

**CITY OF HAYWARD PLANNING COMMISSION  
PROPOSED FUEL FACILITY AT COSTCO BUSINESS CENTER  
LOCATED AT 22330 HATHAWAY AVENUE  
MODIFICATION TO PLANNED DEVELOPMENT APPLICATION NO. 201706217**

**FINDINGS FOR APPROVAL**

**PLANNED DEVELOPMENT**

Pursuant to Hayward Municipal Code Section 10-1.2535, the City Council may approve or conditionally approve an application when all of the following findings are made:

**1. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.**

The project site is designated Mixed Industrial (“MI”)<sup>1</sup> in the Hayward 2040 General Plan which allows up to a maximum floor area ratio (FAR) of 0.8. Based on the existing and proposed structures to be located on-site post-project completion, the development and site will not exceed the maximum square-footage development potential of 378,797 square-feet. As stated, the MI land use designation generally applies to older industrial properties within the central part of the city. These properties are typically located near railroad tracks and are generally surrounded by residential neighborhoods and commercial uses. Typical building types include warehouses and light industrial buildings. Future changes to mixed-industrial areas are expected to include building and landscaping improvements, additional infill development on vacant lots, and the redevelopment of underutilized properties. However, the MI land use designation does specify “automobile service and repair stations” as an allowed use within this land use designation. In addition, the proposed project will include landscaping improvements associated with the infill development of a gas station of the underutilized parking lot area at the northernmost corner of the project site. Further, the project aligns with the goals and policies of the following Hayward 2040 General Plan and applicable City policies:

- Goal Economic Development-1. Diversify the economic base of Hayward to support a robust and stable economy with a diverse range of employment, shopping, and cultural opportunities for local residents.
- Economic Development -1.3: Commercial and Industrial Development. The City shall encourage commercial and industrial development by ensuring the availability of suitable sites for development and providing appropriate zoning.
- Economic Development-1.11: Local-Serving Retail. The City shall encourage the establishment and expansion of commercial businesses that increase local spending within Hayward and provide needed goods and services to local residents and businesses.
- Economic Development -1.13: Regional-Serving Retail. The City shall encourage private-sector investment to physically upgrade existing regional shopping centers and to create new centers at key retail opportunity sites.

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<sup>1</sup> Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/land-use/mixed>

- Goal Economic Development-3. Grow the local economy and employment base by supporting efforts to expand and retain local businesses.
- Land Use-1.4: Revitalization and Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Land Use-5.1: Mix of Uses and Activities. The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.

**2. Streets and utilities, existing or proposed, are adequate to serve the development.**

The existing streets and roadway network within the vicinity of the project site are adequate to serve the development of a fuel facility. The project area is accessible via Hathaway Avenue which includes a signalized and non-signalized entrance into the property. A traffic impact analysis was conducted by Kittelson and Associates, a transportation consultant, and determined that the project would result in a less than significant impact related to traffic and transportation in accordance with the CEQA Guidelines. The project also includes revised circulation on-site that will accommodate sufficient queueing for the fuel facility to minimize spillover onto the streets. In addition, the project site is accessible to utilities including electricity, water, and sewer with connections available along Hathaway Avenue that will be able to serve the development for the site landscaping, fire sprinklers, etc.

**3. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development.**

The development will be in conformity with the applicable performance standards for fuel facilities as its operation will be regulated by local, State, and Federal agencies, including the Hayward Fire Department, the Alameda County Department of Environmental Health, the Bay Area Air Quality Management District (BAAQMD), the State Water Resources Board (Bay Regional Water Quality Control Board), the California Environmental Protection Agency (CalEPA), the United States Environmental Protection Agency (EPA); whom will review specific safety and design features related to the operation of the facility.

The proposed location of the fuel facility allows for enhanced site circulation and queueing for the gas station. The development area for the fuel facility also occupies the most underutilized area of the property comprising of the vacant tire center building and portion with the least used parking during peak hours, and is also the furthest away from residential uses providing an adequate buffer of surface parking and landscaping from the street; thus, will reduce any potential substantial adverse impact on the surrounding industrial developments. In addition, the project site is also located closest to the railroad tracks setback properly from the prominent corner of A Street and Hathaway to ensure an

environment of sustained desirability by maintaining a commercial presence along A Street rather than a gas station.

- 4. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.**

The development is not intended to be phased. The project will be constructed in one phase including all associated site improvements with landscaping, on-site circulation, and stormwater management infrastructure.

- 5. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.**

In exchange for the reduction and deficit of parking provide at the site, the applicant has proposed the following amenities: 1) rehabilitation and conversion of 5,750-square-feet of existing landscaping outside of the development area to be updated to be in compliance with WELO which would not otherwise be required, and 2) implementation of a Transportation Demand Management (TDM) program for Costco Business Center employees that will include offering subsidized transit passes to AC Transit, encourage vanpooling/carpooling, and promote ride matching services. Implementation of these amenities will be verified for compliance within the Precise Development Plan prior to the issuance of building permits.

## **ENVIRONMENTAL REVIEW**

Pursuant to CEQA Guidelines Section 15220, an Initial Study was prepared for this project with the finding that an MND was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. The Initial Study found that the project would result in potential impacts to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hydrology/Water Quality, Noise and Mandatory Findings of Significance. With mitigation, any potential impacts would be reduced to a level of less than significant. A copy of the Initial Study and Mitigated Negative Declaration (IS/MND) have been included in this report as Attachments VI.

A Notice of Intent to Adopt the MND was filed and posted with the Alameda County Clerk on September 27, 2019 for a twenty (20) day public comment period, which expired on October 17, 2019 at 5 p.m. The proposed IS/MND were posted and available for public review at City Hall, the City's website, the Main Library, and delivered to Hayward Weekes Library.