



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 11/15/05
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Proposal to Develop a Portion of Land Known as "Oliver East" with Residential Development where Land Uses Are Currently Designated to be Developed with Limited Industrial and Business Park Uses - The property is located at "Eden Shores" south of Industrial Boulevard and West of Hesperian Boulevard

Actions include General Plan Amendment PL-2004-0184, amending the Land Use Map designation from "Industrial Corridor" to "Residential - Medium Density;" a Specific Plan Amendment amending the "*South of Route 92/Oliver & Weber Properties Specific Plan*" from "Light Manufacturing/Business Park" to "Residential - Medium Density;" amending the Mount Eden Business and Sports Park Community Development Agreement; a Zone Change, amending the zoning district from "Light Manufacturing/Business Park" to "Planned Development" in order to construct 139 small-lot single-family homes and a multi-family development of 122 dwelling units; a request to approve the Preliminary Development Plan for the Planned Development; approving Vesting Tentative Map Tract 7489; and revisions to South of 92 Development Guidelines to address the change from Light Manufacturing and Business Park to Residential on a portion of the Oliver East property under the Specific Plan.

Duc Housing Partners, Inc. - Applicant
Hayward Oliver Owners, LLC - Owner

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolutions approving the Mitigated Negative Declaration and Mitigation Monitoring Plan, General Plan Amendment, Zone Change, Specific Plan Amendment, Development Agreement Amendment, Preliminary Development Plan, Vesting Tentative Map, and revisions to the South of 92 Development Guidelines, and introduce the attached ordinances, subject to the attached conditions.

DISCUSSION:

In 1998, the City certified the Environmental Impact Report (EIR) for the South of Route 92 General Plan Amendment and Specific Plan for the Oliver Estate/Weber Properties. With regard to the Oliver property, the Specific Plan envisions residential development on the western portion and a 25-acre sports park, light manufacturing, business park, and commercial retail uses on the eastern portion.

On November 3, 1998 the voters approved an ballot measure which authorized development in accordance with the Specific Plan. Within the language of the measure was a provision that allowed for changes of uses of the properties, subject to legislative review involving public hearings. Thus, no additional voter action is required if the Specific Plan and related land use designations are modified.

The applicant, Duc Housing Partners, Inc., indicates that subsequent to the adoption of the specific plan, there has been a downturn in the real estate market for commercial, office and industrial properties at the same time the market has seen an increasing demand for housing. Accordingly, the applicant is seeking to amend the General Plan to Residential – Medium Density and to rezone the 27.6-acre portion of Oliver East “Light Manufacturing” and 1.6 acres of the area designated “Business Park” to Planned Development. This area is west of Marina Drive and straddles both sides of Eden Shores Boulevard. The Council may recall that Limited Industrial zoning, although not enthusiastically supported, was included within the Specific Plan as it was thought that the type of industrial development permitted thereon would be attractive to industrial developers and would be an inducement to develop the land zoned Business Park.

Project Description

The 29.2 acre site, currently vacant and rough graded, is proposed for subdivision for development of 139 detached single-family homes on small lots, typically 2,244 square feet, that are at least 1,678 square feet each and 122 condominium units that are at least 1508 square feet each.

The front entries of all the single-family units either face landscaped setbacks or have generous setbacks on the individual lots. Also in the single-family area there are two primary entries off of Marina Drive which also offer access to the future Business Park parcels to the east. A third entry would be off of “D” Street, which also intersects with an entry to the Business Park across the street. All of the streets will be private and maintained by a homeowners association.

For the majority of homes, there is at least a 160-foot separation between the homes and the Union Pacific railroad tracks. The homes in Oliver West are also 160 feet from the tracks. An 18-20 foot sound wall between the homes and the tracks, landscaped on both sides, will attenuate noise from passing trains. Much of the area between the housing and the railroad right-of-way is taken up by a 30-inch buried gas line, a flood wall, and a City and County of San Francisco pipeline and pipeline and conduit easement. On the easterly side of the project, there is a 33-foot setback proposed between the housing and the adjacent land zoned “Business Park” on the other side of Marina Drive. This distance represents the standard setback required in the Specific Plan where industrial development abuts residentially zoned land. “D” Street, which in the Specific Plan served to provide access to light manufacturing and business park uses and separate these uses from each other, now has residential on the west and business park uses on the east side. The 33-foot setback would be extended to the residential side of “D” Street as well.

The multi-family condominium portion of the project consists of 122 condominiums that are at least 1508 square feet. The units are oriented to Marina Drive on the east, Eden Shores Boulevard on the north, and to internal streets on the south and west sides. As in the single-family development there is a 33-foot landscaped buffer between the units and Marina Drive. A 33-foot buffer is also provided

along Eden Park Place. Entries to the multi-family area would be off of Marina Drive and Eden Park Place. As with the single-family development, there is a 160-foot separation between the homes and the railroad tracks, with a sound wall in between, and the streets will be private and maintained by a homeowners association.

Parking requirements have been met in the multi-family portion of the development, including 37 units with tandem parking, which is in conformance with the newly adopted tandem parking ordinance. The overall parking ratio of 3:1 for the detached single-family development may be inadequate given that the site is not close to transit with short headways. It is anticipated that a parking ratio of about 4 parking stalls per unit would better serve the project, which would require an additional 127 parking spaces. Accordingly, the applicant has agreed to a condition of approval requiring joint use of parking in the Business Park parcel nearest the project.

There are 7.4 acres of landscaping as well as active recreational areas throughout the project. A Landscaping and Lighting Assessment District (LLD) will be established to provide funding for the maintenance of the community-oriented facilities of the nearby sports park. Given the amount of usable group open space throughout the project site, the LLD to enhance and maintain the sports park, and considering that Duc Housing has already contributed \$7 million towards construction of the 25 acre Alden E. Oliver Sports Park, the Development Agreement considers that all obligations related to parkland and open space are satisfied. School impacts have been mitigated by the applicant's agreement to a school impact fee of \$3.25 per square foot which is in excess of the current fee of \$2.62, plus the contribution of \$5 million toward a new Burbank School.

The formation of a Homeowner's Association and the creation of Conditions, Covenants, and Restrictions (CC&Rs) will be required to: ensure proper maintenance of the streets (all of which are private), perimeter fencing and landscaping, as well as graffiti removal, and enforcement of the 24-hour on-street parking limit.

Inclusionary Housing

Fifteen percent of the units (40 units) within the development will be affordable to moderate income households, as required by the Inclusionary Housing Ordinance. The ordinance states that the affordable units should be "integrated with the project as a whole" and "the number of bedrooms must be the same as those in the market rate units." The developer proposes to provide all of the affordable units in the condominium section of the project, which allows them to be integrated within the project as a whole, but not within the single-family portion of the project. Because none of the condominium units exceeds three bedrooms, the developer proposes to provide the larger three bedroom condominiums as affordable units. The ordinance states: "In a residential project which contains single family detached homes, affordable units may be attached dwelling units rather than detached homes." In view of the benefits that the development confers in terms of higher density, more affordable housing and contributions to the improvement of the local schools, staff recommends that the Inclusionary Plan be approved.

Development Agreement

The amendment of the development agreement addresses several items, including: (1) the change in use from Light Manufacturing and Business Park uses to Residential; (2) the establishment of a landscape and lighting district (LLD) with an annual assessment of \$160 per residential lot or unit (indexed to San Francisco Bay Area CPI) for the purpose of providing partial funding for the ongoing maintenance of the neighborhood serving features of the sports park complex, such as picnic tables, basketball courts, barbeque areas; (3) an acknowledgement that the \$7 million paid for construction of the sports park and the establishment of the LLD constitute complete satisfaction of obligations for parkland and open space; (4) the applicant has voluntarily agreed to the school impact fee of \$3.25 per square foot which is in excess of the current fee of \$2.62; and (5) a voluntary contribution of five million dollars toward the construction of the new Burbank School in the Cannery Area.

The amended Development Agreement is consistent with the General Plan, as amended.

Planning Commission Hearing

On October 20, 2005, the Planning Commission unanimously recommended approval of the mitigated negative declaration and the project, with the stipulation that the treatment of domestic animals similar to that of the Oliver West development be considered.

Except for the applicant and his representative, only one member of the public testified. He expressed concerns about noise arising from aircraft flying into Oakland. Noise studies prepared for the project concluded that, with the implementation of identified mitigation measures, the housing project would not be subject to noise levels in excess of City standards.

Noting that domestic pets are required to remain within the confines of individual lots on "Oliver West," a concern was expressed that there was no such restriction on the proposed households. It was pointed out that the housing on Oliver West is adjacent to a wildlife habitat area. Mitigation measures to ensure that domestic pets would not intrude into that area included a water buffer about the north, west, and south borders of the housing project, a fence, and a requirement to keep pets contained within individual properties. However, because there is a substantial distance between the proposed houses and the wildlife habitat and that it is separated by a high sound wall and the sports park, the mitigated Negative Declaration did not call for that the same restriction on Oliver East households. Staff would have no objection, however, to placing the same restriction upon new households on Oliver East if the Council deems it a necessary safeguard.

In weighing the merits of the proposal against the current limited industrial and business park uses supported by the Specific Plan, Planning Commissioners indicated that the housing would be a benefit to the City, especially in light of the fact that a substantial amount of money was spent by the developer in the construction of the sports park, considering the voluntary contribution of \$5 million toward the Burbank School, and the 40 new affordable housing units.

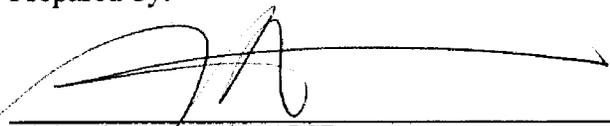
The Planning Commission voted unanimously to recommend to the City Council that it approve the Mitigated Negative Declaration and Mitigation Monitoring Plan, subject to the findings and

conditions, with a modification to the development agreement and amendments to the General Plan and zoning designation.

Environmental Review

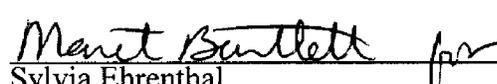
An Initial Study was prepared to determine whether the project would result in significant environmental effects that were not examined in the 1998 Program EIR or an increase in severity of previously identified impacts. Issues with potentially significant impacts discussed in the checklist were in regard to air quality, biological resources, cultural resources, hydrology/water quality, noise and recreation. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, would not result in significant effects on the environment and a mitigated negative declaration was prepared.

Prepared by:



Richard Patenaude, AICP
Acting Planning Manager

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:



Jesús Armas, City Manager

- Attachments:
- Exhibit A: Conditions of Approval (**revised**)
 - Exhibit B: Mitigated Negative Declaration, Initial Study and Mitigation Monitoring and Reporting Program
 - Exhibit C: Area Map
 - Exhibit D: Draft Planning Commission Meeting Minutes, dated October 20, 2005
 - Exhibit E: Planning Commission Agenda Report with Attachments, dated October 20, 2005
 - Project Plans
 - Draft Ordinances and Resolutions

Conditions of Approval
Planned Development Application No. PL-2004-0184
Hayward Oliver Owners LLC (Applicant/Owner)
139 Single-Family Residences

The Conditions of Approval attached as Exhibit C to the Development Agreement remain in full force and effect except where superseded or modified by these Conditions of Approval. The previous conditions apply only to the extent applicable and in the event of a conflict between the Conditions of Approval attached as Exhibit C to the Development Agreement and the Conditions of Approval being adopted for the Eden Shores Project (Eden Shores Conditions), the Eden Shores Conditions shall control.

1. Planned Development Application No. PL-2004-0184 to allow the construction of 139 single-family homes is subject to these conditions of approval and the plans, labeled Exhibit "C." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7489 and all conditions of approval of that map shall also apply to this approval.
6. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a Certificate of Occupancy of any unit.

7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.
8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities and utility meters. The precise plan shall also reflect the ultimate configuration of the driveway entries and other private improvements.
10. The Precise Plan shall also 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.
11. The Precise Plan shall include the following:
 - 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. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - c) Details and locations of the perimeter decorative walls shall be included and approved by the Planning Director.
 - d) Show an exterior hose bibs for each private yard, patio or porch area.
 - e) Show fencing and fencing details as well as masonry on prominent locations.
 - f) 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.
 - g) 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.
 - h) 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.

- i) Single-family residential home elevations having stone or brick work on a front elevation go all the way around the building unless otherwise approved by the Planning Director. Trim shall be capped at the level of the windowsills.
- j) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located within private yards behind solid board fences. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- k) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- l) Recreational amenities in the single-family area shall be shown on: the linear park between A and B Streets, the linear park between Alleys E and Q, on Parcel D parallel to Eden Shores Blvd., and on Parcel I connecting to the townhouse development. Recreational amenities shall include: a rose garden, a pocket park, linear parks, several open play areas, tot lots, picnic areas with a barbecue, and extensive meandering walkways and trails.
- m) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- n) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- o) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- p) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
- q) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
- r) One project identification sign per public road entrance is permitted. The sign shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.
- s) All decorative window treatments shall be extended to all elevations.
- t) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
- u) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors,

stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.

- v) A 160-foot setback in compliance with the project acoustical studies is required from the nearest single-family buildings to the railroad tracks. The retaining wall/sound wall combination along the railroad property line shall be constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.
- 12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
- 13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
- 14. All mitigation measures proposed by Charles M. Salter Associates, Inc. in his project acoustical studies, reflected in his letters to Joseph Fanelli dated July 25, 2005 (single family) shall be implemented.
- 15. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented.
- 16. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
- 17. All perimeter project walls including the sound wall shall be treated with an anti-graffiti coat.
- 18. A sound wall of varying heights but typically at approximately 18 feet above grade (which may be equivalent to a 20 foot sound wall in some locations) shall be constructed generally as shown on the Tentative Map. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.
- 19. Per Specific Plan Development Guidelines, a 33 foot setback shall be observed for all houses fronting on "D" Street, similar to the setback for houses fronting Marina Drive. "D" Street shall be moved north 33 feet from the property line while not moving the intersection of "D" Street and Marina Drive. The site plan dated September 26, 2005 shows a 20 foot setback from the property line for houses fronting "D" Street.
- 20. Within 12 months following issuance of the final certificate of occupancy for the project, the City may assess whether the amount of on street parking in the single family area is adequate. In the event the City determines, based upon public input and comments from the applicant, that the amount of such parking is inadequate to serve the single family development, the applicant shall provide paved and striped surface parking spaces in a mutually agreed upon location on a Business Park zoned parcel within the Specific Plan area. Such parking will be made available, on a nonexclusive basis, to Eden Shores East residents and visitors. The number of surface parking spaces to be provided shall be determined by the City but in no case shall the number exceed that amount that will bring

the overall parking ratio of the single family portion of the project to 4 parking spaces per dwelling unit.

21. Three project entries to the single-family area shall be designed in accordance with the preliminary landscape plans submitted.
22. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
23. Any on-site transformer shall be located underground.
24. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association (HOA) shall be created to maintain the private streets, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing partial funding for the ongoing maintenance of the neighborhood-serving features of the sports park complex such as picnic tables, basketball courts, barbecue areas and soccer fields. The annual assessment shall be \$160 per residential lot or unit (indexed to San Francisco Bay Area cpi).
 - c) A statement regarding all HOA fees and landscaping and lighting assessment district assessments obligating individual homeowners shall be provided to homeowners on bright paper.
 - d) A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, driveways and common area landscaping.
 - e) The association shall be managed and maintained by a professional property management company.
 - f) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association
 - g) The private street, alleys, driveway entries, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.
 - h) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.

- i) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
- j) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.
- k) The trees planted within the common areas and "bulb-outs" within the private streets shall be maintained and retained by the homeowners association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- l) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- m) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- n) 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.
- o) 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. The homeowners association or individual homeowners, as applicable, 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.
- p) The open parking spaces within parking bays or on the private streets 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 on-street parking on Public Streets A, B, and C and adjacent to Alleys E, F, J, R, and P shall be limited to 24 hour parking. 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.

- q) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- r) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- s) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 25. 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*. Landscape area shall be limited to a maximum 50% Fescue turf.
- 26. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
- 27. Landscape strips along the property line shall be developed as shown on the landscape drawings of the submittal. Trees and shrubs shall be planted as shown on the landscape drawings of the submittal.
- 28. For the linear parks abutting the sound wall in the single-family development, there shall be built up landscaped berm to lessen the apparent height of the sound wall. Landscaping treatment shall be as shown on the landscaping plans.
- 29. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- 30. Parking spaces separated by islands shall be landscaped. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.

31. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
32. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
33. Landscaping and irrigation plans shall be submitted for review and approval by the City prior to approval of improvement plans or prior to the issuance of building permits. Mylars of the approved Landscape plans shall be submitted to Public Works, Engineering as a part of the approved Civil plans. 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.
34. Landscaping and required trees for each unit shall be installed prior to occupancy of each building.
35. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion; as-built mylars and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract.
36. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved site plan including street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately.
37. A tree removal permit is required prior to the removal of any previously approved tree. See the Tree Preservation Ordinance for more information. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
38. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Existing landscape areas shall be fenced throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
39. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
40. All street chokers shall be designed without sharp angles to provide access to the street sweeper equipment.

Solid Waste

41. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-

4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:

- a) A Construction Debris Recycling Statement must be submitted with the building permit application.
- b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.
- c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
- d) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
- e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Disclosures

42. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.
43. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

Conditions of Approval
Planned Development Application No. PL-2004-0184
Hayward Oliver Owners LLC (Applicant/Owner)
122 Multi-family Units

The Conditions of Approval attached as Exhibit C to the Development Agreement remain in full force and effect except where superseded or modified by these Conditions of Approval. The previous conditions apply only to the extent applicable and in the event of a conflict between the Conditions of Approval attached as Exhibit C to the development Agreement and the Conditions of Approval being adopted for the Eden Shores Project (Eden Shores Conditions), the Eden Shores Conditions shall control.

1. Planned Development Application No. PL-2004-0184 to allow the construction of 122 townhomes, is subject to these conditions of approval and the plans, labeled Exhibit "C." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7489 and all conditions of approval of that map shall also apply to this approval.

6. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a Certificate of Occupancy of any unit.
7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.
8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls, (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the driveways and other public improvements.
10. The Precise Plan shall also 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.
11. The Precise Plan shall include the following:
 - 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. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - c) Details and locations of the perimeter decorative walls and any retaining walls shall be included and approved by the Planning Director.
 - d) Show an exterior hose bibs for each townhouse.
 - e) Show fencing and fencing details, as well as masonry details at prominent locations.
 - f) 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.
 - g) 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.
 - h) Grouped mailbox design and locations, subject to Post Office approval, shall be approved by the Planning Director.

- i) 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.
- j) Townhome elevations having stone or brick work on a front elevation go all the way around the building unless otherwise approved by the Planning Director. Trim shall be capped at the level of the windowsills.
- k) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or stuccoed walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- l) A 160-foot setback in compliance with the project acoustical studies is required from the multi-family buildings to the railroad tracks. The retaining wall/sound wall combination along the railroad property line shall be constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.
- m) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- n) Recreational amenities for the multi-family area shall be shown on the two areas indicated on the block containing buildings 9, 10, and 11 and on the linear park parallel to the railroad tracks. Recreational amenities shall include: a rose garden, a pocket park, linear parks, several open play areas, tot lots, picnic areas with a barbecue, and extensive meandering walkways and trails.
- o) Each townhouse shall have and maintain a minimum of 90 cubic feet of dedicated storage area, above standard closets and bedroom wardrobes, accessible from the exterior of the unit. Any area of a garage, in excess of the required 11 feet by 19 feet or 20 feet by 20 feet parking area, can be counted toward the minimum requirement.
- p) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- q) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- r) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- s) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.

- t) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
 - u) One identification sign per public road entrance be permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.
 - v) Rooflines shall be articulated to break up bulky facades. Dormer elements are acceptable. Large expanses of blank wall are not allowed. Articulate such expanses to avoid bulkiness.
 - w) All decorative window treatments shall be extended to all elevations.
 - x) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
 - y) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All tandem two car garages shall have the minimum interior dimension of 11 feet by 38 feet. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
 14. All mitigation measures proposed by Charles M. Salter Associates, Inc. in his project acoustical studies, reflected in his letters to Joseph Fanelli dated February 4, 2005 (multi-family and outdoor areas) shall be implemented.
 15. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented.
 16. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
 17. All perimeter project walls shall be treated with an anti-graffiti coat.
 18. A sound wall of varying heights but typically at approximately 18 feet above the grade (which may be equivalent to a 20 foot sound wall in some locations) shall be

constructed generally as shown on the Tentative Map. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.

19. The one main entry to the multi-family area shall be designed in accordance with the preliminary landscape plans submitted.
20. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
21. Any onsite transformer shall be located underground.
22. Prior to the sale of any lot to an individual owner (and not another developer or builder) or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private streets, alleys, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing partial funding for the ongoing maintenance of the neighborhood-serving features of the sports park complex such as picnic tables, basketball courts, barbecue areas and soccer fields. The annual assessment shall be \$160 per residential lot or unit (indexed to San Francisco Bay Area cpi).
 - c) A statement regarding all HOA fees and landscaping and lighting assessment district assessments obligating individual homeowners shall be provided to homeowners on bright paper.
 - d) A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, driveways and common area landscaping.
 - e) The association shall be managed and maintained by a professional property management company.
 - f) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.
 - g) The private streets, alleys, driveways entries, common landscaped areas shall be maintained in good repair, and free of debris at all times.
 - h) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.

- i) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
- j) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.
- k) The trees planted within the "bulb-outs" within the private streets shall be maintained and retained by the Homeowners Association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- l) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- m) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- n) 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.
- o) The homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The homeowners' association shall maintain in good repair the multi-family exteriors. 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.
- p) The open parking spaces within parking bays or on the street 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 on-street parking on Street AA, Street V,

Alley Z, and Street W shall be limited to 24 hour parking. 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.

- q) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- r) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- s) Future additions to townhouses are prohibited.
- t) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 23. 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*. Landscape area shall be limited to a maximum 50% Fescue turf.
- 24. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
- 25. For the linear parks abutting the sound wall in the townhouse development, there shall be built up landscaped berm to lessen the apparent height of the sound wall. Landscaping treatment shall be shown on the landscaping plans.
- 26. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- 27. Parking spaces separated by islands shall be landscaped. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
- 28. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.

29. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground meters and mechanical equipment shall be screened from the street or drives with shrubs or other means subject to the approval of the Planning Director.
30. Landscaping and irrigation plans shall be submitted for review and approval by the City prior to approval of improvement plans or prior to the issuance of building permits. Mylars of the approved Landscape plans shall be submitted to Public Works, Engineering as a part of the approved Civil plans. 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.
31. Landscaping and required trees shall be installed prior to occupancy of each building.
32. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion; as-built mylars and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract.
33. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved site plan including street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately.
34. A tree removal permit is required prior to the removal of any previously approved tree. See the Tree Preservation Ordinance for more information. Replacement trees shall be required for any trees removed.
35. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Existing landscape areas shall be fenced throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
36. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
37. All street chokers shall be designed without sharp angles to provide access to the street sweeper equipment.

Solid Waste

38. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:

- a) A Construction Debris Recycling Statement must be submitted with the building permit application.
- b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.
- c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
- d) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
- e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Inclusionary Housing

39. Prior to approval of the First Final Map, whether for the townhouses or the single-family units, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement shall conform to the requirements of the Inclusionary Housing Ordinance.

Disclosures

40. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.
41. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7489**

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.

IMPROVEMENTS

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

Streets

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.
2. 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 private streets, driveways and common areas within the subdivision boundary.
3. The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths or intersection alignments and providing truck turn-arounds.
4. All of the alleys shall be designated as fire lanes and no parking will be allowed except in designated parking areas. Curbs shall be painted red and fire lane signage installed every 100 linear feet. Installation of red-curbings and signs shall meet Fire Department and City Engineer standards.

Marina Drive

5. Curb, gutter shall be removed and replaced along the project frontage to accommodate construction of the street intersections into the development. Handicap ramps shall be installed where required by the City Engineer. Street trees shall be protected in place and

shall remain unless removal is authorized by the City Landscape Architect. An easement shall be dedicated along the project frontage for the required meandering walkway.

6. Marina Drive shall be restriped to accommodate the on-street parking along the tract frontage.
7. The entrances to the development shall be designed as street intersections and not as driveway entrances. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 30 feet at the curb face.
8. New standard streetlights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.

New Public Street "D"

9. The street shall have a 41 foot right-of-way width, 40 feet curb to curb and shall be constructed with City standard curb, gutter, sidewalk and paving. The length of the extension of the roadway from Marina Drive shall be approved by the City Engineer. A barricade or some other structure shall be constructed at the end of the street to prevent vehicular access to the undeveloped parcels.
10. New standard street lights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.
11. Appropriate signage shall be installed to reflect that no parking will be allowed on either side of the street.

Eden Shores Boulevard and Eden Park Place

12. Any curb, gutter, sidewalk, paving, utilities or landscaping damaged along these frontages shall be removed and replaced.

Interior Private Streets

13. The interior private street shall have a 25 foot right-of-way width, 24 feet curb to curb to allow for two travel lanes. The street design shall utilize standard curb and gutter and street sections shall be constructed to public street standards. Bulb outs shall be allowed at the curb returns to facilitate traffic calming within the development, but they must be designed to facilitate street sweeping.
14. Intersections with the streets and alleys shall be designed as standard street intersections. Handicap ramps shall be installed to facilitate access and circulation throughout the development.

15. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
16. The entrances to the City's sanitary sewer lift station shall be gated to restrict access to the facility.

Interior Private Alleys

17. The interior private alleys shall have a 25 foot right-of-way; 24 feet face of curb to face of curb, and may incorporate rolled curbs along both sides where there are driveways. The rolled curb shall be designed to compensate for the street cross section and allow vehicles to cross without scraping or being damaged. Vertical curbs shall be used at all parking areas. The corners of the parking areas shall be rounded/curved to facilitate drainage and street sweeping unless the areas are designed to slope towards a center valley gutter or catch basin. The developer shall demonstrate that this alley width is adequate to provide a minimum of 26 feet of backup space from each garage, as measured when a vehicle is clear of the garage.
18. Signs shall be posted at the entry to Alleys "N" and "O" that they are dead ends and that there is no visitor parking.
19. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

Parking and Driveways

20. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.
21. Flares shall be provided at the driveway into each unit to prevent vehicles from driving over required landscaping and irrigation.
22. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.
23. If feasible, parking spaces shall be provided adjacent to group mailboxes and shall be designated as 10 minute parking only.

Landscaping and Irrigation

24. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review

and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.

25. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.
26. Prior to issuance of the first certificate of occupancy for either a single family home or a condominium building, the developer shall form a Landscape and Lighting District to provide funding for the ongoing operation and maintenance of the Sports Park as described within the Amendment to the Development Agreement. Prior to approval of the first final map, the developer shall provide a \$10,000 deposit to the City to cover the costs associated with formation of the District.

Storm Drainage

27. The on-site storm drain system within the development, excluding that located within the public right-of-way, shall be a private system owned and maintained by the homeowners association or property owners.
28. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of the County facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
29. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
30. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
31. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
32. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall

be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.

33. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.
34. 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.
35. 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.
36. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
37. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
38. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

39. Sanitary sewer service is available from the City subject to standard conditions and fees in effect at the time of application.
40. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. Each unit shall have a separate sanitary sewer lateral. The main design and location shall meet the approval of the City Engineer.

Water System

41. Water service is available from the City subject to standard conditions and fees in effect at the time of application. The developer shall provide calculations showing that existing and proposed water mains are adequate for the proposed development and required fire flows.

42. A new water main must be constructed between the single family residential portion and the condominium portion of the development. This main shall be connected to the existing water main in Eden Shores Blvd.
43. The proposed water main in Alley "U", multi family development, shall be connected to the water main in Eden Park Place. The proposed connection to the water main in Marina Drive can be eliminated.
44. Dead end water mains will not be allowed. Water mains must be looped and connected via public or private streets or easements. Ductile pipe is required in all easements. Control valves are required in streets prior to easements.
45. Water mains are to be located 5 feet from the face of curb.
46. Each residence must have a separate service and radio read meter. The services installed for the proposed light industrial uses will be abandoned by City Forces at developers expense. Reduced backflow prevention assemblies must be installed on irrigation meters per City of Hayward SD 202.
47. Fire hydrants shall be provided throughout the development. The locations shall be approved by the Fire Department during review of the Precise Plan and prior to start of any construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
48. Fire hydrants for the single family development shall be modified steamer type which shall be installed per City standards. Fire hydrants for the multi family development shall be double steamers.
49. Fire flow requirements for the single family development shall be 1,500 gallons per minute at 20 psi. Fire flow requirements for the multi family development shall be 3,000 GPM at 20 psi..

Utilities

50. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
51. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
52. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement

in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.

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

Fire Protection

54. The common wall (party wall) constructed between each unit shall be constructed with one-hour construction.
55. Each condominium will require interior smoke detectors (hard wired with battery backup) per the CBC.
56. There are several condominium buildings that are in excess of 5,000 square feet in size. Automatic fire sprinkler systems are required for structures in excess of 5,000 square feet. However, the type of system (commercial or residential) has yet to be determined pending further information on building occupancy classifications. In addition, the proposed condominium units are required to have automatic fire sprinkler systems as they are being constructed as three story structures.
57. The following fire sprinkler system options are pending review:
- a. If the buildings are classified as R-3 occupancies, the Fire Department will require that each condominium unit be equipped with an automatic fire sprinkler system designed and installed per NFPA 13-D (Modified) standards. The fire sprinkler protection shall be supplied from the domestic water line and independently controlled. Fire sprinkler modifications shall include sprinkler heads within the attics and garages;
 - b. If the buildings are classified as R-1 occupancies, the Fire Department will require each building to have a commercial fire sprinkler system installed with its own dedicated fire service line, conforming to NFPA 13 and 24 standards;
 - c. The proposed condominiums are required to have automatic fire sprinkler systems installed per NFPA 13-D standards.
58. Each unit protected with fire sprinklers shall have an interior alarm signaling device which will activate upon waterflow of the fire sprinkler system.
59. Each unit protected with fire sprinklers shall have an exterior alarm bell installed in a location approved by the Fire Department.
60. Each fire sprinkler system shall be equipped with a spare sprinkler head box located at the riser.
61. The fire line service shall be installed and arranged per NFPA 13-D and /or NFPA 13 Standards, and the control valve shall be locked with a chain and break-away type of lock if it is exposed (above grade)

62. Third floor areas within the units shall be limited to less than 500 square feet.
63. Addressing for each building as well as individual condominium units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.
64. Approved spark arrestors shall be installed on chimney caps.
65. Exiting requirements shall be per the CBC, Chapter 10.

Hazardous Materials

66. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented

Retaining Walls

67. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.
68. The retaining wall/sound wall combination along the rail road property line shall constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.

Dedications, Easements and Deed Restrictions

69. The final map shall reflect:
 - a. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.
 - b. Dedication of a No Build Easement over Parcels A, B, C and D within the single family development. A No Build Easement may be necessary over a portion of the lots within the multi family development to meet building code requirements for openings along property lines.

Subdivision Agreement

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

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

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

DURING CONSTRUCTION

73. The following control measures for construction noise, grading and construction activities shall be adhered to, unless otherwise approved by the Planning Director or City Engineer:
 - a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
 - b. Grading and construction equipment shall be properly muffled;
 - c. Unnecessary idling of grading and construction equipment is prohibited;
 - d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
 - e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
 - f. The developer shall participate in the City's recycling program during construction;
 - g. Daily clean-up of trash and debris shall occur on Marina Drive, Industrial Blvd., Eden Shores Blvd., Eden Park Place and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
 - h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
 - i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
 - j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
 - k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
 - m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
 - n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
 - o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
74. 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.

75. 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.
76. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
77. Construction Administration services shall be provided by the project landscape architect. Services to include:
 - a. Observation of irrigation system before burying pipes;
 - b. Observation of plant material upon delivery to the site;
 - c. Observation of layout and placement of plant material upon delivery to the site;
 - d. Observation for maintenance period commencement; and
 - e. Observation for final acceptance.

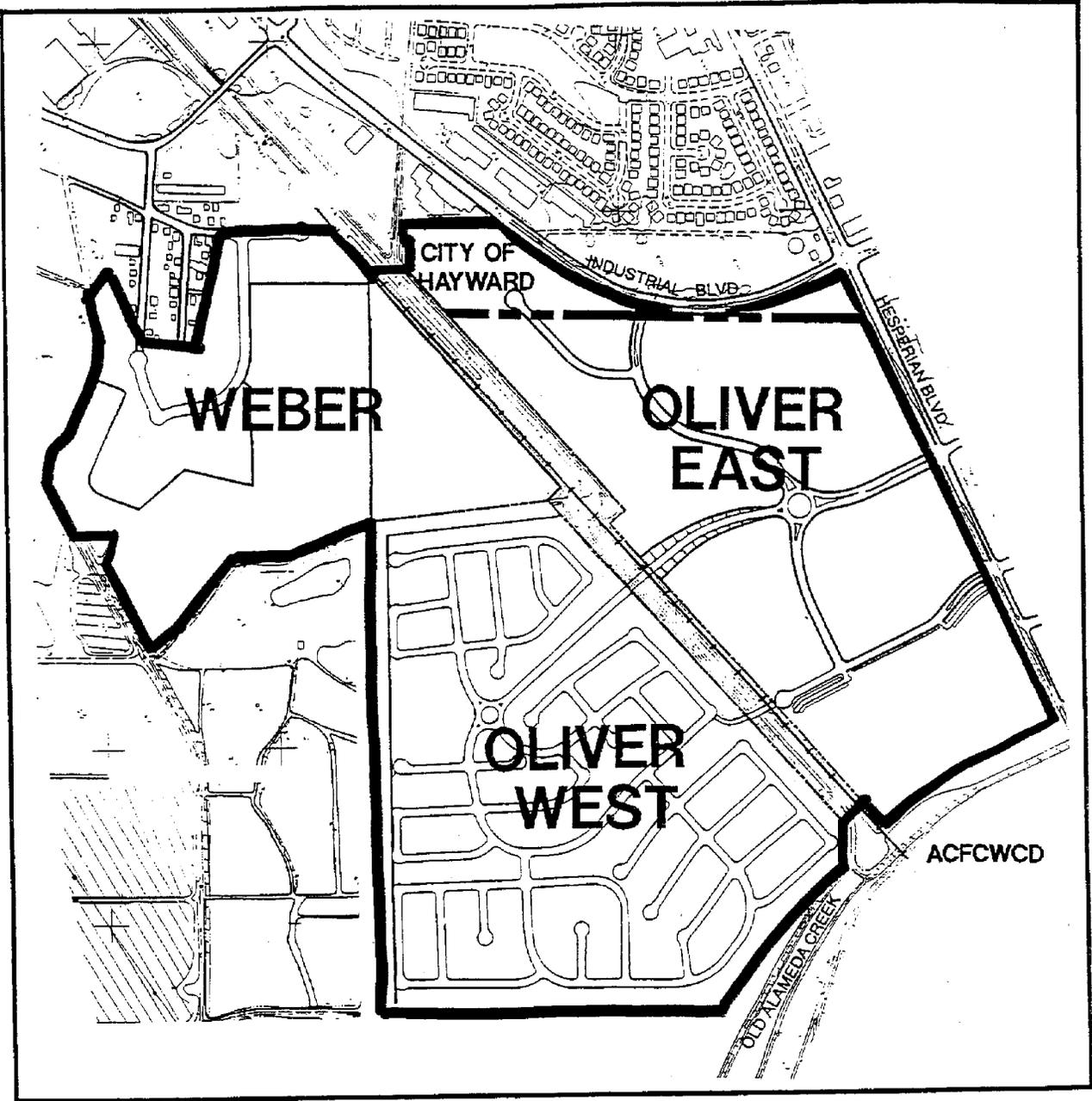
PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

78. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
 - a. Supplemental Building Construction and Improvement Tax;
 - b. School Fees at the rates agreed to in the Amended Development Agreement; and
 - c. Sewer and Water Connection Fees for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
79. Any damaged curb, gutter and/or sidewalk along the project frontages shall be repaired or replaced to the satisfaction of the City Engineer.
80. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
81. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

82. 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.
83. 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.
84. An AC overlay along Marina Drive or Eden Park Place frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
85. The improvements associated with the Pacific Gas and Electric Company, SBC and ComCast shall be installed to the satisfaction of the respective companies.
86. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

**EXHIBIT “B” CAN
BE VIEWED IN
THE OFFICE OF
THE CITY CLERK**



SOUTH OF ROUTE 92 SPECIFIC PLAN

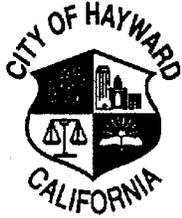
AREA MAP

AYES: COMMISSIONERS McKillop, Bogue
Peixoto, Zermeño
CHAIR Thnay
NOES: COMMISSIONERS Lavelle and Sacks
COMMISSIONER None
ABSTAIN: COMMISSIONER None

2. I. **General Plan Amendment (PL-2004-0184) - Request to Amend the General Plan Land Use Map Designation from "Industrial Corridor" to "Residential - Medium Density;"**
- II. **Specific Plan Amendment – Request to Amend the "South of Route 92/Oliver & Weber Properties Specific Plan" from "Light Manufacturing/Business Park" to "Planned Development;"**
- III. **Amendment to the Mount Eden Business and Sports Park Community Development Agreement;**
- IV. **Zone Change Application No. PL-2004-0189 – Request to Amend the Zoning District from "Light Manufacturing and Business Park " to Planned Development in Order to Construct 139 Small-Lot Single-Family Homes and a Multi-Family Development of 122 Dwelling Units;**
- V. **Approval of the Preliminary Development Plan for the Planned Development;**
- VI. **Vesting Tentative Map Tract No. PL-2004-0190 (TTM 7489) - Request for a Small-Lot Single-Family Development of 139 Homes and for a Multi-Family Development of 122 Dwelling Units;**
- VII. **Revisions to South of 92 Development Guidelines – Request to address the change from Light Manufacturing and Business Park to Residential on a Portion of the Oliver East Property under the Specific Plan**
Duc Housing Partners, Inc. – Applicant/Owner - The Project Site is Located West of Marina Drive and on Either Side of Eden Shores Boulevard on Property Known as "Oliver East"

Staff report submitted by AICP Torrey, dated October 20, 2005, was filed.

Consultant Anderly made the report referencing a November 8, 1998 ballot measure that was placed at the Council request, which changed the general plan designation in some areas of the South of 92 Area from open space-baylands to low density residential, open space-parks and recreation, and industrial corridor. She added that the west side was primarily housing and light manufacturing and wetlands. The plan for the east side was proposed as a business park, along with a small commercial area, light manufacturing area, and sports park. Voters favored a 25-acre sports park as well as high technology industrial type of development. The Council measure included a



**MINUTES OF THE REGULAR MEETING OF THE
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Thursday, October 20, 2005, 7:30 p.m.
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provision for changing uses on the land as long as the legislative process was followed, which provides for public input. She added that she received two e-mails objecting to changes to the east side to any residential development, as it was the opinion that when voters voted on the initiative it was with the idea that jobs would be created in Hayward. She mentioned that the Commissioners would have to consider taking the light industrial area and transforming it to housing and a small portion to the business park. She added that a job surplus is projected for the Bay Area.

Consultant Anderly clarified the initiative at the request of Commissioner Sacks.

In response to Commissioner Lavelle's enquiry for the notification of the public hearing, Mr. Torrey indicated that the public hearing was properly published three times due to re-scheduling of the meeting, residents were properly notified, and enumerated the different appropriate public agencies that were consulted as well as notified of the public hearing.

In response to Commissioner Zermeño's enquiry about the progress on the retail center and future plans, Consultant Anderly responded that there has been interest expressed by retailers to develop on the east side. If this industrial development is successful, the small area that is devoted to commercial retail will be re-examined to determine specific services might benefit the City as well as the residents.

In response to Commissioner Sacks' enquiry about conditions regarding domestic animals for this project, Consultant Anderly mentioned that she would look into her concern.

In response to Commissioner Peixoto, Consultant Anderly clarified that the developer has provided \$7,000,000 for the enhancement of the sports park and \$5,000,000 as voluntary contribution to the City for enhancement and relocation of Burbank School. As far as the letter received from the California Public Utilities Commission (CPUC) included in the report, page 13, she indicated that the issue was addressed to the staff's satisfaction.

In response to Commissioner Lavelle's enquiry regarding parking and no driveways and provisions for a future parking lot, Consultant Anderly responded that this type of housing does not have the standard long driveway and is a different product type.

In response to Chair Thnay's enquiries, Mr. Torrey mentioned that there are 52.5 acres of business park left. Consultant Anderly indicated that it would be difficult to estimate the number of employees per acre that would be associated with the light manufacturing, but offered a rough estimate of 20 employees per acre. As far as type of services, she mentioned that the eastern side and the business park area will be re-examined to see what uses might best benefit the residents and the City as a whole.

Assistant Attorney Conneely elaborated on Consultant Anderly's response regarding the 1998 initiative indicating that this only dealt with the Oliver West and Weber portions of the South of 92

property and did not deal with the Oliver East portion of the property. She further added that there were no Council restraints on the authority to change the zoning.

Chair Thnay opened the public hearing at 8:56 p.m.

John "Jack" Smith, attorney for Duc Housing, commended City staff for thoroughly studying the project along with the Duc organization. He mentioned that the initial zoning on the property was light industrial and was being prepared for use, but due to the down turn in the industrial uses in Hayward and throughout the county and the state, it was not feasible. He mentioned that Duc plans to develop the business park section at some point but the demand is still negative. He reassured the audience that they would do an outstanding job for the people buying the units and for the City as well.

Mr. Joseph Fanelli, Duc Chief Operating Officer, introduced his development team and thanked staff for their efforts in working on this project for the past two years. He commended Standard Pacific for all the improvements at Oliver West and for developing a good neighborhood. He mentioned that they have had an input on the product presented. In regards to the Eden Shores Area, he mentioned that he was proud to be associated with the sports complex. In regards to services for the small retail portion, in meeting with the residents on the west side, he found that retailers need more people and families to serve. He showed a visual presentation of the project to conclude his presentation.

In response to Commissioner Lavelle's enquiry about a plan for marketing the houses, Mr. Steve Delva, Division President for Standard Pacific, mentioned that the proposed project is an economically viable project and that he expects to have similar prospective buyers as in Eden Shores Oliver West. He added that the proposed project will be more price driven.

In response to Commissioner Bogue, Mr. Delva responded that the same division that built Eden Shores Oliver West would build the proposed project.

In response to Chair Thnay regarding bike and trail connectivity between this project and potential future of the business park, Mr. Fanelli mentioned that this project takes into consideration a Bay Trail System with sidewalks for bicycling and bike lanes throughout the neighborhood. As far as crosswalks, they have not been considered yet. In reference to traffic circle and future plans that address speed, Mr. Fanelli mentioned that the concerns can be addressed during the precise plan process.

In response to Commission Peixoto's enquiry regarding affordable housing, Mr. Fanelli responded that approximately 40 units for houses will be affordable housing.

In reference to Commissioner Zermefio enquiry about the connectivity between the single family site and the sports park, Mr. Fanelli mentioned that there is a connection via a walk-way beneath the Eden Shores Boulevard bridge.

Mr. Donald Wiggan, Bal Harbor Lane resident, mentioned that the project looks good but disagrees with having residential housing on this site because of the airplane noise generated by the Port of Oakland. He mentioned that there was a noise study conducted by the Port of Oakland. He



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mentioned that Hayward is affected by air traffic more than any other cities. He would support a more industrial use on the site.

Chair Thnay closed the public hearing at 9:21 p.m.

Consultant Anderly elaborated on Commissioner Sacks' prior enquiry regarding domestic animals and the possibility of pets entering the wild-life habitat. She mentioned that a recommendation could be included regarding this issue associated with the mitigated negative declaration, should the Commission be inclined to support the project. She mentioned a letter by Michael Sproul, Principal for LSA, an environmental firm, indicating that the high sound wall installed along the railroad tracks would reduce the intrusion of domestic animals into the wild life corridor. Ms. Anderly further added that the same conditions that apply to the west side could apply to the east side, which is to keep domestic animals on the property.

Commissioner Bogue commented that he met with the applicant regarding the project and spoke about an e-mail that he received from a resident that indicated that the proposed homes are placed on the wrong site and suggested Hesperian Boulevard as a better place in order to improve the access to the sports park.

In response to Commissioner Sacks' request to elaborate on airplane noise, Consultant Anderly commented that there were two noise studies and noise monitors were placed on the site to measure the impacts of the noise. She mentioned that the decibel level cited by the speaker was within the acceptable range for residential housing. She further added that the project follows within the range that is acceptable for residential development in Hayward.

In reference to Commissioner Sacks' concern for domestic animals, Commissioner Zermeño stated the project is not opposed to wild life corridors when compared to the Oliver West development. He also mentioned the need of retail space and housing. He commended the developer for the proposed development.

Commissioner Zermeño moved to approve the item as recommended.

Commissioner Peixoto seconded the motion.

Commissioner Peixoto expressed support for the motion indicating that any loss that the City incurs as a result of this rezoning will be overcome by the benefits that the City will receive; \$7,000,000 for the sports park, \$5,000,000 for Burbank School, and 40 affordable housing units.

Commissioner Sacks asked for a friendly amendment to include a consideration whether the domestic animals should be treated the same in relation to the Oliver West development.

Commissioners Zermeño and Peixoto concurred with the friendly amendment.

Commissioner Bogue mentioned support for the project with reservations about the number of units and the size of recreation opportunities. He asked Standard Pacific to include consideration of recreation opportunities in the development. He also mentioned concern with changing the entire zoning and losing business park land. He further expressed that the property layout was done very well and the light manufacturing zone blends well with the housing development.

Commissioner Lavelle spoke favorable for the project indicating appreciation for the work done by staff and complimenting the developer for the persistence considering the project. She added that it is reasonable to change a portion of the land to residential and to develop a product that is more affordable and attractive.

Commissioner Sacks supported the motion. She also mentioned concern for developments that do not provide single story products. She asked developers to consider single story developments on the east side of the city because of the need thru fulfill.

Development Review Engineer Gaber clarified conditions of approval on the tract map; Condition No. 17, regarding the interior private alleys should be changed to "The interior private alleys shall have a 25 foot right-of-way; 24 feet face of curb to face the curb...", and Condition No. 26, regarding funding of the maintenance of common areas, should be modified to fund the portion that they are going to provide to HARD for maintenance of the sports park.

Chair Thnay supported the motion indicating the project should put considerable effort to support business retail for the people in the area in order to contribute and enhance the quality of life in the area.

Commissioner Zermefio moved, seconded by Commissioner Peixoto, and unanimously approved to recommend to City Council to approve the Mitigated Negative Declaration and Mitigation Monitoring Plan and the development applications, subject to the findings and conditions, with a friendly amendment to consider the treatment of domestic animals in relation to the Oliver West Development, and with revisions to Conditions 17 and 26 as indicated above.

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters

There were none.

5. Commissioners' Announcements, Referrals

Commissioner Bogue referencing the Strafford Village and commercial spaces mentioned by Chair Thnay indicated that people settle in those places because of the commercial/industrial area around them.

Commissioner Sacks announced that she will be out of town from October 28 to November 6.

APPROVAL OF MINUTES

Minutes of September 22, 2005 were approved.



**CITY OF HAYWARD
AGENDA REPORT**

Meeting Date: 10/20/05

Agenda Item: 2

TO: Planning Commission
FROM: Richard Patenaude, AICP, Acting Planning Manager
SUBJECT:

- I. General Plan Amendment (PL-2004-0184) - Request to Amend the General Plan Land Use Map Designation from "Industrial Corridor" to "Residential - Medium Density;"**
- II. Specific Plan Amendment – Request to Amend the "South of Route 92/Oliver & Weber Properties Specific Plan" from "Light Manufacturing/Business Park" to "Planned Development;"**
- III. Amendment to the Mount Eden Business and Sports Park Community Development Agreement;**
- IV. Zone Change – Request to Amend the Zoning District from "Light Manufacturing and Business Park " to Planned Development in Order to Construct 139 Small-Lot Single-Family Homes and a Multi-Family Development of 122 Dwelling Units; Request to Approve the Preliminary Development Plan for the Planned Development;**
- V. Vesting Tentative Map Tract 7489 for a Small-Lot Single-Family Development of 139 Homes and for a Multi-Family Development of 122 Dwelling Units;**
- VI. Revisions to South of 92 Development Guidelines to address the change from Light Manufacturing and Business Park to Residential on a portion of the Oliver East property under the Specific Plan;**

Duc Housing Partners, Inc. – Applicant/Owner

The project site is located west of Marina Drive and on either side of Eden Shores Boulevard on property known as "Oliver East."

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council approve the Mitigated Negative Declaration and Mitigation Monitoring Plan and the development applications, subject to the findings and conditions of approval.

BACKGROUND:

In 1998, the City Of Hayward certified the Final Programmatic Environmental Impact Report (EIR) for the South of Route 92 General Plan Amendment and Specific Plan for the Oliver Estate/Weber Properties. The City also adopted the "South of Route 92, Oliver & Weber Properties, Specific Plan" and took other related actions to amend the City's General Plan, adopt Development Guidelines, and to pre-zone and rezone properties covered under the Specific Plan, including properties commonly referred to as "Oliver West" and "Oliver East." The Oliver East property was pre-zoned, with portions of the property to be zoned Light Manufacturing, Commercial Retail, Business Park, and Open Space (to allow for development of the sports park). In 1999, the City approved and executed the Mount Eden Business and Sports Park Community Development Agreement in connection with the Oliver properties, and approved a Vesting Tentative Map (VTM) for Tract 7065 (including both the Oliver West and Oliver East properties). The Development Agreement, among other things, authorized the residential development on Oliver West and the development of Oliver East for light manufacturing, business park, and commercial retail uses.

The specific plan area is bounded by Hesperian Boulevard to the east, Old Alameda Creek to the south, the Baumberg Tract and the Standard Pacific Homes development to the west, and Old Arden Road/Industrial Boulevard and the Baumberg neighborhood to the northwest. See Attachment A, which delineates the Specific Plan area and illustrates how it consists of three discrete areas. A railroad right-of-way divides areas of development, with residential uses provided for on the westerly side of the right-of-way in the area indicated as Oliver West. On the area known as "Weber," areas designated for light manufacturing and wetlands were established. On lands referred to as "Oliver East," the specific plan provides for light manufacturing, a business park, a sports park, and commercial uses.

Since the City's original approvals, the Oliver East property has been annexed to the City and the Alden E. Oliver Sports Park of Hayward has been constructed. Infrastructure for the development of the Oliver properties has been undertaken. Residential construction of Oliver West has proceeded and is substantially complete. A final subdivision map for Tract 7065 (Eden Shores—Oliver East) was approved by the City and recorded. The property within the final map for this tract on Oliver East (east side of Eden Shores), exclusive of the sports park parcel (developed with the new sports park), is zoned Business Park, Light Manufacturing and Commercial/Retail.

The applicant, Duc Housing Partners, Inc., indicates that subsequent to the adoption of the specific plan, there has been a downturn in the real estate market for commercial, office and industrial properties at the same time the market has seen an increasing demand for housing. Accordingly, the applicant is seeking to develop that portion of Oliver East designated as "Light Manufacturing" and a limited portion of the area designated "Business Park" with housing. This area is west of Marina Drive and straddles both sides of Eden Shores Boulevard.

I. General Plan Amendment

The applicant is requesting to amend the General Plan Land Use Map from a "Light Manufacturing and Business Park" designation to "Residential – Medium Density" in order to develop two distinct neighborhoods yielding 261 homes. One of the neighborhoods is on the west side of Marina Drive north of Eden Shores Boulevard and consists of 17.7 acres. It is proposed to be developed with single-family lots typically 2244 square feet in size, consisting of 139 homes at a density of 10.7 dwelling units per net acre. The second neighborhood, also on the west side of Marina Drive and south of Eden Shores Boulevard, consists of 11.4 gross acres and is proposed to be developed with 122 multi-family condominium townhouse units at a density of 14.0 dwelling units per net acre. Both projects are immediately east of the railroad right-of-way.

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

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

Land and Infrastructure

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

Employment Opportunities

- 2. Facilitate the development of employment opportunities for residents.**
 - A. Promote commercial and industrial development to create and maintain the maximum job opportunities for area residents.

Housing Program and Five-Year Implementation Plan

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

The appropriateness of the site for housing is a significant consideration. In this instance, the loss of a portion of industrially zoned land must be weighed against the benefits of housing, of which there is a shortage in the Bay Area and in Hayward.

Favoring the development of housing is the fact that there is housing to the west side of the project site and a sports park to the south. The Oliver West housing has been successfully developed under the Specific Plan. Also, with respect to the loss of industrial land, the Industrial Corridor comprises over 3,500 acres of land along the western and southern edges of the City. Approximately 400 acres representing 11.4 percent of the total land area in the Industrial Corridor are classified as vacant land. The Association of Bay Area Governments projects a surplus of Hayward jobs over the number of employed workers per Hayward household, and this indication would lend support to the use of industrial land for residential purposes. The availability of supporting infrastructure, such as schools and shopping, is a consideration, as is noise since the property is adjacent to a railroad right-of-way. The written policies in the City's General Plan, indicated below, provide guidance in these areas.

The General Plan policies stress the importance of protecting and developing suitable locations for businesses but also emphasize the need to make adequate provision for the housing needs of all economic segments of the community as stated in the following policies:

Schools and Parks

The General Plan has the following stated policy: "Advocate the pursuit of academic excellence and the establishment of high standards for physical facilities in the local public schools." Lorin Eden Elementary School would serve the elementary school children from this project. Based on updated generation factors from the School District, the project would add 26 elementary students, 8 middle school students, and 13 high school students. The School District does not foresee a school capacity problem with respect to the project as students can be "redirected" to other schools should capacity problems arise. Mechanisms in place to offset impacts to schools include developer school impact fees and property tax revenue. The applicant is required to pay statutory development fees, as discussed later in this report. Currently the fee for residences is \$2.62 per square foot.

The General Plan has a stated policy to "Seek to increase the amount, diversity, and quality of parks and recreational facilities and opportunities." The requirement for dedication of park lands calls for the applicant to dedicate either land for park purposes or to pay park in-lieu fees in the amount of \$11,953 per single-family dwelling and \$9,653 per multi-family unit. The City's land dedication requirement (5.0 acres per 1000 population) for 261 homes with an estimated population of 827 new residents is 4.3 acres. In addition, the entire residential project includes 3.85 acres of landscaping (landscape buffers, walkways and trails) and 3.55 acres of active recreational amenities such as linear parks, tot lots, play areas, barbecue areas, sitting areas with benches. Open space areas total 7.4 acres. The applicant expended \$7 million towards development of the Alden E. Oliver Sports Park, which amount exceeded the original City requirement for Oliver West, and satisfies the applicant's obligation with respect to park dedication in lieu fees for Oliver East.

Noise

The General Plan policy on noise is "The City will seek to protect the public health, safety, and welfare against the adverse effects of excessive noise." A noise analysis was prepared for the project. The primary noise source is from the railroad tracks abutting the property to the east. On weekdays there are a total of 29 train passages, and weekend days approximately the same number. Freight train passages occur once every several days. There is also the possibility of noise coming from future truck traffic associated with land zoned for Business Park and from the sports park to the south. The City's goal for acceptable noise within indoor areas is an L_{dn} of 45 dB, and for outdoor areas, 55 L_{dn} for single-family developments and 60 L_{dn} for multi-family. Based on the noise analysis conducted for the project, various noise mitigations were documented to achieve the L_{dn} of 45 dB, including: the construction of an 18-20 foot sound wall; sound-rated doors, windows and exterior wall assemblies; and a minimum 160 foot setback from the train tracks to the nearest single and multi-family units. The sound wall is located approximately 75 feet from the nearest single-family homes (with the exception of two homes) and 125 feet from the multi-family units. For outdoor areas, the 5 to 6 dB of acoustical shielding for second floor balconies of the townhomes provided by the sound wall would yield approximately 10 dB of shielding to ground level areas, based on a worst case L_{dn} of 72 dB during train passages. The adjusted L_{dn} for at the second floor balconies nearest the train track would be approximately L_{dn} 50 dB, meeting the City's outdoor noise standard for multi-family developments. At the ground floor activity areas, the adjusted L_{dn} would be approximately 45 dB, 10 dB less than the City's standard. This is the same adjusted noise level that would occur at the linear and pocket parks of the single-family development, thus meeting the City's standard for these units. It should be noted that the visual effects of the sound wall will be mitigated by landscaping on the residential side of the wall consisting of evergreen and large canopy trees maturing to heights over 40 feet, large shrubs, and Boston Ivy partially covering the wall itself.

II. Specific Plan Amendment – Request to Amend the "South of Route 92/Oliver & Weber Properties Specific Plan" from "Light Manufacturing/Business Park" to "Medium Density Residential"

The "South of Route 92/Oliver and Weber Properties Specific Plan," adopted by the City Council on January 30, 1998, addresses approximately 333 acres of land. The Specific Plan calls for approximately 81.5 acres of land to be devoted to housing. The amendment of the Specific Plan would change the use of 27.6 acres of land devoted to light manufacturing and 1.6 acres of land devoted to business park to housing. The proposed amendments to the Specific Plan, including underscoring and strike-outs, are attached as Exhibit D.

III. Amendment to the Mount Eden Business and Sports Park Community Development Agreement

The amendment to the development agreement addresses several items, including: (1) the change in use from Light Manufacturing and Business Park uses to Residential; (2) the establishment of a landscape and lighting district (LLD) with an annual assessment of \$160 per residential lot or unit (indexed to San Francisco Bay Area cpi) for the purpose of providing partial funding for the ongoing maintenance of the neighborhood serving features of the sports

park complex such as picnic tables, basketball courts, barbeque areas and soccer fields; (3) an acknowledgement that the \$7 million paid for construction of the sports park and the establishment of the LLD constitute complete satisfaction of obligations for parkland and open space; (4) the applicant has voluntarily agreed to the school impact fee of \$3.25 per square foot which is in excess of the current fee of \$2.62; and (5) a voluntary contribution of five million dollars toward the construction of the new Burbank School in the Cannery Area.

The amended Development Agreement is consistent with the General Plan, as amended.

IV. Zone Change Application

The following will include: a discussion of development in the area surrounding the project; review of the site plan; and review of circulation and parking issues, pedestrian circulation and landscaping issues, and architectural aspects of the project. Approval of the zone change and preliminary development plan will cover these items.

Development on Surrounding Properties

The applicant is requesting a zone change from Light Manufacturing and Business Park to Planned Development. A conventional zoning district, such as RS (Single-Family Residential) would not apply because the housing proposed on the northern side of Eden Shores Boulevard consists of a detached housing product (single-family housing) on small lots, more akin to an attached townhouse-style development. This area is hereafter referred to as Housing Area A. Because there presently is no zoning district that addresses the small-lot type of single-family development, the applicant is seeking Planned Development zoning. The same zoning designation is requested for the multi-family housing proposed on the south side of Eden Shores Boulevard, although a standard RM (Medium Density Residential) zoning designation would also serve the purpose of supporting the proposed attached housing. This area is hereafter referred to as Housing Area B.

It should be noted that the proposed development represents a new type of housing product, possibly a trend, with moderate size housing (up to 4 bedrooms) on small lots with no driveways. Accordingly, the number of parking spaces provided per dwelling unit in such developments needs careful evaluation, which staff hopes to undertake in the coming year.

Housing Area A – Site Plan

The small-lot single-family development area consists of 139 detached single family-units on lots that are at least 2000 square feet each (typical lots are 2244 square feet). The project is oriented so that the front entries face Marina Boulevard, with approximately 33 feet of landscaping between the entries and Marina Drive. There are 2 primary entries off of Marina Drive which also offer access to the future Business Park parcels to the east. A third entry would be off of "D" Street. Emergency vehicle access will be provided throughout Area A and to Industrial Boulevard via Marina Drive. All of the streets in the project as well as the alleys that access the residential garages will be private and maintained by a homeowners association.

The nearest single-family homes are approximately 75 feet from the sound wall, 125 feet from the railroad right-of-way, and 160 feet from the railroad tracks. Much of the area between the housing and the railroad right-of-way consists of a 30 inch buried gas line, a flood wall, and a City and County of San Francisco pipeline and conduit easement. On the easterly side of the project, there is a 33 foot separation proposed between the housing and the adjacent land zoned "Business Park." This distance represents the public service easement required in the Specific Plan for "B" Street (Marina Drive) and for "D" Street. "D" Street, which in the Specific Plan served to provide access to light manufacturing and business park uses and separate these uses from each other, now has residences on the west and business park uses on the east side. Staff supports the Specific Plan use of the 33 feet setback along the residential side of "D" Street and conditioning the project to require the 33 feet setback here. The rationale in the Specific Plan was that light manufacturing and business park uses needed this amount of setback because of the inherent conflicts between the two uses (light manufacturing noise, truck traffic, etc.). The rationale holds true for residential uses as well since residential uses are not normally found in business parks. Ensuring consistency with other setbacks in the Oliver East proposed residential development, the applicant has agreed to extend the 33 foot setback to the residences fronting "D" Street and this setback will be shown on drawings at the Precise Plan stage.

Housing Area B- Site Plan

The nearest multi-family units are 125 feet from the sound wall and railroad right-of-way and 160 feet from the railroad tracks. The multi-family portion of the project consists of 122 townhouses that are at least 1508 square feet. The units in Area B are oriented to Marina Drive on the east, the berms of Eden Shores Blvd. on the north, and to internal streets on the south and west sides. As in Area A there is a 33 foot landscaped buffer between the units and Marina Dr. A 33 foot buffer is also provided along Eden Park Place. Entries to Area B would be off of Marina Dr. and Eden Park Place. Emergency vehicle access would be provided throughout Area B and to Industrial Blvd. via Marina Drive.

Circulation and Parking

Traffic

DKS Associates, Transportation Consultants, prepared a traffic analysis for the project, which was reviewed by City of Hayward transportation planning staff and was based in part on the 1997 South of Route 92 General Plan Amendment & Specific Plan, Oliver Estate/Weber Properties Program EIR. There would be 51 fewer trips in the AM peak hour and an increase of 8 trips in the PM peak hour compared to existing zoning, resulting in a less than significant traffic impacts for the project. Truck traffic would be limited to trucks delivering construction materials and equipment to the site. Since the site has already been prepared for development and the site is outside the 100 year floodplain, there would be no importation of fill to the project.

The City's Off-Street Parking Regulations for this project require a minimum of 2 covered parking spaces per single-family dwellings (assuming houses with driveways) and 1 covered and 1.10 open spaces for multi-family units. According to the City of Hayward Design Guidelines,

the number of parking stalls provided for new single-family dwellings should be 5 spaces per dwelling: 2 in the garage, 2 in the driveway, and 1 on the street in front of the residence. Note that in the proposed project there are no driveways in either the single or multi-family portions of the project. For Area A, each residence will have a 2-car garage, plus there will be parallel on-site, on street parking and in parking bays (151 spaces) and along Marina Dr. (24 spaces). All on street parking will have a 24 hour time limit enforced by the homeowners' association. The total number of parking spaces is 278 for the individual homes (2-car garages) and 151 on-street parking spaces in the single family area. This is a ratio of 3.0 spaces per dwelling unit (the 24 spaces on Marina Dr. do not count since they are not inside the development). Other planned development projects not near the downtown, such as the 72 unit Brighton Village small lot single-family development and the 46 unit Whitman Village single-family project, have overall parking ratios of 4.0 and 3.87 respectively.

As business parks typically have parking spaces available evenings and weekends, Staff proposes the following be made a condition of approval: Within 12 months of the completed development of the project, or upon documented evidence that the amount of on street parking in the single family area is inadequate (whichever occurs first), the applicant shall provide fully developed surface parking spaces in the nearest Business Park zoned parcel to be jointly shared between Eden Shores East residents and visitors and Business Park users. The amount of surface parking spaces to be provided shall be decided on by the City of Hayward but in no case shall the number exceed that amount that will bring the overall parking ratio of the single family portion of the project to 4 parking spaces per dwelling unit.

The multi-family area, Area B, has 244 spaces for the units (2 car garages) and 74 on-street parking spaces. The ratio here is 2.6 spaces per dwelling unit. To assure use of the 2 car garages for parking in both areas, staff is recommending a condition that the Conditions, Covenants and Restrictions (CC&R's) have a requirement that the 2 parking spaces in the garages be kept unobstructed at all times so they will be available for parking. The project is in compliance with the City's Off Street Parking Regulations for the multi-family units and for the single-family residences with the additional visitor parking cited above. The multi-family portion of the project has 37 units with tandem parking, or 30% of the total multi-family units and 14% of the total project units consistent with the newly adopted ordinance related to tandem parking.

Pedestrian Circulation & Landscaping

Pedestrian access to the sports park for the single-family development would be via a pedestrian walkway parallel to the railroad tracks under the Eden Shores Boulevard overpass that separates the single and multi-family components and that continues on to Eden Park Place and the sports park. The proposed 18-20 foot sound wall would separate the walkway and homes from the railroad tracks. Elsewhere, landscaped walkways are provided throughout the project, providing pedestrian access to two linear parks and recreational amenities in the single family area, and to two centralized recreation activity areas in the multi-family area. Pedestrians strolling south along the western edge of the project would encounter a 70 foot wide landscaped linear park with picnic and barbecue areas and tot lots, a landscaped sound wall on their right, a meandering pathway under the Eden Shores Boulevard overpass, and another landscaped linear park paralleling the sound wall in the townhouse area.

Three attractive entries from Marina Boulevard will provide entry to the Housing Area A portion of the project. The private street system in the development will consist of 40-56 foot rights-of-way for Streets A, B, and C built to public street standards. These streets will have "bulb-outs" or tree wells extending into the street so that street trees may be provided between parallel parking spaces and at the street corners. The 56-foot wide streets will have two 10-foot wide travel lanes, 8 feet of parallel parking on both sides of the street and 4-foot wide sidewalks and 6-foot wide landscape strips on both sides of the street. The 6-foot landscape strips will also have street trees to provide for a canopy effect along the street frontages. The alleys providing access to garages for residents (without on street parking on either side) will have 25 foot rights-of-way and 24 foot curb-to-curb dimensions.

In the townhome area, the entry off of Marina Drive, Street V, will provide entry to Housing Area B. This street has a curb-to-curb width of 46 feet at its widest portion including a 6 foot island in the middle, yielding a 20 foot wide travel way on each side. There is also a 4 foot sidewalk and a landscape strip on either side. As with the single-family area, the alleys providing access to garages for residents (without on street parking on either side) will have 25 foot rights-of-way and 24 foot curb-to-curb dimensions. Also similar to Area A, Area B has a 70 foot wide linear park between the sound wall and the units. There is also a strip of "head in" parking between the linear park and the units. With the exception of the rowhouse units, the townhome units are in clustered configurations, providing open space for each building cluster and allowing pedestrian circulation through and between building clusters. Directly west of the main entrance there is also a small neighborhood park and tot lot.

Individual Parcels

The typical residential lot in the single family development is 33 feet by 68 feet with an area of 2244 square feet. The distance from the front property line to the dwelling is a minimum of 6 feet and 0 feet for units facing Marina Dr. because of the 33 foot landscaped setback along Marina. Side yards are a minimum of 4 feet, and the rear yards to the face of the garage from the street are 3 feet, which provide space for utility meters and some landscaping. Private open space ranges from 420 square feet to over 900 square feet. All of the private open space is enclosed by fencing of varying height and materials. In the multi-family townhouse development, dimensions for the units are: 16 feet 8 inches by 73 feet for Plan 1; 26 feet by 60 feet 6 inches for Plan 2; and 23 feet by 64 feet 2 inches for Plan 3. All of the buildings have common open space areas.

Floor Plans

For Housing Area A, 5 floor plans are proposed and each floor plan would have 3 exterior architectural styles. Plan 5 has a master bedroom on the ground floor. The dwellings have from 3 to 4 bedrooms and the floor area, excluding the garage, ranging from 1678 square feet to 2177 square feet. In Housing Area B, 3 floor plans are proposed in 4, 6, and 8 plex buildings. There are 3 exterior architectural styles. The units have up to 3 bedrooms and the floor area, excluding the garage, ranges from 1508 square feet to 1848 square feet.

Building Elevations

All of the single family homes are two stories. There are a variety of architectural styles, including: "Cottage" elevations which use decorative masonry and siding with a flat roof style; "Spanish" elevations which employ historic stucco shapes and Spanish style roof tile; and "French" elevations with historic stucco profiles and a flat roof tile. The roof pitch and shapes are varied from four in twelve to six in twelve, between the three architectural styles. All elevations have a front porch. Architectural enhancements include decorative masonry, post brackets and multiple plaster porch column shapes. Decorative roofs have been added over some windows, others are recessed and shaded with a porch or roof overhangs. All windows will meet or exceed the Title 24 requirements for energy efficiency. All the homes are designed to provide interesting facades on all four sides, with multiple roof and wall articulations. Conditions of approval require that decorative treatments be extended to all four sides of each dwelling.

As with the single family homes, the townhomes are two stories. There are a variety of architectural styles, including: "Craftsman" with exterior stucco, stone veneer, wood post, railing, rafter tails, knee braces, asphalt shingle roof, lap siding, and lattice; "Monterey" which features exterior stucco with brick veneer, brick veneer chimney, rafter tails, shutter, asphalt shingle roof, lap siding, and lattice; and "Regency" using exterior stucco with brick veneer, brick veneer chimney, wood post with decorative metal railing, decorative metal cupola, and decorative clay vents. Porches and balconies are designed to go with all three styles. Awnings over large windows will be used with the Monterey and Regency styles and trellises over large windows will be used on the Craftsman style.

V. Tract Map

The proposed single-family subdivision creates 139 single-family lots and 7 park lots. The single-family parcels will be individually owned. The developer proposed homeowners' association will own and maintain the private streets, park lots, and common parcels within the tract.

The formation of a homeowners association and the creation of Conditions, Covenants, and Restrictions (CC&R's) will be required to cover the maintenance of the private street, perimeter fencing and common area landscaping. The common area landscaping includes all areas outside of the fenced area for the single-family residences and all open space areas in the multi-family development. 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. However, as indicated in III. Amendment to the Mount Eden Business and Sports Park Community Development Agreement, a landscape & lighting assessment district will be created for the purposes of contributing to the maintenance of the community-oriented facilities in the sports park and to mitigate the impacts of increased usage of the sports park as a neighborhood facility.

There are existing utilities within Marina Drive, including sanitary sewer, water and storm drains, with sufficient capacity to adequately serve the proposed project. The street is at the

ultimate street width and is fully improved. Sidewalks will be constructed with the tract improvements on project streets as illustrated in the Tentative Map application.

Inclusionary Housing

Fifteen percent of the units (40 units) within the development will be affordable to moderate income households, as required by the Inclusionary Housing Ordinance. The ordinance states that the affordable units should be “integrated with the project as a whole” and “the number of bedrooms must be the same as those in the market rate units.” The developer proposes to provide all of the affordable units in the townhouse section of the project, which allows them to be integrated within the project as a whole, but not within the single-family portion of the project. Because none of the townhouse units exceeds three bedrooms, the developer proposes to provide the larger three bedroom townhouses as affordable units. The ordinance states: “In a residential project which contains single family detached homes, affordable units may be attached dwelling units rather than detached homes.” In view of the benefits that the development confers in terms of higher density, more affordable housing and contributions to the improvement of the local schools, staff recommends that the Inclusionary Plan be approved.

VI. Revisions to South of 92 Development Guidelines

Revisions are as follows:

Item	Original Wording	Change
Project Description	Land uses consisting of business park, light manufacturing, and a 25 acre sports park.	Land uses of consisting of business park, light manufacturing, medium density residential , and a 25 acre sports park.
Summary of Land Uses	Business park land uses 42.10 acres in Oliver East, 54.10 acres in Specific Plan. Light manufacturing 27.60 acres in Oliver East, 49.10 acres in Specific Plan. No residential land uses in Oliver East, 81.50 acres in Specific Plan.	Business park land uses 40.50 acres in Oliver East, 52.50 acres in Specific Plan area. No light manufacturing in Oliver East, 21.50 acres in Specific Plan. Residential land uses 29.2 acres in Oliver East, 110.7 acres in Specific Plan.
Roadways and Bicycle Trails	Street A provides a convenient means to traverse the Oliver East and west sites and access to the Business Park and Light Manufacturing uses. It is the primary entry route to the residential neighborhoods.	Street A Eden Shores Blvd. provides a convenient means to traverse the Oliver East and West sites and access the Business Park and Light Manufacturing residential uses on Oliver East. It is the primary entry route to the residential neighborhoods <u>on the Oliver West site</u> .
Planning Concept	The residential enclave within the South of Route 92 Plan Area includes buffered opens space areas. Access is gained via an overpass spanning the Union Pacific Railroad right-of-way through the light	<u>Residential uses are proposed on both the Oliver West and Oliver East sites.</u> The residential enclave within the South of Route 92 Plan Area includes buffered open space areas. Access <u>to the Oliver West site is</u>

	manufacturing area offering views of the neighborhoods, nearby wetlands and distant bay.	gained via an overpass spanning the Union Pacific Railroad right-of-way through the light manufacturing area offering views of the neighborhoods, nearby wetlands and distant bay. <u>The residential parcels on the Oliver East site are located on the west side of Street B (Marina Drive). A 17.7 acre residential parcel is located north of the overpass; an 11.5 acre parcel is located to the south of the overpass. Both parcels are planned for medium density residential uses which may include small-lot single family homes, duplexes or townhouses.</u>
Restrictions on Use- Residential	RS: Single family detached detached homes within subdivisions on individual lots of 5000 sf or more; RS (B6): Single family detached homes within subdivisions on individual lots of 6000 sf or more; RS (B8): Single family detached homes within subdivisions on individual lots of 8000 sf or more.	RS: Single family detached detached homes within subdivisions on individual lots of 5000 sf or more; RS (B6): Single family detached homes within subdivisions on individual lots of 6000 sf or more; RS (B8): Single family detached homes within subdivisions on individual lots of 8000 sf or more. <u>PD: Medium density residential – single family, duplexes, townhomes.</u>
Landscape Concept	The Landscape Master Plan (Exhibit 3-B) illustrates the features and intent of the landscape concept.	The Landscape Master Plan (Exhibits 3-B <u>and 2-C</u>) illustrates the features and intent of the landscape concept.
Definitions	The residential portion of the South of 92 Plan Area is located on the Oliver West parcel. For the purposes of these guidelines, this portion consists of 4 distinct areas: the Public Corridor, the Streetscape, the Parks, and the Open Space Buffers. B. The Streetscape extends from the back of curb for 20 feet and contains:	The residential portion of the South of 92 Plan Area is located <u>both</u> on the Oliver West <u>and Oliver East</u> parcels. For the purposes of these guidelines, <u>this portion the landscaped areas within the residential areas</u> consist of 4 distinct areas: the Public Corridor , the Streetscape, the Parks, and the Open Space Buffers. B. The Streetscape extends from the back of curb for 20 feet <u>for up to 20 feet</u> and contains:
Public Streets and Roundabout	Sidewalks are required on both sides. Parking may be on one side or both sides and street rights-of-way are 46 feet with a travelway of 36 feet.	Sidewalks are required on both sides. Parking may be on one side or both sides. and street rights-of-way are 46 feet with a travelway of 36 feet.
Streetscape and Trails	Residential property line setback criteria are: minimum front yard	Residential property line setback criteria <u>for Oliver West</u> are:

	setback from back of sidewalk 30 feet, side yard 5 feet, rear yard 20 feet for collector streets, and 20 feet, 5 feet, and 20 feet for typical streets.	minimum front yard setback from back of sidewalk 30 feet, side yard 5 feet, rear yard 20 feet for collector streets, and 20 feet, 5 feet, and 20 feet for typical streets. <u>For Oliver East, residential street setbacks to be determined through the PD process.</u>
Architecture	Porches or courtyards in front yards are required on 25% of the homes built by each builder.	<u>Within the Oliver West site, porches or courtyards in front yards are required on 25% of the homes built by each builder.</u>

ENVIRONMENTAL REVIEW (CEQA)

A Final Program EIR was certified by the City when it adopted the South of Route 92 Specific Plan in 1998. The 1998 Program EIR found that unavoidable impacts occurred relating to loss of open space and farmland and the City Council adopted a Statement of Overriding Considerations. This impact has not changed under the current project. The project currently under review proposing a modification to the Specific Plan and other associated approvals, has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study was prepared for the project. The Initial Study was prepared to determine whether the project would result in significant environmental effects that were not examined in the 1998 Program EIR or an increase in severity of previously identified impacts. Issues with potentially significant impacts discussed in the checklist were in regard to air quality, biological resources, cultural resources, hydrology/water quality, noise and recreation. It was determined that the proposed project, as conditioned to include the recommended mitigation measures, would not result in significant effects on the environment. Therefore, a mitigated negative declaration was distributed for review on September 6, 2005. The mitigated negative declaration is tiered to the earlier South of Route 92 General Plan Amendment and Specific Plan and implements necessary mitigation measures from this EIR pertinent to impacts documented in the mitigated negative declaration. The Mitigation Monitoring & Reporting Program adopted with the 1998 Program EIR remains in full force and effect, except where specifically clarified by the Mitigated Negative Declaration. To date one comment letter has been received from the California Public Utilities Commission (CPUC) on Sept. 20 concerning safety issues associated with cars and pedestrians near the railroad tracks. Since the railroad crossing at Eden Shores Blvd. is an overpass and the pedestrians are separated by the sound wall from the railroad tracks, no adverse impacts are anticipated with respect to the railroad tracks as suggested in the CPUC letter.

PUBLIC NOTICE

On September 6, 2005, a notice of public hearing and preparation of a Mitigated Negative declaration was published in the Daily Review and mailed to property owners and occupants within the adjacent Eden Shores housing development. Appropriate public agencies were also notified.

CONCLUSION

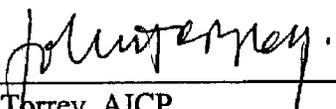
When a project is zoned Planned Development, the following finding is required:

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

The residential component of this project is similar to recent small lot subdivisions in Hayward. Therefore, it may not be appropriate to weigh the adequacy of the features of the project against the development standards of the more conventional zoning patterns, such as the RSB4 residential zoning district of the Stratford Village development. For example, the lots are smaller and there are substantially smaller yard areas. The inclusion of two linear parks in the single family development and two centrally located parks and a linear park in the multi-family development will help offset the smaller parcel size and the smaller yard space available to each homeowner. The parks are within close walking distance of each home as is the completed Alden E. Oliver Sports Park to the south of the project.

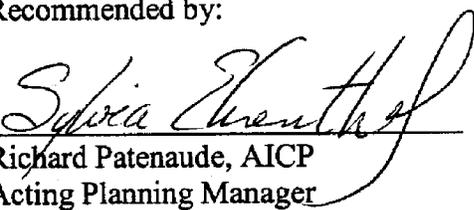
If the General Plan Amendment, Rezoning and Vesting Tentative Map are approved by the City Council, the next phase in the development is the review and approval of the Precise Plan by the Planning Director, the review and approval of the grading plan by the City Engineer, and the review and approval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

Prepared by:



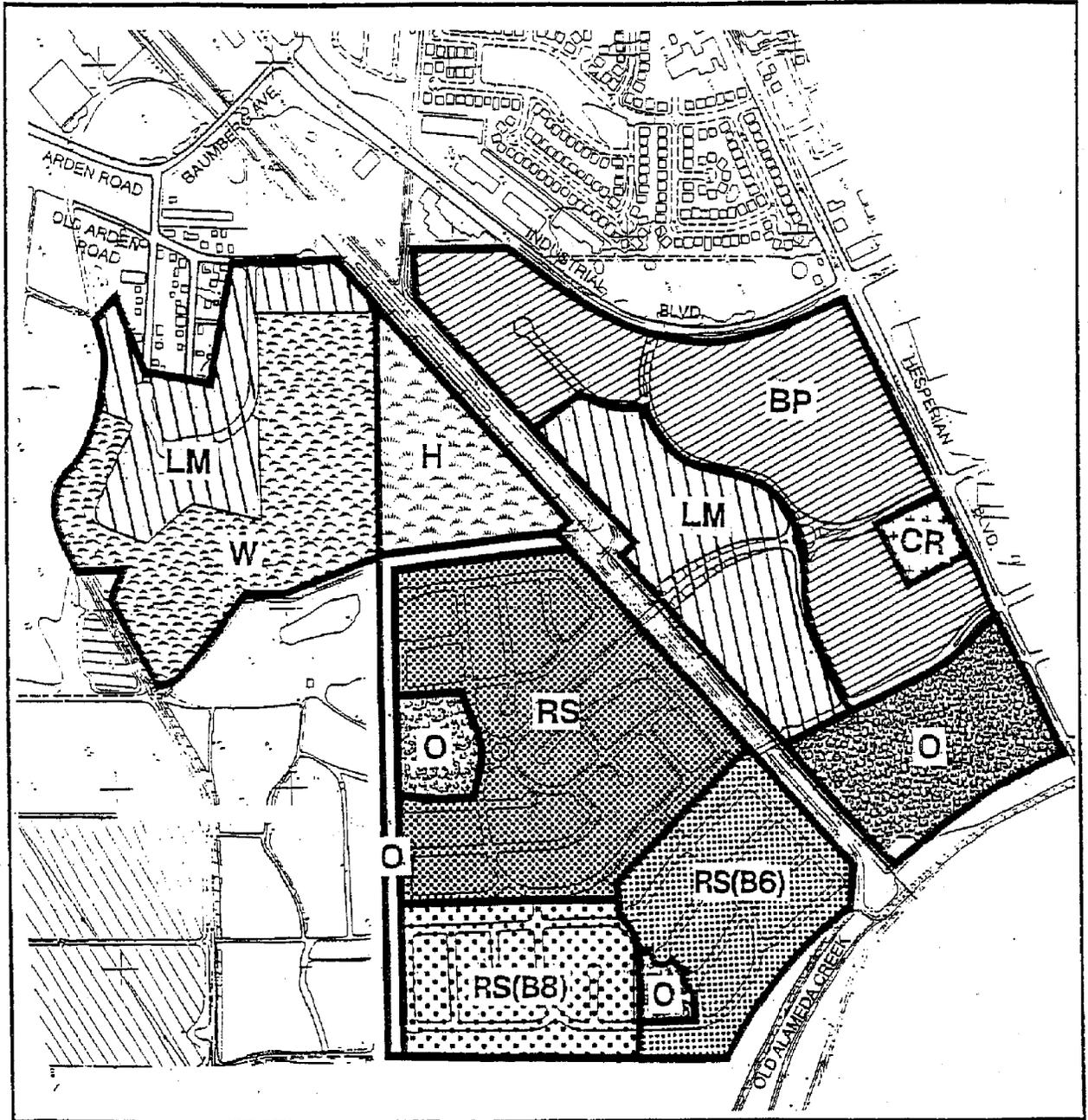
John Torrey, AICP

Recommended by:


for _____
Richard Patenaude, AICP
Acting Planning Manager

Attachments:

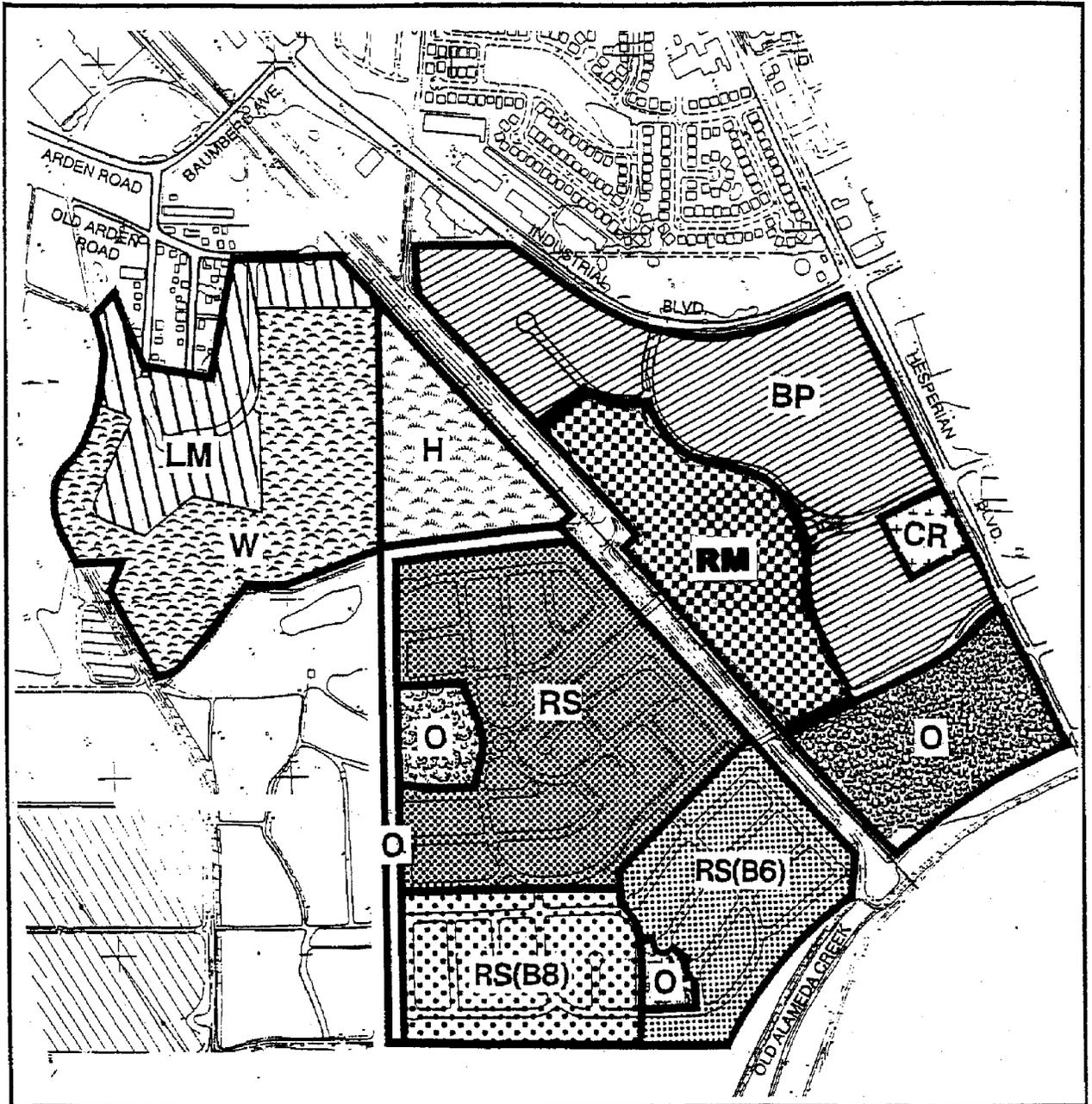
- A. Area Map, General Plan Map, Zoning Map
- B. Findings for Approval
- C. Conditions of Approval-Single Family
- D. Conditions of Approval-Multi Family
- E. Tract Conditions
- F. Modification of South of Route 92/Oliver & Weber Properties Specific Plan
- G. Modification of Development Agreement
- H. Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan Plans and Exhibits



LEGEND

 BP BUSINESS PARK	 RS(B6) RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS	 H HABITAT
 LM LIGHT MANUFACTURING	 RS(B8) RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS	 O OPEN SPACE - BUFFER ZONE
 CR COMMERCIAL/RETAIL	 O OPEN SPACE - NEIGHBORHOOD PARKS	 W WETLANDS
 RS RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS	 O OPEN SPACE - SPORTS PARK	

**SOUTH OF ROUTE 92 SPECIFIC PLAN
LAND USE**



LEGEND

	BUSINESS PARK		RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS		HABITAT
	LIGHT MANUFACTURING		RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS		OPEN SPACE - BUFFER ZONE
	COMMERCIAL/RETAIL		OPEN SPACE - NEIGHBORHOOD PARKS		WETLANDS
	RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS		OPEN SPACE - SPORTS PARK		
	RESIDENTIAL MEDIUM DENSITY				

SOUTH OF ROUTE 92 SPECIFIC PLAN

PROPOSED LAND USE

CITY OF HAYWARD

0 500 1,000 2,000 Feet



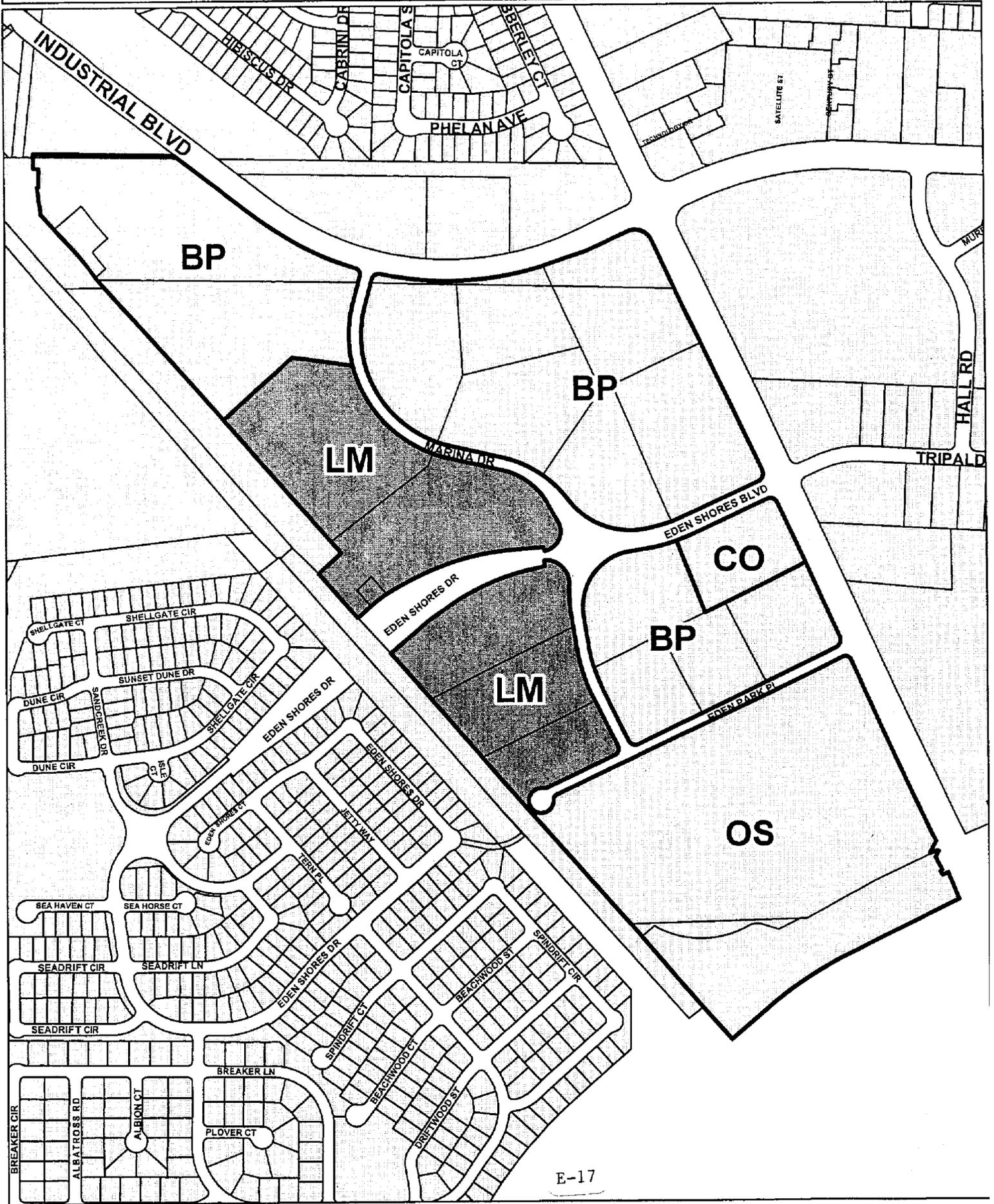
Existing Zoning

BP - Business Park

CP - Commercial Office

LM - Light Manufacturing

OS - Open Space



CITY OF HAYWARD

Proposed Zoning

0 500 1,000

2,000
Feet

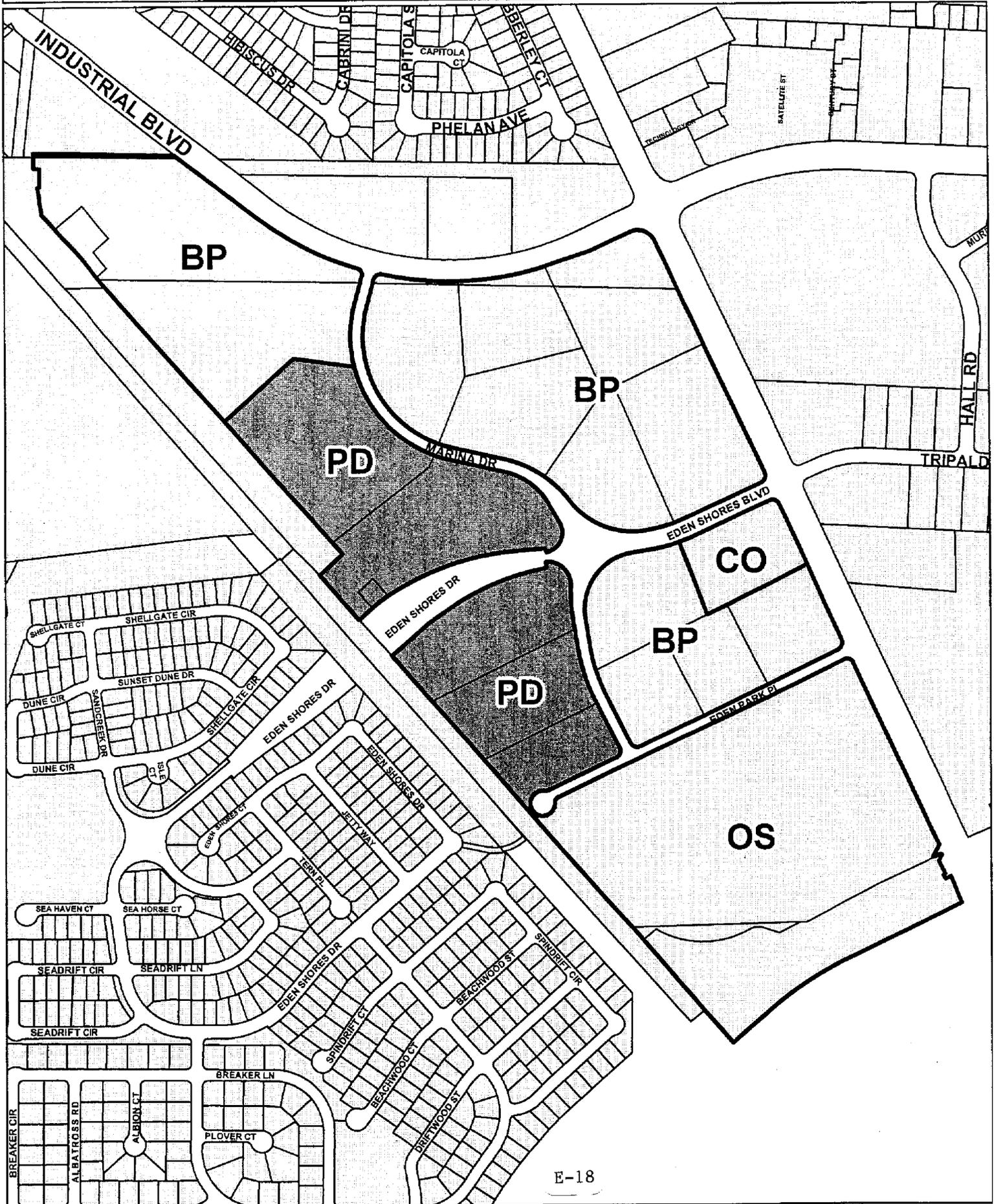


BP - Business Park

CP - Commercial Office

PD - Planned Development

OS - Open Space



**EDEN SHORES EAST DEVELOPMENT
MARINA DRIVE
(General Plan Amendment, Zone Change,
Development Agreement & TTM 7489)
Joseph Fanelli, Hayward Oliver Owners LLC (Applicant/Owner)**

October 20, 2005

Findings For Approval – General Plan Amendment

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Report and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared in association with approval of General Plan Amendment Application No. PL-2004-0184, as conditioned, and it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.
2. That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the design and construction of the 261-unit residential development will be done in accordance with sound geotechnical practices, and in that post-construction erosion and siltation impacts will be mitigated via Best Management Practices in accordance with the requirements of the California Regional Water Quality Control Board, and in that post-construction noise impacts will be mitigated via a sound wall, wall assemblies and other methods as documented in the project's noise report, and in that construction dust control mitigation measures shall be employed, and in that the extent and density of development will be guided into a cohesive pattern that minimizes visual impacts and avoids encroachment into natural, undisturbed areas.
3. That, with required conditions of approval, the proposed General Plan Amendment is in conformance with the City's General Plan policies and the South of 92/Oliver & Weber Properties Specific Plan, as amended, and the Zoning Ordinance, as amended, and will result in a development that will be compatible with surrounding land uses and zoning, and will further the City's goal to provide ownership housing opportunities as expressed in the Housing Element of the General Plan.
4. That the streets and public facilities existing or proposed, including the northwesterly extension of "D" Street are/will be adequate to serve all uses permitted when the property is redesignated.
5. That the proposed General Plan Amendment will result in a development that will be compatible with surrounding residential, business park, and light manufacturing land uses and zoning, in that the development would involve a variety of homes of

high quality design that will be constructed in an already-disturbed area that will result in no land use conflicts.

6. That the proposed project is consistent with the General Plan Housing Element's goal of providing housing opportunities for all household income levels in that approximately 40 ownership housing units for moderate income households will be provided in the City as a result of the project; and
7. That the contribution of \$7 million towards development of the Mount Eden Sports Park, and the development of the park with playfields and community-oriented recreational facilities such as picnic areas and tot lots as well as sports park facilities in an area of the City that lacks adequate recreational opportunities is consistent with the policies contained in the Community Facilities and Amenities section of the General Plan and, in particular, Policy 5, which indicates the City should, "Seek to increase the amount, diversity and quality of parks and recreational facilities and opportunities."

Findings For Approval – Zone Change (per Sec. 10-1.3425 Planning Commission Procedures)

- A) The Planning Commission shall hold a public hearing on all text amendments, reclassifications and rezonings. No public hearing shall be required for interim zoning. Notice shall be given pursuant to Section 10-1.2820, except that for text amendments notice shall be published at least 10 days prior to the hearing in a newspaper of general circulation published and circulated in the City of Hayward, in addition to or in lieu of notice by mail.
- B) The Planning Commission may recommend approval of or deny a text amendment, reclassification, or rezoning to the City Council. Recommendations for approval shall be based upon all the following findings:
 - (1) Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;
 - (2) The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;
 - (3) Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and
 - (4) 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.

A) Findings for Approval – Preliminary Development Plan

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared in association with approval of Zone Changes Application No. PL-2004-0184, as conditioned, and it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.
2. The development is in substantial harmony with the surrounding area and conforms to the General Plan, as amended, and applicable City policies in that the design and layout of the development involves a variety of homes of high quality design that will be constructed in an already-disturbed area, will further the City's goal to provide ownership housing opportunities as expressed in the Housing Element of the General Plan, and will help further the City's Housing Element policy to provide housing opportunities for all household income levels in that 40 ownership housing units for moderate income households will be provided in the City as a result of the project.
3. Streets and utilities, existing or proposed, are adequate to serve the development in that project conditions of approval require that 4 roads be constructed to City public street standards 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, in that the project will result in the dedication of approximately 3.55 acres for neighborhood parks, development of the parks with playfields, detention basins, etc. equal in value to at least \$1 million in a manner to be found acceptable by the Hayward Area Recreation and Park District and a contribution of \$7 million already made towards development of the Mount Eden Sports Park in an area of the City that lacks adequate recreational opportunities.
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, in that the exceptions requested for reduced minimum lot sizes and front, rear, and side yard setbacks is offset by: smaller size housing on small lots offered by the applicant at prices commensurate with the size of the lots and units; and with a \$7 million contribution toward construction of the now completed Mount Eden Sports Park adjacent to the development; and with dedication and development of new neighborhood parks in the development linked to the Bay Trail and the sports park..

B) Text Amendments to the South of Route 92/Oliver & Weber Properties Specific Plan

6. Substantial proof exists that the proposed changes will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the project will allow development of 261 ownership housing units, where ownership housing is supported by the Housing Element of the General Plan, in that post-construction erosion and siltation impacts will be mitigated via Best Management Practices in accordance with the requirements of the California Regional Water Quality Control Board, and in that post-construction noise impacts will be mitigated via a sound wall, wall assemblies and other methods as documented in the project's noise report, and in that the extent and density of development will be guided into a cohesive pattern that avoids encroachment into natural, undisturbed areas; and will result in the dedication of approximately 3.55 acres for new community park and recreational facilities, development of the park with playfields, detention basins, etc. equal in value to at least \$ 1 million in a manner to be found acceptable by the City, following consultation with the Hayward Area Recreation and Park District, and in that \$7 million has already been contributed to completion of the adjacent 25-acre Mount Eden Sports Park.

7. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans in that the proposed project would provide for new recreational amenities in an area of the City that is currently underserved by such facilities and would provide for development of high-quality housing that would be consistent with standard geotechnical and building construction practices. Also, the project would be consistent with the City's General Plan policies, and the South of Route 92/Oliver & Weber Properties Specific Plan provisions, as amended, by proposing a development that incorporates additional housing in the area at about the same density as the existing Oliver West housing, mitigates land use conflicts between residential and non-residential land uses, and utilizes landscaping, collector street setbacks, and a variety of building designs and massing that assist in creating a harmonious development.

8. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified in that "D" Street is proposed to be extended northward from Marina Drive, thereby providing 4 means of ingress/egress to/from the development that would meet City standards (1 on "D" Street, 2 on Marina Drive, and 1 on Eden Park Place); and

9. 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 in that the proposal would result in a residential environment of sustained desirability and stability that would provide for high-quality ownership housing.

C) Findings for Approval – Inclusionary Housing Plan:

10. The proposed project will result in greater affordable housing opportunities in Hayward than what would normally be required for the project in that townhouses affordable to households of moderate income would be developed on site as a result of the project.

Findings for Approval – Development Agreement:

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, Program Environmental Impact Reports, and Section 15074, Mitigated Negative Declarations, a Mitigated Negative Declaration has been prepared in association with approval of Development Agreement Application No. PL-2004-0184, as conditioned, and it has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.
2. The proposed development agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan and South of Route 92/Oliver & Weber Properties Specific Plan as amended in that the development agreement stipulates the development must be consistent with such provisions.
3. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the General Plan and Specific Plan, as amended, allow Planned Development residential and the development is proposed at 10.7 dwelling units per net acre for the single-family units and 14 dwelling units per acre for the multi-family units.
4. The proposed development agreement is in conformity with public convenience, general welfare and good land use practice in that it will provide new housing opportunities and new public facilities, including a previously made substantial contribution toward development of the now completed Mount Eden Sports Park, while minimizing impacts to the area.
5. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that "D" Street is proposed to be extended northeastward from Marina Drive thereby providing, along with the proposed 2 entrances off of Marina Drive and 1 entrance off of Eden Park Place, four means of ingress/egress to/from the development.
6. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as part of development approvals to ensure significant environmental impacts will be

reduced to levels of insignificance, including those associated with dust and air quality, biological resources, cultural resources, hydrology, noise, and recreation.

7. The orderly development of property or the preservation of property values will be promoted and advanced by the proposed development in that high-quality single-family housing and multi-family housing will be constructed in an area that currently is planned and zoned for light manufacturing and business park land uses, resulting in less impacts to, and a more compatible development with, surrounding residences.

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7489

1. The approval of Tentative Map Tract 7489, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.
2. The tentative tract map substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General 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 Act¹ have been made.

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.

Conditions of Approval
Planned Development Application No. PL-2004-0184
Hayward Oliver Owners LLC (Applicant/Owner)
139 Single-Family Residences

The Conditions of Approval attached as Exhibit C to the Development Agreement remain in full force and effect except where superseded or modified by these Conditions of Approval.

1. Planned Development Application No. PL-2004-0184 to allow the construction of 139 single-family homes is subject to these conditions of approval and the plans, labeled Exhibit "C." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7489 and all conditions of approval of that map shall also apply to this approval.
6. The final map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.
7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities and utility meters. The precise plan shall also reflect the ultimate configuration of the driveway entries and other private improvements.
10. The Precise Plan shall also 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.
11. The Precise Plan shall include the following:
 - 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. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - c) Details and locations of the perimeter decorative walls shall be included and approved by the Planning Director.
 - d) Show an exterior hose bib for each private yard, patio or porch area.
 - e) Show fencing and fencing details as well as masonry details at prominent locations.
 - f) 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.
 - g) 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.
 - h) 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.
 - i) Single-family residential home elevations having stone or brick work on a front elevation go all the way around the building unless otherwise approved by the Planning Director. Trim shall be capped at the level of the windowsills.

- j) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located within private yards behind solid board fences. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- k) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- l) Recreational amenities in the single-family area shall be shown on: the linear park between A and B Streets, the linear park between Alleys E and Q, on Parcel D parallel to Eden Shores Blvd., and on Parcel I connecting to the townhouse development. Recreational amenities shall include: a rose garden, a pocket park, linear parks, several open play areas, tot lots, picnic areas with a barbecue, an extensive meandering walkways and trails.
- m) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- n) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- o) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- p) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
- q) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
- r) One project identification sign per public road entrance is permitted. The sign shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Planning Director.
- s) All decorative window treatments shall be extended to all elevations.
- t) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
- u) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.

12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
14. All mitigation measures proposed by Charles M. Salter Associates, Inc. in his project acoustical studies, reflected in his letters to Joseph Fanelli dated July 25, 2005 (single family) shall be implemented.
15. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented.
16. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
17. All perimeter project walls including the sound wall shall be treated with an anti-graffiti coat.
18. A sound wall of varying heights but typically at approximately 18 feet above grade (which may be equivalent to a 20 foot sound wall in some locations) shall be constructed generally as shown on the Tentative Map. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.
19. Per Specific Plan Development Guidelines, a 33 foot setback shall be observed for all houses fronting on "D" Street, similar to the setback for houses fronting Marina Drive. "D" Street shall be moved north 33 feet from the property line while not moving the intersection of "D" Street and Marina Drive. The site plan dated September 26, 2005 shows a 20 foot setback from the property line for houses fronting "D" Street.
20. Within 12 months of the completed development of the project or upon documented evidence that the amount of on street parking in the single family area is inadequate (whichever occurs first), the applicant shall provide fully developed surface parking spaces in the nearest Business Park zoned parcel to be jointly shared between Eden Shores East residents and visitors and Business Park users. The amount of surface parking spaces to be provided shall be decided on by the City of Hayward but in no case shall the number exceed that amount that will bring the overall parking ratio of the single family portion of the project to 4 parking spaces per dwelling unit.
21. Three project entries to the single-family area shall be designed in accordance with the preliminary landscape plans submitted.
22. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
23. Any on-site transformer shall be located underground.

24. Prior to the sale of any lot to an individual owner (and not another developer or builder) or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association (HOA) shall be created to maintain the private streets, alleys, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
- a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing partial funding for the ongoing maintenance of the neighborhood-serving features of the sports park complex such as picnic tables, basketball courts, barbecue areas and soccer fields. The annual assessment shall be \$160 per residential lot or unit (indexed to San Francisco Bay Area cpi).
 - c) A statement regarding all HOA fees and landscaping and lighting assessment district assessments obligating individual homeowners shall be provided to homeowners on bright paper.
 - d) A reserve fund shall be maintained to cover the costs of replacement and repair of the private streets, alleys, driveways and common area landscaping.
 - e) The association shall be managed and maintained by a professional property management company.
 - f) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association.
 - g) The private streets, alleys, driveways entries, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.
 - h) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
 - i) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.
 - j) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the

common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.

- k) The trees planted within the common areas and "bulb-outs" within the private streets shall be maintained and retained by the homeowners association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of notification of its removal.
- l) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- m) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- n) 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.
- o) 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. The homeowners association or individual homeowners, as applicable, 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.
- p) The open parking spaces within parking bays or on the private streets 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 on-street parking on Public Streets A, B, and C and adjacent to Alleys E, F, J, R, and P shall be limited to 24 hour parking. 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.
- q) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

- r) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- s) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 25. 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*. Landscape area shall be limited to a maximum 50% Fescue turf.
- 26. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
- 27. Landscape strips along the property line shall be developed as shown on the landscape drawings of the submittal. Trees and shrubs shall be planted as shown on the landscape drawings of the submittal.
- 28. For the linear park abutting the sound wall in the single-family development, there shall be built up landscaped berm to lessen the apparent height of the sound wall. Landscaping treatment shall be as shown on the landscaping plans.
- 29. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- 30. Parking spaces separated by islands shall be landscaped. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
- 31. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
- 32. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines.
- 33. Landscaping and irrigation plans shall be submitted for review and approval by the City prior to approval of improvement plans or prior to the issuance of building permits.

Mylars of the approved Landscape plans shall be submitted to Public Works, Engineering as a part of the approved Civil plans. 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.

34. Landscaping and required trees for each unit shall be installed prior to occupancy of each building.
35. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion; as-built mylars and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract.
36. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved site plan including street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately.
37. A tree removal permit is required prior to the removal of any previously approved tree. See the Tree Preservation Ordinance for more information. Replacement trees shall be required for any trees removed, as determined by the City Landscape Architect.
38. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Existing landscape areas shall be fenced throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
39. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
40. All street chokers shall be designed without sharp angles to provide access to the street sweeper equipment.

Solid Waste

41. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:
 - a) A Construction Debris Recycling Statement must be submitted with the building permit application.
 - b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.

- c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
- d) The applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
- e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Disclosures

- 42. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.
- 43. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

Conditions of Approval
Planned Development Application No. PL-2004-0184
Hayward Oliver Owners LLC (Applicant/Owner)
122 Multi-family Units

The Conditions of Approval attached as Exhibit C to the Development Agreement remain in full force and effect except where superseded or modified by these Conditions of Approval.

1. Planned Development Application No. PL-2004-0184 to allow the construction of 122 townhomes, is subject to these conditions of approval and the plans, labeled Exhibit "C." Prior to final inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director
2. The preliminary development plan approval is void one year after the effective date of approval of the planned development unless a precise development plan is submitted for review and processing in accordance with the conditions of approval of the preliminary development plan. Unless otherwise provided by the development agreement for the project, the Planned Development District shall be void when the tract map expires, including any extensions thereof. Any modification to the preliminary development plan shall require review and approval by the Planning Director. A request for an extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division at least 30 days prior to the expiration date. If within 12 months after the approval by the City Council of the Preliminary Development Plan the Precise Development Plan has not been submitted for review and processing, and an extension is not granted by the City, the Planning Commission may initiate consideration of reclassification of the zoning district.
3. The permittee/subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, and agents from and against any claim, action or proceeding against the City, its officers, employees and agents to attack, set aside, void, or annul, an approval by the City concerning the subdivision, which action is brought within the time period covered by Government Code Section 66499.37. The City shall promptly notify the permittee/subdivider of any claim, action, or proceeding, and if the City fails to cooperate fully in the defense, the permittee/subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the City.
4. Any proposal for alterations to the proposed site plan and/or design, which does not require a variance to the Zoning Ordinance, must be approved by the Planning Director prior to implementation.
5. This approval is tied to Tentative Map Tract 7489 and all conditions of approval of that map shall also apply to this approval.
6. The final map shall be filed and approved by the City and recorded in the County Records Office prior to the issuance of a Certificate of Occupancy of any unit.
7. Any appropriate historical artifacts unearthed on the site within the area covered by the final map in connection with the construction of the proposed project shall be offered to the Hayward Area Historical Society at no charge.

8. If any human remains are found during grading or construction, all work will be stopped and police called to investigate.
9. Prior to application for a building permit, a Precise Plan shall be submitted for approval by the Planning Director and shall include detailed landscaping and irrigation plans, detailed plans for all site amenities, details for decorative paving, decorative electroliers, details for fencing, walls (including the sound wall), berms, architectural plans, sign details, samples of exterior colors and building materials, and screening of all above-ground utilities, transformers and utility meters. The precise plan shall also reflect the ultimate configuration of the driveways and other public improvements.
10. The Precise Plan shall also 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.
11. The Precise Plan shall include the following:
 - 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. Building addresses shall be minimum 4-inch self-illuminated or 6-inch on contrasting background. Address numbers shall be installed so as to be visible from the street.
 - c) Details and locations of the perimeter decorative walls shall be included and approved by the Planning Director.
 - d) Show an exterior hose bib for each townhouse.
 - e) Show fencing and fencing details as well as masonry details at prominent locations.
 - f) 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.
 - g) 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.
 - h) Grouped mailbox design and locations, subject to Post Office approval, shall be approved by the Planning Director.
 - i) 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.

- j) Townhome elevations having stone or brick work on a front elevation go all the way around the building unless otherwise approved by the Planning Director. Trim shall be capped at the level of the windowsills.
- k) All air conditioners and utility connections for air conditioners shall be located such that all external equipment is located behind solid board fences or stuccoed walls not to exceed the height of the air conditioner unless otherwise approved by the Planning Director. Infrastructure for air conditioning systems is required to be installed as a standard feature.
- l) A 160-foot setback in compliance with the project acoustical studies is required from the multi-family buildings to the railroad tracks. Softscape landscaping shall be installed on the residential side of the sound wall, between the sound wall and Street "AA."
- m) All parking spaces are to meet minimum City of Hayward on-street and off-street parking standards.
- n) Recreational amenities for the multi-family area shall be shown on the two areas indicated on the block containing buildings 9, 10, and 11 and on the linear park parallel to the railroad tracks. Recreational amenities shall include: a rose garden, a pocket park, linear parks, several open play areas, tot lots, picnic areas with a barbecue, an extensive meandering walkways and trails.
- o) Each townhouse shall have and maintain a minimum of 90 cubic feet of dedicated storage area, above standard closets and bedroom wardrobes, accessible from the exterior of the unit. Any area of a garage, in excess of the required 11 feet by 19 feet or 20 feet by 20 feet parking area, can be counted toward the minimum requirement.
- p) An area within each garage for individual garbage and recycling receptacles shall be provided and shall be clear of the required area for two cars.
- q) A bicycle rack with a capacity of at least 4 bicycles shall be included within the development at each group open space. The design and placement shall be approved by the Planning Director.
- r) A color and materials board shall be submitted to the Planning Director for review and approval. No changes to colors shall be made after construction unless approved by the Planning Director.
- s) All above-ground utility meters, mechanical equipment and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen, to be approved by the Planning Director.
- t) No mechanical equipment shall be placed on the roof unless it is completely screened from view by the proposed roof structure. All roof vents shall be shown on roof plans and elevations. Vent piping shall not extend higher than required by Building Code. Roof apparatus, such as vents, shall be painted to match the roof color.
- u) One identification sign per public road entrance is permitted. The signs shall conform to Section 10-7.403(b)(2) of the Sign Ordinance regulations, with the locations to be approved by the Planning Director. Sign design, colors, and

materials shall reflect the architectural style of the project and shall be approved by the Planning Director.

- v) Rooflines shall be articulated to break up bulky facades. Dormer elements are acceptable. Large expanses of blank wall are not allowed. Articulate such expanses to avoid bulkiness.
 - w) All decorative window treatments shall be extended to all elevations.
 - x) All rear and side entries shall be protected by roofs with rooflines to match the pitch of roof of the front porch.
 - y) All parking stall dimensions shall conform to the City's Off-street Parking Ordinance. All tandem two car garages shall have the minimum interior dimension of 11 feet by 38 feet. All two car garages shall have the interior dimensions of 20-foot width by 19-foot depth. The dimensions shall be shown on plans. No doors, stairs, landings, laundry facilities, trash/recycle containers or HVAC shall project within the required interior parking areas.
12. Prior to final inspection all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director.
 13. All applicable requirements of the City's Security Ordinance (Ord. No. 90-26 C.S.) shall be met.
 14. All mitigation measures proposed by Charles M. Salter Associates, Inc. in his project acoustical studies, reflected in his letters to Joseph Fanelli dated February 4, 2005 (multi-family and outdoor areas) shall be implemented.
 15. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented.
 16. The applicant shall institute a vermin control program before, during and after the construction phases of the project.
 17. All perimeter project walls shall be treated with an anti-graffiti coat.
 18. A sound wall of varying heights but typically at approximately 18 feet above grade (which may be equivalent to a 20 foot sound wall in some locations) shall be constructed generally as shown on the Tentative Map. The final location, design, color and landscaping of the sound wall shall be subject to approval of the Planning Director.
 19. The one main entry to the multi-family area shall be designed in accordance with the preliminary landscape plans submitted.
 20. Any on-site transformer shall be located underground or screened from view by landscaping.

21. Violation of these conditions or requirements may result in the City of Hayward instituting a revocation hearing before the Planning Commission.
22. Any on-site transformer shall be located underground.
23. Prior to the sale of any unit to an individual owner (and not another developer or builder) or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private streets, alleys, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director that shall include the following conditions:
 - a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.
 - b) A landscape and lighting assessment district shall be established by the City for the purposes of providing partial funding for the ongoing maintenance of the neighborhood-serving features of the sports park complex such as picnic tables, basketball courts, barbecue areas and soccer fields. The annual assessment shall be \$160 per residential lot or unit (indexed to San Francisco Bay Area cpi).
 - c) A statement regarding all HOA fees and landscaping and lighting assessment district assessments obligating individual homeowners shall be provided to homeowners on bright paper.
 - d) A reserve fund shall be maintained to cover the costs of replacement and repair of the private streets, alleys, driveways and common area landscaping.
 - e) The association shall be managed and maintained by a professional property management company.
 - f) The homeowners' association shall be responsible for maintaining all private streets and other privately owned common areas and facilities on the site including landscaping. These maintenance responsibilities shall include implementing and maintaining stormwater BMPs associated with improvements and landscaping. The CC&R's shall describe how the stormwater BMPs associated with privately owned improvements and landscaping shall be maintained by the association
 - g) The private streets, alleys, driveway entries, and common landscaped areas shall be maintained in good repair, and free of debris at all times.
 - h) A requirement that the building exteriors, fences, and walls shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 72 hours of inspection or within 72 hours of notification by the City's Community Preservation Officer.
 - i) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed-free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly

basis and any dead or dying plants (plants that exhibit over 30 percent dieback) shall be replaced within 10 days.

- j) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance.
- k) The trees planted within the common areas and "bulb-outs" within the private streets shall be maintained and retained by the homeowners association. The homeowners association shall be responsible for replacing any tree removed within the "bulb-out" landscape areas with a like kind/like size tree as others within the subdivision. The tree shall be replaced within 30-days of its removal.
- l) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.
- m) Pursuant to and to the extent authorized by Section 10-3.385 of the Subdivision Ordinance, a provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.
- n) 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.
- o) The homeowners association shall maintain in good repair all fencing, parking and street surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The homeowners' association shall maintain in good repair the multi-family exteriors. 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.
- p) The open parking spaces within parking bays or on the street 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 on-street parking on Street AA, Street V, Alley Z, and Street W shall be limited to 24 hour parking. 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.

- q) Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.
- r) Any future modification to the approved site plan shall require review and approval by either the Planning Director or the Planning Commission as provided in the Municipal Code and Development Agreement.
- s) Future additions to townhouses are prohibited.
- t) The CC&Rs shall specify the outdoor collection locations of trash and recycle containers. In addition, trash and recycle containers shall not be moved to the collection location more than 24 hours prior to collection and shall be removed within 24 hours after collection.

Landscaping

- 24. 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*. Landscape area shall be limited to a maximum 50% Fescue turf.
- 25. Street Trees. City policy on street trees is one for every 25 – 40 feet of frontage. Spacing of the trees is dependant on the species of trees. Smaller trees will require closer spacing. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees. Trees shall be planted according to the City Standard Detail SD-122.
- 26. For the linear park abutting the sound wall in the multiple-family development, there shall be built up landscaped berm to lessen the apparent height of the sound wall. Landscaping treatment shall be as shown on the landscaping plans.
- 27. Landscape plans shall specify site amenities such as, benches, tables, fencing, play equipment and barbecues, for the common open space areas.
- 28. Parking spaces separated by islands shall be landscaped. All tree wells, islands and medians shall be a minimum of 5' wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30" high hedge within two years. This measurement shall be from the top of curb.
- 29. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.
- 30. Masonry walls, solid building walls, trash enclosures or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground

meters and mechanical equipment shall be screened from the street or drives with shrubs or other means subject to the approval of the Planning Director.

31. Landscaping and irrigation plans shall be submitted for review and approval by the City prior to approval of improvement plans or prior to the issuance of building permits. Mylars of the approved Landscape plans shall be submitted to Public Works, Engineering as a part of the approved Civil plans. 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.
32. Landscaping and required trees shall be installed prior to occupancy of each building.
33. Landscape improvements shall be installed according to the approved plans and a Certificate of Substantial Completion; as-built mylars and an Irrigation Schedule shall be submitted prior to the Final Approval of the landscaping for the Tract.
34. Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when necessary. All trees shown on the approved site plan including street, parking lot and buffer trees that are severely topped or pruned shall be replaced immediately.
35. A tree removal permit is required prior to the removal of any previously approved tree. See the Tree Preservation Ordinance for more information. Replacement trees shall be required for any trees removed.
36. Grading and improvement plans shall include tree preservation and protection measures, as required by the City Landscape Architect. Existing landscape areas shall be fenced throughout the construction period and shall be maintained in a healthy condition throughout the construction period.
37. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat stormwater runoff. Landscaping shall also comply with the City's "water efficient landscape ordinance" or equivalent.
38. All street chokers shall be designed without sharp angles to provide access to the street sweeper equipment.

Solid Waste

39. Compliance to the City's recycling program during construction and for the duration of the development. Please contact Vera Dahle-Lacaze, Solid Waste Manager at (510) 583-4725 for more details regarding the City solid waste program that include the following that are required to be met prior to issuance of a building permit:
 - a) A Construction Debris Recycling Statement must be submitted with the building permit application.

- b) A Construction Debris Recycling Summary Report must be completed, including weigh tags, at the COMPLETION of the project. Construction Debris Recycling Statement must be completed to obtain approval of the building permit application.
- c) The Applicant must explain what arrangements will be made for trash and recycling collection. Indicate on the site plan, the formula used for determining the necessary amount of weekly refuse service and indicate what size containers are being proposed. There must be the same capacity for recycling as there is for garbage. In other words, if there is a 2 cubic yard container for garbage then there must also be space available for a 2 cubic yard container for recycling.
- d) The Applicant must ensure that there is adequate space for a garbage or recycling truck to enter and exit the property in order to service each container.
- e) The applicant shall complete an On-Site Recycling Plan to demonstrate that 50% of the waste generated during occupancy of the facility will be diverted.

Inclusionary Housing

- 40. Prior to approval of the First Final Map, whether for the townhouses or the single-family units, an Inclusionary Housing Agreement shall be submitted and approved by the Planning Director. The Inclusionary Housing Agreement shall conform to the requirements of the Inclusionary Housing Ordinance.

Disclosures

- 41. Future potential noise from the railroad track shall be disclosed to buyer prior to the sale of a unit.
- 42. The level of vibration shall be disclosed to buyer prior to the sale of a unit.

**CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7489**

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.

IMPROVEMENTS

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

Streets

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.
2. 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 private streets, driveways and common areas within the subdivision boundary.
3. The site plan shall be reviewed with the Fire Department and Engineering Division to ensure that the street and driveway layout is adequate to provide access for emergency, service and utility vehicles, and other commercial trucks. Changes may be necessary including increasing corner radii, driveway widths or intersection alignments and providing truck turn-arounds.
4. All of the alleys shall be designated as fire lanes and no parking will be allowed except in designated parking areas. Curbs shall be painted red and fire lane signage installed every 100 linear feet. Installation of red-curb and signs shall meet Fire Department and City Engineer standards.

Marina Drive

5. Curb, gutter shall be removed and replaced along the project frontage to accommodate construction of the street intersections into the development. Handicap ramps shall be installed where required by the City Engineer. Street trees shall be protected in place and shall remain unless removal is authorized by the City Landscape Architect. An easement shall be dedicated along the project frontage for the required meandering walkway.

6. Marina Drive shall be restriped to accommodate the on-street parking along the tract frontage.
7. The entrances to the development shall be designed as street intersections and not as driveway entrances. Decorative pavements shall be capable of supporting a 50,000 lb. GVW load. Curb returns shall have a minimum radius of 30 feet at the curb face.
8. New standard streetlights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.

New Public Street "D"

9. The street shall have a 41 foot right-of-way width, 40 feet curb to curb and shall be constructed with City standard curb, gutter, sidewalk and paving. The length of the extension of the roadway from Marina Drive shall be approved by the City Engineer. A barricade or some other structure shall be constructed at the end of the street to prevent vehicular access to the undeveloped parcels.
10. New standard street lights shall be installed along the street frontage. The design and location shall be approved by the City Engineer.
11. Appropriate signage shall be installed to reflect that no parking will be allowed on either side of the street.

Eden Shores Boulevard and Eden Park Place

12. Any curb, gutter, sidewalk, paving, utilities or landscaping damaged along these frontages shall be removed and replaced.

Interior Private Streets

13. The interior private street shall have a 25 foot right-of-way width, 24 feet curb to curb to allow for two travel lanes. The street design shall utilize standard curb and gutter and street sections shall be constructed to public street standards. Bulb outs shall be allowed at the curb returns to facilitate traffic calming within the development, but they must be designed to facilitate street sweeping.
14. Intersections with the streets and alleys shall be designed as standard street intersections. Handicap ramps shall be installed to facilitate access and circulation throughout the development.
15. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.
16. The entrances to the City's sanitary sewer lift station shall be gated to restrict access to the facility.

Interior Private Alleys

17. The interior private alleys shall have a 21 foot right-of-way; 20 feet face of curb to face of curb, and may incorporate rolled curbs along both sides where there are driveways. The rolled curb shall be designed to compensate for the street cross section and allow vehicles to cross without scraping or being damaged. Vertical curbs shall be used at all parking areas. The corners of the parking areas shall be rounded/curved to facilitate drainage and street sweeping unless the areas are designed to slope towards a center valley gutter or catch basin. The developer shall demonstrate that this alley width is adequate to provide a minimum of 26 feet of backup space from each garage, as measured when a vehicle is clear of the garage.
18. Signs shall be posted at the entry to Alleys "N" and "O" that they are dead ends and that there is no visitor parking.
19. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

Parking and Driveways

20. The applicant/developer shall provide sufficient parking spaces for the development to meet the requirements of the City of Hayward Municipal Code. Parking stall dimensions and driveways shall meet City requirements as approved by the Planning Director and City Engineer.
21. Flares shall be provided at the driveway into each unit to prevent vehicles from driving over required landscaping and irrigation.
22. ADA compliant parking stalls and loading areas shall be located adjacent to each open space within the development. Handicap ramps and pathways shall be provided throughout the project.
23. If feasible, parking spaces shall be provided adjacent to group mailboxes and shall be designated as 10 minute parking only.

Landscaping and Irrigation

24. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance*.
25. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

26. Prior to issuance of the first certificate of occupancy for either a single family home or a condominium building, the developer shall form a Landscape and Lighting District to fund operation and maintenance of common areas within the development. Prior to approval of the first final map, the developer shall provide a \$10,000 deposit to the City to cover the costs associated with formation of the District. The exact limits of responsibility for the District will be determined during processing of the Precise Plan for the development.

Storm Drainage

27. The on-site storm drain system within the development, excluding that located within the public right-of-way, shall be a private system owned and maintained by the homeowners association or property owners.
28. The Hydrology and Hydraulics Criteria Summary, Alameda County Flood Control and Water Conservation District, latest edition shall be used to determine storm drainage runoff. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be approved by the Alameda County Flood Control and the City Engineer. Development of this site is not to augment runoff to the District flood control facility downstream. The hydrology study shall substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of the County facilities. If there is augmented runoff, off-site and/or on-site mitigation measures will be necessary.
29. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.
30. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.
31. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.
32. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.
33. The project streets, driveways and parking areas shall be designed to facilitate street sweeping, including the layout of the tree and handicap ramp bulb outs. The HOA shall be responsible for street sweeping on a regular basis.

34. 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.
35. 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.
36. The project shall not block runoff from, or augment runoff to, adjacent properties. The drainage area map developed for the hydrology design shall clearly indicate all the areas tributary to the project area. The developer is required to mitigate augmented runoffs with off-site and/or on-site improvements.
37. All storm drain inlets must be labeled "No Dumping - Drains to Bay" using City approved methods.
38. Storm water inlets shall be installed at the curb face per the City of Hayward Standard Details. The design and location shall be approved by the City Engineer.

Sanitary Sewer System

39. Sanitary sewer service is available from the City subject to standard conditions and fees in effect at the time of application.
40. The on-site sanitary sewer system shall have 8-inch public mains, designed with a manhole at all angle points and ending with a manhole. Each unit shall have a separate sanitary sewer lateral. The main design and location shall meet the approval of the City Engineer.

Water System

41. Water service is available from the City subject to standard conditions and fees in effect at the time of application. The developer shall provide calculations showing that existing and proposed water mains are adequate for the proposed development and required fire flows.
42. A new water main must be constructed between the single family residential portion and the townhome portion of the development. This main shall be connected to the existing water main in Eden Shores Blvd.
43. The proposed water main in Alley "U", multi family development, shall be connected to the water main in Eden Park Place. The proposed connection to the water main in Marina Drive can be eliminated.

44. Dead end water mains will not be allowed. Water mains must be looped and connected via public or private streets or easements. Ductile pipe is required in all easements. Control valves are required in streets prior to easements.
45. Water mains are to be located 5 feet from the face of curb.
46. Each residence must have a separate service and radio read meter. The services installed for the proposed light industrial uses will be abandoned by City Forces at developers expense. Reduced backflow prevention assemblies must be installed on irrigation meters per City of Hayward SD 202.
47. Fire hydrants shall be provided throughout the development. The locations shall be approved by the Fire Department during review of the Precise Plan and prior to start of any construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.
48. Fire hydrants for the single family development shall be modified steamer type which shall be installed per City standards. Fire hydrants for the multi family development shall be double steamers.
49. Fire flow requirements for the single family development shall be 1,500 gallons per minute at 20 psi. Fire flow requirements for the multi family development shall be 3,000 GPM at 20 psi..

Utilities

50. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.
51. The developer shall provide and install the appropriate facilities, conduit, junction boxes, etc., to allow for installation of a fiber optic network within the subdivision.
52. All proposed surface-mounted hardware (fire hydrants, electroliers, etc.) along the proposed streets shall be located outside of the sidewalk within the proposed Public Utility Easement in accordance with the requirements of the City Engineer or, where applicable, the Fire Chief.
53. All utilities shall be designed in accordance with the requirements of the City of Hayward and applicable public agency standards.

Fire Protection

54. The common wall (party wall) constructed between each unit shall be constructed with one-hour construction.

55. Each condominium will require interior smoke detectors (hard wired with battery backup) per the CBC.
56. There are several condominium buildings that are in excess of 5,000 square feet in size. Automatic fire sprinkler systems are required for structures in excess of 5,000 square feet. However, the type of system (commercial or residential) has yet to be determined pending further information on building occupancy classifications. In addition, the proposed duets are required to have automatic fire sprinkler systems as they are being constructed as three story structures.
57. The following fire sprinkler system options are pending review:
 - a. If the buildings are classified as R-3 occupancies, the Fire Department will require that each condominium unit be equipped with an automatic fire sprinkler system designed and installed per NFPA 13-D (Modified) standards. The fire sprinkler protection shall be supplied from the domestic water line and independently controlled. Fire sprinkler modifications shall include sprinkler heads within the attics and garages;
 - b. If the buildings are classified as R-1 occupancies, the Fire Department will require each building to have a commercial fire sprinkler system installed with its own dedicated fire service line, conforming to NFPA 13 and 24 standards;
 - c. The proposed condominiums are required to have automatic fire sprinkler systems installed per NFPA 13-D standards.
58. Each unit protected with fire sprinklers shall have an interior alarm signaling device which will activate upon waterflow of the fire sprinkler system.
59. Each unit protected with fire sprinklers shall have an exterior alarm bell installed in a location approved by the Fire Department.
60. Each fire sprinkler system shall be equipped with a spare sprinkler head box located at the riser.
61. The fire line service shall be installed and arranged per NFPA 13-D and /or NFPA 13 Standards, and the control valve shall be locked with a chain and break-away type of lock if it is exposed (above grade)
62. Third floor areas within the units shall be limited to less than 500 square feet.
63. Addressing for each building as well as individual condominium units shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) and be visible from the street.
64. Approved spark arrestors shall be installed on chimney caps.
65. Exiting requirements shall be per the CBC, Chapter 10.

Hazardous Materials

66. All mitigation measures of the Phase I Preliminary Site Assessment prepared by Henshaw Associates, Inc. and the Phase I Preliminary Site Assessment and Phase II Soil and Groundwater Quality Investigation prepared by Northgate Environmental Management, Inc. shall be implemented

Retaining Walls

67. All retaining walls shall be constructed with decorative reinforced concrete. The exposed face of any retaining wall shall not exceed 6 feet from ground to top of wall.
68. The retaining wall/sound wall combination along the rail road property line shall constructed with decorative reinforced concrete and shall incorporate vine pockets to allow landscaping to cover both sides.

Dedications, Easements and Deed Restrictions

69. The final map shall reflect:
 - a. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.
 - b. Dedication of a No Build Easement over Parcels A, B, C and D within the single family development. A No Build Easement may be necessary over a portion of the lots within the multi family development to meet building code requirements for openings along property lines.

Subdivision Agreement

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

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

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

DURING CONSTRUCTION

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

- a. Grading and construction activities shall be limited to the hours 7:00 AM to 6:00 PM on weekdays; there shall be no grading or construction activities on Saturdays, Sundays or holidays;
- b. Grading and construction equipment shall be properly muffled;
- c. Unnecessary idling of grading and construction equipment is prohibited;
- d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
- e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.
- f. The developer shall participate in the City's recycling program during construction;
- g. Daily clean-up of trash and debris shall occur on Marina Drive, Industrial Blvd., Eden Shores Blvd., Eden Park Place and other neighborhood streets utilized by construction equipment or vehicles making deliveries.
- h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
- i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
- j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
- m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- n. Gather all construction debris on a regular basis and place them in a dumpster or other container which is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;

- o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
 - p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
 - q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.
 - r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
 - s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
 - t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See "*Building Maintenance/Remodeling*" flyer for more information;
 - u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
 - v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.
74. 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.
75. 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.
76. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per conditions of approval above.
77. Construction Administration services shall be provided by the project landscape architect. Services to include:

- a. Observation of irrigation system before burying pipes;
- b. Observation of plant material upon delivery to the site;
- c. Observation of layout and placement of plant material upon delivery to the site;
- d. Observation for maintenance period commencement; and
- e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

78. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;
 - a. Supplemental Building Construction and Improvement Tax;
 - b. School Fees at the rates agreed to in the Development Agreement; and
 - c. Sewer and Water Connection Fees for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.
79. Any damaged curb, gutter and/or sidewalk along the project frontages shall be repaired or replaced to the satisfaction of the City Engineer.
80. All common area landscaping, irrigation and other required improvements shall be installed according to the approved plans.
81. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

82. 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.
83. 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.

84. An AC overlay along Marina Drive or Eden Park Place frontage may be required by the City Engineer, if it is determined that it is necessary due to deterioration resulting from heavy traffic during the construction.
85. The improvements associated with the Pacific Gas and Electric Company, SBC and ComCast shall be installed to the satisfaction of the respective companies.
86. The subdivider shall submit an "as built" plan indicating the following:
 - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, SBC and Comcast, etc; and
 - b. All the site improvements, except landscaping species, buildings and appurtenant structures.

**PROPOSED
CITY OF HAYWARD
Eden Shores East
Oliver East Section
of the South of Route 92
Oliver & Weber Properties Specific Plan Amendment
8/05/05**

Prepared by Duc Housing Partner

**City of Hayward South of Route 92
Oliver & Weber Properties
Specific Plan Amendment
Eden Shores East
Oliver East Section
8/05/05**

The following are amendments to the South of Route 92/ Oliver & Weber Properties, Specific Plan (SP) and are intended to modify the Specific Plan to the extent discussed here in. The Amendments are as follows:

Land Use Map (Figure IV-1):

Change the Specific Plan designations in the subject area (see attached Map) as follows:

The area north and south of Eden Shores Blvd. and west of Marina Drive (approximately 29.2 acres) currently designated for Light Manufacturing (approximately 27.6 acres) and Business Park (approximately 1.6 acres). The Light Manufacturing (LM) and Business Park (BP) designations for this area will be changed to a Planned Development (PD) designation.

Executive Summary (pp i — ii)

The "South of Route 92" Specific Plan Area includes the properties originally owned by the Oliver Trust (238 acres), Mr. John Weber (80.5 acres), the City of Hayward (12.2 acres) and the Alameda County Flood Control Water Conservation District (2.0 acres), totaling ~~333.5~~ approximately 332.7 gross acres. The Specific Plan calls for a mixed-use development with business park, light manufacturing, retail, residential, parks and open space land uses. There is also a parcel next to Route 92 owned by the Oliver Trust but detailed planning and analysis for that site is not provided as a part of this Specific Plan. The eight acres are not included in the ~~333.5~~ 332.7 total gross acres.

Approximately 54 acres of business park are planned between Hesperian Boulevard and the SP/UP Railroad right-of-way on Oliver Trust and City of Hayward land. Typical business park uses will include office and research and development. ~~Approximately 21 acres of Oliver East property and about~~ Approximately 21 acres of the Weber property will contain light manufacturing activities that have no noxious impacts on their surroundings. Adjoining the business park, a 25-acre community sports park with active recreation facilities will be has been constructed pursuant to the original Specific Plan as adopted by the City in 1998-developed. The land ~~will be~~ is owned by the City and managed by the Hayward Area Recreation District (HARD).

Approximately 578 new homes will be built on about 81.5 acres on Standard Pacific land west of the SP/UP Railroad right-of-way (Oliver West). Within ~~the~~ this residential area, two neighborhood parks, (5 acres and 2.5 acres) are planned. An internal trail system will link homes and parks. On the east side of the railroad right-of-way (Oliver East), on approximately 29 acres of the Hayward Oliver Owners LLC property, will be constructed approximately 261 new homes. Within the east residential area, private linear parks, trails and open space areas will be

provided. The trails would link the two proposed developments as well as the Sports Park and the Bayland Trail.

Based on professionally conducted field investigations, over half of the Weber parcel and very small areas on the Oliver West property have been delineated as jurisdictional wetlands. About 0.03 acres (of 0.48 acres) on Oliver West are proposed for development and therefore, will need to be mitigated. There are no Jurisdictional wetlands on Oliver East have been delineated. The wetland adjacent to Hesperian Boulevard was filled pursuant to a U.S. Army Corps Nationwide Permit and fully mitigated and the other jurisdictional area has been avoided. In this plan all but about 1.7 acres (of 52.1 acres) on the Weber property have been excluded from development. The 1.7 acres will need to be mitigated. Also, Mr. Weber intends to pursue approval of jurisdictional agencies to develop an additional two acres.

Open space buffers along the west and north edges of the Oliver West residential area and a masonry wall on the perimeter of the Weber industrial area ~~are planned~~ have been completed. They will separate these properties from the abutting Wildlife Conservation Board's Baumberg Tract existing wetlands and the 18-acre Weber salt marsh habitat, which ~~will be~~ has been preserved.

Access ~~will be~~ has been provided from existing arterials. The business park and sports park ~~will~~ have direct access from Industrial and/or Hesperian Boulevards. A street (Eden Shores Blvd.) running from the Hesperian Boulevard/Tripaldi Way intersection westerly through the business park and across an overpass spanning the railroad tracks ~~will~~ provides primary access to both the east and west residential area. The light manufacturing area on the Weber property will be accessed from Old Arden Road. Plan area utility systems ~~will now~~ connect to the existing water, sewer and storm drainage systems in the vicinity. Utility master ~~plans~~ systems for the plan area provide for on-site water ~~provision~~, sewage disposal and stormwater detention and drainage.

The quality of the development is controlled by this Specific Plan and the associated Development Guidelines. The guidelines (under separate cover) address the character, design and maintenance of streetscapes, site planning and landscaping, lighting, signage and, to a lesser degree, architecture within the plan area. The primary goals for design and development are to create consistent character and enduring quality. Design creativity is encouraged, but numerous standards are provided. The guidelines will be used in conjunction with City standards and Covenants, Conditions and Restrictions (CC&R's).

The implementation measures for the Specific Plan include a development sequencing concept, financial analysis, fiscal analysis, amendments to the General Policies Plan and habitat mitigation concepts. The sequencing concept, which assumes that increments of each use will be built in each phase, serves as the basis for phasing of utility and roadway improvements. These assumptions also are used in the financial and fiscal analyses. Public and private responsibility for the development and long term maintenance of key facilities, services and open space have been identified.

The financial analysis establishes who is responsible for financing all of the improvements and concludes that the development plan is financially feasible. The fiscal analysis assessed the costs and benefits to the City of Hayward and concludes that the project will create net fiscal benefits for the City.

~~In addition to~~ At the time of adoption of the Specific Plan, a General Plan Amendment has been prepared for the Oliver West and Weber parcels within the South of Route 92 plan area. This action will required and received voter approval for development on the Oliver West and Weber properties in order for the Specific Plan to be fully implemented. The Oliver East parcel, currently formerly in Alameda County but within the City's sphere of influence, will be has now been annexed to the City.

~~A Specific Plan Environmental Impact Report has been~~ was prepared. It must be and certified, and a Habitat mitigation measures were agreed upon by the appropriate jurisdictional agencies before applications for development of environmentally sensitive areas can occur.

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Chapter I.

Introduction - No Change except for ownership discussed on page I-1 paragraph 3 as follows: There are four major landowners and the total acreage in the plan area is 333.5332.7 gross acres. The Oliver Trust Hayward Oliver Owners LLC owns 85.62 net acres. Standard Pacific owns 81.5 net acres (this may include homes already sold to home buyers), and the City of Hayward owns 25 acres for a total of 238.8192.12 net acres. The remainder of the land has been dedicated to the City for such facilities as streets, trails, buffers, a neighborhood park and open space and the like, on two parcels. Figure I-2 has been modified to reflect new landowners. The Oliver Estate and Trust combines the Gordon Oliver Trust and the Alden Oliver Charitable Trust. The Hayward Historical Society and the Eden Community Church are each primary beneficiaries of the Oliver Trusts.

Chapter II.

The Plan Area and Its Context - No Change except a portion of the land in Oliver East that was unincorporated has been annexed to the City of Hayward and the Urban Limit Line has been adjusted and is now consistent with this Specific Plan and the City boundaries. Additionally, jurisdictional wetlands have now been identified on the Oliver East property and have been either filled pursuant to a U.S. Army Corps Nationwide Permit or avoided.

Chapter III.

Plan Objectives - No Change

Chapter IV.

Land Use

A. Introduction

The land use concept for the plan area calls for both the development and the conservation of land. It creates a combination of land uses intended to minimize congestion by locating housing near jobs and near recreation activities. There are four distinct development areas: 1) the business park, ~~light manufacturing~~ medium density residential, and retail commercial area on Oliver Trust and City of Hayward Hayward Oliver Owners LLC land (hereafter together referred to as "Oliver East"); 2) the residential area on Standard Pacific Oliver Trust land ("Oliver West") is currently being constructed and homes sold., 3) the light manufacturing area and wetlands area on Weber land ("Weber") and 4) the sports park on Oliver Trust/ACFCWDCity of Hayward land ("Sports Park"). See Figure IV-1: Land Use for the location of each area. Associated with

these uses are neighborhood parks and trails. Acreage for the conservation and enhancement of wetlands as permanent open space is also provided.

Following are Figure 1V-I: Land Use and Tables 1V-1: Land Use Program and 1V-2: Residential Program with explanatory text about the overall arrangement of land uses and the development program and concept for each area. As stated in the Introduction, the land use map and land use program do not include the Oliver-92 acres (about 40 acres) although a concept for that area is expressed below.

B. Overall Development Concept – No Change

C. Business Park (Oliver East)

Along Hesperian and Industrial Boulevards are established industrial areas, with fairly high noise, traffic volumes and industrial activities. Bounded by both these roadways and the SP/UP Railroad tracks and adjacent to existing industrial uses, the Oliver East site is well suited to be a unique campus-like business park in Hayward. To be called the Alden Oliver Business Park, it has excellent visibility for higher profile businesses who may wish to locate there. It is near State Route 92 and the San Mateo Bridge and near Interstate 880, providing strong ties to the Silicon Valley and the Oakland and San Francisco business centers and airports. Parcels on the site will have ready access from two of the City's primary arterials. These locational characteristics, along with the Specific Plan Development Guidelines that will ensure high quality development, create a unique opportunity in Hayward for successful businesses to find a premier location for their headquarters and/or office workforce.

The entire business park covers a total of ~~54.14~~ 52.54 acres of net developable land. Roads occupy ~~about 6 acres~~ the remainder of land within the business park area. (See Table 1: Land Use Program.) The business park is to be accessed from an extension of Tripaldi Way, called Eden Shores Blvd. (Street A) herein, and a north-south collector street, called Marina Drive (Street B), which cross each other in the middle of Oliver East.

The majority of the frontage along Hesperian and Industrial Boulevards is devoted to business park uses. Other business park sites will have good addresses along the internal streets, Eden Shores Blvd (Streets A) and Marina Dr. (Street B). On sites with high visibility, large or mid-sized business park sites could be accommodated.

It is estimated that there would be about 2985 employees in about 1,415,960 square feet of new business park development. It would be built with a maximum floor area ratio of 0.60 so that the building square footage would not exceed 60% of each building site. The rest of each parcel will be devoted primarily to landscaping, parking and pathways, as set forth in the Development Guidelines. No height restriction is placed on these business park parcels. Buildings may be located on parcels ranging from about 2.5 acres for smaller users to 28 acres for the largest single campus-type user who could occupy the entire northeast quadrant of Oliver East.

D. Light Manufacturing (~~Oliver East and Weber~~)

~~1. Oliver East~~

~~Near the SP/UP railroad tracks in Oliver East, light manufacturing uses are planned on about 27.6 acres, for about 964 employees in about 517,000 square feet. Buildings here will have no height limit and a floor area ratio (FAR) of 0.40, limiting building square footage to not more than 40% of each parcel. In this location, manufacturing users may be able to secure spur tracks. One large or several smaller parcels, probably for light industry, are feasible adjacent to the railroad tracks and the community sports park. Typically on smaller parcels than the business park parcels, the light manufacturing sites will likely range from 1 to 6 acres. Roads will occupy about 5 acres in the Oliver East light manufacturing area.~~

~~The entire Alden Oliver Business Park, including both the business park and light manufacturing sites, is to be developed within a unified campus like setting with well landscaped streets, screened parking and pleasant common areas for the enjoyment of those working in the business park, as defined in the Specific Plan Development Guidelines. An attractively designed overpass leads from the business park to the Oliver West residential neighborhoods.~~

2. Weber -- No Change

E. Retail

A local-serving retail site is planned at the corner of Hesperian Boulevard and Street A-Eden Shores Blvd. in the plan area. It is placed there to be convenient for travelers coming and going from the plan area and for those traveling on Hesperian Boulevard. About 109 employees will work here, serving existing and planned businesses and residents. The range of acceptable uses is set forth in the Development Guidelines for the Specific Plan. The maximum floor-area ratio for this retail site is 0.30, with building square footage not to exceed more than 30% of the site area.

It is firmly established that the site is for neighborhood serving retail but the actual size for this local serving retail use will may vary from 3.5-5.0 acres depending upon market conditions ten or more years from now when it is expected to be built. (See sequencing discussion in Chapter X: Implementation.)

F. Residential

Although Hayward is located on the edge of San Francisco Bay, few Hayward residential neighborhoods are located within walking distance of the Bay Trail which is proposed to pass alongside Oliver West. The new neighborhoods will also be close to ~~a~~ the major new community sports facility, the Sports Park ~~proposed on~~ Oliver East. Also, internally, the Oliver East and West housing area is unified by an internal on-street and off-street trail system that runs between two neighborhood parks - the Bay Trail and the Sports Park.

On the west side the layout of the streets and the orientation of the homes focus toward the Bay. From many of the homes, views of the Bay waters will be possible from second story vantage points. Housing on the western edge of Oliver West will face the Bay, on a street next to an open space buffer with a water channel. Traveling down many of the residential streets, there will be long range views towards the Bay.

About 578 residential lots can be accommodated in Oliver West. (See Table IV-2) Residential Program.) A mixture of single-family detached housing types, there are expected to be about 341 homes on 5000-square foot lots, about 143 homes on 6000-square foot lots and about 94 homes

on 8000-square foot lots. The assumed average household size is 3 persons per household yielding about 1740 new residents.

Originating at a roundabout at the foot of the overpass, the development of the 5000-square foot lots includes about 341 homes on about 41.3 acres, a 5-acre park and segments of the internal trail system that links the homes to the park. On 6000-square foot lots, about 143 units are located on about 22.8 acres next to the open space buffer along Old Alameda Creek and the Alameda County Flood Control Water Conservation District easement. An internal trail system and a 2.5-acre park link this area to the other neighborhoods. Occupying the southwest corner of the site, about 94 units are arranged on 8000-square foot residential lots lying inland of the open space buffer abutting the WCB lands on about 19.4 acres.

Oliver East will be made up of two distinct neighborhoods yielding approximately 261 homes. The first will be single-family homes (139) at approximately 10.7 dwelling units per net acre (Medium Density) and the second, attached town homes (121) at approximately 14.0 dwelling units per net acre (Medium Density). The assumed average household size is 3 persons per household yielding about 783 new residents. More specifically they are described as follows:

Within the single-family area will be a neighborhood of approximately 139 single family homes, with a typical lot size of 2244 square feet.

There would be three entries, two from Marina Drive and one from the cul-de-sac also serving the business park parcel to the north. Public streets and private alley ways would provide access to the homes. The interior public streets have been designed in a loop system to maximize visibility and safety. 25-foot wide alleyways would provide access to the garages at the rear of the homes. Where possible the alley ways would loop to provide easy egress. While some of the homes would gain front door access conventionally, from the public streets and sidewalks, other homes are served by meandering landscaped pedestrian walkways.

In addition to the private open space provided each home, approximately 2.4 acres of landscape and open space would be spread throughout the community. These areas may include: a rose garden area; a pocket park; a linear park; several open play areas; tot lots; picnic areas with a barbeque and extensive meandering walkways and trails. The trails would include walking and biking and would connect to the Bay Trail System by way of an at grade pass under Eden Shores Blvd, where it would connect to the main trail that continues west to the Baylands and south to the Eden Shores Sports Complex. A Homeowners Association will maintain all parks and open space areas.

Within the town home area (approximately 11.4 gross acres) would be a neighborhood of approximately 122 attached townhomes in buildings with 4, 6 and 8 homes.

Private streets would provide vehicular access to the homes. These streets have been designed in a loop system to maximize visibility and safety and to provide a direct route to the respective homes. Two entry points, a main entrance from Marina Drive and a secondary access from Eden Park Place would serve these private streets. Homes would gain front door access by meandering landscaped pedestrian walkways.

In addition to the patios and balconies, approximately 5.0 acres of open space are spread throughout the community. These areas may include: pocket parks; open play areas; and extensive walks, meandering walkways and trails. The trails would include walking and biking and would connect to the Bay Trail system that continues west to the Baylands and south to the Eden Shores Sports Complex. A Homeowners Association will maintain all parks and open space areas.

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**Table IV-2A: Residential Program
South of Route 92 Specific Plan (Oliver East)**

<u>Lot Size</u>	<u>Acres</u>	<u>No. of Units</u>
<u>Oliver East</u>		
2244 (typical lot size)	17.7	139
n/a	11.5	122
Total	29.2 Total Acres	261 Total Units

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**Table IV-2: Residential Program
South of Route 92 Specific Plan (Oliver West)**

<u>Lot Size</u>	<u>Acres</u>	<u>No. of Units</u>
5000 sq. ft.	39.8	341
6000 sq. ft.	22.3	143
8000 sq. ft.	19.4	94
Total	81.5 Total Acres	578 Total Units

G. Neighborhood Parks

Neighborhood parks are located conveniently for the residents on the Oliver West site. One park is 5 acres and it abuts the open space buffer. The other is 2.5 acres and it is connected by an internal trail to the larger park. Both parks will have passive recreation facilities, such as lawn areas and childrens play equipment, for local residents' use and the larger park include public facilities such as tennis courts and an outdoor basketball court. A small parking area is provided at the 5-acre park for visitors. The 2.5-acre park will be a private park for the Oliver West homeowners, with landscaping and possibly a swimming pool or tennis courts.

In addition to the 25 acre Sports Park, Oliver East would include a total of 7.4 acres of private parks and open space areas. These areas may include: a rose garden area; a pocket park; a linear park; several open play areas; tot lots; picnic areas with barbeques; and extensive meandering

landscaped walkways and trails. The trails would include walking and biking and would connect the two projects by way of an at grade pass under Eden Shores Blvd. to the Bay Trail system where it would connect to the main trail that continues west to the Baylands and south to the Eden Shores Sports Complex. A Homeowners Association would maintain all open space areas.

H. Sports Park – No Change except construction of the Sports Park has been completed.

I. Wildlife Habitat – No Change

J. Open Space Buffers – No Change

Chapter V.

Circulation — With the exception of D Street, which is not yet constructed, all streets are in place, operational and adequate to serve the designated uses.

Chapter VI.

Public Facilities and Services

A. Police Services — No Change except a large portion of the land in Oliver East that was unincorporated has been annexed to the City of Hayward

B. Fire Services – No Change except a large portion of the land in Oliver East that was unincorporated has been annexed to the City of Hayward

C. Schools

The schools that would serve residents of the plan area include: Lorin Eden Elementary School, Ochoa Intermediate School and Mt. Eden High School. All of the City's schools are presently overcrowded and the Governor's guideline of 20:1 students to teachers ratio has made crowded conditions worse. The three schools listed above are sufficiently large to add portable and/or stickbuilt classrooms. Assembly, cafeteria and office space appear to be adequate to handle the influx of students.

~~The plan area~~ Oliver West will generate about 127 elementary school students, 35 intermediate school students and 52 high school students. Based on the same calculations, Oliver East will generate approximately 57 additional elementary school students, 16 additional intermediate school students and 11 additional high school students. This will necessitate the provision on the Lorin Eden School site of facilities for ~~approximately six~~ additional classrooms.

Chapter VII.

Recreation, Open Space and Conservation – No Change

Chapter VIII.

Utilities – No Change

Chapter IX.

Relationship to the General Plan

A. Introduction

The South of 92 Specific Plan has been conceived in the context of Hayward's geographic and economic features and the City's policy framework. The foremost expression of the City's policies regarding development is the City's General Plan. In this chapter, a review of the ways in which this Specific Plan is or is not consistent with the General Plan is provided. Pertinent ~~existing~~ General Plan policies or strategies in effect in 1998 when the existing Specific Plan was adopted are identified in the ~~left column~~ standard print (with policy or strategy number and General Plan page referenced) and Specific Plan features that do or do not respond to General Plan policies or strategies are described in the ~~right column~~ italic print. The subsequent section will address General Plan policies or strategies adopted in 2002, which are now in effect.

GENERAL PLAN (In effect in 1998)

B. Land Use

Strategy 5-Page 11-16: Establish architectural review standards that require the height and bulk of buildings, rooflines, building materials and colors to be harmonious with existing development or within specific plan areas.

The Specific Plan includes Development Guidelines regulating buildings form, bulk, and character throughout the Specific Plan area.

Strategy 7/page 11-16: Develop landscape standards to include screening of bulky buildings, parking, and outdoor storage and buffering of heavy traffic.

The Specific Plan/Development Guidelines include landscape design and maintenance guidelines to screen industrial and business park buildings and activities in the plan area.

Strategy 9/page 11-16: Reduce the confusing overlay of signs of different sizes, shapes and types with more restrictive standards or with design standards for each area.

The Specific Plan Development Guidelines require a consistent signage program in the plan area.

C. Circulation

Strategy 2/page 11-16: Encourage mixed development to reduce need for multi-destinational trips (typically car) to balance needs of those coming home and leaving for work (better transit utilization).

The Specific Plan area contains a wide variety of employment opportunities and single family residences and neighborhood-serving retail.

Strategy 5/page 11-15: Continue to require large development to provide bus turnout and shelters and pedestrian access to transit stops.

Bus turnouts and shelters are planned for the AC transit bus stops on Hesperian adjacent to the Specific Plan area. The only bus stops planned within the plan area are for school buses.

D. Housing & Neighborhood Preservation

Strategy 1/page IV-9: Achieve a balance between the local employment base and the housing supply.

There will be about 4600-3636 jobs and 578-839 homes in the Specific Plan area. The proposed

amendments for Oliver East will reduce the number of jobs by approximately 964 jobs and will increase the number of homes by about 261.

Strategy 4/page IV-19: Recognize the need for some lower- and moderate-income family housing when considering new residential developments.

The Specific Plan contains no low or moderate income housing. It is designed to address Hayward's "Home ownership gap" and the need for housing for professional, technical and managerial employees. Note: The City has adopted an Inclusionary Housing Ordinance, which took effect January, 1 2004. Homes in Oliver East will include "affordable units" as defined under the City's Inclusionary Housing Ordinance.

Strategy 1/page IV-20: Promote a sense of neighborhood identity within the city through some definition of neighborhood character and boundaries.

The Specific Plan Development Guidelines call for landscape features at all entries and on the overpass to create strong identity to the plan area.

Strategy 5/page IV-20: Consider potential significant impacts of new development (physical, economic, social, etc.) on existing neighborhoods before approval of development.

A complete environmental impact report and fiscal analysis has been prepared regarding the potential impacts of the Specific Plan's implementation.

Strategy 14/page IV-21: Establish buffers such as landscaping or transitional land uses between residential areas and conflicting land uses.

Specific Plan residential areas are buffered from business park and industrial uses. The residential area includes a buffer to protect adjoining natural habitat from the effects of household pets / feral animals.

E. Economic Development

Strategy 1/page V-8: Assess costs and revenues associated with new development; consider environmental costs and economic benefits such as jobs.

Per State law, a financial analysis, fiscal analysis and full EIR have been prepared as part of the Specific Plan process.

F. Open Space, Parks and Recreation

Policy/Page VII-13: Open space will be retained where it is important to establish the natural setting of the City, to preserve natural ecology, to preserve cultural heritage, to avoid environmental hazards, to avoid development costly to the public, or to attain adequate space for recreation.

Of the original 1200 acres in the plan area, 773 have been sold to the Wildlife Conservation Board. About 52.1 acres of wetlands are proposed for development, with mitigation on site. Two additional acres of Weber wetlands may be proposed for development with mitigation required. A 25-acre sports park, open space buffers and neighborhood parks are planned/built.

Strategy 1/page VII-15: Encourage interagency cooperation enabling bayland acquisition and marsh restoration; give priority to acquisition and visual improvements of lands flanking route 92.

The Wildlife Conservation Board acquired 773 acres if the original plan area. The Oliver Trust owns approximately 40 acres next to Route 92; approximately 32 acres are wetlands and will not be developed. Eight acres are uplands. If development occurs on these eight acres, it will include displays of the natural and manmade history of the area.

Strategy 5/page VII-15: Evaluate the impacts of any development proposal on traffic congestion, seismic safety and ecosystems.

A full EIR addressing traffic, safety and ecosystems has been prepared regarding the potential impacts of the Specific Plan.

Policy/page VII-16: The City will seek to increase the resources available for recreation.

The Specific Plan includes a new 25-acre community sports park and two new neighborhood parks.

Strategy 6/page VII-17: Expand and maintain hiking, biking and equestrian trails and pleasure drives which reveal natural and historic features and provide picnic sites.

A new internal trail system is part of the residential plan. From the 5-acre park, a vista toward the WCB-owned Baumberg Tract is planned.

Strategy 9/page VII-17: Encourage the private sector to support and/or develop recreational facilities in industrial areas for the use of their employees and the public.

A 25-acre sports park along Hesperian Boulevard, convenient to most Industrial Corridor workers and the public, is part of the Specific Plan.

G. Environmental Concerns

Strategy 2/page VII-15: Continue utilization of resources along the bay which are consistent with open space character such as salt production, seafood farming, fishing, grazing and energy generation from natural processes.

About 773 acres that were once in salt production have been sold to the Wildlife Conservation Board. A buffer with a water channel will be created on the west and north edges of Oliver West.

Strategy 2/page VII-17: Maintain conformity of new development with the principles and standards for land use compatibility, noise exposure and noise mitigation contained in the Noise Element.

Noisier uses are separated from residential uses in the plan area. Residential uses are separated from unacceptable arterial and railroad noise by adequate distances and appropriate sound walls.

Policy/page VIII-18: The City will seek adequate precautions from hazardous materials.

Industry requiring hazardous materials use will not be permitted in the Specific Plan area.

Policy/page VII-18: The City will seek to provide an appropriate level of fire protection.

The Developer will purchase firefighting apparatus and signal preemption devices as selected by the Hayward Fire Department.

Strategy 1/page VIII-19: Promote development patterns integrated with existing transit systems; promote transit, bike, and pedestrian circulation.

Several transit lines serve the Specific Plan area; mixed uses encourage local commutes; trails and sidewalks in employment and residential areas encourage walking.

H. Urban Design

Policy/page IX-9: Principles of urban design will be used to guide development into compatible, attractive patterns.

The Specific Plan includes Development Guidelines to ensure compatible and attractive development in the plan area.

Strategy 4/page IX-9: Plant more trees between sidewalks and streets to break up expanse of paving and give continuity to street trees; maintain distinctive lower "B" Street tree canopy. *The Development Guidelines require street trees between the sidewalks and street on all major roadways. On Hesperian and Industrial and all business park street, wide berms with trees and shrubs are required*

Strategy 5/page IX-9: Develop road right-of-ways as open space corridors for vehicular, pedestrian and bike movement; utilize alignments and street scape to emphasize activity centers, land marks and open space.

The Specific Plan Development Guidelines require ample landscape on all streets, landscaped trails in "parkway character" along designated residential streets. The overpass arrives at and focuses on a neighborhood park. Two roundabouts provide special landscape features.

Strategy 6/page IX-9: Seek to connect open spaces such as parks, school yards and golf courses with pedestrian and bike ways, creek side walks, utility green ways and future fault line green way.

The Specific Plan includes Development Guidelines to ensure compatible and attractive development. Internal trails in residential areas that link parks, homes and open space are part of the Specific Plan.

Strategy 7/page IX-9: Identify and enhance neighborhoods and other special districts with special treatment of entrances, distinctive street trees, and continuity of architectural style.

The Specific Plan Development Guidelines call for well-landscaped entries, street trees, and architectural continuity.

I. Housing

Program 1.1.5/page 87: To provide opportunities for above moderate income housing, the City will encourage the creation of large-lot, estate-type housing with appropriate amenities in selected areas.

In the plan area, about 94 homes are planned on 8000-square foot lots.

Policy 3.3/page 97: Promote distribution of low and moderate income housing throughout the City.

No low or moderate income housing is provided for in the Specific Plan. Note: The City has adopted an Inclusionary Housing Ordinance, which took effect January, 1 2004. Homes in Oliver East will include "affordable units" as defined under the City's Inclusionary Housing Ordinance.

J. Growth Management

II-A/page 2: Urban Limit Lines will be established in order to shape a city that retains a natural setting, that is efficient to service and that has a distinctive sense of place.

The sale of Cargill's Baumberg tract placed 64% of the original Specific Plan area in permanent open space outside the Urban Limit Line. The proposed Urban Limit Line in the Specific Plan includes the plan area. A new open space buffer with water channel forms the new urban edge.

Statement/page 7: Baylands open space beyond the urban limit line will be better exposed and utilized as a feature of Hayward... The City will resist any changes in the definition of wetlands or mitigations, which would result in the net loss of Hayward open spaces.

A 5-acre park will include a vista of the baylands and distant bay. About 3% of the potentially jurisdictional wetlands are proposed for development and will be mitigated.

I/page 7: The gladioli fields should be annexed to the City. Retention of open space views and potential use of the property for recreation or park purposes, such as an amateur athletics sports complex, should be carefully evaluated as part of any Specific plan study.

The Specific Plan calls for annexation of the gladioli fields (Oliver East) as business park and 25-acre community sports park.

2/page 7: Development adjoining the Baylands should provide for public access along its Baylands border.

A 5-acre park provides bayland and distant bay vistas.

3/page 7: A salt manufacturing exhibit should be developed as an educational feature if the Baylands and be located along the Bay Trail.

As noted in Chapter 1: Introduction, the 40 acres by Route 92 owned by Oliver are not planned in detail in the Specific Plan. On the 8 acres of uplands, on which the former saltworks is located, some type of exhibit about salt manufacture will be included when development occurs.

4/page 7: The Bay Trail should go through the Baylands; on-street segments through the industrial area should be replaced by an alignment on the levees or along the edge of the Baylands.

An extension of the Bay Trail was initially planned through Oliver West but ABAG and EBRPD are now proposing a route through the WCB-owned Baumberg Tract.

6/page 7: Continue to pursue General Policies Plan goals and strategies for retention of open space in the Baylands with the advice of the Hayward Area Shoreline Planning Association (HASP), the United States Department of Fish and Wildlife and the Audubon Society.

Sixty four percent of the original Specific Plan area is now permanent open space. For the current plan area, two of 52.5 acres of wetlands are proposed for development. Weber intends to pursue approvals for development of an additional 4 acres. Jurisdictional authorities have been consulted throughout the planning process.

7/page 7: Seek public acquisition of former Oliver properties adjoining Route 92 and support expansion of the National Wildlife Refuge.

The Oliver Trust continues to own about 40 acres along the south edge of Route 92. Its disposition is not a part of the Specific Plan.

A2/page 19; Promote housing that supports the economic base and matches the supply of existing jobs. Ensure a choice of housing opportunities (e.g. location, size, type and income level) throughout the City that meets the needs of residents, students and workers.

The Specific Plan provides for about 578 single family detached homes on 5000, 6000, and 8000-square foot lots. Amendments proposed for residential use on Oliver East include approximately 139 single Family homes on approximately 2400 square foot lots and 122 attached town homes.

E Goal/page 44: To improve the amount, diversity and quality of parks and recreational facilities in Hayward.

The Specific Plan calls for one 25-acre community sports park, one 5-acre neighborhood park, one 2.5-acre private park, a linear parkway trail system, and a 10.4-acre open space buffer with a water channel.

4/page 45: Establish accessible neighborhood parks for all residential areas and encourage neighborhood activities, which sustain park use.

See E Goal/page 44 response above.

GENERAL PLAN (In effect in 2002)

The South of 92 Specific Plan and Amendment has been conceived in the context of Hayward's geographic and economic features and the City's policy framework. The foremost expression of the City's policies regarding development is the City's General Plan. In this chapter, a review of the ways in which this Specific Plan as proposed to be amended in connection with residential development currently proposed on Oliver East is or is not consistent with the current General Plan adopted by the City in 2002 is provided. Pertinent General Plan policies or strategies in effect in 2002 are identified in the standard print (with policy or strategy number and General Plan page referenced) and Specific Plan features that do or do not respond to General Plan policies or strategies are described in the Italic print.

LAND USE POLICIES AND STRATEGIES

Balance of Land Uses

1. (Page 2-17) Employ sound planning principles to promote a balance of land uses and achieve a vibrant urban development pattern that enhances the character of the city. The Specific Plan as amended contains a wide variety of land uses that employ "smart growth" principles. These uses will provide a pragmatic program that will create a vibrant neighborhood as well as add character and stability to the city.

1.1 (Page 2-17) Seek to achieve an improved balance between jobs and housing in the Hayward planning area. The Specific Plan as amended will include additional residential uses while retaining commercial retail space and providing opportunities for business park uses. It is intended to help improve the balance between jobs and housing.

1.2 (Page 2-17) Assure adequate infrastructure capacities to accommodate planned growth. Most of the infrastructure in the Plan area has been completed and is adequate to serve the existing and proposed uses under the Specific Plan as amended.

1.3 (Page 2-17) Maintain an adequate supply of land designated and zoned for residential use at appropriate densities to meet housing needs, consistent with the objective of maintaining a balance of land uses. The Specific Plan as amended provides a significant opportunity for new housing along with a mix of supporting uses to create a better balance for the community.

1.4 (Page 2-17) Promote mixed-use development where appropriate to ensure a pedestrian friendly environment that has opportunities such as housing, jobs, childcare, shopping, entertainment parks and recreation in close proximity. The Plan area contains a wide variety of employment opportunities and residences, neighborhood-serving retail and recreational amenities in the form of the Sports Park, trails and linear parks.

Transit Oriented Development

2. (Page 2-17) Support higher-intensity and well-designed quality development in areas within 1/2 mile of transit stations and 1/4 mile of major bus routes in order to encourage non-automotive modes of travel. Bus turnouts and shelters are planned for the AC transit bus stops on Hesperian adjacent to the Plan area. The only bus stops planned within the plan area are for school buses.

2.1 (Page 2-17) Encourage mixed-use zoning that supports integrated commercial and residential uses, including live-work spaces, in activity centers and along major transit corridors. The Plan area contains a wide variety of employment opportunities, residences and neighborhood-serving retail. No live-work development is planned.

Business and Technology Corridor

7. Page 2-19 Promote the transition from a manufacturing-based economy to an information-based economy in the industrial areas.

7.1 (Page 2-19) Consider adoption of multiple zoning districts that provide for concentration of similar types of uses such as manufacturing, warehouse/distribution, or research and development/office uses. The Specific Plan as amended has maintained a strong Business Park presence. The Plan area contains a mix of zoning districts to accommodate a variety of uses.

7.2 (Page 2-19) Identify specific sites or opportunity areas for highly desirable uses that enhance the tax base. As amended the Specific Plan will continue to include Commercial/Retail land, providing sales and property taxes and employment.

7.3 (Page 2-20) Provide for supporting commercial uses, such as restaurants, business services and heavy commercial uses, consistent with the function of newly created zoning districts. The neighborhood-serving Commercial/Retail area will be retained.

7.4 (Page 2-20) Consider allowing childcare facilities within areas zoned for research and development or office uses. The Business Park and Commercial/Retail zones do not permit childcare facilities.

Infill Development

8. (Page 2-20) Promote infill development that is compatible with the overall character of the surrounding neighborhood.

8.1 (Page 2-20) Encourage visual integration of projects of differing types or densities through the use of building setbacks, landscaped buffers, or other design features. Development Guidelines adopted pursuant to the Specific Plan regulate buildings form, bulk, and character throughout the Specific Plan area. The Specific Plan Development Guidelines for the Plan area include landscape design and maintenance guidelines to screen industrial and business park buildings and activities and require a consistent signage program in the Plan area.

8.3 (Page 2-20) Ensure that design guidelines reflect concerns about the preservation of viewsheds. The Specific Plan as amended and Development Guidelines ensure compatible and attractive development and include landscape design and maintenance guidelines to screen business park buildings and activities from residential uses in the Plan area.

8.4 (Page 2-20) Promote walkable neighborhoods by encouraging neighborhood-serving commercial activities within residential areas. The Specific Plan as amended and Development Guidelines for the Plan area include guidelines to ensure compatible and attractive development. Internal trails in residential areas that link parks, homes, open space and employment are in place, as proposed, within the plan area.

8.5 (Page 2-20) Encourage development that is designed to provide direct pedestrian connections between housing and supporting activities. Internal trails in residential areas that link parks, homes, open space and employment are part of the Specific Plan as amended.

CIRCULATION POLICIES AND STRATEGIES

Dealing with Regional Traffic

8. (Page 3-25) Create Improved and Safer Circulation Facilities for Pedestrians.

8.2 (Page 3-25) Increase consideration of pedestrian needs including appropriate improvements to crosswalks, signal timing, signage, and curb ramps. These facilities are currently in place within the Plan area.

8.3 (Page 3-25) Enhance pedestrian linkages from neighborhoods to recreational facilities and open spaces with pedestrian paths, creekside walks, and utility greenways. The Specific Plan as amended provides pedestrian pathways between the residential, the Bayland trail, the business park, retail and the Sports Park.

8.4 (Page 3-25) Encourage design of development that contributes to continuous pedestrian pathways and pedestrian connectivity. The Specific Plan as amended provides pedestrian pathways between the residential, the business park, retail and the Sports Park, which are all linked to the Bayland trail.

9. (Page 3-26) Provide the opportunity for safe, convenient and pleasant bicycle travel throughout all areas of Hayward.

9.1 (Page 3-26) Implement system of bikeways throughout the City (per the Bicycle Master Plan tying residential areas to commercial areas and to recreational open space along the shoreline and in the hills. The Specific Plan as amended provides bikeways between the residential, the Bayland trail, the business park, retail and the Sports Park.

10. (Page 3-26) Encourage Land Use Patterns that Promote Transit Usage. Bus turnouts and shelters are planned for the AC transit bus stops on Hesperian adjacent to the Specific Plan area. School bus stops are planned within the Plan area.

10.2 (Page 3-26) Encourage mixed-use residential and commercial development to reduce the need for multi-destinational trips. The Plan area contains a wide variety of employment opportunities, residences and neighborhood-serving retail.

ECONOMIC DEVELOPMENT POLICIES AND STRATEGIES

Community Development

1. (Page 4-17) Utilize an economic strategy that balances the need for development with other City goals and objectives.

1.3 (Page 4-17) Approve development opportunities that result in minimal adverse impacts to the City's environment. Pursuant to State law an environmental impact report was certified for the South of 92 Specific Plan, addressing traffic, safety and ecosystems regarding the potential impacts of the Specific Plan. Environmental review of the amendments has been undertaken by the City.

1.4 (Page 4-17) Prior to approval, identify the full costs and benefits of individual new developments and appropriately attribute those between the public and private sectors. A financial and fiscal analysis was prepared as part of the Specific Plan process; the fiscal analysis has been updated to address the change from light manufacturing to residential use on Oliver East.

Land and Infrastructure

2.0 (Page 4-17) Create a sound local economy that attracts investment, increases the tax base, creates employment opportunities for residents and generates public revenues.

2.3 (Page 4-17) Ensure that there is adequate infrastructure (electricity, water, sewer) to support existing and new development. All infrastructure within the plan area has been completed and is adequate to serve existing and proposed uses.

2.3 (Page 4-17) Ensure that an adequate supply of land is zoned for industrial and business park uses; limit uses that would erode the integrity of the Business and Technology Corridor. The Specific Plan as amended has a balance of uses that support business and technology.

HOUSING POLICIES AND STRATEGIES

Expand The Housing Supply

1. (Page 5-42) Encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city.

1.1 (Page 5-42) Maintain an adequate supply of land designated and zoned for residential use at appropriate densities to meet housing needs, consistent with the objective of maintaining a balance of land uses. *The Specific Plan as amended will increase the land for residential use, providing both single family and multi-family units.*

1.5 Page 5-42 Encourage developers to create housing units that accommodate varied household sizes and income levels. *The Specific Plan as amended will create the potential for single-family detached product and an attached town home product.*

Develop Affordable Housing

4. (Page 5-43) Ensure that the city's housing stock contains an adequate number of decent and affordable units for households of ad income levels.

4.3 (Page 5-43) Consider an inclusionary zoning ordinance as a means of increasing the supply of affordable housing and reducing geographic concentration. *The City has adopted an Inclusionary Housing Ordinance, which took effect January 1, 2004. Residential development in the Oliver East area of the plan will include 15% "affordable units" as defined in said ordinance.*

COMMUNITY FACILITIES AND AMENITIES POLICIES AND STRATEGIES

Educational Facilities and Opportunities

1. (Page 6-19) Advocate the pursuit of academic excellence and the establishment of high standards for physical facilities in the local public schools.

1.3 (Page 6-19) Cooperate with the Hayward Unified School District to ensure that the impacts of new development are addressed and that appropriate mitigation measures are established. *New development under the Specific Plan as amended will be subject to payment of school impact mitigation fees to the extent required by state law.*

Parks and Recreation

5. (Page 6-21) Seek to increase the amount, diversity and quality of parks and recreational facilities and opportunities.

5.2 (Page 6-21) Encourage the provision of recreational activities for all people, consistent with the changing demographic composition of the city. *The Specific Plan as amended requires bicycle and walking trails, neighborhood parks, private open space and the 25-acre Sports Park, which is currently in operation.*

5.4 (Page 6-21) Encourage the creation and maintenance of neighborhood "miniparks" through partnerships with private, non-profit and business interests where it is not possible to achieve parks that meet HARD standards. *The Specific Plan as amended requires private open space and recreational areas.*

Open Space Corridors

6. (Page 6-22) Enhance the aesthetic and recreational value of open space corridors within the urbanized area.

6.3 (Page 6-22) Provide access for disabled persons and features such as seating area along trails. *The Specific Plan as amended requires said facilities, which are currently in place.*

6.5 (Page 6-22) Consider additional greenway linkages along fault corridors and in other areas to encourage walking and cycling and to provide improved access to activity centers. *A new internal trail system is part of the residential plan. From the 5-acre park, a vista toward the WCB-owned Baumberg Tract is in place. Additionally, the Specific Plan as amended extends said trail system into Oliver East to link the residential development to both the Sports Park and Bayland Trail.*

CONSERVATION AND ENVIRONMENTAL PROTECTION POLICIES AND STRATEGIES

Biological Resources

4. (Page 7-23) Protect and enhance vegetative and wildlife habitat throughout the Hayward area.

4.1 (Page 7-23) Avoid development that would encroach into important wildlife habitats, limit normal range areas, or create barriers that cut off access to food, water, or shelter. *The amendment proposed to allow residential use on Oliver East will have no additional unmitigated impacts on vegetation or wildlife habitat.*

4.2 (Page 7-23) Support efforts to reestablish and maintain marsh habitats on the baylands. *The sale of Cargill's Baumberg tract, a significant portion of the original Specific Plan area, is in permanent open space.*

4.3 (Page 7-23) Preserve tidal flats and salt ponds of low salinity for the migratory waterfowl that depend on these areas. *See 4.1 and 4.2 above.*

Air Quality

11. (Page 7-25) Maintain improved air quality by creating a relationship between transportation and land use.

11.1 (Page 7-25) Guide development into patterns that reduce dependency on automobile usage. *The Specific Plan area contains a wide variety of employment opportunities.*

residences and neighborhood-serving retail which would reduce automobile trips outside the plan area and enhance the desirability of walking and using bicycles.

11.2 (Page 7-26) Require pedestrian, bicycle, and transit-oriented features in new development projects. Bus turnouts and shelters are available for the AC transit bus stops on Hesperian adjacent to the Specific Plan area. School bus stops are planned within the Plan area. Bicycle and pedestrian travelways are in place.

11.3 (Page 7-26) Encourage compact development featuring a mix of uses that locates residences near jobs and services. The Specific Plan area contains a variety of employment opportunities, residences and neighborhood-serving retail.

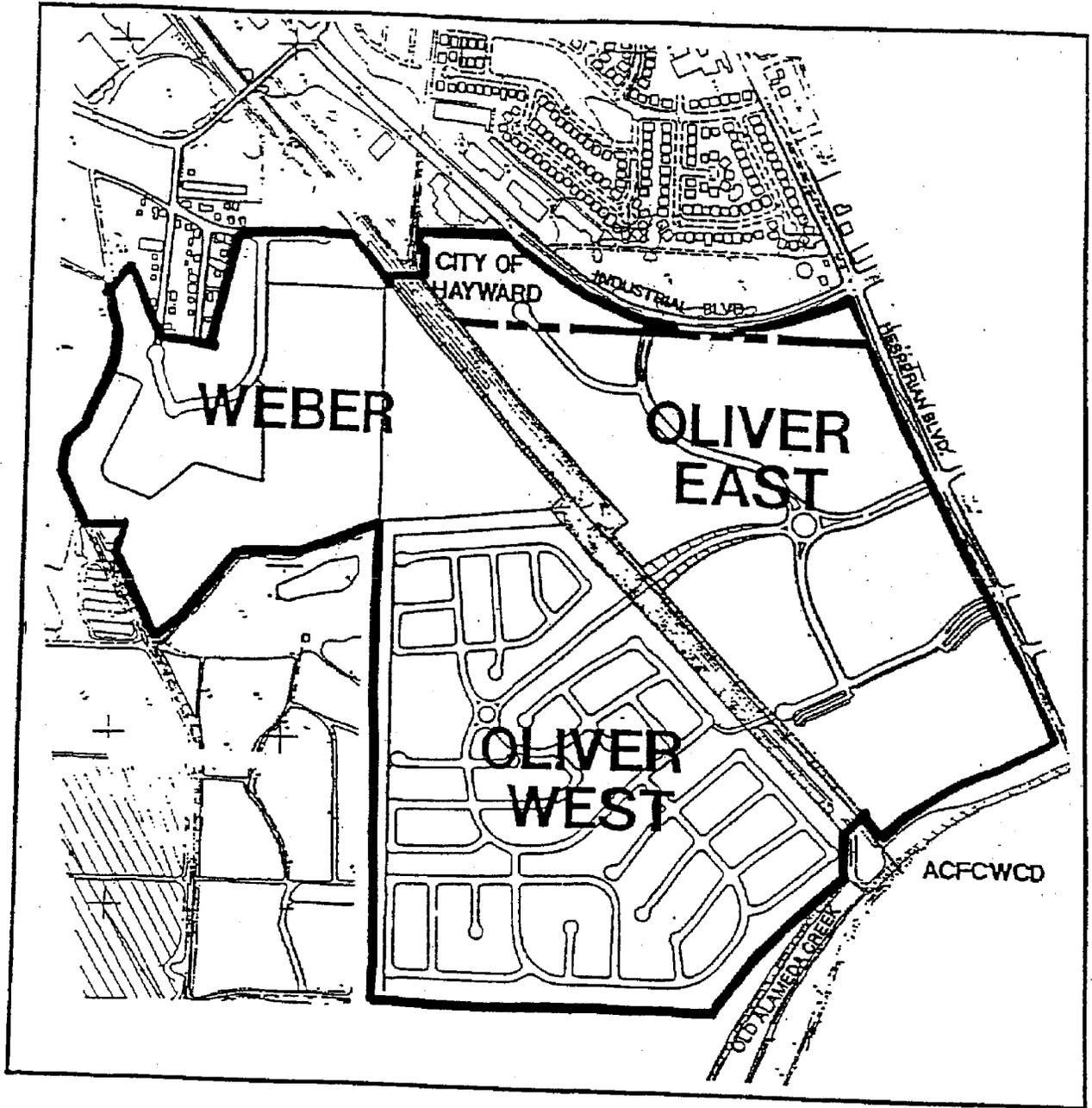
11.4 (Page 7-26) Facilitate the development of higher-density housing and employment centers near existing and proposed transit stations and along major transit corridors. The Plan area is adjacent and west of Hesperian Blvd.

Noise Mitigation

13. (Page 7-26) The City will seek to protect the public health, safety and welfare against the adverse effects of excessive noise.

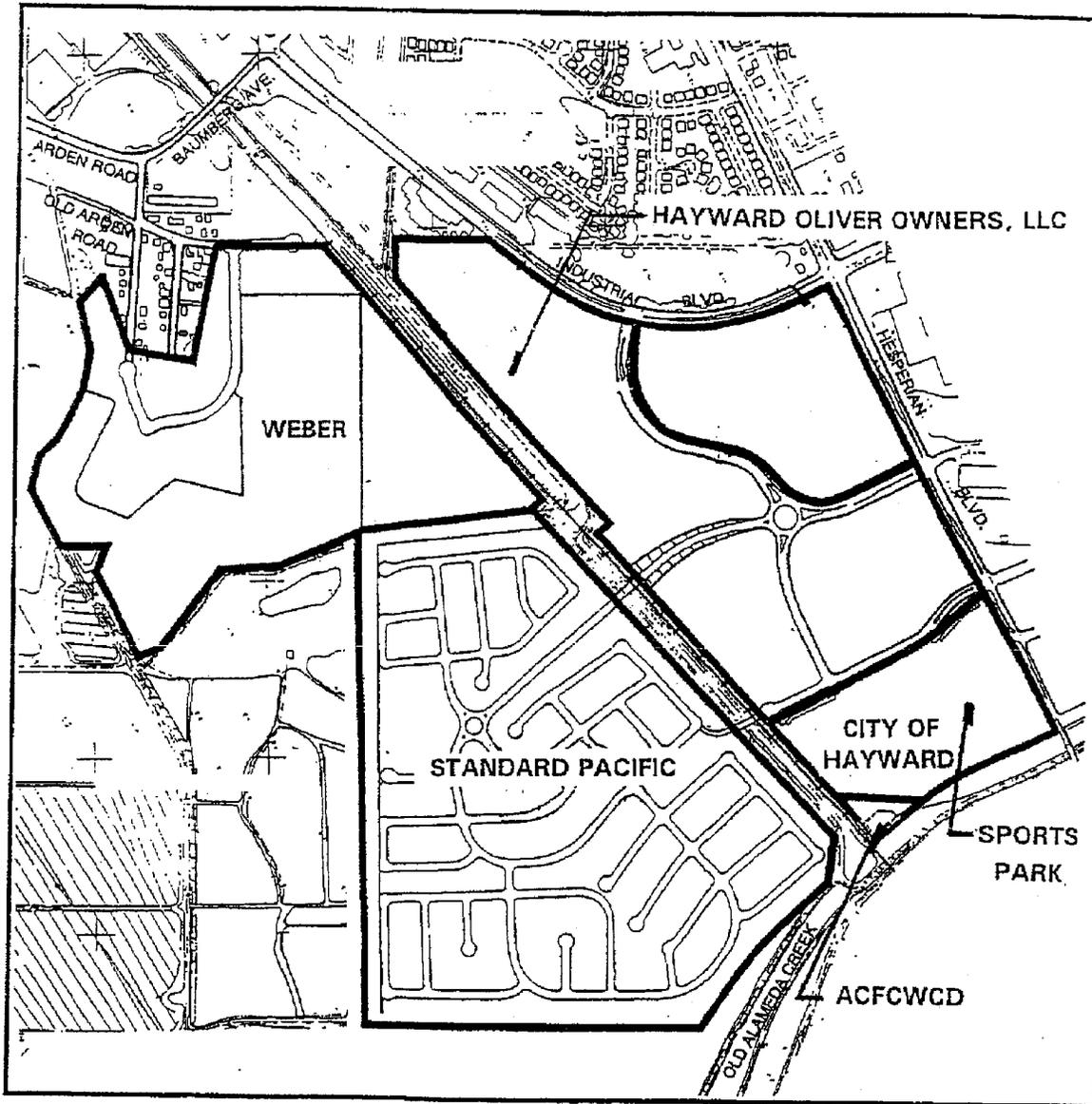
13.2 (Page 7-27) Continue to review new development to assure compatibility with surrounding land uses and compliance with accepted noise standards. Noisier uses are separated from residential uses in the plan area. Residential uses are separated from unacceptable arterial and railroad noise by adequate distances and appropriate sound walls.

13.3 (Page 7-27) Encourage mitigation of noise through appropriate site planning, building orientation, and building materials. The Specific Plan as amended and Development Guidelines provide for appropriate site planning, building orientation, sound walls and building materials to mitigate noise to an acceptable level.



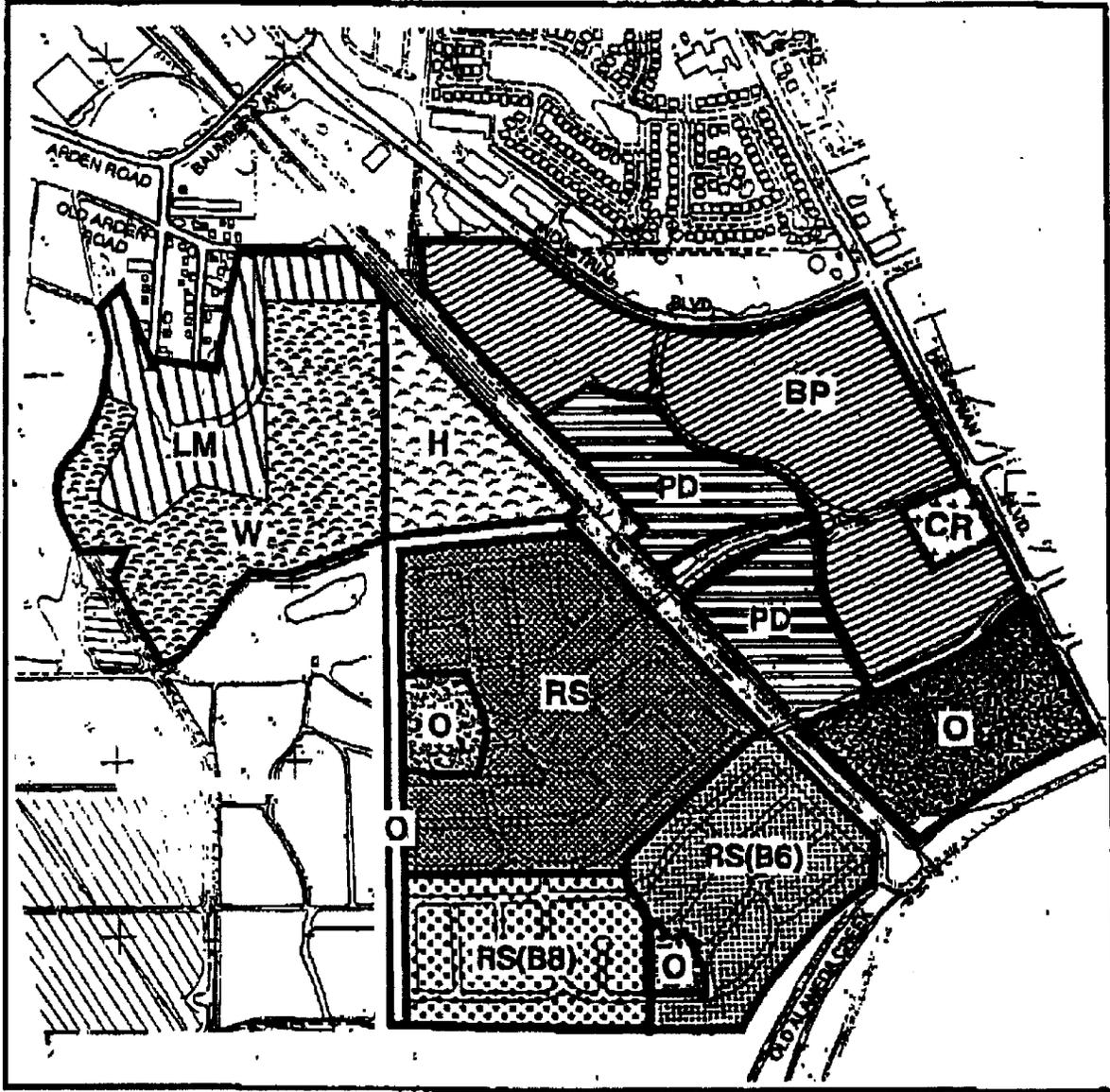

SOUTH OF ROUTE 92 SPECIFIC PLAN

1997 SPECIFIC PLAN AREA



SOUTH OF ROUTE 92 SPECIFIC PLAN

LAND OWNERSHIP

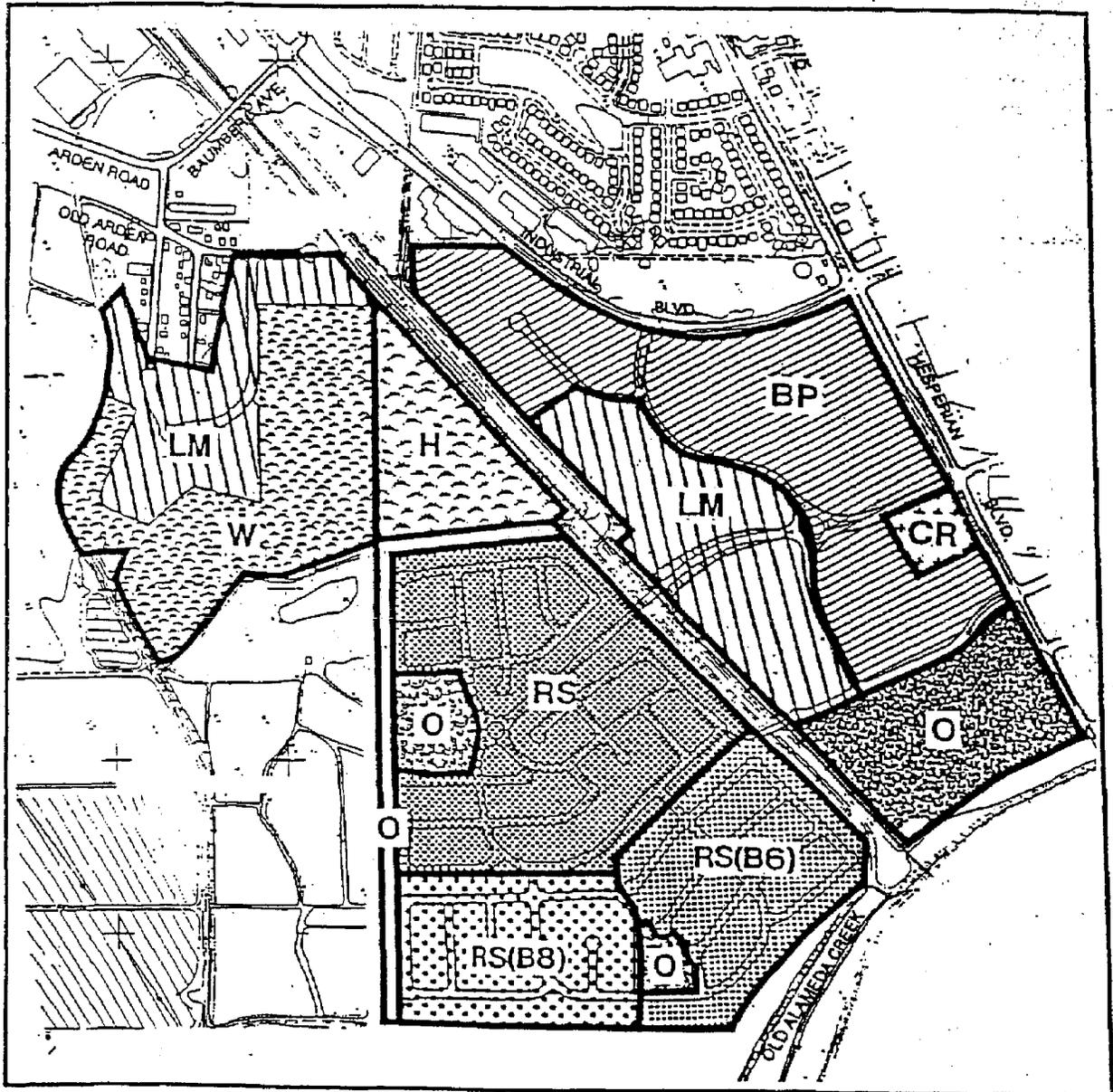


LEGEND

	BUSINESS PARK		RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS		HABITAT
	LIGHT MANUFACTURING		RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS		OPEN SPACE - BUFFER ZONE
	COMMERCIAL/RETAIL		OPEN SPACE - NEIGHBORHOOD PARKS		WETLANDS
	RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS		OPEN SPACE - SPORTS PARK		
	PLANNED DEVELOPMENT - RESIDENTIAL				

Proposed Zone Change / Specific Plan Amendment
Eden Shores East
South of Route 92 Specific Plan
Hayward, California

Rezoned to Planned Development
 *Approximately 27.6 acres Light Manufacturing
 Approximately 1.6 acres Business Park



LEGEND

 BUSINESS PARK	 RESIDENTIAL - SINGLE FAMILY 6,000 SQ. FT. LOTS	 HABITAT
 LIGHT MANUFACTURING	 RESIDENTIAL - SINGLE FAMILY 8,000 SQ. FT. LOTS	 OPEN SPACE - BUFFER ZONE
 COMMERCIAL/RETAIL	 OPEN SPACE - NEIGHBORHOOD PARKS	 WETLANDS
 RESIDENTIAL - SINGLE FAMILY 5,000 SQ. FT. LOTS	 OPEN SPACE - SPORTS PARK	

Existing Zoning / Specific Plan Land Use Designations
 South of Route 92 Specific Plan
 Hayward, California

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk
City of Hayward
777 B Street
Hayward, California 94541

THIS SPACE ABOVE FOR RECORDER'S USE

AMENDMENT TO MOUNT EDEN BUSINESS AND SPORTS PARK COMMUNITY
DEVELOPMENT AGREEMENT RELATING TO DEVELOPMENT OF EDEN SHORES
EAST, A PORTION OF OLIVER EAST PROPERTY

This Amendment to Mount Eden Business and Sports Park Community Development Agreement Relating to Development of Eden Shores East, a Portion of Oliver East Property ("Eden Shores East Amendment") is entered into as of _____, 2005 by and between the HAYWARD-OLIVER OWNERS LLC, a Delaware limited liability corporation (referred to herein as either "Hayward Oliver Owners" or "Owner") and the CITY OF HAYWARD, a municipal corporation, organized and existing under the Hayward City Charter and laws of the State of California ("City").

RECITALS

A. On or about December, 1999, the City and Owner's predecessor-in-interest entered into that certain Mount Eden Business and Sports Park Community Development Agreement, which was recorded December 13, 1999 as instrument number 1999443129 in the Official Records of Alameda County (the "Agreement").

B. Owner entered into an option agreement for the Property subject to the Agreement. Thereafter, the option was exercised and Hayward Oliver Owners acquired title to the Property. Since execution of the Agreement, portions of the Property have been developed. The "Oliver West" portion of the Specific Plan area was acquired, and the residential development thereon substantially constructed, by Standard Pacific Corp., a Delaware corporation. Hayward Oliver Owners and Duc Housing Partners, Inc., a California corporation ("Duc Housing") collectively assumed certain responsibilities and obligations under the Agreement pursuant to that certain Assumption Agreement, which was recorded October 15, 2001 as instrument number 2001392229 in the Official Records of Alameda County. Hayward Oliver Owners has dedicated the 25 acre Sports Park parcel to the City and has constructed thereon the Sports Park Complex. Owner also has installed infrastructure in all portions of the Specific Plan area, exclusive of the Weber property.

C. The remaining portions of the Property were approved and planned for construction of Light Manufacturing, Commercial Retail and Business Park uses. Owner has applied for General Plan and Specific Plan amendments, and rezoning of approximately 29.2 acres of the Property to allow for residential development on certain parcels within the "Oliver East" portion of the Property. The Project modifications authorize the residential development known as Eden Shores East (referred to herein as "Eden Shores East Residential Development"). Owner and City have determined that an amendment to the Agreement is necessary and appropriate in connection with the modifications to the Development Plan and Project. The Eden Shores East Amendment is being entered into by Owner and City to address the modifications relating to development of Eden Shores East Residential Development only and does not in any way limit or otherwise affect the rights and obligations of the Owner, or any assignee, any other owner of real property subject to the Agreement, and City with respect to remaining portions of the Property and the development thereof under the Agreement. The Eden Shores East Amendment shall be recorded against the property comprising the Eden Shores East Residential Development, as more particularly described in Exhibit A hereto.

D. In February, 2001, the City approved an assignment of the Agreement to Glenborough Realty Trust ("Glenborough"), an entity to which title to a portion of the property subject to the Agreement was transferred. Subsequent to such transfer, the interest acquired by Glenborough was reconveyed to Hayward Oliver Owners.

E. The City has analyzed the modifications to the Development Plan and Project and, pursuant to Resolution No. _____ has adopted a Mitigated Negative Declaration and a Mitigation and Monitoring Program as required by the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*).

F. City staff has reviewed this Eden Shores East Amendment, deemed it to be complete, and prepared a report to the Planning Commission pursuant to Chapter 10, Article 9 of the City Municipal Code regarding the Eden Shores East Amendment, consistency with the General Plan and Specific Plan. The Planning Commission adopted findings regarding the Eden Shores East Amendment and recommended that the City Council authorize execution of the Eden Shores East Amendment. The City Council has held a public hearing on the modifications to the Development Plan and the Project, and the Eden Shores East Amendment, and has determined that the Eden Shores East Amendment (i) is consistent with the City's General Plan and the Specific Plan; (ii) is in the best interests of the health, safety and general welfare of the City, its residents, and the public; (iii) is executed pursuant to, and as authorized under the Agreement and the requirements of the Development Agreement Legislation and Development Agreement Ordinance.

G. City has adopted Ordinance No. _____ on _____, 2005 approving this Eden Shores East Amendment and its execution in accordance with the provisions of the Agreement and as authorized under the Development Agreement Legislation and Development Agreement Ordinance.

H. All capitalized terms not otherwise defined herein shall have the meaning set forth in the Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, Owner and City hereby agree to amend the Agreement as it relates to the Eden Shores East Residential Development only, and to no other portion(s) of the Property, as follows:

1. The first sentence in Recital C is modified to read as follows:

"Owner is the holder of a legal or equitable interest in the Property and intends to develop the Property for a large multi-phase, mixed use development with low- and medium-density residential, commercial/retail, business park, planning/research and development, and open space/park and recreation land uses, all as set forth in the Development Plan."

2. Section 1.1.6 is amended to read as follows:

"Conditions of Approval" means those conditions of approval of the Vesting Tentative Map, attached as Exhibit C, as amended by those conditions of approval adopted by City pursuant to Resolution No. _____ on _____, 2005 relating to the Eden Shores East Residential Development."

3. Section 1.1.11 is amended to read as follows:

"Development Guidelines" means the Development Guidelines for the South of 92 Specific Plan adopted by Resolution No. 98-028 of City Council of City on February 17, 1998, attached as Exhibit D, as amended by Resolution No. ____ of City Council of City on _____, 2005 relating to the Eden Shores East Residential Development."

4. The following new sentence is added at the end of Section 1.1.15:

"Unless otherwise referenced herein, "EIR" as defined in this Section 1.1.5 shall also include any Addenda thereto and, for the Eden Shores East Residential Development, the Mitigated Negative Declaration adopted by City pursuant to Resolution No. ____ of City Council of City on _____, 2005."

5. The first sentence of Section 1.1.17 is amended to read as follows:

"Existing Development Approvals' means the Development Approvals in effect on the Effective Date, as amended by Resolution Nos. _____ adopted by the City Council of City on _____, 2005 relating to the Eden Shores East Residential Development."

6. The first sentence of Section 1.1.18 is amended to read as follows:

"Existing Land Use Ordinances' means the Land Use Ordinances in effect on the Effective Date, as amended by Ordinance No. ____ adopted by the City Council of City on ____, 2005 relating to the Eden Shores East Residential Development."

A new subsection (c) is added to Section 1.1.18, as follows:

"(c) Ordinance No. ____ [**insert rezoning ordinance**] relating to the Eden Shores East Residential Development."

7. Section 1.1.20 is amended to read as follows:

"General Plan' means the City of Hayward General Plan."

8. Section 1.1.21 is amended to read as follows:

"General Plan Amendment' means the South of Route 92 General Plan Amendment (GPA 97-110-02) adopted by Resolution No. 98-028 of City Council of City on February 17, 1998, attached as Exhibit G, except to the extent superseded by subsequent action of the City, and the Eden Shores East General Plan Amendment (GPA ____) adopted by Resolution No. ____ of City Council of City on ____, 2005."

9. Section 1.1.26 is amended to read as follows:

"Mitigation Monitoring and Reporting Program' means the Mitigation Monitoring and Reporting Program approved by Resolution No. 98-028 of the City Council of City on February 17, 1998, attached as Exhibit H, and the Mitigation Monitoring and Reporting Program approved for the Eden Shores East Residential Development by Resolution No. ____ of the City Council of City on ____, 2005."

10. "Gordon Oliver Estate and Trust and the Alden Oliver Trust" in Section 1.1.29 as Owner with Hayward-Oliver Owners, LLC, a Delaware limited liability company.

11. Section 1.1.37 is amended to read as follows:

"Specific Plan' means the South of Route 92 Specific Plan (SP-98-210-01) adopted by Resolution No. 98-028 of City Council of City on February 17, 1998, as amended by Resolution No. ____ of City Council of City, adopted ____, 2005 relating to the Eden Shores East Residential Development."

12. Section 1.1.40 is amended to read as follows:

"Vesting Tentative Map' means the vesting tentative subdivision map (TM-7065) approved by Resolution No. 98-028 adopted by the City Council of City on September 21, 1999 and, as it relates to development of the Eden Shores East Residential Development, the vesting tentative subdivision map (TM-____) approved by Resolution No. 98-028 adopted by the City Council of City on _____, 2005."

13. A new section 3.9 is added as follows:

"Additional Obligations for Sports Park Complex : In connection with approval of the Eden Shores East Residential Development, Owner has agreed to the following additional benefits for the Sports Park Complex:

Owner agrees to the establishment by City of, to the extent and as set forth in this Section 3.9, a Landscape Lighting and Assessment District (LLD) for the purpose of providing partial funding for the ongoing maintenance of the Sports Park Complex. The real property included in, and subject to assessments under, the LLD shall be only those residential lots and units included in the Vesting Tentative Map for Tract 7489-Eden Shores East, approved by the City Council of City pursuant to Resolution No. ____ on _____, 2005. The assessment under the LLD shall be an annual assessment of \$160.00 per lot or unit, with a provision for annual increases equal to the increases in the Consumer Price Index for the San Francisco-Oakland-San Jose Area, if any, for the preceding year. City shall establish the LLD prior to the sale of lots or units to individual purchasers and City agrees to cooperate with Owner to establish the LLD in a time frame that does not delay or interfere with such sales.

14. A new Section 3.10 is added as follows:

"Payment of School Mitigation Fees for Eden Shores East Residential Development. In connection with approval of the Eden Shores East Residential Development, Owner agrees to pay school mitigation fees in the amount of \$3.25 per square foot of "assessable residential space" (as such space is defined in California Government Code Section 65995), which amount exceeds the current fee of \$2.62 per square foot of assessable residential space, as established by the Hayward Unified School District Board of Education.

15. A new Section 3.11 is added as follows:

"Contribution to Upgrade Existing School Facilities. In addition to the payment of school mitigation fees for construction of homes in Eden Shores East Residential Development, pursuant to Section 3.10 above, Owner hereby agrees to pay to City the sum of Five Million Dollars (\$5,000,000.00) for use by City only for purposes of the construction of the new Burbank School, located in the City of Hayward, and for no other purpose. Payment of said sum shall be made to the City upon the earlier of the following dates: (1) the date of issuance of the first building permit for construction of a home in the Eden Shores East Residential Development; or (2) January 1, 2007. In consideration of the Owner's agreement to the timing of payment of said sum, City agrees that it shall expeditiously process the Precise Development Plan and any final map submitted to the City for the Eden Shores East Residential Development.

Section 4.1. 16. Light manufacturing is deleted from the list of permitted uses in

17. In Section 4.2, the number of business park lots is reduced from 22 to 17 the following new sentence is added after the first sentence in Section 4.2:

"In addition, a total of 261 residential units are permitted to be developed on Oliver East as part of the Eden Shores East Residential Development."

18. Section 6.1.2 is amended to read as follows:

"Exceptions. Owner may sell, assign, or transfer to Duc Housing or to Standard Pacific Corp., a Delaware corporation ("Standard Pacific"), all or a portion of Owner's interests, rights, and obligations under this Agreement without the prior written consent of City, provided that such sale, assignment, or transfer in connection with a sale, assignment, or transfer of all or a portion of the Property, and Duc Housing or Standard Pacific, as the case may be, executes any document reasonably requested by City with respect to the assumption of Owner's Obligations."

19. The following is added to the end of subsection (b) of Section 6.1.14:

"or Standard Pacific;"

20. The following new sentence is added at the end of Section 14.2:

"With respect to Eden Shores East Residential Development, the City acknowledges and agrees that payment of school mitigation fees in the amount set forth in Paragraph 14 (adding new Section 3.10) of this Eden Shores East Amendment

constitutes full and complete satisfaction of required mitigation of impacts on schools. The City further acknowledges and agrees that expenditure of the sum of approximately Seven Million Dollars (\$7,000,000), substantially in excess of the Three Million Dollars (\$3,000,000) originally estimated, for construction of the Sports Park Complex, coupled with the establishment of the LLD as set forth in Paragraph 13 (adding new Section 3.9) of this Eden Shores East Amendment and the provision of approximately 7.4 acres of on site open space areas within the Eden Shores East Residential Development, constitutes full and complete satisfaction of required mitigation of impacts on parkland and open space, and meets all City requirements regarding same, as it relates to the Eden Shores East Residential Development."

21. The party to whom notice to Owner under Section 14.18 is to be given shall be changed from Morey Greenstein to: Joseph Fanelli, Senior Vice President, Duc Housing Partners, Inc., 14107 Winchester Blvd., Suite H, Los Gatos, CA 95032. The City's address is changed to City Hall, 777 B Street, Hayward, CA 94541.

22. The parties agree that Duc Housing shall have no obligation to perform any of the obligations of Owner under the terms of this Eden Shores East Amendment.

23. Except as expressly amended herein, the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the undersigned have executed this Eden Shores East Amendment to Mount Eden Business and Sports Park Community Development Agreement as of the day and year first above written. The signatories to this Eden Shores East Amendment represent that they are duly authorized to execute this amendment and to bind the Parties hereto.

HAYWARD-OLIVER OWNERS, LLC,
a Delaware limited liability company

CITY OF HAYWARD

By: DUC HOUSING PARTNERS, INC.
a California corporation, a member

By: _____
City Manager

By: _____

Attest: _____
City Clerk

By: HAYWARD OLIVER MANAGERS, LLC,
A Delaware limited liability company, its
sole Managing Member

Approved As To Form: _____
City Attorney

By: Lakeside Hayward Realty Advisors,
LLC, a California limited liability

company, its Administrative Member

By: Lakeside Realty Advisors, LLC,
a California limited liability
company, its Managing Member

By: _____

ADD EXHIBIT A [Eden Shores East Residential Development: parcels identified on tentative map]

ATTACHMENT H

**EDEN SHORES EAST RESIDENTIAL DEVELOPMENT PROJECT
INITIAL STUDY / MITIGATED NEGATIVE DECLARATION**

MITIGATION MONITORING AND REPORTING PROGRAM

**Table 1:
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE EDEN SHORES EAST RESIDENTIAL DEVELOPMENT PROJECT**

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
<u>Air Quality</u>				
<p>Impact III-1: Air Quality Construction Impacts. The effects of project construction activities anticipated as a result of implementing the Eden Shores East Residential Development Project would increase dustfall and locally elevated levels of PM₁₀ downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties.</p>	<p>Mitigation Measure III-1: Dust emissions from construction-related activities can be greatly reduced by implementing control measures. The BAAQMD has developed feasible control measures for construction emissions of PM10. With these measures implemented the impacts are expected to be reduced to a less than significant level.</p> <p>The following measures, pertinent to Mitigation Measure 3.2.4-1 of the 1997 Plan EIR, shall be incorporated into all construction contract documents:</p> <p><u>Basic, Enhanced and Optional (near residences) Measures.</u></p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily. • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e. the minimum required space between the top of the load and the top of the trailer). • Pave, apply water three times daily, or apply (non-stick) soil stabilizers on all unpaved access roads, parking areas and staging areas. • Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas. <p>Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets. Coordinate streets to be swept with the City Engineer.</p>	Project Developer	City of Hayward Public Works Department	During construction and grading operations

E-90

E-91

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
	<ul style="list-style-type: none">Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.)Limit traffic speeds on unpaved roads to 15 mph.Install sandbags or other erosion control measures to prevent silt runoff to public roadways.Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas if conditions warrant.Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.Limit the area subject to excavation, grading and other construction activity at any one time.Post a publicly visible sign with the telephone number and person to contact regarding dust complaints at the construction sites. This person shall respond and take corrective action within 24 hours. The telephone number of the AQMD shall also be visible to ensure compliance with BAAQMD Rule 2: Hazardous Materials; Asbestos Demolition, Renovation and Manufacturing.			

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING SCHEDULE	TIMING
<u>Biological Resources</u>				
Impact IV-1: Burrowing Owls. Construction activities may impact burrowing owls on the project site.	Mitigation Measure IV-1: The following steps clarify the Mitigation Measure 3.2.3-5 identified in the earlier 1997 Plan EIR. If burrowing owl burrows are identified through the preconstruction surveys, protective measures will be required as a CEQA mitigation measure. These would include such avoidance actions as the following: <ul style="list-style-type: none"> • No disturbance of occupied burrows during the nesting season, from February 1 through August 31, unless the Department of Fish and Game verifies that the birds have not begun egg-laying and incubation, or that the juveniles from those burrows are foraging independently and capable of independent survival at an earlier date. • If destruction of occupied burrows were unavoidable, burrows should be created (by installing artificial burrows) in a ratio of 1:1 in suitable habitat that is contiguous with the foraging habitat of the affected owls. • If owls must be moved away from the disturbance area, passive relocation (see below) is preferable to trapping. A time period of at least one week is recommended to allow the owls to move and acclimate to alternate burrows. • On-site passive relocation should be implemented if the above avoidance requirements cannot be met. Passive relocation is defined as encouraging owls to move from occupied burrows to alternate natural or artificial burrows that are beyond 50 m from the impact zone. Relocation of owls should only be implemented during the non-breeding season. 	Project Developer	City of Hayward Department of Community and Economic Development	During all grading and construction phases of the project by construction contractor.

E-92

ENVIRONMENTAL IMPACT**MITIGATION MEASURE****IMPLEMENTING
RESPONSIBILITY****MONITORING/
REPORTING
RESPONSIBILITY****TIMING**

Owls should be excluded from burrows in the immediate impact zone and within a 50 m (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances. One-way doors should be left in place 48 hours to insure owls have left the burrow before excavation.

- One alternate natural or artificial burrow should be provided for each burrow that will be excavated in the project impact zone. The project area should be monitored daily for one week to confirm owl use of alternate burrows before excavating burrows in the immediate impact zone.
- Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe or burlap bags should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

In addition to the analysis conducted as part of the 1997 Plan EIR, LSA Associates, in their 2004 report, documented potential impacts of feral and domestic cats on sensitive wildlife habitat in the area (including the A-2 flood control channel). The sound wall that separates the project from the channel and the railroad tracks will also serve to inhibit the intrusion of cats into these sensitive areas.

E-93

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/ REPORTING RESPONSIBILITY	TIMING
Cultural Resources				
Impact V.1: Damage to Cultural Resources. Potential damage to or disturbance of important archaeological or historical resources could result from construction of the proposed project.	<p>Mitigation Measure V-1: If prehistoric or historic cultural resources are inadvertently discovered during any ground-disturbing activities, all work in the area shall stop immediately and the City shall be notified of the discovery. No work shall be done in the area of the find and within 100 feet of the find until</p> <p>a professional archaeologist can determine whether the resource(s) is significant. If necessary, the archaeologist shall develop mitigation measures consistent with the State CEQA Guidelines in consultation with the appropriate state agency, and if applicable, a representative from the Native American Heritage List. A mitigation plan shall be submitted to the City for approval. Mitigation in accordance with this plan shall be implemented before any work is done in the area of the resource find.</p>	Project Construction Contractor	City of Hayward Department of Community and Economic Development	During all grading and construction phases of the project.
Impact V.2: Paleontological Resources. The potential exists for fossils to be uncovered during any excavation activities.	<p>Mitigation Measure V-2: If fossils or other paleontological resources are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.</p>	Project Construction Contractor	City of Hayward Department of Community and Economic Development	During all grading and construction phases of the project.

E-94

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	TIMING
Hydrology and Water Quality				
Impact VIII.1: Erosion or Siltation. During the construction period, soils at the project site could be exposed to the erosive forces of wind and storm runoff to a potentially significant degree.	Mitigation Measure VIII-1. The 1997 Plan EIR previously proposed Mitigation Measure 3.2.2-2, which would require construction to be scheduled during the dry season, require the applicant to develop a SWPPP and submit a soil erosion and sedimentation control plan to the City of Hayward Public Works Department prior to grading. Alternatively, the 1997 Plan EIR also proposed Mitigation Measure 3.2.1.4, which would, if construction were to occur during the wet season, require an erosion and sediment transport control plan, designed by an erosion control professional, or landscape architect or civil engineer specializing in erosion control.	Construction Contractor	City of Hayward Public Works Department	During all grading and construction phases
Impact VIII.2: Increase Rate or Amount of Surface Runoff. Creation of impervious surfaces on the site as a result of project construction would alter the existing drainage patterns.	Mitigation Measure VIII-2. The 1997 Plan EIR proposed Mitigation Measure 3.2.2-1, (c), which should be incorporated into the proposed Eden Shores East project. Section (c) of the measure states the following: "Facilities to accommodate the additional volume of stormwater runoff would be designed, reviewed, and incorporated into development prior to completion of the permitting process for this project. Specific structural mitigation measures that could be included in the facilities include detention basins, energy reducers, and oversized pipes and catch-basins that could act as temporary storage facilities for stormwater runoff."	Project Developer	City of Hayward Public Works Department	Prior to issuance of grading permit.
Impact VIII.3: Post-Construction Stormwater Runoff. Non-point source pollution could enter the stormwater runoff after construction potentially exceeding the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff potentially degrading water quality.	Mitigation Measure VIII-3: At least 85 to 90 percent of annual average stormwater runoff from the site would be treated per the standards in the 2003 California Stormwater Best Management Practice New Development and Redevelopment Handbook. Drainage from all paved surfaces, including streets, parking lots, driveways, and roofs shall be routed either through swales, buffer strips, or sand filters or treated with a filtering system prior to discharge to the storm drain system. Landscaping shall be designed to effect some treatment, along with the use of a	Project Construction Contractor	City of Hayward Department of Public Works	During all final design and construction phases of the project.

E-95

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	TIMING
Impact VIII.3 Continued	<p>Stormwater Management filter to permanently sequester hydrocarbons, if necessary. The specifications of the StormFilter© by Stormwater Management, Inc. adequately meets the requirements of the Regional Water Quality Control Board (RWQCB) for a "box-in-ground" filtering system. A filtering system with similar specifications may be used based on the size of the project site, if landscape-based stormwater treatment measures cannot effect the required level of treatment. Roofs shall be designed with down-spouting into landscaped areas, bubbleups, or trenches. Driveways shall be curbed into landscaping so runoff drains first into the landscaping. Permeable pavers and pavement shall be utilized to construct the development, where appropriate. Any one or combination of these suggested RWQCB treatment measures will potentially meet RWQCB requirements for controlling runoff.</p>			

E-96

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	TIMING
<u>Noise</u>				
Impact XI.1: Operational Noise. Noise impacts would result from locating homes adjacent to the Union Pacific Railroad and pump station.	Mitigation Measure XI-1: The applicant shall implement the following mitigation measures to reduce the noise impact during operations to a less than significant level. Details on the mitigations are included in the 2005 noise report. <ol style="list-style-type: none"> 1) Construct an 18-20 foot sound wall of varying height along the southwest property line at the project. 2) Construct an exterior wall assembly with a 3-coat stucco finish. 3) Utilize the sound reduction measures as described in the 2005 noise report. 4) Provide a written disclosure statement describing the current train activity and expected noise levels to every potential homebuyer. 5) Provide all potential homeowners of homes located within 250 feet of the pump station information on typical operations of the engine generator. 	Project Developer	City of Hayward Department of Community and Economic Development	During construction phases
Impact XI.2: Construction Noise. Construction noise could result in impacts to the surrounding neighborhood residents	Mitigation Measure XI-2: During construction the following measures, as described in Mitigation Measure 3.2.5-1 of the 1997 Plan EIR, would be implemented to reduce noise impacts: <ul style="list-style-type: none"> • Limit construction hours to between 7:00 AM and 7:00 PM on weekdays. Any work outside of these hours including work on weekends, shall require a special permit from the City of Hayward based on compelling reasons and compatibility with nearby residences. • Construction equipment should be properly outfitted and maintained with noise reduction devices to minimize construction-generated noise. • The contractor shall locate stationary noise sources away from residents in developed areas and require use of acoustic shielding with such equipment when feasible and appropriate. 	Project Construction Contractor	City of Hayward Department of Community and Economic Development	During all grading and construction phases.

E-97

ENVIRONMENTAL IMPACT	MITIGATION MEASURE	IMPLEMENTING RESPONSIBILITY	MONITORING/REPORTING RESPONSIBILITY	TIMING
<p>Recreation</p> <p>Impact XIV.1: Increased Use of Recreational Facilities. Maintenance for the 25-acre community park that serves the existing Eden Shores community would be taxed by the additional 827 potential new residents.</p>	<p>Mitigation Measure XIV-1: The applicant shall establish a Landscape Lighting and Assessment District (LLD) or other funding mechanism prior to selling the 261 residential units to individual homeowners that would be prorated to the fair share of the 261 residential units prior to selling the residences to individual homeowners. Implementation of the LLD would provide a portion of funds necessary to maintain the community-oriented facilities in the Sports Park and mitigate the impacts of increased usage of the Sports Park as a neighborhood facility.</p>	<p>City of Hayward Department of Community and Economic Development</p>	<p>City of Hayward Department of Community and Economic Development</p>	<p>Prior to sale of the residential lots.</p>

E-98

CITY OF HAYWARD

RESOLUTION NO. _____

RESOLUTION ADOPTING THE MITIGATED NEGATIVE DECLARATION AND AMENDING THE GENERAL POLICIES PLAN MAP FOR A PORTION OF THE OLIVER EAST PROPERTY IN THE SOUTH OF ROUTE 92 SPECIFIC PLAN AREA TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM INDUSTRIAL CORRIDOR TO RESIDENTIAL - MEDIUM DENSITY AND RELATED ACTIONS

mae
11/4/05

WHEREAS, General Plan Amendment PL-2004-0184 and Zone Change Application PL-2004-0189 concern a request by Duc Housing Partners, Inc.(Applicant), and Hayward Oliver Owners, LLC (Owner) to amend the General Plan Land Use Map from "Industrial Corridor" to "Residential - Medium Density" and rezone approximately 29.2 acres of property located west of Marina Drive and on either side of Eden Shores Boulevard on a portion of the property commonly known as "Oliver East" (the "Eden Shores East Project") from Light Manufacturing (LM) District and Business Park (BP) District to Planned Development (PD) District, in addition to other related land use applications, to allow for development of a total of 261 dwelling units. The property affected by the proposed general plan amendment and related applications is more specifically identified in the map on Exhibit "A" attached hereto and incorporated herein by reference; and

WHEREAS, on February 17, 1998, the City Council certified a Final Program Environmental Impact Report and adopted a Mitigation Monitoring and Reporting Program for the entire South of 92 Specific Plan area, which area encompasses the current Eden Shores East Project; and

WHEREAS, an Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared in accordance with City and State CEQA guidelines for the Eden Shores East Project; and

WHEREAS, the Planning Commission held a public hearing on October 20, 2005, and recommended adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of General Plan Amendment PL-2004-0184; Zone Change Application PL-2004-0189; Vesting Tentative Map Tract PL-2004-0190 (TTM 7489), an amendment to the South of 92 Specific Plan ("Specific Plan") to allow residences in the area previously designated for light manufacturing and a small area of business park; the proposed Amendment to the Mount Eden Business and Sports Park Community Development Agreement, the Preliminary Development Plan, and the proposed revisions to the South of 92 Development Guidelines; and

WHEREAS, notice of the hearings was published in the manner required by law and the hearings were duly held by the City Council on November 15, 2005 and November 22, 2005; and

NOW, THEREFORE, the City Council of Hayward hereby finds as follows:

Environmental Review

1. In 1998, the City Council certified a Final Program Environmental Impact Report ("Program EIR") for the Specific Plan, approved a Mitigation Monitoring and Reporting Program ("1998 MMRP") and adopted a Statement of Overriding Considerations, which documents are incorporated herein by reference as though fully set forth herein. The City Council found that significant environmental impacts to open space and farmland would result from implementation of the project analyzed in the Program EIR, which could not be reduced to a level of insignificance even with mitigation. The 1998 MMRP includes mitigation measures that will reduce all other significant impacts identified in the Program EIR to a less than significant level. Those mitigation measures have or will be implemented in accordance with 1998 MMRP.

2. Except to the extent that the project analyzed in the Program EIR is modified by the Eden Shores East Project, there are no other changes to the project analyzed in the Program EIR, or to the circumstances under which it will be undertaken, and there is no new information of substantial importance that was not known and could not have been known when the Program EIR was certified that since has become available, that would necessitate further environmental review or render the Program EIR inadequate for purposes of reliance thereon.

3. In accordance with the California Environmental Quality Act, an Initial Study was prepared to determine whether the Eden Shores East Project would result in significant environmental effects that were not examined in the Program EIR. A determination was made that no significant environmental effects would occur as a result of the Eden Shores East Project, as mitigated, and a Mitigated Negative Declaration has been prepared. The City Council has reviewed and considered the Mitigated Negative Declaration, and, on the basis of substantial evidence, the Program EIR and the record as a whole, finds that the preparation and adoption of the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.

4. In addition to the other mitigation measures discussed in the Mitigated Negative Declaration, the following measures clarify or update mitigation measures identified in the Program EIR to reduce potentially significant impacts resulting from the Eden Shores East Project.

Air Quality: Mitigation Measure III-1 requires implementation of BAAQMD dust control measures to mitigate dust emissions from construction-related activities to reduce potential impacts to a less than significant level.

Biological Resources: Mitigation Measure IV-I requires measures to protect any burrowing owls that may be present during construction activities to reduce any potential impacts to a less than significant level.

Cultural Resources: Mitigation Measures V-1 and V-2 impose protective measures for prehistoric or historical resources that might be inadvertently discovered during ground-disturbing activities and for fossils or other paleontological resources that might be uncovered as a result of erosion and excavation activities to mitigate any potential impacts to cultural resources to a less than significant level.

Hydrology and Water Quality: Mitigation Measures VIII-1 and VIII-2 require soil erosion controls and adequate facilities to accommodate the additional volume of stormwater runoff to reduce potential erosion and drainage impacts to a less than significant level. Mitigation Measure VIII-3 requires treatment of at least 85 to 90 percent of annual stormwater runoff from the site pursuant to the standards in the 2003 California Stormwater Best Management Practice New Development and Redevelopment Handbook to reduce potential stormwater runoff impacts to a less than significant level.

Noise: Mitigation Measure XI-1 requires construction of a soundwall and implementation of measures identified in Eden Shores East Project's acoustical studies to reduce noise impacts to Project residents from the railroad tracks located to the east of the site. Even though the Eden Shores East Project will not cause noise impacts, this measure is included to reduce the Project's noise exposures to a less than significant level. Mitigation Measure XI-2 requires compliance with measures that include limited hours of construction, restrictions on equipment used and other measures to reduce potential noise construction impacts to a less than significant level.

Recreation: Mitigation Measure XIV-1 requires that a Landscape and Lighting Assessment District or other funding mechanism be established that would provide a pro-rated portion of the funds necessary to maintain the community-oriented facilities in the Alden E. Olivern Sports Park (the "Sports Park") and mitigate the impacts of the increased usage of the Sports Park to a less than significant level.

General Plan Amendment

5. The proposed General Plan Amendment will promote the public health, safety, convenience and welfare of the residents of Hayward in that the design and construction of the Eden Shores East Project will be done in conformance with sound geotechnical practices; post-construction erosion and siltation impacts will be mitigated via Best Management Practices in

accordance with the requirements of the California Regional Water Quality Control Board. In addition post-construction noise will be mitigated via a soundwall, wall assemblies and other methods as documented in the Project's noise report. Construction dust control mitigation measures shall be employed and the extent and density of development will occur in a cohesive pattern that minimizes visual impacts and avoids encroachment into natural, undisturbed areas.

6. With the Project's conditions of approval, the proposed General Plan Amendment is in conformance with the City's General Plan policies and the Specific Plan, as amended, and the City's Zoning Ordinance, as amended and will result in a development that will be compatible with surrounding land uses and zoning and will further the City's goal to provide ownership housing opportunities as expressed in the Housing Element of the General Plan.

7. The streets and facilities, existing or proposed, are adequate to serve all uses permitted when the property is redesignated.

8. The proposed General Plan Amendment will result in a development that will be compatible with surrounding residential and business park uses and zoning in that the development will consist of a variety of homes of high quality design that will be constructed in an already-disturbed area that will result in no land use conflicts,

9. The proposed General Plan Amendment is consistent with the General Plan's Housing Element's goal of providing housing opportunities for all household income levels in that approximately 40 ownership housing units for moderate income households will be provided.

10. The contribution of \$7 million towards the development of the Alden E. Oliver Sports Park and the development of the park with playfields and community-oriented recreational facilities such as picnic areas and tot lots as well as sports park facilities in an area of the City that is lacking in adequate recreational opportunities is consistent with the policies stated in the Community Facilities and Amenities section of the General Plan, in particular, Policy 5, which provides that the City should "seek to increase the amount, diversity and quality of parks and recreational facilities and opportunities."

Zone Change - Planned Development

11. The Eden Shores East Project is in substantial harmony with the surrounding area and conforms to the General Plan and Specific Plan, both as amended, and applicable City policies in that the design and layout of the development involves a variety of homes of high quality design that will be constructed in an already disturbed area, will further the City's ownership housing goals expressed in the Housing Element of the General Plan and will help further the City's Housing Element policy of providing housing opportunities for all household income levels in that 40 ownership housing units will be constructed as a result of the Project.

12. Streets and utilities, existing or proposed, are adequate to serve the development in that the Project's conditions of approval require that four roads be constructed to City public street standards.

13. The Eden Shores East Project creates a residential environment of sustained desirability and stability, in that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population. The Project will have no substantial adverse effect upon surrounding development in that the Project will result in the dedications of easements for 3.55 acres of neighborhood parks and the development of the parks with playfields, detention basins, etc. In addition, a contribution of \$7 million has already be made toward the construction of the now completed Alden E. Oliver Sports Park adjacent to the Project.

Amendment to Development Agreement

14. The proposed amendment to the Development Agreement is consistent with the objectives, general land uses and programs specified in the City's General Plan and the Specific Plan, as amended, in that the Development Agreement, both before and after amendment, provides that the development must be consistent with such provisions.

15. The proposed amendment to the Development Agreement is compatible with the uses authorized in and the regulations prescribed for the land use district in which the property is located in that the General Plan and the Specific Plan, as amended, allow Planned Development residential uses and the development is proposed at 10.7 dwelling units per net acre for the single family units and 14 dwelling units per net acre for the multi-family units.

16. The proposed amendment to the Development Agreement is in conformity with public convenience, general welfare and good land use practice in that it will provide new housing opportunities and new public facilities, including a \$7 million contribution toward the construction of the Alden E. Oliver Sports Park and funding partial maintenance of the spots park through the establishment of a Landscape and Lighting Assessment District.

17. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that "D" Street is proposed to be extended northeastward from Marina Drive thereby providing, along with the two proposed entrances off of Marina Drive and the one entrance off of Eden Park Place, four means of ingress and egress for the development.

18. The public health, safety and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as part of the development approvals to ensure that any significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, biological resources, cultural resources, hydrology, noise and recreation.

19. The orderly development of property or the preservation of property values will be promoted and advanced by the proposed development in that high quality single family housing and multi-family housing will be constructed in an area that currently is planned and zoned for light manufacturing and business park land uses, resulting in less impacts to and a development more compatible with surrounding residences.

Vesting Tentative Map

20. Vesting Tentative Tract Map 7489 substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, the Specific Plan and the Zoning Ordinance, as amended.

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

22. 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.

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

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

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

South of 92 Specific Plan Amendments

26. Substantial proof exists that the proposed changes will promote the public health, safety, convenience and general welfare of the residents of Hayward in that the Project will allow development of 261 ownership housing units, where ownership housing is supported by the Housing Element of the General Plan; in that post-construction erosion and siltation impacts will be mitigated via Best Management Practices in accordance with the requirements of the California Regional Water Quality Control Board; and in that post-construction noise will be mitigated via a soundwall, wall assemblies and other methods as documented in the Project's noise report. In addition, the extent and density of development will be guided into a cohesive pattern that avoids encroachment into natural, undisturbed areas and will result in the dedication of an easement of approximately 3.55 acres for new community park and recreational facilities, and development of the park with playfields and detentions basins. The developer has also contributed \$7 million to the completion of the adjacent Alden E. Oliver Sports Park.

27. The proposed changes are in conformance with the General Plan, the Zoning Ordinance and the Development Agreement, all as amended. The Project will provide for new recreational amenities in an area that is currently underserved by such facilities and would provide for development of high-quality housing that would be consistent with standard geotechnical and building construction practices. The Project will provide housing in the area at roughly the same density as the existing, adjacent Oliver West project; mitigate potential land use conflicts between residential and non-residential uses; and utilize landscaping, collector street setbacks and a variety of building designs and massing to assist in creating a harmonious development.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Mitigated Negative Declaration is hereby adopted and the Mitigation Monitoring and Reporting Program, General Plan Amendment PL 2004-0184, the proposed Specific Plan Amendment, the proposed Amendment to the Mount Eden Business and Sports Park Community Development Agreement, Zone Change Application PL 2004-0189, the proposed Preliminary Development Plan, Vesting Tentative Tact Map 7489, and the proposed revisions to the South of 92 Development Guidelines are hereby approved, subject to the attached conditions of approval and the adoption of the companion ordinances relating to the proposed zone change and the amendment to the development agreement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE 1
OF THE HAYWARD MUNICIPAL CODE BY REZONING
CERTAIN TERRITORY IN CONNECTION WITH ZONE
CHANGE APPLICATION PL-2004-0189 RELATING TO THE
OLIVER EAST PROPERTY

me
11/4/05

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

Section 1. Rezoning.

Article 1 of Chapter 10 of the Hayward Municipal Code is hereby amended to rezone a 29.2 acre portion of the property commonly known as Oliver East, from Light Manufacturing ("LM") District and Business Park ("BP") District to Planned Development ("PD") District, identified on the map in Exhibit "A" and incorporated herein by reference. The Assessor Parcel Numbers of the property affected by this zone change are:

- APN 456-0097-004 (Only that portion which is shown on the proposed rezoning map and which is included in the Eden Shores East residential project)
- APN 456-0097-005
- APN 456-0097-006
- APN 456-0097-018
- APN 456-0097-019
- APN 456-0097-020

The City Council has adopted a companion resolution, adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approving General Plan Amendment PL 2004-0184 Zone Change Application No. PL-2004-0189 and Vesting Tentative Map PL 2004-0190 TTM 7489, which findings contained therein are incorporated herein by reference.

Section 2. Severance.

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

Section 3. Effective Date.

This ordinance shall become effective immediately upon adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2005, 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

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING EXECUTION OF
AMENDMENT TO MOUNT EDEN BUSINESS AND SPORTS
PARK COMMUNITY DEVELOPMENT AGREEMENT

Mur
11/4/05

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

Section 1. Findings. This ordinance authorizes the execution of an amendment to the existing Mount Eden Business and Sports Park Development Agreement (“Amendment to Development Agreement”), for the Eden Shores East residential project to be developed on an approximately 29.2 acre site located west of Marina Drive and on either side of Eden Shores Boulevard (the “Property”), which is a portion of the property commonly known as Oliver East. The findings and determinations contained in the following resolution are incorporated by this reference: Resolution No. _____, which approves General Plan Amendment PL 2004-0184, which amends the land use designations for the Property; Zone Change Application PL 2004-0189, reclassifying the Property from Light Manufacturing (LM) District and Business Park (BP) District to Planned Development (PD) District; Vesting Tentative Map 7489 (PL 2004-0190 and certain revisions to the South of 92 Specific Plan and the South of 92 Development Guidelines. The following additional findings also support the adoption of this ordinance authorizing the execution of the Amendment to Development Agreement.

- A. This ordinance is adopted pursuant to the enabling provisions of Article 9, Chapter 10 of the Hayward Municipal Code, the City's Development Agreement Ordinance, and the provisions of state law which authorize the City to enter into binding development agreements with persons having legal or equitable interests in real property for the development of their property, contained in Government Code sections 65864 through 65869.5.
- B. The proposed Amendment to Development Agreement is consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, the City's zoning ordinance, the South of 92 Specific Plan, and the South of 92 Development Guidelines, all as amended.
- C. The proposed development agreement is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located in that the General Plan, as amended, allows for Residential - Medium Density at 8.7 to 17.4 dwelling units per net acre and the development is proposed to have a density of 10.7 dwelling units per net acre for the single family neighborhood and 14.0 dwelling units per net acre for the multi-family neighborhood.

- D. The proposed Development Agreement is in conformity with public convenience, general welfare, and good land use practice in that it will provide new housing opportunities and new public facilities, including new neighborhood parks and a previously-made contribution of \$7 million toward the development of Alden E. Oliver Sports Park, while minimizing impacts to the area.
- E. Existing or proposed public facilities have sufficient capacity to accommodate the proposed development in that "D" Street is proposed to be extended northeast from Marina Drive, thereby providing, along with the proposed two entrances off Marina drive and the single entrance off Eden Park Place, four means of ingress and egress for the development.
- F. The public health, safety, and general welfare will be promoted and advanced by the proposed development in that mitigation measures will be required as a part of the development approvals to ensure that significant environmental impacts will be reduced to levels of insignificance, including those associated with dust and air quality, biological resources, cultural resources, hydrology, noise and recreation.
- G. The orderly development of property or the preservation of the property values will be promoted and advanced by the proposed development in that high-quality single-family housing and multi-family housing will be constructed in an area that was planned and zoned for light manufacturing and business park land uses, resulting in less impacts to, and a development more compatible with, surrounding residences.

Section 2. Authorization to Execute Amendment to Development Agreement. Based on the findings set forth in this ordinance and in Resolution No. _____, as well as a review of the proposed Amendment to the Mount Eden Business and Sports Park Community Development Agreement Relating to Development of Eden Shores East, a Portion of Oliver East Property, submitted to the City Council at the November 15, 2005, meeting, the City Council hereby takes the following actions:

- A. The City Manager is authorized to execute the Amendment to Development Agreement, regarding the Eden Shores East project, substantially in the form of the proposed Amendment to Development Agreement presented to the City Council on November 15, 2005, together with such minor clarifying changes as may be necessary upon approval by the City Manager after consultation with the City Attorney.
- B. The City Manager is also authorized to take such further actions which he or she deems necessary and proper to carry out and or monitor performance of the

terms of the executed Amendment to Development Agreement pursuant to applicable law and regulation. This authority includes but is not limited to execution of any further agreement which the City Manager deems necessary to implement the Amendment to Development Agreement ("Implementation Agreement").

Section 3. Effective Date. This ordinance shall become effective upon adoption.

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

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2005, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2005, 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

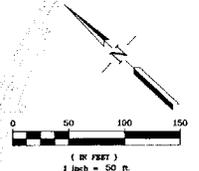
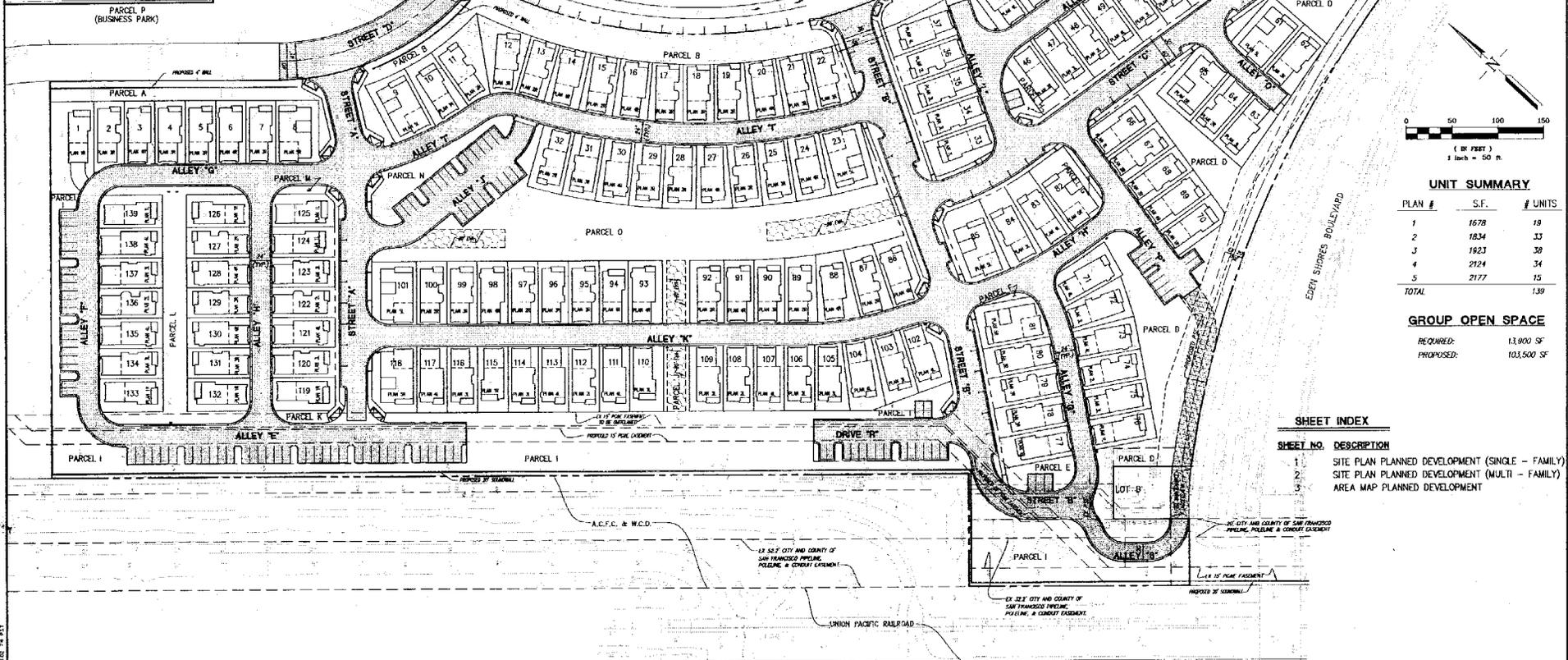
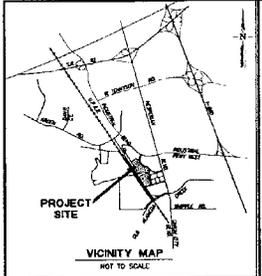
DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

SITE PLAN
PLANNED DEVELOPMENT (SINGLE FAMILY)
TRACT 7489 - EDEN SHORES EAST
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



UNIT SUMMARY

PLAN #	S.F.	# UNITS
1	1678	19
2	1834	33
3	1923	39
4	2124	34
5	2177	15
TOTAL		139

GROUP OPEN SPACE

REQUIRED:	13,900 SF
PROPOSED:	103,500 SF

SHEET INDEX

SHEET NO.	DESCRIPTION
1	SITE PLAN PLANNED DEVELOPMENT (SINGLE - FAMILY)
2	SITE PLAN PLANNED DEVELOPMENT (MULTI - FAMILY)
3	AREA MAP PLANNED DEVELOPMENT

LAND USE TABULATION

LAND USE	NET ACRES	% ACRES
RESIDENTIAL LOTS	8.1	46%
PRIVATE STREETS/PARKING	4.7	27%
LANDSCAPED BUFFER (ALONG MARINA DRIVE)	0.8	4%
OTHER LANDSCAPED AREAS/OPEN SPACE	4.1	23%
DEVELOPED AREA SUBTOTAL	17.7	100%

SETBACK STANDARDS

FRONT YARD BUILDING	6' MIN
	0' ALONG MARINA DRIVE
SIDE YARD	4' MIN (PLANS 1 THRU 4) 0' MIN (PLAN 5)
REAR YARD	FACE OF GARAGE 3' MIN

SITE SUMMARY

TOTAL RESIDENTIAL UNITS	139
TOTAL SITE AREA	17.7 ACRES
GROSS DENSITY	7.9 DU/AC
NET DEVELOPED AREA	13.0 ACRES
SITE AREA (LESS PUBLIC /PRIVATE STREETS)	
LANDSCAPE AREAS	4.9 ACRES
NET DENSITY (# UNITS/NET DEVELOPED AREA)	10.7 DU/AC
AVERAGE LOT SIZE	2538 SF
PROPOSED ZONING	PD--PLANNED DEVELOPMENT

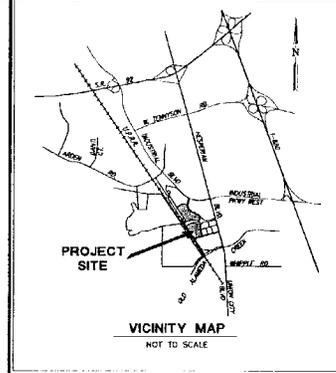
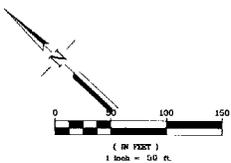
PARKING SUMMARY

139 RESIDENTIAL UNITS	278 SPACES
WITH 2 CAR GARAGES	
ON SITE OPEN PARKING	151 SPACES
PARKING ALONG MARINA BLVD.	24 SPACES
SUBTOTAL	453 SPACES
SPACES/UNIT	3.3

Ruggeri - Jensen - Azari & Associates
 ARCHITECTS/PLANNERS/ENGINEERS
 4400 CHARLOT DRIVE, SUITE 200 • PLEASANTON, CA 94508
 PHONE: (925) 227-3100 • FAX: (925) 227-9300

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SITE PLAN
PLANNED DEVELOPMENT (MULTI-FAMILY)
TRACT 7489 - EDEN SHORES EAST
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



UNIT SUMMARY

4-PLEX (BLDG 13)

PLAN #	S.F.	UNITS	TOTAL GROSS S.F./BLDG.
2	1,696	2	3,392
3	1,848	2	3,676
		4	7,068

6-PLEX (BLDG 1, 3, 4, 6, 7, 5, 12, 14, 15, 16, 17, 18, 19)

PLAN #	S.F.	UNITS	TOTAL GROSS S.F./BLDG.
1	1,508	2	3,016
2	1,696	2	3,392
3	1,848	2	3,676
		6	10,104

8-PLEX (BLDG 2, 5, 9, 10, 11)

PLAN #	S.F.	UNITS	TOTAL GROSS S.F./BLDG.
1	1,508	2	3,016
2	1,696	2	3,392
3	1,848	4	7,392
		8	13,800

GROUP OPEN SPACE

REQUIRED:	12,200 S.F.
PROPOSED:	55,700 S.F.

LAND USE TABULATION

LAND USE	NET ACRES	% ACRES
BUILDINGS	3.9	34%
PRIVATE STREETS/PARKING	2.5	22%
LANDSCAPED BUFFER ALONG MARINA DRIVE/EDEN PARK PLACE	0.9	8%
OTHER LANDSCAPE AREAS	4.1	36%
TOTAL	11.4	100%

BUILDING SEPARATION

SIDE TO SIDE:	15' MIN
FRONT TO SIDE:	15' MIN
FRONT TO FRONT:	20' MIN

SITE SUMMARY

TOTAL RESIDENTIAL UNITS	122
TOTAL SITE AREA	11.4 ACRES
GROSS DENSITY	10.7 DU/AC
NET DEVELOPED AREA (SITE AREA - LESS PRIVATE STREETS)	8.7 ACRES

PARKING SUMMARY

122 RESIDENTIAL UNITS WITH 2 CAR GARAGES	244 SPACES
OPEN PARKING	74 SPACES
SUBTOTAL	318 SPACES

LANDSCAPE AREAS

NET DENSITY (# UNITS/NET DEVELOPED AREA)	5.0 ACRES
PROPOSED ZONING	14.0 DU/AC
	PD-PLANNED DEVELOPMENT

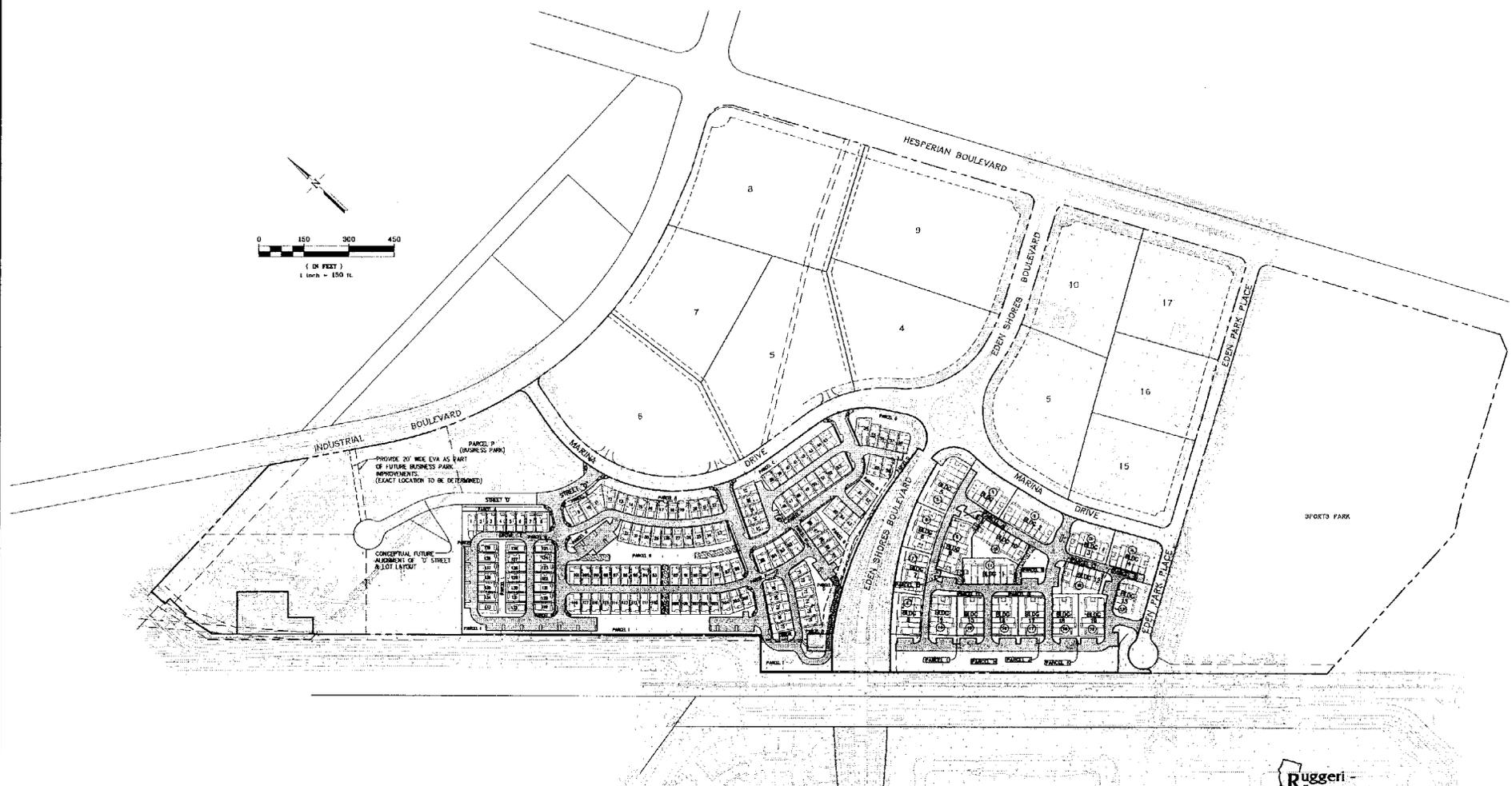
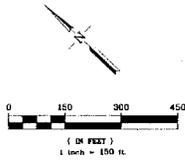
PARKING SHOWN

PARKING SHOWN	2.6 SPACES/UNIT
PARKING REQUIRED	2.1 SPACES/UNIT

Ruggeri - Jensen - Jazar & Associates
 A PROFESSIONAL CORPORATION
 4690 CHABOT DRIVE, SUITE 200 • PULSANITO, CA 94588
 PHONE: (925) 227-9100 • FAX: (925) 227-9300

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AREA MAP
PLANNED DEVELOPMENT
TRACT 7489 - EDEN SHORES EAST
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



Ruggeri - Jensen & Associates
 ENGINEERS ARCHITECTS PLANNERS
 4010 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94568
 PHONE: (925) 277-9100 • FAX: (925) 277-9300

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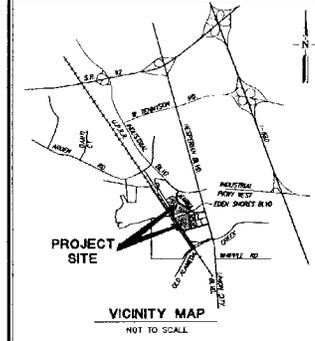
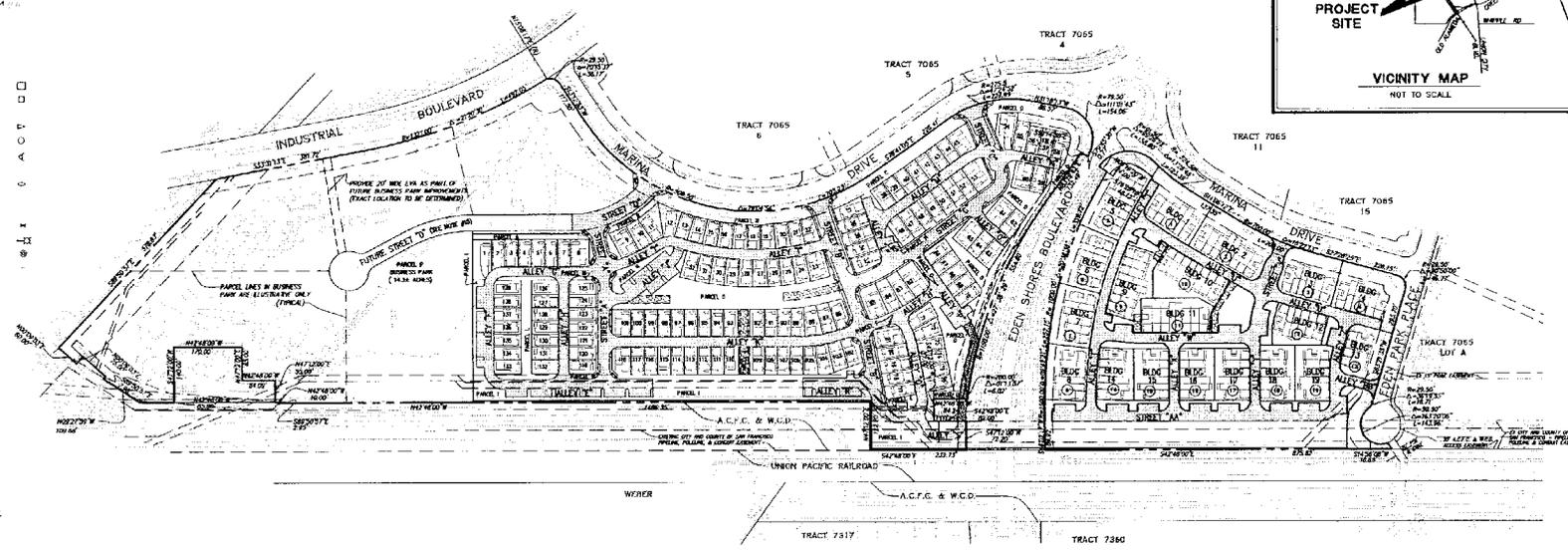
LEGEND

PROPOSED	DESCRIPTION	EXISTING
---	TRACT BOUNDARY	---
---	LOT LINE	---
---	RIGHT OF WAY	---
---	CENTER LINE	---
---	WATER LINE	---
---	RETAINING WALL	---
---	EASEMENT LIMIT	---
---	STORM DRAIN	---
---	SANITARY SEWER	---
---	WATER	---
---	RECYCLED WATER	---
---	CURB & GUTTER	---
---	SIDEWALK/WALKWAY	---
---	EARTH OR GRASS SWALE	---
---	CONCRETE DITCH	---
---	STORM WATER INLET	---
---	FIELD INLET	---
---	AREA DRAIN	---
---	DIRECTION OF FLOW	---
---	MANHOLE	---
---	FIRE HYDRANT	---
---	BLOW OFF	---
---	SANITARY SEWER CLEAN OUT	---
---	SANITARY SEWER LATERAL	---
---	WATER LATERAL WITH METER	---
---	WATER VALVE	---
---	STREET LIGHT	---
---	MONUMENT	---
---	TRAFFIC SIGN	---
---	STREET NAME SIGN	---
---	SEWER	---
---	BARRICADE	---
---	HANDICAP RAMP	---
---	SPOT ELEVATION	---
---	IRRIGATION SLEEVE	---
---	REVERSE INTRU-CURB DRAIN	---
---	ASPHALT PAVEMENT	---
---	LOT NO. (SINGLE FAMILY)	---
---	LOT NO. (MULTI-FAMILY)	---
---	PARCEL (SINGLE FAMILY)	---
---	PARCEL (MULTI-FAMILY)	---

ABBREVIATIONS

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
A.C.F.C. &	ALAMEDA COUNTY FLOOD CONTROL
W.C.D.	WATER CONSERVATION DISTRICT
AD	AREA DRAIN
BC	BEGINNING OF CURVE
CL	CENTER LINE
C&G	CURB AND GUTTER
DWY	DRIVER WAY
DP	DUCTILE IRON PIPE
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EX	EXISTING
FF	FINISHED FLOOR ELEVATION
FC	FACE OF CURB
FG	FINISHED GRADE
FI	FIELD INLET
FL	FLOW LINE
GB	GRADE BREAK
GR	GRATE
HP	HIGH POINT
INV	INVERT ELEVATION
LP	LOW POINT
MH	MANHOLE
PAE	PRIVATE ACCESS EASEMENT
PL	PROPERTY LINE
P.S.D.E.	PRIVATE STORM DRAIN EASEMENT
P.S.E.	PUBLIC SERVICE EASEMENT
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
RET	CURB RETURN
RT	RIGHT OF WAY
SDE	STORM DRAIN EASEMENT
SSCO	SANITARY SEWER CLEAN OUT
SM	STORM WATER INLET
SW	SIDEWALK
TC	TOP OF CURB
TW	TOP OF WALL
WM	WATER METER
WCP	WATERFIED CLAY PIPE

**VESTING TENTATIVE MAP
TRACT 7489 - EDEN SHORES EAST
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA**



GENERAL NOTES

- OWNER/DEVELOPER:** DUC HOUSING GROUP
14017 BUSINESS BOULEVARD, SUITE H
LOS GATOS, CA 95032
PHONE: (408) 866-5011 FAX: (408) 866-5001
JULY TARELLI
- CIVIL ENGINEER:** RUGGERI-JENSEN-AZAR & ASSOCIATES
4550 CHABOT DRIVE, SUITE 200
PLEASANTON, CA 94588
PHONE: (925) 227-9100
RICHARD CHEUNG, P.E., 43850, EXP. 6/30/07
- ASSESSOR'S PARCEL NUMBERS:** 456-0097-001, 456-0097-004, 456-0097-005,
456-0097-006, 456-0097-016, 456-0097-117,
456-0097-118, 456-0097-019, 456-0097-020,
456-0097-021, 456-0097-022, 456-0097-023
- EXISTING USE:** VACANT
- PROPOSED USE:** RESIDENTIAL DEVELOPMENT AND BUSINESS PARK
- EXISTING ZONING:** LIGHT MANUFACTURING AND BUSINESS PARK
- SITE AREA:** 43.36 ACRES
- PROPOSED ZONING:** PLANNED DEVELOPMENT DISTRICT AND BUSINESS PARK
- MINIMUM LOT SIZE:** SINGLE FAMILY LOT 2,000 SF
- TOTAL NUMBER OF PROPOSED UNITS:** SINGLE FAMILY HOMES 139
CONDOMINIUM HOMES 122
- BENCHMARK:** CITY MONUMENT DGC AT THE INTERSECTION OF
REDSTREAM BOULEVARD AND TOWALLA WAY.
ELEVATION: 7.86 FEET
- UTILITIES:**
a. WATER: CITY OF HAYWARD
b. SANITARY SEWER: CITY OF HAYWARD
c. STORM DRAIN: CITY OF HAYWARD
d. GAS AND ELECTRIC: PACIFIC GAS AND ELECTRIC
e. TELEPHONE: SBC
f. CABLE TV: COMCAST CABLE
g. FIRE PROTECTION: CITY OF HAYWARD

12. UTILITIES:
13. ALL EROSION CONTROL MEASURES SHALL BE IN CONFORMANCE WITH THE CRITERIA AND STANDARDS OF THE CITY OF HAYWARD.
14. BOUNDARY AS SHOWN IS COMPILED FROM RECORD INFORMATION AND DOES NOT REPRESENT A FIELD SURVEY OF THE PROPERTY.
15. THE ALIGNMENT OF THIS FUTURE STREET IS SHOWN SCHEMATICALLY BASED ON THE APPROVED VESTING TENTATIVE MAP 7065
16. THE DEVELOPER IS TO FILE MULTIPLE FINAL MAPS AFTER APPROVAL OF THE VESTING TENTATIVE MAP.

SHEET INDEX

SHEET NO.	DESCRIPTION
1	TITLE SHEET
2	STREET SECTIONS AND DETAILS
3	PRELIMINARY GRADING PLAN - (SINGLE FAMILY)
4	PRELIMINARY GRADING PLAN - (MULTI-FAMILY)
5	PRELIMINARY UTILITY PLAN - (SINGLE FAMILY)
6	PRELIMINARY UTILITY PLAN - (MULTI-FAMILY)

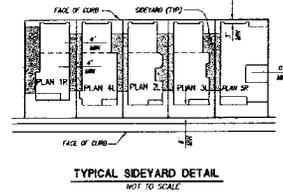
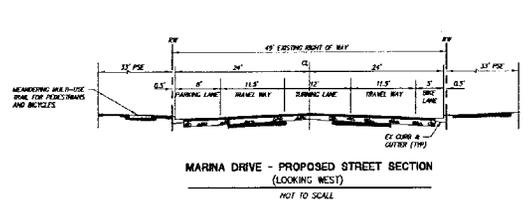
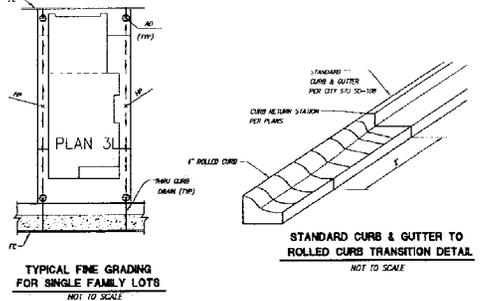
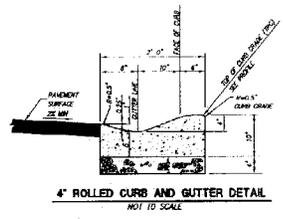
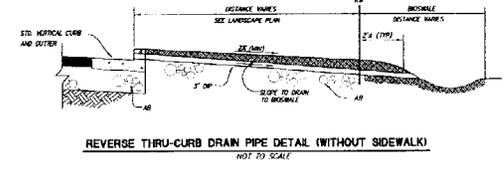
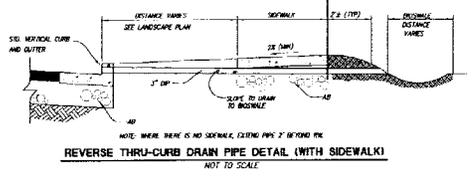
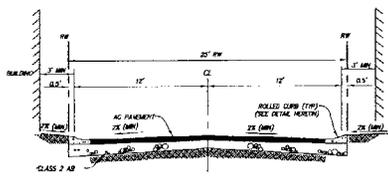
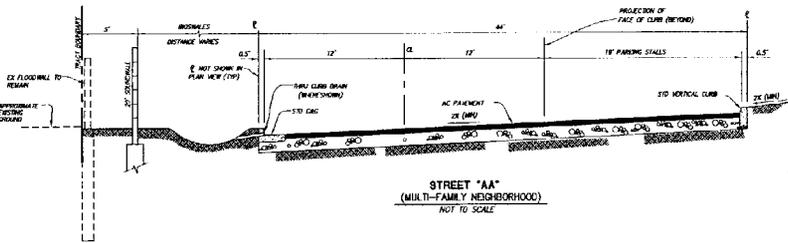
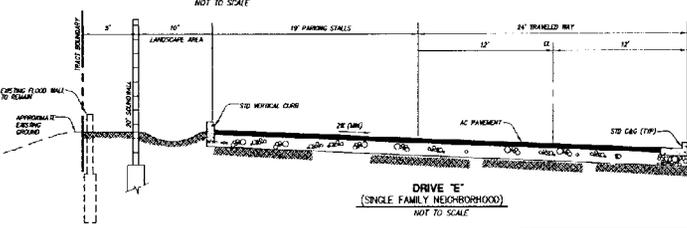
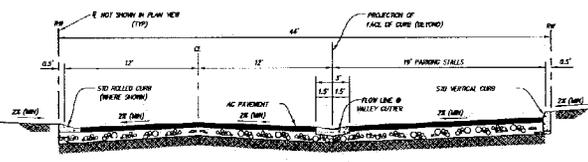
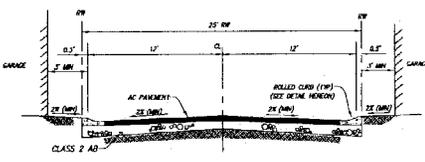
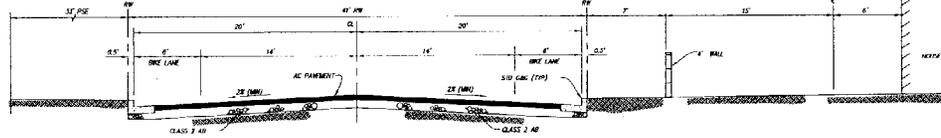
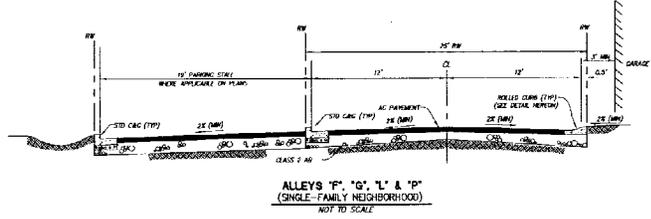
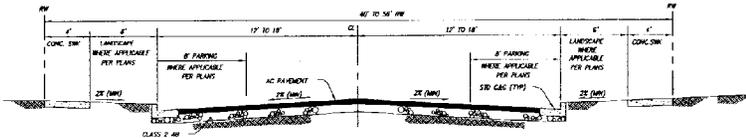
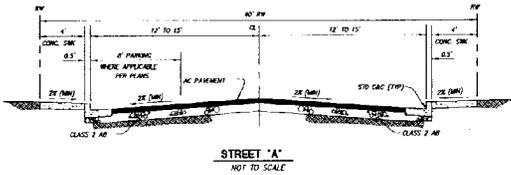
Ruggeri - Jensen - Azar & Associates
REGISTERED PROFESSIONAL ENGINEERS
4550 CHABOT DRIVE, SUITE 200 • PLEASANTON, CA 94588
PHONE: (925) 227-9100 • FAX: (925) 227-9300

STREET SECTIONS AND DETAILS

VESTING TENTATIVE MAP

TRACT 7489 - EDEN SHORES EAST

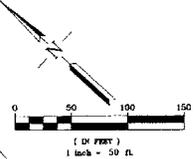
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



Ruggeri - Azar & Associates
REGISTERED PROFESSIONAL ENGINEER
4850 CHARLOTTE DRIVE, SUITE 200 • PLEASANTON, CA 94588
PHONE: (925) 757-9100 • FAX: (925) 227-9300

**PRELIMINARY GRADING PLAN (SINGLE FAMILY)
VESTING TENTATIVE MAP
TRACT 7489 - EDEN SHORES EAST
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA**

TRACT 7085
4



24 ON STREET PARKING SPACES
ALONG WEST SIDE OF MARINA DRIVE

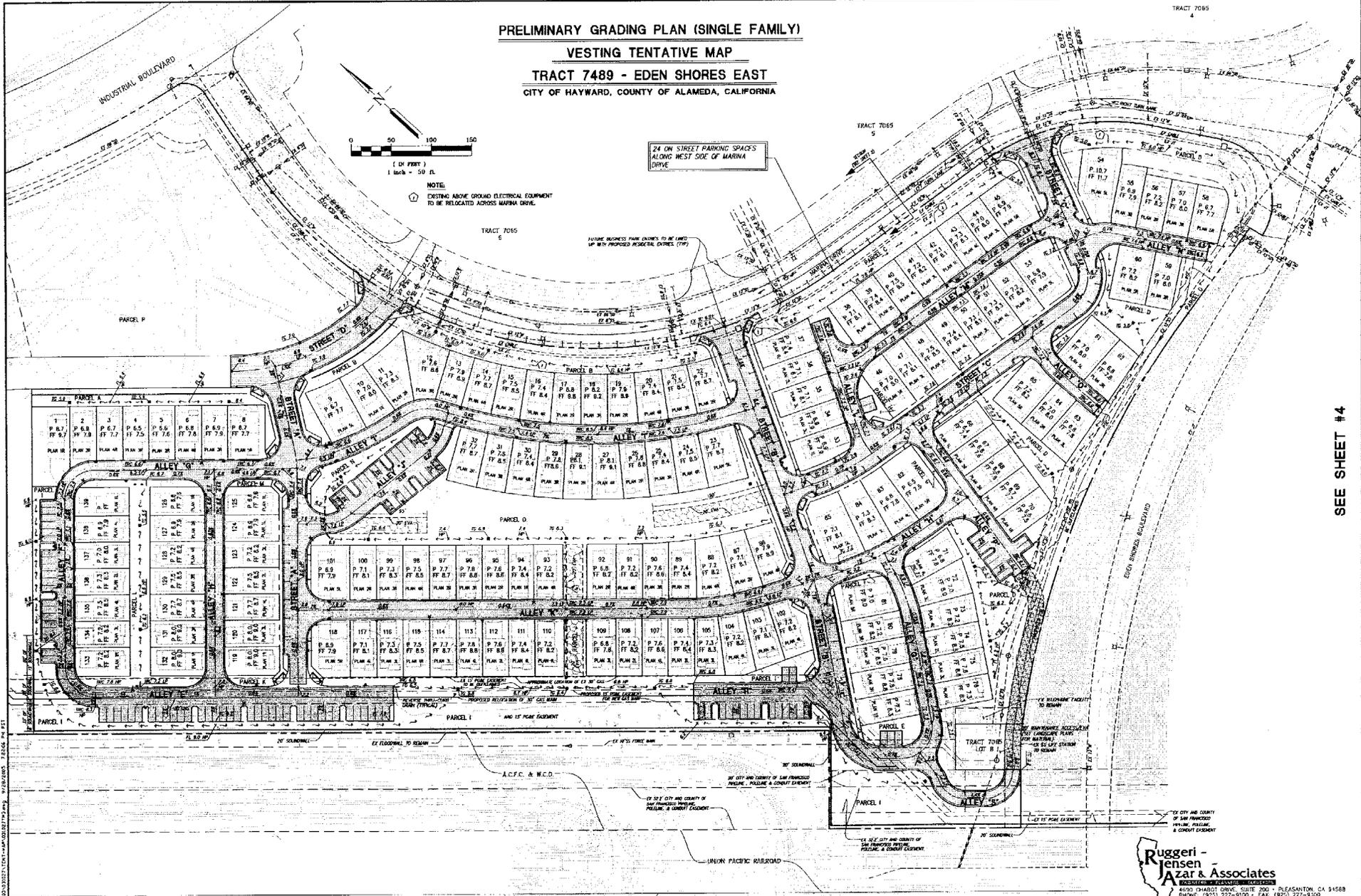
NOTE:
EXISTING ABOVE GROUND ELECTRICAL EQUIPMENT
TO BE RELOCATED ACROSS MARINA DRIVE.

TRACT 7085
E

EXISTING BUSINESS PARK DRIVE TO BE LIFTED
UP WITH PROPOSED RESIDENTIAL DRIVE (TRP)

TRACT 7085
S

SEE SHEET #4



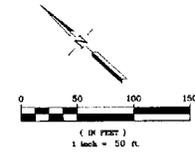
Ruggeri - Jensen & Associates
LANDSCAPE ARCHITECTS
4015 FRANKLIN DRIVE, SUITE 200 • PLEASANTON, CA 94588
PHONE: (925) 227-9100 • FAX: (925) 227-9100

DATE: SEPTEMBER 26, 2005 JOB NO. 031027 SHEET 3 OF 6

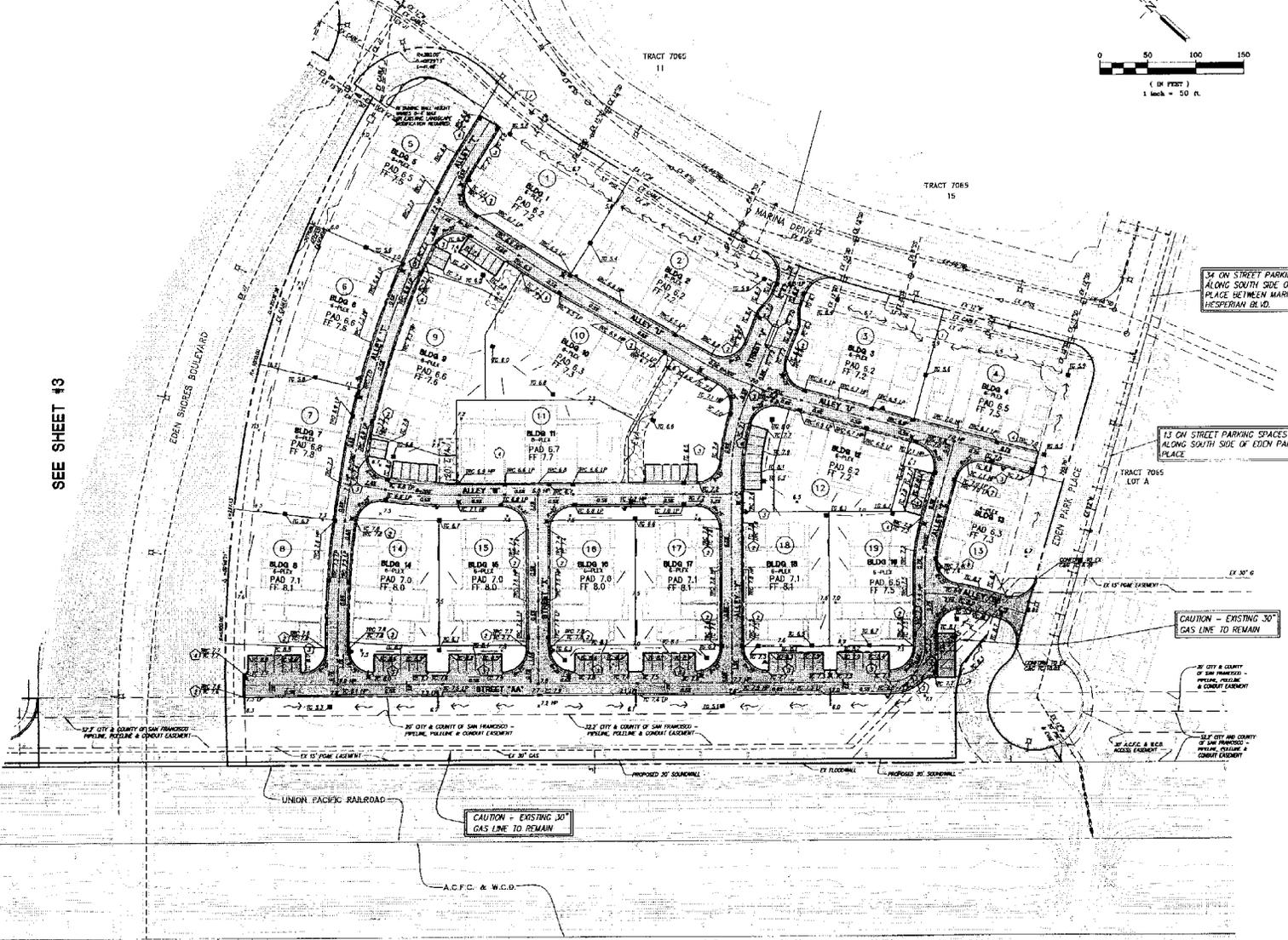
WEINER

TRACT 7317

PRELIMINARY GRADING PLAN (MULTI-FAMILY)
VESTING TENTATIVE MAP
TRACT 7489 - EDEN SHORES EAST
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA



SEE SHEET #3



34 ON STREET PARKING SPACES
ALONG SOUTH SIDE OF EDEN PARK
PLACE BETWEEN MARINA DRIVE &
HESPERIAN BLVD.

13 ON STREET PARKING SPACES
ALONG SOUTH SIDE OF EDEN PARK
PLACE

CAUTION - EXISTING 30"
GAS LINE TO REMAIN

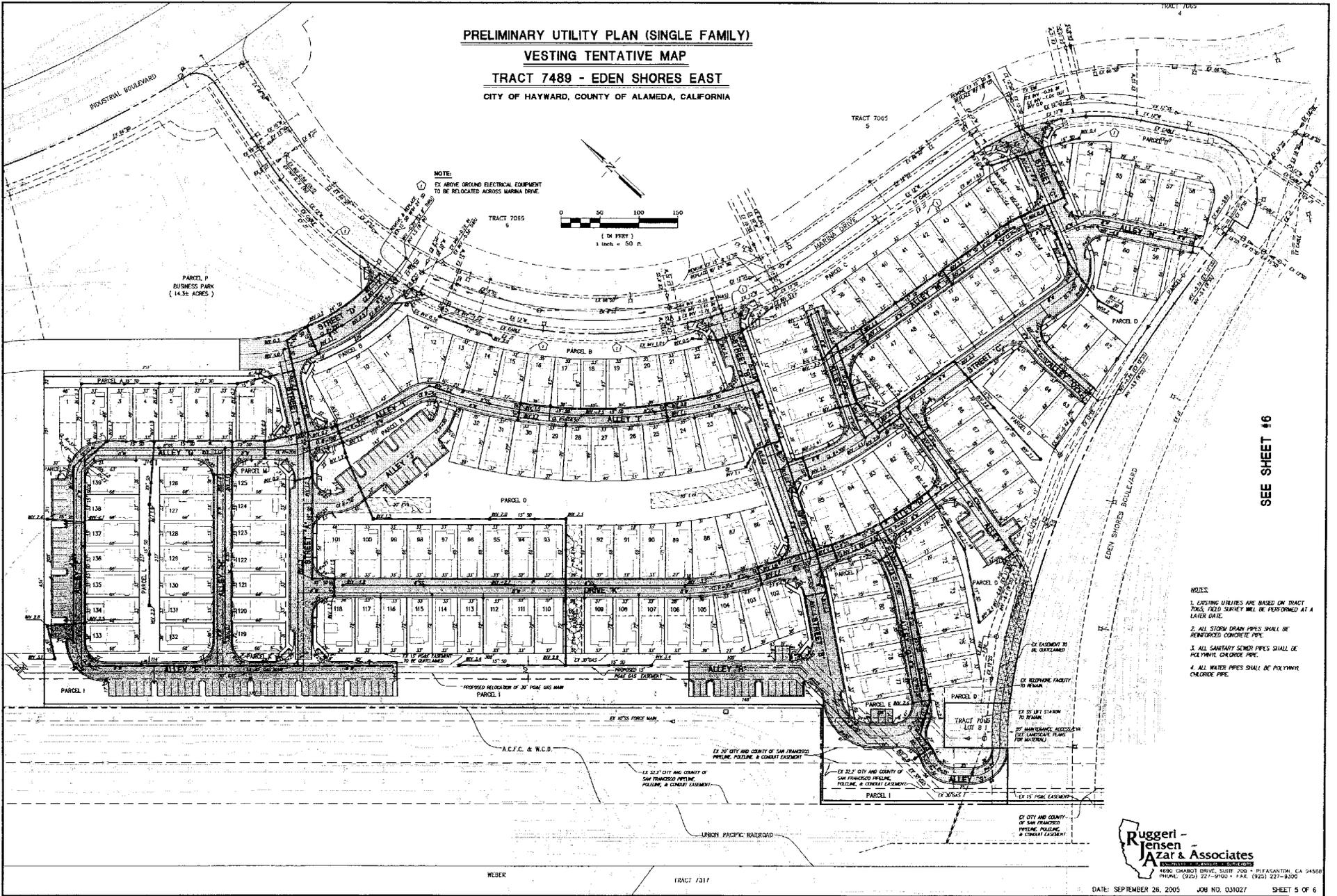
CAUTION - EXISTING 30"
GAS LINE TO REMAIN

- PLAN KEY NOTES:**
- ① EXISTING ABOVE GROUND ELECTRICAL EQUIPMENT TO BE RELOCATED ACROSS MARINA DRIVE. PER ELECTRICAL DESIGN PLANS.
 - ② TRANSITION FROM STANDARD CURBS TO ROLLED CURBS.
 - ③ TRANSITION FROM STANDARD CURBS TO VERTICAL CURBS.
 - ④ TRANSITION FROM VERTICAL CURBS TO ROLLED CURBS.

NOTE:
 1. PROPERTY LINES ADJACENT TO CURBS NOT SHOWN. SEE TYPICAL SECTIONS ON SHEET #2.

Ruggeri - Jensen - Azar & Associates
 ENGINEERS ARCHITECTS INTERIORS
 4890 CHANDLER DRIVE, SUITE 200 • PLEASANTON, CA 94588
 PHONE: (925) 227-9100 • FAX: (925) 227-9390

**PRELIMINARY UTILITY PLAN (SINGLE FAMILY)
VESTING TENTATIVE MAP
TRACT 7489 - EDEN SHORES EAST
CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA**

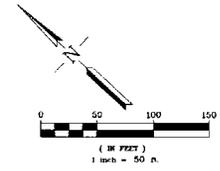


SEE SHEET 16

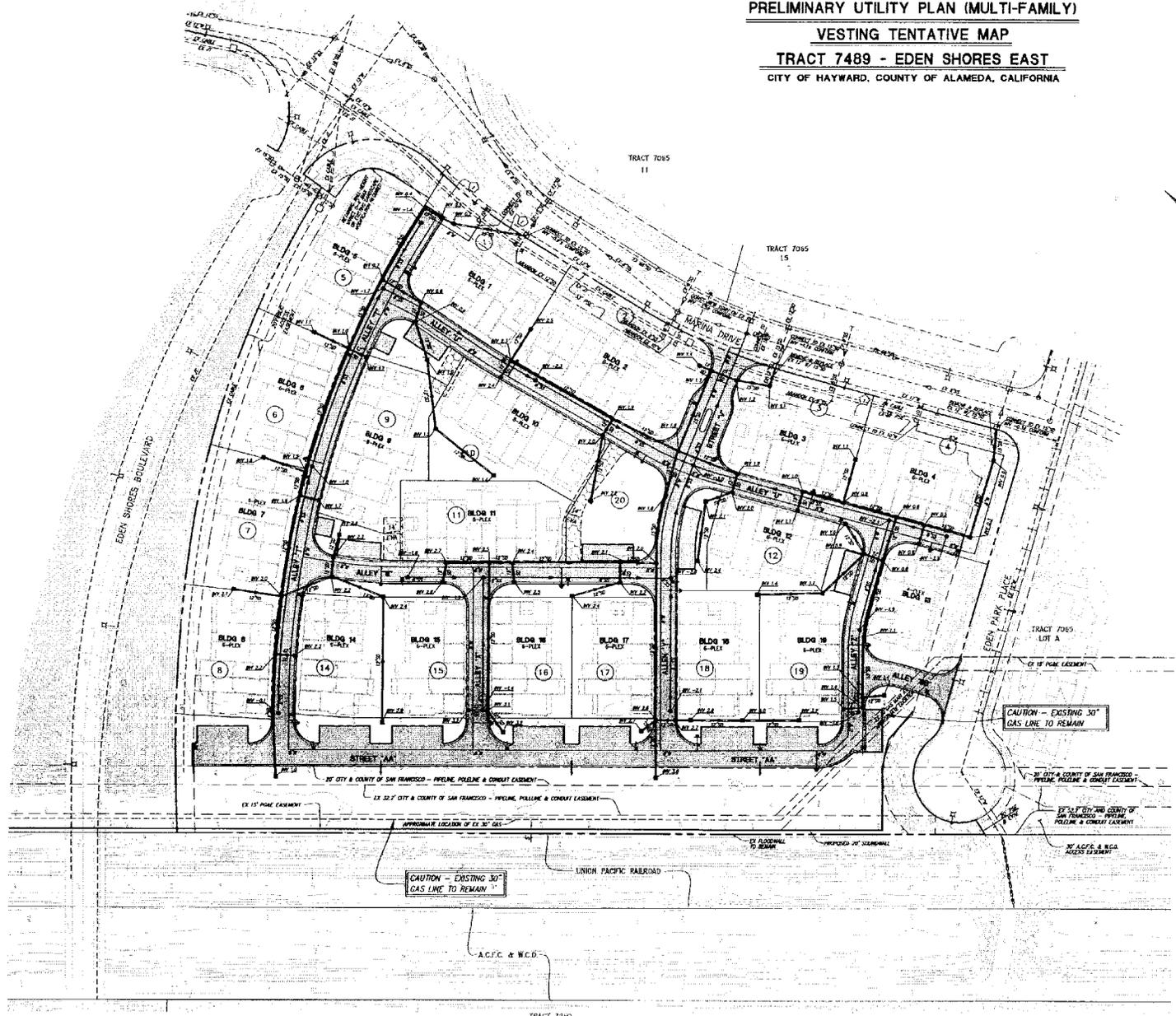
- NOTES:
1. EXISTING UTILITIES ARE BASED ON TRACT 7065 FIELD SURVEY AND SHALL BE PERFORMED AT A LATER DATE.
 2. ALL STORM DRAIN PIPES SHALL BE REINFORCED CONCRETE PIPE.
 3. ALL SANITARY SEWER PIPES SHALL BE POLYETHYLENE GLASS REINFORCED PIPE.
 4. ALL WATER PIPES SHALL BE POLYETHYLENE GLASS REINFORCED PIPE.

Ruggeri - Jensen - Jazar & Associates
 4000 CHABOT DRIVE, SUITE 200 • BERKELEY, CA 94708
 PHONE: (925) 227-9100 • FAX: (925) 227-8300

**PRELIMINARY UTILITY PLAN (MULTI-FAMILY)
 VESTING TENTATIVE MAP
 TRACT 7489 - EDEN SHORES EAST
 CITY OF HAYWARD, COUNTY OF ALAMEDA, CALIFORNIA**



SEE SHEET #5



PLAN KEY NOTE
 17 EX ABOVE GROUND ELECTRICAL EQUIPMENT TO BE RELOCATED ACROSS MARINA DRIVE.

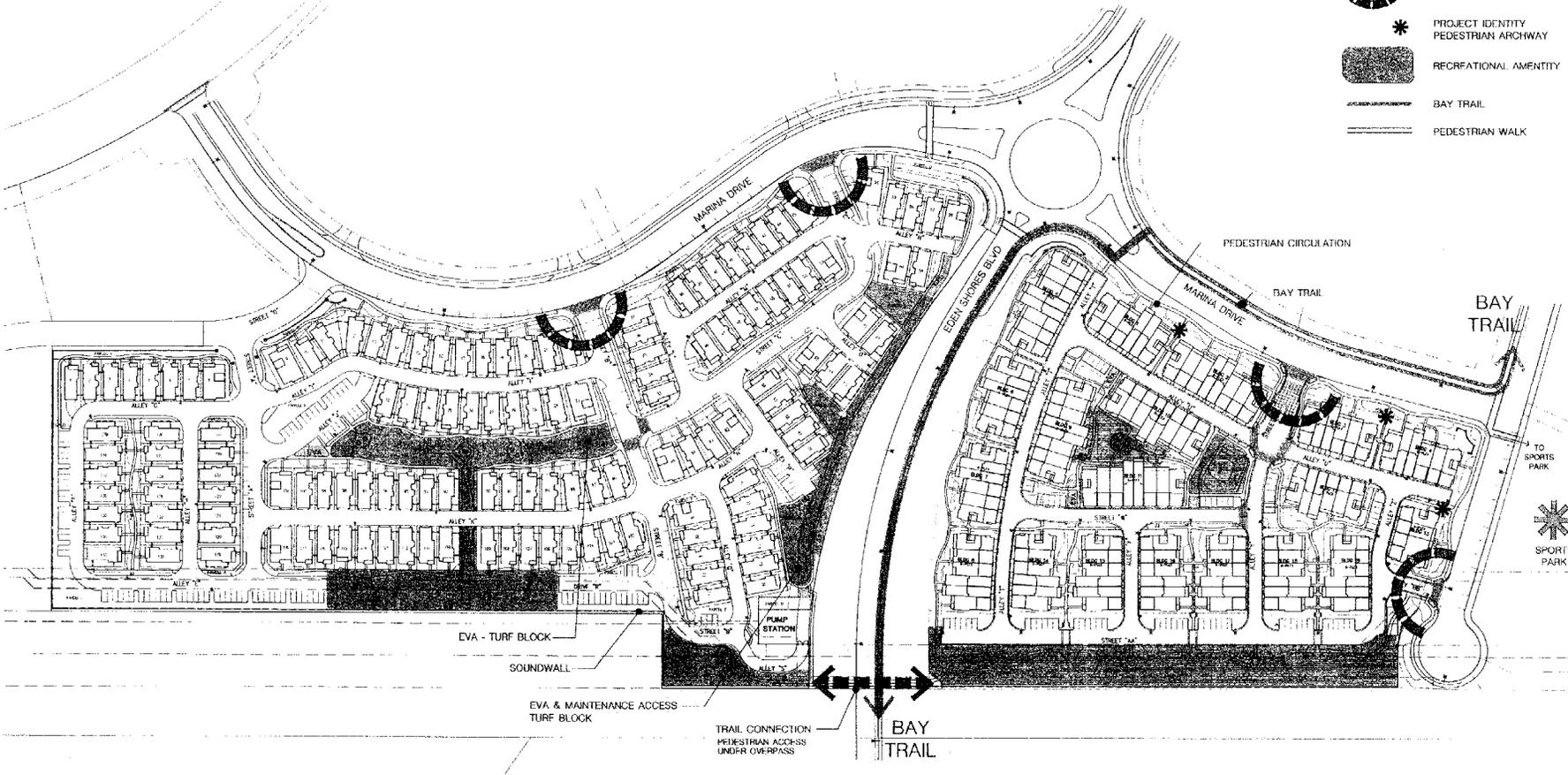
- NOTES:**
- EXISTING UTILITIES ARE BASED ON TRACT 7055; FIELD SURVEY WILL BE PERFORMED AT A LATER DATE.
 - ALL STORM DRAIN PIPES SHALL BE REINFORCED CONCRETE PIPE.
 - ALL SANITARY SEWER PIPES SHALL BE POLYETHYLENE GLYCOL PIPE.
 - ALL WATER PIPES SHALL BE POLYETHYLENE GLYCOL PIPE.
 - PROPERTY LINES ADJACENT TO CURBS NOT SHOWN—SEE TYPICAL STREET SECTIONS ON SHEET #2.

Ruggeri - Jensen - Jazar & Associates
 ENGINEERS, ARCHITECTS, PLANNERS
 4600 SHARON DRIVE, SUITE 200 • FALSBURGH, CA 94543
 PHONE: (925) 227-9100 • FAX: (925) 227-9300

50, HAYWARD STREET, LOS ANGELES, CA 90012, TEL: (213) 622-1100, FAX: (213) 622-1101, WWW.RJAZAR.COM

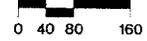
LEGEND

-  PROJECT ENTRY
SEE SHEET L-3
-  PROJECT IDENTITY
PEDESTRIAN ARCHWAY
-  RECREATIONAL AMENITY
-  BAY TRAIL
-  PEDESTRIAN WALK



CIRCULATION PLAN
EDEN SHORES EAST, TRACT 7489
HAYWARD, CALIFORNIA

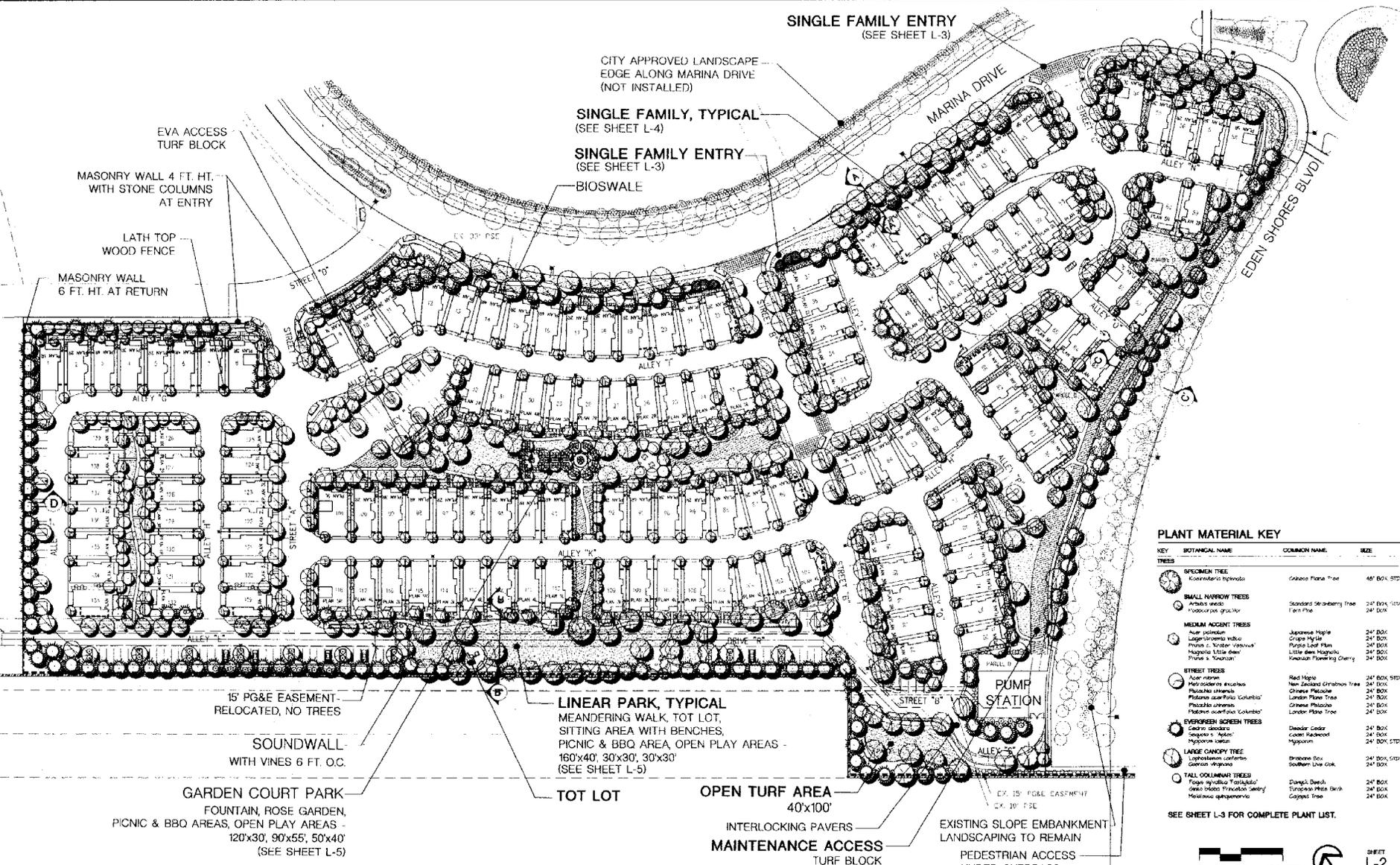




 SHEET
L-1
 OF 10 SHEETS

ROSE ASSOCIATES
 LANDSCAPE ARCHITECTS, INC.
 1850 Chynoweth Blvd., Suite 225, Walnut Creek, CA 94596
 (925) 945-1112 (in CA) (925) 945-0409 e-mail: RALAG@roselandscape.com
 03027 09/29/05

22:39:30:2007:7489:Eden Shores East, Tract 7489, 09/29/05 4:45:17 PM



SINGLE FAMILY ENTRY
(SEE SHEET L-3)

CITY APPROVED LANDSCAPE
EDGE ALONG MARINA DRIVE
(NOT INSTALLED)

SINGLE FAMILY, TYPICAL
(SEE SHEET L-4)

SINGLE FAMILY ENTRY
(SEE SHEET L-3)

BIOSWALE

EVA ACCESS
TURF BLOCK

MASONRY WALL 4 FT. HT.
WITH STONE COLUMNS
AT ENTRY

LATH TOP
WOOD FENCE

MASONRY WALL
6 FT. HT. AT RETURN

15' PG&E EASEMENT -
RELOCATED, NO TREES

SOUNDWALL
WITH VINES 6 FT. O.C.

GARDEN COURT PARK
FOUNTAIN, ROSE GARDEN,
PICNIC & BBQ AREAS, OPEN PLAY AREAS -
120'x30', 90'x55', 50'x40'
(SEE SHEET L-5)

LINEAR PARK, TYPICAL
MEANDERING WALK, TOT LOT,
SITTING AREA WITH BENCHES,
PICNIC & BBQ AREA, OPEN PLAY AREAS -
160'x40', 30'x30', 30'x30'
(SEE SHEET L-5)

TOT LOT

OPEN TURF AREA
40'x100'

INTERLOCKING PAVERS
MAINTENANCE ACCESS
TURF BLOCK

EXISTING SLOPE EMBANKMENT
LANDSCAPING TO REMAIN

PEDESTRIAN ACCESS
UNDER OVERPASS

PLANT MATERIAL KEY

KEY	BOTANICAL NAME	COMMON NAME	SIZE
TREES			
●	<i>Specimen Tree</i>	<i>Koeleria spicata</i>	46' BOX STD
○	SMALL NARROW TREES		
○	<i>Arbutus menziesii</i>	Standard Strawberry Tree	24' BOX, STD
○	<i>Podocarpus nelsonii</i>	Flam Pine	24' BOX
○	MEDIUM ACCENT TREES		
○	<i>Acer glabrum</i>	Japanese Maple	24' BOX
○	<i>Lagerfloraria indica</i>	Crispa Maple	24' BOX
○	<i>Prunella 'Nimbus' variegata</i>	Parrot Leaf Plum	24' BOX
○	<i>Happelia Little Tree</i>	Little Tree Magnolia	24' BOX
○	<i>Prunella 'Tasmanian'</i>	Keweenaw Flowering Cherry	24' BOX
○	STREET TREES		
○	<i>Acer nitens</i>	Red Maple	24' BOX, STD
○	<i>Metrosideros excelsa</i>	New Zealand Christmas Tree	24' BOX
○	<i>Platanus orientalis</i>	Chinese Plane Tree	24' BOX
○	<i>Platanus acerifolia (Lombardi)</i>	Lombard Plane Tree	24' BOX
○	<i>Platanus orientalis</i>	Chinese Plane Tree	24' BOX
○	<i>Platanus occidentalis (Lombardi)</i>	Lombard Plane Tree	24' BOX
○	EVERGREEN SCREEN TREES		
○	<i>Carolinia glauca</i>	David's Cedar	24' BOX
○	<i>Sequoia 'Arista'</i>	Coast Redwood	24' BOX
○	<i>Hydrocotyle sanderi</i>	Hydrocotyle Cedar	24' BOX, STD
○	LARGE CANOPY TREE		
○	<i>Liquidambar styraciflua</i>	Brownish Elm	24' BOX, STD
○	<i>Quercus virginiana</i>	Southern Live Oak	24' BOX
○	TALL COLUMNAR TREES		
○	<i>Fagus sylvatica 'Fastigiata'</i>	Dwarfed Beech	24' BOX
○	<i>Juniperus horizontalis 'Spectabilis'</i>	Horizontal Blue Juniper	24' BOX
○	<i>Metastachya argentea</i>	California Tree	24' BOX

SEE SHEET L-3 FOR COMPLETE PLANT LIST.

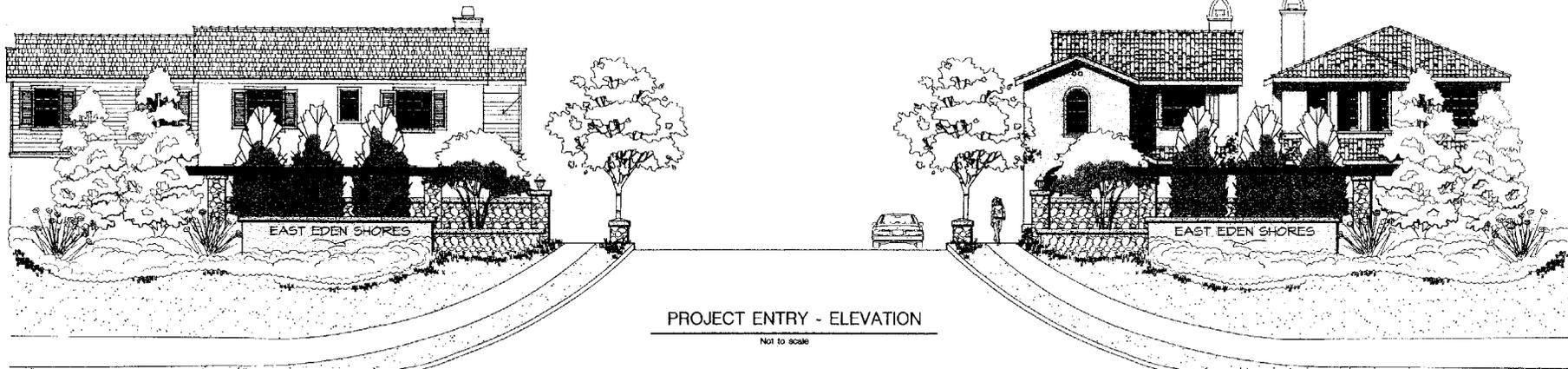
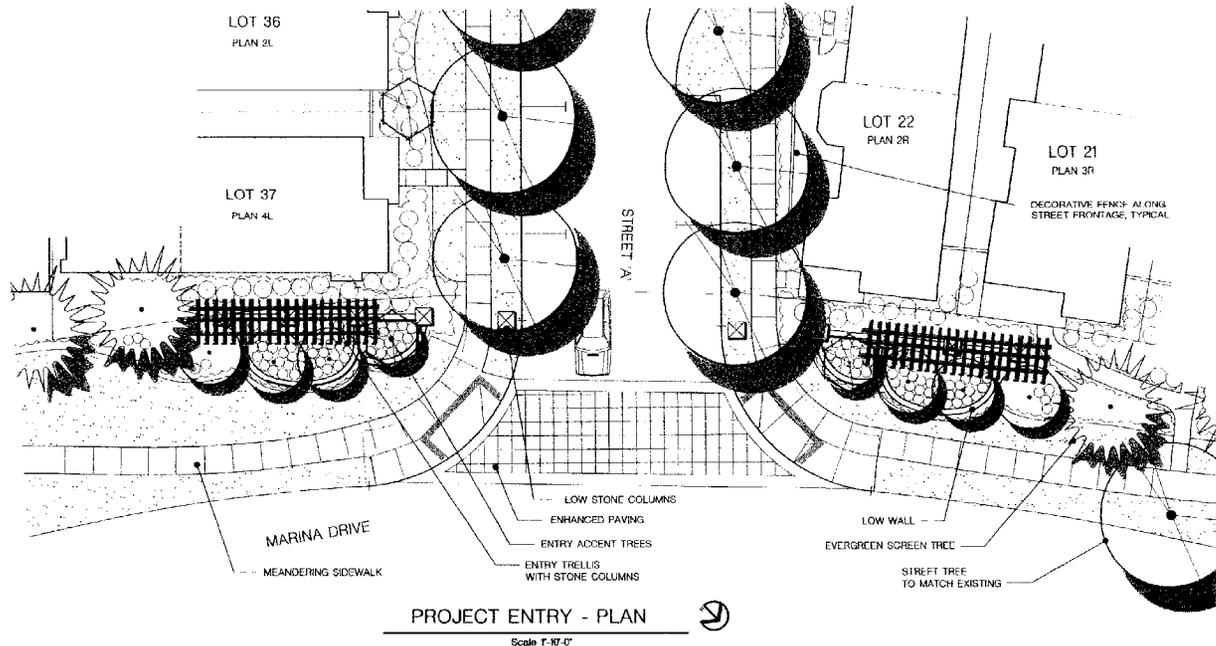
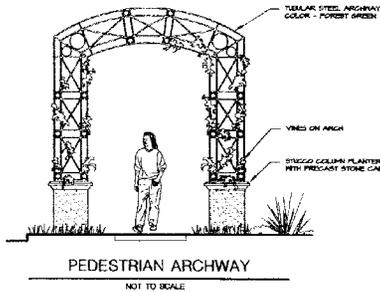


PRELIMINARY LANDSCAPE PLAN
EDEN SHORES EAST, TRACT 7489
HAYWARD, CALIFORNIA

0 25 50 100 FT.

ROSE ASSOCIATES
LANDSCAPE ARCHITECTS, INC.
1855 Central Blvd., Suite 225, Walnut Creek, CA 94597
(925) 938-1111 www.rose-assoc.com

03027 SHEET L-2 OF 10 SHEETS 06/28/05



Project Entry
PRELIMINARY LANDSCAPE PLAN
EDEN SHORES EAST, TRACT 7489
HAYWARD, CALIFORNIA

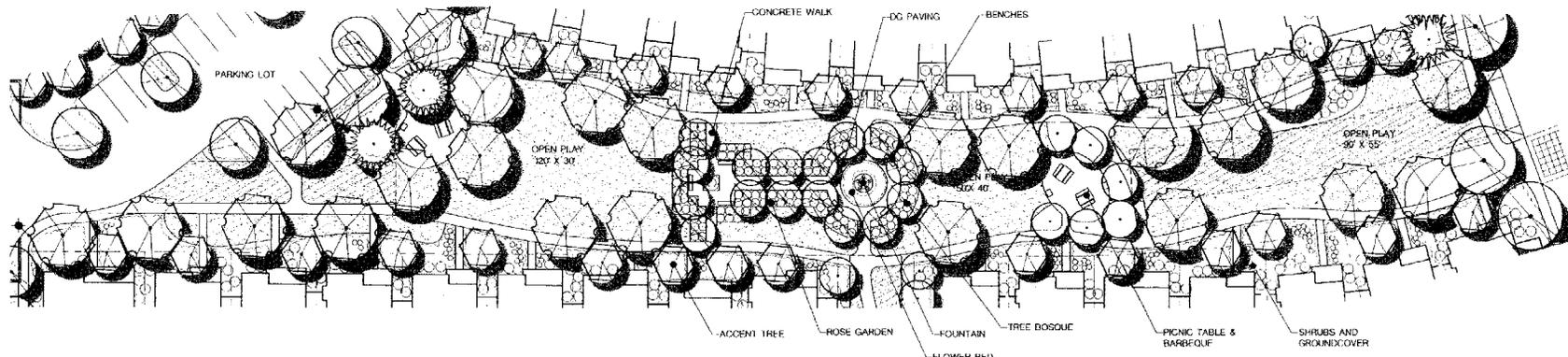


ROSE ASSOCIATES, INC.
LANDSCAPE ARCHITECTS, INC.
1820 Olympic Blvd., Suite 220, Walnut Creek, CA 94596
(925) 945-1112 fax: (925) 945-0422 e-mail: RAU@roselandscape.com

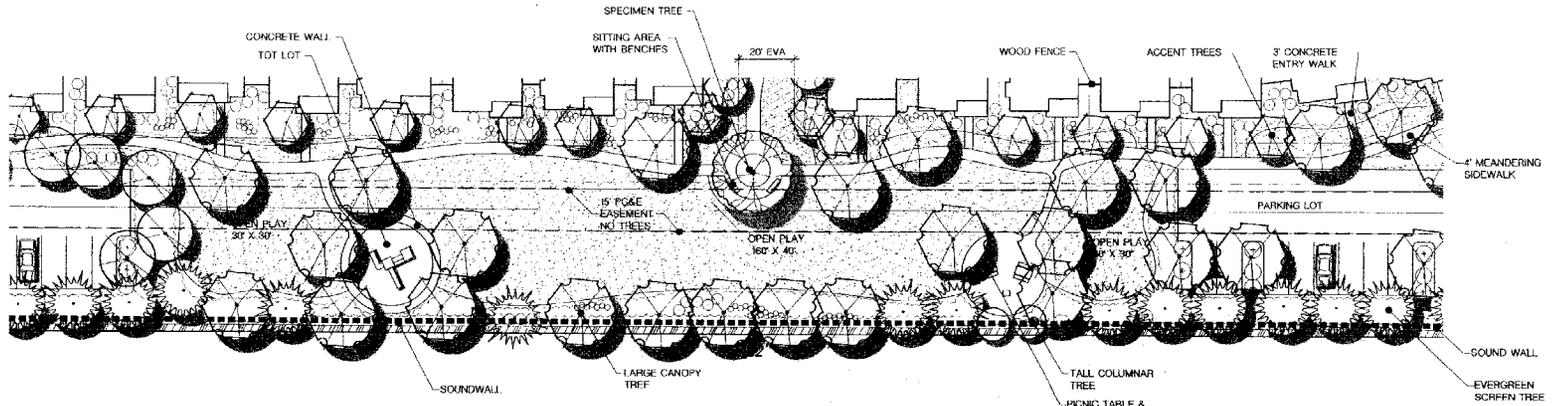
SHEET
L-4
OF 10 SHEETS

03.027

06/06/06



SINGLE FAMILY - GARDEN COURT PARK
 Scale 1"-20'-0"



SINGLE FAMILY - LINEAR PARK
 Scale 1"-20'-0"

**Single Family Recreational Amenities
 PRELIMINARY LANDSCAPE PLAN
 EDEN SHORES EAST, TRACT 7489
 HAYWARD, CALIFORNIA**



0 10 20 40 FT.

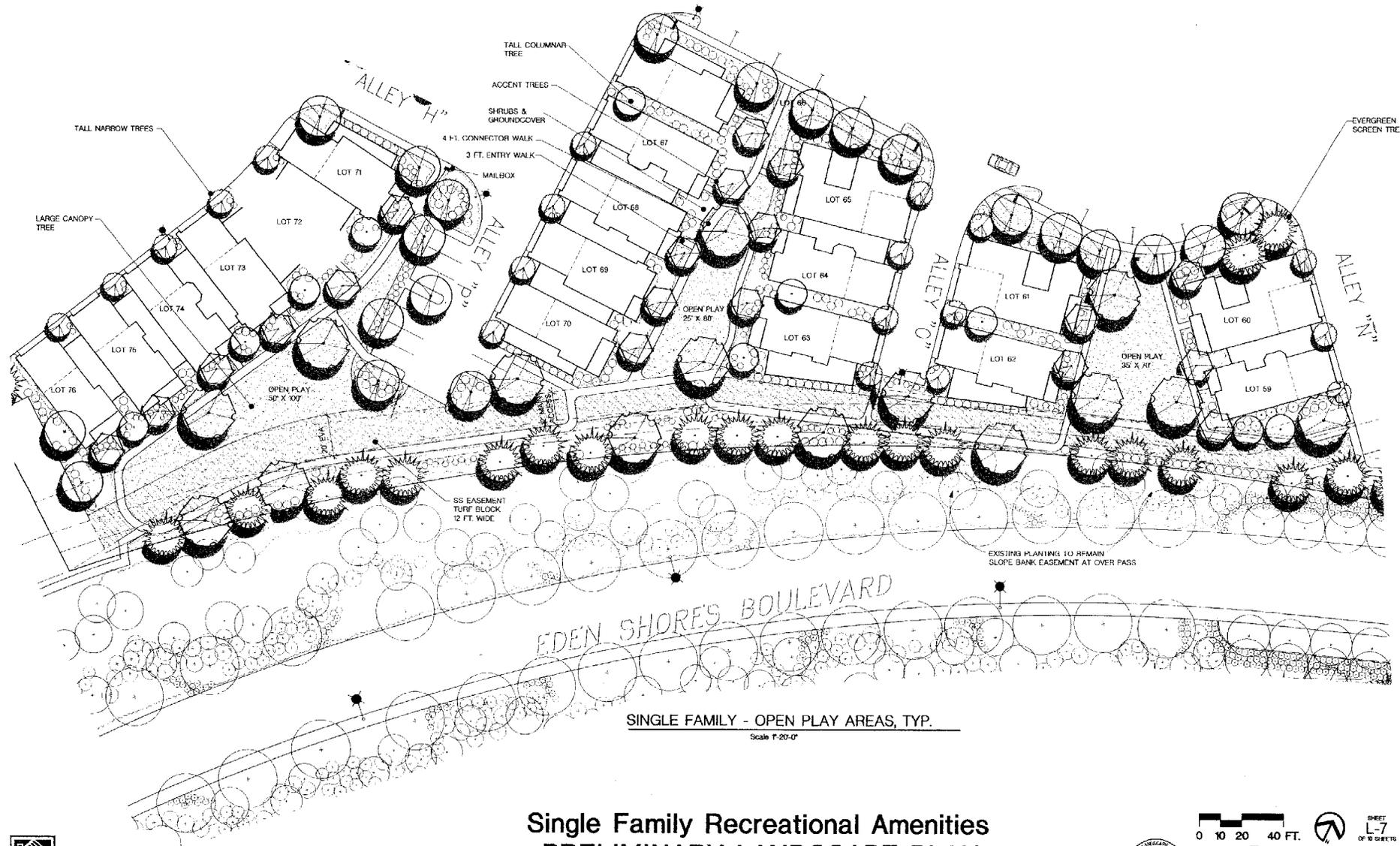
ROSE ASSOCIATES
 LANDSCAPE ARCHITECTS, INC.
 1805 Olympic Blvd., Suite 225, Walnut Creek, CA, 94596
 (925) 945-1112 fax: (925) 945-9100 e-mail: RA@roseandarch.com

03/27

SHEET L-6 OF 10 SHEETS

09/20/05

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SINGLE FAMILY - OPEN PLAY AREAS, TYP.

Scale 1"=20'-0"

Single Family Recreational Amenities
PRELIMINARY LANDSCAPE PLAN
 EDEN SHORES EAST, TRACT 7489
 HAYWARD, CALIFORNIA



0 10 20 40 FT. 

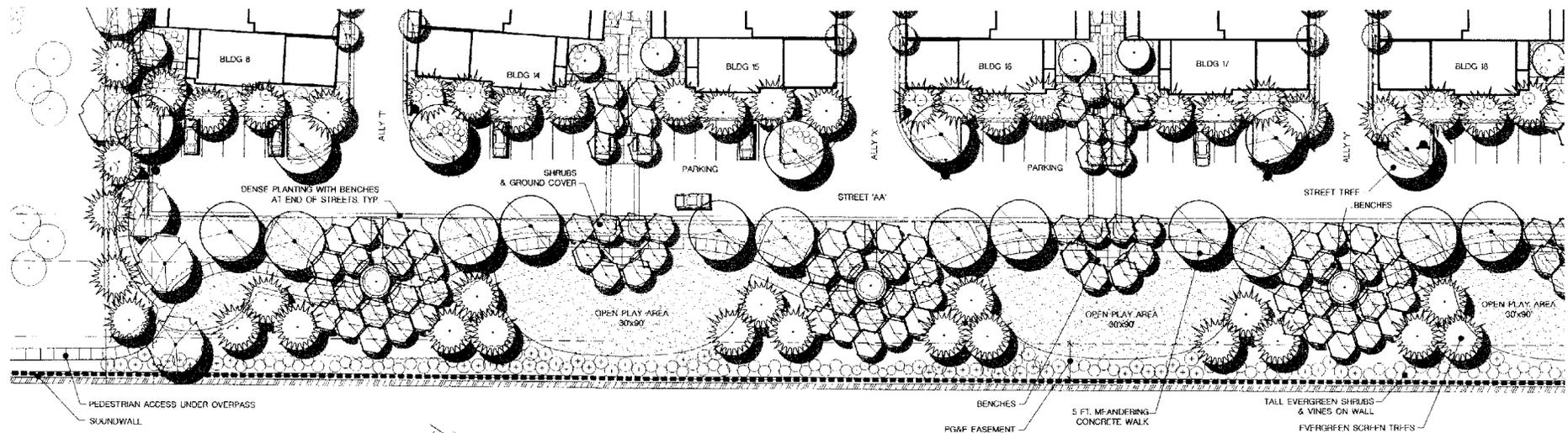
SHEET L-7 OF 12 SHEETS



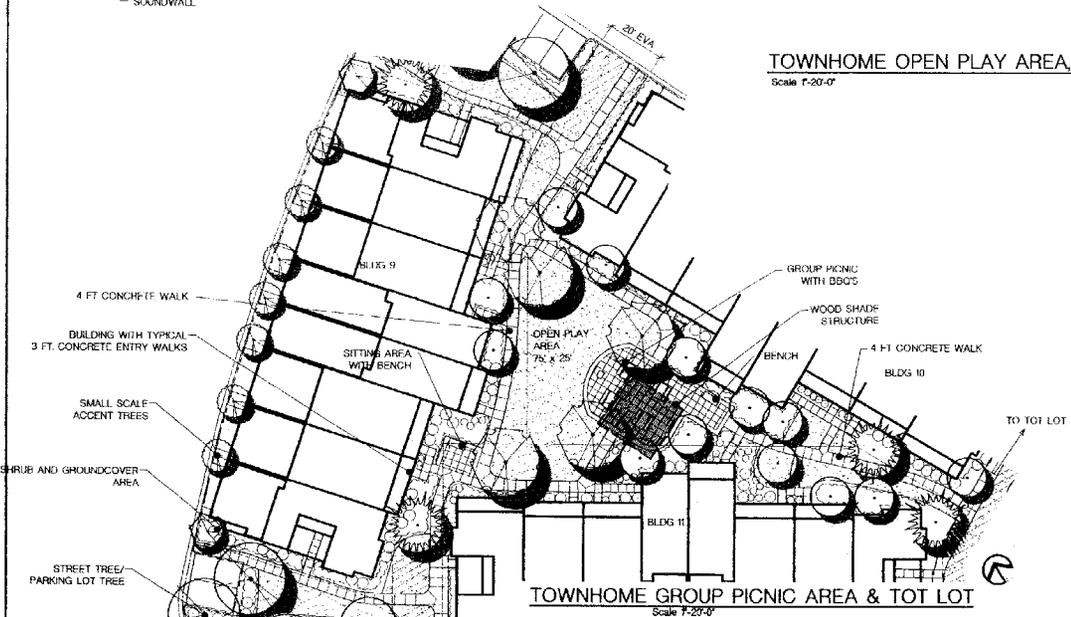
ROSE ASSOCIATES
 LANDSCAPE ARCHITECTS, INC.
 1855 Olympic Blvd., Suite 225, Wayne Creek, CA 94596
 (925) 945-1117 Fax: (925) 945-0403 e-mail: RAL@roseassociates.com

03027 06/28/05

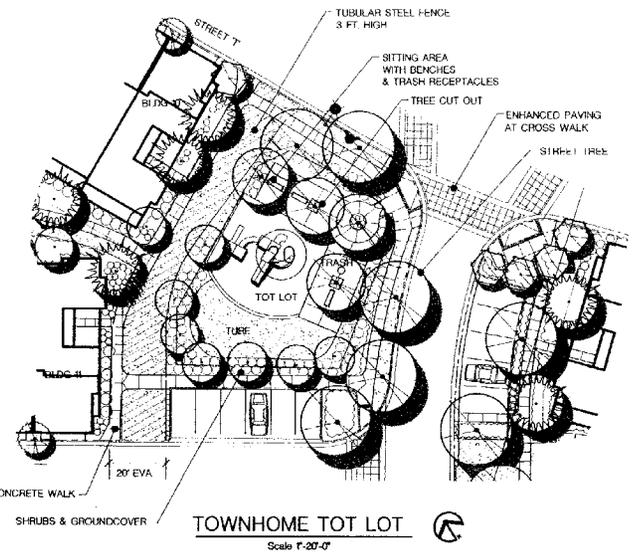
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TOWNHOME OPEN PLAY AREA, TYP. 
Scale 1"-20'-0"



TOWNHOME GROUP PICNIC AREA & TOT LOT
Scale 1"-20'-0"



TOWNHOME TOT LOT 
Scale 1"-20'-0"

**Multi-Family Recreational Amenities
PRELIMINARY LANDSCAPE PLAN**
EDEN SHORES EAST, TRACT 7489
HAYWARD, CALIFORNIA

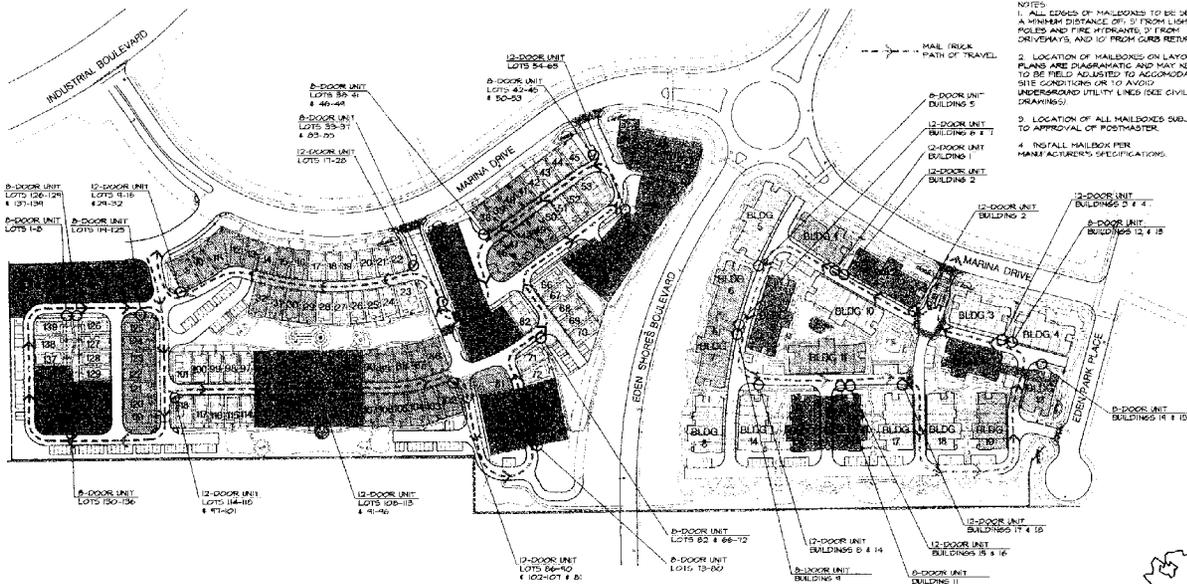


0 10 20 40 FT.  SHEET L-8 OF 10 SHEETS

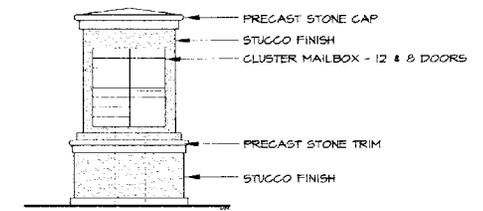
ROSE ASSOCIATES
LANDSCAPE ARCHITECTS, INC.
1855 Olympic Blvd., Suite 276, Walnut Creek, CA 94596
(925) 938-1112 fax (925) 943-0401 e-mail: RAJ@roselandscapes.com

03027  08/29/06

2:0003.00027.dwg (dwg) 11/18/06 10:45:00 AM

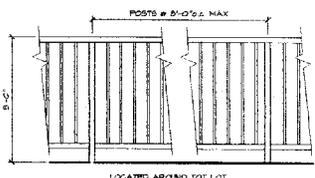


- NOTES
1. ALL EDGES OF MAILBOXES TO BE SET A MINIMUM DISTANCE OF 2' FROM LIGHT POLES AND FIRE HYDRANTS, 3' FROM DRIVEWAYS, AND 10' FROM CURB RETURNS.
 2. LOCATION OF MAILBOXES ON LAYOUT PLANS ARE DIAGRAMATIC AND MAY NEED TO BE FIELD ADJUSTED TO ACCOMMODATE SITE CONDITIONS OR TO AVOID UNDERGROUND UTILITY LINES (SEE CIVIL DRAWINGS).
 3. LOCATION OF ALL MAILBOXES SUBJECT TO APPROVAL OF POSTMASTER.
 4. INSTALL MAILBOX PER MANUFACTURER'S SPECIFICATIONS.

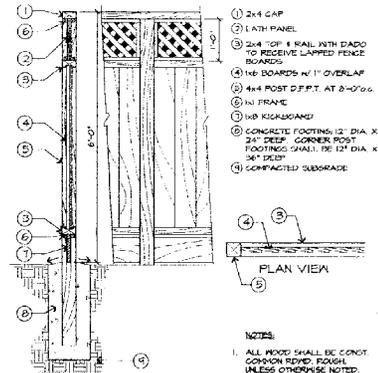


CLUSTER MAILBOX
NOT TO SCALE

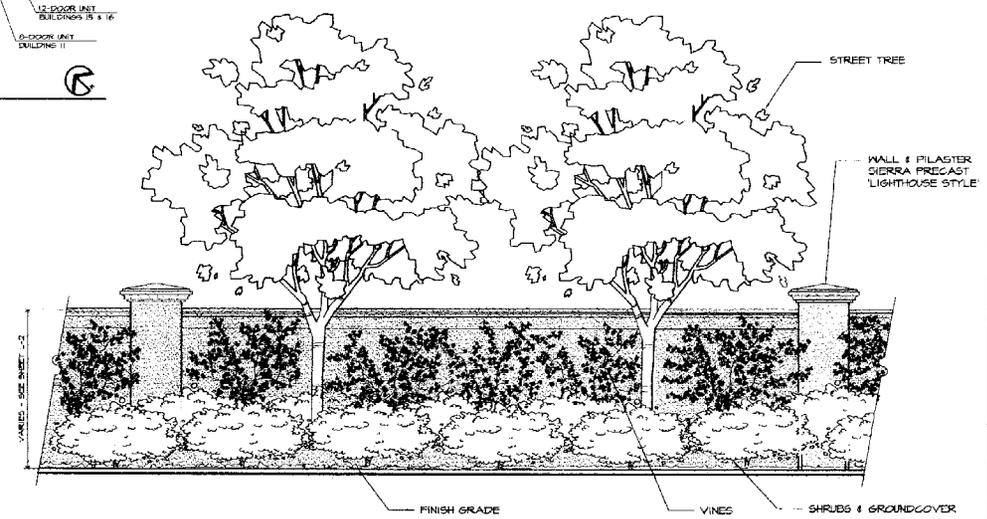
SCHEMATIC MAILBOX LAYOUT
NOT TO SCALE



3 FT. TUBULAR STEEL FENCE
SCALE: 3/4" = 1'-0"



LATH TOP FENCE
SCALE: 3/4" = 1'-0"



MASONRY WALL
SCALE: 1/2" = 1'-0"

PRELIMINARY LANDSCAPE PLAN
EDEN SHORES EAST, TRACT 7489
HAYWARD, CALIFORNIA

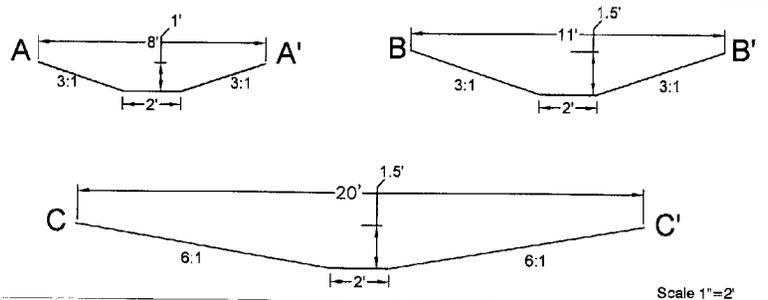


1555 Olympic Blvd., Suite 225, Walnut Creek, CA 94596
(925) 945-1112 fax: (925) 945-0407 e-mail: NA@RoseAssociates.com
03027 08/08/05

SHEET
L-9
OF 10 SHEETS

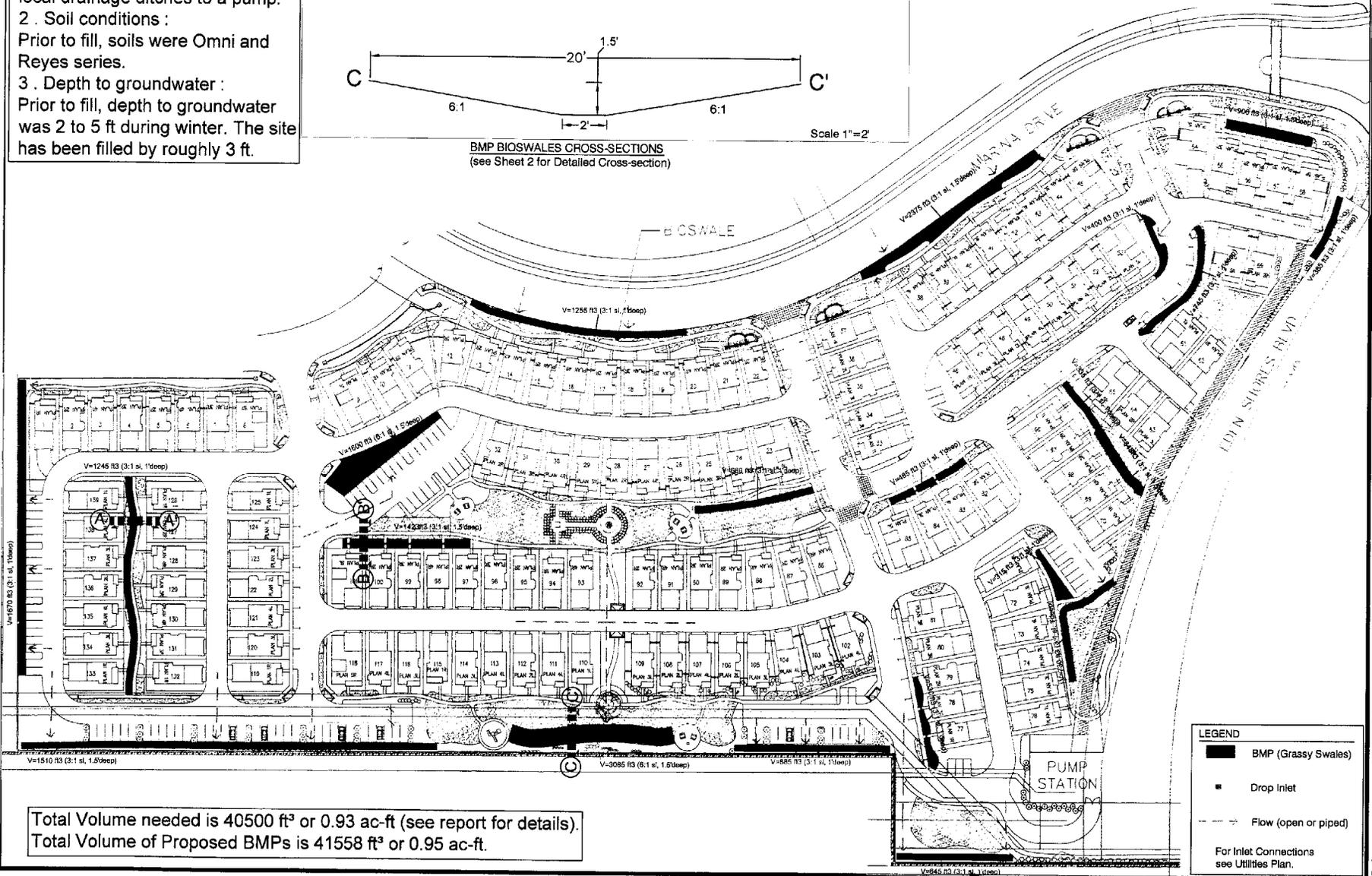
Notes

- Existing drainage :
The site is a level, filled plain.
Historically the site drained through local drainage ditches to a pump.
- Soil conditions :
Prior to fill, soils were Omni and Reyes series.
- Depth to groundwater :
Prior to fill, depth to groundwater was 2 to 5 ft during winter. The site has been filled by roughly 3 ft.



BMP BIOSWALES CROSS-SECTIONS
(see Sheet 2 for Detailed Cross-section)

Scale 1"=2'



Total Volume needed is 40500 ft³ or 0.93 ac-ft (see report for details).
Total Volume of Proposed BMPs is 41558 ft³ or 0.95 ac-ft.

LEGEND

- BMP (Grassy Swales)
- Drop Inlet
- Flow (open or piped)

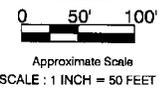
For Inlet Connections see Utilities Plan.

EDEN SHORES EAST RESIDENTIAL NORTH
City of Hayward

ZENTNER
95 Linden Street, Suite 6
Oakland, California, 94607
510.622.8110

Post-Construction Water Quality BMP Details

DATE : 08/02/2006



North Side:
18.5 ac Total
Roofs: 4.86 ac
Streets & Driveways: 4.67 ac
0.05 ac-ft/imp ac.
BMP: 0.243 ac-ft BMP
S/D: 0.2635 ac-ft BMP

Revisions :

Date	Description

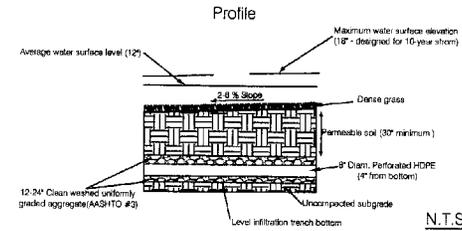
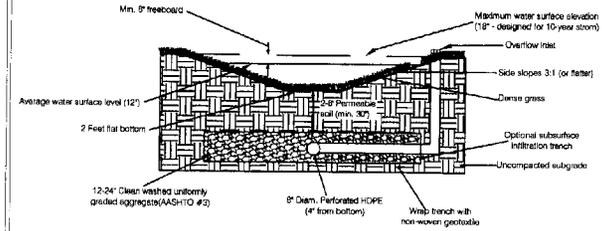
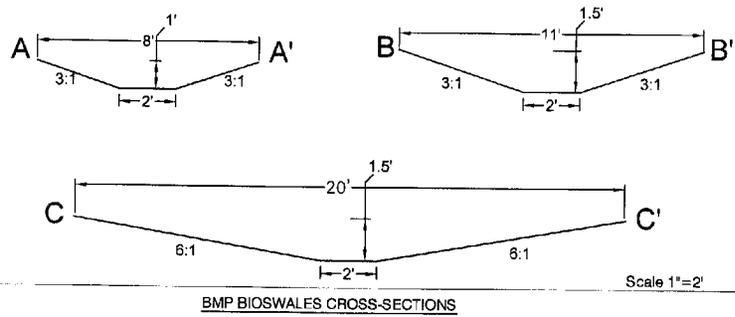
PROJECT 706 DUC

SHEET 1 OF 2

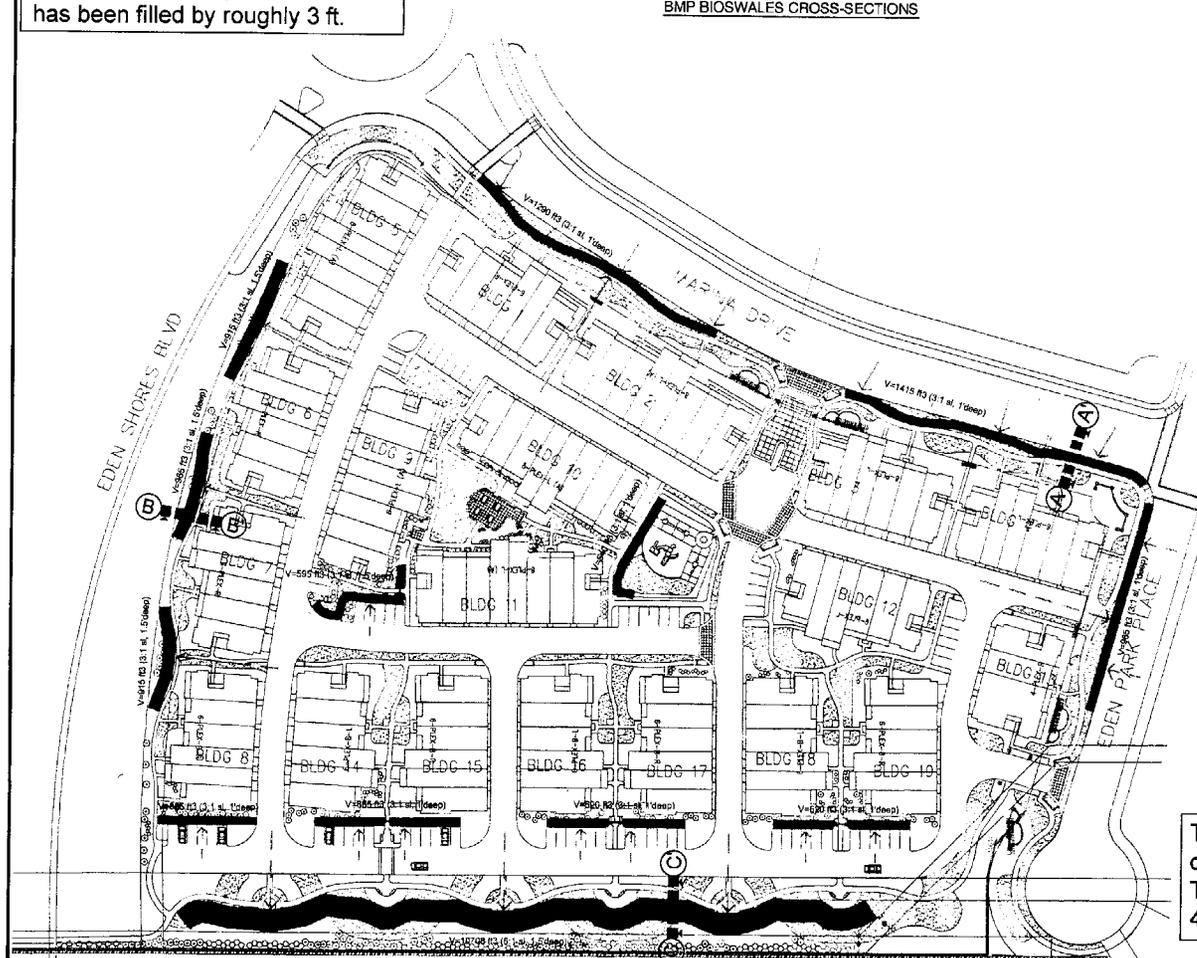
C:\Projects\706duc\BMP\0805BMP.dwg

Notes

- Existing drainage :
The site is a level, filled plain.
Historically the site drained through local drainage ditches to a pump.
- Soil conditions :
Prior to fill, soils were Omni and Reyes series.
- Depth to groundwater :
Prior to fill, depth to groundwater was 2 to 5 ft during winter. The site has been filled by roughly 3 ft.



DETAILED BMP BIOSWALE CROSS-SECTION



Total Volume needed is 40500 ft³ or 0.93 ac-ft (see report for details).
Total Volume of Proposed BMPs is 41558 ft³ or 0.95 ac-ft.

LEGEND

- BMP (Grassy Swales)
- Drop Inlet
- Flow (open or piped)

For Inlet Connections see Utilities Plan.

EDEN SHORES EAST RESIDENTIAL SOUTH

City of Hayward



95 Linden Street, Suite 6
Oakland, California 94607
510.822.8110

Post-Construction Water Quality BMP Details

DATE : 08/02/2005



Approximate Scale
SCALE : 1 INCH = 60 FEET



South Side:
11.4 ac Total
Roofs: 3.94 ac
Streets & Driveways: 2.54 ac
BMP: 0.05 ac-ft/imp ac.
BMP: 0.107 ac-ft BMP
S/D: 0.127 ac-ft BMP

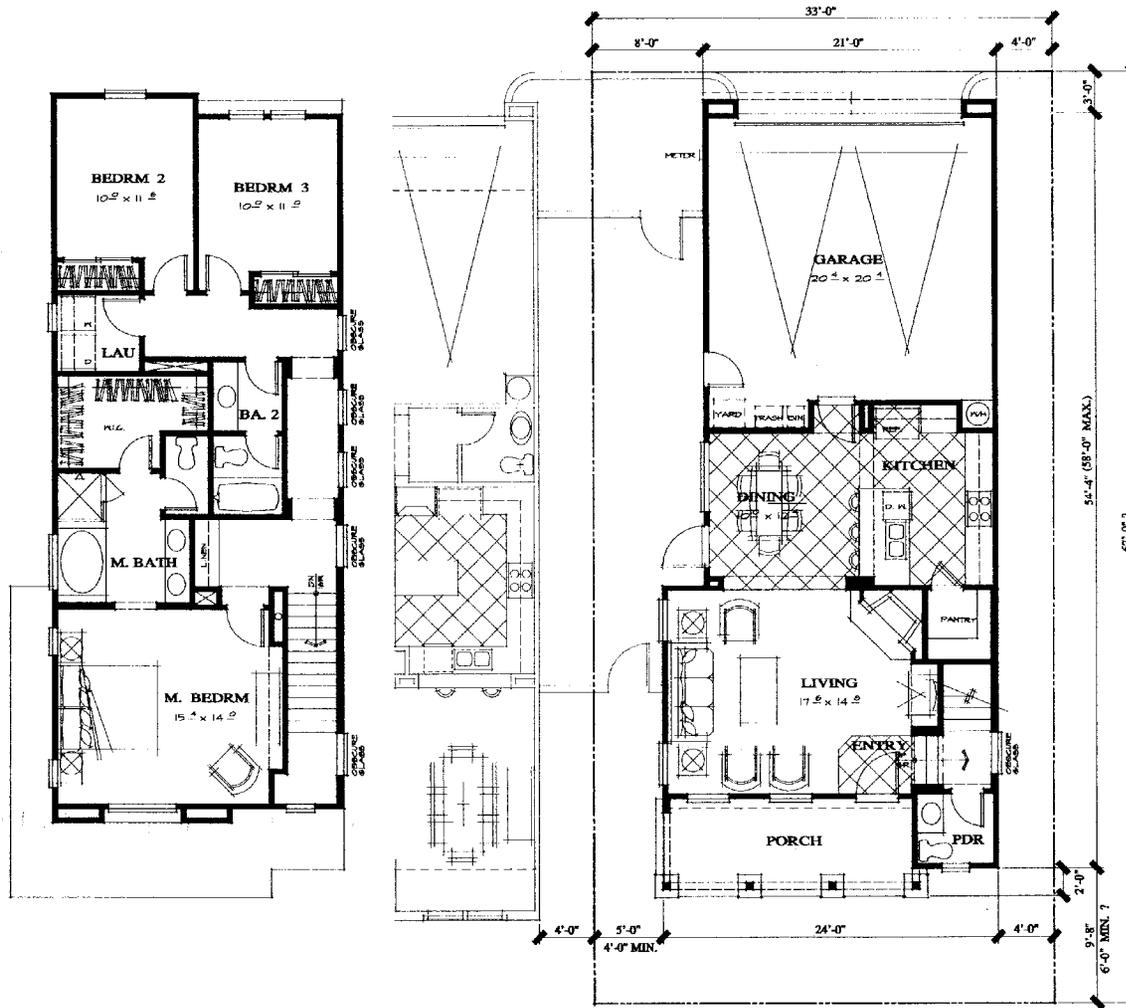
Revisions :

Date	Description

PROJECT 706 DUC

SHEET 2 OF 2

C:\Projects\706duc\BMP\08C5BMP.dwg



ELEV. - B



ELEV. - C

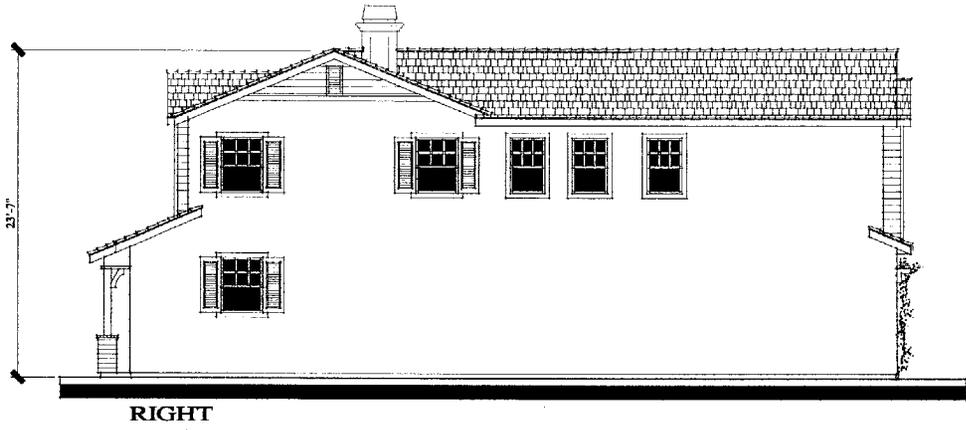
PLAN 1 • 1,694 SQ. FT.
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
 ARCHITECTS
 LACONI

Architects and Land Planning
 228 Orchard St. Suite 201
 Newport Beach, CA 92660-9703
 Telephone 949-509-8300

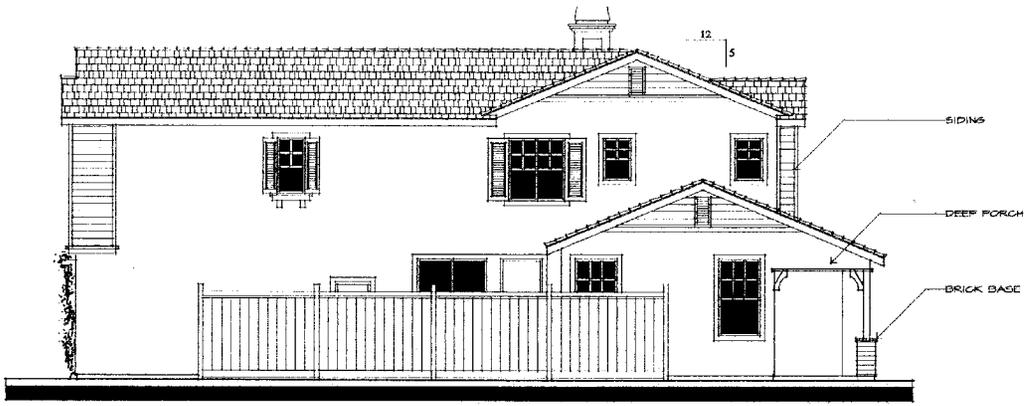
134-04079



RIGHT



FRONT



LEFT

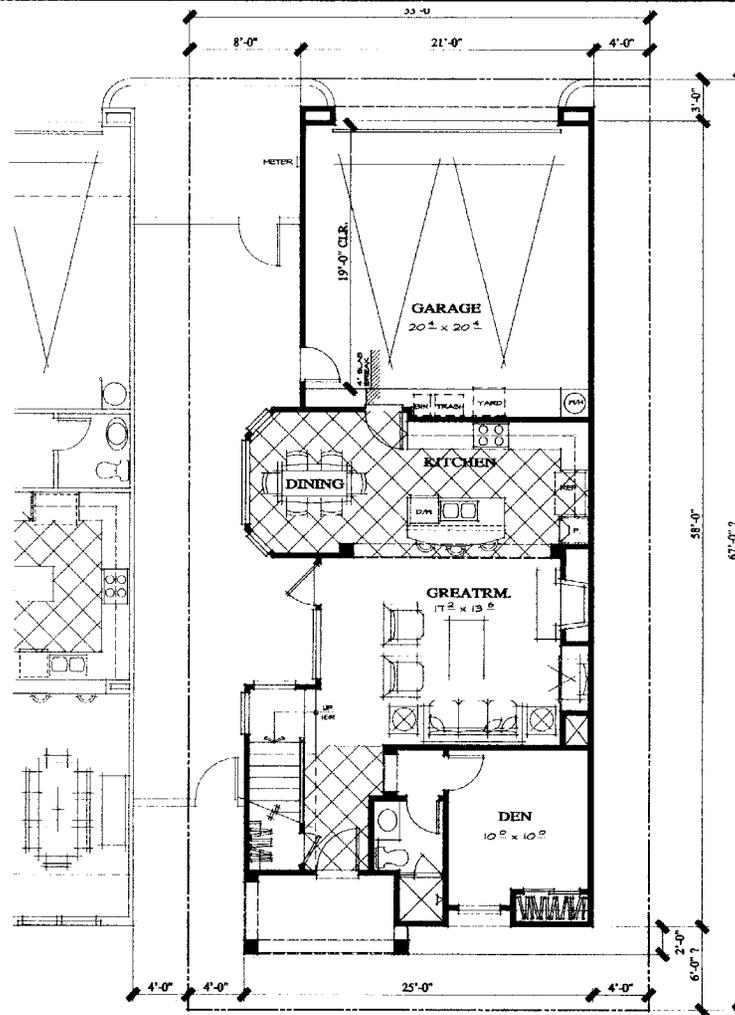
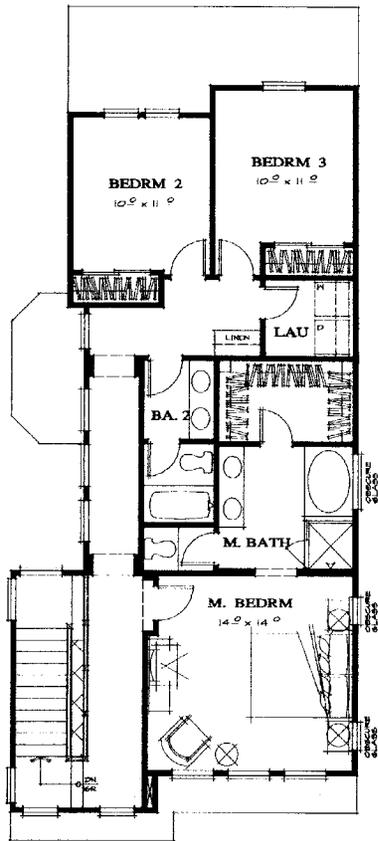


REAR

PLAN 1-A ELEVATIONS
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS
 SCALE: 1/4"=1'-0"

BASSENIAN
 LACONI
 ARCHITECTURE AND LAND PLANNING
 2550 REDWOOD ST., SUITE 100
 BERKELEY, CALIF. 94704-0793
 TELEPHONE: 949-553-9100

134-04079



ELEV. - B



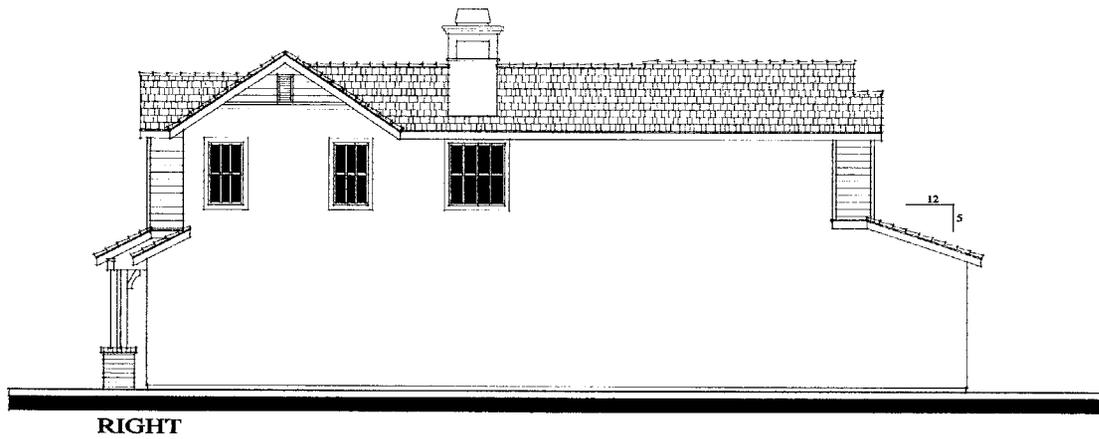
ELEV. - C

PLAN 2 • 1,832 SQ. FT.
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
LACONI
 Architects and Land Planning
 2024 Orchard Dr. Suite 104
 Newport Beach, CA 92660-4763
 Telephone 949-552-8800

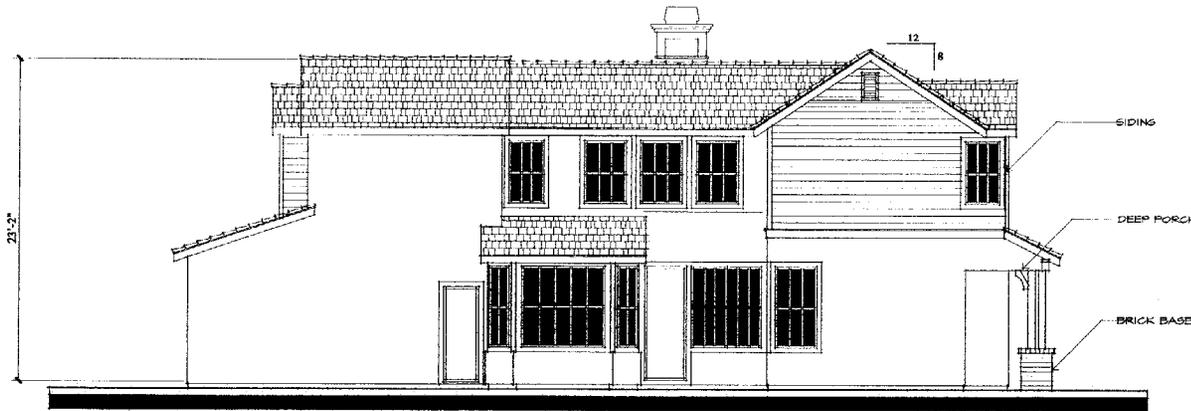
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RIGHT



FRONT



LEFT



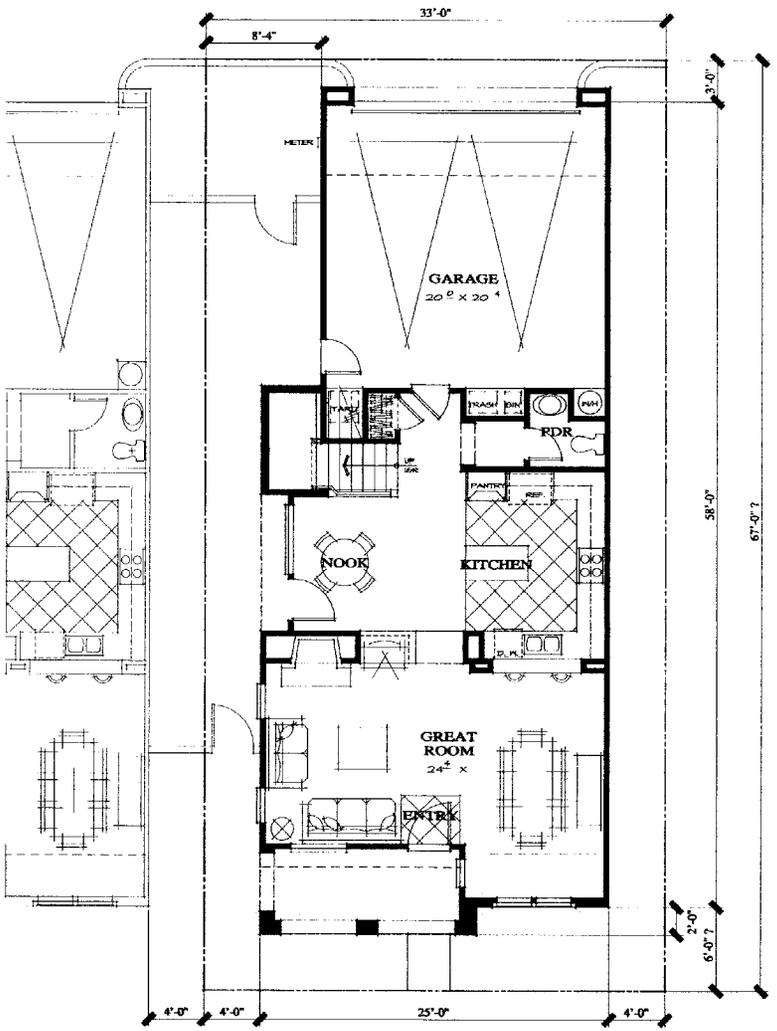
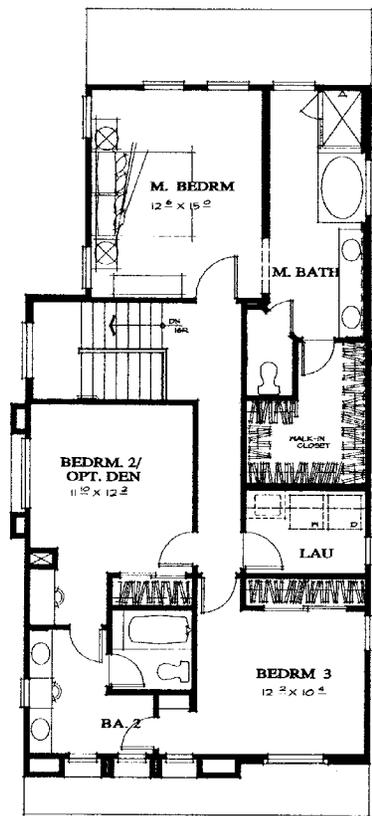
REAR

PLAN 2-A ELEVATIONS
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
Architecture
LACONI
 Architecture and Land Planning
 2865 Orchard Dr., Suite 300
 Newport Beach, CA 92660-0703
 Telephone 949-452-8229

134-04079



ELEV. - B

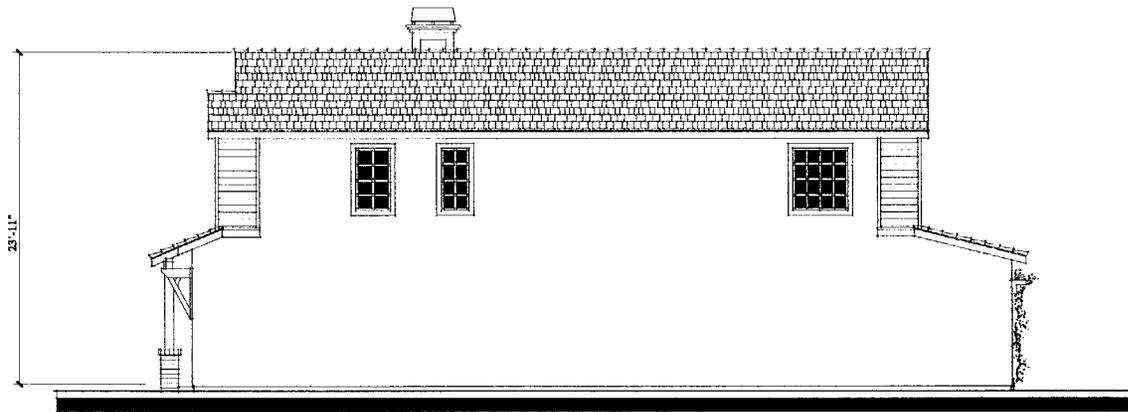


ELEV. - C

PLAN 3 • 1,923 SQ. FT.
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS
 SCALE: 1/4"=1'-0"

BASSENIAN
LACONI
 Architects and Land Planners
 220 Orchard St. Suite 202
 Newport Beach CA 92660-0702
 Telephone 949-663-9330

134-04079



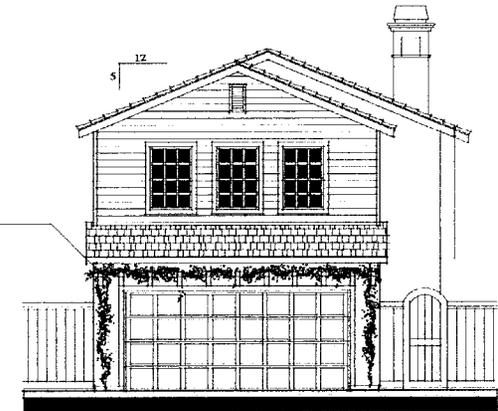
RIGHT



FRONT



LEFT



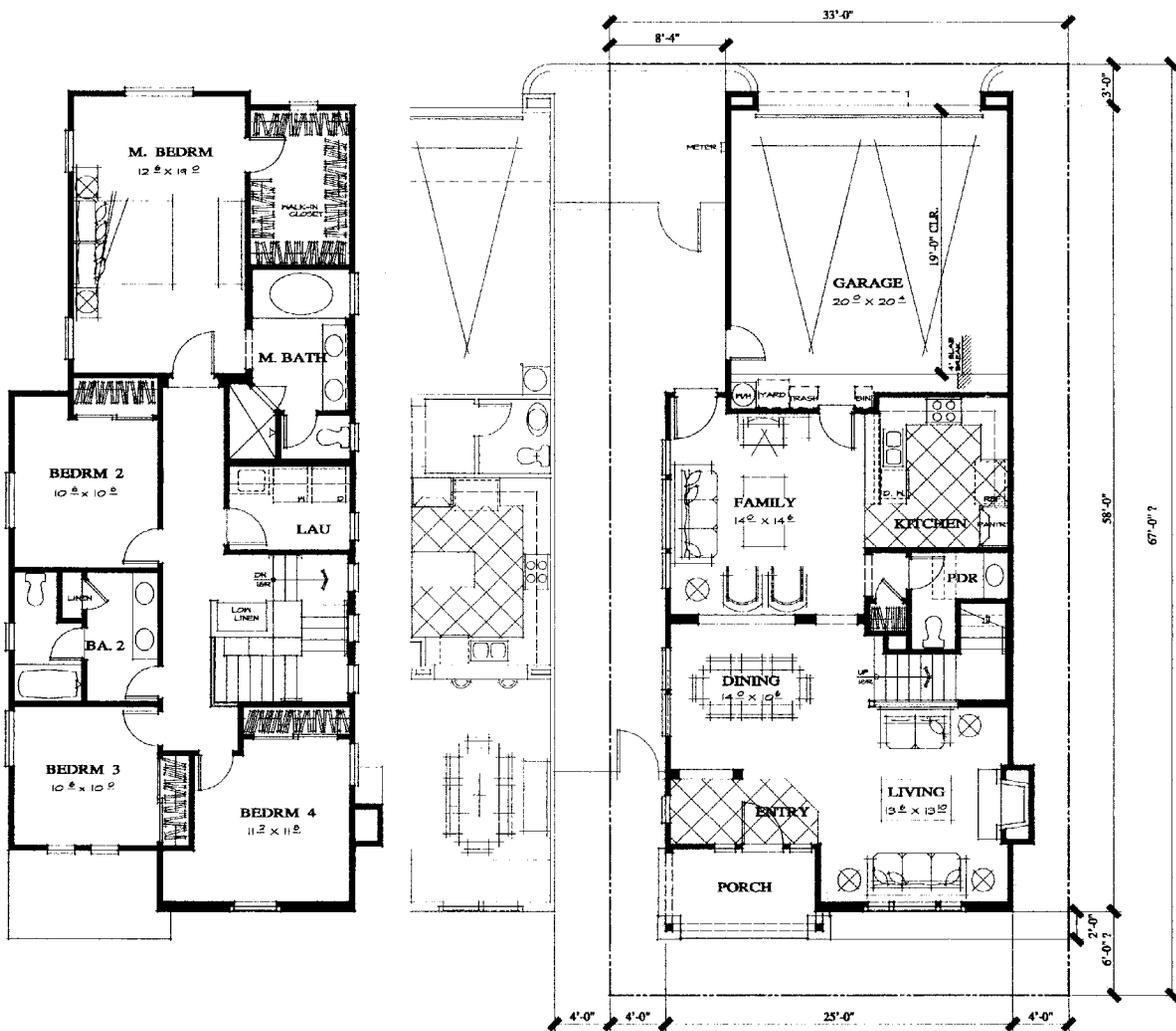
REAR

PLAN 3-A ELEVATIONS
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
 LACONI
 Architects and Land Planning
 205 Oakland St. Suite 302
 Airport Beach CA 90901-0301
 Telephone 649-300-3100

134-04079



ELEV. - B



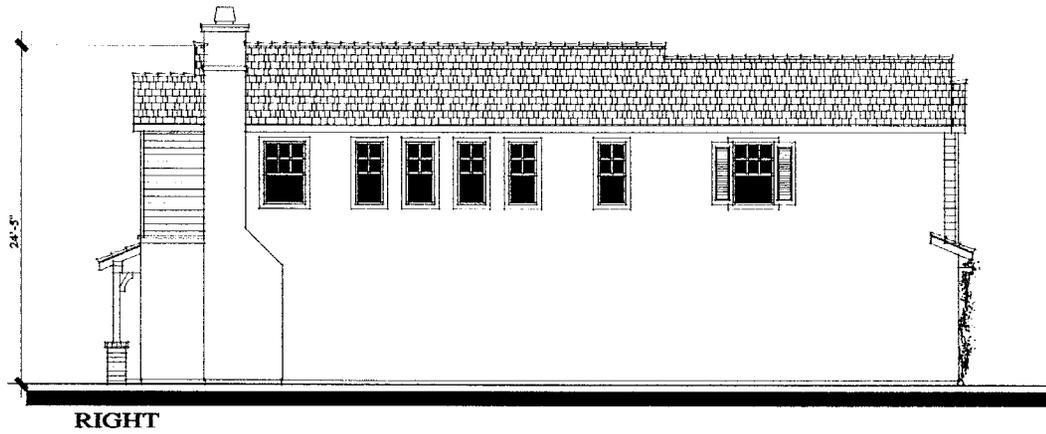
ELEV. - C

PLAN 4 • 2,124 SQ. FT.
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
LACONI
 Architects and Land Planning
 225 Grand St., Suite 202
 Newport Beach, CA 92660-0752
 Telephone 949-552-8800

134-04079



RIGHT



FRONT



LEFT



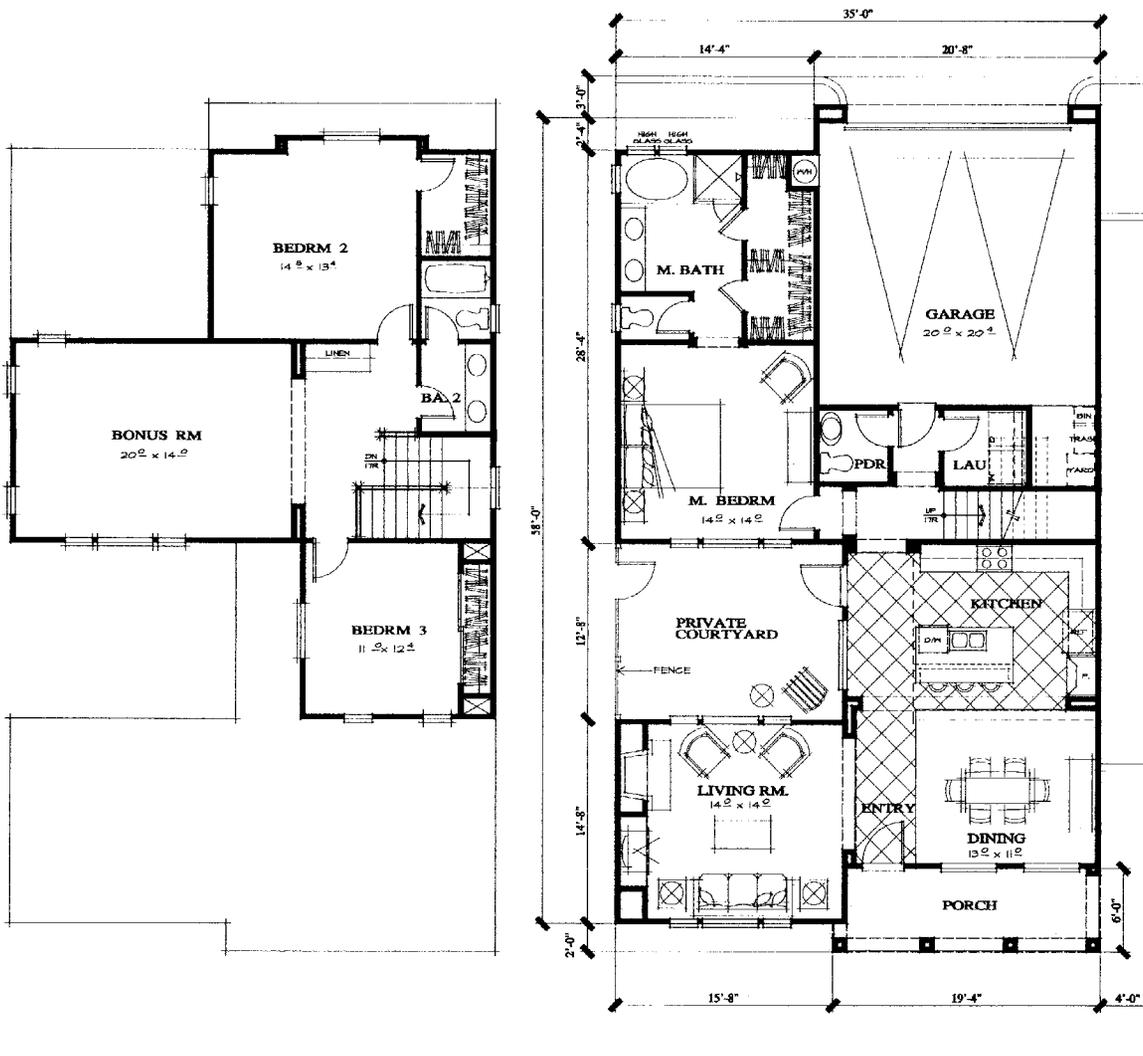
REAR

PLAN 4-A ELEVATIONS
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
LACONI
 Architecture and Land Planning
 2022 Orchard Dr. Suite 200
 Newport Beach, CA 92660-0753
 Telephone: 949-365-9100

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 134-04079



ELEV. - B

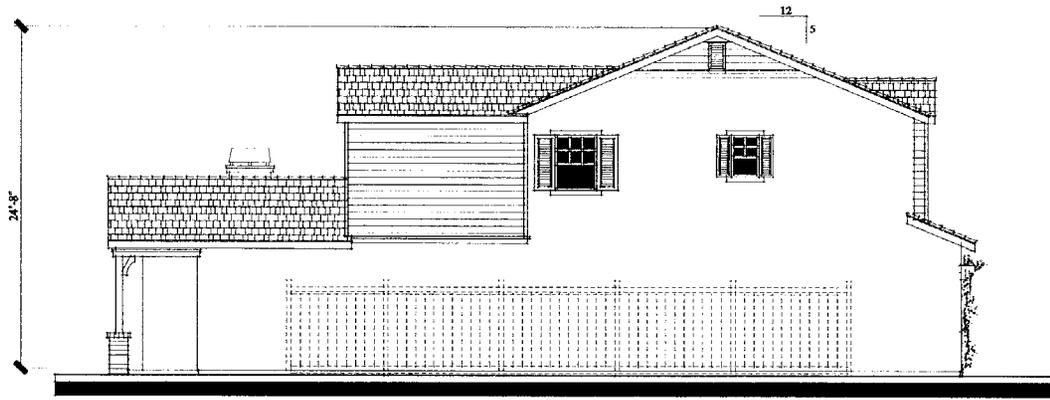


ELEV. - C

PLAN 5 • 2,177 SQ. FT.
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

BASSENIAN
 LAGONI
 Architecture and Land Planning
 251 Orchard St., Suite 100
 Newport Beach, CA 92660-4792
 Telephone 949-553-9100

134-04079



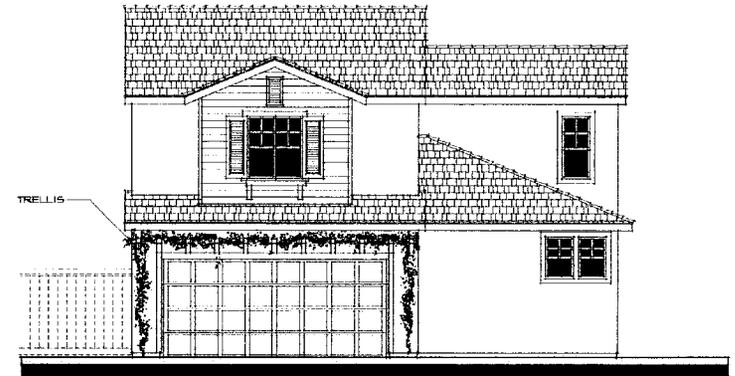
RIGHT



FRONT



LEFT



REAR

PLAN 5-A ELEVATIONS
 HAYWARD, CALIFORNIA
 EDEN SHORES EAST RESIDENTIAL
 DUC HOUSING PARTNERS

SCALE: 1/4"=1'-0"

BASSENIAN
 LACONI
 ARCHITECTS AND LAND PLANNING
 1201 Orchard St., Suite 209
 Fremont, CA 94539-0762
 Telephone 848-053-8000

134-04079



Cover Sheet
 Site Plan
 A1 - Plan 1
 A2 - Plan 1A
 A3 - Plan 2
 A4 - Plan 2A
 A5 - Plan 3
 A6 - Plan 3A
 A7 - Lower Level - 4 Flex
 A8 - Upper Level - 4 Flex

A9 - Front / Right - Craftsman - 4 Flex
 A10 - Left / Rear - Craftsman - 4 Flex
 A11 - Front / Right - Monterey - 4 Flex
 A12 - Left / Rear - Monterey - 4 Flex
 A13 - Front / Right - Regency - 4 Flex
 A14 - Left / Rear - Regency - 4 Flex
 A15 - Lower Level - 6 Flex
 A16 - Upper Level - 6 Flex
 A17 - Front / Right - Craftsman - 6 Flex
 A18 - Left / Rear - Craftsman - 6 Flex

A19 - Front / Right - Monterey - 6 Flex
 A20 - Left / Rear - Monterey - 6 Flex
 A21 - Front / Right - Regency - 6 Flex
 A22 - Left / Rear - Regency - 6 Flex
 A23 - Lower Level - 8 Flex
 A24 - Upper Level - 8 Flex
 A25 - Front / Right - Craftsman - 8 Flex
 A26 - Left / Rear - Craftsman - 8 Flex
 A27 - Front / Right - Monterey - 8 Flex
 A28 - Left / Rear - Monterey - 8 Flex

A29 - Front / Right - Regency - 8 Flex
 A30 - Left / Rear - Regency - 8 Flex
 A31 - Lower Level - 8 Flex
 A32 - Upper Level - 8 Flex
 A33 - Front / Right - Craftsman - 8 Flex
 A34 - Left / Rear - Craftsman - 8 Flex
 A35 - Front / Right - Monterey - 8 Flex
 A36 - Left / Rear - Monterey - 8 Flex
 A37 - Front / Right - Regency - 8 Flex
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PROGRESS SHIT. SQ.FT./FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
 2004111.00



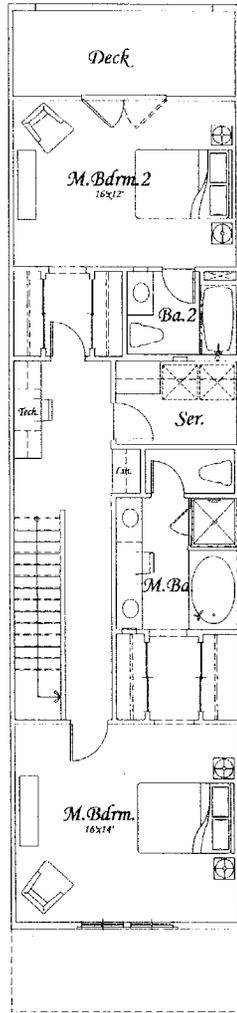
HAYWARD 11 AC SITE

Hayward, California

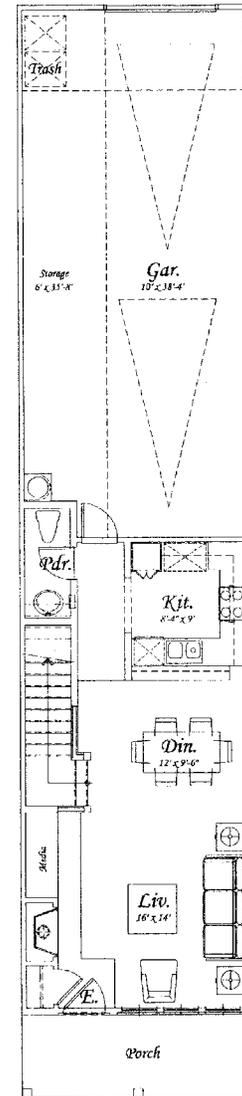
DUCHOUSING PARTNERS, INC.

W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 505 HAYWARD RD. SUITE 125 PLEASANTON CA 94588
 925 463 1700 925 463 1725
 380 RUSSELL AVE. SUITE 200 SANTA ANA CA 92704-8643
 949 250 0867 www.hezmalhalch.com fax 949 250 1520





UPPER LEVEL
939 SF.



LOWER LEVEL
569 SF.

PLAN 1
2 BR. / 2.1/2 BA.
TOTAL : 1,508 SF.

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

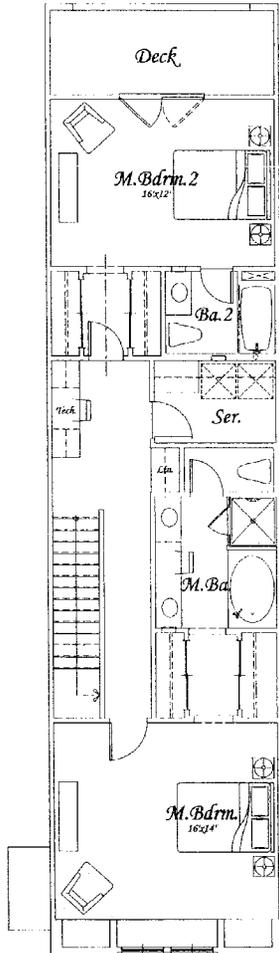
September 15, 2004
2004111.00



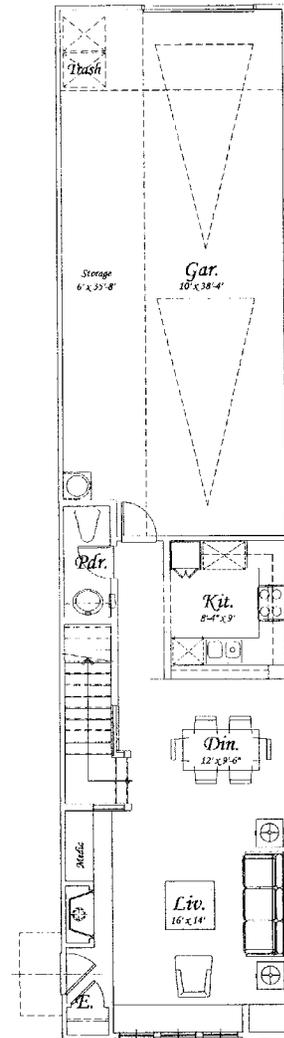
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W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
8075 HAYWARD RD. SUITE 200 PLEASANTON CA 94588-8827
925 463 1190 fax 925 463 1725
2005 REDWOOD AVE. SUITE 200 SANFRA ANO CA 94578-5643
949 250 0007 www.whezmh.com fax 949 250 1570

A1



UPPER LEVEL
939 SF.



LOWER LEVEL
569 SF.

PLAN 1A
2 BR. / 2.1/2 BA.
TOTAL: 1,508 SF.

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

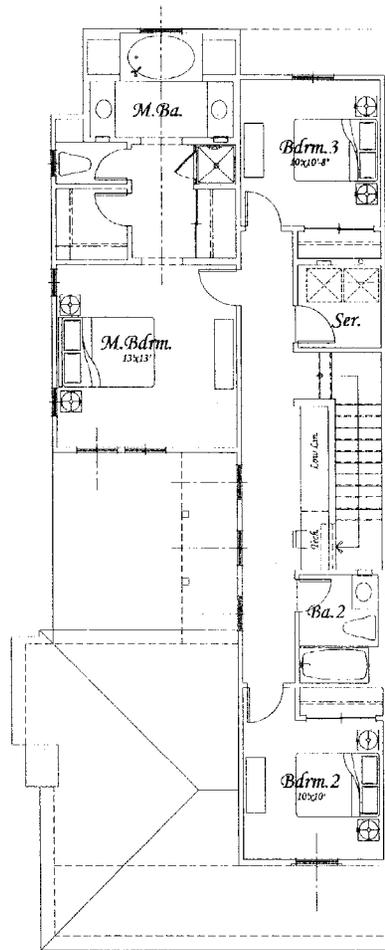
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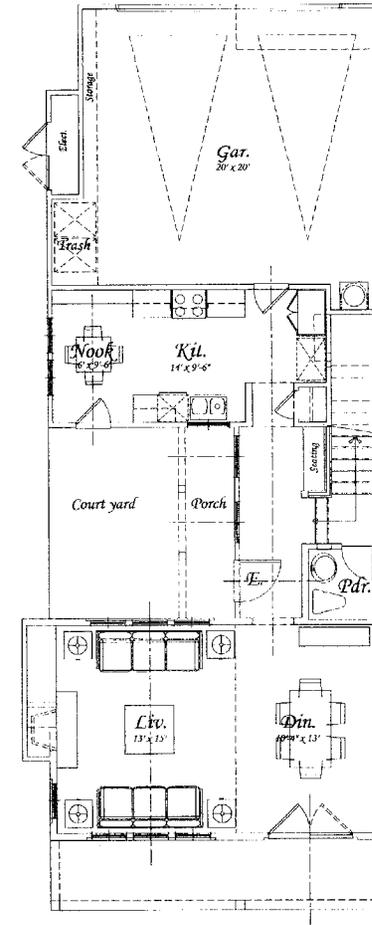
PROGRESS SET. SQ. FT. / FOOTPRINT SUBJECT TO CHANGE

W
WILLIAM HEZMAIHAICH
ARCHITECTS INC.
385 HAYWARD RD. SUITE 205 PLEASANTON CA 94588
925 464 1200 fax 925 464 1728
2880 REDWOOD AVE. SUITE 200 SANTA ANA CA 92705-6643
949 226 0067 www.williamhezmach.com fax 949 226 1529

A2



UPPER LEVEL
936 SF.



LOWER LEVEL
760 SF.

PLAN 2
 3 BR. / 2.1/2 BA.
 TOTAL : 1,696 SF.

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

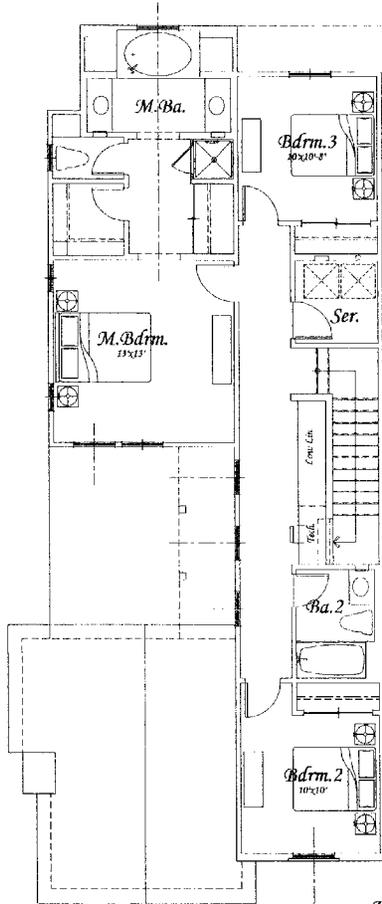
September 15, 2004
 2004-1111-00



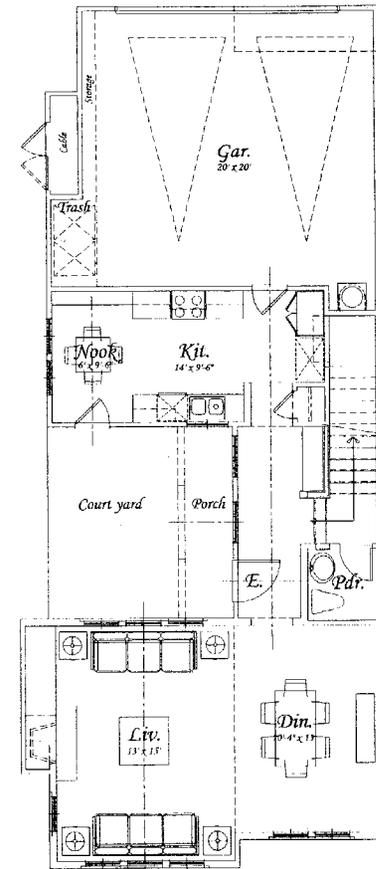
PROGRESS SHIT. SIZE 11" / PERMANENT SURVEYING CHANGE

W
 WILLIAM HEZMALIACH
 ARCHITECTS INC.
 2815 HOPKINSON RD. SUITE 205 PLEASANTON CA 94588
 925-463-1100 FAX 925-463-1725
 2860 RICHALL AVE. SUITE 200 SANITANA CA. 97584
 541-220-0007 www.whezmaliach.com TEL 541-220-1029

A3



UPPER LEVEL
936 SF.



LOWER LEVEL
760 SF.

PLAN 2A
3 BR. / 2.1/2 BA.
TOTAL : 1,696 SF.

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

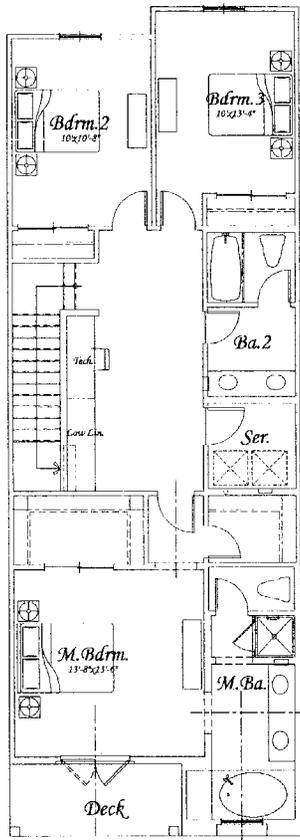
September 15, 2004
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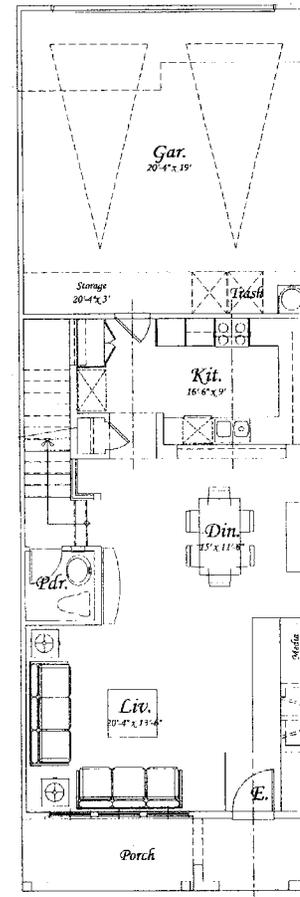
PROGRESS SHIT. SUBJECT TO CHANGE

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
3815 HAYWARD RD. SUITE 205 PLEASANTON, CA 94588-9872
925-463-1700 Fax: 925-463-1725
1700 KILBELL AVE., SUITE 205, SANTA ANA, CA 92706-9943
949-256-0907 www.wheharchitects.com Fax: 949-256-1529

A4



UPPER LEVEL
1095 SF.



LOWER LEVEL
753 SF.

PLAN 3
3 BR, / 2.1/2 BA.
TOTAL : 1,848 SF.

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

September 13, 2004
2004111.00

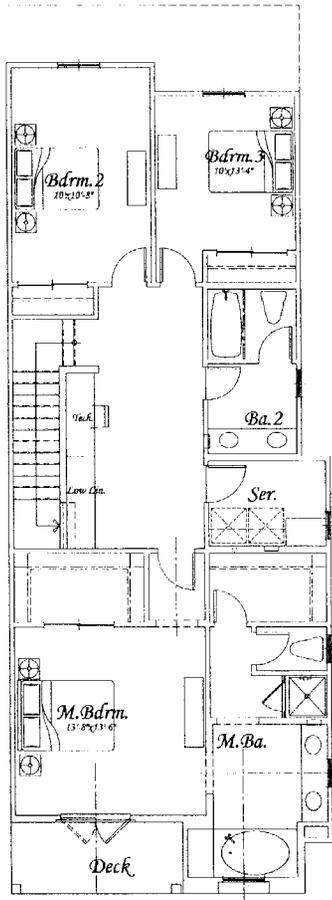


(PROGRESS DETAILED SQUARE FOOTAGE SUBJECT TO CHANGE)

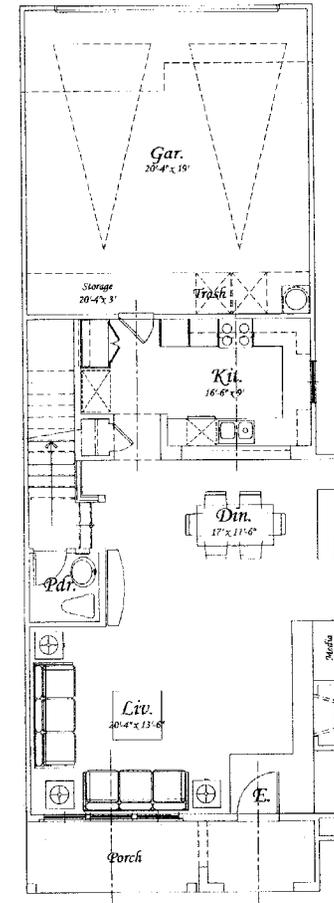


WILLIAM HERMA HALCH
ARCHITECTS, INC.
3075 HOPKINS RD. SUITE 302 PLEASANTON CA 94588-6207
925 481 1700 fax 925 463 1725
2880 HENRIE LANE, SUITE 200 SANTA ANA CA 92704-4445
949 251 0907 www.wharchitects.com fax 949 250 1829

A5



UPPER LEVEL
1148 SF.



LOWER LEVEL
804 SF.

PLAN 3A
3 BR. / 2.1/2 BA.
TOTAL : 1,952 SF.

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

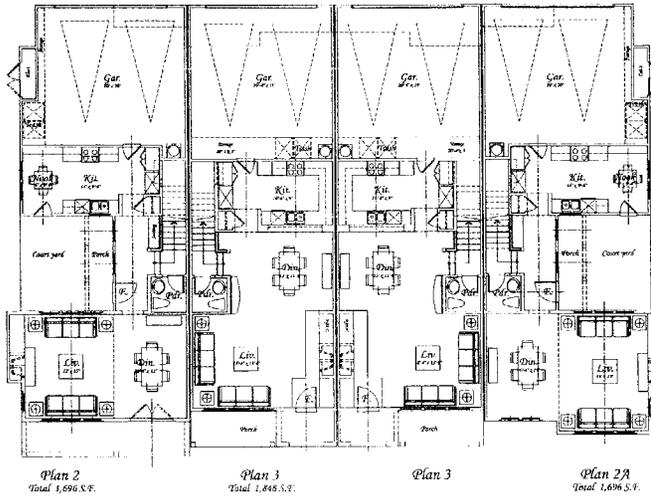
September 15, 2004
2004111.00



PLEASE SEE SET SHEET / FOOTPRINT SUBJECT TO CHANGE

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
3875 HOPKINS RD., SUITE 205 PLEASANTON, CA 94588-8827
925 463 1700 fax 925 483 7725
2800 REDLINE AVE. SUITE 300 SAN JAVAN CA 92078-0643
949 220 0007 www.whearchitects.com fax 949 250 1025

A6



LOWER LEVEL
BUILDING FLOOR PLAN (4 PLEX)

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

PROGRESS SET. SQ. FT. / FOOTPRINT SUBJECT TO CHANGE.

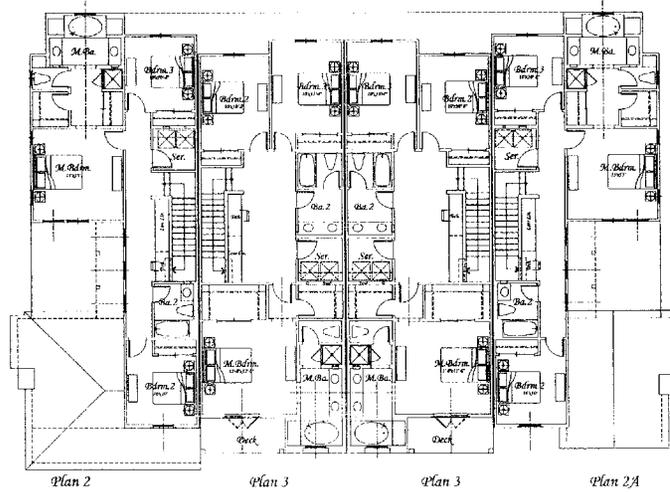
September 15, 2004

2004111.00



W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
3810 HAYWARD RD. SUITE 202 PLEASANTON CA 94588-8827
925 463 1700 FAX 925 463 1725
2000 HEDBELL AVE. SUITE 200 SANTA ANA CA 92705-0043
949 232 0807 www.wheh.com TEL 949 232 1344

A7



UPPER LEVEL
 BUILDING FLOOR PLAN (4 PLEX)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

September 15, 2004
 20041111.00



PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 300 HAYWARD RD. SUITE 205 PLEASANTON, CA 94588
 925 483 1770 fax 925 483 1770
 2880 REDHILL AVE. SUITE 200 SAN RAMON, CA 94583
 949 250 0077 www.aharchitect.com fax 949 250 1528

A8

Asphalt Shingle Roof

Stone Veneer



Decorative Outlookers

Exposed Rafter Tails

Vinyle Window w/foam Trim
Exterior Stucco

Louver Door (Electrical)

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

RIGHT 4 PLEX



30'-0"
9'-11"

FRONT 4 PLEX

CRAFTSMAN

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PROGRESS JBT, SLP, F/FOOTPRINT SUBJECT TO CHANGE

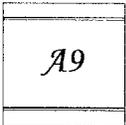
September 15, 2004
2004111.00

0 4 8 16
 1" = 3/16"

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.



WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 3051 HOPPING RD., SUITE 205 PLEASANTON CA 94566
 925 463 1700 fax 925 463 1725
 280 RUIPPELL AVE., SUITE 200 SAN ANA CA 92704-2642
 949 250 0807 www.hezmalhalch.com fax 949 250 1229



Asphalt Shingle Roof

Louver Door (Electrical)



Exposed Rafter Tails

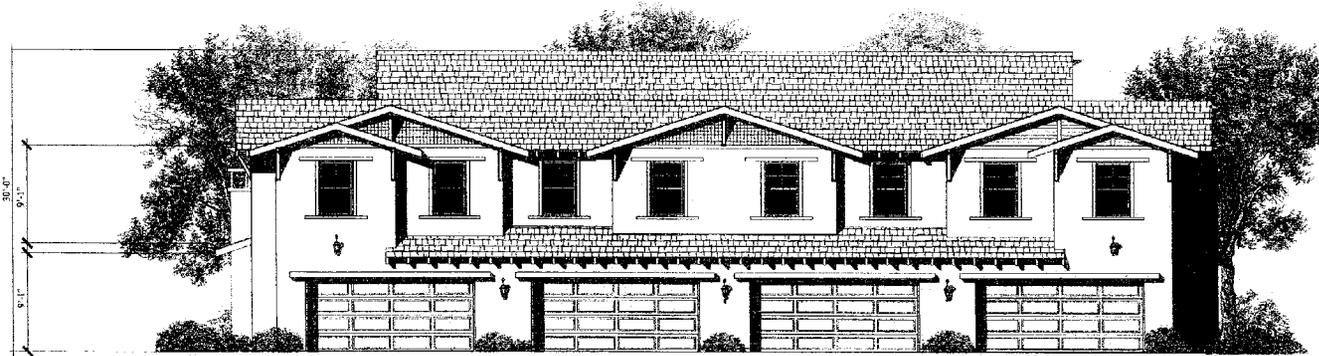
Vinyle Window w/Foam Trim

Exterior Stucco

Stone Veneer

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

LEFT 4 PLEX



REAR 4 PLEX
CRAFTSMAN

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

PROGRESS DET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
2004111.00

0 4 8 16
1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS INC.
3015 HAYWARD RD. SUITE 205 PLEASANTON CA 94588-0227
925 952 1100 Fax 925 402 1100
200 REDWOOD AVE. SUITE 220 SAN ANA CA 92705-5643
949 252 0027 www.hezmalch.com Fax 949 252 1029

A10

Asphalt Shingle Roof

Wood Post

Wood Railing

Brick Veneer

Exposed Rafter Tails

Vinyle Window w/Foam Trim

Exterior Stucco

Lower Door (Electrical)



© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

RIGHT 4 PLEX



30'-0"
9'-11"

FRONT 4 PLEX

MONTEREY

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PROGRESS REV. SQ.FT./FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

20041111.00

0 4 8 16

1"=3/16"

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 303 HAYWARD RD. SUITE 205 PLEASANTON CA 94567
 925 465 1700 Fax 925 465 1725
 280 REDWOOD AVE. SUITE 202 SANTA ANA CA 92705-5542
 949 236 3027 www.hezmalhalch.com Fax 949 236 1323

A11

Asphalt Shingle Roof



Exterior Stucco
Exposed Rafter Tails
Decorative Shutters
Vinyl Window w/Foam Trim
Brick Veneer

Lower Door (Electrical)

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LEFT 4 PLEX



REAR 4 PLEX
MONTEREY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROPOSED SITE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
2004/111.00

0 4 8 16
1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS, INC.
305 HAYWARD RD., SUITE 205 PLEASANTON CA 94588-8077
925 463 1700 FAX 925 463 1720
PROFESSIONAL OFFICE: SUITE 200 SANITARIUM CA 94754-5424
949 250 0007 www.wheh.com TEL 949 250 1039

A12



Asphalt Shingle Roof
 Decorative Cupola
 Metal Railing
 Brick Veneer

Decorative Shutters
 Siding
 Vinyl Window w/foam Trim
 Exterior Stucco
 Lower Door (Electrical)

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RIGHT 4 PLEX



20'-0"
 9'-11"

FRONT 4 PLEX

REGENCY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS DET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
 2004111.00

0 4 8 16
 1" = 3/16"

W
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 2015 HOPKINS RD. SUITE 202 PLEASANTON CA 94566-8527
 925 463 1770 fax 925 463 1725
 2982 REDWOOD AVE. SUITE 202 SANCTA MONICA CA 90705-5445
 949 251 9807 www.hezmalhalch.com fax 949 252 1029

A13



LEFT 4 PLEX

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REAR 4 PLEX
REGENCY

PROGRESS SET. SIZE / FOOTPRINT SUBJECT TO CHANGE

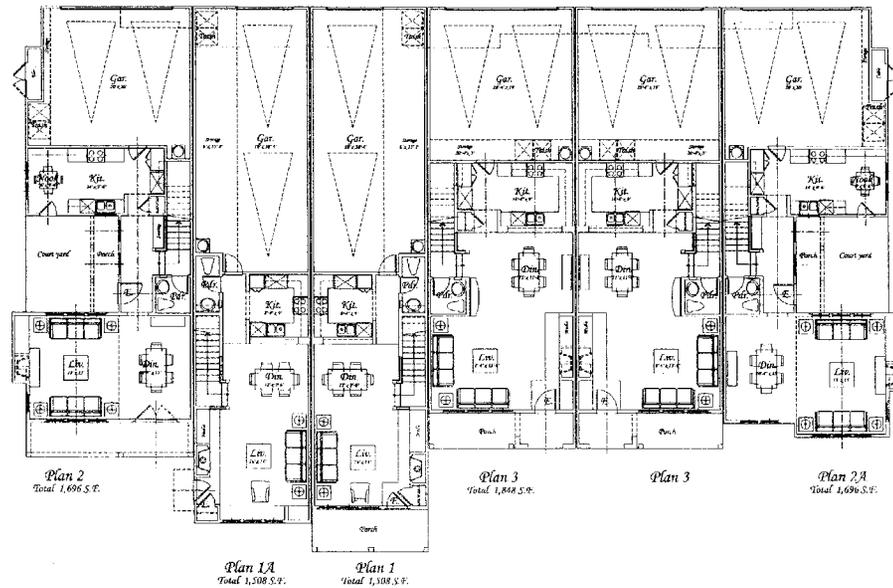
September 15, 2004
20041111.00

0 4 8 16
 Feet
 1/4" = 16'

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

W
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 3015 HOFFMAN RD. SUITE 200 PLEASANTON, CALIFORNIA 94588
 925 463 1700 FAX 925 463 1726
 2000 HAYWARD BLVD. SUITE 200 SAN FRANCISCO, CALIFORNIA 94104
 415 398 0800 www.hezmalhalch.com Tel: 415 398 1200

A14



LOWER LEVEL
 BUILDING FLOOR PLAN (6 PLEX)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

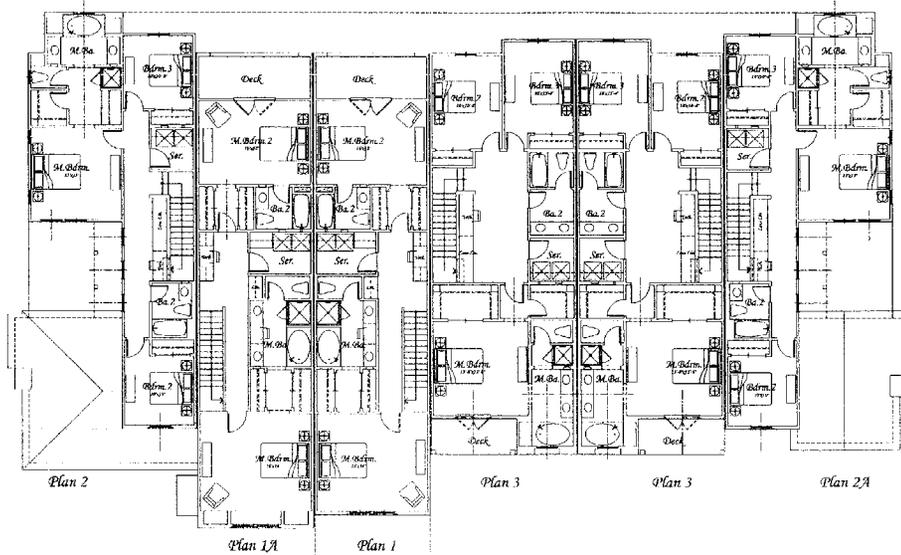
PROGRESS SHOWN. SQUARE FOOTAGE SUBJECT TO CHANGE.

September 15, 2004
 2004111.00



W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 3075 HOPKINSON BLVD. SUITE 205 PLEASANTON CA 94588-8527
 925 463 1700 fax 925 463 1775
 2851 RICHMOND AVE. SUITE 202 SAN RAFAEL CA 94965-9642
 415 222 0627 www.whezm.com fax 949 252 1379

A15



UPPER LEVEL
 BUILDING FLOOR PLAN (6 PLEX)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

PROGRESS SET. SQ. FT. / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
 2004111.00



W
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 3875 HAYWARD RD., SUITE 205 PLEASANTON, CA 94588-8507
 925 463 1700 Fax 925 463 1728
 2800 REDWOOD AVE., SUITE 200 SANITAYO, CA 94590-9907
 949 221 0017 www.architects.com Fax 949 220 1525

A16

Asphalt Shingle Roof

Recessed Stucco

Wood Post

Wood Railing

Cast Stone Veneer

Decorative Lattice

Exposed Rafter Tails

Triangular Knee Brace

Vinyle Window w/ Foam Trim

Exterior Stucco

Lower Door (Electrical)



RIGHT 6 PLEX

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.



FRONT 6 PLEX

CRAPISMAN

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16

1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS INC.
2075 HOPKIND RD. SUITE 200 PLEASANTON CA 94588-8527
925-463-1700 Fax 925-463-1720
2860 HEZMAL AVE. SUITE 200 SANTA ANA CA 92708-6960
949-250-9807 www.hezmalhalch.com Tel 949-250-1920

A17

Asphalt Shingle Roof



- Lap Siding
- Recessed Stucco
- Exposed Rafter Tails
- Triangular Knee Brace
- Vinyl Window w/ Foam Trim
- Exterior Stucco
- Cast Stone Veneer

Lower Door (Electrical)

LEFT 6 PLEX

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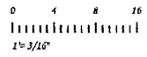


REAR 6 PLEX
CRAFTSMAN

PROGRESS SET. SQ. FT. / FOOTPRINTS SUBJECT TO CHANGE

September 15, 2004

2004111.00



HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
305 HAYWARD RD. SUITE 205 PLEASANTON CA 94566-8527
925-462-1100 FAX 925-462-1102
200 HEZMAL AVE. SUITE 202 SANTA ANA CA 92705-6543
949-220-1607 www.wheh.com Tel 949-220-1528

A18

Asphalt Shingle Roof

Wood Post

Wood Railing

Brick Veneer



Exposed Rafter Tails

Vinyl Window w/ Foam Trim
Exterior Stucco

Louver Door (Electrical)

RIGHT 6 PLEX

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FRONT 6 PLEX

MONTEREY

PROGRESS SHEET / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16
 1" = 3/16"

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 3000 OPPONG DEL. SUITE 205 PLEASANTON, CA 94567
 925 465 1700 FAX 925 463 1725
 3800 REDBALL AVE. SUITE 200 SANTA ANA, CA 92704-9042
 949 250 0857 www.hezmalhalch.com Fax 949 250 1528

A19

Asphalt Shingle Roof



Lower Door (Electrical)

Brick Veneer

Exposed Rafter Tails

Decorative Shutters

Vinyl Window w/Foam Trim

Exterior Stucco

LEFT 6 PLEX

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REAR 6 PLEX
MONTREY

PROGRESS SET. SQ.FT./FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16

1" = 3/16"

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
3015 HAYWARD RD. SUITE 205 PLEASANTON CA 94588-8027
925 463 1100 fax 925 463 1122
280 REDWOOD AVE. SUITE 200 SANTA ANA CA 92705-5540
949 233 9627 www.hezmalch.com fax 949 233 1559

A20



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RIGHT 6 PLEX



FRONT 6 PLEX

REGENCY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
20041111.00

0 4 8 16
1" = 3/16"

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
325 HAYWARD RD. SUITE 200 PLEASANTON CA 94566-6277
925 463 1700 fax 925 463 1705
2007 DONALD LANE SUITE 200 SANATA MARCA CA 92054-6149
951 251 9027 www.ahcarchitects.com fax 949 250 5308

A21

Asphalt Shingle Roof

Lower Door (Electrical)



Decorative Cupola

Foam Trim With Dentils

Decorative Brace

Wood Post

Metal Railing

LEFT 6 PLEX

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

Decorative Lattice



REAR 6 PLEX
REGENCY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS SET. SQ. FT. / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16

1" = 3/16"

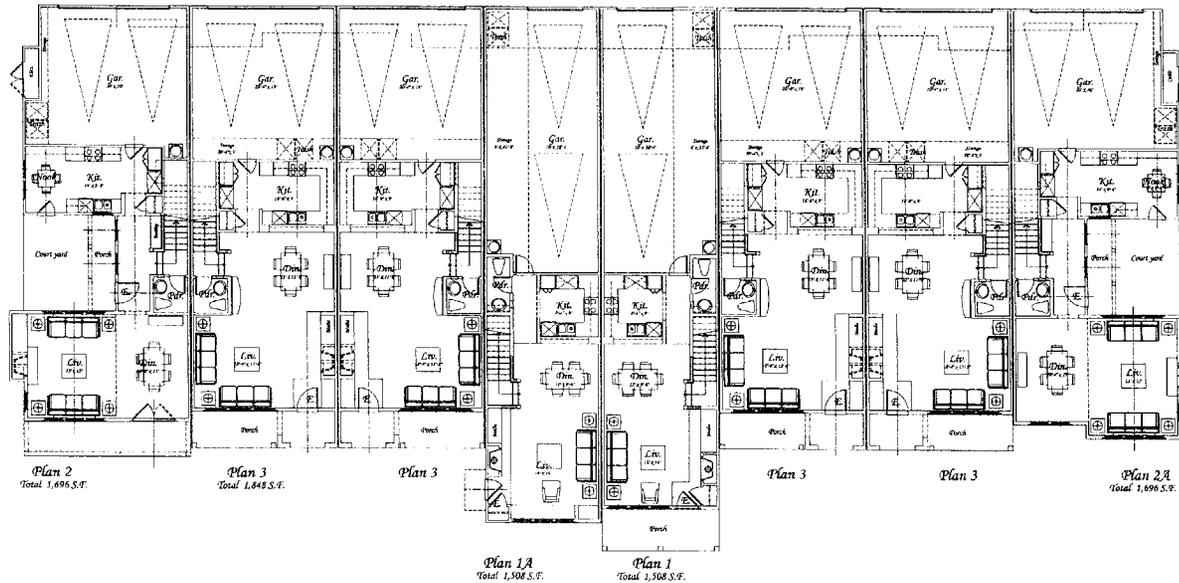


WILLIAM HEZMALHALCH
ARCHITECTS, INC.

3876 HAYWARD RD. SUITE 205 PLEASANTON CA 94588-8527
925 465 1700 fax 925 465 1725

2800 REDWOOD AVE. SUITE 202 SANATA ANA CA 92705-4545
949 250 0527 www.wheharchitects.com fax 949 250 1530

A22



LOWER LEVEL
 BUILDING FLOOR PLAN (8 PLEX - A)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

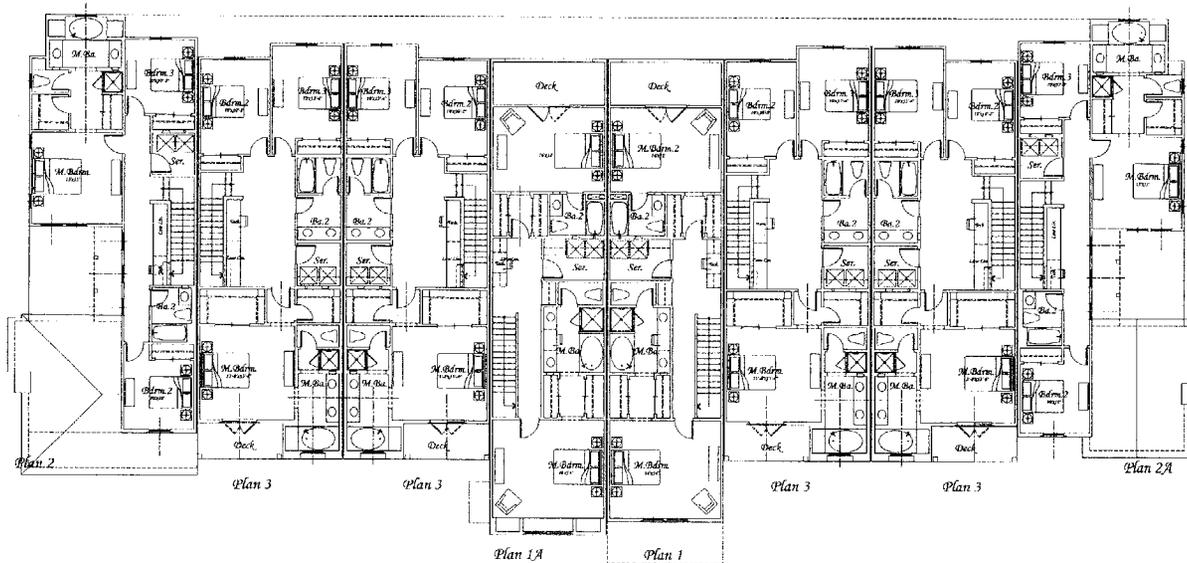
September 15, 2004
 2004111.00



PROGRESS SET - SIZE / FOOTPRINT SUBJECT TO CHANGE

W
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 305 HOPKINS RD. SUITE 205 PLEASANTON, CA 94588-0207
 925 463 1700 FAX 925 463 1725
 200 KESTREL AVE. SUITE 200 SANITA, CA 92584
 951 252 0007 www.ahwarch.com fax 951 252 1528

A23



UPPER LEVEL
 BUILDING FLOOR PLAN (8 PLEX - A)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

September 15, 2004
 2004111.00



PROGRESS SET. SCOPE / FOOTPRINTS SUBJECT TO CHANGE

W
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 2875 HAYWARD RD. SUITE 205 PLEASANTON CA 94588
 925 462 1700 FAX 925 462 1702
 2865 REDLAND AVE. SUITE 208 SANITA ANA CA 92704-9440
 949 292 2027 www.whezmah.com Tel 949 292 1500

A24

Asphalt Shingle Roof



RIGHT ELEVATION

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FRONT ELEVATION

CRAFTSMAN

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

PROGRESS SET. SIZE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16
 feet
 1" = 3/16"

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.



WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 3075 HAYWARD RD. SUITE 300 PLEASANTON, CA 94588-8237
 925-403-1720 fax 925-403-1725
 780 REDWOOD AVE. SUITE 200 SANTA ANA, CA 92705-5443
 949-252-0007 www.wheh.com fax 949-252-1033

A25

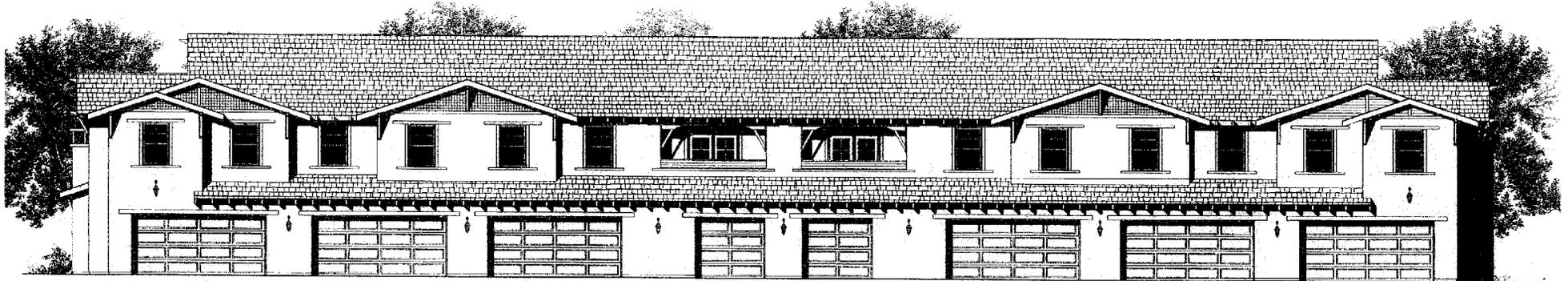
Asphalt Shingle Roof

Louver Door (Electrical)



LEFT & PLEXA

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.



REAR & PLEXA
CRAFTSMAN

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
2004111.00

0 4 8 16
 1" = 3/16"

W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 3015 HAYWARD RD. SUITE 205 PLEASANTON CA 94588-8827
 925-463-1700 fax 925-463-1705
 2000 REDHILL AVE. SUITE 200 SANTA ANA CA 92705-5540
 949-251-0607 www.williamh.com fax 949-251-1528

A26

Asphalt Shingle Roof



RIGHT ELEVATION

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FRONT ELEVATION

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MONTEREY

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

HAYWARD 11 AC SITE

Hayward, California

DVC Housing Partners, Inc.

September 15, 2004

2004111.00

0 4 8 16

1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS, INC.
871 HOPKINS RD. SUITE 305 PLEASANTON CA 94588-6827
925 465 1700 Fax 925 465 1725
200 HEZMALHALCH BLVD SUITE 205 SANTA ANA CA 92706-6945
949 253 0067 www.hezmalhalch.com Fax 949 253 1529

A27

Asphalt Shingle Roof

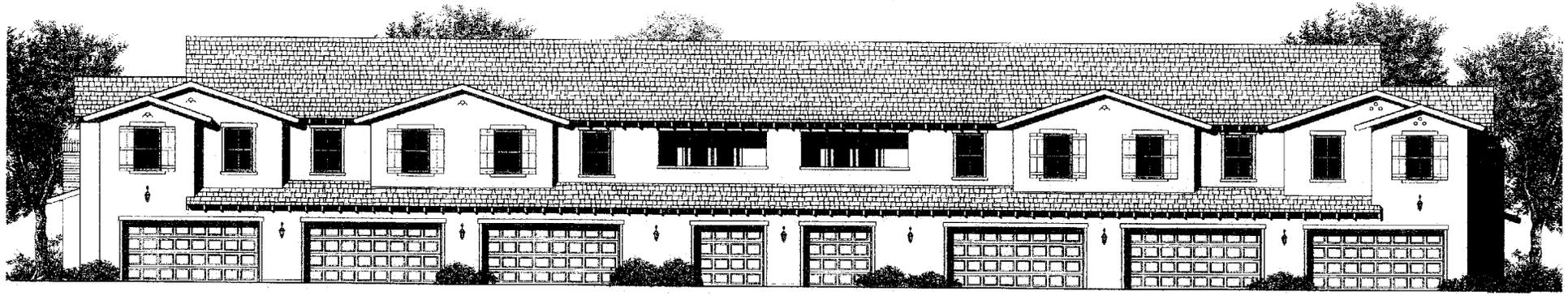
Lower Door (Electrical)



- Brick Veneer
- Exposed Rafter Tails
- Decorative Shutters
- Vinyl Window w/ Foam Trim
- Exterior Stucco

LEFT & PLEXA

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REAR & PLEXA
MONTEREY

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

PROGRESS SET. SQUARE FOOTING SUBJECT TO CHANGE

September 15, 2004

2004111.00



WH
WILLIAM HEZMALIHALCH
ARCHITECTS INC.
3875 HOPKINSON RD. SUITE 202 PLEASANTON, CA 94588-8827
925-465-1700 FAX 925-465-1725
2005 FISHKILL AVE. SUITE 200 SANTA ANA, CA 92705-5343
949-266-0807 www.WHArchitects.com Tel: 949-250-1525

A28



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RIGHT 8 PLEX A



FRONT 8 PLEX A

REGENCY
HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

PROGRESS, SIZE, SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

20041111.00

0 4 8 16
 1" = 3/16"

WH
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 3803 HOPKINSON DRIVE, SUITE 205 PLEASANTON, CA 94588-8927
 925-463-1100 FAX 925-463-1125
 2828 MIDLAND AVE. SUITE 200 SANTA ANA, CA 92705-5543
 949-256-0007 www.whoarch.com Tel 949-256-1520

A29



Asphalt Shingle Roof

Brick Veneer

Lap Siding

Decorative Shutters

Vinyl Windows w/ Foam Trim

Exterior Stucco

Cover Door (Electrical)

LEFT SIDE ELEVATION

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Decorative Lattice

REAR SIDE ELEVATION

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

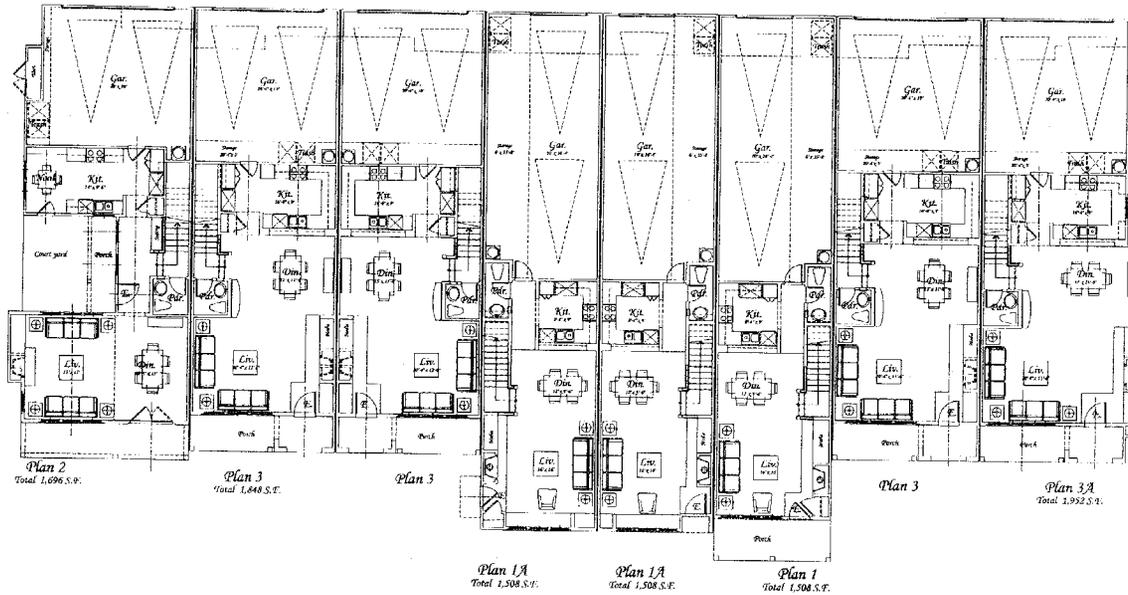
PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
 2004111.00



W
 WILLIAM HEZMALHALCH
 ARCHITECTS INC.
 2015 HAYWARD RD. SUITE 205 PLEASANTON CA 94567
 925 463 1129 FAX 925 463 1124
 2800 RED HILL LANE SUITE 200 SANTA ANA CA 92705-5042
 949 261 9807 www.williamhezm.com TEL 949 252 1529

A30



LOWER LEVEL
BUILDING FLOOR PLAN (8 PLEX - B)

HAYWARD 11 AC SITE
Hayward, California
DUC HOUSING PARTNERS, INC.

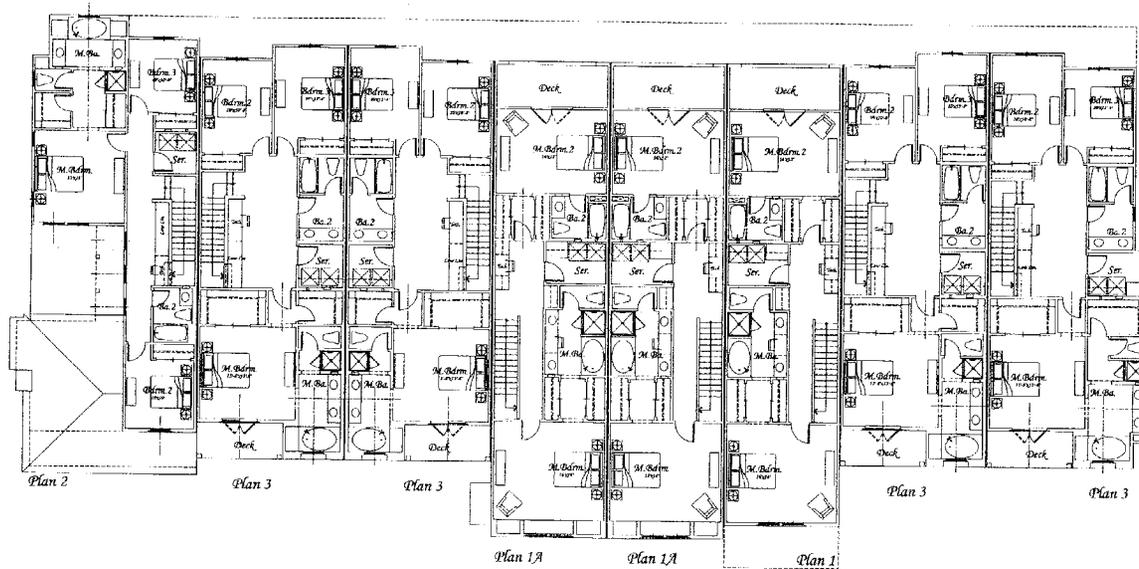
September 15, 2004
2004111.00

0 4 16
Architectural scale bar

PROGRESS SET. SCALE / PRINTING SUBJECT TO CHANGE

W
WILLIAM HEZMAHALCH
ARCHITECTS INC.
3875 HOFFMAN RD. SUITE 225 PLEASANTON, CA 94588
925 463 1700 925 463 1725
280 REDWOOD AVE. SUITE 200 SANTA ANA, CA 92705 949
949 251 4807 www.williamhezmaharch.com 949 250 1579

A31



UPPER LEVEL
 BUILDING FLOOR PLAN (8 PLEX-B)

HAYWARD 11 AC SITE
 Hayward, California
 DUC HOUSING PARTNERS, INC.

September 15, 2004
 20041111.00

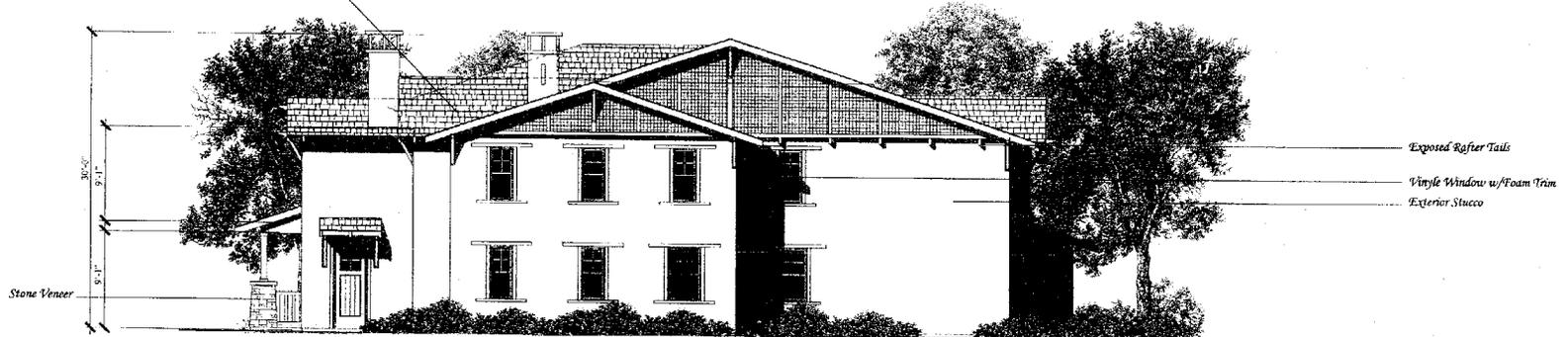


PROGRESS SET. SQ. FT. / FOOTPRINT SUBJECT TO CHANGE

W
 WILLIAM HEZMAHALCH
 ARCHITECTS, INC.
 205 HOPKINS RD. SUITE 205 PLEASANTON CA 94566
 925 463 1720 FAX 925 463 1725
 260 REDLINE AVE. SUITE 200 SAN ANA CA 92704
 949 230 9007 www.hezmahalch.com fax 949 230 9027

A32

Asphalt Shingle Roof



RIGHT 8 PLEX B

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FRONT 8 PLEX B

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

CRAFTSMAN

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

HAYWARD 11 AC SITE
 Hayward, California
 DUC Housing Partners, Inc.

September 15, 2004
 7004111.00

0 4 8 16
 1" = 3/16"

WH
 WILLIAM HEZMALHALCH
 ARCHITECTS, INC.
 1675 HOPKINS RD. SUITE 205 PLEASANTON CA 94588-8827
 925 463 1700 FAX 925 463 1725
 2820 COLLEGE AVE. SUITE 210 SANTA ANITA CA 95761-9443
 916 252 0807 www.ahh.com FAX 916 252 1520

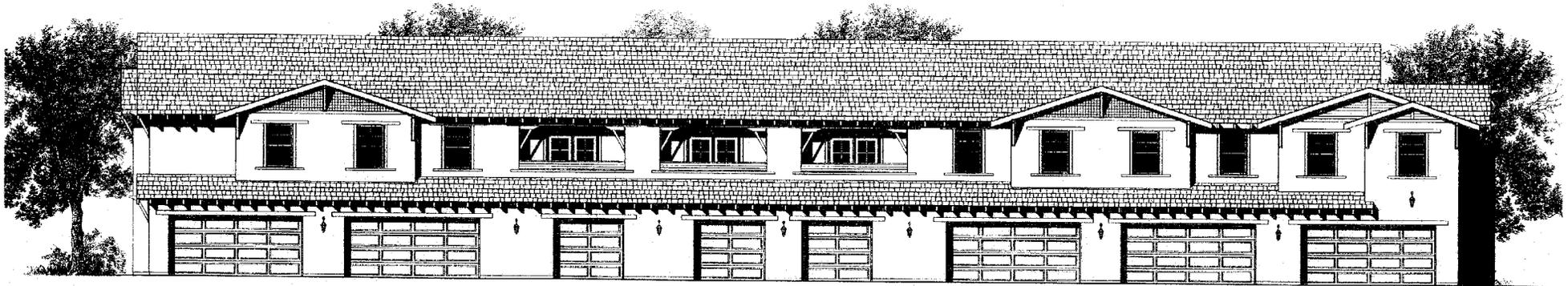
A33

Asphalt Shingle Roof



LEFT 8 PCEX B

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.



REAR 8 PCEX B
CRAFTSMAN

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004

2004111.00

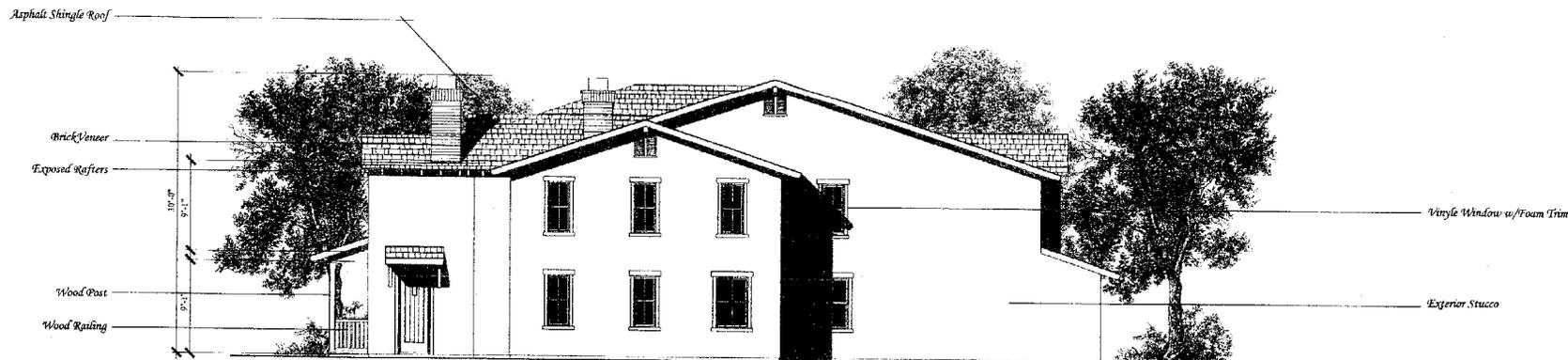
0 4 8 16

1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS, INC.
3845 HAYWARD RD. SUITE 205 PLEASANTON CA 94588-0207
925 463 1700 fax 925 463 1705
2903 REDMILL AVE. SUITE 300 SANCTA MONICA CA 90404-3042
949 250 0677 www.whoarch.com fax 949 250 1578

A34



RIGHT 3 PLEX B

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FRONT 3 PLEX B

MONTEREY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

PROGRESS SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
2004111.00

0 4 8 16
1" = 3/16"



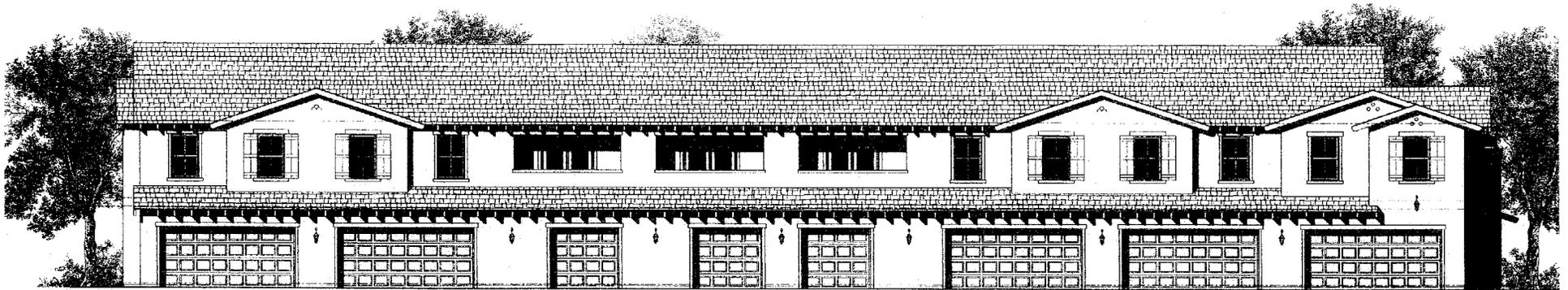
WILLIAM HEZMALHALCH
ARCHITECTS, INC.
2015 HOPKARD RD. SUITE 105 PLEASANTON, CA 94588-6527
925 465 1700 FAX 925 465 1725
200 PIERCE AVE. SUITE 200 SAN FRANCISCO, CA 94108-5643
415 224 0007 www.hezmalhalch.com fax 415 224 1520

A35



LEFT 8 PLEX B

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REAR 8 PLEX B
MONTEREY

PROGRESSIVE SET. SCALE / FOOTPRINT SUBJECT TO CHANGE

September 15, 2004
20041111.00

0 4 8 16
1" = 3/16"

HAYWARD 11 AC SITE
Hayward, California
DUC Housing Partners, Inc.

W
WILLIAM HEZMALHALCH
ARCHITECTS INC.
3021 KOPPELAND RD. SUITE 328 PLEASANTON CA 94588-8827
925 463 1700 fax 925 463 1755
786 REDHILL AVE. SUITE 200 SANTA ANA CA 92706-9543
949 256 0007 www.aherchitects.com fax 949 256 1029

A36



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RIGHT 8 PLEX B



FRONT 8 PLEX B

REGENCY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS SET. RQ.PT. / FLOORPRINT SUBJECT TO CHANGE

September 15, 2004
20041111.00

0 4 8 16
1" = 3/16"



WILLIAM HEZMALHALCH
ARCHITECTS, INC.
2075 HOPKIND RD. SUITE 205 PLEASANTON CA 94566-4877
925 462 1700
2800 HILL AVE. SUITE 202 SANTA ANA CA 92705-2643
949 261 0077 www.hezmalhalch.com tel 949 258 1523

A37

Asphalt Shingle Roof

Lower Door (Electrical)

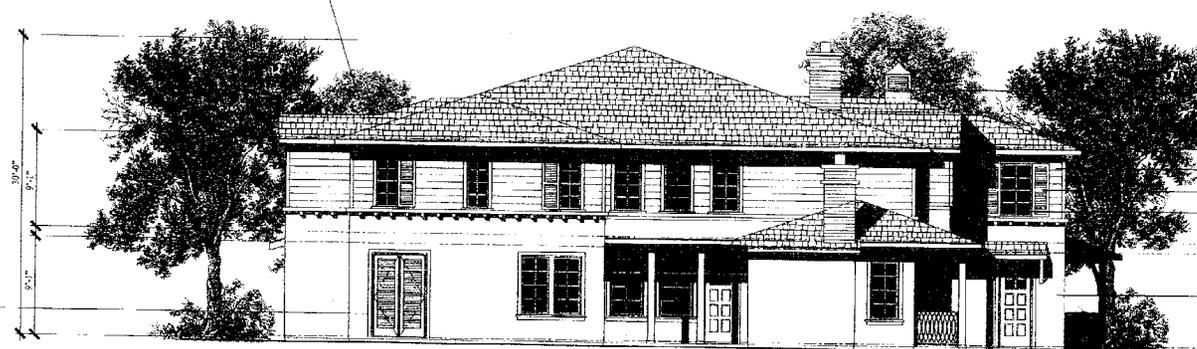
Brick Veneer

Lap Siding

Decorative Shutters

Vinyle Window w/ Foam Trim

Exterior Stucco



LEFT 8 PLEX B

© 2004 WILLIAM HEZMALHALCH ARCHITECTS, INC.

Decorative Lattice



REAR 8 PLEX B

REGENCY

HAYWARD 11 AC SITE

Hayward, California

DUC Housing Partners, Inc.

PROGRESS SET. SCALE / FOOTPRINTS SUBJECT TO CHANGE

September 15, 2004

2004111.00

0 4 8 16

1"=32'-0"



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