



**CITY OF HAYWARD
REVISED MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no 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:

Planned Development No. 97-120-05 - Yoshito and Mari Shibata (Applicants), Mt. Eden Nursery Company (Owner) - Request to rezone four parcels equalling 27.8591 acres from Industrial and Agricultural Districts to Planned Development District to allow the two-phase construction of a 375,633 ±-square-foot business park with the potential for a full-service restaurant, and the potential for the development of a hotel or a business park in Phase 2.

The property is located at 25801 Industrial Boulevard, east side, at the intersection of Industrial Boulevard and Highway 92 in the Industrial and Agricultural Districts.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

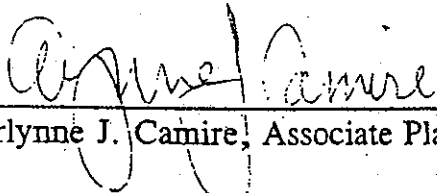
That the proposal as conditioned, will have no substantial effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
2. The project is in conformance with the General Policies Plan Map designation of "Industrial Corridor" for the property.
3. The project is in conformance with the intent and purpose of the proposed Zoning Ordinance designation of "Planned Development" for the property.
4. Existing and anticipated public facilities, services and utilities, as conditioned, will be adequate to serve the project.
5. The site plan displays adequate access, circulation and parking for the employees and customers, trash storage and adequate landscaping to buffer the use from adjacent multiple-family residential properties to the northeast of the site, on the east side of Industrial Boulevard. The surrounding streets and State Highway Route 92 are adequate in size to handle the traffic generated by the proposed use. Traffic mitigation measures will be implemented as conditions of approval.

6. The site has been cleaned of hazardous materials to an acceptable standard and the site does not pose a threat to public health. If hazardous materials are present, a Hazardous Materials Management Plan will be required to be created for each business to be located in the industrial park to ensure the safe handling of hazardous materials used in connection with the operations of any business.
7. Safety mechanisms will be required by the City in conjunction with construction of the project to insure that building stability and public safety are achieved.
8. The site contains a Japanese tea garden and a tea house that is required to undergo the City of Hayward process to be reviewed and classified by the City Council as Historically Significant. The tea house and garden will be preserved as part of the project.
9. There is no evidence of rare or endangered plant or animal species within the project area.

IV. PERSON WHO PREPARED INITIAL STUDY:



Arlynn J. Camire, Associate Planner

Dated: September 19, 1997

V. COPY OF INITIAL STUDY IS ATTACHED:

For additional information, please contact the City of Hayward Development Review Services Division, 25151 Clawiter Road, Hayward, CA 94545, or telephone (510) 293-5416.

DISTRIBUTION/POSTING

- Provide copies to all organizations and individuals requesting same in writing.
- Provide to project applicants.
- Referenced in all public hearing notices distributed 30 days in advance of initial public hearing and published once in Daily Review 30 days prior to hearing.
- 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 day after the public hearing.
- Provided copies to: State Clearinghouse, California Department of Transportation (Caltrans), Congestion Management Association, Bay Area Air Quality Management District, and California Department of Fish and Game



CITY OF HAYWARD
COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
DEVELOPMENT REVIEW SERVICES DIVISION

25151 Clawiter Road
Hayward, CA 94545-2731
Telephone No.: (510) 293-5276
FAX No.: (510) 293-5108

REVISED INITIAL STUDY

GENERAL INFORMATION:

Applicant: Yoshito and Mari Shibata
155 Callan Avenue, Ste B
San Leandro, CA 94577
(510) 352-2540

Person Preparing Initial Study: Arlynn J. Camire, AICP
Associate Planner

Telephone: (510) 293-5416

PROJECT DESCRIPTION:

Planned Development No. 97-120-05 - Request to rezone four parcels equalling 27.8591 acres from Industrial and Agricultural Districts to Planned Development District to allow the two-phase construction of a 375,633±-square-foot business park with the potential for the development of a full service restaurant, and the potential for the development of a hotel or business park in Phase 2.

ENVIRONMENTAL SETTING:

The site is composed of four parcels and once was the site of a commercial nursery. The property is zoned for industrial and agricultural uses and will be rezoned planned development district. The site contains buildings used for nursery productions and a Japanese tea garden and tea garden structure located in the southern portion of the site. The proposed Planned Development zoning designation will permit the site to be developed with office, commercial, research and development, warehouse and distribution, restaurant, and hotel uses. Properties to the south across Route 92, east, and west across the Southern Pacific Railroad right-of-way are developed with industrial uses, and a multiple-family residential complex is located at the northeast across Industrial Boulevard.

PROJECT LOCATION:

The property is located at 25801 Industrial Boulevard, west side, at the intersection of Industrial Boulevard and State Highway Route 92 in the Industrial and Agricultural Districts.

POSSIBLE SIGNIFICANT ENVIRONMENTAL IMPACTS:

"Yes" and "Maybe" responses require comment. Mitigation measures, where appropriate, are included in the commentary. "No" responses are commented on when the preparer of the initial study determines that it is necessary to show how that conclusion was reached.

	Yes	Maybe	No
1. <u>Geologic</u> (unstable earth conditions, changes in topography, increase in wind or water erosion, exposure of people or property to geologic hazards, such as earthquakes, landslides)	—	<u>X</u>	—
Impact: The site is located approximately 2.75 miles from the earthquake hazard zone. The site would experience nonstructural to moderate damage with an earthquake magnitude of 6.9 MM on the Northern Calaveras fault, a 7.1 MM on the Northern Hayward fault, a 7.0 MM on the Southern Hayward fault, or a 7.3 MM on the entire Hayward Fault (Source: On Shaky Ground--Cities of Hayward and Union City, April 1995.) The project is not located within a flood plain.			
Mitigation: None needed.			
2. <u>Air Quality</u> (substantial air emissions or deterioration of ambient air quality or creation of objectionable odors)	—	<u>X</u>	—
Impact: The San Francisco air basin is an attainment area for air pollutants. Potential air pollutants from vehicle emissions generated by the proposed development are not anticipated to generate volumes of emissions substantial enough to impact the air basin. The project may involve unknown industrial uses. Therefore, specific potential impacts on air quality are unknown at this time.			

REVISED INITIAL STUDY-PLANNED DEVELOPMENT NO.97-120-05-YOSHITO AND MARI SHIBATA (APPLICANTS), MT. EDEN NURSERY COMPANY (OWNER)

Yes Maybe No

Mitigation: A condition of approval requires that the types of uses that occupy the site are not those that involve noxious odors, smoke, or other uses that negatively impact air quality either beyond acceptable standards of the Bay Area Air Quality Management District or that would negatively impact the adjacent residential uses.

3. **Water Quality** (increase in rate and amount of surface runoff, change in the amount of surface water in anywater body, exposure of people or property to water-related hazards, such as flooding or contaminated water supply, including groundwater)

— — X

Impact: Water quality impacts in the existing storm drain system would not be significant.

Mitigation:

A. Approval of a drainage plan will be required before issuance of a building permit. All storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities located along Industrial Boulevard or to the storm drain on-site.

B. That the parking areas shall have a structural control, such as an oil/water separator, sand filter, or approved intercept and pretreat storm water prior to discharging to the storm drain system;

C. Storm water measures for the operation and maintenance of the project, which meets the approval by the City Engineer. The plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff;

D. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook;

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Yes Maybe No

E. The labeling of all on-site storm drain inlets in the Business park with "No Dumping - Drains to Bay," using approved methods; and

G. The cleaning of all on-site storm drains at least once a year immediately prior to the rainy season (October 15th). Additional cleaning may be required by the City Engineer. With these requirements, the potentially significant water quality impact is reduced to a less than significant level.

4. Plant Life (change in diversity or number of species of plants; reduction in the numbers of any unique, rare or endangered species)

Impact: A tea garden exists on-site and contains a manmade pond and non-native plant species. The tea garden will remain. The remainder of the site lacks significant vegetation.

— — X

Mitigation: None needed.

5. Animal Life (change in diversity or number of species, reduction of the numbers of any rare or endangered species, result in a barrier to the migration or movements of animals, or deterioration to fish and wildlife habitat)

Impact: The site was surveyed for possible Western Burrowing Owl habitat on March 30, 31 and April 1, 1997. No evidence of burrowing owls were found, however, the site contains habitat suitable for Burrowing Owls. It was determined that Burrowing Owls could use the site to nest due to the disturbed nature of the ground. A survey of the trees by the Tea Garden for the presence of raptor nests was completed on April 7, 1997. No nests were found. A pair of American Kestrels were found perching and foraging

— — X

REVISED INITIAL STUDY-PLANNED DEVELOPMENT NO.97-120-05-YOSHITO AND MARI SHIBATA (APPLICANTS), MT. EDEN NURSERY COMPANY (OWNER)

Yes Maybe No

on site, however, a nest was not observed. It was determined that the potential for amphibians and reptiles is unlikely due to the isolation of the site from any waterways. Sixty-eight active California ground squirrel burrows were found on site. Therefore, it has been determined that the site does not contain rare or endangered species found in the area such as: Alameda whipsnake, red-legged frog, California tiger salamander, and the Western Burrowing Owl (Source: Report prepared by H.T. Harvey & Associates dated April 9, 1997.)

Mitigation: The developer shall conduct a survey of the entire site within 30 days of grading in order to confirm that Burrowing Owls or other birds, including raptors, are not nesting on-site. The survey shall be to the satisfaction and follow the protocol of the California Department of Fish and Game. The report is required to be submitted to the California Department of Fish and Game for review prior to the issuance of a grading permit.

6. Noise Level (expose people to severe noise levels)

Impact: When the adjacent apartment development was approved, industrial development existed in the area and industrial development on subject parcels was anticipated. An 8-foot-high masonry wall was constructed on the Industrial Boulevard frontage of the Waterford Apartments. It is not anticipated people would be exposed to severe noise levels.

Mitigation: None needed.

7. Light and Glare (expose people to intensive light or glare)

Impact: The site would create a new light source, but it is not anticipated to impact adjacent uses.

— — X

— — X

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Yes Maybe No

Mitigation: A site lighting plan is required before issuance of a building permit. Lighting will be arranged to reflect light away from the adjacent residences and designed to conform with the City Security Ordinance.

8. General Plan, Neighborhood Plans, and Adopted City Environmental Plans and Goals (conformity)

— — X

Impact: The project site is identified on the General Plan Map as "Industrial - Industrial Corridor." The site will be rezoned from Industrial and Agricultural Districts to Planned Development District. The development will allow warehousing and distribution, office, commercial, hotel and restaurant uses which are consistent with the Map designation. The rezoning is also consistent with the General Plan Map Designation.

Mitigation: None needed.

9. Natural Resources (increase in the rate of use of any natural resources)

— — X

Impact: None.

Mitigation: None needed.

10. Risk of Upset (explosion, fire, hazardous substances)

— — X

Impact: The construction of the proposed concrete tilt-up buildings will require approval by the City Building Official and Fire Marshal, and construction practices in accordance with currently used building and fire codes. Pesticide affected soils containing chlordane concentrations were excavated and disposed of at a landfill. Subsequent soil tests were conducted and it was determined that the site has been cleaned to an acceptable standard (Source: Remedial Activities, Mount Eden Wholesale & Distribution, Hayward, California. Prepared by Innovative & Creative

REVISED INITIAL STUDY-PLANNED DEVELOPMENT NO.97-120-05-YOSHITO AND MARI SHIBATA (APPLICANTS), MT. EDEN NURSERY COMPANY (OWNER)

Yes Maybe No

Environmental Solutions (ICES) dated May 30, 1997 and a letter to ICES from the Alameda County Environmental Health Environmental Protection Services of the Alameda County Health Care Services Agency dated September 16, 1997.)

Mitigation: Uniform Building Codes and Uniform Fire Codes are required to be met. Business using substances classified as hazardous materials, based on the type and amount used, must file a Hazardous Materials Plan with the Fire Department.

11. Population (alter location, distribution, growth rate)

— — X

Impact: None.

Mitigation: None needed.

12. Transportation/Circulation (generation of substantial additional vehicular trips, impact on existing parking facilities, impact upon existing transportation systems, create a vehicle or pedestrian hazard)

— X —

Impact: The project would generate approximately 650 AM peak hour trips and approximately 590 PM peak hour trips. The anticipated traffic volume generated from the site could be accommodated by the existing highway and road system with the implementation of traffic mitigation measures. The project does not cause unacceptable levels of service at any of the intersections analyzed under existing conditions but will contribute to cumulative impacts forecasted for the year 2010 at a number of intersections. New parking facilities are required and would be provided. This is an area of low pedestrian traffic, however, sidewalks and signalized crosswalks will be provided. (Traffic Impact Analysis prepared by Fehr & Peers Associates, Inc. dated June 11, 1997 amended August 7, 1997.)

Yes Maybe No

Mitigation:

A. The project will provide a raised median to improve channelization along its frontage on Industrial Boulevard. Adequate access to Industrial Boulevard for traffic from both the project and existing developments will be provided by adding a signal at the project's eastern entrance which is opposite the main entrance driveway to the Hayward Business Park. The project's main entrance will make use of the existing signal at the Waterford Apartments. Also the western entrance driveway will be restricted to right-in and right-out access only.

B. The developer will contribute a proportionate share of the following intersection improvements based on cumulative impacts:

1. Industrial Boulevard and State Route 92 Westbound Ramps - Reconstruct northbound approach to three lanes (one shared with right-turn.) Restrict parking on westbound approach to allow for three westbound lanes (two left-turn lanes and one through lane shared with right-turn) in addition to one eastbound lane on Cryer Street.
2. Industrial Boulevard and State Route 92 Eastbound Ramps - Add one right-turn lane on the eastbound approach and on through lane on the northbound approach to the intersection.
3. Industrial Boulevard and Depot Road - Provide two exclusive left-turn lanes and two through lanes with one shared with right-turn on the northbound approach.
4. Industrial Boulevard and West Street - Signalized intersection and provide one extra through lane at the southbound approach and an exclusive right-turn lane at the northern approach.

With these requirements, the potentially significant Traffic/Circulation impact is reduced to a less than significant level.

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Yes Maybe No

13. Public Service (police, fire, schools, parks and recreation facilities, and maintenance of public facilities, e.g., storm drainage, water, sewer)

— X —

Impacts: Utilities are available to serve the proposed project:

A. **Police and Fire:** Police and fire service is available and currently serves the area. The project will not result in a significant impact on police and fire services.

B. **Water:** Existing water lines in the area are adequate to serve the proposed project.

C. **Sewer:** Existing sewer lines on-site and in Industrial Boulevard are adequate to serve the proposed project.

D. **Storm Water:** See #3.

E. **Parks:** The project will not add demands on the existing park system.

F. **Schools:** The project will not add demands on the existing school system.

Mitigation:

All public facilities (utilities) are required to be underground and appropriate fees are required to be paid.

14. Energy Use (use of substantial amounts of fuel or energy, increased demand upon existing sources of energy or the development of new energy sources)

— — X

Impact: None.

Mitigation. None needed.

Yes Maybe No

15. Aesthetics (obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive project open to public view)

— — X

Impact: None.

Mitigation: City of Hayward Design Guidelines and the Zoning Ordinance development standards are required to be met.

16. Cultural Resources (archaeological, historical, or restriction of existing religious or cultural uses within the potential impact area)

X — —

Impact: The site contains a Japanese tea garden and tea house within the garden. The tea house and tea garden are particularly representative of an unique architectural style for the City of Hayward. The house is a traditional Japanese style of architecture and was built without the use of nails. The structure contains elements that demonstrate outstanding attention to architectural design and craftsmanship. The garden and the structure contained within represent a way of life that no longer exists within the City and is worthy of preservation.

Mitigation: The property owner is required to complete the City of Hayward process which will enable the City Council to declare the tea garden and structure historically significant.

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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 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?

— — X

B. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one that occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)

— — X

C. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

— — X

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

— — X

DETERMINATION

On the basis of this initial evaluation

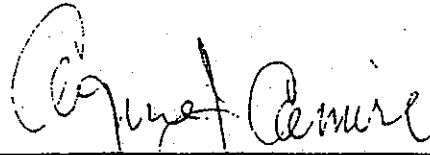
It is found that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

It is found that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because of the mitigation measures indicated above. A NEGATIVE DECLARATION will be prepared.

X

It is found that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

September 19, 1997



Arlyne J. Camire, AICP
Associate Planner

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