



A G E N D A
PLANNING COMMISSION ■ CITY OF HAYWARD
Centennial Hall, Room 6 ■ 22292 Foothill Boulevard, Hayward, California 94541

MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:

Obtain a speaker's identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. Copies of reports are available from the Commission Secretary.

THURSDAY, APRIL 17, 1997

AGENDA

7:30 P.M. ROOM 6 REGULAR MEETING
ROLL CALL
SALUTE TO FLAG
PUBLIC COMMENT - NON AGENDA ITEMS
PUBLIC HEARING

97 APR 11 PM 3:15
RECEPTION
ADMISSION

1. **DEPOT ROAD ANNEXATION NO. 14 TO THE CITY OF HAYWARD AND PREZONE APPLICATION NO. 97-190-01 - HANS KRUGER, KRUGER FOODS, INC. (APPLICANT), WALLACE AND ROXANNE GRETH/GRETH FAMILY TRUST (OWNERS)** - Request to prezone Industrial (I) and annex 25.58 acres. The properties are located on the south side of Depot Road, west of Viking Street, currently zoned M-2-B-E by the County.
2. **USE PERMIT NO. 97-160-04 - KIRK HUTCHINSON (APPLICANT/OWNER)** - Request to modify Use Permit and Variance 84-140 and Use Permit 90-40 to construct a 22' 6" high pump island canopy over four existing gasoline dispensers and to modify an approved sign program at Hutch's Full Service Touchless Car Wash and Hutch's Quick Lube. The property is located at 1367 A Street, south side, approximately 15 feet west of the intersection of A Street and 4th Street, and 1360 B Street, north side, approximately 200 feet west of 4th Street in the CG (General Commercial) District (APN: 427-31-9-6, 22-3).

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters
4. Commissioners' Announcements, Referrals

APPROVAL OF MINUTES

- March 27, 1997

ADJOURNMENT

(Continued on reverse)

WORK SESSION ROOM 6

DRAFT WHITMAN-MOCINE NEIGHBORHOOD PLAN AND RELATED GENERAL PLAN AMENDMENT (GPA 97-110-01) AND REZONING (ZC 97-190-04) - A proposed long-range policy plan which refines existing City General Plan policies for the area between Harder Road and Tennyson Road, and between the Southern Pacific Railroad and Union Pacific Railroad rights-of-way. The proposed draft Neighborhood Plan also includes recommendations for an associated general plan amendment and rezoning to reflect preferred land use policies.

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on the subject of this notice, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. By Resolution the City Council has imposed the 90-day time deadline set forth in C.C.P. Section 1094.6 for filing of any lawsuit challenging final action on an item which is subject to C.C.P. Section 1094.5



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Rica Llorenta 48 hours in advance of the meeting at (510) 293-5275, or by using the TDD line for those with speech and hearing disabilities at (510) 293-1590.



CITY OF HAYWARD ■ AGENDA REPORT
DEVELOPMENT REVIEW SERVICES DIVISION

MEETING OF
April 17, 1997

TO: Planning Commission

FROM: Jeanette E. Peck, Development Review Services Engineer

SUBJECT: DEPOT ROAD ANNEXATION NO. 14 TO THE CITY OF HAYWARD AND PREZONE APPLICATION NO. 97-190-01 - HANS KRUGER, KRUGER FOODS, INC. (APPLICANT), WALLACE AND ROXANNE GRETH/GRETH FAMILY TRUST (OWNERS) - Request to prezone Industrial and annex 25.58 acres.

The properties are located on the south side of Depot Road, west of Viking Street, currently zoned M-2-B-E by the County.

RECOMMENDATION

That the Planning Commission recommend that the City Council:

1. Approve the attached Mitigated Negative Declaration finding that the document is complete and final in accordance with the requirements of the California Environmental Quality Act Guidelines and reflects the independent judgement of the City Council;
2. Prezone the 25.58 acres to "I", Industrial, consistent with the General Plan Map designation of "Industrial Corridor";
3. Make application to the Alameda County Local Agency Formation Commission (LAFCO), requesting initiation of proceedings for annexation of the 25.58 acres as shown in the attached Exhibit "A";
4. Approve by resolution a property tax exchange agreement with Alameda County; and
5. Initiate proceedings for the establishment of a precise plan line for future Whitesell Street rights-of-way and refer the matter to the Department of Public Works for a report and recommendation.

Depot Rd. Annexation No. 14 - Hans Kruger, Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

PROPERTY/PROJECT DESCRIPTION

The subject properties are underutilized industrial property currently providing automobile and recreational vehicle storage, a truck leasing company, a concrete fence manufacturer and the offices of a chemical tank lines company. The applicant is interested in locating a portion of their cucumber storage facilities, as described in the attached letter, on two of the lots, APN 439-0070-001-01 and APN 439-0070-002-00, and connecting to the City's water and sanitary sewer mains located in Depot Road.

SURROUNDING LAND USES

The property is bounded on the north, south and east by property within City boundaries, including on the north by Depot Road, on the south by the City of Hayward Wastewater Treatment Plant, on the east by industrial buildings. The property is bounded on the west by unincorporated property currently housing an auto dismantling yard.

INFRASTRUCTURE

There are existing City water and sanitary sewer mains in Depot Road adequate to serve the properties. All annexed properties will become eligible to apply for water and sanitary sewer connections. There are existing City and Alameda County Flood Control and Water Conservation District storm drains in Depot Road adequate to drain the properties.

The existing street is improved with curb and gutter. Ultimately the City plans to widen the street along the south side 9 feet; property owners within the annexation area on the south side of Depot Road will need to dedicate an additional 9 feet and enter into deferred street improvement agreements prior to development, if they have not already done so. The future Whitesell Street extension will be aligned through some of the annexed properties as shown on the attachment; property owners within the annexation area will need to dedicate the necessary right-of-way as they develop. In order to establish the precise alignment of the Whitesell Street extension, a precise plan line will need to be approved prior to completion of the annexation.

The City currently has a contract with the County to provide emergency fire response. The City Police Department currently responds in an emergency, if requested by the County sheriff.

Recently three used fuel tanks were stored at 3636 Depot Road. They are scheduled to be removed from the site in conformance with Alameda County Health Care Services, ACHCS, requirements. A small amount of oil and grease was also detected on the surface of the ground by ACHCS. The owner is preparing a work plan for its removal. The negative declaration mitigation measures require that the site be cleared by Alameda County Health Care Services prior to the recordation of the annexation.

Depot Rd. Annexation No. 14 - Hans Kruger, Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

ENVIRONMENTAL REVIEW

In accordance with California Environmental Quality Act Guidelines and based on the initial study, a Mitigated Negative Declaration was prepared. Mitigation measures will be incorporated into the conditions of approval for future developments.

PUBLIC NOTICE

On February 21, 1997, a notice of public hearing was mailed to all property owners within 300 feet of the subject property as noted on the latest Assessor's records, to interested parties, to the Alameda County Planning Department and to non-owner occupants of properties. On February 21, 1997, a notice of public hearing was published in the "Daily Review". At the Planning Commission meeting held March 13, 1997, this item was continued to April 17, 1997.

PRELIMINARY MEETING

On February 11, 1997, a preliminary meeting was held with the property owners. The notice of the meeting was mailed to all property owners within the unincorporated island and within a 300-foot radius of the unincorporated island as noted on the latest Assessor's records. The only attendee was Donald Hudson, representative from the concrete fence manufacturing company, who did not think that the annexation would substantially impact their property, since they already have water and sewer connections and have dedicated additional street right-of-way.

The attached consent letters from Wallace and Roxanne Greth and from Barry Gallagher show support for annexation from owners of 62% of the property to be annexed.

The attached consent form was received from Patsy R. Wheat stating that she did not support annexation. When staff had responded that a former owner of her property had already consented to annexation, the attorneys representing the Wheats responded in the attached letter that "the Wheats will consent to the annexation", if the City approves annexation.

DISCUSSION OF PLANNING ISSUES

A. Conformance to the General Plan and Other City Policies

All of the annexation area is currently zoned "M-2-B-E", heavy industrial, in the County. The General Plan Map designates the area as "Industrial Corridor".

B. Conformance to the Zoning Ordinance

The existing uses appear to conform to the I (Industrial) Zoning District primary uses, except that the facilities with outdoor storage would require an administrative use permit under City standards once the lands have been vacant for six months.

Depot Rd. Annexation No. 14 - Hans Kruger, Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

C. Partial Annexation

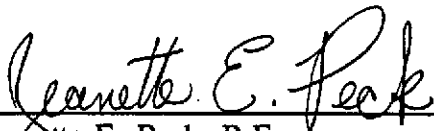
The City is processing the annexation of the properties at 3520, 3530, 3548, 3600 and 3636 Depot Road in addition to the applicant's property to avoid leaving an isolated island of unincorporated territory.

Previous efforts to annex this industrial island on the fringe of the Mt. Eden area have not come to fruition. There are seven parcels to the west of those proposed to be annexed that are engaged in auto dismantling uses and whose property owners have not shown an interest in annexation. Since most the property owners of the proposed annexation area either support the annexation or have not responded, staff believes that a partial annexation would be appropriate.

CONCLUSION

Staff believes that the rezoning and annexation will improve utilization of these industrial properties and is recommending approval of the rezoning and annexation.

Prepared by:



Jeanette E. Peck, P.E.
Development Review Services Engineer

Approved by:



Dyana Anderly, AICP
Development Review Services Administrator

Depot Rd. Annexation No. 14 - Hans Kruger, Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

Attachments:

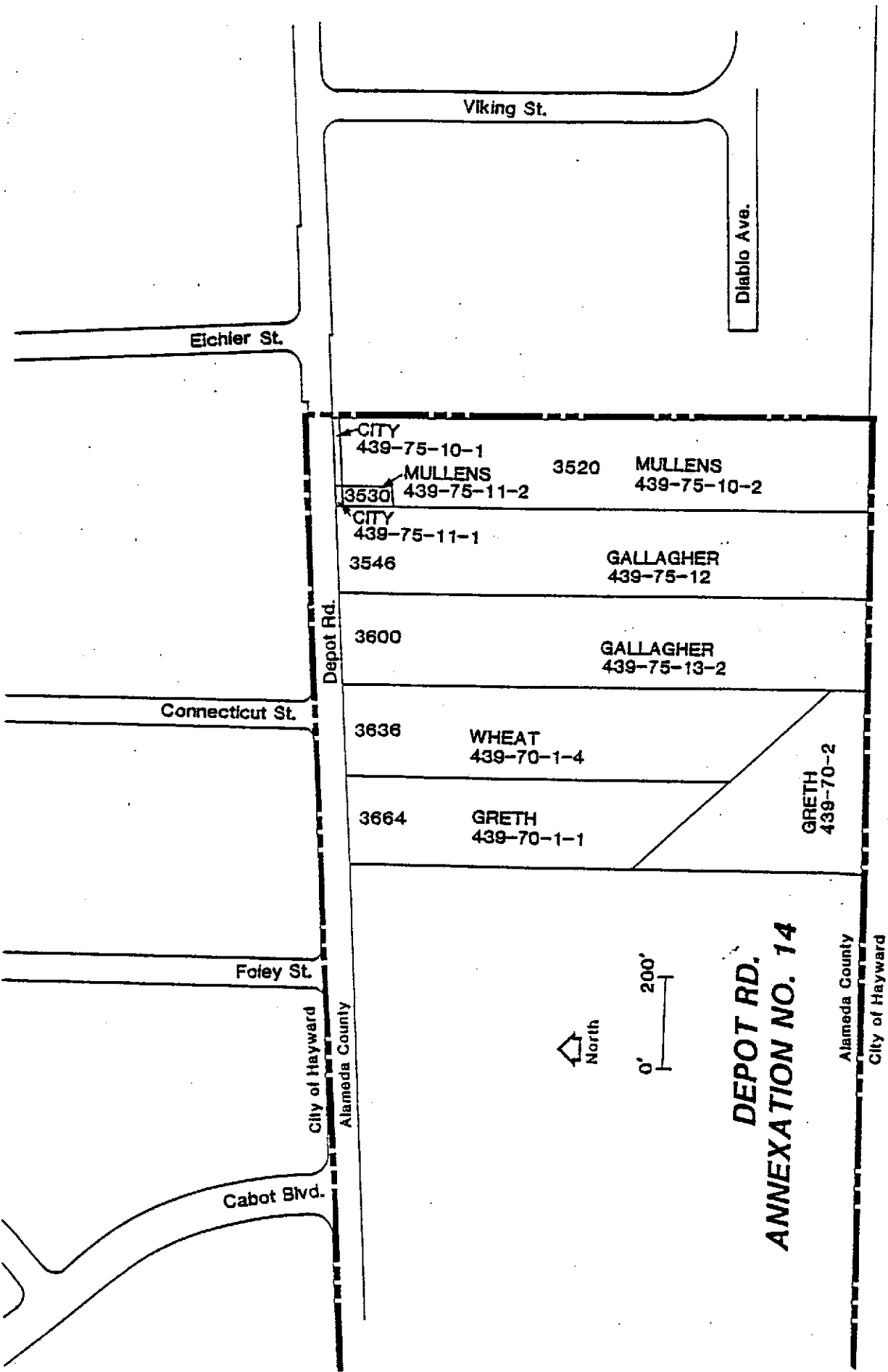
- A. Area Map
- B. Mitigated Negative Declaration
- C. Annexation Map
- D. Whitesell Street Extension
- E. Letter from Hans Kruger, dated February 28, 1997
- F. Consent Letters from Wallace and Roxanne Greth and Barry Gallagher
- G. Consent Form from Patsy R. Wheat, dated February 3, 1997
- H. Letter from Staff to Patsy R. Wheat, dated February 18, 1997
- I. Letter from law office Lanferman, Fisher & Hashimoto, dated February 28, 1997
- J. Copy of Letter to law office of Lanferman, Fisher & Hashimoto from Alameda County Environmental Health Services, dated March 19, 1997

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4/08/97

Depot Rd. Annexation No. 14 - Hans Kruger, Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

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**DEPOT RD.
ANNEXATION NO. 14**



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City of Hayward
Alameda County

Alameda County
City of Hayward

Area Map - Depot Rd., Annexation No. 14 to the City of Hayward

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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:

DEPOT ROAD ANNEXATION NO. 14 AND PREZONE APPLICATION NO. 97-190-01 - HANS KRUGER, KRUGER FOODS, INC. (APPLICANT), WALLACE AND ROXANNE GRETH/GRETH FAMILY TRUST (OWNERS) - Request to prezone to Industrial and to annex 25.58 acres located on the south side of Depot Road, west of Viking Street, currently zoned M-2-B-E by the County of Alameda. The applicant intends to apply for construction of a cucumber storage facility at a later date.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

That the proposed annexation will have no substantial effect on the area's resources, cumulative or otherwise.

III. FINDINGS SUPPORTING DECLARATION:

- The properties will be required to obtain a wastewater discharge permit before connecting to the sanitary sewer system which will set appropriate compliance requirements regarding discharge.

IV. PERSON WHO PREPARED INITIAL STUDY:

Jeanette E. Peck, Development Review Services Engineer
Name/Title

February 20, 1997
Date

Mitigated Negative Declaration - Depot Road Annexation No. 14 and Prezone Application No. 97-190-01 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

V. COPY OF INITIAL STUDY IS ATTACHED:

For additional information, please contact the City of Hayward, Development Review Services Division, 25151 Clawiter Road, Hayward, California 94545-2731 or telephone the City Clerk at (510) 293-5306.

Distribution

- Provide copies to all organizations and individuals requesting same in writing.
- Send to project applicants.
- Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or publish once in Daily Review (20 days prior to hearing if no other public notice, otherwise 10 days; reference in all Notices of Decision distributed 20 days prior to effective date of decision).

Posting

This Notice is to be posted for a period of at least 20 days upon receipt:

- At the City Clerk's Office
- On the Main City Hall Bulletin Board
- In the City's Main Library and Branches.

k:\...\Annex.14\Depot14.Neg

CITY OF HAYWARD
Department of Community and Economic Development
Development Review Services Division
25151 Clawiter Road
Hayward, California 94545-2759
Telephone No.: (510) 293-5414
FAX No.: (510) 293-5108
TDD No.: (510) 293-1590

INITIAL STUDY
*Revised April 8, 1997

GENERAL INFORMATION:

Applicant:

City of Hayward
25151 Clawiter Road
Hayward, CA 94545-2759
(510) 293-5414

Person Preparing Initial Study: Jeanette E. Peck, Development Review Services Engineer
Telephone No.: (510) 293-5414

PROJECT DESCRIPTION:

DEPOT ROAD ANNEXATION NO. 14 AND PREZONE APPLICATION NO. 97-190-01 - HANS KRUGER, KRUGER FOODS, INC. (APPLICANT), WALLACE AND ROXANNE GRETH/GRETH FAMILY TRUST (OWNERS) - Request to prezone Industrial and annex 25.58 acres.

PROJECT LOCATION:

Properties located at 3520, 3530, 3548, 3600, 3636 and 3664 Depot Road in an unincorporated island within the City of Hayward.

ENVIRONMENTAL SETTING:

The subject properties are an 25.58 acre industrial property area located on the south side of Depot Road, west of the intersection of Viking Street and Depot Road, in the unincorporated portion of the west industrial area.

The properties are currently used as a truck leasing company, an automobile storage yard, a recreational vehicle storage yard, a truck leasing company, a concrete fence manufacturer and offices for a chemical tank lines company.

The applicant is requesting annexation so that water and sanitary sewer connections can be provided. The applicant intends to apply for construction of a cucumber storage facility at a later date.

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

Yes Maybe No

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.

- | | | | | |
|-----|--|---|---|----------|
| 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> |
| 2. | <u>Air Quality</u> (substantial air emissions, violation of any ambient air quality standard, a substantial contribution to an existing or projected air quality violation, creation of objectionable odors, or dust generation.) | — | — | <u>X</u> |
| *3. | <u>Water Quality</u> (increase in rate and amount of surface runoff, change in the amount of surface water in any water body or wetland, exposure of people or property to water-related hazards, such as flooding or contaminated water supply, including groundwater.) | — | — | <u>X</u> |
| | <u>Comment:</u> Recently three used fuel tanks were stored at 3636 Depot Road. They are scheduled to be removed from the site in conformance with Alameda County Health Care Services, ACHCS, requirements. A small amount of oil and grease was also detected on the surface of the ground by ACHCS. The owner is preparing a work plan for its removal. The site shall be cleared by Alameda County Health Care Services prior to the recordation of the annexation. | — | — | <u>X</u> |
| 4. | <u>Biological Resources</u> (change in diversity or number of species; reduction in the numbers of any unique, rare, or endangered species, tree removal, result in a barrier to the migration or movements of animals, deterioration to fish and wildlife habitat, or create a barrier to the normal replenishment of existing species.) | — | — | <u>X</u> |

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

	Yes	Maybe	No
5. <u>Noise Level</u> (long-term or short-term exposure of people to noise levels exceeding City thresholds, and/or increase in existing noise levels for adjoining areas.)	—	—	<u>X</u>
6. <u>Light and Glare</u> (expose people to intensive light or glare.)	—	—	<u>X</u>
7. <u>General Plan, Neighborhood Plans, and Adopted City Environmental Plans and Goals</u> (conformity)	—	—	<u>X</u>
<u>Comment:</u> The property will need to be rezoned to "Industrial" to conform to the General Plan designation of "Industrial Corridor".			
8. <u>Natural Resources</u> (increase in the rate of use of any natural resources, substantial depletion of any nonrenewable natural resource.)	—	—	<u>X</u>
9. <u>Risk of Upset</u> (explosion, fire, hazardous substances.)	—	—	<u>X</u>
10. <u>Population</u> (alter location, distribution, growth rate)	—	—	<u>X</u>
11. <u>Housing</u> (affect existing housing or create a demand for additional housing.)	—	—	<u>X</u>
12. <u>Transportation/Circulation</u> (generation of substantial additional vehicular trips, impact on existing parking facilities, impact upon existing transportation systems, create a vehicle or pedestrian hazard.)	—	—	<u>X</u>
<u>Comment:</u> The current street infrastructure is adequate to handle any traffic increases due to increased development.			

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

Yes Maybe No

13. Public Service

A. Fire Protection (new/expanded use in a high fire hazard area, substantial increase of expenditure for fire protection, exposure of people to hazardous wastes/materials.)

— — X

Comment: Allowing the properties to connect to the City water main, after annexation, would provide additional water for fire fighting.

B. Police Protection (substantial increase in expenditures for police protection.)

— — X

C. Schools (substantial increase in number of school children in attendance area, aggravation of existing overcrowding problem, a negative impact on student access routes to/from school during normal working hours.)

— — X

D. Parks and Recreation (substantial increase in the need for park and recreation resources.)

— — X

14. Utilities

A. Water (lack of municipal water infrastructure, and/or substantial increase in potable water demand.)

— — X

B. Sanitary Sewer (lack of municipal sanitary sewer infrastructure, and/or substantial increase in demand on municipal sanitary sewer treatment plant facilities.)

— — X

Comment: Prior to connection to the sanitary sewer properties may be required to obtain a wastewater discharge permit before connecting to the sanitary sewer system, which will set appropriate compliance requirements regarding discharge.

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

	Yes	Maybe	No
C. <u>Solid Waste</u> (substantial increase in demand on existing solid waste collection program(s)/facilities.)	—	—	<u>X</u>
D. <u>Storm Drainage</u> (substantial increase in storm water run-off, aggravation of an identified drainage problem, or creation of a new drainage problem on-site or off-site.)	—	—	<u>X</u>
15. <u>Energy Use</u> (use of substantial amounts of fuel or energy, increased demand upon existing sources of energy or the development of new energy sources.)	—	—	<u>X</u>
16. <u>Aesthetics</u> (obstruction of any scenic vista or view open to the public or the creation of an aesthetically offensive project open to public view.)	—	—	<u>X</u>
17. <u>Cultural Resources</u> (archaeological, historical, or restriction of existing religious or cultural uses within the potential impact area.)	—	—	<u>X</u>

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

Yes Maybe No

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 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

Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners)

Yes Maybe No

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.

X

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.

—

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

—

April 08, 1997

Date

Jeanette E. Peck, Development Review Services Engineer

Preparer

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Mitigated Negative Declaration - Depot Road Annexation No. 14 and Prezone Application
No. 97-190-01 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne
Greth/Greth Family Trust (Owners)

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This map conforms to the requirements of the Local Agency Formation Commission of Alameda County

Donald J. LaBelle
Director of Public Works

Ousama H. Kassar, County Surveyor
RCE 18499, Expires 6/30/97

By: Reid Pentland Deputy County Surveyor
L.S. 5726 License expires 12/31/99

This map when filed was accompanied by a certificate of completion and certified copy of the boundary description delineated hereon as required by Section 57203 of the Government Code, which certificate of completion and boundary description are recorded in Official Records of Alameda County, under Recorder's Series No.

Susan Muranisht
Executive Officer
Local Agency Formation Commission
of Alameda County, California.

NAME OF THE PERSON SIGNATURE
TITLE OF PERSON

Filed at the request of the City of Hayward at _____ minutes past _____ M. on the _____ day of _____, 1996, in Map Book _____ at page _____ under Series No. _____ in the office of the County Recorder of Alameda County, California

Patrick O'Connell
County Recorder

By: _____
Deputy County Recorder

EXHIBIT A

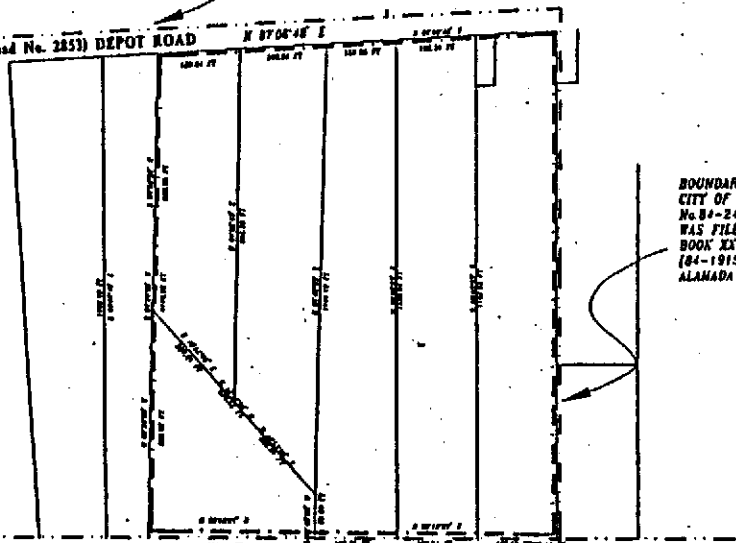
CITY OF HAYWARD ENGINEERING DIVISION	
DEPOT ROAD ANNEX No. 14 TO THE CITY OF HAYWARD BY RESOLUTION No.	
SCALE: 1" = 50'	REVISED DATE: 6-02-97
DRAWN BY: F.M. CHECKED BY: H.B.D.	APPROVED CITY ENGINEER
	DRWG No. A-376-1

Prepared under the direction of
Harold B. Davis LS 3352
City Surveyor
License expires 6/30/00

BOUNDARY OF TERRITORY ANNEXED TO
CITY OF HAYWARD BY RESOLUTION
No. 80-322 C.S., A MAP OF WHICH
WAS FILED AUGUST 12, 1980 IN
BOOK 99 OF MAPS, PAGE 68
(80-136489) OFFICIAL RECORDS
ALAMEDA COUNTY, CALIFORNIA

BOUNDARY OF TERRITORY ANNEXED TO
CITY OF HAYWARD BY RESOLUTION
No. 84-248 C.S., A MAP OF WHICH
WAS FILED SEPTEMBER 21, 1984 IN
BOOK XI OF MAPS, PAGE XX SERIES No.
(84-191508) OFFICIAL RECORDS
ALAMEDA COUNTY, CALIFORNIA

(County Road No. 2853) DEPOT ROAD



TERRITORY ANNEXED

NORTHERN BOUNDARY LINE OF THE
TERRITORY ANNEXED TO THE
CITY OF HAYWARD BY ORDINANCE
No. 590 N.S. A MAP OF WHICH
WAS FILED JULY 19, 1954
IN BOOK 32 OF MAPS, PAGE 29A
SERIES No. A181036, OFFICIAL
RECORDS OF ALAMEDA COUNTY,
CALIFORNIA



Scale 1" = 500 ft

LEGEND

--- EXISTING CITY OF HAYWARD BOUNDARY
--- BOUNDARY OF TERRITORY ANNEXED BY
RESOLUTION No.

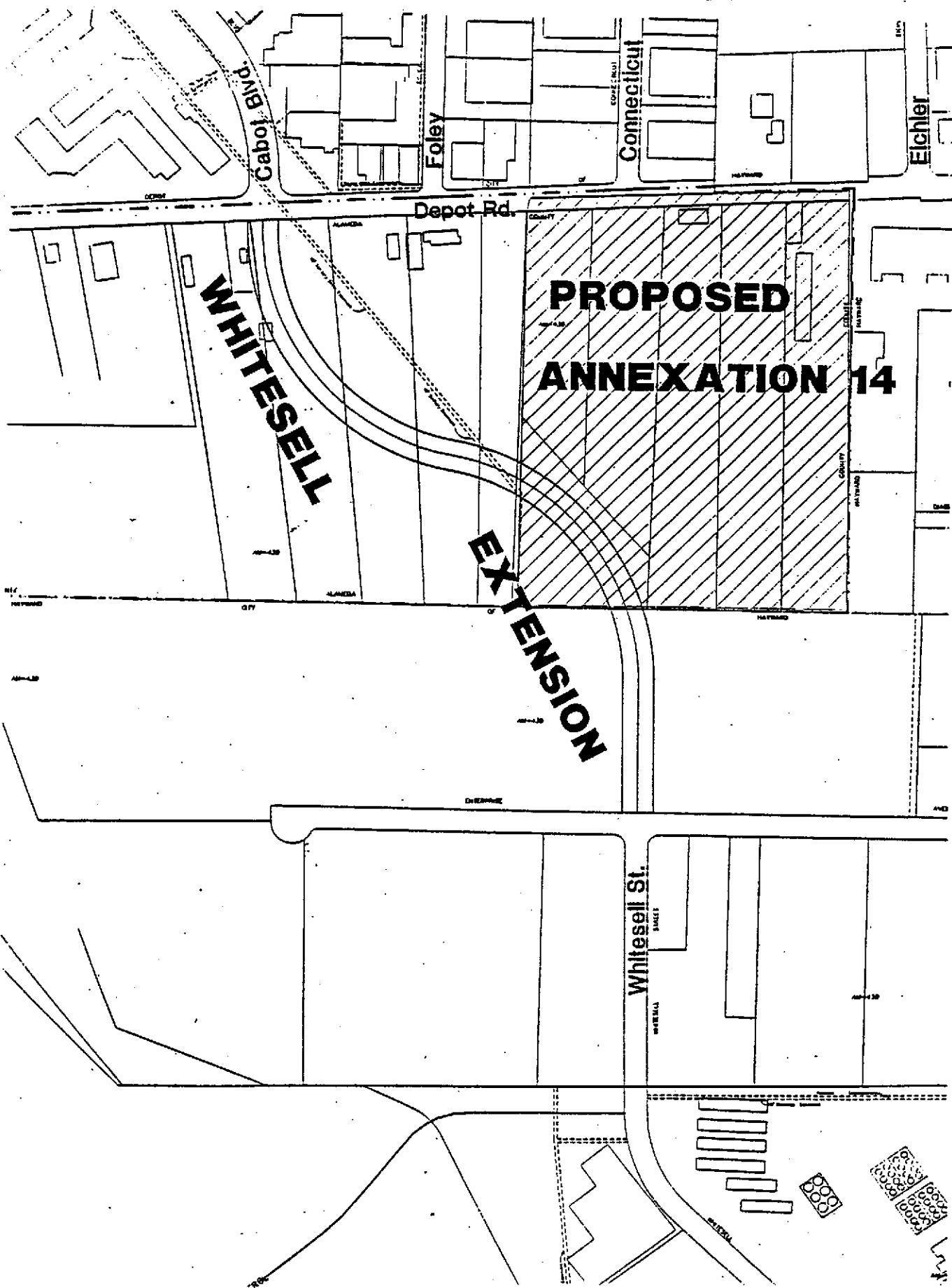
NOTES

- The method used to calculate the area was by traverse
- References to existing City/District boundaries are primary only. Any bearings or distances shown hereon should be considered secondary only.
- As a drafting convenience, the small separations between portions of the traverse around the territory of this annexation were provided to allow multiple descriptions to be placed on what would otherwise be a single line. These lines are to be considered unimportant except where noted.

Attachment C

Annexation Map - Depot Road, Annexation No. 14 to the City of Hayward

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Whitesell Street Extension Map - Depot Road, Annexation No. 14 to the City of Hayward

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Kruger Foods, Inc.

February 28, 1997

Jeanette E. Peck, P.E.
 Development Review Services Engineer
 City of Hayward, Dept. of Community and Economic Development
 25151 Clawiter Road
 Hayward, CA 94545-2759

Dear Ms. Peck:

This letter is in response to your request for information regarding the planned use of the property for which we applied annexation at 3664 Depot Road.

As you are aware, Kruger Foods is a pickle manufacturer with our manufacturing plant located at 22958 Saklan Road and our warehouse distribution and office facility at 22950 Clawiter Road, both in the City of Hayward. Our company has specialized in the food service, commissary, and industrial sectors; rather than the retail sector which would be difficult for a company our size to compete with brands such as Vlasic, Del Monte, and Nalley's. Our strategy seems to be effective, since we have experienced an annual 10 to 15 percent growth rate over the past 10 to 15 years.

This growth rate requires that we have larger supplies of brined cucumbers, for which there are two ways to achieve. The first is to rely more and more on other companies to supply the brined cucumbers, which is recently what we have been doing. The second, or best long term course, is to extend our own cucumber storage facilities in order to improve control of quality, consistency of supply and cost issues.

Kruger Foods is a major pickle supplier to the Burger King System with Dill Pickle Slices shipped to all restaurants in the Western United States. We are also a major Pickle Relish supplier to the McDonald's System for their sauces both domestically and internationally, and soon will supply McDonald's with Dill Pickle Slices in California.

Therefore, we have agreed to purchase the above stated property pending approval of its annexation into the City and the Utility Service Agreement necessary to increase the present services at that property.

We have included a very preliminary sketch of what a plot plan may look like at completion of the properties development and a photo from our existing tank farm to convey an idea of how the development will look when completed.

It is estimated that this project will add approximately 50 to 60 new jobs at our company over the next three year period.

We are hopeful that the City Council and other governing members will approve our application so we can proceed.

Please let me know if any additional information is needed.

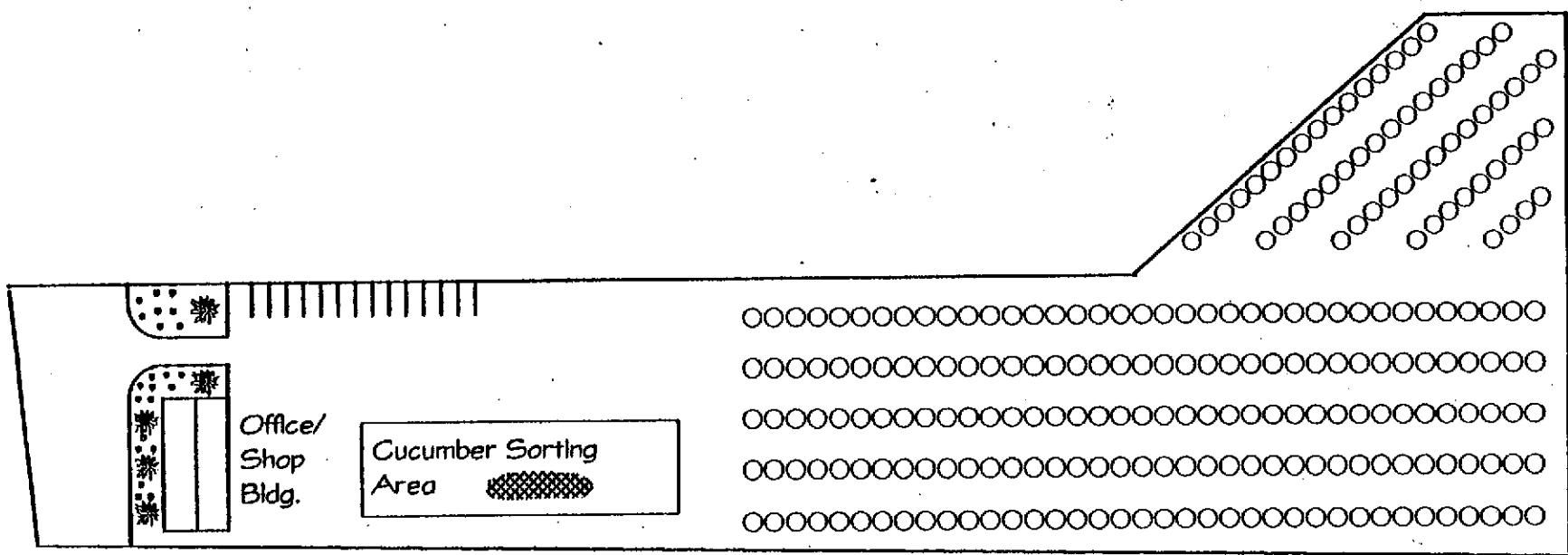
Sincerely,

Hans Kruger

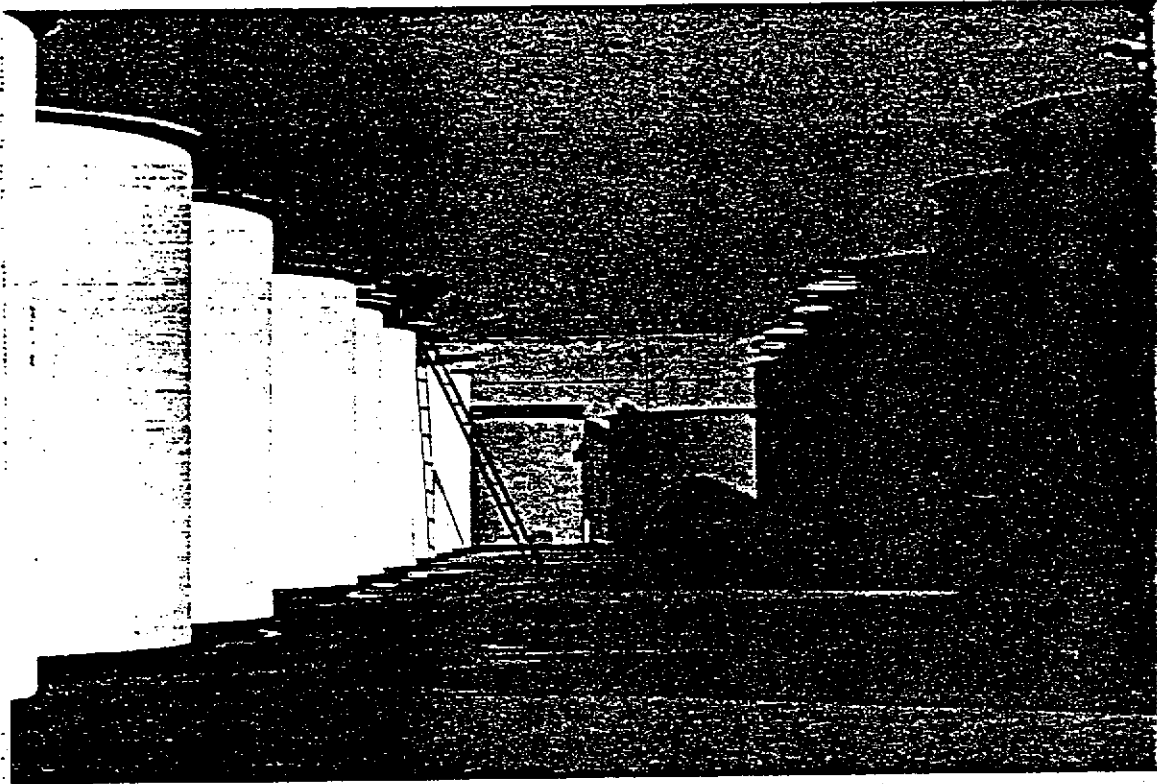
KWD/2-23-97/annex./JP



Depot Road



Kruger Foods, Inc.
Proposed Tank Farm
(Preliminary Conceptual Layout)
3664 Depot Road
2/28/97 HTK



Letter from Hans Kruger, Kruger Foods, Inc. dated February 28, 1997

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FEB 18 1997
PLANNING DEPT.

Please return this form NO LATER THAN 5:00 P.M. ON FRIDAY, FEBRUARY 14, 1997

TO:

City of Hayward
Department of Community and Economic Development
Development Review Services Division
25151 Clawiter Road
Hayward, CA 94545-2731
Attn: Jeanette Peck, Development Review Services Engineer

I/We, Wallace A. Greth
Roxanne J. Greth SUPPORT the annexation of our
(Please Print)

property, located at 3664 Depot Rd., Hayward CA.

Assessor's Parcel No. 439-70-1-4, 439-70-2, at this time.
(Use Attached Map for #s)

-- OR --

I/We, _____ DO NOT support the annexation of our
(Please Print)

property, located at _____,

Assessor's Parcel No. _____, at this time.
(Use Attached Map for #s)

W.A. Greth R.J. Greth 2-14-97
Signature(s)/Date

MAR 04 1997

PLANNING DEPT.

BARRY M. GALLAGHER • ONE KAISER PLAZA • OAKLAND, CALIFORNIA 94610

February 28, 1997

VIA FACSIMILE/U.S. MAIL
(510) 293-5108

Jeanette Peck
Development Review Services
CITY OF HAYWARD
25151 Clawiter Rd.
Hayward, CA 94545-2731

RE: 3600 Depot Road - Consent to Annexation

Dear Jeanette:

Enclosed please find my executed consent to the proposed annexation of my approximately ten acres at 3600 Depot Road in Hayward (Assessor Parcel Numbers 439-75-12 and 439-75-13-2). As indicated during our telephone conversation today, accompanying my consent to annexation is a copy of your fax correspondence of February 26, 1997. I certainly appreciate your assistance to date in addressing my concerns regarding those matters referred to in your fax correspondence.

Best Regards,


Barry M. Gallagher

BMG/kl
Enclosures



CITY OF HAYWARD, PLANNING DEPARTMENT

On this day, Feb. 28, 1997, the undersigned, Barry M.

Gallagher

hereby consents to the annexation of (our/my) land, known as Assessor's Parcel Nos; or Address Nos:

3600 Depot Road - Hayward

APN # 439-75-12 and 439-75-13-2

to the City of Hayward, at such time as the City of Hayward carries out annexation proceedings.

Signed, _____

Barry M. Gallagher

CITY OF HAYWARD



F A X T R A N S M I T T A L

SENT TO Name Barry Gallagher
Organization _____
FAX No. (510) 836-1559

FROM Name Jeanette Peck
Department Development Review Services
Telephone No. (510) 293-5414
FAX NUMBER: (510) 293-5108

Date February 26, 1997 No. of pages (including cover) 2

COMMENTS

I have included a request in the staff report to the City Council that property owners in the annexation area be allowed to enter into utility service agreements with the City immediately after LAFCO approves the annexation.

Dvana Anderly agrees that Development Review Services agree in concept that a 5 year administrative use permit either with the City or the County for outdoor storage is acceptable.

Hal Davis says that the engineering staff would recommend when Enterprise is extended that your property be allowed access Enterprise if Enterprise crosses your property, or to purchase an access to Enterprise, if it doesn't cross your property.

I am still waiting for a letter from Amy Leach on your site and would appreciate a consent letter as soon as possible.

PLEASE NOTIFY SENDER IF ALL PAGES ARE NOT RECEIVED.

25151 Clawiter Road, Hayward, CA 94545-2731
(510) 293-5276 • FAX (510) 293-5108 • TDD (510) 293-1590

K:\WP_DOCS\FORHS\FAX.FRM

RECEIVED
FEB 26 1997
1:00

FEB 04 1997
PLANNING DEPT.

Please return this form NO LATER THAN 5:00 P.M. ON FRIDAY, FEBRUARY 14, 1997

TO:

City of Hayward
Department of Community and Economic Development
Development Review Services Division
25151 Clawiter Road
Hayward, CA 94545-2731
Attn: Jeanette Peck, Development Review Services Engineer

____ I/We, _____ SUPPORT the annexation of our
(Please Print)

property, located at _____,

Assessor's Parcel No. _____, at this time.
(Use Attached Map for #s)

-- OR --

____ I/We, Patsy R. Wheat DO NOT support the annexation of our
(Please Print)

property, located at 3636 Depot Rd Hayward CA 94545

Assessor's Parcel No. 439-70-1-4, at this time.
(Use Attached Map for #s)

Patsy R. Wheat 2-3-97
Signature(s)/Date

Consent Form from Patsy R. Wheat dated February 3, 1997

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CITY OF HAYWARD

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

February 18, 1997



Parsy R. Wheat
3636 Depot Road
Hayward, CA 94545

Subject: W. Depot Road Annexation No. 14

Dear Mrs. Wheat:

We received your statement that you do not support the annexation of the property at 3636 Depot Road into the City.

However, it appears that former owners of your property, Joseph R. Ramos and Mary A. Ramos, did consent in the enclosed agreement recorded August 17, 1965 "to said property being annexed to the City of Hayward when so approved by the City. In the event the Applicants withdraw or attempt to withdraw such consent, City may at its option, terminate this agreement and all privileges granted hereunder, whereupon this agreement shall be null and void."

I apologize for not sending you a copy of this agreement earlier, but I just became aware of its existence last week.

I have enclosed the packet of information that was presented at the February 11 property owners' meeting, which includes another property owner consent form. We would appreciate your signing this form, so that there is no doubt that the agreement, which provided for water service, is still in effect.

If you would like additional information about the annexation proposal or the agreement, or would just like to discuss this matter further, please contact me at (510) 293-5414.

Very Truly Yours,

A handwritten signature in cursive that reads "Jeanette E. Peck".

Jeanette E. Peck, P.E.
Development Review Services Engineer

JEP:sis

Enclosures

cc.

Hans Kruger, Kruger Foods, Inc.
Mark McNally, The Galbreath Company
Barry Gallagher, Property Owner

K:\Annex.14\Wheat.ltr

Please return this form NO LATER THAN 5:00 P.M. ON FRIDAY, FEBRUARY 28, 1997

TO:

City of Hayward
Department of Community and Economic Development
Development Review Services Division
25151 Clawiter Road
Hayward, CA 94545-2731
Attn: Jeanette Peck, Development Review Services Engineer

____ I/We, _____ SUPPORT the annexation of our
(Please Print)

property, located at _____,

Assessor's Parcel No. _____, at this time.
(Use Attached Map for #s)

-- OR --

____ I/We, _____ DO NOT support the annexation of our
(Please Print)

property, located at _____,

Assessor's Parcel No. _____, at this time.
(Use Attached Map for #s)

Signature(s)/Date

HAYWARD CITY COUNCIL
RESOLUTION NO. 65-320C.S.

INTRODUCED BY COUNCILMAN Neveau

RESOLUTION AUTHORIZING JOSEPH R.
RAMOS AND MARY A. RAMOS, HIS WIFE,

TO CONNECT CERTAIN PREMISES OUTSIDE THE
CITY OF HAYWARD TO THE MUNICIPAL WATER
SYSTEM AND AUTHORIZING THE EXECUTION OF
AN AGREEMENT CONCERNING SAME.

BE IT RESOLVED by the City Council of the City of Hayward,
as follows:

1. That permission is hereby granted to
Joseph R. Ramos and Mary A. Ramos,
his wife,
to connect certain premises outside the
City of Hayward and which are described
in Application No. 1136, to the
Municipal Water System.
2. That the City Manager of the City of Hayward
is hereby authorized to execute an agreement
for and on behalf of the City of Hayward
concerning same.

IN COUNCIL, HAYWARD, CALIF., August 10, 1965

ADOPTED BY THE FOLLOWING VOTE:

AYES: Councilmen Neveau, Pappas, Smith, Phillips,
Blichfeldt, Oakes and Cooper

NOES: Councilmen None

ABSENT: Councilmen None

ATTEST: Edward P. Smith
City Clerk of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO. 70-381 C.S.

JRS

INTRODUCTION BY COUNCILMAN Weinreb

RESOLUTION AUTHORIZING JOSEPH R. RAMOS TO CONNECT CERTAIN PREMISES OUTSIDE THE CITY OF HAYWARD TO THE MUNICIPAL SEWER SYSTEM IN THE MANNER DESCRIBED IN APPLICATION NO. FW 500.

WHEREAS, Joseph R. Ramos by Application No. 1136 has made application for a water connection to certain premises described in said application, and the subject of this Sewer Application No. FW 500; and

WHEREAS, by Resolution No. 65-320 C.S., dated August 10, 1965 the City Council authorized connection to the Municipal Water System of said premises under certain conditions;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that Joseph R. Ramos is hereby authorized to make a sewer connection to the premises described in Application No. FW 500 and the conditions imposed by reason of Resolution No. 65-320 C.S. are hereby continued and made a part of said sewer service approval.

IN COUNCIL, HAYWARD, CALIF., October 6, 19 70

ADOPTED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEN	Oakes, Weinreb, Santana, Neveau, Pappas.
NOES:	COUNCILMEN	None.
ABSENT:	COUNCILMEN	Cooper.
	MAYOR	Howell.

ATTEST: *Edmund R. ...*
CITY CLERK OF THE CITY OF HAYWARD, CALIF.

CITY CLERK
CITY OF HAYWARD
22738 MISSION BLVD.
HAYWARD, CALIFORNIA

AX114409

FILED RE: 1577 IM: 445

SEP 7 1965
Edward K. Stanton
EDWARD K. STANTON
CITY CLERK OF THE
CITY OF HAYWARD

4

WATER SERVICE AGREEMENT
IN CONNECTION WITH WATER SERVICE APPLICATION NO. 1136

THIS AGREEMENT, made and entered into this 29th day
of July, 1965, by and between JOSEPH R. RAMOS and
MARY A. RAMOS, his wife, hereinafter designated "Applicants" and
the CITY OF HAYWARD, a municipal corporation, located in the County
of Alameda, State of California, hereinafter designated "City";

W I T N E S S E T H:

WHEREAS, Applicants are the owners of certain real
property situate in the Township of Eden, County of Alameda, State
of California, and more particularly described as follows:

A PORTION of the parcel of land described in the
deed by S. A. Hansen to Antone Flores and wife, dated
January 19, 1950, recorded January 20, 1950, in book 5997
of Official Records of Alameda County, page 400, Series
No. AE-5580, described as follows:

BEGINNING at the intersection of the southern line
of Depot Road, or County Road No. 2853, with the western
line of Clawiter Road, or County Road No. 1649; and
running thence along said line of Depot Road, south 86°
15' west, 2701.92 feet to a point on the eastern line
of said Flores parcel, said last mentioned point being
the actual point of commencement; thence continuing along
said line of Depot Road, south 86° 15' west, 192.5 feet;
thence south 0° 23' west, 800.86 feet to the northeastern
line of a strip of land 140 feet wide, designated as
Parcel 1 in the deed by Leonora Flores, a widow, to Pacific
Gas and Electric Company, dated April 13, 1959 and
recorded April 27, 1959, in book 9006 of Official Records
of Alameda County, page 129, Series No. AQ-48386; thence
along the last said line south 41° 24' 30" east, 288.10
feet to said eastern line of said Flores parcel; thence
along the last said line, north 0° 23' west, 1029.54 feet
to the actual point of commencement.

WHEREAS, Applicants by Water Application No. 1136 request
water service, in the manner designated in said application to
serve a proposed construction yard, at the above described real
property on Depot Road which is located outside the City of
Hayward;

RECORDED AT REQUEST OF
AL 2119 P.M.
JACK G. BLUE
Recorder, Alameda County, Calif.

CITY OF HAYWARD

AUG 17 1965
AUG 17 1965

-1-

3667
Depot Rd

DH

NOW, THEREFORE, in consideration of the premises, terms, and conditions of this agreement, the parties hereto do mutually agree as follows:

1. City does hereby agree to authorize connection made to the Municipal Water System in the manner requested in said application so as to serve said proposed construction yard, subject to the applicable ordinances of the City of Hayward and to the conditions hereinafter contained. Any additional connections shall require further approval of City.

2. Applicants hereby consent to said property being annexed to the City of Hayward when so approved by City. In the event Applicants withdraw or attempt to withdraw such consent, City may, at its option, terminate this agreement and all privileges granted hereunder, whereupon this agreement shall be null and void.

3. Applicants agree to dedicate to County of Alameda, for the purpose of widening Depot Road, a strip of land approximately nine (9) feet in width across the entire frontage of their property on Depot Road.

Applicants further agree that the dedication requirement shall be made by Applicants simultaneously with the execution of this agreement.

Applicants further agree, upon the annexation of their said property to the City of Hayward, to improve the entire frontage of their said property along Depot Road with curb, gutter, sidewalk and street paving in accordance with City of Hayward standards therefor.

4. It is mutually agreed and understood that Applicants' property lies within "City of Hayward Water Main Extension, Depot Road from 915 ft. to 3087 ft. west of Clawiter Road", and Applicants agree to pay to City the benefit district charges therefor which are in the amount of \$517.46 prior to making connection with said water system.

AX114409

5. Applicants agree to procure from the County of Alameda all necessary permits required for cutting of the public streets for said water connection.

6. In the event the City Engineer hereafter determines that it is necessary to extend a sewer main from the west across the frontage of Applicants' property on Depot Road in order to serve Applicants' and/or other properties, Applicants agree within ninety (90) days after receipt of written demand by the City to extend or participate in the extension of said sewer main across said frontage of their property in accordance with the provisions for main extensions in the Sanitary Sewer System regulations of the Hayward Municipal Code and all other applicable regulations.

7. All covenants herein contained shall pertain to and run with the land hereinabove described, and this agreement shall apply to, bind, and inure to the successors in interest of the parties hereto.

IN WITNESS WHEREOF, Applicants have caused these presents to be executed, and the City of Hayward, by and through its City Manager, duly authorized to act, has caused these presents to be executed the day and year first above written.

APPROVED:

R. E. Moran
City Manager

W. J. Phillips
Director of Public Works

Chris L. Coano
Planning Director

W. J. [Signature]
Water Department Manager

Joseph R. Ramos
Joseph R. Ramos

Mary A. Ramos
Mary A. Ramos
Applicants

CITY OF HAYWARD, a municipal corporation

By R. E. Moran
City Manager

Attest: Edward R. Shanky
City Clerk

APPROVED AS TO FORM AND LEGALITY

John W. [Signature]
City Attorney

AX114469

5. Applicants agree to procure from the County of Alameda all necessary permits required for cutting of the public streets for said water connection.

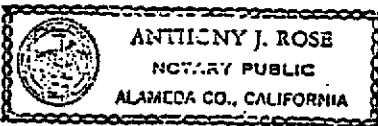
6. In the event the City Engineer hereafter determines that it is necessary to extend a sewer main from the west across the frontage of Applicants' property on Depot Road in order to serve Applicants' and/or other properties, Applicants agree within ninety (90) days after receipt of written demand by the City to extend or participate in the extension of said sewer main across said frontage of their property in accordance with the provisions for main extensions in the Sanitary Sewer System regulations of the Hayward Municipal Code and all other applicable regulations.

7. All covenants herein contained shall pertain to and run with the land hereinabove described, and this agreement shall

RE:1577 IM:448

STATE OF CALIFORNIA,
County of ALAMEDA } ss
On this 29th day of JULY

in the year one thousand nine hundred and SIXTY FIVE
before me, ANTHONY J. ROSE, a Notary Public,
State of California, duly commissioned and sworn, personally appeared
JOSEPH R. RAMOS and
MARY A. RAMOS
known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.



IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of ALAMEDA the day and year in this certificate first above written.

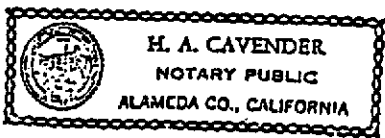
AX114409

Anthony J. Rose
Notary Public in and for the County of Alameda, State of California.
My Commission Expires Nov 1 1966

Cowdery's Form No. 32—Acknowledgment—General
(C. C. Sec. 1189) 42-0624 PRINTED 2-1-64

State of California }
County of Alameda } ss

On this 13th day of August in the year One Thousand
Nine Hundred and Sixty Five before me H. A. CAVENDER
a Notary Public in and for the County of Alameda State of California, residing
therein, duly commissioned and sworn, personally appeared Raymond E. Doran and
Edward K. Stanton, known to me to be the City Manager
and City Clerk, respectively, of the City of Hayward,
and further



known to me to be the persons described in and whose names are subscribed to the within instrument.
and they acknowledged to me that they executed the same on behalf of
the City of Hayward, a municipal corporation.

AX114409

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and year in this certificate first above written.
H. A. Cavender NOTARY PUBLIC
in and for said County of Alameda State of California
H. A. CAVENDER

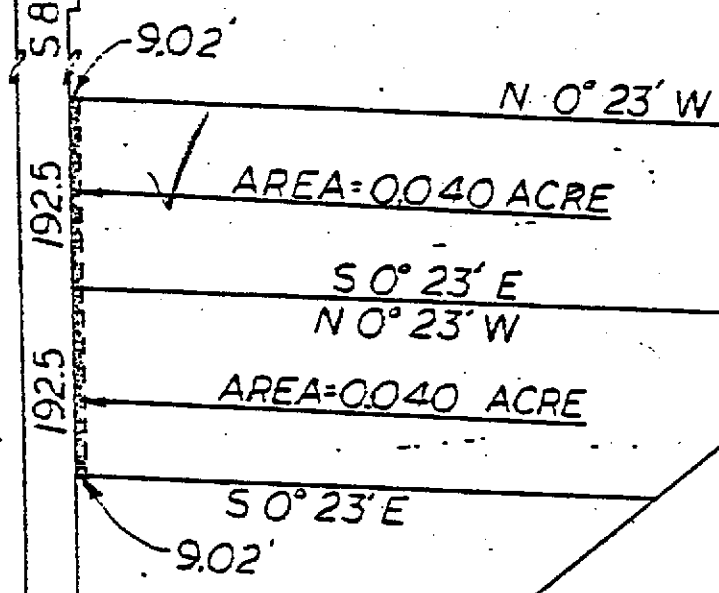
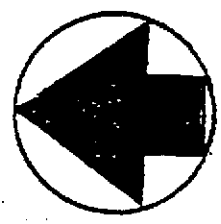
GENERAL ACKNOWLEDGMENT
My Commission Expires May 2, 1969

CLAWITER ROAD (COUNTY ROAD NO. 1649)

S.P. CO.

COUNTY RD. NO. 2853

DEPOT RD. S 86° 15' W



CITY OF HAYWARD
ENGINEERING DIVISION

DEPOT ROAD
WIDENING
PARCEL 439-70-1

DWG. NO.
FILED
SHT. 1 OF 1

DRAWN BY: <i>RWS</i>	DATE: 4-6-65
CHECKED BY: <i>FAL</i>	SCALE: 1" = 200'
APPD. BY: <i>[Signature]</i>	APPROVED
CIV. ENGR.	DIR. PUBLIC WORKS

REV.	DATE	BY

Letter from Staff to Patsy R. Wheat dated February 18, 1997

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LANFERMAN, FISHER & HASHIMOTO

ATTORNEYS AT LAW

February 28, 1997

VIA FACSIMILE

(510) 293-5039

MAR 04 1997

PLANNING DEPT.

Ms. Jeanette E. Peck, P.E.
Development Review Services Engineer
Department of Community and Economic Development
City of Hayward
25151 Clawiter Road
Hayward, California 94545-2759

Re: West Depot Road Annexation No. 14
Hayward R.V. Storage, 3636 Depot Road, Hayward, CA 94545

Dear Ms. Peck:

This office represents the Wheats, owners of Hayward R.V. Storage at 3636 Depot Road, Hayward. We are in receipt of your February 18, 1997 letter regarding the proposed annexation of their property to the City of Hayward.

We are writing to clarify certain matters with respect to the Agreement between the City and the former owners of the property. That Agreement states as follows:

2. Applicants hereby *consent* to said property being annexed to the City of Hayward *when so approved by City*. In the event Applicants withdraw or attempt to withdraw such consent, City may, at its option, terminate this agreement and all privileges granted hereunder, whereunder this agreement shall be null and void.

This Agreement only obligates the property owners to consent to the annexation *if and only if* said annexation is approved by the City. It does not require that the owners give up their right to express their opinion in opposition to the annexation. The City has requested that the Wheats execute a document stating that they "support" the annexation of their property. The Wheats do not support the annexation, and they intend to provide their opinion to the City through the public hearing process. However, if the City ultimately approves the annexation, the Wheats will consent to the annexation, thereby fulfilling their obligation under the Agreement.

The only other remaining obligation under the Agreement is as follows:

Applicants further agree, upon the annexation of their said property to the City of Hayward, to improve the entire frontage of their said property along Depot Road with curb, gutter, sidewalk and street paving in accordance with City of Hayward standards therefor.

Ms. Jeanette E. Peck, P.E.
Development Review Services Engineer
February 28, 1997
Page 2

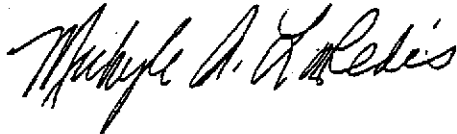
Most of these improvements have already been made, with paved streets, curbs and gutters. In the event that the annexation is approved, the property owners are only obligated to pay for sidewalks. Numerous other fees and costs are enumerated in the City's January 30, 1997 letter to the applicants, Wallace and Roxanne Greth. These fees and costs are quite extensive, and could possibly be even higher than stated. The Wheats have not agreed to pay any costs other than those stated in the Agreement, and do not agree that they are obligated to do so.

Finally, it is not clear to us what further obligations the City would seek to impose on the Wheats. The annexation information packet from the City includes copies of City ordinances regarding land usage, land requirements, landscaping, fencing, signs, surfacing and numerous other issues. Again, the Wheats have not agreed to pay for any changes, other than those stated in the Agreement.

If you have any questions regarding this matter, please give me a call to discuss.
Thank you.

Very truly yours,

LANFERMAN, FISHER & HASHIMOTO



MICHYLE A. LaPEDIS
Attorney

MAL/lm

cc: clients

f:\client\wheatannex\jp022897.ltr
970228/1439

ALAMEDA COUNTY
HEALTH CARE SERVICES

AGENCY
DAVID J. KEARS, Agency Director



MAR 24 1997

PLANNING DEPT
ENVIRONMENTAL HEALTH SERVICES
ENVIRONMENTAL PROTECTION (LOP)
1131 Harbor Bay Parkway, Suite 250
Alameda, CA 94502-6577
(510) 567-6700
FAX (510) 337-9335

Certified Mailer # Z 296 048 332

March 19, 1997

Ms. Michyle LaPedis
Langerman, Fisher & Hashimoto
3100 Mowry Avenue, Suite 300
Fremont, CA 94538-1509

Re: Hayward R.V. Storage, 3636 Depot Road, Hayward, CA 94545

Dear Ms. LaPedis:

The Alameda County Environmental Health Department has received your letters dated February 27 and March 12, 1997 on behalf of your clients Daniel and Patsy Wheat, regarding the above referenced property.

Storage tank and container removal

In order to remove the three tanks currently stored on site, an underground tank removal permit is required by the Alameda County Fire Department. The contact person for this is Lieutenant Edward Ladani. His phone number is (510) 670-5853. His office is located at 22341 Redwood Road in Castro Valley, CA 94546. He informed me that he wanted to be present when the tanks are actually removed from the site.

Several attempts by this department to obtain written permission from Mr. Merrill Brown to dispose of these tanks which he left at the above referenced site have failed. Therefore, this department will authorize your clients to remove them in the absence of any cooperation from him.

I reviewed the proposals submitted by All Chemical Disposal Company and have the following concerns and conditions:

1. Any remaining fluid in the tanks must be evacuated prior to shipment and be disposed of as hazardous waste prior to the tank removal. Specify the hazardous waste hauler and the designated transfer, storage and disposal permitted facility for this and for the tanks and the drum containing waste thinner solids.
2. After inerting the tanks, there must be less than 10% oxygen remaining as tested with a calibrated combustible gas indicator.

Mrs. Michyle LaPedis
March 19, 1997
page 2 of 3

3. Verify who will actually load the tanks onto a registered hazardous waste hauling vehicle.
4. All three tanks and the drum containing waste thinner solids must be transported under manifest as hazardous waste. Copies of the manifests must be submitted to this office within 30 days.

This work plan is hereby approved upon receipt of written acknowledgement of each of the above issues.

Site Cleanup

I have enclosed a copy of the laboratory results from the soil sample collected on the site on February 13, 1997. The results indicate a Total Oil and Grease (TOG) content of 1.6% or 16,000 parts per million. There is concern that levels of TOG, metals or other contaminants would exceed hazardous waste regulatory criteria specified in Section 66261.20 of Title 22, California Code of Regulations. You are therefore required to either perform analysis as per the above criteria to indicate that contamination noted is not hazardous waste or to perform a soil cleanup. Submit a plan of correction to this office within 30 days addressing this soil contamination. You are required to have soil confirmation samples taken beneath the affected area to indicate that all soil contamination has been removed. Please refer to the work plan requirements listed on page 2 of my Notice of Violation letter dated October 22, 1996.

In addition to your work plan, please remit a deposit/refund check of \$940.00 made payable to the Alameda County Environmental Health Department to cover the costs of the remediation review. This deposit is authorized by Section 3-14.5 of the Ordinance Code of Alameda County. You will be billed at a rate of \$94.00 per hour. Upon completion of the project, any remaining balance will be returned to you.

Hazardous Materials Business Plan

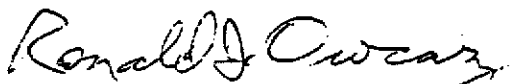
I reviewed the Hazardous Materials Business Plan (HMBP) that was received on February 13, 1997. The site plan needs to be enlarged to show the locations of the emergency response equipment, evacuation routes of the buildings on site and assembly area. The buildings need to be identified on the same site map. The location of the propane tank also needs to be referenced on Appendix C.

Ms. Michyle LaPedis
March 19, 1997
page 3 of 3

I have enclosed a new blank HMBP form that you can use to revise your previous submittal as needed and return to this office within 30 days.

If you have any questions on this matter, please contact me at (510) 567-6742.

Sincerely,



Ronald J. Owcarz, REHS
Hazardous Materials Specialist.

Enclosures

c: Bob Chambers, Alameda County District Attorney's Office
Edward Ladani, Alameda County Fire Department
Hugh Murphy, Hayward Fire Department
Jeanette Peck, Hayward Planning Department
Patsy Wheat, property owner
Daniel Wheat, business owner
Merrill Brown
Amy Leach, LOP
Gordon Coleman - file

Copy of Letter to Law Office of Lanferman, Fisher & Hashimoto from Alameda County
Environmental Health Services, dated March 19, 1997

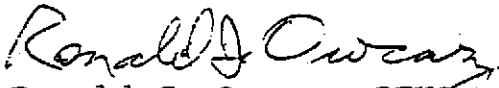
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Ms. Michyle LaPedis
March 19, 1997
page 3 of 3

I have enclosed a new blank HMBP form that you can use to revise your previous submittal as needed and return to this office within 30 days.

If you have any questions on this matter, please contact me at (510) 567-6742.

Sincerely,


Ronald J. Owcarz, REHS
Hazardous Materials Specialist.

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