

**AMAZON LAST MILE DELIVERY SERVICES
2701 W. WINTON AVENUE
ZONING TEXT AMENDMENT AND CONDITIONAL USE PERMIT
APPLICATION NO. 201908318**

DRAFT FINDINGS FOR APPROVAL

California Environmental Quality Act

1. On July 25, 2019, the Planning Commission approved a Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Program in conjunction with the approval of Vesting Tentative Parcel Map and Site Plan Review Application No. 201702969 to construct a new 507,500 square foot industrial building on a site composed of multiple parcels at 2655-2893 West Winton Avenue.
2. Pursuant to CEQA Guidelines Section 15164, LSA prepared an Addendum, dated February 2021, analyzing the proposed text amendment to allow truck terminals as a conditionally permitted use within the Industrial Park District and a conditional use permit to establish a truck terminal for Amazon Last Mile Delivery Services at the subject address. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR or MND.
3. There has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. New CEQA analysis related to Vehicle Miles Traveled (VMT) found that the proposed project would not result in a significant impact in that the employer will implement Transportation Demand Management measures and ongoing monitoring and reporting as part of the project. Therefore, the previously certified IS/MND and Mitigation Monitoring and Reporting Program remains valid.
4. The adopted MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and the vast majority of those mitigation measures were implemented as part of the development of the industrial building. The remaining applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program include ongoing maintenance related to the Vegetation Management Plan, Stormwater Control Facilities and the levee all installed as part of the development project will be implemented with the ongoing operation of the proposed use at the site. Based on the MND, the Addendum, and the whole record before the Planning Commission, there is no substantial evidence that the project would have any new or more significant effects on the environment.
5. That the project complies with CEQA, and that the previously certified MND, Initial Study, Mitigation Monitoring and Reporting Program and Addendum was presented

to the recommending and deciding bodies, which reviewed and considered the information contained therein prior to forming a recommendation related to the project.

Zoning Text Amendment

1. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The economy is evolving to allow for more direct to consumer delivery options, and the timeframes for ordering and receiving goods is shrinking which is more convenient for consumers. The added convenience of having goods delivered to one's home or business in increasing shorter short time frames requires that a distributed network of these uses be established throughout the region. Further, the more distributed the network of these facilities, the less vehicle miles traveled between warehouses, terminals where goods are sorted and the end user, which results in added safety, convenience and general welfare for the residents and businesses in Hayward. Amending the Zoning Ordinance to allow truck terminals in the Industrial Park District with conditional use permit approval would provide additional opportunities for these uses to locate within Hayward subject to site specific review and approval, including an evaluation and conditions related to impacts to City infrastructure, and would result in a large number of jobs in Hayward.

2. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;

Truck terminals are an industrial use and allowing that use subject to conditional use permit approval in the Industrial Park District is not inconsistent with the purpose of the Industrial Park District where a "warehousing and distribution uses are allowed, provided buildings and site development are designed with an office appearance from right-of-way." Permitting truck terminals, which are a direct-to-consumer distribution use, subject to conditional use permit approval would expand location opportunities for these uses which are increasingly in demand and would ensure that each site and each use is analyzed for compliance with the purpose, development and performance standards set forth in the City's Industrial district regulations.

3. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The proposed amendment would apply to all properties zoned Industrial Park District where a variety of industrial uses are permitted or conditionally permitted and where streets and public facilities are generally available. Allowing truck terminals in the Industrial Park District subject to conditional use permit approval would ensure that future truck terminal uses would be subject to site specific

review to ensure that streets and public facilities are adequate to serve the proposed use and allow the City to add any conditions of approval on the installation, upgrade or repair of any facilities which are deemed inadequate through the use permit review process.

4. **All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

Truck terminals are considered a warehouse and distribution use that allows direct delivery to consumers. Warehousing and distribution is identified as a compatible use in the Industrial Park District subject to site and building specific standards. Allowing truck terminals in the Industrial Park District subject to conditional use permit approval will ensure that the proposed use is compatible with present and potential uses, and that the site and building are designed to ensure compatibility with surrounding development and uses. A beneficial effect would be achieved by allowing truck terminals in the Industrial Park District in that more areas of the City would be opened up for direct-to-consumer delivery which is a growing sector of the economy and provides a significant number of jobs.

Conditional Use Permit

1. **The proposed use is desirable for the public convenience or welfare;**

The project, as proposed, would allow the establishment of an Amazon last-mile delivery truck terminal at the subject site and ensure that goods and materials would be delivered to Hayward residents and businesses in an expedited fashion which is desirable for the public convenience and welfare.

2. **The proposed use will not impair the character and integrity of the zoning district and surrounding area;**

Truck terminals are considered a warehouse and distribution use that allows direct delivery to consumers. Warehousing and distribution is identified as a compatible use in the Industrial Park District subject to site and building specific standards. The proposed Amazon last-mile delivery truck terminal would be established in a new, well designed warehouse. Minor modifications to the warehouse including installation of storefront glazing along the eastern elevation, removal of dock doors on the western side of the building and installation a total of four new ramps in the building would not substantially change the warehouse which includes enhanced architectural detailing and articulation particularly along the public right-of-way. The proposed use, including parking for the fleet vehicles would occur within the warehouse building thus the proposed use would not impair the character and integrity of the zoning district and surrounding area.

3. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed Amazon last-mile delivery truck terminal will not be detrimental to the public health, safety or general welfare if the applicant pays a fair share contribution to install certain roadway and intersection improvements to ensure safe and convenient circulation patterns in the vicinity of the project site; and if road conditions are maintained at acceptable levels; and if trucks and vehicles associated with the business or its affiliates do not park or queue on public right-of-way along West Winton Avenue; and if the applicant maintains the building and site landscaping and ensures a litter free maintenance of the property and adjacent street frontage.

4. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The project, as proposed, would allow a warehousing and distribution activity, which is identified as a compatible use in the Industrial Park District, provided that the building is well designed with an office appearance from the public right of way. The proposed site meets those standards therefore the proposed use will be in harmony with applicable City policies and the intent of the Industrial Park District.

The project is also consistent with the Industrial Technology and Innovation Corridor (IC) land use designation of the *Hayward 2040 General Plan* in that the IC land use designation allows uses that includes professional office, research and development, warehousing and logistics and manufacturing (traditional, advanced, specialized, and food manufacturing). Additionally, the proposed distribution use is consistent with the following goal and policy of the Hayward 2040 General Plan:

- Land Use Goal 6. Enhance the Industrial Technology and Innovation Corridor to expand the economic and employment base of Hayward and to achieve a healthy balance between a manufacturing-based economy and an information- and technology-based economy.
- Economic Development Goal ED-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.