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April 7, 2016

SENT VIA EMAIL (leigha.schmidt@hayward-ca.gov)

Leigha Schmidt, AICP, Senior Planner
City of Hayward, Planning Division
777 B Street
Hayward, CA 94541

**RE: Comments on April 14, 2016 Planning Commission
Hearing re: PL-2013-0468**

Dear Ms. Schmidt:

This letter is submitted on behalf of Sims Metal Management (“Sims”), which operates a recycling center located at 30104, Industrial Parkway, S.W., in Hayward, California. We understand that Norcal Rock, Inc. is appealing the City Planning Director’s decision to deny an administrative use permit (“AUP”) authorizing an outdoor concrete and aggregate recycling facility at 30120 Industrial Parkway. The Norcal site is located adjacent to Sims’ facility.

The purpose of this letter is to express support for the Planning Director’s *denial* of Norcal’s requested AUP. Most relevant to Sims’ position is the following finding of the Planning Director:

This administrative use permit is intended to legalize a use that has been operating in the City over the past several years. During that time, the City has received complaints related to dust generated by ongoing operations and has documented the user’s failure to control fugitive sediment on the property at the ingress/egress to the site and at nearby stormwater inlets.

(Planning Director Findings for Denial dated October 27, 2015, ¶ D.)

Sims is troubled that Norcal has operated “over the past several years” without land use entitlements for its existing operations. It is not surprising that Norcal has “received complaints related to dust generated by ongoing operations” and has a documented “failure to control fugitive sediment” since Norcal’s existing operations have not been the subject to operational conditions that would address such impacts.

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Unlike Norcal, Sims operates pursuant to longstanding land use and regulatory entitlements that address operational impacts on surrounding properties and the environment. Sims takes very seriously its duty to maintain compliance with all such requirements designed to ensure that Sims is a good neighbor. Operators that flout these important responsibilities contribute to the unfortunate perception that industrial uses should not be located in proximity to other types of commercial uses.

Sims appreciates the opportunity to comment on this matter.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: 
Patrick M. Soluri

PS/mre

cc: Jason Holder, Counsel for Sierra Equipment Co., Inc.
(jason@holderecolaw.com)