



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 12/11/01  
AGENDA ITEM 8  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council  
**FROM:** Director of Community and Economic Development  
**SUBJECT:** Appeal of Planning Commission's Denial of

- I. General Plan Amendment GPA 01-110-02 – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR);
- II. Zone Change ZC 01-190-05 – Request to Amend the Zoning District from Industrial (I) to Planned Development (PD);
- III. Vesting Tentative Map Application Tract 7320 – Request for a 91-Lot Subdivision for Cluster Homes

Ravi Nandwana, John Rassier & Sherman Balch for Ryland Homes (Applicant);  
John Rassier, et al, Balch Investment Group (Owner) - The project site is located at  
the Northeast Corner of Industrial Parkway West and Stratford Road

**RECOMMENDATION**

Staff recommends that the City Council deny the appeal and uphold the Planning Commission action to deny the request for a General Plan Amendment, the Zone Change and the Vesting Tentative Map.

**DISCUSSION:**

**I. General Plan Amendment**

Ryland Homes is requesting to develop a 12.26-acre undeveloped parcel with 91 single-family houses in a cluster-type development. As the General Plan Map designation of the property is "Industrial Corridor" and the zoning district is "Industrial," amendments to both the General Plan and the Zoning Map are necessary in order to carry out the project. The application was determined to be complete on August 29, 2001.

The major issue associated with the applications is the loss of a significant industrial parcel. The General Policies Plan, including the Economic Development Element, and the Tennyson-Alquire Neighborhood Plan policies stress the importance of protecting and developing suitable locations for business uses. The Industrial Corridor comprises over 3,500 acres of land along the westerly and southerly edges of the city. Only 400 acres representing 12.5 percent of the total

land area in the Industrial Corridor are still vacant. In staff's opinion, this industrial parcel should be protected from the encroachment of non-industrial uses and to do otherwise would be inconsistent with the above policies. The Planning Commission (4:3) concurred with this position.

While there is a need for additional housing in the Bay Area and there are homes to the north and a portion of the east side of the project site, other factors make housing less than ideal at the proposed site. These issues are discussed below.

Placing residential development on an industrial corridor could result in the following quality-of-life issues for the residents:

- **Noise:** Homes adjacent to Industrial Parkway West would be subjected to noise primarily from truck traffic, although additional noise may emanate from industrial uses across Industrial Boulevard and to the immediate east of the site. There are no restrictions related to the facilities on the south side of Industrial Parkway West, such as limitations on noise or hours of operation, since residential development was not anticipated on subject site when those industrial uses were established.

The recommended mitigation measure of a 12-foot-high sound wall would result in only reducing the exterior noise level to 65db in many of the private yards and the common group space area. However, the City's Noise Element cites 60db as acceptable for yard areas for single-family homes, but recognizes that 65db is acceptable in areas where there is noise inundation, such as in the central city core. To date, the City Council has not applied this higher noise level to development of single-family homes in Hayward. Considering that complaints have been received from residents of recently constructed homes whose noise levels do not exceed the 60db limitation, staff does not support allowing an increase in "acceptable" noise levels to 65 db.

- **Sunlight and Aesthetics:** A 12+-foot-high wall would deprive the 20-foot-deep south-facing rear yards of adjacent homes of sunlight in the early morning; and, the presence of such a high wall would not be visually attractive from the point of view of the homeowner. In addition, the view from the second floor windows of the homes facing Industrial Parkway West and existing industrial development to the east would be unattractive.
- **"Walking" Issues:** "Walkable" communities are part of smart growth strategy. The long, linear streets in the project are not conducive to walking within the project. Further, the project is not within walking distance to major support services, such as a grocery store. The nearest elementary schools are Peixoto School (grades 4 - 6) and Ruus School (grades K - 3), which are about two-thirds and three-fourths of a mile respectively from the proposed housing development. Children who walk to school would not have the benefit of sidewalks on Ruus Road.

Community -wide issues include:

- **Consistency with Development Standards of Surrounding Development:** Surrounding residential development is on lots that are primarily between 4,000 and 5,000 square feet. The majority of the lots in the proposed development are 3,306 square feet. The City Council adopted a zoning category of RSB4 to provide standards for small lot single-

family development. In the RSB4 the minimum lot size is 4,000 square feet and all other development standards of the RS District prevail. The existing residential development (Stratford Village I) adjacent to this site is in the RSB4 District and developed to those standards.

- **Visual Impact:** The noise study that recommends the 12-foot-high wall does not indicate at what point the height of the wall should be measured. Typically the height of the wall is measured beginning at the finished floor level of the homes. Because fill may be placed on the site to take it out of a flood zone classification, the wall may have to be higher than 12 feet. A tall wall along Industrial Parkway West would create an unattractive streetscape. If the property were developed with an industrial or commercial use, the wall would not be necessary.
- **Development Standards for Parks:** In conjunction with a residential subdivision the Municipal Code requires dedication of land for park purposes, the payment of a fee in lieu of land, or a combination of both, at the option of the City. The City's land requirement for 91 homes is 51,506 square feet. The applicant is proposing to add only 31,784 square feet to the existing park adjacent to the development. The deficit is 19,722 square feet. In this case, in addition to land dedication, the developer is proposing to improve the dedicated land to meet HARD's improvement standards and to enhance the existing park.

The project is a Planned Development; and when there are exceptions to development standards, they must be compensated for or offset. In this instance, the exceptions are reduced rear yard areas, where families typically recreate. However, this has not been compensated for on a one-to-one basis either in-group open space or by other means.

In staff's opinion, the dedication of the additional parkland is the preferred option because the cost of buying an additional half-acre of parkland would more than likely exceed the cost of the proposed improvements. Another option to compensate for some of the shortfall of land proposed to be dedicated to public park purposes would be to provide a small, centrally located park of at least 13,000 square feet within the development. In staff's opinion, a centrally located, well-equipped park that serves only the development would be an attractive option, particularly because of the relatively small yards of the individual lots.

- **Other Development Options:** The property is not close to supporting services, such as a grocery store. If the property were not developed as an industrial parcel, the type of development that would better serve the community than residential development might be a commercial center or a mixed-use development.
- **Aesthetic Considerations:** If the front portion of the property that faces Industrial Parkway West were to be developed with a light industrial business park or a commercial center, there would be no need for a tall masonry wall along this major thoroughfare.
- **School Impacts:** Although Hayward Unified School District staff indicates that Peixoto School may have the classroom capacity to accept additional children, its multi-purpose room consists of a portable classroom building, which results in two crowded lunch periods. When classes are dismissed at 3:00 p.m., traffic circulation in the area is very

congested, attributed not only to school-related traffic, but also to traffic from industrial development to the south.

Considering the current General Plan and zoning designations of land in the Tennyson-Alquire neighborhood, in which subject site is located, an estimated additional 175 dwelling units may be developed, which will add an estimated 88 school children to the public school system. Rezoning industrial land to residential will place an additional burden on the local schools by contributing an estimated 46 children not previously anticipated.

- **Jobs/Housing Balance:** The Association of Bay Area Governments (ABAG) in projections prepared for the Metropolitan Transportation Commission's *Regional Transportation Plan*, identifies Hayward as an area with a surplus of jobs over housing. While this may be true when considering only the City of Hayward, the greater Hayward area including San Leandro, and the unincorporated area between the two cities, the greater Hayward area has a very favorable jobs/housing balance compared to other communities in the Bay Area. Therefore, from a job/housing standpoint, there is no need to rezone a significant amount of industrial acreage to accommodate additional housing.

## **II. Zone Change Application**

In order to construct a residential development on lots of atypical size, the zoning of the land must be changed from Industrial to Planned Development. The development consists of 91 detached single-family units arranged in a cluster design with common driveways each serving between two and six units. The cluster concept is used throughout the project, with little variation. If housing is to be considered at this site, staff would suggest that a greater variety of housing types be provided, including more traditional single-family development as well as attached units, and that a mixed-use component (commercial/residential) be included along Industrial Parkway West.

All of the homes would be two-story. They do not comply with City's Design Guidelines for single-family residential development. The intent of the Guidelines is to reduce the appearance of bulk and compactness. To achieve this intent, the Guidelines require that the second floor be smaller in area than the first story. At least one side of the building wall above the first floor level should be set in from the minimum side yard setback so as to minimize the appearance of bulk associated with the homes. In this proposal the second floor extends the full width of the first floor level. In order to be consistent with the City's Design Guidelines, the square-footage within the homes would have to be reduced on the second floor.

When a project is zoned Planned Development, the following finding is required:

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

This project includes several departures from development standards for the RSB4 zoning district, which is the zoning district of the adjacent Stratford Village single-family development. These are the small size of the lots and substantially smaller yard areas. Staff agrees that cluster development need not necessarily conform to existing standards and that it may be a creative way to provide housing; however, staff believes strongly that the loss of private open space

associated with cluster development should be adequately compensated for by increasing public or group open space, which has not been demonstrated in this project.

The applicant states that they have marketed the property for industrial or large commercial development for approximately nine years without success. Some of the factors they state that result in the site being unfeasible for retail development are:

- It is not large enough for a “big box” or regional center.
- The depth of the site appears too shallow for a supermarket center and would not provide adequate area for customer parking.
- Drawing shoppers to this area will be difficult because of the strong industrial presence.
- The property does not have visibility from I-880 and there is no northbound off-ramp from I-880 to Industrial Parkway West.
- The property does not have strong secondary-street access that is critical to a shopping center.

The site consists of 12.25 acres and appears to be of an adequate area to accommodate a large retail or industrial use. The Home Depot site on Hesperian Boulevard is ten acres. The Staples/Walgreen’s site on Hesperian Boulevard at West Winton Avenue is 3 acres, and the Target site at Industrial Parkway West and Whipple Road is 13 acres. The depth of the subject parcel, at 515 feet, appears adequate to accommodate commercial or industrial development. For comparison purposes, Fairway Park Shopping Center is 567 feet deep.

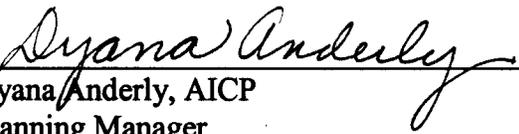
### **III. Tract Map**

The tract map serves to implement the proposed housing development. If the City Council is inclined to support housing in this area, in staff’s opinion the tract map should be redesigned to provide a development that does not necessitate a tall wall along a major thoroughfare and which provides more interesting on-site amenities, such as mid-block pedestrian walkways, roundabouts, parking areas that are dispersed throughout the project, more area devoted to a centrally located common open space, and a greater variety of lot types. A major redesign of the project would necessitate returning the review of the proposal to the Planning Commission.

### **CONCLUSION**

A representative of the Chamber of Commerce and residents of the nearby mobile home park and the adjacent single-family development appeared in support the project, indicating a preference for housing over industrial development. However, although housing is needed in the Bay Area, both the Planning Commission (4:3) and staff believe that it should not occur at subject site on a major industrial corridor. Not only would a significant amount of industrial land be lost, the resulting residential project would not result in an attractive streetscape nor a variety of housing types with adequate supporting amenities.

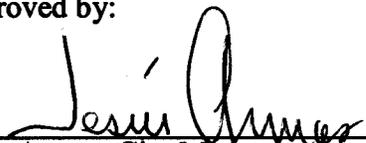
Prepared by:

  
Dyana Anderly, AICP  
Planning Manager

Recommended by:

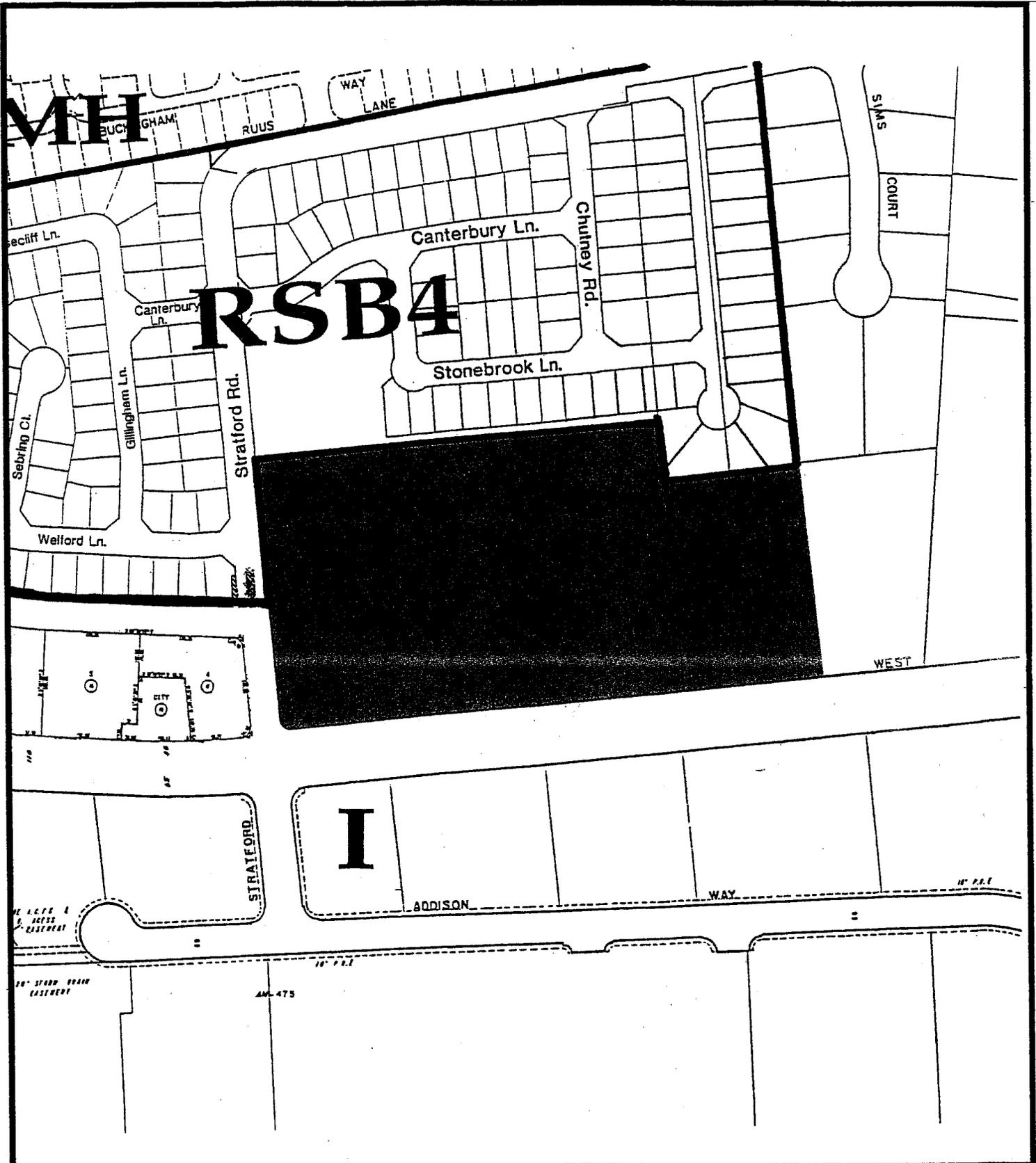
  
Sylvia Ehrental  
Director of Community and Economic Development

Approved by:

  
Jesús Armas, City Manager

- Exhibits:
- A. Area Map
  - B. Draft Planning Commission Meeting Minutes and Staff Report, dated September 20, 2001
  - C. Mitigation Monitoring Program
  - D. Appeal Letters, dated September 21 and 25, 2001  
Draft Resolutions  
Plans

12/5/01



**Area & Zoning Map**

GPA 01-110-02

Address: Strafford Road & Industrial Parkway West

Applicant: John Rassier, Sherman Balch

Owner: John Rassier, ETAL & Balch Investment Group

The public hearing closed at 8:45 p.m.

Commissioner Caveglia **moved**, seconded by Commissioner Williams to recommend approval to the City Council subject to the findings and conditions of approval.

Commissioner Thnay commented that it is a good project and will well serve the homes in the area. He noted that a soundwall would be a disservice to the neighborhood. He suggested that they plant trees that would provide a canopy cover along Pacheco. He said that overall it is a good project.

Commissioner Zermeño commented that this was a nice in-fill project.

Chairperson Halliday agreed that she liked the project. She commented that closing the driveway on Pacheco would be okay. They would rely on staff analysis. She would also support the staff recommendation for the trash enclosure. She would favor the hours of 6 a.m. to 9 p.m.

Commissioner Bogue said he, too, would support the motion. This will be an asset to the neighborhood and it fits the property. He commented that there are very few services on Industrial Parkway. He was impressed with this application.

The motion passed unanimously.

3. **General Plan Amendment (I) GPA 01-110-02** – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR); **(II) Zone Change (ZC 01-190-05)** – Request to Amend the Zoning District from Industrial (I) to Planned Development (PD); **(III) Vesting Tentative Map Application Tract 7320** - Request for a 91-Lot Subdivision for Cluster Homes. **Ravi Nandwana, John Rassier & Sherman Balch for Ryland Homes (Applicant); John Rassier, et al, Balch Investment Group (Owner)**. The Project Site is Located at the Northeast Corner of Industrial Parkway West and Stratford Road

Project Planner Weisbrod described the property and the location. He commented that this is along the industrial corridor and that there is very little industrial land left in the City, particularly along the I-880 corridor. In describing the development, he noted that staff would recommend, if approved, parking bays throughout the development. He commented that the project is not pedestrian friendly and suggested the park be located more central in the development.

Commissioner Bogue asked about the additional park area and how the cost would affect the present Stratford residents.

Commissioner Thnay asked for a comparison of the density to the Cannery Area. He expressed concern about the streets being maintained as private by the homeowners. He said it is an equity issue.

Commissioner Williams asked how, with the limit of industrial and need for housing, do we satisfy all the needs.



Planning Manager Anderly discussed the schools in the area. She noted that Tim Clarry, a representative of Hayward Unified School District, said this year there is adequate space for students but they had no projections with further development in the area on setting goals for school facilities. She noted that HARD supports the request to add onto the park.

The public hearing closed at 9:17 p.m.

Anthony Varni, representing Mr. Balch, explained the investment and history of the Stratford Village. He commented that there are several major problems in developing the site for commercial use. First, it has no access from 880 going north. Then the Dyer triangle was developed, which is in close proximity to this property. He then gave a list of companies presented with proposals to develop the property. He noted that Mr. Balch is the largest industrial builder in Hayward. If anyone could have built a project on this site, the Balch Investment Group could have. He said they hired the best people to design and develop this project, which is very well thought out.

Commissioner Caveglia asked what the selling price of the homes would be. He was told \$500,000.

Mark Rutherford, Dahlin architects, discussed their concepts and desire to make this an asset to the existing neighborhood. He commented that the design of the cluster projects is to incorporate the concept of older neighborhoods. In response to commissioner comments and questions, he discussed the details of the architectural designs.

Chairperson Halliday called for a five-minute break.

The public hearing opened at 9:55 p.m.

Bob Miller, a resident, brought with him a petition signed by 25 Georgian Manor residents who support the project. He commented that this is a better option than the commercial proposals or light industrial.

Zetta Ravekes said the residents approve of the change. They do not want industrial on this parcel.

Bruce Finley said he is in favor of this project. He said he moved to the area based on having the second phase be residential.

Yolande Schaffer said this development would help to continue to provide a safe neighborhood.

Paul Schaeffer said he thought this is one of the most modern and well thought-out of plans.

Joe Catalano said good neighborhoods make a good City. He added that the Commission would not regret approving this project.

Tom Sanborn, a developer, said he worked with staff 10 years ago. He commented that this is a logical addition to Stratford Village.

Hobart Gay said they have wrestled with plans for a good subdivision.

Arnal Nastor said that as a homeowner, they would like residential development.

Barbara Albrecht indicated that they would certainly prefer this to any industrial project on the site.

Leah Chelemedos said this is an extension of the beauty and livability of their property.

Ed Mullins, speaking as a representative of the Hayward Chamber of Commerce and as a resident of Hayward, said he was aware of the history of the property. He said they would support rezoning for residential. He added that they like this project. He noted that the boundaries of the industrial area were drawn in a rough manner. With Stratford Village built there, residential makes sense. He noted also that Mr. Varni indicated how difficult this property was to market. He added that it might be time to face reality.

Jack Balch explained their position as an active industrial/commercial builder in the City. He said they have not been able to develop this property for industrial uses.

Commissioner Sacks expressed concern that the list of prospects Mr. Varni read was all commercial, none were research and development, none were for a Business Park, and none were industrial.

Mr. Balch explained that it is difficult and not practical to build a speculation project with all of the conditions set by the City.

John Rassier explained that this project is Stratford 2, the second part of the original project. He commented that a retail center at this location would engender 15,000 cars a day, affecting the quality of life in the neighborhood. He noted that they were trying to complete a very special place in Hayward. It will be the kind of place Stratford I is. He urged the Commission to look at the details of the project.

The public hearing closed at 10:20 p.m.

Commissioner Bogue commented that it was an interesting plan to complete the project and complete the neighborhood. Originally, Stratford I was pushed into the industrial area. He noted that one incremental step after another residential development is infringing on the industrial space in the City. This area should still be attractive for a business park. He said he was not in favor of rezoning the property for residential development. He **moved**, seconded by Commissioner Caveglia, to deny the General Plan Amendment, the Zone Change and the Vesting Tentative Map.



Commissioner Thnay said this is a very complex issue. He said he thought there were overriding reasons to vote for a zone change. There is already encroachment on the industrial area by Stratford I and now residents in the area want more of the same things. It might be beneficial for a lot of reasons if the City could retain this as industrial. But, he said the owners have spent too many years on marketing the property and have not been able to find an interested industrial or commercial developer. He commented that it does complete the project. From a spatial viewpoint, this project makes sense. He said it may be too dense, with 91 homes and with a reduction in the density, it might be a good project.

Commissioner Williams said time is a factor. We have had a good economic run. He asked what type of industry would go there, particularly now that the economy is on a downturn. If Hayward needs housing, this project would complete housing on Stratford Road. He noted that industry is just not coming back and it may be time for Hayward to get the big picture. He suggested looking at the past projects of these applicants. They have made Hayward a top priority.

Commissioner Sacks said she would agree with Commissioner Bogue. She said she reviewed the Neighborhood Plan for the Tennyson/Alquire area. She commented that we need to protect our industrial space.

Commissioner Zermeño said he would vote for the motion. However, if the project had fewer homes and more open space, he might support it.

Commissioner Halliday said she would agree with Commissioner Williams. She said she was originally thinking she would oppose the project. If the project were to go forward, she would like to see it made more pedestrian friendly. She noted that it would make sense to approve this application since it would be adjacent to residential. She added that she did not know if there would be a lot of hope for industrial development on this site in this tough economic climate.

The motion carried to deny the General Plan Amendment, the Zone Change, and the Vesting Tentative Map by the following vote:

AYES:	COMMISSIONERS Zermeño, Sacks, Caveglia, Bogue
NOES:	COMMISSIONER Williams, Thnay CHAIRPERSON Halliday
ABSENT:	None
ABSTAIN:	None

4. Referral by the Planning Director of Site Plan Review 2001-0121 – Laura Spano for Verizon Wireless (Applicant); Hanford Hotels (Owner) – Request to Construct, Operate



**CITY OF HAYWARD  
AGENDA REPORT**

Meeting Date: 9/20/01

Agenda Item: 3

**TO:** Planning Commission

**FROM:** Norm Weisbrod, Project Planner

**SUBJECT:** I. General Plan Amendment (GPA 01-110-02) - Request to: Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR);

II. Zone Change (ZC 01-190-05) - Request to Amend the Zoning District from Industrial (I) to Planned Development (PD)

III. Vesting Tentative Map Application Tract 7320 for a 91-lot subdivision for cluster homes.

Ravi Nandwana, John Ressler & Sherman Balch for Ryland Homes (Applicant) and John Ressler, et al, Balch Investment Group (Owner)

The Project Site is Located at the Northeast Corner of Industrial Parkway West and Stratford Road.

**RECOMMENDATION:**

Staff recommends that the Planning Commission deny the requests based on the findings in the staff report (Attachment A).

**DISCUSSION:**

**I. General Plan Amendment**

The applicant is requesting to develop a 12.26-acre, undeveloped parcel with 91 single-family houses in a cluster-type development. As the General Plan Map designation of the property is "Industrial Corridor" and the zoning district is "Industrial," amendments to both the General Plan and the Zoning are necessary in order to carry out the project.

The General Plan identifies the community's environmental, social and economic goals, and states the City policies on the location and characteristics of future development. Therefore, when assessing the appropriateness of amending the General Plan, identifying the City's overall goals is a significant consideration as well as the characteristics of the land and its surroundings.

In this instance, the loss of a significant industrial parcel must be weighed against the benefits of housing, of which there is a shortage in the Bay Area. Also favoring the development of housing is the fact that there is housing to the north and a portion of the east side of the property. The appropriateness of the actual site for housing is also significant consideration. One consideration is that the property fronts on Industrial Parkway West, which is noisy, requiring construction of a sound wall across the entire frontage of Industrial Parkway West. Further, the land is not close to supporting services such as a grocery store. The availability of supporting infrastructure, such as schools and parks, must also be a consideration. The written policies of the City's General Policies Plan, indicated below, provide guidance in these areas.

The General Policies Plan and the Tennyson-Alquire Neighborhood Plan policies stress the importance of protecting and developing suitable locations for business uses as stated in the following policies:

- Policy: The City will seek to maintain the efficiency of the Industrial Corridor with road and transit improvements and encouragement of appropriate land use (Page V-12).

Strategies:

1. Limit non-industrial uses in the Industrial Corridor which would interfere with the primary use of the area as industrial land.
- Policy II of the Economic Development Element of the General Plan states:

Create a sound local economy which attracts investment, increases the tax base, creates employment opportunities for residents and generates public revenues.

The Tennyson-Alquire Neighborhood Plan adopted by the City Council on July 18, 1989, has the following policy on the industrial corridor:

*Retain space for industrial development along Industrial Parkway while providing for safety and amenity of the neighborhood.*

The program of the City's Housing Element states,

*To ensure an adequate supply of land available for development of housing, the City will encourage and be receptive to private proposals to redesignate non-residential (e.g. industrial) land to residential uses, where there are adequate support facilities (e.g. transportation, schools, parks) and where otherwise appropriate.*

The Industrial Corridor comprises over 3,500 acres of land along the western and southern edges of the city. Approximately 400 acres representing 12.5 percent of the total land area in the Industrial Corridor are classified as vacant land. In Hayward, as well as in the Bay Area, undeveloped industrial land is at a premium, especially in this area easterly of I-880. In staff's opinion, this industrial parcel should be protected from the encroachment of non-industrial uses and to do otherwise would be inconsistent with the above policies.

The property owners have expressed concern about attracting industrial development adjacent to existing residential development. The Zoning Ordinance has provisions to provide for the safety and amenity of adjacent neighborhoods. A use permit is required to ensure compatibility between uses, and a 20-foot wide side or rear yard is required of industrial uses abutting residential uses. Currently, the General Plan review process includes a discussion of whether to reclassify some industrial properties to further insure compatibility between industrial and residential uses, such as instituting a "Light Industrial" classification or "Industrial Business Park" classification. The owners of subject property indicate that use permit constraints deter potential industrialists from seeking to develop their land. However, other industrial properties that abut residential land in Hayward have been able to be developed with industrial uses.

Placing residential development on an industrial corridor may result in the following quality-of-life issues for the residents of the homes:

- The homes adjacent to Industrial Parkway West will be subjected to noise and primarily from truck traffic. The recommended mitigation measure of a 12-foot high (minimum) wall and closed second floor windows with a ventilation system will result in an exterior noise level of 65db. The City's Noise Element cites 60db as acceptable for yard areas within single-family residential development, but recognizes that 65db is acceptable in areas where there is noise inundation, such as in central city cores. To date, this higher noise level has not been applied to single-family homes in Hayward. If housing is developed, future residents whose properties are close to Industrial Parkway would be subjected to noise not usually associated with single-family development.
- The noise study that recommends a 12-foot-high wall does not indicate at what point the height of the wall should be measured. Typically the height of the wall is measured beginning at the finished floor level of the homes. Because additional fill will have to be imported to the site (a portion of it is in a flood zone), the wall may have to be higher than 12 feet. A tall wall along Industrial Parkway West will create an unattractive streetscape. If developed with an industrial use, the wall would not be necessary.
- The 12+-foot high wall places the 20-foot-deep rear yards of the adjacent homes in the shade in the early morning hours. Taking advantage of morning sun from the south in the winter can serve as an energy conservation measure. Also, the presence of such a high wall is not visually attractive from the point of view of the homeowner.
- The view from the second floor windows of the homes facing Industrial Parkway West and the existing industrial development to the east would be unattractive. They may also be subject to light and glare from vehicle and streetlights on Industrial Parkway West and from the adjacent industrial properties.
- "Walkable" communities are part of a smart growth strategy. The design of the project with long, linear streets is not conducive to walking within the project. Further, the project itself is not within walking distance to major support services, such as a grocery store or other offices. The nearest elementary schools are Peixoto School (grades 4 - 6)

and Ruus School (grades K – 3) which are about two-thirds and three-fourths of a mile respectively from the proposed development. There is a trail along the flood control channel that would serve as a means to get to Ruus Elementary School. Peixoto School would be accessed via Ruus Lane, which is developed with industrial uses, and Ruus Road, a heavily traveled collector street that lacks sidewalks. The nearest middle school, La Vista, is on Whitman Street, north of Tennyson Road. The shortest route to that school is also via Ruus Road. Tennyson High School is adjacent to La Vista Middle School.

Community-wide issues include:

- Surrounding residential development is on lots that are primarily between 4,000 and 5,000 square feet. The majority of lots for the proposed development approximate 3,306 square feet, which is considerably less. Subsequent to construction of the housing development at Harder Road and Mocine Avenue where lot sizes are as small as 3,600 square feet, the City Council adopted a zoning category of RSB4 to provide standards for small lot development. In the RSB4 the minimum lot size is 4,000 square feet and all other development standards of the RS District prevail.
- Although local-serving park land would be expanded and enhanced as part of the development, the project would result in a increase in demand on community parks and activities, including senior centers, the Boys' and Girls' Club, and tennis and swim facilities.
- The Municipal Code requires as a condition of approval of a residential subdivision to dedicate land, pay a fee in lieu thereof, or do a combination of both, at the option of the City, for park purposes. The proposal is referred to the Hayward Area Park and Recreation District (HARD) for their recommendation. Although the developer may indicate a preference as to how that requirement is to be met and a recommendation is received from HARD, the ultimate decision lies with the City. In this case, the City's land requirement for 91 homes is 51,506 square feet (1.18 acres), which is less than HARD's standards for park land. For subject application, the applicant is proposing to add only 31,784 square feet (.732 acre) to an existing park. The deficit is 19,722 square feet (.45 acre). In addition to land dedication, the developer has agreed to improve this dedicated land to meet HARD's improvement standards as well as enhance the existing park. While this option provides some immediate improvements to parkland, the amount of land that might otherwise be available for park purposes is less than what could be achieved with this project. In staff's opinion, the dedication of the additional parkland is the preferred option because the cost of buying an additional half acres of parkland would more than likely exceed the cost of the proposed improvements.

Another option to compensate for the some of the shortfall of land proposed to be dedicated to public park purposes would be to provide a small, centrally located park of at least 13,000 square feet within the development. In staff's opinion, a centrally located, well-equipped park that serves only the development would be an attractive option, particularly because of the relatively small yards of the individual lots.

- The residential area north of subject site lacks proximity to local commercial services, such as a grocery store. If the property were not developed as an industrial parcel, a type of development that would better serve the community might be a commercial center or a mixed-use development.
- The Hayward Unified School District indicates that the student generation rate of single-family homes is .492 (K-6 is .312; 7-8 is 0.63; 9-12 is .117). Although we cannot predict exactly what the student generation would be for the proposed housing, which consists of homes with three and four bedrooms, latest Census data indicate that the average household size of owner-occupied dwellings (of all sizes) is 3.13 persons. Although Peixoto School may have the classroom capacity to accept additional children, its multi-purpose room consists of a portable classroom building, which results in two crowded lunch periods. When classes are dismissed at 3:00 p.m., traffic circulation in the area is very congested, attributed not only to school-related traffic, but also to industrial development to the south.
- AC Transit provides services from Stratford Lane to the South Hayward BART station and to Southland and Chabot College at half-hour and one-hour intervals.

## II. Zone Change Application

In order to construct a residential development on lots of atypical size, the zoning of the land must be changed from Industrial to Planned Development. The project design consists of the following:

### Site Plan

The development consists of 91 detached single-family units. The units are arranged in a cluster design with single common driveways serving between two and six units. The cluster concept is used throughout the project, with no variation. If housing is to be considered at this site, staff would suggest that a greater variety of housing types be provided, including more traditional single-family development as well as attached units.

Primary access to the project is from Stratford Road, which includes an attractive landscaped median. Emergency vehicle access only will be provided to Industrial Parkway West. All of the streets within the project will be private and maintained by a homeowners association.

The 12+-foot high masonry wall proposed along the Industrial Parkway West and Stratford Road frontages of the property is intended for both sound attenuation and privacy screening. The wall will be setback 20 feet behind the sidewalk on Industrial Parkway West with mounding and landscaping between the wall and the back of the sidewalk. The 10-foot setback on Stratford Road between the wall and back of the sidewalk will also be landscaped. At the Stratford Road and Industrial Parkway West corner of the property will be a rectangular landscaped area with a monument entry sign for the project. There is an existing masonry wall along the northern

portion of the site where homes fronting on Stonebrook Lane back up to the project site. This wall was installed when the homes were built and will remain. An 8-foot high masonry wall will be provided to screen the industrial building and parking to the east. At the northeast corner of the project is a 31,784 square foot expansion of the Stratford Village Park serving the surrounding neighborhood. The applicant will be dedicating the additional park area and contributing towards its development.

### Traffic Circulation and Parking

The private street system in the development will consist of 46-foot wide rights-of way. There will be two 10-foot wide travel lanes, 8 feet of parallel parking on either side of the street and 5-foot wide sidewalks. The lane design is unusual in that "pop-outs" or tree wells extend out into the street so that street trees may be provided. Shallow 10-foot-deep front yards contain utility easement so cannot be used to plant trees with deep roots. Each residence will have an enclosed two-car garage. In addition, there will be both on-street parking and a large parking area at the east end of the development. Visitors will primarily use the on-street parking and the parking area. The total number of parking spaces is 368 including visitor and on-street parking. This averages 4 spaces per unit. In staff's opinion, the design of the project would be improved by interrupting the long central expanse of housing with group open space and a walk-way between the two streets. This circulation pattern is both conducive to a walkable neighborhood and would provide a centrally located area where the neighborhood could congregate.

### Individual Parcels

The typical lot in the development is 57.5 feet by 57.5 feet with an area of 3,306 square feet. The setback from the front property line ranges from 5-feet to 10-feet depending on the unit type, side yards are 5 feet to 7 feet, and the rear yard ranges from 13 feet to 15.5 feet. Rear yards of house along Industrial Parkway West are 20 feet deep. Private open space ranges from 496 square feet to 820 square feet. All of the private open space is enclosed with a 6-foot high wood fence. For comparison purposes, lots within the RSB4 zoning district are 50 feet by 80 feet, with 20-foot front and rear yards.

### Floor Plans

The units range in size from 3 to 4 bedrooms and from 2.5 to 3 baths. Both Plans Three and Four have a bedroom on the first floor. The area of the units varies from 1822 square feet to 2230 square feet. Plan Three has a deck off the second floor master bedroom that is located on the front of the home and extends the full width of the bedroom. Plan Four has a second floor deck measuring 5 feet 4 inches in width and almost 19 feet long. This deck extends along a portion of the side of the home. As mentioned above, the square footage of the second floors of many of the units would have to be reduced to meet the City's Design Guidelines.

### Building Elevations

As previously mentioned, the homes are all two-story. They will be provided with a variation in style including English Tudor, Colonial, Mission and Spanish themes. The exterior walls are

stucco or horizontal wood siding and roof materials are either curved tile roofing or composition shingles depending on the architectural design of the home. Architectural enhancements include used brick accents, wood shutters and trim around windows, paneled wood columns, decorative wood guardrails and wood pot shelves under some of the windows. Decorative treatments will also be placed on the rear and sides of homes that back up to or side onto surrounding city streets and the interior private streets.

The proposed homes do not meet the City's Design Guidelines for single-family residential development. The intent of the Guidelines is to reduce the appearance of bulk and compactness. To achieve this intent, the Guidelines require that the second floor be smaller in area than the first story. At least one side of the building wall above the first floor level should be set in from the minimum side yard setback so as to minimize the appearance of bulk associated with the homes. In this proposal the second floor extends the full width of the first floor level. There is no inset. This is especially evident on Plans One and Two. In order to be consistent with the City's Design Guidelines, the square-footage within the homes would have to be reduced on the second floor.

### Landscaping

Both the Industrial Parkway West and Stratford Way frontage of the site will be landscaped between the back of the sidewalk and the masonry wall. Along Industrial Parkway West, the 20-foot wide landscape strip will be mounded up to three feet in height against the wall to reduce the visual effect of the wall. Landscape materials will consist of trees, shrubs and groundcover. Along Stratford Way, the landscape strip is only 10-feet wide so the mounding is not proposed. Plant materials will be similar to that used on Industrial Parkway West. There are some existing mature trees along both street frontages some of which will be saved.

On the interior of the project, the street frontages, front setback of the homes facing the street and the courtyards will be landscaped using trees, shrubs and groundcover. Tree wells will be provided in the on-street parking areas to provide a tree lined street effect. The resident common open area and the park extension will also be landscaped. The only areas of the project that will not be landscaped by the developer are the private back yards of the individual homes. This will be the responsibility of the homeowner.

A small mini-park (less than 9,000 square feet) is proposed toward the eastern portion of the project adjacent to the emergency vehicle access area. Because a breach in the wall is necessary for emergency vehicle access, the sound wall must be wrapped within the project itself to attenuate noise to acceptable levels. This results in the high wall being adjacent to the mini-park, which reduces available sun to this area, as well as adjacent to the side yard of a home. This wall placement, in staff's opinion, would be perceived as unattractive.

When a project is zoned Planned Development, the following finding is required:

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

This project includes several departures from development standards for the RSB4 zoning district in that yard areas are substantially smaller. When the issue of compensating for the reduced yard areas was raised with the applicant, staff was told that no exception to development standards are requested because this project, as a cluster development, should not be compared with the standard zoning district requirements. Staff agrees that cluster development will not necessarily conform to existing standards but believes strongly that the loss of private open space should be adequately compensated by increasing public open space, which has not been demonstrated in this project.

The applicant indicates that they have marketed the property for industrial or large commercial development for approximately nine years without success. The following are some of the factors, according to the applicant, that result in the site being unfeasible for retail development:

- The 12.25-acre site is not large enough for a "big box" or regional center that typically have users in excess of 100,000 square feet of building area.
- The depth of the site appears too shallow for a supermarket center and would not provide adequate area for customer parking.
- Drawing shoppers to this area will be difficult because of the strong industrial presence.
- The property does not have visibility from I-880 and there is no northbound off-ramp from I-880 to Industrial Parkway West.
- The property does not have strong secondary-street access that is critical to a shopping center.

The site consists of 12.25 acres (533,610 square feet), and the Home Depot site on Hesperian Boulevard is ten acres. The Staples/Walgreen's site on Hesperian Boulevard at A Street is 3 acres, and the Target site at Industrial Parkway West and Whipple Road is 13 acres, but includes an additional building pad for another use. The subject site appears to be of an adequate area to accommodate a large retail or industrial use.

The depth of the land is approximately 515 feet. For comparison purposes, Fairway Park Shopping Center is 567 feet deep. The depth of subject parcel appears adequately deep to accommodate commercial or industrial development.

Staff recognizes that there are site constraints with respect to attracting commercial development. For example, it may not be attractive to a retail use with a regional base because there is no northbound exit from I-880 to Industrial Parkway West West.

### **III. Tract Map**

The tract map serves to implement the proposed housing development. If the Planning Commission is inclined to support housing in this area, in staff's opinion the tract map should be

redesigned to provide a development that does not necessitate a tall wall along a major thoroughfare and which provides more interesting on-site amenities, such as mid-block pedestrian walkways, roundabouts, parking areas that are dispersed throughout the project, more areas devoted to centrally-located common open space, and a greater variety of lot types.

## **ENVIRONMENTAL REVIEW (CEQA)**

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that will be mitigated, as determined from staff's Initial Study preparation. Therefore, a Mitigated Negative Declaration has been prepared in the event that the Planning Commission recommends for approval of the project.

## **PUBLIC NOTICE**

A referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records asking for comments on the project. The Planning Division received four letters:

- Two letters from William W. Weller, Director Fairway Park Neighborhood Association. He saw no problem changing the zoning from Industrial Corridor to Low-Medium Density Residential in his first letter. He raised concern regarding traffic and pollution. In his second letter, he raised concern on the 3,200 to 3,600 square foot lot size. He said all the lots should conform to the city standard of 5,000 square feet.
- An e-mail letter from Eileen Relos is in support of changing the General Plan designation to Low-Medium Density Residential. She said the narrow residential street (Stratford Road) is too narrow for the heavy traffic from business use of the property.
- An e-mail letter from Joe David said he had a hard time visualizing 93 (now 91) single-family homes in that space. He is interested in how additional traffic is being accounted for.

On August 31, 2001, a notice of public hearing and preparation of a Mitigated Negative Declaration was published in the Daily Review and mailed to property owners and occupants within 300 feet of the project boundaries, the Tennyson-Alquire Neighborhood Association, Fairway Park Neighborhood Association and appropriate public agencies were also notified.

## **CONCLUSION**

The General Plan and the Tennyson-Alquire Neighborhood Plan both determine that Industrial (I) zoning and development are still appropriate for this parcel. With the development requirements set forth in the Zoning Ordinance, industrial development on this site would continue to be compatible with the adjacent residential development.

The Planning Commission may deny the requested applications or recommend approval of the environmental document and applications to the City Council. In the event approval is recommended, the hearing should be continued on order to allow time for staff to draft Findings and Conditions of Approval.

Prepared by:

*for Dyana Anderly*  
Norm Weisbrod  
Project Planner

Recommended by:

*Dyana Anderly*  
Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Finding
- B. Area Map
- C. Negative Declaration

Findings for Denial

General Plan Amendment 01-110-02 and Zone Change Application 01-190-05

Ryland Homes (Applicant) and Balch Investment Group (Owner)

Northeast Corner of Industrial Parkway West and Stratford Road

1. The 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 for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment that can't be mitigated, therefore it is determined that adoption of a Mitigated Negative Declaration is the appropriate action.
2. The proposed land use and zone change will not promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will reduce land available for industrial development that provides employment opportunities and contributes to the City's tax base.
3. The proposed land use and zone change is inconsistent with the City's General Plan and Economic Development Policies, and the Tennyson-Alquire Neighborhood Plan in that the policies call for the site to be developed with industrial uses in order to create employment opportunities and contributes to the City's tax base.
4. The existing or proposed streets and public facilities are adequate to serve all the uses permitted if the property is reclassified.
5. The single-family residential use would not be compatible with the adjacent industrial business and transportation systems and would limit industrial expansion.



**Mitigated Negative Declaration  
Environmental Checklist Form**

1. Project title: **GPA 01-110-02/ZC 01-190-05/Vesting Tentative Map Tract 7320; to amend General Plan from Industrial Corridor (IC) To Low Density Residential (LDR), Rezone Property from Industrial (I) District to Planned Development (PD) District and Tentative Tract Map for 91 single-family residential lots to be served by private streets.**
2. Lead agency name and address: **City of Hayward**
3. Contact person and phone number: **Dyana Anderly, AICP, Planning Manager, 510.583.4214**
4. Project location: **Northeast corner of Industrial Parkway West and Stratford Road, APN's 464 0120 012/462 0100 28-01**
5. Project sponsor's name and address: **Ryland Homes/John Rassier/Sherman Balch**
6. General plan designation: **Industrial Corridor (IC)**
7. Zoning: **Industrial (I) District**
8. Description of project:

**The project consists of a General Plan Amendment, Rezoning and Tentative Tract Map for the construction of 91 single-family homes on an approximately 12-acre site. All of the streets for project will be private and the homes will have common driveways. The homes will be two-story structures and will range in size from 1,822 square feet to 2,230 square feet. Four floor plans are being proposed. Approximately 31,338 square feet of land will be dedicated and improved for expansion of the adjacent Stratford Village Park and an 11,500 square foot park in addition to Stratford Village Park, for use by the residents of the development will be provided.**

9. Surrounding land uses and setting:

**To the west at the northwesterly corner of Industrial Parkway West and Stratford Road is a vacant parcel zoned Industrial (I) District. A small neighborhood shopping center is proposed for this site. The same project sponsors would develop it concurrently with this proposal. The remainder of the area to the west and north side of the subject property is bordered by the Stratford Village development consisting of single-family homes on 4,000 to 5,000 square foot lots. To the east and south is industrial zoned property developed with various industrial uses.**

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)

**Alameda County Flood Control and Water Conservation District; Regional Water Quality Control Board**

**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.



**ENVIRONMENTAL ISSUES:**

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**I. AESTHETICS -- Would the project:**

a) Have a substantial adverse effect on a scenic vista?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** As proposed, the project consisting of the construction of 91 single-family homes on 12 acres is not anticipated to result in significant aesthetic impacts. The two-story homes are in scale with the surrounding two-story homes in recent developments in the immediate area. However, because they do not conform to the City's Design Guidelines, Conditions of Approval would have to be applied requiring redesign. Surrounding industrial zoned land permits building height in excess of the proposed two-story homes. Under the industrial zoning, industrial buildings could be developed to an unlimited height and a commercial or office building could be developed up to 40 feet in height. Therefore, building height will not substantially degrade the existing visual character of the area

The Industrial Parkway West frontage of the property will have a maximum 12-foot masonry wall to mitigate noise from traffic on the street. The wall will have a significant impact on the visual character of the area. The following mitigation will reduce the impact to a level of insignificance:

- **Mounding between the back of the sidewalk and the wall with extensive landscaping including trees will be required. The wall may also have to be moved further back from the sidewalk to reduce the visual impact on the surrounding area.**

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** There are mature trees along the Industrial Parkway West and Stratford Road frontages of the property. It appears the trees are located in the public right-of-way and in a location that may interfere with the sidewalk. Consideration should be given to routing the sidewalk around the trees in lieu of their removal. The following mitigation measure will reduce the impact to a level of insignificance:

- **The existing trees in the public right-of-way shall be evaluated by the city landscape architect to determine the condition of the trees and those that are worth saving. Where feasible, the sidewalk shall meander around the trees to be saved.**

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** See 1 a) above.

d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Because the site is vacant at this time, typical street lights and indoor and exterior lighting of the residential units would significantly increase the amount of light emanating from the project site. To reduce the impact to a level of insignificance the following mitigation measure shall be implemented:

- **Lighting shall be designed so that no light spills off-site especially on adjacent residential properties.**

Conditions of approval requiring that lighting be designed so that no light spills off-site, will reduce this potentially significant impact to a level of insignificance.

**II. AGRICULTURE RESOURCES:** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** As a vacant parcel surrounded by a major arterial and residential and industrial development, this site does not have significant value for agriculture uses. Underlying soils are not considered prime farmland and the site is not zoned or shown on the General Plan for agricultural use. There are no agricultural uses in the vicinity, which might be affected by the proposed residential development. Therefore, no agricultural resources impacts are anticipated.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See II a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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c) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See II a) above.

**III. AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The traffic volumes associated with this project are not anticipated to be substantial and will probably be less than development of the site with industrial or commercial uses. Therefore, a significant increase in air emission or deterioration of ambient air quality attributed to the project is not anticipated. It should be noted that the latest information provided by the Bay Area Air Quality Management District (BAAQMD) indicates that the Bay Area is a designated non-attainment area for ozone and particulate matter (PM10). Typically, the BAAQMD does not require site-specific air quality analyses for projects that do not meet minimum size threshold (typically in excess of 300 dwelling units), which this project would not meet.

Best Management Practices (BMP) is required as a condition of approval regarding use of equipment during the grading phase of construction. The project will be conditioned to require that all trucks be covered and that daily street sweeping and site watering be implemented during this phase. In addition, vehicle wheels may be required to be washed before entering the public street. Due to the proposed residential use, no objectional odors are anticipated.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See III. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** See III. a) above.

e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The proposed residential use is not anticipated to create any objectionable odors.

**IV. BIOLOGICAL RESOURCES -- Would the project:**

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Ruderal species such as wild barley (*Hordeum leporinum*), ripgut grass (*Bromus diandrus*) and black mustard (*Brassica nigra*) dominate the site. These grasses are not sensitive or special status species.

On June 14, 2001, H.T. Harvey and Associates conducted surveys on the site for Burrowing Owls (*Athene Cunicularia*). The purpose of the survey was to confirm whether Burrowing Owls occupied the site and therefore posed constraints to site development. No Burrowing Owls were observed during any of the surveys, but the property was found to be consistent with potential nesting habitat. Because Burrowing Owl habitats are ephemeral, results of the surveys will remain valid for no more than 30 days. If more than 30 days elapse between the time of the last survey and site alteration, additional surveys may be required to ensure that no owls have moved onto the site. The following mitigation measure shall be attached to reduce the impact to a level of insignificance:

- **Until commencement of construction, a survey for Burrowing Owls shall have been conducted within 30 days. If Burrowing Owls are found on the site, the applicant shall comply with any mitigation measures recommended by the surveyors.**

There may be some common bird species that occupy vacant parcels and rodents such as pocket gophers [*Thomomys sp.*]. These species are common to many areas and have no regulatory protective status.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** See IV a) above.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** There are no identified wetlands on the project site.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See IV a) above.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV a) above.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See IV a) above.

**V. CULTURAL RESOURCES -- Would the project:**

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** There are no known cultural resources in the project area and it is unlikely that any cultural resources will be encountered during site development. Potential impacts related to unknown cultural resources that may be encountered during the construction phase can be mitigated to a level of insignificance with the implementation of the following mitigation measure:

• In the event that archaeological resources, prehistoric or historic artifacts are discovered during any construction or excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Development Services Department shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.5 and 15126.4 of the California Environmental Quality Act.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See V a) above.

a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See V a) above.

b) Disturb any human remains, including those interred outside of formal cemeteries?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See V a) above.

**VI. GEOLOGY AND SOILS -- Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project site is not within the Earthquake Hazard Zone. The Hayward Fault passes about two miles east of the site, while the San Andreas Fault passes about 12 miles west of the site. It is likely that during the lifetime of any future residences constructed on the project site, they will be subject to seismic shaking and other earthquake-induced effects. The Uniform Building Code requires new building construction to meet requirements for construction in earthquake-prone areas, which is intended to minimize any potential impacts related to seismic events. The following mitigation measures are recommended in order to reduce potentially significant impacts related to soils and grading to a less than significant level:

•The buildings shall be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential structures.

ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VI. a) I) above.

iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VI. a) I) above.

iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This is a flat site with no potential for landslides.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project site is fairly level. The following mitigation measures are recommended to reduce potentially significant impacts related to hydrology and water quality to a less than significant level:

- Prior to adoption of the final map, site-specific hydrologic and hydraulic calculations shall be submitted to the City Engineer for review and approval.

- Prior to issuance of a grading permit, an erosion control plan shall be developed for the site in order to minimize any erosion that may occur during grading. Protection measures may include implementing silt fencing, hay bales and/or sand bags. The erosion control plan shall be submitted to the City Engineer for review and approval.

- In accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit, the applicant shall file a Notice of Intent (NOI) with the Regional Water Quality Control Board (RWQCB) advising that the project is under consideration for construction. The applicant shall submit proof of approval from the RWQCB to the City Engineer prior to issuance of a grading permit.

- Until such time as all construction of the development has been completed to the satisfaction of the City Engineer, the applicant shall provide current Erosion and Sediment Control Plans, and amended Storm Water Pollution Prevention Plans (SWPPPs) for all portions of the site where construction is ongoing.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VI. b) above.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VI. b) above.

f) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

**Comment:** No hazardous materials of a significant threshold are anticipated to be used at the site.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

**Comment:** See VII. a) above.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

**Comment:** See VII. a) above.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**Comment:** This property is not on a list of hazardous materials sites.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**Comment:** This site is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**Comment:** See VII. a) above.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**Comment:** This project will not impair the implementation of or interfere with an adopted emergency response plan.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wild lands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** This area is not subject to wild land fires.

**VIII. HYDROLOGY AND WATER QUALITY -- Would the project:**

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** A drainage plan will have to be submitted and approved by the City Engineer prior to issuance of building permits for the housing project. The San Francisco Bay Regional Water Quality Control Board also has authority over drainage on the site, and their approval is required before issuance of any building permits for the individual homes.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** This site is undeveloped and rainwater does seep into the groundwater supply. Paving of the site and construction of numerous structures will reduce the groundwater recharge. The reduction in recharge will be minor and will not impact any nearby wells.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VIII. a) above.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VIII. a) above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VIII. a) above.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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f) Otherwise substantially degrade water quality?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VIII. a) above.

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The majority of the property is in flood Zone B and a portion (approximately 25%) within a Special Study Zone AH (elevation 10 feet) Flood Zone. Buildings constructed on the site will have to be placed at an elevation that results in the structures being at an elevation that is not subject to flooding. The following mitigation measure is recommended in order to reduce any flood hazard to a level of insignificance:

- Fill shall be placed on the site to raise the pad elevation for the homes to a level that is not within a 100-year flood hazard zone, details subject to the approval of the City Engineer. Preliminary estimates show that fill approximately 1.5 feet deep will be placed on the property. Approximately 45,000 yards of fill material will have to be imported to the site. This will result in 3,750 truck loads of material. At 70 trucks per day it will take 54 days to fill the site. The City will require that no material is tracked or dropped on city streets and may restrict the trucks to certain routes.

h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See VIII. g) above.

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See VIII. g) above.

j) Inundation by seiche, tsunami, or mudflow?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The site is several miles inland from the San Francisco Bay Shoreline. The potential for inundation due to tsunami and/or seiche is considered remote.

**IX. LAND USE AND PLANNING - Would the project:**

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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a) Physically divide an established community?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project area is a combination of single-family housing and industrial uses. Developing this property with single-family homes would not divide the community or have a negative impact on the surrounding area.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** This 12 acre parcel is presently zoned Industrial (I) District and shown on the General Plan as Industrial Corridor (IC). The proposal is to rezone the property to Planned Development (PD) and amend the General Plan to Low Density Residential (LDR). The proposed development would be in conflict with both the existing General Plan and the existing zoning designation.

c) Conflict with any applicable habitat conservation plan or natural community conservation plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** There is no habitat conservation plan or natural community conservation plan that applies to this site.

**X. MINERAL RESOURCES -- Would the project:**

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** There are no known significant mineral resources on the site.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See X. a) above.

**XI. NOISE - Would the project result in:**

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project site has frontage on Industrial Parkway West, a major arterial serving surrounding industrial and residential uses and east and west flowing traffic through the area. Both passenger vehicles and heavy truck traffic on the street will have a noise impact on residential development on the site. Charles M. Salter Associates Inc prepared a Noise Impact Assessment, dated May 17, 2001. On April 2 and August 9 to 13, 2001, noise measurements were made on the site consisting of one continuous 92-hour measurement along Industrial Parkway West and three short-term 10-minute measurements made throughout the site to quantify noise levels at the different building sites. The 92-hour measurement was in the range of 74 Ldn and the short-term measurements were Ldn 61 to 62. The Noise Element of the Hayward General Plan indicates that an Ldn of 60 dB or less is considered "normally acceptable" for single-family residential use and 65 dB is "conditionally acceptable". The first row of homes along Industrial Parkway West will be exposed to noise a level of 74 dB. This corresponds to a normalized Ldn of 69 dB according to the city's Noise Element. A 12-foot tall noise barrier located at the southern project limits will provide up to 11 dBA of noise reduction reducing the noise level at the first row of homes along Industrial Parkway West to an Ldn 63 dB. This corresponds to a normalized Ldn of 58 dB, would be considered "normally acceptable." The barrier can be a berm, wall or a combination of both. The following mitigation measures are recommended to reduce potentially significant impacts related to noise to a less than significant level:

- **Prior to approval of the Final Map, a plan showing the exact location and proposed construction of the proposed minimum 12-foot high sound wall (as outlined in the Noise Study) shall be submitted for review and approval by the Planning Director and Building Official. Prior to issuance of the first Occupancy Permit, the sound wall shall be constructed along the Industrial Parkway West property line. The wall shall be constructed to the satisfaction of the Planning Director and Building Official.**
  
- **All second floor windows for the units that back up to the Industrial Parkway West frontage shall be installed with rated minimum Sound Transmission Class (STC) 32. Windows specified to be maintained closed, are to be operable, as the requirement does not imply a "fixed" condition. Mechanical ventilation shall be required as specified in the Uniform Building Code and central air conditioning shall be installed in each of the dwellings.**

All other homes within the project limits will be exposed to noise levels below 60 dBA and will not require additional noise mitigation.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Comment:** See XI. A) above.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** A residential project of 91 residential units will not result in an increase in the ambient noise levels in the vicinity

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** During construction of the project, there may be an increase of ambient noise levels in the vicinity. Hours of construction should be limited to daytime activity and hour limitations placed on Saturday and Sunday activity. Construction equipment should have sound reduction devices to reduce noise impacts on surrounding properties. Due to acceptable ambient noise level, no mitigation is required under Title 24 requirements.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project is not located within an airport land use plan or within two miles of a public airport or public use airport.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** See XI. e) above.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**XII. POPULATION AND HOUSING – Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

**Comment:** The project will allow the construction of 91 single-family homes. Given the small size of the development, potential impacts related to population growth are considered less than significant. No existing housing is located on the project site therefore there are no impacts related to displacement of housing units or people.

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

**Comment:** See XII. a) above.

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

**Comment:** See XII. a) above.

**XIII. PUBLIC SERVICES**

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Fire protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The fire department is requiring that turning accommodations be made for fire apparatus traveling eastbound on Industrial Parkway West. Since this is a primary response route, access capabilities into the proposed development will have to be provided along Industrial Parkway West. The alternative is to propose another full access point, which will be acceptable by the fire department. If a second full access cannot be provided, then additional building construction and fire protection/life safety measures will be considered for the development including an automatic fire sprinkler systems for each home. Public fire hydrants will have to be installed at every 400 feet of travel. Fire hydrants shall meet city standards for installation. Type of fire hydrants shall be modified streamers, capable of flowing 1,500 gallons per minute at 20 PSI. Location of fire hydrants shall be approved by the fire department.

Police protection?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Given the urban context and the small scale of the residential development, public service impacts related to police protection are anticipated to be less than significant.

Schools?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment.** Although Hayward Unified School District staff indicates that Peixoto School may have the classroom capacity to accept additional children, its multi-purpose room consists of a portable classroom building, which results in two crowded lunch periods. When classes are dismissed at 3:00 p.m., traffic circulation in the area is very congested, attributed not only to school-related traffic, but also to traffic from industrial development to the south. The following mitigation measure is recommended to reduce potentially significant impacts related to schools to a less than significant level:

- **Mitigation measures include imposition of school impact fees to the extent allowed by State Law.**

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Parks?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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**Comment:** In conjunction with a residential subdivision the Municipal Code requires dedication of land for park purposes, the payment of a fee in lieu of land, or a combination of both, at the option of the City. The City's land requirement for 91 homes is 51,506 square feet. The applicant is proposing to add only 31,784 square feet to the existing park adjacent to the development. The deficit is 19,722 square feet. In this case, in addition to land dedication, the developer is proposing to improve the dedicated land to meet HARD's improvement standards and to enhance the existing park. The project is a planned development; and when there are exceptions to development standards, they must be compensated for or offset. In this instance, the exceptions are reduced yard areas. However, this has not been compensated for on a one-to-one basis either in group open space or by other means. The following mitigation measure will reduce the impact to less than significant:

- **Dedication of the additional parkland is the preferred option because of the cost of buying an additional half-acre of parkland would more than likely exceed the cost of the proposed improvements. Another option would be to provide a centrally located park of at least 13,000 square feet within the development.**

Other public facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** This parcel will not impact any other public facilities.

**XIV. RECREATION --**

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project will increase the use of the adjacent Stratford Village Park. The project proponent will dedicate 43,338 square feet of land for the expansion of the park. They will also pay for improvements to both the existing park area and the dedicated area. These improvements will blend in with the existing single-family neighborhood and the proposed new single-family housing. They will also provide an 11,500 square foot park for use by the residents in the housing development. Impacts to the use of existing neighborhood and regional park facilities are anticipated to be less than significant.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See XIV. a) above.

**XV. TRANSPORTATION/TRAFFIC -- Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project site is presently zoned Industrial (I) District. This zoning classification permits a wide range of industrial uses including manufacturing, research and development and warehousing. In addition, it permits administrative and professional offices and limited retail uses. If the property was to develop with an industrial complex, it is estimated that approximately 30 to 40 per cent of the site area could be developed with buildings. On the 12-acre site area, it would be possible to construct approximately 200,000 square feet of building area. Based on the type of industrial uses that would occupy the site, there could be considerable a.m. and p.m. peak hour trips by employees. Industrial development will also generate truck traffic, with the intensity and type based on the individual users. Development of the site with 91 single-family homes will probably result in considerable less a.m. and p.m. peak hour trips than the current zoning. The project was reviewed by the Alameda County Congestion Management Agency and they estimated that the project would not meet the Tier 1 requirement of 100 or more p.m. peak hour trips over baseline conditions and is therefore exempt from the Land Use Analysis Program of the CMP.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** Based on the review of the project by Alameda County Congestion Management Agency, ACCMA has no comment because the project does not appear to meet the Tier 1 requirement of generating 100 or more p.m. peak hour trips over baseline conditions.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project will have no impact on air traffic patterns.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** The internal circulation of the site will adequately serve the 91 homes. There is only one point of ingress and egress to the project from Stratford Road. Hayward Engineering and Transportation staff reviewed the initial submittal of the plans. Recommended changes have been made to the revised plans per their recommendation.

e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** A 20-foot wide emergency vehicle access way will be provided to Industrial Parkway West from within the project. A locked gate or bollards will restrict use of the access way to emergency vehicles only.

f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Each unit will be provided with an enclosed two-car garage that complies with the parking requirement for a single-family home. There are 56 uncovered auto-court spaces for use by residents and guests. On street parking totals 130 spaces. The total number of parking spaces is 368, which is equal to 4 spaces per unit. This should adequately serve both residents and guests.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The project does not conflict with policies, plans or programs for alternative transportation.

**XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:**

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project has been reviewed by the City of Hayward Utilities (Water) Division. Water and sewer service will be made available subject to standard conditions and fees in effect at the time of application for service. The plans will have to show the location of water, sewer and storm drains. The project plan shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Comment:** See XIV. a) above.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See XIV. a) above.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See XIV. a) above.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** See XIV. a) above.

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project site will be served by a private trash collecting company. Refuse will be taken to a local transfer station for separation before being trucked to a landfill site. New residents of the development will be provided with all necessary waste/recycling containers and the subdivision as a whole will be required to comply with all statutes and regulations related to solid waste.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The project will be served by a private trash collecting company. Refuse will be taken to a local transfer station for separation before being trucked to a landfill site. Residents will be provided with all necessary waste recycling containers and will be required to comply with all statutes and regulations related to solid waste and recycling.

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**XVII. 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"/>
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**Comment:** Due to the small scale of the proposed project and the fact that the site is surrounded by existing development, implementation of the proposed development of single-family homes and associated park/open space amenities on-site is not anticipated to result in significant cumulative impacts. No special-status wildlife species were observed on the site and none are expected due to extent of the disturbance of the site from surrounding development and activity.

b) Does the project have impacts that are 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"/>
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**Comment:** See XVII. a) above.

c) 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"/>
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**Comment:** See XVII. a) above.

**MITIGATION MONITORING PROGRAM**

**GENERAL PLAN AMENDMENT APPLICATION NO. 01-130-24  
REZONING APPLICATION NO. 01-190-05  
VESTING TENTATIVE MAP TRACT 7320**

**Ryland Homes (Applicant) and John Rassier/Sherman Balch (Owner)**  
General Plan Amendment, Rezoning, Tentative Tract Map for 91 Single-Family  
Residential Homes  
East Side of Stratford Road and North Side of Industrial Parkway West

**1. *AESTHETICS***

**Mitigation Measure:** Provide mounding between the back of the sidewalk and the 12 foot high wall with extensive landscaping including trees will be required. The wall may also have to be moved further back from the sidewalk to reduce the visual impact on the surrounding area.

Lighting shall be designed so that no light spills off-site especially on adjacent residential properties.

**Verification Responsibility:** City Planning Division

**Monitoring Schedule during Plan Review:** Condition of Approval: On-going during plan check

**Monitoring Schedule during Construction/Implementation:** On-going during construction; completion at occupancy

**2. *AGRICULTURAL RESOURCES* – No mitigation required**

**3. *AIR QUALITY*- No mitigation required**

**4. *BIOLOGICAL REQOURCES***

**Mitigation Measure:** Conduct survey of the site for Burrowing Owls (*Athene Cunicularia*) prior to issuance of building permits. If Burrowing Owls are found on the site, the applicant shall comply with any mitigation measures recommended by the surveyor.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** City Planning Division

**Monitoring Schedule during Plan Review:** Condition of Approval.

**Monitoring Schedule during Construction/Implementation:** Conducted prior to commencement of construction

**5. *CULTURAL RESOURCES***

**Mitigation Measure:** In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction or excavation, the

following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedures for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

**Implementation Responsibility:** City

**Verification Responsibility:** City Planning Division

**Monitoring Schedule during Plan Review:** N/A

**Monitoring Schedule during Construction/Implementation:** On-going during construction

## 6. ***GEOLOGY/SOILS***

**Mitigation Measure:** The buildings shall be constructed in accordance with Uniform Building Code requirements relating to earthquake safety in residential structures.

Prior to adoption of the final map, site-specific hydrologic and hydraulic calculations shall be submitted to the City Engineer for review and approval.

Prior to issuance of a grading permit, site -specific hydrologic and hydraulic calculations shall be submitted to the City Engineer for review and approval.

Prior to issuance of a grading permit, an erosion control plan shall be developed for the site in order to minimize any erosion that may occur during grading. Protection measures may include implementing silt fencing, hay bales and/or sand bags. The erosion control plan shall be submitted to the city Engineer for review and approval.

In accordance with the requirements of the National Pollutant Discharge Elimination System (NPDES) permit, the applicant shall file a Notice of Intent (NOI) with the Regional Water Quality Control Board (RWQCB) advising that the project is under consideration for construction. The applicant shall submit proof of approval from the RWQCB to the City Engineer prior to issuance of a grading permit.

Until such time as all construction of the development has been completed to the satisfaction of the City Engineer, the applicant shall provide current Erosion and Sediment Control Plans, and amended Storm Water Pollution Prevention Plans (SWPPPs) for all portions of the site where construction is ongoing.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** City Building Division and the Public Works Department

**Monitoring Schedule during Plan Review:** City Building Division and the Public Works Department

**Monitoring Schedule during construction/Implementation:** On-going during construction and prior to issuance of certificate of occupancy

7. **HAZARDS & HAZARDOUS MATERIALS** – No mitigation required

8. **HYDROLOGY / WATER QUALITY**

**Mitigation Measure:** Fill shall be placed on the site to raise the pad elevation for the homes to a level that is not within a 100-year flood hazard zone, details subject to the approval of the City Engineer. Preliminary estimates show that fill approximately 1.5 feet deep will be placed on the property. Approximately 45,000 yards of fill material will have to be imported to the site. This will result in 3,750 truck loads of material. At 70 trucks per day it will take 54 days to fill the site. The City will require that no material is tracked or dropped on city streets and may restrict the trucks to certain routes.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** Engineering Division

**Monitoring Schedule during Plan Review:** Condition of Approval: On-going during plan check

**Monitoring Schedule during Construction/Implementation:** On-site Civil Engineer during grading

9. **LAND USE / PLANNING** – No mitigation required

10. **MINERAL RESOURCES** – No mitigation required

11. **NOISE**

**Mitigation Measure:** Prior to approval of the Final Map, a plan showing the exact location and proposed construction of the proposed minimum 12-foot high sound wall (as outlined in the Noise Study) shall be submitted for review and approval by the Planning Director and Building Official. Prior to issuance of the first Occupancy Permit, the sound wall shall be constructed along the Industrial Parkway West property line. The wall shall be constructed to the satisfaction of the Planning Director and Building Official.

All second floor windows for the units that back up to the Industrial Parkway West frontage shall be installed with rated minimum Sound Transmission Class (STC) 32. Windows specified to be maintained closed, are to be operable, as the requirement does not imply a “fixed” condition. Mechanical ventilation shall be required as specified in the Uniform Building Code and central air conditioning shall be installed in each of the dwellings.

**Implementation Responsibility:** City Building Division and Planning Division

**Verification Responsibility:** City Building Division and Planning Division

**Monitoring Schedule during Plan Review:** City Building Division

**Monitoring Schedule during Construction/Implementation:** On-going during construction

12. **POPULATION / HOUSING** – No mitigation required

13. **PUBLIC SERVICES** – No mitigation required

**Mitigation Measure:** Mitigation Measure includes imposition of school impact fees to the extent allowed by state Law.

Dedication of the additional parkland is the preferred option because of the cost of buying an additional half-acre of parkland would more than likely exceed the cost of the proposed improvements. Another option would be to provide a centrally located park of at least 13,000 square feet within the development.

**Implementation Responsibility:** City of Hayward

**Verification Responsibility:** Building Division and Planning Division

**Monitoring Schedule during Plan Review:** Building Division and Planning Division

**Monitoring Schedule during Construction/Implementation:** NA

14. **RECREATION** – No mitigation required

15. **TRANSPORTATION / TRAFFIC** – No mitigation required

16. **UTILITIES / SERVICE SYSTEMS** – No mitigation required

SEP25 PM 3:08 CLK

**VARNI, FRASER, HARTWELL & RODGERS**

ATTORNEYS AT LAW

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LIONEL A. RODGERS  
1942-1989

JOHN S. HARTWELL  
1924-1993

September 25, 2001

VIA FACSIMILE AND U.S. MAIL

Mayor Roberta Cooper  
City of Hayward  
777 "B" Street  
Hayward, CA 94541-5007

City Clerk  
City of Hayward  
777 "B" Street  
Hayward, CA 94541-5007

Re: Appeal of the Hayward Planning Commission Decision with regard to  
General Plan Amendment GPA 01-110-02, Zone Change  
(ZC 01-190-05) and Vesting Tentative Map Application Tract 7320

Dear Mayor Cooper and City Clerk:

We wish to revise our initial appeal of the Hayward Planning Commission decision of September 20, 2001, with regard to General Plan Amendment GPA 01-110-02 to include Zone Change (ZC 01-190-05) and Vesting Tentative Map Application Tract 7320. We ask that all three matters be set for public hearing before the Hayward City Council.

Very truly yours,

VARNI, FRASER, HARTWELL & RODGERS

Anthony B. Varni

ABV/ch/14  
Hayward-Mayor Clerk.ltr

cc: Mayor, City Manager, CED  
Director, and Planning Manager.  
Fwd: 09/25/2001

01-56

# VARNI, FRASER, HARTWELL & RODGERS

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September 21, 2001

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LIONEL A. RODGERS  
1942-1989

JOHN S. HARTWELL  
1924-1993

REC'D SEP 22 2001

VIA FAX AND MAIL

Mayor Roberta Cooper  
City of Hayward  
777 "B" Street  
Hayward, California 94541-5007

City Clerk  
City of Hayward  
777 "B" Street  
Hayward, California 94541-5007

Re: Appeal of the Hayward Planning Commission Decision  
with regard to General Plan Amendment (GPA 01-110-02)

Dear Mayor Cooper and City Clerk:

We respectfully appeal the Hayward Planning Commission Decision of  
September 20, 2001, with regard to General Plan Amendment (GPA 01-110-02). We ask  
that the matter be set for public hearing before the Hayward City Council.

Very truly yours,-

VARNI, FRASER, HARTWELL & RODGERS

ANTHONY B. VARNI

ABV/l  
Hayward-Mayor/Clerk.Ltr

# DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

*me*  
*12/6/01*

Introduced by Council Member \_\_\_\_\_

**RESOLUTION DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S ACTION IN CONNECTION WITH GENERAL PLAN AMENDMENT APPLICATION NO. 01-110-02, ZONE CHANGE APPLICATION 01-190-05, AND VESTING TENTATIVE MAP APPLICATION 7320**

WHEREAS, General Plan Amendment Application No. 01-110-02 and Zone Change Application No. 01-090-05 concern a request to rezone a 12.26-acre undeveloped parcel on the northeast corner of Industrial Parkway West and Stratford Road (the "Property") in the Tennyson-Alquire neighborhood, from Industrial (I) to Planned Development (PD) District, and amend the General Plan to change the Property's designation from Industrial Corridor ("IC") to Low-Medium Density Residential ("LMDR"), in order to develop the Property with 91 single-family houses; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on September 20, 2001, and denied the General Plan Amendment, the Zone Change, and the Vesting Tentative Map; and

WHEREAS, Tuesday, November 13, 2001, at the hour of 8:00 p.m., in the Council Chambers, 777 'B' Street, Hayward, California, was fixed as the date, time, and place for holding a public hearing on the proposed amendment; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held.

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. Approval of the Project would result in the loss of a significant industrial parcel. The General Policies Plan, including the Economic Development Element, and the Tennyson-Alquire Neighborhood Plan policies stress the importance of protecting and developing suitable locations for business use. The Industrial Corridor comprises over 3,500 acres of land along the westerly and southerly edges of the City, with only 400 acres or 12.5 percent of the land area still vacant.

2. Approval of the Project would result in the development of 91 residences on an industrial corridor. Even with the recommended mitigation measure of a 12-foot high wall, the residences adjacent to Industrial Parkway West would be subject to noise levels of 65 db in the yard areas. The Noise Element cites 60 db as acceptable for yard areas of single-family residences and the City has not yet applies a higher noise level to any single family residences in Hayward. Additional noise may emanate from industrial uses across Industrial Boulevard and to the immediate east of the Project. In addition, there are no restrictions related to the facilities on the south side of Industrial Parkway West, such as limitations on noise or hours of operation. Furthermore, the 12-foot high wall would deprive the 20-foot deep, south-facing rear yards of the adjacent residences of sunlight and would not be visually attractive to the homeowner. The wall may be higher than 12 feet because of the fill placed on the Project site to remove it from a flood zone classification may elevate the wall. A wall of such height along Industrial Parkway West would create an unattractive streetscape.
3. "Walkable" communities are part of a smart growth strategy and the long linear streets in the Project are not conducive to walking within the Project. The Project is not within walking distance of major support services, such as a grocery store. The nearest elementary schools are two-thirds to three-quarters of a mile from the Project and there are no sidewalks on Ruus Road, one of the access streets to the schools. Amending the General Plan and rezoning industrial land to residential land will place an additional burden on the local schools not previously anticipated.
4. The proposed lot size for the residences in the Project averages 3,306 square feet, in contrast to the surrounding development in which the lot size is primarily between 4,000 and 5,000 square feet. The Project as proposed has reduced rear yard areas, where families typically recreate, without providing the necessary offset or compensation for this exception to the City's development standards, as required for planned developments under the City's Zoning Ordinance.
5. The City's parkland dedication requirement for this Project is 51,506 square feet. The Project, as proposed, will add only 31,784 square feet to an existing park adjacent to the Project. The Project, as proposed, would improve this dedicated land to meet HARD standards. In light of the small lot sizes, the dedication of an additional one-half acre of parkland or the provision of a 13,000 square foot centrally located park serving the Project are the preferred methods of compensating for the dedication shortfall.

6. The 12.26 acre site is adequate to accommodate retail, industrial or commercial development.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the applicant's appeal is denied and the decision of the Planning Commission to deny the General Plan Amendment, the Zone Change and the Vesting Tentative Map is upheld.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2001

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS;  
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward