CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 07/02/02

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2001-0300, Variance No. PL-2002-0253, and Tentative Tract Map No. 7261 - Mohammad Shaiq for Samah Construction, Inc. (Applicant/Owner) - Request to Subdivide a 23,086-Square-Foot Parcel, Change the Zoning from Commercial Office (CO) District to Planned Development (PD) District to Allow the Construction of 7 Townhouses Including a Variance - The Property is Located on Tennyson Road at East 12 Street

RECOMMENDATION:

The Planning Commission and staff recommend that the City Council introduce and adopt, respectively, the attached ordinance and resolution:

1. Adopting the Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approving the Zone Change, Preliminary Development Plan and Variance subject to the attached findings and conditions; and
3. Approving the Tentative Map Tract 7261 subject to the attached findings and conditions.

DISCUSSION:

On April 25, 2002, the Planning Commission recommended approval of the Negative Declaration and the application associated with the project to create seven townhouse units. The 23,086-square-foot vacant parcel is bordered by three street frontages: East 11 Street to the west, East 12 Street to the east and Tennyson Road to the south. The property lies within an established neighborhood consisting of one-story single-family homes to the north and west, a cultural center on the corner parcel to the east, and the South Hayward BART Station to the south. Six of the units utilize the interior private street to access East 12 Street and one unit has driveway access directly to East 11 Street.

The zoning designation is *Commercial Office* (CO) and the General Policies Plan Designation is *Commercial/High Density Residential* (CHDR). The construction of multi-family housing is consistent with both the Zoning Ordinance and the General Policies Plan designation. The project is consistent with policies of the Mission Garin Neighborhood Plan, specifically those encouraging a mixture of housing types and creating homeownership opportunities.

This site is adjacent to the South Hayward BART Station and is within the transit-oriented development study area funded for the 2002-2003 fiscal year. The proposed project is consistent with the goals of the City to provide higher-density transit-oriented housing near public transit. To encourage the use of public transportation all units have front walkways that lead to the Tennyson Road sidewalk that is a direct pedestrian path to the BART Station. The site is also located within the expanded Downtown Redevelopment Plan Area.

Development of residential units within the CO District would allow for the construction of up to 18 units within a three-story building. However, given the unusual lot configuration, multiple street frontages and setbacks, parking and open space requirements, achieving such a high density is not feasible. The proposed townhouse design provides a higher density while respecting the same home and lot ownership characteristics as the surrounding neighborhood.

The two-story Spanish design of the townhouses continues the Spanish theme of the Tennyson Road area and creates a buffer between the single-family homes to the north and the busy arterial that is Tennyson Road. The well-designed project incorporates adequate private usable areas, group open space, and parking. Facing the buildings towards Tennyson Road offers a more appealing view from Tennyson Road while respecting the privacy of the adjacent single-family homes.

The City's Off-Street Parking Regulations prohibit any vehicles within a multi-family development from backing out into a street. One unit is designed to have the vehicles from its garage back out into East 11 Street. Staff supports this variance, as part of the planned development application, as there is only one unit backing into the street, which is no different than the other single-family homes fronting on East 11 Street.

Commissioners expressed concern about the quality of the play equipment and other amenities offered in the group open space and the necessity for bike racks. The group open space is proposed to include four picnic tables and benches, a swing set and a slide. The conditions of approval require the homeowners association to seek approval from the Planning Director to modify or upgrade the group space amenities in the future.

During the hearing, neighborhood residents complained about the traffic in the area and indicated that the additional traffic that would be generated by the proposed dwellings would exacerbate the situation. They urged denial of the project. Because only seven dwellings are proposed at the edge of this East 11/East 12 Street neighborhood, the number of vehicles associated with the project would not add significantly to the traffic in the neighborhood. Southbound traffic and some northbound traffic generated from the project would exit directly onto Tennyson Road to reach their destinations rather than travel into the neighborhood. The traffic that is disturbing the residents within this neighborhood is primarily southbound motorists who use East 12 Street as an alternate route to Mission Boulevard when that street is congested or motorists who want to avoid traffic signals on Mission Boulevard. Although there is no direct relationship between the traffic expected to be generated from this project and the traffic problems raised by the residents, staff is prepared to work with the neighborhood to explore ways of addressing the problem.

The tentative map will create a townhome subdivision allowing ownership of the building, the property underneath and a small private yard. All other portions of the development will be owned and maintained by a homeowners association. There are existing utilities to adequately serve the project. All abutting streets are fully improved. A condition of approval has been added to ensure that necessary street repairs are performed prior to the City accepting the required improvements as complete.

According to a Hayward Unified School District representative, the project is expected to generate one student, which can easily be accommodated by Bowman Elementary, Chavez Middle School or Tennyson High School.

It had been determined that this project could not have a significant effect on the environment and a negative declaration has been prepared.

CONCLUSION:

The proposed project is consistent with adopted land use policies of the General Polices Plan, including the Housing Element, and the Mission-Garin Neighborhood Plan. These policies encourage higher density development near public transportation and encourage opportunities for home ownership. The variance required to allow vehicles from the one-townhouse unit fronting on East 11 Street to back into the street cul-de-sac is consistent with the conditions of the adjacent single-family homes.

Prepared by:

For Tim R. Koonze
Assistant Planner

Recommended by:

Sylvia Ehrenthal
Director of Community and Economic Development

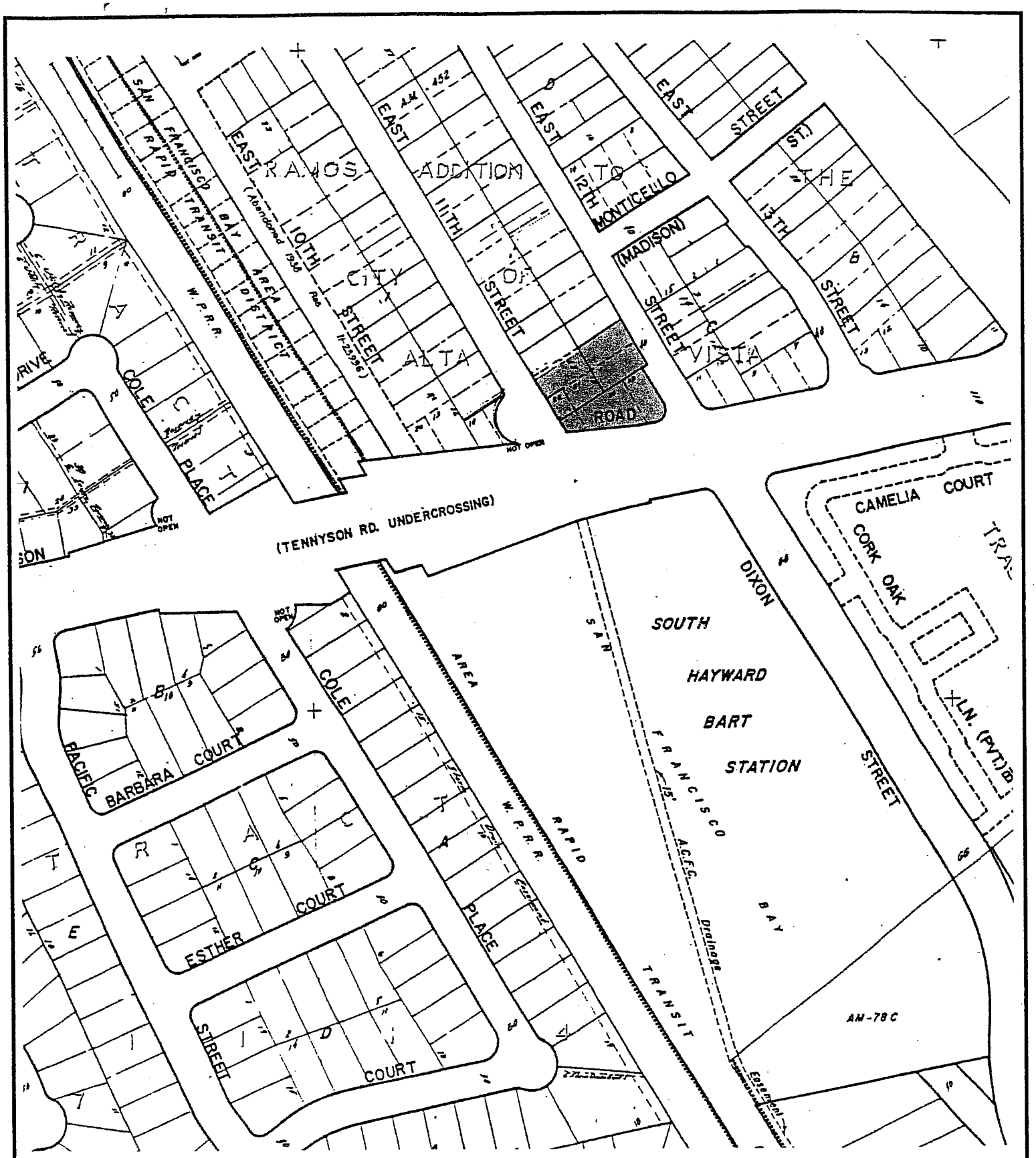
Approved by:

Jesús Armas, City Manager

Exhibits:
- A. Area Map
- B. Planning Commission Meeting Minutes and Staff Report, dated April 25, 2002
  - Draft Resolutions
  - Planned Development Plans
  - Tentative Tract Map 7261

6/25/02

EXHIBIT A



AREA MAP - TRACT 7261

EXHIBIT B

MINUTES

REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers
Thursday, April 25, 2002, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS	Zermeño, Sacks, Caveglia, Bogue, Thnay
	CHAIRPERSON	Halliday
Absent:	COMMISSIONER	Williams

Staff Members Present: Anderly, Camire, Fitzgerald, Koonze, Looney

General Public Present: Approximately 20

PUBLIC COMMENT

There were no public comments.

AGENDA

1. **Zone Change No. PL-2001-0300 and Variance No. 2002-0253 and Tentative Tract Map No. 7261 – Mohammad Shaiq for Samah Construction, Inc. (Applicant/Owner)** – Request to Subdivide a 23,067 square-foot Parcel and Change the Zoning from Commercial Office District to Planned Development District to Allow the Construction of 7 Townhouses, and for a Variance to Allow Vehicles to Back Out (Forward Motion Required) of the Garage onto East 11th Street – The property Is Located on Tennyson Road between East 11th Street and East 12th Street

2. **Zone Change No. PL-2002-0210 and Tentative Tract Map No. 7263 – Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner)** – Request to Modify a Planned Development (PD) District and to Approve a Tentative Tract Map to Accommodate 14 Townhouses– The Property Is Located at 28538 Huntwood Avenue, South of West Tennyson Road, in the Planned Development (PD) District

PUBLIC HEARINGS

1. **Zone Change No. PL-2001-0300 and Variance No. 2002-0253 and Tentative Tract Map No. 7261 – Mohammad Shaiq for Samah Construction, Inc. (Applicant/Owner)** – Request to Subdivide a 23,067 square-foot Parcel and Change the Zoning from Commercial Office District to Planned Development District to Allow the Construction of 7 Townhouses, and for a Variance to Allow Vehicles to Back Out (Forward Motion Required) of the Garage onto East 11th Street – The property Is Located on Tennyson Road between East 11th Street and East 12th Street

Associate Planner Camire described the location and the property. She noted that the proposal is for seven town homes. Six of the homes would access their homes and garages from East 12th Street with one unit accessing the garage from East 11th Street. The project is transit oriented with BART directly across the street. It projects the homeownership goals of the City. Staff recommended approval. Neighborhood concerns expressed include excessive traffic, limited parking, and unsafe conditions for children playing in the street, and a decrease in value of the surrounding homes.

Commissioner Caveglia discussed the common wall of the units and that they would look flat as one building.

Associate Planner Camire explained that the slight curve of the street would enhance the staggered design.

Commissioner Zermeño asked staff what communications the City had with the neighbors between the Community meeting and tonight. He was told that one of the major concerns were vehicles exiting onto E. 12th Street. Staff said the protest was a surprise since staff felt they had communicated with the neighbors and they had seemed pleased with the project.

Chairperson Halliday commented that the minimum lot size seems large for an RH district.

Associate Planner Camire said that the lots are smaller since this is not an apartment house, these are individually owned units.

Planning Manager Anderly explained that these are actually creating separate lots for the townhouses.

Associate Planner Camire commented that at this site you could develop with a medical office building, insurance offices or 16 apartments. Any one of these would generate more traffic than the proposed project. This zoning would allow 16 units on the property.

The public hearing opened at 7:50 p.m.

William Weller, Hayward resident said, it is a fine plan and will not add traffic. Seven townhouses is a small project. He suggested the traffic light might have to be altered to accommodate more pedestrian traffic. The project seems ideal next to the BART. He suggested that the banks property nearby is not appropriate for a bank. He suggested that this property could be used for a high-density residential site. There are other properties that could also be tied into it.

Sylvia Rivocaba said they have always expressed concerns about this property and have sent a number of emails to the Planning Department. She commented on the number of schools in the area. She noted that within the area of the 12th Street entrance, there have been 12 accidents, City records indicate. The other exit, Hancock and East 11th, has had at least four accidents since the beginning of the year. There is a high volume of traffic in the area, creating unsafe conditions for children crossing the street. The neighbors assume this project will be rentals or for low-income

residents resulting in lower property values throughout the neighborhood.

Commissioner Zermeño suggested the neighborhood request speed humps.
Pauline Diaz said about 20 people attended the last meeting. She then commented about the 7 apartments creating 14 vehicle trips in the neighborhood. She said the neighbors do not want more than one car to be able to exit on East 11th Street.

Associate Planner Camire said this was on the agenda last October, and cancelled at the last minute, in order for the Planning Division to address neighborhood concerns.

Edgar Ramiriz, resident, said he lives on East 11th Street, has two small children. There is already too much traffic in the neighborhood. He thought either speed humps or a lower speed limit might be necessary.

Commissioner Caveglia commented that the project traffic should be entering and exiting through East 12th onto Tennyson Road rather than driving through the neighborhood.

Mohammed Sheik, owner and applicant, noted that this is close to BART. He commented that this is so close to Tennyson, traffic generated by the townhouses is minimal. He thinks most of the new residents will use BART. This new project will enhance the area, and increase the value of the homes in the area. He said the price of the town homes would be over $350,000.

Commissioner Caveglia commented that they certainly would not be affordable to low-income families and would be expensive to rent.

Sylvia Rivocaba commented on the quantity of traffic on E. 12th Street resulting from cuts through traffic on neighborhood streets.

The public hearing closed at 8:06 p.m.

Commissioner Sacks discussed the slope of the lot to the sidewalk on Tennyson as well as the chainlink fence along Tennyson. She wondered how is the project going to transition to the sidewalk. And would the chainlink fence be replaced with a fence of another material.

Associate Planner Camire noted that the fence would be removed. Any replacement fences would need to follow the fence guidelines. She then commented that there will be landscaping to the sidewalk.

Assistant Planner Koonze commented that there is a gentle slope in the front yard and that the site is relatively flat. He noted that the project walkways are connected to the public sidewalk on Tennyson Road.

Commissioner Sacks noted that the lot is being used for cut through traffic. She noted also that,

although there are serious traffic problems in that neighborhood, this project would generate less traffic than other permitted uses that could be built on the site.

Commissioner Bogue commented that he has often noticed traffic driving across the lot from East 11th to East 12th Street. This project will remove that shortcut. He asked if the new units will create a parking problem within the right turn lane on East 11th. He wondered how far back the right hand turning lane should extend.

Assistant Planner Koonze responded that the traffic engineer would have to decide the proper setback. If there is concern in the neighborhood, the Traffic Engineer should be contacted.

Commissioner Bogue said that theoretically, you have 5 spaces, two on the lot and three on Tennyson Road. He said he thought it was a nice project. There will be less traffic than there could be from many commercial activities. He said it seems overall to be a good project. The staggering of the buildings will be visible from all angles. He then **moved**, seconded by Commissioner Sacks, to recommend the staff recommendation to City Council. He also directed staff to look at parking on E. 12th Street. He then commented that he has noticed that the churches in the area provide a lot of traffic, clearly not just people in neighboring homes.

Commissioner Zermeño asked whether it is possible to condition for study or speed bumps or stop signs.

Assistant Planner Koonze said staff could ask Transportation Services Manager to take a look at this area for possible solutions.

Commissioner Zermeño also commented on the area. He said it is an ugly empty lot at this point. He also said he thought that the house values will go up with this project. It is a good infill project that is transit oriented and across the street from BART.

Commissioner Thnay commented that this is a high quality, sustainable development, encouraging BART usage. He asked what could be done in terms of a traffic study regarding this project. He suggested that the Transportation Services Manager consider striping or signage for the neighborhood as well as a suggesting bike racks and a higher quality play set within the project. He commented that it is a quality project that will benefit the neighborhood.

Planning Manager Anderly said she will bring the traffic issues to the attention of the Traffic Department, but it may be a long term study which could delay this project. Once school lets out, normal traffic will be reduced.

Commissioner Caveglia commented that he had concerns of adequate parking for construction employees during construction. He suggested that, as much as possible, the workers park inside the construction area. He asked how to avoid the most impact on the neighborhood.

Planning Manager Anderly asked whether an amendment is agreed to in upgrading play equipment and bike racks.

Commissioner Bogue said he was not comfortable adding the bike racks since it is a private open space for residents. He agreed to add an amendment to strengthen Condition 27 the "the Homeowners will seek approval from the Planning Director for any changes over time as well as the quality of the equipment." This was agreed to.

Commissioner Sacks said she wants to make sure this is a flexible condition and that the Association needs the flexibility to be able to remove swing sets or put in bike racks.

Chairperson Halliday commented that she appreciated the neighbors coming in for this item. The Commission really did listen, however, we cannot build two or three houses on that site. The City is not in the business of building houses. The zoning would allow development that could contribute more problems. This project fits the City's plan to provide higher density pedestrian oriented development in the proximity of the BART stations. The traffic concerns for that area will be passed along to Traffic Services Manager.

Commissioner Zermeño instructed the neighbors to be persistent to get their traffic concerns addressed.

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

3. **Zone Change No. PL-2002-0210 and Tentative Tract Map No. 7263 – Ronald Ko (Applicant), Eric Tang/Pilar Escand Aberasturi/Reliance Invest (Owner)** – Request to Modify a Planned Development (PD) District and to Approve a Tentative Tract Map to Accommodate 14 Townhouses– The Property Is Located at 28538 Huntwood Avenue, South of West Tennyson Road, in the Planned Development (PD) District

Associate Planner Camire described the development as an in-fill project with condominiums to the north as 14-townhomes, with numerous mature trees on the site. The clustering of the units takes advantage of the various trees on the property. The trees and project design will provide for a pleasant environment. The homes range from 3-4 bedrooms. There are no windows exposed to the neighbor's properties. Each home will have a 2-car garage and heavy landscaping. Therefore staff recommends approval of the project. The project meets the homeownership goals of the City.

Commissioner Zermeño asked about the open space area. He was told it amounts to approximately 27,000 square feet and includes the patio areas behind the homes, which are considered private open spaces. He then asked about the concrete patio in Unit 4, and whether this was for the Fire Engines, if not, why concrete is used instead of grass. He also discussed the preservation of the trees on the property.

Associate Planner Camire responded that if the Commission wishes the concrete area to be landscaped, it could be changed. She then noted that there is a condition for the sidewalk to meander around the trees to maintain them. The 3rd tree to the south may need to be removed as it is in the street right-of-way.

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 04/25/02
Agenda Item 1

TO: Planning Commission

FROM: Arlynne J. Camire, AICP, Associate Planner
Tim Koonze, Assistant Planner

SUBJECT: **Zone Change No. PL-2001-0300, Variance No. 2002-0253 and Tentative Tract Map No. 7261 - Mohammad Shaiq for Samah Construction, Inc.(Applicant/Owner)** - Request to Subdivide a 23,067-square-foot Parcel and Change the Zoning from Commercial Office District to Planned Development District to Allow the Construction of 7 Townhouses, and for a Variance to Allow Vehicles to Back Out (Forward Motion Required) of the Garage Onto East 11th Street

The property is located on Tennyson Road between East 11th Street and East 12th Street in a Commercial Office (CO) Zoning District.

RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council:

1. Adopt the Negative Declaration;
2. Approve the zone change application, the preliminary development plan, and variance application subject to the attached findings and conditions of approval; and
3. Approve Tentative Map Tract 7261 subject to the attached findings and conditions of approval.

DISCUSSION:

Setting

The 23,067-square-foot vacant parcel is bordered by 3 street frontages: Tennyson Road on the south, East 11th Street to the west and East 12th Street to the east. The project is located north of the South Hayward BART Station, which is accessible by vehicle and by foot from the intersection of East 12th Street, and Tennyson Road. Single-family homes in the *Single-Family Residential* (RS) zoning district are to the west, north and east of the site. East of the parcel, fronting on Tennyson Road, is a vacant bank building in the *Commercial Office* (CO) zoning district.

AC Transit bus lines can be accessed at the BART station. The bus lines include Line 83 serving the Industrial Corridor, and Line 89 serving the South Hayward industrial park.

Project Description

This zone change, variance and tentative map proposal facilitates the construction of seven townhouses on lots ranging from approximately 1,350 square feet to 1,430 square feet. All of the units are two-story, containing 2,280 ± square feet with 3 bedrooms and a den above the main living area, laundry facilities and a two-car garage. The garages of six units are accessible from a common drive off East 12th Street located to the rear of the units. The garage of the westerly end unit is accessible from East 11th Street but requires a variance to allow vehicles to back into the street. No garage doors are visible from Tennyson Road. Three visitor parking spaces will be provided at the rear of the project off the common driveway. The CO District permits multi-family dwellings as a primary use when in this case, developed to *High-Density Residential* (RH) *District* standards. However, the project entails a zone change to *Planned Development* (PD) *District* because the townhouse lots are smaller than the required minimum 7,500-square-foot lot size required by the RH District.

Architecture

The townhouses are a two-story Spanish design, with earth tone stucco, a terra cotta tile roof and decorative wrought iron railings on the front and rear balconies. Along Tennyson Road, the units are staggered with a 4-foot offset. The windows on all elevations include raised stucco block surrounds with decorative windowsills and headers. In addition, several of the windows are arched or contain an arched element. Small arched decorative insets appear on the East 11th Street elevation to break the bulk of the building façade. The front elevation on Tennyson Road includes French doors at the main entry and balcony accesses. Arches and columns accentuate front and garage man-door entries.

The project meets the City of Hayward Design Guidelines for infill multifamily residential in that the townhouses do not exceed two stories in height, maintaining the setbacks, and the mass and scale of adjacent multi- and single-family development. The architecture utilizes a consistent design theme with materials and colors that are compatible within the project and with adjacent development. Facades are articulated, rooflines are varied and a Spanish design theme as required on Tennyson Road to the west. Privacy of the neighbors has been taken into consideration. The units are located closer to Tennyson Road with a common drive, landscaped set backs and group open space used as a buffer between the single-family homes and the townhouses.

Open Space

The 7 townhouses require a minimum of 2, 450 square feet of open space. A minimum of 700 square feet is required to be provided in group open space. Approximately 3,034square feet of usable outdoor group has been provided to the rear of the site adjacent to the common driveway and is furnished with four picnic tables and benches, a swing set and a slide. Staff suggests the

provision of a barbeque. Landscaped berms will act as a barrier separating the group open space from the common drive.

A minimum of 840 square feet of private open space is required. The rear 120-square-foot balcony will provide adequate private open space. The front balcony cannot be counted toward meeting useable private open space requirement because the outdoor noise standards cannot be met in that the balconies would front on a major arterial. Each unit has a covered front porch on the Tennyson Road frontage.

Landscaping

The applicant is required to provide a landscape plan prepared by a licensed landscape architect. The developer will be required to landscape all areas of the project that are not paved. All landscaping and front yard landscaping will be maintained by a homeowners association. A 6-foot-high wood fence will be constructed along rear of the site adjacent to the single-family homes. This wood fence will replace the fence that is in disrepair and is adequate because of the distance of the townhouses from the adjacent single-family homes and existence of the landscaped buffer. The fencing shall be owned and maintained by the homeowners association.

Parking and Required Variance

Fifteen parking spaces are required and 17 parking spaces are provided. Each unit contains 2 spaces in a garage. Three outdoor parking spaces will be clearly marked as visitor parking. Section 10-1.400(m)(6) of the Zoning Ordinance requires multiple-family residential development to have a driveway turnaround sufficient to allow vehicles to exit the property in a forward direction. The garage for the unit that fronts on the East 11th Street cul-de-sac is designed much like a two story single-family home. Because this the only townhouse that will with a garage accessible from East 11th Street and the townhouse shares a cul-de-sac with only one other property, the vehicle movement will not pose a safety problem due to the low volume of traffic on this portion of East 11th Street. Therefore, staff supports the request. A variance is required to allow vehicles from the one townhouse fronting East 11th Street to back into the street cul-de-sac.

Tentative Tract Map

The tentative tract map subdivides the 23,067-square-foot site into 7 townhouse parcels and one common parcel for a total of 8 parcels.

A townhouse subdivision differs from a condominium subdivision. Within a condominium subdivision an individual owns the air space within a unit but the building(s) and all the land within the subdivision are under common ownership. A townhouse subdivision allows an owner to own the building, a small plot of land under the building, and usually a patio and balcony area; the remaining land is under the common ownership of all owners within the subdivision. Both require the formation of a homeowners association and the creation of Conditions, Covenants and Restrictions (CC&R's).

There are existing utilities available in both East 11th and East 12th Streets to adequately serve this project. Both streets are at the ultimate street width and are fully improved. Some of the existing street improvements need to be repaired. A condition of approval has been added to ensure these repairs are performed, in addition to the on-site improvements associated with the subdivision, prior to the City accepting the required improvements as being complete.

Planned Development

The zone change from *Commercial Office* (CO) *District* to *Planned Development* (PD) *District* is a procedural means to allow townhouse development where the property under the units is individually owned. Development of residential units in the CO District requires conformance to the standards of the General Policies Plan map designation. In this instance, the designation is *Commercial/High Density Residential* (CHDR) and the design and performance standards of the *High-Density Residential* (RH) District are required to be met. The townhouse parcels, which are small by necessity, do not meet the minimum lot size of 7,500 square feet required by the RH District. The project will provide an opportunity for home ownership the development transit oriented housing.

Conformance to the General Policies Plan, Zoning Ordinance, the Neighborhood Plan and Redevelopment Plan

The zoning designation is *Commercial Office* and the General Policies Plan Designation is *Commercial/High Density Residential* (CHDR). The construction of multi-family housing is consistent with both the Zoning Ordinance and the General Policies Plan designation. The project is consistent with policies of the Mission-Garin Neighborhood Plan specifically those regarding housing opportunities and single-family residential preservation.

- Policies 1 & 2: Encourage a mixture of housing types and a mixture of dwelling units for homeownership, and

- Policy 6: Multiple family development should be required to provide buffering when proposed adjacent to single-family developments through the ruse of lower profile structures, open space buffers, and other barriers and screening materials.

The site is located in the expanded Downtown Redevelopment Plan Area. This site is also within an area adjacent to the South Hayward BART Station that will be included in a transit oriented development study funded for the 2002-2003 fiscal year. Since the site will be developed with multi-family units that will result in an increase in density and it is located adjacent to the BART Station, the proposed project is consistent with the goals of the Redevelopment Plan to provide higher density housing that is transit oriented.

The Growth Management Element of the General Polices Plan includes five areas within the City that are considered "Change Areas" in which the principles of Smart Growth, which includes transit oriented development, are to be implemented. This project is located within the South Hayward BART Change Area. Within this area, the General Policies Plan encourages greater

intensity of development to support more frequent transit use by the residents. However, since this site is adjacent to single-family residential and the applicant proposes a 7-unit townhouse project that will result in a lower density than otherwise allowed by the CHDR designation but will better complement the single-family homes. Staff is of the opinion that the proposed density is adequate and that other transit oriented development measures can be implemented, which will encourage the use of transit. As a transit oriented development measure, all units have front walkways that lead to the Tennyson Road sidewalk that is a direct pedestrian path to the BART Station

Schools

According to a Hayward Unified School District representative, the townhouses can be expected to generate one student, which can easily be accommodated by Bowman Elementary (Kindergarten through 6th grade), Chavez Middle School or Tennyson High School.

ENVIRONMENTAL REVIEW:

In accordance with California Environmental Quality Act (CEQA) Guidelines, it was determined that this project could not have a significant impact on the environment and a negative declaration has been prepared.

PUBLIC NOTICE:

On September 28, 2001, a Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Mission-Garin Taskforce.

This item was rescheduled by staff and a new notice of preparation of the negative declaration and the public hearing was mailed on April 5, 2002. The notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records and to the Mission-Garin Neighborhood Task Force. The notice was also published in the Daily Review.

A preliminary meeting was held and one resident representing the neighborhood attended. At this meeting, she expressed concerns that families could not attend a meeting scheduled during working hours. Therefore, an evening meeting, including a Spanish speaking City staff member was scheduled for June 19, 2001, and notice was sent to the entire neighborhood beyond the 300-foot radius. However, no members of the arrived by 30 minutes past the noticed time. Initially, residents expressed concern for the amount of traffic that would be generated on East 11th Street, which is a cul-de-sac. Once they were assured that only one garage would be accessible from East 11th Street, they did not oppose the project.

Prepared by:

Arlynne J. Camire, AICP
Associate Planner

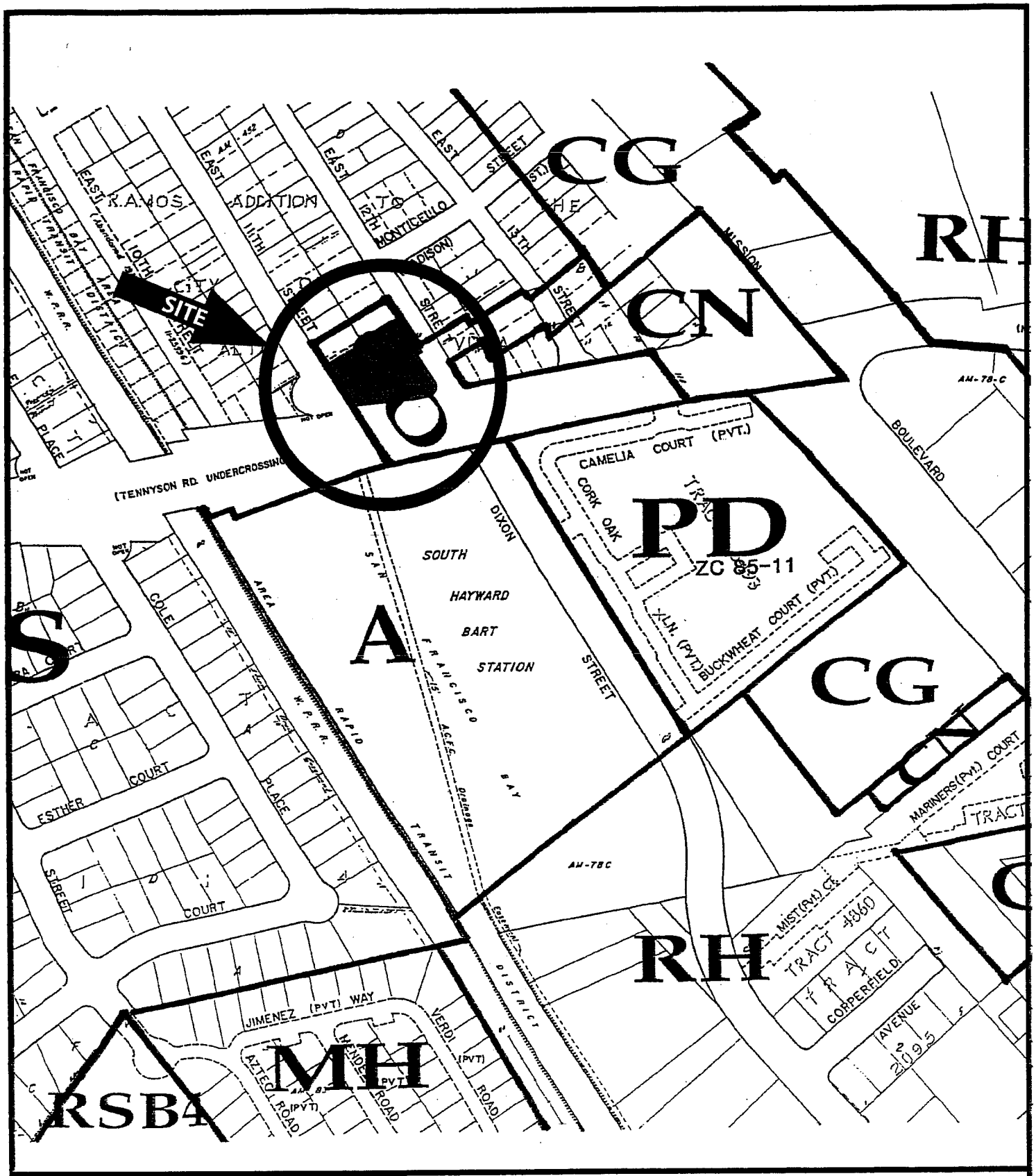
for Tim R. Koonze
Assistant Planner

Recommended by:

for Dyana Anderly, AICP.
Planning Manager

Attachments:

A. Area Map
B. Findings for Approval of Zone Change No.PL-2001-0300
C. Findings for Approval of Preliminary Plan
D. Findings for Approval of Variance No. 2002-0253
E. Conditions of Approval of Zone Change No. PL-2001-0300 and Preliminary Plan
F. Findings for Tentative Tract Map No.7261
G. Conditions of Approval for Tract Map. No. 7261
H. Negative Declaration and Initial Study
Plans and Tentative Tract Map No. 7261



Area & Zoning Map
SPR 01-130-09
Address: 28422 E. 11th Street
Applicant: Mohammad Shaiq/ NoorWais for Samah Construction, Inc.
Owner: Samah Construction, Inc.

A-Agricultural
CG-General Commercial
CN-Neighborhood Commercial
CO-Commercial Office
PD-Planned Development

RH-High Density Residential
MH-Mobile Home Park
RS-Single-Family Residential,RSB4,RSB6

ATTACHMENT A

Zone Change No. PL-2001-0300
Mohammad Shaiq for Samah
Construction, Inc.(Applicant/Owner)
Findings for Approval
7 Townhouses
28422 E 11th Street

A. The proposed project will not have a significant effect on the environment. A Negative Declaration has been prepared pursuant to the California Environmental Quality Act.

B. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the 7 townhouses within walking distance of public transportation will be available for homeownership;

C. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zone change meets the policies of the General Plan Commercial/High Density Residential designation of the General Plan;

D. Existing streets and public facilities are adequate to serve the 7-unit townhouse development in that the existing street system, the sewer and storm drain system and water system are able to accommodate this development.

E. The residential uses permitted when the property is reclassified will be compatible with present and potential future uses allowed in the surrounding Commercial Office District, and, further, a beneficial effect will be achieved, which is not obtainable under existing regulations, in that the 7-townhouse project can be built on a property that is not currently developed to its potential as prescribed by the General Policies Plan and the Mission-Garin Neighborhood Plan.

F. Exceptions to development regulations and policies are adequately offset by increasing the project's group open space which will improve the quality of life for future residents.

Preliminary Development Plan
Zone Change No. 2001-0300
Mohammad Shaiq for Samah
Construction, Inc.(Applicant/Owner)
Request to construct 7 Townhouses
28422 E 11th Street
Findings for Approval

A. Approval of the preliminary development plan, as conditioned, could not have a significant impact on the environment, cumulative or otherwise, and a Negative Declaration has been prepared.

B. The 7 unit townhouse development is in substantial harmony with the surrounding single- and multiple-family structures and the General Plan designation of Commercial/High Density Residential and the Mission-Garin Neighborhood Plan in that it is appropriate to develop this site with high density multi-family housing because of its proximity to the South Hayward BART Station.

C. Existing and proposed streets and utilities will be adequate to serve the development. The street is of an adequate size to accommodate the additional traffic trips that will be generated by this project.

D. The development creates a residential environment of sustained desirability and stability in that adequate open space has been provided, and park and school fees will be paid. In addition, the 7 townhouses will have no substantial adverse effect upon surrounding development in that it is compatible with the residential neighborhood and consistent with the housing density permitted on this site by the General Plan and the Zoning Ordinance.

E. The exception to multiple-family residential development standards that require projects to have a driveway turnaround sufficient to allow vehicles to exit the property in a forward direction is adequately offset by the provision of additional group open space while not creating an unsafe traffic condition. In addition, the adoption of the Planned Development will provide an opportunity for ownership of transit-oriented housing.

Variance No. 2002-0253
Mohammad Shaiq for Samah Mohammad Shaiq for Samah Construction, Inc.(Applicant/Owner)
Request to construct 7 Townhouses
28422 E 11th Street
Findings for Approval

A. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints. The property is well suited for multiple-family development, but the size makes it infeasible to provide an adequate vehicle turn-around for the unit fronting on East 11th Street.

B. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification. Other lots fronting East 11th Street have garages facing the street with no turnaround.

C. The variance does not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

Zone Change and Preliminary Plan
Mohammad Shaiq for Samah
Construction, Inc.(Applicant/Owner)
Request to construct 7 Townhouses
28422 E 11th Street
Conditions of Approval

1. The proposed improvements shall be constructed and installed according to the preliminary plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void two year after the effective date of approval unless prior to that time a building permit has been accepted by the City of Hayward Building Official to construct the project. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.

2. Prior to final inspection of the townhouses or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director.

3. The final map shall be filed and approved by the City and in the County Recorders Office prior to the issuance of a certificate of occupancy of any home with the exception of those homes used as models.

4. Prior to the sale of any townhouse, the applicant shall create a Homeowners Association and shall record the CC&R's. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. The Homeowner Association shall be responsible for implementing all storm water measures and the maintenance of all private driveway, private utilities, and other common areas and facilities on the site, including all landscaping.

5. The garage of each unit shall be maintained for off-street parking and shall not be converted to living area or storage. This requirement shall be incorporated into the project's CC&R's. Project residents shall not use open parking spaces. Spaces shall be marked as "visitor only". Vehicles parked contrary to this provision shall be removed by the project homeowners association. Inoperable vehicles and other storage are prohibited in guest parking spaces. This requirement shall be reflected in the CC&Rs of the homeowner association.

6. The homeowners association shall maintain in good repair all streets, parking surfaces, common area and front yard landscaping and irrigation, street lighting, drainage improvements and the redwood fence. Any graffiti painted on the wall shall be painted out or removed within seven days of occurrence.

7. Prior to the sale of any individual unit, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping, open space amenities and sound walls. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of

maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair.

8. Any appropriate historical artifacts unearthed on the site in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

9. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.

10. Utility meters shall be located at the sides of the residences and shall be screened by plant material or other approved material and shall provide sufficient distance for reader access.

11. Mechanical equipment, such as air conditioners, shall be prohibited on the roof of any building.

12. The Planning Director shall approve the colors and materials of the structures prior to the issuance of the building permit.

13. Upon application for a building permit, show elevations of top of curb, pavement and grade breaks; show location of water services and sewer laterals with a minimum separation of 6 feet; show water meters a minimum of 2 feet clear of top of driveway flare.

Fire Department

14. All curbing except for those along designated parking spaces within the proposed development shall be painted red. "No Parking-Fire Lane" signage shall be posted at every 100 linear feet along the private driveway. There shall be no parking of vehicles on either side of the driveway

15. A new fire hydrant is required for the development and it shall be located across from lot #5 within the landscape island, approximately 60' into the development from the driveway entrance. The type of fire hydrant required shall be double steamer (2-4 ½" outlets and 1-2 ½" outlet) capable of flowing 3,000 gpm at 20 psi. In addition, a blue reflective pavement marker shall be installed adjacent to the fire hydrant location. Crash posts may be required for the fire hydrant pending field inspection.

16. The proposed development is for townhouses which are to be classified as a R-3 occupancy. The units will be required to have a two-hour separation (one hour rated separation walls between each unit) including all vertically constructed from floor to roof, including the attic space.

17. All buildings shall have individual address numbers posted so as to be visible from the street. Address numbers shall be a minimum of 6-inches.

18. Smoke detectors required per the California Building Code.

19. Automatic fire sprinkler systems conforming to N.F.P.A. 13-D Standards shall be installed within each townhouse unit. The fire sprinkler protection shall be modified to include garage and attic fire sprinkler protection for each unit. The fire sprinkler system shall be equipped with a local alarm bell that shall be installed in an approved location on each townhouse unit.

Solid Waste

20. At building permit issuance, a Construction & Demolition Debris Recycling Statement & Summary Report is required to be filed with the Solid Waste Division, Public Works Department. All construction debris is required to be recycled.

21. Adequate storage space for garbage/recycling containers shall be provided within the garage area and shall be accessible for collection. Size and location shall be designed to the satisfaction of the City of Hayward Solid Waste Manager.

22. If gates with locks are planned to limit access to the property, then the Applicant must provide keys or cards to the garbage company, Waste Management of Alameda County

Utilities

23. Prior to granting occupancy, water services shall be installed by City crews at developer's expense. The application for water services shall be presented to the City inspector.

24. It is recommended that a separate irrigation meter be installed for common landscape areas. Install Reduced Pressure Backflow Prevention Assembly on the irrigation water meter per City of Hayward Standard Detail 202.

25. Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per municipal Code 11-2.02.1. Please note this requirement on the plans submitted for a building permit.

26. Only water Distribution Personnel shall perform operation of values on the Hayward Water System. Please note this requirement on the plans submitted for a building permit.

27. Water and sewer service available subject to standard conditions and fees in effect at time of application.

28. Development to be served by radio read meters.

Miscellaneous

29 Each unit shall be equipped with security lighting over the garage. The light fixtures shall be decorative and shall be approved by the Planning Director.

30. The front door of each unit shall be equipped with a 180-degree security viewfinder.

Architecture & Site Planning

31. Four picnic tables and benches, and two barbeques shall be installed in the group open space area.

32. Private open space in the balcony shall meet the minimum standards of 60 square feet and one dimension shall not be less than 6 feet.

33. Each unit shall have a ninety- cubic- foot of storage area.

34. Decorative paving at the driveway entry shall be provided. Planning Director shall approve the type and design prior to the issuance of a building permit.

Landscaping

35. Prior to issuance of a building permit, detailed landscape plans, irrigation plans and specifications shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscape plans must be approved by the City Landscape Architect and City Engineer. Mylar originals of the approved landscape plans shall be stamped approved and signed off by the City Landscape Architect and City Engineer. Approved original mylars shall be left on file with the Department of Public Works.

36. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. A Certificate of Substantial Completion and Irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy of any units.

37. Submit a Landscape Water Use Statement.

38. The public right-of- way Tennyson, East 11th Street and East 12th Street shall be landscaped.

39. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high class "B" Portland Cement concrete curb.

40. Landscaping and trees shall be installed prior to occupancy of the townhouses, unless otherwise approved by the City's Landscape Architect.

41. Prior to certificates of occupancy, the required park dedication in-lieu fee shall be paid to the City. Per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits.

42. For the installation of common area landscaping, the developer shall maintain the landscaping for a minimum of one-year following acceptance of tract improvements. The City may require a security deposit, bond, or surety to guarantee the maintenance of the landscaping.

43. Landscaping shall be maintained in a healthy, weed-free, condition at all times, with replacement plants provided where necessary. Required street and on-site trees that are severely topped or pruned shall be immediately replaced, as determined by the City Landscape Architect.

44. A 2-foot 6-inch vehicle overhang shall be included within the landscaped group open space area.

45. A hose bib shall be provided in the front and rear yard of each unit.

Fences

46. A four-foot high redwood fence for a length of 20-feet on both the East 11th and East 12th Street frontages and a six-foot high redwood fence for the remaining length shall be provided at the property lines shared with adjacent residential properties.

Construction Activities

47. All construction and demolition debris waste shall be recycled. Applicant is required to submit a Construction and Demolition Debris Recycling Statement and Summary Report.

44. 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 permits. The general contractor and all subcontractors and suppliers of material and equipment shall implement these BMP's. 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 ensure that measures are implemented. Failure to comply with the approved construction BMP's will result in the issuance of correction notices, citations or a project stop work order.

45. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plans shall identify BMP's appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff facilities. The project plan shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion & Sediment Control Handbook.

46. Construction activities shall be limited to the hours of 7:30 AM to 5:00 PM on weekdays only; there shall be no construction activities on the weekend or National holidays.

47. Construction equipment shall be properly muffled, and unnecessary idling shall be prohibited.

48. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied homes.

49. The developer shall provide the Planning Director with the name and telephone number of the developer or the developer's representative who may be contacted during the construction phase regarding neighborhood complaints or concerns

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7261

1. An initial study and negative declaration have been prepared and have determined that the approval of Tentative Map Tract 7261, as conditioned, will have no significant impact on the environment, cumulative or otherwise.

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 relatively flat, with stable soils and safe access and is therefore 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 as the vacant site within an urban area that is not near fish or wildlife or their habitat.

5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems as there are no hazardous materials on the site and the proposed project is residential and will not generate any harmful substances.

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[1] have been made.

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[1] [1] 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 is 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
TENTATIVE TRACT MAP 7261
8 PARCEL SUBDIVISION TO CONSTRUCT 7 TOWNSHOUSES

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

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:

Interior Private Street

1. The private street shall be a minimum of 25-feet-wide, 24 feet curb-to-curb, and shall be constructed to public street standards. The street must remain unobstructed for vehicular ingress and egress. Any gates, humps or other similar improvements must be approved by the Fire Marshall and the Planning Director.

2. The curbs of the private street shall be painted red and fire lane signage shall be installed on both sides of the street.

3. The driveway connecting the private street to East 12 Street shall be a minimum 24-feet-wide and designed to meet City of Hayward Standard SD-110 (six-foot-flares).

4. The driveway serving Lot 1 shall align with the proposed garage door. The driveway shall be a minimum of 16-feet-wide and shall meet City of Hayward Standard SD-109.

5. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Director of Community and Economic Development/Planning Director and the City Engineer.

6. The existing driveways on the East 11 and East 12 Streets frontages shall be removed and replaced with curb, gutter and sidewalk to match the existing improvements.

Storm Drainage

7. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association.

8. 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 City Engineer.

9. 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.

10. 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.

11. 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.

12. 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.

13. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.

Sanitary Sewer System

14. Sanitary sewer service is available subject to standard conditions and fees in effect at the time of application.

15. The on-site sanitary sewer system shall be a public 8-inch main ending with a manhole, designed in accordance with the City of Hayward standard details.

16. Each unit shall have a separate sanitary sewer lateral.

Water System

17. Water service is available subject to standard conditions and fees in effect at the time of application.

18. 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.

19. Each unit shall be individually metered. The developer shall install individual radio read water meters.

20. Remove the existing water meter on the East 12 Street and replace with improvements to match the existing improvements.

21. A fire hydrant shall be installed opposite of Lot 5. The exact location shall be approved by the Fire Marshall and the City Engineer.

Utilities

22. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Broadband Company regulations, including transformers.

23. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed private street shall be located outside of the sidewalk within the 6-foot-wide Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

24. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Landscaping and Irrigation

25. 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.*

26. Construct Class B Portland Cement concrete curbs to a height of 6-inches above the finished pavement anywhere landscaped areas adjoin driveway and parking areas.

27. Landscape plans shall specify site amenities such as benches, tables, fencing, play equipment and barbecues for the common open space areas.

28. 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 terrace.

Walls and Trellises and Entry Features

29. All proposed retaining walls shall be constructed with decorative reinforced concrete.

Dedications, Easements and Encroachment Permits

30. With the exception of the parking bay portion of the private street, the final map shall reflect the dedication of a six-foot-wide public utility easement (PUE) abutting the north side of the private street.

Conditions, Covenants, and Restrictions

31. Prior to the sale of any individual unit, 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 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, common area landscaping and group open space amenities.

    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 site 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% 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. 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.

k. Each resident shall participate in the City's recycling program.

Subdivision Agreement

32. 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

33. Required water system improvements shall be completed and operational prior to the start of combustible construction.

34. A minimum 24-foot-wide all-weather access road, engineered for 50,000 pound gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

35. 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 8:00 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on the weekend 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;

f. The developer shall participate in the City's recycling program during construction;

g. Daily clean up of trash and debris shall occur on East 11 and East 12 Streets;

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.

36. 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.

37. 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.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

38. 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. Park Dedication in-lieu fees for each unit.

    d. 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.

39. Any damaged curb, gutter and/or sidewalk along the East 11 and East 12 property frontages shall be repaired or replaced to the satisfaction of the City Engineer.

40. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202.

41. 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.

42. 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.

43. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.

44. The street light electroliers shall be in operating condition as approved by the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

45. 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.

46. 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.

47. An AC overlay along the East 11 and East 12 Street frontages 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.

48. The improvements associated with the Pacific Gas and Electric Company, Pacific Bell Company and AT&T Broadband Company shall be installed to the satisfaction of the respective companies.

49. 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, Pacific Bell Company and AT&T Broadband Company, etc; and

    b. All the site improvements, except landscaping species, buildings and appurtenant structures.

CITY OF HAYWARD
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:

Zone Change No.PL-2001-0300, Variance No. PL-2002-0253 and Tentative Tract Map No. 7261 - Request to subdivide a 22,650-square-foot parcel to allow the construction of 7 townhouses, and change the zoning from Commercial Office District to Planned Development District.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

The proposed project 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 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 was once part of a parcel developed with a single-family home within 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 will not result in significant impacts to biological resources such as wildlife and wetlands since it will be developed on a vacant lot within adjacent to a single-family residential neighborhood within an urban setting.

6. The project will not result in a significant impacts to cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains because the project will be developed on a

vacant lot within adjacent to a single-family residential neighborhood within 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 vacant lot within adjacent to a single-family residential neighborhood within an urban setting.

9. The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.

10. The project, with a general map amendment, is consistent with the policies of the City General Policies Plan, the General Plan Map designation of Medium Density Residential, the Zoning Ordinance and the Mission-Garin Neighborhood Plan.

9. The project could not result in a significant impact to mineral resources since the site is a vacant lot within adjacent to a single-family residential neighborhood within an urban setting 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 7 townhouses into an area where growth is desirable and anticipated by the General Policies Plan. The zoning designation is will be Planned Development from Commercial Office and the General Plan Map land use designation for the site will be Medium-Density Residential. Both permit the site to be developed with 7 townhouse units. The lot is vacant therefore, displacement of residents will not occur.

13. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit.

14. The project has adequate open space; the payment of Park Dedication fees is required prior to the issuance of a building permit.

15. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access. The project would generate 7 vehicle trips during peak hours and 70 trips a day.

16. 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*:

Arlynne J. Camire, AICP Associate Planner
Dated: April 1, 2002

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) 583-4206 or (510) 583-4207, or e-mail arlynnec@ci.hayward.ca.us or timk@ci.hayward.ca.us.

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: Zone Change No.PL-2001-0300, Variance PL-2002-0253, and Tentative Tract Map No. 7261
2. Lead agency name and address: City of Hayward, 777 B Street, Hayward, CA 94541
3. Contact person and phone number: Arlynne J. Camire Associate Planner (510) 583-4206
4. Project location:28422 East 11th Street, bounded East 11th Street to the west, East 12th to the east and Tennyson Road to the south..
5. Project sponsor's name and address: Mohammad Shaiq for Samah Construction, Inc, 21573 Foothill Boulevard, Suite 209, Hayward, CA 94541
6. General plan designations: General Commercial
7. Zoning: CO (Commercial Office) District
8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.) – Re quest to construct seven townhouses on a 22, 650-square-foot lot, change the zoning from Commercial Office District to Planned Development District and adopt a tentive tract map.
9. Surrounding land uses and setting: Briefly describe the project's surroundings: The site is within a neighborhood developed with single- family residential homes, adjacent to a property developed with a vacant bank and across the street from the South Hayward BART station.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) N/A.

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.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☐ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ 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.

_____	April 1, 2002
Signature	Date
Arlynne J. Camire, AICP Associate Planner	City of Hayward
Printed Name	

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
The project (7 townhouses) will be built on a flat, vacant parcel, fronting on a major arterial street (Tennyson Road). Single-family homes are located to the rear of the parcel. Scenic vistas will not be adversely affected.				
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
The property does not contain trees, rock outcroppings or historic buildings. The property was once developed with a single-family home that was built in 1951 and demolished in 1988. The project will not damage scenic resources.				
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
The 7 townhouses that are in conformance with City of Hayward Zoning Ordinance development standards and Design Guidelines.				
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒
The project will not have an impact on light or glare.				
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.	☐	☐	☐	☒
The project site is not within a farmland area.				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
The project is not located in an agricultural district or an area used for agricultural purposes.				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *See II b.*	☐	☐	☐	☒
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? *The project will not affect air quality. Properties within the City of Hayward are required to meet State air quality standards specified in the Clean Air Plan adopted by the Bay Area Quality Management District.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *See III a.*	☐	☐	☐	☒
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)? *Any impacts to air quality will be temporary lasting during the construction phase. See III a.*	☐	☐	☐	☒
e) Expose sensitive receptors to substantial pollutant concentrations? *See III a.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? *See III a.*	☐	☐	☐	☒
IV. **BIOLOGICAL RESOURCES** -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? *The vacant project site at one time was developed with a single-family home. Since the property is urban in nature, biological resources will not be adversely affected.*	☐	☐	☐	☒
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? *See IV a.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *See IV a.*	☐	☐	☐	☒
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? *See IV a.*	☐	☐	☐	☒
f) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *The project is in conformance with the General Polices Plan and the Mission-Garin Neighborhood Plan.*	☐	☐	☐	☒
g) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? *The project is in an urban area and does not contain a habitat that requires preservation.*	☐	☐	☐	☒
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? *No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? *No known archaeological resources exist in on-site.*	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *No known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? *No known human remains are located on-site.*	☐	☐	☐	☒
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: *The project is outside the Hayward Special Studies Fault Zone.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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. *The project is outside the Hayward Special Studies Fault Zone.*	☐	☐	☐	☒
ii) Strong seismic ground shaking? *The project is not located within a "State of California Earthquake Fault Zone" and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking, According to ABAG "On Shaky Ground" 1999, the site is located within a region of potential Very Violent ground shaking if a 7.1(Modified Mercalli Intensity Scale) earthquake should occur on the Hayward and South Hayward Segments of the Hayward-Rodgers Creek Fault System.*	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction? *Liquefaction and differential compaction is not considered to be a serious problem on this site.*	☐	☐	☐	☒
iv) Landslides? *The project is not located within an area subject to landslides.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? *The project is within an urban setting that does not include agricultural land.*	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? *Prior to issuance of any building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type for new projects. Judging from past geologic activities in the area of the project, the soil types have not exhibited any of the characteristics that would indicate that any of these conditions exist or are possible.*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? *Prior to issuance of a building permit, engineering and building staff will review a geologic and soils investigation report to adequately design the building foundations for the soil type on-site.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? *The project will be connected to the City of Hayward sewer system.*	☐	☐	☐	☒
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? *The site is located within a residential neighborhood and developed with a single-family home in 1951 that was demolished in 1988. There is no evidence of hazardous materials.*	☐	☐	☐	☒
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? *See VII a.*	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *See VII a.*	☐	☐	☐	☒
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? *See VII a.*	☐	☐	☐	☒
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? *The project is not located within an airport zone.*	☐	☐	☐	☒
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? *See VIII e.*	☐	☐	☐	☒
h) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the neighborhood where the townhouses are to be constructed. Emergency response times will be maintained.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒
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)? *The site will be served by East Bay Municipal Utilities District (EBMUD). Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be affected.*	☐	☐	☐	☒
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? *The project is not located near a stream or a river. The construction of the 7 townhouses will not result in substantial erosion or siltation on-or off-site.*	☐	☐	☐	☒
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? *The project is within an urban area and has been developed as such in the past. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
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? *The amount of run-off from the project is not anticipated to increase and will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
f) Otherwise substantially degrade water quality? *See VIII a.*	☐	☐	☐	☒
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? *According to FEMA Flood Insurance Rate Maps, the 100-year flood hazard area is not contained this site.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *See VIII g.*	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *See VIII g.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒
IX. **LAND USE AND PLANNING** - Would the project:				
a) Physically divide an established community? *The project will not physically divide the existing community.*	☐	☐	☐	☒
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? *The project is consistent with the policies of the City General Policies Plan and the Mission-Garin Neighborhood Plan.* *A variance is required to allow the backing of a vehicle onto East 11th Street. The Zoning Ordinance requires that all vehicles that exit a multi-family project leave in a forward motion. The townhouse is designed to have the appearance of a two-story single-family home with a two-car garage fronting on the cul-de-sac at the terminus of East 11th Street. Only this unit will have vehicular access to East 11th Street. Therefore, there will not be additional traffic impacts beyond what would be created by the construction of a single-family home.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? *See IV f.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
X. **MINERAL RESOURCES** - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? *The project will not result in a significant impact to mineral resources since the project study area is a developed urbanized area that does not contain mineral resources.*	☐	☐	☐	☒
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? *See Xa.*	☐	☐	☐	☒
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? *Noise is expected during construction. However, the exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies will not occur beyond the construction phase of the 7-townhouse project. All City noise standards are required to be met and maintained.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? *See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *See XI a*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *See XI a*	☐	☐	☐	☒
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? *See VII e.*	☐	☐	☐	☒
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? *See VII e.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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)? *Site is permitted to be developed to Medium-Density Residential (RM) standards that would allow 9 units. Seven townhouses will be built which is within the anticipated density for the site. See IX b.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *Seven townhouses be will constructed on a vacant lot. See IX b.*	☐	☐	☐	☒
d) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *See IX b and XII a & b.*	☐	☐	☐	☒
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? *The project would not result in the provision of new or physically altered governmental facilities, the 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. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site. .*	☐	☐	☐	☒
Police protection? *See XIII a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Schools? *The Hayward Unified School District has planned for student enrolment based on anticipated densities specified in the City of Hayward General Policies Plan. Using the Student Generation Factor for Multi-Family housing provide by the Hayward Unified School District "Facility Needs Analysis by Jack Schreder & Associates (April 2001)", it has been determined that the project will generate* .679 *K-6,* 0.245 *7-8 and* 0.245 *9-12*=1.169 Students. *The schools in the area, which can easily accommodated the additional student(s) are Bowman Elementary (Kindergarten through 6th grade), Chavez Middle School and Tennyson High School. In addition, school fees will be collected prior to the issuance of a building permit.*	☐	☐	☐	☒
Parks? *The project will be is served by the Hayward Area Recreation and Park District. The parks in the area are Tennyson Park and Valle Vista Park. A park dedication fee is required to be paid prior to the issuance of a building permit y*	☐	☐	☐	☒
Other public facilities? *No other public facilities will be significantly impacted.*	☐	☐	☐	☒
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? *The project includes 3,034 square feet of group open space that includes, a slide, a swing set, and 4 picnic tables. In addition, the Hayward Area Recreation and Park District are currently serving the entire neighborhood. See XIII a (parks).*	☐	☐	☐	☒
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? *See XIV a.*	☐	☐	☐	☒
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)? *Townhouses traditionally produce fewer trips than single-family homes. The anticipated traffic impact is the addition of 7 trips during peak hours and 70 trips a day. This increase is not significant and will not have an impact.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *See XV a.*	☐	☐	☐	☒
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? *The project will not affect 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)? *Traffic hazardous do to design features or incompatible uses will not result from the construction of the7 townhouses.*	☐	☐	☐	☒
e) Result in inadequate emergency access? *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards. Current Fire Codes will be met.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? *Adequate on-site parking will be provided.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *The project does not conflict with adopted policies supporting alternative transportation. It is located walking distance from the South Hayward BART station and Alameda County Transit buses.*	☐	☐	☐	☒
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *Wastewater treatment requirements are met by the City of Hayward therefore, all treatment requirements will continue to be met.*	☐	☐	☐	☒
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? *The City of Hayward wastewater facility has the capacity to serve the addition of 7 townhouses.*	☐	☐	☐	☒
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? *The existing storm drain system has the capacity to serve the7 townhouses.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
The East Bay Municipal Utilities District supplies water and the service to the7 townhouses.				
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.				
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
Waste Management of Alameda County will dispose the solid waste. The residents will participate in a citywide recycling program. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.				
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒
The project will participate in the Waste Management of Alameda County recycling program under contract with the Oroloma Sanitary District. Service will remain the same for this site as the entire neighborhood.				

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

DRAFT 6/17/08

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY LOCATED AT 28422 EAST 11TH STREET PURSUANT TO ZONE CHANGE APPLICATION NO. 2001-0300

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

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 28422 East 11th Street from a CO (Commercial Office) District to a Planned Development (PD) District.

Section 2. 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: COUNCIL MEMBERS:
MAYOR:

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO._____

Introduced by Council Member_____

RESOLUTION APPROVING TENTATIVE TRACT MAP NO. 7261, ZONE CHANGE APPLICATION NO. 2001-0300, AND VARIANCE APPLICATION NO. PL-2002-0253, CONDITIONALLY APPROVING THE PRELIMINARY DEVELOPMENT PLAN AND CERTIFYING THAT THE INITIAL STUDY AND NEGATIVE DECLARATION HAVE BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, Zone Change Application No. 2001-0300 and Tentative Map Tract 7261 concerns a request by Samah Construction, Inc. (Applicant/Owner) to subdivide a 23,067± square-foot parcel into 7 townhouses on separate parcels and one common area parcel and change the zoning from CO (Commercial Office) District to PD (Planned Development) District at 28422 East 11th Street (the "Property") in the Mission-Garin neighborhood, and Variance Application No. Pl-2002-0253 to allow vehicles to back out of garage; and

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

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

WHEREAS, the Planning Commission held a public hearing on April 25, 2002, regarding Zone Change Application No. 2001-0300, Tentative Map Tract 7261 and Variance Application No. PL-2002-0253 in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the initial study, negative declaration, zone change, variance, preliminary plan and tentative tract map; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD as follows:

1. The proposed project will not have a significant effect on the environment and a negative declaration has been prepared pursuant to the California Environmental Quality Act.

ZONE CHANGE

2. The development is in substantial harmony with the surrounding single and multiple family structures and the General Plan designation of Commercial/ High Density Residential, the Mission-Garin Neighborhood Plan and applicable City policies in that it is appropriate to develop this site with high density multi-family housing because of its proximity to the South Hayward BART Station.

3. Existing and proposed streets and utilities will be adequate to serve the development in that the project will be served by existing sewer and storm drainage systems and will receive City water. The street is of an adequate size to accommodate additional traffic trips that will be generated by this project.

4. The development creates a residential environment of sustained desirability and stability in that adequate open space has been provided, and park and school fees will be paid. In addition the seven townhouses will have no substantial adverse effect upon surrounding development in that they are compatible with the residential neighborhood and consistent with the housing density permitted on this site by the General Plan and the Zoning Ordinance.

5. The exception to the minimum lot size of more than 5,000 square feet as required by the Medium Density Residential development standards is more than adequately offset by _____.

TENTATIVE MAP TRACT

6. The tentative 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.

7. The site is relatively flat with adequate and safe access and is therefore physically suitable for the proposed type of development.

8. 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 as the site is currently developed with a single family home within an urban area that is not near fish or wildlife or their habitat.

9. The design of the subdivision and the proposed improvements are not likely to cause serious health problems as there are not hazardous materials on the site and the proposed project is residential and will not generate any harmful substances.

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

VARIANCE

11. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints. The property is well suited for multiple-family development, but the size make it infeasible to provide an adequate vehicle turn-around for the unit fronting on East 11th Street.

12. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification. Other lots fronting East 11th Street have garages facing the street with no turnaround.

13. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is situated.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that the Zone Change Application No. 2001-0300, Variance Application No. 2002-0253, and Tentative Map Tract No. 7261 are hereby conditionally approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from a CO (Commercial Office) District to a PD (Planned Development) District.

IN COUNCIL, HAYWARD, CALIFORNIA_____ , 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:
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