

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

AGENDA DATE 10/29/02

AGENDA ITEM 5

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** Request to Amend the General Plan Designation and Zoning Map and for a Vesting Tentative Map to allow for a 72-Lot Subdivision of Cluster Homes, Four Flex Industrial/Commercial/Office Lots, and One Commercial Lot - John Rassier and Sherman Balch (Applicants/Owners) - The Property is Located at the Northeast Corner of Industrial Parkway West and Stratford Road

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution and introduce the ordinance approving the Mitigated Negative Declaration, the Mitigation Monitoring Program, the General Plan Amendment, the Zone Change, the Preliminary Development Plan, and the Vesting Tentative Map subject to the attached findings and conditions.

**DISCUSSION:**

On October 10, 2002, the Planning Commission (6:0:1) voted to recommend approval of the mixed-use project described in detail in the attached Planning Commission Agenda Report.

The proposal is to develop a 12.26-acre parcel with 72 single-family cluster houses, 4 industrial/office/commercial buildings and a retail commercial building. As the General Plan Map designation of the property is "Industrial Corridor" and the zoning district is "Industrial," amendments to the General Plan and a zone change are necessary in order to carry out the project.

The residential portion of the development consists of detached single family-units on lots that are at least 3,306 square feet each. Four dwelling units are arranged in a cluster design with a single common driveway providing access to the garages for the units in the cluster. The residential component of the project is screened from Industrial Parkway West by the 4 industrial buildings, an 8-foot high masonry wall and the commercial building. A masonry wall that connects the industrial buildings will act both as a visual buffer and will screen noise from traffic on Industrial Parkway West.

Three industrial-type buildings are proposed on the land adjacent to Industrial Parkway West, each of which can each be further subdivided so as to appeal to the needs of various tenants. In addition to light industrial-type activities, uses that are permitted include offices and some retail commercial activity. A multi-tenant commercial building is proposed at the corner of Industrial Parkway West and Stratford Road.

The Planning Commission's recommendation of approval includes removal of Conditions of Approval 32 and 43 for the Planned Development District and Condition No. 11 for the Tentative Tract Map. These conditions would require elimination of the two dwelling units proposed only 25 feet from an industrial building, a requirement to install a 20-foot-wide landscaping area (exclusive of vehicle overhang) along Industrial Parkway West, and installation of a 6-foot-wide sidewalk.

Staff's recommendation for a 20-foot-wide landscape strip along Industrial Parkway West is consistent with the requirement of the Zoning Ordinance for landscaping along this major industrial corridor. The recommendation for a 6-foot-wide sidewalk is consistent with the City's *Standard Details* for sidewalks in the industrial and commercial districts. The applicant seeks exceptions to these standards and proposes a landscape setback along the Industrial Parkway West frontage of between 18 and 23 feet with a 5-foot-wide sidewalk. The applicant indicates that the spirit of the landscape requirement is met in that landscaped planters (between 7 and 9 feet) would be located in front of the commercial building and each of the industrial buildings.

Other than the development team and a Hayward Area Recreation and Park District (HARD) member, no one from the public appeared to speak on the proposed development. A condition of approval (No. 31) requires the developer to spend at least \$400,000 in park improvements, and the HARD staff member indicated that the developer of the residential component of the project submitted an estimate of over \$600,000 for the park enhancements. Recognizing that the condition of approval states that the applicant must spend *a minimum of \$400,000* on park improvements, the Planning Commission did not recommend that it be changed. However, as a result of a subsequent conversation with a HARD representative, staff suggests an addition to Condition No. 31 so that it would read,

The applicant shall spend a minimum of \$400,000 on the improvements to Stratford Village Park, excluding curb, gutter and sidewalk along the park frontage on the private street for the residential development. *Park improvements shall be consistent with plans submitted by Taylor/Woodrow and approved by the Hayward Area Recreation and Park District.*

Where an industrial development backs onto to a residential development, a minimum 20-foot wide landscaped buffer (setback) is required of the industrial developer. This typically results in at least a 40-foot separation between an industrial building and a dwelling. Staff had indicated that the 25-foot separation proposed between two dwellings and an industrial building would not result in a quality neighborhood setting because residents would be facing a building that is approximately 22 feet high only 25 feet away, morning sunshine would be blocked in the winter, the residents would be more susceptible to noise associated with industrial activity, and an undesirable precedent could be set. By removing the homes, land would be available to provide group open space and additional parking, and housing along the easterly portion of the project could be shifted so as to provide a greater setback between the existing residential neighborhood to the north and the proposed houses. The applicant indicated that these two homes would be on "premium" lots because the residents would enjoy more privacy than those living in other homes in the subdivision. Moreover, because the industrial building would be constructed first,

homebuyers would be able to make a conscious decision to live there. The developer indicated that there would be deed restrictions on the industrial buildings that would help control noise and hours of operation.

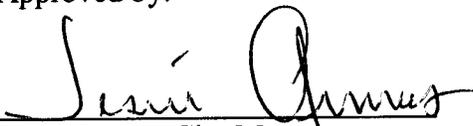
Prepared by:

  
\_\_\_\_\_  
Dyana Anderly, AICP  
Planning Manager

Recommended by:

  
\_\_\_\_\_  
Sylvia Ehrenthal  
Director of Community and Economic Development

Approved by:

  
\_\_\_\_\_  
Jesús Armas, City Manager

- Exhibits:
- A. Draft Planning Commission Minutes and Staff Report, dated October 10, 2002
  - B. Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan  
Draft Resolution  
Plans

10/23/02

MINUTES



REGULAR MEETING OF THE PLANNING  
COMMISSION, CITY OF HAYWARD, Council  
Chambers

Thursday, October 10, 2002, 7:30 P.M.  
777 "B" Street, Hayward, CA 94541

Commissioner McKillop described manufactured homes as very much like a conventional home. She commented that, unfortunately, State law prohibits commissioners from denying the application based on that fact that it is a manufactured home. She added that architecturally, this home should fit into the neighborhood.

Chairperson Bogue agreed that the Commission had been preempted by the State, and added that this home could be more articulated for this neighborhood. He commented that the plans indicate a lack of detail. He said that after staff review, if it does not fit in, it could be brought back to the Commission.

The motion passed 6:0:1, with Commissioner Thnay absent.

2. **I. General Plan Amendment (GPA PL-2002-0295)** – Request to Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR), Retail and Office Commercial (ROC) and Industrial Corridor (IC); **II. Zone Change (ZC PL-2002-0296)** – Request to Amend the Zoning District from Industrial (I) to Planned Development (PD); **III. Vesting Tentative Map Tract 7386** – Request for a 72-Lot Subdivision for Cluster Homes, Four Lots for Industrial/Office/Commercial Development and One Commercial Lot – **John Rassier and Sherman Balch (Applicants and Owners)** – The Property is Located at the Northeast Corner of Industrial Parkway West and Stratford Road

Consulting Project Planner Weisbrod described the area surrounding this property, which is 12.26 acres in size. The project would be developed with 72 single-family cluster homes, as well as 4 industrial/office buildings and a commercial building. The developer would dedicate over 18,000 square feet of land for the expansion of the adjacent Stratford Village Park under HARD's jurisdiction. The developer would also improve the land to meet HARD's improvement standards and to enhance the existing park. He then described the various changes and conditions staff would like to add. He noted that Condition 32 would require removing two units at the southeast corner adjacent to industrial Building E. The restrictions would make the neighborhood more attractive and fit in better with the residential area.

Commissioner Zermefio asked about the front of the retail space and the cutout for buses. He then asked whether there would be bike racks in the area.

Consulting Project Planner Weisbrod responded that there is a requirement for bike racks in the front of the commercial buildings.

Commissioner Halliday discussed the parking spaces per dwelling, generally 5 spaces per units, they propose 4 spaces. What was the thinking on not requiring the extra parking spaces.

Consulting Project Planner Weisbrod noted that the parking ratio is just over 4 spaces for each

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cluster unit. He then discussed the parking spaces provided for the residential section of the project.

Commissioner Halliday asked whether this project would have a completely new Home Owners Association or if it would be combined with the one at Stratford Village I.

Consulting Project Planner Weisbrod explained that there would be similar issues in both developments; however, there would be a Home Owners Association specific for this development.

Commissioner Halliday then noted that she hoped there would be meeting space for the Home Owners Association somewhere. She noted the number of HOA's approved by the Commission with nowhere to meet.

Commissioner Sacks commented that the Commission had received the most recent set of Conditions at this meeting and asked staff if among them were there any substantive changes.

Consulting Project Planner Weisbrod said staff had added a condition that rather than a wood fence an 8-foot masonry wall be built along the Stratford Road frontage of the property.

The public hearing opened at 8:10 p.m.

Anthony Varni speaking for the developer asked the Commission to accommodate them. He said the architect would speak first and then Mr. Balch and then Mr. Varni again.

Mark Rutherford, Architect, said the project had been in process for over three years and staff was receptive to the changes and their comments. He then explained with a slide show the proposal. Cluster housing is unique in that it separates the pedestrian from the auto traffic. He noted that there would be no garages visible from the street. He discussed the various amenities of the development.

Commissioner Halliday asked for a more specific description of a visitor walking into the houses toward the back of the cluster.

Sherman Balch then discussed the various uses in the industrial buildings as well as the deed restrictions, which would be signed by any tenants, which would protect any residents from noise and other disturbing elements. He then described the landscaping and how their plan was to break the frontage up for more effective appearance.

Commissioner Halliday asked about taking out the two houses nearest industrial buildings at the southeast corner.

Mr. Balch explained that those two houses will have the greatest privacy in the subdivision and may end up being the most desirable. He commented that they would be the last homes built in the subdivision so the buyer's will know completely what they are buying into.

Commissioner Halliday then asked whether the issue might not be noise.



Mr. Balch added that a condition of the deed restriction is no noise above 60-decibels. He emphasized that any industrial uses will not impact the homes.

Anthony Varni said philosophically this development is something never done before in the City of Hayward. It is a Planned District of commercial, industrial and residential. He commented that it was a challenge to both staff and developers. He noted that, with only 72 homes, this project has as many conditions as Oliver-West. He asked for the Commission to allow them to use some judgment in making decisions. He said they had already accomplished gaining the confidence of staff and administration. He said this project would be looked to in other communities and as an example for the Cannery area. He noted that losing those two lots would not make the project any better. He then added that the developers would not build the housing until the industrial buildings are complete. It would then be up to the buyers to make a decision on any of the homes. He asked for re-consideration of that condition.

Commissioner Caveglia noted that one of the justifications used was a reduction of the price of the homes. He then asked the price of the homes.

Mr. Varni responded that the homes would sell for approximately \$450,000-\$500,000 per house.

Commissioner Caveglia then suggested to Mr. Varni that, if the Commission were to approve the proposal, which conditions do they see as a problem.

Mr. Varni then identified the conditions that they would like to have changed.

Chairperson Bogue then questioned the amount cited on page 9 of the staff report and asked whether \$400,000 to HARD for park improvements would be adequate.

Bill Gardner from HARD responded that the figures are just an estimate with the developer figuring \$633,000 and the Park District estimating approximately \$400,000.

Chairperson Bogue commented that the developer wants the park.

Mr. Varni added that the developers would do what HARD has told them to do, so they have to do it. He also commented that the \$400,000 was set as a minimum.

Brian Berry from Taylor Woodrow, for the developer, said he had been working with Eric Willyerd of HARD on these figures.

Commissioner Sacks asked about the hours of operation for the commercial and/or industrial buildings, and were they in the Conditions of Approval.

Planning Manager Anderly responded that they were.

Mr. Balch noted that they were also included in the deed restrictions as 6 a.m.-10 p.m.

Chairperson Bogue closed the public hearing at 8:50 p.m.

Commissioner Caveglia commented on the difference between this proposal and the first proposal. He noted that the compromise is an improvement. He also stated that the City of Hayward is going to have to do more and more of this. He **moved**, seconded by Commissioner Zermeño, to approve the project to go to the City Council with the exception of Conditions 4 and 43. He added that people buying these homes have to know what they are moving into.

Commissioner Sacks added her compliments to the applicant for the presentation. She said she was impressed with the spirit of compromise. She noted that she agreed with keeping the two homes and that the decisions could be dictated by the market, although she added that the HARD money and difference is bothersome. However, she would support the motion.

Development Review Engineer Gaber noted that condition 45 and Tract 11 condition would need changes as well, if the Commission dropped both Conditions 4 and 43.

Commissioner McKillop commented that the developer made an excellent presentation and this looks like a good project. She said the deed restrictions support the homes. She would support the motion.

Commissioner Zermeño added his complements to the staff for a marvelous job. He said he liked the tri-mix uses and that the project will be both pedestrian and transit friendly.

Commissioner Halliday said she was very happy to see the new design, although she had supported the previous proposal. At the previous hearing, she said, the neighbors were impressive. She added that this is innovative for housing. She said she came into the meeting thinking she would support staff and remove the two homes from the plan but had been persuaded by the other commissioners to support leaving in the houses.

Chairperson Bogue said he was still deciding how to vote since he is a firm believer in protecting the residential from Industrial. Although he added that they had done a good job of buffering the homes since this is the biggest problem you have with a mix. He said he also was concerned about the setback of landscaping on Industrial. He indicated he did agree with keeping the two lots.

Commissioner McKillop commented that she would be remiss if she did not tell staff they did a great job.

**The motion passed 6:0:1, with Commissioner Thnay absent.**

### **ADDITIONAL MATTERS**

3. Oral Report on Planning and Zoning Matters



**CITY OF HAYWARD  
AGENDA REPORT**

Meeting Date: 10/10/02

Agenda Item: 2

**TO:** Planning Commission

**FROM:** Norman Weisbrod, Consulting Project Planner

**SUBJECT:** **I. General Plan Amendment (GPA PL-2002-0295) - Request to: Amend the General Plan Designation from Industrial Corridor (IC) to Low-Medium Density Residential (LMDR), Retail and Office Commercial (ROC) and Industrial Corridor (IC);**

**II. Zone change (ZC PL-2002-0296) – Request to Amend the Zoning District from Industrial (I) to Planned Development (PD);**

**III. Vesting Tentative Map Tract 7386 for a 72-lot subdivision for cluster homes, four lots for industrial/office/commercial development and one commercial lot.**

John Rassier and Sherman Balch (Applicants and Owners)

The project site is located at the Northeast Corner of Industrial Parkway West and Stratford Road.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend that the City Council approve the Mitigated Negative Declaration, General Plan Amendment, zone change to Planned Development (PD) District, Preliminary Development Plan, and Vesting Tentative Tract Map, subject to the findings and conditions of approval.

**BACKGROUND:**

**I. General Plan Amendment**

The applicant is requesting to develop a 12.26-acre undeveloped parcel with 72 single-family cluster houses, 4 industrial/office/commercial buildings and a small retail commercial building. 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 a zone change 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 portion 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 west side of the property. The appropriateness of the site for housing is a significant consideration. The availability of supporting infrastructure, such as schools and parks, is a consideration, as are noise and the proximity of supporting services, such as a grocery store. The written policies in the City's General Plan, indicated below, provide guidance in these areas.

The General Plan Policies and the Tennyson-Alquire Neighborhood Plan policies stress the importance of protecting and developing suitable locations for business uses but also stresses the need to make adequate provision for the housing needs of all economic segments of the community as stated in the following policies:

In the General Plan under Economic Development Policies and Strategies are the following policies (Pg. 4-17):

#### Land and Infrastructure

2. **Create a sound local economy that attracts investment, increases the tax base, creates employment opportunities for residents and generates public revenues.**
5. Ensure that an adequate supply of land is zoned for industrial and business park uses; limit uses that would erode the integrity of the Business and Technology corridor.
7. Promote and protect the appearance of the Business and Technology corridor to encourage quality development.

#### Employment Opportunities

### **3. Facilitate the development of employment opportunities for residents.**

1. Promote commercial and industrial development to create and maintain the maximum job opportunities for area residents.

#### Housing Program and Five-Year Implementation Plan

- Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels.

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

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

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. The developer has retained the southern portion of the site for industrial/office development and intends to construct four separate buildings averaging about 12,000 square feet each. The corner of the property will be developed with a 5,748 square foot neighborhood commercial multi-tenant building. This will retain the industrial corridor appearance along Industrial Parkway West and act as a buffer between that street and the proposed housing development behind. Staff is recommending that the Planned Development designation over this area allow for a variety of uses besides industrial uses should the opportunity arise in the future to make use of the property for offices or commercial uses that would provide for the needs of the residential area.

The proposed industrial buildings are relatively small in size and designed as office-flex space. They can be divided up into small user-spaces and will be attractive to users that will not generate deliveries by large trucks. Most vehicular traffic will be personal vehicles and vans.

The small commercial center will serve the surrounding neighborhood which is lacking in nearby commercial services. Even though a commercial building of this size cannot provide a major shopping tenant, such as a market, it can provide some smaller convenience services such as a dry cleaner, coffee house, beauty shop or produce market. It will also serve commuters using Industrial Parkway West.

The cluster design residential component of this development will provide a substantial size home on a small parcel. Each home will have a two-car garage, small private open space, and an expanded neighborhood park is proposed, which can be enjoyed by the residents in the development.

## **II. Zone Change Application**

### **Development on Surrounding Properties**

To the west across Stratford Road between Industrial Parkway West and Pacheco Way is a vacant parcel zoned for industrial use. North of Pacheco Way are single-family homes fronting on Stratford Road. To the north is Stratford Village Park and single-family homes on 4,250 square foot lots, fronting on Stonebrook Lane and backing up to the subject site. To the east is an industrial building fronting on Industrial Parkway West with undeveloped industrial property behind the building. To the south across Industrial Parkway West is industrial zoned land consisting of the Bay Cities Auto Auction and several industrial warehouse buildings.

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 residential portion of the development consists of 72 detached single family-units on lots that are at least 3,306 square feet each. Four dwelling units are arranged in a cluster design with a single common driveway providing access to the garages for the units in the cluster. The cluster design allows an increase in density compared to standard single-family housing development. The project is screened from Industrial Parkway West by the 4 industrial buildings, an 8-foot high masonry wall and the commercial building. The masonry wall, connecting the industrial buildings, will act both as a visual buffer and will screen noise from traffic on Industrial Parkway West. 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 existing industrial building and parking to the east of the project site. At the northwest corner of the project site is the Stratford Village Park serving the surrounding neighborhood.

Primary access to the project is a private street entrance from Stratford Road, which includes an attractive landscaped median. Emergency vehicle access will be provided to Industrial Parkway West through a gate that will be provided in the 8-foot high masonry wall between the industrial buildings. All of the streets in the project will be private and maintained by a homeowners association.

For the majority of homes, there is at least a 53.5-foot separation between the homes and the industrial buildings. This separation consists of 10 feet of landscaping behind the industrial buildings, 33.5 feet of private road and another 10 feet of landscaping in front of the homes. If this were a standard residential development with the homes backing up to the industrial development, there would be 40 feet of separation, consisting of the 20-foot landscape setback behind the industrial buildings and the 20-foot rear yards of the homes. Therefore, where the 53.5-foot separation occurs, staff believes the intent of the 20-foot industrial rear yard requirement is met.

There are, however, two dwellings that are separated from industrial building "E" by only 25 feet. The industrial building is between 21 feet and 24 feet tall and would block morning sunlight to the homes. The homeowners would be looking out the windows facing the industrial building and see a large flat wall. They would also be more susceptible to noise generated by the industrial business, and the limited separation between the industrial development and the houses could set a precedent. Staff and the applicant have considered possible ways retain these units by adjusting the site plan in order to increase the distance between the homes and the industrial building, but without success. Therefore, removal of these two houses is recommended. With the removal of the two houses, the area could be landscaped and some additional guest and resident parking could be provided. It would also be possible to move the remaining 6 units in a southerly direction to increase the side yard setback of the unit at the northeasterly corner of the site where it abuts an existing residential development. It is presently 15 feet from the 8-foot high masonry wall along the rear property line of the adjacent homes. This distance could be

increased to 20 feet by moving the remaining 6 units to the south. This will increase the privacy between the existing single family home that backs up to the development and the two new units adjacent to the existing 8-foot high wall. A condition of approval would accomplish this modification to the plan.

### Traffic Circulation and Parking

TJKM Transportation Consultants prepared a traffic analysis for the project. The study addresses potential traffic impacts on five intersections in the vicinity. All of the intersections are presently operating at an acceptable level of service and will continue to do so with the addition of the project traffic.

Three driveways on Industrial Parkway West will provide access to the four industrial buildings and to the retail area at the corner. The retail center will also have a driveway on Stratford Road. Access to the residential portion of the project will be from Stratford Road. Emergency vehicle access will be provided from the residential project to Industrial Parkway West through a turf block type transition from the interior road to the industrial parking lot leading to Industrial Parkway West. The gate will be designed to meet the noise attenuation standards identified for the wall.

An attractive entry from Stratford Road with a landscaped median will provide entry to the residential portion of the project. An off-set in the main road will result in a reduction in the speed of vehicles proceeding into the development. The private street system in the development will consist of 33.5-foot and 46-foot wide rights-of-way. The 46-foot wide street will have two 10-foot wide travel lanes, 8 feet of parallel parking on both sides of the street and 5-foot wide sidewalks on both sides of the street. The 33.5-foot wide street will have two 10-foot wide travel lanes, an 8-foot wide parking lane and 5-foot wide sidewalk on one side of the street. The traffic lane design is unusual in that "pop-outs" or tree wells extend into the street so that street trees may be provided between parallel parking spaces and at the street corners. The 10-foot deep front yards will also have street trees to create a canopy effect along the street frontages.

The City's Off-Street Parking Regulations require a minimum of two parking spaces per single-family dwelling. By policy, the number of parking stalls provided for new single-family dwellings has been five spaces per dwelling: two in the garage, two in the driveway, and one on the street in front of the residence. For subject project, the parking requirement is met in that each residence will have a two-car garage, plus there will be both parallel on-street parking and small parking bays at the end of the driveways that will accommodate two cars. Visitors will use the on-street parallel parking and small parking bays. Residents will be allowed to use the on street parking but not the parking bays at the end of the access driveways, which are to be reserved for visitors. The total number of parking spaces is 288 including the two-car garages, auto court parking and on-street parking. This is a ratio of 4 spaces per dwelling unit.

To assure use of the two car garages for parking, staff is recommending a condition that the Conditions, Covenants and Restrictions (CC&R's) have a requirement that the two parking spaces in the garages be kept unobstructed at all times so they will be available for parking.

The parking provided for the industrial buildings exceeds the requirement of 1 space per 1000 square feet of gross floor area for leasable spaces of 2,500 square feet or greater. Some adjustments will have to be made in the parking design to accommodate handicap parking depending on where the entrances to the tenant spaces in the buildings are located. The parking on the east property line for a portion of Building E may have to be relocated along the east edge of the building so persons using the handicap parking will not have to cross a travel aisle. These parking design issues have been addressed in the conditions of approval. The excess parking will allow for conversion of the industrial buildings to some office or retail uses, should the opportunities arise.

They are providing 28 parking spaces for the retail commercial building. The required parking based on one space per 200 square feet of gross floor area is 29 spaces. However, by providing a bicycle rack that will accommodate 4 bicycles, they get credit for 1 space and will be in conformance with the required parking for the retail commercial building.

### Individual Parcels

The typical residential lot in the development is 57.5 feet by 57.5 feet with an area of 3,306 square feet. The distance from the front property line to the dwelling varies from 5 feet to 10 feet depending on the unit type, side yards are 5 feet to 7 feet, and the rear yards range from 5 feet to 30 feet deep. Private open space ranges from 496 square feet to over 1,000 on the units that back up to existing development to the north and east. All of the private open space is enclosed by a 6-foot high wood fence. For comparison purposes, typical lots within the RSB4 zoning district are 50 feet by 80 feet (4,000 square feet) with 20-foot front and rear yards and 5-foot side yards. Typical rear yard areas are 50 feet by 20 feet, or 1,000 square feet.

### Floor Plans

Four floor plans are proposed. There are two elevations for two of the floor plans, and one elevation each for the other two. The dwellings have from 3 to 5 bedrooms and the floor area, excluding the garage, ranges from 1,930 square feet to 2,288 square feet. Plan Two has a balcony off of the second floor master bedroom that is located at the front of the home and extends the full width of the bedroom. Plan Four has a balcony on the second floor with access from the hallway providing access to the bedrooms. This deck extends along a portion of the side of the home. For the homes that back onto existing residential development, a condition of approval requires careful placement of windows and planting of non-deciduous trees in the rear yards to preserve privacy to the extent feasible.

### Building Elevations

All homes are two stories, and six elevations are proposed. There are a variety of architectural styles, 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, wood shutters and trim around windows, decorative garage doors and a variety of

attractive main entry doors. Conditions of approval require that decorative treatments be extended to all four sides of each dwelling.

The design of the homes complies with the city's Design guidelines for single-family residential development. At least 50 percent of the second floor of the homes is smaller than the ground floor providing an offset in the building wall to minimize the appearance of bulk associated with the homes. The second floor balcony on Plans Two and Four adds significantly to the appearance of those homes.

To maintain a high standard of design and quality, staff is recommending that all roof material be concrete tile or similar material rather than a variation between concrete tile and composition asphalt shingles as proposed.

The industrial/office buildings will have a stucco exterior with a cornice extending at the top of the parapet wall on all sides of the building. There will be accent tiles on the walls and extensive glass facing Industrial Parkway West. Metal trellises will be placed on the rear of the building and planted with vines facing the residential development. Colors will be two shades of beige with green accent tiles. Roll-up doors will be located at each end of the building and, in accordance with design standards for industrial development, will not face the street.

The retail building will have a tower focal point in combination with flat and sloping roof elements. The exterior walls will be a combination of brick and horizontal wood siding. The colors will blend with the industrial buildings and the homes to the rear. An attractive outdoor seating area will be provided for the proposed Starbucks Coffee store. Via a locked gate, access will be provided directly to the commercial area from the residential portion of the development.

### Landscaping

Industrial Parkway West is a Corridor Street requiring a minimum 20-foot-deep landscaped front yard that is unencumbered by vehicle overhang from the parking stalls. The landscape requirement is in addition to a required 6-foot-wide sidewalk. The site plan indicates between 18 feet and 22 feet of landscaping is proposed and only a 5-foot-wide sidewalk. An additional 2 feet of landscaping is located under the vehicle overhang area and cannot be counted toward meeting the required 20 feet of landscaping. The sidewalk is proposed behind the existing sycamore street trees in order to preserve the trees and provide a safe passageway for pedestrians near the heavily traveled industrial boulevard. In order to meet the minimum landscape and sidewalk standards on Industrial Parkway West, the depth of the proposed industrial buildings would have to be reduced, and a condition of approval requires that the Precise Plan reflect that all landscape and sidewalk requirements be met.

When an industrial site backs up to a residential development, the Zoning Ordinance requires a 20-foot landscaped rear yard setback in order to minimize impacts from the industrial uses onto the residential uses. In this case, the industrial buildings are located 10 feet from the rear property line. Ten feet of landscaping is proposed behind the industrial buildings, which is proposed to be the responsibility of the homeowners association to maintain. The 10 feet of

landscaping at the rear of the industrial buildings will consist of trees, shrubs lawn and a metal trellis with vines attached to the rear of the building.

At the northeasterly corner of the site the road is only approximately 2 feet from the existing 8-foot high masonry wall that separates the proposed residential development from the existing residential development to the north. There should be 5 feet of landscaping between the road and the existing masonry wall. By removing 3 parking spaces and a tree well on the street opposite, a 5-foot to 7-foot wide landscaped area along the wall can be created. The three parking spaces that will be lost can be relocated adjacent to the residential area adjacent to Industrial Building E where staff is recommending the removal of two homes near the industrial building.

Proposed on the Stratford Road frontage of the property is a 5-foot sidewalk and a 15-foot wide landscape easement between the back of the sidewalk and the rear yard fence of the dwelling units backing up to Stratford Road. The distance between the fence and the rear wall of the home will be about 12 feet so the total separation between the street and the home will be approximately 32 feet. Most of the existing sycamore trees on Stratford Road will be saved, and the sidewalk will extend behind the trees so they can be retained. The entry to the project from Stratford Road will be landscaped with trees and a landscaped median.

The landscaping around the 2 street frontages for the retail building will vary in width from 16 to 20 feet. Some of the existing mature landscaping at the corner of the property may be retained.

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 appearance. The mid block pedestrian walkway and the pedestrian link to the commercial property at the corner will be landscaped and provided with an arbor to designate its location and enhance its appearance. The only areas of the project that will not be landscaped are the private back yards of the homes. This will be the responsibility of the individual homeowner.

### Schools and Parks

Ruus School, which includes the Peixoto Campus, would serve the elementary school children from this project. The Hayward Unified School District staff indicates they have adequate capacity to serve the number of children from the development. The existing enrollment at the two schools is 900 students and has remained close to this figure for the last 5 years. There are two concerns facing these schools. The multi-purpose room at Peixoto School consists of a portable classroom building that is inadequate and results in two crowded lunch periods. At Ruus School, when classes are dismissed at 3:00 p.m., traffic circulation in the area is congested, attributed not only to school-related traffic, but also to traffic from industrial development to the south. State law prohibits denial of a housing development based on lack of adequate school facilities. Rather, the \$3.17 per square foot school fees for residences and \$0.34 per square foot for industrial and commercial development is intended to satisfy the developer's obligation for schools.

The applicant will be dedicating 18,377 square feet of land for the expansion of the adjacent Stratford Village Park under the jurisdiction of the Hayward Area Recreation district (HARD). The City's land dedication requirement for 72 homes is 566 square feet per unit or a total of 40,752 square feet (.94 acres). With the addition of 18,377 square feet to Stratford Village Park, the deficit is 22,415 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. According to HARD, Stratford Village Park is already undersized and this will bring it up to a more acceptable standard.

HARD's position is that if the developer were to dedicate land and not install the improvements, they could not afford to make the necessary improvements and the dedicated land would remain undeveloped. Their estimate of the improvements the developer will make to the park area is approximately \$400,000, and a contribution of this amount has been made a condition of approval. If this amount is divided by the 22,415 square foot deficit in land dedication, the result is \$17.85 a square foot, which is close to the value of the land that is being developed.

There is a new park located at Huntwood Avenue and Industrial Parkway West approximately one mile east of this development. The park has a large grass field and play area for children. It is located close enough to be attractive for use by residents in this development.

### Noise

A noise analysis was prepared for the housing component of this project. The primary noise source is traffic on Industrial Parkway West. Existing truck volume is approximately 12 percent of the noise and will remain the same in the immediate future. The residences will be located about 253 feet from the roadway and will receive significant acoustical shielding from the industrial buildings and the 8-foot tall masonry wall that will be constructed between the buildings. The noise analysis estimates the future noise level at the front of the homes will be an  $L_{dn}$  of 58 dB. In the back yard, this will be an  $L_{dn}$  of 53 dB due to acoustical shielding by the homes. This will meet the acceptable level in the City's Noise Element of 60 dB for yard areas for single-family homes. The report also estimates the noise exposure at the 3 homes along Stratford Road will be an  $L_{dn}$  of 62 dB due to roadway noise. This exceeds the City's requirement of an  $L_{dn}$  60 dB. The mitigation is that the three homes will need to have a solid 6-foot high (minimum) noise barrier/fence along the backyards. The fence can be masonry, wood or other material, provided it has a weight of 1 ½ lbs/ft<sup>2</sup> and no cracks or gaps. This will reduce noise to less than 60 dB. To meet noise, aesthetic and durability expectations, a condition of approval requires installation of a masonry wall.

The City's goal for acceptable noise within indoor areas is an  $L_{dn}$  of 45 dB. It is recommended that since windows may be closed for noise control, those homes adjacent to the industrial buildings and Stratford Road be provided with a mechanical ventilation system such as air-conditioning.

The noise consultant did a separate analysis of the noise impact on the homes behind Buildings C and D if they are not completed prior to occupancy of the homes. In order to mitigate the noise impact, they will have to construct a temporary barrier of masonry or wood 11 feet tall and with

a minimum surface weight of 1 ½ lbs/ft<sup>2</sup> and no discernible cracks or gaps. The proposed gates in the wall for the emergency vehicle access (EVA) will have to be 8 feet tall with no cracks or gaps. Because the project is proposed to be constructed in phases, some portions of these fences will be visible until completion of the project projected to be in August 2004. One of the conditions of approval requires installation of landscaping and sidewalks along the entire length of Industrial Parkway, which will soften the visual impact of the fence.

#### Proposed Uses in the Office-Flex Buildings

The applicant submitted proposed deed restrictions for the office-flex buildings that would limit the use of the property to industrial uses that do not conduct business in a manner that is incompatible with adjacent properties or are a nuisance to owners or residents of adjoining properties or the general public. Staff believes the industrial-type uses found in the Business Park (BP) and Light Manufacturing, Planning/Research and Development (LM) Districts carry out the intent of the applicant to provide limited manufacturing and other light industrial opportunities. A condition of approval allows the uses within these districts within the buildings. The condition also authorizes the Planning Director to make the determination that the use would be compatible. The deed restrictions limit the hours of operation of any business from 6:00 a.m. to 10:00 p.m. It would limit the hours of operation to 6:00 a.m. to 10:00 p.m. for uses that would exceed a noise level of Ldn of 65 dB at the rear property line. However, staff has included a condition of approval that limits the noise associated with the business to no more than 65dB, given the proximity of the businesses to the residential area. Refrigerated trucks would not be able to idle on the property between 8:00 p.m. and 7:00 a.m. In order to support flexibility with respect to the use of the industrial buildings, a condition of approval allows the industrial buildings to also be used for retail commercial serving the surrounding residential area, or for offices, subject to approval of the Planning Director.

#### Phasing

The applicant has submitted a phasing program for the project, indicating that the residential portion of the development will be constructed in five phases commencing at the entrance and proceeding to the east end of the property. The applicant proposes to construct the industrial development in three phases. The first phase of the industrial/commercial development is proposed to consist of the commercial building, industrial building B next to the commercial center and the easternmost industrial building "E." The second phase consists of the construction of industrial building C, with the last phase devoted to industrial building D. All phases will be completed by July or August of 2004. The applicant is requesting that upon "substantial completion" of each of the industrial/commercial buildings, that certificates of occupancy also be issued to approximately 20 percent of the homes.

It has been staff's experience that it is not unusual to have to delay issuing residential certificates of occupancy because promised work was not completed due to unforeseen difficulties. This has been a hardship on families that have purchased homes but find they could not move in when they planned. It is also important that the commercial center be available to the residents as they move in and that the industrial/office buildings at least appear ready for businesses to occupy when the residential portion of the development is complete. Therefore, although staff agrees

that phasing is appropriate, in order to avoid or minimize pitfalls associated phasing, staff proposes the following phasing and procedures, which requires that building permits be issued for the commercial and industrial buildings coincident or prior to building permits for the homes as indicated below.

Phase 1: All aspects of Phase I may occur simultaneously and with the following stipulations.

- a. Construction of commercial building, 20 percent of the homes, and landscaping along Industrial Parkway West and Stratford Road. Building permits for 20 percent of the homes will be issued upon or after issuance of building permits for the commercial building. Certificates of occupancy for 20 percent of the residences will be issued when a certificate of occupancy is issued for the commercial building and installation of landscaping along Industrial Parkway West and Stratford Road is complete.
- b. Construction of industrial buildings "B," and E" and 40 percent of the homes. Building permits for 20 percent of the homes will be issued upon issuance of building permits for each industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes when substantial completion of each of the industrial buildings has occurred. Substantial completion is defined as completion of all exterior work on the building, including parking and landscaping, so as to give the outward appearance that the building is ready to be occupied.

Phases 2: Construction of industrial building "C" and 20 percent of the residences

Building permits for 20 percent of the homes will be issued upon issuance of building permits for the industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes when substantial completion of the industrial buildings has occurred as defined above.

Phases 3: Construction of industrial building "D" and 20 percent of the residences

Building permits for 20 percent of the homes will be issued upon issuance of building permits for the industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes when substantial completion of the industrial buildings has occurred as defined above.

As a temporary noise attenuation measure, tall wood fencing is required to separate the undeveloped portion of the industrial development from the residential development. To minimize visual impacts, landscaping along the entire Industrial Parkway West frontage is

required in conjunction with the first phase of development and signs will be posted on the fence to advise interested persons of the development under construction.

### **III. Tract Map**

The proposed subdivision creates 80 parcels; 72 single-family lots, 1 retail lot, 4 industrial lots, 1 park lot, 1 lot for the private street and 1 common lot. As indicated above, staff recommends elimination of the two single-family lots adjacent to industrial building "E." The retail, industrial/office/commercial and single-family parcels will be individually owned. The park parcel will be owned by HARD, and the homeowners' association will own the private street and common parcels.

The developer is proposing private streets within the tract that will be maintained by a homeowners association. The proposed widths meet City standards for public streets, but the inclusion of the tree "bulb outs" and extended handicap ramps do not meet City standards. Therefore, they are not proposed to be entered into the City's public street system.

The formation of a Homeowners Association and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required to cover the maintenance of the private street, perimeter fencing and common area landscaping. The common area landscaping includes all areas except the private rear yards, the homes, and the industrial parcels. The CC&R's will also contain a standard condition that if the homeowners association fails to maintain the common areas and private streets, the City of Hayward will have the right to enter the project and perform the work necessary to maintain these areas and lien the properties for their proportionate share of the costs. Other mechanisms, such as a landscaping and lighting district or a benefit district, were explored to insure adequate upkeep of the project; however, these devices cannot be implemented as landscaping and lighting districts apply only to public properties and assessment districts cannot be used for maintenance purposes.

There are existing utilities within Industrial Parkway and Stratford Road, including sanitary sewer, water and storm drains, with sufficient capacity to adequately serve the proposed project. Both streets are at the ultimate street width and are fully improved. Sidewalks will be constructed with the tract improvements.

### **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 not 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 the following response by e-mail:

- An e-mail from Teri and Stephen Blanchette on Welford Lane in support of the proposed project.
- An e-mail from Wenston and Joan Webber in opposition to developing housing on this property. They state that the property should be developed with an industrial or retail use.

On September 21, 2002, a notice of public hearing and preparation of a Mitigated Negative declaration was published in the Daily Review ad 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. Subsequent notices were provided relative to meeting cancellations and new meeting dates.

## CONCLUSION

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."*

The residential component of this project would provide a prototype for cluster housing in Hayward. Therefore, it may not be appropriate to weigh the adequacy of the features of the project against the development standards of the more conventional zoning patterns, such as the RSB4 residential zoning district of the adjacent Stratford Village development. For example, the lots are smaller and there are substantially smaller yard areas. The expansion of the adjacent Stratford Village Park will help offset the smaller parcel size and the smaller yard space available to each homeowner. The park is within close walking distance of each home and will be enhanced by the developer to provide additional amenities to this development and existing residents in Stratford Village.

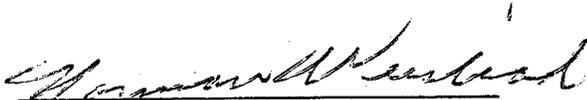
The developer has retained the industrial character of Industrial Parkway West with the construction of four industrial buildings that are of a size and design that will not attract a large industrial user resulting in large volumes of truck traffic. The typical user will be a small office or a distribution company. Staff cannot support the proposed landscape setback from Industrial Parkway West and the proposed reduced sidewalk width as there are no features proposed that would compensate for loss of landscaping and adequate sidewalk width. It would also set an unfavorable precedent for future development in major corridors. With regard to the proposed 10-foot rear yard in the industrial development where typically 20 feet is required, there is a

substantial separation between the rear of the industrial buildings and the front of the nearest homes. This is not the case, however, for the two dwellings nearest industrial building "E" which staff recommends be eliminated.

The small shopping center building will attract customers who reside nearby. This is an amenity that is presently lacking in the area.

If the General Plan Amendment, Rezoning and Vesting Tentative Map are approved by the City Council, the next phase in the development is approval of the Precise Plan by the Planning Director and approval of the Final Map by the City Council. Once the Precise Plan and Final Map are approved, the developer may submit plans for a building permit.

Prepared by:



Norman Weisbrod  
Consulting Project Planner

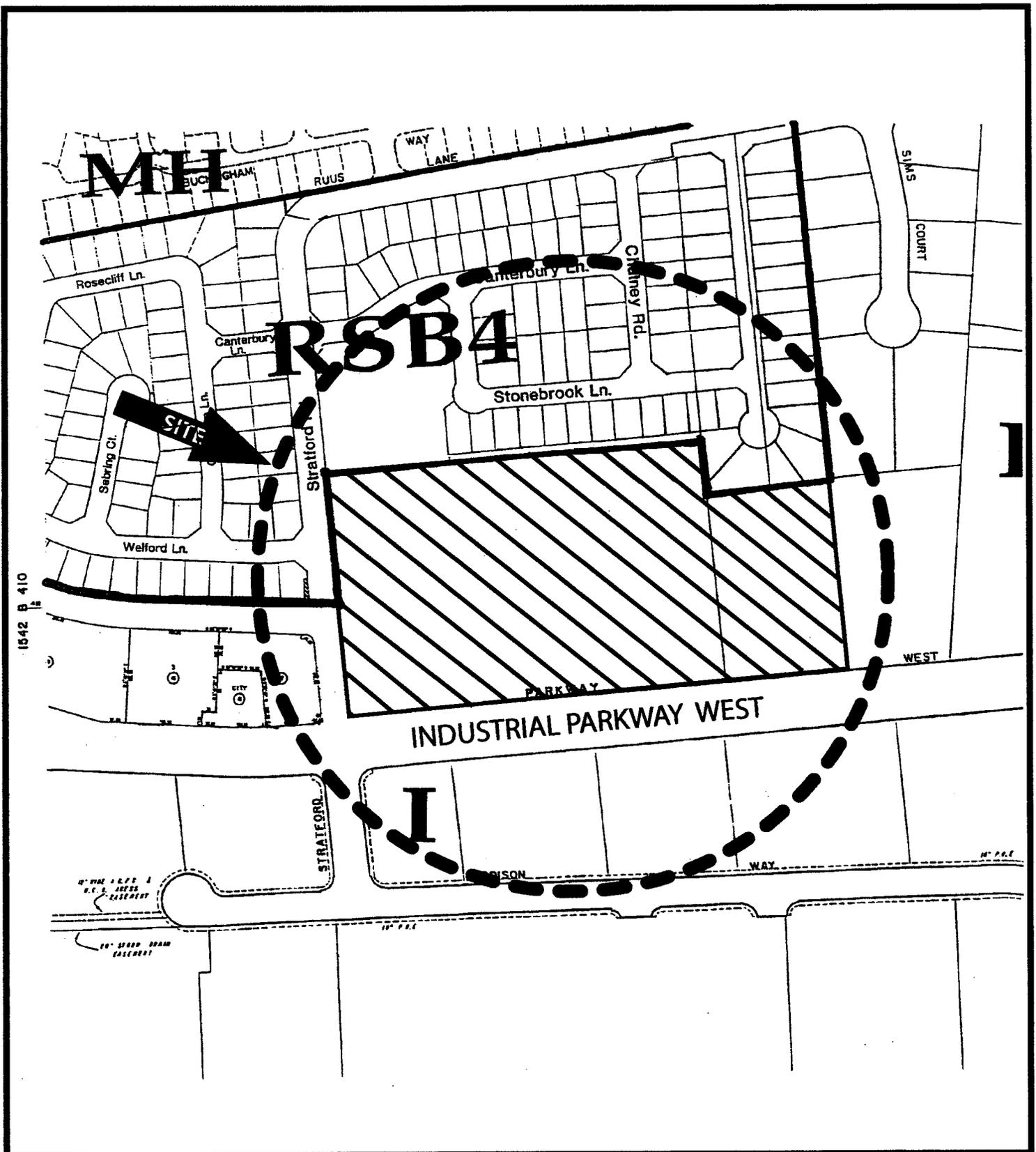
Recommended by:



Dyana Anderly, AICP  
Planning Manager

Attachments:

- A. Area Map
- B. Findings for Approval
- C. Conditions of Approval
- D. Negative Declaration, Initial Study and Mitigation Monitoring Plan  
Background Brochure on Taylor Woodrow, Home Developer  
Plans and Exhibits



**Area & Zoning Map**

PL-2002-0295/0296 GPA/ZC

Address: Stratford Road at Industrial Parkway West

Applicant: John Rassier

Owner: (1) Rassier Etal (2) Balch Investment Group

I-Industrial

MH-Mobile Home Park

RS-Single-Family Residential,RSB4,RSB6

**FINDINGS FOR APPROVAL**  
**General Plan Amendment GPA PL-2002-0295**  
**Zone Change ZC PL-2002-0296**  
**Northeast Corner of Industrial Parkway West and Stratford Road**

**September 17, 2002**

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 cannot 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 promote the public health, safety, convenience, and general welfare of the residents in Hayward in that it will retain the industrial character of the Industrial Parkway West Frontage, will provide new housing that will blend in with the existing residential development in the area and will provide a small shopping center offering retail and service commercial uses that will serve the surrounding residential neighborhood.
3. The proposed land use and zone change is consistent with the City's General Plan and Economic Development Policies, and the Tennyson-Alquire Neighborhood Plan in that the project will include industrial uses that provide employment opportunities and contributes to the City's tax base, will provide retail and service commercial uses that will benefit the surrounding residents and will provide new ownership housing.
4. The existing or proposed streets and public facilities are adequate to serve all of the uses permitted if the property is reclassified.
5. The uses proposed under this development will be compatible with the adjacent residential and industrial uses.

**FINDINGS FOR APPROVAL**  
**Zone Change ZC PL-2002-0296**  
**Northeast Corner of Industrial Parkway West and Stratford Road**

**September 17, 2002**

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental 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 cannot be mitigated, therefore it is determined that adoption of a Mitigated Negative Declaration is the appropriate action.
2. The proposed 70 residential units, industrial and commercial uses will be compatible with existing development in the area and conform to the General Plan as amended in conjunction with this proposal and will conform to applicable City policies.
3. A traffic analysis of the traffic impacts of this development has been conducted and it has been determined that the surrounding streets are adequate to handle the additional traffic that will be generated by this project. The existing utility infrastructure in the surrounding streets can adequately serve the development.
4. The residential component of this development will blend in with the existing homes adjacent to the project. The developer will be dedicating additional land area to the adjacent Stratford Village Park and paying for improvements and upgrades to the park. The housing development will have no adverse impact on surrounding properties.
5. The retail commercial and industrial portions of the development will be in substantial compliance with the standards for a corridor street, will be in substantial conformance with the City of Hayward Design Guidelines, will set a high design standard for Industrial Parkway West, and will be compatible with surrounding properties.
6. There are two increments to this development, the residential and the commercial and industrial. Each is self-contained and can stand on its own if the other is not completed.
7. The exceptions to the development standards for this project are offset by a high design standard for the retail commercial, industrial and residential buildings, generous landscape areas and detail to the separation of the various uses to assure their compatibility.

**FINDINGS FOR APPROVAL**  
**TENTATIVE TRACT MAP 7386**

1. The approval of Tentative Map Tract 7386, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A mitigated Negative Declaration has been prepared per the guidelines of the California Environmental Quality Act (CEQA).
2. The tentative parcel map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.
3. The site is physically suitable for the proposed type of development.
4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
6. Existing streets and utilities are adequate to serve the project.
7. None of the findings set forth in Section 64474 of the Subdivision Map Act<sup>1</sup> have been made.

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<sup>1</sup> The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL**  
**Planned Development District No. PL-2002-0296**  
**Industrial Parkway West @ Stratford Road**  
**John Rassier and Sherman Balch (Applicant/Owner)**

**Planning Division**

1. Planned Development District No. PL-2002-0296 to accommodate construction of 4 industrial buildings, a commercial building and 72 cluster homes, shall be constructed according to these conditions of approval and the plans approved by the City Council on October 29, 2002.
2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to City Council approval. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted in sufficient detail for approval, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the streets and other public improvements.
4. The Industrial Parkway West street frontage shall consist of 20 feet clear of landscaping (unencumbered by vehicle overhang) and 6-foot-wide sidewalk. Parking stalls facing Industrial Parkway West shall meet City standards, which provides for a 2- to 2-1/2 foot vehicle overhang over landscaping. Therefore, the total amount of landscaping on Industrial Parkway West shall be at least 22 feet (20 feet of required landscaping plus the area over which vehicles overhang).
5. Prior to final inspection, all pertinent conditions of approval and all improvements indicated on the approved Precise Plan shall be completed to the satisfaction of the Planning Director.
6. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

7. For the retail commercial and industrial portions of the development, no outdoor storage of material, crates, boxes etc. shall be permitted anywhere on site, except within the trash enclosure area as permitted by fire codes. No material shall be stacked higher than the height of the trash enclosure screen wall and gate.
8. For the industrial and retail commercial portions of the development, sidewalks and parking lots must be kept free of litter and debris to minimize the amount of wind-blown debris onto surrounding properties. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. No cleaning agent may be discharged into the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review and approval and conditions of the City wastewater treatment plant. Use of mechanical grounds keeping activities, such as leaf blowers and parking lot sweepers, shall be limited to daylight hours only; early morning hours shall be avoided as much as possible.
9. One trash receptacle shall be placed at each customer entry to the commercial building. Trash receptacles shall be a decorative, pre-cast concrete type with a self-closing metal lid. Placement and design of the receptacles shall be submitted with the Precise Plan for approval by the Planning Director.
10. Any business selling food for both on-site and off-site consumption including but not limited to a coffee shop, restaurant or delicatessen, shall pick up any litter attributable to their use twice daily for a distance of 200 feet along Stratford Road, Pacheco Way and Industrial Parkway West.
11. The signs for the retail commercial building shall consist of individual letters that may be internally illuminated or have indirect illumination, details to be shown on the Precise Plan.
12. The rear of the industrial buildings facing the residential portion of the development shall have the same decorative tiles and other architectural details as shown on the front building elevation, details to be shown on the Precise Plan.
13. If a temporary wood fence is constructed for noise attenuation purposes along the rear of the parcels for buildings C and D, a sign shall be placed on the fence facing the residential area indicating that this is a temporary fence until the adjacent industrial buildings are completed.
14. The rear of the commercial building shall have the same degree of architectural detail as both of the street frontage elevations, details to be shown on the Precise Plan.
15. The second floor windows of the homes that face the backyards of the existing homes fronting on Stonebrook Lane shall be located, to the extent feasible, such that privacy to homes on Stonebrook Lane are preserved. In addition, a minimum of one 24-inch boxed non-deciduous tree shall be planted within the rear yards of properties abutting

Stonebrook Lane to preserve the privacy of the existing residents. These details shall be shown on the Precise Plan.

16. No vending machines shall be displayed outside the commercial building, except decorative newspaper racks. No food vendor cart shall be displayed outside the commercial building.
17. A bicycle rack accommodating a minimum of four bicycles shall be provided in front of the retail commercial building with the details shown on the Precise Plan.
18. If the electrical transformers or switch gear for the four industrial buildings and the retail commercial building are not located at the rear of the parcels as shown on the site plan, they shall be installed in vaults, details to be shown on the precise plan.
19. An exterior loudspeaker system is prohibited. Paging shall be limited to the use of pagers, cell phones or other similar devices to ensure that paging does not create an audible nuisance for the adjacent properties.
20. The uses permitted in the industrial buildings shall be those primary uses permitted in the Business Park (BP) and Light Manufacturing, Planning/Research and Development (LM) District as determined by the Planning Director to be compatible with surrounding development and subject to all of the requirements of that district, and in addition commercial uses that will serve surrounding residential neighborhood and office uses, details subject to approval of the Planning Director.
21. The applicant, or subsequent owners, shall maintain in good repair all commercial and industrial building exteriors, walls, lighting, trash enclosure, drainage facilities, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.
22. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted and the report must be submitted to the DFG for review and approval. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Verification that the DFG has determined that the pre-construction surveys are adequate must be provided to the Planning Division prior to issuance of a Building Permit. The site shall be surveyed for burrowing owls during the nesting season (February 1 – August 31) to determine if owls occur on the site or within 250 feet of the site. The methods must follow the Department of Fish and Game's survey protocol. The survey report will be submitted to the Department of Fish and Game (DFG) for review and approval. If owls are observed during the surveys (or have nested on the site within the last three years) a burrowing owl habitat map and mitigation plan must be submitted to the Planning Division before a grading permit will be issued.

23. 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 of accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 15123.4 of the California Environmental Quality Act.
24. Fill shall be placed on the site to raise the pad elevation for all structures to a level that is not within a 100-year flood hazard zone, details subject to approval of the City Engineer.
25. The Draft Deed Restrictions for Stratford Business Park shall be recorded for each of the industrial parcels, details subject to approval of the Planning Director. The deed restrictions shall limit noise generated from industrial/business users to no more than 60dB at the rear property line.
26. Public telephones shall not be installed outside any of the buildings.
27. The Precise Plan shall include details on architectural enhancements for all four sides of the residential buildings. Roofing materials for the homes shall be concrete tile or similar material. The actual types of materials shall be clearly indicated on the Precise Plan.
28. The Conditions, Covenants and Restrictions (CC&R's) for the residential portion of the development shall contain a provision that the garages for each unit shall be kept clear at all times of any obstructions that would prevent the parking of two standard size vehicles in the garage.
29. Any construction sign placed on any of the properties shall display the name and phone number of an individual that can respond to complaints of noise and dust. All adjacent property owners shall be informed by letter of construction dates prior to commencement of construction.
30. The Conditions, Covenants and Restrictions (CC&R's) shall have a provision that if there is not adequate parking for residents vehicles and there is evidence that they are parking in the surrounding residential neighborhood, they shall be allowed to park in the visitor parking spaces and in the on-street parking spaces.
31. The applicant shall spend a minimum of \$400,000 on the improvements to Stratford Village Park, excluding curb, gutter and sidewalk along the park frontage on the private street for the residential development.

32. The two units at the southeast corner of the site adjacent to Building E shall be removed and the area devoted to landscaping along the street frontage and parking, details to be shown on the Precise Plan.

33. The project shall be phased as follows:

Phase 1: All aspects of Phase I may occur simultaneously and with the following stipulations.

- a. Construction of commercial building, 20 percent of the homes, and landscaping along Industrial Parkway West and Stratford Road. Building permits for 20 percent of the homes will be issued upon or after issuance of building permits for the commercial building. Certificates of occupancy for 20 percent of the residences will be issued when a certificate of Occupancy is issued for the commercial building and installation of landscaping along Industrial Parkway West and Stratford Road is complete.
- b. Construction of industrial buildings "B," and E" and 40 percent of the homes. Building permits for 20 percent of the homes will be issued upon issuance of building permits for each industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes when substantial completion of each of the industrial buildings has occurred. Substantial completion is defined as completion of all exterior work on the building, including parking and landscaping, so as to give the outward appearance that the building is ready to be occupied.

Phases 2: Construction of industrial building "C" and 20 percent of the residences

Building permits for 20 percent of the homes will be issued upon issuance of building permits for the industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes when substantial completion of the industrial buildings has occurred as defined above.

Phases 3: Construction of industrial building "D" and 20 percent of the residences

Building permits for 20 percent of the homes will be issued upon issuance of building permits for the industrial building. Certificates of Occupancy for homes will be issued for 20 percent of the homes

when substantial completion of the industrial buildings has occurred as defined above.

34. The sign program for the retail commercial and industrial buildings shall be governed by the following:
  - a. Signs shall be composed of alpha-numeric individual characters and corporate logos only; there shall be no boxed can signs.
  - b. A monument sign shall be allowed for each building to identify the building or shopping center. It shall not be used to identify individual tenants.
  - c. Wall signs identifying the uses shall be individual letters similar in size and scale.

### Design

35. All roof mechanical equipment for the commercial and industrial buildings and any satellite dish shall be fully screened from ground-level view within 150 feet of the property.
36. Exterior lighting for the commercial and industrial buildings shall be maintained which is adequate for the illumination and protection of the premises but does not exceed a light level that provides glare to motorists, nor spills onto nearby properties. Wall-mounted light fixtures shall not be mounted greater than 8 feet high. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. Luminaries shall be of a decorative design that complements the architectural style of the buildings and the landscaping in developing a quality image of the City of Hayward pursuant to the Landscape Beautification Plan and shall be approved by the Planning Director as part of the Precise Plan.
37. Decorative street lighting fixtures shall be provided in the residential portion of the development with details shown on the Precise Plan.
38. Architectural enhancements on the homes including shutters and wood trim around the windows shall be provided on all four sides of the homes with details shown on the precise plan.
39. All driveways leading to the garage parking and all pedestrian walkways for the cluster homes shall be decorative paving, such as pavers, details to be shown on the Precise Plan.
40. Any modification to the architecture of the retail commercial building shall be of equal quality to the building elevations on Plan Sheet P-3 prepared by CRJ Associates as determined by the Planning Director.
41. In lieu of a wood fence, an 8-foot high masonry wall shall be placed along the Stratford Road frontage of the property to serve as the rear yard fence for the homes backing up to Stratford Road, details to be shown on the Precise Plan.

## Landscaping

42. As part of the Precise Plan, the applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
  - a. Above ground utilities (e.g. gas or electric meters, backflow devices) shall be screened from the street with shrubs.
  - b. Where any landscaped area adjoins driveways or parking areas, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
  - c. Existing sycamore street trees along Industrial Parkway West and Stratford Road shall be preserved. Tree preservation measures shall be included on the site and grading plans and trees shall be protected at all times during construction. A tree preservation bond, or other surety equal in value to the cost of tree replacement shall be provided prior to commencing construction activities. A tree removal permit shall be required prior to commencing construction activities or prior to the removal of any trees on site. Additional 36-inch box sycamore trees planted at the existing tree spacing but not less than 40 feet on-center, shall be provided along the Industrial Parkway West and Stratford Road frontages, details subject to approval of the City Landscape Architect.
43. Landscaping shall be installed per the Precise Plan and a Certificate of Substantial completion and an Irrigation schedule shall be submitted prior to issuance of a Certificate of Occupancy.
44. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.
45. A minimum of 20 feet of landscaping, not including the 2 feet of overhang for the row of parking facing Industrial Parkway West and the 6-foot wide sidewalk, shall be provided along the Industrial Parkway West frontage of the property with the details shown on the Precise Plan.

### Parking/Driveways

46. For the retail commercial and industrial portion of the development, all parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking areas shall be paved with either Class B Portland cement or asphalt concrete and the area shall be striped to designate the parking stalls. As part of the Precise Plan, the Planning Director shall approve the design of the driveway, curbing and materials to be used. Aisles, approach lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow.
47. Vehicular circulation areas shall be signed as a fire lane and posted for no parking except within designated parking stalls.
48. For the retail commercial and industrial portion of the development, the driveway entries, between the property line and the first cross aisle, shall be enhanced with decorative pavement such as stamped concrete (bomanite or equivalent), brick, concrete interlocking pavers, or other approved materials. The Planning Director shall approve the location, design and materials utilized.

### Storm Water

48. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer prior to occupancy. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into stormwater runoff. Prior to issuance of a building permit, a drainage plan shall be submitted that meets the approval of the Planning Director, and shall include the following:
  - a. That all storm water is conveyed into City of Hayward or Alameda County Flood Control District facilities.
  - b. Structural controls such as oil/water separator, sand filter or fossil filter or other approved devices shall be installed to intercept and treat storm water prior to discharging to the storm drain system. The design, location, and a maintenance schedule shall be submitted to the City Engineer for review and approval prior to the issuance of a building permit.
  - c. Erosion control measures to prevent soil, dirt and debris from entering the storm drain system during construction, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
  - d. The labeling of all on-site storm drain inlets in the commercial and industrial parking area with "No Dumping - Drains to Bay," using approved methods approved by the City.

- e. The cleaning of all storm drains in the Commercial/Industrial parcels at least once a year immediately prior to the rainy season (October 15th). The City Engineer may require additional cleaning.
  - f. No storm water shall be discharged to the sanitary sewer without a Wastewater Discharge Permit, which will be issued only if there is no feasible alternative. This means that if washing takes place in the trash area, the wash water shall be discharged to the sanitary sewer. If this area is covered and protected from storm water runoff, a permit is not necessary.
  - g. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to an approved collection system. The collection system is subject to the review and approval of the City Engineer prior to the issuance of a building permit.
49. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items:
- a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
  - b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.
  - c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping.
  - d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October 15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.
  - e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the

- project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.
- f. Never clean machinery, tools, brushes, etc. or rinse containers into a street, gutter, storm drain or stream.
  - g. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains.
50. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). The developer of each residential phase and each industrial/commercial phase of the project shall post the properties with individuals who may be contacted when occupants of adjacent businesses and residences find that construction is creating excessive noise, dust, odors, or is otherwise objectionable. Letters shall also be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information
51. Water Pollution Source Control requirements shall include but not be limited to the following:
- a. No polluted waters from HVAC units shall be discharged to the storm drain via roof drains. Uncontaminated condensate is acceptable for storm drain discharge.
  - b. All wastewater and washing operations shall be discharged to the sanitary sewer and not the storm drain, including mat cleaning and any washing of the trash area.
  - c. The sanitary sewer discharge from this facility shall be in compliance with all wastewater discharge regulations, prohibitions and limitations to discharge, including the 300-milligram per liter oil and grease limit.
  - d. Materials, gasoline spill, oil spill, heavy stains, radiator fluid, litter, etc. shall be picked-up by dry methods and sweeping so as not to pollute storm water runoff.
  - e. All discharges and connections shall require approval from Water Pollution Source Control.

#### Utilities

52. Prior to issuance of a building permit, the developer shall submit gallon per minute demand to determine proper meter size.
53. Install Reduced Pressure Backflow Prevention Assembly per City of Hayward Standard Detail 202 on all domestic & irrigation water meters.
54. Installation of a separate irrigation meter to avoid sanitary sewer charges on water used for landscape purposes is recommended.
55. Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

56. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate per Hayward Municipal Code 11-2.02.1.
57. All locations of existing and proposed water meter(s) shall be shown on the Precise Plan.
58. Water service shall be made available subject to standard conditions and fees in effect at time of application.
59. Sanitary connections for the new retail building shall be subject to the review, approval, and conditions of the City Wastewater Treatment Plant.
60. All water mains shall be looped.
61. The proposed industrial development must be serviced by the water main within the residential portion of the development to the north.
62. The proposed industrial development must be serviced by the sanitary sewer main within the residential portion of the development to the north.
63. Water services shall be installed by City crews at the developers' expense. The application for water services shall be presented to the City inspector.
64. The development shall be served by radio read meters.

#### **Public Safety**

65. When applications are submitted for proper building permits and fire permits, additional requirements will be addressed which pertain to the tenant usage, which will include storage of hazardous materials on storage racking, lumber storage, high pile storage issues, etc.
66. The commercial and industrial buildings will have an automatic fire sprinkler system installed. The fire sprinkler system shall be designed per NFPA 24 Standards. Fire extinguishers are also required throughout the building.
67. Each building shall have a dedicated underground fire service line designed and installed per NFPA 24 standards.
68. Industrial and commercial building addresses shall be installed, with a minimum of 6-inch numbers on a contrasting background, visible from the street (Industrial Parkway West).

69. A Phase I site assessment may be required for this property. The applicant will need to contact Hugh Murphy, Hazardous Materials Coordinator, at 510-583-4924.
70. The Fire Department will require additional public fire hydrants (3 total) along the north side of Industrial Parkway West, fronting on the proposed industrial/commercial development. Fire hydrant locations shall be at the driveway entrances between Buildings A and B, B and C, D and E. Type of fire hydrant shall be double steamer, with fire flows meeting a minimum of 5,000 gpm at 20 PSI.
71. The residential buildings shall include the following:
- a. Decorative Class C minimum roofing materials;
  - b. Spark arrestors on chimney caps;
  - c. Smoke detectors installed per the Uniform Building Code;
  - d. Building addresses shall be a minimum of 6 inches in height or 4 inch self-illuminated.
72. The applicant shall comply with all requirements of the Uniform Fire Code and the City's Hazardous Materials Ordinance including but not limited to the following:
- a. Demolition and construction activities shall meet the requirements of the Hayward Fire Code, Article 87 - "Fire Safety During Construction, Alteration or Demolition of a Building".
  - b. Emergency access shall meet the Hayward Fire Department standards for emergency vehicle turning radius.
  - c. The trash enclosure shall be of a non-combustible construction.
  - d. Fire lanes shall be identified with red curbing and signage.
73. The project shall comply with the requirements of the Hayward Security Ordinance, dated October 16, 1990.

#### **Solid Waste**

74. A 6-inch wide curb or parking bumpers must be provided along the interior perimeter of trash enclosure walls to protect them from damage by the dumpster. A 6-inch wide parking bumper, at least 3 feet long, should also be placed between the refuse dumpster(s) and the recycling containers.
75. A minimum space of 12 inches must be maintained between the dumpster(s) and the walls of any trash enclosure and the recycling carts/dumpster to allow for maneuvering the dumpster(s). A drain to the sanitary sewer should be provided beneath the refuse dumpster(s) wherever wet waste, such as food waste, is generated and wherever can washing areas are located.

76. If any equipment/trash enclosure is gated, the gates and hinges must be flush with the enclosure wall. It is important to ensure that the gates open straight out and that the hinges and that the gate be flush with the enclosure wall, in order to allow adequate maneuverability of the equipment/dumpster in and out of the enclosure to service it.
77. The applicant is required to submit for review by the Solid Waste Manager an on-site recycling plan, which would be implemented during the entire demolition and construction phases. The plan must:
- a. Show the anticipated start and completion dates of the project.
  - b. Estimate the quantities of construction and demolition waste that will be generated by the project.
  - c. Estimate the quantities of material that will be recycled and identify the facilities that will be used.
78. The applicant must ensure that construction and demolition debris is removed from the site by a licensed contractor as an incidental part of a total construction, remodeling, or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes, or is directly loaded onto a fixed body vehicle and hauled directly to a disposal facility that holds all applicable permits.
79. The applicant shall provide for adequate on-site storage capacity for recyclables within the buildings, including storage space for containers to store paper, glass/plastic/metal beverage containers, and other recyclables where these materials are generated.
80. The applicant must contact the City's franchised hauler, Waste Management of Alameda County, at 537-5500 to arrange for delivery of containers with sufficient capacity to store construction and demolition materials to be land filled.

**CONDITIONS OF APPROVAL  
TENTATIVE TRACT MAP 7386**

Unless otherwise stated, all necessary easements shall be dedicated, and all improvements shall be designed and installed at no cost to the City of Hayward.

All improvements shall be designed and constructed in accordance with the City of Hayward Municipal Code – Chapter 10, Article 3, and Standard Specifications and Details – unless otherwise indicated hereinafter.

The applicant/developer's engineer shall perform all design work unless otherwise indicated.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR THE RESIDENTIAL LOTS**

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**Streets**

**Interior Private Street**

1. The portions of the private street shall have a 33.5 feet right-of-way width, 28 feet curb to curb to allow for two 10-foot-wide travel lanes and an eight-foot-wide parking lane. A 4.5-foot-wide sidewalk shall be installed on one side of the street adjacent to the back of curb. The street design will include landscape islands extending from the sidewalk into the parking lane as shown on the tentative map. The street sections shall be constructed to public street standards.
2. The portions of the interior private street that have a 46-foot right-of-way shall incorporate 8-foot-wide parking lanes and 4.5-foot-wide sidewalks on both sides of the street.
3. The private street entrance off of Stratford Road shall have a 60-foot-wide right-of-way which shall include two 20-foot-wide one-way travel lanes on either side of a 10-foot-wide median island and 4.5-foot-wide sidewalks adjacent to the back of curb on both sides of the street.
4. The privately owned onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer.

## **Stratford Road**

5. The street frontage shall be approved with a 5-foot-wide sidewalk, designed to meander to save the existing trees along this street frontage. The sidewalk design and location shall be subject to the approval of the City Engineer and City Landscape Architect.

## **Parking and Driveways**

6. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall also meet City requirements as approved by the Planning Director and City Engineer.

## **Landscaping and Irrigation**

7. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
8. Minimum 36" box trees shall be planted within the street tree-wells designed between the on-street parking stalls. The City's Landscape Architect shall approve the type, number, and location of these trees.
9. Landscaping shall be installed within a 10-foot wide strip between the private street right-of-way of the southern most private street and the masonry wall proposed to be installed across the northern property line of the industrial parcels within the subdivision. This landscaped area shall be maintained by the subdivision's homeowner's association.

## **Conditions, Covenants, and Restrictions**

### ***Residential Portion of the Subdivision***

10. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7386 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
  - a. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
  - b. A reserve fund shall be maintained to cover the costs of replacement and repair of the private street and common area landscaping.

- c. The association shall be managed and maintained by a professional property management company.
- d. Provisions for towing unauthorized vehicles from the site.
- e. A requirement that a Homeowners' Association Architectural Review Committee be established to review and approve all exterior improvements; including fences, walls or changes to individual homes to ensure consistency with the CC&Rs.
- f. The private streets, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.
- g. A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 48 hours of inspection or within 48 hours of notification by the City's Community Preservation Officer.
- h. The homeowners' association shall maintain the irrigation system and maintain the landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
- i. Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.
- j. The trees planted within the "bulb-outs" within the private streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- k. A tree removal permit is required prior to the removal of any tree with a diameter of 10-inches or larger.
- l. Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.

- m. A provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- n. Each resident shall participate in the City's recycling program.

**PRIOR TO THE RECORDATION OF THE FINAL MAP FOR THE INDUSTRIAL LOTS**

**IMPROVEMENTS**

Improvement plans shall be submitted to the City Engineer for review and approval. Subject plans shall, in addition to the standard improvements, incorporate the following special design requirements:

**Streets**

**Industrial Parkway West**

- 11. This street frontage shall be improved with a 6-foot-wide meandering sidewalk designed to save the existing trees along the street frontage. The sidewalk design and location shall be subject to the approval of the City Engineer and the City Landscape Architect.

**Landscaping and Irrigation**

- 12. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
- 13. Minimum 24-inch box trees shall be planted as street trees along the Industrial Parkway and Stratford Road frontages. The City's Landscape Architect shall approve the type, number, and location of these trees.
- 14. Within the industrial parcels, Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement shall be constructed anywhere landscaped areas adjoin driveway and parking areas.

## **PRIOR TO RECORDATION OF EITHER FINAL MAP**

### **Storm Drainage**

15. The on-site storm drain system shall be a private system owned and maintained by the homeowners association or property owners.
16. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer.
17. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
18. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff.
19. The project streets shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs.
20. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
21. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
22. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
23. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
24. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

### **Sanitary Sewer System**

25. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.
26. The on-site sanitary sewer system shall be an 8-inch public main, designed with a manhole at all angle points and ending with a manhole. Each parcel shall have a separate sanitary sewer lateral stubbed to the edge of the street right-of-way. The main design and location shall meet the approval of the City Engineer.

### **Water System**

27. Water service is available subject to standard conditions and fees in effect at the time of application.
28. The water service shall include a multiple meter manifold designed per City of Hayward Standard Detail SD-219. The manifold location shall be approved by the City Engineer.
29. The developer shall install individual radio read water meters for each parcel.
30. The number and location of required on-site fire hydrants shall be shown on the improvement plans and shall meet the approval of the City Engineer and the Fire Chief. The hydrants shall be located within public utility easements designated on the final map.
31. The water main shall have a looped system design. Tentatively, one leg shall commence at the main within Stratford Road, the other at the main within Bowhill Road. Any easement necessary to accommodate the looped design shall be acquired by the owner at the owner's expense. The water main design and the easement size and location shall be approved by the City Engineer.

### **Utilities**

32. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, AT&T Company and AT&T Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
33. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.

34. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within proposed 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
35. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

#### **Landscaping and Irrigation**

36. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.
37. Prior to issuance of a grading permit, a tree removal permit shall be obtained from the City before removing any live tree 10 inches or larger in diameter. The value of the trees shall be determined by a certified arborist according to the "Trunk Appraisal Method" contained in the Guide for Plant Appraisal (1992) published by the International Society of Arboriculture. Mitigation measures shall be as determined by the City, based upon the arborist's report, and may include planting additional trees on-site and/or upgrading the size of new street trees.

#### **Retaining Walls**

38. All proposed retaining walls shall be constructed with decorative reinforced concrete.
39. The applicant shall either demonstrate the adequacy of the existing masonry walls to serve as retaining walls or shall construct combination retaining walls/fences along the common property line with the adjacent parcels.

#### **Dedications, Easements and Deed Restrictions**

40. The final map shall reflect:
  - a. Six-foot-wide public utility easements (PUE) along the edge of the private streets where necessary as determined by the City Engineer.
  - b. An 18-foot-wide storm drain easement from the internal private street to Industrial Parkway West to facilitate the private storm drain system.
  - c. An 18-foot-wide ingress, egress and utility easements shall be shown between each of the parcels fronting on Industrial Parkway West to accommodate joint driveways and utilities crossing property lines. The locations shall be approved by the City Engineer and the Planning Director.

- d. An easement shall be established for pedestrian use of the meandering sidewalk along the Stratford Road and Industrial Parkway frontages. The details and location of the easement shall meet the approval of the City Engineer.
- e. A 10-foot-wide landscape and irrigation maintenance easement shall be established along the rear of the industrial parcels allowing the adjacent residential homeowners association to maintain the landscaping and irrigation within this area.
- f. A deed restriction document, encumbering the parcels that front on Industrial Parkway West, shall be recorded to address items such as hours of operation, types of permitted uses and acceptable noise levels generated from the business. The contents of the deed restriction document shall be approved by the Planning Director.

#### **Subdivision Agreement**

- 41. Execute a subdivision agreement and post bonds with the City that shall secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code. Insurance shall be provided per the terms of the subdivision agreement.

#### **PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS**

- 42. Required water system improvements shall be completed and operational prior to the start of combustible construction.
- 43. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

#### **DURING CONSTRUCTION**

- 44. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
  - a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays and Saturdays; there shall be no grading or construction activities on Sundays or national holidays;
  - b. Grading and construction equipment shall be properly muffled;
  - c. Unnecessary idling of grading and construction equipment is prohibited;

- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Stratford Road and Industrial Parkway West.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
- p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;

- q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
  - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
  - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
  - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
  - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
  - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
45. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
46. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.
47. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 8 above.
48. Construction Administration services shall be provided by the project landscape architect. Services to include:
- f. Observation of irrigation system before burying pipes;
  - g. Observation of plant material upon delivery to the site;

- h. Observation of layout and placement of plant material upon delivery to the site;
- i. Observation for maintenance period commencement; and
- j. Observation for final acceptance.

**PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY**

49. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
- a. Supplemental Building Construction and Improvement Tax;
  - b. School Tax; and
  - c. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
  - d. The developer is donating and improving park site in lieu of paying park dedication fees.
50. Any damaged curb, gutter and/or sidewalk along the Stratford Road or Industrial Parkway West property frontage shall be repaired or replaced to the satisfaction of the City Engineer.
51. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.
52. Prior to granting occupancy, water services shall be installed by City crews at the developer's expense. The application for water services shall be presented to the City Inspector.
53. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.
54. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
55. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

**PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED**

56. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.
57. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.
58. An AC overlay along the Stratford Road and Industrial Parkway West frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
59. The improvements associated with the Pacific Gas and Electric Company, AT&T Company and AT&T Broadband Company shall be installed to the satisfaction of the respective companies.
60. The subdivider shall submit an "as built" plan indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, AT&T Company and AT&T Broadband Company, etc; and
  - b. All the site improvements, except landscaping species, buildings and appurtenant structures.



**CITY OF HAYWARD  
MITIGATED NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that could not have a significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

***I. PROJECT DESCRIPTION:***

**General Plan Amendment No. PL-2002-0296, Zoning Code Amendment PL-2002-0295 and Vesting Tentative Map Tract 7386** – Request to develop 72 single-family homes in a cluster-type development, a 6,200 square foot commercial building and four 12,000 square foot industrial buildings on a 12.26-acre parcel. The applicant is requesting to amend the General Plan from Industrial Corridor (IC) to Limited-Medium Density Residential (LMDR) Office Commercial, amend the zoning district from Industrial (I) to Planned Development (PD) and for approval of a vesting tentative map for a 72-lot subdivision for cluster homes.

***II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:***

The proposed project, as mitigated, could not have a significant effect on the environment.

***FINDINGS SUPPORTING DECLARATION:***

1. The proposed project 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.
2. The project, as mitigated, will not adversely affect any scenic resources.
3. The project will not have an adverse effect on agricultural land since it will be developed on property that is undeveloped and is surrounded by industrial and residential development in an urban setting.
4. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The measures taken to mitigate impacts are required to meet the State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District. In addition the City requires the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any building permit.
5. The project, as mitigated, will not result in significant impacts to biological resources such as wildlife and wetlands since it will be developed on a lot that is undeveloped within an urban setting.

6. The project, as mitigated, will not result in a significant impacts to cultural resources including historical resources, archaeological resources, paleontological resources, unique topography or disturb human remains because the project will be developed on a lot that was is undeveloped and surrounded with developed property in an urban setting.
7. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.
8. The project will not lead to the exposure of people to hazardous materials. The parcel is undeveloped and is located in a residential and industrial area within an urban setting.
9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff and the grade of portions of the site will be raised to remove it from a flood zone status.
- 10 The project could not result in a significant impact to mineral resources since the site is surrounded by developed land and mineral resources do not exist on the project site.
11. The project will not have a noise impact and all interior noise standards as specified in the Noise Element of the General Polices Plan will be met.
12. The project will introduce 72 single-family cluster homes into an area where growth is desirable.
13. The project, as mitigated, will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit. Land will be dedicated for the expansion of the adjacent Stratford Village Park and the developer will pay for improvements to the existing park and the expanded park area.
14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.
15. The project will not require additional service systems. There are sanitary sewer, water, and storm drain mains available of adequate size to serve this project.

I. **PERSON WHO PREPARED INITIAL STUDY:**

  
Norman Weisbrod, Consulting Project Planner  
Dated: 9/17/02

II. **COPY OF INITIAL STUDY IS ATTACHED**

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4215

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### **DISTRIBUTION/POSTING**

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



## Environmental Checklist Form

1. Project title: PL-2002-0295 and 0296 General Plan Amendment and Rezoning, and Vesting Tentative Map Tract 7386, Amending the General Plan Land Use Designation from Industrial Corridor (IC) to Limited Medium-Density Residential and Retail and Office Commercial; Rezoning from Industrial (I) District to Planned Development (PD) District; and Approving Vesting Tract Map for 72 Single-Family Residential Lots to be Served by Private Streets, Four Industrial Parcels and a Commercial Parcel.
2. Lead agency name and address: City of Hayward, Department of Community and Economic Development, 777 B Street, Hayward, CA 94541-5007
3. Contact person and phone number: Norman Weisbrod, Consulting Project Planner, 510-583-4215
4. Project location: Northeast corner of Industrial Parkway West and Stratford Road, APN 464-0120-012 and 462-0100-28-01.
5. Project sponsor's name and address: John Rassier, Rassier Properties, 4135 Blackhawk Plaza Cir, #250, Danville, CA 94504
6. General plan designation: Industrial Corridor (IC)
7. Zoning: (I) Industrial
8. Description of project:

The project consists of a General Plan Amendment and Rezoning to allow for residential, commercial and industrial uses, and Tentative Tract Map for the construction of 72 single-family homes in a cluster format, a 6,200-square-foot neighborhood commercial center and four industrial buildings. The homes will be two-story and will range in size from 1,822 square feet to 2,230 square feet in four different floor plans. Land will be dedicated for the expansion of the adjacent Stratford Village Park including the improvement of the park area.

At the corner of Stratford Road and Industrial Parkway West will be a 6,200 square foot neighborhood shopping center. The building will be divided up into individual tenant spaces on demand.

Four industrial buildings each approximately 12,000 square feet in area, will be provided along the Industrial Parkway West frontage of the property. Each building will be located on an individual parcel. Access will be from Industrial Parkway West and from Stratford Road.

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. The remainder of the area to the west and north side of the subject property is the existing Stratford Village development consisting of single-family homes on 4,000-square-foot 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.)

None

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.

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> Aesthetics           | <input type="checkbox"/> Agriculture Resources                | <input type="checkbox"/> Air Quality               |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources        | <input checked="" type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Materials   | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning       |
| <input checked="" type="checkbox"/> Mineral Resources    | <input checked="" type="checkbox"/> Noise                     | <input type="checkbox"/> Population / Housing      |
| <input checked="" type="checkbox"/> Public Services      | <input type="checkbox"/> Recreation                           | <input type="checkbox"/> Transportation/Traffic    |
| <input type="checkbox"/> Utilities / Service Systems     | <input type="checkbox"/> Mandatory Findings of Significance   |  |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

*Norman Weisbrod*  
Signature

9/17/02  
Date

Norman Weisbrod  
Printed Name

Department of Community  
and Economic  
Development  
Agency

**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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** The proposed project consisting of 72 single-family homes, a small commercial building and four industrial buildings are not anticipated to result in significant aesthetic impacts. The two-story homes are in scale with the existing two-story homes to the north of the site. The commercial building enhances the appearance of the intersection and the proposed industrial buildings will be an attractive addition to this industrial corridor.

Industrial Parkway West is classified as an industrial corridor. A requirement of an industrial corridor is 20 feet of landscaping behind the front property line along the entire street frontage of the property. The proposed plan provides 20 feet to 25 feet of landscaping behind the sidewalk. The Industrial Parkway West property line is located 8 feet behind the back of the sidewalk so the landscaped front yard varies from 16 feet to 20 feet. However, the 20 to 25 feet of landscaping provided complies with the intent of the industrial corridor requirement.

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

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"/>
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**Comment:** See I. 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) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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**Comment:** Because the site is vacant, typical street lights and indoor and exterior lighting of the residential units, the commercial building and the four industrial buildings will 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 as a condition of approval:

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

**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, residential development and industrial buildings, this site does not have significant value for agriculture use. There are no agricultural uses in the vicinity which would be affected by the proposed development. No agricultural resource 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.

c) Involve other changes in the existing environment which, 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:

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

**Comment:** The traffic volumes associated with this project are not anticipated to be substantial. 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 designated a 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.

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 which 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.

d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**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:** See III. a) above.

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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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. Since more than 30 days have elapsed since the above survey date, 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:

- **At 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 surveyor**

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.

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"/>
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**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.

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

**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:**

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 construction of 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 procedure 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.

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

**Comment:**

- 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 Department of Community and Economic Development 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.

c) 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. b) above.

d) 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. b) 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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, commercial buildings or industrial buildings 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 measure is 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, industrial and commercial 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 level 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 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 (SWPPP's) for all portions of the site where construction is ongoing.

d) 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.

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

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

Sewers are available for this site.

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

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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 wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**Comment:** The 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, industrial or commercial phases of the project. The San Francisco Bay Regional Water Quality Control Board has authority over drainage on the site, and their approval is required before issuance of any building permits for the individual homes, the commercial building or the industrial buildings.

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 rain water 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 which 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.

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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 which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**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.

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 percent) 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 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 and the commercial and industrial buildings 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.**

g) Place within a 100-year flood hazard area structures which 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>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 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"/>

**Comment:** See VIII. g) above.

i) 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:**

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, a small commercial building and four industrial buildings 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 Limited Medium Density Residential and Retail and Office Commercial

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:**

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

**Comment:** There are no known 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:

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?

**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 22, 2002. On April 2, 2001, three short-term 10-minute measurements were made throughout the site to quantify noise levels at the different building sites. On August 9, 2001, a 92-hour measurement was made along Industrial Parkway West. The homes will be located about 253 feet northerly from Industrial Parkway West. The proposed commercial building and the industrial buildings and an 8-foot high masonry wall will buffer the residential units from vehicular noise from Industrial Parkway West. The noise analysis estimates that the noise level at the front of the homes facing Industrial Parkway West will be an  $L_{dn}$  of 58 and an  $L_{dn}$  53 in the backyard of the homes. This would be "normally acceptable" under the Noise Element of the Hayward General Plan.

The noise analysis estimates the future noise exposure for the three homes backing up to Stratford Road will amount to an  $L_{dn}$  of 62 dB in the backyard area. This exceeds the normally acceptable" level of 60  $L_{dn}$  in the Noise Element of the Hayward General Plan. The three homes along Stratford Road will need to have a solid six-foot high noise barrier/fence along the backyards. The fence can be masonry, wood or other material, provided it has a weight of 2-1/2 lbs/ft<sup>2</sup> with no cracks or gaps. This will reduce noise to less than 60 dB.

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

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

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

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

A residential project of 72 residential units, a small commercial building and four small industrial buildings 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?

**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 in the vicinity, no mitigation is required.

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?

**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?

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

**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 72 single-family cluster homes, a small commercial building and four industrial buildings. 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:

Fire protection?

**Comment:** For the commercial and industrial portion of the development the Fire Department will require red-curbed areas to prevent vehicles from parking in non-designated areas within the parking lot and posting of signs designating "No Parking- Fire Lane". The 72 home portion of the development will need a second means of access which can be an Emergency Vehicle Access Road (EVAR). Some of the private street turns are as narrow as 20 feet. These may need some minor revisions to allow fire apparatus to turn without difficulty. Parking will not be allowed on either side of the 20-foot wide roads. Where the private street is 28 feet in width, parking will only be allowed on one side. The Fire Department will require three additional public fire hydrants along the north side of Industrial Parkway West. Fire hydrants will have to be installed every 400 feet in the residential portion of the development.

Police protection?

**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?

**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 a school impact fee to the extent allowed by State Law.

Parks?

**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 dedication, or a combination of both, at the option of the City. The City's land dedication requirement for 72 homes is 566 square feet per unit or a total of 40,752 square feet (.94) acres). The applicant is proposing to add only 18,337 square feet (.421 acres) to the existing park adjacent to the development. The deficit is 22,415 square feet. In this case, in addition to land dedication, the developer is proposing to improve the dedicated land to meet the Hayward Area Recreation District's (HARD's) improvement standards and to enhance the existing park. HARD estimates that the cost of the improvements will be at lease \$400,000. Based on the land dedication deficit of 22,415 square feet, this would equal about \$17.85 square foot in land value. 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 for the homes. The value of the improvements to the expanded area of the park and to the existing park would mitigate the land dedication deficit of 22,415 square feet.

- **Pay for the improvements of the 18,337 square feet of land to be dedicated to Hayward Area Recreation District (HARD) for the expansion of Stratford Village Park. The value of the improvements should equal the value of the deficit in land dedication of 22,415 square feet.**

Other public facilities?

**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?

**Comment:** The project will increase the use of the adjacent Stratford Village Park. The project proponent will dedicate 18,337 square feet (.421 acres) 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. Impacts to the use of existing neighborhood and regional park facilities are anticipated to be less than significant.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

**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)?

**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 50 percent of the site area would be covered by buildings. On the 12-acre site, it would be possible to construct approximately 261,360 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 72 single-family homes, a small commercial center and four industrial buildings will probably result in considerable less a.m. and p.m. peak hour trips than development under the current Industrial District zoning.

The summary of the traffic analysis says that under the existing conditions, each of the five study intersections are operating at Level of Service D or better. The City of Hayward's level of service standard is LOS D. With the addition of project traffic, the five study intersections are expected to continue to operate with little change in the level of service.

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

**Comment:** The project was reviewed by the Alameda County Congestion Management Agency (CMA) 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.

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?

**Comment:** The project will have no impact on air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Comment:** The plan for the 72 homes has a single access into the development from Stratford Road. Due to the scale of the development, The fire department is requiring a second access into the proposed single-family residential development consisting of either another street or an Emergency Vehicle Access Road (EVAR) and/or a possible alternative.

The plans are reflecting some private street turns as narrow as 20 feet in width. This will need some minor revisions to allow fire apparatus to turn without difficulty around these tight corners. Where the private street narrows to 20 feet wide, there shall be no parking of vehicles on either side. These areas shall be red curbed on both side. Where the private street widens to 28 feet in width, there shall only be parking allowed on one side of the street. The other side of the street shall be red-curbed and posted with fire lane signage stating "No Parking - Fire Lane".

e) Result in inadequate emergency access?

**Comment:** See XV. d) above.

f) Result in inadequate parking capacity?

**Comment:** Residential Parking - Each unit will be provided with an enclosed two-car garage that complies with the parking requirement for a single-family home. There are 44 auto court guest parking spaces and 91 on street guest parking spaces. Total parking provided is 279 spaces which equals 3.88 spaces per unit.

Commercial Parking - The commercial building will have 30 parking spaces equaling one parking space per 217 gross square foot of building area. This is equivalent to required parking for a typical retail or service-oriented store.

Industrial Parking- - The parking for the industrial buildings averages one space per 450 square feet of building area. This is equivalent to the required parking for a small industrial building.

g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Comment:** This 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?

**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.

- 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?

**Comment:** See XVI. 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?

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

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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

- e)      
f) 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?

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

g) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

**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. Residents of the residential portion 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. The commercial and industrial components of the development will be required to recycle refuse when that service becomes available.

h) Comply with federal, state, and local statutes and regulations related to solid waste?

**Comment:** See XVI. f) above.

**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?

**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, a small commercial building and four industrial buildings 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 the 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)?

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

b) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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

**MITIGATION MONITORING PROGRAM**

**GENERAL PLAN AMENDMENT APPLICATION NO. PL-2002-0296**

**REZONING APPLICATION NO. PL-2002-0295**

**VESTING TENTATIVE MAP TRACT 7386**

**John Rassier and Sherman Balch (Applicants and Owners)**

General Plan Amendment, Rezoning, Tentative Tract Map for 72 Single-Family  
Residential Homes

East Side of Stratford Road and North Side of Industrial Parkway West

**1. *AESTHETICS***

**Mitigation Measure:** 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.

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 (*Athlene 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*** – No mitigation required

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

13. ***PUBLIC SERVICES***

**Mitigation Measure:** Pay for improvements of the 18,337 square feet of land to be dedicated to Hayward Area Recreation District (HARD) for the expansion of Stratford Village Park. The value of the improvements should equal the land value of the deficit in land dedication of 22,415 square feet.

**Implementation Responsibility:** City of Hayward and Hayward Area Recreation District.

**Verification Responsibility:** Hayward Area Recreation District and Planning Division

**Monitoring Schedule during Plan Review:** Hayward Recreation District 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

**DRAFT**

HAYWARD CITY COUNCIL

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

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

RESOLUTION ADOPTING MITIGATED NEGATIVE  
DECLARATION AND APPROVING GENERAL PLAN  
AMENDMENT APPLICATION NO. 2002-0295, ZONE  
CHANGE APPLICATION 2002-0296, AND VESTING  
TENTATIVE MAP TRACT 7386

WHEREAS, General Plan Amendment Application No. 2002-0295 and Zone Change Application No. 2002-0296 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 Limited Density Residential ("LMDR"), Retail and Office Commercial ("ROC") and Industrial Corridor ("IC"), in order to develop the Property with 72 single-family houses and an industrial/office/commercial and retail development (the "Project"); and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on October 10, 2002, and recommended that the City Council adopt the mitigated negative declaration and approve the General Plan Amendment, the Zone Change, Preliminary Development Plan, and the Vesting Tentative Map; and

WHEREAS, Tuesday, October 29, 2002, 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, zone change and vesting tentative map; 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. The proposed Project has been reviewed according to the standards and requirements of the California Environmental Quality Act and an Initial Study Environmental checklist has been prepared. The Initial Study has determined that the Project could not result in significant effects on the environment, cumulative or otherwise, that cannot be mitigated, therefore it

is determined that adoption of the Mitigated Negative Declaration is the appropriate action.

#### General Plan Amendment

2. The Project will promote public health, safety, convenience and general welfare of the residents of Hayward in that it will retain the industrial character of the Industrial Parkway West frontage; will provide new housing that will blend in with the existing residential development in the area; and will provide a small shopping center offering retail and service commercial uses that will serve the surrounding residential neighborhood.
3. The Project is consistent with the City's General Plan and Economic Development Policies and the Tennyson-Alquire Neighborhood Plan in that the Project will include industrial uses that provide employment opportunities and contribute to the City's tax base. The Project will provide retail and service commercial uses that will benefit the surrounding residents and will provide new ownership housing.
4. The existing and proposed streets and public facilities are adequate to serve all the uses permitted if the Property is reclassified.
5. The uses proposed under this Project will be compatible with the adjacent residential and industrial uses.

#### Zone Change - Planned Development District

6. The proposed 72 residential units, industrial, retail and commercial uses will be compatible with existing development in the area and conform to the General Plan, as amended, and will conform to applicable City policies.
7. A traffic analysis of the traffic impacts of the Project has been conducted and it has been determined that the surrounding streets are adequate to handle the additional traffic that will be generated by this Project. The existing utility infrastructure in the surrounding streets can adequately serve the Project.
8. The residential component of the Project will blend in with the existing homes adjacent to the Project. The developer will be dedicating additional land area to the adjacent Stratford Village Park and paying for improvements and upgrades to the park. The residential development will have no adverse impact on the surrounding properties.

9. The retail, commercial and industrial components of the Project will be in substantial compliance with the standards for a corridor street and with the City's Design Guidelines; will set a high design standard for future development on Industrial Parkway West; and will be compatible with surrounding properties.
10. Each increment in the Project has been designed to be self-contained regarding open-space, facilities and services and can sustain itself independently without relying on other increments in the Project.
11. The developer of the residential phase of the Project will be dedicating land for the expansion of the existing Stratford Village Park and paying for the improvements to the expanded area as well as modifications to the existing park improvements. The expanded park will provide adequate recreational and open space facilities for existing residents in the area as well as the residents that will live in the proposed new housing.
12. The exceptions to the development standards for the Project are offset by a high design standard for the retail, commercial, industrial and residential buildings, generous landscape areas, and detail to the separation of the various uses to assure their compatibility.
13. The Project will promote the public, health, safety, convenience and general welfare of the residents of the City in that it will provide an attractive new housing development while maintaining the industrial character of a major industrial corridor.

#### Tentative Tract Map

14. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the City's Zoning Ordinance.
15. The site is physically suitable for the proposed type of development.
16. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat.
17. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.
18. Existing streets and utilities are adequate to serve the Project.

19. None of the findings set forth in Section 64474 of the Subdivision Map Act have been made.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the General Plan Amendment, the Zone Change, the Preliminary Development Plan and the Vesting Tentative Map are hereby approved, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2002

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

ORDINANCE NO. \_\_\_\_\_

*Mal  
12/21/02*

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTIES  
LOCATED AT INDUSTRIAL PARKWAY WEST AND  
STRATFORD ROAD PURSUANT TO ZONE CHANGE  
APPLICATION PL-2002-0296

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1.    Reclassification.

Zone Change Application No. PL-2002-0296 concerns a request by the Applicant to reclassify property located at Industrial Parkway West and Stratford Road (the "Property"), by rezoning such property from Industrial ("I") District to Planned Development ("PD") District, to develop the Property with 72 single-family residences and a retail, commercial and industrial development.

The City Council has previously adopted Resolution No. \_\_\_\_\_, approving a mitigated negative declaration and conditionally approving Zone Change Application No. PL-2002-0296. Based on such findings and determinations, the City Council hereby approves the rezoning of the Property from Industrial ("I") District to Planned Development ("PD") District.

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file with the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

Section 2.    Effective Date.

In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the \_\_\_\_ day of \_\_\_\_\_, 2002, by Council Member\_\_\_\_\_ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held the \_\_\_\_ day of \_\_\_\_\_, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: \_\_\_\_\_  
Mayor of the City of Hayward

DATE: \_\_\_\_\_

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

APPROVED AS TO FORM:

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