



**CITY OF HAYWARD
AGENDA REPORT**

AGENDA DATE September 22, 1998

AGENDA ITEM _____

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: **VESTING TENTATIVE MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 & VARIANCE NO. 98-180-04 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT), NAROM DEVELOPMENT COMPANY AND UNION PACIFIC RAILROAD COMPANY (OWNERS):**

- A. **TENTATIVE MAP** - Request to subdivide three parcels totaling 6.18 acres into 159 residential condominium units.
- B. **SITE PLAN REVIEW** - Request to construct 8 three-story buildings for 159 residential condominium units. The metal industrial buildings on the site would be demolished and replaced by the proposed project.
- C. **VARIANCES** - Request to allow carports and trash enclosures to be set back 5 feet from a rear property line (abutting railroad tracks), where a minimum of 20 feet is required; and to allow walls and fencing from between zero to 7 feet from a side street yard property line (abutting Review Way and Moran Court), where a minimum of 10 feet is required.

The property is located at 33-89 West Winton Avenue near the northeast corner of Amador Street in a Commercial Office (CO) District.

RECOMMENDATION:

The Planning Commission (7-O) and staff recommend approval of the negative declaration and of the project as proposed.

DISCUSSION:

The project site fronts on the east side of Amador Street just south of Centennial Park. The Union Pacific Railroad right-of-way is to the east of the property and the West Winton Avenue overpass is to the south. The applicant, Sobrato Development Companies, intends to construct the development using condominium standards but plans to rent them for at least ten years.

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The density of the project is 32.8 units per net (minus streets) acre. For comparison purposes, the recently approved Lincoln Property multi-family project at D and Grand Streets is 39.9 units per net acre, and Atherton Place, just south of City Hall, is 30 units per net acre. All minimum design and development standards for this project are met relative to building design, open space, parking, storage, and distances between buildings. Parking would be provided in attached garages, carports and uncovered spaces. Variances are requested to reduce setbacks for carports where they abut the railroad right-of-way and to reduce setbacks for walls and fencing along Moran Court and Review Way. The development would include a recreation facility with a pool and spa. For a more detailed project description the City Council is referred to the attached Planning Commission staff reports.

The project is consistent with the General Policies Plan Map designation of "Retail and Office Commercial," according to the General Policies Plan Map Zoning Consistency Matrix chart. Additionally, the Housing and Neighborhood Preservation section of the General Policies Plan (page IV-6) supports high density housing in areas near transit, urban parks, regional shopping, and job centers, and specifically the county government center (located just to the south of the project site). The project is also consistent with the Commercial Office zoning designation, which permits residential projects as primary uses.

The Santa Clara Neighborhood Plan, July 1995, discusses this site. The Plan supports a mixed-use project for the site that is compatible with adjacent offices and suggested that a possible project could include both commercial and residential development. Staff concluded from the policies in the Neighborhood Plan that residential development would not be precluded at the site and that, given the surrounding commercial development in the greater West Winton/Amador area, a complementary (mixed-use) development would be provided.

At the July 30, 1998 Planning Commission meeting, some members expressed concern that the proposed residential project may not be in keeping with the Santa Clara Neighborhood Plan. The applicant requested a continuation of the hearing to September 3 in order for the project to be considered when more Planning Commissioners would be in attendance.

Subsequent to the July 30 meeting staff invited the former members of the Santa Clara Neighborhood Task Force to meet at City Hall to discuss the project. Of the nine former members, staff was able to reach seven, and five members accepted the invitation to review the project. On August 11, the following individuals attended: Bud Adams, Roger Campbell, Ken Harmeyer, Elmer Kriewaldt, and Ken Price. The developer also attended the meeting. At the conclusion of this meeting, four of the five former task force members indicated they would support a residential project at the site as long as it was of a high quality as is proposed by Sobrato Development. They indicated that during the neighborhood plan process they did not recommend residential development on the subject property because they had envisioned the type of rental properties currently located to the south along Amador Street, which they indicate they did not want to see continued. However, because the project at hand would "bring up the image" of Hayward, and would be "an asset" to the area, they would support this residential project. One member said he had mixed emotions but would support the project if the traffic congestion would not be exacerbated.

At the Planning Commission's September 3 meeting Commissioners considered the following policy issues.

▪ **Neighborhood Plan Consistency**

With respect to Neighborhood Plan consistency, the Commission determined that, based on the majority recommendation from the former task force members supporting residential development, the project was consistent with the Neighborhood Plan. Commissioners agreed that the location lacks the visibility desired by commercial enterprises and that its location near a park, jobs, transportation, and shopping was appropriate for residential development.

▪ **Home Ownership Policy**

The Planning Commission questioned why the developer would not initially sell the condominium units. The applicant, Michael Bruner of Sobrato Development Companies, explained that his company as well as many others are now renting the condominium units due to State laws that make the developer liable for any construction defects during the first ten years following construction. The applicant stated that by renting the units for the first ten years they would be protecting themselves from possible lawsuits, by making any necessary building repairs. The applicant also indicated that the longterm maintenance of the project would be sustained because his company would build and manage the project, and they strive for the highest quality in order to command the high-end rents. Several of the Planning Commissioners stated they had visited the applicant's projects in Fremont and San Jose and found them to be very well maintained and believed that Sobrato Development Companies would construct and maintain a high quality project.

At the Planning Commission meeting five members of the public spoke on this item, four in support and one in opposition. Elmer Kriewaldt, and Ken Price, former members of the Santa Clara Neighborhood Task Force, stated they had also visited other developments belonging to the applicant and had found them to be attractive and well maintained. They urged support of the project. Ken Harmeyer, former member of the Santa Clara Neighborhood Task Force, opposed the project, stating that it would lead to gent&cation and that the anticipated monthly rents (\$1,000-\$1,400) could not be achieved.

Other persons speaking in support of the project included Gordon Galvin, Rental Housing Owners of Southern Alameda County, and Frank Fragomeni, Hayward businessman and retail store operator. Mr. Fragomeni owns and operates a small restaurant on West Winton Avenue and believes the project would be a benefit to his business, his tenants and the area in general.

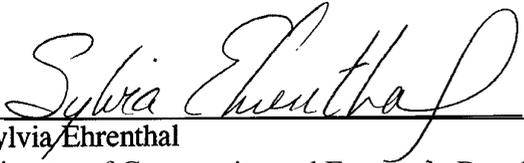
Prepared by:



Charles P. Mullen, AICP
Associate Planner

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Recommended by:



Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:



Jesús Armas
City Manager

Exhibits:

- A. Findings for Approval for Site Plan Review and Variance
- B. Findings for Approval for Vesting Tentative Map
- C. Conditions of Approval
- D. Letter from City of Concord dated August 31, 1998
- E. Letter from Noise Consultant dated September 2, 1998
- F. Planning Commission Meeting Minutes and Staff Report w/attachments dated 9/3/98
Site, Floor, Elevation and Landscape Plans
Vesting Tentative Map Tract 7031
Draft Resolution(s)

9.14.98

CITY OF HAYWARD

FINDINGS FOR APPROVAL
SITE PLAN REVIEW 98-130-06 &
VARIANCE APPLICATION NO. 98-180-04
Sobrato Development Companies (Applicant)

Request to construct 8 three-story multiple-family residential buildings for 159 condominium units and request to allow carports and trash enclosures to be setback 5 feet from a rear property line (abutting railroad tracks), where 20 feet is required; and to allow walls and fencing from between zero to 7 feet **from** a side street yard property line (abutting Review **Way** and Moran Court), where 10 feet is required.

Based on the information presented in the staff report and the public hearing, the City Council does hereby **find**:

- a. That the City Council approves the attached mitigated Negative Declaration, finding that the document is complete and **final** in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgement of the City Council.
- b. The 159 condominium unit project, as conditioned, will not impair the character and integrity of the Commercial Office Zoning District and surrounding area, as the uses should be compatible with surrounding offices, park, and industrial land uses.
- c. The project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that other multiple-family housing projects exist on in the vicinity on Amador Street.
- d. The project as conditioned, will be in harmony with applicable City policies, including the Design Guidelines and Design and Performance Standards for multiple-family residential uses.
- e. The project, as conditioned, is consistent with the Santa Clara Neighborhood Plan, in that multiple-family use of this property was discussed in the plan.
- f. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district, in that the location of this property is adjacent to railroad tracks, the West **Winton** Avenue overpass and industrial use beyond. Additionally, this is an irregular shaped lot with a wider than typical rear yard width, almost **800-feet**. Sufficient landscape planter pockets with trees and shrubs and ground cover will be provided between the carports and the applicant agrees to landscape 20 to 30 feet of unused City right-of-way at Moran Court and along Review Way a decorative wrought iron fence is proposed to allow visual openness.

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- g. The literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, in that the location of this property adjacent to railroad tracks, the West **Winton** Avenue overpass and industrial use beyond is not typical of other multiple-family housing sites.
- h. The granting of the variance would not be a grant of special privilege inconsistent with the **limitations** on other properties in the same district, in that other multiple-family sites do not have the similar site constraints.

CITY OF HAYWARD

**FINDINGS FOR APPROVAL
VESTING TENTATIVE MAP TRACT 7031
FOR 159 CONDOMINIUM W-NITS
Sobrato Development Companies (Applicant)**

Request to subdivide three parcels totaling 6.18 acres into 159 residential condominium units.

Based on the information presented in the staff report and the public hearing, the City Council does hereby **find**:

- a. That the City Council approves the attached mitigated Negative Declaration, finding that the document is complete and **final** in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgement of the City Council.
- b. The vesting tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Santa Clara Neighborhood Plan.
- c. The site is physically suitable for the proposed type of development.
- d. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- e. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- f. The design of the subdivision and the proposed improvements in conformance with the conditions of approval will **not** conflict with easements for access through or use of, property within the subdivision.
- g. Existing and proposed streets and utilities are adequate to serve the project.
- h. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative tract map is granted subject to the recommended conditions of approval.

CONDITIONS OF APPROVAL
VESTING TENTATIVE MAP TRACT 7031,
SITE PLAN REVIEW NO. 98-130-06 AND,
VARIANCE NO. 98-180-04
FOR 159 CONDOMINIUM UNITS
Sobrato Development Companies (Applicant)

GENERAL

1. These applications to construct 8 three-story multiple-family buildings for 159 residential condominium units, shall be constructed and operated according to the plans approved by the City Council on September 22, 1998, labeled Exhibit "A" and these conditions of approval.
2. This approval is void two years after the effective date of approval unless a grading or building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
3. Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
4. Prior to issuance of a building permit, the applicant shall submit a Sign Permit Application to the Director of Community and Economic Development/Planning Director for review and approval:
 - a. A sign permit application in compliance with the Hayward Sign Regulations for Multiple-Family Residential Uses, which includes details of all proposed on-site signage.
 - b. The base and framing of a monument sign shall match the architectural design; colors and materials of those used for building.
5. Before issuance of a building permit, the applicant shall submit revised site plan and building elevations to the Director of Community and Economic Development/Planning Director for review and approval which include the following information:
 - a. The applicant shall work with staff to provide roof material that is a high quality heavy butt "Architectural Quality" asphalt composition shingle.
 - b. All fencing and entrance security gates shall be a decorative metal design.
 - c. The color of the decorative 8-foot high masonry wall shall be compatible with the project color scheme.

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 &
VARIANCE NO. 98-180-04 - CONDITIONS OF APPROVAL

- d. Private open space patios and balcony decks shall be provided which meet or exceed the minimum standards for multiple-family residential housing.
 - e. Details of the balcony deck sound mitigation requirements shall be provided.
 - f. Decorative chimney flues shall be used to help break up the roof planes of the buildings.
 - g. A final color and material scheme shall be provided.
6. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways, parking areas, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
 7. Public telephone(s) shall be located within the interior of the recreation building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director.
 8. The applicant shall provide and maintain exterior lighting for the establishment which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent properties.
 9. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes.
 10. All trash enclosures shall have a covered roof and be designed to match the exterior of the primary structure. Access gates shall be solid decorative architectural metal. The final design shall be approved by the Director of Community and Economic Development/Planning Director before issuance of a building permit.
 11. Parking shall conform to the City's Off-street parking ordinance.
 12. All parking spaces and aisles shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete.
 - i3. Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 1 foot candle of light across the entire surface of the parking area. Exterior light shall be designed, erected and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.
 14. Parking and loading spaces shall be provided with a Class B, Portland Cement Concrete continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick.

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Landscaping

15. Submit to the Landscape Architect for approval before issuance of a building permit a detailed landscape and irrigation plan, prepared by a licensed landscape architect, that conforms to the City's Water Efficient Landscape Ordinance and includes:
- a. One 24" box street tree is required for every 20 – 40 lineal feet of frontage. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees.
 - b. On Amador Street, Review Way and Moran Court, the park strip between the curb and sidewalk shall be planted with trees (where possible) and low growing shrubs 2-3' in height, and maintained by the owner.
 - c. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
 - d. Parking lot areas shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscaped median. All tree wells and medians shall be a minimum of 5' wide. Parking areas shall be screened from the street with a continuous 30" high hedge, or masonry wall.
 - e. Vines on a trellis, or an upright shrub shall be planted between garage doors.
 - f. A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property along the easterly property line adjacent to the Union Pacific Railroad tracks.
 - g. Masonry or precast concrete walls shall be screened on the street side with vines and shrubs and by vines planted when the wall is placed on a property line.
 - h. Provide a dense landscape screen with tall shrubs and tree clusters adjacent to the railroad tracks.
 - i. All trees shall be planted according to the City's standard detail SD-122.
 - j. Trees shall be preserved in accordance with the **Tree Preservation Ordinance**. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit shall be obtained prior to removing any tree 30" in circumference, or larger, measured 2' above the ground. Branches from trees on adjacent property which overhang the site shall be protected during construction with appropriate preservation measures, as approved by the City.
 - k. Above ground utilities shall be screened from the street with shrubs. Any new transformers shall not be located within required front or side yard setbacks.

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- l. The type and quantity of trees shall be installed and maintained per the final approved landscape plan.
 - m. Within all landscaped areas a complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained. This system shall utilize a double-check, double-gate backflow device and shall include an individual adjustable flood bubbler to each tree.
 - n. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
16. A tree removal permit is required prior to the removal of any tree 10 inches or more in diameter. Replacement trees shall be required for any trees authorized for removal as determined by the City Landscape Architect.
 17. Prior to the recordation of the final map or grading plan approval, a tree preservation bond or surety shall be submitted equal to the value of all potentially impacted trees. The value of the trees shall be determined by a certified arborist. The bond or surety shall remain in effect for a minimum of two years following acceptance of tract improvements. Following the end of this period, the bond or surety will be returned to the applicant/developer if all trees are found to be healthy, thriving, and absent of any evidence of irreversible construction impact.
 18. Prior to building occupancy, applicant shall provide a copy of a minimum 2-year professional maintenance contract or a landscape bond for the project to the City Landscape Architect for review and approval. Landscaping shall be maintained in a healthy weed-free condition at all times with replacement plants provided where necessary. Required street trees that are severely pruned or topped shall be immediately replaced.
 19. The final design and placement of decorative pavement sections (Bomanite, interlocking pavers, or other approved material) at the main entrance area of the project on Amador Street shall be approved by the Director of Community and Economic Development/Planning Director.

Fences, Walls and Gates

20. The entry security gates shall conform to the City's Security Gate Ordinance.
21. The final design and placement of all fences, walls and gates shall be approved by the Director of Community and Economic Development/Planning Director.

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 & VARIANCE NO. 98-180-04 – CONDITIONS OF APPROVAL

VESTING TENTATIVE TRACT MAP

General

22. Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
23. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
24. All design work shall be performed by the applicant/developer’s engineer unless otherwise indicated.

Prior to the Recordation of the Final Map

25. Prior to or concurrent with the recordation of the **final** map, the applicant/developer shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for private streets, including access rights, drainage, public utility easements and other necessary public easements.
26. Concurrent with the submission of the final map the applicant/developer shall submit:
 - a. Copy of the applicant’s proposed application for subdivision permit, in the event a permit is required, from the California State Department of Real Estate;
 - b. Proposed sale price of each unit; and
 - c. A report describing the manner in which the terms of the declaration of restrictions will guarantee responsible maintenance and repair of the common areas, notwithstanding the escalation of costs, **emergency** maintenance repairs, and the replacement of major mechanical and electrical equipment.
27. The applicant/developer shall establish a Homeowners’ Association and prepare project CC&R’s for the entire development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and City Attorney prior to the approval of the final map and include the information required by the City Municipal Code Section 10-3.385 and the following:
 - a. A requirement that the garage of each unit be maintained for off-street parking and shall not be converted to living area.
 - b. A requirement that a professional management company be responsible for managing the homeowners’ association.

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- c. No individual television antenna or radio transmission or reception antennas shall be permitted; a central television reception antenna or enclosed attic antennas shall serve all dwelling units. Any satellite dish shall be ground-mounted and screened from view.
 - d. Awnings shall consist of a material that is resistant to dampness and solar decay. All awnings shall be maintained on a six month basis to prevent deterioration and shall be replaced on a timely basis when needed.
 - e. The homeowners' association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping.
 - f. The homeowners' association shall be responsible for maintaining the common area landscaping and open space amenities. A reserve fund shall be maintained to cover the costs of replacement and repair.
 - g. Open parking spaces shall not be used for recreational vehicles, camper shells, boats or trailers.
 - h. A requirement that the recreational facilities in the common areas shall remain in daily operation except for periodic maintenance as long as the project exists.
28. All abutters' right of ingress and egress along Review Way and Amador Street shall be relinquished to the City of Hayward.

Public Improvements

29. Prior to the approval of the final tract map, plans shall be submitted for review and approval by the City Engineer. Improvement plans shall incorporate the following special design requirements:
- a. All roadways within the project shall meet minimum City standards for private streets within a condominium project and shall be a minimum width of 26 feet.
 - b. The driveable fire access road design with turf block shall be designed and constructed with a minimum width of 20-feet and to withstand 50,000 pounds gross vehicle weight.
30. A sanitary sewer study shall be completed by the applicant/developer's engineer to determine if existing infrastructure is able to serve proposed development required. If the existing infrastructure is inadequate, the applicant/developer shall design and construct any necessary upgrades to the existing infrastructure.

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- 31.** The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (**BMPs**) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
32. The following Hayward Utility (Water) Division requirements shall apply:
- a. water meter shall be placed a minimum of 6 feet from sanitary sewer lines, a minimum of 2 feet from top of the driveway flair and shall not cross property lines.
 - b. The applicant/developer shall install remote read water meters as per City of Hayward Utility standards.
 - c. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
 - d. Water service available shall be subject to standard conditions and fees in effect at the time of application to the City of Hayward.
 - e. The minimum separation between the water main and sanitary sewer main shall be 10 feet; separation between the water service line and the sanitary sewer lateral shall be a minimum of 6 feet.
 - f. The applicant/developer shall ensure that the water pressure and flow for fire-fighting will, be sufficient by designing and constructing the on-site water distribution system in accordance with the requirements of the City of Hayward Public Works and Fire Departments.
 - g. The type and spacing of fire hydrants shall be subject to the review and approval by the City of Hayward Fire Chief.
 - h. Water meters serving existing structures shall be abandoned by the City Water Division personnel at the applicant/developer's expense.
 - i. Add the following notes to future submittals:
 - (i) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 1 1-2.02.1.
 - (ii) Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 - (iii) Water service available subject to standard conditions and fees in effect at time of application.

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33. A private sanitary sewer system shall be designed in accordance with the requirements of the City of Hayward.
- 34.** The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities, i.e., telephone and electrical poles, including transformers.
35. All services to dwellings shall be an “underground service” in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and cable television company regulations.
36. The applicant/developer shall enter into a subdivision agreement with the City and post bonds that will secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
37. Prior to approval of the final map or issuance of a building permit, all buried structures, such as water wells, buried, abandoned utility lines, USTs, loosely backfilled excavations and septic systems shall be entirely removed. Concrete footings should be removed to an equivalent depth of at least 3 feet below proposed footing elevations or as recommended by the Soils Engineer.
38. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, and all outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
39. Prior to approval of the improvement plans or issuance of a building permit, a plan shall be submitted for review by the City’s Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

PRIOR TO THE ISSUANCE OF A GRADING PERMIT

40. The grading plans shall comply with the geotechnical engineering recommendations contained in ***Soil and Foundation Investigation for Proposed Hayward Condominiums West Winton Avenue and Amador Street*** by Engeotech, Inc. dated May 1998.
41. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted for the review and approval of the City Engineer in consultation with the ACFCD&WCD. The proposed curb elevations shall be not less than 1.25-feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line. The project shall not block runoff from nor augment runoff to adjacent properties. The drainage area map developed for hydrology design shall clearly indicate all areas tributary to the project area. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or Alameda County Flood Control District. Roof drainage shall be connected into the on-site drainage system.

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42. A detailed soils report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading and building foundation designs shall be submitted for review and approval of the City Engineer.
43. Grading and improvement plans shall comply with the City's Grading Ordinance and the Association of Bay Area Governments' (ABAG) Erosion and Sediment Control Handbook, including requirements to submit an erosion control plan to minimize construction impacts related to soil erosion, sedimentation and water quality. Any graded areas and stockpiled soil which will remain for an extended period of time will be required to be hydroseeded for erosion control. Other recommended measures include stabilized construction entrances, earth dikes and swales, storm drain inlet protection, sediment basins, straw bale dikes, silt fences and check dams: Erosion control measures shall be regularly inspected, monitored and maintained throughout the construction period.
44. The applicant/developer shall submit a construction Best Management Practice (BMP) program appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into the storm water runoff for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
45. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
46. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance greater than five acres, the developer shall provide evidence that a Notice of Intent (NOI) has been submitted to the (California) State Water Resources Control Board.
47. Prior to the approval of improvement plans or issuance of a grading permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

48. The project shall comply with UBC, UPC, UMC, NEC, Title 24 requirements, and all applicable City amended ordinances.
49. Applicant shall pay the required Supplemental Building Construction and Improvement Tax for the project.
50. Applicant shall pay the required School District Fees.

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51. The building permit plans shall comply with the recommendations of the *Noise Assessment Study* prepared by Edward L. Pack & Associates, Inc., dated April 1, 1998.
52. A building vibration assessment shall be prepared prior to submittal of a building permit to determine if any mitigation or special construction requirements will be necessary for this project.
53. The following fire department requirements shall be applicable:
 - a. All buildings shall be fully fire sprinklered as per NFPA 13 standards, or since each unit will be individually metered, the applicant/developer may install individual fire sprinkler systems in each unit as per NFPA 13-D standards.
 - b. On site fire hydrants are required to be installed at every 300 feet of travel. Type of hydrants shall be double steamers capable of 4500 GPM flows at 20 psi for 2-hour duration. Allowance of up to 50% will be granted for fire sprinklers.
 - c. Each building shall have a Class 1 standpipe system.
 - d. Each building shall have a manual and automatic fire alarm system.
 - e. Central station monitoring shall be required for all fire sprinkler systems in each building if the fire sprinkler system is designed per NFPA 13 standards. If each unit is individually sprinklered, then each system shall have its own local alarm bell.
 - f. Lock boxes shall be required at each driveway entry gate. A Fire Department switch is required at the main gate.
 - g. Fire extinguishers shall be required throughout.
54. A project site plan (minimum 4 feet square) indicating all buildings and travelways shall be posted at each vehicular street project entry in such a manner as to provide orientation and direction for visitors and emergency response teams. The location and design of the directional layouts shall be provided on the building permit.

PRIOR TO CONSTRUCTION MATERIALS BEING BROUGHT ONTO THE
PROPERTY

55. All weather access road shall be installed and maintained per Article 9 of the Hayward Fire Code;
56. Hydrants and permanent water supply shall be required per Article 9 of the Hayward Fire Code;
57. Required water system improvements shall be completed and operational prior to the start of combustible construction;

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 &
VARIANCE NO. 98-180-04 – CONDITIONS OF APPROVAL

58. Minimum 24 feet wide all weather access road engineered for 50,000 pound gross vehicle weight;
59. Fire hydrant is required (4,500 gallons per minute with 20 pound per square inch).

DURING CONSTRUCTION

60. Fire Department access shall be provided during all phases of construction as specified and upon completion of the project.
61. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas. inactive for lo-days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
62. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction **BMPs** will result in the issuance of correction notices, citations or a project stop order.
- 6 3 . Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan. Project related delivery and haul truck operations on **offsite** access roads shall be limited to daytime, weekday, non-holiday hours (8:00 a.m. to 5:00 p.m.) unless otherwise approved by the City Engineer.
64. A representative of the soils engineer shall be on the site during the grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
65. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The applicant/developer shall require the soils engineer or representative to daily submit all testing and sampling reports to the City Engineer.
66. The applicant/developer shall reestablish ground cover immediately following completion of grading, or when construction will be postponed for more than one month in order to reduce erosion and runoff.

PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY

67. The final map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a certificate of occupancy of any unit.

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 &
VARIANCE NO. 98-180-04 – CONDITIONS OF APPROVAL

68. If the dwelling units are to be rented out prior to any sale as a condominium, the property owner shall disclose within all rental agreements that the project has been approved as a condominium project and that the unit may be sold upon notice.
69. The applicant/developer shall be required to pay park in-lieu fees according to City code. Fees shall be paid prior to the date of the final inspection or the date the certificate of occupancy is issued for the development, whichever occurs first.
70. Prior to the sale of any condominium, the applicant shall create a homeowners association and shall record the **CC&R's**. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. The property owners association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping.
71. Mailboxes shall be grouped within covered decorative shelters that provide adequate area for storage of larger parcels and a receptacle for trash. The design, material and color of these structures shall be consistent with the overall project design theme.
72. Alarm system with central station monitoring required for manual and water flow alarms. Annunciation panels for the entire complex shall be located at each driveway entry and annunciation panels for individual buildings shall be located at each building entry point. The buildings should be zoned for alarm location.
73. Smoke detector system required in dwelling units as per the Uniform Building Code.
74. Fire extinguishers shall be required. Minimum size and type shall be 2A: 10BC, five pound dry chemical. Spacing shall be 75 feet of travel.
75. Automatic fire extinguishing sprinkler system required with Fire Department connections to be located at driveway entry points on both Amador Avenue and interconnected to allow Fire Department to pressurize system from either point.
76. Trash areas shall conform to the Hayward Fire Department standards and be of noncombustible construction;
77. Each space shall meet requirements for defined occupancy classification.
78. All curbs fronting travel ways where parking is not located, shall be red striped and posted as fire lanes.
79. Hazardous materials use and storage must meet the requirement of the City of Hayward Fire Department (specifically the pool chemicals).
80. Applicant/developer shall contact the City of Hayward Fire Department, Hazardous Materials Section.

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 &
VARIANCE NO. 98-180-04 – CONDITIONS OF APPROVAL

81. The applicant/developer shall provide each homeowner with an information pamphlet, approved by the Hayward Police Department that describes the City's Neighborhood Watch program and encourages the homeowners' association to establish a Neighborhood Watch or similar program for the development.
82. The applicant/developer shall pay the required Water Facilities Fee and the Sewer Connection Fee for each dwelling unit at the rates in effect when utility service permits for each dwelling are issued.
83. A Certificate of Substantial Completion (Landscaping) and Irrigation Schedule shall be submitted to the City Landscape Architect prior to the occupancy of any units.
84. The applicant/developer and/or property owner shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per Hayward Municipal Code Section 11-2.07.
85. All driveways shall be designed per City Standard Details (SD-110). All existing driveways not used for project access. shall be removed and replaced with new curb, gutter and sidewalks.
86. All broken or damaged curb, gutters and sidewalks along property frontage shall be removed and replaced.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING
COMPLETED

87. All tract improvements, including the complete installation of all improvements relative to streets, fencing, walls, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
88. The subdivider shall submit "as built" plans indicating the following:
89. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, Cable TV, etc.; and
90. All site improvements, except landscaping species, buildings and appurtenant structures.
91. Prior to the City setting the water meters, the subdivider shall provide the Water Division with certified costs covering the installation of public water mains and appurtenances.
92. Trash enclosures and/or recycling area(s) shall be completely covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to the sanitary sewer. Sanitary connections are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.

VESTING TENT. MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 &
VARIANCE NO. 98-180-04 - CONDITIONS OF APPROVAL

93. All on-site storm water inlets shall be painted “No dumping – Drains to bay”.
94. Keys or access codes to the automatic gate opener shall be provided to the City of Hayward Utility Division for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.2; and

ONGOING REQUIREMENTS

95. Prior to the sale of any of the units as condominiums, the water system shall be retrofitted to City public water system standards and each dwelling unit shall have a separate water meter and lateral to the public main unless otherwise approved by the City Engineer.
96. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

CITY OF CONCORD
 COMMUNITY DEVELOPMENT DEPARTMENT
 PERMIT CENTER
 1950 Parkside Drive, MS/24
 Concord, California 94519-2578

Telephone: (925) 671-3454
 Fax: (925) 671-3381



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Edward R. James, City Mgr./Exec. Director

August 31, 1998

Ms. Linda Bennet
 Planning Commission Chairperson
 City of Hayward
 Department of Community and Economic Development
 777 B Street
 Hayward, CA 94541-5007

RECEIVED

SEP 03 1998

DEVELOPMENT REVIEW SERVICES

RE: Sobrato Construction Company

Dear Ms. Bennet:

I would like to take this opportunity to comment on Sobrato Construction, and a project they are currently working on in the City of Concord. The Cascade Apartments is a large 218 unit apartment complex that had fallen in to disrepair and was improperly managed for some time. As I am sure you can imagine, the property caused numerous problems for the City.

Sobrato Construction has taken on the task of completely renovating the entire project. Prior to beginning the renovation, staff from Sobrato Construction met with City personnel from the Building, Planning and Housing divisions to discuss their plans for the project. Their expertise and professionalism from the beginning of the project has never faltered. I recently walked through the project with City Manager and the Building Official, and we were very impressed with the turn around that is occurring with this problem property.

The City has been very pleased with the work of Sobrato Construction, and looks forward to working with them on other projects in the City of Concord. If you have any questions or would like additional information, please call me at (925) 671-3048. I hope this information is helpful to you.

Sincerely,

Bill Reeds
 Director of Community Development

M:\CD\ADMIN\sobrato.doc

cc: ~~Mr.~~ Charlie Mullen, Planning Commissioner
 Mr. Edward Bogue, Planning Commissioner
 Mr. Jerry Caveglia, Planning Commissioner
 Mr. Roger N. Fish, Planning Commissioner
 Ms. Barbara Halliday, Planning Commissioner
 Mr. Glenn Kirby, Planning Commissioner
 Mr. Robert A. Williams, Jr., Planning Commissioner
 Mike Breuner, Sobrato Construction Company

Exhibit E

SEP 03 1998

EDWARD L. PACK ASSOCIATES, INC.13980 BLOSSOM HILL ROAD, SUITE 100
LOS GATOS, CA 95032*Acoustical Consultants*TEL: 408-723-8900
FAX: 408-723-8099September 1, 1998
Project No 30-003-3Mr. Mike Bruner
Sobrato Development Companies
10600 DeAnza Boulevard
Suite 200
Cupertino, CA 95014CHARLIE
583-36492795
-
✓

Subject: Noise Analysis of ANG Newspaper Truck Traffic, Review Way, Hayward

Dear Mr. Bruner:

This report will provide you with an analysis of ANG Newspaper trucks on Review Way in Hayward to address the concerns of Mr. Patrick Brown of ANG Newspapers. Conversations with Mr. Brown revealed that the present news facility will most likely be demolished and rebuilt into a printing only facility. At the time of the acoustical study for the project site, 15 trucks accessed the news facility each day, and they used the driveway along Amador Street. However, the concept for the new facility will, under a worst-case condition, generate 15 newspaper trucks and 5-10 semi tractor/trailer trucks during the daytime hours of 7:00 a.m. - 10:00 p.m. During the nighttime hours, S-IO newspaper trucks and no semi trucks are expected. The anticipated route would carry the trucks under the West Winton Avenue overcrossing and along Review Way, adjacent to the development site, and out to Amador Street.

To determine the level of noise that would be generated under the above described scenario, noise level data of newspaper trucks and semi-trailer trucks was acquired. A newspaper truck will generate a noise level 67 dBA L_{eq} over a 15 second passby time at a distance of 80 A., which is the minimum distance from a dwelling unit to the truck route. The L_{eq} is the acoustical average of a noise source. The averaging of noise is mandated by the City standards.

- 2 -

A semi-trailer truck will generate 75 dBA L_{eq} over the same time period and distance. As the City of Hayward standards are in terms of the Day-Night Level (DNL), which is a 24-hour time-weighted average, the hourly L_{eq} for the daytime news trucks and semi's will be 65 dBA with all trucks occurring within a 1 hour period. Because the noise levels are averaged it does not matter if all trucks occur at one time or are spread out over the daytime period. The nighttime L_{eq} for 20 news truck trips would be 59 dBA. Note that there will be two truck passbys for each expected truck operation (ingress and egress). Thus, there will be 30 daytime news trucks and 20 daytime semi trucks.

The DNL was calculated using the standard formula, as described in the original acoustical study. The DNL for the truck passbys on Review Way will be 55 dB at a distance of 80 ft. The noise exposure due to West Winton Avenue traffic will be 64, 65 and 66 dB DNL at the first, second and third floor building facades along Review Way, respectively. As the truck-generated noise exposure will be approximately 10 dB below the existing ambient noise environment, the trucks will not add to the noise environment.

Please be aware, however, that truck noise at night or early morning may be a source of annoyance for some sensitive residents. ANG Newspapers, in its' diligence to be a good neighbor, should maintain truck mufflers and brakes, and train drivers to be aware of noise sensitive areas. The use of Review Way as a means of ingress and egress to the news facility should be minimized when possible.

This report presents the results of a truck noise analysis of ANG newspaper trucks along Review Way in Hayward. The study findings were based on information provided by ANG Newspapers and are correct to the best of our knowledge. If you have any questions, please call me.

Sincerely,

EDWARD L. PACK ASSOC., INC.



Jeffrey K. Pack
President

MINUTES

DRAFT

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers, Thursday, September 3, 1998, 7:30 p.m. 777 "B" Street. Hayward, CA 94541

MEETING

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

ROLL CALL

Present: **COMMISSIONERS** Bogue, Caveglia, Fish, Halliday, Kirby, Williams
CHAIRPERSON Bennett

Absent: **COMMISSIONER** None

Staff Members Present: Anderly , Bartlett, Borger, Calame, DeLuz, Frascinella, Mullen, Murphy

General Public Present: Approximately 40

PUBLIC COMMENT

Barbara Sachs, 1439 Almeira Drive, expressed concern over the projected closure of Western Gardens Nursery and asked for consideration of their circumstances during next week's Planning Commission meeting. At that time, Commissioners will consider the application proposal for development of the present site of the Nursery. She said the Commission can do two things: make the developers happy by approving the proposal and find a new site in the City for relocation of the Nursery. She added that she enjoys the store and what it has to offer.

AGENDA**1. ELECTION OF OFFICERS**

Commissioner Halliday recognized and thanked Commissioner Bennett for her service as Chairperson of the Commission this past year. She then moved, seconded by Commissioner Kirby, to nominate Commissioner Williams as Chairperson, Commissioner Fish as Vice Chairperson, and Commissioner Caveglia as Secretary. The motion passed unanimously. Commissioner Williams then took his seat as Chairperson and continued the meeting.

PUBLIC HEARINGS

2. VESTING TENTATIVE MAP TRACT 7031, SITE PLAN REVIEW 98-130-06, & VARIANCE 98-180-04 - SOBRATO DEVELOPMENT CO. (APPLICANT), NAROM DEVELOPMENT CO. & UNION PACIFIC RAILROAD CO. (OWNERS):

A) VESTING TENTATIVE MAP - Request to subdivide three parcels totaling 6.18 acres into 159 residential condominium units.

- B) SITE PLAN REVIEW - Request to construct 8 three-story buildings for 159 residential condominium units. The metal industrial buildings on the site would be demolished and replaced by the proposed project.
- C) VARIANCES - Request to allow carports and trash enclosures to be set back 5 feet from a rear property line (abutting railroad tracks), where a minimum of 20 feet is required; and to allow walls and fencing from between zero to 7 feet from a side street yard property line (abutting Review Way and Moran Court), where a minimum of 10 feet is required.

The project site is located at 33-49 West **Winton** Avenue, northeast corner of Amador Street in a Commercial Office (CO) district.

(CONTINUED **FROM JULY 30, 1998**)

Associate Planner Mullen noted that the application was continued at the request of the applicant because two commissioners were absent from the previous meeting. He indicated that staff had reviewed the Neighborhood Plan and concluded that the proposal was not inconsistent with the Plan and would be complimentary to it. Staff also met with five of the nine-member Task Force for further input. Reservations were expressed and questions were asked by the members. After reviewing all of the information, four out of five of the members said they would support the proposal. Associate Planner Mullen also answered a number of questions and concerns previously stated by Commissioners with regard to density, noise, hazardous material and the General Policies Plan.

Public Hearing Opened at 7:51 p.m.

Michael Bruner, Sobrato Interests II, 10600 North **DeAnza** Boulevard, Suite 200, Cupertino, representing the applicant, indicated that this site is a good candidate for high density residential development rather than retail or commercial business. He described various amenities in the proposal and said the complex would be staffed with 24-hour management to deal on-site with any problems that might occur. He indicated that as a result of their complex development in San Jose, they understand the issue of sound. Sobrato will be the builder and manager of the complex in order to make sure it is a sound investment. It will be built to condominium standards. He said that developers in California are liable for the first 10 years and at risk for lawsuits. Sobrato prefers to hold the properties until the 10-year statute of limitations for latent defects is over. He added that they are in the business to build the project and serve the clientele who lives in it during that period of time.

Commissioner Halliday referred to the letter from the Alameda Newspaper Group regarding their publishing noise at night, and expressed concern about the noise issue. She suggested that Sobrato inform all residents who move into the project that there are problems.

Mr. **Bruner** indicated that, as long as it is not a deed restriction but part of the conditioning process, they had no problem with her request. He added that when they begin selling the units they will be required to fully disclose any problems.

Elmer Kriewaldt, 473 **Banbury** Street, member of the Santa Clara Neighborhood Task Force, indicated that he is in full support of the project. He said he had some concerns initially, but after seeing the Sobrato projects in San Jose and Fremont, he was impressed with the quality of the developments. He said there is a need to build a better image of Hayward and this will be built to a higher specification. If it were a small project, it probably wouldn't do much.

But with this taking all of the land, it should be an asset to the area and to Hayward. He encouraged Commissioners to approve the project.

Ken Price, 24810 Willimet Way, another Task Force member, agreed. He said he, too, had initial reservations about the project but after reviewing the proposal, it looks like a quality project. After listening to the pros and cons and viewing the other two Sobrato projects, he agreed that it would be an asset to the community.

Gordan Galvin, 698 Maud Avenue, executive director of the Rental Housing Owners of Southern Alameda County, expressed support for the project. He said their mission statement calls for the organization to preserve and enhance the rental housing in the communities they serve. This project is a winner for the City of Hayward. Sobrato's commitment and involvement with the project is good for the stability of the renters. It would add much needed upscale housing to the City.

Frank Fragomeni, 4853 Proctor Road, Castro Valley, said he owns a building nearby with an espresso bar and restaurant. He thinks this type of project will help sell Hayward.

Kenneth Harmeyer, 23845 Ida Lane, also a member of the Task Force, said he was not in support-of the project because of various concerns. He said the cost of housing in this project is not feasible for Hayward. He added that he does not understand how this can work at the rents proposed.

Public Hearing Closed **8:27** p.m.

Commissioner Fish said the project is an improvement for Hayward. The developers will be committed to see that it works for at least the next 10 years. He said he could see no reason not to support the project. He **moved**, seconded by Commissioner Bogue, to approve sending both the proposal and negative declaration to Council.

Commissioner Caveglia said he thought Mr. Harmeyer made some valid points since there are obviously going to be problems with sites like **this**. He said he would support the motion and hope it does not become a blight on the area.

Commissioner Kirby said that he had expressed concerns at the previous meeting that had in part been answered. He still thinks this is a problem site but may be best for residential use rather than remaining vacant. He said Sobrato has a good reputation and he is intrigued by the builder/owner concept. It should keep its value better during the period of time they are holding it. He added that the market will determine the rents as well as the value of the units.

Commissioner Bennett said she had been vacillating between whether or not this is the appropriate project for this area. She agreed that this is a difficult location and expressed concern about the noise from the railroad. She said she had hoped the road along the tracks could have been expanded for a traffic corridor. She would reluctantly support the project even with the horrendous traffic problems in the area.

Commissioner Halliday said she appreciated the information made available to the Commission following the previous meeting. She was particularly pleased to hear from members of the Santa Clara Task Force. She said she too had questions as to whether this is the right project for this location and appreciated Mr. Harmeyer's concerns. However, she recognized the quality of the work Sobrato does and with discussion at this meeting of the Redevelopment Agency amendment, this project may be the catalyst for moving the area forward. She added that she would like to ask for a friendly amendment the motion to include a condition requiring residents to be informed about the noise problems in the area.

Commissioner Fish denied her request saying he saw no point for the addition of the condition.

Commissioner Halliday then asked that the developer let potential residents know of the noise problems without the condition. She added that after listening to everyone, she would reluctantly support the motion in the spirit of redevelopment in that area.

Chairperson Williams said he too would support the motion since it is zoned properly and meets the General Plan conditions. This is a developer-funded project and is not asking the City for any funds. It is something positive to relieve the tax burden on the people.

The motion passed unanimously.

3. **TEXT CHANGE APPLICATION NO. 98-140-02 - JACK VAN VOAST (APPLICANT)** - Text change request to amend Section 10-1.401 c. (10) of the Industrial District to allow a mobile home(s) for an employee/attendant's sleeping quarters in conjunction with a commercial kennel.
(CONTINUED FROM JULY 30, 1998)

Assistant Planner DeLuz described the proposal and said that presently there are two mobile homes on the property which have been installed without permits. He said that mobile homes are inconsistent with present regulations and approval of the amendment may set a precedent. He added that staff is recommending approval to the City Council of the Negative Declaration and denial of the text change amendment.

Public Hearing Opened 8:56 p.m.

Jack Van Voast, 4125 Breakwater Avenue, applicant, cited a number of sources who indicated that dogs do better with a home environment when at a kennel. He showed a video tape of the area. He said his business needs someone with the dogs 24-hours a day for their health and well-being. He repeated that he is asking for a text change for kennels only and not in general. He indicated that he is not inclined to build on the site since he is not the owner of it. He is negotiating his present lease for a possible five-years and if he has to leave, he can take his home with him.

Nicole Row, 4125 Breakwater Avenue, said it is good for the dogs to have an open kennel situation. The dogs are healthy and quiet. Living on site has also given her a sense of responsibility.



ITEM NO: 2 (Continued)

AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD

MEETING OF
September 3, 1998

T O : Planning Commission

FROM: Dyana Anderly, Development Review Services Administrator

SUBJECT: VESTING TENTATIVE MAP TRACT 7031, SITE PLAN REVIEW NO. 98-130-06 & VARIANCE NO. 98-180-04 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT), NAROM DEVELOPMENT COMPANY AND UNION PACIFIC RAILROAD COMPANY (OWNERS):

DISCUSSION:

At the Planning Commission's July 30, 1997, meeting, the applicant requested a continuation of the hearing to September 3. The request was prompted by there being only five Planning Commissioners in attendance. At the July 30 meeting some Planning Commissioners expressed concern that the proposed residential project was apparently not in keeping with the Santa Clara Neighborhood Plan. The land use policy of the neighborhood plan relating to the property at issue states:

Support a mixed-use project for the property immediately north of Winton and south of Centennial Park, which is compatible with the adjacent office uses. The City should consider such a project which could include both commercial and residential development. New development proposals shall mitigate any soil contamination problems and any other environmental impact

Staff concluded from this policy that residential development would not be precluded at the site and that, given the surrounding commercial development, the greater West Winton/Amador area would result in complementary (mixed-use) residential/commercial uses. The following is an excerpt of the Santa Clara Neighborhood Plan as it speaks to the "Narom Property."

*The Narom property (previously Iron Oak Supply) is located between the north side of West Winton Avenue and Centennial Park. This site was subject to a General Plan Amendment the development of up to 208 apartments on 5.5 acres. The Task Force discussed the merits of continuing to support existing city policy for higher density residential development at this location. The group concluded that although recent residential development (Diamond Crossing condominiums) south of Winton Avenue and next to the railroad tracks has recently **been** finished, the Narom property would be more well-suited for additional development under Retail and Office Commercial land use category.*

The Task Force recommends a change to a non-residential use because of the lack of existing residential uses on the north side of Winton Avenue near this particular location. Although this site could support residential uses, as seen through previous development application approvals for apartments, the Task Force believes that a change in land use policy is warranted. The task Force is supportive of a mixed-use project, but at this time has no other specific recommendation. In order to address the existing general plan/zoning inconsistency here, a zoning change to CO (Commercial Office) is also a suggestion of the Neighborhood Plan. However, it is also the policy of the neighborhood plan to encourage a Planned Development District approach to considering future projects on this site because of the limited access along Moran Court and Review Way.

As indicated during the hearing, the former members of the Santa Clara Neighborhood Task Force were apprised of the project on two occasions during the initial review period. No one responded to requests for comments on the project. Subsequent to the July 30 Planning Commission hearing, staff invited former task force members (both written and follow-through telephone invitations) to meet at city hall to discuss the project. Of the nine former members, staff was able to reach seven, and five members accepted the invitation to review the project. On August 18, the following individuals attended: Bud Adams, Roger Campbell, Ken Harmeyer, Elmer Kriewaldt, and Ken Price. The developer also attended the meeting. The merits of the location and the project were pointed out, including:

- ✓ Proximity to major job center and the I-880 corridor.
- ✓ Proximity to shopping - Jackson Amador Center and Southland Shopping Center.
- ✓ Proximity to public transportation (bus route on Winton and BART).
- ✓ Proximity to parks (Centennial and Birchfield).
- ✓ Designed as "executive" housing, with large unit sizes (781 to 1,112 s.f.), upgraded amenities, including high and vaulted ceilings, fire places, business center.
- ✓ The project is a quality design which 'would upgrade a run-down area with a neglected building and includes landscaping of City property.
- ✓ Proximity to Park Elementary School and Winton Intermediate School. Dr. F. Kruger of the Hayward Unified School District indicates that there is capacity at Park Elementary School and Winton Intermediate School to accommodate students generated from the project.

Reservations about the project expressed by former task force members include:

- ✓ Traffic, and skepticism about the traffic report which concludes that the project would not result in further degradation of the level of service at nearby intersections. (Residential development would contribute less traffic than office development.)
- ✓ The anticipated monthly rents (\$1,000-\$1,400) could not be achieved (one member)
- ✓ They would serve peninsula workers, not Hayward residents (one member).
- ✓ Gentrification and buildings are too high (one member). For comparison purposes a five-story office building to the west across Amador is 82 feet high.

Vesting Tent. Map Tr. 7031, Site Plan Review NO. 98-130-Y & Variance No. 98-180-04- Sobrato Development Companies (Applicant)

Four of the five former task force members indicated they would support a residential project at the site as long as it was of a high quality as is proposed by Sobrato Development. They indicated that during the neighborhood plan process they did not recommend residential development on the Narom property because they had envisioned the type of rental properties currently located along Amador Street, which they indicate they did not want to see continued. However, because the project at hand would "bring up the image" of Hayward, and would be "an asset" to the area, they would support this residential project at the site. One member said he had mixed emotions but would support the project if the traffic congestion would not be exacerbated.

Project Density

The corrected project density would be 32.5 units per net (minus streets) acre. In comparison, the recently approved Lincoln Property multiple-family project, at the northeast corner of D and Grand Streets will have a density of 39.9 units per net acre, while Atherton Place, just south of City Hall, has a density of 30 units per net acre.

Environmental Review

Attached to this report are copies of the summary text portions of the traffic, noise and hazardous materials reports that were prepared for the project, but which were inadvertently left out of the previous staff report. A representative of the traffic engineering firm that prepared the traffic impact report for the project will be in attendance.

Prepared by:


Dyana Anderly, A.I.C.P.
Development Review Services Administrator

Attached Exhibits:

- A Planning Commission Report of July 30, 1998
 - B Traffic Report
 - C Noise Report
 - D Hazardous Materials Reports
 - E 2 Public Comment Letters
- Site, Floor, Elevation and Landscape Plans

K:\Project Files 98\Tract Maps\W Winton Ave Sobrato Dev_TR7031_SPR98-130-06\PC Report - 9-03-98.doc



ITEM NO: 2

**AGENDA REPORT
PLANNING COMMISSION ■ CITY OF HAYWARD**

MEETING OF:
July 30, 1998

TO: Planning Commission

FROM: Charles Mullen, Associate Planner
Jeanette E. Peck, Development Review Services Engineer

SUBJECT: SITE PLAN REVIEW NO. 98-130-06, VARIANCE NO. 98-180-04 & VESTING TENTATIVE MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT), NAROM DEVELOPMENT COMPANY AND UNION PACIFIC RAILROAD COMPANY (OWNERS):

- A. SITE PLAN REVIEW - Request to construct 8 three-story buildings for 159 residential condominium units. The metal industrial buildings on the site would be demolished and replaced by the proposed project.
- B. VARIANCES - Request to allow carports and trash enclosures to be set back 5 feet from a rear property line (abutting railroad tracks), where a minimum of 20 feet is required; and to allow walls and fencing from between zero to 7 feet from a side street yard property line (abutting Review Way and Moran Court), where a minimum of 10 feet is required.
- C. TENTATIVE MAP - Request to subdivide three parcels totaling 6.18 acres into 159 residential condominium units.

The property is located at 33-89 West Winton Avenue near the northeast corner of Amador Street in a Commercial Office (CO) District.

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

1. Find that the attached Negative Declaration documents are complete and final in accordance with the California Environmental Quality Act Guidelines and reflect the independent judgement of the Planning Commission; and
2. Approve the Site Plan Review, Variance and Vesting Tentative Map applications, subject to the attached findings and conditions.

**SITE PLAN REVIEW NO. 38-130-06, VARIANCE NO. 98-180 & VESTING TENT.
MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)**

DISCUSSION:

Property Description

The level 6.18 acre site is located on the north side of West Winton Avenue, the east side of Amador Street, and the west side of the Union Pacific Railroad (UPRR) tracks. Presently there is an abandoned metal industrial building on the site, but the site is mostly vacant. West Winton Avenue rises to cross over the UPRR tracks adjacent to the site and ranges from 5-feet to 30-feet above the site elevation. The railroad tracks rise above the site approximately 2-feet.

Adjacent Land Use and Zoning

North - Centennial Park, zoned Agricultural District.

East - Union Pacific Railroad tracks and industrial uses beyond, zoned Industrial District.

south - West Winton overpass and the Daily Review building beyond, zoned General Commercial District.

West - Amador Street and office buildings beyond, zoned Commercial Office District.

Project Description

The applicant, is requesting to construct 8 three-story buildings for 159 residential condominium units, with a private recreation facility, pool, and spa. The project contains large one and two bedroom units. While the housing units would be developed as ownership condominium units, the applicant intends to rent the units initially with the option to sell them in the future. With the exception of several setback variances being requested for carports, trash enclosures and fencing, which are discussed below in more detail, the project complies with all land use development standards required for multiple-family residential condominiums.

Project Density:

The project has a density of 28.0 units per acre. In comparison, the recently approved Lincoln Property multiple-family project, at the northeast corner of D and Grand Streets will have a density of 39.9 units per net acre, while Atherton Place, just south of City Hall, achieved a density of 30 units per net acre.

Project Access and Internal Streets:

The project will be accessible from Amador Street via a main and secondary entrance. An emergency vehicle access would also be provided to Moran Court at the southeast corner of the site. The main entry would allow for 8 visitor parking spaces in front of the club house building. Adjacent to the visitor parking would be an automatic security gate for access to the project: The secondary entrance would also include an automatic security gate.

Circulation within the project is primarily from a loop road, which connects to both gated entries. All driveway aisles provide minimum required width of 24 feet. An emergency vehicle turf block fire land would be provided near the center of the project.

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MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)**

Unit Type:

The project unit mix contains 84 one-bedroom units and 75 two-bedroom units. The units are single-story stacked and are well designed with large spacious layouts. The one-bedroom units range from 781 to 923 square feet in area. Two-bedroom units range from 1,062 to 1,112 square feet in area. Each unit will have self-contained utility and laundry facilities. The applicant is considering adding fireplaces to some of the units.

Building Design:

The 8 three-story buildings will consist of four building types with a similar contemporary building design. All buildings are walk-up-type (no elevators) and have two sets of stairwells located adjacent to the covered building lobbies. An interior hallway corridor connects the stairwells on the second and third floor levels of buildings.

Staff believes the contemporary buildings are attractive and well designed and meet the City's Design Guidelines. The structures provide substantial articulation, which is achieved by the inset balconies, change of materials and by protruding and recessed wall elements. A pitched and gabled roof system provides different roof planes helping to breakup the building mass, add design interest to the structures, and create a sense of identifiable individual units. Staff recommends adding decorative chimney flues to help break up the roof planes of the 161 foot long buildings (COA # 5).

The ground floor and portions of the second and third floor would have 12-inch horizontal lap board siding. The recessed portions of the buildings would have 6-inch horizontal lap board siding. Stucco column elements are placed at the front building entrances to identify these entries and to break up the horizontal siding. The side building entrances include a projecting gabled roof element. The numerous windows, decorative wood lattice railings and other facade details also add to the quality of the building design. The roof material is proposed to be an asphalt composition shingle, which staff recommends to be a high quality heavy butt "architectural quality" composition shingle (COA # 5). The placement of Building #1 at the Amador Street frontage helps to create a quality streetscape appearance. The proposed color scheme will consist of two tan siding material colors, white trim, a forest green accent and greenish/gray roof material.

The clubhouse design and building materials would be consistent with the residential buildings, yet it will be an identifiably different building.

The project includes 14 detached carport structures that have gabled roofs that incorporate siding and roofing material used on the residential buildings.

Off-Street Parking

The off-street parking requirements for multiple-family housing, including condominiums, are 1.0 covered and 0.70 open spaces per one-bedroom unit and 1.0 covered and 1.10 open spaces per two-bedroom unit. This 159-unit project has a parking requirement of 301 parking spaces, of which a **minimum** of 159 spaces must be covered.. The project would provide the required

SITE PLAN REVIEW N^o 98-130-06, VARIANCE NO. 98-180 & VESTING TENT.
MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

301 parking spaces, with 164 covered parking spaces (80 garage spaces in 7 of the buildings and 84 carport spaces in 14 carport structures) and 137 uncovered parking spaces. The garage parking spaces are located under the buildings and have access direct to the interior corridor on the ground floor.

The carport parking spaces are located in buildings containing 6 spaces each, which are located to the outer perimeter of the loop road along four sides of the project. The covered parking spaces are evenly distributed throughout the site for use by the individual units.

With respect to visitor parking, the project would allocate the required 10 percent, or 30 parking space, for this purpose.

Usable Open Space:

The City's open space requirement for multiple-family development is 350 square feet per dwelling unit, which would equate to 55,650 square feet for this project. This requirement is met by approximately 12,870 square feet of group open space and 44,310 square feet of private usable open space for a total of approximately 57,180 square feet. The group open space area includes a **3,513-square-foot** recreation building facility, which will have management offices, conference and business center rooms, fitness room, kitchen, restrooms and shower facilities, and a pool equipment room. The group open space includes a large swimming pool (30' x 75'), spa with curved-trellis, patio area, and grass areas.

Private open space is provided in the form of ground level patios (min. 100 square feet required) for 31 units and private decks (min., 60 square feet required) for 128 units. While the plans indicated that the minimum private deck area for some units would be 54 square feet, the applicant agrees to provide the minimum 60 square feet as required (COA # 5). Both the decks and the ground level patios provide the required 90 cubic feet of storage. The patio yards are to be enclosed with a **5-foot-high** sturdy wood lattice fence material. The project acoustical report states that in order to meet required sound levels for balcony decks within 65 dB DNL, due to traffic noise from West Winton Avenue, that these balconies will require sound mitigation in the form of solid railings or by inserts of Lexan plastic, glass, Plexiglass. The later materials are recommended to maintain the existing design of the balconies (COA # 5).

Landscaping :

The preliminary landscape plan includes a minimum 20-foot landscape planter along Amador Street and minimum 10-foot landscape planter along Review Way and Moran Court. The City's Landscape Architect supports the preliminary landscape plan subject to the recommended conditions of approval (COA # 15).

With the exception of the Amador Street and Review Way street frontage, the perimeter of the property would have an 8-foot high decorative concrete wall. Along Review Way, around the club house, and at other security sensitive locations 6-foot high decorative wrought iron fence is proposed. Several fence and wall location variances are requested and discussed below.

The applicant proposes to use decorative pavement at the main entry area in front of the

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MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)**

recreation building (e.g. Bomanite or concrete brick pavers) which will enhance the visual quality of the project and streetscape.

Trash Enclosures and Mailboxes

Four trash enclosures are shown on the plans. The design of the trash enclosures match the buildings and include a covered roof. Mail boxes are proposed to be located within the lobby area of several buildings.

VARIANCES

As mentioned above in the report, several variances regarding setbacks for carports, trash enclosures, walls and fencing are requested by the applicant. These are as follows:

- a. **To allow the carports and trash enclosure structures to be setback 5 feet from the rear property line where 20 feet is required.**

Staff Comments – Staff supports this request and believes this site has special circumstances applicable to the property in that the location of this property is adjacent to railroad tracks and industrial use beyond. Additionally, this is an irregular shaped lot with a wider than typical rear yard width, almost **800-feet**. Staff believes sufficient landscape planter pockets with trees and shrubs and ground cover will be provided between the carports.

- b. **To allow walls and fencing along Moran Court and Review Way to be setback zero to 7 feet from the side street yard property line where 10 feet is required.**

Staff Comments – Staff supports this request and believes this site has special circumstances applicable to the property in that the location of this property is adjacent to the West Winton Avenue overpass and nonconforming industrial uses beyond. Additionally, the applicant agrees to landscape 20 to 30 feet of unused City right-of-way at Moran Court and along Review Way which compensates for placing the walls and fencing closer than 10 feet to the property line. A decorative wrought iron fence is proposed to allow visual openness.

The purpose of variance provisions is to authorize in specific cases departure from the terms of the Ordinance if not contrary to the public interest, and where special conditions or literal enforcement would result in an unnecessary hardship. The Zoning Ordinance states that the approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- b. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.
- c. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

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MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT)**

Zoning, General Plan and Neighborhood Plan Consistency

The property is designated on the Zoning Map as Commercial Office District. The proposed multiple-family use is listed as a permitted primary use, requiring Site Plan Review for project design and site plan. Because this is a significant project which includes variances and a Vesting Tentative Map the project applications will be reviewed by both the Planning Commission and City Council.

According to the General Polices Plan Map Zoning Consistency Matrix chart the proposed multiple-family residential condominium project is consistent with the General Policies Plan Map which designates the site as "Retail and Office Commercial".

The Santa Clara Neighborhood Plan, July 1995, discusses this site and included General Plan changes and zoning changes to reflect current development patterns in the area. While the plan encourages a mixed use development project for this site, the proposed multi-family land-use project is consistent with the General Policies Plan, and is permitted as a primary use in the Commercial Office District.

The proposed project is consistent with the Zoning Ordinance, General Polices Plan Map and Santa Clara Neighborhood Plan.

Environmental Review

In accordance with the California Environmental Quality Act Guidelines, a mitigated Negative Declaration and Initial Study Checklist Form of environmental impact determination were posted in the City Clerk's office and the libraries. On July 10, 1998, a notice of their availability for review was mailed to all property owners and occupants within 300 feet of the perimeter of the property. Mitigations for noise attenuation and requirements that a sewer service capacity study and building vibration study be completed prior to submittal of a Building Permit are required (COA's # 30 & 52). Staff recommends that the Planning Commission recommend that the City Council approve the mitigated Negative Declaration of environmental impact determination attached as Exhibit "E."

PUBLIC HEARING NOTICE

On May 5, 1998, a preliminary meeting was held with the owners and subdividers: No adjacent property owners or tenants attended the meeting. 'Al Reynolds, representing the Eden Gardens Parkwest Homeowners' Association, was pleased that there would be a soundwall along the railroad tracks.

On July 20, 1998, a notice of the Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the property and other interested parties.

SITE PLAN & VIEW NO. 98-130-06, VARIANCE NO. 98-180-04 & VESTING TENT.
MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES- (APPLICANT)

CONCLUSION

Staff supports the proposed development applications and believes the project is well designed and will be a significant enhancement to West Winton Avenue and Amador Street. With the exception of several variances the project is in compliance with all multiple-family residential condominium development standards. The variances requested are minor and would not impact surrounding properties. Most conditions of approval are standard, with the exception of those pertaining to design, open space, landscaping, fencing, noise, sewer and vibration.

Prepared by:



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and



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Development Review Services Engineer

Recommended by:



Dyana Anderly, AICP
Development Review Services Administrator

Attached Exhibits:

- A Findings for Approval for Site Plan Review 98-130-06 and Variance 98-180-04
- B Findings for Approval for Vesting Tentative Map Tract 7031
- C Conditions of Approval for Site Plan Review 98-130-06, Variance 98-180-04 & Vesting Tentative Map Tract 7031
- D Area Map
- E Negative Declaration and Initial Study
Vesting Tentative Map Tract 7031
Site, Floor, Elevations, Landscape Plans

CITY OF HAYWARD

FINDINGS FOR APPROVAL
SITE PLAN **REVIEW** 98-130-06 &
VARIANCE APPLICATION NO. 98-180-04
Sobrato Development Companies (Applicant)

Request to construct 8 three-story multiple-family residential buildings for 159 condominium units and request to allow carports and trash enclosures to be setback 5 feet from a rear property line (abutting railroad tracks), where 20 feet is required; and to allow walls and fencing from between zero to 7 feet from a side street yard property line (abutting Review Way and Moran Court), where 10 feet is required.

Based on the information presented in the staff report and the public hearing, the Planning Commission, does hereby **find**:

- a. That the Planning Commission approves the attached mitigated Negative Declaration, finding that the document is complete and **final** in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgement of the Planning Commission.
- b. The 159 condominium unit project, as conditioned, will not impair the character and integrity of the Commercial Office Zoning District and surrounding area, as the uses should be compatible with surrounding offices, park, and industrial land uses.
- c. The project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that other multiple-family housing projects exist on in the vicinity on Amador Street.
- d. The project as conditioned, will be in harmony with applicable City policies, including the Design Guidelines and Design and Performance Standards for multiple-family residential uses.
- e. The project, as conditioned, is consistent with the Santa Clara Neighborhood Plan, in that multiple-family use of this property was discussed in the plan.
- f. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district, in that the location of this property is adjacent to railroad tracks, the West Winton Avenue overpass and industrial use beyond. Additionally, this is an irregular shaped lot with a wider than typical rear yard width, almost 800-feet. Sufficient landscape planter pockets with trees and shrubs and ground cover will be provided between the carports and the applicant agrees to landscape 20 to 30 feet of unused City right-of-way at Moran Court and along Review Way a decorative wrought iron fence is proposed to allow visual openness.

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- g. The literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, in that the location of this property adjacent to railroad tracks, the West Winton Avenue overpass and industrial use beyond is not typical of other multiple-family housing sites.
- h. The granting of the variance would not be a grant of special privilege inconsistent with the limitations on other properties in the same district, in that other multiple-family sites do not have the similar site constraints.

CITY OF HAYWARD
FINDINGS FOR APPROVAL
VESTING TENTATIVE MAP TRACT 7031
FOR 159 CONDOMINIUM UNITS
Sobrato Development Companies (Applicant)

Request to subdivide three parcels totaling 6.18 acres into 159 residential condominium units.

Based on the information presented in the staff report and the public hearing, the Planning Commission, does hereby **find**:

- a. That the Planning Commission approves the attached mitigated Negative Declaration, finding that the document is complete and final in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgement of the Planning Commission.
- b. The vesting tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the Santa Clara Neighborhood Plan.
- c. ~~The~~ site is physically suitable for the proposed type of development.
- d. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- e. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
- f. The design of ~~the~~ subdivision and the proposed improvements in conformance with the conditions of approval will not conflict with easements for access through or use of, property within the subdivision.
- g. Existing and proposed streets and utilities are adequate to serve the project.
- h. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative tract map is granted subject to the recommended conditions of approval.

CONDITIONS OF APPROVAL
SITE PLAN REVIEW NO. 98-130-06,
VARIANCE NO. 98-180-04 AND
VESTING TENTATIVE MAP TRACT 7031
FOR 159 CONDOMINIUM UNITS
Sobrato Development Companies (Applicant)

GENERAL

1. These applications to construct 8 three-story multiple-family buildings for 159 residential condominium units, shall be constructed and operated according to the plans approved by the City Council on September __, 1998, labeled Exhibit "A" and these conditions of approval.
2. This approval is void two years after the effective date of approval unless a grading or building permit application has been submitted and accepted for processing by the Building Official. Any modification to the approved plans shall require review and approval by the Director of Community and Economic Development/Planning Director.
3. Prior to occupancy, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Director of Community and Economic Development/Planning Director.
4. Prior to issuance of a building permit, the applicant shall submit a Sign Permit Application to the Director of Community and Economic Development/Planning Director for review and approval:
 - a. A sign permit application in compliance with the Hayward Sign Regulations for Multiple-Family Residential Uses, which includes details of all proposed on-site signage.
 - b. The base and framing of a monument sign shall match the architectural design; colors and materials of those used for building.
5. Before issuance of a building permit, the applicant shall submit revised site plan and building elevations to the Director of Community and Economic Development/Planning Director for review and approval which include the following information:
 - a. The applicant shall work with staff to provide roof material that is a high quality heavy butt "Architectural Quality" asphalt composition shingle.
 - b. All fencing and entrance security gates shall be a decorative metal design.
 - c. The color of the decorative 8-foot high masonry wall shall be compatible with the project color scheme.
 - d. Private open space patios and balcony decks shall be provided which meet or exceed the minimum standards for multiple-family residential housing.
 - e. Details of the balcony deck sound mitigation requirements shall be provided.
 - f. Decorative chimney flues shall be used to help break up the roof planes of the buildings.
 - g. A final color and material scheme shall be provided.

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MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

6. The property owner/applicant shall maintain in good repair all building exteriors, awnings, walls, lighting, trash enclosure, drainage facilities, driveways, parking areas, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
7. Public telephone(s) shall be located within the interior of the recreation building, unless otherwise authorized by the Director of Community and Economic Development/Planning Director.
8. The applicant shall provide and maintain exterior lighting for the establishment which is adequate for the illumination and protection of the premises. Lighting shall be installed in such a manner that it does not shine into adjacent properties.
9. No outside storage of material, crates, boxes, etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes.
10. All trash enclosures shall have a covered roof and be designed to match the exterior of the primary structure. Access gates shall be solid decorative architectural metal. The final design shall be approved by the Director of Community and Economic Development/Planning Director before issuance of a building permit.
11. Parking shall conform to the City's Off-street parking ordinance.
12. All parking spaces and aisles shall be paved with Class B, Portland Cement Concrete, or a minimum 3 inches of asphaltic concrete.
13. Parking facilities shall be adequately lighted for safety and security as determined by the City Engineer. The minimum requirement is 1 foot candle of light across the entire surface of the parking area. Exterior light shall be designed, erected and maintained so that light or glare is not directly cast upon adjacent properties or public rights-of-way.
14. Parking and loading spaces shall be provided with a Class B, Portland Cement Concrete continuous concrete curb at least 6 inches in height above the finished pavement and 6 inches thick.

Landscaping

15. Submit to the Landscape Architect for approval before issuance of a building permit a detailed landscape and irrigation plan, prepared by a licensed landscape architect, that conforms to the City's Water Efficient Landscape Ordinance and includes:
 - a. One 24" box street tree is required for every 20 - 40 lineal feet of frontage. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees.
 - b. On Amador Street, Review Way and Moran Court, the park strip between the curb

- 2nd sidewalk shall be planted with trees (where possible) and low growing shrubs 2-3' in height, 2nd maintained by the owner.
- c. Landscaped areas adjoining drives and/or parking areas shall be separated by 2 6" high class "B" Portland Cement concrete curb.
 - d. Parking lot areas shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with 2 landscaped median. All tree wells and medians shall be a minimum of 5' wide. Parking areas shall be screened from the street with 2 continuous 30" high hedge, or masonry wall.
 - e. Vines on 2 trellis, or an upright shrub shall be planted between garage doors.
 - f. A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property along the easterly property line adjacent to the Union Pacific Railroad tracks.
 - g. Masonry or pre-cast concrete walls shall be screened on the street side with vines 2nd shrubs 2nd by vines planted when the wali is placed on 2 property line.
 - h. Provide 2 dense landscape screen with tall shrubs 2nd tree clusters adjacent to the railroad tracks.
 - i. All trees shall be planted according to the City's standard detaii SD-122.
 - j. Trees shall be preserved in accordance with the Tree *Preservation Ordinance*. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit shall be obtained prior to removing any tree 30" in circumference, or larger, measured 2' above the ground. Branches from trees on adjacent property which overhang the site shall be protected during construction with appropriate preservation measures, 2s approved by the City.
 - k. Above ground utilities shall be screened from the' street with shrubs. Any new transformers shall not be located within required front or side yard setbacks.
 - l. The type and quantity of trees shall be installed and maintained per the final approved landscape plan.
 - m. Within 211 landscaped areas a complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained. This system shall utilize a double-check, double-gate backflow device 2nd shall include an individual adjustable flood bubbler to each tree.
 - n. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.
16. A tree removal permit is required prior to the removal of any tree 10 inches or more in diameter. Replacement trees shall be required for any trees authorized for removal as determined by the City Landscape Architect.
17. Prior to the recordation of the final map or grading plan approval, a tree preservation bond or surety shall be submitted equal to the value of all potentially impacted trees. The value of the trees shall be determined by a certified arborist. The bond or surety shall remain in effect for 2 minimum of two years following acceptance of tract improvements. Following the end of this period, the bond or surety will be returned to the applicant/developer if all trees are found to be healthy, thriving, and absent of any evidence of irreversible construction impact.

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18. Prior to building occupancy, applicant shall provide a copy of a minimum 2-year professional maintenance contract or a landscape bond for the project to the City Landscape Architect for review and approval. Landscaping shall be maintained in a healthy weed-free condition at **all** times with replacement plants provided where necessary. Required street trees that are severely pruned or topped shall be immediately replaced.
19. The final design and placement of decorative pavement sections (Bomanite, interlocking pavers, or other approved material) at the main entrance area of the project on Amador Street shall **be** approved by the Director of Community and Economic Development/ Planning Director.

Fences, Walls and Gates

20. The entry security gates shall conform to the City's Security Gate Ordinance.
21. The final design and placement of all fences, walls and gates shall be approved by the Director of Community and Economic Development/Planning Director.

VESTING TENTATIVE TRACT MAP

General

22. Unless otherwise stated, all necessary easements and street rights-of-way shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.
23. All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.
24. All design work shall be performed by **the** applicant/developer's engineer unless otherwise indicated.

Prior to the Recordation of the Final Map

25. Prior to or concurrent with the recordation of the final map, the applicant/developer shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for private streets, including access rights, drainage, public utility easements and other necessary public easements.
26. Concurrent with the submission of the final map the applicant/developer shall submit:
 - a. Copy of the applicant's proposed application for subdivision permit, in the event a permit is required, from **the** California State Department of Real Estate;
 - b. Proposed sale price of each unit; and
 - c. A report describing the manner in which the terms of the declaration of restrictions will guarantee responsible maintenance and repair of the common areas, notwithstanding the escalation of costs, emergency maintenance repairs, and the

replacement of major mechanical and electrical equipment.

27. The applicant/developer shall establish a Homeowners' Association and prepare project CC&R's for the entire development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and City Attorney prior to the approval of the **final** map and include the information required by the City Municipal Code Section 10-3.385 and the following:
- a. A requirement that the garage of each unit be maintained for off-street parking and shall not be converted to living area.
 - b. A requirement that a professional management company be responsible for managing the homeowners' association.
 - c. No individual television antenna or radio transmission or reception antennas shall be **permitted**; a central television reception antenna or enclosed attic antennas shall serve all dwelling units. Any satellite dish shall be ground-mounted and screened from view.
 - d. Awnings shall consist of a material that is resistant to dampness and solar decay. All awnings shall be maintained on a six month basis to prevent deterioration and shall be replaced on a timely basis when needed.
 - e. The homeowners' association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping.
 - f. The homeowners' association shall be responsible for maintaining the common area landscaping and open space amenities. A reserve fund shall be maintained to cover the costs of replacement and repair.
 - g. Open parking spaces shall not be used for recreational vehicles, camper shells, boats or trailers.
 - h. A requirement that the recreational facilities in the common areas shall remain in daily operation except for periodic maintenance as long as the project exists.
28. All abutters' right of ingress and egress along Review Way and Amador Street shall be relinquished to the City of Hayward.

Public Improvements

29. Prior to the approval of the final tract map, plans shall be submitted for review and approval by the City Engineer. Improvement plans shall incorporate the following special design requirements:
- a. All roadways within the project shall meet minimum City standards for private streets within a condominium project and shall be a minimum width of 26 feet.
 - b. The driveable fire access road design with turf block shall be designed and constructed with a minimum width of 20-feet and to withstand 50,000 pounds gross vehicle weight.
30. A sanitary sewer study shall be completed by the applicant/developer's engineer to determine if existing infrastructure is able to serve proposed development required. If the existing infrastructure is inadequate, the applicant/developer shall design and construct any necessary upgrades to the existing infrastructure.

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MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)**

31. The project plans **shall** include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
32. The following Hayward Utility (Water) Division requirements shall apply:
 - a. water meter shall be placed a minimum of 6 feet from sanitary sewer lines, a minimum of 2 feet from top of the driveway flair and shall not cross property lines.
 - b. The applicant/developer shall install remote read water meters as per City of Hayward Utility standards.
 - c. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
 - d. Water service available shall be subject to standard conditions and fees in effect at the time of application to the City of Hayward.
 - e. The minimum separation between the water main and sanitary sewer main shall be 10 feet; separation between the water service line and the sanitary sewer lateral shall be a minimum of 6 feet.
 - f. The applicant/developer shall ensure that the water pressure and flow for fire-fighting will be **sufficient** by designing and constructing the on-site water distribution system in accordance with the requirements of the City of Hayward Public Works and Fire Departments.
 - g. The type and spacing of fire hydrants shall be subject to the review and approval by the City of Hayward Fire Chief.
 - h. Water meters serving existing structures shall be abandoned by the City Water Division personnel at the applicant/developer's expense.
 - i. Add the following notes to future submittals:
 - (i) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 1 1-2.02.1.
 - (ii) Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.
 - (iii) Water service available subject to standard conditions and fees in effect at time of application.
33. A private sanitary sewer system shall be designed in accordance with the requirements of the City of Hayward.
34. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities, i.e., telephone and electrical poles, including transformers.
35. All services to dwellings shall be an "underground service" in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and cable television company regulations.
36. The applicant/developer shall enter into a subdivision agreement with the City and post

- bonds that will secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
37. Prior to approval of the final map or issuance of a building permit, all buried structures, such as water wells, buried, abandoned utility lines, **USTs**, loosely backfilled excavations and septic systems shall be entirely removed. Concrete footings should be removed to an equivalent depth of at least 3 feet below proposed footing elevations or as recommended by the Soils Engineer.
 38. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, and all outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
 39. Prior to approval of the improvement plans or issuance of a building permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

PRIOR TO THE ISSUCANCE OF A GRADING PERMIT

40. The grading plans shall comply with the geotechnical engineering recommendations contained in ***Soil and Foundation Investigation for Proposed Hayward Condominiums West Winton Avenue and Amador Street*** by Engeotech, Inc. dated May 1998.
41. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted 'for the review and approval of the City Engineer in consultation with the **ACFCD&WCD**. The proposed curb elevations shall be not less than 1.25feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line. The project shall not block runoff from nor augment runoff to adjacent properties. The drainage area map developed for hydrology design shall clearly indicate all areas tributary to the project area. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or Alameda County Flood Control District. Roof drainage shall be connected into the on-site drainage system.
42. A detailed soils report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading and building foundation designs shall be submitted for review and approval of the City Engineer.
43. Grading and improvement plans shall comply with the City's Grading Ordinance and the Association of Bay Area Governments' (ABAG) Erosion and Sediment Control Handbook, including requirements to submit an erosion control plan to minimize construction impacts related to soil erosion, sedimentation and water quality. Any graded areas and stockpiled soil which will remain for an extended period of time will be required to be hydroseeded for erosion control. Other recommended measures include stabilized construction entrances, earth dikes and swales, storm drain inlet protection, sediment basins, straw bale dikes, silt fences and check dams. Erosion control measures shall be regularly inspected, monitored

SITE PLAN REVIEW N 98-130-06, VARIANCE NO. 98-181 A & VESTING TENT.
MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

and maintained throughout the construction period.

44. The applicant/developer shall submit a construction Best Management Practice (BMP) program appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into the storm water runoff for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
45. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
46. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance greater than five acres, the developer shall provide evidence that a Notice of Intent (NOI) has been submitted to the (California) State Water Resources Control Board.
47. Prior to the approval of improvement plans or issuance of a grading permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

48. The project shall comply with UBC, UPC, UMC, NEC, Title 24 requirements, and all applicable City amended ordinances.
49. Applicant shall pay the required Supplemental Building Construction and Improvement Tax for the project.
50. Applicant shall pay the required School District Fees.
51. The building permit plans shall comply with the recommendations of the *Noise Assessment Study* prepared by Edward L. Pack & Associates, Inc., dated April 1, 1998.
52. A building vibration assessment shall be prepared prior to submittal of a building permit to determine if any mitigation or special construction requirements will be necessary for this project.
53. The following fire department requirements shall be applicable:
 - a. All buildings shall be fully fire sprinklered as per NFPA 13 standards, or since each unit will be individually metered, the applicant/developer may install individual fire sprinkler systems in each unit as per NFPA 13-D standards.
 - b. On site fire hydrants are required to be installed at every 300 feet of travel. Type of hydrants shall be double steamers capable of 4500 GPM flows at 20 psi for 2-hour

SITE PLAN REVIEW N 98-130-06, VARIANCE NO. 98-18, 34 & VESTING TENT,
MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

- duration. Allowance of up to 50% will be granted for fire sprinklers.
- c. Each building shall have a Class 1 standpipe system.
 - d. Each building shall have a manual and automatic fire alarm system.
 - e. Central station monitoring shall be required for all fire sprinkler systems in each building if the fire sprinkler system is designed per NFPA 13 standards. If each unit is individually sprinklered, then each system shall have its own local alarm bell,
 - f. Lock boxes shall be required at each driveway entry gate. A Fire Department switch is required at the main gate.
 - g. Fire extinguishers shall be required throughout.
54. A project site plan (minimum 4 feet square) indicating all buildings and travelways shall be posted at each vehicular street project entry in such a manner as to provide orientation and direction for visitors and emergency response teams. The location and design of the directional layouts shall be provided on the building permit.

PRIOR TO CONSTRUCTION MATERIALS BEING BROUGHT ONTO THE
PROPERTY

55. All weather access road shall be installed and maintained per Article 9 of the Hayward Fire Code;
56. Hydrants and permanent water supply shall be required per Article 9 of the Hayward Fire Code;
57. Required water system improvements shall be completed and operational prior to the start of combustible construction;
58. Minimum 24 feet wide all weather access road engineered for 50,000 pound gross vehicle weight;
59. Fire hydrant is required (4,500 gallons per minute with 20 pound per square inch).

DURING CONSTRUCTION

60. Fire Department access shall be provided during all phases of construction as specified and upon completion of the project.
61. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10-days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
62. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved

SITE PLAN REVIEW N° 98-130-06, VARIANCE NO. 98-1804 & VESTING TENT.
MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

construction **BMPs** will result in the issuance of correction notices, citations or a project stop order.

63. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan. Project related delivery and haul truck operations on **offsite** access roads shall be limited to daytime, weekday, non-holiday hours (8:00 a.m. to 5:00 p.m.) unless otherwise approved by the City Engineer.
64. A representative of the soils engineer shall be on the site during the grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
65. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction, Manual. The applicant/developer shall require the soils engineer or representative to daily submit all testing and sampling reports to the City Engineer.
66. The applicant/developer shall reestablish ground cover immediately following completion of grading, or when construction will be postponed for more than one month in order to reduce erosion and runoff.

PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY

67. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a certificate of occupancy of any unit.
68. If the dwelling units are to be rented out prior to any sale as a condominium, the property owner shall disclose within all rental agreements that the project has been approved as a condominium project and that the unit may be sold upon notice.
69. The applicant/developer shall be required to pay park in-lieu fees according to City code. Fees shall be paid prior to the date of the final inspection or the date the certificate of occupancy is issued for the development, whichever occurs first.
70. Prior to the sale of any condominium, the applicant shall create a homeowners association and shall record the **CC&R's**. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. The property owners association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping.
71. Mailboxes shall be grouped **within** covered decorative shelters that provide adequate area for storage of larger parcels and a receptacle for trash. The design, material and color of these structures shall be consistent with the overall project design theme.
72. Alarm system with central station monitoring required for manual and water flow alarms. Annunciation panels for the entire complex shall be located at each driveway entry and

SITE PLAN REVIEW N , 98-130-06, VARIANCE NO. 98-18, J4 & VESTING TENT.
MAP TRACT 7031 – SOBRATO DEVELOPMENT COMPANIES (APPLICANT)

annunciation panels for individual buildings shall be located at each building entry point. The buildings should be zoned for alarm location.

73. Smoke detector system required in dwelling units as per the Uniform Building Code.
74. Fire extinguishers shall be required. Minimum size and type shall be 2A: 10BC, five pound dry chemical. Spacing shall be 75 feet of travel.
75. Automatic fire extinguishing sprinkler system required with Fire Department connections to be located at driveway entry points on both Amador Avenue and interconnected to allow Fire Department to pressurize system from either point.
76. Trash areas shall conform to the Hayward Fire Department standards and be of noncombustible construction;
77. Each space shall meet requirements for defined occupancy classification.
78. All curbs fronting travel ways where parking is not located, shall be red striped and posted as fire lanes.
79. Hazardous materials use and storage must meet the requirement of the City of Hayward Fire Department (specifically the pool chemicals).
80. Applicant/developer shall contact the City of Hayward Fire Department, Hazardous Materials Section.
81. The applicant/developer shall provide each homeowner with an information pamphlet, approved by the Hayward Police Department that describes the City's Neighborhood Watch program and encourages the homeowners' association to establish a Neighborhood Watch or similar program for the development.
82. The applicant/developer shall pay the required Water Facilities Fee and the Sewer Connection Fee for each dwelling unit at the, rates in effect when utility service permits for each dwelling are issued.
83. A Certificate of Substantial Completion (Landscaping) and Irrigation Schedule shall be submitted to the City Landscape Architect prior to the occupancy of any units.
84. The applicant/developer and/or property owner. shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per Hayward Municipal Code Section 1 1-2.07.
85. All driveways shall be designed per City Standard Details (SD-110). All existing driveways not used for project access. shall be removed and replaced with new curb, gutter and sidewalks.
86. All broken or damaged curb, gutters and sidewalks along property frontage shall be

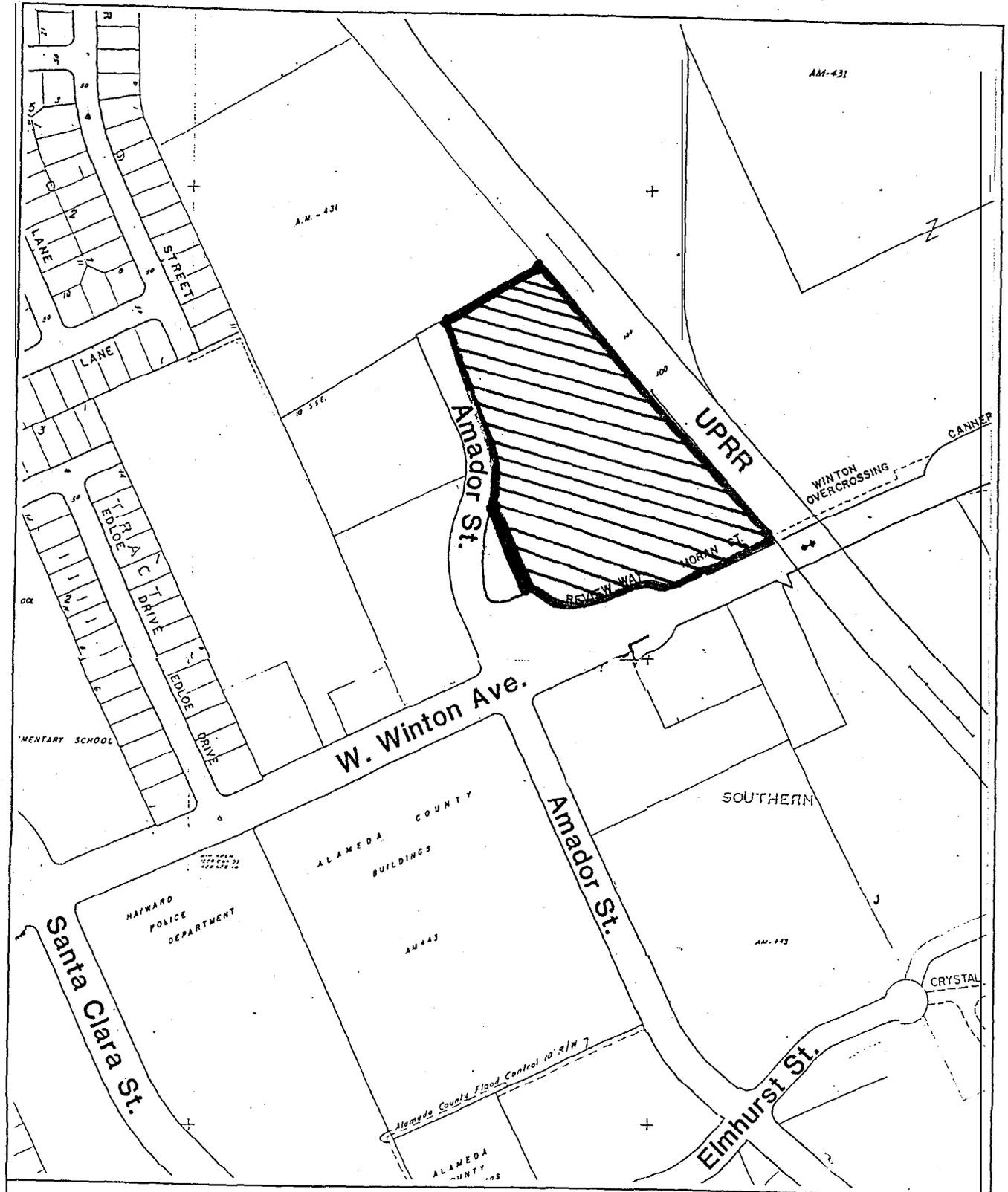
removed and replaced.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

87. All tract improvements, including the complete installation of all improvements relative to streets, fencing, walls, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having **been** completed and accepted by those agencies.
88. The subdivider shall submit “as built” plans indicating the following:
89. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, Cable TV, etc.; and
90. All site improvements, except landscaping species, buildings and appurtenant structures.
91. Prior to the City setting the water meters, the subdivider shall provide the Water Division with certified costs covering the installation of public water mains and appurtenances;
92. Trash enclosures and/or recycling area(s) shall be completely covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to the sanitary sewer. Sanitary connections are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.
93. All on-site storm water inlets shall be painted “No dumping - Drains to bay”.
94. Keys or access codes to the automatic gate opener shall be provided to the City of Hayward Utility Division for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.2; and

ONGOING REQUIREMENTS

95. Prior to the sale of any of the units as condominiums, the water system shall be retrofitted to City public water system standards and each dwelling unit shall have a separate water meter and lateral to the public main unless otherwise approved by the City Engineer.
96. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.



AREA MAP ■ SPR 98-130-06

John Sobrato/Sobrato Dev. Co. (Appl.)
Union Pacific Railroad Co. & Narom Dev. Co. (Owner)

33-89 W. Winton Ave./ AMADOR STREET



CITY OF HAYWARD
Development Review Services Division

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:

SITE PLAN REVIEW NO. 98-130-06, VARIANCE NO. 98-180-04 & VESTING TENTATIVE MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT), NAROM DEVELOPMENT COMPANY AND UNION PACIFIC COMPANY (OWNER): Request to construct eight 3-story multi-family residential buildings for 159 condominium units, variances for carport setbacks and parking, and to subdivide three parcels totaling 6.18 acres into 159 condominium units.

The site is located at 33-89 West Winton Avenue, northeast corner of Amador. in an Commercial Office (CO) District (APN's: 431- 84-2-9, 2-11 & 3-2).

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project will have no significant effect on the area's resources, cumulative or otherwise, provided the recommended mitigation's contained in the Initial Study are followed.

III. FINDINGS SUPPORTING DECLARATION:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment.
2. The project is in conformance with the General Policies Plan Map designation of "Retail and Office Commercial" for the property.
3. The project is in conformance with the intent and purpose of the Zoning Ordinance designation of "Commercial Office" (CO) for the property.
4. Existing city utilities services are adequate to serve the project.
5. The site plan layout provides proper access, circulation and parking for the use.
6. There is no evidence of historical or archaeological resources within the project area.

7. There is no evidence of rare or endangered plant or animal species within the project area.

IV. PERSON WHO PREPARED INITIAL STUDY:



Charles P. Mullen, Associate Planner

Dated: June 10, 1998

V. COPY OF INITIAL STUDY IS ATTACHED

For additional information, please contact the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541-5007 or telephone (510)583-4209.

DISTRIBUTION/POSTING

Provide copies to all organizations and individuals requesting it in writing.
Provide notice of availability to all Security Gate Mailing List recipients.
Reference in all public hearing notices to be distributed 20 days in advance of initial public hearing and/or published once in Daily Review 20 days prior to hearing.
Project file.
Post immediately upon receipt at the City Clerk's Office, the Main City Hall bulletin board, and in all City library branches, and do not remove until the date after the public hearing.

K:\Sobrato - NEG. DEC.

7/10/98



CITY OF HAYWARD
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title: Sobrato Development – Hayward Condominiums.

Lead agency name and address: City of Hayward, 777 B St. Hayward, CA 94541-5007.

Contact persons and phone numbers: Charles P. Mullen (510) 583-4209.

Project location: 33-89 W. Winton Avenue, northeast corner Amador Street., Hayward, CA.

Project sponsor's name and address: Sobrato Development Companies, 10600 N. DeAnza Boulevard, Ste. 200, Cupertino, CA 95014 (408) 446-0700

General Plan : Retail and Office Commercial **Zoning:** Commercial Office

Description of project: SITE PLAN REVIEW NO. 98-130-06, VARIANCE NO. 98-180-04, & VESTING TENTATIVE MAP TRACT 7031 - SOBRATO DEVELOPMENT COMPANIES (APPLICANT), NAROM DEVELOPMENT COMPANY AND UNION PACIFIC COMPANY (OWNER): Request to construct eight 3-story multi-family residential buildings for 159 condominium units, variances for carport setbacks and parking, and to subdivide three parcels totaling 6.18 acres into 159 condominium units.

The site is located at 33-89 West Winton Avenue, northeast corner of Amador. in an Commercial Office (CO) District (APN's: 43 1- 84-2-9,2-1 1 & 3-2).

Surrounding land uses and setting: Railroad tracks and industrial land uses to the east, zoned Industrial District; recreational park to the north zoned Agricultural; and a commercial office to the west and south zoned Commercial Office and General Commercial Districts.

Other public agencies whose approval is required: Alameda County Health Care Services.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Land Use and Planning @Transportation/Circulation
- Population and Housing Biological Resources
- Geological Problems Energy and Mineral Resources
- Water Hazards
- Air Quality Noise
- Mandatory Findings Recreation
- Of Significance
- Public Services
- Utilities and Service Systems
- Aesthetics
- Cultural Resources

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this document or on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



Signature

July 10, 1998

Date

Charles P. Mullen

Printed name

City of Hayward

For

ENVIRONMENTAL IMPACTS:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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I. LAND USE AND PLANNING. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with general plan designation or zoning? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Comment: The Santa Clara Neighborhood Plan, July 1995, discusses this site and included general plan map changes and zoning changes to reflect current development patterns in the area. While the plan encourages a mixed use development project the proposed multi-family residential land-use project is consistent with the General Plan and is permitted as a primary use in the Commercial Office District.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Be incompatible with existing land use in the vicinity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. POPULATION AND HOUSING. *Would the proposal:*

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Cumulatively exceed official regional or local population projections? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace existing housing, especially affordable housing? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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III. GEOLOGIC PROBLEMS. *Would the proposal result in or expose people to potential impacts involving:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Fault rupture? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Seismic ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Seiche, tsunami, or volcanic hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Landslides or mudflows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Erosion changes in topography or unstable soil conditions from excavation, grading, or fill? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Subsidence of land? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Expansive soils? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Unique geologic or physical features? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

IV. WATER. *Would the proposal result in:*

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of people or property to water related hazards such as flooding? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Changes in the amount of surface water in any water body? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Changes in currents, or the course or direction of water movements? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

	Potentially Significant Impact	Potentially Significant Unless Mitigation incorporated	Less Than Significant Impact	No Impact
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>

V. **AIR QUALITY.** *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>• < i</i>

VI. **TRANSPORTATION/CIRCULATION.** *Would the proposal result in:*

a) Increased vehicle trips or traffic congestion?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: A Traffic Impact Study, June 1998, was prepared to analyze the potential traffic impacts of the proposed project. This study concluded that the project will not result in any significant traffic impact at any of the four key study intersections. This study and conclusions were reviewed by and accepted as complete by the City of Hayward Transportation Services Division.

	Potentially Significant impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
d) Insufficient parking capacity onsite or offsite?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<i>c l</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. BIOLOGICAL RESOURCES. *Would the proposal result in impacts to:*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input checked="" type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<i>c l</i>	<input checked="" type="checkbox"/>

VIII. ENERGY AND MINERAL RESOURCES. *Would the proposal:*

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b) Use nonrenewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- | | Potentially
Significant
Impact | Potentially
Significant
Unless
Mitigation
Incorporated | Less Than
Significant
Impact | No Impact |
|---|---|---|---|-------------------------------------|
| d) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

IX. HAZARDS. *Would the proposal involve:*

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals or radiation)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Possible interference with an emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) The creation of any health hazard or potential health hazard? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Exposure of people to existing sources of potential health hazards? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Comment: Because this site and surrounding areas have been in the past and are still used for industrial purposes, a Human Health Risk Evaluation, December 1997 and Environmental Site Assessment, March 1998, were prepared to determine the potential for exposure of people to existing sources of potential health hazards.

These studies concluded that there are no detectable levels of chemicals in the soil or groundwater that pose an adverse risk to future residential occupants of the subject property. These studies and findings were reviewed and accepted as complete by the Alameda County Health Care Services Agency and the City of Hayward Hazardous Materials Division of the Fire Department.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Increased fire hazard in areas with flammable brush, grass, or trees? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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X. NOISE. *Would the proposal result in:*

a) Increases in existing noise levels?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Exposure of people to severe noise levels?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------

Comment: A Noise Assessment Study, April 1998, was prepared for this project and concluded that some exterior and interior noise mitigation's would be necessary due to existing and future noise levels (primarily -due to vehicular traffic on West Winton Avenue). The noise mitigation's contained in the noise study shall be made conditions of approval of the project, thereby reducing the noise impacts to less than significant levels.

Given the close proximity of several of the buildings (less than 100 feet) to the railroad tracks the potential for vibration impacts to the future residents exist. A vibration assessment study will be required as a condition of approval prior to submittal of a building permit to determine if any mitigation or special construction requirements will be necessary for this project.

XI. PUBLIC SERVICES. *Would the proposal have an effect upon, or result in a need for new or altered government services in any of the following areas:*

a) Fire protection?.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

b) Police protection?.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c) Schools?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

d) Maintenance of public facilities, including roads?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

e) Other government services?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilities?

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Power or natural gas? | <i>c l</i> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Communications systems? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Local or regional water treatment or distribution facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Sewer or septic tanks? | <i>c l</i> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comment: The potential exists for the sewer line capacity to be exceeded in the area. A sewer capacity study will be required as a condition of approval prior to submittal of a building permit to determine if any mitigation or special construction requirements will be necessary for this project.

- | | | | | |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| e) Storm water drainage? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Solid waste disposal? | <i>c l</i> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Local or regional water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. AESTHETICS. Would the proposal?

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. CULTURAL RESOURCES. Would the proposal:

- | | | | | |
|---------------------------------------|--------------------------|--------------------------|------------|-------------------------------------|
| a) Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <i>c l</i> | • (i) |
| b) Disturb archaeological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <i>c l</i> | <input checked="" type="checkbox"/> |

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Restrict existing religious or sacred uses within the potential impact area?	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. RECREATION. *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Affect existing recreational opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. 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 species, cause 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 of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, Environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have impacts that individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. REFERENCE DOCUMENTS/EARLIER ANALYSES.

- a) **Reference documents on file with the City of Hayward Development Review Services Division.**
1. Traffic Impact Study, prepared by Feh& Peers Associates, Inc., dated June 9, 1998
 2. Environmental Site Assessment Study, prepared by PES Environmental, Inc., dated March 12, 1998.
 3. Human Health Risk Evaluation Report, prepared by Erle& Kalinowski, Inc., dated December 11, 1997.
 4. Noise Assessment Study, prepared by Edward L. Pack Associates, Inc., dated April 1, 1998.
- b) **Earlier analyses used.** None.
- c) **Impacts adequately addressed.** All.
- d) **Mitigation measures.** To be incorporated as project Conditions of Approval.



SPR98-130-06

RECEIVED

JUL 23 1998

DEVELOPMENT REVIEW SERVICES

☆ Charles P Mullen, Associate Planner
City of Hayward
Development Review Services Division
777 B Street
Hayward, CA 94541

July 22, 1998

Dear Mr. Mullen:

1st United Services Credit Union owns the land directly west of the projected site for the new condominiums that are to be built. As a concerned neighbor and businessman, I am writing to you about the amount of traffic and lack of available parking in the area.

Currently we have several violators of our private parking area in our "Members only" lot. The addition of 159 condominiums at an average of two cars per household will result in as many as 318 cars, some of which will undoubtedly find our lot.

The amount of parking in the area is already at a premium. We currently have a several employees who arrive for work an hour early to compete for a parking place. When you add the influx of automobiles from the new complex there is no doubt it will be even more challenging to find parking. Our other major concern is the increase of traffic. Early in the morning and in the early evening traffic will become unbearable, combined this with our customers on a high traffic payday and it will cause major congestion and an inconvenience to our customers as well as the tenants of the new complex.

I hope you do not misconstrued my comments as complaints, for 1st United Services Credit Union has often supported community development in Hayward and throughout Alameda County. We would simply like to voice our concerns and reinforce to you that we are running a business that will be negatively impacted by this new site.

Sincerely,

William J. Ziegler
Executive Vice-President



Mailing Address
P.O. Box 4057
Hayward, CA 94540-4057

phone 510.293.1600
fax 510.293.1646



All the news from the Bay to the Valley

116 W. Winton Avenue
Hayward, CA 94544
(510) 293-2304
Fax: (510) 293-2383

Patrick G. Brown
Senior Vice President/Finance
Chief Financial Officer

VIA FAX

July 30, 1998

Ms Roberta Cooper
Mayor
Mr. Jesus Armas
City Manager
Mr. Charles P. Mullen
Project Planner
City of Hayward
77 "B" Street
Hayward, CA 94541

RE: Alameda County Newspaper Group ("ANG") Comments; Sobrato Development Companies Applications; Tentative Tract Map 7031, Northeast Corner West Winton Avenue and Amador Streets; Mitigated Negative Declaration of Environmental Impact; Site Plan Review; etc.

Dear Ms. Cooper, Mr. Armas and Mr. Mullen:

I apologize for not responding in a timely fashion to ANG's receipt of the City's April 14, 1998 notice regarding the processing of a Tentative Tract Map approval for 160 condominium units to be constructed on the above referenced 6.18 acres site. Frankly, this City correspondence which requested comments by April 28, 1998 did not surface on my desk until that date and I let it pass. I recently received the July 10, 1998 notice of a public hearing to be held today, July 30, 1998, for what appears to be an approval of all necessary City entitlements required to construct this project other than building permits. The extent of this approval and the speed with which it is being processed has caught my attention,

I want to make it clear that ANG does not object to the proposed conversion of this previously industrial site to high density residential, per se, since ANG recognizes the significant need for infill residential projects in the area. However, ANG wants to make it clear to all concerned that Review Way, a small local street on the southern boundary of the Sobrato parcel, is a critical access point for trucks delivering major

Page 2

Ms. Roberta Cooper, Mayor; Mr. Jesus Armas, City Manager, and Mr. Charles Mullen,
Planner; City of Hayward

July 30, 1998

supplies for the support of our printing operations at our site and for the distribution by truck of printed portions of our newspaper to our mailroom located elsewhere in Hayward. It is important to note that much of this trucking activity occurs between 3:00 AM and 7:00 AM each and every morning of the week. Additionally, since ANG newspapers are morning publications, our press operations run at their maximum levels from 11:00 PM to roughly 4:00 AM each morning. Press operations are by their nature heavy industrial operations that are noisy. We feel it is important that Sobrato Development acknowledge the presence of our operations and that some form of permanent notice be provided to all future owners or occupants of the proposed project to insure there are not conflicts between our respective uses.

I also want to take this opportunity to inform you that ANG is in the preliminary planning stages for the expansion of its owned facilities on our site. We are considering primarily the reconstruction of our printing and distribution operations on the site but may also include some of our office occupancies in the project. This expansion, if completed, would result in a significant increase in ANG's facilities and capital equipment investment in our Hayward property. For this reason ANG wants to insure no conflicts arise between our existing occupancy and that proposed by Sobrato Development.

We look forward to your anticipated cooperation and support.

Very truly yours,



Patrick G. Brown

PGB/sjm

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION CERTIFYING THAT THE NEGATIVE
DECLARATION HAS BEEN COMPLETED IN
COMPLIANCE WITH THE CALIFORNIA
ENVIRONMENTAL QUALITY ACT, APPROVING SITE
PLAN REVIEW APPLICATION NO. 98-130-06 AND
VARIANCE APPLICATION NO. 98-180-04, AND
CERTIFYING AND APPROVING THE VESTING
TENTATIVE MAP FOR TRACT 7031

WHEREAS, there has been submitted to the City Council of the City of Hayward a vesting tentative map for Tract 7031 located at 33-89 West Winton Avenue near the northeast corner of Amador Street in a Commercial Office (CO) District, concerning a request by Sobrato Development Companies (applicant), Narom Development Company and Union Pacific Railroad Company (Owners), to subdivide three parcels totaling 6.18 acres and construct 8 three-story buildings for 159 residential condominium units and, in connection therewith, Application No. 98-130-06, for site plan review and Application no. 98-180-04 for a variance to allow carports and trash enclosures to be set back 4-feet from a rear property line (abutting railroad tracks), where a minimum of 20-feet is required; and to allow walls and fencing from between zero to 7-feet from a side street yard property line (abutting Review Way and Moran Court), where a minimum of 10-feet is required; and

WHEREAS, a negative declaration has been prepared and processed for this subdivision and application for site plan review and variances in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission considered these matter at its July 30, 1998, meeting and recommends certification of the negative declaration, approval of the vesting tentative map, site plan review and the requested variances; 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; and

WHEREAS, the City Council hereby finds and determines with respect to the vesting tentative map that:

1. That the City Council approves the attached mitigated Negative Declaration, finding that the document is complete and final in accordance with the California Environment Act (CEQA) and reflects the independent judgment of the City Council.
2. The vesting tentative tract map and the proposed site plan substantially conform to the State subdivision Map Act, the City's Subdivision Regulation, the General Policies Plan, and the Santa Clara Neighborhood Plan.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
6. The design of the subdivision and the proposed improvements in conformance with the conditions of approval will not conflict with easements for access through or use of, property within the subdivision.
7. Existing and proposed streets and utilities are adequate to serve the project
8. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative tract map is granted subject to the recommended conditions of approval; and

WHEREAS, the City Council hereby further finds and determines, in addition to the aforementioned findings, with respect to Site Plan Review Application no. 98-130-06 and Variance Application no. 98-180-04 that:

9. That the City Council approves the attached mitigated Negative Declaration, finding that the document is complete and final in accordance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City Council.
10. The 159 condominium unit project, as conditioned, will not impair the character and integrity of the Commercial Office Zoning District and surrounding area, as

the uses should be compatible with surrounding office, park, and industrial land uses.

11. The project, as conditioned, will not be detrimental to the public health, safety, or general welfare as evidenced by the fact that other multiple-family housing projects exist in the vicinity on Amador Street.
12. The project as conditioned will be in harmony with applicable City policies, including the Design Guidelines and Design and Performance Standards for multiple-family residential uses.
13. The project, as conditioned, is consistent with the Santa Clara Neighborhood Plan, in that multiple-family use of the property was discussed in the plan.
14. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district, in that the location of this property is adjacent to railroad tracks, the West **Winton** Avenue overpass and industrial use beyond. Additionally, this is an irregular shaped lot with a wider than typical rear yard width of almost **800-feet**. Sufficient landscape planter pockets with trees and shrubs and ground cover will be provided between the carports and the applicant agrees to landscape 20 to 30 feet of unused City right-of-way at Moran Court and along Review Way; a decorative wrought iron fence is proposed to allow visual openness.
15. The literal interpretation of the article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, in that the location of this property adjacent to railroad tracks, the West **Winton** Avenue overpass and industrial use beyond is not typical of other multiple-family housing sites.
16. The granting of the variance would not be a grant of special privilege inconsistent with the limitations on other properties in the same district, in that other multiple-family sites do not have the similar site constraints.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the vesting tentative map for Tract 703 1, subject to the attached conditions, is hereby approved, and Site Plan Review Application no. 98-130-06 and Variance Application no. 98-180-04 are hereby approved to be constructed subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1998

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