CITY OF HAYWARD
AGENDA REPORT

Meeting Date 12/11/03
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT: **Site Plan Review No. PL-2002-0648 & Variance No. PL-2003-0669** – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

RECOMMENDATION

Staff recommends that the Planning Commission:

1. Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the site plan review and variance applications subject to the attached findings and conditions.

BACKGROUND

On July 26, 2001, the Planning Commission reviewed a project for this site that included a 9,700 square foot building with retail space on the ground floor and office space on the second floor. The project was required to have 31 parking spaces and only 8 were proposed on the site. The applicant had proposed to pay in-lieu fees for 23 spaces. The Planning Commission and members of the public raised concerns that there would not be enough parking to serve the building. The Commission voted (6-1-0) to continue the project to allow time for the availability of parking in the area to be studied further. A parking study was not submitted in a timely manner and the application was closed on July 16, 2002.

DISCUSSION

On November 14, 2002, the owner submitted a new application requesting to build a 8,812 square foot mixed-use building with 2,500 square feet of retail space on the ground floor and three condominiums on the second floor, each with approximately 1,500 square feet of living

area. The processing of this application has been prolonged due to delayed responses to staff's requests for revised plans and studies. The General Plan designation for the property is Retail and Office Commercial (ROC), where mixed retail and office uses are encouraged. The property is located in a Central City-Commercial (CC-C) Zoning District, which allows residential dwelling units as a primary use when located above a first floor commercial use. The Downtown Design Plan allows residential densities up to 65 units per acre. The proposal for three units on the 9,755 square foot lot would have a density of approximately 13 units per acre. No Parcel Map is required as part of the application as any condominium project with four or fewer units is exempt from City and State subdivision requirements.

The property is located on the southwest corner of B Street and Second Street. On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residential property.

The building is designed in a contemporary architectural style. Large windows along Second Street and B Street are shown for the retail spaces. The plans include an attractive tower element on the corner of the building that would compliment the tall entry feature on the commercial building on the northwest corner of the street intersection. The Second Street elevation has a horizontal band suitable for the installation of signs identifying the retail tenants. Each condominium would have a tandem two-car garage, a private entry from the rear yard and a balcony over-looking the rear yard. The floor plans show that two of the garages have access only from the large garage door facing the driveway. The applicant has agreed to a condition of approval requiring access to the garages either directly from the interior of each unit or from the rear yard area where there would be a secure walkway connecting the garage and living space entrances. There is one street tree on Second Street and it will be protected. The developer will add more street trees as well as landscaping throughout the parking lot and rear yard area.

Although the Downtown Design Plan recommends a 4-foot setback, the mixed-use building is proposed with no setback from the Second Street and B Street property lines. In staff's opinion, the building would continue an established and desired street pattern along B Street where pedestrian activity is encouraged. Although parts of the building would have no setback, the building has considerable relief along the property lines. The building would have storefront windows setback 2 feet and doors setback 3 feet from the Second Street property line. The windows and doors in the area of the corner would be setback 4 to 6 feet from the property line. Furthermore, the exception may be supported because development of the property is constrained by its small size (9,755 square feet) and narrow width (less than 50 feet) and locating the building closer to Second Street would minimize impacts to the church. In June of this year the Commission approved a similar exception for a commercial building on Main Street at Hotel Avenue.

The project significantly exceeds the minimum open space required. A minimum of 100 square feet of open space per unit is required, 30 square feet of which must be group open space. The plans show that 1,669 square feet of group open space would be provided, however, only about 880 square feet meets the minimum dimension of 20 feet in any direction for group open space.

Each condominium would have an approximately 70 square foot balcony on the rear side of the building facing the church. The minimum size for a balcony is 60 square feet.

If children live in the condominiums, they would attend Markham Elementary School (0.66 students), Bret Harte Intermediate School (0.12 students) and Hayward High School (0.21 students). When the General Plan was adopted, the Hayward Unified School District determined that these numbers of children could be accommodated at these schools.

The formation of a homeowners/commercial association for the three units and for the retail owner(s) and the creation of Conditions, Covenants, and Restrictions (CC&R's) would be required to cover the maintenance of the parking area and common area landscaping. The common area landscaping includes landscaping around the parking lot as well as the rear yard area.

Parking

Each condominium has a tandem two-car garage, which more than satisfies the minimum requirement of one and a half spaces per unit. The project is located within the Central Parking District where the Planning Director may permit tandem parking when both spaces are assigned to the same dwelling unit and are enclosed within a garage. There have been numerous other projects approved downtown with tandem parking and in this case, the tandem garages are justified in part due to the small, narrow lot size. There are 8 parking spaces required for the 2,500 square foot retail area and 3 open parking spaces are proposed on site. The project is deficient five parking spaces and will have a much smaller impact on nearby parking facilities than the previous proposal, which was deficient twenty-three spaces, would have had.

Section 10-2.413 of the City's Off-Street Parking Regulations allows the payment of an in-lieu fee when all the required parking cannot be provided on-site. The Ordinance states that such payments shall only be accepted when adequate municipal parking is available within a reasonable walking distance of the proposed development. With the previous proposal, the Commission was concerned that there may not be parking available in the area to accommodate the extra parking demand in the short term. In response, the applicant has prepared a parking study (attached) that documents that parking is available throughout the day within walking distance (200 feet) of the project site. In Municipal Parking Lot Number 4 alone, there are 50 spaces available during peak use times.

When the current application was submitted, the plans included two off-site parking lots that could serve the employees and customers of the retail spaces. The two off-site parking areas were removed from the application after staff expressed concerns about accessibility to the lots and maneuverability of vehicles on the lots. The applicant would, however, like to maintain the option of applying for an Administrative Use Permit at a later date to provide all or some of the five parking spaces at other locations rather than paying the in-lieu fee. The conditions of approval include this option.

There is a bus stop located directly across Second Street, which is served AC Transit bus route numbers 80, 92, 94 and 95 – all of which serve the Hayward BART station and route 92 serves

California State University Hayward. The project site is also approximately a one half-mile walk from the Hayward BART station.

Variance

A variance is required to locate the loading space for the disabled parking space 3 feet, 10 inches from the rear property line where 5 feet is required. The California Building Code and the Americans with Disabilities Act require that the loading area for a disabled parking space be at least 8 feet wide. This minor reduction in the setback from the adjacent church property should have a negligible impact on the church as the area will not be used for parking. The reduction in the setback is offset by the larger setback and landscape area along the south property line. The parking spaces are setback 6 to 9 feet from the south side property line where only 5 feet is required. The special circumstances about the property include the narrow size of the parcel and the odd angle of the south property line. The lot is less than 50 feet wide, which is considerably narrower than the other corner lots at the intersection of B and Second Streets. The other three corner lots average 134 feet in width. The remaining lots on the subject block on B Street have an average lot width of 77 feet. No other commercial properties on the B Street block face have on-site parking. Finally, the lot is narrow due to the City taking 50 feet when Second Street was widened in the early 1960's.

Public Notice

On November 19, 2002, an Official Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Chamber of Commerce, the Downtown Business Improvement Advisory Board, the Hayward Area Planning Association and the Upper "B" Street Neighborhood Task Force.

A letter was received from Lupe Compean, owner of property at the northwest corner of B Street and Second Street. Ms. Compean is generally opposed to the City accepting payment of in-lieu fees for parking because she believes that people will use her parking lot without permission. The parking analysis shows that there are other locations in the same block where parking is typically available, so people should not have a need to use the private lot across the street.

Staff recently met with a representative of the First United Methodist Church to discuss the current plans. The representative noted that the location of the proposed building has improved, but their primary concerns continue to be access to the gate and overall parking availability in the area. The church raised several objections in a letter dated December 2, 2002:

- The church would like to maintain access to a gate located at the southwest corner of the project site. The church does not have an easement to guarantee access through the applicant's property. The applicant has not designed the project to allow access to the gate.

- The church is concerned that the building is too tall and would block all light and air circulation to the east side of the church building. The plans reviewed by the church showed a setback of 5 to 9 feet from the rear property line. The plans have since been

revised to provide a 10 to 19-foot setback. Also, the building would be 28 feet tall. The Downtown Design Plan allows buildings to be 55 feet tall in this area.

- The church contends that its signage on the northeast corner of the building would be obscured. The proposed building would block the sign from view. Although the sign was installed with a permit, the Sign Ordinance only allows signs facing a street, parking lot or other public space. Because the lot adjacent to the church will no longer be used for parking, the sign will become nonconforming with respect to the Ordinance. The church has three signs facing B Street that would still be visible.

- There may be underground tanks on the site left by the former Kelly Gasoline Station. Phase 1 and Phase 2 reports have been prepared and reviewed by the Hazardous Materials Division of the Hayward Fire Department. It has been made a condition of approval that any structures remaining underground shall be removed to the satisfaction of the Hayward Fire Department prior to construction.

- The Church states that parking for persons attending church activities will be seriously restricted. The church has been paying the property owner for the right to park two cars on the subject property on a month-to-month agreement. As documented in the attached parking analysis, the loss of the two parking spaces can easily be accommodated by other nearby parking facilities.

On November 21, 2003, a Notice of Public Hearing for the Planning Commission meeting was mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

The proposed project is consistent with the City's Design Guidelines and the Downtown Design Plan. The proposal would create an attractive, mixed-use project that will improve the appearance of this corner lot and would bring needed housing to downtown. Staff recommends that the Planning Commission approve the proposal.

Prepared by:

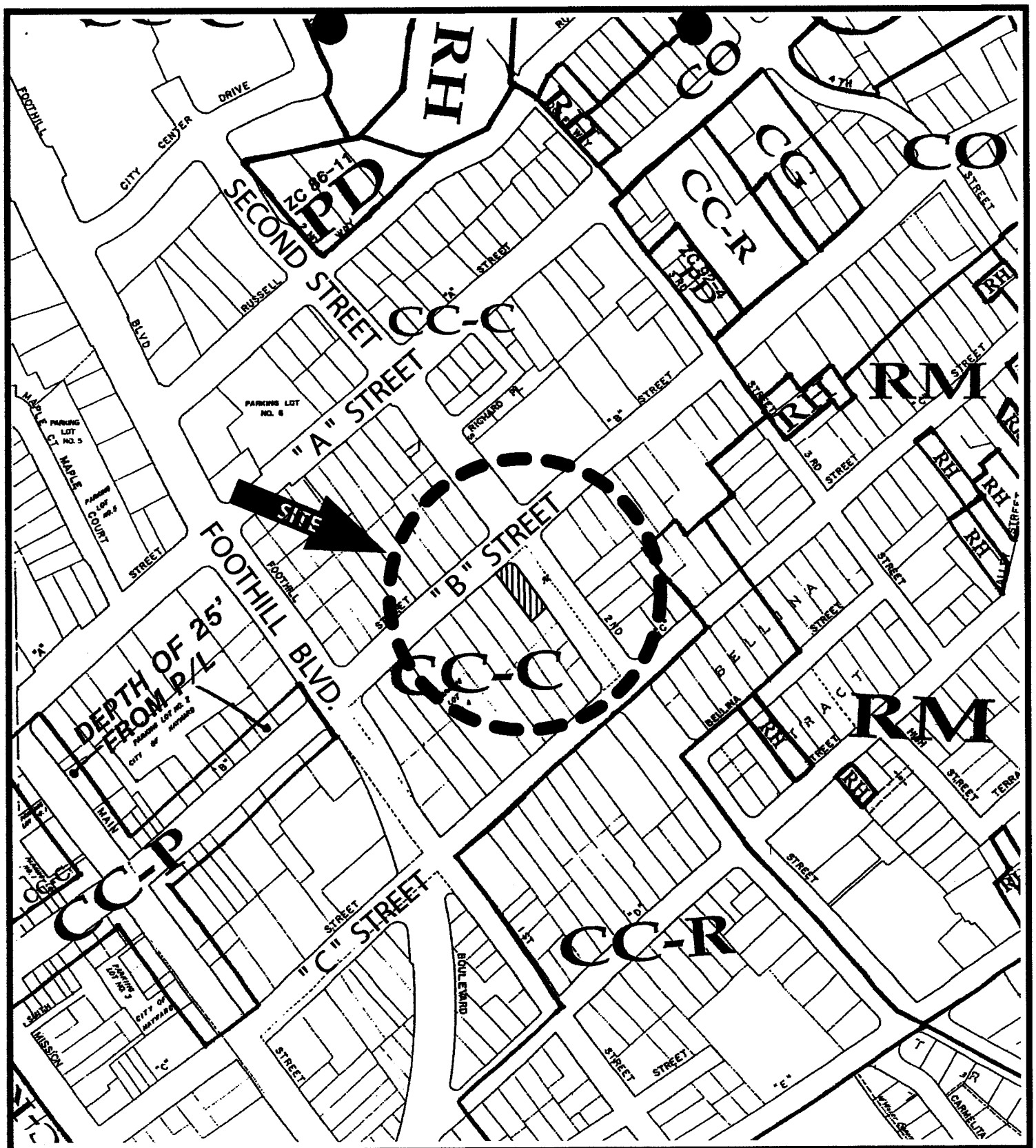
Erik J. Pearson, AICP
Associate Planner

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A. Area & Zoning Map
B. Findings for Approval of Site Plan Review Application
C. Conditions of Approval for Site Plan Review Application
D. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan
E. Letters from Neighbors
Plans



Area & Zoning Map
PL-2002-0648/0649 SPR/AUP
Address: 22605 2nd Street
Applicant: Sanjiv Bhandari
Owner: Dr. Dharam Salwan

CC-C-Central City-Commercial
CC-P-Central City-Plaza
CC-R-Central City-Residential
CG-General Commercial
CO-Commercial Office
PD-Planned Development
RH-High Density Residential RHB 7
RM-Medium Density Residential RMB 3.5, RMB 4

North

ATTACHMENT A

CITY OF HAYWARD
PLANNING DIVISION
SITE PLAN REVIEW & VARIANCE APPROVAL

December 11, 2003

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

Findings for Approval:

A. That approval of Site Plan Review Application No. PL-2002-0648 and Variance Application No. PL-2003-0669, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.).

Site Plan Review

B. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the proposal continues the storefront street pattern existing along B Street.

C. The development takes into consideration physical and environmental constraints in that any underground equipment and/or hazardous materials will be required to be disposed of to the satisfaction of the Hayward Fire Department.

D. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines and the Downtown Design Plan.

E. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that retail and residential use of the property is expected to few if any external impacts.

Variance

F. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints such as the narrow

ATTACHMENT B

shape of the lot and the fact that the current lot size is the result of the widening of Second Street. The lot is significantly narrower than other commercial properties on this portion of B Street.

G. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification in that the current state and federal laws require larger loading spaces than were required of older existing parking lots.

H. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated. Other parking lots in the area would be given the same consideration for disabled loading spaces within the required setback area.

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PLANNING DIVISION
SITE PLAN REVIEW & VARIANCE APPROVAL

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Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669: Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and a Variance to Allow Parking within 5-foot Rear Yard Setback – Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)/ Dr. Dharam Salwan (Owner)

The property is located at 22605 Second Street, at the corner of B Street, in a Central City-Commercial (CC-C) Zoning District

CONDITIONS OF APPROVAL:

1. Site Plan Review Application No. PL-2002-0648 and Variance Application No. PL-2003-0669, are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the site plan review and variance approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review and variance approvals.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
    a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

ATTACHMENT C

b) Show that an exterior hose bib will be provided in the rear yard area.

c) The plans shall show that pavement at the driveway entry will be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

d) Mailboxes shall be included on the plans and should be integrated into the building.

e) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of the building.

f) Include detailed landscaping and irrigation plans for all common areas.

g) Grading and improvement plans shall be submitted for approval by the Planning Director.

h) Plans shall show that all utilities will be installed underground.

i) Details of the trash enclosure including a solid roof with colors and materials to match the main building. Trash enclosure shall be attached to corner of main building.

j) Access from garages to rear yard shall be changed to allow access directly into units or into the rear yard.

6. Prior to issuance of a Building Permit:

(a) Documentation including, but not limited to Covenants, Codes and Restrictions shall be recorded to establish the living units and the retail space as condominiums.

(b) Any underground structures must be removed to the satisfaction of the Hayward Fire Department and final approval of the Phase 1 and Phase 2 reports shall be obtained. The applicant may contact Hugh Murphy, Hazardous Materials Coordinator, at (510)-583-4924 for additional information.

(c) The project, as approved, shall be required to maintain a base level of parking at 8 open spaces. These spaces may be provided on-site, by the payment of in-lieu fees ($28,075 per space), or at an off-site facility within 500 feet of the building (subject to approval of an Administrative Use Permit), or by any combination of these methods.

(d) Submit and obtain approval for a sign program for the identification of the retail tenants.

(e) The developer shall submit a soils investigation report to the satisfaction of the City Engineer.

7. Grading and construction shall be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work shall be done on Sundays or national holidays.

8. The applicant or homeowners/commercial association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, exterior building elevations, etc. The CC&Rs shall include provisions as to a reasonable time period that the building shall be repainted, the limitations of work (modifications) allowed on the exterior of the buildings, and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 10 days of occurrence.

9. Any satellite dishes shall be located as near as possible to the center of the roof to limit visibility from the ground.

10. The garage of each unit shall be maintained for parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. This requirement shall be incorporated into the CC&Rs.

11. The open parking spaces shall not be used by residents of the condominiums during hours that the retail businesses are open. The residents shall not use the open parking spaces for storage of recreational vehicles, camper shells, boats or trailers. These spaces shall be monitored by the homeowners/commercial association. The homeowners/commercial association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.

12. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

13. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

14. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

15. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

Landscaping:

16. Prior to the approval of improvement plans, or issuance of a building permit, 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.

17. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.

18. The existing street tree shall be preserved.

19. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.

20. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.

21. 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.

22. A landscape buffer including shrubs and one 15-gallon tree for every 20 lineal feet of property line shall be planted along the interior property lines.

23. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line to the extent possible throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

24. 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.

25. 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.

26. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.

27. Park Dedication In-Lieu Fees are required for each new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

Engineering:

28. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants to the maximum extent practicable.

29. The proposed driveway flare shall be at least 5 feet away from the existing street tree (20 inches in diameter).

30. The existing driveway along "B" Street shall be removed and replaced with standard curb, gutter and sidewalk.

31. The existing curb and gutter along Second Street (42 feet +/-) that is lifted by the existing tree shall be removed and replaced.

32. All "No Parking" signs that interfere with the proposed improvements shall be relocated as directed by the City Traffic Engineer.

33. Any broken sidewalk along the property frontage that creates a tripping hazard shall be removed and replaced.

34. Area drains shall be installed in the parking area to avoid surface runoff from flowing across the sidewalk and/or driveway areas.

35. Show on the plan the proposed location of the sanitary sewer laterals and water services. The minimum separation between sanitary sewer lateral and water service shall be 6 feet. Each residential unit is required to have a separate sewer lateral and water meter.

36. An Encroachment Permit shall be required prior to the start of any work within the public right-of-way. Improvement plans shall be reviewed and approved by the City Engineer and all improvements shall be designed to conform to the City Standard Plans.

Fire Department:

37. A building address shall be installed on the structure so as to be visible from the street.

38. The structure will be required to have an automatic fire sprinkler system installed throughout the building, including the parking garage, as per NFPA 13 and 24 Standards.

39. Portable fire extinguishers shall be installed in each retail space and within the service and parking garage areas. Fire extinguisher size, type and location shall be approved by the fire department.

40. Each residential unit shall have smoke detectors installed per the California Building Code.

41. Retail spaces shall not be allowed to use and/or store any hazardous materials and/or conduct any processes that will involve the use of such hazardous materials unless reviewed and approved by the fire department.

Solid Waste & Recycling:

42. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.

43. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

44. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 12/11/02.

Utilities:

45. A Reduced Pressure Backflow Prevention Assembly shall be installed as per City of Hayward Standard Detail 202 on all commercial, domestic and irrigation water meters.

46. Installation of separate water meters is recommended to avoid sewer charges for irrigation consumption and to avoid commercial sewer rates for the residential units.

47. Show Gallon Per Minute Demand on plans to determine proper meter sizes for commercial, residential and irrigation water use.

48. Show on plans the location of proposed water meters. Water meters are to be located two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code.

49. Add following notes to plans:

    (a) 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.

    (b) **Only Water Distribution Personnel** shall perform operation of valves on the Hayward Water System.

    (c) Water and Sewer service available subject to standard conditions and fees in effect at time of application.

General:

50. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

Site Plan Review Application No. PL-2002-0648 & Variance No. PL-2003-0669 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and Variances to Allow Parking within 5-foot Rear Yard Setback and to Construct the Building with No Setback from the Street Frontages Where 4-Feet Is Required. Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner). The property is located at 22605 2nd Street, at the corner of B Street in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources.

3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.

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.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

ATTACHMENT D

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

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 Downtown Design Plan, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.

12. The project will not have a significant noise impact.

13. The project will not result in a significant impact to public services.

14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

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

Erik J. Pearson, AICP Associate Planner
Dated: November 20, 2003

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

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@ci.hayward.ca.us.

DISTRIBUTION/POSTING

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

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**Site Plan Review No. PL-2002-0648 & Variance No. PL-2003-0669 – Request to Construct a Mixed-Use Building with Ground-Floor Retail and Three Second-Floor Condominiums and Variances to Allow Parking within 5-foot Rear Yard Setback and to Construct the Building with No Setback from the Street Frontages Where 4-Feet Is Required.** Sanjiv Bhandari for BKBC Architects, Inc. (Applicant), Dr. Dharam Salwan (Owner).
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Erik J. Pearson, Associate Planner (510) 583-4210
Project location:	The property is located at 22605 2nd Street, at the corner of B Street in Hayward, California.
Project sponsor's name and address:	Sanjiv Bhandari BKBC Architects Inc 1371 Oakland Blvd., Suite 101 Walnut Creek, CA 94596-8493
General Plan:	Retail and Office Commercial (ROC)
Zoning:	Central City-Commercial (CC-C)
Description of project:	Proposal to construct a mixed-use building with 2,500 square feet of retail space on the ground floor and 3 residential condominiums on the second floor. Three tandem two-car garages at ground level will be included in the building.
Surrounding land uses and setting:	On the northwest and northeast corners are commercial buildings with retail and office uses. On the southeast corner is an apartment building. Adjacent to the site to the west is the First United Methodist Church and to the south is a single-family residential property.
Other public agencies whose approval is required:	None.

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.

☒ Aesthetics	☐ Agriculture Resources	☒ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ 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.

_____	November 20, 2003
Signature	Date
Erik J. Pearson, AICP Associate Planner	City of Hayward

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? ***Comment:*** *The project will not affect any scenic vista.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***Comment:*** *The project will not damage scenic resources.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***Comment:*** *The project will not substantially degrade the existing visual character or quality of the site and its surroundings.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***Comment:*** *Specific lighting plans have not yet been reviewed.* ***Mitigation:*** ***A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.*** *Implementation of this mitigation measure will reduce light and glare impacts to a level of insignificance* ***Monitoring:*** *Condition of Approval*	☐	☒	☐	☐
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? **Comment:** *The project site does not contain farmland.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project is not located in an agricultural district nor an area used for agricultural purposes.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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? ***Comment:*** *The project area does not contain agricultural uses or farmland, See II b.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ***Comments:*** *The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.* ***Impacts:*** *Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.* ***Mitigation Measure:*** ***In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.*** *Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.* ***Monitoring:*** *Condition of Approval*	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Comment:*** *Due to the small scale of the project, impacts to air quality will not be cumulatively considerable.*	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations? ***Comment:*** *The project will not expose sensitive receptors to substantial pollutant concentrations.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? ***Comment:*** *The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒
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? ***Comment:*** *The property is vacant and surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.*	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ***Comment:*** *The site contains no riparian or sensitive habitat.*	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ***Comment:*** *The site contains no wetlands.*	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***Comment:*** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***Comment:*** *The project is in conformance with the General Polices Plan and will conform to the requirements of the Tree Preservation Ordinance.*	☐	☐	☐	☒
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? ***Comment:*** *There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ***Comment:*** *No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***Comment:*** *No known archaeological resources exist in on-site.* ***Impacts:*** *If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? ***Comments:*** *No known human remains are located on-site.* ***Impacts:*** *If any remains are found, all work will be stopped and police called to investigate.*	☐	☐	☒	☐
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. ***Comment:*** *The project is not located within the Hayward Fault Zone.*	☐	☐	☐	☒
ii) Strong seismic ground shaking? ***Comment:*** *The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.* ***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. This impact is considered less than significant.*	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? ***Comment:*** *Liquefaction and differential compaction is not considered to be likely on this site.*	☐	☐	☐	☒
iv) Landslides? ***Comment:*** *The project is not located within an area subject to landslides.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? ***Comment:*** *The Engineering Division will ensure that proper erosion control measures are implemented during construction.*	☐	☐	☐	☒
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? ***Comment:*** *See comment VI (a)(i).*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ***Comment:*** *Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.*	☐	☐	☒	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ***Comment:*** *The site would be connected to the City of Hayward sewer system.*	☐	☐	☐	☒
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? ***Comment:*** *There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.*	☐	☐	☐	☒
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? ***Comment:*** *See VII a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ***Comment:*** *See VII a .*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ***Comment:*** *See 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? ***Comment:*** *The project is not located within an airport zone.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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)? ***Comment:*** *The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.*	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ***Comment:*** *The project is not located near a stream or a river. Development of the site will not result in 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? ***Comment:*** *The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
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? ***Comment:*** *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? ***Comment:*** *See VIII a.*	☐	☐	☐	☒
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? **Comment:** According to FEMA Flood Insurance Rate Maps (panel # 065033-0003E dated 2/9/00), this site is not within the 100-year flood hazard area.	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *See VIII g.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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? ***Comment:*** *The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? ***Comment:*** *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒
IX. **LAND USE AND PLANNING** - Would the project:				
a) Physically divide an established community? ***Comment:*** *The project will not physically divide the existing community. The small site is currently vacant and is surrounded by urban uses.*	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ***Comment:*** *The area is designated on the General Policies Plan Map as Retail and Office Commercial (ROC). The ROC designation and the current zoning designation of Central City Commercial (CC-C) both allow retail and residential uses.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ***Comment:*** *See IV f.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*	☐	☐	☐	☒
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? ***Comment:*** *See X a.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? ***Comment:*** *Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the building and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No work will be done on Sundays or national holidays.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ***Comment:*** *See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI 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 expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e.*	☐	☐	☐	☒
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)? ***Comment:*** *Three residential condominiums are proposed. The increase in population will not be substantial.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***Comment:*** *No housing will be removed.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***Comment:*** *See XII b.*	☐	☐	☐	☒
XIII. **PUBLIC SERVICES**				
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:				
a) Fire protection? **Comment:** The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.	☐	☐	☐	☒
b) Police protection? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
c) Schools? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
d) Parks? **Comment:** *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? ***Comment:*** *No other public facilities will be significantly impacted.*	☐	☐	☐	☒
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? ***Comment:*** *The project will not add enough people to cause substantial physical deterioration of recreational facilities in the area. The developer will be required to pay in-lieu park fees which will help maintain existing parks.*	☐	☐	☐	☒
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ***Comment:*** *The proposal includes a group open space, however it will not cause an adverse physical effect on the environment.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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)? ***Comment:*** *The project will add minimal traffic. Residents, guests, customers and employees have the opportunity to use mass transit to access the project site.*	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The proposal will not substantially increase hazards.*	☐	☐	☐	☒
e) Result in inadequate emergency access? ***Comment:*** *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? ***Comment:*** *The proposal will meet the requirements for parking as specified in the City's Off-Street Parking regulations. Parking requirements will likely be satisfied by providing some parking on-site and by paying in-lieu fees for the remainder of the spaces. A parking analysis prepared by DJS Associates dated 8/13/03 (see Exhibit A) documents that adequate parking is available within walking distance to the project.*	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The project will require the construction of a small storm water drainage system that will tie into the existing public system in the adjacent street right-of-way. The construction of this system will not cause any significant environmental effects.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The City of Hayward supplies water to the site and has sufficient water to serve the project.*	☐	☐	☐	☒
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? ***Comment:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***Comment:*** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? ***Comment:*** *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?	☐	☐	☐	☒
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)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

DKS *Associates*

TRANSPORTATION SOLUTIONS

RECEIVED

OCT 09 2003

PLANNING DIVISION

August 13, 2003

Sanjiv Bhandari
BKBC Architects Inc.
1371 Oakland Boulevard, Suite 101
Walnut Creek, CA 94596

Subject: Hayward Parking Analysis **P03032**

Dear Mr. Bhandari:

DKS is pleased to present this revised letter that addresses parking for the proposed "B" Street Mixed-Use Development. As requested by City of Hayward staff, DKS conducted additional field visits to the project site in Hayward to observe on-street parking utilization during the weekday midday (12 p.m. to 2:00 p.m.) and weekend midday (10 a.m. to 12:00 p.m.) periods. In addition, the Municipal Lot No. 4 located between 1129 and 1147 "B" Street and the church parking lot (project site) were also observed. DKS has previously observed and evaluated on-street and off-street parking utilization during the weekday afternoon (4:00-6:00 p.m.) peak period.

The study areas was defined as extending from Foothill Boulevard in the west, to 2nd Street in the east, and from "A" Street in the north, to "C" Street in the south, see **Figure 1**.

1.0 STUDY METHODOLOGY

The following survey methodology was employed in order to determine the appropriate parking demand for each site surveyed.

On-Street Parking – the number of parked vehicles and available spaces were counted in 15-minute intervals. On-street parking was observed along 2nd Street from "A" Street to "C" Street and along "B" Street from Foothill Boulevard to 2nd Street.

Project Site – the number of parked vehicles were counted in 15-minute intervals. The project site, located at the southwest corner of "B" St and 2nd Street, is currently vacant and used as a parking lot for the church adjacent to the project site. The number of spaces was estimated, as the lot is not striped or marked for individual parking stalls.

Private Lots – the number of parked vehicles were counted during the study period, in 15-minute intervals. The private lot that was observed is located across from the proposed project site at 22551 "B" Street.

55 South Market Street
Suite 1040
San Jose, CA 95113

(408) 292-9411
(408) 292-9511 fax
www.dksassociates.com

EXHIBIT A

Municipal Lot No. 4 – the number of parked vehicles spaces were counted within Municipal Lot No. 4 along "B" Street, in 15-minutes intervals.

2.0 DATA COLLECTION

Parking utilization surveys were conducted in the study area in the month of January 2003 and August 2003. Weekday afternoon (4:00 p.m. to 6:00 p.m.) surveys were conducted in the month of January 2003. Weekday midday (12:00-2:00 p.m.) and weekend midday (10:00 a.m.-2:00 p.m.) surveys were conducted in the month of August 2003. Based on the data collected, the parking space inventory consists of:

On-Street:

- 27 – 2 hour parking spaces
- 3 – 24 minute spaces
- 3 passenger loading zone spaces
- 6 unrestricted spaces

Municipal Lot No. 4:

- 32 – 2 hour parking spaces
- 12 – 5 hour parking spaces
- 80 – No Time Limit (no parking allowed from 1:00 a.m. to 5:00 a.m.) spaces
- 3 – Handicap spaces

One private lot was also observed within the study area at 22551 "B" Street. It provides 53 parking spaces for building tenants and visitors.

3.0 EXISTING PARKING UTILIZATION

Based on the parking utilization surveys, parking along B street experiences the highest demand between 12 noon and 1:00 p.m., while parking along 2nd Street South is underutilized and generally 100% available (see **Table 1)**. Municipal Lot No. 4 however, experiences the highest parking demand between the hours of 12:30 noon to 1:30 p.m., at 70%-80% occupancy. On-street parking along 2nd Street (north) experiences its highest demand between the hours of 12:15 p.m. to 1:15 p.m. The private lot located at 22551 "B" Street experience its highest demand between 12:00 noon and 1:00 p.m., at 70%-80% occupancy.

During the weekday afternoon peak hours, parking along "B" street is about 67% occupied, compared to Municipal Lot No. 4 at 50% occupancy. The private lot located at 22551 "B" street experiences 100% capacity from 4:00 p.m. to 4:45 p.m. Parking on-street along 2nd Street and within the project site remains underutilized and generally 100% available. **Table 2** illustrates the weekday afternoon peak hour parking utilization.

During the weekend midday peak, parking along "B" Street is about 80% occupied between 10:15 a.m. and 11:15 a.m., while Municipal Lot No. 4 experiences about 20% occupancy. On-street parking along 2nd Street, within the study area, remains

underutilized and 100% available. **Table 3** illustrates the weekday afternoon peak hour parking utilization.

4.0 PARKING ANALYSIS

City Code Requirements

Based on information provided by City of Hayward staff, the project is in a Central Parking District. Parking standards for non-residential land uses are 1.0 parking space per 315 square feet of gross floor area (gfa), and 1.0 covered space and 0.50 open space per dwelling unit for residential land uses. For the proposed 2,500 square-foot retail development, the project would require 8 on-site parking spaces (2,500 s.f./315 s.f. = 7.93 = 8 spaces), and 5 spaces for residential (3 covered and 1.5 open spaces for the residential development).

Based on the provided site plan, the proposed project would provide a total of 3-parking spaces for the retail development and 6-parking spaces (3 garages with a capacity of 2 vehicles each) for the residential development. With the requirements of 8 parking spaces for the retail development, the proposed development would not satisfy the City of Hayward Parking Space Standards, and there would be a shortfall of 5 parking spaces. The proposed project would have to pay the in-lieu fee for 5 spaces. The parking needs of the residential development would be accommodated on-site with the provision of 6 spaces.

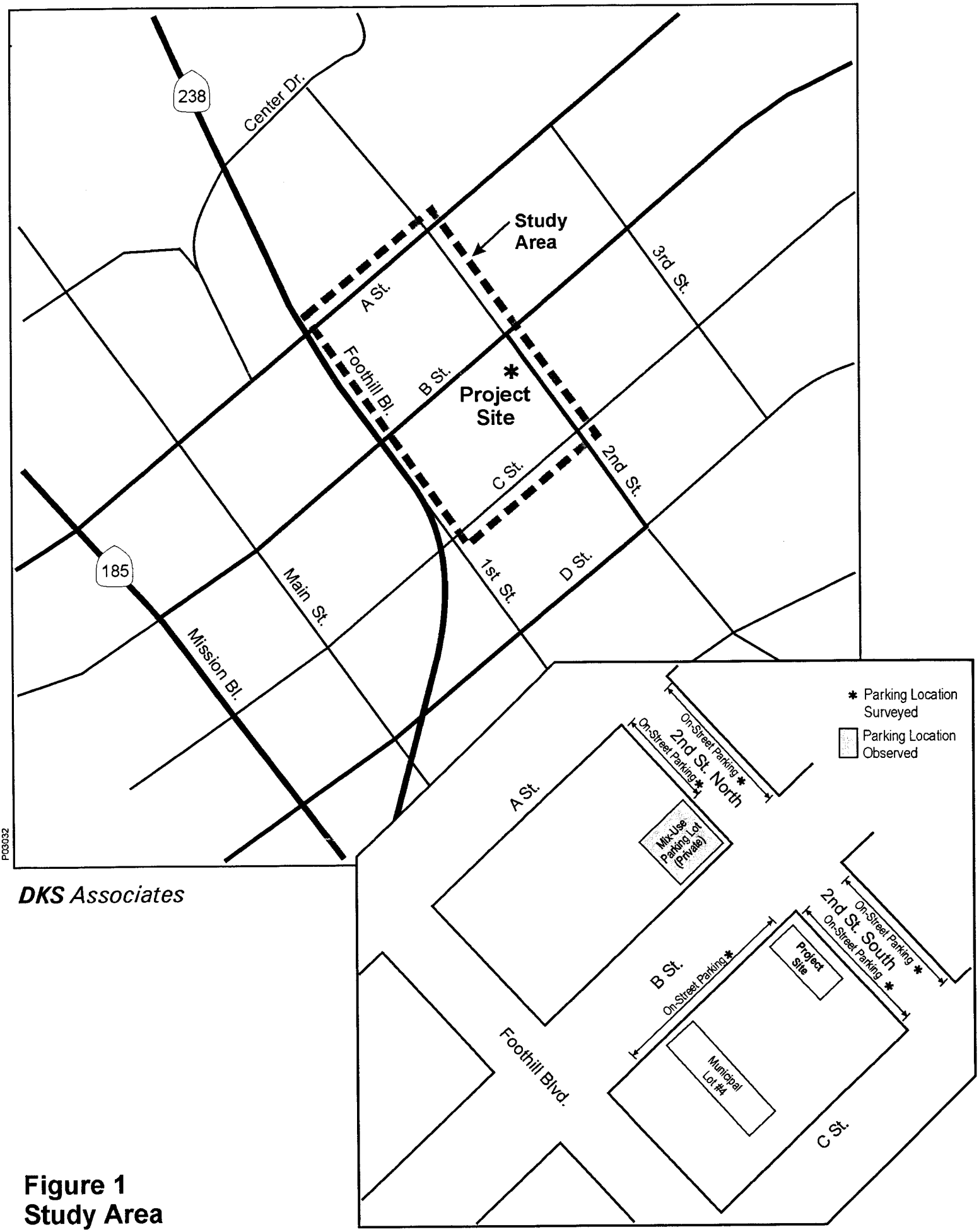
Due to the potential overflow of parking, vehicles would most likely use available parking along 2nd Street between "A" Street and "C" Street, which has some unrestricted spaces as well as time-limited spaces. In addition, vehicles could potentially make use of the off-street parking available at Municipal Lot No. 4 located on "B" Street between Foothill Boulevard and 2nd Street, where there is typically available parking throughout the day. No parking impacts in the site vicinity are anticipated as a result of the proposed project, based on the availability of adjacent parking.

Please do not hesitate to contact me at (408) 292-9411 if you have any questions.

Sincerely,

Mark E. Spencer, P.E.
Principal

cc: Dr. Dharam Salwan



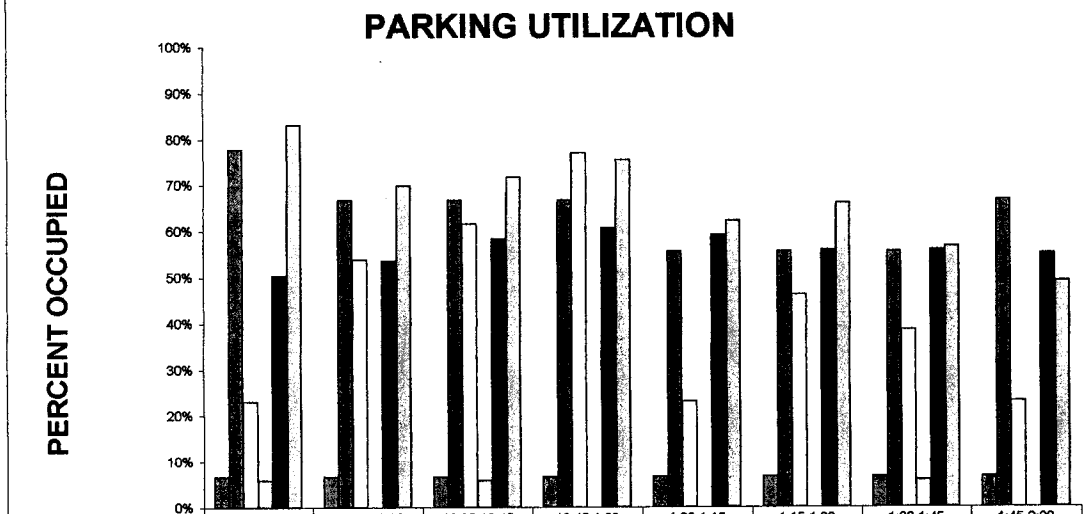
DKS Associates

Figure 1
Study Area

TABLE 1
WEEKDAY MIDDAY PEAK
PARKING UTILIZATION

Time	Project Site		B Street*		2nd Street (north)		2nd Street (south)		Municipal Lot No. 4 (B Street)		22551 B Street (retail center)	
	Capacity (spaces):	15	Capacity (spaces):	9	Capacity (spaces):	13	Capacity (spaces):	17	Capacity (spaces):	127	Capacity (spaces):	63
	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)
12:00-12:15	1	7%	7	78%	3	23%	1	6%	64	50%	44	83%
12:15-12:30	1	7%	6	67%	7	54%	0	0%	68	54%	37	70%
12:30-12:45	1	7%	6	67%	8	62%	1	6%	74	58%	38	72%
12:45-1:00	1	7%	6	67%	10	77%	0	0%	77	61%	40	75%
1:00-1:15	1	7%	5	56%	3	23%	0	0%	75	59%	33	62%
1:15-1:30	1	7%	5	56%	6	46%	0	0%	71	56%	35	66%
1:30-1:45	1	7%	5	56%	5	38%	1	6%	71	56%	30	57%
1:45-2:00	1	7%	6	67%	3	23%	0	0%	70	55%	26	49%

* Between 2nd Street and Foothill Boulevard. It includes 3 - Passenger Loading Zone spaces

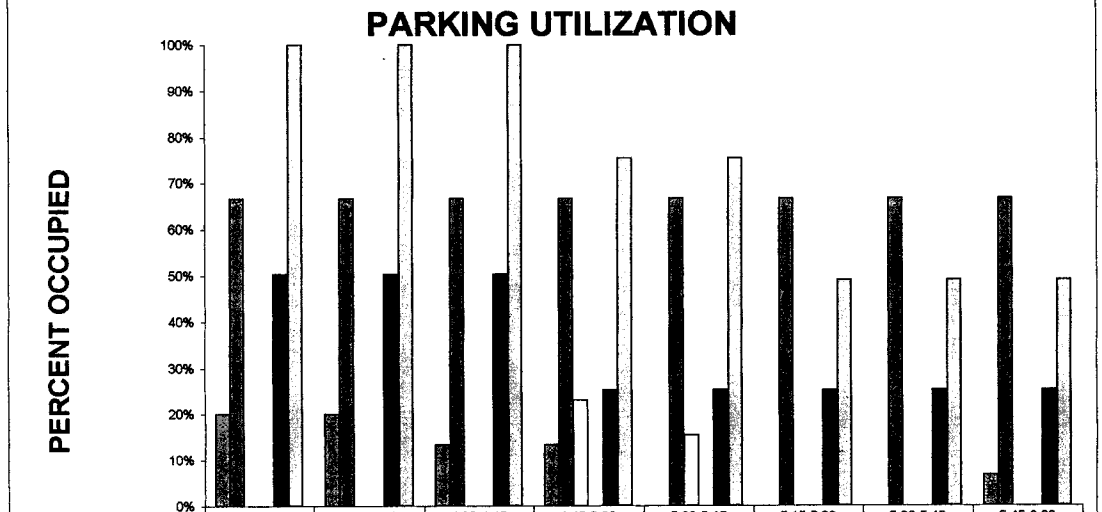


	12:00-12:15	12:15-12:30	12:30-12:45	12:45-1:00	1:00-1:15	1:15-1:30	1:30-1:45	1:45-2:00
PROJECT SITE	7%	7%	7%	7%	7%	7%	7%	7%
B STREET	78%	67%	67%	67%	56%	56%	56%	67%
2ND ST (NORTH)	23%	54%	62%	77%	23%	46%	38%	23%
2ND ST (SOUTH)	6%	0%	6%	0%	0%	0%	6%	0%
MUNICIPAL LOT	50%	54%	58%	61%	59%	56%	56%	55%
22551 B ST	83%	70%	72%	75%	62%	66%	57%	49%

TABLE 2
WEEKDAY P.M. PEAK
PARKING UTILIZATION

Time	Project Site		B Street*		2nd Street (north)		2nd Street (south)		Municipal Lot No. 4 (B Street)		22551 B Street (retail center)	
	Capacity (spaces):	15	Capacity (spaces):	9	Capacity (spaces):	13	Capacity (spaces):	17	Capacity (spaces):	127	Capacity (spaces):	53
	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)
4:00-4:15	3	20%	6	67%	0	0%	0	0%	64	50%	53	100%
4:15-4:30	3	20%	6	67%	0	0%	0	0%	64	50%	53	100%
4:30-4:45	2	13%	6	67%	0	0%	0	0%	64	50%	53	100%
4:45-5:00	2	13%	6	67%	3	23%	0	0%	32	25%	40	75%
5:00-5:15	0	0%	6	67%	2	15%	0	0%	32	25%	40	75%
5:15-5:30	0	0%	6	67%	0	0%	0	0%	32	25%	26	49%
5:30-5:45	0	0%	6	67%	0	0%	0	0%	32	25%	26	49%
5:45-6:00	1	7%	6	67%	0	0%	0	0%	32	25%	26	49%

* Between 2nd Street and Foothill Boulevard. It includes 3 - Passenger Loading Zone spaces

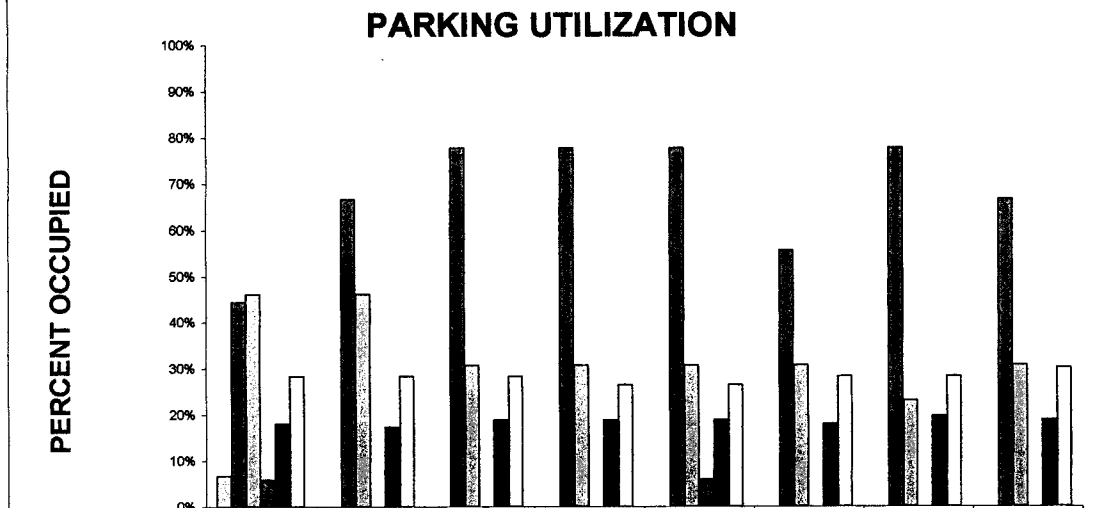


	4:00-4:15	4:15-4:30	4:30-4:45	4:45-5:00	5:00-5:15	5:15-5:30	5:30-5:45	5:45-6:00
PROJECT SITE	20%	20%	13%	13%	0%	0%	0%	7%
B STREET	67%	67%	67%	67%	67%	67%	67%	67%
2ND ST (NORTH)	0%	0%	0%	23%	15%	0%	0%	0%
2ND ST (SOUTH)	0%	0%	0%	0%	0%	0%	0%	0%
MUNICIPAL LOT	50%	50%	50%	25%	25%	25%	25%	25%
22551 B ST	100%	100%	100%	75%	75%	49%	49%	49%

TABLE 3
WEEKEND MIDDAY PEAK
PARKING UTILIZATION

Time	Project Site		B Street*		2nd Street (north)		2nd Street (south)		Municipal Lot No. 4 (B Street)		22551 B Street (retail center)	
	Capacity (spaces):	15	Capacity (spaces):	9	Capacity (spaces):	13	Capacity (spaces):	17	Capacity (spaces):	127	Capacity (spaces):	53
	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)	Spaces Occupied	Percentage Occupied (%)
10:00-10:15	1	7%	4	44%	6	46%	1	6%	23	18%	15	28%
10:15-10:30	0	0%	6	67%	6	46%	0	0%	22	17%	15	28%
10:30-10:45	0	0%	7	78%	4	31%	0	0%	24	19%	15	28%
10:45-11:00	0	0%	7	78%	4	31%	0	0%	24	19%	14	26%
11:00-11:15	0	0%	7	78%	4	31%	1	6%	24	19%	14	26%
11:15-11:30	0	0%	5	56%	4	31%	0	0%	23	18%	15	28%
11:30-11:45	0	0%	7	78%	3	23%	0	0%	25	20%	15	28%
11:45-12:00	0	0%	6	67%	4	31%	0	0%	24	19%	16	30%

* Between 2nd Street and Foothill Boulevard. It includes 3 - Passenger Loading Zone spaces



	10:00-10:15	10:15-10:30	10:30-10:45	10:45-11:00	11:00-11:15	11:15-11:30	11:30-11:45	11:45-12:00
PROJECT SITE	7%	0%	0%	0%	0%	0%	0%	0%
B STREET	44%	67%	78%	78%	78%	56%	78%	67%
2ND ST (NORTH)	46%	46%	31%	31%	31%	31%	23%	31%
2ND ST (SOUTH)	6%	0%	0%	0%	6%	0%	0%	0%
MUNICIPAL LOT	18%	17%	19%	19%	19%	18%	20%	19%
22551 B ST	28%	28%	28%	28%	28%	28%	28%	30%

MITIGATION MONITORING PROGRAM

Site Plan Review Application No. PL-2002-0648
Variance No. PL-2003-0669
Sanjiv Bhandari for BKBC Architects, Inc. (Applicant)
Dr. Dharam Salwan (Owner).

22605 2nd Street

1. AESTHETICS

Mitigation Measure: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.
Implementation Responsibility: Applicant
Verification Responsibility: Planning Division
Monitoring Schedule during Plan Review: Prior to issuance of building permits.
Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that lights are installed per approved plan.

2. AGRICULTURE RESOURCES– No mitigation required

3. AIR QUALITY

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.
Implementation Responsibility: Applicant
Verification Responsibility: Construction Inspector
Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.
Monitoring Schedule during Construction/Implementation: Construction Inspector will ensure that sprinkling is done as necessary to minimize dust.

4. BIOLOGICAL RESOURCES– No mitigation required

5. CULTURAL RESOURCES – No mitigation required

6. GEOLOGY AND SOILS– No mitigation required

7. HAZARDS AND HAZARDOUS MATERIALS– No mitigation required

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

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

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

11. ***NOISE– No mitigation required***

12. ***POPULATION & HOUSING – No mitigation required***

13. ***PUBLIC SERVICES– No mitigation required***

14. ***RECREATION– No mitigation required***

15. ***TRANSPORTATION/TRAFFIC– No mitigation required***

16. ***UTILITIES AND SERVICE SYSTEMS– No mitigation required***

First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541 TELEPHONE (510) 581-2266

RECEIVED
DEC 02 2002
PLANNING DIVISION

December 2, 2002

Erik J. Pearson, AICP
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

Dear Mr. Pearson:

On behalf of First United Methodist Church I am registering our strong objection to the building proposal by Salwan Property Management for "mixed-use" at 22605 2nd Street.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

We also have certain objections to the specific plans which we have reviewed. These include:

1. Only six (6) feet of access is allowed to our back gate. This is a drive in-gate which requires at least 12 to 14 feet of access.

2. The proposed building is of such height so as to block off all sunlight and air circulation to the east side of our building which includes offices and classrooms.

3. The signage located on the northeast corner of our building would be obscured.

4. Prior to the widening of 2nd Street, the northern portion of the lot in question contained the former Kelly Gasoline Station and we are concerned about the possibility that there may still be tanks containing hazardous chemicals underneath the excavation site.

5. The curb cut onto 2nd Street is in nearly the same location as a former curb cut which the City of Hayward closed a number of years ago. If the city closed it for safety reasons, do those reasons still exist today?

6. Parking for persons attending activities at the church will be seriously restricted.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

Randal F. Smith
Pastor

ATTACHMENT E

LUPE COMPEAN
936 HARRIET AVENUE
CAMPBELL, CALIFORNIA 95008
408.828.4085

January 7, 2003

Richard E. Patenaude, AICP
City of Hayward
777 B Street
Hayward, CA 94541-5007

Dear Mr. Patenaude,

Thank you for meeting with John Crockett and I last week regarding my property on 2nd Street. I understand that you have given the right to the property owners of 22529 2nd Street to pay a fee of $46,000.00 in lieu of adequate on site parking for the office building currently under construction. Prior to the development of 22529 2nd Street, the building adjacent at 22521 2nd Street used the lot as their parking site. The development of the property has left the existing property with inadequate parking facilities. The proposed building located at 22605 2nd Street is also slated to have parking requirements waived for the fee. The shortages of parking are compensated with the required public parking within 500 feet but the lure of free parking right next door [to the above mentioned properties] is too hard to resist for most people. No one will park a block or two away from their destination when there is parking right next door. The average visitor parks in my parking lot, even with the posted "restricted parking" signs. The added impact of vehicles in my lot will have a negative effect on my tenants as well as my ability to rent my property in the future.

It would be nearly impossible to monitor the parking activity without hiring a private security company to verify the intentions of each car entering my property. This type of monitoring would have serious financial implications and is not an acceptable solution to the current situation.

Had I received notification that the City of Hayward was considering such a plan I would have vigorously fought the proposal to eliminate the parking. It is unfair that these building owners take advantage of my property for their economic gain. They have nothing to lose after their fee is paid. I on the other hand stand to incur ongoing losses associated with inadequate facilities and in some cases breach leases that set forth promises of available parking spaces.

I did not receive proper notification of the proposals. I do not have a problem with receiving mail at my residence; I find it interesting that I did not receive either of the two letters allegedly sent to me regarding these two buildings. I do not intend to stand idly by while this is going on. I want some sort of action taken to insure that the proposed buildings are not allowed to build without adequate parking and that the building located at 22529 2nd Street is required to take whatever steps are necessary to insure me that under no circumstances that any of their tenants or visitors park in my lot. If this comes down to the owners monitoring my lot by private patrol then that is what I expect.

I again appreciate you taking the time to meet with me and discuss my concerns. I am confidant that a speedy and mutually agreeable resolution can be made.

I look forward to hearing from you soon.

Regards,

Lupe Compean

Lupe Compean

cc: file
J. Crockett

First United Methodist Church

1183 B STREET • HAYWARD, CALIFORNIA 94541 TELEPHONE (510) 581-2266

December 3, 2003

RECEIVED
DEC 2 5 2003
PLANNING DIVISION

Erik J. Pearson, AICP
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 94541

Dear Mr. Pearson:

On behalf of First United Methodist Church I am registering our continued strong objection to the building proposal by Salwan Property Management for "mixed-use" at 22605 2nd Street.

Any building on this site will mean that many of our ministries will be seriously hampered or impossible to continue. We have been in ministry, serving the needs of the people of Hayward and the cause of Christ since 1853. We have been in our current location since 1866. We believe that our ministries are of benefit to the entire community of Hayward, and their disruption would have a detrimental effect on the city as a whole.

While we appreciate that some of the concerns we raised a year ago have been addressed, we still have certain objections to the specific plans which we have reviewed. These include:

1. While the current plans indicate that access to our back gate may be possible, this is still unclear, and the curb and landscaping would have to be removed so that vehicles could enter.

2. The lighted signage located on the northeast corner of our building would be obscured. Any change in the signage would come at a financial cost to the church and would decrease our visibility to the community.

3. We are grateful that Phase I and Phase II environmental studies were carried out and we support the recommendation that the underground tanks and potentially harmful materials be removed prior to any construction on the site. We require assurances that any such removal would be done in a safe manner that would not impair the health of our members.

4. At the present time, we place our trash for removal on the northwest corner of the proposed building site, moving it there from behind our buildings on pick-up day. If this development is constructed we will need to develop some alternative procedure such as shared dumpster space.

5. Adequate parking remains a serious issue. While studies conducted by the City may show that there is available parking in the area on a normal weekday, our experience has been that parking for special events, such as our recent 150th Anniversary Celebration, is severely inadequate without the space provided by the current lot.

I look forward to our further conversations on this matter and an opportunity to address the Planning Commission with these concerns.

In Christ's Service,

Randal F. Smith
Pastor

THE CHURCH OF MANY FACES, ONE FAMILY, STRIVING TO DRAW NEARER TO GOD

DUE TO THE SIZE OF THE MAPS, THEY ARE NOT AVAILABLE FOR WEBSITE VIEWING. THE AGENDA REPORT IN ITS ENTIRETY IS AVAILABLE FOR REVIEW IN THE PLANNING DEPARTMENT AT CITY HALL