CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 11/18/03
AGENDA ITEM 5
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2002-0722 & Vesting Tentative Tract Map 7435/PL-2002-0726 – Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner) – Request to Change the Zoning From a Single-Family Residential (RSB6) District to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes – The Project Location is 26965 Hayward Boulevard, near Spencer Lane

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution and introduce the attached ordinance:

1. Adopting the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approving the zone change and the preliminary development plan; and
3. Approving the Vesting Tentative Tract Map application.

DISCUSSION:

On October 28, 2003, the City Council considered a request to develop 15 single-family detached homes on a one-acre site on Hayward Boulevard. The Council took public testimony and one of the issues raised by neighbors of the project site was that of parking. Because there is no on-street parking on Hayward Boulevard and due to the limited availability for parking on Spencer Lane, the Council agreed that more parking should be provided on site. The Council asked the applicant to explore providing more guest parking spaces. In response, the applicant has revised the site plan by eliminating one home and increasing the number of guest parking spaces from six to eight.

The two additional parking spaces are located toward the front of the site, which allow for a more even distribution of guest parking throughout the project. With the elimination of one dwelling unit, the requirement for guest parking is reduced from a minimum of four spaces to at least three. The elimination of one unit has also allowed for greater separation from the

neighboring homes on Spencer Lane and for the elimination of three of four retaining walls from the previous plan. The reduction in necessary grading is a general principle encouraged by the City Hillside Design Guidelines. The removal of one house also creates room to increase the group open space from 1,800 square feet to 2,260 square feet.

Although eliminating a dwelling unit and increasing guest parking will reduce potential parking impacts on neighboring streets, in staff's opinion the proposed alternative project design should be improved. Specifically, the arrangement of the homes along Hayward Boulevard should be staggered to more closely follow the front setback line. The remaining homes should be parallel to the side property line as they were on the previous plan and the amount of impervious surfaces should be reduced. The conditions of approval have been revised to require these changes. This would add more visual relief to the view from Hayward Boulevard, provide more light into the side windows of the homes, improve the view looking down each driveway, and create larger landscaped areas. The revised plan meets all standards including fire truck turnaround requirements.

Prepared by:

Erik J. Pearson, AICP
Associate Planner

Recommended by:

for Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments:	Exhibit A.	Revised Conditions of Approval
	Exhibit B.	City Council Agenda Report dated October 28, 2003, with all attachments
		Applicant's Revised Site Plan
		Staff's Recommended Site Plan
		Draft Resolution
		Draft Ordinance

11/14/03

EXHIBIT A

CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL

November 18, 2003

<u>ZONE CHANGE APPLICATION NO. PL-2002-0722:</u> Request to Change the Zoning from a Residential Single-Family with a 6,000 square foot minimum parcel size (RSB6) district to a Planned Development (PD) district and Subdivide 1.1 acres and Build 15 Homes – Paul Martin for Hayward Commons, LLC (Applicant); Evelyn Lutes (Owner)

The Project Location Is 26965 Hayward Boulevard, near Spencer Lane

CONDITIONS OF APPROVAL:

1. Zone Change Application No. PL-2002-0722, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.

2. If a building permit is issued for construction of improvements authorized by the preliminary development plan and zone change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the zone change approval.

3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.

5. Prior to application for a Building Permit, the following changes shall be made to the plans:

    a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.

b) Details of address numbers shall be provided. Address number shall be decorative.

c) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete with a decorative facing, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height.

d) Show that an exterior hose bib shall be provided for each private yard or porch area.

e) The pavement at the driveway entries shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

f) Pedestrian walkways fronting the building(s) shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete or other approved material.

g) Show that a 6-foot-high, wood, "good-neighbor" fence shall be erected along all interior property lines.

h) Fencing of the private front yard areas shall be no taller than 3 feet and shall be an open, picket style fence.

i) If mailboxes are grouped, they shall be enclosed by a structure compatible with the architecture of the dwellings.

j) A visual screen shall be included along the west property line to shield the occupants of the condominium building from headlights of cars driving within the project.

k) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

l) <u>All homes shall be oriented to be parallel to the side property line. The row of homes closest to Hayward Boulevard shall be staggered to follow the front setback line.</u>

m) The area covered by paving shall be minimized. Driveway widths shall be the minimum necessary for fire truck turning movements and group open space shall be maximized.

6. The Precise Plan shall be submitted for approval of the Planning Director and shall include detailed landscaping and irrigation plans for all common areas, grading and improvement plans, detailed plans for all site amenities within the common recreation areas, details for decorative paving within the private streets, details for fencing of private yards and of the perimeter, exposed retaining walls, safety railings and barricades, architectural plans with enhanced side elevations where no windows will be utilized, sign details, location and design of mailboxes, samples of colors and materials for all exterior building finishes, and screening of all above-ground utilities, transformers and utilities.

   The Precise Plan shall also include a phasing plan that establishes an orderly development pattern. The plan shall include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping. Prior to issuance of a building permit, the developer shall submit a soils investigation report for review and approval by the City Engineer.

7. All improvements shown on the Precise Plan shall be installed before occupancy of any unit within the project.

8. The approval of this preliminary development plan is tied to the approval of Vesting Tentative Map No. 7435 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.

9. The applicant or homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

10. Individual garbage can(s) shall be kept within the garage of each unit except upon pick-up day.

11. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening

mechanism shall be provided for all garage doors. **This requirement shall be incorporated into the CC&Rs.**

12. The open parking spaces shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. **The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.**

13. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

14. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

15. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

16. Any future modification to the approved site plan shall require review and approval by the Planning Commission.

17. Future additions to residential units are prohibited.

18. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

19. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Landscaping:

20. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

21. Landscape plans shall show that solid building walls and/or fences facing a street or driveway will be buffered with continuous shrubs or vines.

22. Minimum landscape areas shall be 5 feet in any direction. Upright trees shall be planted in the areas between the units. The size and variety of trees shall be approved by the City Landscape Architect.

23. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage depending on the variety of tree chosen. The trees should be 20' from a light pole and 5' from any utility. Trees should be about 8 to 10 feet away from the power

lines along Hayward Boulevard and should be smaller tree varieties with a maximum height of 25 to 30 feet.

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

25. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.

26. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy for each building.

27. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

28. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.

29. Park Dedication In-Lieu Fees are required for 13 of the new dwelling units. Credit is given for the two existing units. Fees shall be those in effect at the time of issuance of the building permit.

30. A tree removal permit is required prior to the removal of any protected tree as designated in the Tree Preservation Ordinance. Replacement trees shall be required for any trees removed, equal in value to the tree(s) being removed, as determined by a certified Arborist and approved by the City Landscape Architect.

31. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

32. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

33. Decomposed granite paths shall not be used in areas with a grade of over 2%. Large areas of decomposed granite (D.G.) shall not be used unless proper methods of maintenance can be shown which will not allow weed penetration or degradation of the surface.

34. Provide self-climbing vines such as Boston Ivy on the exterior walls and retaining walls around the project.

Solid Waste & Recycling:

35. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.

36. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

37. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 1/10/03.

EXHIBIT B

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/28/03
AGENDA ITEM 4
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2002-0722 & Vesting Tentative Tract Map 7435/PL-2002-0726 – Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner) – Request to Change the Zoning From a Single-Family Residential (RSB6) District to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes – The Project Location is 26965 Hayward Boulevard, near Spencer Lane

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution and introduce the attached ordinance:

1. Adopting the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines;
2. Approving the zone change and the preliminary development plan; and
3. Approving the Vesting Tentative Tract Map application.

DISCUSSION:

The applicant has requested to change the zoning of the property from Residential Single-Family with a 6,000 square-foot minimum parcel size (RSB6) to Planned Development (PD) to accommodate the construction of 15 single-family homes. The detached homes would be on lots ranging in size from 1,837 square feet to 5,200 square feet. During the public hearing six people spoke against the project and nine people spoke in favor of the project. The Planning Commission voted 6:0 (one member recused herself) to recommend approval to the City Council.

Regarding design, there are four elevations, each a variation on the craftsmen architectural style. The design is consistent with the City's architectural design guidelines. Each unit has the same floor plan. The lower level contains a garage and laundry; the main level has a split-level of living, dining, kitchen, half bath, and family room; and the top floor has three bedrooms and two full baths. Each home has 1,590 square feet of living area and 428 square feet of garage.

There are four elevations. End units will have a wrap-around porch, and each building in a row of four houses will have a different elevation.

The proposed houses are 26 feet high as viewed from the front and approximately 31 feet tall as viewed from the back. Due to grade differences between the property and the surrounding land, the roofs of the proposed houses would be approximately 11 to 21 feet lower than the roofs of the houses on Spencer Lane, and the proposed roofs would range from about 3 feet higher to 9 feet lower than the roofs of the houses on Hemmingway Court. The proposed homes would be approximately the same height as the condominium building to the west. Although the City of Hayward does not have an ordinance requiring preservation of views, staff has determined that there will be no impact to the views that the surrounding homes currently have. Any impacts to privacy are expected to be minimal due to the differences in elevation and the orientation of the outdoor spaces.

The buildings are proposed to be more than 10 feet from the east property line and at least 20 feet from the front and rear property lines. Six feet would separate each of the houses from side to side. The Zoning Ordinance requires a minimum setback between primary structures of 10 feet. The Planned Development District allows flexibility in this standard and the reduced separation between units is offset by two factors. First, each unit has no windows on one side of the main living area level and on the upper level, most of the windows are in the stairway where privacy may be less of an issue and in the bathtub areas where frosted glass may be preferable. Secondly, extra open space is provided for both private open space and group open space. A similar project with less than 10 feet between homes is located on Brandywine Place and Thistle Court, off University Court near Highland Elementary School. The Planning Commission recently approved another project located at Winton Avenue and Alice Street. The project, not yet under construction, calls for 8 detached townhouses separated by 5 feet, 2 inches.

With regard to access from the project onto Hayward Boulevard, residents would be able to turn both left and right from the development. Hayward Boulevard is designed with a center lane (a double left turn lane) that facilitates left-turn movements from the site. In addition, the nearest street, Spencer Lane, is far enough away so as to not create conflicting left turn movements from the project, and the site distance from the project to Spencer Lane is unobstructed.

The project is within the Hayward Highlands Neighborhood. When the Hayward Highlands Neighborhood Plan was being developed, task force members struggled with the issue of the appropriate type of development along Hayward Boulevard. While some task force members urged limiting development to only single-family dwellings, others were supportive of multi-family projects. The task force's final recommendation consisted of a compromise proposition calling for a General Plan designation of "Residential - Medium Density" (17.4 units per acre) and a zoning classification of RSB6 - Single-Family Residential, with a 6000 square-foot minimum parcel size (7.26 dwelling units per acre). In effect, the density issue was not resolved as the General Plan Designation of Medium Density provides the opportunity for a zone change to allow development consistent with that designation. The resulting project is one

that reflects a single-family development that respects the density regarded as acceptable under General Plan designation of "Residential - Medium Density" while also being a townhouse-type development wherein there are some elements of common ownership and the parcel sizes do not reflect the minimum lot size of 6,000 square feet required by the underlying RSB6 zoning. In staff's opinion, the proximity of the site to a significant employment center, California State University Hayward, and its location on a major thoroughfare makes it an appropriate location for medium density residential development.

The applicant is seeking approval of Planned Development zoning because conventional zoning patterns calling for larger lots of at least 5,000 square feet each cannot be applied to the proposed development consisting of small-lot, detached single-family housing. The project can best be described as a hybrid between conventional single-family dwellings and an attached townhouse project. It is intended to provide a housing option that meets the market demand for detached housing and which offers a lifestyle with limited exterior maintenance on the part of the residents.

One of the issues discussed by many of the Planning Commissioners and neighbors was that of parking. They recognized that the project, as designed with four guest parking spaces, meets the City's parking requirements, but that more parking for guests would be desirable, particularly because no on-street parking is available on Hayward Boulevard and any overflow would most likely result in cars parking on surrounding residential streets. Staff had pointed out that additional parking could be accommodated with one of the two group open space area. This option would be appropriate in that the proposed centrally located group open space alone exceeds the minimum area required for the project; the rear open space area is somewhat isolated from the majority of the tenants; and as a result of redesigning the area, those residents more proximate to that area would enjoy larger private yards. The site is also within walking distance of College Heights Park located at the corner of Hayward Boulevard and Spencer Lane. Since the Planning Commission meeting, the applicant has modified the site plan to reflect two additional spaces.

Other issues brought up by people who spoke against the project included impacts on views and privacy and a desire to see a lower density with homes on 6,000 square-foot lots. Several people were concerned that the proposed housing could be rented rather than owner occupied. The applicant demonstrated that views currently enjoyed by people in the homes on Spencer Lane and Hemmingway Court are primarily to the west and would not be impacted because the homes on Spencer have pads substantially higher than the pads of the proposed homes.

Members of the public that spoke in favor of the project mentioned that the project was well designed, that it would provide much-needed affordable housing for the area, and that this type of housing provides opportunities for individuals seeking quality detached housing with minimal exterior maintenance responsibilities.

Prepared by:

Erik J. Pearson, AICP
Associate Planner

Recommended by:

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments: Exhibit A. Planning Commission Meeting Minutes and Staff Report, dated September 11, 2003
Exhibit B. Additional Letters from Neighbors
Plans
Draft Resolution
Draft Ordinance

10/22/03

Commissioner Sacks pointed out that they were also talking about the willingness to grant the irrevocable parking adding that this needs to be included in the conditions.

Commissioner Bogue expressed concern regarding the County and their intent for renewal every five years, as well as irrevocable parking agreement. He asked what if it all falls through. He noted that he thinks the City is taking on too much risk at this point. He said the County should take on the more risk. He said he needed further information on the risk to the City of Hayward; as a result he would not be in support of the motion.

Commissioner McKillop explained that it is the intent of the church to purchase this property, and agreed there was still much uncertainty. She said she would support the motion.

Commissioner Halliday asked for further information about the County use permit.

Planning Manager Anderly indicated that the County approved the Medical offices and the appurtenant parking. This arrangement for the conditional use permit was to allow an off-site property use for the parking lot, that specific use could be revoked or rather not renewed.

Chairperson Zermeño said he appreciated the church's improvement in the area. He liked the churches plans.

Commissioner Sacks said her instinct is to say no, but another part wants to see how this all works out. She said she would support the motion since it is not a final/final decision.

The **motion passed, 6:1**, with Commissioner Bogue voting "no."

2. **Zone Change No. PL-2002-0722 and Vesting Tentative Tract Map 7435/PL-2002-0726 – Paul Martin for Hayward Commons, LLC (Applicant) / Evelyn Lutes (Owner)** - Request to Change the Zoning From a Single-Family Residential (RSB6) District to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes - The Project is Located at 26965 Hayward Boulevard, near Spencer Lane

Commissioner Fraas recused herself because of a conflict.

Associate Planner Pearsen described the property and the proposed Planned Development District. The Neighborhood plan encourages this type of density. However, neighbors have raised issues of density, traffic, views and privacy. In response, staff feels many of these concerns have been answered through the buildings design, which will be lower, and smaller, and with the orientation of the buildings. Density is appropriate needed housing near the university. Staff believes this will be a nice transition from nearby homes to the condos next to it. Staff recommends approval.

Commissioner Sacks asked about the site plan, which showed cars parked on the private drive.

Associate Planner Pearsen agreed that no parking would be allowed on the drives.

Commissioner Halliday asked for background as to why the zoning and GP are inconsistent on this lot. She asked how this came about.

Associate Planner Pearsen noted that when the Neighborhood Plan was adopted about five years ago, the General Plan and zoning designation for the property had been high density residential. It was decided to decrease the density for the General Plan to medium density. The intention was if a developer wanted to develop single-family homes up to 6,000 square foot lots, they could do that without a permit.

Planning Manager Anderly explained that the intent was you could not place a planned district zoning without a specific plan. It was intentional to the project. Although the General Plan was changed to medium density but suggested a higher density. In reality this was just a holding designation.

Commissioner Halliday discussed the medium of the range, which allows up to 17 homes to be developed.

The public hearing opened at 8:36 p.m.

Jeff Potts, architect, representing Hayward Commons, discussed the history of the project and the changes. He explained the concept of walk-up style town homes, 18-units with 3-story units, the site is down in a hole. He added that this lot is really not conducive to single-family homes. Because of neighborhood meetings they redesigned a number of things and went with a detached town home. They reduced the mass, change the roof direction, dropped the grade of the site so they managed to reduce the height quite a bit. He commented that with the detached homes, meeting the City requirements became a problem. They managed to create a variety of looks with a wrap-around porch and step back upper stories, side elevations, detached town homes at this point.

Commissioner McKillop asked whether their firm has designed any other projects in the City of Hayward.

He explained that they worked on the Grand Terrace homes with Pulte Projects as well as numerous other production projects in the Bay area.

Commissioner Halliday asked about the estimated of the selling price of the homes.

Mr. Potts indicated that they would sell for as much as they can get them built. He added that this is a new trend, like a town home, but walls are not touching.

Paula Navarro said she lives in the unit directly behind the condos. This is not what was supposed to happen, everyone in the neighborhood is unhappy with being here. Single-family homes are what neighborhoods are about; it contributes to the stability of the City. It was

suggested that they place their children in private schools in the City because of the number of rental properties in the City, which creates transiency in the schools. She added that the hills are the one part of Hayward of which all residents should be proud. It is a beautiful area; residents do not need 50 people on one acre.

Jody Switzer Blum, lives on Dobbel Avenue, explained that she is concerned with adding more high density since already there is not enough parking in the area. She owns two homes, multiple unrelated families living in both properties, not enough parking, not safe. By law, there is nothing the City can do about that so if you already have high density on a lot, it will exacerbate the parking problems and spill onto Spencer Lane. It will decrease property values. She added that very few people are willing to volunteer in the schools, because there are too many rentals. The City of Hayward can support some renters but there needs to be a balance to this area. She said she is afraid that these will open up to rental housing. She asked that they not rezone this lot for this many units.

Chester Patton, resident, said it is disingenuous to suggest there would be no impact to existing residents. This will create a loss of privacy, degradation of the view, devaluation of property, crime, noise pollution. He said he is all for in-fill development but it is usual in mixed-use areas. Places that are close to major public transportation. He urged the commission to deny this application and leave it as it is presently zoned.

Ed Cassaro, Spencer Lane, house on the corner, said he as observed this project and the neighborhood plan is violated by this plan. He noted that they are not following what the Highlands has proposed, insufficient parking no parking on Hayward Boulevard, with the overflow parking on Spencer Lane in their neighborhood. He noted that already there are complaints that there is overflow parking. When you look at the design, there is parking only in the garages with no drive-way parking, staff recommendations say could not use the garage for living space or storage but for car parking only. He asked how this is enforced. He added that he is not against development in Hayward but he would like to see something better planned.

Commissioner Halliday said she was interested in the statistics that he tried to cite from the Bureau of Transportation.

Mr. Cassaro quoted the article from the Department of Transportation saying that there is at least one car per person in a household. Which would create a predominance of cars, which this area cannot support.

Jim Summer, one of the original households in this area in Hayward. He said he is not against development but when they moved in 1981, there were no condominiums in the area. It used to be low-key but now it has Hayward traffic like downtown. He asked the members to deny the multiple homes on this lot. In asking for denial, he said they could still build more than what is there.

Ken Ryken spoke in support of this project. He explained that where he lives is very similar to this project. These homes are built for people with more income than time. They choose to let the homeowners association deal with the yard work, etc. He noted that their area rarely has vacancies. This is the type of project needed to encourage in this area. The existing homes are not

designated toward students, too much space for a single family. You need projects like this. They develop an excellent sense of community. They do not have problems since there are no common walls, live in a tight community. People have not known an upscale project like this. He encouraged support for the project.

Valerie Caveglia commented that to approve this would negate the Hayward Hills Task Force plan. She explained the down zoning on the neighborhood. Following the same guidelines s the Old Highlands, asking for 15 houses that across the street would allow 4. She noted that the developer ignored many suggestions. History of the hard work of the Task Force is being ignored.

Tina Stewart, representing Mrs. Lutes who has lived in this area since her 30's. She is now in her 80's, and has finally put her home on the market. She waited to do her development. This process has taken an emotional toll on her. She was asking for their support of this proposal.

David Edu commended to the Commission to make a favorable vote.

Joel Thomas a rancher and single father in the Hayward Hills said this development sounds reasonable to him. In fact, there are no other homes in this area that he could afford. Looking to buy in a nice type community. Hope for approval so he can live where he works.

John Abernathy, a renter and a single-father, said he, too, is looking for a home to own. This is in an area in which he would like to live. However, without a project like this he could not afford the area, this community is ideal for him and would be beneficial.

Rob Simpson, a broker with a realty company said he was happy to see this project. It will help mitigate sound and is a good transition from the single-family homes. It is also built to serve a presently under served market. He asked for support.

Evermont King who said he owns many multiple units has no problem with bumping into his neighbors. It actually provides more security for his home. This area is steadily improving. This project is going to improve Hayward. He commented that someday, his own house would be knocked down and then that will improve the area. This is affordable piece of real estate with a view.

Jean Wilms commented thumbs up to the development. This will not jeopardize the view, now new neighbors. As to traffic, she said she would rather see residential dwellings up here, last year a child care business came into this area she would rather see residential housing rather than commercial development. She asked for support for this project. Let them build. It is not an eyesore but a good development. Let them go and prosper.

Bob Sakai, Vice Chair of the Hayward Highlands Neighborhood Plan, explained that the majority of the Task Force, 23 of them, talked about a lot of issues, wanted to keep a higher

density than single family residential. It was a continuous meeting for which they came up with a compromise with the zoning of single-family, on which, for a higher density, an applicant would have to come in with a very well designed plan. Having gone through the process, the developer has produced something of which the task force would think highly.

Commissioner Halliday asked him to elaborate further on the interface zone.

Mr.Sakai said he does not think the City Council adopted the recommendation in this regard.

Commissioner Halliday asked about the 70-foot setback and how significant it would be for requirements.

Associate Planner Pearsen said staff had not calculated the exact figures.

Paul Martin, developer, pointed out, when all the neighbors bought their homes, this property was zoned high density. He said he had been involved in the process for almost two years. It had been indicated as a high-density parcel. They went from 20-units to down to 18-units. After the first neighborhood meeting, they came away with an understanding of the problems as the neighbors saw it were mass, view and density. So they stepped back and decided to do a hybrid type project. They created a project to get it below their views. He estimated that were the 70-foot setback imposed, they would lose half the project.

Planning Manager Anderly added that using the same concept, you would lose nine of the 15 units.

Mr. Martin noted that this project does provide for a transition between the condominiums and the homes, now 24-acre. As to these becoming rental properties, he said, these units are not conducive to rentals, and will probably be sold to young professionals.

Commissioner Halliday expressed her concern regarding parking, since it is not easy to go away from the site and find parking since guest parking is so limited.

Mr. Martin speculated that as a reality, people might park on adjacent streets.

The public hearing was closed at 9:33 p.m.

Commissioner Sacks said her questions had been answered. She then **moved,** seconded by Commissioner Thnay, to approve the staff recommendation. She added that she did have contact with the developer, phone conversations, and email, and also drove to the location. She said she had problem finding a parking space but looked at the property. The issue of parking keeps coming up. People buy homes with limited space and then keep buying more cars. The conditions of approval will help quite a bit. She noted the various parking requirements for the CC&R's. The issue of parking will continue to come up. Another thing is the fear that these will become rentals. The reality is that homeowners rent properties. Nothing about the property itself designates that these will become rentals.

Commissioner Thnay spoke to his second. He noted the configuration of the lot and wondered whether a single family home would even be appropriate in that location. With homes located on top of the knoll, this transition is appropriate. Since this is an upscale development and with the prices, it would be unlikely that owners would rent them out. There would be other better returns for investment. As to parking, it is inevitable that there will be parking problems.

Commissioner Bogue said he would support the motion as a good transition between the single-family homes and the high-density condominiums to the west. Parking is already not enough on the site. Although it does meet the City requirements, the requirements need to be changed.

Commissioner McKillop said she hated this decision. She noted that it is an okay project, density is there and as a transition, conceptually it is sound. She said there is no doubt there will be negative impact on the residents who live there. She would support the motion, but was not happy about it.

Commissioner Halliday agreed it was a difficult decision. She noted that she too was not entirely happy with the project. She noted the inconsistency between the general plan and the density. She said she would like to see a smaller density of the project, adding that she was not in favor of taking away the open space. She was sorry that the neighbors are so unhappy. She added that it was interesting to hear about the older lady who owns this property and has had to accommodate all the other new comers into her neighborhood.

Chairperson Zermeño agreed that the parking is a problem. There might have to be further reconsideration of the requirements of the City. He added that he would support the motion because there were more positives than negatives of the project. He said it was a sound transition for the neighborhood.

The **motion passed 6:0, with Commissioner Fraas in abstentia.**

3. **Site Plan Review Application No. 2003-0414 – Standard Pacific Homes (Applicant) / Acacia Credit Fund 7, LLC (Owner)** Request for Approval of the Design of 195 Single-Family Dwellings, and Variances to Rear Yards and Lot Coverage for Certain Lots, to be Located at the Easterly End of Eden Shores Drive as Phase III of Eden Shores (Commonly Known as Oliver West)

Principal Planner Patenaude indicated that this is Phase III of Eden Shores. Many homes in Phases I and II have already been sold and built out. He described the various lots and the variance requests. This phase contains 195 lots, which will be a continuation of a previously built neighborhood.

The public hearing opened at 9:58 p.m.

Bo Crane, Standard Pacific, explained that the project has been successful on all levels. He added

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 9/11/03
Agenda Item 2

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner
Andrew S. Gaber, P.E., Development Review Engineer

SUBJECT: **Zone Change No. PL-2002-0722 & Vesting Tentative Tract Map 7435/PL-2002-0726 – Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner)** – Request to Change the Zoning From a Single-Family Residential (RSB6) District to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes

The Project Location Is 26965 Hayward Boulevard, near Spencer Lane

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council:

1. Adopt the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; and
2. Approve the zone change and the preliminary development plan subject to the attached findings and conditions; and
3. Approve the Vesting Tentative Tract Map application, subject to the attached findings and conditions.

DISCUSSION

The applicant has requested to change the zoning of the property from Single-Family Residential with a 6,000 square foot minimum parcel size (RSB6) District to a Planned Development (PD) District to allow the subdivision of the 1.1-acre parcel and construction of 15 homes. The General Plan designation for the property is Medium Density Residential (MDR), which allows for up to 17.4 dwelling units per acre. The proposed density is less than 15 units per acre.

The General Plan designation for the property was High-Density Residential and was changed to Medium Density Residential with the adoption of the Hayward Highlands Neighborhood Plan in 1998. The property was also rezoned from High Density Residential (RH) to Single-Family Residential with a 6,000 square foot minimum parcel size (RSB6). Furthermore, the neighborhood plan states that "in order to achieve the best site design possible, development applications are encouraged to be processed through the PD (Planned Development) District in order to allow either single-family detached or single-family attached development." The

applicant has requested the property be zoned PD so that 6,000 square foot lots would not be required for each detached home in order to provide housing at a density nearing the General Plan allowance.

The site is currently developed with two single-family residences served by two separate driveways from Hayward Boulevard. The two homes were built in 1932 and 1936. The older home near the street, a stucco bungalow, is in need of repair and the home at the rear of the property, a simple ranch style house, appears to be well maintained. Staff has determined that neither of the homes is architecturally or historically significant. The property is surrounded by single-family homes to the east and south and by a three-story condominium building to the west. To the north, across Hayward Boulevard, are the Hillcrest Apartments. The proposed homes are intended to create a transition between the larger single-family homes to the east and south and the condominiums to the west in terms of density and massing.

The proposed homes have been designed in a craftsmen architectural style and each home meets the architectural design guidelines applicable to single-family houses. The second floor of each unit is smaller than the first and the exterior second story side walls step in from the first floor walls. Each unit has the same floor plan, which consists of a garage and laundry on the lower level. The main level has a split level of living, dining, kitchen, half bath, and family room. The upper level has 3 bedrooms and two full bathrooms. Each building would have 1,590 square feet of living area and 428 square feet of garage. There are four elevations. End units will have a wrap-around porch and each building in a row of four houses will have a different elevation.

The proposed houses would be 26 feet tall with two exposed levels on the front elevation and approximately 31 feet tall with two levels of living area above a garage on the rear elevations. Due to grade differences between the property and the surrounding land, the roofs of the proposed houses would be approximately 11 to 21 feet lower than the roofs of the houses on Spencer Lane and the proposed roofs would range from about 3 feet higher to 9 feet lower than the roofs of the houses on Hemmingway Court. The proposed homes would be approximately the same height as the condominium building to the west. Although the City of Hayward does not have an ordinance requiring preservation of views, staff has determined that there will be no impact to the views that the surrounding homes currently have. Any impacts to privacy are expected to be minimal due to the differences in elevation and the orientation of the outdoor spaces.

The houses would be served by a single driveway running along the west property line. The buildings are proposed to be more than 10 feet from the east property line and at least 20 feet from the front and rear property lines. Each of the houses would be separated by 6 feet from side to side. The Zoning Ordinance requires a minimum setback between primary structures of 10 feet. The Planned Development District allows flexibility in this standard and the reduced separation between units is offset by two factors. First, each unit has no windows on one side of the main living area level and on the upper level, most of the windows are in the stairway where privacy may be less of an issue and in the bathtub areas where frosted glass may be preferable. Secondly, extra open space is provided for both private open space and group open space. A similar project with less than 10 feet between homes is located on Brandywine Place and Thistle Court, off University Court near Highland Elementary School. The homes are separated by 5 feet and, as indicated to staff by one of the residents of the Ridgeview development, many people

highly value having a detached home and not sharing walls with neighbors. The homes make an attractive neighborhood and staff feels that the building setbacks in this development are sufficient. The Planning Commission recently approved another project located at Winton Avenue and Alice Street. The project, not yet under construction, calls for 8 detached townhouses separated by 5 feet, 2 inches.

A minimum of 350 square feet of open space per unit or a total of 5,250 square feet is required for the project. Of the 350 square feet per unit, at least 100 square feet must be devoted to group open space. Although 1,500 square feet of group open space is required, 2,800 square feet are proposed. In addition, each of the proposed homes has a front porch and the end units have wrap-around porches. The porch, in combination with a small fenced-in front yard, would create a private open space of 250 square feet per unit. Private open space is required to be located outside the required 20-foot front yard setback. On Lots 1 through 4 approximately half of the fenced areas or 50 square feet of the private open space for each unit is located inside the 20-foot front yard setback from Hayward Boulevard. The closest point of any private open space to the front property line is 15 feet. The setback exception permitted by the Planned Development District is offset by the large amount of overall open space provided. Also, the City's single-family zoning regulations encourage front porches 15 feet from a front property line. Finally, College Heights Park, a 3.9-acre neighborhood park located at the corner of Spencer Lane and Hayward Boulevard is about 160 feet away from the project site and will provide additional recreational opportunities for residents of the project.

Each house would have a two-car garage with space for garbage and recycling containers as well as the minimum 90 cubic feet of storage space. Since the project has been classified as multi-family, the City's Off-Street Parking Regulations require 2.1 parking spaces per unit. A total of 32 parking spaces are required, 4 of which must be available to guests. The proposal includes 34 parking spaces with 4 open guest spaces at the rear of the site. There is room for one more guest parking space at the rear of the site; however, this would eliminate the adjacent group open space. Because the central group open space exceeds the minimum size, the Planning Commission may consider reducing the open space at the rear in order to provide more parking. This may be desirable because no parking is permitted on Hayward Boulevard.

The project will require the removal of 14 of the 19 trees. All of the trees to be removed have been rated as being in moderate to poor health and structure. The City's Landscape Architect found that there were no significant trees worthy of preservation. Replacement trees totaling in value equal to those removed will be planted throughout the site.

Children living at the new homes would attend Highland Elementary School (6 students), Bret Harte Intermediate School (2 students) and Hayward High School (4 students). The property is also within walking distance (about one third of a mile) to California State University Hayward.

AC Transit bus route #94 passes directly by the property and serves Downtown and the Hayward BART station where people can connect to various public transportation options serving the Bay Area. The project site is within walking distance of a neighborhood shopping center at Hayward Boulevard and Civic Avenue.

Tract Map

The proposed subdivision creates 16 parcels; 15 residential lots and 1 lot for the private roadway and common area. This parcel will be owned by the homeowners' association, who will also maintain the common entryway and driveways within the development. The proposed driveway widths are adequate for circulation and Fire Department accessibility requirements.

The formation of a Homeowners Association and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required to cover the maintenance of the private roadways and common area landscaping. The common area landscaping includes all areas except the private rear yards and the homes. The CC&R's will also contain a standard condition that if the homeowners association fails to maintain the common areas and private streets, the City of Hayward will have the right to enter the project and perform the work necessary to maintain these areas and lien the properties for the their proportionate share of the costs.

There are existing utilities within Hayward Boulevard, including sanitary sewer and water, with sufficient capacity to adequately serve the proposed project. Storm drainage will be directed to a system that currently ends at the adjacent condominium project. A 5-foot wide sidewalk will be constructed along the Hayward Boulevard frontage. Currently, the sidewalk ends on either side of this property at Spencer Lane and at the condominium project.

ENVIRONMENTAL REVIEW

An Initial Study and Mitigated Negative Declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) guidelines. No significant environmental impacts are expected to result from the project, as mitigated.

PUBLIC NOTICE

On January 2, 2003, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Hayward Highlands Neighborhood Task Force, the Hayward Area Planning Association, and the Old Highlands Homeowners Association.

Two neighborhood meetings were held. On January 16, 2003 approximately 13 people attended the first meeting. Neighbors raised the issues of traffic, loss of privacy, loss of views, implementation of the proposed Interface Zoning Ordinance, tree preservation, density, and people did not want to see the homes become rentals. Eleven letters and e-mails from neighbors opposing the project were received, one of which was withdrawn after further consideration of the project. Two letters in support of the project were received.

The applicant has addressed the issues of privacy and views by reducing the number of units and by reducing the height of the buildings. The plans show that the proposed homes will be 20 to 30 feet below the pads of the homes on Spencer Lane and Hemmingway Court. Regarding traffic, an analysis prepared by the City's Engineering and Transportation Division revealed that the proposal would not cause a substantial increase in traffic for Hayward Boulevard and no traffic study was required. Some neighbors expressed a desire to save trees while the residents of the

condominium building feel strongly against anything that would cast shadows on their building because the building recently had dry rot and moisture problems.

Although the proposed density is below what the Neighborhood Plan allows, many of the neighbors on Spencer and Hemmingway would prefer to see conventional single-family homes on the site. It is important to note that when the surrounding homes were built between 1980 and 1984, the zoning of the subject property was Residential-High Density (RH) and the General Plan designation was High Density Residential (HDR) allowing as many as 32 dwelling units. The RH zoning and HDR designation would have allowed twice as many dwelling units as are permitted today under the MDR designation. A neighbor attending the meeting suggested that the project should follow the standards outlined in a proposed interface zoning ordinance for Hayward Boulevard, which was included in the Hayward Highlands Neighborhood Plan. The Neighborhood Plan discusses exploring buffer zones between adjacent single-family and multiple-family districts, which would involve increasing setbacks and reducing building heights. In the case of the proposed project, the ordinance would require a 70-foot setback between the proposed homes and the RS boundary line and 25 feet between buildings. The City Council adopted Strategy 1.2 in the Plan that reads "Evaluate the need for an Interface Zoning Ordinance...." To date, this evaluation has not been included in the Planning Division's work program. Staff believes that the density proposed by this project is appropriate as it is near a major activity center (Cal State University), which depends on the availability of housing opportunities for faculty and students.

After the applicant made significant revisions to the plans in an effort to address the neighbors concerns, a second meeting was held on June 23, 2003. Approximately 10 people attended the second meeting. The number of units proposed was reduced from 18 row-house units to 15 detached units. More open space was included in the proposal and the height of the buildings was reduced. A representative from the adjacent condominium association noted that parking is already a problem and that they don't want to be impacted by overflow parking. Most of the neighbors who attended the meeting were opposed to the project and raised the same concerns raised at the first meeting.

On August 22, 2003 a legal advertisement was published in the Daily Review newspaper to notify the public of the pending application and pubic hearing. Also, On August 22, 2003, a Notice of Public Hearing for the Planning Commission meeting and Notice of Preparation of Environmental Document were mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

The proposed project complies with the City's Design Guidelines, the Hillside Design Guidelines and the Hayward Highlands Neighborhood Plan. The proposal would provide much needed, high quality housing for the City of Hayward in proximity to the University.

Prepared by:

for Erik J. Pearson, AICP
Associate Planner

Andrew S. Gaber, P.E.
Development Review Engineer

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A. Area & Zoning Map
B. Findings for Approval of Zone Change Application No. PL-2002-0722
C. Conditions of Approval for Zone Change Application No. PL-2002-0722
D. Findings for Approval of Vesting Tentative Tract Map No. 7435 (Application No. PL-2002-0726)
E. Conditions of Approval for Vesting Tentative Tract Map No. 7435 (Application No. PL-2002-0726)
F. Initial Study
G. Mitigation Monitoring Program
H. Mitigated Negative Declaration
I. Letters from neighbors
Plans

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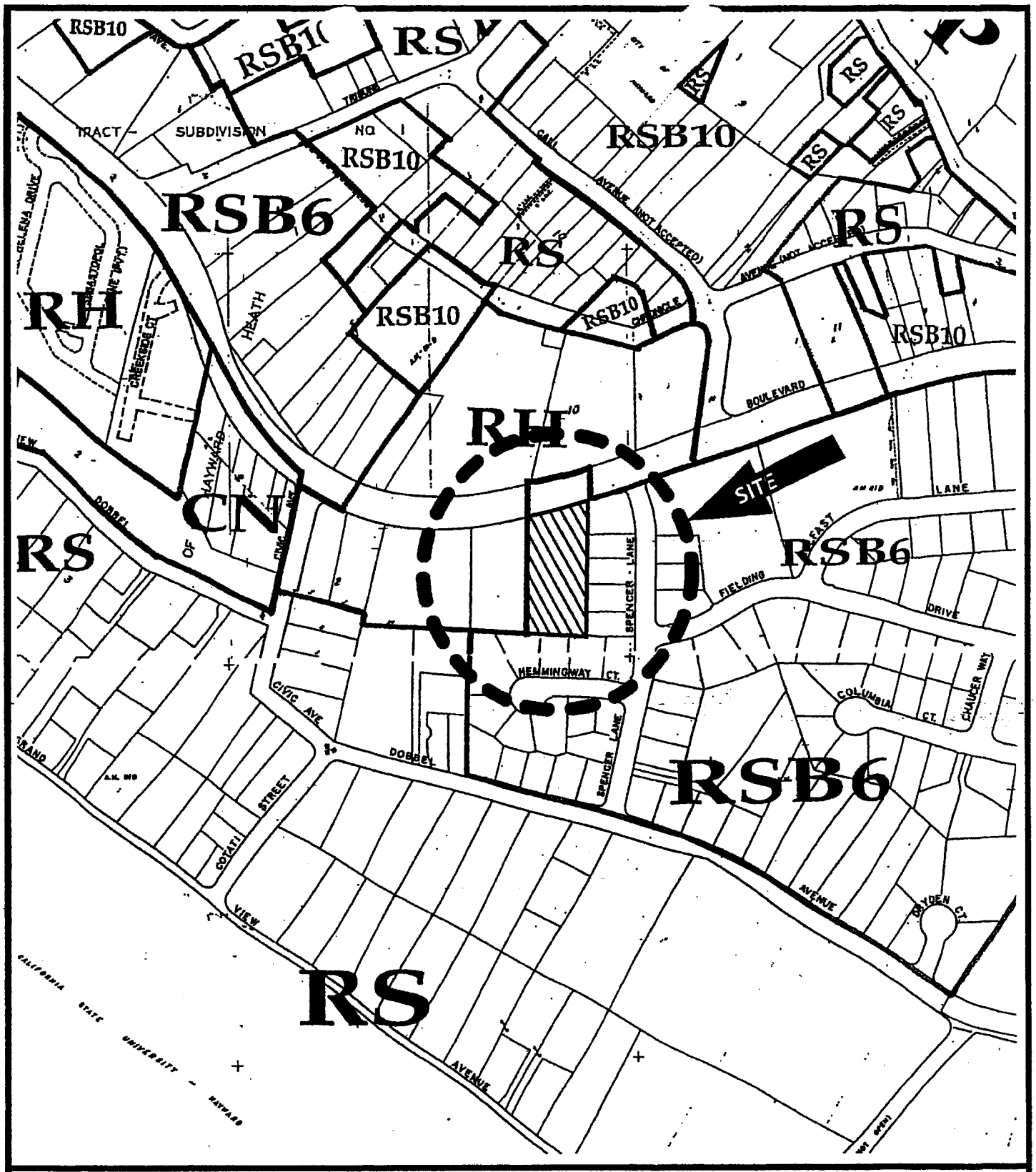

Area & Zoning Map

PL-2002-0772/0726 ZC/TTM7435

Address: 26965 Hayward Blvd.

Applicant: Paul Martin

Owner: Evelyn Lutes

CN-Neighborhood Commercial
RH-High Density Residential RHB 7
RS-Single-Family Residential,RSB4,RSB6

North

ATTACHMENT A

CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL

September 11, 2003

ZONE CHANGE APPLICATION NO. PL-2002-0722: Request to Change the Zoning from a Residential Single-Family with a 6,000 square foot minimum parcel size (RSB6) district to a Planned Development (PD) district and Subdivide 1.1 acres and Build 15 Homes – Paul Martin for Hayward Commons, LLC (Applicant); Evelyn Lutes (Owner)

The Project Location Is 26965 Hayward Boulevard, near Spencer Lane

Findings for Approval – Preliminary Development Plan:

A. Approval of Zone Change Application No. 2002-0223, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.

B. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Hayward Highlands Neighborhood Plan and applicable City policies by providing housing opportunities and enhancing neighborhood quality.

C. Existing and proposed streets and utilities will be adequate to serve the development.

D. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested are for portions of the private open space of four units to be located within the front yard setback along Hayward Boulevard and for a reduced separation between buildings. Both exceptions are offset by the large amount of open space proposed for the site and the reduced separation is also offset by the strategic window placement.

ATTACHMENT B

Findings for Approval – Zone Change:

F. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning will allow the development of higher density housing which is supported by the Housing Element of the General Plan and the Neighborhood Plan;

G. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the Zoning change is consistent with the General Plan designation;

H. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations. Fifteen homes will be built where maybe only five homes could be constructed under the current zoning.

CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE APPROVAL

September 11, 2003

ZONE CHANGE APPLICATION NO. PL-2002-0722: Request to Change the Zoning from a Residential Single-Family with a 6,000 square foot minimum parcel size (RSB6) district to a Planned Development (PD) district and Subdivide 1.1 acres and Build 15 Homes – Paul Martin for Hayward Commons, LLC (Applicant); Evelyn Lutes (Owner)

The Project Location Is 26965 Hayward Boulevard, near Spencer Lane

CONDITIONS OF APPROVAL:

1. Zone Change Application No. PL-2002-0722, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.
2. If a building permit is issued for construction of improvements authorized by the preliminary development plan and zone change approvals, said approvals shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the zone change approval.
3. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to any zoning code, must be approved by the Planning Director prior to implementation.
5. Prior to application for a Building Permit, the following changes shall be made to the plans:
    a) A copy of these conditions of approval shall be included on a full-sized sheet(s) in the plan set.
    b) Details of address numbers shall be provided. Address number shall be decorative.

ATTACHMENT C

c) Details of retaining walls shall be included. All retaining walls shall be constructed of reinforced concrete with a decorative facing, approved by the Planning Director and the City Engineer. No retaining walls shall exceed 6 feet in height.

d) Show that an exterior hose bib shall be provided for each private yard or porch area.

e) The pavement at the driveway entries shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director.

f) Pedestrian walkways fronting the building(s) shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete or other approved material.

g) Show that a 6-foot-high, wood, "good-neighbor" fence shall be erected along all interior property lines.

h) Fencing of the private front yard areas shall be no taller than 3 feet and shall be an open, picket style fence.

i) If mailboxes are grouped, they shall be enclosed by a structure compatible with the architecture of the dwellings.

j) A visual screen shall be included along the west property line to shield the occupants of the condominium building from headlights of cars driving within the project.

k) A lighting plan prepared by a qualified illumination engineer shall be included to show exterior lighting design. Exterior lighting shall be erected and maintained so that adequate lighting is provided in all common areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

6. The Precise Plan shall be submitted for approval of the Planning Director and shall include detailed landscaping and irrigation plans for all common areas, grading and improvement plans, detailed plans for all site amenities within the common recreation areas, details for decorative paving within the private streets, details for fencing of private yards and of the perimeter, exposed retaining walls, safety railings and barricades, architectural plans with enhanced side elevations where no windows will be utilized, sign details, location and design of mailboxes, samples of colors and materials

for all exterior building finishes, and screening of all above-ground utilities, transformers and utilities.

The Precise Plan shall also include a phasing plan that establishes an orderly development pattern. The plan shall include provisions for project staging, designated areas for construction employee parking (on- and off-site), construction office, sales office (if any), hours of construction, provisions for noise and dust control, and common area landscaping. Prior to issuance of a building permit, the developer shall submit a soils investigation report for review and approval by the City Engineer.

7. All improvements shown on the Precise Plan shall be installed before occupancy of any unit within the project.

8. The approval of this preliminary development plan is tied to the approval of Vesting Tentative Map No. 7435 and the associated conditions of approval. No building permit shall be issued for any structure within this application until the City Council has approved the final map and said map is recorded.

9. The applicant or homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. Individual homeowners shall maintain in good repair the exterior elevations of their dwelling. The CC&Rs shall include provisions as to a reasonable time period that a unit shall be repainted, the limitations of work (modifications) allowed on the exterior of the building, the formation of a design review committee and its power to review changes proposed on a building exterior and its color scheme, and the right of the homeowners association to have necessary work done and to place a lien upon the property if maintenance and repair of the unit is not executed within a specified time frame. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence.

10. Individual garbage can(s) shall be kept within the garage of each unit except upon pick-up day.

11. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. **This requirement shall be incorporated into the CC&Rs.**

12. The open parking spaces shall be provided for and maintained as visitors' spaces and shall not be used for recreational vehicles, camper shells, boats or trailers. These spaces shall be clearly marked and monitored by the homeowners association. Parking stalls shall be used only for vehicles in operating condition. **The homeowners association shall remove vehicles parked contrary to this provision. The developer shall include in the CC&Rs authority to tow illegally-parked vehicles.**

13. The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation. Construction equipment shall be maintained and operated in such a way as to minimize exhaust emissions. If construction activity is postponed, graded or vacant land shall immediately be revegetated.

14. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

15. Any transformer shall be located underground or screened from view by landscaping and shall be located outside any front or side street yard.

16. Any future modification to the approved site plan shall require review and approval by the Planning Commission.

17. Future additions to residential units are prohibited.

18. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.

19. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.

Landscaping:

20. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance.

21. Landscape plans shall show that solid building walls and/or fences facing a street or driveway will be buffered with continuous shrubs or vines.

22. Minimum landscape areas shall be 5 feet in any direction. Upright trees shall be planted in the areas between the units. The size and variety of trees shall be approved by the City Landscape Architect.

23. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage depending on the variety of tree chosen. The trees should be 20' from a light pole and 5' from any utility. Trees should be about 8 to 10 feet away from the power lines along Hayward Boulevard and should be smaller tree varieties with a maximum height of 25 to 30 feet.

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

25. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80% of the dwelling units, whichever first occurs.

26. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion, and an Irrigation Schedule shall be submitted prior to the issuance of a Certificate of Occupancy for each building.

27. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. Required street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect.

28. Prior to the sale of any individual unit/lot, or prior to the acceptance of tract improvements, whichever first occurs, a homeowners' association shall be created to maintain the common area landscaping and open space amenities. Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses. A reserve fund shall be maintained to cover the costs of replacement and repair of all improvements shown on the approved plans.

29. Park Dedication In-Lieu Fees are required for 13 of the new dwelling units. Credit is given for the two existing units. Fees shall be those in effect at the time of issuance of the building permit.

30. A tree removal permit is required prior to the removal of any protected tree as designated in the Tree Preservation Ordinance. Replacement trees shall be required for any trees removed, equal in value to the tree(s) being removed, as determined by a certified Arborist and approved by the City Landscape Architect.

31. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

32. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Trees shall be fenced at the drip line throughout the construction period and shall be maintained in a healthy condition throughout the construction period.

33. Decomposed granite paths shall not be used in areas with a grade of over 2%. Large areas of decomposed granite (D.G.) shall not be used unless proper methods of maintenance can be shown which will not allow weed penetration or degradation of the surface.

34. Provide self-climbing vines such as Boston Ivy on the exterior walls and retaining walls around the project.

Solid Waste & Recycling:

35. A Construction and Demolition Debris Recycling Statement must be submitted with the building permit application.

36. A Construction and Demolition Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project.

37. This approval is subject to the requirements contained in the memo from the Solid Waste and Recycling Division of the Public Works Department dated 1/10/03.

FINDINGS FOR APPROVAL
VESTING TENTATIVE TRACT MAP 7435

1. The approval of Vesting Tentative Map Tract 7435, as conditioned, will not cause a significant impact on the environment, as documented in the Initial Study. A Mitigated Negative Declaration has been prepared per the California Environmental Quality Act (CEQA) Guidelines.

2. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.

3. The site is physically suitable for the proposed type of development.

4. The design of the subdivision and the proposed improvements are **not** likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

5. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.

6. Existing streets and utilities are adequate to serve the project.

7. None of the findings set forth in Section 64474 of the Subdivision Map Act[1] have been made.

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[1] [1] The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(c) That the site is not physically suitable for the type of development.

(d) That the site is not physically suitable for the proposed density of development.

(e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.

(g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

ATTACHMENT D

CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP 7435
26965 Hayward Boulevard

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

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

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

PRIOR TO THE RECORDATION OF THE FINAL MAP

IMPROVEMENTS

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

Roadways

Public Streets

1. New sidewalk shall be installed along Hayward Blvd, extending from Spencer Lane westerly to the end of the existing sidewalk. Improvements shall conform to City Standard Details and shall be approved by the City Engineer.

2. The existing driveway curb cut shall be removed and replaced with City standard curb, gutter and sidewalk, as approved by the City Engineer.

3. A City Standard street light shall be installed along the Hayward Blvd. frontage

4. An Encroachment Permit shall be obtained from the City prior to the start of any construction within the public right of way.

5. The Developer/Contractor shall take every reasonable precaution to protect all underground electrical facilities, including those for street lights, traffic signal interconnect and traffic signal loop detectors, during construction. All existing utility facilities and improvements damaged during construction shall be completely restored at the Developers/Contractors expense and to the satisfaction of the City Engineer.

Interior Private Roadways

ATTACHMENT E

6. The entry roadway shall have a 20-foot-wide curb-to-curb width allowing for two 10-foot-wide travel lanes. The roadway design and cross section shall be approved by the City Engineer.

7. The private driveways shall have a minimum clear width of 26 feet and be designed with a PCC valley gutter. The valley gutter design and driveway cross-section shall be approved by the City Engineer.

8. The entry roadway curb returns shall have a minimum face-of-curb radius of 20 feet and shall include handicap ramps when adjacent to sidewalks. The street and handicap ramp designs shall be approved by the City Engineer.

9. No parking shall be allowed within the interior roadway right-of-ways. "No Parking" signs shall be installed along both sides of the entry roadway and driveways.

10. Decorative pavement e.g. interlocking pavers or stamped colored concrete, or bands of decorative paving, etc. shall be installed at the entrance and various locations within the subdivision. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving.

11. The onsite streetlights and pedestrian lighting shall have a decorative design approved by the Planning Director and the City Engineer. The locations of the lights shall be shown on the improvement plans and shall be approved by the City Engineer.

12. Upon any necessary repairs to the facilities under the on-site decorative paved areas, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall be borne by the homeowners association established to maintain the common areas within the subdivision boundary.

<u>Storm Drainage</u>

13. The subdivision storm drain system shall be a private system owned and maintained by the homeowners association. The existing concrete swale shall be reconstructed after installation of the storm drain pipe.

14. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff and to demonstrate that the downstream system is adequate for this additional runoff.

15. Prior to commencement of any clearing and grading or excavation resulting in a land disturbance of one (1) acre or more, the developer shall submit evidence to the City that a notice of Intent (NOI) has been submitted to the State Regional Water Quality Control Board.

16. The project plans shall include storm water pollution prevention and control measures for the operation and maintenance of the project during and after construction for review and approval of the City Engineer. The project plan shall identify Best Management Practices

(BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. An inline treatment system may be installed along with the storm drain system, but it must include a provision for oil sorbent material to remove oil and grease from storm water runoff. The developer shall prepare a Maintenance Agreement (An example of a maintenance agreement is available on the web at: http://www.stormwatercenter.net) and the maintenance agreement shall be recorded with the Alameda County Recorders Office to ensure that the responsibility for maintenance is bound to the property in perpetuity. The developer shall also provide a statement formally transferring responsibility for maintenance and operation of the system to the Homeowners Association at the completion of the project.

As an option, the Developer may construct the entryway and private driveways out of interlocking pavers, eliminating the need for an inline treatment system for the storm drain. The design and type of pavers shall be reviewed and approved by the Planning Director and City Engineer.

17. The project plan measures shall also include erosion control measures to prevent soil, dirt, debris and contaminated materials from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.

18. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

19. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.

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

<u>Sanitary Sewer System</u>

21. The sanitary sewer system shall be publicly owned and maintained and designed in accordance with the City of Hayward standard details. The line shall be a minimum of 8 inches, and a manhole will be required at the end of each leg of the sewer main.

22. Onsite sanitary sewer mains shall be located 6 feet from the face of curb within the private driveway.

23. Each residential unit shall have a separate sanitary sewer lateral.

24. All existing sanitary sewer laterals that are not to be reused shall be abandoned. The laterals shall be severed at the sewer main and the wyes shall be plugged using a mechanical plug. This work shall be done by City forces and will be paid for by the

developer.

Water System

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

26. Water services shall be located 6 feet from sanitary sewer laterals.

27. Each residential unit shall be individually metered. The developer shall install individual radio read water meters. Meters shall be located a minimum of 2 feet from the top of driveway flares.

28. All existing water services to be abandoned shall be abandoned by turning off the corporation stop and cutting the existing line. This work shall be done by City forces at developers expense.

Fire Protection

29. Fire Department requirements shall be as follows:

    a. The private roadway and driveways shall be dedicated fire lanes and no parking of vehicles shall be allowed on either side. Red curbing will be required for the entire length of the entryway. Signs shall be posted to allow towing of illegally parked vehicles to ensure adequate fire truck access.
    b. The private roadway and driveways shall be designed and engineered to withstand 50,000 lbs. GVW of fire apparatus. In addition, where pavers or decorative concrete is being used, the installation shall also meet the same engineering and design.
    c. Building addresses shall be approved by the City for conformity and shall be on each building in a location approved by the Hayward Fire Department. Minimum size of numbers shall be 4 inch (if self-illuminated) or 6 inch on contrasting background. Addresses shall be visible from the street. Due to project layout and building setbacks, a monument sign with the addresses posted on it may be required at the street entrance to the development.
    d. One new fire hydrant shall be installed along the private driveway within the development. The type of fire hydrant shall be a double steamer, capable of flowing 1500 GPM at 20 PSI for a 2-hour duration (includes allowance granted 50 percent for fire sprinklers). The design and layout of the hydrants shall be reviewed and approved by the Fire Department prior to construction.
    e. Blue reflective pavement markers shall be installed at fire hydrant locations.
    f. Each building shall have an automatic fire sprinkler system installed in conformance with NFPA-13-D (Modified) Standards. Each such building shall have fire sprinkler protection within the garage, attic areas, under roof overhangs (greater that 4 ft projection), etc.
    g. An exterior alarm bell is required to be installed on the fire sprinkler riser for each building. The alarm bell shall activate with any sprinkler waterflow alarm activity..
    h. An interior alarm-signaling device shall be required for each individual structure. The

alarm-signaling device shall be activated upon any waterflow alarm activity.

i. Construction shall meet the 2001 California Building Code (CDC) and all applicable City of Hayward Ordinance and Standards.
j. Exiting shall comply with the CBC, Chapter 10.
k. Smoke detectors shall be installed in each dwelling unit. Installation of the smoke detectors shall meet the State of California Building Code and shall be hard wired electrically with battery back up.
l. Spark arrestors shall be installed on all chimney caps.
m. All windows shall be double paned.
n. Roofing shall meet a minimum Class A rating.
o. Exterior siding construction shall be of non-combustible materials.

Utilities

30. All service to dwellings shall be an "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC (phone) Company and local cable company regulations. All facilities necessary to provide service to the dwellings, including transformers and switchgear, shall also be undergrounded.

31. All utilities, including water mains, located underneath decorative paving or "turf block" shall be encased in steel sleeves.

32. All surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed driveway or public streets shall be located outside of the sidewalk within the Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Hayward Fire Chief.

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

Dedications, Easements and Encroachment Permits

34. The final map shall reflect all easements needed to accommodate the public portions of the sanitary sewer and water systems. The easements shall be a minimum of 12 feet wide.

35. Prior to the approval of the final map, all documents that need to be recorded with the final map, shall be approved by the City Engineer and any unpaid invoices or other outstanding charges accrued to the City for the processing of the subdivision application shall be paid.

Subdivision Agreement

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

DURING CONSTRUCTION

37. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:

a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
b. Grading and construction equipment shall be properly muffled;
c. Unnecessary idling of grading and construction equipment is prohibited;
d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
f. The developer shall participate in the City's recycling program during construction.
g. Daily clean up of trash and debris shall occur along all 4 peripheral streets;
h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
n. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system

through being windblown or in the event of a material spill;

t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more information;

u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and

v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

38. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.

39. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The subdivider shall require the soils engineer to daily submit all testing and sampling and reports to the City Engineer.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

40. The applicant/developer shall pay the following fees;

a. Supplemental Building Construction and Improvement Tax;

b. School Tax; and

c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time the vesting tentative map was accepted as complete.

d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

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

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

43. Prior to the City setting the water meters, the subdivider shall provide the Water Department with certified costs covering the installation of the public water mains and appurtenances.

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

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

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

46. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and attested to by the City Engineer before approval of occupancy of any unit. Where facilities of other agencies are involved, such installation shall be verified as having been completed and accepted by those agencies.

47. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or occupancy of 80 percent of the dwelling units, whichever first occurs.

48. The improvements associated with the Pacific Gas and Electric Company, SBC (phone) company and local cable company shall be installed to the satisfaction of the respective companies.

49. The developer shall submit an "as built" plan indicating the following:

    a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, SBC (phone) facilities, local cable company, etc; and;
    b. All the site improvements, except landscaping species, buildings and appurtenant structures.

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**Zone Change PL-2002-0722 and Tentative Tract Map 7435 (PL-2002-0726) – Request to Change the Zoning from a Residential Single-Family with a 6,000 square foot minimum parcel size (RSB6) district to a Planned Development (PD)district and Subdivide 1.1 acres and Build 15 Detached Condominiums.** Paul Martin for Hayward Commons, LLC (Applicant) Evelyn Lutes (Owner).
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Erik J. Pearson, Associate Planner (510) 583-4210
Project location:	The property is located at 26965 Hayward Boulevard, near Spencer Lane in Hayward, California.
Project sponsor's name and address:	Paul Martin Hayward Commons, LLC 805 Fletcher Lane, Suite 1 Hayward, CA 94544
General Plan:	Medium Density Residential (MDR)
Zoning:	Residential Single-Family with a 6,000 square foot minimum parcel size (RS-B6)
Description of project:	Proposal to subdivide 1.1 acres into 15 condominium lots and 1 common lot. Fifteen detached condomiums, each with two levels of living area above a two-car garage.
Surrounding land uses and setting:	To the east and south are single-family residential homes. To the west is a three-story condominium building. To the north, across Hayward Boulevard is a multiple-family residential land use.
Other public agencies whose approval is required:	None.

ATTACHMENT F

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

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

DETERMINATION: (To be completed by the Lead Agency)
On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature — August 18, 2003
Date

Erik J. Pearson, AICP Associate Planner — City of Hayward

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. AESTHETICS -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? *Comment: The project will not affect any scenic vista. Neighbors have commented that some views of San Francisco Bay would be lost. Plans indicate that the proposed houses will be lower than the condominium building on the adjacent property to the west. The applicant will erect story poles to show the height of the proposed buildings.*	☐	☐	☒	☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? *Comment: The project will not damage scenic resources.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? *Comment: The project will not substantially degrade the existing visual character or quality of the site and its surroundings.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? *Comment: Specific lighting plans have not yet been reviewed.* ***Mitigation: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.***	☐	☒	☐	☐
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Comment: *The project site does not contain farmland.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? *Comment: The project is not located in an agricultural district nor an area used for agricultural purposes.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? *Comment: The project area does not contain agricultural uses or farmland, See II b.*	☐	☐	☐	☒

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

a) Conflict with or obstruct implementation of the applicable air quality plan? *Comment: The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *Comments: The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and is not expected to generate enough vehicle trips to make a significant contribution to the existing air quality violation.* *Impacts: Air pollutants, especially suspended particulates, would be generated intermittently during the construction period. This is a potentially significant impact.* ***Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.*** *Implementation of this mitigation measure will reduce air quality impacts to a level of insignificance.* *Monitoring: Condition of Approval*	☐	☒	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? *Comment: Due to the small scale of the project, impacts to air quality will not be cumulatively considerable.*	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Expose sensitive receptors to substantial pollutant concentrations? *Comment: The project will not expose sensitive receptors to substantial pollutant concentrations.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? *Comment: The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒
IV. BIOLOGICAL RESOURCES -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? *Comment: The property is partially developed with and surrounded by urban uses. There is no evidence of any candidate, sensitive, or special status species.*	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? *Comment: The site contains no riparian or sensitive habitat.*	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? *Comment: The site contains no wetlands.*	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? *Comment: The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *Comment: The project is in conformance with the General Polices Plan and will conform to the requirements of the Tree Preservation Ordinance.*	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? *Comment: There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No-Impact
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? *Comment: No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? *Comment: No known archaeological resources exist in on-site.* *Impacts: If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *Comment: No known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? *Comments: No known human remains are located on-site.* *Impacts: If any remains are found, all work will be stopped and police called to investigate.*	☐	☐	☒	☐
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. *Comment: The project is not located within the Hayward Fault Zone.*	☐	☐	☒	☐
ii) Strong seismic ground shaking? *Comment: The site is not located within a "State of California Earthquake Fault Zone". The project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking.* *Impacts: Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. This impact is considered less than significant.*	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
iii) Seismic-related ground failure, including liquefaction? ***Comment:*** *Liquefaction and differential compaction is not considered to be likely on this site.*	☐	☐	☐	☒
iv) Landslides? ***Comment:*** *The project is not located within an area subject to landslides.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? ***Comment:*** *The Engineering Division will ensure that proper erosion control measures are implemented during construction.*	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ***Comment:*** *See comment VI (a)(i).*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ***Comment:*** *Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.* ***Mitigation:*** ***Prior to issuance of a building permit, the developer shall submit a soils investigation report.***	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ***Comment:*** *The site would be connected to the City of Hayward sewer system.*	☐	☐	☐	☒
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ***Comment:*** *There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.*	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ***Comment:*** *See VII a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? *Comment: See VII a .*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? *Comment: See VII a.*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? *Comment: The project is not located within an airport zone.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? *Comment: See VII e.*	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *Comment: The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? *Comment: The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒

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

a) Violate any water quality standards or waste discharge requirements? *Comment: The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? *Comment: The site will be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted. Recharge of the groundwater table will be decreased as the proposal involves increasing the percentage of the site covered with impervious surfaces. This impact is deemed insignificant as there are no known wells nearby that would see a drop in production.*	☐	☐	☒	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? *Comment: The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.*	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? *Comment: The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? *Comment: The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? *Comment: See VIII a.*	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Comment: According to FEMA Flood Insurance Rate Maps (panel # 065033-0012C dated 9/16/81), this site is not within the 100-year flood hazard area.	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *Comment: See VIII g.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *Comment: The site is not within the 100-year flood zone, is not near any levees and is not located downstream of a dam.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? *Comment: The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? *Comment: The project will not physically divide the existing community. The site is currently developed with two single-family residences. The construction of small detached houses will serve as a transition from the single-family homes on the south and east sides and the large condominium building on the west side.*	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? *Comment: The area is designated on the General Policies Plan Map as Medium Density Residential (MDR). The MDR designation allows up to 17.4 units per acre. The proposal is for less than 15 units per acre. The current zoning designation is Residential Single-Family with a 6,000 square foot minimum parcel size (RSB6). The applicant has requested to change the zoning to a Planned Development (PD) district to allow for condominium lots.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? *Comment: See IV f.*	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? *Comment: The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? *Comment: See X a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. **NOISE** - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? *Comment: Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the construction of the homes and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 8:00 a.m. and 5:00 p.m. weekdays. No work will be done on Sundays or national holidays.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? *Comment: See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *Comment: See XI a*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *Comment: See XI a*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? *Comment: See VII e.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? *Comment: See VII e.*	☐	☐	☐	☒
XII. **POPULATION AND HOUSING** -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? *Comment: 15 new homes are proposed. The homes will be served by a driveway off Hayward Boulevard. No new streets will be constructed..*	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *Comment: Only two houses will be removed.*	☐	☐	☒	☐
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *Comment: See XII b.*	☐	☐	☒	☐
XIII. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? Comment: The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.	☐	☐	☐	☒
b) Police protection? *Comment: See XIII a.*	☐	☐	☐	☒
c) Schools? *Comment: See XIII a.*	☐	☐	☐	☒
d) Parks? Comment: *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? *Comment: No other public facilities will be significantly impacted.*	☐	☐	☐	☒
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *Comment: The project will add to the number of people using College Heights Park, however the increase will not be significant enough to cause deterioration of the facility.*	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? *Comment: The proposal includes the construction of group open space, however it will not cause an adverse physical effect on the environment.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? *__Comment:__ According to an analysis by the City's transportation planners, the proposal will not cause a substantial increase in traffic for Hayward Boulevard and no traffic study was required.*	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *__Comment:__ See XV a.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? *__Comment:__ The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? *__Comment:__ The proposal will not substantially increase hazards.*	☐	☐	☐	☒
e) Result in inadequate emergency access? *__Comment:__ The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? *__Comment:__ The proposal meets the requirements for parking as specified in the City's Off-Street Parking regulations.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *__Comment:__ The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒
XVI. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *__Comment:__ The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater generated by the project.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The project will require the re-construction of existing facilities for storm water drainage at the perimeter of the site, however, this will not cause any significant environmental effects.*	☐	☐	☒	☐
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The City of Hayward supplies water to the site and has sufficient water to serve the project.*	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ***Comment:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***Comment:*** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? ***Comment:*** *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XVII. MANDATORY FINDINGS OF SIGNIFICANCE --				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☐	☒
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

MITIGATION MONITORING PROGRAM

Zone Change PL-2002-0722
Tentative Tract Map 7435 (PL-2002-0726)
Paul Martin for Hayward Commons, LLC (Applicant)
Evelyn Lutes (Owner).

26965 Hayward Boulevard

1. *AESTHETICS*

Mitigation Measure: A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.
Implementation Responsibility: Applicant
Verification Responsibility: Planning Division
Monitoring Schedule during Plan Review: Prior to issuance of building permits.
Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that lights are installed per approved plan.

2. *AGRICULTURE RESOURCES– No mitigation required*

3. *AIR QUALITY*

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.
Implementation Responsibility: Applicant
Verification Responsibility: Construction Inspector
Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.
Monitoring Schedule during Construction/Implementation: Construction Inspector will ensure that sprinkling is done as necessary to minimize dust.

4. *BIOLOGICAL RESOURCES– No mitigation required*

5. *CULTURAL RESOURCES – No mitigation required*

6. *GEOLOGY AND SOILS*

a. **Mitigation Measure:** Prior to issuance of a building permit, the developer shall submit a soils investigation report.

ATTACHMENT G

Implementation Responsibility: City
Verification Responsibility: Engineering & Transportation Division of Public Works
Monitoring Schedule during Plan Review: Prior to issuance of building permits.
Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that improvements are constructed per the approved report.

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

8. ***HYDROLOGY AND WATER QUALITY– No mitigation required***

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

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

11. ***NOISE– No mitigation required***

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

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

14. ***RECREATION– No mitigation required***

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

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

CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

Zone Change No. PL-2002-0722 & Vesting Tentative Tract Map 7435/PL-2002-0726 – Request to Change the Zoning from a Single-Family Residential (RSB6) district to a Planned Development (PD) District and Subdivide 1.1 Acres to Build 15 Homes – Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner). The Project Location Is 26965 Hayward Boulevard, near Spencer Lane in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

FINDINGS SUPPORTING DECLARATION:

1. The proposed project has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources.

3. The project will not have an adverse effect on agricultural land since the property is surrounded by urban uses and it is too small to be used for agriculture.

4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since the site contains no such habitat and it is surrounded by urban uses.

6. The project will not result in significant impacts to known cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains.

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

8. The project will not lead to the exposure of people to hazardous materials.

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

10. The project is consistent with the policies of the City General Policies Plan, the Hillside Design Guidelines, the City of Hayward Design Guidelines and the Zoning Ordinance.

11. The project could not result in a significant impact to mineral resources since the site is too small to be developed to extract mineral resources.

12. The project will not have a significant noise impact.

13. The project will not result in a significant impact to public services.

14. The project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

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

Erik J. Pearson, AICP Associate Planner
Dated: August 18, 2003

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

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4210, or e-mail erik.pearson@ci.hayward.ca.us.

DISTRIBUTION/POSTING

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

Letters from Neighbors

ATTACHMENT I

Re: PL-2002-0722 ZC/PL-2002-0776 TTM

April 28, 2003

Mr. Erik J. Pearson, AICP
Associate Planner
City of Hayward
777 "B" St.
Hayward, CA 94541

Dear Mr. Pearson:

I am writing in support of the proposed Project at 26965 Hayward Blvd.

I have reviewed the proposed plans with the applicant and it appears to me that the architecture and the site plans are congruent, if not far superior, with other Multi-Family properties along Hayward Blvd.

I know that the Proposed Project will meet with some neighborhood objection (what project doesn't?) though I feel that this project will maximize the use of the space at a minimal impact along the main artery of the Hayward Highlands.

As a "For-Sale" Townhouse project, these 16 units will provide new opportunities for homeownership in Hayward with a minimal amount of City-required services needing to be provided. I think it makes sense for the City of Hayward to approve these types of projects along major arteries to minimize traffic impact. The city needs to increase our homeownership ratio in order to attract community-minded citizens and to reduce the problems that largely rental neighborhoods create.

Please feel free to contact me should you require any other input.

Sincerely,

Brian M. Schott
Chairman, Hayward Highlands Neighborhood Task Force
[redacted]
Hayward, CA 94542

RECEIVED
MAR 1 1 2003
PLANNING DIVISION

ROBERT SAKAI
22320 Foothill Blvd. #620
Hayward, CA 94541
Telephone (510)538-6407
Fax (510)538-0150
Email rsakai538@aol.com

March 10, 2003

City of Hayward
Attn: Erik Pearson, Associate Planner
777 "B" Street
Hayward, CA 94541

RE: Tentative Tract Map 7435

Dear Erik:

I was the Vice Chair of the Hayward Highlands Neighborhood Task Force, so I am familiar with the planning issues for the Hayward Highlands neighborhood. I have reviewed the plans for this property, and am familiar with the site and the adjoining properties.

The proposed project will fit nicely into the neighborhood since the density for this project would be between the density of development on the west side of the property and the density of the adjoining single family residences.

In addition, my recollection of the proceedings of the Hayward Highlands Neighborhood Task Force is that we voted in favor of medium density residential zoning for the undeveloped properties along Hayward Blvd in this area because of the existence of other multiple family residential developments in the area and also because of the need for additional housing to meet the needs of CSUH which is a short walk away.

Please let me know the date of any public hearings on this matter.

Sincerely,

Robert Sakai

Robert Sakai

[redacted]
Hayward, CA 94542
(510) [redacted]

Janice E. Myers

February 28, 2003

RECEIVED
MAR 04 2003
PLANNING DIVISION

City of Hayward
Planning Commission
777 B Street
Hayward, CA 94541

Re: Proposed development at 26965 Hayward Blvd.

Dear Commissioners,

I live in the immediate area of the above-referenced proposed development. I am withdrawing my request asking you to refuse the request of the applicant to change the current zoning from Residential Single Family.

We have been advised that this proposed development would not adversely affect our property's view and market value.

Very truly yours,

Janice E. Myers

Janice E. Myers

Cc: Jesus Armas, Hayward City Manager
Sylvia Ehrenthal, Director Community and Economic Development
Mrs. Evelyn Lutes

[redacted]
Hayward, CA 94542

([redacted]

Janice E. Myers

January 6, 2003

RECEIVED
JAN 07 2003
Community & Economic Development

City of Hayward
Planning Commission
777 B St.
Hayward, CA 94541

RE: Proposed development at 26965 Hayward Blvd.

Dear Commissioners,

I live in the immediate area of the above-referenced proposed development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single Family.

This proposed development would adversely affect my property's view and market value in addition to the nature of our neighborhood and directly contradicts the Hayward Highlands Neighborhood Plan as adopted by the Hayward City Council, resolution 98-033, February 24, 1998.

Very truly yours,

Janice E. Myers

Janice E. Myers

Cc: Jesus Armas, Hayward City Manager

Sylvia Ehrenthal, Director Community and Economic Development

RECEIVED
JAN 0 9 2003

January 12, 2003

City of Hayward
Planning Commission
777 B St.
Hayward, CA 94541

RE: Proposed development at 26965 Hayward Blvd.

Dear Commissioners,

I live in the immediate area of the above referenced proposed development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single-Family. This proposed development would adversely effect the nature of our neighborhood and directly contradict the Hayward Highlands Neighborhood Plan as adopted by the Hayward City Council, resolution 98-033, February 24, 1998. Thank you for your consideration.

Sincerely,

Katrina Doerfler Gil Cretney

Katrina Doerfler, Gil Cretney

Cc: Jesus Armas, Hayward City Manager
Sylvia Ehrenthal, Director Community and Economic Development

Jerry Caveglia
Julie McKillop
Barbara Sachs
Barbara Halliday
Ed Bogue
Francisco Zermeno
Christopher Thnay

Erik Pearson

From: raccoon@att.net
Sent: Monday, June 23, 2003 2:38 PM
To: Erik Pearson
Cc: Andrew Gaber
Subject: PL-2002-0722ZC/PI-2002-0726 TTM Property at 26965 Hayward Blvd, Hayward,Ca.

Dear Mr. Pearson, My name is [redacted] and I live at [redacted] ~~Hayward Blvd~~ [redacted], Hayward, Ca 94542. I live in the Gardenwood II Condos. My unit faces the property at 26965 Hayward Blvd. I had planned on being at tonights meeting but due to a long day at work and the fact that we start at job at 2:30 am, there isn't a chance of us making it tonight. I have some concerns about the proposed development on this property. I bought my unit in April 1998. One of the selling points was the trees and the serene nature of the property across from me. My concerns are 1). The parking. Will there be enough for those who live there and their guests? I am already witnessing people parking in Gardenwood IIs' (lot which is small) that are not visiting Gardenwood I or II.2). The noise. I am not too clear on where these 15 units will be or what their parking will be and what noise will be generated by cars and 15 units with how many people living there? Also right now the two homes are just perfect. 3). The construction. We work nights and sleep days.We have already endured work on our own building in the last year and going into work on 4 hours of sleep a day was really tough.4). To me 15 units is way too many to put on this little property. Also in March a Patrick Curren representing Conquest Realty came to our board meeting. The meeting was posted but there was no mention of this gentlemen being there. If I known and others owners in this building there would of been more people from Gardenwood II. I think what upsets me the most is the size of the project and the fact that the trees that provide shade and privacy will be gone. Prior to this I lived on Belfast Lane in the College Heights area not far from here. I can remember the hills across from College Heights being grass and having horses on it.Before we knew it there were apartment complexes there. Please do not develop this property. Please reconsider doing this project! Thank you, Caren A. Willard [redacted] ~~Hayward Blvd~~ [redacted], Hayward, Ca 94542 510-[redacted] raccoon@att.net

Erik Pearson

From: Erik Pearson

Sent: Thursday, March 13, 2003 10:29 AM

To: 'tfraas@pacbell.net'

Subject: proposal on Hayward Blvd.

Tracy,

To follow up on our conversation last week, I wanted to let you know that we have consulted with the City's Transportation Planners regarding Paul Martin's proposal for 18 or 16 units. Their conclusion is that even with the higher density of 18 units, the number of vehicle trips that would be generated does not warrant a traffic study.

Erik J. Pearson, AICP
Associate Planner
City of Hayward
(510) 583-4210
erik.pearson@ci.hayward.ca.us

JAN 17 2003

RECEIVED

JAN 16 2003

Community & Economic Development

CC: Dyana
1-16-03
KR

Sylvia Ehrenthal
City of Hayward
Director Community and Economic Development
777 B Street
Hayward, CA 94541

January 13, 2003

RE: Proposed development at 26965 Hayward Blvd.

Dear Sylvia Ehrenthal,

I live in the immediate area of the above referenced development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single Family. This proposed development would adversely effect the neighborhood plan as adopted by the Hayward City Council, resolution 98-033,
February 24, 1998. This neighborhood is already saturated with medium and high density developments. Please do not add another one right in our back yards!

Thank you.

Sincerely,

Diane Williams

Diane Williams
[redacted]
Hayward, CA 94542

Tim Koonze

From: Valerie Caveglia [[redacted]]
Sent: Wednesday, January 15, 2003 9:19 AM
To: Erik Pearson
Cc: Tim Koonze
Subject: RE: PI-2002-0722 ZC/PL-2002-0726 TTM

Dear Eric and Tim

As a former member of the Hayward Highlands Neighborhood Task Force, I am DEEPly opposed to any rezoning that would increase the congestion along Hayward Blvd. To rezone a single family lot to a medium (?) density would be a step backwards in the progress that the task force made in sensible zoning along the Hayward Blvd. corridor. Not only that, but it sets a dangerous precedent that denser zoning is not an issue to the people who live in single family homes along the Blvd. This is not an appropriate use of the land space. More apartments, condos, etc. are not needed. I could support the building of perhaps 8 units in a set of 4 duplexes not more than 2 stories. Parking on the ground, not under the building.
Thank you for this opportunity to be heard.
Sincerely,
Valerie Caveglia

Do you Yahoo!?
Yahoo! Mail Plus - Powerful. Affordable. Sign up now.
http://mailplus.yahoo.com

RECEIVED

JAN 15 2003

Community & Economic Development

cc: Dyan 1-15-03

Sylvia Ehrenthal
Director of Community and Economic Development
City of Hayward
777 B Street
Hayward, CA 94541

January 13, 2003

RE: Proposed development at 26965 Hayward Blvd.

Dear Sylvia Ehrenthal,

I am a homeowner in the immediate area of the above referenced development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single Family. This proposed development would adversely effect the neighborhood plan as adopted by the Hayward City Council, resolution 98-033, February 24, 1998. This neighborhood is already saturated with medium and high density developments. Please do not add another one right in our back yards! Thank you.

Sincerely,

Jim Sommer
[redacted]
Hayward, CA 94542

JAN 16 2003

RECEIVED

JAN 14 2003

PLANNING DIVISION

City of Hayward
Planning Commission
777 B St.
Hayward, CA 94541

January 09 2003

RE: Proposed development at 26965 Hayward Blvd.

Dear Commissioners,

I live in the immediate area of the above referenced proposed development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single-Family. This proposed development would adversely affect the nature of our neighborhood and directly contradict the Hayward Highlands Neighborhood Plan as adopted by the Hayward City Council, resolution 98-033, February 24, 1998. Thank you for your consideration.

Sincerely,

Stephen T Yee
[redacted]

RECEIVED

JAN 14 2003

PLANNING DIVISION

January 12, 2003

City of Hayward Planning Commission
777 B St
Hayward, CA 94541

RE: Proposed development of 26965 Hayward Blvd

Dear Commissioners:

My property is adjacent to the property referenced above. I am very much against the proposed zoning change from Residential Single-Family. This proposed development would change the nature of our neighborhood and create additional traffic and noise. The zoning change would directly contradict the Hayward Highlands Neighborhood Plan as adopted by the Hayward City Council, resolution 98-033 of February 24, 1998. I hope you will give your full consideration to the wishes of the neighbors who will be directly affected by this development. Thank you.

Sincerely,

Paula Compton

Paula Compton
[redacted]
Hayward, CA 94542

cc: J. Armas, Hayward City Manager
Sylvia Ehrenthal, Director Community and Economic Development

Erik Pearson

From: Richard Patenaude
Sent: Tuesday, January 14, 2003 3:43 PM
To: Erik Pearson
Subject: FW: Proposed development at 26965 Hayward Blvd

-----Original Message-----
From: Joanne Burkman **On Behalf Of** Roberta Cooper
Sent: Tuesday, January 14, 2003 3:42 PM
To: Richard Patenaude
Subject: FW: Proposed development at 26965 Hayward Blvd

Richard,

fyi, Mayor Cooper has been receiving a few of these letters regarding 26965 Hayward Blvd.

Joanne x4340

-----Original Message-----
From: IALVA133@aol.com [mailto:IALVA133@aol.com]
Sent: Thursday, January 09, 2003 8:25 PM
To: Roberta Cooper
Subject: Proposed development at 26965 Hayward Blvd

Oscar & Ivonne Alvarado
2672 Spencer Lane
Hayward, CA 94542

RE: Proposed development at 26965 Hayward Blvd.

Dear Mayor,

I live in the immediate area of the above referenced proposed development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single-Family. This proposed development would adversely effect the nature of our neighborhood and directly contradict the Hayward Highlands Neighborhood Plan as adopted by the Hayward City Council, resolution 98-033, February 24,1998. Thank you for your consideration.

Sincerely,

Oscar & Ivonne Alvarado

MEMORANDUM

DATE: January 14, 2003

TO: Roberta Cooper, Mayor
Kevin Dowling, Mayor Pro Tem
Olden Henson
Joseph Hilson
Matt Jimenez
Doris Rodriquez
Bill Ward

FROM: Diane Williams, [redacted], Hayward, CA. 94542

RE: Proposed development at 26965 Hayward Blvd.

I live in the immediate area of the above referenced development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single Family. This proposed development would adversely effect the neighborhood plan as adopted by the Hayward City Council, resolution 98-033,

February 24, 1998. This neighborhood is already saturated with medium and high density developments. Please do not add another one right in our back yards!

Thank you.

Diane Williams
[redacted]
Hayward, CA 94542

Erik Pearson

From: Richard Patenaude
Sent: Tuesday, January 14, 2003 3:44 PM
To: Erik Pearson
Subject: FW: Proposed development at 26965 Hayward Blvd.

-----Original Message-----
From: Joanne Burkman **On Behalf Of** Roberta Cooper
Sent: Tuesday, January 14, 2003 3:42 PM
To: Richard Patenaude
Subject: FW: Proposed development at 26965 Hayward Blvd.

Richard,

Here's another one.

Joanne
-----Original Message-----
From: Holiday958@aol.com [mailto:Holiday958@aol.com]
Sent: Monday, January 13, 2003 3:10 PM
To: Roberta Cooper
Subject: Proposed development at 26965 Hayward Blvd.

Roberta Cooper, Mayor
City of Hayward
777 B Street
Hayward, CA 94541 January 13, 2003

RE: Proposed development at 26965 Hayward Blvd.

Dear Mayor Cooper,

I am a homeowner in the immediate area of the above referenced development. I am asking you to refuse the request of the applicant to change the current zoning from Residential Single Family. This proposed development would adversely effect the neighborhood plan as adopted by the Hayward City Council, resolution 98-033, February 24, 1998. This neighborhood is already saturated with medium and high density developments. Please do not add another one right in our back yards!
Thank you.

Sincerely,

Jim Sommer
[redacted]
Hayward, CA 94542

EXHIBIT B

Erik Pearson
Planning Commissioner
City of Hayward
777 B street
Hayward CA 94544

RECEIVED
SEP 1 0 2003
PLANNING DIVISION

Dear Mr. Pearson,

I reside near the property of 26965 Hayward Blvd. I support the proposed development for that site. 15 new homes at that location would go a long way towards improving the appearance of Hayward blvd. and help to provide additional housing opportunities in our area.

New homes vs 2 haunted houses? It's a no brainer.

Thanks Ray Blake

Ray Blake
([redacted])

September 6, 2003

Dear City of Hayward,

We live at [redacted]. We'd like to see upgrades around here. This project next to Hardenwood looks like a great upgrade. Please approve it.

Bill Gerholdt

Bill Gerholdt

Tamm Souza

Tamm Souza

RECEIVED

SEP 1 0 2003

PLANNING DIVISION

RECEIVED

SEP 1 0 2003

PLANNING DIVISION

September 9, 2003

Mr. Erik Pearson
City of Hayward
777 B Street
Hayward CA 94544

RE: Proposed Development Hayward Commons

Dear Erik,

I live near the location of the proposed development at 26965 Hayward Blvd., and can see it from my backyard.

I have reviewed the plans and view studies with the applicant, and I can say that the architecture and site plan are congruent with the rest of the street. This development would make a smooth transition from the Condos on the west to the single-family residences on the east.

I am also familiar with the Hayward Highlands Neighborhood Plan. This project is consistent with that plan.

I can see no downside for the neighborhood if this proposed development is passed.

Sincerely,

JOHN MATTHEW ABERNATHY.

9-9-03

To: City of Hayward (Planning Commission)

I am a single mother with two small children. One goes to Highland Elementary. I currently rent because there is nothing affordable to buy in this neighborhood. Please approve the project on Hayward Boulevard proposed by the Martin Developers so that there's some chance that people like me can continue to raise our families in Good neighborhoods and in a home.

RECEIVED
SEP 10 2003
PLANNING DIVISION

Thank You

Charity [redacted]

[redacted]

RECEIVED

SEP 1 0 2003

PLANNING DIVISION

9-8-03

To the City of Hayward,

I'm a 65 year old man living near the Hayward commons property. Initially I was skeptical about the development. The developer shared with me what was planed. It looks beautiful. I'm excited to see something of this caliber in the neighborhood. Maybe some of my grandchildren can own there.

Frank Rufino

GRANDVIEW REALTY
ROB SIMPSON
(510) [redacted]

RECEIVED
SEP 1 0 2003
PLANNING DIVISION

9/9/2003

Re: Proposed Development at 26965 Hayward Boulevard.

I am the broker at Grandview Realty and a lifetime local resident, raising my two children in the neighborhood of the proposed development. I'm also an OHHA member.

I can see the subject property from my home. I have reviewed the plans with Erik Pearson at the city of Hayward. I believe that this development will be an asset to the community and should be approved. It is my professional opinion that the project will enhance property values.

We have a shortage of available homes for people. Too many people who work in Hayward commute hours each day contributing to the associated social ills. I live and work in the Hayward hills and enjoy this convenience.

As one who tries to stay informed of local issues I cannot ignore the contributions that the Martin family makes in our community. I think that they should be applauded for their good works and this offer to continue enhancing our neighborhoods.

Rob Simpson
Broker
Grandview Realty

RECEIVED

SEP 1 1 2003

PLANNING DIVISION

Erik J Pearson
Associate Planner
City of Hayward
777 B Street
Hayward CA 94544

Dear Mr. Pearson, Sept. 9 2003

I am writing concerning the proposed development at 26965 Hayward Boulevard.
I have been approached by persons in the neighborhood who asked me to sign a letter trying to block the proposed project.

This made me curious.

After reviewing the plans with the developer, I came to the following conclusions:

1) This project will look as good or better than the other multi family properties on the street
2) This project is consistent with the Hayward Highlands Neighborhood Plan
3) The project has been processed through the PD district to ensure the "best site design possible".
4) It will only increase the property values in the area
5) The property as it is now does nothing for the neighborhood

I was particularly impressed with the 3 dimensional view studies which showed the project to sit well below the condos and surrounding homes.

I say build it! When the dust clears, the whole neighborhood will benefit.

Best regards,

Joel Thomas

Erik Pearson

From: Jbsrealty@aol.com
Sent: Thursday, September 11, 2003 6:56 AM
To: Erik Pearson
Subject: RE: Hayward Commons, Ten. Map 7435

City of Hayward
Attn.: Erik Pearson, Assoc. Planner
777 "B" St.
Hayward, CA 94541

VIA E-MAIL ONLY

RE: Hayward Commons, Ten. Map 7435

Dear Mr. Pearson:

I wish to be shown as in favor of the above referenced project.

As a member of the Hayward Highlands Neighborhood Task Force, I am familiar with the area and the project in question. This project fits in nicely with the existing single-family and multifamily uses. The impacts will be minimal and the homes will provide much needed housing at a price below many of the existing alternatives. Increased home ownership will benefit Hayward in terms of community involvement and sense of pride in upkeep. As a contrast, look at the shabby buildings this project will replace.

Thank you for the chance to comment in this matter.

Sincerely,

Stan Jensen
Hayward Highlands Task Force
[redacted].
Hayward, CA 94542

Erik Pearson

From: Kathy Burd [kburd@csuhayward.edu]
Sent: Thursday, September 11, 2003 4:35 PM
To: Erik Pearson
Cc: Richard Metz
Subject: Faculty Housing for CSUH

Mr. Pearson,

Mr. Dick Metz, VP for Administration at Cal State Hayward asked me to send you the message below. He is out of the office on business and has been unable to connect to his e-mail.

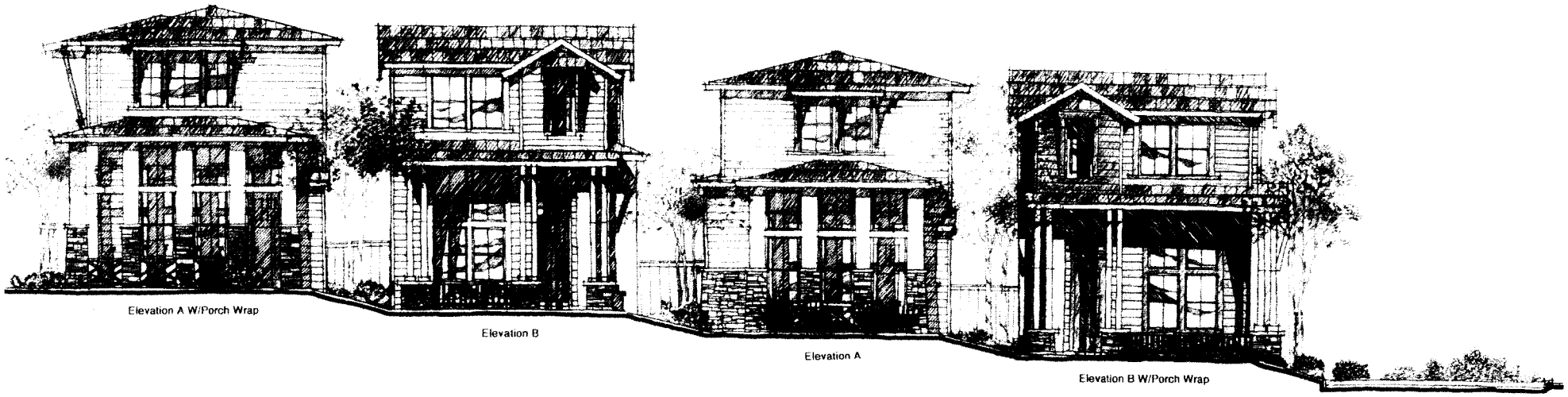
Dear Mr. Pearson,

As you know, California State University, Hayward is experiencing problems in both recruitment of new faculty members and retaining ones recently recruited. This is almost totally because of the high cost of housing in the East Bay. Any project which can offer affordable, secure and attractive housing in the general vicinity of CSUH will be an assistance in solving this problem.

My review of the project titled "Hayward Commons" and discussion with its representative, Mr. Paul Martin, seems to indicate it would be such a helpful project. As such, the university administration would support this project.

Sincerely,
Dick Metz

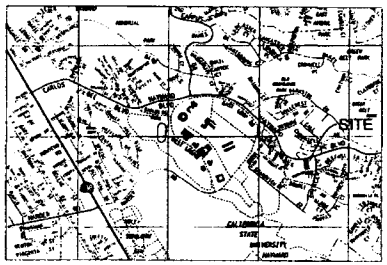
--
Kathy Burd
Administrative Secretary
VP,Administration & Business Affairs
(510) 885-3803
kburd@csuhayward.edu



H A Y W A R D C O M M O N S , L L C

S D G A r c h i t e c t s I n c
10 June 03

VESTING TENTATIVE TRACT MAP No. 7435
HAYWARD, CALIFORNIA



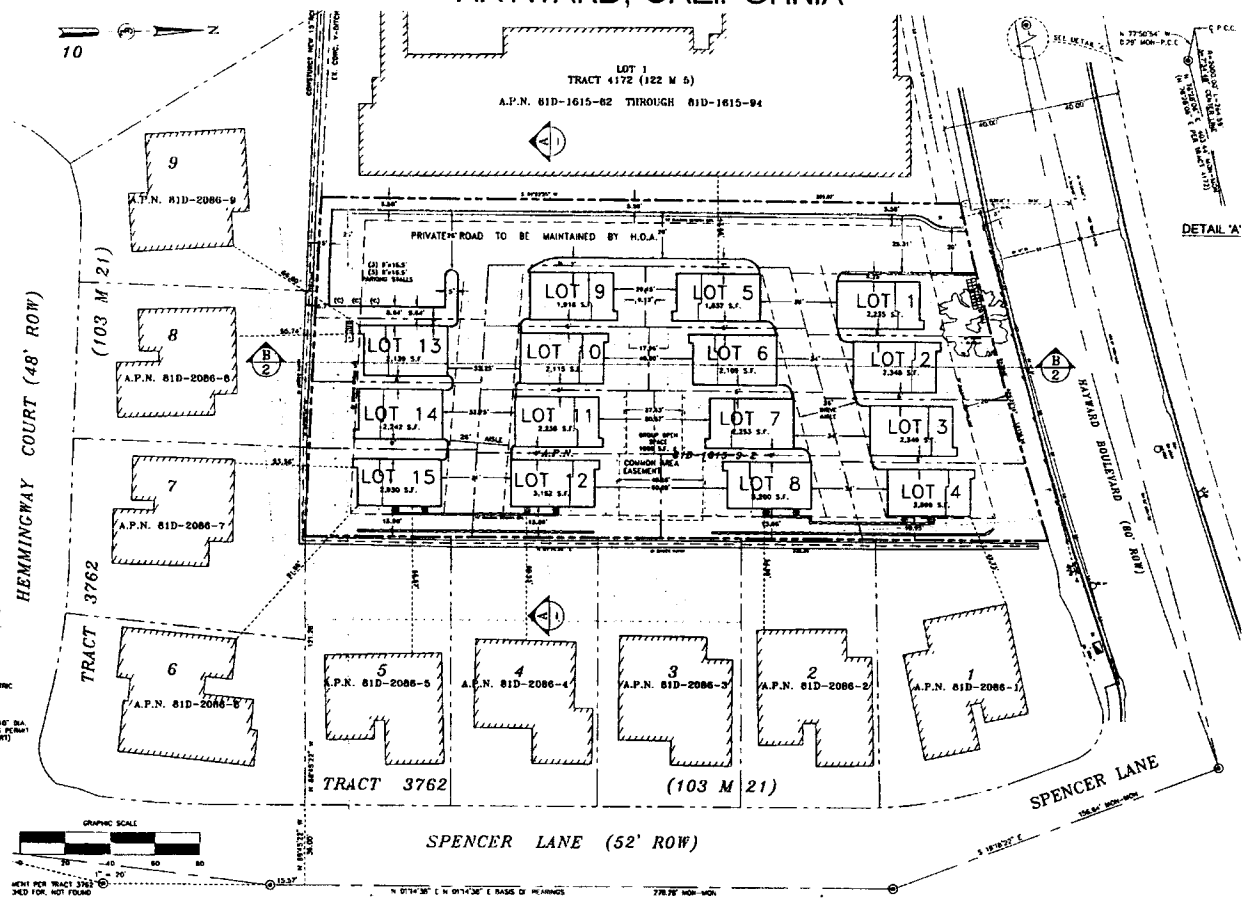
LOCATION MAP
NOT TO SCALE

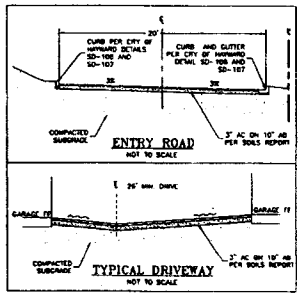
LEGEND

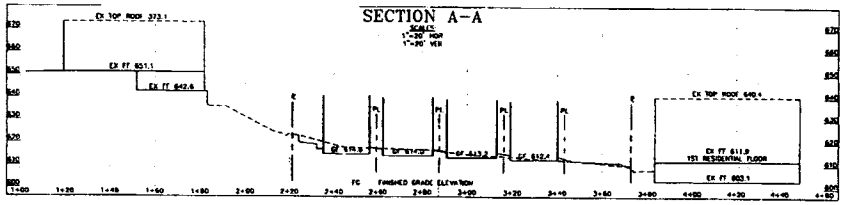
	EXISTING	PROPOSED
PROPERTY BOUNDARY		
PROPERTY LINE		
MONUMENT LINE		
CENTER LINE		
RE LINE		
OVERHEAD UTILITY LINE		
MINOR CONTOUR		
MAJOR CONTOUR		
STORM DRAIN LINE		
SANITARY SEWER LINE		
WATER LINE		
FENCE LINE		
CONCRETE V-DITCH		
WALL (AS NOTED)		
CITY MONUMENT		
CURB INLET		
MANHOLE (AS NOTED)		
GAS METER		
WATER METER		
WATER VALVE		
FIRE HYDRANT		
GUY ANCHOR & WIRE		
UTILITY POLE		
UTILITY BOX (AS NOTED)		
SIGN		
TREE (AS NOTED)		

NOTES

1. APPLICANT & OWNER'S AGENT: HAYWARD COMMONS LLC, PAUL MARTIN, 805 FLETCHER LANE, HAYWARD, CA 94544, TEL: (510) 886-7727, FAX: (510) 886-7751
2. CIVIL SURVEYOR: STEVEN J. HUNN, R.C.E. 52008; KEVIN D. NICHOLAS, PLS 7382; CENTER LINE LAND SURVEYING, INC; 4047 FIRST STREET, SUITE 203, LIVERMORE, CA 94551; TEL: (925) 454-3050; FAX: (925) 454-3048
3. GEOTECHNICAL ENGINEER: DANIEL J. RHODES P.E. 716; PURCELL, RHODES & ASSOCIATES, INC; 1041 MOOR AVENUE, PLEASANT HILL, CA 94523; TEL: (925) 932-1177; FAX: (925) 932-2795
4. A.P.N.: 81D-1615-9-2
5. GENERAL PLAN DESIGNATION: MDR PER HAYWARD HIGHLANDS MOD-BOON-OCD PLAN 1998
6. ZONING: CURRENT: RS86; PROPOSED: PD
7. LOT SIZE: 46,687± SQ. FT. = 1.072± ACRES
8. EX. BUILDINGS: THE TWO EXISTING HOUSES WILL BE REMOVED
9. PROPOSED BUILDINGS: 15 SINGLE FAMILY DETACHED HOMES TWO STORIES ABOVE GARAGE
10. PROPOSED LOTS: 15 LOTS
11. SANITARY SEWER: CITY OF HAYWARD; A 10' SANITARY SEWER EASEMENT(S.E.) TO BE BISECTED; CENTER OF EASEMENT TO BE CENTER OF SANITARY SEWER LINE.
12. STORM DRAIN: PRIVATELY OWNED
13. WATER SYSTEM: CITY OF HAYWARD
14. FIRE SERVICE: CITY OF HAYWARD
15. ELECTRIC & GAS: PACIFIC GAS & ELECTRIC (P.G.&E.)
16. TELEPHONE: SBC PACIFIC BELL
17. TREES: REMOVAL OR TREES 18" DIA. OR LARGER REQUIRES PERMIT (SEE ARBORIST REPORT)







BASIS OF BEARINGS

THE BEARING NORTH 1°14'36" EAST OF SPENCER LANE AS SHOWN ON TRACT 3762, FILED IN BOOK 103 OF MAPS AT PAGE 21, ALAMEDA COUNTY OFFICIAL RECORDS, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS MAP.

BENCHMARK

TOP OF BRASS DISK IN CITY MONUMENT WELL AT THE INTERSECTION OF HAYWARD BOULEVARD AND CWC AVENUE. ELEVATION 379.58 CITY OF HAYWARD DATUM.

APPLICANT/OWNER'S AGENT:

PAUL MARTIN — DATE

OWNER:

THE UNDERSIGNED, BEING THE OWNER OF PROPERTY AS SHOWN IN THE LANDS DELINEATED AND EMBRACED WITHIN THE HEAVY BLACK BOUNDARY LINES UPON THIS MAP, DO HEREBY CONSENT TO THE APPLICATION FOR SUBDIVISION AS SHOWN ON THIS MAP KNOWN AS VESTING TENTATIVE TRACT MAP NO. 7435.

EVELYN C. BRACKIN LIFES — DATE

ABBREVIATIONS

AB	AGGREGATE BASE	CONC	CONCRETE	FF	FINISH PAVEMENT ELEVATION	MH	MANHOLE	TC	TOP OF CURB ELEVATION
AC	ASPHALTIC CONCRETE	CO	CLEAN OUT	FH	FIRE WATER PIPE	P.O.C.	POINT OF CONNECTION	TG	TOP OF GRATE ELEVATION
BFP	BACK FLOW PREVENTER	CO TO	CLEAN OUT TO FINISHED GRADE	GFF	GARAGE FLOOR ELEVATION	PIV	POST INDICATOR VALVE	TR	EXISTING TREE
BLDG	BUILDING	DI	DROP INLET	GND	GROUND ELEVATION	R	RADIUS	TYP	TYPICAL
BM	BENCH MARK	EX	EXISTING	H.O.A.	HOME OWNERS ASSOCIATION	RE	RIM ELEVATION	TW	TOP OF WALL ELEVATION
CATV	CABLE TELEVISION	FC	FACE OF CURB	IE	INVERT ELEVATION	SD	STORM DRAIN	U.G.	UNDERGROUND
CB	CATCH BASIN	FDC	FIRE DEPARTMENT CONNECTION	JT	JOINT TRENCH	SS	SANITARY SEWER	WTR	WATER
		FF	FINISHED FLOOR ELEVATION	LF	LINEAR FEET	SY	SQUARE YARDS	WV	WATER VALVE

SURVEYOR:

KEVIN D. NICHOLAS — DATE

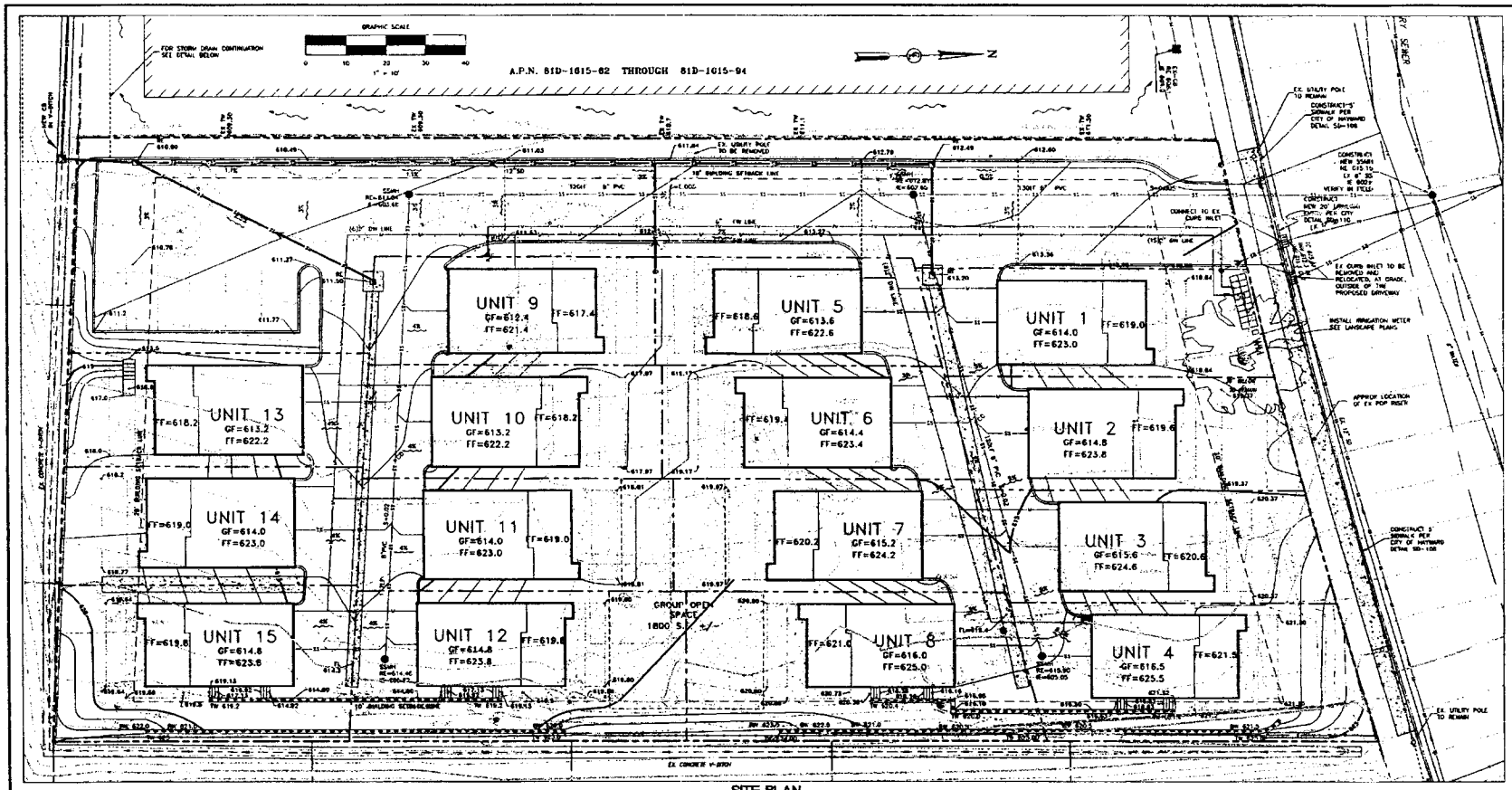
CIVIL ENGINEER:

STEVEN J. HUNN — DATE

VESTING TENTATIVE TRACT MAP NO. 7435
A RESIDENTIAL HOUSING PROJECT
28965 HAYWARD BOULEVARD
HAYWARD CALIFORNIA

CENTER LINE
LAND SURVEYING, INC.
• CIVIL ENGINEERING
• LAND PLANNING
• SURVEYING
4047 FIRST STREET
SUITE 203
LIVERMORE, CA 94550
Phone (925) 454-3050
Fax (925) 454-3048

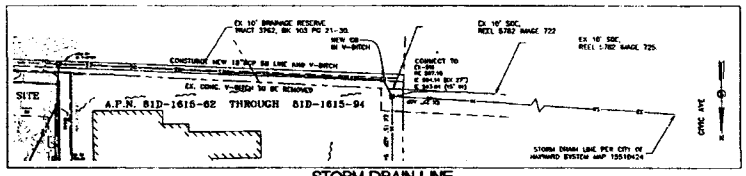
DATE	08/02/2003
SCALE	1"=20'
PROJ.	01-012
DRAWN	MALONO
SHEET NO.	TM-1



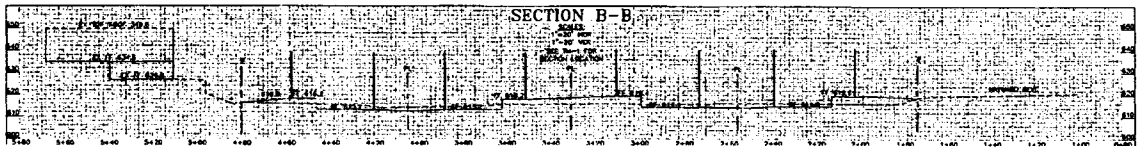
SITE PLAN
1"=10'

PLANNING DATA SUMMARY

1. LOT SIZE: 40,687± SQ. FT. = 1.0724 ACRES
2. RESIDENTIAL DENSITY:
   - MAX ALLOWED: 1:2,500 S.F. = 18.7 UNITS
   - PROPOSED: 1:3,100 S.F. = 15.0 UNITS
3. SITE COVERAGE:
   - STRUCTURE: 12,219 SQ. FT. = 0.281 ACRES = 26.2% COVERAGE
   - PAVING: 14,528 SQ. FT. = 0.333 ACRES = 31.1% COVERAGE
   - GREEN: 19,941 SQ. FT. = 0.458 ACRES = 42.7% COVERAGE
4. GROSS FLOOR AREA/UNIT: END UNIT WITH WRAP-AROUND PORCH:
   - UNIT: 1,390 S.F.
   - STRUCTURE: 2,083 S.F.
   - MIDDLE UNIT:
   - UNIT: 1,054 S.F.
   - STRUCTURE: 2,158 S.F.
5. PARKING TOTALS:
   - REQUIRED: 2.1/UNIT × 15 UNITS = 31.5 STALLS
   - PROPOSED: 30 COVERED + 6 UNCOVERED = 36 STALLS
6. OPEN SPACE:
   - GROUP OPEN SPACE:
   - REQUIRED: 100 S.F./UNIT × 15 UNITS = 1,500 S.F.
   - PROPOSED: 1,800 S.F.
   - PRIVATE OPEN SPACE:
   - REQUIRED: 250 S.F./UNIT
   - PROPOSED: 250 S.F./UNIT



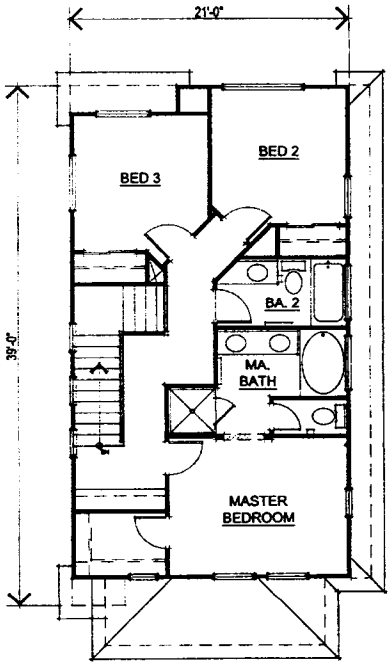
STORM DRAIN LINE
1"=20'



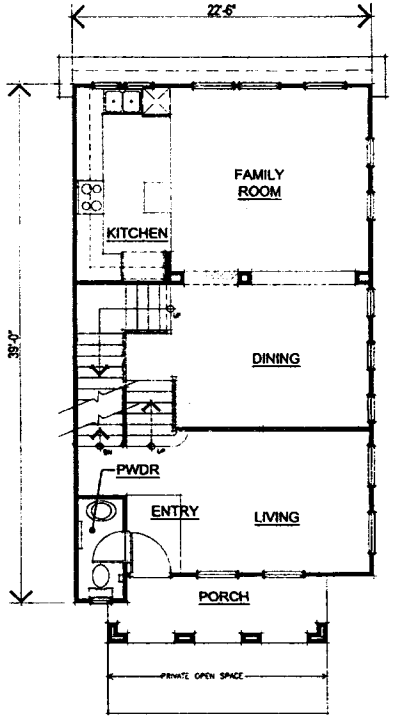
VESTING TENTATIVE TRACT MAP NO. 7435
A RESIDENTIAL HOUSING PROJECT
26966 HAYWARD BOULEVARD
HAYWARD CALIFORNIA

CENTER LINE
LAND SURVEYING, INC.

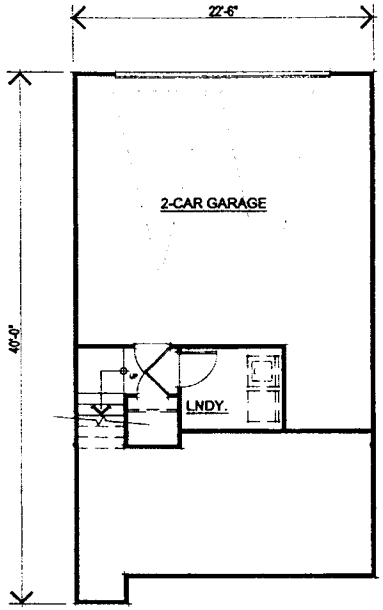
DATE: 09/26/2003
SCALE: 1"=10'
PROJ. 01-012
DRAWN: MAL
SHEET NO. TM-2



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GARAGE FLOOR PLAN

SQUARE FOOTAGE	
GARAGE FLOOR :	113 SQ. FT.
FIRST FLOOR :	841 SQ. FT.
SECOND FLOOR :	700 SQ. FT.
TOTAL :	1654 SQ. FT.
2-CAR GARAGE :	505 SQ. FT.
PORCH :	80 SQ. FT.

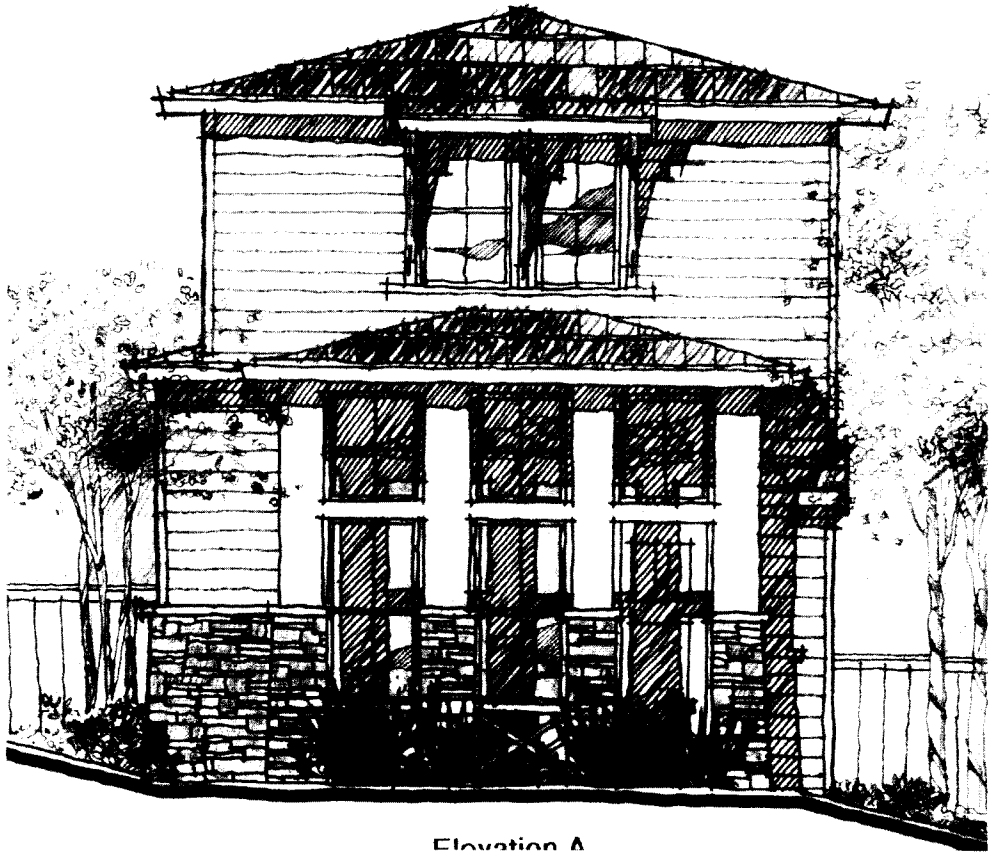
MIDDLE UNIT

Hayward Commons

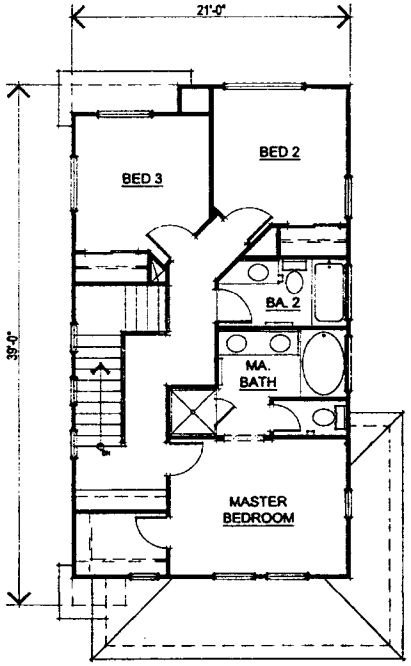
Conceptual Site Sections

05.August.03
925.634.7000

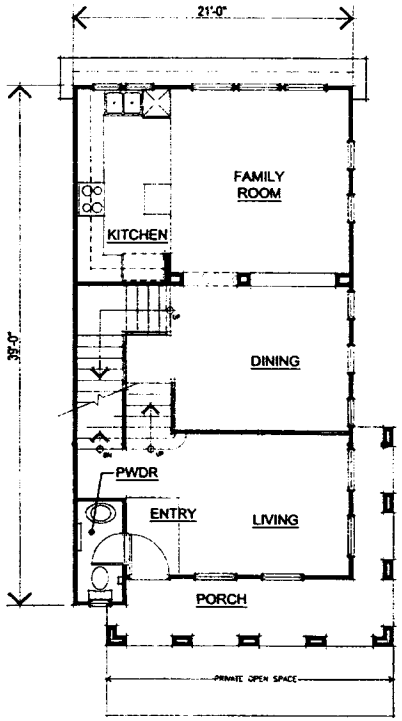
Scale: 1/4" = 1'
0 2 4 8



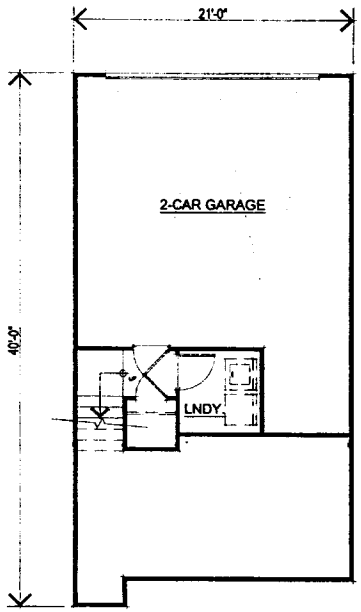
Elevation A



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GARAGE FLOOR PLAN

SQUARE FOOTAGE	
GARAGE FLOOR :	105 SQ. FT.
FIRST FLOOR :	785 SQ. FT.
SECOND FLOOR :	700 SQ. FT.
TOTAL :	1590 SQ. FT.
2-CAR GARAGE :	473 SQ. FT.
PORCH :	139 SQ. FT.

END UNIT WITH WRAP AROUND PORCH

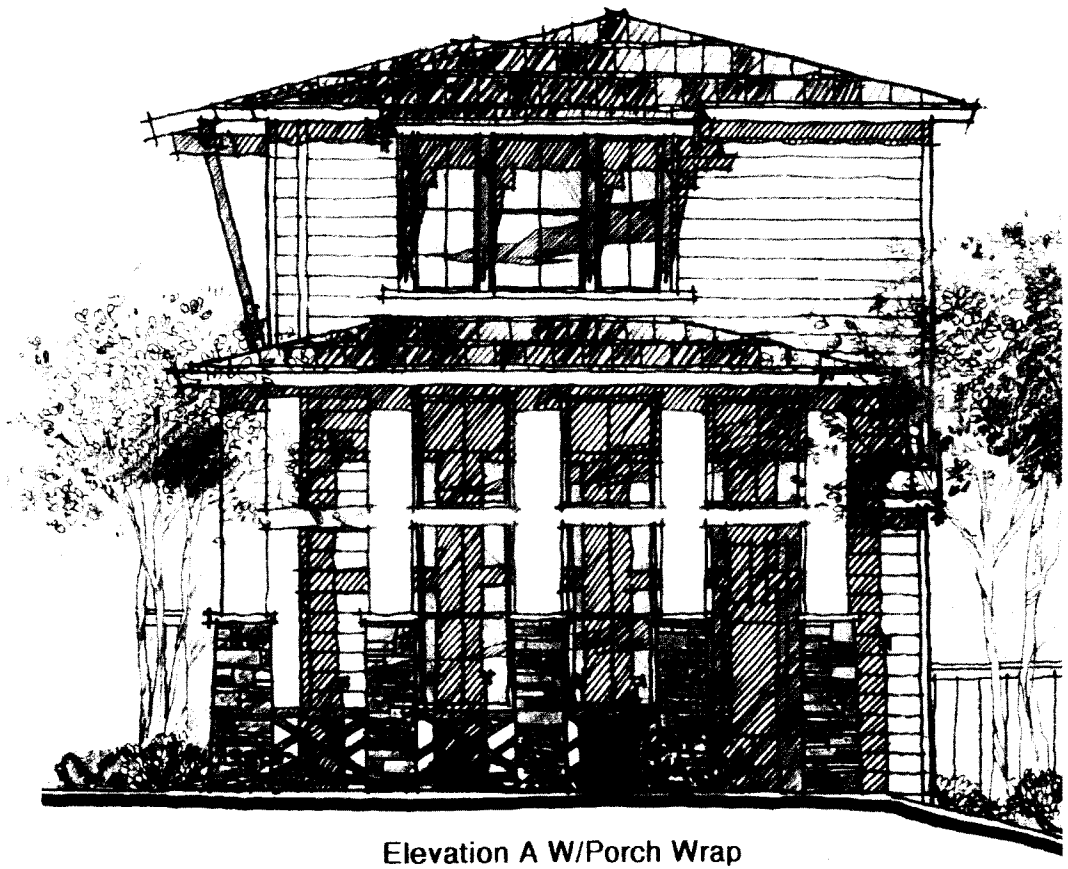
Hayward Commons

Conceptual Site Sections

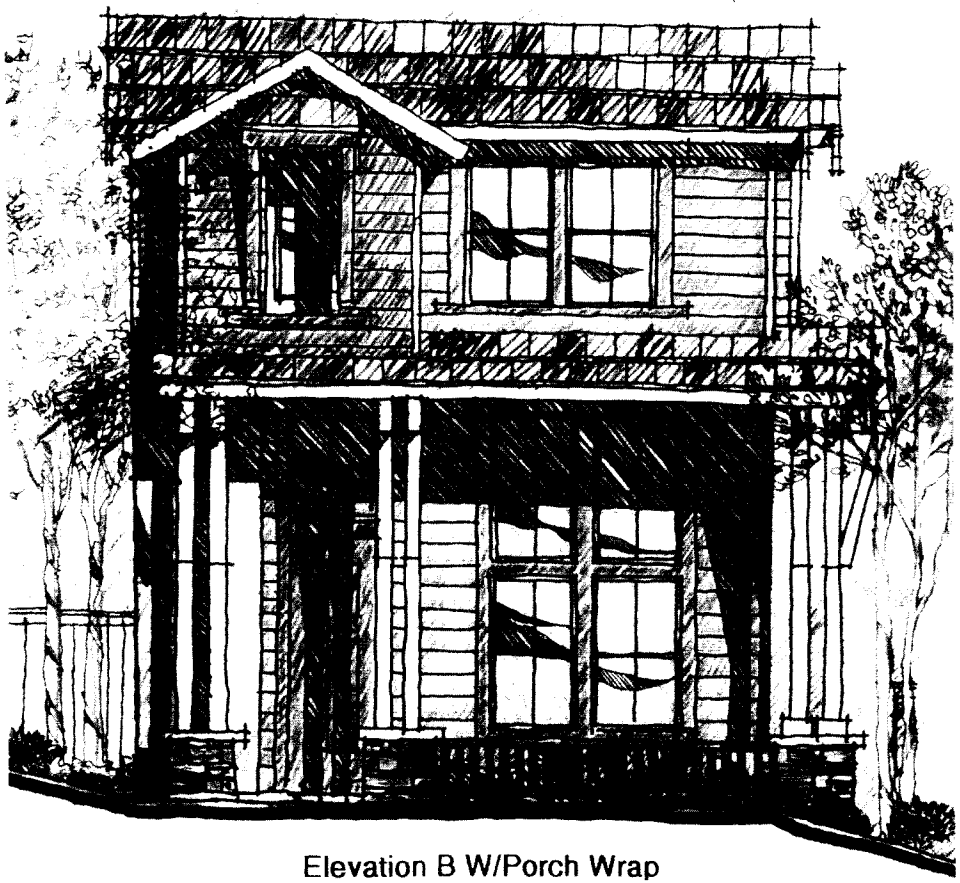
06 August 03
925.634.7666

Scale: 1/4" = 1'

Elevation B

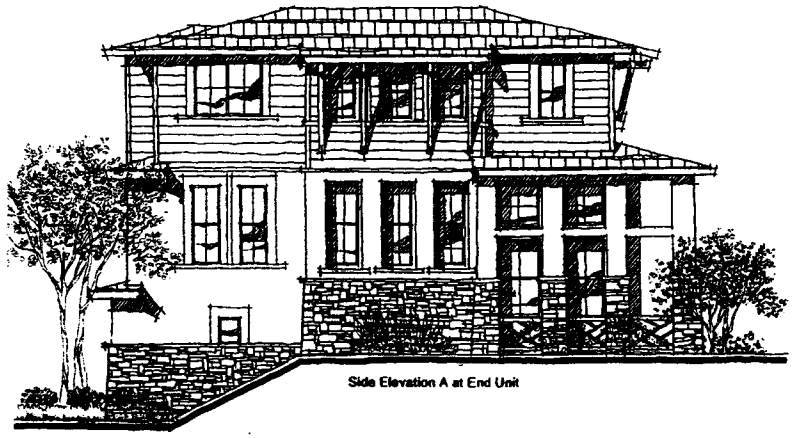


Elevation A W/Porch Wrap



Elevation B W/Porch Wrap

Side Elevation A at Mid. Unit



Side Elevation A at End Unit

Side Elevation B at Mid. Unit

Side Elevation B at End Unit

H A Y W A R D C O M M O N S , L L C

S D G A r c h i t e c t s, I n c.
02 April 03
925.634.7688

H A Y W A R D C O M M O N S , L L C

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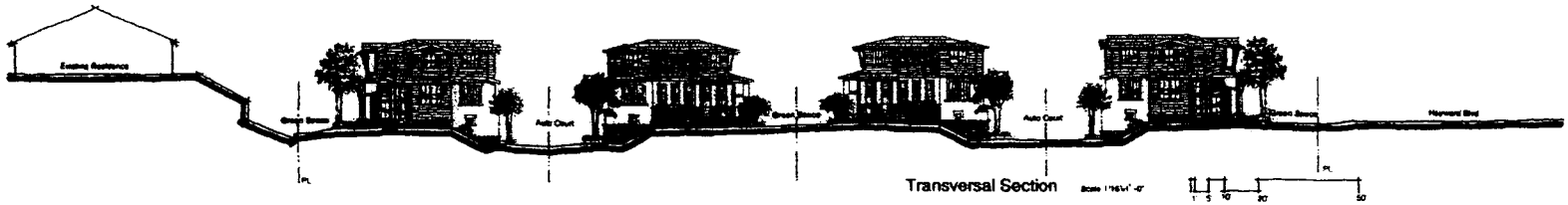
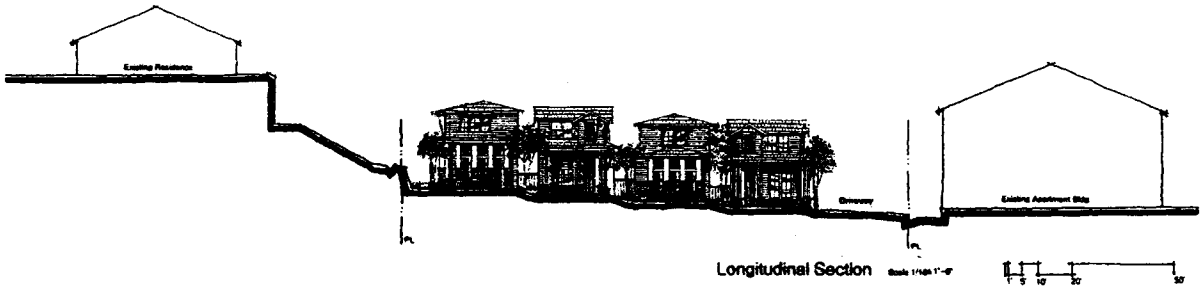
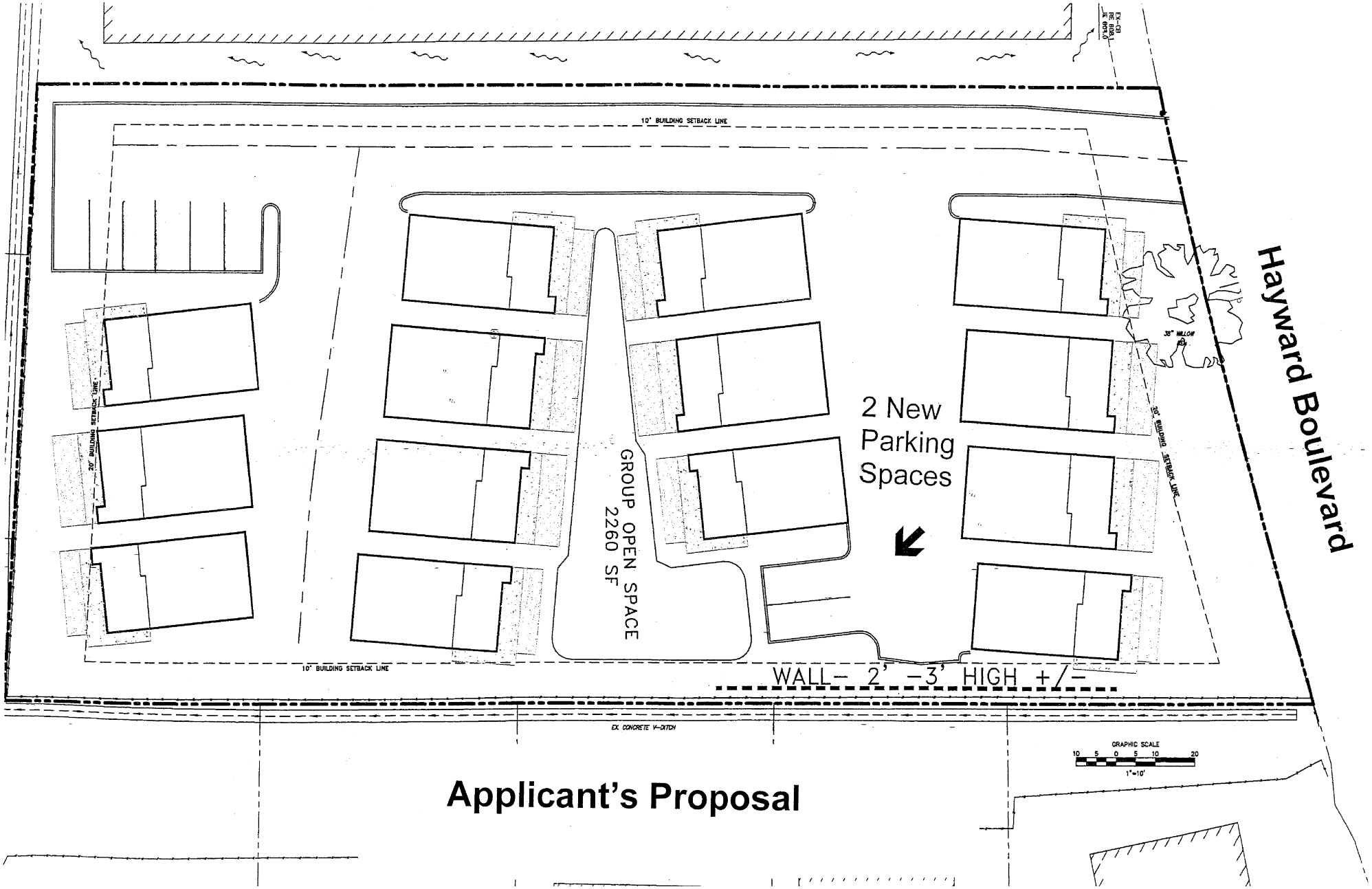




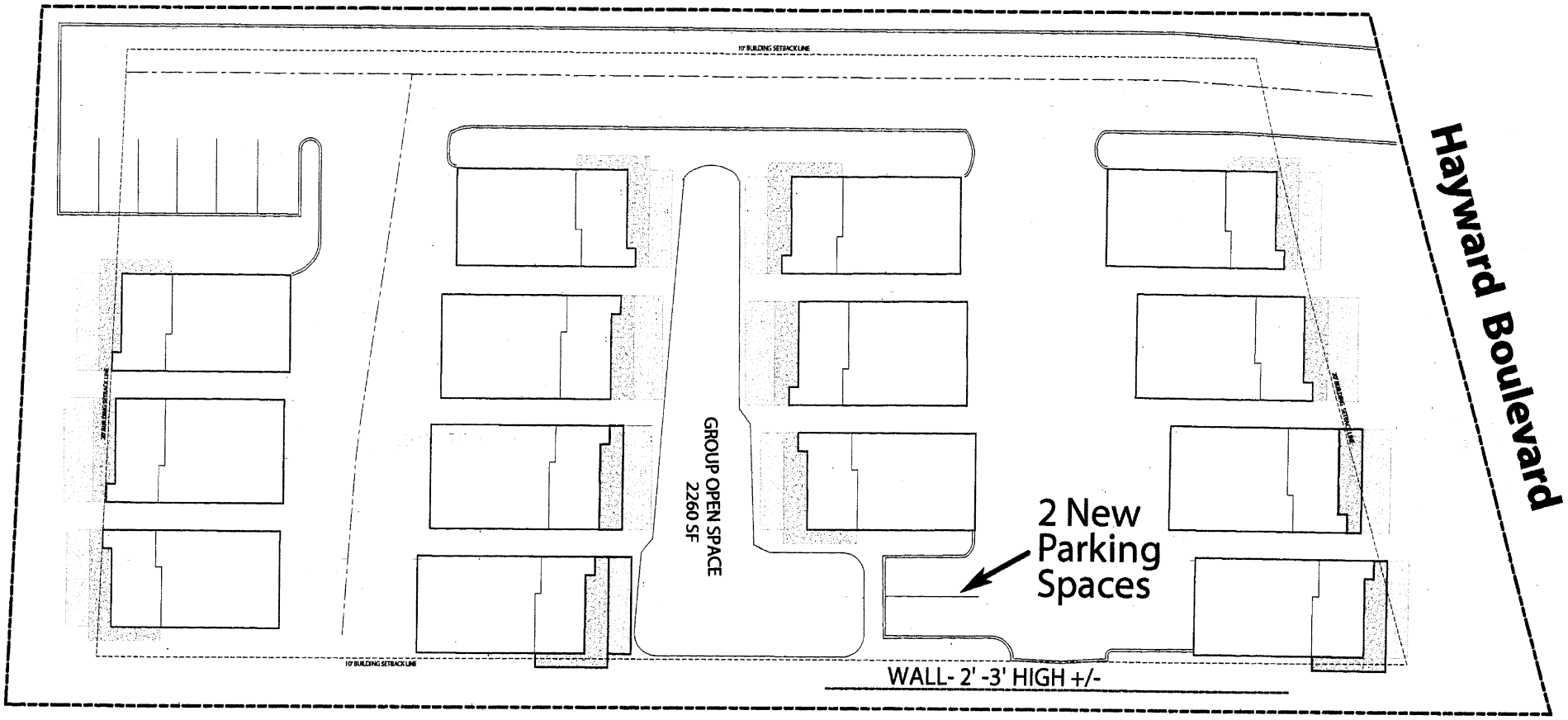
Hayward Commons

Conceptual Site Sections

08 August 03
925.634.7688



Applicant's Proposal



Staff's Recommended Alternative

HAYWARD CITY COUNCIL

RESOLUTION NO. 03-___

mle
11/14/03

Introduced by Council Member_____

RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PLAN AND APPROVING TENTATIVE TRACT MAP NO. 7435, ZONE CHANGE APPLICATION NO. PL-2002-0722, AND THE PRELIMINARY DEVELOPMENT PLAN

WHEREAS, Zone Change Application No. PL-2002-0722 and Tentative Map Tract 7435 concerns a request by Paul Martin for Hayward Commons, LLC (Applicant)/Evelyn Lutes (Owner) to change zoning from a single-family residential (RSB6) District to a Planned Development (PD) District and subdivide 1.1 acres to build 14 homes located at 26965 Hayward Boulevard near Spencer Lane; and

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

WHEREAS, the Planning Commission held a public hearing on September 11, 2003, regarding the project in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the initial study, mitigated negative declaration, zone change, preliminary development plan and tentative tract map; and

WHEREAS, the City Council considered the request at its October 28, 2003 meeting and agreed that more guest parking should be available. Council continued the item to allow the applicant to revise the site plan by eliminating one home and increasing the number of guest parking spaces from six to eight.

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

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

Zone Change and Preliminary Development Plan.

1. Approval of Zone Change Application No. 2002-0722 and Preliminary Development Plan, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act Guidelines.

2. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Hayward Highlands Neighborhood Plan and applicable City policies by providing housing opportunities and enhancing neighborhood quality.

3. Existing and proposed streets and utilities will be adequate to serve the development.

4. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development.

5. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested are for portions of the private open space of four units to be located within the front yard setback along Hayward Boulevard and for a reduced separation between buildings. Both exceptions are offset by the amount of open space and parking proposed for the site and the reduced separation is also offset by the strategic window placement.

6. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the Planned Development Zoning will allow the development of higher density housing which is supported by the Housing Element of the General Plan and the Neighborhood Plan.

7. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the zoning change is consistent with the General Plan designation.

8. All uses permitted when property is reclassified will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under existing regulations. Fifteen homes will be built where only five homes could be constructed under the current zoning.

Vesting Tentative Tract Map 7435.

9. The approval of the Vesting Tentative Map Tract 7435, as conditioned, will not cause a significant impact on the environment, as documented in the Initial Study. A Mitigated Negative Declaration has been prepared pursuant to the California Environmental Quality Act (CEQA) Guidelines.

10. The vesting tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, and the City of Hayward Zoning Ordinance.

11. The site is physically suitable for the proposed type of development.

12. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

13. The design of the subdivision and the proposed improvements are not likely to cause serious health problems.

14. Existing streets and utilities are adequate to serve the project.

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

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF HAYWARD that, based on the findings noted above, that Zone Change Application No. 2002-0722, the Preliminary Development Plan and Tentative Map Tract No. 7435 are hereby conditionally approved, subject to the conditions of approval contained in Exhibit A attached hereto and incorporated as a part of this resolution, and the adoption of the companion ordinance reclassifying the Property from a Single-family residential (RSB6) to a Planned Development (PD) District.

IN COUNCIL, HAYWARD, CALIFORNIA_____, 2003

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. 03-_____

mle
10/20/03

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY CHANGING THE ZONING FROM SINGLE-FAMILY RESIDENTIAL (RSB6) TO PLANNED DEVELOPMENT (PD) PURSUANT TO ZONE CHANGE APPLICATION NO. PL-2002-0722

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

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by changing the zoning from Single-family Residential (RSB6) to Planned Development (PD) for the property located at 26965 Hayward Boulevard.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30-days from the date of its adoption.

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 of the City of Hayward