR); **(II) Zone Change (ZC 01-190-05)** – Request to Amend the Zoning District from Industrial (I) to Planned Development (PD); **(III) Vesting Tentative Map Application Tract 7320** - Request for a 91-Lot Subdivision for Cluster Homes. **Ravi Nandwana, John Rassier & Sherman Balch for Ryland Homes (Applicant); John Rassier, et al, Balch Investment Group (Owner).** The Project Site is Located at the Northeast Corner of Industrial Parkway West and Stratford Road~~

~~Project Planner Weisbrod described the property and the location. He commented that this is along the industrial corridor and that there is very little industrial land left in the City, particularly along the I-880 corridor. In describing the development, he noted that staff would recommend, if approved, parking bays throughout the development. He commented that the project is not pedestrian friendly and suggested the park be located more central in the development.~~

~~Commissioner Bogue asked about the additional park area and how the cost would affect the present Stratford residents.~~

~~Commissioner Thnay asked for a comparison of the density to the Cannery Area. He expressed concern about the streets being maintained as private by the homeowners. He said it is an equity issue.~~

~~Commissioner Williams asked how, with the limit of industrial and need for housing, do we satisfy all the needs.~~



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date: 9/20/01

Agenda Item: 2

TO: Planning Commission
FROM: Norm Weisbrod, Project Planner
SUBJECT: **I. General Plan Amendment (GPA 01-110-04) - Request to Amend the General Plan Designation from Industrial Corridor (IC) to Retail and Office Commercial;**

II. Zone Change ZC-01-190-07 Amend the Zoning District from Industrial (I) to Neighborhood Commercial District (CN);

III. Site Plan Review SPR 01-130-24 Site Plan Review for Neighborhood Shopping Center.

Ramon J. and Danilo J. Catbagan (Applicant) and Sherman L. Balch (Owner)

This project site is located on the west side of Stratford Road between Industrial Parkway West and Pacheco Way.

RECOMMENDATION

It is recommended that the Planning Commission recommend to the City Council:

1. Certification of the Negative Declaration;
2. Approval of the General Plan Amendment;
3. Approval of the Rezoning; and
4. Site Plan Review based on the findings in the staff report (Attachment A).

BACKGROUND

Setting

The applicant proposes developing this property with a small neighborhood shopping center. This requires the following actions:

- Amend the General Plan from its present Industrial Corridor (IC)) designation to Retail and Office Commercial.
- Amend the zoning of the property from Industrial (I) District to Neighborhood Commercial (CN) District.
- Site Plan Review of the development,

This property is located on the west side of Stratford Road between Industrial Parkway West and Pacheco Way. The property has an area of 23,000 square feet and is presently undeveloped. The site is zoned Industrial (I) and the General Plan designation is Industrial Corridor. The surrounding land use is as follows:

South - Various industrial warehouse buildings and uses, zoned *Industrial (I) District*

West - City of Hayward storm water pumping facility, zoned *Industrial (I) District*

North - Single-family homes known as Stratford Village, zoned *Residential Single-Family Special-Lots Standards Combining District (RSB4) District*

East - An undeveloped 12.26-acre parcel with a pending application for a 91 single-family cluster home development, zoned *Industrial (I) District*.

Details of Proposal

Site Plan

The project site is a 23,000 square foot parcel with frontage on Stratford Road, Industrial Parkway West and Pacheco Way. The proposed 6,000 square foot building will front on Stratford Road and back up to the City of Hayward storm water pumping station. A 14-foot to 20-foot wide building setback will be provided on the Industrial Parkway West street frontage and a 10-foot wide building setback will be provided on the Pacheco Way street frontage. Access to the site would be from both Stratford Road and Pacheco Way. An 11-foot wide - concrete walkway with planters would provide pedestrian access across the front of the center and a portion of each side. This will provide an attractive outdoor seating area for a restaurant or coffee/espresso shop and will enhance the appearance of the building from the street. The architectural style of the building, the building height, and the landscaped setback from the surrounding streets will be compatible with the surrounding residential neighborhood. The architect has been sensitive to the close relationship between this center and the adjacent residences.

Traffic Circulation and Parking

Two-way access driveways are located on both Stratford Road and Pacheco Way. A total of 31 parking spaces are provided consisting of 23 standard stalls, 9 compact stalls and 2 handicap

parking spaces. This results in a parking ratio of one space per 200 square feet of building area and complies with the parking requirement for a commercial property where the exact uses are unknown.

There is on street parking available on Pacheco Way if instances occurred when the shopping center parking was not adequate. Homes fronting on Welford Lane back up to the north side of Pacheco Way and since they have no access to the street, they do not use it for parking. The only uses on the south side of the street are the City pumping facility and a mini-storage warehouse. Both have adequate on-site parking. On the south side of Pacheco Way are the wastewater pumping station and a mini-storage warehouse. Neither of these generates any on-street parking. Pacheco Way will therefore be available for any overflow parking from the shopping center.

Floor Plan

The floor plan conceptually shows how the building can be divided up into five tenant spaces ranging in size from 960 square feet to 1688 square feet. These are conceptual tenant spaces to illustrate how the center can be marketed. Space No. 1 is provided with an outdoor seating area. The developer is negotiating with a potential coffee/espresso shop that will provide outdoor seating for its customers. This could be a very attractive element at this corner of the site.

Building Elevations

The building exterior is stucco with a with a mission style concrete tile roof. The building will have a tower element with a clock and decorative glass block. Architectural enhancements include the use of a wooden trellis over some of the storefront windows, tile inset under some of the windows, light blue aluminum frame storefront windows and a decorative cap on top of the parapet wall. The rear-building wall, which is visible from Industrial Parkway West and Pacheco Way, has been provided with architectural embellishment including inset panels, a decorative parapet cap, a building base and a horizontal relief strip below the parapet cap. Building height to the eave is 14 feet, the top of the parapet is 20 feet 3 inches and to the top of the tower element is 31 feet 6 inches. This is well below the 40-foot maximum height limit permitted in the Neighborhood Commercial district and equivalent to the maximum 30-foot building height limit in the surrounding residential neighborhood.

Signs

On the portion of the building with the sloping roof and eave, signs consisting of individual letters will be placed on the wall between the top of the windows and the eave centered over each entry door. For the section of the building with a flat roof, wall signs consisting of individual letters will be located in the area below the top of the parapet wall and the wood trellis over the windows. A monument sign is proposed at the Industrial Park West and Stratford Road corner of the site. The building has unobstructed visibility from Industrial Parkway West and from Stratford Road. The proposed wall signs on building walls facing those two streets will give excellent identification for the shopping center. Due to the small scale of the center and its visibility, it is not recommended that the monument sign be permitted.

Landscaping

The three street frontages of the project will be provided with a 10-foot to 14-foot wide strip of landscaping. Landscaping materials will consist of a combination of trees, shrubs and groundcover. Two existing mature trees on the Industrial Parkway West frontage will be retained and the sidewalk will meander around one of the trees. All of the new trees will be 24-inch box size. Lawn will be planted at the two corners and adjacent to the driveways to provide adequate sight distance for vehicles leaving the site. Annual color will also be provided at the Industrial Parkway West and Stratford Road corner to enhance the appearance of the center from this intersection.

DISCUSSION

General Policies Plan

The General Policies Plan supports development of new commercial centers in areas where there has been residential growth and there may be a lack of neighborhood convenience centers. The area to the north has seen growth in new housing units and there is a recognized need for retail and service commercial uses that support the adjacent residential area. The General Policies Plan states that attractive commercial centers will be fostered in land use decisions in these situations. And while this proposal removes the possibility of developing the property with an industrial use, the site is relatively small and the proposed commercial use would be supportive of the surrounding industrial activity by providing services that are desirable for use by the employees as well.

Granting the request to designate and zone the property for a neighborhood commercial center will be in conformance with the General Policies Plan and will provide convenient commercial uses to serve the surrounding residential and industrial areas.

Zoning Ordinance

The purpose of the Industrial (I) Zoning District is to promote and encourage the development of industrial uses in suitable areas. This has taken place in the surrounding area especially on the south side of Industrial Parkway West opposite the subject property. Under the Industrial (I) Zoning the required building setback (yard) on all three adjacent streets (Industrial Parkway West, Stratford Road and Pacheco Way) is 20 feet. This is because of the adjacent residential zoning and the requirement for additional landscaping along corridor streets. The combination of front and side yard setbacks substantially reduces the developable portion of the site. It is possible to develop an industrial building on this property but the building square footage would be small limiting the potential types of uses.

The rezoning of this property to Neighborhood Commercial District (CN) will provide shopping for the residents in this immediate area, for commuters on Industrial Parkway West and for employees in the surrounding industrial area. This will enhance the adjacent residential neighborhood, and provide a buffer between it and the industrial corridor.

Design

The shopping center site has been designed to provide convenient access to the site by shoppers. The building design will blend in with the surrounding homes and the building height has been kept at a minimum so as not to have a negative impact on the nearby homes. The landscaping provided along the Stratford Road frontage and the attractive appearance of the building results in an attractive entrance into the neighborhood than the existing undeveloped parcel.

Staff received a letter signed by four residents on Welford Lane whose yards back up to Pacheco Way and the proposed shopping center. They are concerned about impacts from the development on their neighborhood including noise and a decrease in privacy to adjacent residents. They recommend the building be located along the north and west property lines with a portion of the building backing up to Pacheco Way. They suggest that driveways be located on Stratford Road and on Industrial Parkway west. They say this layout will create a separation between the commercial building and the adjacent residents along Welford Lane.

The proposed plan with the building located along the rear property line, provides good visibility of the shopping center from Industrial Parkway West and Stratford and convenient access to and from the center. An L-shaped center would only have access from Stratford Road since the City will not permit an access driveway on Industrial Parkway West. This is because of the traffic volumes and speed and the fact that the driveway would be too close to the intersection. An L-shaped configuration also reduces the number of parking spaces, thus reducing the allowable building footprint; given the expressed need for neighborhood-serving uses, maximizing the use of the land for commercial purposes is beneficial. In addition, the rear of the building would face the residential area, which would not present as attractive a streetscape or an inviting pedestrian access as the proposed configuration. In staff's opinion, the conditions of approval relating to noise and hours of operation will result in a project that is compatible, as well as advantageous, to its residential neighbors.

PUBLIC NOTICE

A referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. The notice asked for comments on the project. No replies were received. On August 31, 2001, a notice of public hearing and preparation of a Negative Declaration was published in the Daily Review and mailed to property owners and occupants within 300 feet of the project boundaries. The Tennyson-Alquire Neighborhood Association, Fairway Park Neighborhood Association and appropriate public agencies were also notified.

CONCLUSION

Amending the General Plan and rezoning this property for development of a neighborhood shopping center will provide an asset for the residents in the surrounding neighborhoods. The area presently lacks in convenience goods and services. This area has seen substantial growth in

new housing in recent years and a lack of commercial services. The General Plan supports commercial development that will serve this area. If the property is rezoned for neighborhood commercial and the proposed shopping center is not developed, any future commercial development of the property can be subject to site plan review, at the discretion of the Planning Director, as provided for in the Zoning Ordinance under the development requirements of the Neighborhood Commercial District (CN).

Prepared by:


for Norm Weisbrod
Project Planner

Recommended by:


for Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Negative Declaration
- E. Letter from Residents on Welford Lane dated August 13, 2001

ATTACHMENT B

General Plan Amendment and Zone Change
Application No. 01-110-04 and ZC-01-190-07
Stratford Road and Industrial Parkway West

Sherman Balch (Applicant)
Ramon and Danilo Catbagan (Owners)

FINDINGS FOR APPROVAL

- A. The implementation of General Plan Amendment and Zone Change Application No. 01-110-04 will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Negative Declaration has been prepared.
- B. Substantial proof exists that: (1) the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward, (2) The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, and (3) if the property were reclassified, all uses permitted would be compatible with present and potential future uses and a beneficial effect will be achieved which is not obtainable under existing regulations in that the uses permitted under the proposed Neighborhood Commercial zoning are compatible with and will directly serve the surrounding residential properties.
- C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to Neighborhood Commercial in that surrounding streets are developed to their full potential and the property has frontage on and convenient access to a major arterial street.

CONDITIONS OF APPROVAL
Site Plan Review Application No. 01-110-04
Northwest Corner of Stratford Road and Industrial Parkway West
SEPTEMBER 20, 2001

General

1. Site Plan Review Application No. 01-110-04 is approved subject to the specific conditions listed below. This permit becomes void on September 20, 2001, unless prior to that time a building permit application has been accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 15 days prior to the above date. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
2. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
3. The applicant shall maintain in good repair all fencing, parking and street surfaces, landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
4. Landscaping shall be maintained in a healthy, weed-free condition at all times and in substantial conformance with the approved landscape plan. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
5. No vending machines or other goods or products shall be displayed or sold outside the building, excluding newspaper racks.
6. Public telephones shall not be installed outside.
7. No outside storage of materials, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure as permitted by the fire code.

8. The hours of operation of any business shall be limited to 7:00 a.m. to 10:00 p.m.
9. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted. The methods must follow the Department of Fish and Game's survey protocol. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Survey results shall be provided to the Planning Director.
10. Violation of these conditions of approval is cause for revocation of this permit, subject to a public hearing before the duly authorized reviewing body.

Construction Waste Management Plan

11. The applicant is required to submit for review by Solid Waste Program staff an on-site recycling plan. The plan must be implemented during the entire demolition and construction phases, as well as upon occupancy of the site. The plan must 1) show the anticipated start and completion dates of the project; 2) estimate the quantities of construction and demolition waste that will be generated by the project in cubic yards or tons; and 3) estimate the quantities of material that will be recycled, salvaged and disposed of, and identify the vendor(s) or facilities that will be used.
12. The applicant must submit for review by the Solid Waste Program staff a Construction & Demolition Debris Recycling Statement.
13. 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 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 traps 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 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. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge wash water into street gutters or drains.

Parking/Driveways

- 14. The project, as approved, shall be required to maintain a base level of parking at 31 spaces.
- 15. A bicycle rack(s) with a capacity of at least 4 bicycles shall be included within the development. The design and placement shall be approved by the Planning Director.
- 16. Sidewalks and parking lots must be kept free of litter and debris. Parking lot sweepers shall be limited to daylight hours only; and sweepers shall not be used before 8 a.m. or after 8 p.m. within 50 feet of residential areas.

Landscaping

- 17. Detailed landscaping and irrigation plans, including details of features such as benches, pavement materials, trellises, etc., shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
 - a. Above-ground utilities shall be screened from the street with shrubs.
 - b. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas.

- c. Parking areas shall include a minimum of one 15-gallon parking lot tree for every 6 parking stalls. The minimum dimension of any new tree well or landscape medial shall be 5 feet, measured from back of curb.
 - d. 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 2 years.
 - e. Landscape planter(s) in the customer walkway in front of the building shall be designed to incorporate benches for pedestrians. The planter size shall be appropriate for the type of plants contained in the structure.
 - f. Landscaping shall be installed per the approved landscaping and irrigation plan and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.
18. On-site sidewalks and flat concrete surfaces shall exhibit a decorative finish, such as inset brick, stamped concrete or exposed aggregate with tile bands. The material shall be approved by the Planning Director.

Design

19. The final colors and materials used on the exterior of the building shall be submitted for approval by the Planning Director.

Trash Enclosures

20. The trash enclosure shall be incorporated within the building with the final design subject to approval by the Planning Director prior to the issuance of a building permit. The Applicant must clearly indicate on the site plan the proposed location(s), number and type of refuse and recycling containers and dimensions of each enclosure for trash and recyclables on the site plan. The space provided for the storage of recyclables must be the same size or larger as that provided for trash. Plans must indicate the following:
- a. A 6-inch wide curb or parking bumper must be provided along the interior perimeter of the enclosure walls to protect them from damage by the dumpster. A minimum space of 12 inches must be maintained between the dumpster and the walls of the enclosure and the recycling container to allow for maneuvering the dumpster.
 - b. A 6-inch wide parking bumper, at least 3 feet long, must also be placed between the dumpster and the recycling bins, in order to secure the refuse dumpster in its designated area.

- c. The enclosure gates and hinges must be flush with the building wall. The gates must open straight out, and the hinges and the gate must be flush with the enclosure wall, in order to allow adequate maneuverability of the dumpster in and out of the enclosure to service it.
- d. The enclosure must be constructed on a flat area with no more than a 2% grade, in order to ensure that the garbage driver can adequately retrieve and return the dumpster(s) from the enclosure.

Signs

- 21. Prior to occupancy and the installation of any signs, the applicant shall submit a Sign Program Application to the Planning Director for review and approval. The signs shall be appropriate to the architectural style of the buildings.
- 22. The sign program shall be governed by the following:
 - a. Signs shall be composed of alpha-numeric individual characters and corporate logos only; there shall be no boxed can signs.
 - b. No pole, freestanding or monument sign shall be allowed for any use on the property.
 - c. Wall signs identifying the uses shall be similar in size and scale.
 - d. No illegal banner signs, portable signs or other illegal signs shall be displayed on the property.

Water Pollution Source Control

- 23. If there are to be any roof-mounted HVAC units, no polluted waters from these units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
- 24. 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.
- 25. The sanitary sewer discharge shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram/liter oil and grease limit.

26. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit to the maximum extent practicable the entry of pollutants into stormwater runoff.
27. Drains in any wash or process area shall not discharge to the storm drain system. Drains shall discharge into an approved collection system. The collection system is subject to the review and approval of the City

Lighting

28. Exterior lighting 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. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12 feet in height. 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 prior to issuance of the building permit. 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.
29. The developer shall insure that the streets that abut the subject property, or are immediately impacted, are illuminated according to City Standard SD-120. Any additional or modified street lighting shall be designed and installed by the developer in accordance with SD-120 Street Lighting Standards and in cooperation with the City and PG&E. Underground wiring shall be utilized when appropriate. The electroliners shall be in operating condition before occupancy permits are approved.

Mechanical/Utilities

30. No mechanical equipment, or solar collectors, may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.
31. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
32. All utilities located underneath decorative paving areas shall be located within a sleeved conduit. The design of the sleeve shall be approved by the City Engineer.

33. Water Department requirements shall be as follows:

- a. Construction plans shall incorporate all water meters and hydrants.
- b. The applicant shall connect all unit plumbing to the correct meter as marked by the City before water service is provided.
- c. A final statement of water main extension costs shall be submitted to the Hayward Water Department prior to application for metered water service.
- d. Operation of valves in the Hayward Water System shall be performed by Water Bureau Personnel only.
- e. Prior to issuance of a building permit, the gallon-per-minute water demand shall be shown on plans to determine the proper meter size and approved by the Water Department. The developer shall install reduced pressure backflow preventer for domestic meter and double-check backflow preventer for irrigation meter per City SD201 & 202.
- f. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.
- g. Maintain a 6-foot lateral distance between sanitary sewer laterals and city water services. Water mains shall have a ten-foot lateral separation from the sanitary sewer main. Water meters shall be a minimum of two feet clear of top of driveway flares.

Public Safety

34. Building addresses shall be installed on the structure so as to be visible from the street and shall contrast with the building background. The numbers/letters shall have a minimum height of 6" with a 1/2-inch stroke per UFC 10.301a.

Engineering/Transportation Division

35. Application for a building permit shall include a mylar copy of a building permit survey.
36. All work in the public right-of-way requires an encroachment permit.
37. 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 storm water 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 shall have 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.
38. 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).
39. 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 storm water runoff.
- e. All discharges and connections shall require approval from Water Pollution Source Control.

Utilities

- 40. Repair and replace any damaged frontage improvements as determined by the City Engineer.
- 41. The design, location, maintenance requirements, and maintenance schedule for any stormwater quality treatment structural controls shall be submitted to the City for review and approval prior to the issuance of a building permit.
- 42. Retaining walls, if required, shall be concrete or masonry block. The design and location shall be approved by the Planning Director.
- 43. A grading and drainage plan shall be submitted that meets approval of the City Engineer. Drainage shall be designed so that run-off is collected in on-site catch basins and directly delivered to curb drains per City of Hayward SD-118. All catch basins shall be equipped with fossil filters.

PRIOR TO FINAL OCCUPANCY

Landscaping

- 44. Landscaping shall be installed per the approved building permit plans. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to the issuance of a Certificate of Occupancy.

Engineering/Transportation Division

- 45. Prior to final inspection, City of Hayward Supplemental Building Construction & Improvement Tax, City of Hayward Construction & Improvement Tax, and Hayward Unified School District Fees shall be paid.

Construction Waste Management Plan

46. A Debris Recycling Summary Report is required at the conclusion of the project.



CITY OF HAYWARD NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. PROJECT DESCRIPTION:

General Plan Amendment No. 01-110-04, Zoning Code Amendment 01-190-07 and Site Plan Review 01-130-24 – Request to develop a 23,000 square foot parcel with a neighborhood shopping center. The applicant is requesting to amend the General Plan from Industrial Corridor (IC) to Retail and Office Commercial, change the zoning from Industrial (I) to Neighborhood Commercial and for site plan review for the shopping center.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

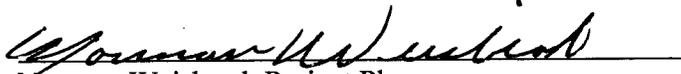
FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment.
2. The project will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since it will be developed on property that is undeveloped and is surrounded by industrial and residential development in an urban setting.
4. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The measures taken to mitigate impacts are required to meet the State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District. In addition the City requires the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since it will be developed on a lot that is undeveloped within an urban setting.
6. The project will not result in a significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique

topography or disturb human remains because the project will be developed on a lot that was is undeveloped and surrounded with developed property in an urban setting.

7. 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.
8. The project will not lead to the exposure of people to hazardous materials. The parcel is undeveloped and is located in a residential and industrial area within an urban setting.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.
10. The project could not result in a significant impact to mineral resources since the site is surrounded by developed land and mineral resources do not exist on the project site.
11. The project will not have a noise impact and all interior noise standards as specified in the Noise Element of the General Polices Plan will be met.
12. The project will introduce a neighborhood shopping center into an area where a neighborhood shopping center is desirable to serve the surrounding area.
13. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.
15. The project will not require additional service systems. There are sanitary sewer, water, and storm drain mains available of adequate size to serve this project.

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



Norman Weisbrod, Project Planner

Dated: August 31, 2001

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

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4215

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting it in writing.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
- Project file.
- Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

MITIGATION MONITORING PROGRAM

SITE PLAN REVIEW APPLICATION NO. 01-130-24

Sherman Balch (Applicant) and Ramon J. and Danilo N Catbagan (Owner)

Site Plan Review for a Neighborhood Shopping Center

West Side of Stratford Road Between Industrial Parkway West and Pacheco Way

1. *AESTHETICS*

Mitigation Measure: Provide screening, landscaping and architectural details to protect adjacent residential properties. Protect existing mature trees where feasible including, if practical, meandering the sidewalk around the trees to be saved. This shall be conducted in conformance with the Preservation of Trees Ordinance. Exterior lighting shall be designed so that no light spills off-site especially on adjacent residential properties.

Implementation Responsibility: City of Hayward

Verification Responsibility: City Planning Division

Monitoring Schedule during Plan Review: Condition of Approval: On-going during plan check

Monitoring Schedule during Construction/Implementation: On-going during construction; completion at occupancy

2. *AGRICULTURAL RESOURCES* – No mitigation required

3. *AIR QUALITY*- No mitigation required

4. *BIOLOGICAL RESOURCES*

Mitigation Measure: Conduct survey of the site for Burrowing Owls (*Athene Cunicularia*) prior to issuance of building permits. If Burrowing Owls are found on the site, the applicant shall comply with any mitigation measures recommended by the surveyor.

Implementation Responsibility: City of Hayward

Verification Responsibility: City Planning Division

Monitoring Schedule during Plan Review: Condition of Approval.

Monitoring Schedule during Construction/Implementation: Conducted prior to commencement of construction

5. *CULTURAL RESOURCES*

Mitigation Measure: In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such

materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

Implementation Responsibility: City

Verification Responsibility: City Planning Division

Monitoring Schedule during Plan Review: N/A

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

6. ***GEOLOGY/SOILS***

Mitigation Measure: Submit final grading plan and construct the building in accordance with Uniform Building Code requirements relating to earthquake safety in a commercial building. Prior to issuance of a grading permit, site - specific hydrologic and hydraulic calculations shall be submitted to the City Engineer for review and approval. An erosion control plan shall be submitted to the City Engineer for review and approval. The applicant shall submit proof of approval from the Regional Water Quality Control Board that they have filed a Notice of Intent advising that the project is under consideration for construction. The applicant shall provide current Erosion and Sediment Control Plans, and amended Storm Water Pollution Prevention Plans (SWPPPs) for all portions of the site where construction is on going.

Implementation Responsibility: City of Hayward

Verification Responsibility: City Building Division and the Public Works Department

Monitoring Schedule during Plan Review: City Building Division

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

7. ***HAZARDS & HAZARDOUS MATERIALS*** – No mitigation required

8. ***HYDROLOGY / WATER QUALITY*** – No mitigation required

9. ***LAND USE / PLANNING*** – No mitigation required

10. ***MINERAL RESOURCES*** – No mitigation required

11. ***NOISE***

Mitigation Measure: Hours of construction shall be limited to daytime activity. Construction equipment shall have sound reduction devices to reduce noise impacts on surrounding properties

Implementation Responsibility: City Building Division

Verification Responsibility: City Building Division

Monitoring Schedule during Plan Review: N/A

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

12. ***POPULATION / HOUSING*** – No mitigation required
13. ***PUBLIC SERVICES*** – No mitigation required
14. ***RECREATION*** – No mitigation required
15. ***TRANSPORTATION / TRAFFIC*** – No mitigation required
16. ***UTILITIES / SERVICE SYSTEMS*** – No mitigation required

August 13, 2001

Norman Weisbrod
Project Planner
City Of Hayward
777 "B" Street
Hayward, CA 94541

AUG 17 2001

Subject: General Plan Amendment
Reference: 01-190-07/01-110-04 GPA
Industrial Parkway West & Stratford Road

Dear Mr. Weisbrod;

We have received the official notice regarding the request to amend the general plan for the subject project. We the undersigned, are property owners on Welford Lane, which is adjacent to the project site.

We are concerned regarding the impacts of the proposed development to our neighborhood. We anticipate an increase in noise and a decrease in privacy to adjacent residents due to this development. As we understand, the proposed layout of the building runs along the western property line with proposed driveways on Stratford and Pacheco (See Figure 1). The development may also include a courtyard with seating and tables.

We recommend that the building be laid out along the west and north property lines ("L" shaped - See Figure 2). This layout will create a separation between the commercial building and the adjacent residents along Welford Lane. This separation would be similar to the recently constructed City water pump station in the adjacent property to the west. A concrete soundwall (approximately 12' high) was constructed along the north property line to deflect noise generated from the pump station.

Also, the proposed driveways should be located on Stratford and Industrial. Having driveways on Stratford and Pacheco will force all vehicles to turn left or right onto Stratford to access the site thereby increasing the turning movements and potential accidents at the intersection. The number two lane on westbound Industrial has sufficient width along the site's frontage to accommodate a right turning vehicle into the proposed driveway without affecting the through vehicles.

We look forward to your response to our concerns. Thank you.

Sincerely,

Ed Evangelista
Ed Evangelista
1808 Welford Lane

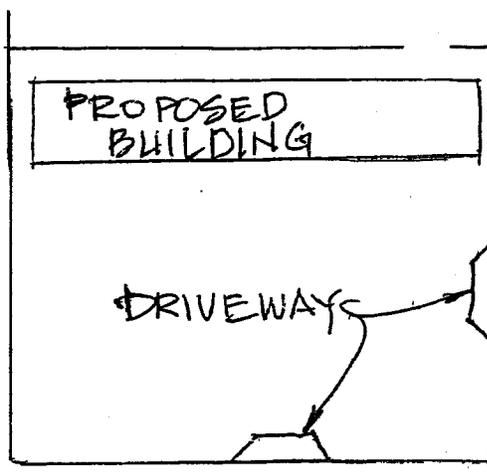
Patricia M. Vicente
Patricia Vicente
1802 Welford Ln

Ryan Nguyen
RYAN NGUYEN
1807 WELFORD Ln

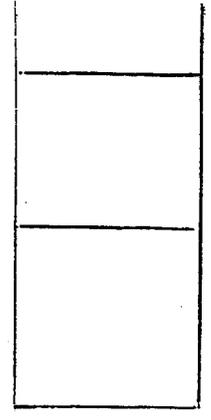
Trang Le
Trang Le
1820 Welford Lane

ATTACHMENT E

INDUSTRIAL PKWY



PACHECO

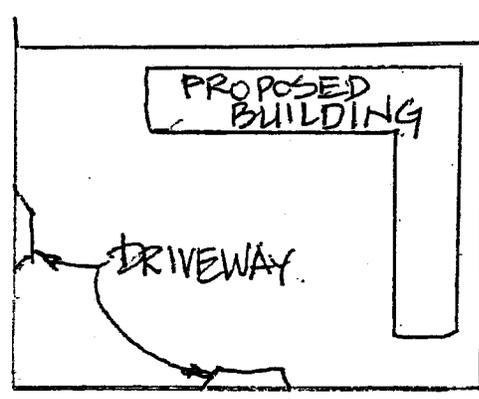


WELFORD

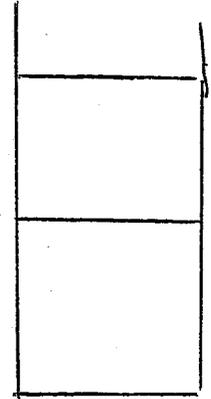
STRATFORD RD

FIGURE 1

INDUSTRIAL PKWY



PACHECO



WELFORD

STRATFORD RD.

FIGURE 2

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
11/6/01

RESOLUTION ADOPTING MITIGATED NEGATIVE
DECLARATION AND APPROVING MITIGATION
MONITORING PLAN, GENERAL PLAN AMENDMENT
APPLICATION NO. 01-110-04, ZONE CHANGE
APPLICATION NO. 01-190-07 AND SITE PLAN
REVIEW NO. 01-130-24

WHEREAS, General Plan Amendment Application No. 01-110-04 concerns a request by Sherman L. Balch (Owner) and Danilo J. Catbagan (Applicant) to amend the General Plan Designation from Industrial Corridor (IC) to Retail and Office Commercial, for a 23,000 square-foot vacant property located on the west side of Stratford Road between Industrial Parkway West and Pacheco Way (the "Property"); and

WHEREAS Zone Change Application No. 01-190-07 and Site Plan Review No. 01-130-24 concern a request by the owner and applicant to reclassify the Property from Industrial District (I) to Neighborhood Commercial District (CN) for the purpose of developing a 6,000 square-foot neighborhood retail center (the "Project"); and

WHEREAS, an initial study and mitigated negative declaration were prepared and processed in accordance with City and California Environmental Quality Act guidelines; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on September 20, 2001, and recommended approval of the Initial Study, Mitigated Negative Declaration, General Plan Amendment, Zone Change and Site Plan Review by the City Council; and

WHEREAS, Tuesday, November 13, 2001, at the hour of 8:00 p.m., in the Council Chambers, 777 'B' Street, Hayward, California, was fixed as the date, time, and place for holding a public hearing on the proposed application and notice of the hearing was published in the manner required by law and the hearing was duly held; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

- a. The City Council has independently reviewed and considered the information contained in the initial study upon which the Mitigated Negative Declaration has been based and certifies that the Mitigated

Negative Declaration has been completed in compliance with the California Environment Quality Act. The approval of General Plan Amendment No. 01-110-04, Zone Change Application No. 01-190-07 and Site Plan Review No. 01-130-24 will have no significant environmental impact, based on the Project as mitigated.

- b. The City Council also finds that the proposed mitigations set forth in the Mitigated Negative Declaration and the accompanying Mitigation Monitoring Plan will reduce all of the environmental impacts of the Project to an insignificant level. The City Council accordingly approves the mitigation measures and Mitigation Monitoring Plan as conditions of approval of the Project.
- c. Substantial proof exists that: (1) the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward; (2) the proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans; and (3) if the property were reclassified, all uses permitted would be compatible with present and potential future uses and a beneficial effect will be achieved which is not obtainable under existing regulations in that the uses permitted under the proposed Neighborhood Commercial zoning are compatible with and will directly serve the surrounding residential properties.
- d. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to Neighborhood Commercial in that surrounding streets are developed to their full potential and the property has frontage on and convenient access to a major arterial street.
- e. The General Policies Plan supports the development of new commercial centers in areas such as the Project area, where there has been residential growth and there is a lack of neighborhood convenience centers. The site is relatively small and may not accommodate industrial development. The proposed commercial use would be supportive of the surrounding industrial and residential uses.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the General Policies Plan Amendment Application No. 01-110-04, Zone Change Application No. 01-190-07, and Site Plan Review No. 01-130-24 are hereby approved, subject to the conditions of approval attached as Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

mal 11/16/01

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP IN CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY CONSIDERED IN CONNECTION WITH ZONE CHANGE APPLICATION 01-190-07

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

Section 1. The Zoning District Map in Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning property located on the west side of Stratford Road between Industrial Parkway West and Pacheco Way from Industrial (I) to Neighborhood Commercial (CN) 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 _____, 2001, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 2001, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS;

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward