CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 03/14/06

AGENDA ITEM 3

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment No. PL-2005-0619, Zone Change No. PL-2005-0620, Site Plan Review No. PL-2005-0621, Parking Exception No. PL-2005-0622, and Street Vacation - Request to Amend the General Plan Land Use Designation and Zoning District to High Density Residential to Construct 78 Dwelling Units, to Reduce the Parking Requirement and to Vacate a Portion of Saklan Road - Eden Housing, Inc. (Applicant) La Vista LP (Owner) - The Property is Located at the Northeast Corner of Saklan Road and North Lane

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution and introduce the attached ordinance approving the Mitigated Negative Declaration, Mitigation Monitoring Program, the General Plan amendment to High-Density Residential, the Zone Change to Residential-High Density (RH), the Site Plan Review application, the Parking Exception, and the vacation of four feet of Saklan Road right-of-way, subject to the attached findings and conditions of approval.

DISCUSSION:

The 78-unit affordable rental apartment project is proposed to be constructed on a 3.5-acre property, formerly the site of a pickle factory, located at the northeast corner of Saklan Road and North Lane in the Mt. Eden neighborhood. The site is surrounded by industrial land uses to the west across Saklan Road, low density residential land use to the south across North Lane, commercial uses to the north and a mobile home park to the east.

The project would consist of nine, two and three-story buildings including the following apartment units:

- 18 one-bedroom units of 632 square feet each
- 29 two-bedroom units of 801 square feet each
- 31 three-bedroom units of approximately 1,095 square feet each

Of the 78 units, 77 would be available to very low income families (household incomes less than 50% of area median income (AMI)), 27 of which would be available to extremely low income families (household incomes less than 30% AMI) and one unit would be for a live-in manager.

The building elevations are interesting and attractive as they include balconies, porches, indentations, and varied rooflines. The buildings would have a combination of horizontal lap siding and board-and-batten vertical "cement board." The site layout is sensitive to the adjacent

mobile home park in that the units closest to the park (Building 9 and the east end of Building 10) are only two stories while the rest of the project has three story buildings.

The buildings would be is arranged around a 2,137-square-foot community building and group open space. The community building will house a leasing office, a computer learning center, resident support services, library, common kitchen and program space. Resident activities and programs, such as job readiness/training, technology education, and after school and summer enrichment youth programs will be offered.

The General Plan amendment and zoning change are supported by the Mt. Eden Neighborhood Plan as well as policies contained in the General Plan and Housing Element. A strategy of the Mt. Eden Neighborhood Plan calls for the designation of land fronting North Lane as residential "to eliminate industrial frontage on residential streets." The project density would be 22.2 dwelling units per acre, consistent with the HDR designation that allows up to 34.8 dwelling units per acre. The project would result in the installation of off-site improvements for the project frontages on Saklan Road and North Lane, including new storm drain facilities, paving, curbs, gutters and sidewalks on both sides of both streets and undergrounding of utilities on North Lane.

This proposal by Eden Housing is being developed in partnership with La Vista LLC, an affiliate of the DeSilva Group, to provide the off-site affordable units for three projects in Hayward, two of which were recently approved by the Council, and the third is to be considered by the Planning Commission later this month. The three projects, in which the DeSilva Group has an equitable interest, are La Vista, Garin Vista and the KB Home/Dutra project. The City's Inclusionary Housing Ordinance requires that these projects provide a total of 69 affordable units. The Ordinance provides flexibility by allowing for the construction of off-site units, subject to certain determinations by the City Council.

Although the proposed apartment units would be smaller than the single family homes approved for the other three projects, the difference is compensated by the fact that the rental apartments would be affordable to households with lower incomes. The 69 affordable units, if on-site, would be required to be moderate income units. Eden Housing would make 77 units affordable to households of low income and very-low income. If approved, Eden Housing proposes to seek financing through the state Multi-family Housing Program, which requires the units to be affordable for a period of 55 years. Construction is expected to begin by the end of 2006.

The developer would not normally be responsible for the full street improvements along North Lane and Saklan Road, but rather half of the street improvements and utilities needed for the frontage of the development. However, since both streets are included in the identified improvements associated with the annexation of Phase 1 of the Mt. Eden area, it is proposed to have both sides of these streets improved as a condition of this project. As part of the Mt. Eden annexation, Dutra Enterprises Inc. is advancing funds to complete the necessary improvements to City standards. Discussions with Mr. Dutra have resulted in the establishment of a process for a reimbursement agreement between Dutra Enterprises Inc. and the DeSilva Group for the cost of the additional improvements.

A parking exception is requested to reduce the required number of parking spaces from 157 to 141, resulting in an overall parking ratio of 1.8 spaces per unit. Data was provided to support the claim of the applicant that lower-income households have fewer vehicles. A survey of other

housing projects that were constructed and operated by the applicant and which serve low-income residents revealed that the demand for parking is less than required by the City's Off-Street Parking Regulations. In consideration of the parking information submitted, the Planning Commission and staff recommend approval of the reduction in the required number of parking stalls. The Council approved a similar exception in 2004 for another Eden Housing project, Sara Conner Place, which also has a ratio of 1.8 parking spaces per unit.

The application includes a request to vacate four feet of excess right-of-way along the east side of Saklan Road. The Planning Commission found that the vacation is consistent with the General Plan. Since the city does not own the underlying fee for this right of way, its vacation results in the strip of land reverting to the abutting parcel.

Students from the project would attend Eden Gardens Elementary School (17 students), Anthony W. Ochoa Middle School (3 students), and Mt. Eden High School (5 students). State law prohibits denial of a housing development based on lack of adequate school facilities. Rather, the school district fees for residences are intended to satisfy the developer's obligation for schools. The Hayward Unified School District has reviewed the plans and has no objection to the project.

During the Planning Commission hearing on February 23, 2006, the issue of providing children with safe transportation to schools was raised. The Hayward Unified School District provides bussing for all students in grades kindergarten through sixth grade. The District does not provide transportation for middle school or high school students. There is no direct AC Transit bus route serving the project site and Ochoa Middle School, but there is AC Transit bus service (routes 86 and 92) that requires a transfer at West Winton Avenue and Hesperian Boulevard. Ochoa Middle School is approximately one mile away and students might also walk or ride bicycles to the school. Mt. Eden High School is approximately three miles from the project site. There is indirect bus service between the project site and the high school.

A Planning Commissioner asked about incorporating bicycle racks within the project. The applicant is currently working with the architect to find appropriate storage areas for bicycles. The Planning Commission voted (6-0) to recommend approval of the project to the City Council.

Prepared by:

Erik J. Pearson, AICP
Associate Planner

Recommended by:

Sylvia Ehrenthal
Director of Community and Economic Development

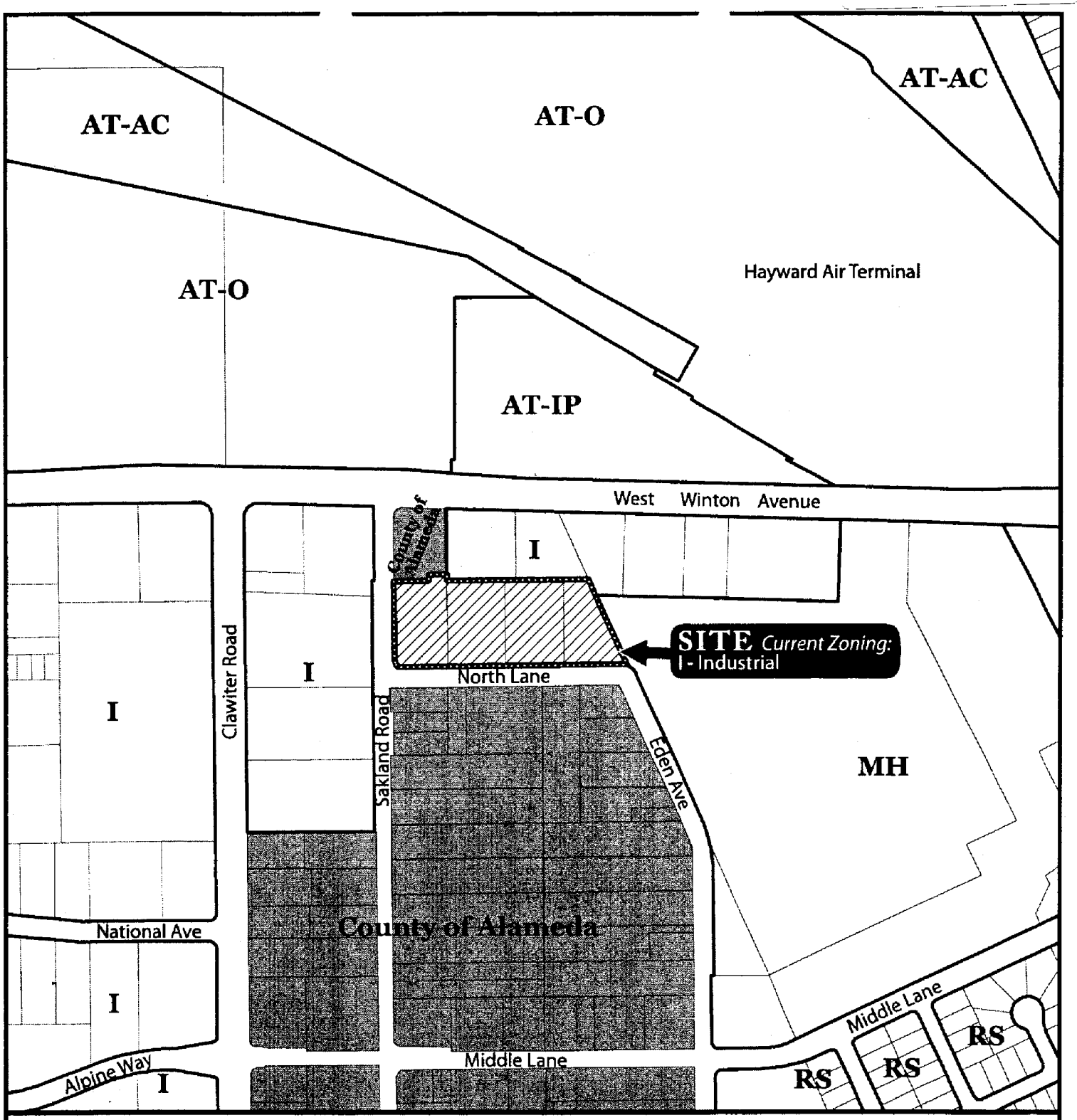
Approved by:

Jesús Armas, City Manager

Attachments: Exhibit A. Area and Zoning Map
Exhibit B. Revised Conditions of Approval
Exhibit C. Public Comments (distributed at Planning Commission meeting)
Exhibit D. Draft Minutes of February 23, 2006 Planning Commission Meeting
Exhibit E. Planning Commission Staff Report dated February 23, 2006
Plans
Draft Ordinance
Draft Resolution - General
Draft Resolution - Vacation

3/9/06

Exhibit A



Area & Zoning Map

PL-2005-0619 GPA/0620 ZC /0621 SPR/0622 VAR

Address: 22958 Saklan Rd @ North

Applicant: Katie Lamont

Owner: Hans Kruger

Zoning Classifications

Residential

MH	Mobile Home Park
RS	Single Family Residential, min. lot size 5000 sqft

Industrial

I	Industrial

Air Terminal

AT-AC	Air Terminal - Aviation Commercial
AT-C	Air Terminal - Commercial
AT-IP	Air Terminal - Industrial Park
AT-O	Air Terminal - Operations

North

REVISED CONDITIONS OF APPROVAL – 22958 Saklan Road

General Plan Amendment No. PL-2005-0619
Zone Change No. PL-2005-0620
Site Plan Review No. PL-2005-0621
Parking Exception No. PL-2005-0622

Eden Housing, Inc. (Applicant), La Vista LP (Owner)

1. General Plan Amendment No. PL-2005-0619, Zone Change No. PL-2005-0620, Site Plan Review No. PL-2005-0621 and Variance No. PL-2005-0622, are approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void one year after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.

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

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

4. Prior to application for a Building Permit or a Grading Permit, the plans shall be revised to include the following:

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

   b) Detailed landscaping and irrigation plans (see conditions # 16 through 33).

   c) The pavement at all three driveway entries from the sidewalk to the first parking space 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.

   d) Details showing the location and design of mailboxes. Grouped mailboxes, if not decorative, shall be enclosed by a structure compatible with the architecture of the buildings.

   e) A lighting plan, prepared by a qualified illumination engineer meeting the requirements of the City's Building Security Ordinance. Exterior lighting shall be

erected and maintained so that adequate lighting is provided in all common areas. Exterior lighting shall be shielded and deflected away from neighboring properties and from windows of houses within the project.

The fixtures shall be decorative and designed to keep the light from spilling onto adjacent properties. Wall-mounted light fixtures shall not be mounted greater than 12 feet in height. Luminares shall be of a design that complements the architectural style of the building and shall be approved by the Planning Director prior to issuance of the building permit. The maximum height of the luminares shall be 12 feet unless otherwise permitted by the Planning Director. The lighting and its related photometric plan shall be reviewed and approved by the Planning Director. Lighting standards shall be placed so as to not conflict with the location of trees or where they would shine directly into windows.

f) A parking stall at the west end of the parking aisle nearest Saklan Road shall be cross-hatched to provide for turn-around by motorists unable to locate parking.

g) Mitigation measures suggested in the Noise Assessment study, dated October 17, 2005 and updated January 4, 2006, prepared by Charles M. Salter Associates Inc., shall be incorporated into the design of the project. Mitigation measures include, but are not necessarily limited to, sound-rated window and door assemblies on selected exterior elevations, and mechanical ventilation systems such as air-conditioning or "z-ducts".

h) A revised color board shall be submitted including bolder, brighter trim and door colors.

i) Trash enclosures shall be constructed of a decorative material compatible with the main buildings to be approved by the Planning Director.

5. Prior to issuance of a building or grading permit, the applicant shall obtain water quality and health-based clearance for the proposed residential development site from the California Department of Toxic Substance Control (DTSC). Grading allowances may be granted if approved by DTSC.

6. Prior to issuance of a building permit:

a) The developer shall cause to be recorded a covenant agreement to ensure that the 78 rental units remain affordable to low and very low income families for a minimum of 55 years. The agreement shall be approved by the Planning Director prior to recordation.

b) The developer shall cause to be recorded an avigation easement to the satisfaction of the Public Works Director.

c) The Planning Director shall approve language to be included in the leases to be signed by tenants of the apartments notifying them of the aircraft activity as addressed in the avigation easement.

d) The developer shall cause the four parcels to be merged into one. The new legal description shall take into account the reduction in the right-of-way for Saklan Road.

e) The developer shall submit a soils investigation report for review and approval by the City Engineer.

f) The developer shall submit improvement plans for review and approval by the City Engineer.

7. Prior to the installation of any signs, the applicant shall submit a Sign Permit Application to the Planning Director for review and approval. Any signs shall be constructed of wood with no internal lighting. The maximum area of the sign shall not exceed 35 square feet.

8. The owner shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, exterior elevations, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

9. No mechanical equipment, or solar collectors, may be placed on the roof unless it is incorporated into the design of the roof. Prior to construction, documentation shall be provided that the roof-mounted mechanical equipment is adequately screened.

10. In the event that archaeological resources, prehistoric or historic artifacts are discovered during construction of excavation, the following procedures shall be followed: Construction and/or excavation activities shall cease immediately and the Planning Division shall be notified. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming groundbreaking construction activities. Standardized procedure for evaluation accidental finds and discovery of human remains shall be followed as prescribed in Sections 15064.f and 151236.4 of the California Environmental Quality Act.

11. Construction noise from the development of this site shall adhere to standard restrictions on hours and days of operation as specified in the City of Hayward Municipal Code, Article 1, Section 4.103(2). Construction equipment is required to have sound reduction devices to reduce noise impacts on surrounding properties. The name and telephone number of an individual responsible for responding to complaints regarding noise, and who is hired by the developer, shall be posted at the site during construction.

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

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

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

Landscaping:

15. Landscape areas that have less than required a minimum 5-foot interior width shall be approved upon receiving detailed planting plan and sketches demonstrating that less than required landscape area will create as effective and equally attractive entry design.

16. All standard-size parking stalls shall be 16.5 feet deep. All compact parking stalls shall be 13 feet deep. Adjacent sidewalks or landscaping shall be increased by 2.5 or 2 feet respectively to accommodate bumper overhang.

17. A proper root barrier shall be provided along the north and east property lines to contain the Timber Bamboo approved in lieu of evergreen screening trees .

18. The 2.5-foot front bumper overhang for the parking spaces along the north property line shall be landscaped with ground cover with a root barrier between the ground cover and the bamboo.

19. Parking should be set back at least 10 feet from the property lines along Saklan Road and North Lane.

20. Trash enclosures must be screened with shrubs and vines on 2-sides with a minimum 5-feet wide interior planting area. The walkways shown adjacent to the easternmost and the westernmost trash enclosures shall be relocated to allow for the required landscaping. The westernmost trash enclosure may have landscaping only on the east side.

21. Prior to the 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.

22. 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.

23. Street Trees. One 24" box street tree is required for every 20 – 40 lineal 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.

24. As required by the Planning Director, landscaping and irrigation plans shall be submitted for review and approval by the city either, prior to approval of improvement plans or prior to the issuance of building permits.

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

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

27. 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 utilities and mechanical equipment shall be screened from the street with shrubs.

28. Parking lots shall include one 15-gallon tree after every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians or islands located within the parking area. In addition, parking rows shall be capped with a landscaped island. 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. All common area landscaping, irrigation and other required improvements shall be installed prior to occupancy of 80% of the dwelling units.

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

31. Landscaping shall be maintained in a healthy, weed-free condition at all times. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% die-back) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to Municipal Code.

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

33. Any transformer shall be located underground or screened from view by landscaping and shall be located outside the 20-foot front yard along North Lane or the 10-foot side street yard along Saklan Road.

Solid Waste & Recycling:

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

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

Fire Department:

36. All public and private streets, alleys and driveway access lanes that are designed within the proposed development with a width of less than 20 feet shall be dedicated as fire lanes.

37. Emergency Vehicle Access Roads (EVAR's) shall be designed in areas of the development as indicated on the approved plans.

38. EVA design and engineering shall be approved to meet Hayward Fire Department Standards.

39. Parking of private vehicles shall only be allowed in the designated parking stalls that have been identified on the approved plans.

40. All of the fire apparatus turnaround areas within the proposed development shall be properly maintained as fire lanes. No vehicle parking shall be allowed within the turnaround areas.

41. Red-painted curbing and fire lane signage shall be installed on all of the private driveway access lanes (including the turnaround areas and dedicated EVA's) throughout the proposed development.

42. All streets within the proposed development shall be constructed with all-weather surface materials and designed and engineered to withstand 50,000 lbs. GVW.

43. The approved EVA's shall be secured as required by the Hayward Fire Department. All EVA's will require signage posted to discourage any parking of vehicles or other potential obstructed uses.

44. The manually operated gates located at the northwest corner of the proposed development (EVA to Saklan Rd.) shall be maintained accessible for fire apparatus. A lock box or other approved means of opening the gate shall be required and approved by the Hayward Fire Department.

45. If vehicle parking is allowed along the public streets (North Lane and Saklan Road) fronting the proposed development, measures to ensure that fire hydrants are not obstructed shall be enforced. The CVC requires a 15 foot distance from parked vehicles to fire hydrants.

46. The water line serving the fire hydrants for the proposed development shall be a looped system and shall meet design and engineering standards for installation as required by the City of Hayward Public Works Department.

47. Fire service laterals shall be dedicated for each proposed building and shall be a minimum 4-inches (or greater) in diameter. Each fire service lateral shall be installed sub-grade and shall meet Hayward Fire Department Standards (SD-204).

48. Each fire service lateral shall be equipped with a Fire Department Connection (FDC) and Post Indicator Valve (PIV). Locations of such equipment shall be approved by the Hayward Fire Department.

49. Fire flow requirements for this development shall meet a minimum of 3,000 gpm at 20 PSI. An allowance of up to 50% will be granted for fire sprinklers, which are required in all of the proposed buildings.

50. Fire hydrants shall be double steamer type with 2-4 ½" outlets and 1-2 ½" outlet.

51. Crash posts may be required for the fire hydrants if deemed necessary by the Fire Marshall.

52. Blue reflective hydrant markers are required to be installed on the pavement at each fire hydrant location.

53. Occupancy classification for the proposed 2 and 3 story apartments shall be R-1.

54. Rated separations (both horizontal and vertical) shall be constructed between each apartment unit as required by the CBC.

55. Exiting requirements shall meet the CBC, Chapter 10.

56. Approved spark arrestors shall be installed on each fireplace chimney cap, if constructed.

57. An approved address plan shall be reviewed and approved by the Hayward Building Division and Fire Department.

58. Address numbers are required on each building within the development. Address numbers shall be self-illuminated and shall be a minimum of 4-inches in height. In addition, an address monument sign shall also be installed in an approved location. The sign shall be equipped with 6-inch numbers and lighting for night time vision.

59. Design and construction of all pertinent life safety and fire protection systems shall meet the California Fire Code and all applicable City of Hayward Fire Department Ordinances (Ordinance #02-13) and amendments in use by the Hayward Fire Department.

60. Each building will be required to have an automatic fire sprinkler system installed per NFPA 13 Standards. This requirement includes the installation of fire sprinklers within all living space areas, garages, under combustible decking (if applicable), crawl spaces, foyers and porches, and any other area deemed hazardous by the Fire Marshal.

61. Each building shall have a dedicated underground fire service lateral installed to supply the fire sprinkler system. Installation of the underground fire service line shall be in conformance with NFPA 24 Standards and Hayward Fire Department Standards (SD-204).

62. The Fire Department Connections (FDC) and Post Indicator Valves (PIV) that serve the fire sprinkler system(s) shall be installed in acceptable locations as approved by the Hayward Fire Department.

63. Exterior local alarm bell(s) shall be installed on each fire sprinkler system riser.

64. Interior audible device(s) shall be installed within each living unit and shall be capable of activating upon any fire sprinkler system waterflow activity.

65. A manual and automatic fire alarm (evacuation) system shall be required for each building. The design and installation of the fire alarm system shall be in conformance with NFPA 72 Standards. The system shall include common area smoke detectors, manual pull stations, and audible and visual devices.

66. Units within the buildings that may be designated for handicap individuals will require additional life safety features which will include additional fire notification devices as part of the manual and automatic fire alarm (evacuation) system.

67. Central station monitoring is required for any fire sprinkler system installation which has more than 100 fire sprinkler heads.

68. Central station monitoring is required for the fire alarm system.

69. Interior (single-station) residential smoke detectors shall be installed within each living unit. Smoke detectors shall be installed per the California Building Code (CBC) and shall be hard-wired electric with battery back-up. Single-station smoke detectors shall not be interconnected to the buildings' fire alarm system.

70. Portable fire extinguishers having a minimum rating of 2A:10BC will be required in all common areas and locations of each building as required by the Hayward Fire Department.

Engineering - General:

71. Developer is responsible to make full street improvements on both sides of Saklan Road and North Lane consistent with the proposed Mt Eden Annexation Area improvement plans or as approved by the City Engineer. Developer's Site Development plans dated January 2006 meet these requirements except the sidewalks shall be installed directly behind the curb with planter strips and street trees behind the sidewalk. Costs for the following list of specific improvements to be constructed by the developer are subject to

reimbursement from either Dutra Enterprises or from funds being provided for the Saklan Area improvements as part of the Mt Eden Annexation upon completion, documentation of actual costs, and approval by the City Engineer.

a. All street improvement work beyond the center line of Saklan Road and North lane to include new curb, gutter, sidewalk, pavement and street lights.

b. Storm Drain inlets and connections on Saklan Road as well as the eastern storm drain inlet and 50% of its connection on North Lane.

c. All sewer and water laterals extended to the west side of Saklan Road and the south side of North Lane.

d. The eastern extensions of both the sewer and water lines in North Lane beyond the last connection to the apartment project.

72. Install new street lights along North Lane and Saklan Road frontages as approved by the City Engineer. The electroliers shall be in operating condition before occupancy permits are approved.

73. Runoff from adjacent properties shall be addressed in a manner other than the proposed 3-foot-wide concrete V-ditch along the north and east property lines as shown on sheets 4 and 5. Building Permit and/or Improvement Plans shall include a solution acceptable to both the City Engineer and the City Landscape Architect.

74. The existing over head line along the North Lane property frontages shall be underground. Existing services on the south side of North Lane will be served by secondary riser poles.

75. The developer shall install curb, gutter and sidewalk on both sides of both North Lane and Saklan Road; the location and extent of which shall be approved by the City Engineer.

76. Manholes shall be required at the beginning and end of all sewers main.

77. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on-site in order to limit the entry of pollutants into storm water runoff to the maximum extent practicable. It is highly recommended that a grassy swale be installed to intercept the surface runoff.

78. The proposed BMPs shall be designed to comply with the hydraulic sizing criteria listed in Provision C.3.d of the ACCWP NPDES permit (page 22). In addition, the California Stormwater Quality Association's Stormwater Best Management Practice Handbook New Development and Redevelopment, Subsection 5.5 on pages 5 – 12 has a section titled "BMP Design Criteria for Flow and Volume." This should be available on their website at www.cabmphandbooks.com.

79. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete the Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form.

80. The owner shall prepare a Storm Water Treatment Measures Maintenance Agreement (available in the Engineering and Transportation Division); the Maintenance Agreement

shall be recorded with the Alameda County Recorder's Office to ensure that the maintenance is bound to the property in perpetuity.

81. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted to the City for review and approval by the City Engineer.

82. A copy of the Notice of Intent (NOI) from the State Water Resources Control Board shall be provided to the City prior to the start of grading.

83. The Developer's Engineer shall provide hydraulic calculations sufficient to analyze downstream impact. The storm drain system shall be reviewed and approved by the ACFC & WCD. The HGL shall be obtained from ACFC & WCD.

84. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system, these drains should connect to the sanitary sewer. The applicant shall contact the City for specific connection and discharger requirements.

85. An Encroachment Permit shall be required for any work within the road-right-of-way area.

86. The National Pollution Discharge Elimination System (NPDES) standards shall be met. A Notice of Intent permit is required from the Regional Water Quality Control Board prior to the start of any grading. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order. The NPDES program shall include the following items"

    a. Gather all construction debris on a regular basis and place them in a dumpster or other container, which is emptied or removed on a weekly basis. When appropriate, use traps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.

    b. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work.

    c. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked mud or dirt shall be scraped from these areas before sweeping.

    d. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season (October15), 2) site dewatering activities, or 3) street washing activities, 4) saw cutting asphalt or concrete, in order to retain any debris or dirt flowing into the City storm drain system as necessary. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.

e. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill.

f. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge wash water into street gutters or drains.

Engineering - Utilities:

87. Water meters shall be radio read meters.

88. Water meters and services to be located a minimum of two feet from top of driveway flare as per City of Hayward Standard Details 213 thru 218. Water meters to be located a minimum of six feet from sanitary sewer lateral as per State Health Code. Show proposed locations on plans. Driveway cuts shall be staked before service laterals are installed.

89. All water mains shall be looped.

90. Ductile Iron Pipe is required in all easements and control valves are required in street prior to easements for all water mains.

91. A public sanitary sewer main shall be installed along the full frontage of North Lane. Tie in sanitary sewer mains from development.

92. The existing sewer on property shall be abandoned.

93. A public water main shall be installed along the full frontage of North Lane.

94. Interconnect proposed water main at east end of project with new water main on North Lane.

95. Show following notations on plans:

a) Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.1.

b) Only Water Distribution Personnel shall perform operation of valves on the Hayward Water System.

c) Water & Sewer service availability is subject to standard conditions and fees in effect at time of application.

EXHIBIT C

Erik Pearson

From: Richard Patenaude
Sent: Tuesday, February 21, 2006 1:14 PM
To: Erik Pearson
Subject: FW: Avigation easements

From: jwkyle6@comcast.net [mailto:jwkyle6@comcast.net]
Sent: Tuesday, February 21, 2006 10:27 AM
To: ewb@hwd@msn.com; jesus.armas@hayward-ca.gov,<billquirkforhayward@comcast.net,<bill.ward@hayward-ca.gov,<olden.henson@haywatrd-ca.gov,<kjdowling@aol.com,<barbara.halliday@hayward-ca.gov
Cc: Richard Patenaude; robert.bauman@hayward.gov,<brent.shiner@hayward-ca.gov
Subject: Avigation easements

February 20, 2006

Just returned from Airport offices where, during examination of most recent helicopters departure procedures map, I learned the ratinale for imposing an avigation easement. I apologize, I thought the Plan processers were imposing boiler plate stuff in CYA thought.

Go ahead, create the avigation easement ! Be sure to provide a copy of the title policy for each of the tenants to read and understand that an avigation easement implies but does not usually discuss the accompanying noise when aircraft excercise their legal right to approach an airfield at or above the established minimum heights. This is probably a new experience for Eden Housing so maybe a two hour class should be conducted for their benefit.

Also, forget the idea of extending the berm.... it would interrupt the view from the restaurant; God only knows how tough that business at that location has been, do not make it tougher. With the low approach and departure count, we should maybe think about a two drink limit on those who wait to enjoy watching infrequent air operations.

The good news is that I do not object to the current approach and departure procedures map. The bad news is, (hang on to you hats,) the Feds are still involved with "in and out" basket work.

Erik Pearson

From: Richard Patenaude
Sent: Tuesday, February 21, 2006 1:14 PM
To: Erik Pearson
Subject: FW: Eden housing project at Saklan and North Lane

From: jwkyle6@comcast.net [mailto:jwkyle6@comcast.net]
Sent: Sunday, February 19, 2006 11:42 PM
To: Richard Patenaude
Subject: FW: Eden housing project at Saklan and North Lane

---------- Forwarded Message: ----------
From: jwkyle6@comcast.net
To: ewbhwd@msn.com (Edward Bogue) jesus.armas@Hayward-ca.gov,<billquirkforhayward@comcast.net,bill.ward@hayward-ca.gov,<olden.henson@hayward-ca.ggv,kjdowling@aol.com,barbara.haaliday@hayward-ca.gov

Cc: richard.patenaude@hayward.ca.gov,<david.rizk@hayward-ca.gov,<robert.bauman@hayward-ca.gov,<brent.shiner@hayward-ca.gov
Subject: Eden housing project at Saklan and North Lane
Date: Mon, 20 Feb 2006 07:21:53 +0000
February 19, 2006

Mr Bogue, Planning Commissioner, et al

I have breezed through the package as displayed on agenda for meeting of Feb. 23rd.. I limit the discussion to the Eden Housing project at Saklan and North Lane.

Now 78 units rather than 72, although to be fair, it was initialy passed by council as within a range of 72-82 if memory serves correctly.

Fortunately there is no room at Longwood school and HUSD has remained mute, as always!

You do not need an avigation easement; one exists by prescription. What you do need is an extension of the noise berm which works reasonably well with large jet engines, even when the engines are of stage two type rather thanprefferable sstatge three type. Disclosure of the noise within the deed and rental agreement is advisable particularly when *'reverse flow'* conditions occur. i.e. when weather requires all regional airports to take off from the runway in 'reverse' of what is typical. That is why each runway is assigned two identification numbers, so 10-R is applicable to your concern since larger aircraft use that and also since 10-L is closed when tower is not in operation. Typical year sees 'reverse flow' between 15 and 20% of total annual operations.

You will also experience an increase in *reverse flow traffic noise* from Oakland International.

Therefor advise tenants in all rental agreements as you seem to plan

I think I wrote to you, on earlier occasion, on the subject of avigation easements..... they restrict building heights within 'the fan' off the runways approach pattern. Your present plan codes on the subject of building heights do the same thing. To make an approach properly there is no known reason why a pilot would make a non-emergency approach over Saklan and North Lane. Helicopters are being diverted or confined a bit to the west on their approach to HWD. In any approach they are being limited to a minimum 500" height until over the airfield perimeter line.

W. Winton Ave, in the west direction accommodates traffic onto Saklan with a separate traffic light.... much of the Industrial property on east side of Clawiter has access to those properties from Saklan... so fellas, beef up the new road to carry the weights and post the street for suitable speed.... I disagree with your traffic engineer who describes the traffic as light or within acceptable levels; in a property devoted to low income families, you don't want to enrich the legal profession's bottom feeders, bringing lawsuits due to negligence involving the city.
If traffic is marginal as he seems to think, why was the light om Winton necessary in the first place?

Eden Housing erred when it described the bus service as suitable..... go back and check the bus schedules for line 86 and 386... there is an A/C Transit web site
map link and you will want to enlarge that to 300% in order to understand that.system's route paths

See the schedules on the same site and explain to me why the service is interrupted on mid-day service... 386 seems only to serve the drivers who park their cars at A/C Transit bus yard north, off West Winton, when taking the first bus out in the morning... The local bus service schedules seems to have been established to serve employment in industrial areas. It is not a residential service type schedule...

Anyway the point is that 'convenience' to shopping is a joke as described in the plan where you seem to ackowledge absence of autos in many units, at least during the workday. Eden housing ought to provide some form of transport from this site at least as far as the Albertson's grocery store at Southland. Even better, the Food for Less store at Hesperian and Tennyson where prices are much lower.. There is no convenient grocery supply closer than that and fellas, you know that in low income families, the wage earner uses the family 'buggy' while the lady, frequently is in pregnant condition, (or, is just plain worn out) so she avoids even thinking about walking those distances. Line 83 might aid reaching Albertson's in the City's ***central neighborhood*** opposite City Hall, *BUT* will the bus driver help load the groceries? (Central neighborhood..?. come on be honest, **'Downtown'** is an anachronism which started it's nation wide death throes in mid -1940's and was laid to rest with Eisenhower's AUTOBAHN worship.)

Now, ***about school busing***....State law requires school busing only for K-6 kids. Transiency rates in classroom will climb since Eden High School youngsters, even if they catch the 86, have no convenient transfer to south bound bus to Mt. Eden HS along Hesperian. Absence from school screws up the ADA money that HUSD receives for each day that student answers the roll call. If you think that riding the 86 bus to Bart then transfering to the 92 is going to help.... think again about the time element involved. The bus travelling along Hesperian from Bayfair BART to Union City BART is on a 30 minute schedule, plus the transfer at Hesperian from 86 is difficult to say the least, especially with inclement weather.

Eden Housing has a property involvement on South Garden and those kids must walk in excess

of half a mile then cross Hesperian and the frontage road to reach the bus. Fewer leave the bus on the return trip which drops them off on the east side of Hesperiahn at Longwood Av on rainy days, I do not think it is the reseult of ride sharing. It would be interesting to know the relations ship of school absences to inclement weather.I do not think HUSd has formed a committee around that idea yet.

I once tried to have the the light moved from it's intended location at Lonhgwood to Marin Ave which would have compelled better service, under A/C transit's own rules when population exceeds equivalent of 10,000 per sq. mile.... but Mayor Cooper wouldn't even meet with me .... "I rely on staff reports" Fortunately, the Cooper problem will soon disappear. My own fault for having supported her in '88 and '92.

Perhaps staff reports ought to tighten up in order to assist these kids up the financial ladder so that they too will not become part of our 'very low income housing needs'. Kids attending middle school at Ochoa on Depot Rd will also need some thought and my suggestion is to have Eden Housing provide Shuttle Bus or Buses if they really wish to attend a need..Shucks, school buses would be taking K-6 youngsters to a point about 200 tyards more diistant. But rules are rules and HUSD ain't gonna let any middles school kids on board even if they had the seats available. So, if Eden Housing acquires a bus and driver, it will be a busy service... slip a fee for that into every unit rent schedule! Split the cost among all residents and at least save HUSD's budget money. Better yet, have the developer toss in an extra $25 K *TO HELP OUT Eden Housing with this problem.*!

Vox clamantis in deserto!

John W. Kyle
22638 Teakwood Street
Hayward, Ca. 94541

(510) 782-7612

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY (916) 651-6827

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RECEIVED
FEB 17 2006
PLANNING DIVISION

February 10, 2006

Mr. Erik Pearson
City of Hayward
777 B Street
Hayward, CA 94541

Dear Mr. Pearson:

Re: City of Hayward-Negative Declaration for Saklan & North Apartments; SCH# 2006012107

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), reviewed the above-referenced document with respect to airport-related noise and safety impacts and regional aviation land use planning issues pursuant to the California Environmental Quality Act (CEQA). The Division has technical expertise in the areas of airport operations safety, noise and airport land use compatibility. We are a funding agency for airport projects and we have permit authority for public and special use airports and heliports. The following comments are offered for your consideration.

The proposal is for change in zoning from industrial to high-density residential to allow for the construction of a 78-unit apartment complex approximately 1,000 feet southeast of Hayward Executive Airport. Since Hayward Executive is an active airport with approximately 472 based-aircraft and over 160,000 annual operations, the project site will be subject to aircraft overflights and subsequent aircraft-related noise and safety impacts.

The project site is also located within the Alameda County Airport Land Use Commission (ALUC) Height Referral Area for Hayward Executive Airport according to the Alameda County Airport Land Use Policy Plan. The proposal should be submitted to the ALUC for a consistency determination. The proposal should also be coordinated with airport staff to ensure that the proposal will be compatible with future as well as existing airport operations.

In accordance with CEQA, Public Resources Code Section 21096, the Caltrans Airport Land Use Planning Handbook (Handbook) must be utilized as a resource in the preparation of environmental documents for projects within an airport land use compatibility plan boundaries or if such a plan has not been adopted, within two miles of an airport. The Handbook is a resource that should be applied to all public use airports and is published on-line at http://www.dot.ca.gov/hq/planning/aeronaut/.

Protecting people and property on the ground from the potential consequences of near-airport aircraft accidents is a fundamental land use compatibility-planning objective. While the chance of an aircraft injuring someone on the ground is historically quite low, an aircraft accident is a high consequence event. To protect people and property on the ground from the risks of near-airport aircraft accidents, some form of restrictions on land use are essential. The two principal methods for reducing the risk of injury and property damage on the ground are to limit the number of persons in an area and to limit the area covered by occupied structures The Handbook identifies six airport safety zones

based on risk levels. The project site appears to be within the Traffic Pattern Zone, just outside the Inner Turning Zone, as defined in the Handbook.

On page 10, the Negative Declaration states that the project site is "directly beneath the major flight path for the main runway" but considers this to be "less than significant" and that "normal operations of the facility would not result in safety related or other adverse impacts to people working at or near the project site." The reference to "people working at or near the project site" is irrelevant since the project is for a residential development not a place of employment.

The Negative Declaration also states that the project site is located outside the "60 Ldn" noise contour for the airport. Consideration should also be given to the project site's proximity to the Hayward Executive Airport's Community Noise Equivalent Level (CNEL) contours and the cumulative noise impacts associated with the project site's proximity to roadways and railway lines.

Section 11010 of the Business and Professions Code and Sections 1102.6, 1103.4, and 1353 of the Civil Code, available on-line at http://www.leginfo.ca.gov/calaw.html, address buyer notification requirements for lands around airports. Any person who intends to offer land for sale or lease within an *airport influence area* is required to disclose that fact to the person buying the property. We, therefore, concur with the criteria in the Negative Declaration, that an "avigation easement will be required to be recorded against the property and notification will be included in lease documents to put future tenants on notice about the noise."

Public Utilities Code, Section 21659, "Hazards Near Airports Prohibited" prohibits structural hazards near airports. Structures should not be at a height that will result in penetration of the approach imaginary surfaces. To ensure compliance with Federal Aviation Regulation, Part 77, "Objects Affecting Navigable Airspace", submission of a Notice of Proposed Construction or Alteration (Form 7460-1) to the Federal Aviation Administration (FAA) may be required. Form 7460-1 is available at http://forms.faa.gov/forms/faa7460-1.pdf. The FAA also requires submission of a completed Form 7460-2 Part 1 at least 48 hours prior to starting the actual construction. Form 7460-2 is available at http://forms.faa.gov/forms/faa7460-2.pdf. Any changes in coordinates or heights will require submission of a new Form 7460-1 to the FAA.

The protection of airports from incompatible land use encroachment is vital to California's economic future. Hayward Executive Airport is an economic asset that should be protected through effective airport land use compatibility planning and awareness. Although the need for compatible and safe land uses near airports in California is both a local and a State issue, airport staff, airport land use commissions and airport land use compatibility plans are key to protecting an airport and the people residing and working in the vicinity of an airport. Consideration given to the issue of compatible land uses in the vicinity of an airport should help to relieve future conflicts between airports and their neighbors.

These comments reflect the areas of concern to the Division of Aeronautics with respect to airport-related noise and safety impacts and regional airport land use planning issues. We advise you to contact our District 4 Office in Oakland at (510) 286-4444 concerning surface transportation issues.

Thank you for the opportunity to review and comment on this proposal. If you have any questions, please call me at (916) 654-5314.

Sincerely,

Sandy Hesnard

SANDY HESNARD
Aviation Environmental Specialist

c: State Clearinghouse, Hayward Executive Airport, Alameda County ALUC

EXHIBIT D

MINUTES OF THE REGULAR MEETING OF THE CITY OF HAYWARD PLANNING COMMISSION
Council Chambers
Thursday, February 23, 2006, 7:30 p.m.
777 B Street, Hayward, CA 94541

MEETING

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

ROLL CALL

Present:	COMMISSIONERS:	Lavelle, McKillop, Bogue, Peixoto, Zermeño
	CHAIRPERSON:	Thnay
Absent:	COMMISSIONER:	Sacks

Staff Members Present: Conneely, Fakhrai, Patenaude, Pearson, Lens

General Public Present: Approximately 8

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **I. General Plan Amendment Application No. PL-2005-0619** – Request to Change the General Plan Land Use Designation from Mixed Industrial to High-Density Residential

   II. Zone Change Application No. PL-2005-0620 – Request to Amend the Zoning District from Industrial (I) to High Density Residential (RH)

   III. Site Plan Review Application No. PL-2005-0621 – Request to Construct 78 Affordable Family Apartments

   IV. Parking Exception Application No. PL-2005-0622 – Request to Reduce the Required Number of Parking Spaces from 157 to 141

   V. To Vacate a Portion of Saklan Road Right-of-Way

   Eden Housing, Inc. (Applicant) / Hans Kruger (Owner)

   The Project Site is Located at 22958 Saklan Road at the Northeast Corner of North Lane

   Staff report submitted by Associate Planner Pearson, dated February 23, 2006, was filed.

At the request of Chair Thnay, Acting Planning Manager Patenaude provided preliminary information about the revised conditions of approval.

DRAFT

Associate Planner Pearson presented the staff report indicating revisions to conditions of approval, which included revised elevations that change three units from two-bedroom to three-bedroom units. He mentioned the elimination of Condition of Approval No. 4 j) regarding a requirement for an automatic gate on Sakland Road driveway, as this will be emergency vehicle access only; and removal of Condition of Approval No. 75, regarding relocation of the water line in Saklan Road as it will not be necessary because the water line would remain under a sidewalk and would not be in the way of planting street trees. Additional materials included e-mails from a neighbor in the area regarding lack of mid-day bus service to the proposed area and inadequate service for a residential project. Mr. Pearson stated that although there is an interruption of mid-day service to the heart of the industrial area, the existing bus service provides a mid-day service between the project's site and downtown. He also referred to a letter from the Department of Transportation, Division of Aeronautics and indicated that the project will comply with the recommendations made in the letter.

In regards to offsite improvements, Deputy Public Works Director Fakhrai mentioned that since the proposed project is part of the Mt. Eden Annexation District, the cost sharing for improvements on North Lane and Saklan Road will be determined prior to Council approval.

In response to Commissioner Lavelle, Associate Planner Pearson clarified the agreement with the Department of Toxic Substances Control regarding the soil contamination. He also clarified that the project is exempt from the requirement to pay park in-lieu fees.

Commissioner Zermeño recommended that Condition of Approval No. 8, regarding graffiti removal, be included as a separate condition to enforce the current efforts.

In reference to Commissioner Bogue's inquiry regarding Condition of Approval No. 17, and the reasoning for the preference for timber bamboo planting, Associate Planner Pearson indicated that it is a solution for the limited space and provides sufficient screening. He also asked for clarification on the garbage enclosures.

At the request of Commissioner Peixoto, Associate Planner Pearson gave the distribution of the number of affordable units and the corresponding projects that will use this proposal to satisfy requirements of the Inclusionary Housing Ordinance. He also clarified that most of the buildings have three stories. In regard to indoor noise levels, he clarified that the project is lower than the maximum 60 dB.

Chair Thnay opened the public hearing at 7:59 p.m.

Ms. Katie Lamont, Eden Housing developer, thanked the commissioners for considering the proposed application and addressed some of the questions raised. In regard to the level of soil and groundwater contamination at the site, Ms. Lamont expressed confidence that the cleanup will be deemed sufficient and safe for future residential use. She added that it is anticipated that the cleanup will be completed in September, and in construction in December. She stated that Eden Housing's standard for graffiti removal is 24 hours. In regards to timber bamboo along the rear property line, she stated that it will be re-visited and looked at carefully when getting building

permits. Furthermore, she mentioned that the trash enclosure design with a separation with a walk through is to keep people out of the trash enclosure for safety reasons.
She mentioned that she would like to convert the half baths proposed on the second plan to full bathrooms.

In regards to Commissioner Lavelle's inquiry regarding bike racks and motorcycle spaces, Ms. Lamont stated that the project has not included them, but it is something that can be incorporated. In regards to affordability for people likely to live at the proposed site, Ms. Lamont mentioned incomes for working residents. She mentioned that when working with federal funding, the pool of applicants can not be demographically restricted and also mentioned that they will consider the inclusionary ordinance. She added that there will be one on-site full time property manager that will live at the site.

Principal Planner Patenaude mentioned that according to an internet search, there are some timber bamboos that can fit at the proposed location.

Chair Thnay echoed Commissioner's Lavelle comment regarding the need for bike racks to compensate for the reduction of parking requirements. He also recommended proper storage for bikes.

Mr. Chris Texter, architect for the applicant, mentioned that it is being proposed that two units have exterior closets for bike storage adjacent or in the units. In reference to mail boxes, he mentioned that the proposal is to include them on the exterior of the community building, near the office.

Mr. John Kyle referenced two e-mails previously distributed to the commissioners and clarified that information regarding the bus schedule for line 86 was inaccurate. His concerns centered on lack of participation by the Hayward Unified School District stakeholders and inadequate bus service for school children from the proposed project to the schools and for prospective residents. He recommended that the applicant provide adequate bus service to serve school children and prospective residents of the proposed project.

Chair Thnay closed the public hearing at 8:30 p.m.

Commissioner Lavelle made a motion to recommend the application to City Council as recommended by staff. Commissioner Zermeño seconded the motion.

Commissioner McKillop commended Eden Housing for an outstanding project.

Commissioner Zermeño concurred with a good project done by Eden Housing.

Commissioner Bogue supported the motion indicating that the parking exception for the proposed project makes sense.

Commissioner Peixoto, in consideration of Mr. Kyle's comments, mentioned that the Hayward Unified School District should be involved in the decision making process for the proposed project. He supported the motion because Eden Housing presented a satisfying project which includes accommodations for employment, training, and counseling activities for the community.

Chair Thnay suggested that staff work with the applicant to include public art to the project in order to enhance the area and perhaps add a public monument. He also would like the bus concern explored further in order to serve the students and also contact AC Transit to mitigate existing issues. He showed confidence for the parking exception and commended the applicant for their commitment to Hayward.

Commissioner Lavelle moved, seconded by Commissioner Zermeño, and approved with Commissioner Sacks absent, to recommend that the City Council approve the Mitigated Monitoring Program, the General Plan amendment to High-Density Residential, the Zone Change to High Density Residential (RH), the Site Plan Review application and the parking exception; and that the Planning Commission find that the vacation of a portion of Saklan Road is consistent with the General Plan, subject to the revised findings and conditions of approval.

ADDITIONAL MATTERS

4. Oral Reports on Planning and Zoning Matters
Acting Planning Manager Patenaude reported that the KB Homes Dutra Project will be heard on March 16. He also announced that he will be out of the office for three weeks and David Rizk will be acting in his stead.

5. Commissioners' Announcements, Referrals
Commissioner Bogue thanked staff for efforts in helping with the removal of graffiti on Burlington Factory.

Chair Thnay recommended a website with photographs of store frontages, a9map.com. He also reported on graffiti on Industrial Parkway, near Mission Golf Course.

APPROVAL OF MINUTES

Minutes of February 9, 2006 were approved.

ADJOURNMENT

Chair Thnay adjourned the meeting at 8:41p.m.

APPROVED:

_____

Marvin Peixoto, Secretary
Planning Commission

ATTEST:

_____

DRAFT

EXHIBIT E

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 02/23/06
Agenda Item 1

TO: Planning Commission

FROM: Erik J. Pearson, AICP, Associate Planner

SUBJECT:

I. General Plan Amendment (PL-2005-0619) to Change the General Plan Land Use Designation from Mixed Industrial to High-Density Residential

II. Zone Change (PL-2005-0620) to Amend the Zoning District from Industrial (I) to High Density Residential (RH)

III. Site Plan Review (PL-2005-0621) to construct 78 Affordable Family Apartments

IV. Parking Exception (PL-2005-0622) to Reduce the Required Number of Parking Spaces from 157 to 141

V. To Vacate a Portion of Saklan Road Right-of-Way

Eden Housing, Inc. (Applicant), Hans Kruger (Owner)

The project site is located at 22958 Saklan Road at the northeast corner of North Lane

RECOMMENDATION

Staff recommends that the Planning Commission recommend that the City Council approve the Mitigated Negative Declaration, the Mitigation Monitoring Program, the General Plan amendment to High-Density Residential, the Zone Change to High Density Residential (RH), the Site Plan Review application and the parking exception; and that the Planning Commission find that the vacation of a portion of Saklan Road is consistent with the General Plan, subject to the attached findings and conditions of approval.

DISCUSSION

The 3.5-acre property was the site of a pickle manufacturing facility from the 1950s until it closed in 2004. The applicant proposes to deconstruct the industrial buildings and construct 78 rental apartments to be made available to lower income families. The site is located at the northeast corner of Saklan Road and North Lane in the Mt. Eden neighborhood. The site is surrounded by commercial and light industrial land uses to the north, light industry and a warehouse to the west across Saklan Road, very-low-density single-family residential to the

south across North Lane, and the Hayward Mobile Country Club, a manufactured home community, to the east.

I. General Plan Amendment

The applicant is requesting to change the General Plan land use designation from Mixed Industrial to High-Density Residential (HDR) to accommodate the construction of nine buildings containing 78 residential apartments and a recreation and leasing building. The density of the proposal would be 22.2 dwelling units per acre while the HDR designation allows up to 34.8 dwelling units per acre.

Mt. Eden Neighborhood Plan

One of the policies of the Mount Eden Neighborhood Plan is to "Provide new housing for a variety of housing needs with qualities that encourage long-term residency." One strategy for fulfilling this policy is:

- *Consider designating North Lane frontage residential at next quarterly General Plan amendment to eliminate industrial frontage on residential streets.*

  The proposed General Plan and zoning district changes from Industrial to High-Density Residential would be consistent with this strategy. Approval of the project would make both sides of North Lane residential. High-density residential uses on the property would serve as a transition between the single-family residential uses to the south and the light industrial and commercial uses to the north. One reason that long-term residency is encouraged is to ensure that properties are well maintained. Eden Housing has a very good reputation for the professional management of their apartment communities. The fact that the project would include on-site offices for management staff helps to ensure that the community would be maintained as an attractive, well managed property.

Another policy of the Neighborhood Plan is to "Refine industrial land use policies to improve compatibility with neighborhood." An applicable strategy is:

- *Improve Saklan Road as a business service road for light industrial uses; buffer new residences east of Saklan with a planting strip and sound wall.*

  The project would improve Saklan Road with new utilities, paving and curb, gutter and sidewalk on both sides. While there would not be a sound wall, the project would provide a more attractive street frontage with well designed buildings and landscaping. There would be a five-foot parkway strip and a minimum of 14 feet of landscaping along Saklan Road.

Another policy of the Neighborhood Plan is to "Provide parks, open space and streetscape appropriate to an attractive residential neighborhood." An applicable strategy is:

- *For attractive streets, require undergrounding of utilities in conjunction with street improvements utilizing conditions of approval or assessment on new development towards undergrounding utilities on abutting streets.*

  The developer has agreed to underground the overhead wires on North Lane. The overhead wires along the west side of Saklan Road would be relocated to accommodate the new sidewalk, curb and gutter.

II. Zone Change

In evaluating the zone change, the Planning Commission should consider the following:

A. *Will the requested zoning designation promote the public health, safety, convenience, and general welfare of the residents of Hayward?*

In staff's opinion, rezoning the property to RH will provide the opportunity to provide needed housing that will promote the public health, safety, convenience, and general welfare of the residents of Hayward. The need for housing is outlined in the City's Housing Element of the General Plan adopted by the City Council in October 2003.

B. *Are streets and public facilities (existing or proposed) adequate to serve all units permitted when the property is rezoned?*

With the improvement of the full widths of both Saklan Road and North Lane with new paving, curbs, gutters and sidewalks by the developer, the streets will be adequate to serve all units. As the developer has agreed to install new water, sewer, and storm drain utilities, the public facilities will be adequate to serve all units.

C. *Will all uses permitted when the property is rezoned will be compatible with present and potential future uses and, further, will a beneficial effect be achieved which is not obtainable under existing regulations?*

High density residential apartments would be compatible with the surrounding land uses. A single-family residence with a small warehouse and outdoor storage and a small business park is located to the north of the property; to the west, across Saklan Road, are light industrial and a warehouse and distribution facility, to the south, across North Lane are single-family homes and to the east is a mobile home park. Housing permitted in the RH zoning district is typically multi-story, which would serve as a buffer between the commercial uses to the north and the single-family residential properties on the south side of North Lane.

D. *Is the proposed zoning in conformance with all applicable, officially adopted policies and plans?*

With the change in the General Plan land use designation, as discussed above, the zoning will be in conformance with the land use element of the General Plan in that the HDR

land use designation encourages apartments, or condominiums within multi-story buildings.

The Housing Policies and Strategies of the City's Housing Element of the General Plan include:

- *"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."*
- *"Promote development of infill housing units within existing residential neighborhoods in a variety of housing types."*
- *"Encourage high-density residential development along major arterials and near major activity or transit centers."*

  The proposal meets the above strategies and policies in that the RH zoning will provide the opportunity to increase the supply of sought after affordable rental housing units in Hayward. The proposal will also help to increase the variety of housing types within the Mount Eden neighborhood, which is developed with primarily single-family dwellings.

  Saklan Road is a collector street and West Winton Avenue, approximately 300 feet from the site, is a major arterial that offers bus service. Also, the site is approximately one-half mile from the intersection of West Winton Avenue and Hesperian Boulevard where there are retail shopping centers.

A strategy of the City's Housing Element states, *"Encourage developers to create housing units that accommodate varied household sizes and income levels."* The proposed development is consistent with this stragegy. The Housing Element also encourages the development of affordable housing. Suggested implementation measures include:

- *Generate housing affordable to low and moderate income households through participation in federal and state housing subsidy and mortgage bond programs and in county or non-governmental programs.*

  The proposed project would seek a combination of federal and state low-income tax credits, bond funds administered by the Department of Housing and Community Development and tax-exempt, low-cost financing from the California Debt Limit Allocation Committee to construct the affordable rental housing.
- *Work with the for-profit and nonprofit development community to create affordable housing.*

  The project is sponsored by Eden Housing, a non-profit developer of affordable housing projects.

E. Do social and economic conditions indicate that the proposed zoning or development is needed at this time?

There is a great need for affordable housing in the City of Hayward. The Regional Housing Needs Determination by the Association of Bay Area Governments (ABAG) showed that Hayward had a need for 625 units affordable to very low income households and 344 units affordable to low income households. Other than Sara Connor Place, an affordable housing project approved in 2004, this will be the first affordable rental housing built in the City of Hayward in ten years. The City of Hayward has a lower median family income ($54,712) than Fremont, San Leandro, Union City and Alameda County as a whole, but it has a higher average household size (3.08) than any of these except Union City. The high average household size indicates combined with low household income shows the need for affordable rental housing with larger, three bedroom units. According to Real Facts, Inc., a real estate information firm, and the HUD very low income calculation for the Hayward area (the Oakland Metropolitan Statistical Area), the average rent for a two bedroom apartment in Hayward is at least $150 per month more than the rent affordable for a family of three and the average three bedroom apartment is $400 per month more than the average rent affordable for a family of four.

In making its recommendation, the Planning Commission would be doing so with the understanding that changing the zoning from I to RH does not assure that the apartment project also being considered would be constructed, although it is the applicant's intention to do so. If changed to RH, other multi-family developments could be considered in the future should the applicant not follow through with the proposed apartment development.

Inclusionary Housing

The City's Inclusionary Housing Ordinance requires that residential developments exceeding 20 residential units provide 15% of the units as affordable. The Ordinance also provides flexibility by allowing for the construction of off-site units, subject to certain determinations by the City Council. This proposal by Eden Housing is being developed in partnership with the DeSilva Group to provide the off-site affordable units for three projects in the City of Hayward that have either been recently approved or are expected to be approved in the near future. Below is a summary of the three projects, all of which the DeSilva Group has an equitable interest:

Project	Units	Affordable Units Required	Status
La Vista	179	27	approved in 7/05
Garin Vista	126	19	approved by PC on 2/9/06, to CC on 2/21 and 2/28
KB Home/Dutra	150	23	to PC on 3/16/06, to CC on 3/28 and 4/4 (tentative)
TOTAL	455	69	

One of the findings that the City Council made or will make when approving the three projects that include the provision of required affordable units off-site is that "the off-site units are at least

equal in size and amenities to affordable units which would be allowed in the project, or any comparative deficiency in size or amenities is compensated for by additional units, larger units or affordability to households with lower incomes."

Although the proposed apartment units would be smaller than the single family homes approved for the other three projects, the difference is compensated by the fact that the rental apartments would be affordable to households with lower incomes. The required affordable units in the above table refers to on-site moderate income units. Eden Housing would make all 78 units affordable to households of low income and very-low income.

III. Site Plan Review Application

The site plan review application is for the construction of nine, two and three-story buildings to accommodate 78 dwelling units consisting of:

- 18 one-bedroom units of 632 square feet each
- 32 two-bedroom units of 801 square feet each
- 28 three-bedroom units of approximately 1,095 square feet each

The one- and two-bedroom units each have one level and one bathroom. The two three bedroom floor plans each have two levels. One floor plan has two full bathrooms and one has one and one-half bathrooms.

The project is arranged around a community building and adjacent group open space area that will include a barbeque area and patio for picnics. The 2,137-square-foot community building would include a laundry room, administrative offices, a computer learning center, a common kitchen and a large community room. Resident activities and programs, such as job readiness/training, technology education, and after school and summer enrichment youth programs will be offered.

The project would have two driveways on North Lane and an emergency vehicle access (EVA) driveway on Saklan Road. The EVA would have a sliding metal gate to prevent automobile access, but would be made accessible to refuse trucks and emergency vehicles.

Building Elevations

Plans show that the buildings would be clad with a combination of horizontal lap siding and board-and-batten vertical "cement board" and an asphalt shingle roof is indicated. The architecture is sensitive to the adjacent mobile home park in that the units closest to the park (Building 9 and the east end of Building 10) are only two stories while the rest of the project has three story buildings. The elevations are interesting and attractive due to the balconies, porches, overhangs, indentations, and varied rooflines. The developer has also provided three attractive color schemes each with two base colors and two trim colors for each building.

Landscaping

There are currently no trees on the property. Preliminary landscape plans showing street trees along Saklan Road and North Lane as well as landscaping throughout the site. The recommended conditions of approval include a requirement for detailed landscape plans by a licensed landscape architect to be submitted with the building permit application.

Open Space

At least 27,300 square feet (0.63 acre) of useable open space is required for the project, with at least 100 square feet per unit available in "group" open space (7,800 square feet). The plans reflect approximately 17,990 square feet in group usable open space, and approximately 5,040 square feet of private open space in the form of private grade-level yards and balconies, for a total of 28,070 square feet[1]. As indicated on the plans, some of the balconies and private patios have been excluded from the calculation of the total open space due to traffic noise from West Winton Avenue and Saklan Road. The noise levels in these areas exceed acceptable levels for outdoor recreation associated with multi-family dwellings, and therefore, the use of this area cannot be counted toward meeting the usable open space requirement.

IV. Parking Exception

For multi-family residential projects, the City's Off-Street Parking Regulations require at least 1.7 parking spaces for one-bedroom units and at least 2.1 parking spaces for units of more than one bedroom. Of these spaces, at least one covered parking space is required for each unit. Although the project is situated near a major bus route, unlike a commercial project there is no credit provided for a residential development near a major bus route. And, although the Parking Regulations allow for fewer stalls for senior projects and projects in the downtown area, there are no built-in exceptions for projects designed for low-income individuals. For the proposed project, 157 parking stalls are required, and 141 are proposed. There is covered parking for 80 vehicles.

The Planning Director, or the Planning Commission upon referral by the Planning Director, may grant an exception to the parking regulations. Because the requested exception is part of a larger development proposal, the matter is being referred to the Planning Commission, and it is recommended that the Planning Commission recommend that the City Council approve the parking exception.

One of the findings necessary to support a parking exception and that "*Literal interpretation of this article would cause a hardship or deprive the applicant of rights enjoyed by others in the same district, who have applied for parking since adoption of this ordinance.*" This finding relates only to parking exceptions and includes a provision for "hardship," which staff believes can be justified by the supporting documentation and the report outlining "Vehicle Ownership for Low-Income Renter Households" (see Attachment F). This report cites a study by the Metropolitan Transportation Commission that concludes that lower-income households own

[1] As allowed by the RH zoning, the total open space is calculated by doubling the private open space before adding the group open space.

fewer vehicles per household compared to the average household in the Bay Area and that renters own fewer vehicles than owners of the same income level. The report concludes that the actual parking demand for lower-income renters is between 1.3 and 1.64 parking spaces per unit, which for subject project would require between 102 and 128 spaces. Also, a survey of two assisted housing projects in Hayward operated by Eden Housing showed similar results. Furthermore, in 2004, the City Council approved a similar parking exception for another Eden Housing project, Sara Conner Place, currently under construction. Sara Conner Place has 1.8 spaces per unit and the proposed project would also have 1.8 spaces per unit. Considering these data and the support for the necessary findings, staff recommends approval of the parking exception. It should be pointed out that, the project site has a long street frontage on North Lane where on-street parking would also be available.

V. Vacation of a Portion of Saklan Road

The project involves the vacation of the eastern four feet of Saklan Road that abuts the subject property. Once vacated, the intent is to merge that portion with the remainder of the property. A condition of approval requires merging the four parcels and the street fragment to accommodate the development. The Planning Commission is charged with the responsibility of determining that the vacation of City-right-of-way is consistent with the General Plan. While the General Plan does not directly address vacation of public lands, it does address creating improved and safer circulation facilities for pedestrians. The project would result in new sidewalks on both sides of Saklan Road and the reduction in the width of Saklan Road will provide more landscaping and a planter strip while not impeding traffic flow.

ENVIRONMENTAL REVIEW (CEQA):

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that cannot be mitigated, as determined from staff's Environmental Checklist. Therefore, a Mitigated Negative Declaration has been prepared in the event that the Planning Commission recommends for approval of the project. A Mitigation Monitoring Program has been prepared to address how identified potential environmental impacts will be monitored. (See Attachment D.)

Traffic

A traffic analysis report dated January 6, 2006 prepared by Kimley-Horn Associates, Inc. is on file in the Planning Division offices. The report concludes that the traffic expected to be generated by the project would not make any of the study intersections in the area operate at less than acceptable levels of service. The City's Engineering and Transportation Division has reviewed the report and agrees that there would be no significant traffic impact as a result of the project.

Hazardous Materials

A Phase I Environmental Site Assessment was prepared for the site by West Environmental Services & Technology, Inc., dated March 2005. A copy of this Assessment is on file in the Planning Division offices. There is soil and groundwater contamination from the use of the property as a pickle manufacturer and prior agricultural uses. The Assessment found elevated levels of volatile organic compounds (VOCs) in the groundwater underlying the site and in soil gas samples collected at the site.

Eden Housing's development partner, La Vista LLC (a subsidiary of the DeSilva Group), has entered into an agreement with the state Department of Toxic Substances Control (DTSC) to clean the soil sufficient for DTSC to determine that there will not be significant hazard to the public or the environment. The Hayward Fire Department will require a health-based and water quality clearance to be obtained from DTSC prior to grading and construction activities.

Noise

A Noise Assessment study prepared by Charles M. Salter Associates Inc., dated October 17, 2005 states that the primary source of noise affecting the site is traffic on Saklan Road. Minor sources of noise include traffic on West Winton Avenue and North Lane and from aircraft approaching the Hayward Executive Airport. A six-foot tall sound wall along the north property line is proposed to mitigate the noise impact from West Winton Avenue. A letter from Charles M. Salter Associates Inc. dated January 4, 2006 recommends the use of "greenhouse-type" enclosures to mitigate the noise for the balconies facing Saklan Road. Five-foot high barriers are recommended for balconies facing West Winton Avenue and three-foot barriers for those facing North Lane. In lieu of providing the "greenhouse-type" enclosures and the five-foot barriers, the balconies in these areas have been eliminated from the calculation of open space provided throughout the project.

In order to achieve the City's goal for acceptable noise within indoor areas of an L_{dn} of 45 dB, sound-rated window and door assemblies will be required on selected exterior elevations. It is recommended that since some of the windows may be closed for noise control, those dwelling units requiring noise mitigation measures also be provided with a mechanical ventilation system such as air-conditioning. The mitigation measures identified in the noise study have been incorporated as conditions of approval and within the Mitigation Monitoring Program.

The project site is located within 1,000 feet of the Hayward Executive Airport and is directly beneath the major flight path for the main runway. City regulations require mitigation for indoor noise levels where single event noise levels exceed 60dB. According to the 2005 Hayward Executive airport noise contours, the project is located outside the L_{dn} 60 dB contour; therefore, no mitigation is necessary. However, noise created by airplanes flying over the site will be noticeable and may be an annoyance to some people. An avigation easement would be required to be recorded against the property and notification would be included in lease documents to put future tenants on notice about the noise.

Schools and Parks

Students from the project would attend Eden Gardens Elementary School (17 students), Anthony W. Ochoa Middle School (3 students), and Mt. Eden High School (5 students). State law prohibits denial of a housing development based on lack of adequate school facilities. Rather, the school district fees for residences is intended to satisfy the developer's obligation for schools. While the project has been brought to the attention of the Hayward Unified School District; the District has not provided comments.

Greenwood Park is approximately 1/4-mile from the project site and is the nearest public park to the project site. Although the project will add to the number of people using Greenwood Park and other area parks, this project is exempt from the requirement to pay park in-lieu fees due to Eden Housing's agreement to provide housing with rents that remain affordable over the long term. The project would, however, include approximately 18,000 square feet of group open space for the benefit of future tenants.

PUBLIC NOTICE

Prior to submittal of the application, the applicant held a neighborhood meeting to describe the project and seek input from the community. Residents within 300 feet of the proposed project were notified about the meeting. Approximately 36 people attended the meeting and raised concerns regarding privacy, safety, traffic. In response, the applicant has lowered the height of the proposed buildings closest to the Hayward Mobile Country Club and has added a six-foot-tall masonry wall to the plans for the east property line. Furthermore, a traffic study has determined that the project would not have a significant impact on traffic levels on surrounding streets.

Upon receipt of the development application, a referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records asking for comments on the project.

Staff received three letters and one phone call from neighbors opposing the project. The neighbors raised the issues of public safety, traffic, property maintenance and parking. As noted above, Eden Housing has a very good reputation for their management of affordable apartment communities and staff does not expect significant problems to be caused by the project. Also, the minor reduction in parking is justified and is not expected to cause a problem for the neighborhood. With respect to the traffic concerns raised by the owners of the warehouse/distribution facility across Saklan Road, the project driveway on Saklan would be used only for emergency and refuse vehicles. Conflicts between truck and automobile traffic on Saklan Road are not expected to be significant. Furthermore, as mentioned previously, the traffic study prepared concluded that the project would not significantly increase traffic on surrounding streets.

On January 24, 2006, 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 300 feet of the project boundaries, the Westwood Manor Homeowners Association, Eden Garden-Parkwest Homeowners Association, former members of the Mt. Eden Neighborhood Task Force, and appropriate public agencies.

CONCLUSION

The requested General Plan amendment and zone change is consistent with Mt. Eden Neighborhood Plan and the intent of the Housing Element to provide for affordable, high-density housing. The development proposal would provide much-needed affordable rental housing that meets site development standards and provides parking that is supportive of the needs of the residents.

Prepared by:

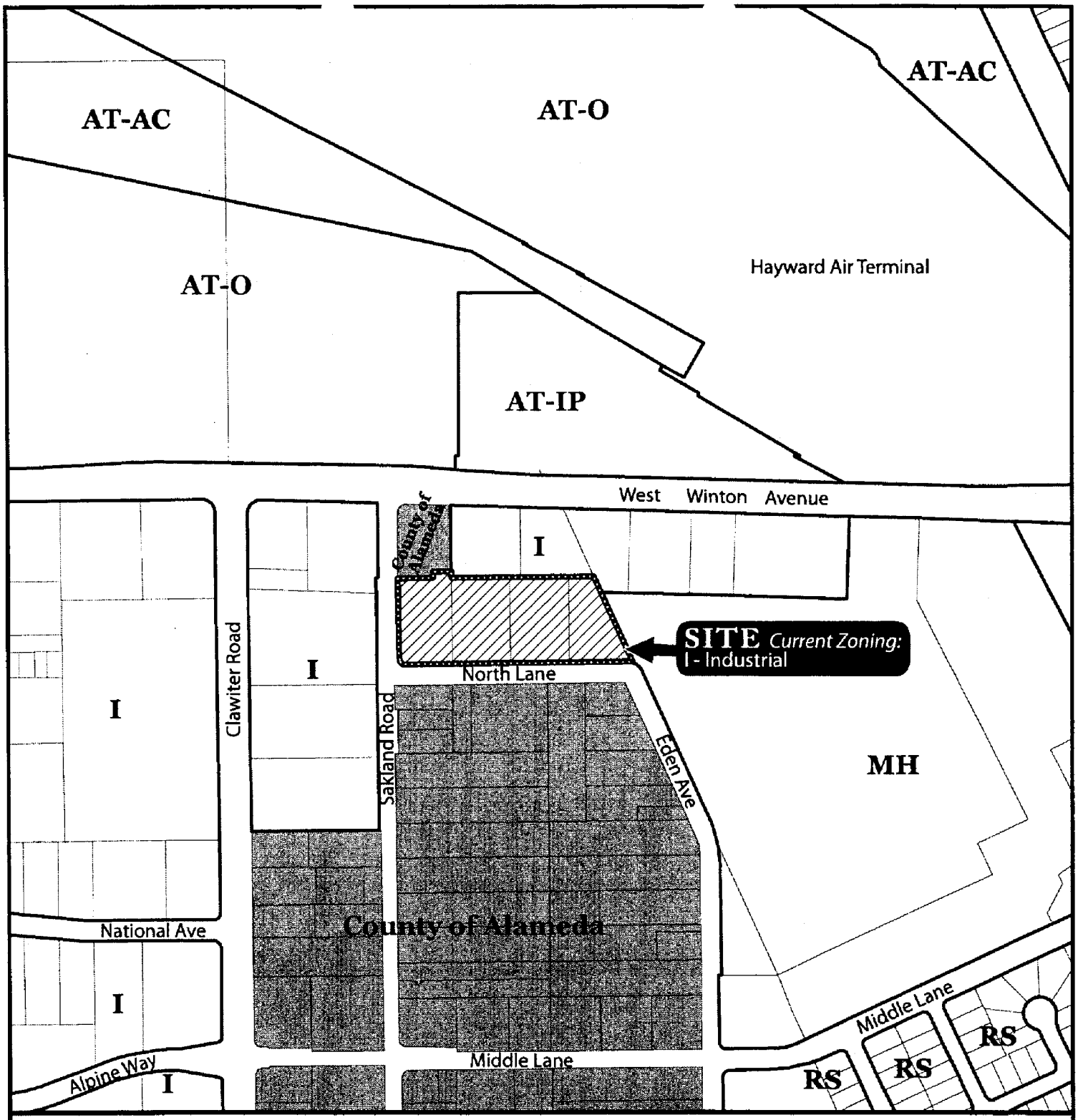
Erik J. Pearson, AICP
Associate Planner

Recommended by:

Richard E. Patenaude, AICP
Principal Planner

Attachments:

A. Area Map
B. Findings for Approval
C. Conditions of Approval
D. Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Program
E. Letter from Applicant re Findings for Parking Exception
F. "Vehicle Ownership for Low-Income Households"
G. Letters from Neighbors
Plans



Area & Zoning Map

PL-2005-0619 GPA/0620 ZC /0621 SPR/0622 VAR

Address: 22958 Saklan Rd @ North

Applicant: Katie Lamont

Owner: Hans Kruger

Zoning Classifications

Residential

MH	Mobile Home Park
RS	Single Family Residential, min. lot size 5000 sqft

Industrial

I	Industrial

Air Terminal

AT-AC	Air Terminal - Aviation Commercial
AT-C	Air Terminal - Commercial
AT-IP	Air Terminal - Industrial Park
AT-O	Air Terminal - Operations

North

ATTACHMENT A

FINDINGS FOR APPROVAL – 22958 Saklan Road

General Plan Amendment No. PL-2005-0619
Zone Change No. PL-2005-0620
Site Plan Review No. PL-2005-0621
Parking Exception No. PL-2005-0622

Eden Housing, Inc. (Applicant), Hans Kruger (Owner)

Findings for Approval *– California Environmental Quality Act:*

A. The project will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Mitigated Negative Declaration has been prepared.

Findings for Approval *– General Plan Amendment:*

B. That the proposed General Plan Amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the High-Density Residential land use designation will eliminate the possibility of another industrial land use operating on the site that could be incompatible with the surrounding residential land uses.

C. That, with required conditions of approval, the proposed General Plan Amendment is in conformance with the City's General Plan policies and the Mt. Eden Neighborhood Plan 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 affordable housing opportunities as expressed in the Housing Element of the General Plan.

D. That the streets and public facilities existing or proposed, including the repaving and installation of new utilities in Saklan Road and North Lane are/will be adequate to serve all uses permitted when the property is redesignated.

E. 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 rental apartments of high quality design that will be constructed on an already-disturbed site that will result in no land use conflicts.

Findings for Approval *– Zone Change:*

F. The zone change to High Density Residential will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment, and, therefore, a Mitigated Negative Declaration has been prepared.

ATTACHMENT B

G. Substantial proof exists that the proposed zone change will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it will provide an opportunity to construct high-density residential housing and help create diversity in the housing stock for the neighborhood, which carries out a policy of the General Plan.

H. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, particularly the Housing Element of the General Plan which encourages a variety of housing types.

I. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified to High Density Residential in that surrounding streets are/will be developed with utilities and the property has frontage on and convenient access to a collector street.

J. All uses permitted under the High Density Residential zoning district will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing Industrial zoning, which does not allow for the construction of high-density housing.

Findings for Approval *– Site Plan Review:*

K. That approval of the Site Plan Review, as conditioned, will have no significant impact on the environment, cumulative or otherwise, and the project reflects the City's independent judgment and, therefore, a Mitigated Negative Declaration has been prepared.

L. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the project has been designed to be compatible with character of surrounding residential developments, and the existing neighborhood will be buffered from the activities on the commercial and light industrial properties to the north by the new buildings.

M. The development takes into consideration physical and environmental constraints in that utilities will be replaced and/or relocated, streets will be improved and repaved, sidewalks will be installed and measures will be taken to mitigate for the existing noise levels that affect the site.

N. The development complies with the intent of City development policies and regulations including, but not limited to the Zoning Ordinance, the City's Design Guidelines, the Housing Element and the Mt. Eden Neighborhood Plan.

O. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Findings for Approval *– Parking Exception:*

P. There are special conditions or circumstances peculiar to the property involved that do not apply generally to property in the same district in that the property is near a major bus route and the use thereon will be dedicated to the sole use of low-income families who are

more likely to use public transportation and whose number of vehicles per dwelling unit have been shown to be less than the requirement of the City's Off-Street Parking Regulations.

Q. Literal interpretation of this ordinance would cause a hardship in that the actual parking demand is projected to be less than the number of parking stalls required and to require additional per/unit parking stalls would result in the loss of much-needed affordable housing units.

R. The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district in that a proposal with similar circumstances would be granted a similar exception.

S. The granting of the exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements set forth in this article as nearly as is reasonably possible, and because there is street parking along North Lane, any overspill parking is not likely to intrude into the adjacent neighborhood.

T. The granting of the exception will not create a safety hazard or nay other condition inconsistent with the purposes of this article in that adequate off-street parking will be provided.

***Findings for Approval** – Vacation of a Portion of Saklan Road:*

U. The Planning Commission finds that the vacation of the eastern four feet of Saklan Road is not inconsistent with the General Plan in that a portion of Saklan Road will be reduced in width to create a more landscaping and a more pedestrian friendly atmosphere while providing adequate travel lanes for motor vehicles.

OLD CONDITIONS OF APPROVAL
HAVE BEEN REMOVED

ATTACHMENT C

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**General Plan Amendment PL-2005-0619; Zone Change PL-2005-0620; Site Plan Review PL-2005-0621; Variance PL-2005-0622** – Request to amend the General Plan from Mixed Industrial to High-Density Residential and change the Zoning from Industrial (I) to High-Density Residential (RH) to construct a 78-unit apartment complex with a request to reduce the number of required parking spaces.
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Erik J. Pearson, Associate Planner (510) 583-4210
Project location:	The property is located at 22958 Saklan Road, at the corner of North Lane, in Hayward, California.
Project sponsor's name and address:	Eden Housing, Inc. 409 Jackson Street Hayward, CA 94544 Attn: Katie Lamont
General Plan:	Mixed Industrial
Zoning:	Industrial
Description of project:	Proposal to construct nine buildings containing a total of 78 affordable rental apartments and a 2,137-square-foot recreation/leasing building. The 3.5-acre site was formerly occupied by a pickle manufacturer.
Surrounding land uses and setting:	To property is bordered by commercial land uses to the north, industrial uses to the west, single-family residential to the south and a mobile home park to the east.
Other public agencies whose approval is required:	Department of Toxic Substances Control.

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

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

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

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

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

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

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

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

Signature — January 23, 2006 Date

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

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista? ***Comment:*** *The project would not affect any scenic vista.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ***Comment:*** *The project would not damage scenic resources. No trees will be removed.*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? ***Comment:*** *The project would not substantially degrade the existing visual character or quality of the site. The project will improve the visual character of the site, as abandoned industrial buildings will be replaced with attractive, well-maintained apartment buildings.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***Comment:*** *Specific lighting plans have not yet been reviewed.* ***Mitigation:*** *A lighting plan will be required to show that light fixtures will only illuminate the site and not the sky above it or surrounding properties.* ***Monitoring:*** *Condition of Approval*	☐	☒	☐	☐
II. **AGRICULTURE RESOURCES**: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **Comment:** *The project site is not mapped as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.*	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? ***Comment:*** *The project area is not zoned for agricultural use, nor is it subject to a Williamson Act contract.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

Comment: *The project area is not farmland.*

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

a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☒	☐	☐

See comments and Mitigation Measures for III.b below.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☒	☐	☐

Impacts: *The Bay Area Air Quality Management District ("BAAQMD") has established thresholds for determining the significance of potential air quality impacts. Emissions from project related vehicle trips are not expected to reach a level that would violate these thresholds or contribute significantly to an existing or projected air quality violation.*

There are five major air pollutants for which ambient air quality standards have been set by both Federal and State agencies: photochemical oxidants (ozone), carbon monoxide (CO), total suspended particulates (TSP), nitrogen dioxide (NO2), and sulphur dioxide (SO2). The ambient concentrations of these pollutants are continually measured by a network of monitoring stations maintained by the BAAQMD.

Approval of the project will result in short term air quality impacts related to grading and construction and on-going air quality impacts related to increased auto-trips and congestion. The short term impacts will include dust generated by clearing and grading activities, exhaust emissions from gas and diesel powered construction equipment, and vehicular emissions associated with the commuting of construction workers, and it is likely that the State's particulate standard may be temporarily exceeded in surrounding areas. However, these impacts would be similar to impacts generated by similar residential development projects in the City.

Mitigation Measures: *To mitigate the identified air quality impacts, the following measures should be incorporated into the project:*

1) Dust generated on the project site shall be controlled by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions;
2) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage;
3) Paving shall be completed as soon as is practicable to reduce the time

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust; *4) Street sweeping shall be conducted to control dust and dirt tracked from the project site; and* *5) Designate a person to oversee the implementation of the dust control program.* *Implementation of the above-stated mitigation measures will reduce the air quality impacts to a less than significant level.* ***Monitoring:*** *Monitoring of the above mitigation measures will be carried out by the City of Hayward Building Inspection Dept. of the Community & Economic Development Division. Construction inspectors will ensure compliance as part of their project review.*				
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? *See comments and Mitigation Measures for III.b above.*	☐	☒	☐	☐
d) Expose sensitive receptors to substantial pollutant concentrations? *The project would not involve emissions of toxic air contaminants or potential accidental release of hazardous air materials. There are no sources of toxic air contaminants or potential sources of accidental releases of acutely hazardous air materials within the immediate project vicinity.* *If uncontrolled, dust generated by project grading activities could cause adverse health effects and nuisance concerns at downwind locations. However, the conditions of approval of required grading permits would include measures, such as watering of exposed earth that would minimize construction-related dust emissions, as set forth above.*	☐	☐	☒	☐
e) Create objectionable odors affecting a substantial number of people? ***Comment:*** *The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒
IV. **BIOLOGICAL RESOURCES** -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ***Comment:*** *The property contains no habitat for candidate, sensitive, or special status species.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? ***Comment:*** *The site contains no riparian or sensitive habitat.*	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ***Comment:*** *The site contains no wetlands.*	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ***Comment:*** *The site does not contain habitat used by migratory fish or wildlife nor is it a migratory wildlife corridor.*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ***Comment:*** *The project would not conflict with any policies or ordinances protecting biological resources.*	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? ***Comment:*** *There are no habitat conservation plans affecting the property.*	☐	☐	☐	☒
V. CULTURAL RESOURCES -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? ***Comment:*** *No known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ***Comment:*** *No known archaeological resources exist in on-site.* ***Impacts:*** *If previously unknown resources are encountered during future grading activities, the developer and the City of Hayward will take appropriate measures.*	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ***Comment:*** *No known paleontological resources exist on-site.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Disturb any human remains, including those interred outside of formal cemeteries? ***Comments:*** *No known human remains are located on-site. If any remains are found, all work will be stopped and police called to investigate.*	☐	☐	☒	☐
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ***Comment:*** *It is likely that the site will be subjected to a major earthquake during the life of the proposed structure. No active faults are believed to exist within the project site. Therefore, during such an event it is unlikely that surface rupture due to faulting or severe ground shaking will occur at the site; however, ground-shaking may be violent.*	☐	☐	☒	☐
ii) Strong seismic ground shaking? **Comments:** *See Comments under VI. a.*	☐	☒	☐	☐

Impacts: The subject site is in an area shown on ABAG's report *On Shaky Ground* as having an anticipated Modified Mercalli Shaking Intensity of IX (violent) for a 7.0 quake on the southern segment of the Hayward Fault. The proposed project will be required to be built to the most recent Uniform Building Code regulations.

Mitigation Measures:

- The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.
- New construction is required to comply with the Uniform Building Code (UBC) standards, portions of which are dedicated to minimizing seismic risk.

Implementation of these mitigation measures will reduce geotechnical impacts to a level of insignificance.

Monitoring:

The mitigation measures are required prior to approval of a building permit from the Building Inspection Dept. of the Community & Economic Development Division of the City of Hayward.

iii) Seismic-related ground failure, including liquefaction? ***Comment:*** *See comments under VI.a.*	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Impacts: *Ground shaking can be expected at the site during a moderate to severe earthquake, which is common to virtually all development in the general region. Seismic ground failure, including liquefaction and subsidence, is likely at this site.* *The site is mapped on the City's Liquefaction Hazard Map as being moderately susceptible to liquefaction. It should be noted that the site is located in a liquefaction hazard zone delineated in response to the Seismic Hazards Mapping Act. Based on the boring tests conducted by Berlogar Geotechnical Consultants (BGC), there is potential for seismically induced liquefaction.* ***Mitigation:*** *BGC recommends that the building foundations be designed to accommodate a total settlement of 3 inches and a differential settlement of 1 inch in 25 horizontal feet.* *This impact will be mitigated to be considered less than significant.* ***Monitoring:*** *Condition of Approval*				
ii) Landslides? ***Comment:*** *The site is on relatively level land. The site and surrounding area does not contain steep slopes and is relatively devoid of topographic changes. The project will not result in or expose people to potential impacts involving landslides or mudflows.*	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil? ***Comment:*** *The Engineering Division will ensure that proper erosion control measures are implemented during construction.*	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ***Comment:*** *See comment VI (a)(i).*	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? ***Comment:*** *Prior to issuance of a building permit, engineering and building staff will review a soils investigation report to ensure that the building foundations are adequately designed for the soil type on-site.* *Prior to issuance of a building permit, the developer will submit a soils investigation report.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ***Comment:*** *The site would be connected to the City of Hayward sewer system.*	☐	☐	☐	☒
VII. **HAZARDS AND HAZARDOUS MATERIALS** - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ***Comment:*** *The project will not involve the routine transport, use, or disposal of hazardous materials.*	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ***Comment:*** *See VII a.*	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ***Comment:*** *See VII a.*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ***Comment:*** *Eden Housing's development partner, La Vista LLC, has entered into an agreement with the state Department of Toxic Substances Control (DTSC) to clean the soil sufficient for DTSC to determine that there will not be significant hazard to the public or the environment.* ***Mitigation:*** *A health-based and water quality clearance shall be obtained from the Department of Toxic Substances Control (DTSC) and submitted to the Hayward Fire Department prior to grading of the site. (Note: If acceptable to the DTSC, grading may be allowed prior to final clearance; however, final clearances must be obtained prior to construction activities.)* ***Monitoring:*** *Condition of Approval*	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? ***Comment:*** *The project site is located within 1,000 feet of the Hayward Executive Airport and is directly beneath the major flight path for the main runway. Normal operations of the facility would not result in safety related or other adverse impacts to people working at or near the project site. Therefore, this impact is considered less than significant.*	☐	☐	☒	☐
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ***Comment:*** *The site will continue to be served with water by the City of Hayward. Therefore, water quality standards will not be violated and groundwater supplies will not be depleted.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ***Comment:*** *The project is not located near a stream or a river. Development of the site will not result in substantial erosion or siltation on-or off-site.*	☐	☐	☐	☒
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ***Comment:*** *The project is within an urban area and runoff will leave the site via the City's storm drain system. Drainage patterns on the site will not cause flooding.*	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ***Comment:*** *The amount of run-off from the project will not exceed the capacity of the stormwater drainage system. See VIII a.*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? ***Comment:*** *See VIII a.*	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **Comment:** According to FEMA Flood Insurance Rate Maps (panel # 065033-0010C dated 2/9/2000), this site is not within the 100-year flood hazard area.	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *See VIII g.*	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? ***Comment:*** *The site is not near any levees and is not located downstream of a dam. People or structures would not be exposed to significant risk of loss, injury or death.*	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow? ***Comment:*** *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
IX. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community? ***Comment:*** *The project will not physically divide the existing community.*	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? ***Comment:*** *The area is designated on the General Policies Plan Map as Mixed Industrial. The proposal includes an amendment to the General plan to change the designation to High-Density Residential (HDR), which allows up 34.8 units per net acre. The current zoning designation is Industrial. The applicant has requested to change the zoning to a Residential-High Density (RH) district to allow the construction of the apartment buildings.*	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ***Comment:*** *See IV f.*	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ***Comment:*** *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ***Comment:*** *See X a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. **NOISE** - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☒	☐

Comment: *Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during construction. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.*

A Noise Assessment study prepared by Charles M. Salter Associates Inc., dated October 17, 2005 states that the primary source of noise affecting the site is traffic on Saklan Road. Minor sources of noise include traffic on West Winton Avenue and North Lane and from aircraft approaching the Hayward Executive Airport. . All balconies and that have been included in the calculation of total open space provided will not exceed the City's outdoor noise standard of 60 dB.

City regulations require mitigation for indoor noise levels where single event noise levels exceed 60dB. According to the 2005 Hayward Executive airport noise contours, the project is located outside the L_{dn} 60 dB contour; therefore, no mitigation is necessary. Noise created by planes flying over the site will be noticeable and may be an annoyance to some people. An avigation easement will be required to be recorded against the property and notification will be included in lease documents to put future tenants on notice about the noise.

Mitigation: *A six-foot tall sound wall along the north property line is proposed to mitigate the noise impact from West Winton Avenue. In order to achieve the City's goal for acceptable noise within indoor areas of an Ldn of 45 dB, sound-rated window and door assemblies will be required on selected exterior elevations. Since some of the windows may be closed for noise control, those dwelling units requiring noise mitigation measures will also be required to provide a mechanical ventilation system such as air-conditioning.*

Monitoring: *Condition of Approval*

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

Comment: *See XI a.*

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

Comment: *See XI a*

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e and XI a.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e and XI a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XII. POPULATION AND HOUSING – Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ***Comment:*** *The project is not expected to induce substantial population growth. Although no new roads will be constructed, North Lane will be completely repaved with new water, sewer and storm drain lines to be installed. These utilities will serve areas south of North Lane that have already been approved for annexation to the City for residential development, which has been evaluated in the EIR for the Mount Eden Annexation Study.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***Comment:*** *There is currently no housing on the site.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***Comment:*** *See XIIb.*	☐	☐	☐	☒
XIII. PUBLIC SERVICES				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? **Comment:** The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.	☐	☐	☐	☒
b) Police protection? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
c) Schools? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
d) Parks? **Comment:** *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? ***Comment:*** *No other public facilities will be significantly impacted.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XIV. RECREATION --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ***Comment:*** *Greenwood Park is approximately1/4-mile from the project site and is the nearest public park to the project site. The project will add to the number of people using Greenwood Park, however the increase will not be significant enough to cause deterioration of the facility. Furthermore, in-lieu park dedication fees will be paid by the developer and can be used to establish new parks and/or maintain existing parks in the area.*	☐	☐	☒	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? ***Comment:*** *The proposal includes the construction of group open space, however it will not cause an adverse physical effect on the environment.*	☐	☐	☐	☒
XV. TRANSPORTATION/TRAFFIC -- Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ***Comment:*** *The project would not cause substantial increase in traffic. A traffic study prepared by Kimley-Horn Associates, Inc. dated January 6, 2006 concludes that the traffic expected to be generated by the project would not make any of the study intersections from the Mt. Eden Annexation EIR operate at less than acceptable LOS. The City's Engineering and Transportation Division has reviewed the report and agrees that there would be no significant traffic impact from the project.*	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The project would not create or increase hazards due to design features or incompatible uses.*	☐	☐	☐	☒
e) Result in inadequate emergency access? ***Comment:*** *The Hayward Fire Department has reviewed the project and finds the project acceptable to Hayward Fire Department requirements and standards.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? ***Comment:*** *The developer is requesting permission to provide 141 parking spaces where 157 spaces are required. Eden Housing, Inc. has provided evidence that lower income households own fewer cars than the regional average. A study conducted by the Metropolitan Transportation Commission, largely based on 1990 census data found that a four-person household typically has 1.64 cars. Many households in the project will have fewer than four people. The project will have 1.8 parking spaces per unit and there will also be street parking available on North Lane.* *Staff has concluded that given the circumstances of the project, a variance is warranted to allow the reduction in parking and that the impact on the neighborhood is expected to be less than significant.*	☐	☐	☒	☐
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater to be generated by the project.*	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The project will require the construction of new facilities for storm water; however, this will not cause any significant environmental effects.*	☐	☐	☐	☒

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ***Comment:*** *The City of Hayward supplies water to the site and has sufficient water to serve the project.*	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ***Comment:*** *The City of Hayward operates its own wastewater facility. This facility has the capacity to accommodate the amount of wastewater that will be generated by the project.*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? ***Comment:*** *Waste Management of Alameda County will dispose the solid waste. The Altamont landfill is available to the City of Hayward until 2009 and has sufficient capacity to handle the amount of solid waste generated by the project. The landfill recently received an approval that increases the capacity and adds 25 years to the life of the landfill to the year2034.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? ***Comment:*** *The project study area participates in the Waste Management of Alameda County recycling program. Construction and operation of the project will comply with all federal, state and local statutes and regulations related to solid waste.*	☐	☐	☐	☒

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

Attachments:

A. Map
B. Project Summary
C. Development Description

CITY OF HAYWARD
MITIGATED NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

General Plan Amendment PL-2005-0619; Zone Change PL-2005-0620; Site Plan Review PL-2005-0621; Variance PL-2005-0622 – Request to amend the General Plan from Mixed Industrial to High-Density Residential and change the Zoning from Industrial (I) to High-Density Residential (RH) to construct a 78-unit apartment complex with a request to reduce the number of required parking spaces. The property is located at 22958 Saklan Road, at the corner of North Lane, in Hayward, California.

II. FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT:

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

FINDINGS SUPPORTING DECLARATION:

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

2. The project will not adversely affect any scenic resources. A lighting plan will be required to ensure that light and glare does not affect area views.

3. The project will not have an adverse effect on agricultural land since the property is currently industrial and is surrounded by urban uses.

4. The project will not result in significant impacts related to changes into air quality. When the property is developed the City will require the developer to submit a construction Best Management Practice (BMP) program prior to the issuance of any grading or building permit. This program will include sprinkling the site with water as needed to keep dust to a minimum.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands. There are no trees on the property.

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

7. The project site is not located within a "State of California Earthquake Fault Zone", however, construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking. Furthermore, a soils investigation report will be required to ensure that building foundations are adequately designed for the soil type on-site.

8. The project will not lead to the exposure of people to hazardous materials. Contaminated soils will be cleaned up to the satisfaction of the Department of Toxic Substances Control.

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

10. The project is consistent with the policies of the City General Policies Plan, the City of Hayward Design Guidelines and the Zoning Ordinance. The General Plan land use designation and the zoning for the property would be changed as part of the project approval.

11. The project could not result in a significant impact to mineral resources because extraction of mineral resources would be infeasible due to the property being surrounded by urban uses.

12. The project will not have a significant noise impact. Any noise impacts will be limited to the construction of the project, which will be limited to the hours of 7 a.m. to 7 p.m. Monday through Friday. Mitigation measures will be implemented to ensure that City of Hayward noise limits are not exceeded within the project.

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

14. As documented in a traffic study prepared by Kimley-Horn Associates, Inc. dated January 6, 2006, the project will not result in significant impacts to traffic or result in changes to traffic patterns or emergency vehicle access.

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

Erik J. Pearson, AICP Associate Planner
Dated: January 23, 2006

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

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

MITIGATION MONITORING PROGRAM

General Plan Amendment No. PL-2005-0619
Zone Change No. PL-2005-0620
Site Plan Review No. PL-2005-0621
Parking Exception No. PL-2005-0622

Eden Housing, Inc. (Applicant), Hans Kruger (Owner)

1. AESTHETICS

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

2. AGRICULTURE RESOURCES– No mitigation required

3. AIR QUALITY

Mitigation Measure: In order to reduce intermittent air pollutants during the construction phase, the developer shall do the following:
1) Control dust by watering all exposed areas at least twice daily during excavation, and especially during clearing and grading operations. Additional watering on windy or hot days is required to reduce dust emissions.
2) Cover stockpiles of sand, soil and similar materials with a tarp. Cover trucks hauling dirt or debris to avoid spillage.
3) Paving shall be completed as soon as is practicable to reduce the time that bare surfaces and soils are exposed. In areas where construction is delayed for an extended period of time, the ground shall be revegetated to minimize the generation of dust.
4) Street sweeping shall be conducted to control dust and dirt tracked from the project site.
5) Designate a person to oversee the implementation of the dust control program.

Implementation Responsibility: Applicant
Verification Responsibility: Construction Inspector
Monitoring Schedule during Plan Review: Prior to issuance of a grading permit.
Monitoring Schedule during Construction/Implementation: Construction Inspector and/or Building Inspector will ensure that the above measures are carried out.

4. ***BIOLOGICAL RESOURCES– No mitigation required***

5. ***CULTURAL RESOURCES – No mitigation required***

6. ***GEOLOGY AND SOILS***

Mitigation Measures: Prior to issuance of a building permit, the developer shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits. Construction is required to comply with the Uniform Building Code (UBC) standards. Building foundations shall be designed to accommodate a total settlement of 3 inches and a differential settlement of 1 inch in 25 horizontal feet.

Implementation Responsibility: Applicant
Verification Responsibility: Engineering & Transportation Division of Public Works and the Building Division of the Community and Economic Development Department
Monitoring Schedule during Plan Review: Prior to issuance of building permits.
Monitoring Schedule during Construction/Implementation: Construction and Building Inspectors will ensure that improvements are constructed per the approved plans.

7. ***HAZARDS AND HAZARDOUS MATERIALS***

Mitigation Measure: A health-based and water quality clearance shall be obtained from the Department of Toxic Substances Control (DTSC) and submitted to the Hayward Fire Department prior to grading of the site. If acceptable to the DTSC, grading may be allowed prior to final clearance; however, final clearances must be obtained prior to construction activities.

Implementation Responsibility: Applicant
Verification Responsibility: Fire Department
Monitoring Schedule during Plan Review: Prior to issuance of building or grading permits.
Monitoring Schedule during Construction/Implementation: The Planning Division will verify clearances have been obtained prior to issuance of permits.

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

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

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

11. ***NOISE***

Mitigation Measures: A six-foot tall sound wall along the north property line is required to mitigate the noise impact from West Winton Avenue. In order

to achieve the City's goal for acceptable noise within indoor areas of an Ldn of 45 dB, sound-rated window and door assemblies are required on selected exterior elevations as recommended in the report prepared by Charles M. Salter Associates Inc., dated October 17, 2005. Those same dwelling units shall also a mechanical ventilation system such as air-conditioning.

Implementation Responsibility: Developer
Verification Responsibility: Building Inspection Division
Monitoring Schedule during Plan Review: Prior to issuance of any Certificate of Occupancy.
Monitoring Schedule during Construction/Implementation: Building Inspector will ensure that improvements are constructed per the approved plans.

12. POPULATION & HOUSING – No mitigation required

13. PUBLIC SERVICES– No mitigation required

14. RECREATION– No mitigation required

15. TRANSPORTATION/TRAFFIC– No mitigation required

16. UTILITIES AND SERVICE SYSTEMS– No mitigation required

Saklan Avenue
Parking Exception Application
Findings Required

a. Special circumstances applicable to the property including size, shape, topography, location, surroundings, or other physical constraints.

The property fronts on two streets and, according to the city's design guidelines, both frontages need to be respected and treated well. A third property line is shared with the Hayward Mobile County Club, another residential use. The fourth property line is shared with light industrial uses and lends itself to a surface parking lot. The proposed parking configuration includes a surface parking lot along the rear property line as well as parking provided along two access drives opening onto North Lane. This design divides the development into three approximately equal pieces, each with a unique layout of common building themes. Carports are located in the rear parking lot so that they are screened from view.

The single family character of the mobile home community to the east and the existing and proposed future single family uses to the south preclude providing parking in a first floor garage of a large building, since a building with that mass and height would be out of scale with the surrounding neighborhood.

b. Strict application of the zoning code deprives such property of privileges enjoyed by other property in the vicinity under the same zoning classification.

The development proposed is short sixteen parking spaces, however adjacent street improvements on North Lane and Saklan Road to be completed as part of this development will create thirty-two new street parking spaces that can be used by the development's residents and visitors. Because the new adjacent street parking is two times the onsite parking shortfall, changing the site plan to accommodate the additional parking would pose an undue burden.

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

The development will serve low-income households where occupancy guidelines are strictly enforced (i.e. units will not house multiple households). The population served, proactive property management provided, and regulatory oversight applied are all unique. The appropriateness of the number of parking spaces proposed for this affordable family development is validated by national, California, and Bay Area studies as well as by Eden's experience managing other affordable family developments in Hayward. A summary of the findings of several studies of vehicle ownership for low-income renter households as well as a table summarizing the

parking provided and used at Eden's existing Hayward affordable family developments are attached.

The parking proposed for this development exceeds the amount provided at almost all of Eden's other Hayward developments. Only Sycamore Square and Villa Springs provide more parking, with parking ratios of 2.0 and 1.83 respectively. At both developments, residents do not use all the provided spaces. The actual parking ratios are 1.57 and 1.73 respectively. In both cases surplus spaces are used for visitor parking. Villa Springs, for example, is an acquisition and rehabilitation project that provides a sea of uncovered parking and minimal open space. It has one small play structure in an isolated location and one picnic and barbeque area. The design solution at Saklan Avenue provides almost the same level of parking, with a provided parking ratio of 1.81 that exceeds Villa Spring's actual parking ratio of 1.73, and much higher quality open space. When you factor in adjacent street parking, Saklan Avenue's parking ratio goes up to 2.22.

Saklan Avenue
Parking Exception Application
Summary of Parking Studies Findings
Vehicle Ownership for Low-Income Renter Households

In 1995, the Metropolitan Transportation Commission conducted a study of vehicle ownership in the Bay Area based largely on 1990 Census data. The MTC study demonstrated the following:

- Lower income households own fewer vehicles per household than the 1.76 average number of vehicles per household in the Bay Area; households earning between 48% and 60% of the median income owned on average only 1.30 vehicles. Sara Conner Place will target households between 30% and 60% of the median income.

- Below the median income, once households exceed one person, household size does not have a large impact on vehicle ownership. At 48% to 60% of the median, a 2-person household owns 1.48 vehicles; a 3-person household owns 1.56 and a 4-person household owns 1.64 vehicles. Roughly 35% of Saklan Avenue will be 3-bedroom units for four to five person households.

- Renters own fewer vehicles than owners at the same income level. At each income level, renting households own on average 0.4 fewer vehicles.

According to the National Multi Housing Council (NMHC), apartment residents own fewer cars and are more likely to use public transportation. NMHC examined the U.S. Census Bureau's 1999 American Housing Survey data and found that apartment residents own an average one motor vehicle per household, while owner-occupied households own an average two vehicles. Data from the Institute for Transportation Engineers indicates that apartment households generate 30 to 40 percent fewer vehicle trips than single-family units.

The California Planning Roundtable published a report called "Myths and Facts about Affordable and High-Density Housing" in 1993. To address the myth that high-density and affordable housing will cause too much traffic, the report presented the following fact: people who live in affordable housing own fewer cars and drive less. In California's six largest metropolitan areas, two-thirds of renters and over three-fourths of the households living below the poverty line own no vehicle or only on car, compared to 54% of all households and 44% of homeowner households. This conclusion is based on an analysis of American Housing Survey data from 1987 to 1999 and echoes the conclusion of the MTC's Bay Area study. With lower car ownership rates come fewer trips and fewer single-occupant auto commutes. In the San Francisco Bay Area, the MTC found in 1980 that low-income households make an average of 3.6 trips per day, compared to 6.8 trips per day for medium- and 9.9 per day for high-income households.

The table attached highlights several Eden Housing developments that are located in Hayward, serve families, and are adjacent to major transit lines.

Saklan Avenue
Parking Exception Application
Parking Survey of Eden's Hayward Family Properties

Property	Address	Unit Mix	Number of adults	Parking provided	Actual # of cars	Ratio Provided	Ratio Used	Major Transit Line	Comments
Saklan Avenue	22958 Saklan Ave	78 Total 18 1 BR 32 2 BR 28 3 BR		141		1.81		Bus routes 83 and 86 stop at the corner of Saklan and Winton within 350 feet of the site. It provides direct access to BART and downtown Hayward.	The development is located within walking distance of a park, grocery, pharmacy, and Southland Mall. Students can walk to the elementary and middle school
Sara Conner Place	32520 Pulaksi Drive Hayward, CA 94544	57 Total 6 1 BR 29 2 BR 22 3 BR		99		1.74		Bus route 99 stops in front of the site, travels Mission Blvd, and provides direct access to BART	The development is located across the street from a supermarket and within walking distance of city and regional parks. Students can walk to the elementary and middle school and take the 99 bus to the high school. There is also a low/no cost health clinic within walking distance.
Cypress Glen	25100 Cypress Ave Hayward, CA 94544	54 Total 11 1 BR 26 2 BR 17 3 BR	58	81	50	1.50	0.93	Bus route 191 stops within 1 block	Tenants without cars use public transportation. 12 of the 81 spaces are assigned as visitor parking.
Glen Berry	625 Berry Ave Hayward, CA 94544	50 Total 0 1 BR 18 2 BR 29 3 BR 3 4 BR	~100	66	52	1.32	1.04	Bus routes 91 and 99 provide direct access to BART	There is a surplus of parking. 10 of the 66 spaces are assigned as visitor parking.
Glen Eden	561 A Street Hayward, CA 94541	36 Total 12 1 BR 6 2 BR 18 3 BR	60	55	44	1.53	1.22	Hayward BART station is less than a 5 minute walk. Many bus routes pass through the area.	There are many unassigned parking stalls. There are 19 additional spaces that are assigned to the Alzheimer's Institute during the day and as visitor parking at night.
Harris Court I&II	734-751 Harris Court Hayward, CA 94544	24 Total 4 1 BR 9 2 BR 11 3 BR	37	20		0.83	0.00	S Hayward BART station is about a 5 minute walk	Some residents have one car and others have two. No parking problems. Visitors use fourplex driveways or the street.
Huntwood Commons	27901 Huntwood Ave Hayward, CA 94544	40 Total 12 1 BR 20 2 BR 8 3 BR	59	69		1.73	0.00	Bus routes 77, 83, 86 & 91 pass along Tennyson Rd. S Hayward BART station is about a 5 minute walk	Some residents have one car and others have two. No parking problems. 5 of the 69 spaces are assigned as visitor parking.
Sycamore Square	22650 Alice Street Hayward, CA 94541	26 Total 0 1 BR 2 2 BR 24 3 BR	52	52	41	2.00	1.58	Hayward BART station is less than a 5 minute walk. Many bus routes pass through the area.	Not all spaces are used. Unused spaces are used for visitors.
Villa Springs	22330 S Garden Ave Hayward, CA 94541	66 Total 1 1 BR 62 2 BR 3 3 BR	~120	121	114	1.83	1.73	Bus routes 83 & 85 stop within a few blocks at the corner of West A Street and Victory Drive.	Many residents have 2 cars. Not all spaces are used. Unused spaces are used for visitors.

Saklan Avenue
Parking Exception Application
Required vs. Provided Summary

Per Zoning Code

Unit Mix		Covered	Uncovered	Total	Ratio	Assigned		Visitor
1 BR	18	1	0.7	30.6		1	18	10%
2 BR	32	1	1.1	67.2		2	64	of
3 BR	28	1	1.1	58.8		2	56	total
	78			156.6	2.01		138	15.66

Provided

Parking Spaces			Ratio	Assigned	Visitor
Covered	81	1 per unit			
Uncovered	60				
	141		1.81	127	14
Street	32				
	173		2.22	127	46

Per Parking Studies Findings

Vehicle Ownership for Low-Income Renter Households

78 units
1.64 vehicles per 4 person household @ 48-60% AMI
127.92 resident parking
12.79 + 10% visitor parking
140.71
1.80 Ratio

Note: This is the highest parking ratio found in the several studies cited.
1.64 vehicles per 4 person household is for all households @ 48-60% AMI.
At each income level, renting households own on average 0.4 fewer vehicles.

Compared to Other Hayward Family Properties

See Parking Survey for more detail

78 units
1.83 2nd highest parking ratio (Villa Springs)
143 total parking

78 units
1.32 2nd lowest parking ratio (Glen Berry)
103 total parking

Erik Pearson

From: jack Liang [jackkliang@yahoo.com]
Sent: Thursday, December 22, 2005 8:31 PM
To: Erik Pearson
Subject: Ref. PL-2005-0619 GPA/ PL-2005-0620 ZC/ PL-2005-0621 SPR & PL-2005-0622 VAR

Mr. Pearson,

This is a follow-up to our phone conversation on December 8, 2005 in regard to the captioned reference case, where a request was filed to amend the General Plan from Mixed Industrial to High Density Residential and change the Zoning from Industrial to Residential High-Density to construct a 78-unit apartment complex located at 22958 Saklan Road at North Lane, Hayward.

We would like to reaffirm our opposition to the request for the following reasons:

1) We operate a food distributing company right across the street from the premise (Win Woo Trading Co. LLC) and we currently have eight delivery trucks, each making two to four trips a day. As it has grown into a multi-million dollar business, we plan to expand our delivery fleet to meet the increasing demand. Plus we also have other food and beverage wholesale companies delivering merchandise to our warehouse on a daily basis. Obviously adding a 78-unit apartment complex and share the same road access would create a mess in traffic

2) We currently have 24 employees. we all share the same road access with the truck rout. Our warehouse delivery trucks would also share the same road access from Saklan Road. Adding a 78-unit apartment complex would definately create a congested situation.

3) The heavy loading and unloading activities in the warehouse would unavoidably create some noice not suitable to the apartment complex. We would not want any complaints from the future residence who live nearby about the noice which is normal for a delivery operation in the otherwise industrial zone.

4) We purchased the run-down warehouse building from the same owner more than a year ago, and we've invested substantial amount of money to renovate the building and turn it into a sound business. The same owner never disclosed his plan to convert the nearby run-down premise into an apartment complex. It is obviously a step-by-step plan in order to maximize the profit potential at the expense of future residence and the nearby business.

We therefore voice out concern and opposition to the request o amend the general Plan. We recommend keeping the Industrial Zone and maintain the usage as industrial/ warehouse. We will take the same stand at the future puclic hearing.

Thanks for your consideration.

Jason Zheng
General Manager

Joe Liang
Director

Jack Liang
Director
Win Woo Trading Co. LLC
22950 Clawiter Road
Hayward, CA 94545

Yahoo! for Good - Make a difference this year.

David

RECEIVED

DEC 0 6 2005

PLANNING DIVISION

HMCC

Richard & Kayla Green
HMCC
1200 West Winton Ave.
#223
Hayward, CA, 94545

Planning Division
777 B. Street
Hayward, CA 94541-5007

Official Notice: Referance to 22958 Saklan Road at North Lane.

First of all, I would like to thank you for the Notice and the opportunity to express our concerns in the matter of the above property. We feel that a change in the Zone Plan from Industrial to Residential is a good plan due to having residential on theSouth and East as well as the Airport traffic and Winton Avenue traffic on the North. High-Density Housing would provide a barrier to the traffic noise of Winton Avenue and to the Airport.

However a 78 residential unit complex must have the extreme mimium of 78 covered off road parking spaces plus vistor parking. Since most residents will have two autos, the need of 158 residential parking spaces should be required. Otherwise the streets adjacent to and the surrounding areas become their parking area in compition with the now residents and vistors plus the visitors to the complex. Also parking for RV's, boats and such should be conidered for the need to be off-street.

As you are probably aware, West Winton is a very heavy traveled street with autos and trucks. The week day congestion is fierce. Adding a hundred plus autos and trucks will not help any. Perhaps 78 units are too many units.

Thank you again for the opportunity to express our concerns.

Richard and Kayla Green

Richard/Kayla

R.E. B. ENTERPRISES, LLC

P.O. Box 1666 • Shingle Springs, Ca. 95682 • (530) 677-2451 • Fax: (530) 677-5914

http://www.rebenterprises.com *e-mail: rebmngt@AOL.com*

RECEIVED

NOV 14 2005

PLANNING DIVISION

VIA CERTIFIED MAIL 7004-1350-0004-9682-9578, RETURN RECEIPT.

November 9, 2005

Hayward Planning Department
777 B St
Hayward, Ca. 94541

RE: **Proposed housing for Northeast corner of Saklan Road and North Lane.**

To whom it may concern,

Please find enclosed a letter sent to Ms. Katie Lamont from Eden Housing dated November 9, 2005.

As you know Eden Housing is proposing a "Low income" housing project at the location shown above. R.E.B. Enterprises, LLC is the owner of two commercial "multi-Tenant" shopping centers (Eden Plaza, 24253 Hesperian Blvd and Winton Park, 1202 West Winton Ave). Both of these centers are within easy walking distance of the proposed complex. We are vary concerned about both the quality and security of the area.

As you read through the letter sent to Ms. Lamont, you will see our concerns for this project as well as the increase potential for crime and vagrancy within our centers and toward our Tenants.

This area comprises established homes and businesses that have enjoyed a peaceful "low-crime" area for many years. We have looked forward to increasing property values. This complex however will only serve to de-value the area and increase crime.

We would like to go on record and show that both Richard Brenkwitz and myself (the owners of R.E.B. Enterprises, LLC) are strongly opposed to this project and would like to sincerely ask that it be moved to another area.

Thank you.

Sincerely,

Mike Brenkwitz
R.E.B. Enterprises, LLC

Project #
PL-2005-0619 GPA
PL-2005-0620 ZC
PL-2005-0621 SPR
PL-2005-0622 VAR

R.E. B. ENTERPRISES, LLC

P.O. Box 1666 • Shingle Springs, Ca. 95682 • (530) 677-2451 • Fax: (530) 677-5914

http://www.rebenterprises.com e-mail: rebmngt@AOL.com

VIA CERTIFIED MAIL 7004-1350-0004-9682-9561, RETURN RECEIPT.

November 9, 2005

Ms. Katie Lamont
Eden Housing
409 Jackson St
Hayward, Ca. 94544

RE: **Proposed housing for Northeast corner of Saklan Road and North Lane.**

Dear Ms. Lamont,

I have received your October 4, 2005 package and brochure showing the proposed "low-income" housing development on Saklan Rd. I apologize that I was not able to attend your October 5, 2005 meeting as I had previous engagements.

As you may or may not know, R.E.B. Enterprises, LLC has two commercial properties within a vary close proximity of your proposed complex (Eden Plaza on Hesperian Blvd and Winton Park on Winton Ave).

Our concern with your project is two fold: First; historically, low income housing has brought increased crime and vagrancy to areas. Police reports for crime and domestic violence are considerable higher in areas of low incomes over higher incomes. It is our strong feeling that a low income project within such a close "walking" proximity has a definite possibility of increasing vandalism and petty crimes to our centers thereby decreasing the safety of our Tenants and their patrons. Hayward has had a limited police force doing their best in an increasingly growing market. Should higher crime be brought to the area due to your project I do not feel it can be handled by the current police department.

Second; Patrons that live in low income housing are naturally on fixed incomes, it is very difficult for some people to find the money to maintain their properties. Should these properties not be maintained properly, within a certain amount of years they will look worn down thereby decreasing their values and the values of the surrounding properties. As I am sure you are aware when the surrounding home and commercial owners sell their properties, low income housing in the area will definitely be a deciding factor for prospective buyers.

We are not against Eden Housing personally. We are however, vary concerned about the future of the area in regards to quality and security and must strongly ask that you **not** construct your project in this area.

Sincerely,

Mike Brenkwitz
cc: Hayward Planning Department

DRAFT

ORDINANCE NO. _____

mhe
3/8/06

AN ORDINANCE RECLASSIFYING THE PROPERTY LOCATED AT 22958 SAKLAN ROAD PURSUANT TO ZONE CHANGE APPLICATION PL-2005-0620

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

Section 1. Reclassification.

Zone Change Application No. PL 2005-0620 concerns a request by the Applicant to reclassify property located at 22958 Saklan Road (the "Property"), by rezoning such property from Industrial ("I") District to High Density Residential ("RH") District.

The City Council has concurrently adopted Resolution No._____, approving a mitigated negative declaration and conditionally approving Zone Change Application No. PL-2005-0620. Based on such findings and determinations, the City Council hereby approves the rezoning of the Property from Industrial ("I") District to High Density Residential ("RH") District.

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

Section 2. Effective Date.

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

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of_____, 2006, by Council Member_____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of_____, 2006, 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

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

mel
3/8/06

RESOLUTION SUMMARILY VACATING EXCESS RIGHT-OF-WAY AT SAKLAN ROAD AND NORTH LANE

WHEREAS, the owner of the parcel of land located at 22958 Saklan Road is in the process of developing this parcel of land for residential use and has requested that the City vacate four feet of existing right-of way at the corner of Saklan Road and North Lane to clear up any cloud of title that may appear in public records; and

WHEREAS, the Director of Public Works has advised that this portion of the existing right-of-way as more particularly described in the attached Exhibit "A," is no longer needed for street purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8334(a), it is hereby ordered that four feet of excess right-of-way at the corner of Saklan Road and North Lane as described in Exhibit "A" attached hereto and made a part hereof, is hereby vacated and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST:_____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

mae
3/8/06

Introduced by Council Member_____

RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING GENERAL PLAN AMENDMENT PL 2005-0619, ZONE CHANGE APPLICATION PL 2005-0620, SITE PLAN REVIEW PL 2005-0621 AND PARKING EXCEPTION PL 2005-0622

WHEREAS, General Plan Amendment Application PL 2005-0619 and Zone Change Application PL 2005-0620 concern a request to develop a 3.5-acre parcel located 22958 Saklan Road, Hayward, California, (the "Project" or the "Property") by Eden Housing, Inc. ("Applicant") and Hans Kruger ("Owner") to provide 78 affordable apartments and to amend the General Plan land use designation from Mixed Industrial to High Density Residential and rezone the Property from Industrial ("I") District to High Density Residential ("RH") District; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on February 23, 2006, and recommended that the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program and approve the General Plan Amendment, the Zone Change Application, and the associated site plan review and parking exception; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held; and

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

<u>CEQA</u>

1. The Project, as mitigated, will have no significant effect on the environment, cumulative or otherwise, and the Project reflects the City's independent judgment has been determined, based on the whole record (including the initial study and any comments received), that there is no substantial evidence that the proposed Project will have a significant effect on the environment, cumulative or otherwise, that cannot be mitigated, and that the Mitigated Negative Declaration is complete and final and reflects the City of Hayward's independent judgment and analysis.

GENERAL PLAN AMENDMENT

2. The proposed General Plan amendment will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the High Density Residential land use designation will eliminate the possibility of another industrial land use operating on the Property that could be potentially incompatible with the surrounding residential land uses.

3. The proposed amendment and the Project, with the required conditions of approval, is in conformance with the City's General Plan Policies, the Mt. Eden Neighborhood Plan, 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 affordable housing opportunities as expressed in the Housing Element of the General Plan.

4. The existing or proposed streets and public facilities, including the repaving and installation of new utilities in Saklan Road and North Lane will be adequate to serve all of the uses permitted when the Property's land use designation is amended.

5. The proposed General Plan Amendment will result in a Project that will be compatible with the surrounding residential, business park and light manufacturing land uses and zoning, in that the Project will provide rental apartments of high quality design that will be constructed in an already-disturbed site that will result in no land use conflicts.

ZONE CHANGE APPLICATION

6. Substantial proof exists that the proposed Zone Change to High Density Residential will promote the public health, safety, convenience and general welfare of the residents of Hayward in that it will provide an opportunity to construct high density residential housing and help create diversity in the housing stock for the neighborhood, which carries out a policy of the General Plan.

7. The proposed zone change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans, particularly the Housing Element of the General Plan which encourages a variety of housing types.

8. Streets and facilities existing or proposed are adequate to serve all uses permitted when the Property is reclassified to High Density Residential in

that the surrounding streets will be developed with utilities and the Property has frontage on and convenient access to a collector street.

9. All uses permitted under the High Density Residential zoning district will be compatible with present and potential future uses, and further, a beneficial effect will be achieved which is not obtainable under the existing Industrial zoning, which does not allow for the construction of high-density housing.

SITE PLAN REVIEW

10. The Project is compatible with on-site and surrounding structures and uses and is an attractive addition to the City in that the Project has been designed to be compatible with the character of surrounding residential developments, and the existing neighborhood will be buffered from the activities on the commercial and light industrial properties to the north by the new buildings.

11. The Project takes into consideration physical and environmental constraints in that utilities will be replaced and/or relocated, streets will be improved and repaved, sidewalks will be installed and measures will be taken to mitigate for the existing noise levels that affect the site.

12. The Project complies with the intent of City development policies and regulations including, but not limited to, the Zoning Ordinance, as amended, the City's Design Guidelines, the Housing Element and the Mt. Eden Neighborhood Plan.

13. The Project will be operated in a manner determined to be acceptable and compatible with surrounding development.

PARKING EXCEPTION

14. There are special circumstances peculiar to the Property that do not apply generally to property in the same district in that the Property is near a major bus route and the use of the Property will be dedicated to low-income families who are more likely to use public transportation and whose number of vehicles per dwelling unit have been shown to be less than the requirements of the City's Off-Street Parking Regulations.

15. Literal interpretation of the Off-Street Parking regulations would cause a hardship in that the actual parking demand is projected to be less than the number of parking stalls required and to require additional per-unit parking

stalls would result in the loss of much-needed affordable housing units.

16. The granting of the exception does not grant a special privilege inconsistent with the limitations on other properties in the same district in that a proposal with similar circumstances has been granted a similar exception.

17. The granting of the exception will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the requirements of the Off-Street Parking Regulations as nearly as reasonably possible, and because there is street parking along North Lane, any overspill parking is not likely to intrude into the adjacent neighborhood.

18. The granting of the exception will not create a safety hazard or any other condition inconsistent with the purposes of the Off-Street Parking Regulations in that adequate off-street parking will be provided.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program are hereby adopted and General Plan Amendment PL 2005-0169, Zone Change Application PL 2005-0620, Site Plan Review Application PL 2005-0621 and Parking Exception PL 2005-0622 are hereby approved, subject to the attached conditions of approval and the adoption of the companion ordinance reclassifying the Property from Industrial ("I") District to High Density Residential ("RH") District.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2006

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

SITE DEVELOPMENT PLAN

SAKLAN - NORTH LANE

EDEN HOUSING, INC.

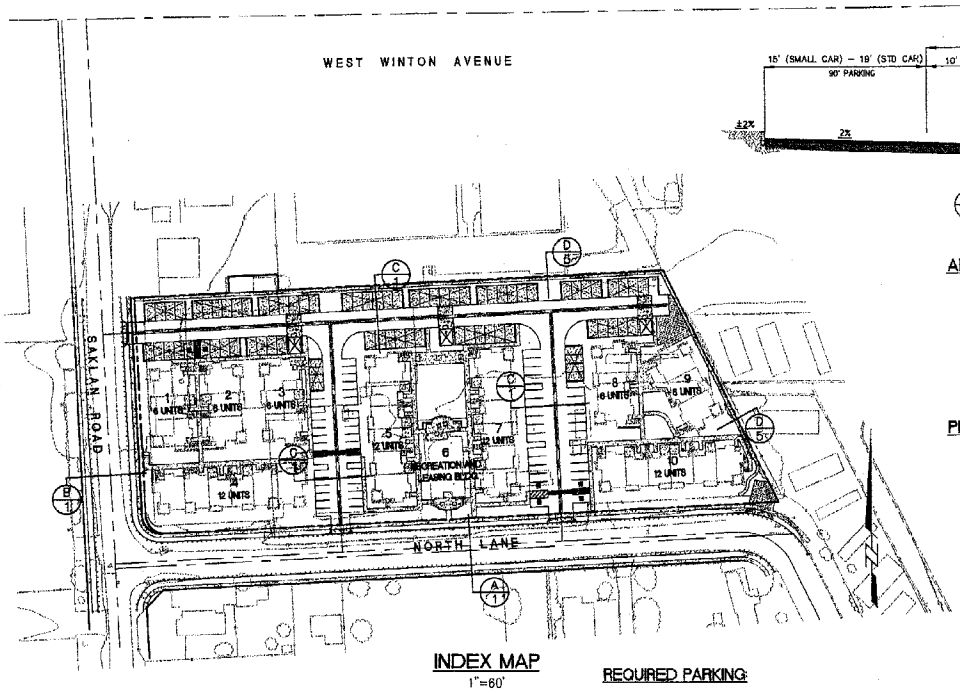
OWNER / DEVELOPER
EDEN HOUSING, INC.
408 JACKSON STREET
HAYWARD, CA 94544
(510) 582-1460
FAX (510) 582-6523
CONTACT: KATIE LAMONT

CIVIL ENGINEER
UDI-TETRAD CONSULTING ENGINEERS, INC.
5528 PACHECO BLVD.
PACHECO, CA 94553
(925) 674-0218
FAX (925) 674-0243
CONTACT: ROGER POYNTS

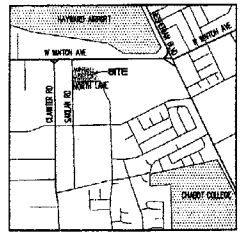
SOILS ENGINEER
BERLOGAR GEOTECHNICAL CONSULTANTS
5587 SUNOL BOULEVARD
PLEASANTON, CA 94566
(925) 454-0220
FAX (925) 846-9645
CONTACT: MICHAEL MATUSICH

LEGEND:

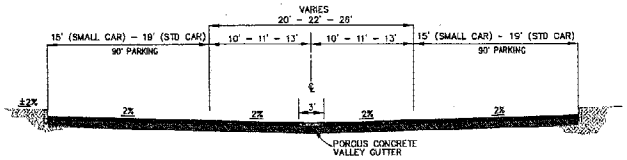
EXISTING	PROPOSED	ABBREVIATION	DESCRIPTION
		AB	AGGREGATE BASE
		AC	ASPHALTIC CONCRETE
		ARV	AIR RELEASE VALVE
			ANODE
		BSW	BACK OF SIDEWALK
		BLDG	BUILDING
		CB	CATCH BASIN
		CP	CATHODIC PROTECTION TEST WELL
		℄	CENTERLINE
		CO	CLEANOUT
		CWF	CLEAN WATER FACILITY
		CONC	CONCRETE
			COVERED PARKING
		CI	CURB INLET
		CWY	DRIVEWAY
		EP	EDGE OF PAVEMENT
		E	ELECTRIC BOX
		E	ELECTRICAL LINE/SERVICE
		FC	FACE OF CURB
		FO	FIBRE OPTIC BOX
			FIBRE OPTIC LINE
		FH	FIRE HYDRANT
		G	GAS
			GUTTER
		JT	JOINT TRENCH MAINLINE
		JTSVX	JOINT TRENCH SERVICE CROSSINGS
		JTS	JOINT TRENCH SERVICES
			LOT LINE
		MH	MANHOLE
		MON	MONUMENT
		OH	OVERHEAD UTILITIES
			PAD LIMIT LINE
		PTRLM	PETROLEUM GAS LINE
		PAUE	PUBLIC ACCESS & UTILITY EASEMENT
		PSE	PUBLIC SERVICE EASEMENT
		PSDE	PUBLIC STORM DRAIN EASEMENT
		PUE	PUBLIC UTILITY EASEMENT
		RW	RIGHT-OF-WAY LINE
		SS-LAT	SANITARY SEWER LATERAL
		SS	SANITARY SEWER LINE
		SB	SETBACK LINE
		SW	SIDEWALK
	2.0%	S	SLOPE (ARROW) & DIRECTION OF FLOW
			SIDEWALK
		SD	STORM DRAIN
		℞	SUBDIVISION BOUNDARY
			SWALE
		T	TELEPHONE BOX
		T	TELEPHONE LINE
		TC	TOP OF CURB
			TURF BLOCK
		C	TRAFFIC CONTROL BOX
			TRASH & RECYCLING ENCLOSURE (10'x19'X6')
			WALKWAY
			WALL
		W	WATER BOX
		W-LAT	WATER LATERAL
		W	WATER LINE
		WM	WATER METER
		WV	WATER VALVE
			UTILITY POLE
			TURFBLOCK
			VALLEY GUTTER (PERVIOUS CONC.)
			CONCRETE V-DITCH



INDEX MAP
1"=60'



VICINITY MAP
NTS



C/1 ROADWAY DETAIL
NTS

AREA SERVICE PROVIDERS INFORMATION:

SANITARY SEWER:	CITY OF HAYWARD
STORM DRAIN:	CITY OF HAYWARD
WATER:	CITY OF HAYWARD
FIRE:	HAYWARD FIRE DEPT. CONTACT: PHIL SIMON
POWER:	P.G.&E.

PROPERTY INFORMATION:

A.P.N.: 441-0003-012
441-0003-013
441-0003-014
441-0003-015

CURRENT ZONING:	INDUSTRIAL
PROPOSED LAND USE:	MULTI-FAMILY RESIDENTIAL
PARCEL SIZE:	3.50 AC ±
COMMON OPEN SPACE:	1.60 AC ±
REQUIRED PRIVATE OPEN SPACE:	6,240 SF ±
PROVIDED PRIVATE OPEN SPACE:	7,800 SF ±
PRIVATE OPEN SPACE PER UNIT:	100 SF/DU
NET AREA:	2.39 AC ±
PROPOSED GROSS DENSITY:	22.3 DU/AC
PROPOSED NET DENSITY:	32.6 DU/AC
GRADING QUANTITY:	8,000 SF ±

RECEIVED
MAR 0 3 2006
PLANNING DIVISION

REQUIRED PARKING:

ONE BEDROOM - 18 UNITS x 1.0 COVERED = 18 SPACES
x 0.7 OPEN = 13 SPACES

TWO (OR MORE)
BEDROOM - 60 UNITS x 1.0 COVERED = 60 SPACES
x 1.1 OPEN = 66 SPACES

TOTAL PARKING SPACES REQUIRED - 157 SPACES
SMALL CAR : PARKING RATIO IS
(36/157) x 100% = 23%

NOTE:
A MAXIMUM OF 30 PERCENT OF THE REQUIRED SPACES MAY BE COMPACT CAR SPACES.

PROVIDED PARKING:

OPEN (STANDARD CAR) = 29 SPACES
OPEN (SMALL CAR) = 32 SPACES
COVERED (STANDARD CAR) = 76 SPACES
COVERED (SMALL CAR) = 4 SPACES
TOTAL = 141 SPACES *VARIANCE FOR PARKING REQUIRED

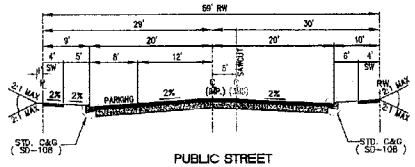
UNIT MIX INFORMATION:

PLAN 1 (1 BEDROOM):	18
PLAN 2 (2 BEDROOMS):	32
PLAN 3 (3 BEDROOMS):	10
PLAN 4 (3 BEDROOMS):	18
TOTAL:	78

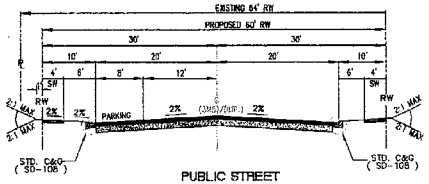
SHEET INDEX:

1 TITLE SHEET
2 BOUNDARY & TOPOGRAPHY MAP
3 SITE PLAN
4 UTILITY PLAN
5 GRADING & DRAINAGE PLAN

ATTACHED PLAN SETS:
1 CLEAN WATER PLAN
2 ARCHITECTURAL PLANS
3 LANDSCAPE PLANS



PUBLIC STREET
NORTH LANE
1+00 - 8+22.57
N.T.S.
FC= CL + 0.05
A/1



PUBLIC STREET
SAKLAN ROAD
1+15 - 4+20.83
N.T.S.
FC= CL + 0.05
B/1

CIVIL ENGINEER
PLANS PREPARED UNDER THE DIRECTION OF AND REVIEWED BY:
ROGER L. POYNTS
R.C.E. C35299
UDI-TETRAD CONSULTING ENGINEERS, INC.
1-16-06
DATE

NO.	BY	DATE	REVISIONS	APPROVAL

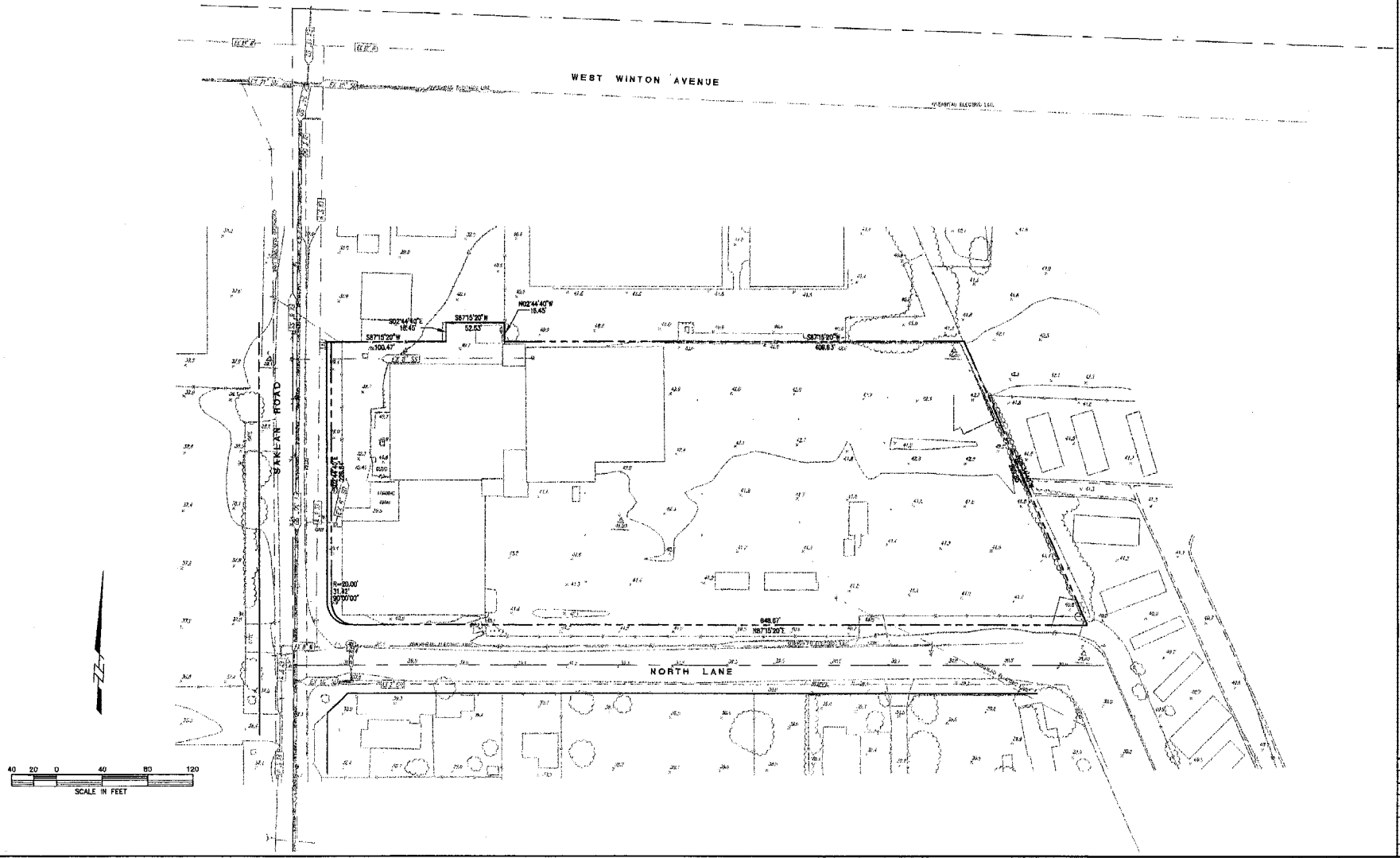
UDI-TETRAD
CONSULTING ENGINEERS, INC.
Engineers Planners Surveyors
Civil - Power - Communications
5528 PACHECO BLVD. PACHECO, CA 94553
(925) 674-0218 FAX (925) 674-0243

REGISTERED PROFESSIONAL ENGINEER ROGER L. POYNTS C35299 EXP. 9-30-07 CIVIL STATE OF CALIFORNIA

SITE DEVELOPMENT PLAN
SAKLAN - NORTH LANE
TITLE SHEET
EDEN HOUSING, INC.
HAYWARD CALIFORNIA

DESIGNED:	TH
DRAWN:	TH
CHECKED:	R.L.P.
SCALE:	NTS
DATE:	01-2006
SHEET NO.	1 OF 5
JOB NO.	829

DRAWING: C:\JOBS\829\829-STUDY-11 DATE: 01-16-2006 UDILevel 0 VPORT 99 LR TTL-TENT.LSP



NO.	BY	DATE	REVISIONS	APPROVAL

UDI-TETRAD
CONSULTING ENGINEERS, INC.
Engineers Planners Surveyors
Civil – Power – Communications
5328 PACHECO BLVD. PACHECO, CA 94553
(925) 674-0918 FAX (925) 674-0943

SITE DEVELOPMENT PLAN

SAKLAN – NORTH LANE
BOUNDARY & TOPOGRAPHY MAP
EDEN HOUSING, INC.
HAYWARD CALIFORNIA

DESIGNED:	TH
DRAWN:	TH
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	2 OF 5
JOB NO.	829

DRAWING: C:\JOBS\829\829-STUDY-11 DATE: 01-16-2006 UDILevel 0 VPORT 99 LR BNDY-TOPO.LSP

COVERED PARKING:

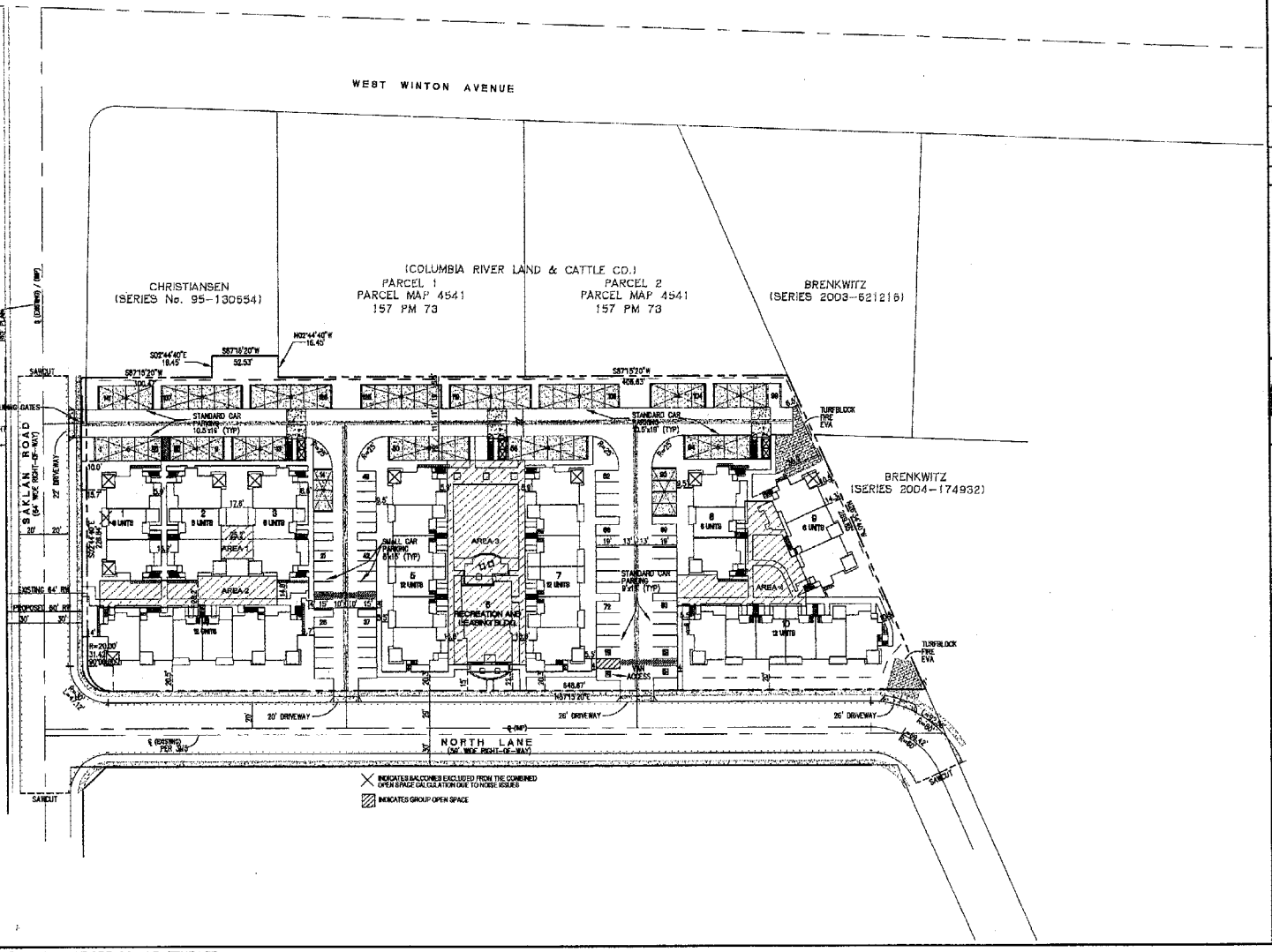
1) STANDARD CAR PARKING (FOUR 9'x19' SPACES) –
2) STANDARD CAR PARKING (FOUR 10.5'x19' SPACES) –
3) STANDARD CAR PARKING (FIVE 10.5'x19' SPACES) –
4) STANDARD CAR PARKING (SIX 8'x15' SPACES) –
4) SMALL CAR PARKING (FOUR 8'x15' SPACES) –

SYMBOL LEGEND:

TRASH & RECYCLING ENCLOSURE (10'x19'x6') –
COVERED PARKING (SIZE AS SHOWN) –

NOTE:

AREA BETWEEN EXISTING AND PROPOSED RIGHT-OF-WAYS TO BE VACATED



40 20 0 40 80 120
SCALE IN FEET

APPROVAL	REVISIONS	DATE	BY	NO.

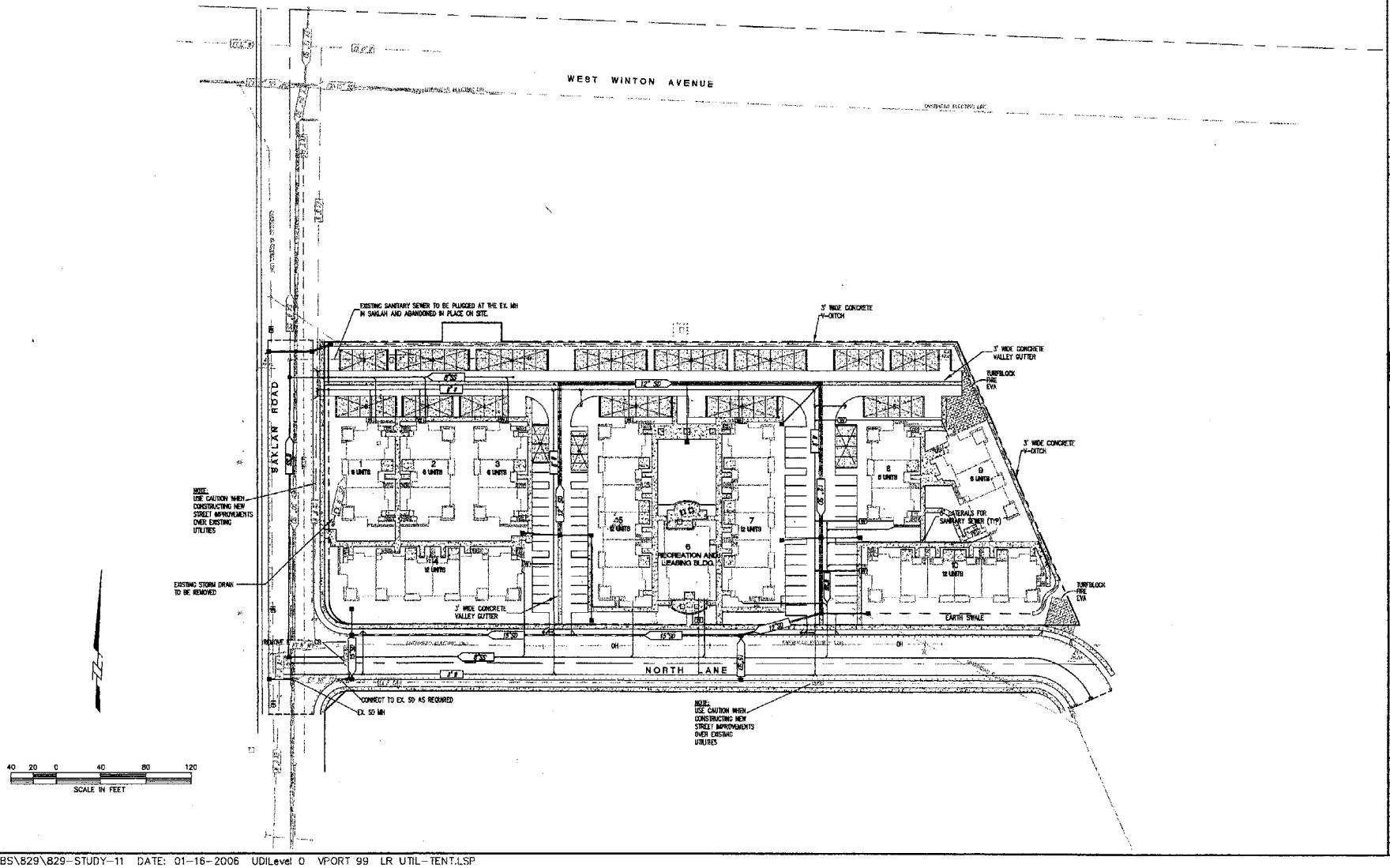
UDI-TETRAD
CONSULTING ENGINEERS, INC.
Engineers Planners Surveyors
Civil – Power – Communications
8328 PARECO BLVD. FAIRFIELD, CA. 94533
(707)421-0213 FAX (707)421-0943

EXP. 3-31-07 CIVIL STATE OF CALIFORNIA

SITE DEVELOPMENT PLAN
SAKLAN – NORTH LANE
SITE PLAN
EDEN HOUSING, INC.
HAYWARD CALIFORNIA

DESIGNED:	TH
DRAWN:	TH
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	3 OF 5
JOB NO.	829

DRAWING: C:\JOBS\829\829-STUDY-11 DATE: 01-16-2006 UDILevel 0 VPORT 99 LR TENT.LSP



NO.	BY	DATE	REVISIONS	APPROVAL

UDI-TETRAD
CONSULTING ENGINEERS, INC.
Civil – Power – Communications
5328 PACHECO BLVD. (925) 874-0218
PACHECO, CA 94553 FAX (925) 874-0243

REGISTERED PROFESSIONAL ENGINEER
EXP. 9-30-07
CIVIL
STATE OF CALIFORNIA

SITE DEVELOPMENT PLAN
SAKLAN – NORTH LANE
UTILITY PLAN
EDEN HOUSING, INC.
HAYWARD CALIFORNIA

DESIGNED:	TH
DRAWN:	TH
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	4 OF 5
JOB NO.	829

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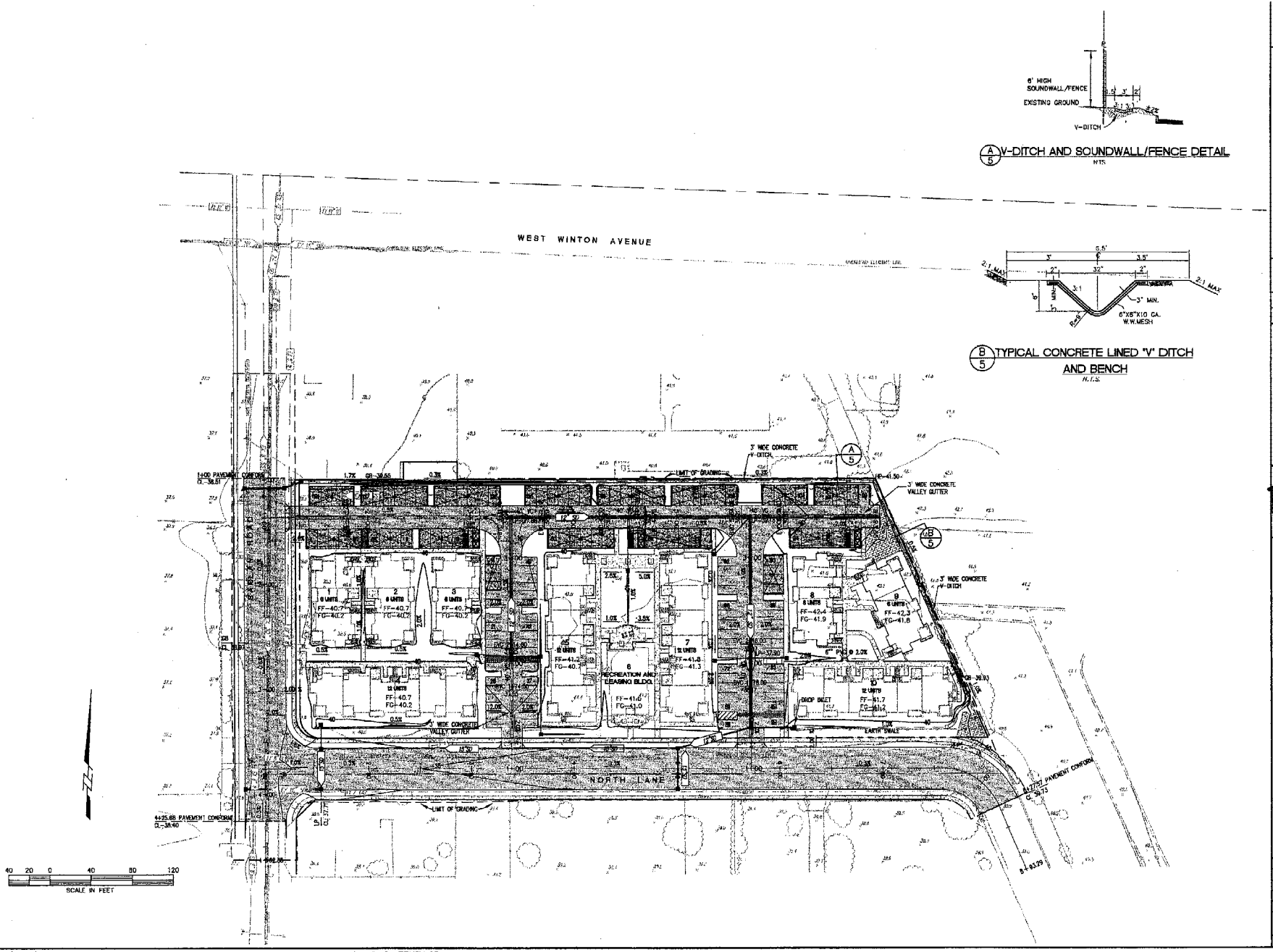


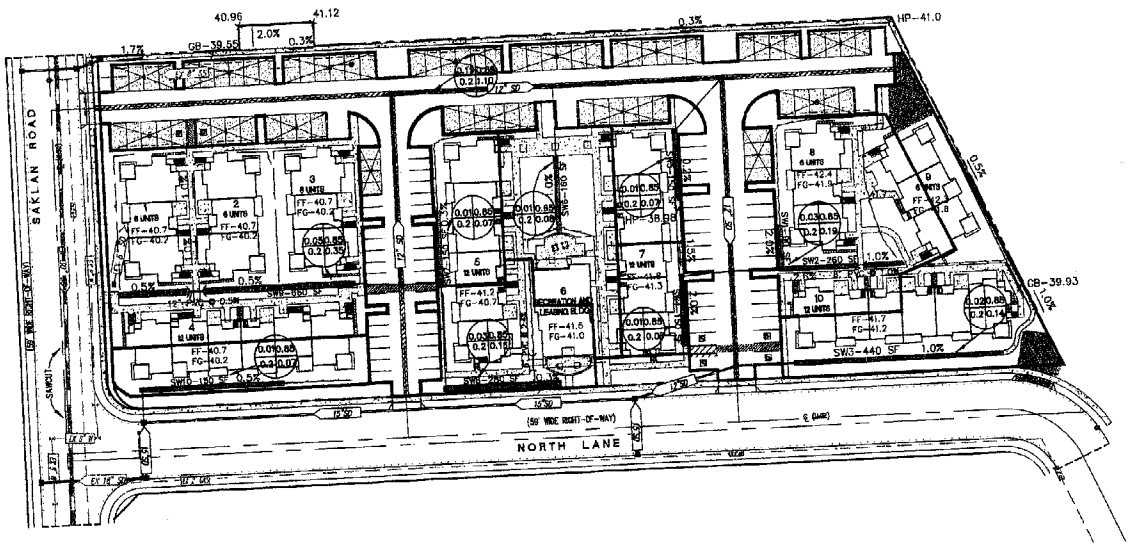
NO.	BY	DATE	REVISIONS	APPROVAL

UDI-TETRAD
CONSULTING ENGINEERS, INC.
Engineers Planners Surveyors
Civil - Power - Communications
5528 PACHECO BLVD.
PACHECO, CA 94553
(925)674-0918
FAX (925)674-0243

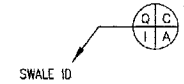
SITE DEVELOPMENT PLAN
SAKLAN - NORTH LANE
GRADING & DRAINAGE PLAN
EDEN HOUSING, INC.
HAYWARD CALIFORNIA

DESIGNED:	TH
DRAWN:	TH
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	5 OF 5
JOB NO.	829

DRAWING: C:\JOBS\829\829-STUDY-11 DATE: 01-16-2006 UDILevel 0 VPORT 99 LR GRAD-TENT.LSP

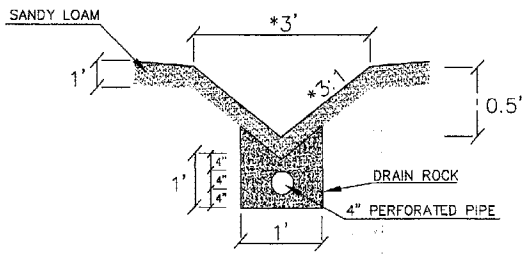


TRIBUTARY AREA INFORMATION



LEGEND

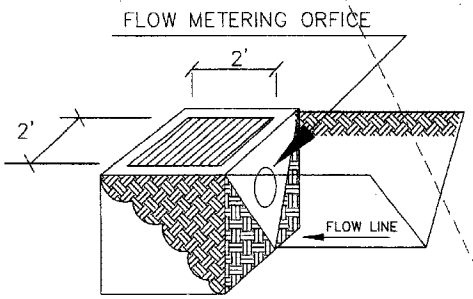
- CLEAN WATER SWALE
- PERVIOUS CONCRETE VALLEY GUTTER
- CONCRETE V-DITCH
- × 40.12 FINISH GRADE



TYPICAL CLEAN WATER SWALE

NTS

* NOTE: SW8 & SW9 IS A 4' WIDE BY 0.5' DEEP CLEAN WATER SWALE.



AREA DRAIN DETAIL

NTS

CHRISTY U21-NT (24" X 24")

NO.	BY	DATE	REVISIONS	APPROVAL

UDI-TETRAD CONSULTING ENGINEERS, INC.
Civil – Power – Communications
1528 Fourth St. Ste. 100, Berkeley, CA 94710 (510) 527-2215 Fax (510) 527-2213

REGISTERED PROFESSIONAL ENGINEER EXP. 9-30-07 CIVIL STATE OF CALIFORNIA

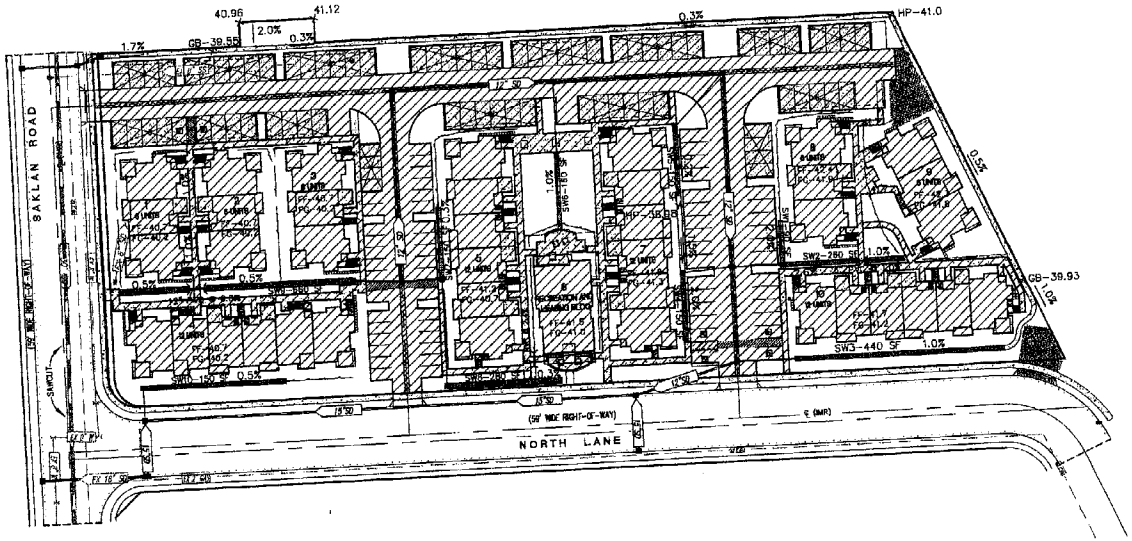
CLEAN WATER PLAN

SAKLAN & NORTH
EDEN HOUSING, INC
TRIBUTARY AREAS

HAYWARD CALIFORNIA

DESIGNED:	WGC
DRAWN:	WGC
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	CW-1 OF 2
JOB NO.	829

DRAWING: C:\JOBS\829\829-CW(STUDY-11) DATE: 01-16-2006 UDILevel 0 VPORT 1 LR CW1.LSP



LEGEND

- CLEAN WATER SWALE
- PERVIOUS CONCRETE VALLEY GUTTER
- CONCRETE V-DITCH
- IMPERVIOUS AREA
- × 40.12 FINISH GRADE

CLEAN WATER INFO

AREA DESCRIPTION	AREA (SF)	AREA (AC)
IMPERVIOUS AREA (BUILDINGS AND) (WALKWAYS)	52,180	1.20
IMPERVIOUS AREA (STREETS)	48,000	1.10
PERVIOUS AREA	49,625	1.14
WATER QUALITY AREA	2,570	0.06
TOTAL SITE AREA	152,375	3.50

NO.	BY	DATE	REVISIONS	APPROVAL

UDI-TETRAD
CONSULTING ENGINEERS, INC.
Engineers Planners Surveyors
Civil – Power – Communications
5528 PACHECO BLVD.
PACHECO, CA 94553
(925) 674-0218
FAX (925) 674-0243

CLEAN WATER PLAN
SAKLAN & NORTH
EDEN HOUSING, INC
IMPERVIOUS AREAS
HAYWARD CALIFORNIA

DESIGNED:	WGC
DRAWN:	WGC
CHECKED:	R.L.P.
SCALE:	1"=40'
DATE:	01-2006
SHEET NO.	CW-2 OF 2
JOB NO.	829

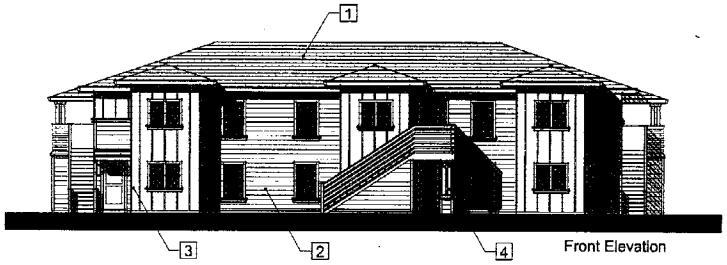
DRAWING: C:\JOBS\829\829-CW(STUDY-11) DATE: 01-16-2006 UDILevel 0 VPORT 99 LR CW2.LSP

SAKLAN AVENUE

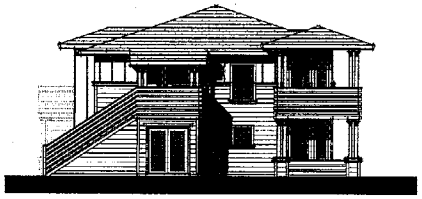
T.1 Title Sheet
A.1 Building A Elevations
A.2 Building A First/ Second Floor Composite Plans/ Roof Plan
A.3 Building B Elevations
A.4 Building B First/ Second Floor Composite Plans
A.5 Building B Third Floor Composite Plan/ Roof Plan
A.6 Building C Elevations
A.7 Building C First/ Second Floor Composite Plans
A.8 Building C Third Floor Composite Plan/ Roof Plan
A.9 Building D Elevations
A.10 Building D First/ Second Floor Composite Plans
A.11 Building D Third Floor Composite Plan/ Roof Plan
A.12 Units 2 & 3 Floor Plans
A.13 Units 1 & 2 Floor Plans
A.14 Community Building
A.15 Perspective Rendering
A.16 Trash Enclosure
A.17 Typical 4-Stall Carport

Material Legend

1. Composition Shingle Roofing
2. Hardi-plank Horizontal Siding
3. Board and Batten Siding
4. Wood Trim/ Rails/ Posts



Front Elevation



Right Elevation

Rear Elevation

Left Elevation

Building A Elevations

Building 9 (as shown on site plan)

0 8 32
4 16

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133 FAX (949) 851-5104
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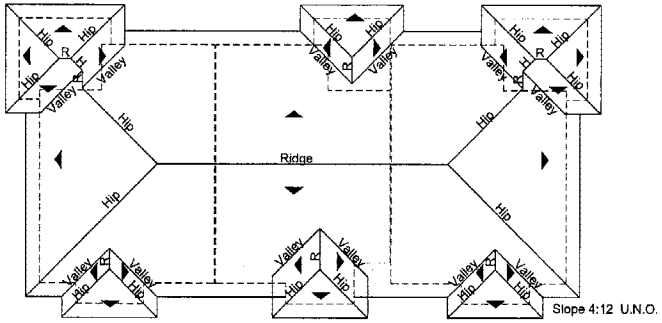
SAKLAN AVENUE
Hayward, California

Eden Housing & The DeSilva Group

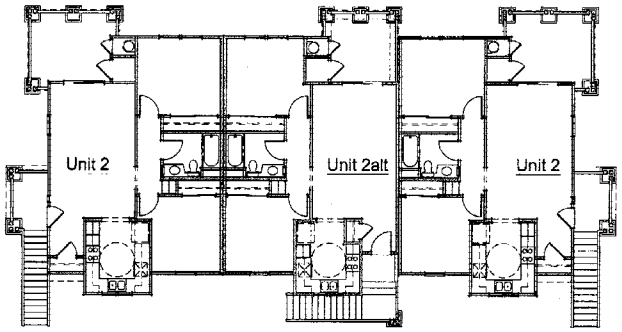
February 28,2006

#20041055

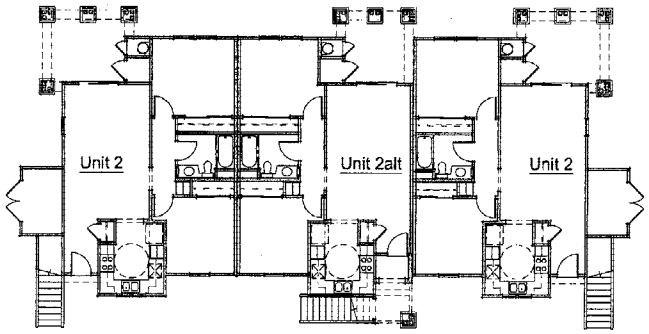
A-1



Roof Plan



Second Floor



First Floor

Building A
Building Composite

0 8 32
4 16

SAKLAN AVENUE
Hayward, California

Eden Housing & The DeSilva Group
February 28,2006

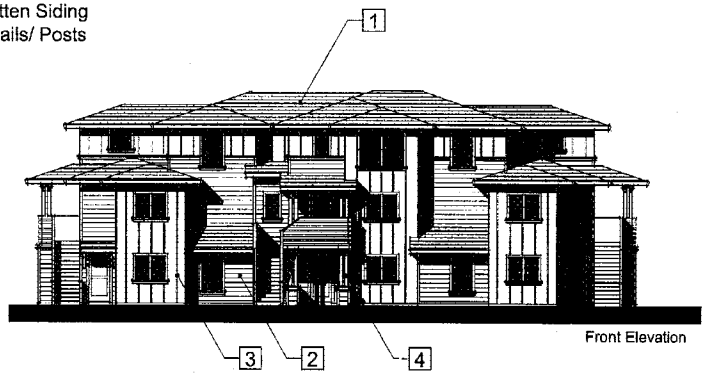
KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133 FAX (949) 851-5108
© 1999 ALL RIGHTS RESERVED

#20041055

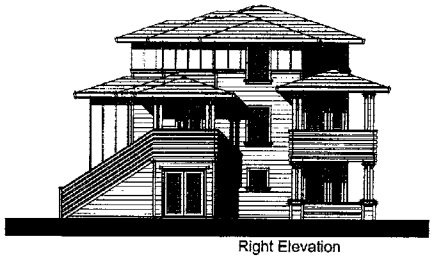
A-2

Material Legend

1. Composition Shingle Roofing
2. Hardi-plank Horizontal Siding
3. Board and Batten Siding
4. Wood Trim/ Rails/ Posts



Front Elevation



Right Elevation

Rear Elevation

Left Elevation

Building B Elevations

Buildings 1,2,3,8 (as shown on site plan)

0 8 32
4 16

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17922 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(949) 851-2133 FAX (949) 851-8156
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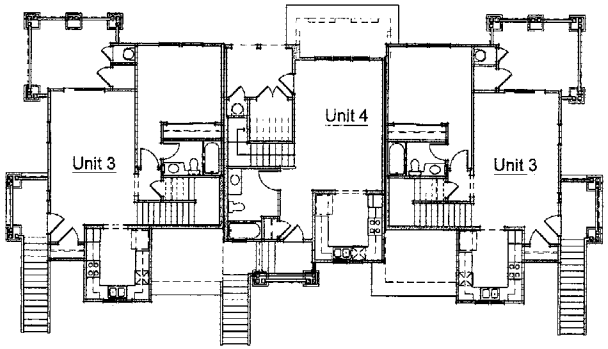
SAKLAN AVENUE
Hayward, California

Eden Housing & The DeSilva Group

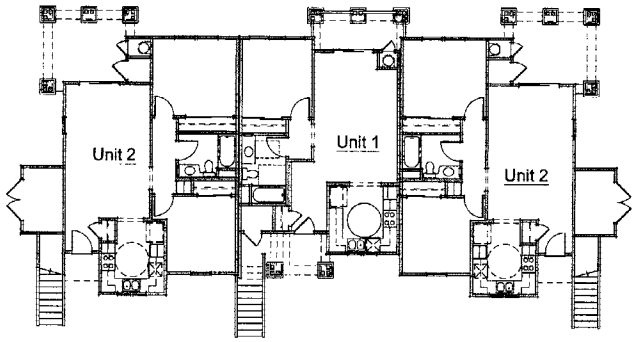
February 28,2006

#20041055

A-3



Second Floor



First Floor

Building B
Building Composite

0 8 32
4 16

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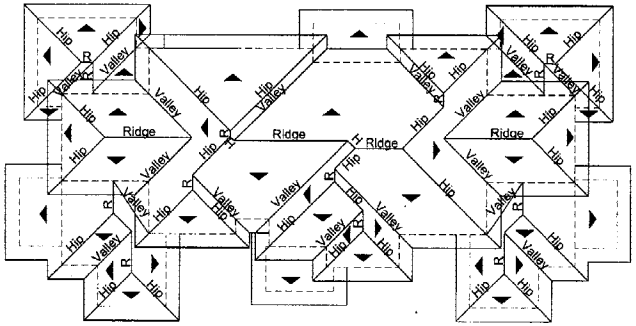
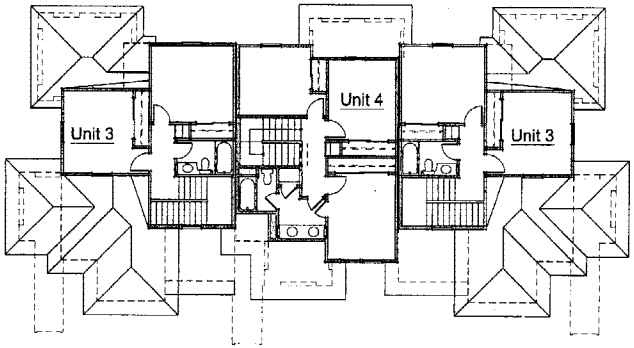


Roof Plan



Third Floor

Building B
Building Composite

0 8 32
4 16

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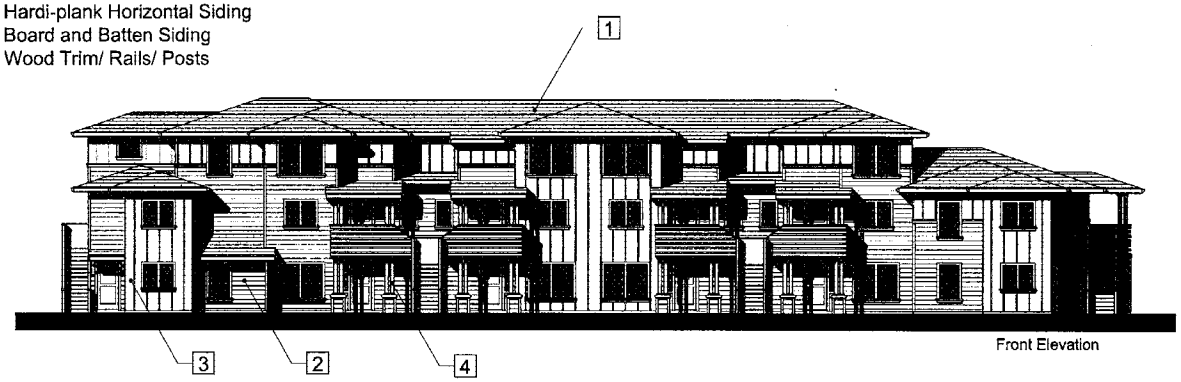
Material Legend
1. Composition Shingle Roofing
2. Hardi-plank Horizontal Siding
3. Board and Batten Siding
4. Wood Trim/ Rails/ Posts



Front Elevation

Right Elevation

Alternate Right Elevation

Rear Elevation

Left Elevation

Building C Elevations

Buildings 5,7,10 (as shown on site plan)

0 8 32
4 16

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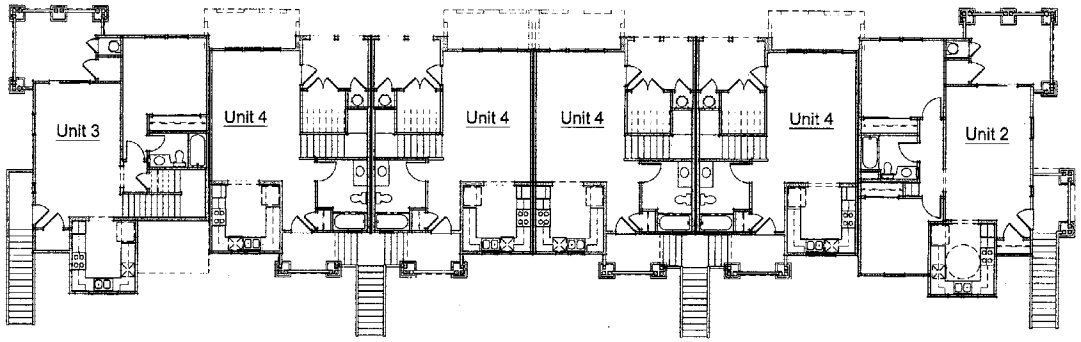
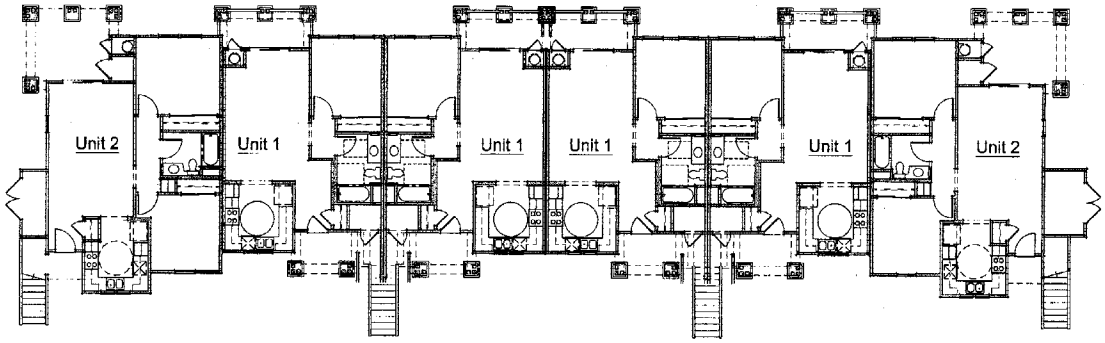


Second Floor



First Floor

Building C
Building Composite

0 8 32
4 16

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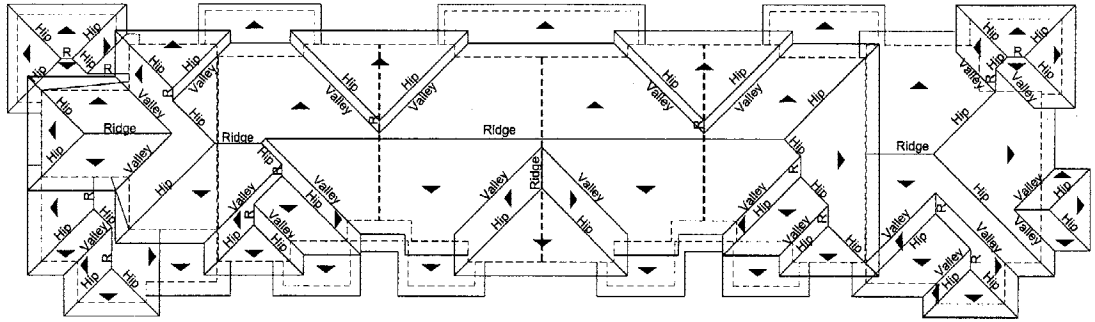
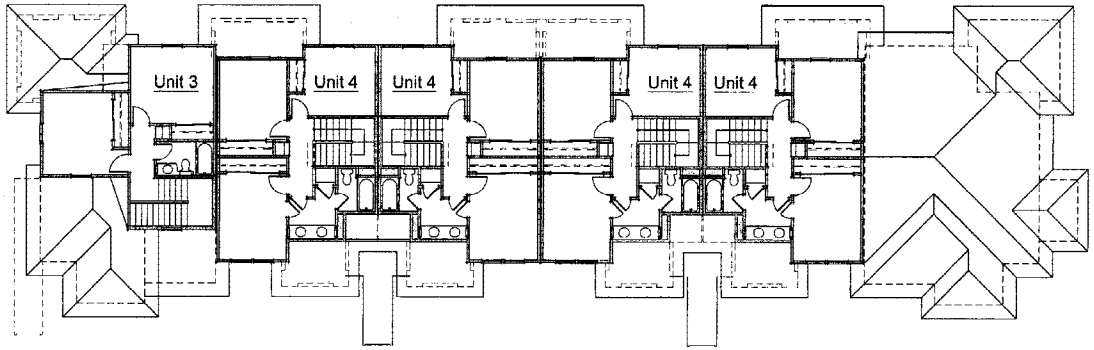


Roof Plan



Third Floor

Building C
Building Composite

0 8 32
4 16

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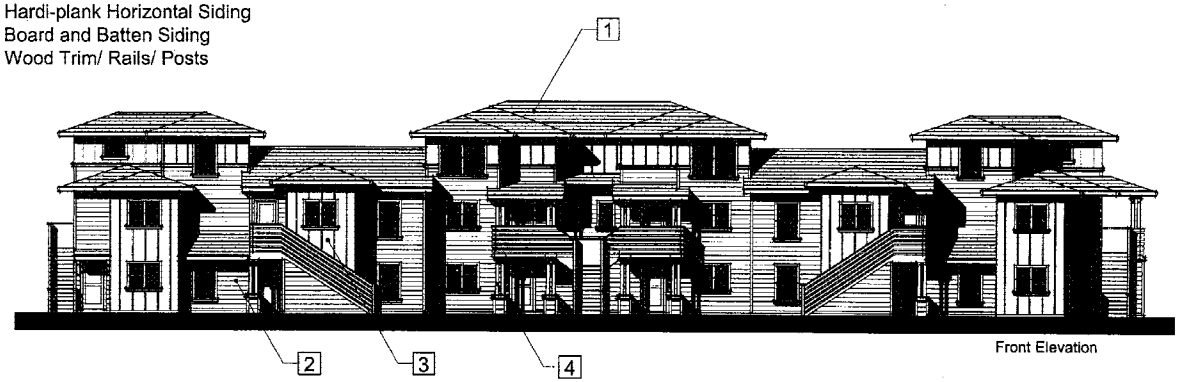
A-8

Material Legend
1. Composition Shingle Roofing
2. Hardi-plank Horizontal Siding
3. Board and Batten Siding
4. Wood Trim/ Rails/ Posts



Front Elevation

Right Elevation

Rear Elevation

Left Elevation

Building D Elevations

Building 4 (as shown on site plan)

0 8 32
4 16

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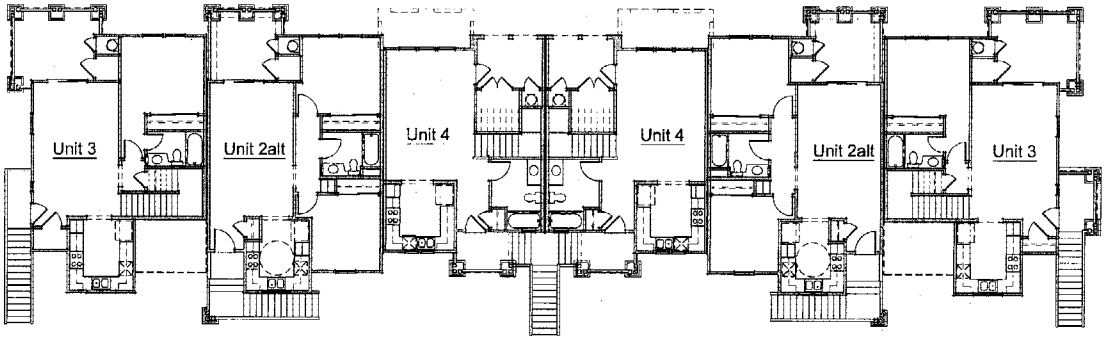
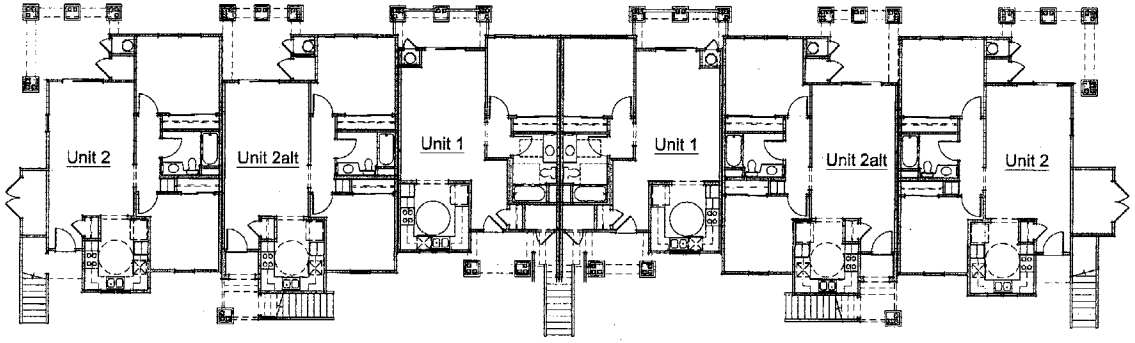


Second Floor



First Floor

Building D
Building Composite

0 8 32
4 16

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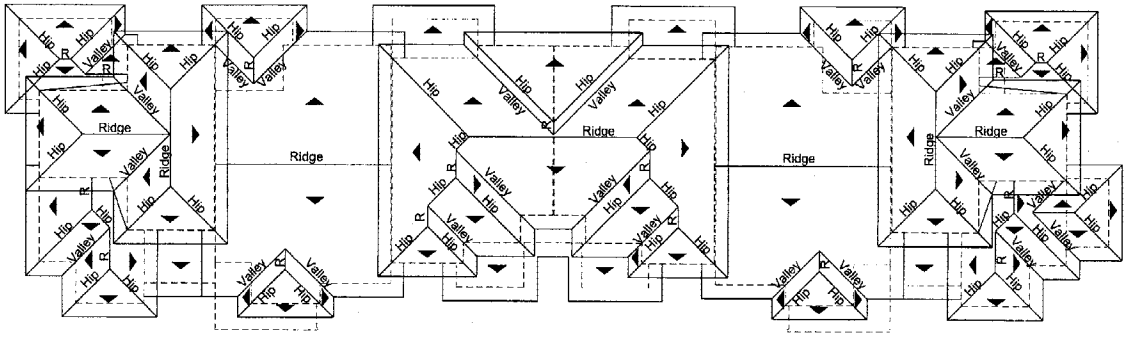
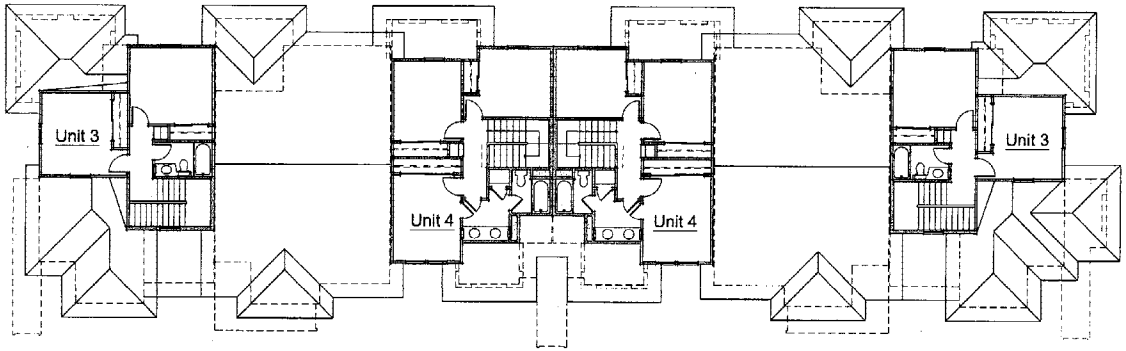


Roof Plan



Third Floor

Building D
Building Composite

0 8 32
4 16

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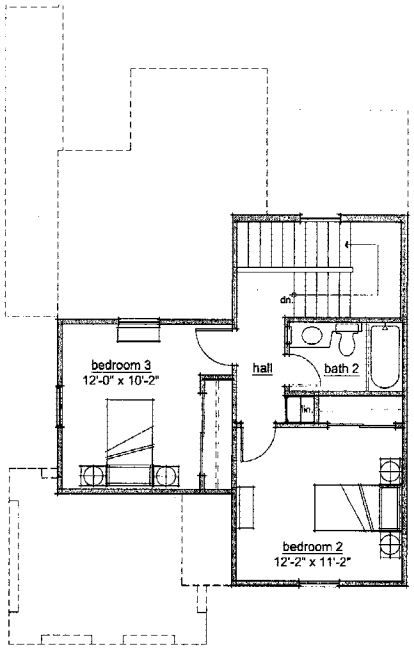
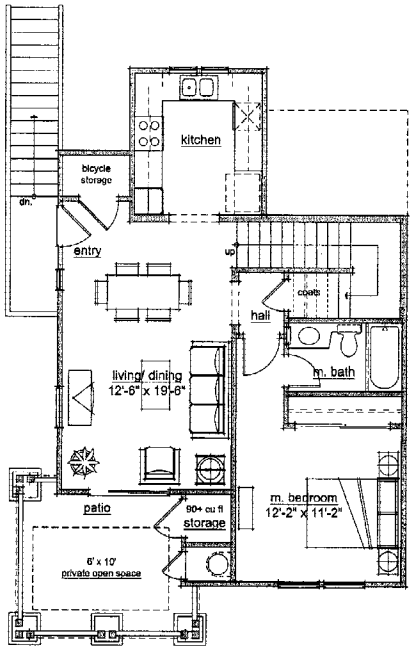
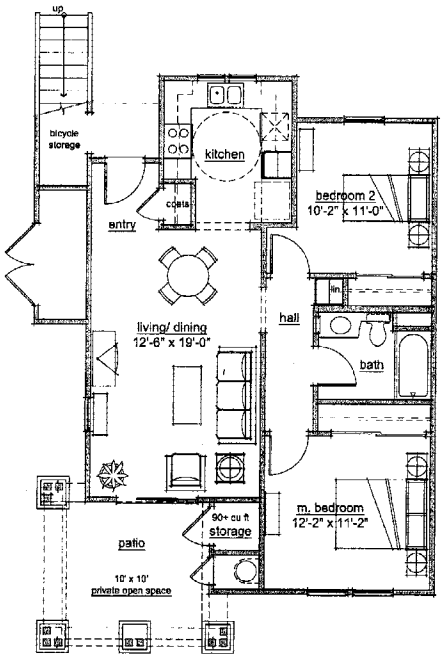


Unit 3
Second Floor
694 s.f.



Unit 3
First Floor
398 s.f.

Unit 3
1092 s.f.
3 Bedroom/ 2 Bath



Unit 2
801 s.f.
2 Bedroom/ 1 Bath

0 4 16
2 8

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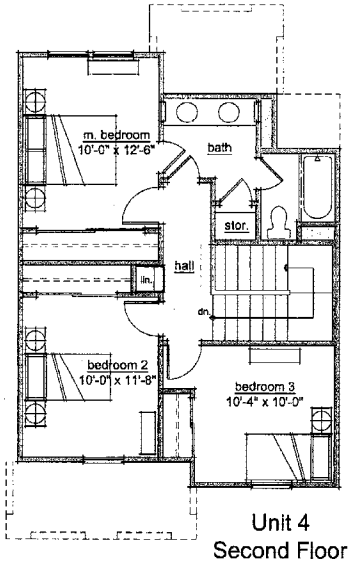
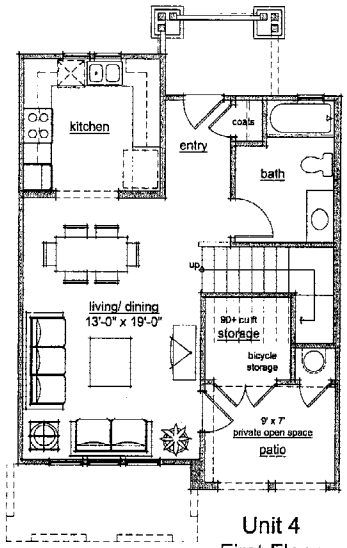
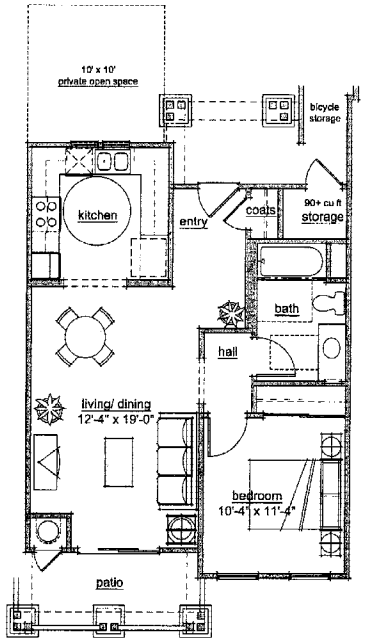


Unit 4
Second Floor
567 s.f.



Unit 4
First Floor
528 s.f.

Unit 4
1095 s.f.
3 Bedroom/ 2 Bath



Unit 1
632 s.f.
1 Bedroom/ 1 Bath

0 2 4 8 16

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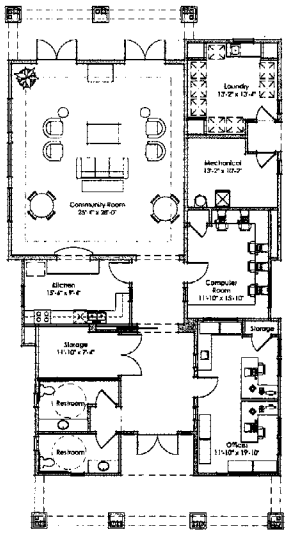
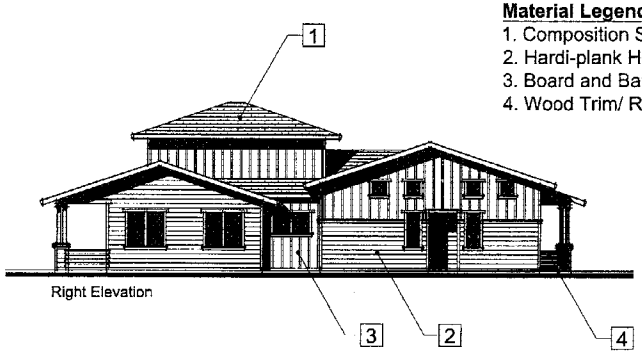
Material Legend
1. Composition Shingle Roofing
2. Hardi-plank Horizontal Siding
3. Board and Batten Siding
4. Wood Trim/ Rails/ Posts



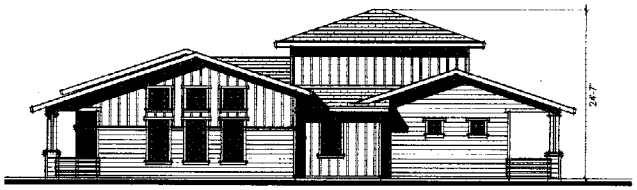
Floor Plan

Front Elevation



Right Elevation

Rear Elevation



Left Elevation

Community Building
2137 sf

0 2 4 8 16

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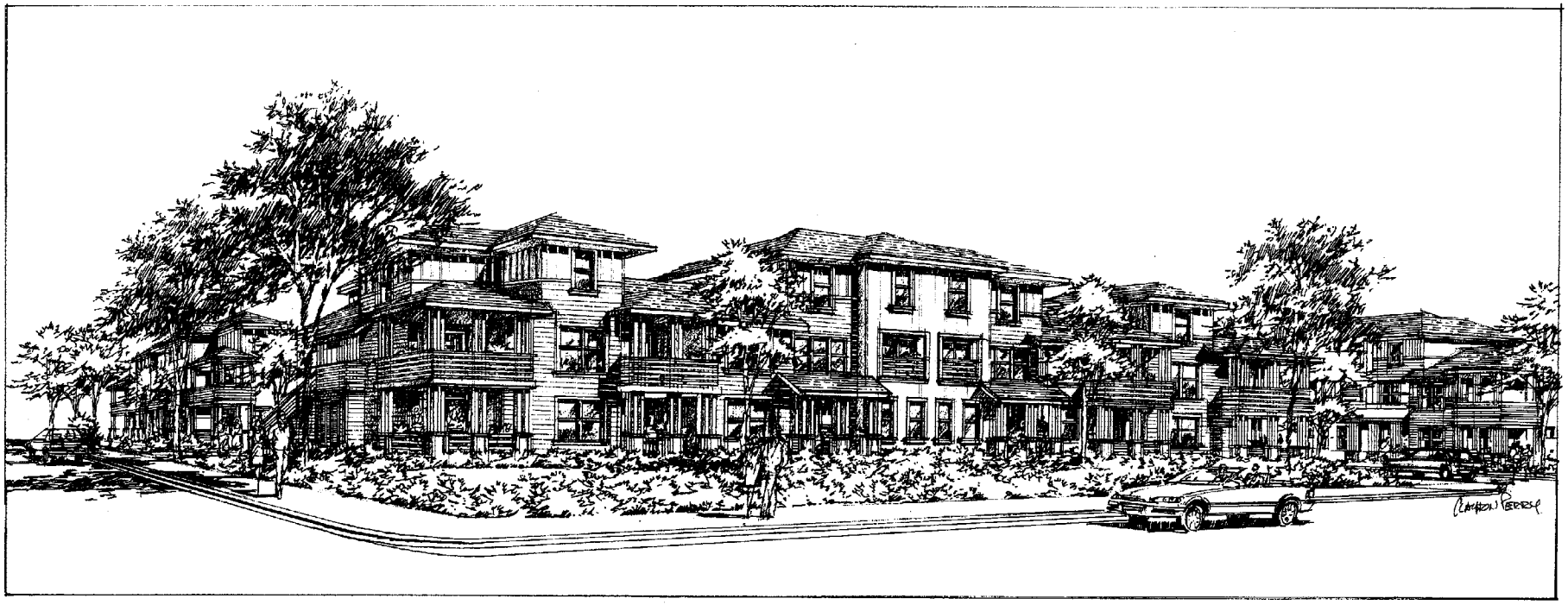

Perspective Rendering
from the corner of Saklan
and North Lane

SAKLAN AVENUE
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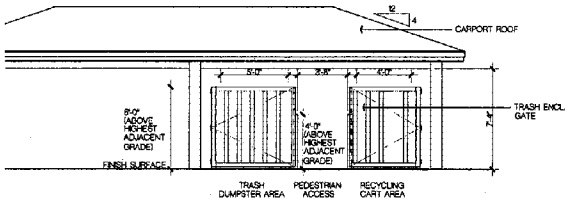
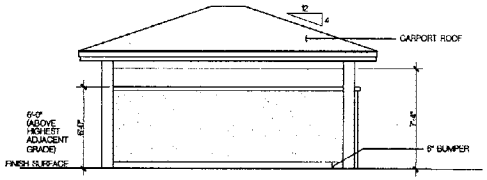
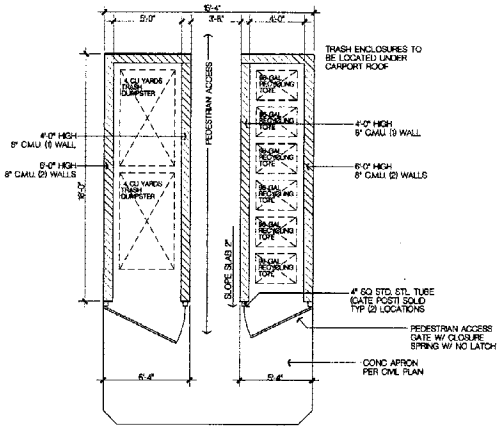


Front Elevation



Side Elevation



Floor Plan

MINIMUM MULTI-FAMILY RESIDENTIAL REFUSE DUMPSTER CAPACITY CALCULATIONS:
78 DWELLING UNITS x 11 (move in/move out factor) x 32 (gallon service/unit) / 200 = 13,728 CY
13,728 CY / 3 PROVIDED TRASH AREAS = 4576 CY PER TRASH AREA
6 CY OF DUMPSTER CAPACITY PROVIDED PER TRASH AREA x 3 TRASH AREAS
= 18 CY TOTAL DUMPSTER CAPACITY PROVIDED ON THE SITE

MINIMUM MULTI-FAMILY RESIDENTIAL RECYCLING CAPACITY CALCULATIONS:
78 DWELLING UNITS x (2 RECYCLING CARTS / 10 UNITS) = 16 CARTS
16 CARTS / 3 PROVIDED TRASH AREAS = 5 TO 6 CARTS PER TRASH AREA
96 GALLONS PER CART x 18 CARTS PROVIDED
= 1728 GALLONS OF TOTAL RECYCLING CAPACITY PROVIDED ON THE SITE

** SEE SITE PLAN FOR TRASH AREA LOCATIONS

Trash Enclosure

0 2 4 8 16

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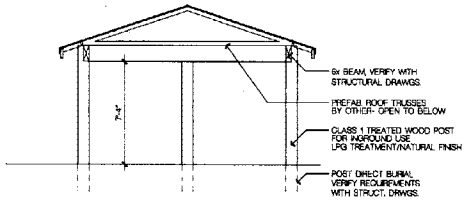
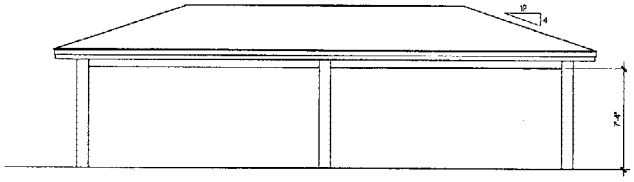
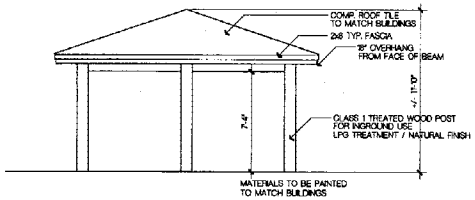


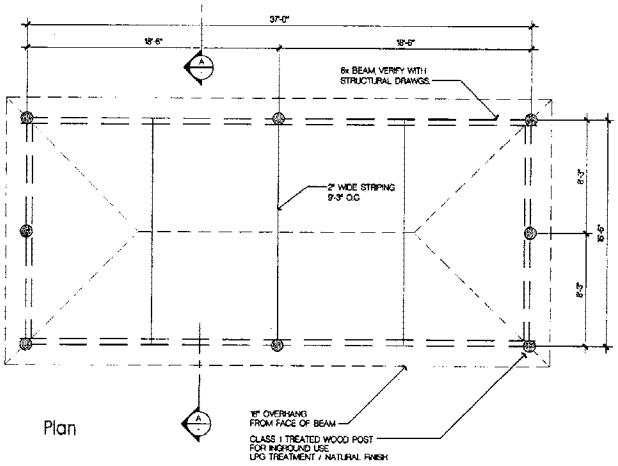
Section A



Front Elevation



Side Elevation



Plan

* SEE CIVIL PLANS FOR LOCATION AND ADJACENT CURBS

Typical 4-Stall Carport

0 2 4 8 16

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Hayward, California

Eden Housing & The DeSilva Group

February 28,2006

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