



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 07/15/03

AGENDA ITEM 5

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Consideration of the Final Program Environmental Impact Report and Proposed Amendments to the General Plan and Zoning Ordinance and other actions related to the Mission-Garin Area Annexation Study

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt the attached resolution certifying the Program Environmental Impact Report as being prepared in accordance with the California Environmental Quality Act and City implementing guidelines; adopting the Statement of Overriding Considerations; approving the Mitigation Monitoring and Reporting Program; amending the General Plan Land Use Map for certain properties within the study area; approving the Mission-Garin Area Special Design (SD-5) District as a text change to the Zoning Ordinance; and approving rezoning certain properties within the city limits and pre-zoning all properties within unincorporated areas that are proposed for annexation;
2. Introduce the attached ordinance adding the Mission-Garin Area Special Design (SD-5) District as a text change to the Zoning Ordinance;
3. Introduce the attached ordinance rezoning certain properties within the city limits and pre-zoning all properties within unincorporated areas that are proposed for annexation;
4. Adopt the attached resolution of application for the Mission-Garin Area Annexation;
5. Adopt the attached resolution approving the Plan for Providing Municipal Services; and
6. Adopt the attached resolution effectuating exchange of property tax revenues in connection with the Mission-Garin Area Annexation.

DISCUSSION:

The Mission-Garin Annexation Study Area encompasses approximately 426 acres in the southeastern portion of the City of Hayward's Sphere of Influence. The study area includes approximately 244 acres within the unincorporated areas in addition to adjacent hillside areas within the city limits. The study area is generally located east of Mission Boulevard and west of Garin Regional Park, between Calhoun Street on the north and Garin Avenue on the south. Boundaries of the study area are depicted in Exhibit A.

The Mission-Garin Annexation Study was initiated by the City Council in the spring of 2002 and has involved area property owners and other interested parties at key points in the process

through a series of community meetings. The objective of the Annexation Study is to determine the appropriate land use and zoning for properties within the unincorporated areas as well as adjacent hillside areas within the city limits. Consequently, the study area included those properties proposed for annexation as well as adjacent properties that are integral to a comprehensive evaluation of the area. Five land use alternatives were originally prepared for the study area based on input from property owners and area residents. Potential impacts of these alternatives, which provided for a considerable variety in the intensity and extent of development, were evaluated in the Draft Program Environmental Impact Report (DEIR). As a result of the intensive analysis and evaluation of available information, staff has concluded that the land use recommendations presented in this report, when viewed in comparison with the five original land use alternatives analyzed in the DEIR, best reflect the City's development goals and objectives as articulated in the General Plan.

At this time, staff is requesting that the City Council adopt amendments to the General Plan that would change various land use designations on the Land Use Map and also adopt amendments to the Zoning Ordinance that would rezone properties within the city limits and prezone unincorporated properties within the proposed annexation area to be consistent with the General Plan. Staff is also requesting that the Council adopt a text amendment to the Zoning Ordinance that would establish the Mission-Garin Area Special Design (SD-5) District. Finally, staff is requesting that the Council adopt a resolution of application for the annexation, including approval of the Plan for Providing Municipal Services, and adopt a resolution effectuating exchange of property tax revenues for the area to be annexed.

Framework for Recommendations

A primary function of public policy with respect to land use is to determine appropriate locations where development should occur consistent with adopted goals and objectives. Inherent in such a determination is the need to balance competing interests. In this instance, given that none of the five alternatives resulted in a negative fiscal impact in terms of the City's ongoing annual revenues and expenditures, this was not a primary consideration in the development of the recommendations. Finally, while development may be technically feasible to pursue, it may not always be desirable from a public policy perspective.

Changes in existing conditions and the availability of new information, and subsequent revisions to policies and regulations, can impact what is viewed as appropriate development. Such changes should not be viewed as inconsistent with adopted policy, but rather the result of adaptation of policy to reflect the availability of new information. For example, several recently-built projects in the vicinity of the study area were originally approved almost twenty years ago, prior to availability of new data about faults and potential seismic events. Other examples, including recent problems associated with landslides in the area, changes in creek bank setback regulations, and adoption of new development standards and design guidelines, have in this area combined to create conditions that are dissimilar to those in prior years.

The land use and zoning recommendations (refer to Exhibits B and C for maps and Exhibit D for a listing by parcel) are based on a review of adopted City of Hayward development goals and policies, including the General Plan and Hillside Design Guidelines. These policies can be summarized in the following basic statements of development and design objectives:

- Focus housing, particularly when developed at higher densities, close to transit corridors;
- Provide for the efficient delivery of public services;
- Avoid development near hazardous areas to reduce loss of life and property; and,
- Protect environmentally sensitive areas and preserve hillsides and ridgelines as visual open space resources.

The clustering of higher density development closer to Mission Boulevard and the South Hayward BART Station responds to and expands the City's commitment to smart growth principles and transit-oriented development. Indeed, the General Plan states: "The type and densities of housing will vary depending on the surrounding residential character and proximity to public transit, major arterials and activity centers." (Page 2-9). These principles call for full utilization of existing investments in infrastructure and endorse the efficient provision of public utilities and services, all of which are located proximate to Mission Boulevard. A higher density development scenario adjacent to Mission Boulevard could help the City address its housing needs. According to the Housing Element Update recently reviewed by the City Council, the City is able to accommodate its share of the regional housing need without expansion into areas that are less suitable for residential development.

The recommended land use pattern takes into account those hazards associated with a major seismic event, and the consequent impact on City emergency services and economic resources, by limiting the amount of development along and east of the main traces of the Hayward Fault. Within this context, the only areas designated for residential development east of the fault are those contiguous to existing development, located within the planned and adopted water service area of the existing Garin Reservoir system, and served by existing roadways or the proposed extension of Alquire Parkway. The extension of Alquire Parkway will help reduce the potential for isolation associated with a major seismic event by providing an alternative access to and egress from existing and proposed development in the area.

Allowing development in the areas designated in the recommended land use pattern minimizes potential negative impacts on environmentally sensitive areas such as streams and other riparian areas. Where proposed, development can be clustered with appropriate design and landscaping so as to preserve the visual and scenic resources of the hillsides. Avoidance of higher elevations and ridgelines also serves to protect these visual and scenic resources as well as the adjacent open space within Garin Regional Park. Provisions in the proposed Special Design District, along with other adopted city policies and guidelines, can mitigate potential visual impacts associated with specific development projects.

Under the land use and zoning recommendations, the minimum parcel size in areas proposed for agricultural zoning is 10 acres. As most of the study area is within the jurisdiction of Alameda County, it is worth noting existing county agricultural zoning calls for a minimum parcel size of 100 acres. Within the city limits, all of the properties where changes are proposed are zoned agricultural (with a minimum parcel size of one acre) with the exception of four parcels that have residential zoning. Although the net effect of the proposed change in agricultural zoning may be to allow greater opportunities for development than currently exist, staff believes that provisions of the Special Design District will serve to mitigate any adverse impacts of such development, especially given the limited number of potential rural homesites.

With regard to park and recreation facilities, the anticipated population (approximately 1,000 people) generated by the potential development of 320 dwelling units under the recommended land use alternative could be served by either provision of a new neighborhood park or enhancement of nearby existing facilities through the payment of park dedication in-lieu fees. The estimated number of school-age children in Grades K-6 (approximately 100 students) generated by additional housing development in the study area is not considered sufficient to require a new school campus; however, this increase would exacerbate the existing deficiency in permanent classroom space (excluding portables) at the elementary school level. The mitigation measures in the Final Environmental Impact Report (FEIR) call for future developers to pay school impact mitigation fees. As noted in the FEIR, a new school campus would be required as mitigation to accommodate the influx of new students if Alternatives B, C or D were selected, in recognition that school impact fees alone would be inadequate to fund a new campus.

Land Use and Zoning Recommendations

1) Proposed General Plan Land Use Designations

The proposed land use pattern (see Exhibit B) reflects a combination of elements from the five original land use alternatives. The total additional housing unit potential is approximately 320 dwelling units. In the southern portion of the study area, the Limited Medium Density Residential designation would allow for development of townhouses and condominiums at a maximum density of 12 units per net acre, as well as single-family detached dwellings on lots of 4,000 square feet or greater. In the western portion of the study area, the Medium Density Residential designation would encourage development of townhouses and condominiums at a maximum density of 17.4 units per net acre. The upper Overhill Drive area is designated as Suburban Density Residential, which would allow for single-family detached dwellings on lots of 10,000 square feet or greater. The remaining portions of the study area are designated as Limited Open Space, which could allow for the creation of a limited number of rural homesites.

2) Proposed Zoning Classifications

The proposed zoning (see Exhibit C, Attachment C-3) is consistent with proposed amendments to the General Plan Land Use Map. Properties designated as Limited Medium Density Residential would be rezoned to RMB4 (Residential, with a minimum lot size of 4,000 square feet) or RMB3.5 (Residential, with a minimum lot area of 3,500 square feet per dwelling unit). Properties designated as Medium Density Residential would be rezoned to RM (Residential, with a minimum lot area of 2,500 square feet per dwelling unit). Properties designated as Suburban Density Residential would be rezoned to RSB10 (Residential, with a minimum lot size of 10,000 square feet). Areas designated as Limited Open Space would be rezoned to AB10A (Agriculture, with a minimum parcel size of 10 acres).

3) Proposed Special Design (SD-5) District

The purpose of the Special Design (SD-5) District (see Exhibit C) is to ensure the orderly development of the Mission-Garin hillside area, consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. The SD-5 District would become a zoning overlay district for the study area (see Exhibit C, Attachment

C-1). The provisions of the SD-5 District establish the overall development potential for the study area and allocate the potential units to individual properties within the area. The District also contains specific development standards and design guidelines that apply to all new development within the area. Staff has recommended additional language for Guideline #12 that reflects the constraints imposed by the hillside terrain.

With respect to the proposed zoning classifications, some study area property owners have noted their experience in other communities where parcels have a Planned District (PD) zoning designation, whether or not a specific development application is involved, and have suggested a similar approach should be used in this instance. However, this is not permitted under the City's zoning ordinance. Under Hayward's zoning regulations, a PD designation can only be entertained if there is a specific development application. This long-standing practice is designed to encourage creativity and flexibility in design, and allows decision makers to consider tradeoff and benefits, which is possible only when the specifics of a project are known. Some of the property owners have indicated their intent to submit a PD application at the appropriate time, and such action is contemplated within the provisions of the proposed Special Design (SD-5) District.

As noted previously, the recommended land use pattern reflects a combination of elements from the five original land use alternatives. For your convenience, and in order to facilitate comparison of the recommended land use pattern with the five land use alternatives analyzed in the DEIR, Exhibit E contains a table showing the estimated dwelling unit potential under each land use alternative for parcels within the study area as well as maps of each land use alternative.

Planning Commission Deliberations and Action

The Planning Commission held a public hearing on the proposed land use and zoning pattern on June 26, 2003. Concerns raised during the discussion focused on the need for additional housing and the affordability of proposed housing units, potential benefits to the community in terms of parks and schools, and the suitability of the La Vista Quarry area for residential development. Draft minutes of the Planning Commission meeting are included as Exhibit H.

The recent Housing Element Update has demonstrated that the City's share of the regional housing need can be accommodated on vacant and underutilized lands already zoned for residential development. In addition, it must be noted that City planning documents assume no residential development potential within the Route 238 Bypass corridor. In view of recent court actions that have effectively eliminated use of this corridor for transportation purposes, opportunities for additional housing on parcels within this corridor are likely to arise in the future. For instance, nearby parcels west of Mission Boulevard and north of Industrial Parkway close to the South Hayward BART Station hold considerable promise for additional housing. Housing in these areas, which are already planned for higher densities, are more likely to result in the addition of affordable units to the housing stock. Surveys of recent market-rate developments indicate that no new housing units, especially single-family homes in hillside areas, meet affordability criteria.

Some speakers noted the potential benefits to the community from new development in the form of new schools and new parks or in-lieu fees, apparently suggesting that mitigation measures produce benefits in and of themselves, when they are actually intended to respond to

service demands. It must be remembered that development impact fees are required specifically to mitigate the impacts created by the new development. In some instances, enhancements to existing facilities or construction of new facilities may also benefit the surrounding community. For example, a mitigation measure in the FEIR requires construction of a new school campus by the developers if the amount of potential development approaches the levels identified in Alternatives B, C and D. Also, it should be noted that mitigation fees are one-time fees; ongoing operational costs become the responsibility of the public agency providing the service or maintaining the facility.

Other speakers questioned the desirability of the La Vista Quarry area for further residential development. In general, adding housing in seismically sensitive areas raises long-term issues for the City in terms of greater likelihood of damage to infrastructure, emergency response needs in the form of police and fire services, and continued provision of other services that are necessary to overcome the isolation of residents following a major seismic event. While it is possible to take reasonably prudent steps to deal with fault creep or other earth movements, the City still must assess the current situation and risks to people and infrastructure.

On a vote of 4-2-1, the Commission approved a motion concurring with the staff recommendations, "plus an opener, restudy, revisit of La Vista Quarry and [Zaballos property below] Oak Hills." However, the Commission did not offer any clarifying remarks about the motion. As noted above, staff believes that sufficient information has been generated and analyzed during the course of the annexation study and that further study is not warranted at this time. There were no requests for additional information from the commissioners or others in attendance at the public hearing.

Environmental Review

The Draft Program Environmental Impact Report (DEIR) for the Mission-Garin Annexation Study was reviewed with the City Council on March 18, 2003. The Final Program Environmental Impact Report (FEIR), which contains written responses to comments on the DEIR and revisions where appropriate, was previously distributed to the City Council. Notice of the availability of the FEIR has been provided to all property owners within the study area, public agencies that commented on the DEIR, those individuals on the mailing list of interested parties, and residents within the area generally bounded by Calhoun Street, Mission Boulevard, Fairway Street, Garin Avenue, and Garin Regional Park.

The FEIR includes the revised Summary of Environmental Impacts and Mitigations, which indicates that all but one of the significant impacts can be mitigated to a less-than-significant level. The one exception is regional traffic growth and roadway congestion, which is a significant and unavoidable impact; a statement of overriding considerations has been incorporated in the draft resolution certifying the Program EIR. Findings that mitigation is possible for each of the remaining significant environmental impacts are also incorporated in the draft resolution. As previously noted, the recommended land use alternative represents a combination of elements of the five original land use alternatives and does not create any new impacts that were not already considered in the DEIR. The proposed Mitigation Monitoring and Reporting Program is included as Exhibit F.

Proposed Annexation Area

Staff is proposing that all of the unincorporated portions of the study area be processed as a single annexation application. A draft Resolution of Application, along with a map of the proposed annexation area showing parcel ownerships and acreages, is attached to this report. Given the existing population within the annexation area (more than 12 registered voters), the application would be processed as an *inhabited annexation* by the Alameda Local Agency Formation Commission (LAFCo). Should LAFCo approve the annexation, the proposal could be subject to the filing of written protests and may ultimately require an election. Conversely, LAFCo could waive the requirements for written protests and an election should all affected property owners within the area consent to the annexation.

Plan for Providing Municipal Services

Staff has prepared a Plan for Providing Municipal Services (see Exhibit G) that would accompany the annexation application as required by LAFCo Guidelines. The Plan provides a summary of the changes in service providers as well as information on needed infrastructure, costs, timing, and method of financing. The proposed annexation area is currently not served with most basic urban services, including water and sewage disposal. Consequently, those municipal services that are currently not available would be provided by the City. Additionally, existing development within the annexation area would have the opportunity to connect to such services. It should be noted that the Plan addresses only those areas proposed for annexation rather than the entire study area. Consequently, the number of potential dwelling units (186) and the estimated future population (559) cited in the Plan are less than those shown for the entire study area.

One service function that is not specifically addressed in the Plan concerns the administration and enforcement of the Surface Mining and Reclamation Act (SMARA) as it pertains to the La Vista Quarry. This quarry, including the asphalt batch plant, is operating under a Surface Mining Permit approved by Alameda County. The current permit expires in 2008. Under provisions of SMARA, the state would assume oversight responsibilities upon annexation unless the City adopts its own ordinance and procedures or enters into an agreement with the County to provide these services. If annexation is approved, staff proposes to present an appropriate ordinance to the City Council for its consideration. In addition, staff will need to hold discussions with County and quarry representatives relative to permit requirements.

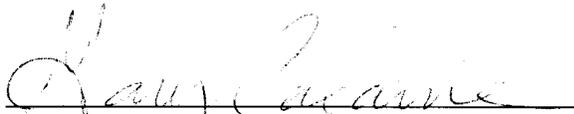
Tax-Sharing Agreement

A draft resolution effectuating exchange of property tax revenues in the proposed annexation area is attached to this report. This proposed agreement is predicated on the county-wide method for redistribution of property tax revenues originally approved by the City and County in 1980 (the so-called Mayors' Formula), and subsequently used in recent annexations. Generally, the formula calls for distribution of property tax revenues in the same ratios that existed prior to Proposition 13. The draft agreement will subsequently need to be approved by Alameda County.

Public Notices

Notice of this public hearing was published in the Daily Review on July 5, 2003. Notices were mailed to all property owners within the study area and all property owners and residents within 300 feet of the study area on July 3, 2003. In addition, notice of the public hearing was mailed to those individuals on the mailing list of interested parties, and residents within an expanded area generally bounded by Calhoun Street, Mission Boulevard, Fairway Street, Garin Avenue, and Garin Regional Park.

Prepared by:


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Senior Planner

Recommended by:


Sylvia Ehrental, Director
Community and Economic Development

Approved by:


Jesús Armas, City Manager

- Attachments:
- Exhibit A. Map of Mission-Garin Study Area
 - Exhibit B. Proposed General Plan Land Use Designations
 - Exhibit C. Proposed Zoning and Special Design (SD-5) District
 - Exhibit D. List of Parcels by Assessor's Parcel Number and Street Address with Proposed Changes to General Plan and Zoning Designations
 - Exhibit E. Comparison of Dwelling Unit Potential for Land Use Alternatives
 - Exhibit F. Mitigation Monitoring and Reporting Program
 - Exhibit G. Plan for Providing Municipal Services
 - Exhibit H. Draft Planning Commission Minutes for June 26, 2003

Draft Resolutions (4)
Draft Ordinances (2)

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

SEC. 10-1.2630 MISSION-GARIN AREA SPECIAL DESIGN DISTRICT (SD-5).

a. Purpose.

The purpose of the Mission-Garin Area Special Design District (SD-5) is to ensure the orderly development of the Mission-Garin area (see Attachment C-1), consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. This District establishes the total dwelling unit potential (see table, Attachment C-2) for the area within the District and sets forth development standards and design guidelines that apply to future development within this District. The zoning designation of properties within the District are shown in Attachment C-3.

b. Dwelling Unit Allocation.

Development for any parcel or combination of parcels will be consistent with the dwelling unit allocation set forth in the table in Attachment C-2. Adjustments to the dwelling unit allocations for specific properties may be considered by the City Council based on presentation of more detailed data, findings of site-specific environmental analyses, and/or as a result of the application of the development standards outlined below during the review of individual development projects. In no case will the total number of dwelling units exceed the maximum shown for the entire District. For any parcels not specifically identified in the attached table, the number of dwelling units to be allocated will be determined by the City Council in a manner consistent with that used for properties included in the table and supported by adequate environmental analysis.

c. Development Standards and Design Guidelines.

Clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, mature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family, separated by inter-connected natural open space or greenbelt corridors.

New development will adhere to the following development standards and design guidelines. To the extent that the following provisions conflict with the Hillside Design and Urban/Wildland Interface Guidelines, the following standards shall prevail. As required by the established review process, proposed development projects will be referred to the Planning Commission and, as appropriate, the City Council, for review and action.

1. In order to promote the preservation of natural features while achieving the development potential established for this District, Planned Development applications may be required.
2. Development is not permitted within areas where natural slopes are generally greater than 25 percent.

3. Grading will be consistent with the Hillside Design Guidelines. For developments on slopes greater than 15 percent, at least 50 percent of the dwelling units will feature a stepped design.
4. The slope of streets will not exceed 12 percent unless necessary to minimize significant grading.
5. Pedestrian movement will be encouraged through the provision of pathways on at least one side of the street. On longer streets, pedestrian links between streets will be provided at a minimum of 750-foot intervals.
6. New construction, including new roadways, will be set back at least 100 feet from the top of any creek bank.
7. Exposed drainage systems will be constructed of materials that blend with the natural environment (e.g., grassy swales or river rock).
8. Development plans will feature the preservation of the greatest possible number of native trees, consistent with provisions of the Tree Preservation Ordinance.
9. Structures will be of high quality design, compatible with the natural surroundings and will feature darker earth-tone colors.
10. Lower portions of homes will be screened through the plantings of native trees and shrubs.
11. Preservation of views toward the bay in the hillsides will be incorporated into the design and layout of developments.
12. Detached single-family residential development projects will include at least 15% one-story units. A lesser amount may be considered based on topographic conditions.
13. Architectural plans should utilize stepped or transitional front elevations, with the entries and windows visible from the street. The plans should feature alternating roof lines and forms, and incorporate decorative siding materials, entry doors and windows.
14. Densities shall be developed to no less than the midpoint of the assigned density range.
15. Computer visual simulations are required as part of application submittals for any new development. Vantage points are to be approved by staff.

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

**MISSION-GARIN AREA SPECIAL DESIGN (SD-5) DISTRICT
Maximum Total Dwelling Unit Potential**

The SD-5 special design district comprises approximately 363 acres, as shown in Attachment C-1. The maximum dwelling unit potential shown in the table below excludes parcels/areas totaling approximately 57 acres within the district that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc.

Owners of Parcels Shown in Attachment C-1	Maximum Potential Dwelling Units
Christiansen	1
Angelo	1
Garin (Pistol Range)	1
Tomanek	1
Clanton	3
Ersted	115
La Vista Quarry ¹	16
Warren (Garin Vista)	115
McKenzie	54
Clearbrook Partnership ²	13
TOTALS:	320

¹Consists of the following parcels/areas: Lynch/East Bay Excavating Co./Warren (North)/Warren (Central)/DeSilva Group

²Does not include the potential for an additional 12 dwelling units associated with the approved Oak Hills Planned Development (see Attachment C-1)

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Assessors Parcel Number	Street Number	Street Name	Owner	Existing Zoning	Proposed Zoning	Existing General Plan	Proposed General Plan	Parcel Acreage
078C-0461-001-13		MISSION BLVD	ERSTED	RMB3.5	RM; AB10A	LMDR	MDR; LOS	16.71
078C-0461-001-14		MISSION BLVD	ERSTED	RMB3.5	RM	LMDR	MDR	0.09
078C-0648-001-02		CALHOUN ST	TOMANEK	RMB3.5	AB10A	LMDR	LOS	4.84
078C-0650-001-07	1021	CALHOUN ST	HUSTON	A	AB10A	LMDR	LOS	1.20
078C-0650-001-08	1035	CALHOUN ST	CALVIN	A	AB10A	LMDR	LOS	0.98
078C-0650-001-15	1151	CALHOUN ST	CUEVAS	A	AB10A	LMDR	LOS	1.44
078C-0650-001-16	1151	CALHOUN ST	DURAZO	A	AB10A	LMDR	LOS	1.10
078C-0650-001-17	1151	CALHOUN ST	DURAZO	A	AB10A	LMDR	LOS	1.98
078C-0800-012	1404	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	4.86
078C-0800-013-01	1400	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	0.91
078C-0800-013-02	1400	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	0.91
078C-0800-014	1240	CALHOUN ST	ANGELO	A	AB10A	LMDR	LOS	
078C-0800-027	1410	CALHOUN ST	BALCH	A100 (County)	AB10A	SDR	LOS	
078C-0800-028	1410	CALHOUN ST	BALCH	A100 (County)	AB10A	SDR	LOS	3.41
083-0075-001-01	1240	CALHOUN ST	ANGELO	A	AB10A	LMDR	LOS	
083-0075-002-07		CALHOUN ST		A100 (County)	AB10A	LOS	LOS	34.87
083-0075-002-09		CALHOUN ST	SETTLE	A100 (County)	AB10A	LOS	LOS	2.06
083-0075-003	1240	CALHOUN ST		A	AB10A	LMDR	LOS	15.11
083-0075-004	1275	CALHOUN ST	CLANTON	A	AB10A	SDR	LOS	32.20
083-0100-001-01	28812	MISSION BLVD	TAVAKE	A100 (County)	AB10A	LMDR	LOS	3.10
083-0100-001-03		MISSION BLVD	CUEVAS	A100 (County)	AB10A	SDR	LOS	11.30
083-0100-001-04	28808	MISSION BLVD	TAVAKE	A100 (County)	AB10A	LMDR	LOS	0.04
083-0100-002-01	28806	MISSION BLVD		A100 (County)	AB10A	LMDR	LOS	9.86
083-0100-002-02	28816	MISSION BLVD	LYNCH	A100 (County)	AB10A	LMDR	LOS	52.73
083-0125-001-12		GARIN AVE		A100 (County)	RMB4; AB10A	LMDR; LOS	LMDR; LOS	89.36
083-0254-001		WOODLAND AVE	GALBRAITH	A100 (County)	RMB4	LMDR	LMDR	
083-0254-002-03		GARIN AVE		RSB10	RMB3.5	LMDR	LMDR	5.29
083-0254-003-01	29831	CLEARBROOK CIR		PD	PD	LMDR	LMDR	14.42
083-0265-002-11	29200	BODEGA ST	MOITA	A100 (County)	AB10A	LMDR	LOS	1.38
083-0265-002-14	29338	BODEGA ST		A100 (County)	AB10A	LMDR	LOS	
083-0265-002-15	29338	BODEGA ST		A100 (County)	AB10A	LMDR	LOS	0.92
083-0265-002-19	29370	BODEGA ST	ROSE	A100 (County)	AB10A	LMDR	LOS	1.31
083-0265-002-23	29606	BODEGA ST	DAREING	A100 (County)	AB10A	LMDR	LOS	1.51
083-0265-002-24	29402	BODEGA ST	BROWNE	A100 (County)	AB10A	LMDR	LOS	2.01
083-0265-003-01		WOODLAND AVE	MCKENZIE	A100 (County)	RMB4	LMDR	LMDR	5.08
083-0265-003-02	29700	BODEGA ST	MCKENZIE	A100 (County)	RMB4	LMDR	LMDR	3.44
083-0265-004-04		BODEGA ST		A100 (County)	RMB4	LMDR	LMDR	
083-0265-006		ALQUIRE PKWY		A	AB10A	LMDR	LOS	13.78
083-0275-001	897	OVERHILL DR	SILVA	A	RSB10	LMDR	SDR	1.00
083-0275-002-04	880	OVERHILL DR	SILVA	A	RSB10	LMDR	SDR	1.59
083-0275-002-11	822	OVERHILL DR	VINGO	A	RSB10	LMDR	SDR	0.81
083-0275-003	878	OVERHILL DR	SILVA	RSB20	RSB10	LMDR	SDR	3.52
083-0275-004-02	870	OVERHILL DR	BATTEATE	A	RSB10	LMDR	SDR	0.88
083-0275-004-03	864	OVERHILL DR	LIU	A	RSB10	LMDR	SDR	0.89
083-0275-004-04	876	OVERHILL DR	PRATT	A	RSB10	LMDR	SDR	0.88
083-0275-005	870	OVERHILL DR	KALYAN	A	RSB10	LMDR	SDR	0.85
083-0461-002	700	ALQUIRE PKWY		PD	PD	LMDR	HDR	1.51
083-0461-003	700	ALQUIRE PKWY		PD	PD	LMDR	HDR	12.24
083-0463-027		GARIN AVE		PD	PD	LMDR	LMDR	1.10

EXHIBIT D

Mission-Garin Area Annexation Study: Estimated Dwelling Unit (DU) Potential

The study area comprises approximately 426 acres. This estimate of development potential excludes parcels/areas totaling approximately 120 acres within the study area that are owned by the State (38 acres) or that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc. (82 acres).

Parcel/Area (owner name)	Parcel Acreage	MAXIMUM POTENTIAL DWELLING UNITS					STAFF RECOMMENDATION
		ALTERNATIVE A	ALTERNATIVE B	ALTERNATIVE C	ALTERNATIVE D	ALTERNATIVE E	
Christiansen	11.8	6	51	25	25	1	1
Angelo	7.5	2	22	30	30	0	1
Garin (Pistol Range)	15.1	5	40	55	41	1	1
Tomanek	4.8	2	16	22	22	0	1
Clanton	32.2	3	23	11	11	1	3
Ersted	16.7	7	58	80	80	80	115
La Vista Quarry ¹	157.1	27	232	321	321	5	16
Warren (West) ²	11.4	1	1	57	20	1	0
Warren (Garin Vista)	35.5	11	92	127	127	2	115
McKenzie	8.9	5	44	60	60	1	54
Clearbrook Partnership	5.3	5	5	13	13	0	13
TOTALS:	306.4	74	584	801	750	92	320

¹Consists of the following parcels/areas: Lynch/East Bay Excavating Co./Warren (North)/Warren (Central)/DeSilva Group

²Consists of 11.4 acres in the western portions of the Warren (Garin Vista) and Warren (Central) properties that are shown on the map in Exhibit D.

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

Mission-Garin Annexation Project

Draft Mitigation Monitoring and Reporting Program

June 19, 2003

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Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.1-1: Aesthetics and Views/Vistas. Approval of any of the proposed Land Use Alternatives would represent an impact to aesthetic conditions, since views of existing minimally developed hillside areas would be converted to views of residential development. The degree of impact would be greater under Alternatives B, C and D, all of which include a greater number of proposed dwellings than Alternatives A and E. There would also be visual impacts due to the location of one or more additional water reservoirs within the project area <i>(potentially significant impact and mitigation required)</i>.</p>	<p>Mitigation Measure 4.1-1: Individual development projects submitted to the City of Hayward shall comply with the City's Hillside Design Guidelines, the provisions of the Special Design District (SD-5), and other applicable hillside development standards contained in the General Plan and Mission-Garin Neighborhood Plan. To the extent feasible, development projects shall include:</p> <ul style="list-style-type: none"> a) Use of non-reflective glazing and prohibitions on reflective metal roofing, garage doors and trim material. b) Use of earth tone field and trim colors for residential dwellings c) Use of roof forms that minimize exposure of buildings. d) Design of roadways that minimize views of pavement beyond the project site. 	<p>Project Developers, including project architects, landscape architects, engineers and construction contractors</p>	<p>a through h): City of Hayward Planning Division and Building Division d, h): City of Hayward Engineering & Transportation Division</p>	<p>During Site Plan Reviews of individual development projects and subdivisions to ensure design measures are incorporated into projects, and during grading and construction operations and inspections to ensure project designs are implemented</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
	<p>e) Use of other techniques required by the City's Hillside Design Guidelines to minimize aesthetic impacts of individual residences, including but not limited to building design, use of landscaping screening and similar techniques.</p> <p>f) Encourage future development to be clustered.</p> <p>g) Dwellings should be setback from the crest of hill or the top of a slope so as to provide maximum visual screening between any new development and Garin Regional Park.</p> <p>h) Future water reservoirs should be fully or partially buried in the ground, if financially feasible, to reduce the visibility of these structures. If not feasible, they shall be painted neutral, earth-tone colors to blend in with the natural environment and screened with trees and shrubs.</p>			

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.1-2: Landform and topography. Changes to existing landform and topography would be required to accommodate proposed dwelling units and local roadways under each of the proposed General Plan alternatives. Alternatives with fewer dwellings (Alternatives A and E) would generally require less grading and landform modification than alternatives with greater numbers of dwellings (Alternatives B, C and D) (<i>significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.1-2: Future individual development projects shall adhere to City of Hayward Hillside Design Guidelines and the provisions of the Special Design District (SD-5) to minimize impacts to existing landforms, including but not limited to:</p> <ul style="list-style-type: none"> a) Limitation of grading on slopes of 25 percent or greater. b) Slopes of streets will not exceed 12 percent unless necessary to minimize grading. If such cuts to minimize grading cannot be avoided, these areas shall be revegetated as soon as possible after construction. c) Grading shall follow existing topographic forms to the fullest extent possible, with the tops and toes of slopes rounded to provide smooth transitions between grade changes. d) Residential streets shall be designed as narrow as possible to reduce grading, but providing adequate access for pedestrians, emergency and service vehicles. 	<p>Project Developers, including project architects, engineers and grading and construction contractors</p>	<p>City of Hayward Planning Division and City of Hayward Engineering & Transportation Division</p>	<p>During Site Plan Reviews of individual development projects and subdivisions to ensure grading restrictions are incorporated into project designs, and during grading operations and inspections to ensure project designs are implemented</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.1-3: Light and glare impacts. Additional sources of light and glare would be added to the project area under proposed Alternatives A through D. This would be a significant impact given the general absence of light sources currently on the project site (<i>significant impact and mitigation required</i>). Light and glare impacts would likely be less-than-significant under Alternative E, which would prohibit new development on sites with a topographic elevation greater than 200 feet above sea level.</p>	<p>Mitigation Measure 4.1-3: Detailed Lighting Plans shall be submitted as part of all future development projects. Lighting Plans shall include lighting fixtures to be employed and specific measures to be taken to ensure that lighting off of the project site will be minimized.</p>	<p>Project Developers, including project architects and construction contractors</p>	<p>City of Hayward Planning Division and Building Division</p>	<p>During Site Plan Reviews of individual development projects and subdivisions to ensure restrictions on lighting are incorporated into project designs, and during construction and at inspections to ensure approved lighting fixtures are installed</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.2-1: Construction impacts. The effects of project construction activities anticipated as a result of implementing General Plan land uses for the project area would increase dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties, including Garin Regional Park. Development of fewer dwellings under Alternatives A and E would generally result in less intense construction air quality impacts, although still potentially significant (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.2-1: Future development projects within the Mission-Garin project area shall incorporate dust control measures into grading, demolition and construction plan specifications, to include but not be limited to frequent watering of the site, use of soil stabilizers, hydroseeding of graded areas and other measures that comply with BAAQMD recommendations for dust control.</p>	<p>Project Developers, including project grading and construction contractors</p>	<p>City of Hayward Building Division and Engineering & Transportation Division</p>	<p>During construction and grading operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.2-2: Demolition impacts. Demolition of existing structures within the project area could release toxic air contaminants into the atmosphere, especially lead-based paints and asbestos containing materials <i>(potentially significant impact and mitigation required).</i></p>	<p>Mitigation Measure 4.2-2: Prior to removal of major structures within the project area, the following measures shall be undertaken:</p> <ul style="list-style-type: none"> a) An asbestos survey of existing structures shall be performed consistent with National Emissions Standards for Hazardous Air Pollution guidelines. If warranted, a remediation plan to remove asbestos shall be prepared and implemented. b) A lead based paint survey shall be conducted for each structure to be removed. 	<p>Project Developers, including project specialists/consultants and construction/demolition contractors</p>	<p>City of Hayward Fire Department and Building Division</p>	<p>Prior to issuance of demolition or grading permits, and, if remediation is required, during demolition and grading</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-1: Wetlands and other waters). Under Alternatives A, B, C and D, development activities on properties within the project area could have a potentially significant impact on creeks and streams and jurisdictional wetlands and other waters of the United States and waters of the State of California (<i>potentially significant impact and mitigation is required</i>). No impacts would result under Alternative E since no development near wetlands or other waters would occur.</p>	<p>Mitigation Measure 4.3-1: a) In order to ensure that all jurisdictional wetlands and other waters are identified, formal jurisdictional delineations of wetlands and other waters should be conducted on a project specific basis as part of the normal environmental review process for specific development projects. Jurisdictional delineations should follow the methodology set forth in the 1987 <i>U.S. Army Corps of Engineers Wetlands Delineation Manual</i> and should be submitted to the Corps for verification prior to project development.</p>	<p>Project Developers, including qualified project biological-hydrological consultants</p>	<p>City of Hayward Planning Division and Engineering and Transportation Division and the U.S. Army Corps of Engineers</p>	<p>Prior to issuance of demolition, building or grading permits</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
	<p>b) If avoidance of wetlands or other waters is not possible, then impacts should be minimized to the maximum extent that is practicable and required approvals and permits obtained from appropriate federal and state regulatory agencies. If impacts to wetlands or other waters cannot be minimized and are unavoidable, these impacts should be compensated for by developing and implementing a comprehensive mitigation plan, acceptable to the Corps, CDFG, and RWQCB to offset these losses. It is recommended that mitigation be conducted within the study area. If this is not possible, then an off-site mitigation area should be selected that is as close to the study area as possible and acceptable to the resource agencies.</p>	<p>Project Developers, including qualified project biological-hydrological consultants, and grading and construction contractors</p>	<p>City of Hayward Planning Division and Engineering and Transportation Division, U.S. Army Corps of Engineers, California Regional Water Quality Control Board, California Department of Fish and Game</p>	<p>Development of the comprehensive mitigation plan, if required, shall be done prior to issuance of demolition, building or grading permits and implemented during and after grading and construction</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-3: California Buckeye and Coast Live Oak/California Bay Woodlands. Proposed development under Alternatives A through D could result in removal of approximately 0.14 acre of California Buckeye and Coast Live Oak/California Bay Woodlands (<i>potentially significant impact and mitigation is required</i>). No impacts to California Buckeye and Coast Live Oak/California Bay Woodlands areas would occur under Alternative E, since no development would occur in this vegetation type.</p>	<p>Mitigation Measure 4.3-3: Specific development projects should avoid removal of these tree types if at all possible. If avoidance is determined by the City to be infeasible, suitable replacement habitat should be provided at a ratio of 1 acre lost to 1.5 acres created. New habitat should be planted at a density that would create a 50 percent canopy cover of native trees in 10 years. A mitigation and monitoring plan should be developed and implemented after approval by the City.</p>	<p>Project Developers, including project arborists-landscape architects, and grading and construction contractors</p>	<p>City of Hayward Planning Division</p>	<p>Measures, where appropriate, shall be implemented prior to issuance of demolition, building or grading permits and also during construction and grading operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-4: Protected trees. Proposed development could result in the loss of large trees that are regulated by the City of Hayward's Tree Protection Ordinance (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-4: At the project specific level of future development, an inventory of protected trees covered under the City's ordinance should be completed. In accordance with the City's ordinance, future specific developments shall be designed to preserve trees. Those trees that must be removed for critical reasons, as determined by the City, shall be replaced with like sizes of the same tree species, or trees of a similar value. It is recommended that replacement be made with species native to the East Bay hills. Tree replacement plan acceptable to the City shall be implemented at the project specific level.</p>	<p>Project Developers, including project arborists-landscape architects, and grading and construction contractors</p>	<p>City of Hayward Planning Division</p>	<p>Inventories shall be conducted prior to submittal of development applications and measures, where appropriate, shall be implemented prior to issuance of demolition, building or grading permits and also during construction and grading operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-5: California red-legged frog. Future development under all of the proposed alternatives could impact California red-legged frogs and/or their occupied habitat, Alternatives A through D could each impact an estimated 89.1 acres of potential habitat, while Alternative E could impact an estimated 12.6 acres of potential habitat (<i>significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-5: A California red-legged frog site assessment following USFWS guidance (<i>USFWS Guidance on Site Assessment and Field Surveys for California Red-legged Frogs</i>, dated February 18, 1997) shall be required as part of project-level biological assessments within the annexation area. These site assessments shall be submitted to the USFWS for review and confirmation. If California red-legged frog and/or occupied habitat are determined to be present, then a project specific California red-legged frog mitigation plan should be developed, approved by the USFWS and CDFG prior to development, and implemented.</p>	<p>Project Developers, including qualified project biological consultants and grading and construction contractors</p>	<p>City of Hayward Planning Division and the US Fish and Wildlife Service and the California Department of Fish and Game</p>	<p>Site assessments shall be conducted prior to submittal of development applications. Mitigation plans, if required, shall be developed prior to issuance of demolition, building or grading permits and implemented during and, if required, after construction and grading operations.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-6: Alameda whipsnake. Proposed future development under all of the proposed alternatives could impact Alameda whipsnake species, their occupied habitat and/or designated critical habitat areas containing primary constituent elements. Alternatives A through D could impact an estimated 21.3 acres of habitat each, while Alternative E could impact an estimated 1.2 acres of habitat (<i>significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-6: A focused habitat assessment shall be conducted as part of project-level biological assessments to determine if suitable habitat for Alameda whipsnake is present. This habitat assessment shall also evaluate whether the Primary Constituent Elements for critical habitat are present. The results of the focused habitat assessment shall be submitted to the USFWS for confirmation and to determine the need for protocol-level surveys. If the USFWS determines that impacts to Alameda whipsnake could result from a particular project based on the results of the habitat assessment or protocol-level surveys, a project specific Alameda whipsnake mitigation plan shall be developed, approved by the USFWS and CDFG prior to development, and implemented.</p>	<p>Project Developers, including qualified project biological consultants and grading and construction contractors</p>	<p>City of Hayward Planning Division and the US Fish and Wildlife Service and the California Department of Fish and Game</p>	<p>Site/habitat assessments shall be conducted prior to submittal of development applications.</p> <p>Mitigation plans, if required, shall be developed prior to issuance of demolition, building or grading permits and implemented during and, if required, after construction and grading operations.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-7: Nesting Raptors and Shrikes. Impacts to special-status nesting species of raptors and shrikes would be considered significant if activities are within the following line-of-sight buffers: 250 feet for Western burrowing owl; 0.25 mile for golden eagle; 200 feet for loggerhead shrike; and 300 feet for all other raptors (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-7:</p> <p>a) As part of environmental reviews for future specific development projects, surveys shall be conducted for these species on a project specific basis to determine if they are nesting within or adjacent to a proposed project area. Survey protocol should be approved by the resource agencies.</p> <p>b) If such surveys document active nests of any of these species within the line-of-sight buffers specified above, it is recommended that construction activity within the buffer zone be completed before the nesting season or be postponed until after the nesting season. The nesting season for raptors and shrikes typically includes the period from March through the end of August. (CDFG protocols should be implemented for impacts to burrowing owls).</p>	<p>Project Developers, including qualified project biological consultants and grading and construction contractors</p>	<p>City of Hayward Planning Division and the US Fish and Wildlife Service and the California Department of Fish and Game</p>	<p>Surveys shall be conducted prior to submittal of development applications.</p> <p>Mitigation measures, if required, shall be followed prior to issuance of demolition, building or grading permits and implemented during and, if required, after construction and grading operations.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-8: Golden Eagle. Approval of the proposed project may have significant impacts to Golden Eagles and/or their nests (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-8 (Golden Eagle): a) As part of future environmental reviews for specific development projects, studies shall be conducted, during the breeding season, to determine if the annexation area is important as a foraging area for neighboring golden eagle pairs that nest in the vicinity (<i>e.g.</i>, Walpert Ridge). Such studies should emphasize existing information, if available, including review of existing records and studies in the vicinity and personal interviews with agency biologists and other knowledgeable persons. If information on golden eagle use of the project area is limited, additional field surveys of the study and adjoining areas, where possible, should be conducted. These surveys should be performed and approach developed in consultation with California Department of Fish and Game staff.</p>	<p>Project Developers, including qualified project biological consultants and grading and construction contractors</p>	<p>City of Hayward Planning Division and the California Department of Fish and Game</p>	<p>Studies shall be conducted during the Golden Eagle breeding season and prior to submittal of development applications.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
	<p>b) Development in the project area within 0.25 mile and in direct line-of-sight of an active golden eagle nest could cause nest abandonment and should be avoided. Because of the importance of golden eagles, this avoidance would pertain to any development within the 0.25-mile direct line-of-sight zone as long as the eagles continue to nest in the area. That is, this avoidance is not just a seasonal restriction during the breeding season, but would be in effect during the entire tenure of eagles nesting within this sensitive zone.</p> <p>c) If portions of the project area are determined to be within the foraging habitat for nesting golden eagles, that portion of the annexation area containing California annual grassland, bordering Garin Regional Park, and within 0.25 mile of an active nest should be avoided.</p>			<p>Avoidance of development within the specified areas, if required, shall be followed during the entire tenure of eagles nesting within this sensitive zone.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.3-9: Special-status plants. A total of eight special-status plant species have the potential to occur within the project area. With the exception of a focused rare plant surveys conducted on the Garin Vista property in May, 2001 (WRA 2001c), no focused rare plant surveys have been conducted in the project area. Direct disturbance to and/or removal of special-status plants would be considered a significant impact (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.3-9: If special-status species are found, they should be avoided to the greatest extent practicable. A Rare Plant Mitigation and Monitoring Program should be developed to provide for the long term protection of special-status plants. For state or federally listed plants, where on-site avoidance and preservation is not feasible, off-site mitigation areas supporting the applicable species should be acquired at a minimum ratio of 2:1 (acquired:impacted). The location of the off-site mitigation area(s) shall be determined in cooperation with and subject to the approval of the City, USFWS, CDFG. The East Bay Chapter of CNPS should be consulted regarding appropriate off-site mitigation areas. For other special-status species, suitable habitat on-site shall be preserved and seeded with seed collected from impacted plants.</p>	<p>Project Developers, including qualified project biological consultants and grading and construction contractors</p>	<p>City of Hayward Planning Division, the US Fish and Wildlife Service, the California Department of Fish and Game, and the California Native Plant Society (East Bay Chapter)</p>	<p>The Rare Plant Mitigation and Monitoring Program shall be developed prior to submittal of development applications and prior to issuance of demolition, construction, or grading permits.</p> <p>Off-site mitigation areas, if required, shall be acquired prior to issuance of demolition, construction, or grading permits.</p> <p>Mitigation areas shall be developed and seeded prior to completion of projects and issuance of certificates of occupancy.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.4-1: Archeological and Native American resources. Although no prehistoric or archeologically significant resources have been identified within the project area, construction of new buildings, structures, underground utility lines and similar facilities could result in disturbance to archeological and/or Native American resources (<i>potentially significant and mitigation is required</i>).</p>	<p>Mitigation Measure 4.4-1: All future development projects within the project area shall be evaluated as part of normal CEQA-level review to identify potential impacts to subsurface archeological or Native American artifacts. If an archeological or Native American artifact is identified, work on the project shall cease until a resource protection plan conforming to CEQA Section 15064.5 is prepared by a qualified archeologist and approved by the Hayward Community and Economic Development Director. Project work may be resumed in compliance with such plan. If human remains are encountered, the County Coroner shall be contacted immediately and procedures followed as specified in CEQA Guidelines Section 15064.5 (e).</p>	<p>Project Developers, including qualified project archeologists and grading contractors</p>	<p>City of Hayward Planning Division</p>	<p>Evaluations shall be done for specific projects prior to issuance of grading or construction permits.</p> <p>Mitigations, if required, shall be implemented during projects construction.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.5-1: Seismic fault rupture and fault creep. A major earthquake on the Hayward Fault could result in ground fault rupture within the project area with the potential to damage or destroy existing and future dwelling units, roads, utilities and other structures constructed within the project area. The potential for damage to structures roads and utilities related to fault creep around the Hayward Fault has been determined to be significant in the General Plan EIR on a city-wide basis (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.5-1: Site-specific geologic fault investigations shall be undertaken for all new individual development projects within the State-defined Earthquake Fault Zone. Each investigation shall include a confirmation that new habitable structures would not be placed on or within 50 feet of an active fault trace. Additionally, all new dwellings, roads and utility lines shall be subject to site-specific geotechnical evaluations with a requirement that all future utility lines that cross faults be fitted with shut-off valves and/or other materials and/or devices to accomplish the same objective, as approved by the Hayward Public Works Department. Implementation of these evaluations shall be required to ensure consistency with the Uniform Building Code and all other applicable seismic safety requirements.</p>	<p>Project Developers, including qualified project engineering geologists, geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.5-2: Seismic ground shaking. During a major earthquake along a segment of the Hayward Fault or one of the other nearby faults, moderate to strong ground shaking can be expected to occur within the project area. Strong shaking during an earthquake could result in damage to buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.5-2: Site specific geotechnical investigations shall be required for each building or group of buildings (such as in a subdivision), roads and utility lines constructed in the project plan area. Investigations shall be completed by a geotechnical engineer registered in California. Design and construction of structures shall be in accordance with the recommendations contained in the reports. Generally, such recommendations will address compaction of foundation soils, construction types of foundations and similar items. Implementation of these evaluations shall be required to ensure consistency with the Uniform Building Code and all other applicable seismic safety requirements.</p>	<p>Project Developers, including qualified project geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.5-3: Ground failure and landslides. Damage to structures and other improvements within the project area could occur from landslides and seismically-induced ground failure, resulting in damage to improvements and harm to project area residents and visitors (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.5-3: Site-specific geotechnical investigations required as part of Mitigation Measure 4.5-2 shall also address the potential for landslides, including seismically induced landslides and include specific design and construction recommendations to reduce landslides and other seismic ground failure hazards to less-than-significant levels.</p>	<p>Project Developers, including qualified project geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>
<p>Impact 4.5-4: Grading and topographic changes. Future development of the project area would require grading and re-contouring of existing topographic elevations. Impacts would be greater under Alternatives B, C and D and less under Alternative A and even less under Alternative E (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.5-4: See Mitigation Measure 4.5-2, which requires implementation of recommendations from site specific geotechnical reports for future individual developments within the project area, which will serve to reduce impacts related to grading and topographic changes to less-than-significant levels.</p>	<p>Project Developers, including qualified project engineering geologists, geotechnical engineers and structural engineers, and grading and construction contractors</p>	<p>City of Hayward Planning Division, Building Division and Engineering and Transportation Division</p>	<p>Investigations shall be conducted prior to submittal of development applications and associated recommendations are to be implemented during grading and construction operations</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.6-1: Demolition and hazardous air emissions. Demolition of existing buildings, utility facilities and other older facilities could release hazardous and potentially hazardous material into the atmosphere including asbestos containing materials and lead-based paints, potentially resulting in health hazards to construction employees and local visitors and residents (<i>potentially significant impact and mitigation required</i>). Release of asbestos-containing material from future disturbance of serpentinite rock is also a potentially significant impact (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.6-1a: Prior to commencement of demolition activities within the project area, project developers shall contact the Alameda County Environmental Health Department, Bay Area Air Quality Management District, Department of Toxic Substances Control and the Hazardous Materials Division of the Hayward Fire Department, for required site clearances, necessary permits and facility closure with regard to demolition and removal of hazardous material from the site. All work shall be performed by licensed contractors in accord with state and federal OSHA standards. Worker safety plans shall be included for all demolition plans.</p>	<p>Project Developers, including licensed project contractors</p>	<p>City of Hayward Fire Department – Hazardous Materials Division, Alameda County Environmental Health Department, California Bay Area Air Quality Management District, California Department of Toxic Substances Control</p>	<p>Required site clearances and related permits are to be obtained prior to demolitions and any required measures are to be implemented during demolitions</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
	<p>Mitigation Measure 4.6-1b: Prior to commencement of grading activities within the project area, project developers shall conduct investigations by qualified hazardous material consultants to determine the presence or absence of asbestos containing material in the soil. If such material is identified that meets actionable levels from applicable regulatory agencies, remediation plans shall be prepared to remediate any hazards to acceptable levels, including methods or removal and disposal of hazardous material, worker safety plans and obtaining necessary approvals and clearances from appropriate regulatory agencies, including but not limited to the Hayward Fire Department, Department of Toxic Substances Control and Bay Area Air Quality Management District.</p>	<p>Project Developers, including licensed project grading contractors</p>	<p>City of Hayward Fire Department – Hazardous Materials Division, Alameda County Environmental Health Department, California Bay Area Air Quality Management District, California Department of Toxic Substances Control</p>	<p>Required site clearances and related permits are to be obtained prior to grading and any required measures are to be implemented during grading activities</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.6-2: Lead and unexploded ammunition exposure). Development of residential land uses on the Garin pistol range project could expose future construction workers, residents and visitors to lead deposits and possibly unexploded ammunition <i>(potentially significant impact and mitigation required).</i></p>	<p>Mitigation Measure 4.6-2: Prior to approval of any development on the Garin pistol range property, a detailed analysis shall be conducted by a qualified hazardous materials firm to determine the presence or absence of lead and unexploded ammunition. If any of these substances are encountered, a detailed work program shall be prepared and approved by appropriate regulatory agencies indicating how site soils will be remediated to applicable safety standards.</p>	<p>Project Developers for the Garin pistol range site, including licensed project contractors</p>	<p>City of Hayward Fire Department – Hazardous Materials Division, California Department of Toxic Substances Control</p>	<p>Site analysis to be conducted prior to submittal of development applications for the site and any required measures are to be implemented during demolition</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.7-1: Soil erosion. During construction, short-term increases of soil erosion could result due to exposure to wind and water erosion as the project area is stripped of limited natural vegetation. Impacts would be greater under Alternatives B, C and D and less under Alternatives A and E (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation 4.7-1: Individual project developers within the project area shall prepare an erosion and sedimentation control plan for implementation throughout project construction. The plan should be prepared in accordance with the most current City of Hayward and RWQCB design standards.</p>	<p>Project Developers, including project engineers</p>	<p>City of Hayward Engineering and Transportation Section, Alameda County Flood Control and Water Conservation District</p>	<p>Plans shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.7-3: Stormwater runoff and drainage patterns. Development of the project area without adequate detention facilities would increase the amount of stormwater runoff from the project area and also increase erosion in the downstream earth channels, since existing open spaces would be converted to new dwellings, roads and similar impervious surfaces. Existing drainage patterns could also be changed based on individual site grading operations, with resulting impacts to downstream drainage facilities. Stormwater and drainage impacts would generally be greater under Alternatives B, C and D and less under Alternatives A and E (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.7-3: All new development applications within the project area shall be accompanied by a drainage and hydrology study, prepared by a California-registered civil engineer, and utilizing the Alameda Flood Control and Water Conservation District's latest hydrology and detention pond design criteria. Each report shall document existing drainage quantities and direction, estimated increases in stormwater runoff from the proposed project, and estimated detention/retention facilities to ensure no new increase in runoff. If it is not possible to eliminate all downstream impacts, such reports shall contain an evaluation of project impacts on the hydraulic geometry of the affected stream channel and any mitigation measures that can be implemented to avoid changes to the hydraulic geometry of those stream channels, to be prepared by a fluvial geomorphologist with experience in stream protection/restoration activities.</p>	<p>Project Developers, including project engineers and, if appropriate, fluvial geomorphologists</p>	<p>City of Hayward Engineering and Transportation Section, Alameda County Flood Control and Water Conservation District and, if appropriate, the California Department of Transportation</p>	<p>Studies shall be developed and approved prior to issuance of grading and construction permits and implemented throughout projects construction periods</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
	<p>New development projects will be required to provide on-site detention and/or retention facilities to ensure that no net increase in downstream rate of stormwater flows occurs. Reports shall be approved by the Hayward Public Works Director in consultation with the Alameda Flood Control and Water Conservation District prior to issuance of a grading permit. Reports for projects that could impact downstream state drainage facilities shall be routed to the State Department of Transportation for review.</p>			

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.8-2: Surrounding land use impacts. Potentially significant impacts could result with eventual construction of residential dwellings under Alternatives B, C and D adjacent to Garin Regional Park. Impacts could include the potential for slope failure due to grading within the project area and general residential/open space interface impacts (<i>potentially significant impact and mitigation required</i>).</p>	<p>Mitigation Measure 4.8-2: Future individual development projects under Alternatives B, C and D shall:</p> <ul style="list-style-type: none"> a) Maintain an appropriate buffer between residential dwellings and the westerly boundary of Garin Regional Park to minimize slope failure and provide a land use buffer between these land uses. The location and width of the buffer shall be determined through the City of Hayward development review process. b) Provide suitable fencing along common property lines with the Regional Park with the specific design and location of fencing to be determined through the development review process. 	<p>Developers of projects located along the Garin Regional Park boundary</p>	<p>City of Hayward Planning Division</p>	<p>Establishment and design of buffers to be done during development review and implemented during projects construction</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.9-1: Construction noise impacts. Future residents within the project area and nearby areas, including Garin Regional Park, could be subject to short-term but potentially significant noise due to the construction of new buildings, roadways and associated infrastructure improvements within the project area. Construction noise impacts would be greater for Alternatives B, C and D and less intense for Alternatives A and E, which would allow fewer dwellings and related improvements <i>(potentially significant and mitigation required)</i>.</p>	<p>Mitigation Measure 4.9-1: Construction Noise Management Plans shall be prepared for all development projects within the project area, including public and private areas. Each Plan shall identify measures to be taken to minimize construction noise on surrounding developed properties. Noise Management Plans shall be approved by the City of Hayward Community and Economic Development Director prior to issuance of grading permits and shall contain, at minimum, a listing of hours of construction operations, use of mufflers on construction equipment, limitation on on-site speed limits, identification of haul routes to minimize travel through residential areas and identification of noise monitors. Specific noise management measures shall be included in appropriate contractor specifications.</p>	<p>Project Developers</p>	<p>City of Hayward Planning Division</p>	<p>Noise mitigation plans to be developed and approved prior to issuance of grading permits and implemented during projects construction</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.9-2: Quarry noise impacts. Future dwellings near the La Vista Quarry could be subject to significant noise levels from quarry operations, reclamation activities and/or haul truck traffic. Quarry related noise is planned to cease in 2008 with the closing of the quarry and completion of the reclamation plan (<i>potentially significant and mitigation required</i>).</p>	<p>Mitigation Measure 4.9-2: If the La Vista Quarry operation is in existence at the time of future development near the quarry, site-specific acoustic reports shall be prepared for future residential construction located near the La Vista Quarry, as determined by the City of Hayward. Each report shall include an analysis of potential noise exposure from quarry operations and include specific measures to reduce interior and exterior noise exposure levels to comply with City of Hayward noise standards.</p>	<p>Project Developers, including qualified acoustical consultants</p>	<p>City of Hayward Planning Division and Building Division</p>	<p>Acoustic studies, if required, shall be conducted prior to submittal of development applications.</p> <p>Any recommendations from such reports shall be implemented during construction.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.9-3: Permanent noise impacts. Future permanent noise impacts within the project area would generally be less-than-significant, however, future residential development under Alternatives A-D could generate potentially significant noise levels into Garin Regional Park (<i>potentially significant and mitigation required</i>).</p>	<p>Mitigation Measure 4.9-3: Site-specific acoustic reports shall be prepared for future residential construction located near Garin Regional Park. Each report shall include an analysis of potential noise exposure from residential development and include specific measures to reduce exposure levels within the regional park to City of Hayward noise standards.</p>	<p>Project Developers, including qualified acoustical consultants</p>	<p>City of Hayward Planning Division and Building Division</p>	<p>Acoustic studies shall be conducted prior to submittal of development applications.</p> <p>Any recommendations from such reports shall be implemented during construction.</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.11-1: Mission Boulevard/Tennyson Road intersection. It is assumed that any future development project located to the west of Mission Boulevard in the vicinity of Tennyson Road will require an extension of Tennyson Road to the west of Mission Boulevard, regardless of the network scenario implemented (No 238 Improvements, SR 238 Alternative, SR 238 Bypass). Also, additional improvements to the intersection would be required (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.11-1: In order to provide access to any future development west of Mission Boulevard in the vicinity of Tennyson Road, construction of a new roadway west of Mission Boulevard that extends Tennyson Road that will provide one westbound right turn lane, one through lane, and one left turn lane will be required. The eastbound approach of Tennyson Road will be modified to add one shared through-right lane. The northbound approach of Mission Boulevard will be modified to add a shared through-right lane. Finally, the Mission Boulevard southbound approach will be modified to add one left turn lane and to convert one existing through lane into a shared through-right lane (see Figure 4.11.2). All improvements can be constructed within the existing right-of-way.</p>	<p>Project Developers, including project engineers and construction and grading contractors</p>	<p>City of Hayward Engineering and Transportation Division, California Department of Transportation</p>	<p>During project construction and prior to project finalization</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.11-2: Mission Boulevard/Calhoun-Jefferson Street intersection. In the AM peak, No SR 238 Improvements Scenario, Alternative C, the Mission-Calhoun-Jefferson intersection would operate at LOS F in the AM peak, which is the peak hour of utilization by the schools. The intersection operates at LOS E in the PM peak in the same development alternative and network scenario <i>(potentially significant impact and mitigation is required)</i>.</p>	<p>Mitigation Measure 4.11-2: By restriping the westbound approach to provide separate left and right turn lanes (which will require removal of on-street parking and some minor street widening), the LOS in the AM peak would improve to E in the No 238 Improvements Scenario and in all likelihood, to LOS D in the PM peak (given that the highest period of congestion is the AM peak).</p>	<p>Project Developers, including project engineers and construction and grading contractors</p>	<p>City of Hayward Engineering and Transportation Division, California Department of Transportation</p>	<p>During project construction and prior to project finalization</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.11-3: Regional Traffic Growth and Roadway Congestion. Although the proposed project would result in development that would be no more intensive than that envisioned in the General Plan, traffic in the City is expected to increase as a result of continued development. As reflected in Table 6.6 of the General Plan Update EIR, some intersections within the City are expected to have levels of service of E or F in the year 2025. The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30% of the peak hour trips on some major arterials within the City and that “the City’s ability to mitigate this traffic through land use planning is limited.” The General Plan Update EIR concluded that “it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable.” A statement of</p>	<p>No mitigation measures available – See statement of overriding considerations.</p>			

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.13-1: Local and community park and recreation facilities. Approval and implementation of the proposed project would increase the demand for local and community park and recreation facilities within the Mission-Garin area. Park requirements under Alternatives B, C and D would be greater than under Alternatives A and E. Since no park areas are presently planned within the project area, and the project area has been identified as underserved by local parks in the HARD Master Plan, this would be a significant impact (<i>significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.13-1: Developers of future residential projects within the project area shall provide fully improved park(s), acceptable to HARD, commensurate with the level of development, or contribute in other ways, as deemed acceptable by HARD and the City, to the construction of related facilities.</p>	<p>Project Developers</p>	<p>City of Hayward Planning Division, Hayward Area Recreation and Park District</p>	<p>During project construction and prior to project finalization</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.13-2: Garin Regional Park access. Construction of future residential development within the northern project area along Calhoun Street could restrict future access to Garin Regional Park through loss of the existing access route to the Park at the terminus of Calhoun Street (<i>significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.13-2: Developers of future residential projects within the project area shall ensure existing access into Garin Regional Park for EBRPD staff. Such access assurance shall be approved by the East Bay Regional Park District staff and City of Hayward Community and Economic Development Director prior to the approval of any subdivision maps with such assurance of access to be recorded to ensure permanent access is maintained.</p>	<p>Project Developers</p>	<p>City of Hayward Planning Division, East Bay Regional Park District</p>	<p>Prior to the approval of any subdivision maps with such assurance of access to be recorded prior to project finalization</p>

Environmental Impact	Mitigation Measure	Implementing Responsibility	Monitoring Responsibility	Timing
<p>Impact 4.13-4: Local schools. Implementation of the proposed project would generate an estimated range of 30 to 320 elementary school students, 7 to 72 middle school students and 16 to 168 high school students at project buildout under the various land use alternatives. Significant impacts would occur at the K-6 level, with a maximum estimated capacity deficiency of 357 students under Alternative C. These calculations assume no use of portable classrooms since portables are not considered permanent solutions and may result in overuse of non-classroom facilities, such as school libraries, food serves and similar facilities (<i>potentially significant impact and mitigation is required</i>).</p>	<p>Mitigation Measure 4.13-4: Prior to approvals of land use entitlements for individual development projects under Alternatives B, C or D (or some other land use alternative that would result in similar student yields), project developers shall assure the construction of a new elementary school to the standards of the Hayward Unified School District. Construction of a school under these alternatives shall be in lieu of payment of school impact fees. Mitigation for school impacts under Alternatives A, E or some other alternative that is ultimately approved that would result in similar student yields shall include only payment of school impact fees.</p>	<p>Project Developers</p>	<p>City of Hayward Planning Division, Hayward Unified School District</p>	<p>For school impact fees, payment shall occur prior to project finalization and issuance of certificates of occupancy.</p> <p>For a new school, construction is to be completed prior to project finalization and issuance of certificates of occupancy.</p>

**CITY OF HAYWARD
PROPOSED MISSION-GARIN ANNEXATION**

PLAN FOR PROVIDING MUNICIPAL SERVICES

The City of Hayward has undertaken a comprehensive study of an area comprising approximately 426 acres located generally between Mission Boulevard and Garin Regional Park (see Attachment G-1). Information and analysis from that study will lead to amendments to the City's General Plan and Zoning Ordinance, as well as rezoning actions for the 244 acres within the study area that are unincorporated. An environmental impact report has been prepared in relation to such actions.

The City will be submitting an application to the Alameda Local Agency Formation Commission to annex the unincorporated areas within the study area. As shown in Attachment G-1, the 23 parcels proposed for annexation encompass two areas that are completely surrounded by the City of Hayward and Garin Regional Park and are located within Hayward's Sphere of Influence. The larger approximately 220-acre area is generally bounded by Garin Regional Park to the east, an easterly projection of Woodland Avenue to the south, State-owned lands and Bodega Street to the west and a property along and just north of Calhoun Creek to the north. The smaller approximately 24-acre area is located north of the larger area, north of the upper section of Calhoun Street.

Land Use and Zoning

County development policies for the proposed annexation area are contained in the General Plan for the Central Metropolitan, Eden and Washington Planning Units, adopted by the Board of Supervisors in 1981. City General Plan Land Use designations for the annexation area are shown in Attachment G-2.

Existing county zoning for all the properties within the proposed annexation area is Agricultural (100-acre minimum). The City rezoning designations for the annexation area are shown in Attachment G-3. The rezoning was based on General Plan land use designations, which were established from information and analyses contained in an extensive study conducted by the City that included properties within the proposed annexation area. An environmental impact report was prepared for the amendments to the City of Hayward General Plan and Zoning Ordinance, as well as for the rezoning action. The environmental impact report is to serve as the environmental document for the annexation action.

Existing and Potential Development

As reflected in Attachment G-4, existing development within the annexation area consists of:

- Six single-family dwellings on six properties along Bodega Street,
- An active quarry (La Vista Quarry) and asphalt batch plant operation in the central part of the annexation area,

- Two single-family residential developments on two separate properties just north of the La Vista Quarry site, and
- Three single-family units on four properties in the most northerly portion of the proposed annexation area.

The remainder of the annexation area is undeveloped, though the southeasterly portion was a former quarry site that ceased operation many years ago. The current estimated population within the proposed annexation area is approximately 40. According to the Alameda County Registrar's Office, as of October 2002, there were 19 registered voters within the proposed annexation area.

In December 2001/January 2002, the City received development applications for 138 detached single-family units in the southern part of the annexation area. Those applications are on hold pending the outcome of the proposed annexation. Representatives for other properties have also indicated interest in pursuing for residential development. Based on general plan and zoning designations, most residential development would be allowed in the southern and western portions of the annexation area. Limited residential development (agricultural zoning – 10 acre lots minimum) would occur elsewhere as the balance of the area is designated limited open space. Applying the rezoning designations to the annexation area, it is anticipated that construction of 186 detached single-family units could be built in the future. Applying the 2002 California Department of Finance's vacancy rate of 2.43% for Hayward and the 2000 Census' average household size of 3.08 persons per household for Hayward, anticipated population associated with such development is projected to be 559 persons.

Existing Municipal Services and Proposed Changes

The proposed annexation area is currently not served with most basic urban services, including water and sewage disposal. Consequently, via annexation, those municipal services that are currently not available would be provided by the City. Additionally, existing development within the annexation area would have the opportunity to connect to such services. A summary of existing and proposed service providers is included as the last page of this document. Summary descriptions of the municipal services currently provided and any proposed changes in service are outlined in the following paragraphs.

Police Services

For the proposed annexation area, law enforcement services fall under the responsibility of the Alameda County Sheriff's office, with the nearest facility being the Eden Township substation, located at 15001 Foothill Boulevard in San Leandro. The Sheriff's office is the first responder for emergency calls for service and also provides patrol, investigation, crime prevention and community oriented policing and problem solving (COPPS) services for residents of the unincorporated portion of Alameda County. The Sheriff's Office does not provide traffic services.

The Hayward Police Department also provides police protection services within the proposed annexation area, primarily related to emergency response situations.

If annexation were to occur, all police services would be provided by Hayward. It is estimated that residential development in the annexation area would generate an annual average of approximately .67 calls for service per residential unit. Based on the Hayward Police Department expenditures budget, the average annual cost per call for service is approximately \$179. Therefore, the estimated total annual cost related to providing police service to the annexation area is \$33,294.

Fire Protection Services

Fire protection services for the proposed annexation area, including fire code inspection and complaint response services, are provided by the Alameda County Fire Department, headquartered in San Leandro. The two County fire stations closest to the annexation area are County Fire Stations #2 and #4. County Fire Station #2 is located approximately 5½ miles from the southern part of the annexation area at 109 Grove Way in the unincorporated area of the County just north of the Hayward city limits off Meekland Avenue. That station houses one engine company and one reserve engine and services the southernmost parts of San Lorenzo and parts of the unincorporated areas of Hayward. County Fire Station #4, located at 20336 San Miguel Avenue in Castro Valley just over 6 miles from the annexation area, houses one engine company and one truck company, a reserve engine, an air-light unit, and a 2,500 gallon water tender.

The Hayward Fire Department provides fire suppression, emergency medical, fire prevention, hazardous materials response and related services to the proposed annexation area through a mutual aid agreement. The Department has two fire stations in the general area of the annexation area. Fire Station #7, which has one fire engine, one truck and six firefighters, is located approximately 1.7 miles to the west of the annexation area near the intersection of Tennyson Road and Huntwood Avenue (28270 Huntwood Avenue). Fire Station #3, located at 31982 Medinah Street at the northwest corner of Mission Boulevard and Medinah Street, is about 1.4 miles to the south of the annexation area. It houses a type I fire engine (full sized pumper), and a type IV "patrol" unit (a pickup truck with a small water tank and a pump). According to representatives of both fire agencies, Hayward Fire Department engine companies are the first responders to fire and emergency medical calls for service in the proposed annexation area, due to the closer proximity of Hayward fire facilities to the annexation area.

The proposed annexation would allow full service of the annexation area by the Hayward Fire Department. Based on information provided by the Hayward Fire Department, approximately .09 calls for service per resident is expected to occur. Assuming a population of 559 residents, the resulting increase associated with properties within the annexation area would be 50 annual calls for service, with the average annual cost per call for service estimated at \$1,283. Therefore, the estimated annual cost associated with Fire Department calls for service for properties within the annexation area is anticipated to be \$64,150.

Water Supply and Delivery

The proposed annexation area is not serviced at this time by any agency, and existing development utilizes private wells. Some properties in the northern annexation area also supplement their water supply by pumping water from Zeile Creek.

If the proposed annexation is approved, all properties would be served by the City, though existing development would not be required to connect to City systems unless new development is proposed to replace existing development or health issues related to water service existed. The City provides water service to residential, commercial and industrial users within most of the incorporated area of the City. The City owns and operates a water distribution system, including transmission lines, pump stations and water turnouts. Water is purchased on a wholesale basis from the San Francisco Public Utilities Commission. Water is delivered to the City via two aqueducts that have a maximum capacity of 32 million gallons per day. By contract, Hayward can purchase an unlimited supply of water, within the ability of San Francisco Public Utilities Commission to deliver water supplies. In calendar year 2002, the average daily demand was 17.4 million gallons per day.

In terms of long-term supply of water, the City of Hayward has adequate long-term water supplies to accommodate the proposed amount of residential development envisioned in the annexation area both in terms of domestic water supply and fire suppression, including that envisioned in the City's General Plan that was adopted in March of 2002. Average daily water demand per dwelling unit is projected to be about 500 gallons per day for properties less than one acre in size and approximately 650 gallons per day for properties one acre in size and greater.

In terms of water distribution systems, there is currently one service zone in the general vicinity of the annexation area, located directly south and adjacent to the southern portion of the proposed annexation area. Other developed properties in the annexation area are currently served by private systems. This zone, referred herein as the "Garin" zone, generally includes those planned service areas that are associated with Local Improvement District #16 (LID #16). It contains a water system that consists of one water reservoir with a storage capacity of 1.25 million gallons, one pump station with two pumps each with a capacity of 300 gallons per minute (gpm), and a single water supply line. The boundary of the benefit district associated with LID #16 would be expanded to encompass the southern portions of the annexation area. New development within the expanded service area would require, prior to development, construction of a second water reservoir with storage capacity of .75 million gallons, additional pumps and, of course, supply lines leading to new development. The anticipated cost for such improvements, excluding facilities within individual developments, is \$1.1 million, which would be borne by the beneficiaries of such improvements.

New development in the other portions of the annexation area would require construction of new private systems serving individual lots that would meet City water and fire standards. The cost for installing and constructing new facilities and improvements would be borne by the

beneficiaries of such system. Maintenance and operation of a public system would be provided by the City, funded through normal use charges paid by residents. Maintenance and operation of private systems would be provided by individual property owners.

Sewage Collection and Treatment

Properties within the proposed annexation area are not served by an agency and utilize private septic systems for sewage disposal and treatment. Such systems are privately owned and maintained by individual property owners.

If annexation is approved, new development within the annexation area would be required to be connected to Hayward's sewer system. Also, existing development would be required to connect if it were located within 100 feet of new City facilities. The City maintains a number of underground sewer lines adjacent to the annexation area. Sewage is collected and transported via a number of major trunk sewers to the City's wastewater treatment plant located at the terminus of Enterprise Drive in western Hayward. The plant currently treats an estimated 13.3 million gallons of sewage per day (mgd) and has a rated capacity of 16.5 mgd. Treated effluent from the plant is disposed of through East Bay Dischargers Authority facilities within San Francisco Bay.

Wastewater flow is estimated to be approximately 230 gallons per day per residential dwelling unit, which would result in an estimated total of 42,780 gallons per day for new development within the proposed annexation area. Future development of residential units within the annexation area, including that anticipated by the City's General Plan, could be accommodated within the City's wastewater treatment and disposal system. However, an existing sewer interceptor line along Tennyson Road is required to be improved. Development within the annexation area would be expected to contribute a fair-share portion to the total cost for the interceptor line improvement. The costs associated with installing/extending new sewer lines to both new and existing developments would be borne by those benefiting from such service. The cost for maintaining and operating sewage facilities would be paid for by residents via normal use charges.

Solid Waste Disposal and Recycling

The proposed annexation area is currently served by Waste Management of Alameda County, Inc. (WMAC), although such service is not provided via a contract with the County, but rather on an individual basis with property owners.

WMAC has a franchise agreement with the City to provide solid waste and recycling collection services to residences within Hayward. Annexation would result in such services being provided for properties within the annexation area by WMAC via the franchise agreement with Hayward. WMAC has sufficient disposal capacity at its landfill to accommodate the waste that would require disposal, as well as the ability to collect and process the additional recyclables.

New Street Construction

All existing roadways within the proposed annexation area are private roadways that lack curbs, gutters and sidewalks. Calhoun Street, which connects to Mission Boulevard (SR 238) to the west, serves the most northerly properties in the annexation area. The upper portion of Calhoun Street above the property identified as the pistol range site is private. Another private roadway, Quarry Road, is located just south of Tennyson Road and connects to Mission Boulevard. It currently serves the middle portion of the proposed annexation area, which includes the La Vista Quarry property. The southern portion of the annexation area is served by a third private roadway, Bodega Street, which connects with Woodland Avenue, then Vanderbilt Street, and then Alquire Parkway. Alquire Parkway connects directly with Mission Boulevard. Attachment G-4 shows the general location of existing roadways that serve the annexation area.

Future development of properties in the annexation area will require construction of new roadways and related improvements that meet City standards. Attachment G-4 also shows the anticipated new public roadways, which consist of an easterly extension of Tennyson Road from Mission Boulevard and an easterly extension of Alquire Parkway from its current terminus.

The projected costs for construction of these roadways and improvements, including those associated with construction of local roadways within individual developments, are to be borne by new development. Also, these roadway extensions may require crossing private and state-owned properties.

Street Maintenance

Mission Boulevard (State Route 238) is maintained by Caltrans. If annexation is approved, maintenance for all other public streets and associated traffic operations and street lighting within the annexation area would be provided by the City.

Assessment Districts

Maintenance for landscaping and related improvements associated with new development within the annexation area is anticipated to be funded through special assessments or homeowners association fees imposed on new residents.

Transit

The proposed annexation area is within the Alameda-Contra Costa Transit District service area and is also serviced by the Bay Area Rapid Transit District. No changes in existing service are anticipated as a direct result of this annexation at this time, though extension of some AC Transit bus routes to serve new development areas may occur in the future.

Storm Drainage

The proposed annexation area is located in the western most portion of the Hayward Hills, which is presently primarily undeveloped. Stormwater runoff flows downhill through natural open channels to lower topographic elevations where it is collected in the local City system and transported via a regional drainage system maintained by the Alameda County Flood Control and Water Conservation District (ACFCWCD) for ultimate discharge into San Francisco Bay.

As shown in Attachment G-4, three seasonal drainage courses exist within or adjacent to the annexation area. Zeile Creek is one major drainage course located adjacent and to the east of the northerly portion of the annexation area. It accommodates water runoff from the most northerly properties in the annexation area. Water is transported to ACFCWCD Line B via Line C just west of Mission Boulevard. Other unnamed defined drainage channels are located to the south and west of the proposed annexation area.

Another drainage course, known locally as Calhoun Creek, is located south of Calhoun Street in the central-northerly portion of the proposed annexation area. Water from this creek flows into dual concrete pipes at the southeasterly intersection of Calhoun Street and East 16th Street, then into ACFCWCD Line D, paralleling Industrial Parkway, and then into Line A (Alameda Creek).

A third, smaller drainage course is located in the southerly section of the annexation area. This drainage course also eventually flows through existing underground pipe systems to ACFCWCD Line D, and then into Line A (Alameda Creek).

New developments will be required to provide on-site improvements to ensure no increase in flows from the project area would occur, with the costs of installation and construction to be paid for by new developments. The costs for operation and maintenance of on-site drainage facilities would be borne by individual developments, while the maintenance and operation costs associated with off-site facilities would be expected to be paid for by taxes associated with ACFCWCD operations.

Stormwater Quality Programs

Both the County and City have water quality programs and requirements, related to the NPDES permit issued for agencies in Alameda County. Fees assessed on a parcel-specific basis fund such programs. Residential parcels would require additional service to respond to spill reports and illicit discharge surveys; however, these responses would represent marginal increases to the overall inspection and survey efforts.

Flood Control

The annexation area is within Zone 3A of the Alameda County Flood Control and Water Conservation District. There would be no changes in service due to annexation.

Parks and Recreation

The annexation area and all of the City of Hayward are within the Hayward Area Recreation and Park District service area.

Library Services

The two Alameda County branch libraries that are closest to the proposed annexation area are the Castro Valley Branch Library, located at 20055 Redwood Road, and the San Lorenzo Branch Library, located at 395 Paseo Grande. The Castro Valley and San Lorenzo branches are open 43 hours per week and are closed on Fridays.

Two City library facilities are closer to the annexation area than are any of the County library branches. The Hayward Main Library is located in the downtown area on Mission Boulevard at C Street. The Weekes Library, which is the closest public library facility to the annexation area, is located at 27300 Patrick Avenue. Both branches are open 56 hours per week and are closed on Sundays and holidays. During the 2001-2002 fiscal year, the two branches had over 100,000 borrowers, approximately 500,000 customer visits and a circulation of over 500,000 items. The City library currently receives subventions based on the number of transactions by non-residents. The impact on library operations due to annexation would be expected to be minimal.

Public Schools

All of the proposed annexation area is within the Hayward Unified School District. Students from residences in the annexation area would attend Treeview/Bidwell Elementary School, Chavez Middle School and Tennyson High School.

Electricity/Cable

Pacific Gas and Electric Company currently provides electricity service to the unincorporated areas and would do so after annexation. ComCast is the cable service provider for this area, which would not be impacted as a result of annexation.

**PROPOSED MISSION-GARIN ANNEXATION
SUMMARY OF MUNICIPAL SERVICE PROVIDERS**

SERVICES	EXISTING AGENCY	PROPOSED AGENCY
Police	Alameda County Sheriff	City of Hayward
Fire	Alameda County Fire Department	City of Hayward
Water	None (private individual wells)	City of Hayward
Sewer	None (private septic systems)	City of Hayward
Solid Waste Collection	None (private arrangements with Waste Management, Inc. or other collection company)	Waste Management, Inc. (via franchise agreement with City of Hayward)
Recycling Services	None (private arrangements with Waste Management, Inc. or other collection company)	Waste Management, Inc. (via franchise agreement with City of Hayward)
Street Lighting	Alameda County	City of Hayward
Street Maintenance	Alameda County	City of Hayward
Transit	Bay Area Rapid Transit District; Alameda-Contra Costa Transit District	Bay Area Rapid Transit District; Alameda-Contra Costa Transit District
Flood Control	Alameda County Flood Control And Water Conservation District	Alameda County Flood Control And Water Conservation District
Parks and Recreation	Hayward Area Recreation and Park District	Hayward Area Recreation and Park District
Library	Alameda County Library System	City of Hayward
Schools	Hayward Unified School District	Hayward Unified School District
Electricity	Pacific Gas & Electric Company	Pacific Gas & Electric Company
Telephone	SBC and/or other telephone companies	SBC and/or other telephone companies
Cable Television	Alameda County (ComCast)	City of Hayward (ComCast)
General Governmental Services and Other Support Services	Alameda County	City of Hayward

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**



MEETING

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

ROLL CALL

Present: COMMISSIONERS Zermeño, McKillop, Sacks, Caveglia, Halliday, Thnay
CHAIRPERSON Bogue
Absent: COMMISSIONER None

Staff Members Present: Anderly, Bauman, Calame, Camire, Conneely, Ehrental, Looney, Patenaude, Rizk

General Public Present: Approximately 50

PUBLIC COMMENT

Evelyn Cormier invited everyone to the League of Women's Voter's meeting this next weekend.

AGENDA

1. **Mission-Garin Annexation Study: Final Environmental Impact Report - General Plan Amendment PL-2003-0356 – Zone Change PL-2003-0357 and Text Amendment PL-2003-0358**
2. **Variance Application No. PL-2003-0219 - Roberto Lomeli (Applicant/Owner) – To Retain Two Carports that Exceed 50 Percent of The House Area and Are Located within The Required Front and Side Yard - The Property is Located at 956 Folsom Avenue**
3. **Use Permit No. PL-2002-0577 – Jack-in-the-Box (Anthony Poligono Operator/Applicant) – Foodmaker Inc. (Owner) – Request to Amend Use Permit 80-109 to Expand Hours of Drive-Through to 24 Hours Daily – The Property is Located at 1075 Tennyson Road Approximately 150 Feet East of Tampa Avenue**

PUBLIC HEARINGS

1. **Mission-Garin Annexation Study: Final Environmental Impact Report - General Plan Amendment PL-2003-0356 – Zone Change PL-2003-0357 and Text Amendment PL-2003-0358**

Senior Planner Calame described the study area and gave a background summary of the history of the analysis. Staff requested that the Planning Commission recommend to the City Council the FEIR, the General Plan Amendments, the Zone Changes and the Text Amendment to establish

the Special Design District for the Mission-Garin Area. He then explained staff recommendations zoning in the various areas and explained the text of the Special Design District, an overlay plan amendments and district. He referenced Attachment C the Mission-Garin Area Special Design District, noting that staff is recommending adding a further sentence to Item 12 to read, "A lesser amount may be considered based upon topographic conditions." He then described the staff recommendation and explained the reasoning behind their choices for development areas and the recommended land use pattern. He suggested development could be clustered in various areas to mitigate the potential impact of the development. He reviewed written correspondence received prior to the hearing. He clarified that the proposed 10-acre zoning would have no effect on rebuilding substandard parcels since they are considered a conforming lot size according to the City Zoning Ordinance. He was available for questions. There were none.

The public hearing was opened at 7:56 p.m.

Al Mendall thanked staff for the process and the input of the community. He described this as the last large undeveloped piece of land in the City of Hayward, which was based on the fact that all the other land has been developed. He was with the group who proposed recommending to the City Council, Alternative "E". He explained the reasons they made this choice adding, once you develop it, you are stuck with it.

Scott Raty, on behalf of the Chamber of Commerce, asked for consideration of 600-800 units in the area. He commented that construction is ideally suited for this area. He emphasized the long-term goals for owner occupied units of the City of Hayward. The number of units is important for rehabilitation of the school in the area. The park in-lieu fee will be a great benefit to HARD with the increased numbers of units. Inclusionary housing is another factor to meet the goal. His recommendation was to increase approving the number of units to more than 600 and add more above the 200-foot level. He said he was looking for consistency in the goals for the City of Hayward. He added there would be minimum traffic problems with great fiscal benefits to the City.

Commissioner Halliday asked about the quarry as an eyesore and how putting housing in this location would improve the outlook in this area.

Mr. Raty said they looked at the substantial benefits of allowing the development community to do things like trails, etc. He added that Hayward Area Recreation and Park District needs the money to operate, noting this is a great opportunity.

Frank Berlogar spoke on behalf of a number of properties. He noted that they are all buildable. The earthquake study zone is generally one-mile on each side of the fault line. It is now a narrow strip. He proposed a study in that zone, relative to safety outside the earthquake zone. He suggested that with further development they could upgrade the study area with water improvements including another tank.

Mimi Bauer thanked staff for including the neighborhood in discussions of the areas to be involved. She said the task is to decide what is best for the citizens of Hayward as well as what is best for everyone. She noted that the view shed and fault line information had been discussed.

REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD

Council Chambers

Thursday, June 26 2003, 7:30 P.M.

777 "B" Street, Hayward, CA 94541

She said a survey from Fairview Park Neighborhoods Association concluded that residents want Alternative "A" or "E"; why set yourself up for more possible troubles. She then described the City of Hayward becoming like East Palo Alto, taking open space by building mansions.

Commissioner Halliday asked her about both Alternative "E" and staff recommendations.

Ms. Bauer responded that the recommendation is fine except for the area above the fault line. She said residents asked for no building of houses on the other side of the fault and in the view shed.

Milton Murray asked to concede his time to Jack Smith.

Jack Smith agreed with complimenting staff. He said they took the time to include the people in the areas within the process. He said he would agree with the staff recommendation. However, it does not go far enough. He said he spoke as the attorney for the Garin and Warren families. Garin Park is an amazing thing and has already been expanded. It is now the largest park in Hayward, Union City or Fremont. He said you start with this large open space area guaranteed to be in the public domain for generations. He then described the Garin and Warren families, which are basically the same family. He recommended approval of 320 units in the bowl of the La Vista quarry. Although there will be rehabilitation of the area, the area below that is suitable for development. In front could be a park open to the public. He said this would retain the open space as well as build a good project. He reminded members that this meeting was merely to set goals since any project in the area would require substantial study.

Commissioner Halliday asked about development of the quarry bowl and whether it could be less dense than 3.5 units per acre.

Mr. Smith responded that there could be an appropriate way of doing it with no more than 304 units.

Commissioner Zermeño asked about building units on the Quarry, what safe parts would there be. He also asked about safeguards against slides.

Mr. Smith said there have been minor slides but these have been repaired. He emphasized that Alameda County has the best rules for quarries in the State. The City of Hayward would have to craft stringent rules for this development, completion and rehabilitation.

Guy Warren emphasized that the hill area needs a lot of improvement just to update it. All of which will be expensive to do. He named a number of projects such as the Alquire extension, Tennyson extension, and Calhoun Street. A lot of money needs to be spent to bring them up to date. The development below the 200-foot level won't pay for it. The Warren family has an old pistol range of 15 acres, about 4 of which are level. Staff's recommendation is for one house on the property, which is not really fair. He added that the more development in the area, the more improvements could be made.

Richard Ersted referred to his letter of June 24th. He noted that under the Special Design District when a project comes in with more than the allowed units, the excess units would come out of the total number of units. As a result he suggested increasing the number of dwelling units for the area in that event.

Commissioner Halliday asked staff to comment on the intent of the original sentence.

Senior Planner Calame said any further development plan for the area would need a General Plan amendment for any changes of allocation of numbers of Dwelling units in the General Plan. He also noted the length of the process.

Commissioner Halliday asked whether this would allow developers to pool the number of units.

Senior Planner Calame said it would be possible if they got together and proposed the shift.

Dr. Joseph Connell, Chair of Redevelopment Committee, commented about the Neighborhood Plan adopted by the City Council. He encouraged more housing in the Mission-Garin study area. He said most would agree with the need for more upscale and affordable housing, beyond what staff is recommending. More housing is vital to the community.

Dean Nielsen emphasized the need for consistency in the land use and growth of the City. There is an inconsistency in the staff treatment. This plan is not fair for the property owners on the east side of the fault. He said staff is carving out an area in the west and depriving people in the east and the north of those same rights.

Ed Mullins said he lives in the Mission-Garin area. He listened to alternatives, and favors more housing than staff recommends. He emphasized the need for more housing in the area. Alameda County predicts a shortfall of needed housing within the next 10 years. Hayward is already in the forefront of housing affordability.

Joe Callahan said he was speaking for the Garin property. He noted that in planning for the EIR, staff produced a document, which looked at the impacts in the area of traffic, and schools and was able to conclude that most impacts of development in the area could be mitigated. He then described the area between Calhoun and Alquire, as having been developed helter/skelter. He discussed the quarry development as well as the number of developments that could open up the area. He noted that the Garin-McKenzie property is an extensive part of the Alquire area, which would be a beneficial addition to the area's expansion and upgrading for existing infrastructure. He emphasized the opportunity for creating significant housing throughout the area.

Chairperson Bogue asked about the EVA as a potential trail.

Mr. Callahan agreed that it was and pointed out the trails on his plan map.

Commissioner Halliday noted that the staff recommendation recommends development of that part of the area.



Jay Egy spoke for the DaSilva group and asked to increase the development in the LaVista quarry to include the 321-unit townhouse project. Since the total area is 148 acres, this is only 15 percent of the total area. He said they looked at the half-mile measurement to BART to check whether it would be in the transit sphere, and were developing it as a transit community. He showed the view perspective. He then showed artist renderings of what they would look for in the project. He noted that they have worked with staff throughout the process.

Commissioner Thnay asked about the seismic engineers comments about design and asked about redundancies.

Mr. Egy said they looked at the impact on roadway and utilities. As a result they have proposed an extra wide shoulder at the side, so that were it to shift, the roadway would still be usable. As to the utilities, there will be further pipe design considerations. They would also plan to install a fire hydrant on either side of the fault for continuing the water system. He explained a number of possible plans and designs available.

Commissioner Halliday asked about the consideration of the need for water, and whether this plan is contingent on the development of the pistol range.

Mr. Egy responded that they would develop the Calhoun water system. With the LaVista Quarry development, they would install a water system in the initial phase similar to the present Garin system. He emphasized that the Quarry development would be able to support the Calhoun tank.

Peter Ruggeri described the development of the properties in the area and explained that this would extend the Alquire property toward the quarry property. The EVAs would provide access to present properties in the area. The improvements to the Bodega Street area of streets, water and sewer capabilities was also discussed. He said he showed their proposals to the Bodega/Alquire area neighborhoods as well as their provisions for utilities.

Samuel Tavake said he is the owner of property next to the quarry. He said their property is now in the County and he wanted assurance that the annexation will not make him lose the ability to keep animals on his property.

Commissioner McKillop asked how the existing properties are treated when annexed into the City of Hayward.

Senior Planner Calame said he could not give a complete response tonight. City staff is aware of the County proceedings regarding land uses on this property and he did not want to hazard a guess about what might be legal and how it would be viewed by the City of Hayward.

Commissioner McKillop suggested that generally, a property would be grandfathered in for those conditions.

Planning Director Anderly noted that any legal use in the County would be accepted legally within the City unless the use has ceased for 6 months.

Evelyn Cormier, representing the Hayward Area Planning Association (HAPA), thanked staff for their hard work during the process. She noted the number of issues, which had also been commented on by others. She said the State Fish and Game wanted larger setbacks from creeks beds to 100-feet. The Regional Air Quality Control Board had concerns that the DEIR does not take into consideration a stronger preference for smart growth. She added that Alternative E would protect the view shed and include smart growth infill. HAPA recognizes this as the best opportunity for City and residents of Hayward.

Thomas Tomanek described the piece of property he owns which he bought 24 years ago. He described the amount of work he has put into it and the cost to him. He commented on other projects he had proposed that did not go because of the lack of water in the area. He asked for consideration of upgrading the increase of the number of units allowed in the area.

Commissioner Halliday asked about his property, which looks as though it has agricultural zoning and what the reasoning would be.

Senior Planner Calame explained that the property was above the 200-foot elevation.

Bob Johnson emphasized no building along the fault line.

Jim Moita said he was speaking for his mother who was a Bodega Street property owner, asked staff the density on the former Mancotte property. He also said they would like parity with that density. Presently, the single-family homes are occupied by relatives. He added that this area was developed first because it is the last flat property up there.

Senior Planner Calame said currently for almost all this property, the zoning is agriculture. He said this property was originally to be used for Phase II of the Clarendon Hills project. The reasons for the division were insufficient water and utilities services in the area. There were a combination of water and earthquake regulations and, perhaps, personal financial reasons why it did not go forward. Since the Planned Development permit expired, the zoning reverted to agriculture. He added that as a Planned development, the density was projected for around 30 units per acre, which would be in the high-density range.

Mr. Moita asked that the density on the flat parcels be equal to that of those in the hill areas. He then asked for consideration of higher density for this parcel.

Kindra Mendall thanked staff and commissioners for their time and effort. She asked for preservation of the hillside and open space. Fremont and UC have supported open space. This is just being consistent. She asked, just because you can build, should you. She commented that the vision for the City of Hayward in the General Plan was updated, emphasizing smart growth and preservation of open space. She explained that Alternative "E" was consistent with the new vision.

Dominick Cuevas explained that he owns acreage in the Mission/Garin area. He said he has a



horse ranch up there of 15-acres, which is land between the gun range and quarry. He noted now it is an eyesore. As to the earthquake fault, why worry about it. Now that there is more engineering in dealing with the results of earthquakes, they are willing to advance their land. He said this is the chance to plan the future.

Linda Cuevas said she was opposed to the Limited Open Space designation. Their property is within the Hayward BART station sphere, and only three minutes from Mission Boulevard, making them just part of the Garin Park. She emphasized that the fault-line runs all through the area, and there are engineers who know how to build smart. Although there is no guarantee, she emphasized that this City Hall is a result of that. She added, look at the hills there are houses there.

Patrick Sullivan said there is always an inherent danger in building on the hillside.

Jack Golden said he was curious about whether any of the commissioners had been on Bodega Street. He said his main concern was lack of communication with neighbors up there. Although he did admit the City Manager had come to talk with them, these are the people who will be directly impacted by this. He emphasized that there was no communication between what the people here are doing, and the people who are being impacted which are the residents on Bodega. Since the personal meeting with City Manager Armas, there has been no communication. He said there is a serious problem with lack of communication. Any development on Alquire is going to take out a house.

Commissioner McKillop asked Mr. Golden whether he had contacted any of the Planning Commissioners. She then asked him what it was he wanted.

Mr. Golden stressed more communications.

Commissioner Caveglia asked him about his choice of the alternatives.

Mr. Golden said, medium density.

Commissioner Halliday said the Commission was available to be talked to. She noted that she had been on Bodega Street, which is a difficult road. She asked whether he is supporting development in return for services.

Mr. Golden said it is a nice area for the personal convenience of residents. They are still able to have chickens and birds. He said he did not support any further development.

Commissioner Halliday explained that the meeting was not to decide on any specific development proposal for the area, but rather to create a plan for the district.

Commissioner Sacks emphasized that members were there to listen to everyone. She added that

most members are reachable. People could call and talk to them. She also thanked everyone for coming to this meeting.

Chairperson Bogue reminded everyone that all commissioners went to most of the meetings that were held, so they were not that difficult to reach.

Martin Inderbitzen representing the McKenzie property, complimented staff on an excellent job. As to the McKenzie property and the Garin-La Vista representatives, they worked to coordinate development of those properties. Staff did their job and measured them against the City's own goals and objectives. He would not deny there are selfish interests, but agreed to the need to work with the City of Hayward and see what opportunities will work for all of them. He wanted everyone to note the key policies guiding these developments such as a better water supply for the City of Hayward, more housing, public safety and funding for parks, among other things.

Chris Zaballos explained that he was there to represent the apartment complex that is difficult to find, Oak Hills apartments. He noted that the present structure is Phase I of what was to have been a two-phase project. He pointed out the property below their location, which, with the staff alternative, would allow only 12 units on 3,500 square-foot lots. He asked for reconsideration of the lots and the number of units on it. He added they would need 32 units for that area because of the limitations of the fault and slope.

Commissioner McKillop asked about Attachment C and whether approving this would negate this possibility.

Senior Planner Calame responded that staff would have to look at the details, for a project specific development although 12 units are theoretically possible on the parcel zoned Planned Development when a specific project comes in, the number might need to be adjusted.

Joseph Oberman explained that he had not been involved in this project, but any development would impact traffic on Mission. He said there is a need for a lot more development in Hayward. Most of the developments would not be seen from the rest of the City residents. He added that 320 units are small and he would like to see more affordable housing among the projects.

Colleen Hutchings asked whether the State land is included in the alternatives and what happens if the State does not concede the land to the City.

Community and Economic Development Director Ehrenthal said that Route 238 is still in the state improvement plan. However, if the State ever relinquishes its property, the City of Hayward would look at other land use alternatives.

Ms. Hutchings noted the narrow streets as well as gridlock in the schools and added that the plan of staff is a good compromise.

The public hearing closed at 9:56 p.m.

Planning Manager Anderly commented that impacts on regional traffic congestion are not fully mitigated by any of the plans, and that a statement of overriding considerations would be



necessary.

Commissioner Halliday thanked everyone and said she was heartened by the turnout. It has been a really interesting process. She also thanked a number of people, particularly those residents who showed her the neighborhood. She also thanked Guy Warren and Jay Ege who took the time to show her the La Vista quarry property as well as the Warren property. She said she appreciated the view. Staff has done a good job. She said she looked at Alternative "E" which she thought was a good idea at first, except for the fault line. She explained again that they were dealing with the general concept for the area, but no specific proposals. She discussed zoning and the general plan and how it was developed. The original concept was to create an urban limit line and now staff has finished that plan. Any building in the northern end would have to erect the infrastructure there. She **moved**, seconded by Commissioner Sacks, to approve the staff recommendation, adding that both the Commission and City Council will look at each development proposal as it is presented.

Commissioner Zermeño thanked staff and everyone who spoke. He said he originally favored Alternative "E" but the property owners have asked for flexibility. He emphasized that Hayward might be facing a financial crunch in the near future. He added that the City of Hayward does need money, housing, and open space. Although the staff plan is consistent with the general plan, he said he would support the motion with the addition of a friendly amendment to reopen or restudy the proposal for the LaVista Quarry. He explained that the City of Hayward's compromise is overlooking the Quarry. He said we don't know what the future would bring. He commented that 300+ houses would add more money to the City's financial base. He said they needed to capitalize on housing in the quarry. If the developers could add a shuttle, it would be a win, win, win for everyone, for the City of Hayward, the owners, developers and the citizens. He asked to make this an amendment to the motion.

Commissioner Halliday said she wanted to listen to what the other commissioners had to say before accepting this amendment.

Commissioner Thnay said this was no easy decision. He explained that he enjoyed the views from his home at Twin Bridges. He said this plan might consolidate the long-term viability of the area, and what the Commission can do that will help everyone. He added that the EVS study showed alternatives for traffic. Seismic issues are a concern as well. He suggested that they needed to decide what was best for Hayward, the views, and what would be in the citizen's and City's best interest. He emphasized that staff did a great job. But there are further opportunities to explore since the staff alternative is so limited. He added that the City of Hayward needs more housing. He reminded people that Twin Bridges was born with pain and trepidation, so if preservation and seismic safety can be overcome this could be a great opportunity for the City of Hayward.

Commissioner Caveglia stated that the most sane alternative is "E", adding, who says we need more housing. He said he was prepared to support the staff recommendation, however, without

Commissioner Zermeno's amendment since it doubles the amount of housing. He particularly decried the rhetoric. When the Chamber of Commerce says traffic impacts are minimal, and the Environmental Impact Report says, traffic is significant and unavoidable. There comes a point when you say enough. The 300+ homes staff is suggesting is already a major concession. He added that dragging in the idea that Hayward now had an inclusionary zoning ordinance was an insult since members of the City Council led by Councilman Ward had completely gutted that proposal making it meaningless for actually producing any affordable housing in this town. To further claim that building \$600,000 homes on the hillsides will produce affordable housing is absolutely immoral.

Commissioner Sacks said she did appreciate Commissioner Caveglia's feelings and noted that this motion is the foundation for the recommendation of this area by staff, this plan does everything for which they had asked. She said she was struggling with this since not everyone will be pleased. She explained one reason not to accept the amendment was assessing what she saw at the La Vista Quarry. She noted the erosion at the top of the quarry, and wondered what might be going on up at the quarry. She said she had not seen enough source material to be convinced that building in the quarry is a safe proposition. She added that it was disturbing to her, having seen the contrast and the evidence, particularly with the fault line. Someday that is going to shake, and with any instability, it is going to come down. She was also bothered about utilities across fault lines. She commented that the staff recommendation compromises with clustering and she had seen good examples of what can be done. She said Commissioner Halliday had mentioned the feathering concept when they were on the task force. As time goes on, and with the wrong direction, there could end up being big boxes on the side of the hill. She suggested staff should look at specific projects and be particularly careful about the view.

Commissioner McKillop noted that the previous comments were well thought out and passionate. She added that she too had given this a lot of thought, and agreed it was a tough decision. She said that their duty as commissioners was to ask, what might be best for the City of Hayward? As to the rehabilitation of the quarry issue, no one knows if a collapse may or may not happen. She said if the density for the planned alternative remains as staff recommends, there would be no opportunity to bring that quarry back to the rehabilitation it should have. Building in the quarry would have little impact on the view shed. It would present the ability to rehabilitate the area as well as bringing in another park. She suggested having the developer guarantee to dedicate land to Garin, as well as paying in-lieu fees for parks. She suggested that the City of Hayward would be realizing over \$3 million to parks with the proposed quarry project. By increasing the density, the City would be allowing more flexibility. She noted that the EIR supports a higher density. She stated that she would support the amendment.

Chairperson Bogue said the staff recommendation does not include enough homes and that more homes in the quarry makes a lot of sense. The project would be feasible, affordable and a net gain to the City. Since it is planned in a village format, the project has a synergy going up and coming down close to South Hayward BART station. He noted that crossing of the fault line would ensure continued service to the area. He added that traffic patterns were not changed since the number of units is minimal. He stated he would not support the motion without the amendment.

Commissioner Zermeno said they were not seeing any projects at this point. He emphasized that all of the staff and Commissioners are working to improve and preserve the City of Hayward. He



Chairperson Bogue said the staff recommendation does not include enough homes and that more homes in the quarry makes a lot of sense. The project would be feasible, affordable and a net gain to the City. Since it is planned in a village format, the project has a synergy going up and coming down close to South Hayward BART station. He noted that crossing of the fault line would ensure continued service to the area. He added that traffic patterns were not changed since the number of units is minimal. He stated he would not support the motion without the amendment.

Commissioner Zermeño said they were not seeing any projects at this point. He emphasized that all of the staff and Commissioners are working to improve and preserve the City of Hayward. He said he liked the amendment, which would be to reopen or revisit LaVista Quarry to include up to 300 units, and added additionally to revisit the Zaballos property at Oak Hills.

Community and Economic Development Director Ehrental referred back to what Senior Planner Calame had said earlier. That by adopting this plan, there was no prohibition on any changes in the future with an application for a General Plan Amendment. This presentation is simply looking at the base and as a guide for the future. She noted that anyone could come in with a change in the General Plan.

Commissioner Halliday said she would accept approval of the staff recommendation since it does not preclude other projects coming back. She said she understood them to say that certain areas might be difficult to develop. The quarry might need too much development right now for them to go with it. She explained that maybe the quarry needs a rest. It will be worked until 2008. Like to see it played out, be reclaimed and, perhaps, some years later look at it again, as a result she would not be accepting the amendment.

Commissioner Zermeño then offered a **substitute motion**, seconded by Commissioner McKillop, to accept staff recommendations, plus an opener, restudy, revisit of LaVista Quarry and Oak Hills. He said he understands the concerns expressed but felt assured there would be enough safeguards. He was trying to look into the future at the needs of the City of Hayward.

The motion **carried** by the following vote:

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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
7/10/03

RESOLUTION CERTIFYING PROGRAM ENVIRONMENTAL
IMPACT REPORT AND ADOPTING MITIGATION
MONITORING AND REPORTING PROGRAM, STATEMENT
OF OVERRIDING CONSIDERATIONS, GENERAL PLAN
AMENDMENTS AND ZONING ORDINANCE
AMENDMENTS RELATIVE TO THE MISSION-GARIN
ANNEXATION PROJECT

WHEREAS, on March 12, 2002, the City Council approved a study of the Mission-Garin Area, for the purpose of conducting a comprehensive review of the land use designations and densities in the area, which comprises approximately 426 acres of incorporated and unincorporated land located east of Mission Boulevard and west of Garin Regional Park, between Calhoun Street on the north and Garin Avenue on the south (the "Mission-Garin Area"); and

WHEREAS, a draft comprehensive examination of the Mission-Garin Annexation Project has been prepared and a series of joint work sessions and public workshops has been conducted to discuss and develop policies and strategies to deal with issues raised by potential development in the Mission-Garin Area; and

WHEREAS, the changes to the land use policies for the Mission-Garin Annexation Project Area are contained in a proposed amendment to the General Plan ("GPA No. 2003-0356"), including the General Plan Map designation changes depicted in Exhibit "A;" a text change to the Zoning Ordinance adding a new design overlay district SD-5 ("Text Change No. TA PL-2003-0358"); and a zone change for certain properties in the Mission-Garin Annexation Project to conform to the proposed amended General Plan ("Zone Change PL-2003-0357"); and

WHEREAS, City staff and consultants conducted an initial study and prepared and distributed a Notice of Preparation to all responsible and trustee agencies that a Draft Program Environmental Impact Report ("EIR") would be prepared to analyze the potential environmental impacts of the Mission-Garin Annexation Project, which was made available for public comments, pursuant to the requirements of the California Environmental Quality Act ("CEQA") and all responses to the Notice of Preparation were considered in the preparation of the Program EIR;

WHEREAS, the Draft Program EIR was completed and a Notice of Completion was filed with the California Office of Planning and Research on February 20, 2003, in accordance with CEQA Guidelines; and

WHEREAS, a public comment period of forty-five days commenced on February 24, 2003, and ended on April 19, 2003; and

WHEREAS, the Planning Commission held a public hearing on June 26, 2003, during which it considered the EIR and the Mission-Garin Annexation Project and has recommended that the City Council certify the EIR and adopt a Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program. The Planning Commission further recommended adoption of the General Plan amendments and amendments to Zone Ordinance recommended by City staff, with the exception of certain proposed changes to the land use designations and zoning ordinance relative to the La Vista Quarry and the Clearbrook Partnership properties, for which the Planning Commission recommended further consideration; and

WHEREAS, the City Council held a public hearing on July 15, 2003, during which it considered the reports and documents presented by City staff relative to the Mission-Garin Annexation Project and the EIR, the Planning Commission's recommendation, the certification of the EIR and adoption of a Statement of Overriding Considerations, the Mitigation Monitoring and Reporting Program, General Plan Amendment GPA PL-2003-0356, Zone Change Amendment ZC PL-2003-0357 and Text Amendment TA- PL-2003-0358, and to receive comments of the public.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the following findings and determinations, hereby certifies the EIR and adopts the Mitigation Monitoring and Reporting Program:

SECTION I. CERTIFICATION OF EIR AND ADOPTION OF MITIGATION MONITORING REPORTING PROGRAM. The City Council has reviewed the documents comprising the Draft and Final Program EIR for the Mission-Garin Annexation Project and hereby finds that such EIR reflects the independent judgment of the City Council and its staff and is an adequate and extensive assessment of the environmental impacts of the Mission-Garin Annexation Project. Accordingly, the City Council hereby certifies such EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA") and adopts the Mitigation and Monitoring Reporting Program.

SECTION II. CONSIDERATION OF PROJECT ALTERNATIVES. The EIR evaluates the potential impacts of the Mission-Garin Annexation Project, including five alternatives, one of which is the No Project Alternative. The principal elements of the alternatives are summarized below.

- Alternative A. This alternative would designate most of the project area as predominantly Rural Estate Residential (with RSB 40 zoning), which allows detached single family dwellings on individual lots of at least one acre in size. Other areas are proposed to be designated as Open Space and zoned Agriculture. A maximum number of 74 single family detached dwellings would be possible under this alternative.
- Alternative B. This alternative would designate most of the project area as Low Density Residential (with RS Zoning), which allows single family dwellings on a minimum 5,000 square foot lots at a density range between 4.3 and 8.7 dwellings per net acre of land. Under this alternative, up to 584 dwellings could be constructed.
- Alternative C (No Project Alternative). This alternative represents existing General Plan land use designations. The primary land use designation is Limited Medium Density Residential, which allows both single and multiple family dwellings with a minimum required lot area of 3,500 square feet per dwelling unit. Under this alternative, up to 801 dwellings could be constructed.
- Alternative D. This Alternative is similar to Alternative C, but shows more area as Suburban Density and represents fewer dwellings, up to 750 dwellings.
- Alternative E. This alternative would allow approximately the same number of dwelling units as Alternative A, but with a different land use pattern. It would restrict any future development to topographic elevations below 200 feet above mean sea level, with the remainder of the areas designated as limited open space. Under this alternative, up to 92 dwelling units could be built.

The City Council finds that the staff recommendation, as set forth in Exhibit "A" attached hereto, is within the parameters of the five alternatives outlined above, does not raise any environmental impacts not considered in the EIR and is the environmentally superior alternative for the reasons set forth in Section VI, below. Staff's proposed land use alternative reflects a combination of the elements from the five alternatives described above. Under staff's proposal, the southern portion of the project will be designated Limited Medium Density, allowing for development of townhouses and condominiums at a maximum density of 12 units per net acre, as well as single family detached dwellings on lots of 4,000 square feet or greater. The western portion of the project will be designated Medium Density Residential, allowing for development of townhouses and condominiums at a maximum density of 17.4 units per net acre. The upper Overhill Drive area is designated as Suburban Density Residential which allows single family detached dwellings on lots of 10,000 square feet or greater. The remaining portions of the Mission-Garin Annexation Project are designated as Limited Open Space, which would allow the creation of a limited number of rural homesites. The total housing potential under staff's recommendation is 320 dwelling units.

SECTION III. MITIGATION MEASURES. The City Council also finds that the proposed mitigations set forth in the EIR and the accompanying Mitigation Monitoring and Reporting Program will reduce all of the environmental impacts of the implementation of the Mission-Garin Annexation Project to an insignificant level, except for certain impacts relating to regional traffic growth and roadway congestion.

The following findings identify those impacts that, with mitigation measures, can be reduced to a less-than-significant level.

Potentially Significant Impact: Impact 4.1-1: Aesthetics and Views/Vistas. The project would allow for the possibility of development in currently undeveloped hillside areas, particularly in the southern portion of the study area.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

As reflected in Mitigation Measure 4.1-1, all new development projects within the project area that are submitted to the City of Hayward shall be required to comply with the City's Hillside Design Guidelines, the provisions of the new Special Design District (SD-5), and other applicable hillside development standards contained in the General Plan and Mission-Garin Neighborhood Plan. Such measures, particularly those related to requiring landscape screening and appropriate hillside design, will reduce the visual impacts of new development and will be required to be incorporated into projects during the design review process, and implemented during construction.

Additionally, most of the project area, including the higher elevation areas to the east, have a Limited Open Space General Plan land use designation, with an AB10A (agriculture – 10 acre minimum lot size) zoning designation, which will further help to minimize visual impacts by prohibiting large amounts of development in such highly visible areas.

Potentially Significant Impact: Impact 4.1-2: Landform and topography. Changes to existing landform and topography would be required to accommodate proposed dwelling units and local roadways under the General Plan land use designations, particularly in the southern portions of the study area.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.1-2 requires that any new development within the project area comply with the City of Hayward's Hillside Design Guidelines and new Special Design District (SD-5) provisions. Those documents contain guidelines that will ensure visual impacts related to grading and alterations to landform and topography are minimized, including provisions that encourage clustered development, prohibit development in areas where natural slopes are generally greater than 25 percent, require at least 50 percent of dwelling units proposed on slopes greater than 15 percent to utilize a stepped design, and require that cut and fill slopes be designed to blend into the existing natural slope. Most development would occur in the southern portion of the study area, where topography is unnatural, as a result of previous mining operations.

Potentially Significant Impact: Impact 4.1-3: Light and glare impacts. Additional sources of light and glare would be added to the project area with new residential construction, per the project's land use designations, particularly in the southeastern portion of the study area, where development currently does not exist.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.1-3 requires that all new development projects include a detailed lighting plan, with specific lighting fixtures called out, to be reviewed by City staff to ensure off-site impacts from new lights will be minimized.

Potentially Significant Impact: Impact 4.2-1: Construction impacts. The effects of project construction activities anticipated as a result of implementing General Plan land use designations for the project area would increase dustfall and locally elevated levels of PM10 downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties, including Garin Regional Park.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.2-1 requires that future development projects incorporate standard dust control measures during demolition, grading and construction activities, including frequent watering of project sites, hydroseeding of grading areas and other measures encouraged by the Bay Area Air Quality Management District. Such measures will reduce construction-related air quality impacts to a less-than-significant level.

Potentially Significant Impact: Impact 4.2-2: Demolition impacts. Many of the residences in the project area were constructed when toxic substances were utilized in construction. Demolition of these older structures to accommodate new development allowed by General Plan land use designations could release toxic air contaminants into the atmosphere, especially lead-based paints and asbestos containing materials.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The associated mitigation measure requires that lead-based paint and asbestos surveys be conducted on existing structures prior to their demolition, and if warranted, remediation plans be developed and implemented, utilizing national standards and guidelines. Such measures will ensure air quality impacts related to demolition are minimized. The previous mitigation measure also requires that standard measures be utilized to ensure non-toxic air quality impacts related to demolition are minimized.

Potentially Significant Impact: Impact 4.3-1: Wetlands and other waters. Development activities on properties within the project area, particularly in the southeastern portion of the project area, could have a significant impact on creeks, streams and jurisdictional wetlands and other waters of the United States and waters of the State of California.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The associated mitigation measure requires that formal jurisdictional delineations of wetlands and other waters should be conducted on a project-specific basis as part of the environmental review process, to help ensure such waters and wetlands are not impacted by future development. If such waters are determined to exist, and if avoidance of such areas is not possible, then mitigation plans to offset such impacts are to be developed, approved by the California Department of Fish and Game, the US Army Corps of Engineers and the Regional Water Quality Control Board, and implemented. Such measure will ensure such impacts, if they even will exist, will be minimized.

Potentially Significant Impact: Impact 4.3-3: California Buckeye and Coast Live Oak/California Bay Woodlands.

Potential development under General Plan land use designations could result in removal of California Buckeye and Coast Live Oak/California Bay Woodlands.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Although the project land use designations would not allow substantial development within or near such tree habitats, there is potential that individual single-family residential developments could impact such areas. The mitigation measure requires avoidance of such areas, unless the City determines that avoidance is not at all possible. In such unexpected circumstances, replacement habitat will be provided at specified densities and ratios, which will mitigate such impacts.

Potentially Significant Impact: Impact 4.3-4: Protected trees. Proposed development could result in the loss of large trees that are regulated by the City of Hayward's Tree Protection Ordinance.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Although the project land use designations would not allow substantial development within or near substantial protected tree communities, there is potential that individual single-family residential developments could impact such areas. The mitigation measure requires that surveys be conducted for individual development projects, to identify any protected trees, and avoidance of such trees, consistent with the City's Tree Preservation Ordinance. If the City determines that avoidance is not possible and protected trees must be removed for critical reasons, replacement trees will be required to be planted, which will mitigate such impacts.

Potentially Significant Impact: Impact 4.3-5: California red-legged frog. Future development under the land use designations could impact California red-legged frogs and/or their occupied habitat.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.3-5 requires that California red-legged frog site assessments following US Fish and Wildlife Service (USFWS) guidelines be conducted as part of project-level biological assessments, with such assessments to be submitted to the USFWS for review and confirmation. The measure further requires that if such assessments confirm the presence of

frogs and/or occupied habitat, then a California red-legged frog mitigation plan shall be developed, approved by the USFWS and the California Department of Fish and Game, and implemented. As recommended by a biological consultant hired by the City, such measures will reduce any project impacts to the California red-legged frog to an insignificant level.

Potentially Significant Impact: Impact 4.3-6: Alameda whipsnake. Proposed future development under the land use designations could impact Alameda whipsnake species, their occupied habitat and/or designated critical habitat areas containing primary constituent elements.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation Measure 4.3-6 requires that focused Alameda whipsnake habitat assessments be conducted as part of project-level biological assessments, with such assessments to be submitted to the USFWS for review and confirmation, and determination of whether protocol level surveys will be required. The measure further requires that if such assessments and/or surveys confirm the presence of snakes and/or occupied habitat, then a Alameda whipsnake mitigation plan shall be developed, approved by the USFWS and the California Department of Fish and Game, and implemented. As recommended by a biological consultant hired by the City, such measures will reduce any project impacts to the California red-legged frog to an insignificant level.

Potentially Significant Impact: Impact 4.3-7: Nesting Raptors and Shrikes. Impacts to special-status nesting species of raptors and shrikes would be considered significant if activities are within the following line-of-sight buffers: 250 feet for Western burrowing owl; 0.25 mile for golden eagle; 200 feet for loggerhead shrike; and 300 feet for all other raptors. Future development could encroach into such areas, depending on the location of such activity and whether nesting raptors or shrikes are present.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The associated mitigation measure requires that resource agency-approved surveys be conducted to determine if such species are nesting on or within line-of-sight buffers specified above, and if such species are found to be nesting within such areas, construction activity shall not occur during nesting seasons. Such measures will ensure construction activity impacts to such species are minimized, as recommended by a biological consultant hired by the City.

Potentially Significant Impact: Impact 4.3-8: Golden Eagle. Approval of the project may result in construction activity that would have significant impacts to Golden Eagles and/or their nests, including impacts to important foraging habitats used by eagles during breeding seasons.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation measure 4.3-8 requires studies to be conducted during the Golden Eagle breeding season to determine if construction sites are important foraging habitats or are within 0.25 miles or within direct line-of-sight of active nests for such species, in consultation with the California Department of Fish and Game staff. The measure prohibits development within such areas, which will ensure project impacts to the species are avoided, as recommended by a biological consultant hired by the City.

Potentially Significant Impact: Impact 4.3-9: Special-status plants. A total of eight special-status plant species have the potential to occur within the project area. Future construction activity, allowed by the project's land use designations, could result in the direct disturbance to and/or removal of special-status plants, which would be considered a significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The related mitigation measure requires that focused surveys be conducted by a qualified botanist to determine if such species are within project construction sites, and requires that such areas be avoided to the greatest extent possible. The measure indicates that if avoidance is not feasible, then replacement habitat areas should be provided on-site, if possible. Such measures, recommended by a biological consultant hired by the City, will reduce potential impacts to a less-than-significant level.

Potentially Significant Impact: Impact 4.4-1: Archeological and Native American resources. Although no prehistoric or archeologically significant resources have been identified within the project area, construction of new buildings, structures, underground utility lines and similar facilities, per the project's land use designations, could result in disturbance to archeological and/or Native American resources, which could be significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Although no resources have been identified within the project area, standard practices and procedures will be required to be followed, in accordance with State law, which will ensure impacts to such resources are minimized or avoided.

Potentially Significant Impact: Impact 4.5-1: Seismic fault rupture and fault creep. A major earthquake on the Hayward Fault could result in ground fault rupture within the project area with the potential to damage or destroy future dwelling units, roads, utilities and other structures within the project area constructed as a result of the General Plan land use designations. The potential for damage to future structures, roads and utilities related to fault creep around the Hayward Fault has been determined to be significant in the General Plan EIR on a city-wide basis.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

In accordance with the Alquist-Priolo Earthquake Fault Zoning Act, geologic fault investigations are required for development of habitable structures within the State-defined earthquake fault hazard zone, to ensure impacts to such structures will be minimized. Also, geotechnical investigations and associated measures recommended by such reports and required by the Uniform Building Code to reduce impacts to roadways, utility lines, and structures will be required to be implemented, which will ensure impacts will be minimized, consistent with standard construction industry practice.

Potentially Significant Impact: Impact 4.5-2: Seismic ground shaking. During a major earthquake along a segment of the Hayward Fault or one of the other nearby faults, moderate to strong ground shaking can be expected to occur within the project area. Strong shaking during an earthquake could result in damage to future buildings, roads, utility lines and other structures with associated risk to residents, employees and visitors in the area.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Compliance with the Uniform Building Code and incorporating measures identified in required geotechnical reports will ensure impacts related to seismic ground shaking for new development will be minimized, consistent with standard construction industry practice.

Potentially Significant Impact: Impact 4.5-3: Ground failure and landslides. Damage to future structures and other improvements within the project area could occur from landslides and seismically-induced ground failure, resulting in damage to improvements and harm to project area residents and visitors.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

See finding for Impact 4.5-2 above.

Potentially Significant Impact: Impact 4.5-4: Grading and topographic changes. Future development in the project area as a result of land use designations would require grading and re-contouring of existing topographic elevations.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Compliance with measures identified in required geotechnical reports will ensure geologic impacts related to grading and topographic changes for new development will be minimized, consistent with standard construction industry practice.

Potentially Significant Impact: Impact 4.6-1: Demolition and hazardous air emissions. Demolition of existing buildings, utility facilities and other older facilities to accommodate new development could release hazardous and potentially hazardous material into the atmosphere including asbestos containing materials and lead-based paints, potentially resulting in health hazards to construction employees and local visitors and residents. Also, release of asbestos-containing material from future disturbance of serpentinite rock is also a potentially significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Prior to construction or grading, the mitigation measure requires that asbestos investigations be conducted by qualified professionals and that regulatory agencies be contacted and site clearances obtained from them, and that removal of any hazardous material be performed by

licensed professionals and that worker safety plans be developed and followed, which will reduce potential impacts related to hazardous materials to insignificant levels.

Potentially Significant Impact: Impact 4.6-2: Lead and unexploded ammunition exposure. Development of residential land uses on the Garin pistol range project could expose future construction workers, residents and visitors to lead deposits and possibly unexploded ammunition.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Although the project would allow only one single-family residence on such site, the mitigation measure requires that an analysis and investigation be conducted by a qualified hazardous materials specialist to determine whether lead or unexploded ammunition exists on the site. The measure requires that, should such materials be found, work programs shall be developed and implemented to remove or remediate toxic substances, to be approved by appropriate regulatory agencies, such as the California Department of Toxic Substances and Control.

Potentially Significant Impact: Impact 4.7-1: Soil erosion. During construction, short-term increases of soil erosion could result due to exposure to wind and water erosion as the project area is stripped of limited natural vegetation.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

As is typically required, erosion and sedimentation control plans shall be developed for specific development projects, approved by the City of Hayward and the Regional Water Quality Control Board, and implemented. Such measure will ensure impacts related to soil erosion will be eliminated or reduced to less-than-significant levels.

Potentially Significant Impact: Impact 4.7-3: Stormwater runoff and drainage patterns. New development within the project area without provision of adequate detention facilities would increase the amount of stormwater runoff from the project area and also increase erosion in the downstream earth channels, since existing open spaces would be converted to new dwellings, roads and similar impervious surfaces. Existing drainage patterns could also be changed based on individual site grading operations, particularly in the southern portion of the project area, with resulting impacts to downstream drainage facilities.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

New development within the project area will be required to provide stormwater runoff and drainage improvements, including on-site detention/retention basins, so that there will be no net increase in stormwater runoff from the project site, which will ensure such impacts will be minimized.

Potentially Significant Impact: Impact 4.8-2: Surrounding land use impacts. Potentially significant impacts could result with eventual construction of residential dwellings adjacent to Garin Regional Park, particularly in the southeastern portion of the project area. Impacts could include the potential for slope failure due to grading within the project area and general residential/open space interface impacts.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The mitigation measure in the EIR will ensure such impacts are minimized, by providing physical separation between new development projects and Garin Regional Park. Also, areas where more dense development would be allowed to occur under the project land use designations is downhill and would not be visible from the Park.

Potentially Significant Impact: Impact 4.9-1: Construction noise impacts. Future residents within the project area and nearby areas, including Garin Regional Park, could be subject to short-term but potentially significant noise due to the construction of new buildings, roadways and associated infrastructure improvements, particularly within the southern portions of the project area.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Noise mitigation measure plans will be required to be developed and implemented for new development projects within the project area, to be approved by the City of Hayward. Such plans will require typical measures, such as use of mufflers on construction equipment, defined

construction hours, on-site speed limits, etc., all of which will help reduce construction noise impacts to less-than-significant levels.

Potentially Significant Impact: Impact 4.9-2: Quarry noise impacts. Future dwellings, particularly in areas to the west of the La Vista Quarry, could be subject to significant noise levels from quarry operations, reclamation activities and/or haul truck traffic. Quarry related noise is planned to cease in 2008 with the closing of the quarry and completion of the reclamation plan.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

If the La Vista Quarry ceases operations before new development is built in the vicinity around the Quarry, such impacts will not occur. The Ersted property, which currently does not have established legal access to Mission Boulevard, would be particularly vulnerable to such noise impacts. However, to ensure such impacts would not occur or would be minimal, the EIR requires that sound-reducing measures be incorporated into project designs, to ensure compliance with City of Hayward exterior and interior noise level standards.

Potentially Significant Impact: Impact 4.9-3: Permanent noise impacts. Future permanent noise impacts within the project area would generally be less-than-significant, however, future residential development could generate potentially significant noise levels into Garin Regional Park.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Given the distance between the nearest trail of Garin Regional Park and areas where more dense developments would be allowed under the project's land use designations, which is over 1,500 feet and includes separation by the ridge atop the project area, permanent noise impacts from development on Garin Regional Park are expected to be minimal. However, Mitigation measure 4.9-3 requires acoustical reports to be prepared for development near the Park, to include analysis of potential impacts to the Park and appropriate measures to reduce exposure levels with Garin Regional Park resulting from development.

Potentially Significant Impact: Impact 4.11-1: Mission Boulevard/Tennyson Road intersection. It is assumed that any future development located to the west of Mission Boulevard in the vicinity of Tennyson Road, as would be allowed under the project's General Plan land use designations, will require an extension of Tennyson Road to the west of Mission Boulevard,

regardless of the network scenario implemented (No 238 Improvements, SR 238 Alternative, SR 238 Bypass). Under the project land use scenario, up to 131 new dwelling units on the Ersted and La Vista Quarry properties would be expected to be constructed and utilize the new roadway extension. Also, additional improvements to the intersection would be required.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

As indicated in the analysis provided in the EIR, construction of the new Tensyoson roadway extension and related improvements to Mission Boulevard (all of which can be accommodated within the existing right-of-way) will reduce traffic impacts to the intersection resulting from new development to a less-than-significant level.

Potentially Significant Impact: Impact 4.11-2: Mission Boulevard/Calhoun-Jefferson Street intersection. The project would not have the potential to generate as much traffic at this intersection as was analyzed in the EIR for Alternative A. Alternative A in the EIR was shown not to have a significant impact on this intersection, either in the a.m. or p.m. peak traffic period, under any of the SR 238 roadway network scenarios. Therefore, the project would not have a significant impact on this intersection.

Potentially Significant Impact: Impact 4.13-1: Local and community park and recreation facilities. It is estimated that the additional park demand, based on an estimated total population increase of just under 1,000 persons under the project land use designations, would be approximately five acres. Since no park areas are presently planned within the project area, and the project area has been identified as underserved by local parks in the HARD Master Plan, this would be a significant impact.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

Mitigation measure 4.13-1 indicates that either a new park acceptable to the Hayward Area Recreation and Park District (HARD) shall be provided by developers, or that developers shall make other contributions, deemed acceptable by the City and HARD. One other such measure is contribution of in-lieu park dedication fees, which were recently raised in Hayward to \$11,953 per unit for single-family detached units, \$11,395 per unit for single-family attached units and \$9,653 per unit for multi-family units. Based on projected development per the project's land use designations (192 detached units and 128 single-family attached units), over \$3.75 million (based on current year land values) is expected to be collected in in-lieu park

fees, which would be used to improve existing recreational facilities in the general project area. Provision of a new park of payment of such fees would be considered sufficient measures to reduce impacts to parks resulting from new project development to insignificant levels.

Potentially Significant Impact: Impact 4.13-2: Garin Regional Park access. Construction of future residential development within the northern project area along Calhoun Street could restrict future access to Garin Regional Park through loss of the existing access route to the Park at the terminus of Calhoun Street.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

The mitigation measure in the EIR requires that any new subdivision maps involving lands at the upper sections of Calhoun Street adjacent to Garin Regional Park include assurances to preserve existing park access by East Bay Regional Park District staff, with such assurances to be recorded. Such measure will ensure existing access to the Park in such areas is maintained.

Potentially Significant Impact: Impact 4.13-4: Local schools. Full construction buildout under the project's General Plan land use designations would generate an estimated 105 elementary school (K-6) students, approximately 45 middle school students and approximately 65 high school students. Significant impacts would occur at the K-6 level, where there currently exists a 37 student capacity deficiency. These calculations assume no use of portable classrooms since portables are not considered permanent solutions and may result in overuse of non-classroom facilities, such as school libraries, food serves and similar facilities.

Finding: Changes or alterations have been required in, or incorporated into, the project that will avoid or substantially lessen the significant environmental effect identified in the Program EIR to a less-than-significant level.

Facts in Support of Finding: This impact will be avoided or reduced based on the following:

California Education Code 17620 authorizes qualifying school districts to levy a fee against any development project for the construction or reconstruction of school facilities. Currently, the Level II fee allowed to be assessed by the Hayward Unified School District is \$3.17 per square foot for single-family residences and \$2.25 per square foot for multi-family residences.

Such fees will provide funding to help pay for school facility upgrades within the School District, considered sufficient to mitigate impacts to local schools to insignificant levels.

SECTION IV. POTENTIALLY UNAVOIDABLE SIGNIFICANT ENVIRONMENTAL IMPACTS. The EIR indicates that implementation of some of the elements of the Mission-Garin Annexation Project may have a potentially unavoidable significant environmental impact or regional traffic and roadway congestion. Because of the programmatic nature of the Mission-Garin Annexation Project and the EIR it cannot be determined with certainty at this time that this impact can be mitigated in each case.

Regional traffic growth and roadway congestion is likely to remain significant after the implementation of reasonably foreseeable mitigation measures. Overall growth trends in the region and the limited land area and capital resources for major changes in development patterns in the City are likely to result in on-going traffic congestion on several roadways in the City and the vicinity.

SECTION V. STATEMENT OF OVERRIDING CONSIDERATIONS. The City of Hayward adopts and makes this statement of overriding considerations concerning adoption of the proposed amendments to the General Plan and Zoning Ordinance related to the Mission-Garin Annexation Project and the resulting significant unavoidable impact on regional traffic growth and roadway congestion to explain why the benefits of implementing the Mission-Garin Annexation Project proposal override and outweigh the unavoidable regional traffic impacts.

The EIR on the Mission-Garin Annexation Project has concluded that certain impacts are potentially significant, and possibly unavoidable with regard to regional traffic growth and roadway congestion, because the programmatic character of the Mission-Garin Annexation Project and the analytical limitations of the EIR cannot determine with certainty that impacts would be mitigated in each case. A description of the significant unavoidable impact on regional traffic growth and roadway congestion as summarized in the EIR is presented below.

Regional Traffic Growth and Roadway Congestion (Impact 4.11-3). Although the proposed project would result in development that would be no more intensive than that envisioned in the General Plan, traffic in the City is expected to increase as a result of continued development. As reflected in Table 6.6 of the General Plan Update EIR, some intersections within the City are expected to have Level of Service E or F in the year 2025. The General Plan Update EIR indicates that regional through traffic accounts for up to 25 to 30 percent of the peak hour trips on some major arterials within the City and that “the City’s ability to mitigate this traffic through land use planning is limited.” The General Plan Update EIR concluded that “it is likely that some roadways will continue to operate at less than acceptable levels due to physical constraints, funding limitations, and regional growth patterns. Therefore, the overall traffic impact is expected to be significant and unavoidable.”

Adoption and implementation of the Mission-Garin Annexation Project will bring substantial benefits to the City of Hayward. The Project is being proposed, despite the potential for a significant unavoidable impact on regional traffic growth and roadway congestion, because the City believes the Project provides for additional housing that is consistent with transit-oriented development policies and will assist in meeting the City’s share of the regional housing need without

substantially increasing traffic impacts compared to existing trends. Therefore, the City of Hayward finds that the significant unavoidable impact on regional traffic growth and roadway congestion associated with adoption of the Mission-Garin Annexation Project is acceptable in light of the above benefits.

SECTION VI. LAND USE MAP CHANGES TO THE EXISTING GENERAL PLAN.

The City Council finds that the recommended land use designations in the proposed General Plan amendment reflects the City's development goals and objectives as articulated in the General Plan in that it (a) responds to and expands the City's commitment to smart growth principles and transit-oriented development; (b) it is consistent with the City's General Plan in that the project will focus housing developed at higher densities close to transit corridors and will help the City accommodate its share of the regional housing need without expansion into areas that are less suitable for residential development; (c) it limits the amount of development along and east of the main traces of the Hayward Fault and minimizes the consequent impacts on City emergency services and economic resources; (d) it avoids development on higher elevations and ridgelines to protect visual and scenic resources as well as the adjacent open space within Garin Regional Park; (e) it will minimize negative impacts on environmentally sensitive areas such as streams and other riparian areas; (f) the existing and proposed streets and public facilities, with implementation of identified mitigation measures, will be adequate to serve the potential development; and (g) it provides for the efficient delivery of public services in that potential development will be contiguous to existing development, located within existing water service areas or the planned and adopted water service area of the existing Garin Reservoir system, and served by existing roadways or the proposed extension of Alquire Parkway.

The changes to the existing General Plan Land Use Map hereby implemented are set forth in the map attached hereto as the Exhibit "A." The specific parcels impacted by General Plan Amendment GPA PL-2003-0356 and their corresponding land use designations are set forth in Exhibit "B."

Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves and adopts the General Plan amendment contained in GPA PL-2003-0356, changing the existing General Plan Land Use Maps set forth in the Exhibits "A" and "B" attached hereto and incorporated by reference.

SECTION VII. ZONING ORDINANCE CHANGES.

The proposed Zoning Ordinance Text Change will establish a design overlay district within the Mission-Garin Annexation Project to ensure the orderly development of the hillside area, consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines and will establish the overall development potential for the area and allocate a number of potential units to individual properties within the area. The proposed Zone Change will revise the existing zoning classifications to conform to the new

General Plan Land Use Map designations and prezone certain properties in the unincorporated area of Alameda County. The specific parcels impacted by Zone Change Application ZC PL-2003-0357 and their corresponding zoning districts are set forth in Exhibits "A" and "B." The proposed residential zoning conforms to the General Plan as amended in conjunction with this proposal and reflects the City's development goals and objectives as articulated in the General Plan. Provisions of the Special Design District ensure that potential residential development is consistent with the City of Hayward Design Guidelines and other applicable City policies and will be compatible with existing development in the area and will have no adverse impacts on surrounding properties. A traffic analysis of the traffic impacts of this development on the local street network has been conducted and it has been determined that existing and proposed streets, with implementation of identified mitigation measures, are adequate to handle the additional traffic that will be generated by this project. The existing and proposed utility infrastructure can adequately serve the potential development.

Based on the foregoing findings, the City Council hereby determines that it is in the public interest and hereby approves the Zoning Ordinance Text Change contained in TA PL-2003-0358, adding Special Design District (SD-5) and the amendments to the Zoning Ordinance set forth in ZC PL-2003-0357, subject to the adoption of the companion ordinances.

SECTION VIII. ADMINISTRATIVE RECORD. A copy of the Program EIR, staff reports and communications to the Planning Commission and City Council are on file in the office of the City Clerk. In addition, other documents comprising the administrative record in this matter are on file in the office of the Community and Economic Development Department.

SECTION IX. EFFECTIVE DATE. All policies approved by this Resolution shall take effect thirty days after this Resolution is adopted.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

me
7/19/03

AN ORDINANCE AMENDING THE ZONING ORDINANCE, CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE, TO ESTABLISH A NEW SPECIAL DESIGN OVERLAY ZONING DISTRICT FOR THE MISSION-GARIN AREA

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

Section 1. FINDINGS. The City Council incorporates by reference the findings and approvals contained in the companion Resolution No. _____. The City Council also hereby finds and determines that:

- (a) This ordinance adopts text changes to the Zoning Ordinance, codified as Chapter 10, Article 1 of the Hayward Municipal Code, to establish a special design overlay district (“SD-5”) for the Mission-Garin Area; and
- (b) The potential environmental impacts are discussed in the Program EIR certified by the City Council’s adoption of Resolution _____; and
- (c) The adoption of this text change to the Zoning Ordinance does not constitute a reclassification of property.

Section 2. TEXT CHANGES. Chapter 10 , Article 1 of the Hayward Municipal Code, is hereby amended to read as follows:

“SEC. 10-1.2630 MISSION-GARIN AREA SPECIAL DESIGN DISTRICT (SD-5).

a. Purpose.

The purpose of the Mission-Garin Area Special Design District (SD-5) is to ensure the orderly development of the Mission-Garin Area (see map, below), consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. This District establishes the total dwelling unit potential (see table, below) for the area within the District and sets forth development standards and design guidelines that apply to future development within this District.

b. Dwelling Unit Allocation.

Development for any parcel or combination of parcels will be consistent with the dwelling unit allocation set forth in the table set forth below. Adjustments to the dwelling unit allocations for specific properties may be considered by the City Council based on presentation of more detailed data, findings of site-specific environmental analyses, and/or as a result of the application of the development standards outlined below during the review of individual development projects. In no

case will the total number of dwelling units exceed the maximum shown for the entire District. For any parcels not specifically identified in the attached table, the number of dwelling units to be allocated will be determined by the City Council in a manner consistent with that used for properties included in the table and supported by adequate environmental analysis.

c. Development Standards and Design Guidelines.

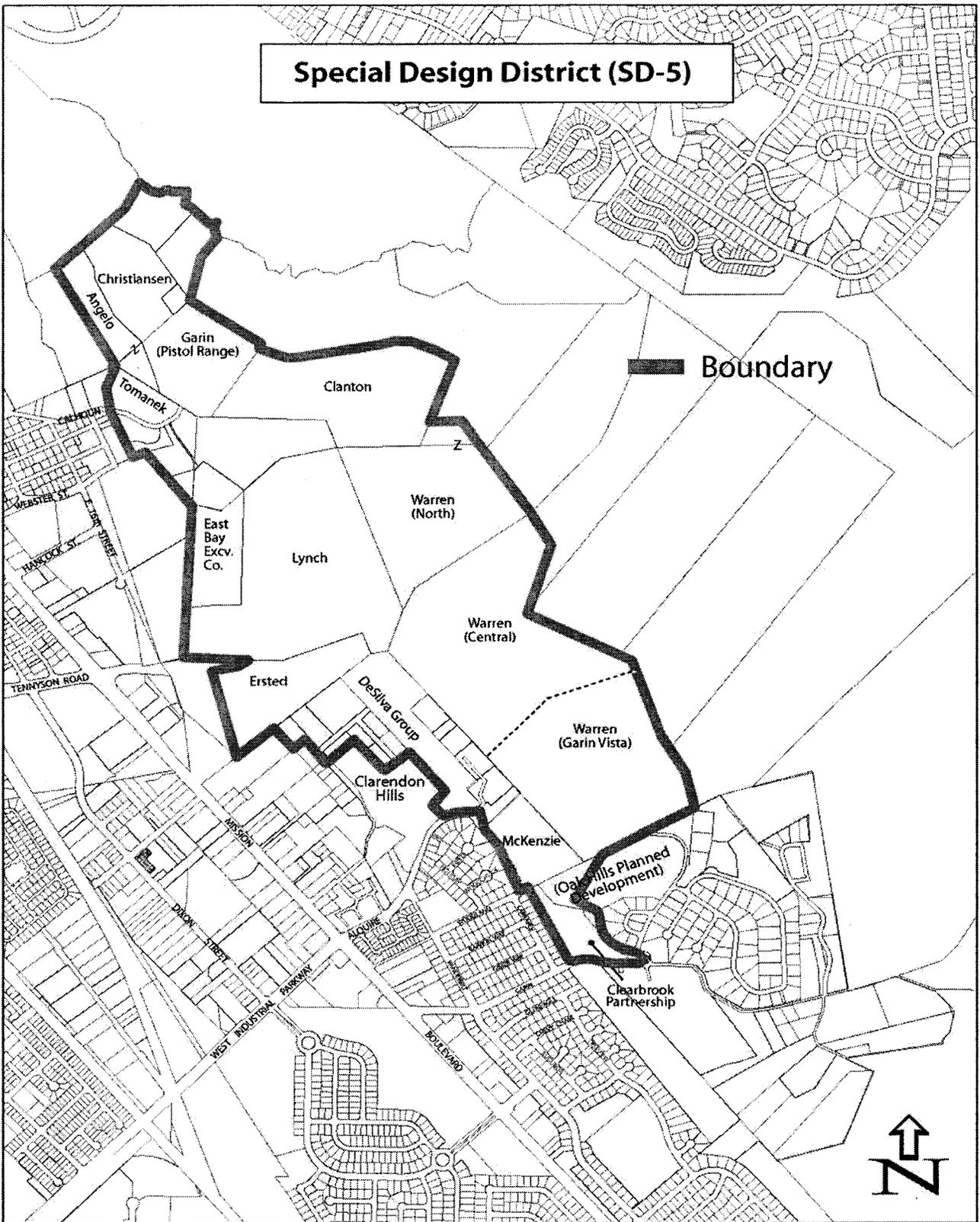
Clustering of residential development is encouraged, with development located so as to avoid geologic hazards, minimize grading and preserve significant natural site features, such as rock outcroppings, mature trees, natural drainage courses and scenic views. Preferred hillside development includes clustering of dwelling units, whether single-family or multi-family, separated by inter-connected natural open space or greenbelt corridors.

New development will adhere to the following development standards and design guidelines. To the extent that the following provisions conflict with the Hillside Design and Urban/Wildland Interface Guidelines, the following standards shall prevail. As required by the established review process, proposed development projects will be referred to the Planning Commission and, as appropriate, the City Council, for review and action.

1. In order to promote the preservation of natural features while achieving the development potential established for this District, Planned Development applications may be required.
2. Development is not permitted within areas where natural slopes are generally greater than 25 percent.
3. Grading will be consistent with the Hillside Design Guidelines. For developments on slopes greater than 15 percent, at least 50 percent of the dwelling units will feature a stepped design.
4. The slope of streets will not exceed 12 percent unless necessary to minimize significant grading.
5. Pedestrian movement will be encouraged through the provision of pathways on at least one side of the street. On longer streets, pedestrian links between streets will be provided at a minimum of 750-foot intervals.
6. New construction, including new roadways, will be set back at least 100 feet from the top of any creek bank.
7. Exposed drainage systems will be constructed of materials that blend with the natural environment (e.g., grassy swales or river rock).
8. Development plans will feature the preservation of the greatest possible number of native trees, consistent with provisions of the Tree Preservation Ordinance.
9. Structures will be of high quality design, compatible with the natural surroundings and will feature darker earth-tone colors.

10. Lower portions of homes will be screened through the plantings of native trees and shrubs.
11. Preservation of views toward the bay in the hillsides will be incorporated into the design and layout of developments.
12. Detached single-family residential development projects will include at least 15% one-story units. A lesser amount may be considered based on topographic conditions.
13. Architectural plans should utilize stepped or transitional front elevations, with the entries and windows visible from the street. The plans should feature alternating roof lines and forms, and incorporate decorative siding materials, entry doors and windows.
14. Densities shall be developed to no less than the midpoint of the assigned density range.
15. Computer visual simulations are required as part of application submittals for any new development. Vantage points are to be approved by staff.

Special Design District (SD-5)



**MISSION-GARIN AREA SPECIAL DESIGN (SD-5) DISTRICT
Maximum Total Dwelling Unit Potential**

The SD-5 special design district comprises approximately 363 acres, as shown in Attachment C-1. The maximum dwelling unit potential shown in the table below excludes parcels/areas totaling approximately 57 acres within the district that are considered as developed or rural home sites with little potential for subdivision due to size, slope, earthquake faults, etc.

Owners of Parcels Shown in Attachment C-1	Maximum Potential Dwelling Units
Christiansen	1
Angelo	1
Garin (Pistol Range)	1
Tomanek	1
Clanton	3
Ersted	115
La Vista Quarry ¹	16
Warren (Garin Vista)	115
McKenzie	54
Clearbrook Partnership ²	13
TOTALS:	320

¹Consists of the following parcels/areas: Lynch/East Bay Excavating Co./Warren (North)/Warren (Central)/DeSilva Group

²Does not include the potential for an additional 12 dwelling units associated with the approved Oak Hills Planned Development.”

Section 3. EFFECTIVE DATE. This ordinance shall become effective on the effective date of the General Plan designation changes for the Mission-Garin Annexation Project adopted by Resolution No. _____.

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

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the __ Day of _____, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the __ day of _____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney for the City of Hayward

DRAFT

ORDINANCE NO. _____

mtl
7/10/03

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE BY REZONING
AND PREZONING CERTAIN TERRITORY LOCATED IN
THE MISSION-GARIN AREA

NOW, THEREFORE, the City Council of the City of Hayward does ordain as follows:

Section 1. FINDINGS. Zone Change Application ZC PL 2003-0357 concerns the reclassification of certain parcels located within the City of Hayward and the prezoning of certain parcels located in Alameda County, in the area commonly known as the Mission-Garin Area, in connection with the approval of the General Plan Amendment known as GPA PL-2003-0356. A special design overlay district known as SD-5 has been established pursuant to the approval of Text Change Application TA PL 2003-0358 and by the adoption of Ordinance No. _____. The City Council incorporates by reference the findings and approvals contained in companion Resolution No. _____. In addition, the City Council also finds and determines as follows:

- A. The City Council's findings regarding the environmental impacts of the proposed rezoning and prezoning which are approved by this ordinance are set forth in Resolution No. _____.
- B. Substantial proof exists that the proposed zone changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward by rezoning properties to enable implementation of the Mission-Garin Annexation Project approved by Resolution No. _____.
- C. The proposed zone changes are in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, including the General Plan, as amended, and the Mission-Garin Annexation Project, as approved by Resolution No. _____.

Section 2. SCOPE. This ordinance pertains to the rezoning and prezoning of the properties located in the Mission-Garin Area.

Section 3. ZONE CHANGES. Article 1 of Chapter 10 of the Hayward Municipal Code are hereby amended to re-zone and prezone the properties as set forth on the map in Exhibit "A" and the chart in Exhibit "B" incorporated herein by reference.

Section 4. EFFECTIVE DATE. This ordinance shall become effective on the

effective date of the General Plan Map designation changes for the Mission-Garin Annexation Project adopted by Resolution No. _____.

Section 5. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the excised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of July, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

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

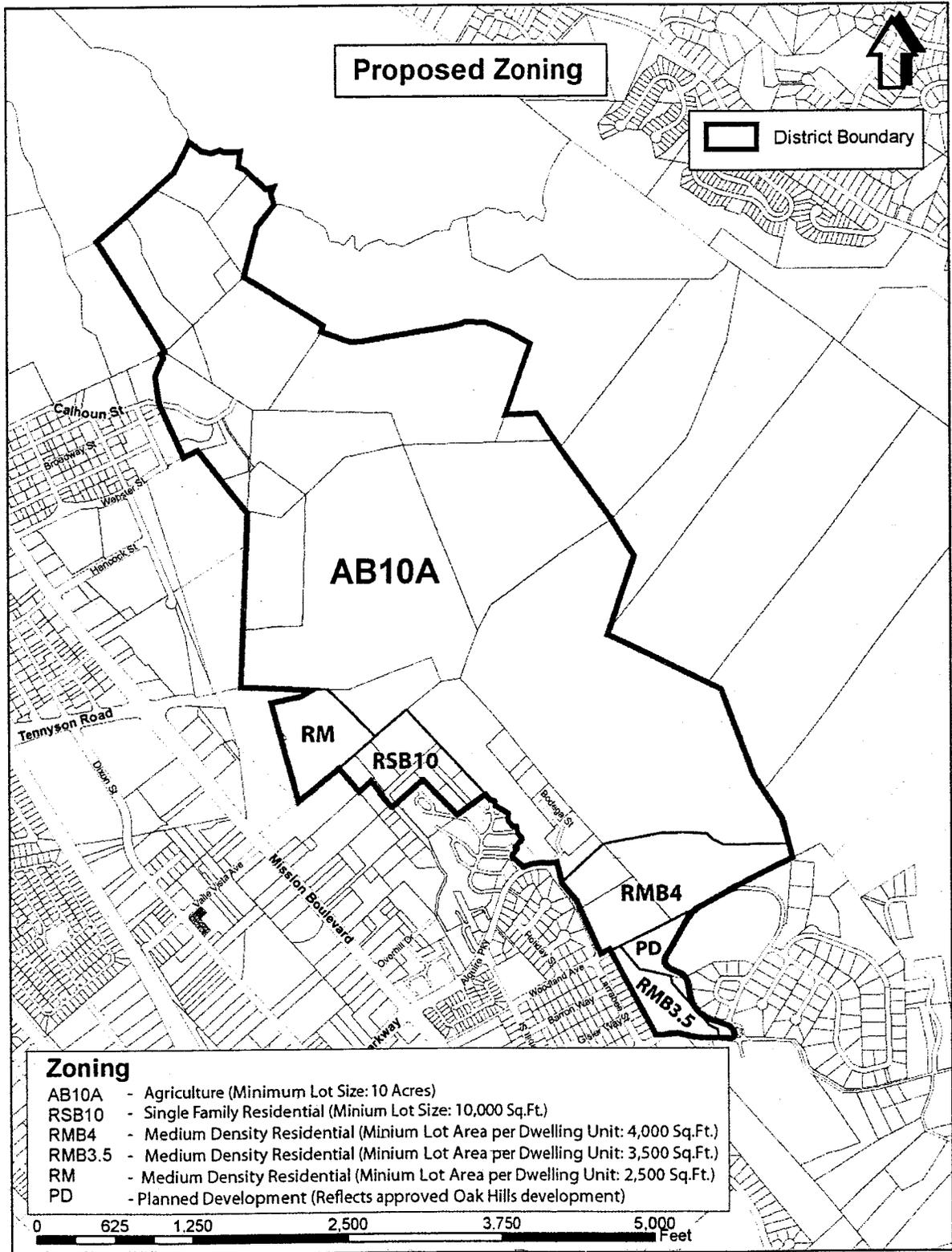


EXHIBIT A

Assessors Parcel Number	Street Number	Street Name	Owner	Existing Zoning	Proposed Zoning	Existing General Plan	Proposed General Plan	Parcel Acreage
078C-0461-001-13		MISSION BLVD	ERSTED	RMB3.5	RM; AB10A	LMDR	MDR; LOS	16.71
078C-0461-001-14		MISSION BLVD	ERSTED	RMB3.5	RM	LMDR	MDR	0.09
078C-0648-001-02		CALHOUN ST	TOMANEK	RMB3.5	AB10A	LMDR	LOS	4.84
078C-0650-001-07	1021	CALHOUN ST	HUSTON	A	AB10A	LMDR	LOS	1.20
078C-0650-001-08	1035	CALHOUN ST	CALVIN	A	AB10A	LMDR	LOS	0.98
078C-0650-001-15	1151	CALHOUN ST	CUEVAS	A	AB10A	LMDR	LOS	1.44
078C-0650-001-16	1151	CALHOUN ST	DURAZO	A	AB10A	LMDR	LOS	1.10
078C-0650-001-17	1151	CALHOUN ST	DURAZO	A	AB10A	LMDR	LOS	1.98
078C-0800-012	1404	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	4.86
078C-0800-013-01	1400	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	0.91
078C-0800-013-02	1400	CALHOUN ST	CHRISTIANSEN	A100 (County)	AB10A	SDR	LOS	0.91
078C-0800-014	1240	CALHOUN ST	ANGELO	A	AB10A	LMDR	LOS	
078C-0800-027	1410	CALHOUN ST	BALCH	A100 (County)	AB10A	SDR	LOS	
078C-0800-028	1410	CALHOUN ST	BALCH	A100 (County)	AB10A	SDR	LOS	3.41
083-0075-001-01	1240	CALHOUN ST	ANGELO	A	AB10A	LMDR	LOS	
083-0075-002-07		CALHOUN ST		A100 (County)	AB10A	LOS	LOS	34.87
083-0075-002-09		CALHOUN ST	SETTLE	A100 (County)	AB10A	LOS	LOS	2.06
083-0075-003	1240	CALHOUN ST		A	AB10A	LMDR	LOS	15.11
083-0075-004	1275	CALHOUN ST	CLANTON	A	AB10A	SDR	LOS	32.20
083-0100-001-01	28812	MISSION BLVD	TAVAKE	A100 (County)	AB10A	LMDR	LOS	3.10
083-0100-001-03		MISSION BLVD	CUEVAS	A100 (County)	AB10A	SDR	LOS	11.30
083-0100-001-04	28808	MISSION BLVD	TAVAKE	A100 (County)	AB10A	LMDR	LOS	0.04
083-0100-002-01	28806	MISSION BLVD		A100 (County)	AB10A	LMDR	LOS	9.86
083-0100-002-02	28816	MISSION BLVD	LYNCH	A100 (County)	AB10A	LMDR	LOS	52.73
083-0125-001-12		GARIN AVE		A100 (County)	RMB4; AB10A	LMDR; LOS	LMDR; LOS	89.36
083-0254-001		WOODLAND AVE	GALBRAITH	A100 (County)	RMB4	LMDR	LMDR	
083-0254-002-03		GARIN AVE		RSB10	RMB3.5	LMDR	LMDR	5.29
083-0254-003-01	29831	CLEARBROOK CIR		PD	PD	LMDR	LMDR	14.42
083-0265-002-11	29200	BODEGA ST	MOITA	A100 (County)	AB10A	LMDR	LOS	1.38
083-0265-002-14	29338	BODEGA ST		A100 (County)	AB10A	LMDR	LOS	
083-0265-002-15	29338	BODEGA ST		A100 (County)	AB10A	LMDR	LOS	0.92
083-0265-002-19	29370	BODEGA ST	ROSE	A100 (County)	AB10A	LMDR	LOS	1.31
083-0265-002-23	29606	BODEGA ST	DAREING	A100 (County)	AB10A	LMDR	LOS	1.51
083-0265-002-24	29402	BODEGA ST	BROWNE	A100 (County)	AB10A	LMDR	LOS	2.01
083-0265-003-01		WOODLAND AVE	MCKENZIE	A100 (County)	RMB4	LMDR	LMDR	5.08
083-0265-003-02	29700	BODEGA ST	MCKENZIE	A100 (County)	RMB4	LMDR	LMDR	3.44
083-0265-004-04		BODEGA ST		A100 (County)	RMB4	LMDR	LMDR	
083-0265-006		ALQUIRE PKWY		A	AB10A	LMDR	LOS	13.78
083-0275-001	897	OVERHILL DR	SILVA	A	RSB10	LMDR	SDR	1.00
083-0275-002-04	880	OVERHILL DR	SILVA	A	RSB10	LMDR	SDR	1.59
083-0275-002-11	822	OVERHILL DR	VINGO	A	RSB10	LMDR	SDR	0.81
083-0275-003	878	OVERHILL DR	SILVA	RSB20	RSB10	LMDR	SDR	3.52
083-0275-004-02	870	OVERHILL DR	BATTEATE	A	RSB10	LMDR	SDR	0.88
083-0275-004-03	864	OVERHILL DR	LIU	A	RSB10	LMDR	SDR	0.89
083-0275-004-04	876	OVERHILL DR	PRATT	A	RSB10	LMDR	SDR	0.88
083-0275-005	870	OVERHILL DR	KALYAN	A	RSB10	LMDR	SDR	0.85
083-0461-002	700	ALQUIRE PKWY		PD	PD	LMDR	HDR	1.51
083-0461-003	700	ALQUIRE PKWY		PD	PD	LMDR	HDR	12.24
083-0463-027		GARIN AVE		PD	PD	LMDR	LMDR	1.10

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

Wwe
7/9/03

RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HAYWARD MAKING APPLICATION TO
ALAMEDA COUNTY LOCAL AGENCY FORMATION
COMMISSION REQUESTING INITIATION OF
PROCEEDINGS FOR A CHANGE OF ORGANIZATION
PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL
GOVERNMENT REORGANIZATION ACT OF 2000 -
MISSION-GARIN ANNEXATION

WHEREAS, pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code section 56000 et seq.), the City of Hayward, as an affected city, hereby submits a proposal for a change of organization and respectfully requests the Local Agency Formation Commission of Alameda County (LAFCO) to initiate proceedings thereon; and

WHEREAS, notice of intent to adopt this resolution of application has been given to each interested and each subject agency; and

WHEREAS, the territory proposed to be annexed is inhabited and a description of the boundaries of the territory is set forth in Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, the proposal is consistent with the Sphere of Influence of the City of Hayward; and

WHEREAS, the City Council has approved a Plan for Providing Municipal Services to the area proposed for annexation which sets forth the improvements to be undertaken; and

WHEREAS, this annexation is being proposed to provide for the orderly development of the Mission-Garin Area; and

WHEREAS, the City Council has certified that the Program Environmental Impact Report has been prepared pursuant to the California Environmental Quality Act (CEQA) and the City's implementing guidelines, and that a Statement of Overriding Considerations has been adopted for identified significant and unavoidable impacts; and

WHEREAS, the City Council has agreed to an exchange of property tax revenues predicated on the countywide method for redistribution of property tax revenues adopted in 1980; and

NOW, THEREFORE, BE IT RESOLVED that this Resolution of Application is hereby adopted and approved by the City Council of the City of Hayward and the Local Agency Formation Commission of Alameda County is hereby requested to take proceedings for the annexation of the territory described in Exhibit "A," according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

me
7/9/03

RESOLUTION APPROVING PLAN FOR PROVIDING
MUNICIPAL SERVICES IN RELATION TO MISSION-GARIN
AREA ANNEXATION APPLICATION

WHEREAS, the City Council has submitted a proposal for a change of organization to the Local Agency Formation Commission of Alameda County to initiate proceedings for the annexation of the Mission-Garin Area and considered a Plan for Providing Municipal Services in conjunction with the annexation request, as required by LAFCo guidelines; and

WHEREAS, said Plan for Providing Municipal Services provides a summary of the changes in service providers, as well as information on needed infrastructure, costs, timing and methods of financing said services required for the requested annexation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that the Plan for Providing Municipal Services attached hereto as Exhibit "A" and incorporated herein by reference is hereby approved.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

mml
7/10/03

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION EFFECTUATING EXCHANGE OF
PROPERTY TAX REVENUES IN CONNECTION WITH
CERTAIN MUNICIPAL ANNEXATIONS**

WHEREAS, section 99 of the Revenue and Taxation Code provides, among other things, that no local agency jurisdictional change can be completed without the agencies affected by such change first having agreed upon an exchange of property tax revenue between and among the affected agencies; and

WHEREAS, the Alameda County Mayor's Conference, the City of Hayward (by Resolution No. 80-147 C.S.), and the Alameda County Board of Supervisors (by Resolution No. 186574 C.S.) have agreed to a method for equitably distributing the property taxes; and

WHEREAS, each specific annexation needs a resolution from both the City and county agreeing to the exchange of property tax revenues for the annexation to be completed and filed with the state.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward as follows:

1. For the following annexation by the City of Hayward, which will be first effective for the fiscal year following the filing of the Certificate of Completion with the State Board of Equalization, providing the filing occurs prior to December 31 of the preceding year, the Auditor-Controller of the County of Alameda shall be directed to cause an exchange of property tax revenues pursuant to the provisions of Paragraphs 1 and 3 of the City/County approved method for property tax redistribution, as set forth in Resolution No.80-147:

MISSION-GARIN AREA ANNEXATION

2. The City certifies that there is no significant commercial and/or industrial development in the proposed annexation.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward