

CITY COUNCIL MEETING

DECEMBER 14, 2021

PRESENTATIONS

PUBLIC HEARING

ITEM #10

PH 21-091

APPEAL OF PLANNING COMMISSION

DENIAL OF

U-HAUL BUILDING

AT

4150 POINT EDEN WAY



DEVELOPMENT SERVICES

Appeal of Planning Commission Denial of U-Haul Development at 4150 Pt Eden Way

Presentation Outline



- ▶ Background
- ▶ Existing Conditions
- ▶ Proposed Project
- ▶ CEQA Analysis
- ▶ Findings & Conditions
- ▶ Recommendation

Background



- ▶ **February 2019** – Applicant submitted Site Plan Review Application.
- ▶ **April 9, 2021-May 24, 2021** – Environmental Impact Report circulated for 45-day review.
- ▶ **July 8, 2021** – Planning Commission voted 5:1 to deny the project because:
 - ▶ The project is not consistent with City goals related to growing a high-tech, advanced manufacturing sector in the Industrial districts;
 - ▶ The site is vulnerable to sea level rise; and
 - ▶ The project would not generate significant sales taxes or high-quality jobs to off-set the environmental costs of the project including potential loss of habitat and loss of a designated historic resource.
- ▶ Overall, the Commission determined that it could not support an adoption of a statement of overriding considerations for the project.

Site: East & West Components



Eastern Component





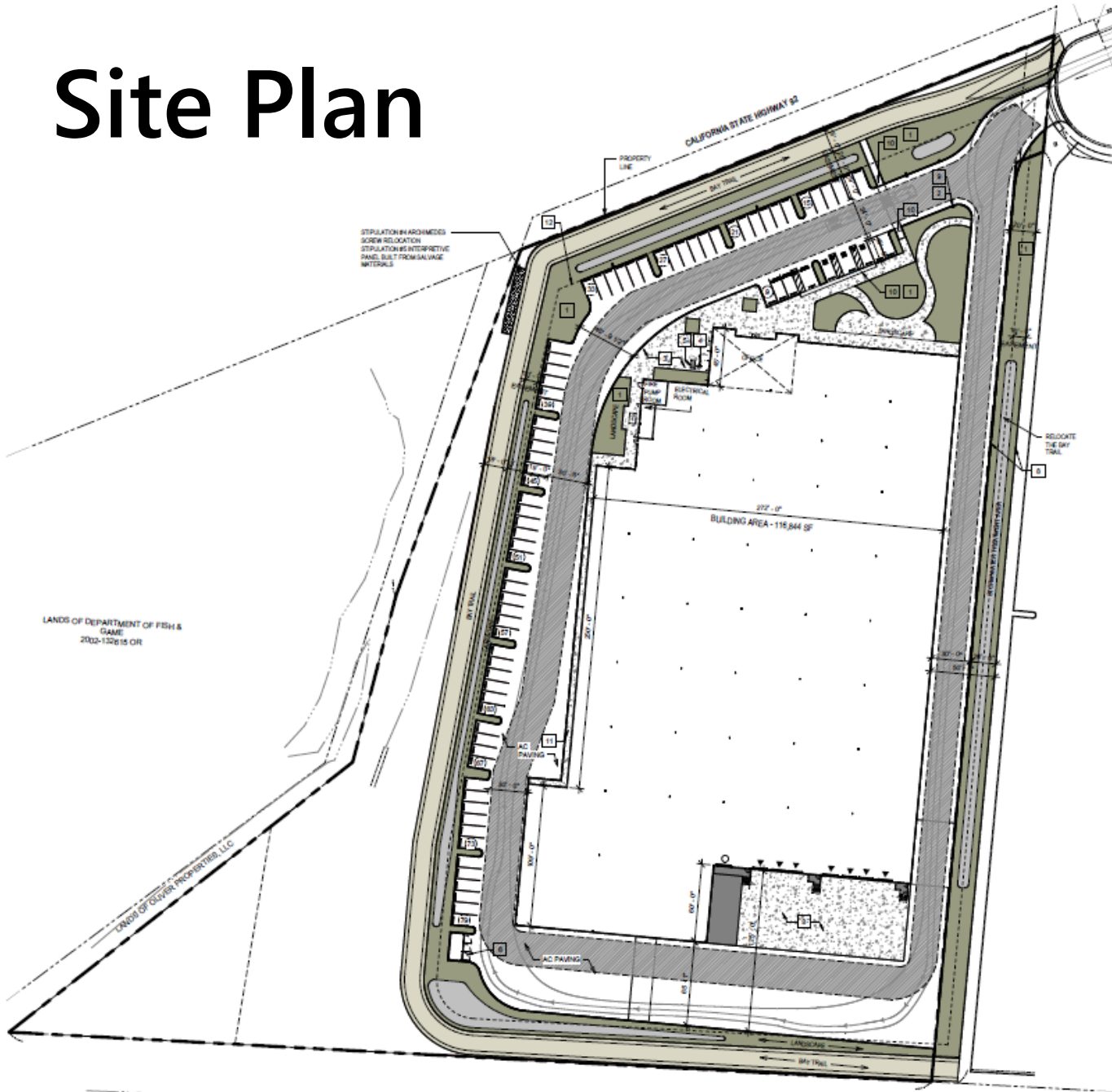




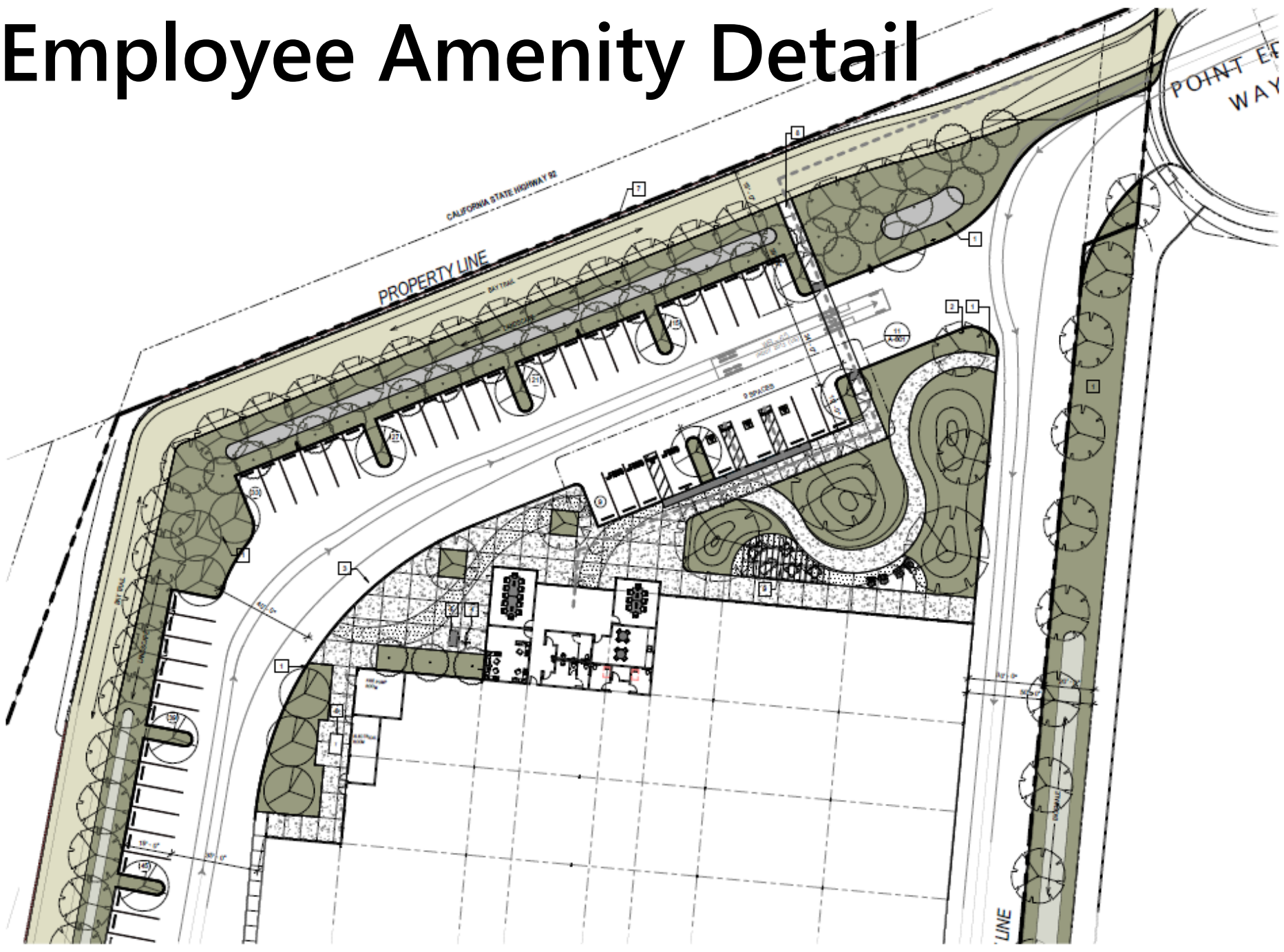


Proposed Project

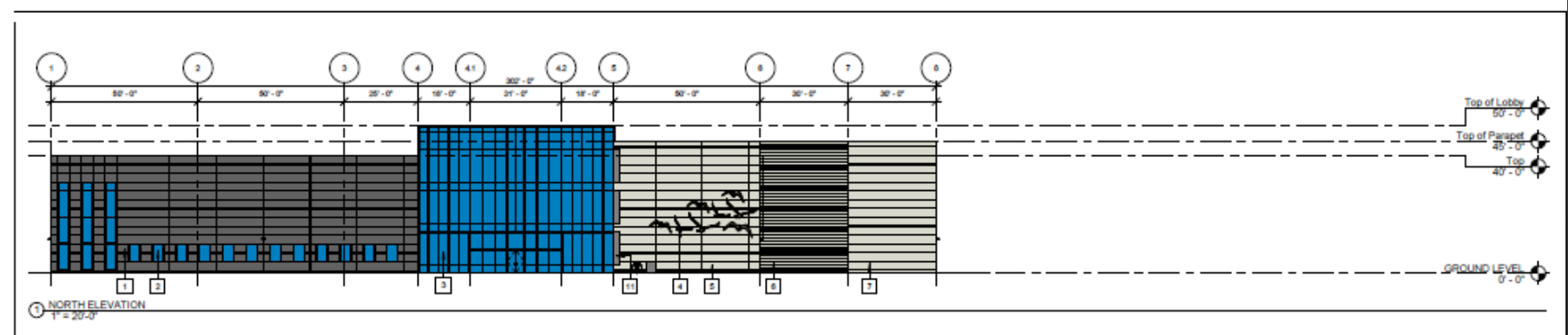
Site Plan



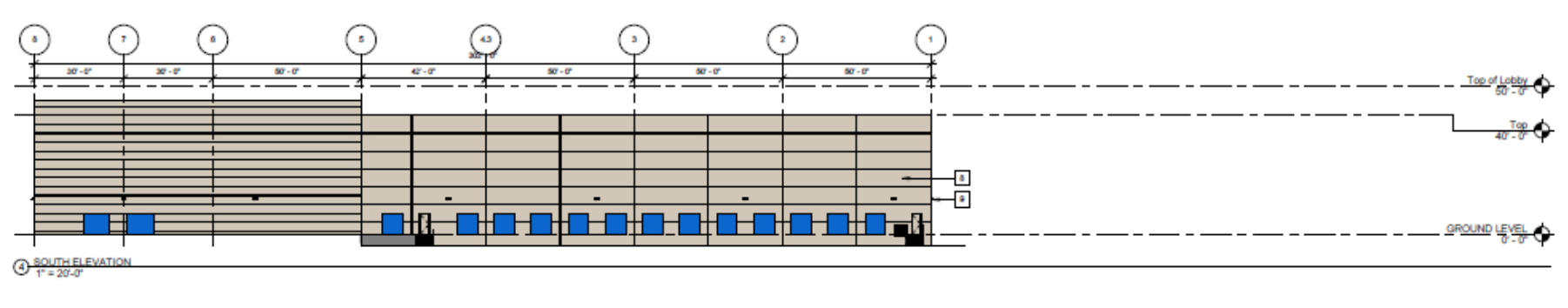
Employee Amenity Detail



Elevations

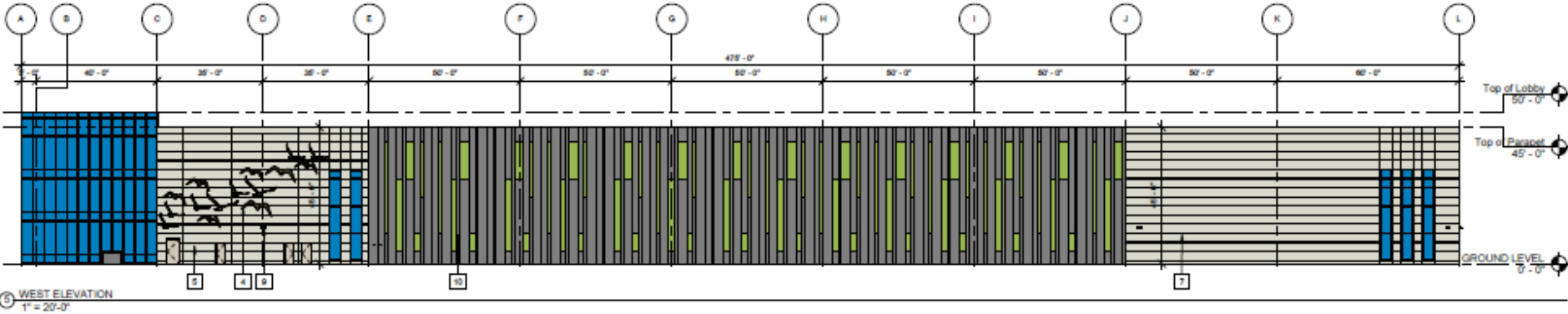


Front Elevation – Facing State Route 92

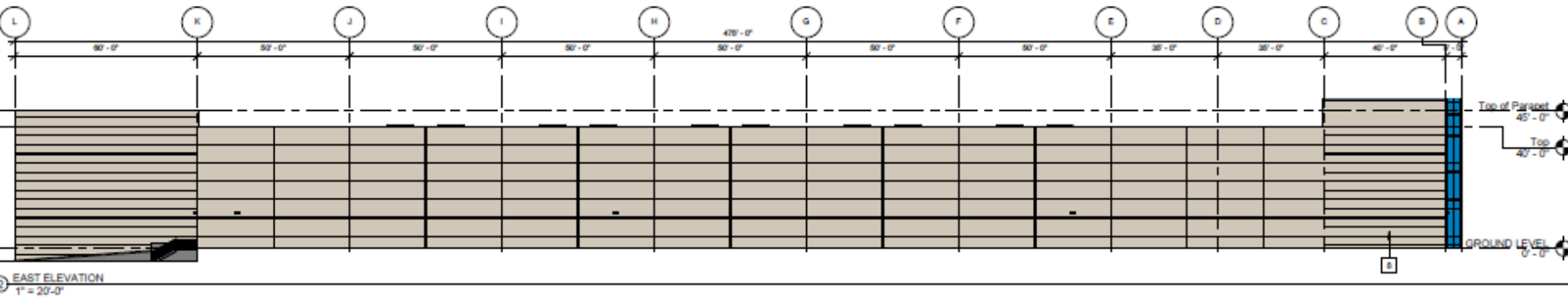


Rear Elevation

Elevations



West Elevation – Facing Realigned Bay Trail

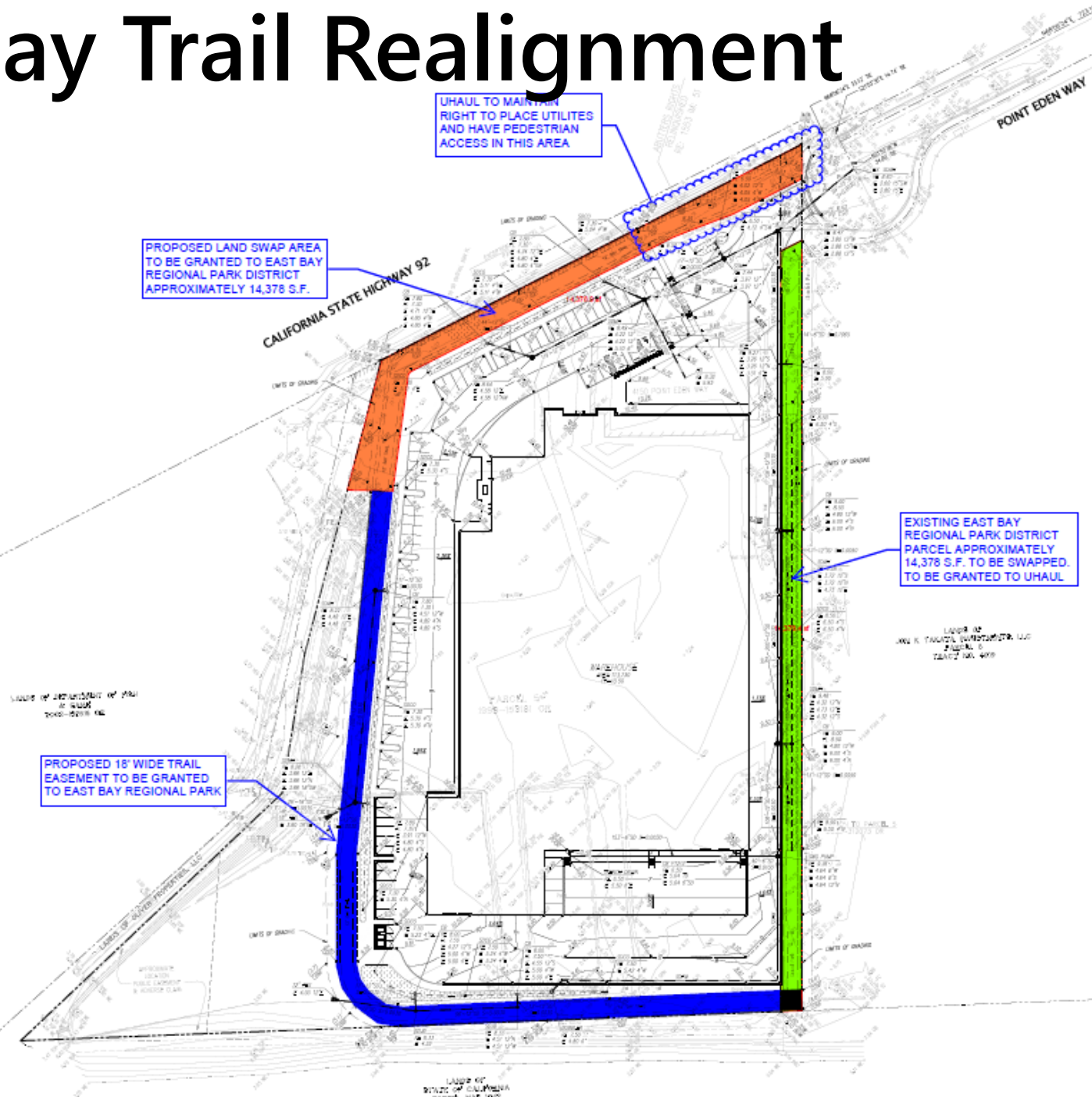


East Elevation – Interior Facing

Rendering



Bay Trail Realignment





Environmental Impact Report

Environmental Impact Report



- ▶ On November 10, 2020, City issued a Notice of Preparation of an Environmental Impact Report with Initial Study.
- ▶ Initial Study found potentially significant impacts in the areas of **Biological Resources, Cultural Resources, Hazards and Hazardous Materials, Transportation and Tribal Cultural Resources**; and found impacts less than significant in all other areas.
- ▶ Notice of Availability of the EIR was published, noticed and circulated for a 45-day public review from April 9 through May 24, 2021.

Environmental Impact Report



- ▶ The Draft EIR included a Project Description, evaluation of the various topic areas, and other CEQA required sections such as growth inducement, irreversible environmental effects and significant and unavoidable impacts.
- ▶ The Draft EIR found that all impacts could be mitigated to a level of less than significant with mitigation with the exception of **Cultural Resources**.
- ▶ Mitigation Measures to document the existing structure affiliated with the Oliver Brother Salt Company, and to install an interpretive display at the site to commemorate the historic use were added to the project. **However, the impact remains significant and unavoidable.**

Environmental Impact Report



- ▶ The Draft EIR also included Alternatives to the proposed project including the no project alternative, a reduced development alternative and alternative sites analysis.
- ▶ The environmentally superior alternative was the “no build” alternative followed by the “alternative site” alternative. However, those alternatives would not meet the objectives of the project and were rejected.
- ▶ The City received five comment letters on the Draft EIR. Those letters and responses to those letters as well as text changes to the Draft EIR and MMRP constitute the Final EIR.

Environmental Impact Report



- ▶ A copy of the Final EIR was provided to commenters and posted on the City's website, at City Hall & the Hayward Main Library on June 25, 2021.
- ▶ The City Council must adopt a **Statement of Overriding Considerations** related to the loss of the historic structure.
- ▶ Removal of the structure would eliminate a dilapidated, unsafe structure; it would result in development of a currently underutilized site at a gateway entrance to the City; and it would result in establishment of a 32-acre preserve in the City's western baylands.

Findings



- ▶ The project would be consistent with the General Plan Goals and Policies related to increasing jobs and enhancing the visual character of a gateway site.
- ▶ The project would result in development of a warehouse for U-Haul corporate headquarters in the Industrial District where such uses are permitted.
- ▶ The project would feature a glass-fronted building with an office appearance from Route 92 and artistic features.
- ▶ The project would result in an increase in property taxes & signal new investment in the industrial area.
- ▶ The project would result in realignment of the Bay Trail to take advantage of western views to the Bay.
- ▶ The structure & Bay Trail would be located above the flood plain.

Conditions of Approval



- ▶ Realignment and design of Bay Trail subject to East Bay Regional Park District approval.
- ▶ Lights in building shall be turned off at night to minimize impacts on surrounding land & all site lighting shall be designed to prevent spillover.
- ▶ Proposed 32-acre preserve shall be subject to a conservation easement and maintained in perpetuity as open space.
- ▶ All Mitigation Measures were made conditions of approval of the project.

Staff Recommendation



That the City Council Overturn the Commission Denial and Approve Site Plan Review & Historical Demolition Permit for the Proposed U-Haul Development; and Certify the Environmental Impact Report & Related Findings and Adopt the Mitigation Monitoring and Reporting Program and the Statement of Overriding Considerations Prepared for the Project.

Questions & Discussion

