



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/26/05
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change PL-2005-0223 ZC – Request to Change the Zoning to Planned Development District for a Retail Center Consisting of a Target Store, Junior Anchor Store, and Three Detached Retail Buildings on Approximately 13 Acres - Browman Development Company, Inc. (Applicant), City of Hayward (Owner) - The Project is Located on Hesperian Boulevard between West A Street and Golf Course Road

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and introduce the attached ordinance approving the Zone Change and Preliminary Development Plan, subject to the attached conditions of approval.

DISCUSSION:

This project is a request to change the zoning from a Planned Development District supporting entertainment, lodging and related services to a Planned Development District supporting retail commercial uses. The project includes construction of a retail center on approximately 13 acres, including a 136,150-square-foot regional retail building (Target) with a 19,200-square-foot junior anchor store, and 25,700 square feet of retail shops; an existing restaurant (Carrow's), at 4,200 square feet, would be retained.

The commercial project is consistent with the City's Commercial/High Density Residential General Plan designation for the site and is in keeping with the commercial nature of Hesperian Boulevard. The project is also consistent with the land use policies of the Hayward Executive Airport Master Plan, including all land use safety zones as described in the Master Plan and its Environmental Assessment/Environmental Impact Report.

Site Plan

The proposed Target building would be located at the southwest corner of the site, with the storefront facing Hesperian Boulevard and the loading area facing West A Street. A junior anchor store would be located on the south side of the Target building. Three retail shops buildings would be located along Hesperian Boulevard. Carrow's Restaurant, facing Hesperian Boulevard, would remain in its present location.

With respect to parking, 646 spaces would be provided for the project; 628 spaces are required. Therefore, the proposed project would meet the City's requirement for parking. Twelve cart corrals would be distributed throughout the parking lot.

West A Street is proposed to be extended and realigned by a separate City project from Hesperian Boulevard to Golf Course Road, including its intersection with Skywest Drive. This realignment will ultimately provide better access to the industrial area and also provide a more useful parcel for the commercial retail center. Access to the center would be provided from five driveways: a driveway on Golf Course Road, two reconstructed driveways on Hesperian Boulevard, and two new driveways on West A Street. All driveways would be stop sign controlled for vehicles exiting the site except for the driveway at the intersection of West A Street and Skywest Drive which would be signalized. Primary truck access is provided from the most westerly driveway on West A Street. In response to concerns expressed at the Planning Commission hearing, the applicant has relocated the truck egress from the driveway at Golf Course Road to the signalized intersection of West A Street and Skywest Drive.

Architecture and Landscaping

The Target building would be 26 feet in height and of concrete block. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding retail uses. A soft Mediterranean color palette will be used for the buildings.

The retail shops buildings along Hesperian Boulevard would be highly articulated with a richer palette of materials fitting the relationship they have with this major street corridor; they would provide a quality image at this City entry. The building at the corner of Hesperian Boulevard and West A Street would include a tower structure and a landscaped plaza to provide a signature statement.

External Traffic

A traffic analysis study was prepared by staff in June 2005. The project is expected to generate 92 net new trips in the AM peak hour and 329 net new trips in the PM peak hour. Intersection levels of service (LOS) would change for only one intersection: Hesperian Boulevard and West A Street in the PM peak hour from 24.9 seconds per vehicle (LOS "C") to 25.6 (LOS "D"). This is not a significant change in the delay. The General Plan policy is to maintain LOS D or better at all signalized intersections. Without mitigation, all study intersections will operate at LOS D or better under all conditions.

Planning Commission Action

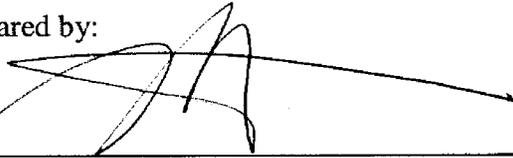
The Planning Commission recommended approval of the project (5-1, 1 absent) at its meeting of July 14, 2005.

At the Commission hearing, representatives of the Hayward Area Recreation and Park District commented that they believe the project would impact the operations of the adjacent Kennedy Park by removing the possibility for overflow parking during peak use periods or major events, now provided on the cinema parking lot. As a courtesy to HARD, the City has allowed parking on the subject site pending a proposed reuse of the property. Although the project itself more than meets its own parking requirement, reuse of the subject property will impact the temporary parking

arrangement with HARD. Consequently, HARD is currently evaluating a long-term solution to the parking issue at Kennedy Park, and City staff has proposed to assist HARD by providing for additional parking in the interim. This would include restriping Golf Course Road to provide 32 angled parking spaces along the south side where there are now 12 parallel spaces, and providing parking in the westbound direction of West A Street from the new signalized intersection with Skywest Drive to Golf Course Road, which would add 24 spaces. Also, the developer has agreed to sign 17 spaces on the north side of the project's parking lot specifically for Kennedy Park users on weekends; the Planning Commission recommended that these spaces be available whenever the park is operational. Staff believes these measures would assist in meeting normal Kennedy Park needs for parking and will continue to work with HARD to help address their longer term parking needs.

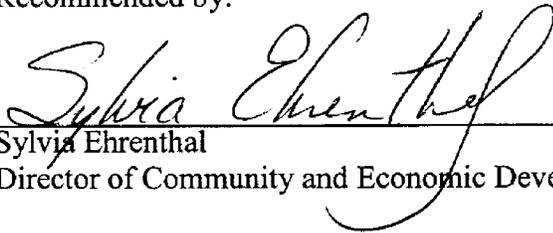
Representatives of the Skywest Townhouse Homeowners Association, while supporting the project, commented on the negative impact of diagonal parking spaces on Golf Course Road, their preference to delete the driveway to the project from Golf Course Road and their concern should the Target store sell alcohol beverages given the proximity to their homes. The Commission recommended that staff evaluate the impact of diagonal parking on Golf Course Road and recognized that a condition of approval provides the City the ability to analyze the driveway operations and effect any necessary changes. Staff has committed to working with the Homeowners Association and with HARD in establishing the scope of the analysis of the driveway operation. With the concurrence of the developer, the Commission added a condition of approval prohibiting the sale of alcoholic beverages by Target.

Prepared by:



Richard Patenaude, AICP
Principal Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

Attachments:

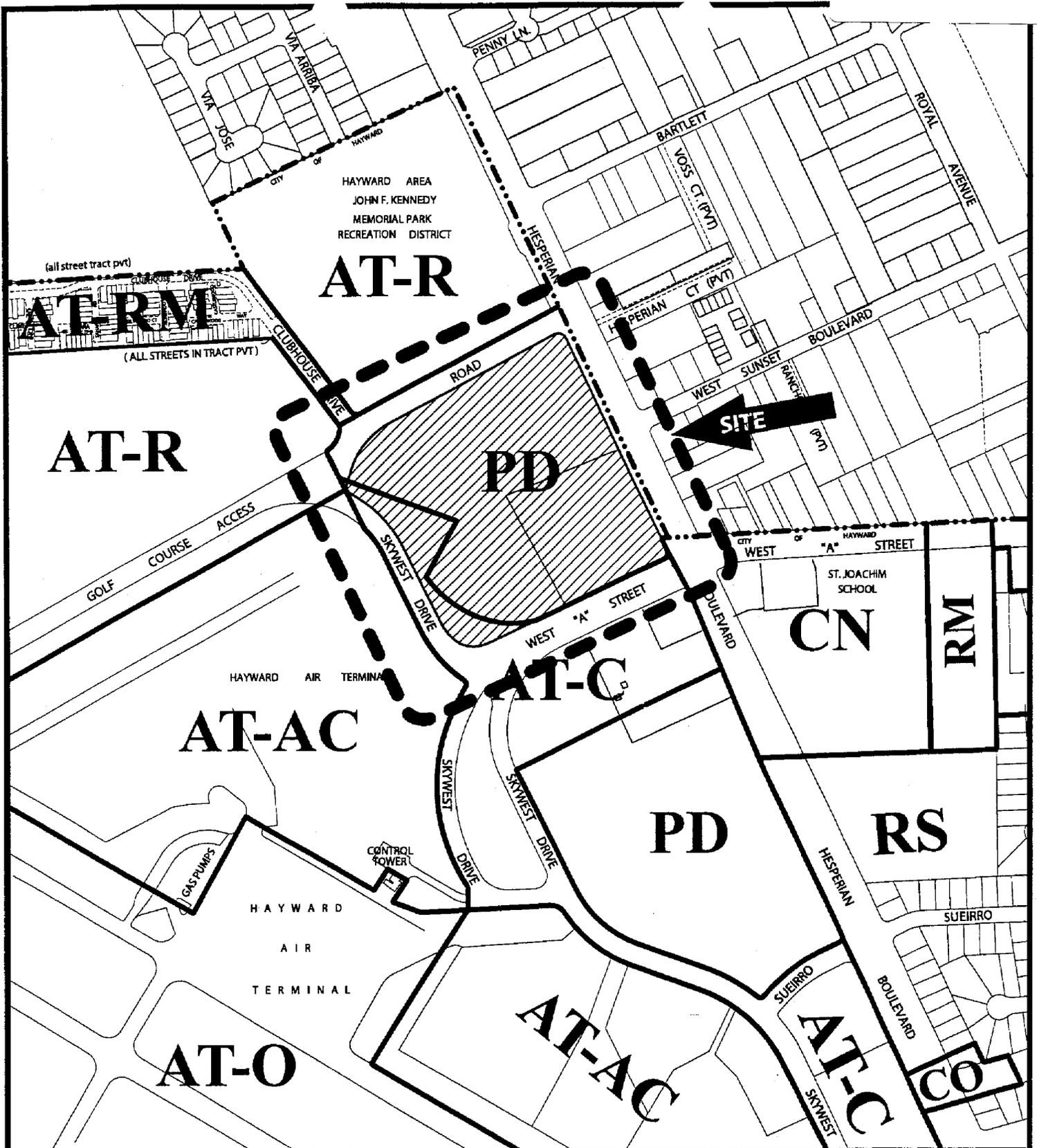
- Exhibit A: Area Map
- Exhibit B: Conditions of Approval (revised)
- Exhibit C: Mitigated Negative Declaration, Initial Study and Mitigation Monitoring and Reporting Program
- Exhibit D: Draft Planning Commission Meeting Minutes, dated July 14, 2005

- Exhibit E: Planning Commission Staff Report without attachments, dated July 14, 2005
- Exhibit F: Letter from Alameda County Airport Land Use Commission, dated July 13, 2005
- Exhibit G: Letter from Skywest Townhouse Homeowners Association, dated July 13, 2005
- Exhibit H: Letter from Howard Beckman, dated July 13, 2005

Project Plans

Draft Resolution and Draft Ordinance

7/20/05



Area & Zoning Map

PL-2005-0223 ZC

Address: 19901, 20413, 20455 & 20499 Hesperian

Applicant: Vic de Melo

Owner: City of Hayward

AT-AC-Air Terminal-Aviation Commercial

AT-C-Air Terminal- Commercial

AT-O-Air Terminal-Operations

AT-R-Air Terminal-Recreational

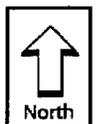
AT-RM-Air Terminal-Medium Density Residential

CN-Neighborhood Commercial

CO-Commercial Office

PD-Planned Development

RS-Single-Family Residential,RSB4,RSB6



CONDITIONS OF APPROVAL

**Planned Development District Zone Change PL-2005-0223
Vic de Melo, Browman Development Company, Inc. (Applicant)**

**City of Hayward (Owner)
19901-20499 Hesperian Blvd.**

As Amended by the Planning Commission on July 14, 2005

General

1. Planned Development District PL-2005-0223 is approved to raze service station structures, a motel, and a former cinema and to construct a retail center consisting of a 136,150-square-foot regional retail building (Target) with a 19,200-square-foot attached junior anchor store, three detached retail buildings fronting Hesperian Blvd. at 6000, 11,700 and 8000 square-foot respectively, and to retain an existing 4200 square foot restaurant (Carrow's) on approximately 13 acres. The project shall be constructed according to these conditions of approval and the preliminary development plans approved by the City Council on July 26, 2005. 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 July 26, 2006.
2. Prior to issuance of any building permit, a 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 program, samples of exterior colors and building materials, screening of all above-ground utilities, transformers and utility meters and the ultimate configuration of the streets and other public improvements.
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. 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. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.
5. 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.
6. Sidewalks and parking lots must be kept free of litter and debris and to minimize the amount of wind-blown debris into 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.

7. A minimum of two trash receptacles shall be placed at each customer entry to the Target and junior anchor building and two trash receptacles per building for the shops. Trash receptacles shall be a decorative, pre-cast concrete or metal 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.
8. No vending machines shall be displayed outside the building, except for newspaper racks.
9. 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 three days of occurrence.
10. Deliveries shall occur between the hours of 7:00 a.m. and 10:00 p.m. only. Delivery trucks shall access the site from the far west driveway on West A Street only but may exit from the Golf Course driveway. Refrigerated trucks shall not be permitted to park in the loading area between the hours of 10:00 p.m. and 7:00 a.m.
11. *Alcoholic beverages may not be sold or distributed from the Target store or any successive tenant.*
12. The City of Hayward and the applicant will continue to work with the California Regional Water Quality Control Board (RWQCB) –San Francisco Bay Region- to obtain environmental and health-based site clearance. Prior to construction activities, the applicant and the City will obtain a health-based clearance and meet conditions of clearance from the California RWQCB.
13. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

Design

14. The Target building will be 26 feet in height and of concrete masonry units. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding retail uses. A soft Mediterranean color palette will be used for the buildings. The building elevations are articulated with the entrance façade receiving the most extensive treatment which includes concrete tilt-wall with cast concrete bands, window cornices, concrete walls with textured paint, brick piers with steel trellis, and manufactured stone. The north façade has a similar treatment with trees and shrubs. The south façade is less articulated and the west façade has trees and screening of the truck loading dock area. The project provides extensive landscape throughout the site. A lighting plan has been prepared which proposes light poles at the beginning and end of the parking bays in order to illuminate the parking areas and the front of the anchor tenant building.

15. The shopping cart storage area(s) shall be provided and screened from view from the parking lot and adjacent streets and properties by a solid masonry or stone 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.
16. All roof mechanical equipment and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
17. 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 without visible raceways;
 - 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.
18. 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 12 feet high. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaries 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 luminaries shall be 38 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 as part of the Precise Plan.
19. 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).

Landscaping

20. *An arborist's report by a certified arborist with a map locating all of the existing trees and showing the location of the trees shall be prepared. These trees shall be relocated to*

the new parking lot. As an alternative, new trees of the same stature, in a number equal to those removed, may be planted in the new parking lot.

21. Street trees are required to be a minimum 24 inch box size. The street trees on Hesperian Boulevard are Sycamores and are to remain at approximately 30 to 40 feet on center, adjusted as necessary as part of the Precise Plan. The street trees on West A Street are to be *Lophostemon confertus* (*Tristania conferta*) at 25 feet on center. On Golf Course Road, use *Acer buergerianum* (Trident Maple) at 25 feet on center. Trees shall be planted according to the most current City Standard Detail SD-122.
22. Trees for the parking lot are to be in addition to the required street trees. The required trees for the parking area are one in the endcap at each end of each row of parking. Beyond the endcap trees, one tree is required after every 6 parking spaces. Walkable grates may be necessary where the trees are located in the sidewalk areas. Minimum size for these trees is 15 gallon.
23. Cart corrals are to be screened with landscaping. Please reference the landscape screening of the corrals at the Target on Whipple Road. In order to reduce the area taken up by the corrals and planters, they should be located adjacent to the endcap planter islands wherever possible. If you wish to locate them in the center of the parking area, locate them in such a way that the planters can also be used as your parking island for the required trees.
24. Where landscape diamonds are used instead of landscape islands in the parking lot, the outside dimension is six feet with a minimum of five feet clear in each direction on the inside.
25. Provide landscape planter areas adjacent to the buildings where pedestrian access not required, as approved by the Planning Director as part of the Precise Plan.
26. Show the trash enclosures and screen them on three sides with shrubs and vines. The existing restaurant will need a trash enclosure also.
27. As part of the Precise Plan, detailed landscaping and irrigation plans 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*.
28. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
29. Masonry walls, solid building walls without architectural articulation, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs, landscaping, trellises, or vines.
30. Parking lots shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island at each end. All

tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.

31. All above ground utilities and mechanical equipment shall be screened from the street with shrubs.
32. Landscaping shall be maintained in a healthy, weed-free condition at all times. 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.
33. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy.

Parking/Driveways

34. 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.
35. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls and pick-up areas.
36. The driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as colored and/or stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized as part of the Precise Plan.

Stormwater

37. The Applicant shall be responsible for the following stormwater conditions:
 - A) The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.

- B) The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the ACCWP NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This should be available on their website at www.cabmphandbooks.com.
- C) Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.
- D) The storm drain system shall be private. All on-site storm drain inlets shall be labeled with "No Dumping – Drains to Bay or equivalent, using methods approved by the City.
- E) The Developer's Engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC & WCD.
- F) The owner/developer shall prepare a Storm Treatment Measures Maintenance Agreement (available in the Engineering and Transportation Division); the Maintenance Agreement shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.
- G) The design, location, maintenance requirements, and maintenance schedule for any stormwater quality treatment structural controls shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
- H) A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.
- I) All loading dock areas must be designed to minimize runoff from the area. Accumulated waste water that may contribute to the pollution of storm water must be drained to the sanitary sewer, or diverted and collected for ultimate discharge to the sanitary sewer, or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential storm water pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill clean-up.
- J) Clean 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.
- K) 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.

- L) 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.

38. A Stormwater Pollution Prevention Plan (SWPPP) shall be required prior to start of any grading. Construction controls, which should be incorporated in the SWPPP, include:

- 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) During grading operations 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.

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 stormwater runoff.
- E) All discharges and connections shall require approval from Water Pollution Source Control.

Utilities

- 40. Each business must have an individual water meter. Exceptions to this requirement would be considered where all of the following conditions are met:
 - A) The business is located in a building that is severed by an individual water meter.
 - B) The business uses a small amount of water (e.g., has only one restroom).
 - C) The business is served by a private sub-meter installed and read by the Developer.
- 41. Site is served by a number of existing water meters. Any water meters which cannot be reused must be abandoned at the water main by city forces at developers expense.
- 42. Install a separate irrigation water meter for landscaping purposes.
- 43. Install Reduced Pressure Backflow Prevention Assembly as Per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
- 44. Water & Sewer service available subject to standard conditions and fees in effect at time of application.
- 45. Additional Sewer System Capacity to accommodate the volume and waste strength of wastewater to be discharged from 19901 thru 20499 Hesperian Boulevard must be purchased, at the rates in effect at the time of purchase, prior to discharge. Water or sewer connection fee credits, if any, for existing services would be in accordance with the applicable City ordinances.
- 46. The applicant shall install a mechanical device to control fat, oil and grease discharge from any food service establishment, unless this requirement is expressly waived by the Director of Public Works or designee. The type, size, and location of the device shall be approved by the Director of Public Works.

47. Add following note to Precise Plans and Building Plans: 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.
48. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

Public Safety

49. Access
 - A) Prior to start of combustible construction, access streets/roads for the proposed development shall be either installed or existing with drivable access (i.e., aggregate base). All streets/roads shall be free of obstruction from construction materials and equipment.
 - B) Curbing shall be painted red at all driveway entrances and the driveline connecting West A Street and Golf Course Road. Additional red painted curbing shall be imposed for landscape islands within the parking lot; fire lane signage will be required in locations determined by the Hayward Fire Department; the driveline connecting West A Street and Golf Course Road shall be designed and maintained as a fire lane.
 - C) The parking lot pavement shall be designed with an all-weather surface material and engineered to withstand 50,000 lbs. GVW (gross vehicle weight) of fire apparatus.
 - D) Driveway openings shall be designed per City of Hayward Standards.
50. Water Supply (Fire Hydrants)
 - A) Before the preparation of the Precise Plan, the Hayward Fire Dept. is requesting a meeting with the project civil engineer to discuss the locations and installation of new public and private fire hydrants and the relocation of existing fire hydrants.
 - B) Prior to start of combustible construction, fire hydrants for the proposed development shall be in service and operational.
 - C) Installation of public fire hydrants shall meet City of Hayward Standards.
 - D) Installation of the private fire hydrant system for the development shall be in conformance with NFPA 24 Standards. Private fire hydrants shall be installed with a loop design. No dead-end fire lines are allowed.
 - E) Private fire hydrants may be installed as part of the fire service line serving the fire sprinkler system. However, private fire hydrants shall be installed in a manner so as to remain on at all times when the fire sprinkler system is closed for service or repairs.

- F) Fire hydrants shall have a minimum fire flow of 2,500 gpm at 20 PSI.
- G) Type of fire hydrant shall be double steamer with 2-4 ½" outlets and 1-2 ½" outlet.
- H) Crash post protection will be required for fire hydrants that are unprotected and susceptible to potential vehicular impact.
- I) Blue reflective hydrant markers shall be installed adjacent to the fire hydrant locations.

51. Building Construction

- A) Building exiting shall meet the CBC, Chapter 10.
- B) Addressing shall be established prior to building permit issuance. Address numbers for all tenant spaces shall have a minimum height of 6 inches on a contrasting background and shall be located so as to be visible from the street.

52. Fire Protection

- A) Each building shall be equipped with an automatic fire sprinkler system. The system shall be designed and installed to meet NFPA 13 Standards. An underground fire service line is also required for each building and shall be designed and installed per NFPA 24 Standards.
- B) An exterior alarm bell shall be installed on each fire sprinkler system riser.
- C) Each row building shall also have an audible signaling system with manual pull station activation installed within the interior of the building as part of the fire sprinkler system (applicable to each individual tenant space).
- D) Portable fire extinguishers shall be required within each building (applicable to each individual tenant space).
- E) Central station monitoring shall be required for each fire sprinkler system.
- F) Any use of commercial cooking equipment for the purpose of restaurant or deli use shall be reported to the Hayward Fire Department. If used, all commercial cooking equipment shall be properly protected with an approved automatic fire extinguishing system and monitored to the buildings' fire sprinkler monitoring system.
- G) Future use of storage racking and gondola shelving shall meet requirements for storage per the California Fire Code (CFC), Article 81. HPS (high pile storage) requirements will be imposed for any industrial racking which stores commodities over 12 feet in height.

53. Hazardous Materials

- A) The site will require environmental and health based clearance from either the California Department of Toxics Substance Control or the California Regional Water Quality Control Board – San Francisco Bay Region.
- B) The service station located at the northwest corner of the proposed site must be properly closed under permit from the Hayward Fire Department including underground fuel storage tanks, sumps, hydraulic lifts and piping.
- C) All monitoring wells on site shall be properly protected or removed.
- D) Soils and ground water generated from the project site shall be properly characterized prior to reuse or disposal.
- E) The major retailer will be required to submit a chemical inventory to the Hayward Fire Department for review. This is required to evaluate the potential hazardous materials (retail packaged) that are being stored within the business. Requirements for proper storage methods will be imposed at time of building permit submittals.

Solid Waste

54. Determining the Size of Garbage/Recycling Containers

- A) The minimum dumpster(s) capacity required for weekly refuse collection must be calculated using the following formula:

$$\frac{\text{ ______ \# of employees } \times \text{ ______ lbs. of refuse generated per employee/week }}{\text{divided by 150}} = \text{ ______ cubic yards/week.}$$

The number of employees and pounds of refuse generated per employee/week may be an estimate; however, this information is required to obtain a building permit. This formula must be indicated on the Precise Plan to justify the proposed dumpster size(s) and trash enclosure dimensions.

- B) The size of dumpster required can be decreased with a corresponding increase in the number of dumpsters or in the frequency of collection such that the total weekly service capacity remains the same. However, increasing the frequency of collection rather than increasing the size or number of dumpsters is discouraged for several reasons. Fewer locations to deposit garbage could make disposal inconvenient, can result in garbage accumulation in undesirable locations and reduces the value of the property. Also, increasing the frequency of collection results in a higher probability of accidents involving the collection vehicles and the increased wear on the existing streets and driveways. It should also be noted that only dumpsters up to four cubic yards have casters, so larger dumpsters are difficult to move except when serviced by the garbage company.

- C) The Applicant must clearly indicate on the Precise Plan, the proposed location and dimensions of each garbage/recycling area, including the enclosure detail. The space provided for the storage of recyclables must be the same size or larger as that provided for garbage. The size of refuse containers available and their respective dimensions can be obtained from the Solid Waste and Recycling Division of the Hayward Public Works Dept. The Applicant must clearly indicate on the Precise Plan the proposed size, number, and type of garbage and recycling containers.
55. Because a trash enclosure area has been required by the Planning Department, then the Applicant shall comply with items A-F, and must clearly indicate the following enclosure requirements in a detail on the Precise Plan:
- 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.
- 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. Concrete or recycled-content plastic bumpers are available, though purchase of recycled plastic bumpers is not required.
- C) A minimum space of 12 inches must be maintained between the garbage and recycling containers and the walls of the enclosure to allow for maneuvering the containers.
- D) The enclosure gates and hinges must be flush with the enclosure wall. The gates must hinge from the right and left corners of the enclosure and open straight out, in order to allow the dumpsters to be pulled straight out from the enclosure and returned to their original location.
- E) 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.
- F) Signage is required indicating that one half of each trash enclosure is for "Recyclables Only" while the other half is for "Garbage Only." Signs must be posted at eye-level in a highly visible place either on the exterior gates (preferable) or on the interior walls (if the enclosure fronts public property).
- G) Although not required, a concrete pad located just outside each trash enclosure is recommended in order to accommodate the weight of the truck while servicing the containers, since asphalt can fail over time at these locations.
- H) If a compactor is proposed, then the site plans must indicate the size of the compactor and the dimensions of the area where the compactor would be placed. In order to obtain approval of the site plans, the compactor's specifications must be provided. The Precise Plan must allow for three times the length of the compactor

as the back up distance for the driver to service the compactor. This distance must extend straight ahead from the end of the compactor in order to allow adequate space for the garbage truck driver to hook and unhook the compactor from the roll-off truck. For safety reasons, a site plan requiring a back up distance greater than 150 feet to service the compactor will not be approved. City staff will advise the Applicant whether the compactor's specifications are appropriate by reviewing the plans with staff from the garbage company.

- I) If a baler is proposed to densify recyclables such as cardboard prior to collection, then a reference to the baler location, size, and intended use must be indicated on the site plans. This information will document the proposed facility's attempts to recycle as much as reasonably possible and will help to expedite review.

56. Garbage/Recycling Collection Vehicle Access

- A) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container (dumpster, compactor or roll-off). For safety reasons, a turnaround must be provided for any street that would otherwise require the collection truck to back up a distance greater than 150 feet. If a turnaround is required, the Applicant must provide a 40-foot turning radius for collection trucks.
- B) If gates with locks are planned to limit access to the property, then the Applicant must provide keys or cards to the garbage company, Waste Management of Alameda County (510-537-5500). If keys or cards are not provided, then the Applicant must ensure that all secured gates are open at 5:00 a.m. for collection.

57. The Applicant must submit for review by Solid Waste Program staff a Construction & Demolition Debris Recycling Statement, and a Construction & Demolition Debris Recycling Summary Report.

- A) Construction and Demolition Debris Recycling Statement:
 - 1. Must be submitted to obtain approval of the building permit application. For instructions, please refer to the attached "Notice to Building Permit Applicants." City law requires that 100 percent of all asphalt & concrete be recycled and that 50 percent of the balance of the materials be recycled. The attached *Debris Recycling Statement* must be completed in accordance with City law.
 - 2. For all materials listed on the *Debris Recycling Statement*, please specify units of either tons or cubic yards and list the anticipated vendor(s) to be used for recycling the materials, which can be obtained from the attached *Builders' Guide to Reuse & Recycling*. The Applicant is responsible for contacting the vendors to ensure that the proposed type and quantity of materials will be recycled.

3. It is the Applicant's responsibility to make sure that all contractors and sub-contractors recycle their construction & demolition debris. The Applicant is also responsible for obtaining all receipts from the contractors and sub-contractors. The receipts must demonstrate that the materials were recycled in accordance with City law.

B) Construction and Demolition Debris Recycling Summary Report:

1. Must be submitted, including weight tags, at the completion of the project. It should show the actual quantities of debris recycled, reused, and disposed of, and the vendors and facilities that were used.
2. A \$10/ton rebate is available to Applicants who recycle mixed construction and demolition debris at qualified recycling facilities indicated in the attached "Notice to Building Permit Applicants."

Engineering/Transportation Division

58. Golf Course Road. The eastbound approach on Golf Course Road at Hesperian Blvd. shall be striped for two eastbound lanes: one left-turn/through lane and one right-turn lane. "No parking any time" signs shall be posted on the south side of Golf Course Road from Hesperian Blvd. for 80 feet to the west. Additional diagonal parking spaces will be striped by the city on the south side of Golf Course Road for Kennedy park users.
59. *The Applicant will sign 17 spaces on the north side of their parking lot specifically for Kennedy Park users during park operational hours.*
60. The developer is responsible for providing adequate street lighting on Golf Course Road per SD 120.
61. The new northern driveway access of Hesperian Boulevard will be 35 feet wide and in accordance with SD 110 Sheet 2 of 2.
62. New or replace sidewalks, if necessary, and required handicap ramps are to be provided around the entire development per city standards.
63. Hesperian Boulevard driveways shall be signed for right turns out only.
64. *After construction and initial opening of the Target Development, traffic on Golf Course Road will be monitored by city staff within the first six months to determine if allowing full access to the development's driveway on this street is impacting other users of Golf Course Road. Developer and Target Stores will have the opportunity to provide engineering analysis to the City regarding any appropriate mitigation measures. If the City determines impacts are significant, the driveway will be converted to right in and right out operation and the developer will be responsible for any construction necessary to make this change effective such as providing a pork chop island.*



**CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION**

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

I. PROJECT DESCRIPTION:

Project title: "A" Street Retail Center- Zone Change Application PL-2005-0223 - To Change the Zoning from Planned Development to Planned Development Commercial and to construct a Retail Commercial Center containing one retail building of approximately 136,150 square feet for a proposed Target store, with an additional 19,200 square foot anchor store, a 6000 square foot shop, an 11,700 square foot shop, an 8000 square foot shop, and to include an existing restaurant at 4200 square feet on a 13 acre site. - Vic de Melo for Browman Development Company (Applicant). The project location is 19901, 20413, 20455 and 20499 Hesperian Blvd. in Hayward, California.

Description of project:

The project is proposed to contain 181,050 sq. ft. of retail space and 4200 sq. ft. of existing restaurant space. The ground-floor retail would accommodate five retail and one restaurant tenant. With the exception of the Target store, actual division and uses of the ground-floor retail space is subject to opportunities as may be presented after construction of the project. A total of 649 parking spaces would be provided. The existing Festival Cinema complex, the Vagabond Inn, and a gas station on the southeast corner of the site will be deconstructed. The City has a high priority funded project to extend and realign the four lane West A Street from Hesperian Blvd. to Golf Course Road, including its intersection with Skywest Drive. The realignment will provide better access to the industrial area and also provide a more useful parcel for the commercial retail use.

The total site area is 13.23 acres. The ground floor footprint consists of 181,050 square feet, covering 31 percent of the site.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

FINDINGS SUPPORTING DECLARATION:

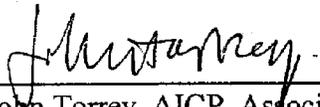
1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has

determined that the proposed project could not result in significant effects on the environment that could not be mitigated as indicated below.

2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare does not affect area views. Landscape plans will be required to ensure that adequate replacement trees are incorporated into the project to compensate for the loss of trees during construction of the project
3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses.
4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit. This program will include sprinkling the site with water as needed to keep dust to a minimum.
5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. The site does not contain habitat that is suitable for rare plant species or their habitats or special-status species such as burrowing owls.
6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains.
7. The project site is not within the Earthquake Hazard zone, although it may be subject to strong seismic ground shaking during a strong earthquake. The Hayward Fault is approximately 2.1 miles from the site. In order to mitigate effects of ground shaking, the buildings are required to be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in commercial structures.
8. The project will not lead to the exposure of people to hazardous materials. To ensure that potential impacts relating to the presence of hazardous materials remain at a level of insignificance, the following mitigation measures have been incorporated as conditions of approval of the project:
 - The City of Hayward along with the applicant must continue to work with the California RWQCB – San Francisco Bay Region to obtain environmental and health-based site clearance.
 - Prior to construction activities, the applicant and the City must obtain a health-based clearance and meet conditions of clearance from the California RWQCB.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the property being surrounded by urban uses.
12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m.
13. The project will not displace people or housing or induce substantial growth.
14. The project will not result in a significant impact to public services.
15. The project would not have a measurable impact on recreation facilities because of the commercial nature of the project.
16. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access. The alignment of West A Street will provide better access to the industrial area and provide a more useful parcel to the retail site.
17. The project would not result in a significant impact to utilities and services.

III. PERSON WHO PREPARED INITIAL STUDY:



John Torrey, AICP, Associate Planner

Dated: June 24, 2005

I. COPY OF ENVIRONMENTAL CHECKLIST IS ATTACHED

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4200

DISTRIBUTION/POSTING

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



Environmental Checklist Form

1. Project title: *Planned Development Permit PL-2005-0223*
2. Lead agency name and address: *City of Hayward Planning Division*
3. Contact person and phone number: *John Torrey, AICP, Associate Planner, 510-583-4003*
4. Project location: *Northwest Corner of A Street and Hesperian Blvd.*
5. Project sponsor's name and address:
Vic de Melo, Browman Development Company, Inc., 100 Swan Way, Suite 206, Oakland, CA 94621
6. General plan designation: *Commercial/High Density Residential*
7. Zoning: *Planned Development (PD)/Air Terminal Commercial (AT-C)*
8. Description of project: *Planned Development Permit application to construct a Commercial Retail Center consisting of one retail building of approximately 136,150 square feet for a proposed Target store, with an additional 19,200-square-foot junior anchor store, a 6000 square foot shop, an 11,700 square foot shop, an 8000 square foot shop, and to include an existing restaurant at 4200 square feet, on an approximately 13-acre site.*

The western portion of the site is currently vacant of structures, contains an unused parking lot, and is partially surrounded by a 6-foot chain-link fence. The eastern portion is currently occupied by the two-story Vagabond Inn, and is separated from the vacant Festival cinema complex on the northern part of the site by a six foot high chain link fence. A gas station occupies the southeast corner of the site. The 130 seat (4200 sf) Carrows Restaurant occupies the central east part of the site, facing Hesperian Blvd. With the exception of the restaurant, these buildings will be removed/demolished to accommodate the proposed development.

An existing 40 inch by 65 inch corrugated steel arch drainage culvert, which ultimately drains into Sulphur Creek, is located on the property at the southwest side of the site. The culvert discharges into a 165 feet open ditch off the site. The existing culvert will be retained.

The proposed Target building will be located at the southwest corner of the site, with the storefront facing Hesperian Blvd. and the loading area facing West A Street. The junior anchor store will be located on the south side of the larger building. The three smaller shops are located on the northeast and southeast corners of the site. The existing restaurant building facing Hesperian Blvd in the middle of the east side of the site will remain where it is.

Access to the site will be provided from five driveways: a driveway on Golf Course Road, two driveways on Hesperian Blvd., and two driveways on West A Street. All driveways will be stop sign controlled for vehicles exiting the site except for a driveway at the intersection of West A Street and Skywest Drive which will be signalized (see Figure 1). Primary truck access is provided from the far west driveway on West A Street. The four lane West A Street will be extended and realigned from Hesperian Blvd. to Golf Course Road, including its intersection with Skywest Drive. The West A Street realignment will include access to the project site for vehicles and trucks (see Figure 1)).

The Target building will be 26 feet in height and of concrete masonry units. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding retail uses.

The building elevations are articulated with the entrance façade receiving the most extensive treatment which includes concrete tilt-wall with cast concrete bands, window cornices, concrete walls with textured paint, brick piers with steel trellis, and manufactured stone. The north façade has a similar treatment with trees and shrubs. The south façade is less articulated and the west façade has trees and screening of the truck loading dock area. The project provides extensive landscape throughout the site.

A lighting plan has been prepared which proposes light poles at the beginning and end of the parking bays in order to illuminate the parking areas and the front of the anchor tenant building. Standard street lighting will also be provided on Golf Course Road where presently none exists.

9. Surrounding land uses and setting: Briefly describe the project's surroundings:
 North: *Public park and golf course.*
 South: *La Quinta Inn, AC Transit bus stop, Home Depot store*
 East: *A Valero gas station occupies the northeast corner of A Street and Hesperian Blvd. Also north and east of the site is a motel and restaurant and professional office building. South and east of the intersection of A Street and Hesperian is an AC Transit bus stop, strip mall, and church.*
 West: *Hayward Executive Airport.*
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
Alameda County Airport Land Use Commission
Regional Water Quality Control Board, Alameda County Flood Control District

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

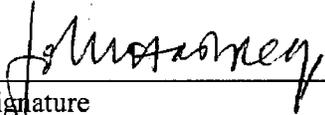
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geology /Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature

6/24/05

Date

John Torrey AICP

Printed Name

City of Hayward

Agency

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? <i>See comments under I. d.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? <i>See comments under I. d.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings? <i>See comments under I. d.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? <i>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. Under the proposed lighting plan, the height of the light poles will be 38 feet; light fixtures will cast light downward due to potential conflict with aircraft. The project will have a less than significant impact due to created light or glare.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>The project is located in an area zoned for airport-commercial, airport-recreation, and neighborhood-commercial uses. The site is surrounded by airport-commercial, recreation, and commercial uses. Substantial efforts have been made to ensure the project design is consistent with the surrounding uses. The Target building is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding retail uses. The architectural style was specifically chosen as one appropriate to the use and location of the project. The materials and design depict and convey a commercial use which is consistent with its location and intended function.</i>				
<i>Several architectural treatments have been added to the buildings, including planters and trellises. For instance, the blank wall of the larger building will be treated with vine-covered metal trellises. Façade treatments on all four facades provide architectural elements and treatments that break up the building mass of the structure. Façade treatments of the shop buildings are well articulated with overhanging eaves, awnings, trellises, differing wall textures, and colors.</i>				
<i>The project provides extensive landscape throughout the site. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of the main building to soften the visual impact of building mass. All loading areas that can be seen from the street or parking area will be densely screened with vertical masonry walls and landscaping. The screen walls at each loading dock incorporate vertical</i>				

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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trellis elements consistent with those provided on the other elevation. Planters have been added to provide a tree for every six parking spaces.

II. AGRICULTURE RESOURCES -- In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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No prime farmland, unique farmland, or farmland of statewide importance will be converted.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The site is not zoned for agricultural use and there are no Williamson Act contracts on the site.

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See comment under II.a. above.

III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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See comments and Mitigation Measures for III.b below.

b) Violate any air quality standard or contribute substantially 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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Impacts: The Bay Area Air Quality Management District ("BAAQMD") has established thresholds for determining the significance of potential air quality impacts. When operating, emissions from project related vehicle trips are not expected to reach a level that would violate these thresholds or contribute significantly to an existing or projected air quality violation.

There are five major air pollutants for which ambient air quality standards have been set by both Federal and State agencies: photochemical oxidants (ozone), carbon monoxide (CO), total suspended particulates (TSP), nitrogen dioxide (NO2), and sulphur dioxide (SO2). The ambient concentrations of these pollutants are continually measured by a network

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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of monitoring stations maintained by the BAAQMD.

Approval of the project will result in short term air quality impacts related to grading and construction and on-going air quality impacts related to increased auto-trips and congestion. The short term impacts will include dust generated by clearing and grading activities, exhaust emissions from gas- and diesel powered construction equipment, and vehicular emissions associated with the commuting of construction workers, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by similar retail development projects in the City.

Mitigation Measures: To mitigate the identified air quality impacts, the following measures should be incorporate into the project:

- 1) Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
- 2) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
- 3) Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust;
- 4) Street sweeping shall be conducted to control dust and dirt tracked from the project site; and
- 5) Designate a person to oversee the implementation of the dust control program.

Implementation of the above-stated mitigation measures will reduce the air quality impacts to a less than significant level.

Monitoring:

Monitoring of the above mitigation measures will be carried out by the City of Hayward Building Inspection Dept. of the Community & Economic Development Division. Construction inspectors will ensure compliance as part of their project review.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See comments and Mitigation Measures for III.b above.

d) Expose sensitive receptors to substantial pollutant concentrations?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The project would not involve emissions of toxic air contaminants or potential accidental release of hazardous air materials. There are no sources of toxic air contaminants or potential sources of accidental

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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releases of acutely hazardous air materials within the immediate project vicinity.

If uncontrolled, dust generated by project grading activities could cause adverse health effects and nuisance concerns at downwind locations. However, the conditions of approval of required grading permits would include measures, such as watering of exposed earth that would minimize construction-related dust emissions, as set forth above.

c) Create objectionable odors affecting a substantial number of people?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not involve activities that generate objectionable odors. In addition, the City Zoning Ordinance requires that industrial uses comply with regulations of the BAAQMD, which restrict the generation of objectionable odors.

IV. BIOLOGICAL RESOURCES -- Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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*The project site is not expected to support any endangered, threatened, or rare plant species or their habitats. Most of the listed species considered to occur in the vicinity (e.g. Santa Cruz tarplant (*Holocarpha macradenia*), California clapper rail (*Rallus longirostris obsoletus*), California least tern (*sterna antillarum browni*), salt marsh harvest mouse (*Reithroodontomys raviventris*), western snowy plover (*Charadrius alexandrinus nivosus*) are restricted to specific habitat types that are not present on the site. Also, the site is not expected to support any other special-status¹ species, including the burrowing owl (*Athene cucularia*), a species designated as a "Species of Special Concern" by the California Department of Fish and Game (CDFG). There are recorded occurrences of burrowing owl in the vicinity of the site (the CDFG's Natural Diversity Data Base (CNDDDB) 2003; Hayward, Newark, Redwood Point, and San Leandro). Burrowing owls are small ground-dwelling owls that are residents of open habitats and require burrows for protection, cover, and nesting. Burrowing owls typically use burrows made by fossorial mammals, such as ground squirrels (*Spermophilus beechyi*). No individual burrowing owls, ground squirrel burrows, or sign of burrowing owl were observed during site visits conducted by Zander Associates on October 12, 2003 and February 21, 2004.*

¹ Special-status species include those plants and animals listed, proposed for listing, or candidates for listing as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) under the Federal Endangered Species Act (FESA); those listed or proposed for listing as rare, threatened, or endangered by the CDFG under the California Endangered Species Act (CESA); plants occurring on List 1B and 2 of the California Native Plant Society (CNPS) *Inventory of Rare and Endangered Plants of California* (CNPS 2001); and plants and animals designated as "Species of Special Concern" by the California Department of Fish and Game.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>The adjacent perennial drainage may be considered suitable habitat for the federally-listed California red-legged frog. Since the project site is biologically isolated and surrounded by industrial and commercial development, it is highly unlikely that the flood control channel is suitable habitat for the California red-legged frog. The project will result in less than significant impacts to endangered, threatened or rare species or their habitats.</i>				
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? <i>See comments to IV. a above.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? <i>The site is disturbed. There would be no impact to federally protected wetlands as defined in Section 404 of the Clean Water Act.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? <i>The project area is disturbed and does not contain any migration corridors or waterways.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? <i>The project site is developed and would not require the removal or disturbance of sensitive biological resources or landmark trees.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? <i>The City of Hayward does not have an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the project would have no impact on these types of plans.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? <i>The City shall require standard mitigation measures in connection with potential historical resources. Any historical artifacts unearthed on the site in connection with the construction of the proposed project shall be</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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offered to the Hayward Area Historical Society at no charge. No historic or prehistoric resources are known to exist on the project site. There is no historic merit to the structures to be razed as part of the project.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

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

Mitigation Measures:

-The project will adopt standard mitigation measures in connection with potential archaeological resources.

-Any cultural remains exposed or discovered during the course of project work will be treated as an inadvertent discovery and procedures specified at 36 CFR §800.13 will be followed. Any Native American Graves Protection and Repatriation Act related discoveries made during the course of landscape modification will be handled with reference to a "Plan of Action" which will be developed. Any Native American cultural resources concerns involving traditional cultural properties or sacred sites will be duly considered prior to ground disturbance.

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

Monitoring:

The developer shall stop work in the event of discovery and consult with a professional archeologist who will determine if the resources are significant. A mitigation plan shall be submitted to the City by the professional archeologist for approval.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No paleontological resources are known to exist at the project site.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Comment: See comment under V.b.

VI. GEOLOGY AND SOILS -- Would the project:

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

A Geotechnical Engineering Investigation Report was prepared for the

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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project site by Twining Laboratories, Inc. The report is included in Appendix B. The project site is not located within a "State of California Earthquake Fault Zone." The site is located approximately 2.1 miles from the Hayward fault system. The potential for fault rupture is low.

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.

ii) Strong seismic ground shaking?

See Comments under VI. a.

Impacts: The subject site is in an area shown on 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.

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.

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

Monitoring:

The mitigation measures are required prior to approval of a building permit from the Building Inspection Dept. of the Community & Economic Development Division of the City of Hayward.

iii) Seismic-related ground failure, including liquefaction?

Comment: See comments under VI.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 likely at this site.

It should be noted that the site is located in a liquefaction hazard zone delineated in response to the Seismic Hazards Mapping Act. Liquefaction and seismic settlement analyses were performed. Based on the standard penetration testing (SPT) obtained by means of hollow-stem auger drilling methods, laboratory testing of soil samples, and analyses by Twining Laboratories, Inc., liquefaction is

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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anticipated to occur as a result of the design basis earthquake. As a result, there is a potential for seismic settlement at the site. In the event of a design basis earthquake (0.65g and a magnitude of 7.1) there is a potential for seismic settlement to occur within silty sand and sandy silt zones encountered between the depths of about 10 and 13 feet. The analysis indicated that a total seismic settlement of about 1 inch would occur as a result of shaking caused by the design basis earthquake. This settlement may not occur uniformly over the site due to variations in the thicknesses of different soil layers; therefore, a differential seismic settlement of about 1/3 inch across in 30 linear feet should be anticipated.

This impact is considered less than significant.

iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The site is on relatively level land. The site and surrounding area does not contain steep slopes and is relatively devoid of topographic changes. The project will not result in or expose people to potential impacts involving landslides or mudflows

b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See comments under VI.a. The proposed construction of a 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.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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See comments and Mitigation Measures to VI. a above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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According to the Geotechnical Investigation Report, there is medium expansion potential of the near surface sandy soils at the site. Because of this, the internal slabs-on-grade for the main store and the other stores should be underlain by a minimum of 30 inches of imported, non-expansive granular soils over at least 24 inches of lime-treated on-site clay soils, provided that lime treatment of the on-site clay soils is determined to be suitable. External slabs-on-grade will also require non-expansive soils beneath them.

(See also comments under VI.a.i and VI a.iii.)

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would be required to connect to City water and sewer services

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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and would not use septic systems. Therefore, no impact would occur.

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

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Impacts: Twining Laboratories, Inc. has completed a Phase I Environmental Assessment, dated June 24, 2005 for the project site. The findings of their investigation reveal the following potentially significant environmental impacts:

-Soils on the project site have a hydrocarbon smell at test locations. In addition, the service stations surrounding the site have had hydrocarbon releases.

-There is evidence that asbestos containing building materials are located within the Festival Cinema structure and the Vagabond Inn building.

-Two pipes of unknown use are located within the garage area of the gasoline service station.

Mitigation Measures: To mitigate the identified hazardous materials impacts, the following measures should be incorporated into the project:

-Further subsurface investigation should be conducted in the area where aromatic soils were previously encountered, and along the eastern edge of the site. The samples taken in these areas should be analyzed for constituents of concern.

-The pipes of unknown use in the service station should be investigated further.

-An investigation of possible asbestos containing building materials in the cinema site and Vagabond buildings should be conducted.

Implementation of the above-stated mitigation measures will reduce the air quality impacts to a less than significant level.

Monitoring:

The City has taken responsibility for clearing the gas station site and removing the Festival Cinema building while the Applicant will remove the Vagabond buildings. The investigations into aromatic soils, pipes of unknown use, and asbestos containing building materials will be carried out by the Applicant and submitted to the City of Hayward Fire and Public Works Departments as well as the Regional Water Quality Control Board for clearance prior to any construction.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

See also impact discussion in VII.a.

The project involves the development of a retail center. Construction of the project would involve the use of heavy equipment which uses small amounts of oils and fuels and other potentially flammable substances.

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During construction, equipment would require refueling and minor maintenance on location which could lead to fuel and oil spills. The Contractor will be required to identify a staging area for storing materials and equipment. The proposed project would not result in a significant risk of explosion or accidental release of hazardous substances. The use and handling of hazardous materials during construction activities would occur in accordance with applicable federal, state, and local laws including California Occupational Health and Safety Administration (CalOSHA) requirements.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No schools are located within one-quarter mile of the project site. During operation no hazardous emissions or acutely hazardous substances or waste would be utilized within the project. No impact would occur.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The gas station site at 20499 Hesperian Blvd. is on the list of hazardous material sites and could create a potentially significant hazard to the public and the environment. See also discussion of impacts and mitigation measures in VII. a.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

The project site is located on property of the Hayward Executive Airport and is within 1/2 mile of airport runways. Normal operations of the facility would not result in safety related or other adverse impacts to people working at or near the project site. Therefore, this impact is considered less than significant.

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

See Comment in VII.c. above

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

The project would be designed to follow all emergency turnaround guidelines of the City of Hayward Fire Dept. During development of the project no emergency access would be impeded by construction activities. Because the project would not interfere with emergency response planes or emergency evacuation plans, and would not place an undue burden on emergency response capabilities, the impact of the project on hazardous

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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materials emergency response planning and services would be considered less than significant.

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project site is surrounded by a mix of commercial, residential and airport and airport-related development. Based on the site's location in an urban area on the Bay side, it would not be subject to wildland fires. No impact would occur.

VIII. HYDROLOGY AND WATER QUALITY -- Would the project:

a) Violate any water quality standards or waste discharge requirements?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not violate any water quality standards or waste discharge requirements. Any runoff that occurred during storm events would be managed in accordance with the requirements of the San Francisco Regional water Quality Control Board.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to the Geotechnical Engineering Investigation Report prepared by Twining Laboratories in June, 2005, depth to groundwater was encountered during field investigations at depths ranging from 10 to 14 feet. Excavation within areas of high groundwater could need dewatering for construction activities and to protect foundations. The recommendations of the report, including subdrain requirements will be incorporated into the project design. Implementation of this measure would result in a less than significant impact to groundwater supplies.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See also Comment in VIII. e.

No substantial alteration of the existing site drainage of the site or area is anticipated that would cause substantial erosion or siltation on- or off-site.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See also Comments in VIII. c. and e.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</p> <p><i>The proposed construction will not measurably increase the amount of impervious surface area on-site. Also, any increase in paved surfaces will not result in significantly lower absorption rates than the existing clay soils. Thus, this is not expected to result in potentially significant impacts.</i></p> <p><i>Storm water runoff from this site is carried in an existing underground storm drain system which is identified as line K-1 and part of which is owned by Alameda County Flood Control District. The underground storm drain system proposed for this project will connect to this existing line K-1 in accordance with City and Alameda County Flood Control District standards.</i></p> <p><i>It is anticipated that the total volume of runoff from the site will be approximately the same as current volumes.</i></p> <p><i>The project is not expected to result in potentially significant impacts due to changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>f) Otherwise substantially degrade water quality?</p> <p><i>The project will result in the discharge of urban runoff into existing Alameda County Flood Control District facilities, which ultimately discharge into surface waters. The runoff from the site will be treated with underground vaults incorporating continuous deflective separation technology or other liquids/solids/oils separation technology to remove sediments and oil from site runoff. In addition, part of the runoff will be treated by grassy swales. The project is not expected to result in potentially significant impacts with incorporation of these stormwater treatment facilities.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p> <p><i>See Comment in VIII. i.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</p> <p><i>See Comment in VIII. i.</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</p> <p><i>According to Flood Insurance Rate Maps published by the Federal Emergency Management Agency, the site is located partially in Flood Zone C and partially in Flood Zone B. Flood Zone B is the 500 year flood plain or 1 ft maximum 100 year flood level and Flood Zone C consists of areas of minimal flooding.</i></p> <p><i>Since construction is not within the 100 year flood hazard area, the project will not result in exposure of people or property to hazards such as</i></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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flooding.

j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The potential for inundation by seiche, tsunami, or mudflow is low. No dams or open reservoirs are sited within the City limits and the site is not in an area subject to tsunami.

IX. LAND USE AND PLANNING -- Would the project:

a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not divide the established community in the project area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project conforms to the City of Hayward General Plan. The change in zoning from Planned Development to Planned Development Commercial is not considered to result in a significant impact.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not conflict with an applicable habitat conservation plan or natural community conservation plan. No impact would occur.

X. MINERAL RESOURCES -- Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The state requires local jurisdictions to protect areas with economically significant mineral resources from incompatible development. In an effort to maintain availability of sand, gravel and crushed rock for long-term construction needs, the California Division of Mines and Geology (under the authority of the Surface Mining and Reclamation Act of 1975) has classified aggregate mineral zones throughout the state. The only designated "sector" of regional significance in Hayward meeting the tests of economic feasibility and current compatible land use that is to be protected from land uses incompatible with mineral extraction is La Vista Quarry, located in the unincorporated area east of Mission Blvd. and Tennyson Road (Hayward General Plan, 2002). Therefore, no impacts to mineral resources would occur as a result of the proposed project.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment in X. a.

XI. NOISE -- Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Due to the project's location on Hesperian Blvd. near Hayward Airport, construction activities and future noise levels generated by the operation of the project are not anticipated to increase over existing noise levels.

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Except for construction noise, which can be mitigated, the project would not expose persons to groundborne vibration or groundborne noise levels. The impact is considered less than significant.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Traffic noise generated by the project is significant if the project-generated traffic increases ambient noise levels by 3dBA or more in residential areas or at any other noise sensitive receptor where the future Ldn would be between 60 and 70 dBA. Increases of greater than 5dBA would be required to cause a significant impact if the future Ldn would remain below 60 dBA and increases of only 2 dBA would be significant where the future Ldn would exceed 70 dBA. Traffic noise generated by traffic from the project and cumulative development would not cause a substantial increase in noise levels at sensitive receptors in the area. This is considered less than a significant impact.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Construction of the project may subject surrounding residents and commercial tenants to temporary noise elevations and ground vibration. Maximum noise level (dB at 50 feet) for typical construction equipment ranges from 85 dB for a backhoe and pneumatic tools to 87 dB from bulldozers, and 88 dB for heavy trucks. An accurate prediction of noise levels that would occur near a construction site is difficult because the noise generation depends on the number, type and amount of time that each piece of construction equipment is operating. Construction activities at the project site would not occur in close proximity to existing residential neighborhoods. Construction noise generated at the site, when considered in the context of traffic on Hesperian Blvd. and West A Street and Hayward Executive Airport operations, would be a less than significant impact.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to the 2002 Hayward Executive Airport Master Plan EA/EIR,

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the project site would fall outside of the 60 CNEL noise contours of the airport runways and facilities.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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People working on the project site once completed would fall outside the 60 CNEL exterior noise contours of the Hayward Executive Airport. This is considered a less than significant impact.

XII. POPULATION AND HOUSING -- Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not induce substantial growth.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would not displace existing housing.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Because the existing site uses are commercial, the project would not displace substantial numbers of people.

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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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 commercial development, it would have no effect on schools.

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See comment under XIII.a.

Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
<i>See comment under XIII.a.</i>				
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>See comment under XIII.a.</i>				
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<i>See comment under XIII.a.</i>				

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Some use of the nearby Kennedy Park is anticipated but commercial use of the site would indicate that, as opposed to residential uses, increased use of parks would be minimal, causing a less than significant impact.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No construction or expansion of recreation facilities is anticipated.

XV. TRANSPORTATION/TRAFFIC -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

Impacts: A traffic analysis study was prepared by staff of the Hayward Public Works Dept. in June, 2005 ("Traffic Impact Study"- see Appendix D). The study presents trip generation estimates for existing uses on site. The vacant (former) Festival Cinemas are estimated to generate approximately 140 PM peak hour trips. For a conservative analysis, the removal of the Festival Cinemas was not considered in the trip generation analysis. According to the traffic analysis study, the project is expected to generate 92 net new trips in the AM peak hour and 329 net new trips in the PM peak hour. Intersection LOS changed for only one intersection: Hesperian Boulevard and West A Street in the PM peak hour from 24.9 seconds per vehicle (LOS "C") to 25.6 (LOS "D"). The existing LOS C is only 0.01 of a second below the LOS "D" threshold (25.0). This is not a significant change in the delay. The City of Hayward has established a level of service ("LOS") policy to maintain LOS D or better at all signalized intersections (General Plan, Circulation Element, March 2002).

All study intersections will operate at LOS D or better under all conditions. Since the change in LOS with the project from LOS C to LOS D at Hesperian and West A Streets is not significant, no mitigation is required.

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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The City has a high priority funded project to extend and realign the four lane West A Street from Hesperian Blvd. to Golf Course Road, including its intersection with Skywest Drive. This realignment will eventually provide better access to the industrial area and also provide a more useful parcel for the commercial retail use.

Truck access to the Target store loading dock is adequate and the project has adequate on-site circulation.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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See response to XV. a above. Note, although trip generation by the project exceeds 100 trips on the PM peak hour, Congestion Management Agency review of the project is not necessary because the project does not involve a general plan amendment or EIR.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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According to the Hayward Executive Airport Master Plan and EIR, the project is outside of all of the airport's safety zones. Furthermore, the project does not propose any structures which would interfere with air traffic patterns. Therefore, no impacts to air traffic patterns would occur.

d) Substantially increase hazards due to a design feature (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"/>
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The project's proposed five access points (see Figure 1) are designed to City street standards. Further, truck access and emergency vehicle access has been reviewed and found to meet City standards.

e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment in XV.d.

f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The City of Hayward Parking Ordinance requires the project to provide parking according to the following breakdown:

-Restaurants 1/3 seats and 1/200SF for non seating areas

-Retail < 10,000SF 1/200SF

-Retail > 10,000SF < 40,000SF 1/225SF

-Retail Storage 1/1000SF

-Retail Public Area 1/250SF

As a result, 628 parking spaces are required for the project, including a 15% transit discount. The site plan provides 649 parking spaces. Therefore, the proposed project meets the City's code requirement for parking. In addition, further data from the Applicant relative to actual parking demand for the Target Stores confirms that the parking proposed would be adequate for the project site.

However, there may be a potential indirect impact of the project on parking use related to the users of Kennedy Park across Golf Course Road from the site. The Park does not have sufficient nearby on street parking

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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for peak use periods such as Father's Day, 4th of July or major events such as the Zucchini Festival. The City will work with the Applicant and will look at other City-owned land to help address this temporary problem.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

The project does not conflict with adopted policies, plans or programs supporting alternative transportation. Bus stops are provided for north and south bound buses at the Hesperian and West A intersection. This impact is considered less than significant.

XVI. UTILITIES AND SERVICE SYSTEMS -- Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Since the project disturbs more than one acre, the Applicant would be required to obtain a national Pollution Distribution Elimination System (NPDES) General Construction Activity Storm water permit. The project construction contractor would be required to file a Notice of Intent under the State's NPDES General Construction Permit (CAS0002). The permit requires that a Storm Water Pollution Prevention plan (SWPPP) be prepared specifying Best Management Practices (BMPs) to reduce erosion to disturbed soils. The project would also be subject to the City's Land Grading and Clearing Ordinance (Hayward Municipal Code Sec. 10-8.10). Therefore, the project would not exceed wastewater treatment requirements and this impact is considered less than significant.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project would be served by the City of Hayward Utilities Division, which owns and operated by the local water distribution and supplies water to the City. The City of Hayward sewage system would serve the project. Neither the water or wastewater facilities would need to be expanded causing a significant environmental impact.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The project will connect to the existing Alameda County Flood control District Storm Drain System Line K-1. The project will not result in a significant need for new systems or supplies, or substantial alterations to the existing storm water drainage.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

The water system in the City is in generally good condition and does not pose significant concerns in terms of accommodating additional

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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development (Hayward General Plan, 2002). Impacts to water supply are considered less than significant.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See Comment under XVI. b.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project would generate solid waste and would contribute incrementally to the loss of landfill capacity in the County. Solid waste from the project would be disposed of at the Altamont Landfill. The Altamont Landfill has sufficient disposal capacity to handle current and estimated waste stream until at least the year 2024 for land uses associated with the General Plan. The project would comply with federal, state, and local statutes and regulations related to solid waste. Accordingly, solid waste impacts are considered less than significant.

g) Comply with federal, state, and local statutes and regulations related to solid waste?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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See comment under XVI. f.

XVII. 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project would not degrade the quality of the environment, result in an adverse impact on fish, wildlife, or plant species including special status species, or prehistoric cultural resources because project components would be constructed on areas that are not identified as sensitive.

Prehistoric or historic cultural resources would not be adversely affected because no archeological or historic resources are known to exist on the project site or in the area. Further, project implementation includes compliance with appropriate procedures for avoiding or preserving artifacts or human remains if they are discovered during project excavation.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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The project is consistent with the City's General Plan. The project would require the approval of a zone change from Planned Development to Planned Development Commercial. Implementation of the proposed project is contingent on approval of the development application.

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

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project may temporarily impact the area by construction-related air quality, noise, and traffic impacts. Geotechnical and hazardous materials impacts would be mitigated to a less than significant level by the mitigation measures indicated. The proposed project would not have any direct or indirect adverse impacts on humans because construction effects would be temporary and have been reduced or eliminated by environmental control measures incorporated into the project design. Therefore, the proposed project would not have any direct or indirect adverse impacts on humans.

The following project materials are on file in the City of Hayward Planning Division:

Appendix A Development Application

Appendix B Geotechnical Engineering Investigation Report

Appendix C Phase 1 Environmental Site Assessment

Appendix D Traffic Impact Study



**MINUTES OF THE REGULAR MEETING OF THE
CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, July 14, 2005, 7:30 p.m.
777 B Street, Hayward, CA 94541**

MEETING

Acting Chair McKillop requested five minutes to read revisions that were distributed prior to the meeting. The regular meeting of the Hayward Planning Commission was called to order at 7:36 p.m., by Acting Chair McKillop followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS: Lavelle, Sacks, Bogue, Peixoto, Zermeño
CHAIRPERSON: Acting Chair McKillop
Absent: COMMISSIONER: Thnay

Staff Members Present: Bauman, Conneely, Patenaude, Lens

General Public Present: Approximately 38

PUBLIC COMMENTS

There were no public comments.

Acting Chair McKillop informed the audience that items 2 and 3 were postponed until later Planning Commission meetings.

PUBLIC HEARINGS

1. Zone Change Application No. PL-2005-0223 - Vic de Melo, Browman Development Company, Inc. (Applicant) / City of Hayward (Owner) – Request to Change the Zoning to Planned Development District in Order to Raze Service Station Structures, a Motel, and a Former Cinema Structure and to Construct a Retail Center Consisting of a Regional Retail Building (Target) with an Attached Junior Anchor Store, Three Detached Retail Buildings, and to Retain an Existing Restaurant (Carrow's) on Approximately 13 Acres – The Project is Located on Hesperian Boulevard Between West A Street and Golf Course Road

Staff report submitted by Associate Planner Torrey, dated July 14, 2005, was filed.

Principal Planner Patenaude presented the report. Principal Planner Patenaude indicated that staff proposed to add a condition to prohibit sale of alcohol at the proposed Target and also stated that the applicant is in concurrence with this condition. He also mentioned revisions to two conditions. In reference to Condition No.19, it was changed to read, "An arborist's report by a certified arborist with a map locating all of the existing trees and showing the location of the trees that are suitable for relocation shall be prepared. These trees shall be relocated to the new parking lot. As an alternative, new trees of the same stature, in a number equal to those removed, may be planted in the new parking lot". In reference to Condition No. 63, the revision included, "...users of Golf

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Course Road. Developer and Target Stores will have the opportunity to provide engineering analysis to the City regarding any appropriate mitigation measures. If the city determines impacts are significant, the driveway..."

In response to Commissioner Lavelle's concern about the interaction between City staff and Hayward Area Recreation District (HARD) staff regarding this proposal, Principal Planner Patenaude responded that the two agencies have discussed the parking issue related to Kennedy Park.

Responding to Commissioner Lavelle's comment about the closing of the Target store at Hesperian and Lewelling, Principal Planner Patenaude stated that staff understands that they will not be able to renew their lease.

Commissioner Zermefio thanked Principal Planner Patenaude for the report. He asked for clarification of the existing zoning of the proposed project and also inquired about the funding for the demolition of the theater. Deputy Director of Public Works Bauman responded that the money is in the Capital Improvement Budget and the theater will be demolished after the Zucchini Festival event.

Acting Chair McKillop opened the public hearing at 8:03 p.m.

Mr. Vic de Melo, Director of Development of Browman Development, thanked the Commissioners for the opportunity to address them and staff for working with him. Mr. De Melo stated his concurrence with the conditions of approval and his receptiveness to the revisions. He stated that the project will bring 400 to 500 new jobs to the City and will add approximately \$50 million of sales annually which would result in approximately half million dollars in revenue back to the City. Finally, he stated that the addition of 17 parking stalls on their property would be a compromise for HARD.

Commissioner Bogue asked the applicant if he plans to sell the property after completion. Mr. Vic de Melo responded that he does not plan to sell that portion of the project. In regards to the three trash facilities in the parking lot area, Commissioner Bogue and Mr. De Melo discussed trash facilities. Staff commented that detailed trash facilities would be required with the Precise Plan.

In response to Commission Sacks' inquiry about the prospective owner of the Junior Anchor Store, applicant De Melo stated that Browman Development will eventually own the store. There was discussion regarding the potential Junior Anchor Store tenant.

In response to Commissioner Lavelle's concern, Mr. De Melo mentioned the plan to raze the hotel was critical for redeveloping the property and maintaining uniformity and that Carrows has a long term lease. Additionally, Mr. De Melo, at request of Commissioner Lavelle, clarified that the project will bring fewer than 400 net new jobs because of crossover from the other store.

Ms. Samantha L Bloodhart, President of the Skywest Townhomes Homeowners Association, expressed concern with the Golf Course Road entrance for Target. Ms. Bloodhart mentioned that the center will have four entrances, whereas the townhomes have only one. Ms. Bloodhart mentioned concern for traffic due to Kennedy Park's use and the diagonal spaces on Golf Course



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Road. She requested that the Commissioners further examine the traffic before approving the Golf Course entrance. She mentioned that the homeowners are supportive of the development. She also noted concern for the safety of pedestrians in the area. Deputy Director of Public Works Bauman noted that there would only be one new traffic signal at West A Street and Skywest Drive.

Ms. Mary Clements, Skywest homeowner resident and Board of Director's Member, expressed concern for the security of the residents and the potential increase of people wandering around. She also expressed support for the prohibition of the sale of alcohol. Lastly, she stated that they do not have enough police protection and surveillance from the City and requested to have more security measures in the form of a gate or additional security patrol.

Mr. Louis Andrade, Hayward Area Recreation District Board Member, mentioned that the initial study does not address the park issue. He requested that the Commissioners not take action or postpone action, and to review the plans and find a favorable solution. He stated that the City and HARD have had consultations regarding this project since June 24.

Mr. Alan Franke, Skywest Townhouse Board Member, expressed that he would like to see his complex enhanced by the project and also added concern about adequate parking at Kennedy Park on weekends.

Mr. Howard Beckman, San Lorenzo Village resident, addressed his concerns which were submitted to the Commissioners prior to the meeting.

Mr. Larry Lepore, Superintendent of HARD, mentioned the good relationship with the City. He added that in working with staff some mitigation measures have been addressed in regards to parking, but there is still concern. He also stated traffic concern in the area and along Golf Course Road. Mr. Lepore mentioned that even though there was discussion with City staff regarding parking and traffic measures, he believes that HARD staff can benefit from further interaction regarding the issues raised.

Mr. Brian Stanke spoke in favor of the proposed Target. He suggested parking on top of the store as an alternative for additional parking and allowing space for residential development along Kennedy Park as a buffer between Target and Kennedy Park.

Mr. Darryl Browman, representing Browman Development, answered questions from the Commissioners and addressed concerns expressed by Skywest homeowners. He also mentioned that timing is critical in order to open the proposed project in a timely basis after the closure of the Target at Hesperian and Lewelling. He respectfully asked for a decision tonight.

Acting Chair McKillop closed the public hearing at 9:01 p.m.

In regards to Commissioner Zermeño and the parking situation at the former cinema, Deputy Director of Public Works Bauman responded that when the cinema was in operation there was enough parking.

In response to Commissioner questions, Principal Planner Patenaude stated that there will be another opportunity for public input at the July 26 Council meeting. Commissioner Peixoto spoke on the letter submitted by Mr. Amoroso from the Alameda County Community Development Agency requesting an extension to evaluate the project. Principal Planner Patenaude commented that the two agencies are looking for long term solutions. He also stated that the project does not impact the park and that staff will look at the different issues raised and will respond accordingly.

City Manager Armas joined in the discussion. He stated that, from previous experience, Browman Development is very attentive to neighbors' voice and to working with public agencies. He noted that it is essential that the project move forward. Additionally, he stated that the City and HARD have a good relationship and emphasized that both jurisdictions can work together in finding a long term solution for the well being of everyone.

Commissioner Sacks moved the proposed project as recommended by staff and included revised conditions Nos. 19 and 63 and the added condition of no sale of alcohol. She thanked City Manager Armas for joining in and for the sentiment that the two agencies work together.

Commissioner Bogue seconded the motion.

Commissioner Zermeño supported the motion and stated that the objections were minor and were addressed. He thanked staff for the report.

Commissioner Bogue offered a friendly amendment to add the wording, "during park hours" to Condition No. 58. He also recommended that staff reconsider the proposed diagonal parking spaces on Golf Course Road for public safety. Commissioner Sacks accepted the amendment.

Commissioner Lavelle expressed happiness with the project; however, she mentioned that she strongly supports the existing planned development district for entertainment, lodging, and related services. She mentioned that Hayward is lacking entertainment venues. She also noted that there are ten Target stores within 20 to 25 miles radius of Hayward. She mentioned that she shops at Target stores and is happy with the service but believes that there is no benefit to add another store to the community. Additionally, she would like to see diversity of retail. Lastly, she mentioned that she is not satisfied with the issue of traffic at the intersection of West A and Hesperian. She did not support the motion.

Commissioner Peixoto expressed that he was enthusiastic about the project, but after the discussion and the ANG newspaper article, he became concerned. He stated that it is good public policy to involve major stakeholders in important decisions. He supported the project but stated concern for miscommunication between the agencies. Lastly, he expressed that during the interim period he would like staff to conduct discussions with the stakeholders regarding the issues raised at the meeting.



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Commissioner McKillop expressed her concurrence with Commissioner Peixoto and appreciated the good response from the community and apologized for those that were inconvenienced with the time frame for this project. She supported the motion.

Commissioner Sacks moved, seconded by Commissioner Bogue, and approved with Chair Thnay absent to recommend that City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program, approve the Zone Change Application and Preliminary Development Plan subject to the findings and conditions of approval including revisions to Conditions 19, 58 & 63, and add a condition to prohibit sale of alcohol at Target, and recommend that staff reconsider the proposed parking diagonal spaces on Golf Course Road.

AYES: COMMISSIONERS Sacks, Bogue, Peixoto, Zermeño
Acting CHAIR McKillop
NOES: COMMISSIONER Lavelle
ABSENT: CHAIR Thnay
ABSTAIN: COMMISSIONER None

2. Zone Change No. PL-2005-0062 & Tentative Tract Map 7608 / PL-2005-0063 Jamal Rabbani (Applicant/Owner) – Request to Change the Zoning From a Single-Family Residential District to Planned Development District and Subdivide a 0.7 Acre Parcel into 7 Parcels and Construct 6 Homes – The Project is Located at 2448 Kelly Street
(Continued to July 28, 2005)

3. Text Amendment Application No. PL-2004-0632 – Joseph Bradford for The Olson Company (Applicant) – Request to Amend the Parking Ordinance to Allow Tandem Parking for Multi-Family Residences Citywide
(Continued to September 8, 2005)

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters
Principal Planner Patenaude reported on two items that went from Planning Commission to City Council. The Pay Day Loan Use Permit, called by Council Member Henson, was upheld for approval but it was required that conditions be met prior to the start of the business and required wood fence along the property line. In regards to the variance for parking on Highland, Principal Planner Patenaude stated that it will go back to Council on June 26.

Commissioner Peixoto thanked staff for taking action on the property between B and Second Street.

5. Commissioners' Announcements, Referrals
Commissioner Bogue reminded everyone about the Street Party on July 21, August 18, and September 15.

APPROVAL OF MINUTES

There were no minutes to approve.

ADJOURNMENT

Acting Chair McKillop adjourned the meeting at 9:32 p.m.

APPROVED:

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

Miriam Lens
Commission Secretary



CITY OF HAYWARD AGENDA REPORT

Meeting Date 7/14/05
Agenda 1

TO: Planning Commission

FROM: John Torrey, AICP Associate Planner

SUBJECT: **Zone Change Application No. PL-2005-0223– Vic de Melo, Browman Development Company, Inc. (Applicant), City of Hayward (Owner) – Request to Change the Zoning to Planned Development District in Order to Raze Service Station Structures, a Motel, and a Former Cinema Structure and to Construct a Retail Center Consisting of a Regional Retail Building (Target) with an Attached Junior Anchor Store, Three Detached Retail Buildings, and to Retain an Existing Restaurant (Carrow’s) on Approximately 13 Acres**

The Project is Located on Hesperian Boulevard between West A Street and Golf Course Road

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Mitigated Negative Declaration and Mitigation Monitoring Program; and
2. Approve the Zone Change Application and Preliminary Development Plan subject to the attached findings and conditions of approval

DISCUSSION:

This project is a request to change the zoning from a Planned Development District supporting entertainment, lodging and related services to a Planned Development District supporting retail commercial uses. The project includes razing service station structures, a motel, and a former cinema structure to accommodate construction of a retail center on approximately 13 acres, including a 136,150-square-foot regional retail building (Target) with a 19,200 square foot junior anchor store, a 6000-square-foot retail building, a 11,700-square-foot retail building, an 8000-square-foot retail building, and to retain an existing restaurant at 4200 square feet. For comparison of size, the *Costco Business Center* building at West A Street and Hathaway Avenue contains approximately 105,000 square feet, and *Home Depot* at Hesperian Boulevard and Sueirro Street contains 107,920 square feet with an accessory 23,928-square-foot garden center.

The commercial project is consistent with the City of Hayward Commercial/High Density Residential General Plan designation for the site and is in keeping with the commercial nature of Hesperian Blvd. The project is also consistent with the land use policies of the Hayward Executive Airport Master Plan, including all land use safety zones as described in the Master Plan and its Environmental Assessment/Environmental Impact Report on the Master Plan.

Setting

The western portion of the site is currently vacant of structures, contains an unused parking lot, and is partially surrounded by a 6-foot chain-link fence. The eastern portion is currently occupied by the two-story Vagabond Hotel and is separated from a vacant cinema complex by a 6-foot-high chain link fence. A gas station occupies the southeast corner of the site. The 130-seat Carrows Restaurant fronts Hesperian Boulevard. With the exception of the restaurant, these buildings will be deconstructed to accommodate the proposed development. There are numerous mature trees on the site (eucalyptus and deciduous ash, among others) especially in the vacant parking lot.

Storm water runoff from this site is carried in an existing underground storm drain system part of which is owned by Alameda County Flood Control District. The underground storm drain system proposed for this project will connect to this existing line.

Site Plan

West A Street is proposed to be extended and realigned by a separate City project from Hesperian Boulevard to Golf Course Road, including its intersection with Skywest Drive. Access to the site will be provided from five driveways: a driveway on Golf Course Road, two reconstructed driveways on Hesperian Boulevard, and two new driveways on West A Street. All driveways will be stop sign controlled for vehicles exiting the site except for the driveway at the intersection of West A Street and Skywest Drive which will be signalized. Primary truck egress is provided from the far west driveway on the proposed realigned West A Street. Truck egress will be at the Golf Course Road driveway back to Hesperian.

The proposed Target building will be located at the southwest corner of the site, with the storefront facing Hesperian Boulevard and the loading area facing West A Street. The junior anchor store will be located on the south side of the Target building. The three smaller shops are located along Hesperian Boulevard. The existing restaurant building facing Hesperian Boulevard in the middle of the east side of the site will remain where it is. The proposed site plan best utilizes the property, given its awkward shape and the need to screen the truck loading.

With respect to parking, 638 parking spaces are provided for in the project; 628 spaces are required, taking into consideration the 15% transit discount allowed by the Parking Regulations. Therefore, the proposed project meets the City requirement for parking. Twelve cart corrals are distributed throughout the parking lot.

Architecture and Landscaping

The Target building will be 26 feet in height and of concrete block. It is designed in a classical architectural theme with strong detailing and a variety of textures that complement surrounding retail uses. A soft Mediterranean color palette will be used for the buildings. The building elevations are articulated with the entrance façade receiving the most extensive treatment which includes concrete tilt-wall with cast concrete bands, window cornices, concrete walls with textured paint, brick piers with steel trellis, and manufactured stone. The north façade has a similar treatment with trees and shrubs. The south façade is less articulated and the west façade has trees and screening of the truck loading dock area. The project provides extensive landscape throughout the site. A lighting plan has been prepared which proposes light poles at the beginning and end of the parking bays in order to illuminate the parking areas and the front of the anchor tenant building. Staff supports the design of the project.

The Hayward Design Guidelines require private property improvements along major street corridors to develop a quality image of the City of Hayward. Staff recommends that an entry statement consisting of a tower structure, with significant landscape materials, be required at the corner of Hesperian Boulevard and West A Street to provide a signature statement. Detailed landscape and irrigation plans have been submitted to the City. The applicant will be required to prepare an arborist report identifying the existing trees and their value so that replacement trees to compensate for the loss can be incorporated into the landscaping. A combination of vertical-growth landscaping and vine-covered trellises will be provided along all elevations of buildings to soften the visual impact of building mass. A similar landscape treatment may be seen on *The Home Depot* to the south of the project. All loading areas will be screened with walls and landscaping.

A detailed sign program, subject to approval by the Planning Director, will also be required prior to the approval and installation of any individual signs.

External Traffic

A traffic analysis study was prepared by staff of the Hayward Public Works Department. in June, 2005. The study presents trip generation estimates for existing uses on site. The vacant Festival Cinemas building is estimated to have generated approximately 140 PM peak hour trips. For a conservative analysis, the removal of the Festival Cinemas was not considered in the trip generation analysis. According to the traffic analysis study, the project is expected to generate 92 net new trips (beyond the current hotel, gas station, and restaurant uses) in the AM peak hour and 329 net new trips in the PM peak hour. Intersection levels of service (LOS) changed for only one intersection: Hesperian Boulevard and West A Street in the PM peak hour from 24.9 seconds per vehicle (LOS "C") to 25.6 (LOS "D"). The existing LOS C is only 0.1 of a second below the LOS "D" threshold (25.0). This is not a significant change in the delay. The General Plan policy is to maintain LOS D or better at all signalized intersections. Without mitigation, all study intersections will operate at LOS D or better under all conditions. Since the change in LOS with the Project from LOS C to LOS D at Hesperian and West "A" Street is not significant per City standards, no mitigation is required.

The City has a high priority funded project to extend and realign the four lanes of West "A" Street from Hesperian Blvd. to Golf Course Road, including its intersection with Skywest Drive. This realignment will ultimately provide better access to the industrial area and also provide a more useful parcel for the commercial retail center. The improvements were incorporated into the traffic analyses for development. Truck access to the Target store loading dock is adequate and the project has adequate on-site circulation.

PUBLIC NOTICE:

On June 24, 2005, 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 and to all parties having previously expressed an interest in this project. The Applicant held a meeting with area residents, which staff also attended. Those in attendance raised issues relating to parking needs for users of Kennedy Park across Golf Course Road from the site. The Park does not have sufficient nearby on site or on street parking for peak use periods or major events such as the Zucchini Festival. A partial solution, which can easily be implemented by the City, would be to restripe Golf Course Road to provide 32 angled parking spaces on the south side. In addition, present traffic needs on West A Street would allow replacing one travel lane in the westbound direction with a parking lane from the new signalized intersection with Skywest Drive to Golf Course Road which would add about 20 additional spaces. Finally the developer has agreed to sign 17 spaces on the north side of their parking lot specifically for Kennedy Park users on weekends. The City and HARD believe these measures will adequately address normal Kennedy Park needs for parking and the City will continue to work with HARD to help address their peak usage problem.

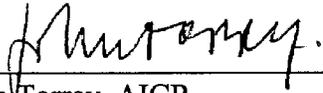
ENVIRONMENTAL REVIEW:

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 air quality, cultural resources, geologic/seismic, and hazardous materials conditions. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, would not result in significant effects on the environment. Therefore, a mitigated negative declaration was distributed for review on June 24, 2005. To date no comments have been received.

CONCLUSION:

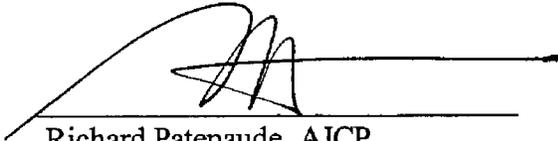
The Applicant's proposal for a regional-based retail center is consistent with the City's goals and policies for development on this site. The proposed center will provide an additional retail/service option for customers. The architecture, building materials and signage are consistent with the design theme for this area of the City. With the proposed conditions of approval, staff recommends that the Planning Commission approve this project.

Prepared by:



John Torrey, AICP
Associate Planner

Approved by:



Richard Patenaude, AICP
Acting Planning Manager

Attachments:

- A. Area Map
- B. Conditions of Approval
- C. Findings for Approval
- D. Mitigated Negative Declaration/Environmental Checklist & Mitigation
Monitoring Plan
Plans

Alameda County Airport Land Use Commission
 224 W. Winton Avenue, Room 111
 Hayward, CA 94544
 (510) 670-6511

July 13, 2005

RECEIVED

John Torrey, AICP
 City of Hayward
 Planning Division
 777 B Street
 Hayward, CA 94541

JUL 14 2005

PLANNING DIVISION

**SUBJ: Alameda County Airport Land Use Commission Administrative Review:
 Planned Development District, A Street and Hesperian Blvd. PL-2005-0223 ZC**

Dear Mr. Torrey,

Thank you for the opportunity to review the proposed zoning change for a Planned Development District at the corner of A Street and Hesperian Boulevard. I offer the following comments for your consideration.

The project site is located within the ALUC's General Referral Area (also known as the Airport Influence Area) and the ALUC Height Referral Area for the Hayward Executive Airport.

Airport Influence Area

The proposed project location is within the Airport Influence Area (ALA) for the Hayward Executive Airport. As such, it is subject to real-estate disclosure requirements as defined in AB 2776-Simitian. Buyer notification requirements for lands around airports are addressed in Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code (<http://www.leginfo.ca.gov/calaw.html>).

ALUC Height Policy

Compatible land use is defined consistent with standards and procedures set forth in FAR Part 77, including Subpart D, which is located in Appendix C of the ALUC Policy Plan. The ALUC Height Referral Area for each airport is identical to the FAA notification requirement for new construction or alteration (FAA Advisory Circular No. 70/7460-2G, November 30, 1977). Any structure eventually built as a result of this proposed zoning change must conform to these standards to be in compliance with the ALUC Policy Plan.

The referral area encompasses the following airspace:

- For an airport runway more than 3,200 feet in length, a sloping surface identifies the airspace above one foot in height for each 100 feet (100:1) horizontally from the nearest point of the nearest runway, within 20,000 feet of the runway.

- For an airport runway no more than 3,200 feet in length, a sloping surface identifies the airspace above one foot in height for each 50 feet (50:1) horizontally from the nearest point of the nearest runway, within 10,000 feet of the runway.

ALUC Policy Plan Consistency Determination Finding

The proposed zoning change for a Planned Development District, located at A Street and Hesperian Blvd. (PL-2005-0223 ZC) is consistent with the ALUC Policy Plan, provided the required height restrictions are implemented. At such time that future specific development projects are proposed for this site, the ALUC requests they be referred to the ALUC for a Plan Consistency Determination.

Again, thank you for the opportunity to review this proposal. Please do not hesitate to contact me at 510/670-6511 if you have any questions or require additional information.

Sincerely,



Cindy Horvath, Sr. Transportation Planner
ALUC Staff

c: Chris Bazar, Alameda County Planning Director, ALUC Administrative Officer

SKYWEST TOWNHOUSE HOMEOWNERS ASSOCIATION

EXHIBIT G

P. O. Box 2657
CASTRO VALLEY, CALIFORNIA 94546

TEL: 510.888.8965 AND 510.888.8977 • FAX: 510.886.5223

July 13, 2005

Via Hand Delivery

Mr. John Torrey, AICP
Associate Planner
Planning Division
City of Hayward
777 "B" Street
Hayward, California 94541

In re Zone Change Application PL-2005-0223 Vic de Melo, Browman Development Company, Inc.

Dear Mr. Torrey:

Skywest Townhouse Homeowners Association held a meeting on July 12, 2005 to state questions and concerns regarding the captioned development. On behalf of Skywest Townhouse Homeowners Association please consider this formal notice that I intend to address the Hayward Planning Commission on July 14, 2005. My comments will include, but not be limited to the items in this correspondence. I strongly urge the consideration and inclusion of the following items to the captioned plan.

I, as the Board of Directors President, represent 140 residential townhomes and the homeowners association located on eight acres. We are bordered by the activities lawn of Bohannon Middle School, Kennedy Park, Skywest Golf Course, and San Lorenzo Village. The only vehicle entrance and egress is via Clubhouse Drive, a private road. We have serious concerns regarding the captioned commercial plan and its integration into our established residential neighborhood.

Entrances to the Planned Commercial Property

Golf Course Road functions as a primary portal to Skywest Townhouses, Skywest Golf Course and Kennedy Park. Its traffic load is highly variable and reaches critical levels on weekends and holidays from heavy public use of the golf course and park facilities. Contrary to your Agenda Report dated June 24, 2005 - Father's Day, does not constitute a peak use period for this area, July 04 would have been a far better example. This traffic congestion is further compounded by the diagonal parking provided for Kennedy Park on Golf Course Road. In the interest of all parties mentioned we would respectfully request that no vehicle entrance or access be provided or maintained to the planned commercial operation from Golf Course Road, Skywest Drive or (as noted on the May 06, 2005 "A" Street Retail Center plans) Future "A" Street Realignment. I submit that these overly congested streets and facilities can not tolerate the additional traffic this complex will include and that vehicle entrances located on Hesperian and West "A" Street will be sufficient to allow easy access to the commercial center. This will insure that Skywest residents, park patrons and golfers vehicle access is preserved and unencumbered.

Security

I respectfully request that accommodations be made for the intolerable increase in crime a large retail center such as this will likely attract. All accommodations should be included in this developers plan, at the developers expense and a term of this developers "use permit". During a meeting of our homeowners association, suggestions included:

The development provide and maintain a security gate at our entrance. This would prohibit easy access for vehicle vandalism, auto theft and home intrusion. In addition, the decreased public parking for Kennedy Park caused by this development would not become the domain of Skywest Townhomes by leaving easy access to our property.

The development provide and maintain 24 hour security that includes patrolling our property. Our residents insist that the security provided should be armed and able to make arrests, in the manner of our existing security contractor.

The developer provide and maintain a row of street lights along its side of Golf Course Road. These lights should illuminate the local street without being intrusive.

Environmental Impact

I respectfully request that the developer provide and maintain a clean, attractive, rubbish-free facility. The concern of our community is that (1) the shopping carts be located only on the commercial center's property and not visible, (2) that noise from customers, equipment, and delivery vehicles be minimized, (3) graffiti be removed immediately, and (4) garbage and debris be removed immediately. Furthermore, we respectfully request the developer designate an employee who will be responsible for maintaining the appearance of the commercial center and acting on any complaints regarding the cleanliness thereof. As you may know, Hayward Area Recreation District (HARD) is very vigilant with regards to all trash and debris at Kennedy Park and on adjacent property. The developer should be similarly responsible for any trash "over-flow" from this plan.

In addition, our homeowners have greatly enjoyed the landscaping improvements made by Home Depot. I respectfully request that the developers provide and maintain the property in a similar manner with regard to landscaping. I recommend a buffer comprised of evergreen trees (minimum of three rows staggered) and a barrier that completely screens and separates the commercial property from Golf Course Road and Kennedy Park. Our homeowners have vocalized a preference that the swale (drainage creek) be landscaped and maintained in an open manner (as Home Depot) to provide visual interest and as habitat for water fowl.

Existing Streets, Sidewalks, Crosswalks

I respectfully request that the developer or City of Hayward provide and maintain new street surface, curbs and sidewalks. Skywest residents have agreed that the street is likely to be damaged by heavy equipment during construction and should be replaced. Curbs, sidewalks and crosswalks should be provided by the developer or city to promote safety for pedestrians, residents of Skywest and Kennedy Park patrons moving to and from parking areas.

Hours of Operation

I respectfully request that the hours of construction by the developers and operation by future tenants be restricted to Monday through Saturday 8:00 am to 9:00 pm and Sunday 9:00 am to 6:00 pm to alleviate noise and promote quiet enjoyment by Skywest residents. I respectfully request that all deliveries by tractor trailer to future tenants of the commercial property be completed Monday through Friday 7:00 am to 10:00 am and that no tractor trailers be permitted to park or stand anywhere within the development or on adjacent streets for more than 30 minutes. These designated hours should be a condition of the "use permit" for this plan.

Mr. John Torrey
Planning Division, City of Hayward
July 13, 2005
page 3

Miscellaneous

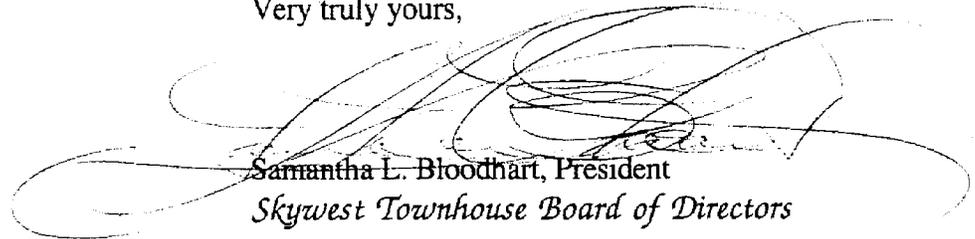
Due to the proximity of Kennedy Park, I respectfully request that the use permit issued for this plan exclude the selling of alcohol on the premises, except in the case of a full service restaurant.

and

I respectfully request that future proposed tenants or developments be announced, presented and explored in a more timely manner than was this plan. With a Target store whose size will "out-scale" even Home Depot, resident discussion is vital and must be welcomed to adequately plan the needs of our community and to promote inclusion (not exclusion).

If you have any questions or if you wish to discuss the matter further please do not hesitate to contact me at 510.861.1365.

Very truly yours,



Samantha L. Bloodhart, President
Skywest Townhouse Board of Directors

cc: seven for Planning Commission membership ✓

July 13, 2005

VIA FAX and U.S. MAIL
(583-3649)

City of Hayward
c/o John Torrey
Planning Division
777 B Street
Hayward 94541

Comments on "A Street Retail Center" (PL-2005-0223)

In a separate communication I have commented on the initial study for this project. The comments here address planning issues.

The Public at Large Has Been Effectively Shut out of the Planning Process

In light of signs that Festival Cinema could not remain in business, the City has long been concerned with the future of the property for the proposed project. However, planning for this important site at one of the city's major intersections, one that forms a cornerstone of the boundary between the City of Hayward and unincorporated communities, has never been a subject before the city planning commission. Instead, early discussions on the future of this property were conducted entirely within the Airport Committee of the city council, only because the project site is airport property.

The city manager, at the first public presentation of this project on June 16, revealed that this project had been under discussion with city officials for two years.

There is clearly a rush to approve this project by providing only the most minimal opportunity for the public to analyze, discuss, and comment on development at this site. The project's "initial study" is being circulated with the barest minimum 20-day comment period, followed immediately by action by the planning commission, and immediately thereafter action by the city council — all just before the traditional extended summer vacation. The City has followed this pattern of limiting public scrutiny whenever it wants to stifle controversy.

The City did not discuss this proposed project with the Hayward Area Parks and Recreation District at any time until after the public presentation of a detailed project plan on June 16. The City did not invite the County of Alameda, the governing authority for the unincorporated district along A Street and Hesperian, to discuss the project.

Why is the City afraid of public scrutiny and full-blooded debate?

/ Continued ...

City of Hayward (PL-2005-0223) / July 13, 2005 / Page Two

Whose Interests Are Being Served?

The proposed project would be built on airport property. Both the City and the Federal Aviation Administration, for separate reasons, require that the airport be self-sufficient. No money from the City's general fund directly supports the airport.

Airport use has been steadily declining in recent years, reflecting a national trend at general aviation airports like Hayward. As a result the City has been hard pressed to ensure the airport's survival. Accordingly, the City has been determined to develop big-box retail stores on airport property along Hesperian. Leases for these stores accrue to the airport, providing necessary cash to sustain the airport. (Sales tax revenue accrues to the City general fund.)

Thus the City's highest planning priority for its property on Hesperian between A Street and Winton Avenue is revenue generation. The fact that the anticipated revenue will support a facility that is the source of considerable noise and air quality impacts on thousands of surrounding residents appears to be of secondary concern to the City.

Economic Choices

Since revenue to the City is the principal motive in courting and approving big-box retailers like Target on the airport's Hesperian-fronting property, the City has determined that the communities surrounding the project site — both within and outside the City's boundaries — must put up with increased traffic and associated air pollution for the better of the city. That is, the City is sacrificing one district for the perceived (but highly questionable) economic benefits of a City facility (the airport). The irony of this bargain is that it will increase the burden of the facility on the local neighborhoods; lease revenues of the proposed Target will be used to develop the airport, resulting in increases in jet and helicopter traffic that will impose greater noise and fumes.

The alternative, much preferred because it places a higher priority on human communities than on market expansion, is to develop a retail center that serves primarily the surrounding residents. A center offering a multiplicity of small businesses and professional services would help sustain the local community, develop a healthy diversity of economic interests rather than the unhealthy concentration of economic interests in a few national companies, and promote walkability in the local community.

It is well documented that small businesses create more jobs than chain stores, retain profits in the local community, and contribute significantly to stable communities. Those are facts of today, not yesterday.

/ Continued ...

City of Hayward (PL-2005-0223) / July 13, 2005 / Page Three

Land Use

The proposed project is mostly a parking lot. This kind of design is appropriate where land is plentiful, and is characteristic of shopping centers of the distant suburbs. It is a shameless failure of planning in an area that is densely populated and where land prices are the highest in the United States. Everyone who thinks about it recognizes that weaving "infill" development into a coherent plan is our toughest challenge, yet with this project the City elects to promote a design that is a throwback to the 1950s and lacks any consideration of the challenge posed by the incessant increase in population density and the decrease in availability of developable land.

Relationship with Neighboring Park

Kennedy Park is a "destination" facility as opposed to a neighborhood park. It is classified as an "amusement park" by the Hayward Area Recreation and Parks District. The park is used intensively because it includes a variety of special attractions, reflected in the significant revenues to HARD from park users.

Likewise, the proposed Target store is a "destination" retail store rather than a neighborhood-serving business. Target, like other "regional-market" retailers, prefers to locate stores with nearby easy access to and from freeways, such as the A Street/1-880 circulation.

It is reasonable to assume, and more than likely, that a significant number of shoppers drawn to a Target store immediately across the street from the park will spend some time in the park as a direct result of their trip to Target. Moreover, many people drawn to the Target store will have learned of the location and attractiveness of the park for the first time and plan to return specifically to visit the park and will tell friends and neighbors about the park.

The project design does not reflect any consideration that the site is across the street from a major recreational site. If a destination retailer like Target is permitted on this site, a large number of drivers will choose to enter the shopping center parking lot from Golf Course Road, thus mixing with the heavy traffic into the park on the same road. In addition, Golf Course Road is an entry road to a large residential complex behind Kennedy Park.

The proposed landscaping along Golf Course Road is standard shopping center perimeter landscaping rather than any special treatment of the view from the park. Any new development on the project site should complement the park setting and experience. Landscaping along Golf Course Road for any future development should present a verdant and peaceful view, not merely a string of the "lollipop trees" favored by shopping center operators.

/ Continued ...

City of Hayward (PL-2005-0223) / July 13, 2005 / Page Four

Traffic Considerations

The City's accomodation of a Target store at A Street and Hesperian is part of a plan to invite "big box" retailers to locate on the airport property along Hesperian. A few years ago the City rezoned the airport's Hesperian-fronting property to specifically accomodate "regional-market" retailers, all of which prefer to locate stores near high-traffic corridors off freeways, like the I-880/A Street circulation.

The City has already permitted a large Home Depot store near the proposed Target. The City Manager announced at the June 16 public presentation of the Target project that "a Smart & Final store will be going in next to Home Depot." The Home Depot, Target, and Smart & Final stores are part of a plan for a "big box corridor" on Hesperian between A Street and Winton Avenue that is amply demonstrated in the City's planning documents and actions.

In association with the proposed project the City has already let a contract for widening and extending West A Street as the first phase of a plan to punch A Street through the airport into land now occupied by the National Guard but which will become available to commercial development very soon.

All of these actions represent an intensification of traffic on Hesperian and contributes to creation of yet another chokepoint in the City — the intersection of Hesperian and A Street. There is no necessity to this, since ample opportunities for retail development exist in more appropriate districts, or in districts that demand revitalization. City officials are continuously heard to complain of the stress of regional traffic on the city, yet deliberately engage in plans that aggravate the problem.

In sum, the project reflects the City's indifference to the livability and sustainability of its westernmost residential neighborhoods and neighboring unincorporated district.

Respectfully,



Howard Beckman

1261 via Dolorosa
San Lorenzo 94580

DUE TO THE LENGTH OR COLOR OF
THE REFERENCED EXHIBITS, THEY
HAVE BEEN ATTACHED AS SEPARATE
LINKS.

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

*True
7/19/05*

**RESOLUTION ADOPTING THE MITIGATED NEGATIVE
DECLARATION, APPROVING THE ZONE CHANGE FOR
PLANNED DEVELOPMENT APPLICATION NO. PL 2005-
0223 AND CONDITIONALLY APPROVING THE
PRELIMINARY DEVELOPMENT PLAN**

WHEREAS, Planned Development Application No. 2005-0223 concerns a request by Browman Development Company, Inc. (Applicant) and the City of Hayward (Owner) to create a retail center at 19901, 20413, 20455 and 20499 Hesperian Boulevard, Hayward, California (the location of the former Festival Cinemas), and change the zoning from Planned Development (PD) District for entertainment and lodging to Planned Development (PD) District for retail commercial uses (the "Property"); and

WHEREAS, an initial study and mitigated negative declaration have been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission considered the matter at its duly noticed hearing on July 14, 2005, and recommended approval of the mitigated negative declaration, mitigation monitoring and reporting program, the zone change and preliminary development plan; and

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

1. The project has been reviewed according to the standards and requirements of the California Environmental Quality Act ("CEQA") and an Initial Study and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the proposed project which reflect the independent judgment of the City Council that the project, as mitigated, could not result in a significant impact on the environmental impact.
2. The project is in conformance with the General Policies Plan Map designation of Commercial/High Density Residential. 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.

3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of Planned Development (PD) District as proposed. Such district permits land uses permitted in any other district, provided that such use complies with the General Policies Plan.
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 residential development in that the proposed use is permitted at this location. The project will comply with the Hayward Design Guidelines, the Landscape Beautification Plan and other applicable performance standards.
5. The surrounding streets and utilities are adequate to serve the development.
6. The project provides truck access and activity areas away from sensitive receptors to protect surrounding uses from impacts caused by loading/unloading operations. Hours of operations for such activities will be restricted to further protect sensitive receptors.
7. The project will not affect population projections, induce substantial growth or displace existing housing.
8. The project 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.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate storm water runoff.
10. A requirement to reduce dust generation and exhaust emissions during construction will reduce air quality impacts to a level of insignificance.
11. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.
12. Construction related to this project will be designed to perform to applicable codes and, therefore, will not be in conflict with adopted energy conservation plans.
13. The Fire Department will require appropriate measures to reduce the chance of any release of hazardous materials to below an acceptable level of risk.

14. The project will have no effect on government services or utilities.
15. No known archaeological or paleontological resources exist on the previously disturbed project site.
16. The use of this City-owned land by the retail center is consistent with the General Plan and the Hayward Executive Airport Master Plan.
17. The proposed structures and appurtenances do not create any hazard nor do they interfere with aircraft landing or take-off.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the preliminary development plan is hereby approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from a Planned Development (PD) District supporting entertainment and lodging to a Planned Development (PD) District for retail commercial uses.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

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. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY LOCATED AT 19901, 20413, 20455 and 20499 HESPERIAN BOULEVARD STREET PURSUANT TO ZONE CHANGE APPLICATION NO.2005-0223

mal
7/19/05

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

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 19901, 20413, 20455 and 20499 Hesperian Boulevard from a Planned Development (PD) District supporting lodging and entertainment to a Planned Development (PD) District for retail commercial uses.

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 _____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ___ day of _____, 2005, 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