

NOTICE OF PUBLIC HEARING

CITY OF HAYWARD CITY COUNCIL

DATE: May 27, 1997
TIME: 8:00 p.m.
PLACE: COUNCIL CHAMBERS
CENTENNIAL HALL, ROOM 6
22292 Foothill Boulevard
Hayward, CA 94541

On the above date, at approximately the hour noted, the Hayward City Council will hold a public hearing to obtain citizen input on the following matter:

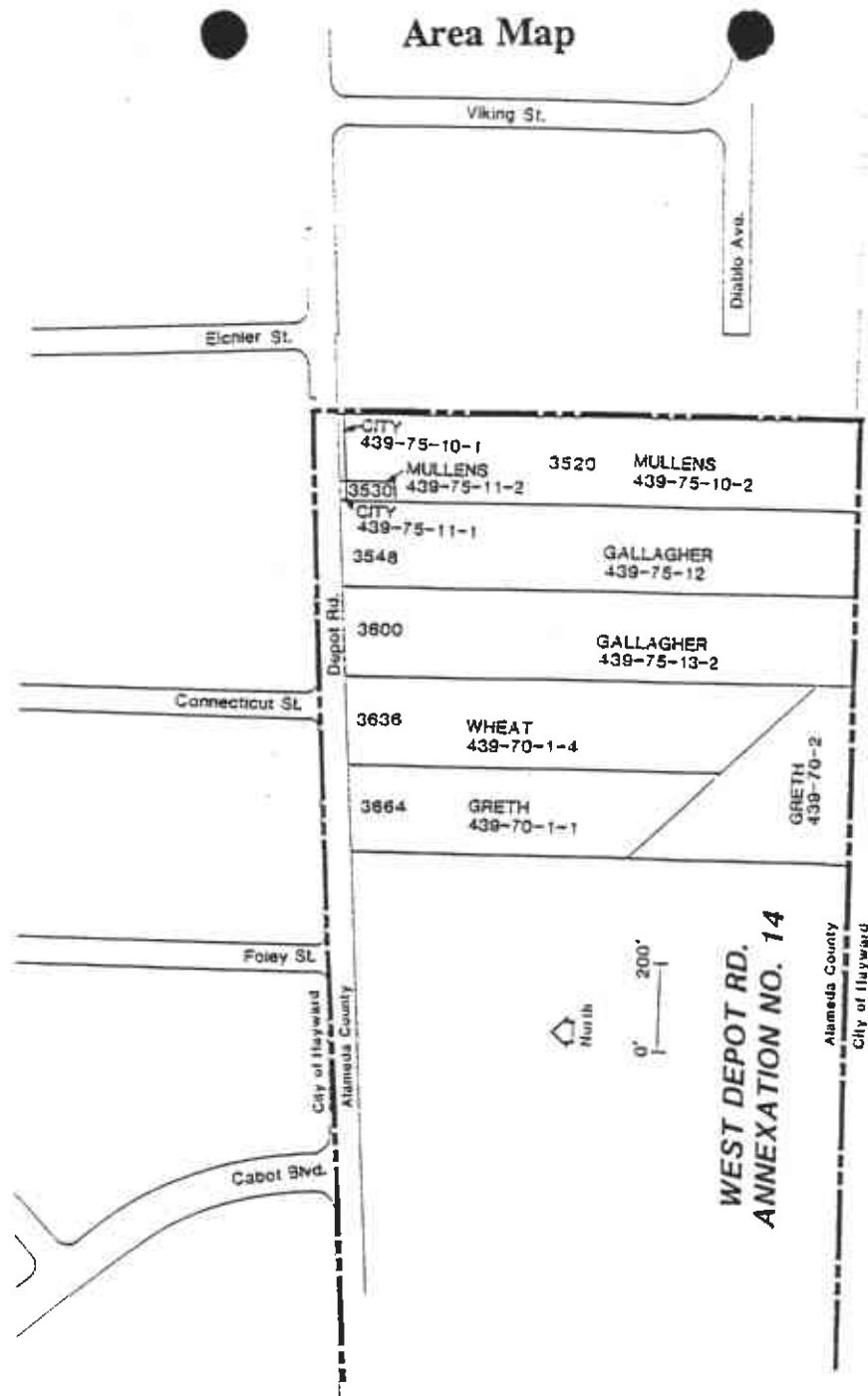
DEPOT ROAD ANNEXATION NO. 14 TO THE CITY OF HAYWARD AND PREZONE APPLICATION NO. 97-190-01 - HANS KRUGER, KRUGER FOODS, INC. (APPLICANT), WALLACE AND ROXANNE GRETH/GRETH FAMILY TRUST (OWNERS) AND THE CITY OF HAYWARD - Request to prezone 25.58 acres to Industrial, to apply to annex the 25.58 acres, to approve property tax agreement and, to initiate proceedings for establishment of a precise plan line for future Whitesell Street rights-of-way.

The properties are located at 3520, 3530, 3548, 3600 and 3664 Depot Road, west of Viking Street, currently zoned M-2-B-E by the County.

Because the above project will not create a significant environmental impact, a full Environmental Impact Report (EIR) is not required; and a Mitigated Negative Declaration is proposed to be adopted pursuant to the California Environmental Quality Act (CEQA) and State and City implementing guidelines. A copy of the Mitigated Negative Declaration may be reviewed at the Main City Library, 835 C Street, the Weekes Branch Library, 27300 Patrick Avenue, and at the Hayward Development Review Services Division, 25151 Clawiter Road.

Persons interested in the above proposal are invited to attend the meeting to speak or offer written evidence for or against this matter. If you are unable to attend the public hearing, you are welcome to direct your comments, to:

**Jeanette E. Peck, Development Review Services Engineer
City of Hayward
Development Review Services Division
25151 Clawiter Road
Hayward, CA 94545
(510) 293-5414
TDD (510) 293-1590**



ASSISTANCE will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact the City Clerk at least 48 hours in advance of the meeting at (510) 293-5306, or by using the TDD line for those with speech and hearing disabilities at (510) 293-1590.

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

Dated: May 16, 1997
 Angelina Reyes
 City Clerk of the City of Hayward



AGENDA
HAYWARD CITY COUNCIL MEETING
Centennial Hall, Room 6
22292 Foothill Boulevard
Hayward, CA 94541
May 27, 1997

WORK SESSION
ROOM 7

- 4:00 p.m. 1. Public Comments *(The PUBLIC COMMENTS section provides an opportunity for citizens to address the City Council on items not listed on the agenda. The Council welcomes your comments under this section, but is prohibited by State law from discussing items not listed on the agenda. Your item will be taken under consideration and referred to staff.)*
- 4:05 p.m. 2. Review of Proposed 1997/98 Operating Budget and Master Fee Schedule Changes
- 6:00 p.m. 3. Council Announcements, Referrals, Future Agenda Items, Adjourn to Closed Session

CLOSED SESSION
ROOM 5

CONFERENCE WITH LABOR NEGOTIATOR

Negotiator: Mark Nelson, Personnel Director
Employee Organizations: Hayward Association of Management Employees
Hayward Police Management Association

DINNER

6:30 p.m. Hayward Fishery, 1065 C Street

SPECIAL JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MEETING
ROOM 6

8:00 P.M. CALLED TO ORDER - Pledge of Allegiance - Council Member Hulteen

ROLL CALL

PUBLIC COMMENTS *(Note: The PUBLIC COMMENTS section provides an opportunity for citizens to address the City Council on items not listed on the agenda. The Council welcomes your comments under this section, but is prohibited by State law from discussing items not listed on the agenda. Your item will be taken under consideration and referred to staff.)*

6:30 PM
NOTICE
TRINITY

CONSENT

1. Approval of Minutes of Special Joint Meetings of the City Council/
Redevelopment Agency of May 6, 13, and 20, 1997 Motion
2. Emergency Water Supply Well Pump Station at Airport Site - Approval of Plans
and Specifications and Call for Bids Resolution
3. Confirm Appointments to Steering Committee for Time Capsule at New City
Hall Resolution

HEARINGS

PLEASE TAKE NOTICE that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, 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.

PLEASE TAKE FURTHER NOTICE that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

4. Draft Whitman-Mocine Neighborhood Plan and Related General Plan
Amendment (GPA 97-110-01) and Rezoning (ZC 97-190-04) Intro Ord
Resolutions(2)
5. Depot Road Annexation No. 14 to the City of Hayward and Prezone Application
No. 97-190-01 - Hans Kruger, Kruger Foods (Applicant), Wallace and Roxanne
Greth/Greth Family Trust (Owners) - Request to Prezone Property, Approve
Property Tax Agreement, and Establish Precise Plan Line for Whitesell Street
Rights-of-way - Property Located at 3520, 3530, 3548, 3600 and 3664 Depot
Road Intro Ord
Resolution

LEGISLATIVE BUSINESS

6. Approval of Fees to be Charged for Costs Incurred in 1996 for
Administering the Residential and Mobilehome Rent Stabilization Ordinances Resolution
7. Utility Service Agreement No. 90-3 - Centex Homes (Applicant/Owner) -
Authorize City Manager to Execute a Utility Service Agreement for Water
Service for Five lots (Lots 199 through 203) of Tract 6814 Located on Five
Canyons Parkway Resolution

COUNCIL REPORTS

(Oral reports for items related to Council Member activities associated with external agencies.)

ADJOURNMENT

NEXT REGULAR MEETING - 8:00 P.M., TUESDAY, JUNE 3, 1997

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the City Clerk at (510) 293-5306 or TDD (510) 293-1590.





CITY OF HAYWARD AGENDA REPORT

AGENDA DATE May 27, 1997

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

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) AND THE CITY OF HAYWARD - Request to prezone 25.58 acres to Industrial, to apply to annex the 25.58 acres, to approve property tax agreement and, to initiate proceedings for establishment of a precise plan line for future Whitesell Street rights-of-way.

The properties are located at 3520, 3530, 3548, 3600 and 3664 Depot Road, west of Viking Street, currently zoned M-2-B-E by the County.

RECOMMENDATION

On April 17, 1997, the Planning Commission concurred with the staff recommendation and voted 7:0 that the City Council adopt the attached resolutions to approve the Mitigated Negative Declaration; to prezone the 25.58 acres to "I", Industrial; to apply to the Alameda County Local Agency Formation Commission (LAFCO) for annexation of the 25.58 acres; to negotiate a property tax exchange agreement with Alameda County; and, to initiate proceedings for a precise plan line for future Whitesell Street rights-of-way.

It is also recommended that the City Council agree that staff may accept utility service agreements after LAFCO has approved the annexation.

PROPERTY/PROJECT DESCRIPTION

The subject properties are underutilized industrial property currently used for 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.

**Mayor and City Council
Meeting of May 27, 1997**

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. The applicant and the owner of 3548 and 3600 Depot Road are requesting that the City and LAFCO agree to the execution of utility service agreements for sanitary sewer and water service as soon as possible, so that they can prepare for future development. Once LAFCO has approved the annexation there is often a year wait until the annexation is recorded. Staff agrees that acceptance of utility service agreement applications would provide for the orderly development of the property. The agreements would be presented to the City Council at a future meeting, after LAFCO has approved the annexation, and if approved, would be presented to LAFCO for approval.

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 will need to dedicate an additional 9 feet along Depot Road 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 Exhibit C; 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 prior to further development, it is recommended that a precise plan line be approved after LAFCO has approved the annexation but prior to the recordation 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 found 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.

PRELIMINARY AND PLANNING COMMISSION MEETINGS

On February 11, 1997, a preliminary meeting was held with the property owners. 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 in an earlier utility service agreement.

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. Property owners of the other 38% of the property at 3520, 3530 and 3636 Depot road have agreed not to protest annexation in earlier utility service agreements.

At the Planning Commission public hearing, Hans Kruger, Kruger Foods, Inc., the applicant, responded to a Commissioners' inquiry as to the amount of water that might be used. He said approximately 300 storage tanks would store a total of approximately 600,000 gallons of water, which is only 20% of the storage capacity - the other 80% is cucumbers. Another Commissioner stated that she thought this was an opportune time to begin the precise plan line proceedings for Whitesell Street, since Caltrans is currently studying Route 92 improvements. In response to the Commissioner's inquiries about the level of contamination on the Wheat property, the City's Environmental Specialist, who had field reviewed the site just prior to the public hearing, explained that the contamination, if it exists, appears to be minor.

PARTIAL ANNEXATION

The City is processing the annexation of the properties at 3520, 3530, 3548, 3600 and [REDACTED] 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 of 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.

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.

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

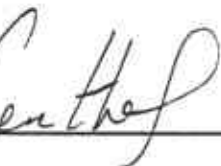
Mayor and City Council
Meeting of May 27, 1997

Prepared by:




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

Recommended by:



Sylvia Ehrenthal
Director of Community and Economic
Development

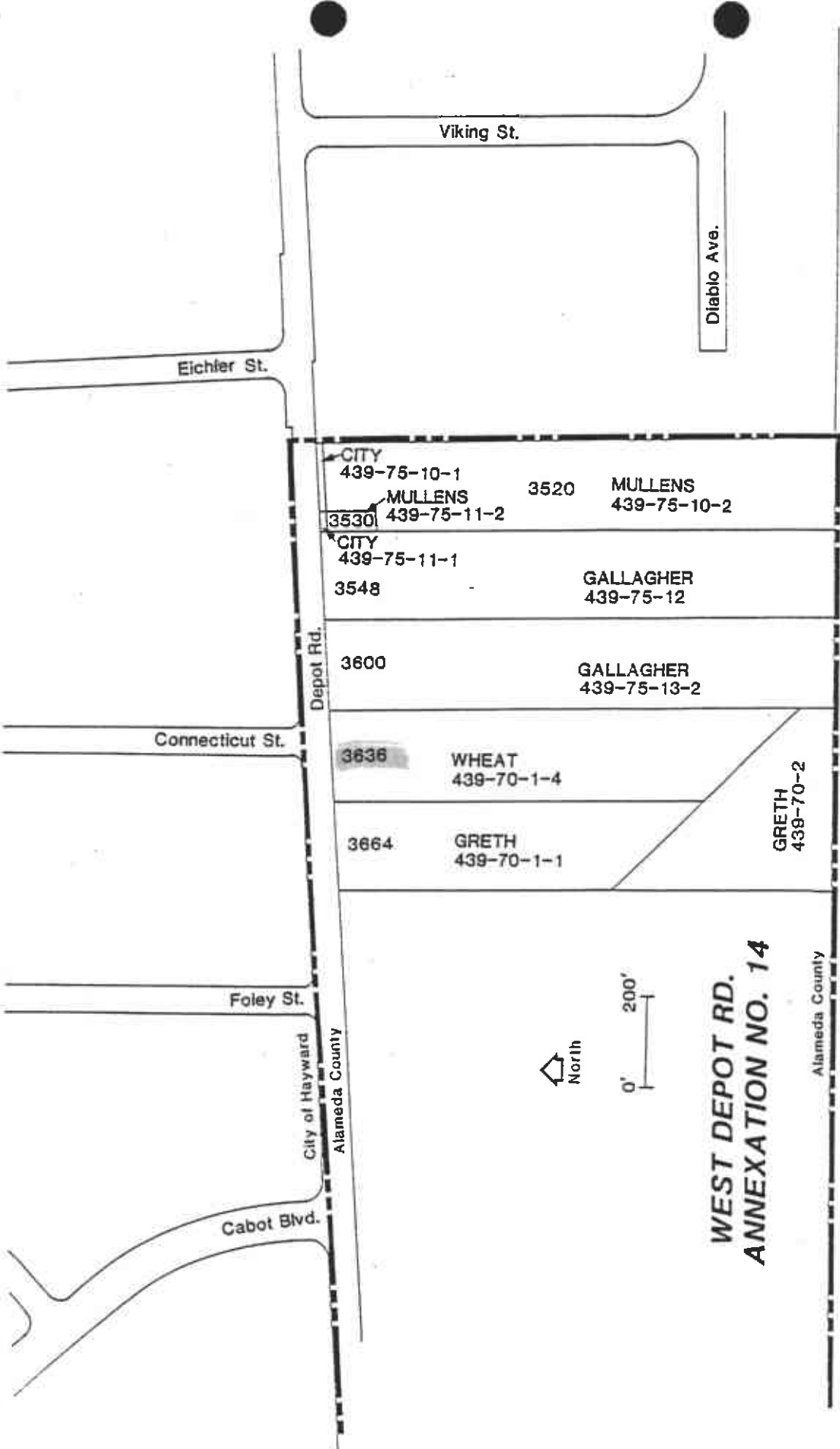
Approved by:



Jesús Armas
City Manager

Exhibits:

- A. Area Map
- B. Annexation Map
- C. Whitesell Street Extension
- D. Mitigated Negative Declaration
- E. Planning Commission Meeting Minutes, dated April 17, 1997
- F. Letter from The Galbreath Co. re Utility Service Agreement, dated January 28, 1997
- 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 of Lanferman, Fisher & Hashimoto, dated February 28, 1997
- J. Consent Form from Wallace and Roxanne Greth, dated February 14, 1997
- K. Consent Form from Barry Gallagher, dated February 28, 1997
- L. Letter from Hans Kruger re Utility Service Agreement, dated February 28, 1997
- M. Copy of Letter to law office of Lanferman, Fisher & Hashimoto from Alameda County Environmental Health Services, dated March 19, 1997
Draft Resolution(s)



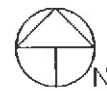
Area Map - Depot Rd., Annexation No. 14 to the City of Hayward

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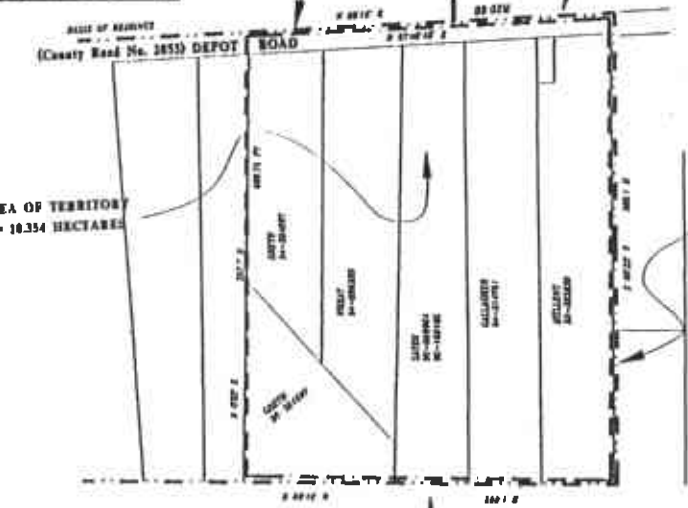
SOUTHERN BOUNDARY LINE OF TERRITORY ANNEXED TO CITY OF HAYWARD BY RESOLUTION No 71-508 C.S., A MAP OF WHICH WAS FILED DECEMBER 8, 1971 IN BOOK 73 OF MAPS, PAGE 8 SERIES No. 80-138489 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA

SOUTHERN BOUNDARY LINE OF TERRITORY ANNEXED TO CITY OF HAYWARD BY RESOLUTION No 80-312 C.S., A MAP OF WHICH WAS FILED AUGUST 12, 1980 IN BOOK 30 OF MAPS, PAGE 48 (80-138489) OFFICIAL RECORDS ALAMEDA COUNTY, CALIFORNIA



WESTERN BOUNDARY LINE OF TERRITORY ANNEXED TO CITY OF HAYWARD BY RESOLUTION No 84-242 C.S., A MAP OF WHICH WAS FILED SEPTEMBER 21, 1984 IN BOOK 37 OF MAPS, PAGE 12, SERIES No (84-181509) OFFICIAL RECORDS ALAMEDA COUNTY, CALIFORNIA

TOTAL AREA OF TERRITORY ANNEXED - 10.354 HECTARES



NORTHERN BOUNDARY LINE OF THE TERRITORY ANNEXED TO THE CITY OF HAYWARD BY ORDINANCE No 530 N.S. A MAP OF WHICH WAS FILED JULY 19, 1974 IN BOOK 34 OF MAPS, PAGE 284 SERIES No. 80-138489, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA

BASES OF BEARINGS: THE NORTHERN LINE OF COUNTY ROAD No. 2855, KNOWN AS DEPOT ROAD, TAKEN TO BE 9° 07' 04" E



- NOTES:
- The method used to calculate the area was by traverse
 - References to existing City/District boundaries are only advisory and any bearings or distances shown herein should be considered advisory only
 - As a drafting convenience, the small separations between portions of the boundary around the boundary of this annexation were provided in order to facilitate descriptions to be placed on what would otherwise be a single line. These lines are to be considered uncollected except where noted

LEGEND
 --- EXISTING CITY OF HAYWARD BOUNDARY
 --- BOUNDARY OF TERRITORY ANNEXED BY RESOLUTION No 89-

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

This map conforms to the requirements of the Local Agency Formation Commission of Alameda County
 Donald J. LaBelle
 Director of Public Works

Dusarna H. Kaur, County Surveyor
 NCE 18489, Expires 6/30/97

By Reid Penland 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 herein 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 Miranishi
 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

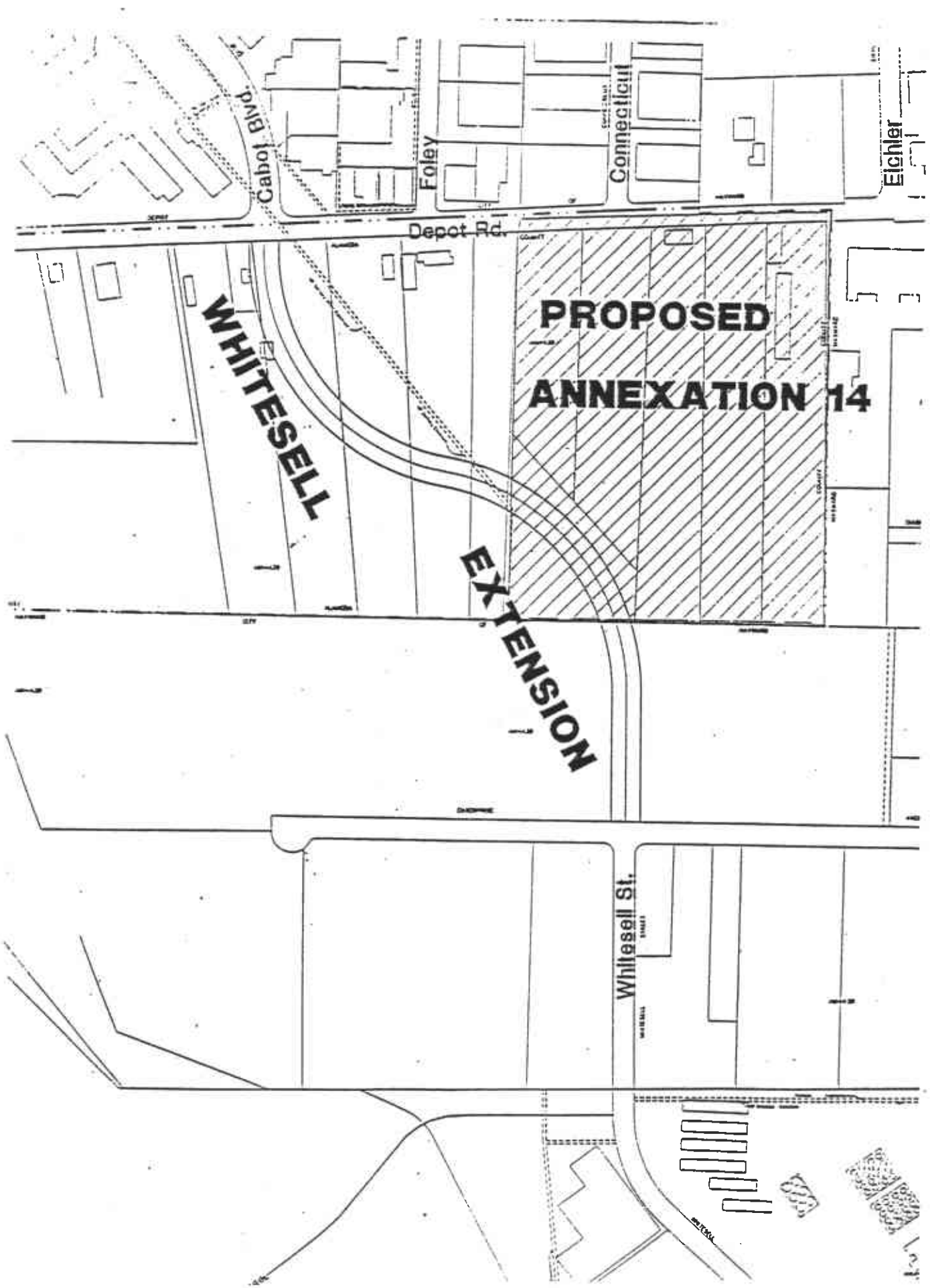
DEPOT ROAD
 ANNEX No. 14
 TO THE
 CITY OF HAYWARD
 BY RESOLUTION No.97-

SCALE: 1:2400	REVISED DATE: 4-29-87
DRAWN BY: P.M. CHECKED BY: H.B.D.	APPROVED CITY ENGINEER
	DRWG No. A-376-1

Exhibit B

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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**MITIGATED
NEGATIVE DECLARATION**

*Revised April 22, 1997



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) AND THE CITY OF HAYWARD - Request to prezone 25.58 acres to Industrial; to apply to the Alameda County Local Agency Formation Commission (LAFCO) for annexation of the 25.58 acres; to approve a property tax exchange agreement with Alameda County; to initiate proceedings for establishment of a precise plan line for future Whitesell Street rights-of-way; and, to agree that staff may accept utility service agreements for this area once LAFCO has approved annexation.

The properties are located at 3520, 3530, 3548, 3600, 3636 and 3664 Depot Road, in an unincorporated island within the City of Hayward, west of Viking Street and are owned by four separate owners. Attachment A illustrates the proposed annexation area with the property owners' names.

The applicant, Kruger Foods, Inc., is considering purchasing the property at 3664 Depot Road, and 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.

The City has expanded the area proposed for the annexation to include the properties at 3520, 3530, 3548, 3600 and 3636 Depot Road, which adjoin the applicant's property, to avoid leaving an isolated island of unincorporated territory.

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 may be required to obtain a wastewater discharge permit before connecting to the sanitary sewer system which will set appropriate compliance requirements regarding discharge.
- The three used fuel tanks stored at 3636 Depot Road must be removed and the site cleared by the Alameda County Health Care Services prior to the recordation of the

IV. PERSON WHO PREPARED INITIAL STUDY:



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

April 22, 1997

Date

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.

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 22, 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) AND THE CITY OF HAYWARD - Request to prezone 25.58 acres to Industrial, to apply to the Alameda County Local Agency Formation Commission (LAFCO) for annexation of the 25.58 acres, to approve a property tax exchange agreement with Alameda County, to initiate proceedings for establishment of a precise plan line for future Whitesell Street rights-of-way and to agree that staff may accept utility service agreements for this area once LAFCO has approved the annexation.

PROJECT LOCATION:

The parcels are located at 3520, 3530, 3548, 3600, 3636 and 3664 Depot Road, in an unincorporated island within the City of Hayward, west of Viking Street, and are owned by four separate owners. The applicant plans to purchase the parcels owned by the Greth Family Trust. Attachment A illustrates the proposed annexation area with the property owner's names.

ENVIRONMENTAL SETTING:

The subject site is a 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, Kruger Foods, Inc., is considering purchasing the property at 3664 Depot Road and requests 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.

The City has expanded the area proposed for the annexation to include the properties at 3520, 3530, 3548, 3600 and 3636 Depot Road, which adjoin the applicant's property, to avoid leaving an isolated island of unincorporated territory.

Initial Study for Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant), Wallace and Roxanne Greth/Greth Family Trust (Owners) and the City of Hayward

Yes Maybe No

- | | | | | |
|-----|---|---|---|----------|
| 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> |
| 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> |

Initial Study for Depot Road Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant),
Wallace and Roxanne Greth/Greth Family Trust (Owners) and the City of Hayward

Yes Maybe No

12. Transportation/Circulation (generation of substantial additional vehicular trips, impact on existing parking facilities, impact upon existing transportation systems, create a vehicle or pedestrian hazard.)

— — X

Comment: The current street infrastructure is adequate to handle any traffic increases due to increased development.

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

Initial Study for Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant),
Wallace and Roxanne Greth/Greth Family Trust (Owners) and the City of Hayward

Yes Maybe No

- | | |
|---|---|
| <p>B. <u>Sanitary Sewer</u> (lack of municipal sanitary sewer infrastructure, and/or substantial increase in demand on municipal sanitary sewer treatment plant facilities.)</p> <p><u>Comment:</u> 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.</p> <p>C. <u>Solid Waste</u> (substantial increase in demand on existing solid waste collection program(s)/facilities.)</p> <p>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.)</p> | <p>— — <u>X</u></p> <p>— — <u>X</u></p> <p>— — <u>X</u></p> |
| <p>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.)</p> | <p>— — <u>X</u></p> |
| <p>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.)</p> | <p>— — <u>X</u></p> |
| <p>17. <u>Cultural Resources</u> (archaeological, historical, or restriction of existing religious or cultural uses within the potential impact area.)</p> | <p>— — <u>X</u></p> |

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

Initial Study for Depot Rd. Annexation No. 14 - Hans Kruger, c/o Kruger Foods, Inc. (Applicant),
Wallace and Roxanne Greth/Greth Family Trust (Owners) and the City of Hayward

Yes Maybe No

DETERMINATION

On the basis of this initial evaluation

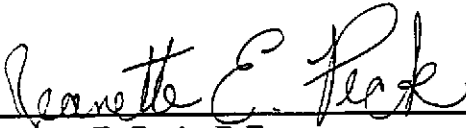
It is found that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

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.

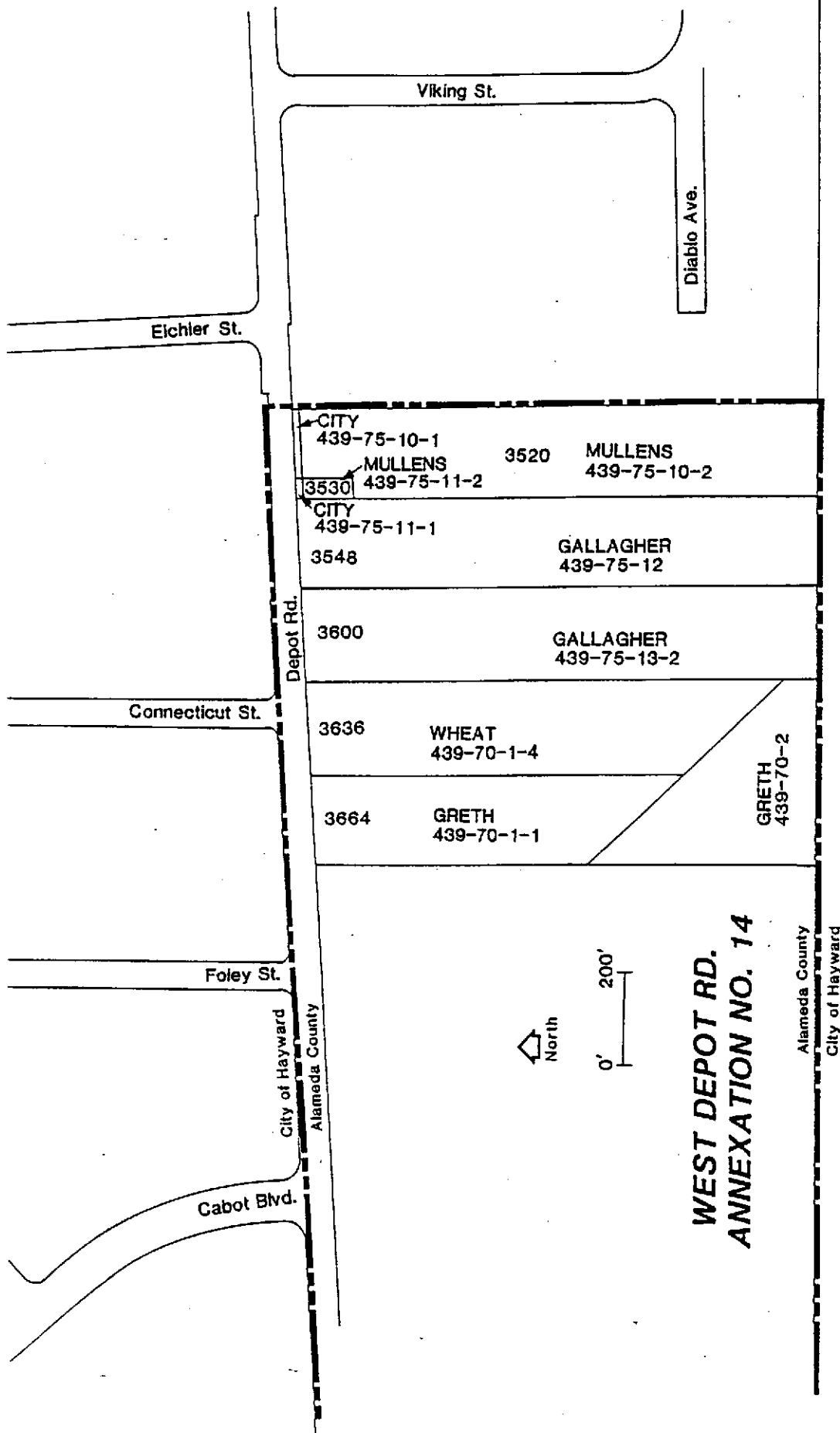
X

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

April 22, 1997
Date



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



**WEST DEPOT RD.
ANNEXATION NO. 14**

Alameda County
City of Hayward

MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Kirby, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Bennett, Caveglia, Dowling, Fish, Halliday, Williams
	CHAIRPERSON	Kirby
Absent:	COMMISSIONER	None

Staff Members Present: Anderly, Camire, Davis, Looney, Murphy, Nakatsu, Peck, Tomas

General Public Present: Approximately 4

PUBLIC COMMENT - None

AGENDA

PUBLIC HEARINGS

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.

Development Review Services Engineer Peck presented the staff report for Thursday, April 17, 1997, indicating that the request for annexation and pre zoning was on behalf of Kruger Foods. She said that aside from the Wheat property, the owners have expressed an interest in annexing to the City. The two properties who have not indicated support are presently being served by Hayward water and sewage services under utility service agreements. The precise plan line won't affect this particular project but will initiate the proceedings and will determine future access to the road.

City Surveyor Davis also indicated that by initiating proceedings for the establishment of a precise plan line, the City will be able to protect future Whitesell Street rights-of-way needs before development occurs.

In response to Commissioner Caveglia's questions regarding the fuel tanks on the property, Environmental Specialist Murphy said the three tanks on site had been transported there for storage and there was no indication that they were at any point underground. They are located on the Wheat property and samples will continue to be taken to determine any contamination. He said the property owners have contacted the lessee and asked him to remove the tanks. He added that, until the problems has been taken care of, recordation of the annexation will not take place.

Public Hearing Opened - 7:43 p.m.

ALAMEDA COUNTY
HEALTH CARE SERVICESAGENCY
DAVID J. KEARS, Agency Director

MAR 24 1997

PLANNING DEPT

Certified Mailer # Z 296 048 332

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

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

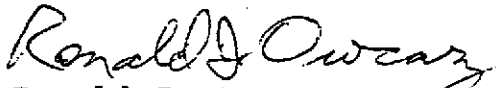
I reviewed the Hazardous Materials Business Plan (HMBP) that was received on February 13, 1997. The site plan needs to be enlarged to show the locations of the emergency response equipment, evacuation routes of the buildings on site and assembly area. The buildings need to be identified on the same site 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
~~James [redacted]~~, 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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DRAFT

5-14-97

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HAYWARD MAKING APPLICATION TO
ALAMEDA COUNTY LOCAL AGENCY FORMATION
COMMISSION REQUESTING INITIATION OF
PROCEEDINGS FOR A CHANGE OF ORGANIZATION
PURSUANT TO THE CORTESE-KNOX LOCAL
GOVERNMENT REORGANIZATION ACT OF 1985 -
DEPOT ROAD ANNEXATION NO. 14

WHEREAS, pursuant to the Cortese-Knox Local Government Reorganization Act of 1985 (Government Code section 56000 et seq.), the City of Hayward, as an affected city, hereby submits a proposal for a change of organization and respectfully requests the Local Agency Formation Commission of Alameda County (LAFCO) to initiate proceedings thereon; and

WHEREAS, the aforesaid change of organization is a proposal to annex to the City of Hayward certain property hereinafter described.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby proposes, finds, declares, and requests as follows:

1. The City Council, as the legislative body of an affected city, does hereby submit its proposal for a change of organization pursuant to the Cortese-Knox Local Government Reorganization Act (Part 3, Chapter 1, Section 56650 et seq. of the Government Code), and does hereby request the initiation of proceedings to be undertaken by LAFCO pursuant to such Act.
2. The change of organization is a proposal to annex to the City of Hayward contiguous territory designated as "Depot Road Annexation No. 14." Said territory is industrial property currently used for automobile and recreational vehicle storage, a truck leasing company, a concrete fence manufacturer, and the offices of a chemical tank lines company. The territory is more specifically described in Exhibit "A" attached hereto and incorporated herein.

3. The City Council, as the lead agency and based upon its independent judgement, hereby adopts a negative declaration regarding the annexation pursuant to the California Environmental Quality Act.
4. The City Council does hereby set forth its reasons for proposing the aforesaid annexation:
 - (a) Annexation to the City of Hayward is required to obtain the full range of municipal services necessary for the development of the privately owned property within the boundary of the proposal.
 - (b) A majority of the affected property owners owning at least 62 percent of the property to be annexed have given consent to the proposed annexation.
 - (c) Annexation of the property will provide continuity of the City boundary line and fulfills the requirements of LAFCO because all of the property proposed for annexation is located in Alameda County, is in the City of Hayward's Sphere of Influence, and adjoins property located within the City of Hayward.
 - (d) To expedite processing of the proposed annexation, the City Council hereby waives the requirement of any mailed notice to it, and consents to the Commission making determinations upon the proposal without notice and hearing, and, upon approving such proposal, requests that the Commission authorize the City to conduct the proceedings without further notice and hearing.
5. The City Clerk is hereby directed to transmit a certified copy of this resolution to the Alameda County Local Agency Formation Commission.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1997

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

EXHIBIT "A"
DEPOT ROAD ANNEX N^o 14
to the
CITY OF HAYWARD

REAL property in the City of Hayward, County of Alameda, State of California, described as follows:

BEGINNING at the intersection of the western boundary line of the territory annexed to the City of Hayward by Hayward City Council Resolution N^o 84-242 C.S., known as Depot Road Annex N^o 13, a map of which was filed September 21, 1984, in Book 124 of Maps at Page 90, Series N^o 84-191509, in the office of the Alameda County Recorder, with the northern boundary line of the territory annexed to the City of Hayward by Hayward City Council Ordinance N^o 590 N.S., known as the Johnson Annex, a map of which was filed July 19, 1954, in Book 32 of Maps at Page 29A in the office of the Alameda County Recorder; thence along said northern boundary line of said Johnson Annex, South 89° 42' West, 288.1 meters to the intersection thereof with the western line of the parcel designated Parcel 2 in the quitclaim deed from Wallace Greth to Wallace A. Greth, Sr., and Roxanne J. Greth, Trustees of the Greth Family Trust UTA dated December 13, 1994, and recorded December 14, 1994, in Official Records of Alameda County under County Recorder's Series N^o 94-384097; thence along said western line, the western line of Parcel 1 and Parcel 3, as said parcels are described in said deed, and the northerly prolongation thereof North 0° 23' East, 350.7 meters to the intersection thereof with the southern boundary line of the territory annexed to the City of Hayward by Hayward City Council Resolution N^o 71-208 C.S., a map of which was filed December 9, 1971, in Book 73 of Maps at Page 5 in the Office of the County Recorder of Alameda county; thence along last said southern boundary line, and the southern boundary line of the territory annexed to the City of Hayward by Hayward City Council Resolution N^o 80-322 C.S., a map of which was filed August 12, 1980, in Book 90 of Maps at Page 68 in the office of the County Recorder of Alameda County, North 88° 15' East, 288.8 meters to the intersection thereof with said western boundary line of first said territory annexed (84-191509); thence along last said boundary line, South 0° 23' West, 368.1 meters to the Point of Beginning.

CONTAINING 10.354 hectares of land, more or less.

May 13, 1997

HAROLD B. DAVIS
LS 3352
License Expires 6/30/00

DRAFT

ORDINANCE NO. _____

DM 5-14-97

AN ORDINANCE AMENDING SECTION 10-1.145 OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY PREZONING CERTAIN TERRITORY CONSIDERED IN CONNECTION WITH ZONE CHANGE APPLICATION 97-190-01 (DEPOT ROAD ANNEXATION NO. 14)

WHEREAS, Zone Change Application No. 97-190-01 concerns the rezoning of parcels located within the unincorporated County of Alameda in connection with Depot Road Annexation No. 14; and

WHEREAS, the Planning Commission considered the matter and its action thereon is on file in the office of the City Clerk and is hereby referred to for further particulars; and

WHEREAS, a negative declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines that the City Council has independently reviewed and considered the information contained in the initial study upon which the negative declaration is based, certifies that the negative declaration has been completed in compliance with the requirements of the California Environmental Quality Act, and finds that the negative declaration reflects the independent judgment of the City of Hayward.

WHEREAS, the City Council has reviewed and considered all material presented and concurs in the findings and determinations made by the Planning Commission that the rezoning of the described property in the manner hereinafter provided will have no significant impact on the environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. FINDINGS. The City Council hereby finds and determines as follows:

1. Approval of the zone change will have no significant adverse impact on the environment and the negative declaration was prepared in conformance with the provisions of CEQA;
2. The proposed zoning will promote the public health, safety, convenience and general welfare of the residents in that it is within the City of Hayward Urban

Limit Line for urban development, and provides opportunities for orderly industrial development in conformance with City of Hayward standards;

3. The proposed zoning is compatible with surrounding zoning and uses in the City of Hayward in that industrial development has been approved on the adjacent properties to the east, south and north;
4. All uses permitted when the property is rezoned will be compatible with present and potential future uses;
5. The proposed zoning will not be detrimental to the public health, safety, and general welfare in that streets and public facilities are available to serve the properties and all anticipated future uses;
6. The proposed zoning complies with the General Plan Policy, in that the General Plan Map designates the area as "Industrial Corridor," and with the purposes of the Zoning Ordinance.

Section 2. ZONE CHANGES. Section 10-1.145 of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning certain parcels identified below located within unincorporated Alameda County, as follows:

Parcels 439-75-10-1, 439-75-10-2, 439-75-11-1, 439-75-11-1, 439-75-11-1, 439-75-12, 439-75-13-2, 439-70-1-1, 439-70-1-4, and 439-70-2 to be rezoned I (Industrial).

Section 3. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective on the date of its adoption.

Section 4. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of
Hayward, held the ____ day of _____, 1997, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1997, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

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

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970228/1439

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

Consent Form from Wallace and Roxanne Greth, dated February 14, 1997

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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



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 IARCO approves the annexation.

Dvara 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\FORMS\FAX.FRM

RECEIVED
FEB 26 1997
1:00
2.1



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

Consent Form from Barry M. Gallagher, dated February 28, 1997

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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.

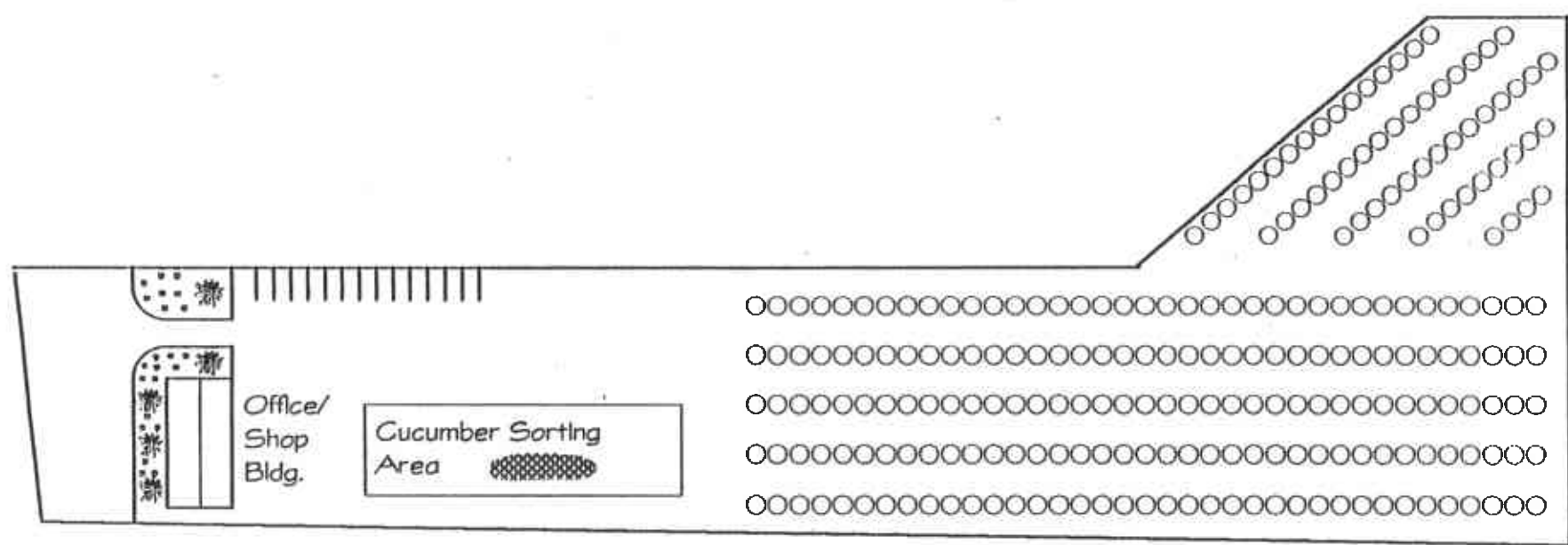
Sincerely,

Hans Kruger

HWD/2-28-97/annex./JP

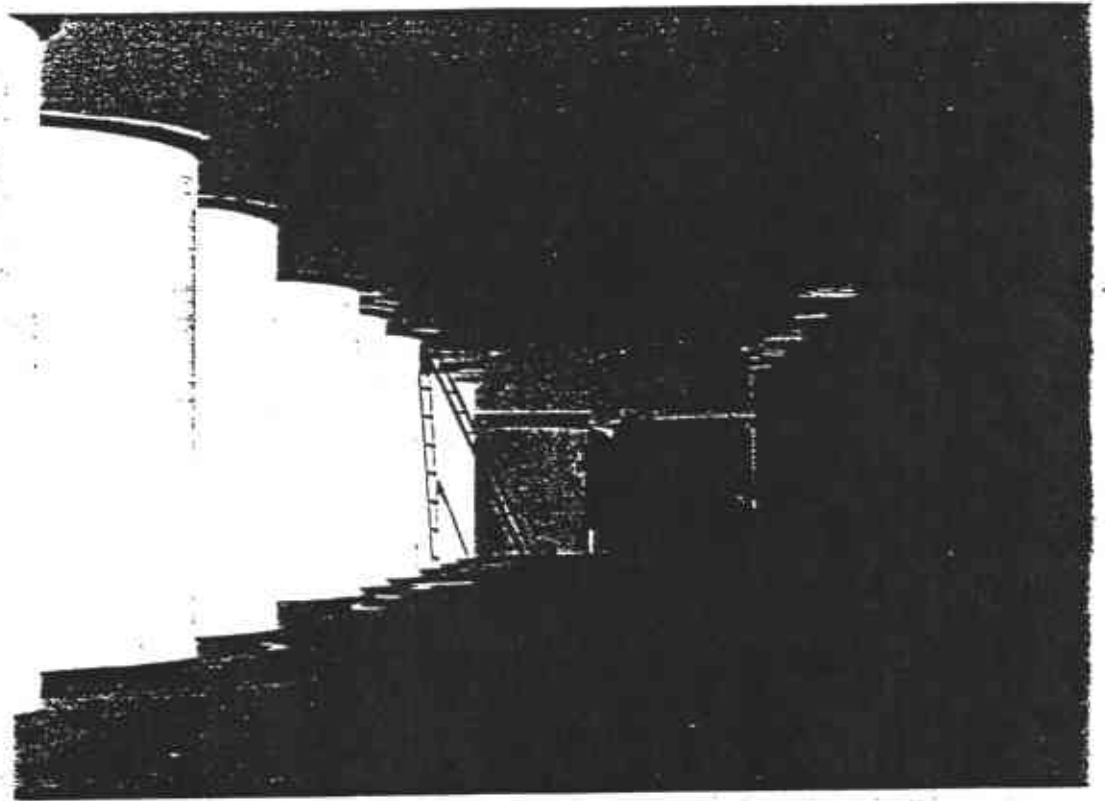


Depot Road



L-2

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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DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division



February 18, 1997

Patsy 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,

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

JEP:sls

Enclosures

cc.

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

K:\...Annex.1-RWheat.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: Edmond A. Sanchez

HAYWARD CITY COUNCIL

RESOLUTION NO. 70-381 C.S.

INTRODUCTION BY COUNCILMAN Weinreb

[Handwritten signature]

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. PW 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: *[Signature]*
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 CITY OF HAYWARD
M 3119 T.M.
JACK G. BLUE
Recorder, Alameda County, Calif.
AUG 27 1965
AUG 17 1965

-1-
H-5

Depot Rd

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. Down
City Manager

W. Phillips
Director of Public Works

Chris L. Cook
Planning Director

[Signature]
Water Department Manager

Joseph R. Ramos
Joseph R. Ramos

Mary A. Ramos
Mary A. Ramos
Applicants

CITY OF HAYWARD, a municipal corporation

By [Signature]
City Manager

Attest: [Signature]
City Clerk

APPROVED AS TO FORM AND LEGALITY

[Signature]
City Attorney

AX114469

CLAWITER ROAD (COUNTY ROAD NO. 1649)

DEPOT RD. (COUNTY RD. NO. 2853)

S.P. CO.



586°15'W

9.02'

N 0° 23' W

AREA=0.040 ACRE

192.5

S 0° 23' E
N 0° 23' W

AREA=0.040 ACRE

192.5

S 0° 23' E
9.02'

P.G.&E. CO.

CITY OF HAYWARD
ENGINEERING DIVISION

DEPOT ROAD
WIDENING

DWG.
NO.

DRAWN BY: RWS DATE: 2-6-65

CHECKED BY: JVL SCALE: 1" = 200'

APPD. BY: [Signature] APPROVED

FILED

SHT. 1 OF 1

REV. DATE BY

CIV ENGR.

DIA. PUBLIC WORKS

PARCEL 439-70-1

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

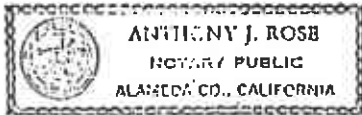
before me, ANTHONY J. ROSE, a Notary Public,
State of California, duly commissioned and sworn, personally appeared

JOSEPH R. RAMOS

MARY A. RAMOS

known to me to be the person(s) whose name(s) S. A. R. subscribed to the within instrument
and acknowledged to me that he, she, it 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

Caendery's Form No. 32—Acknowledgment—General,
(C. C. Sec. 1187) 44-0824 PRINTED 6-1-64

State of California }
County of Alameda }^{SS}

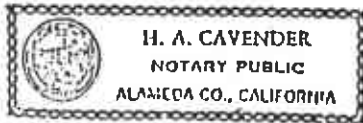
On this 13th day of August in the year One Thousand
Nine Hundred and Sixty Five before me H. A. CAVENDER

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 person(s) described in and whose name(s) 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.

In Witness Whereof, I have hereunto set my hand and affixed my Official Seal, the day and
year in this certificate first above written.



AX114409

H. A. Cavender Notary Public
Alameda State of California
In and for said County of

GENERAL ACKNOWLEDGMENT
My Commission Expires May 2, 1969



The Galbreath Company

OF CALIFORNIA, INC.

180 Grand Avenue, Suite 700, Oakland, California 94612 TEL 510-891-2700 FAX 510-444-4706

January 28, 1997

JAN 30 1997
PLANNING DEPT.

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

**Re: Annexation No. 14
Utility Service Agreement
3664 Depot Road
Hayward, California**

Dear Jeanette:

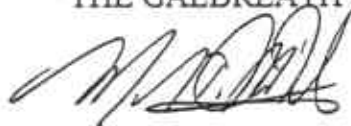
Please accept this letter on behalf of my clients, The Krugers, as a request for a Utility Service Agreement for 3664 Depot Road, Hayward, California. We wish to request that the governing boards involved grant a Utility Service Agreement prior to the annexation of the property.

As you are aware, the Krugers are in contract to purchase the aforementioned property, and will require access to the city's sewer and water prior to concluding the sale.

Thank you for your consideration and if you have any questions, please do not hesitate to contact me directly at (510) 238-4810.

Sincerely,

THE GALBREATH COMPANY



Mark T. McNally
Senior Vice President

MTM/ilk
Peck Lit

cc: Hans and Denny Kruger
Steve Chess

Founding Member of  Savills Galbreath
INTERNATIONAL PROPERTY CONSULTANTS

ATLANTA CHICAGO CINCINNATI CLEVELAND COLUMBUS DENVER FT. LAUDERDALE MINNEAPOLIS NEW JERSEY NEW YORK OAKLAND
ORLANDO PHILADELPHIA PITTSBURGH SACRAMENTO SAN FRANCISCO SAN JOSE STAMFORD WASHINGTON D.C.

EUROPE, CANADA, MEXICO, SOUTH AFRICA & ASIA PACIFIC

Letter from The Galbreath Company re Utility Service Agreement, dated January 28, 1997

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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)

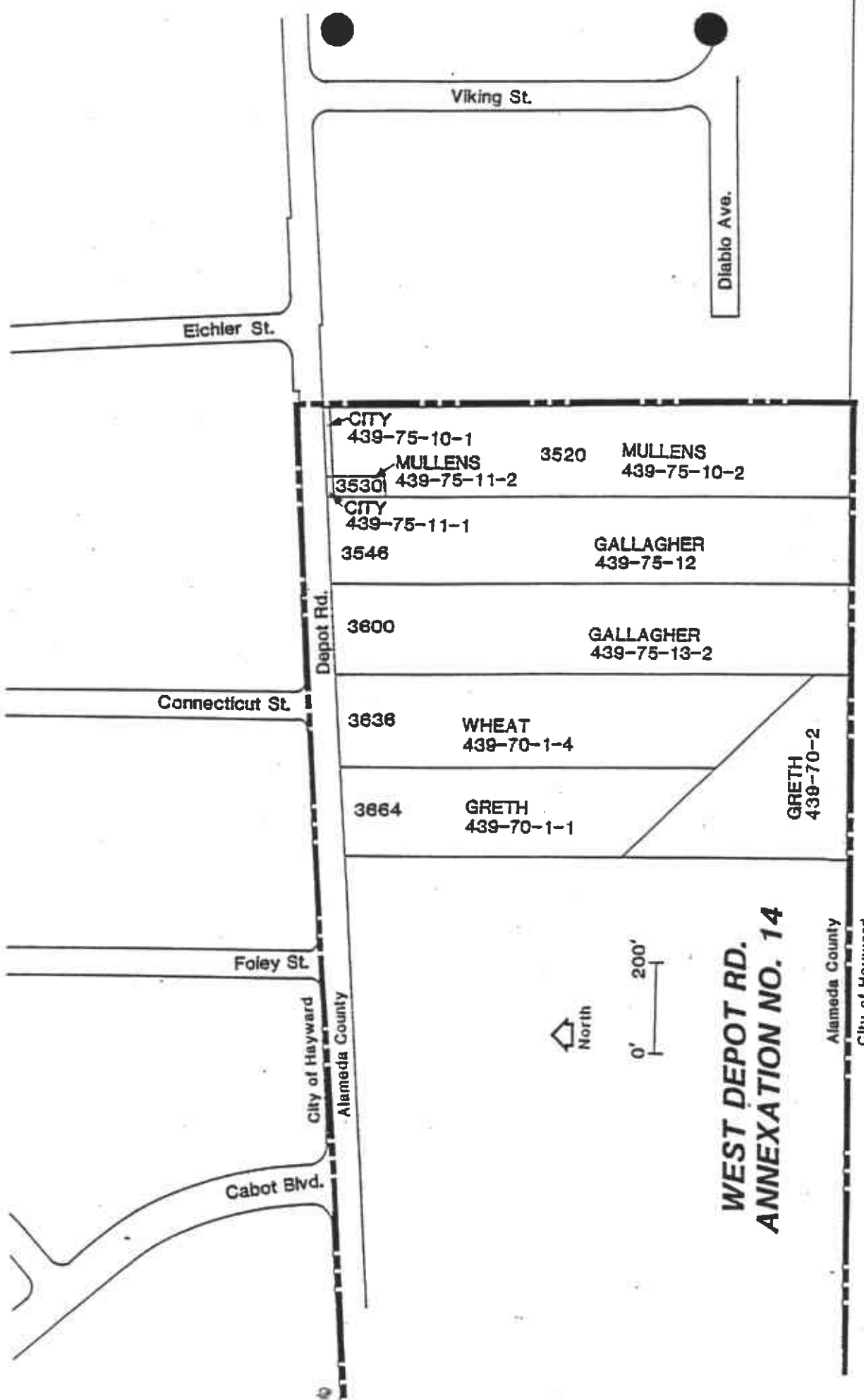
-- OR --

____ 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



**WEST DEPOT RD.
ANNEXATION NO. 14**

Alameda County
City of Hayward



0' 200'