CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/06/05

AGENDA ITEM 7

WORK SESSION ITEM

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Zone Change No. PL-2005-0244 and Vesting Tentative Tract Map 7636/PL-2005-0245 – William Riddle (Applicant)/ Frank Chiu (Owner) – Request to Change the Zoning from Single-Family Residential District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes - The Project is Located at 26746 through 26762 Gading Road

RECOMMENDATION:

It is recommended that the City Council introduce the attached ordinance and adopt the attached resolution approving the Negative Declaration; the zone change and the precise development plan; and, the Vesting Tentative Tract Map, subject to the attached conditions of approval.

DISCUSSION:

At its meeting of July 28, 2005, the Planning Commission recommended (7:0) approval of the applicant's request to change the zoning of the property from a Residential Single-Family (RS) District to a Planned Development (PD) District to subdivide a one-acre property into eight lots for seven houses and a common lot containing group open space and a private street. The property currently has eight rental houses built between 1953 and 1960. The two-bedroom houses range in size from 847 square feet to 943 square feet of living area with an attached one-car garage.

The proposal would retain all but one of the houses on lots ranging in size from 3,977 square feet to 5,794 square feet. A PD District is necessary because the RS District requires a minimum lot size of 5,000 square feet. The PD District is desirable in this case because it facilitates the improvement of the homes and the site as well as the sale of the homes to individual owners. One house would be deconstructed to comply with the maximum General Plan density of 8.7 dwelling units per net acre. The resultant space would allow for a private park with one accessible parking space. The project would have 20 parking spaces overall (2.9 per unit). With each home having only two bedrooms, the parking provided should be sufficient. The proposal is consistent with the policies of the General Plan and the Harder-Tennyson Neighborhood Plan which encourage the improvement of existing housing and the provision of owner-occupied housing.

The owner proposes to make improvements to each of the houses including new windows, new entry and garage doors, new wood trim, more substantial columns on front porches, new exterior paint and the roof eaves would be boxed. Proposed interior improvements include new flooring, new countertops, cabinets and all new appliances and plumbing fixtures in the kitchens and bathrooms and fresh paint throughout. Some houses have laundry machines in the garages that prevent a car from parking inside. New stackable washers and dryers would be provided outside

the required space for car parking. Two of the houses have separate laundry rooms. These rooms would be converted to kitchen or dining areas and the machines incorporated into the kitchen layout for a more efficient floor plan.

The applicant also proposes to re-landscape all front yards with new trees, shrubs, ground cover, turf and irrigation. Chain-link fencing would be replaced with solid wood fences. The fencing at the project entry behind houses 1 and 5 would be relocated to provide more common landscaping. The street would be repaved, water and sewer lines upgraded, overhead wires put underground and new street lighting would be installed.

Current tenants of the homes are aware of the owner's intent to sell the houses. One house is currently vacant and one more may become vacant in the near future. The owner states that he would offer tenants the first right of refusal and relocation assistance. Assistance the owner plans to provide includes help with finding another apartment or house, moving expenses (up to two months rent) and flexibility in scheduling to allow extra time for people to relocate. No members of the public spoke about the project at the Planning Commission hearing.

Normally, with the approval of a PD, the City Council approves a Preliminary Development Plan along with the Tentative Map. The applicant then submits a Precise Plan application where staff reviews and approves more detailed plans. In this case, because the houses are existing and the level of proposed improvements is relatively minor, it is staff's opinion that the attached plans fulfill the requirements of a Precise Plan. If the rezoning from RS to PD is denied, the property owner could decide to continue renting the homes, however, the site would continue to be out of conformance with the General Plan with respect to density.

Prepared by:

Erik J. Pearson, AICP
Associate Planner

Recommended by:

for SE

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments: Exhibit A. Planning Commission Staff Report, dated July 28, 2005
Exhibit B. Draft Planning Commission Meeting Minutes, dated July 28, 2005
Plans
Draft Resolution
Draft Ordinance

8/26/05

Exhibit A

CITY OF HAYWARD
AGENDA REPORT

Meeting Date 07/28/05
Agenda Item 3

TO: Planning Commission

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

SUBJECT: **Zone Change No. PL-2005-0244 & Vesting Tentative Tract Map 7636/PL-2005-0245 –William Riddle (Applicant)/ Frank Chiu (Owner)** – Request to Change the Zoning from Residential Single-Family District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes

The Project Location Is 26746 through 26762 Gading Road

RECOMMENDATION

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

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

DISCUSSION

The property, consisting of three parcels, has eight rental houses situated on a common private driveway. The homes, constructed between 1953 and 1961, have 2 bedrooms each and range in size from 847 square feet to 943 square feet of living area. In addition, each home has an attached one-car garage. Each house also has two open parking spaces for a total of 24 parking spaces for the 8 houses.

The applicant has requested to change the zoning of the property from Residential Single-Family (RS) District to Planned Development (PD) District to allow the subdivision of the one-acre property into seven lots. The applicant is requesting a PD because the RS zoning requires a minimum lot size of 5,000 square feet and the proposed lots range in size from 3,977 square feet to 5,794 square feet. One of the houses will be deconstructed to create a group open space and to comply with the maximum density permitted by the General Plan. The owner also proposes to make improvements to each of the houses including new windows and doors, new wood trim and

paint, new flooring, new countertops, cabinets and all new appliances and plumbing fixtures in the kitchens and bathrooms. The applicant proposes to re-landscape all front yards with new trees, shrubs, ground cover, turf and irrigation.

Normally, with the approval of a PD, the Planning Commission approves a Preliminary Development Plan. The applicant then submits a Precise Plan application where staff reviews and approves more detailed plans. In this case, because the houses are existing and the level of proposed improvements is relatively minor, it is staff's opinion that the attached plans fulfill the requirements of a Precise Plan.

General Plan/Neighborhood Plan

The property has a General Plan land use designation of Low Density Residential, which allows up to 8.7 dwelling units per net acre. The project area currently has eight homes on 0.92 acres, for a net density of 9.8 dwelling units per acre. The proposal involves removing one house for a net density of 8.6 dwelling units per acre. The proposal is consistent with the policies of the Harder-Tennyson Neighborhood Plan, which include 1) improving the appearance and condition of existing development and 2) providing more opportunities for ownership housing to reduce transiency of residents.

Open Space

With the proposed lot lines and new fencing, each house would have a fenced yard area with at least 962 square feet. Six of the seven yards would be over 1,000 square feet, which is the minimum typically provided for a single-family residential lot. As mentioned above, one house would be removed, which would allow for the creation of a group open space area where a picnic table and/or a tot lot might be provided. Other nearby recreational opportunities include Weekes Park about 0.3 miles to the south and Glassbrook School about 0.2 miles to the north.

Parking/Circulation

The project has been designed with a total of 20 parking spaces, including one space for disabled parking. Current regulations require a two-car garage for each house if they were to be built today. Expanding each garage to a two-car garage would significantly reduce the amount of open space available between the houses. Lots 1 and 5 each have two driveways. The applicant proposes to eliminate the driveways in the rear yards of the houses on Lots 1 and 5. These lots also front on Gading Road where street parking is available. Given that each house has only two bedrooms, staff believes that there will be sufficient parking.

Schools & Transportation

Children living in the seven homes would attend Eldridge Elementary School (2.8 students), Martin Luther King Jr. Middle School (0.6 students) and Tennyson High School (1.5 students). The proposed project, with the elimination of one house, would slightly reduce the potential number of children attending these schools.

AC Transit bus route 77 passes through the intersection of Gading Road and Shafer Road (about 550 feet from the project site) provides access to both BART stations in Hayward. Bus route 84, which passes by the intersection of Inglewood Avenue and Underwood Avenue (about 700 feet west of the project site), serves Kaiser Hospital on Tennyson Road and the downtown BART station.

Tract Map

The proposed subdivision will have 8 parcels; 7 for the homes and one common parcel which will include the private street and open space. The existing driveway will be widened to 22 feet and be reconstructed to meet current standards for a private street. While City standards require a minimum width of 24 feet for a private street, staff feels that the proposed width is sufficient. Frontage improvements along Gading Road, such as curb, gutter and sidewalk, exist and will be replaced if damaged.

The developer will be required to replace the private undersized sewer main to meet current standards and the new line will be maintained by the City. The existing water line is also undersized and will be replaced and extended to Patrick Avenue to provide a looped system. The homes are served by overhead utilities, phone, electrical and cable, which will be placed underground.

ENVIRONMENTAL REVIEW

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

PUBLIC NOTICE

On May 26, 2005, a Referral Notice was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the South Hayward Neighborhood Group, the Harder-Tennyson Community Organization and the Harder-Tennyson Task Force.

A neighborhood meeting was held on June 9, 2005 to solicit comments on the project. Two residents of the complex attended the meeting and raised the issues of having first option to buy their units, being displaced while the units are being renovated and getting more advanced notice from the owners as to their schedule for work. The property owner intends to offer tenants the first right of refusal when the homes are ready for purchase and, for those who do not purchase a home, tenants will be offered relocation assistance.

On July 8, 2005 a legal advertisement was published in the Daily Review newspaper to notify the public of the pending application and pubic hearing. Also, on July 8, 2005, a Notice of Public Hearing for the Planning Commission meeting and Notice of Preparation of Environmental Document were mailed. In addition, a public notice sign was placed at the site prior to the Public Hearing to notify neighbors and interested parties residing outside the 300-foot radius.

CONCLUSION

Staff supports the proposed project as it would provide a good opportunity for first time homebuyers in the area. The project would result in the homes being upgraded with improvements to utilities and landscaping as well as the provision of new open space. The proposal is consistent with all City of Hayward Zoning Ordinance and other development standards.

Prepared by:

Erik J. Pearson, AICP
Associate Planner

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

Recommended by:

Richard Patenaude, AICP
Acting Planning Manager

Attachments:

A. Area Map
B. Findings for Approval of Zone Change and Precise Development Plan
C. Findings for Approval of Vesting Tentative Tract Map
D. Conditions of Approval for Zone Change and Precise Development Plan
E. Conditions of Approval for Vesting Tentative Tract Map
F. Environmental Initial Study and Negative Declaration
Plans

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

CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE & PRECISE PLAN APPROVAL

July 28, 2005

ZONE CHANGE APPLICATION NO. PL-2005-0244: William Riddle (Applicant)/ Frank Chiu (Owner) – Request to change the zoning from Residential Single-Family District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes.

The Project Location Is 26746 through 26762 Gading Road.

***Findings for Approval** –Precise Development Plan:*

A. Approval of Zone Change Application No. 2005-0244, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.

B. The development is in substantial harmony with the surrounding area and conforms to the General Plan, the Harder-Tennyson Neighborhood Plan and applicable City policies in that the net density of the project does not exceed that called for in the Plan.

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

D. The development creates a residential environment of sustained desirability and stability in that the project meets the intent of the Harder-Tennyson Neighborhood Plan in that it will allow the homes to be sold to individual owners and that the appearance and quality of the homes will be improved.

E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested for a reduced lot size and parking provided is offset with the small sizes of the houses and the fact that the homes are existing. Other offsets proposed by the applicant also include the provision of the new group open space and the interior and exterior improvements planned for the individual houses.

***Findings for Approval** – Zone Change:*

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

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

H. All uses permitted when property is reclassified will be compatible with present and potential future uses, however, a beneficial effect will be achieved which is not obtainable under existing regulations. Ownership housing will be provided where it could not otherwise be constructed under the current zoning.

FINDINGS FOR APPROVAL
TENTATIVE TRACT MAP 7636

1. The approval of Tentative Map Tract 7636, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF HAYWARD
PLANNING DIVISION
ZONE CHANGE & PRECISE PLAN APPROVAL

July 28, 2005

ZONE CHANGE APPLICATION NO. PL-2005-0244: William Riddle (Applicant)/ Frank Chiu (Owner) – Request to change the zoning from Residential Single-Family District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes.

The Project Location Is 26746 through 26762 Gading Road.

CONDITIONS OF APPROVAL:

1. Zone Change and Precise Plan Application No. PL-2005-0244, is approved subject to the plans labeled Exhibit "A" and the conditions listed below. This permit becomes void two years after the effective date of approval, unless prior to that time a building permit application has been submitted and accepted for processing by the Building Official, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division at least 15 days prior to the above date.

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

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

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

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

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

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

c) Show that an exterior hose bib will be provided for each private yard area.

d) Add a note shall be added to the elevations indicating that all roof vents will be painted to match roofing material.

e) Add a note on the front elevations that the new garage doors will be sectional.

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

g) Provide a color board showing the color schemes to be used for each of the houses.

h) If new mailboxes are to be installed, provide details of the mailboxes.

6. The approval of this preliminary and precise development plan is tied to the approval of Vesting Tentative Map No. 7636 and the associated conditions of approval. No house shall be sold as an individual unit until the City Council has approved the final map and said map is recorded.

7. Prior to the sale of any parcel, or prior to the acceptance of site improvements, whichever first occurs, a homeowners' association shall be created to maintain the private street, common area landscaping and open space amenities as depicted on the approved Tentative Map Tract 7636 and CC&R's prepared for the project which shall be reviewed and approved by the Planning Director. The CC&R's shall include the following conditions:

a) Each owner shall automatically become a member of the association and shall be subject to a proportionate share of maintenance expenses.

b) A reserve fund shall be maintained to cover the costs of replacement and repair of the private street, driveways and common area landscaping.

c) The association shall be managed and maintained by a professional property management company.

d) Provisions for towing unauthorized and illegally parked vehicles from the site.

e) The private street, driveways, common areas and residential front yard landscaped areas shall be maintained in good repair, and free of debris at all times.

f) A requirement that the building exteriors and fences shall be maintained free of graffiti. The owner's representative shall inspect the premises on a weekly basis and any graffiti shall be removed within 3 days of inspection or within 3 days of notification by the City's Community Preservation Officer.

g) The homeowners' association shall maintain the common area irrigation system and maintain the common area landscaping in a healthy, weed–free condition at all times. The homeowner's representative shall inspect the landscaping on a monthly basis and

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

h) Landscaping and irrigation shall be maintained in all common areas or the City shall have the right to enter upon the property to maintain the exterior portions of the common area at the expense of the homeowners association per Section 10-3.385 of the Subdivision Ordinance.

i) The trees planted within the front yards shall be maintained and retained by the Homeowners Association. If any tree is removed, it shall be replaced within 30-days of notification of its removal.

j) Trees shall not be severely pruned, topped, or pollarded and any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the Landscape Architect, within the timeframe established by the City and pursuant to the Municipal code.

k) A provision that if the homeowners' association fails to maintain the common area or private streets, so that owners, their families, tenants, guests or adjacent owners suffer or will suffer substantial diminution in the enjoyment, use or property value of the project, the City of Hayward shall have the right to enter upon the project and to commence and complete such work as is necessary to maintain the common areas and private streets, after reasonable notice, and lien the properties for their proportionate share of the costs.

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

m) The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas. An automatic garage door opening mechanism shall be provided for all garage doors. Individual garbage can(s) shall be kept in the fenced yard of each lot except upon pick-up day.

n) The disabled parking space shall be provided for and maintained as a visitors' space and shall not be used by residents or for recreational vehicles, camper shells, boats or trailers. This space shall be clearly marked and monitored by the homeowners association.

o) Driveways and garages shall be used only for vehicles in operating condition. The homeowners association shall remove vehicles parked contrary to this provision.

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

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

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

11. Future additions to residential units are prohibited.

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

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

Landscaping:

14. Prior to the approval of improvement plans, or issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance. Front yards shall be limited to a maximum 50% Fescue turf.

15. Each front and side yard should be provided with an automatic irrigation system. A separate system should be provided for the common open space. Show all amenities proposed for the common area such as play equipment, picnic tables, benches or barbeques.

16. Lawn area cannot exceed 50% of the front yard area for each unit. Landscape area is to be shown all of the way to the curb on Gading Road and should show the required sidewalk.

17. Two 24-inch box street trees will be required in each of the side yards of units one and five in addition to the required front yard street trees for each unit.

18. Frost sensitive plants such as Hibiscus and Bougainvillea should not be proposed. They may remain if they are existing.

19. Masonry walls along perimeter property lines or open space shall be screened with vines and shrubs.

20. All above ground utilities and mechanical equipment shall be screened from the street with five gallon shrubs.

21. Street Trees. Provide one 24-inch box street tree for each lot which is 50 feet wide or less. Lots greater than 50 feet but less than 100 feet wide shall have two street trees. Wider lots will require additional trees. On a corner lot, there should also be one 24-inch box tree per 40' or fraction thereof along the side yard setback. The trees should be 20' from the corner, 10' from a light pole and 5' from any utility. There should never be a case where a lot does not have at least one street tree. Trees shall be planted according to the City Standard Detail SD-122.

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

units, whichever first occurs. All individual lot landscaping shall be installed prior to occupancy of each unit and prior to the final acceptance of tract improvements.

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

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

25. Landscaping shall be maintained in a healthy, weed-free condition at all times. The homeowner's association 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 fifteen days of notification to the homeowner. Plants in the common areas shall be replaced within two weeks 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.

26. A covenant or deed restriction shall be recorded with each lot requiring the property owner to properly maintain the front yard landscaping, slope landscaping, and street trees, and to replace any dead or dying plant material (over 30% of the plant dead) within 15 days of first notification. Provisions shall also be made in the deed restrictions to protect views towards the bays by restricting the height of plant materials in the side and rear yards, with the exception of the required street trees, to no more than 5 feet above the highest grade. Solid hedges or fences that do not allow neighboring views through to the Bay shall not be allowed within the side or rear yards.

27. A tree removal permit is required prior to the removal of any protected tree. Replacement trees shall be required for any trees removed, as determined by the Tree Preservation Ordinance and approved by the City Landscape Architect.

28. Prior to the issuance of a grading or building permit, the developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved on the site that are within 50 feet of any grading or construction. Construction fencing shall be provided as necessary to protect any areas that are to remain undisturbed. The bond, surety or deposit shall be returned when the tract is accepted if the trees are found to be in a healthy, thriving and undamaged condition. The developer shall provide an arborist's report evaluating the condition of the trees.

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

CONDITIONS OF APPROVAL
TENTATIVE TRACT MAP 7636

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

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

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

IMPROVEMENTS

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

Gading Road

1. An Encroachment Permit must be obtained prior to the start of any construction within the public right-of-way.

2. The existing curb, gutter and sidewalk along the project frontage shall be protected in place and any damaged portions replaced prior to tract acceptance. Handicap ramps may be required by the City Engineer at the driveway entrance depending upon the final layout. Street trees shall be protected in place and shall remain unless removal is authorized by the City Landscape Architect.

3. The entrance to the development shall be designed as a driveway entrance. Decorative pavement shall be capable of supporting a 50,000 lb. GVW load.

Interior Private Street

4. The interior private street shall have a 22 foot right-of-way and pavement width. The street design shall utilize slotted curb and gutter to accommodate the existing grading and drainage patterns. The street section shall be constructed to public street standards.

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

6. The private street shall be designated as a fire lane and no parking will be allowed along the length of the private street except in designated parking spaces. Curbs shall be painted red

and fire lane signage installed every 100 linear feet. Installation of red-curbing and signs shall meet Fire Department and City Engineer standards.

7. Streetlights and pedestrian lighting shall be owned and maintained by the homeowners association and shall have a decorative design approved by the Planning Director and the City Engineer.

Landscaping and Irrigation

8. Prior to the approval of the improvement plans a detailed landscaping and irrigation plan for the site shall be prepared by a licensed landscape architect and submitted for review and approval by the City's Landscape Architect. Planting and irrigation shall comply with the City's *Water Efficient Landscape Ordinance.*

9. Within all required landscape areas, a complete automatic sprinkler system with an automatic on/off mechanism shall be installed. A hose bib shall be provided within each private yard.

Storm Drainage

10. The on-site storm drain system shall be a private system owned and maintained by the homeowners association or property owners.

11. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with a design to reduce discharge of pollutants and sediments into the downstream storm drain system. The plan shall meet the approval of the City Engineer.

12. The developer shall provide a copy of the Notice of Intent filed with the State Water Resources Control Board, prior to the issuance of a grading permit for the project site.

13. The project plans shall include storm water measures for the operation and maintenance of the project to be approved by the City Engineer. The project plans shall identify and incorporate Best Management Practices (BMPs) appropriate to the uses conducted onsite to effectively prevent the entry of pollutants into storm water runoff. Roof leaders shall discharge into a landscaped area prior to storm runoff entering a pipe system.

14. The developer shall prepare a Maintenance Agreement for storm water BMP's constructed as part of this project. The Maintenance Agreement shall be reviewed and approved by the City prior to recordation with the Alameda County Recorder's Office. The Agreement shall be recorded to ensure that the responsibility for maintenance is bound to the property in perpetuity.

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

16. The applicant/developer is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved

construction BMPs will result in the issuance of correction notices, citations or a project stop order.

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

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

Sanitary Sewer System

19. Sanitary sewer service is available from the City Of Hayward, subject to standard conditions and fees in effect at the time of application. Each unit must have a separate sewer lateral.

20. The existing sanitary sewer main shall be removed and replaced with a new 8 inch line, to be located a minimum of 10 feet away from the water line. Manholes shall be constructed at the point of connection in Gading Road and at the end of the line. This will be come a City line upon tract acceptance.

Water System

21. Water service is available from the City Of Hayward and is subject to standard conditions and fees in effect at the time of application. The applicant shall verify that existing meters are adequate prior to issuance of building permits.

22. The existing 4 inch line must be upgraded to an 8 inch pipe and shall be extended to Patrick Avenue to create a looped design.

23. A fire hydrant shall be provided within the development between lots 2 and 3 and shall be approved by the Fire Department prior to start of construction. Fire hydrant locations shall be identified with blue reflective pavement markers installed in the street adjacent to the fire hydrant.

24. Fire hydrants shall be modified steamer type which shall be installed per City standards. Crash post protection may be required for the fire hydrant if it is installed in an unprotected area susceptible to potential vehicular impact.

25. Fire flow requirements for this development shall be 1,500 gallons per minute at 20 psi. An allowance of up to 50 percent may be granted for fire sprinklers systems installed within each building.

Utilities

26. All utility services shall be "underground service" designed and installed in accordance with the Pacific Gas and Electric Company, SBC and SBC Broadband Company regulations. Transformers, and switch gear cabinets, shall be placed underground unless otherwise approved by the Planning Director and the City Engineer. Underground utility plans must be submitted for City approval prior to installation.

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

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

Fire Protection

29. Building permits will be required for any interior remodeling project at which time, additional requirements may be imposed relative to smoke detectors and spark arrestors.

30. Addressing for each building as well as a single family home shall be assigned and approved by the Fire Department. Numbers shall be a minimum of 4 inches in height (self-illuminated) or a 6 inch letter on a contrasting background, and be visible from the street.

31. Demolition of (1) existing building: Proper permits for demolition work shall be obtained for the demolition of the one building (to provide open group space). Any detection of asbestos shall be reported to the appropriate local, county and state authorities including the Hayward Fire Department.

Dedications, Easements and Deed Restrictions

32. The final map shall reflect:

    a. Five-foot-wide public utility easements (PUE) along the edge of the public/private streets where necessary as determined by the City Engineer.

Subdivision Agreement

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

PRIOR TO CONSTRUCTION WITH COMBUSTIBLE MATERIALS

34. Required water system improvements shall be completed and operational prior to the start of combustible construction to the satisfaction of the Fire Chief.

35. A minimum 22-foot-wide all-weather access road, engineered for 50,000 pounds gross vehicle weight, shall be maintained for emergency vehicle access.

DURING CONSTRUCTION

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

    a. Grading and construction activities shall be limited to the hours 7:00 AM to 7:00 PM on weekdays; there shall be no grading or construction activities on weekends or holidays;

    b. Grading and construction equipment shall be properly muffled;

    c. Unnecessary idling of grading and construction equipment is prohibited;

    d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;

    e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise. Letters shall be mailed to surrounding property owners and residents (within 200 feet of the project boundary) with this information.

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

    g. Daily clean-up of trash and debris shall occur on Gading Road and other neighborhood streets utilized by construction equipment or vehicles making deliveries.

    h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;

    i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;

    j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;

    k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;

l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);

m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).

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

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

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

q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place.

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

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

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

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

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

37. A representative of the soils engineer shall be on the site during grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the

soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.

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

39. The developer shall be responsible to adhere to all aspects of the Storm Water Pollution Prevention Plan (SWPPP) as approved per condition of approval No. 8 above.

40. Construction Administration services shall be provided by the project landscape architect. Services to include:

    a. Observation of irrigation system before burying pipes;

    b. Observation of plant material upon delivery to the site;

    c. Observation of layout and placement of plant material upon delivery to the site;

    d. Observation for maintenance period commencement; and

    e. Observation for final acceptance.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

41. The applicant/developer shall pay the following fees, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permits;

    a. Supplemental Building Construction and Improvement Tax;

    b. School Tax; and

    c. Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

    d. Park In-lieu fees for each dwelling unit at the rate in effect when the building permit for unit is issued.

42. Any damaged curb, gutter and/or sidewalk along the Gading Road property frontage shall be repaired or replaced to the satisfaction of the City Engineer.

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

44. The on-site street light electroliers shall be in operating condition as approved by the Planning Director and the City Engineer.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

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

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

47. The improvements associated with the Pacific Gas and Electric Company, EBMUD, SBC and ComCast shall be installed to the satisfaction of the respective companies.

48. The subdivider shall submit an "as built" plan indicating the following:

    a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric Company, EBMUD, SBC and Comcast, etc; and

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

CITY OF HAYWARD
NEGATIVE DECLARATION

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

I. PROJECT DESCRIPTION:

Zone Change PL-2005-0244 and Tentative Tract Map 7636 (PL-2005-0245) – Request to Change the Zoning from an Residential Single-Family (RS) District to a Planned Development (PD) District and Subdivide 1-acre into 7 Residential Lots. Bill Riddle (Applicant)/ Frank Chiu (Owner). The Project Location Is 26746 – 26762 Gading Road, 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 could not result in significant effects on the environment.

2. The project will not adversely affect any scenic resources. No new structures will be built.

3. The project will not have an adverse effect on agricultural land since the property is already developed as residential and it is surrounded by urban uses.

4. The project will not result in significant impacts related to changes into air quality. When the private street is repaved, 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.

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, any new construction will be required to comply with the Uniform Building Code standards to minimize seismic risk due to ground shaking.

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

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

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

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.

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

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

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

Erik J. Pearson, AICP Associate Planner
Dated: July 7, 2005

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 .

DISTRIBUTION/POSTING

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

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Development Review Services Division

INITIAL STUDY CHECKLIST FORM

Project title:	**Zone Change PL-2005-0244 and Tentative Tract Map 7636 (PL-2005-0245) – Request to Change the Zoning from an Residential Single-Family (RS) district to a Planned Development (PD)district and Subdivide 1-acre into 7 residential lots.** Bill Riddle (Applicant)/ Frank Chiu (Owner).
Lead agency name and address:	City of Hayward, 777 "B" Street, Hayward, CA 94541-5007
Contact persons and phone numbers:	Erik J. Pearson, Associate Planner (510) 583-4210
Project location:	The property is located at 26746 – 26762 Gading Road, in Hayward, California.
Project sponsor's name and address:	William Riddle Best Design & Construction 100 Old County Road, Suite 100C Brisbane, CA 94005
General Plan:	Low Density Residential (LDR)
Zoning:	Residential Single-Family (RS)
Description of project:	Proposal to subdivide 3 lots totaling 1 acre into 7 residential lots. There are currently 8 detached homes on 3 lots. One home would be demolished to create group open space. The existing driveway would be rebuilt to private street standards.
Surrounding land uses and setting:	To property is bordered on all sides by single-family homes.
Other public agencies whose approval is required:	None.

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.

_____	July 7, 2005
Signature	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. No new structures would be built. One house would be demolished.*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ***Comment:*** *The project would not create a new source of substantial light or glare.*	☐	☐	☐	☒
II. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **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.*	☐	☐	☐	☒
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.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? ***Comment:*** *The project will not conflict with the Bay Area 2000 Clean Air Plan or the City of Hayward General Plan policies relating to Air Quality.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? ***Comments:*** *The Bay Area air basin currently exceeds both federal and state standards for ozone and state standards for particulate matter <10 microns in diameter (PM10). The project is of a relatively small scale and will not generate any new vehicle trips to make a significant contribution to the existing air quality violation.* *Grading necessary for the repaving of the private street will produce some air pollutants, especially suspended particulates.* *The conditions of approval will include the following:* ***The developer shall ensure that unpaved construction areas are sprinkled with water as necessary to reduce dust generation, construction equipment is maintained and operated in such a way as to minimize exhaust emissions, and if construction activity is postponed, graded or vacant land is immediately revegetated.*** *Given the scale of the project and the above condition of approval, air quality impacts are expected to be less than significant.*	☐	☐	☒	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? ***Comment:*** *The project would not result in an increase of any pollutants.*	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? ***Comment:*** *The project will not expose sensitive receptors to substantial pollutant concentrations.*	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people? ***Comment:*** *The project will not create objectionable odors affecting a substantial number of people.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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.*	☐	☐	☐	☒
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.*	☐	☐	☐	☒

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

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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:*** *No new homes would be constructed. No soil investigation would be required.*	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? ***Comment:*** *The site would be connected to the City of Hayward sewer system*	☐	☐	☐	☒
VII. **HAZARDS AND HAZARDOUS MATERIALS** - Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ***Comment:*** *There is no evidence of hazardous materials at the site nor will hazardous materials be used or transported at or near the site.*	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ***Comment:*** *See VII a.*	☐	☐	☐	☒
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ***Comment:*** *See VII a.*	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ***Comment:*** *See VII a.*	☐	☐	☐	☒

	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 is not located within an airport zone.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ***Comment:*** *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the area. Emergency response times will be maintained.*	☐	☐	☐	☒
g) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? ***Comment:*** *The project is not located in an area of wildlands and is not adjacent to wildlands.*	☐	☐	☐	☒
VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:				
a) Violate any water quality standards or waste discharge requirements? ***Comment:*** *The project will meet all water quality standards. Drainage improvements will be made to accommodate runoff.*	☐	☐	☐	☒
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.*	☐	☐	☐	☒
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.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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 # 065033-0011E dated 2/9/2000), this site is within the 100-year flood hazard area labeled as Zone B on the Map. Zone B is defined as areas between limits of the 100-year and 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot. Two of the houses, which were built in 1953, have floor levels 8 inches above the surrounding grade. The remaining five houses, built in 1961, have floor levels 20 inches above the surrounding grade. It is not known whether this area has flooded since the houses were built, however, it is expected that if the area does flood, that the flood waters would likely remain below the floor levels of the homes.*	☐	☐	☒	☐
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ***Comment:*** *The existing houses are not in an area which would impede or redirect flood flows.*	☐	☐	☐	☒
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 Low Density Residential (LDR). The LDR designation allows up to 8.7 units per net acre. The project area currently has 8 homes on 0.92 acres, for a gross density of 8.7 units per acre. The proposal involves removing one house .for a net density of 8.6 dwelling units per acre. The current zoning designation is Residential Single-Family (RS). The applicant has requested to change the zoning to a Planned Development (PD) district to allow the creation of smaller lots smaller than the 5,000 square feet required by the RS zoning.*	☐	☐	☒	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? ***Comment:*** *See IV f.*	☐	☐	☐	☒
X. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ***Comment:*** *The project will not result in a significant impact to mineral resources since the subject site is located in an urbanized area that does not contain mineral resources that could be feasibly removed.*	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ***Comment:*** *See X a.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ***Comment:*** *Exposure of persons to or generation of any new noise or noise levels in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code, or applicable standards of other agencies if any, will be temporary in nature during the remodeling of the homes and associated improvements. All City noise standards are required to be met and maintained upon completion of construction. Grading and construction will be limited to the hours between 7:00 a.m. and 7:00 p.m. Monday through Friday. No work will be done on weekends or national holidays.*	☐	☐	☒	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? ***Comment:*** *See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? ***Comment:*** *See XI a*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e.*	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? ***Comment:*** *See VII e.*	☐	☐	☐	☒
XII. POPULATION AND HOUSING -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ***Comment:*** *No new homes would be built.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? ***Comment:*** *Only one house would be removed.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***Comment:*** *Up to seven households could be displaced. The property owner will give first right of refusal to existing tenants.*	☐	☐	☒	☐

XIII. PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection? **Comment:** The proposed project would have no effect upon, or result in only a minimal need for new or altered government services in fire and police protection, schools, maintenance of public facilities, including roads, and in other government services.	☐	☐	☐	☒
b) Police protection? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
c) Schools? ***Comment:*** *See XIII a.*	☐	☐	☐	☒
d) Parks? **Comment:** *See XIII a.*	☐	☐	☐	☒
e) Other public facilities? ***Comment:*** *No other public facilities will be significantly impacted.*	☐	☐	☐	☒

XIV. RECREATION --

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? ***Comment:*** *The project would not add to the number of people using area parks. The project would create new park space within the boundaries of the project.*	☐	☐	☐	☒
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:

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
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 an increase in traffic.*	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? ***Comment:*** *See XV a.*	☐	☐	☐	☒
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ***Comment:*** *The project will not affect air traffic patterns.*	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***Comment:*** *The 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 City's Off-Street Parking regulations do not specifically address single-family development where street parking is limited. Each house would have a 1-car garage and 2 open parking spaces. One disabled parking space would be created for an overall increase in available parking.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? ***Comment:*** *The project does not conflict with adopted policies supporting alternative transportation.*	☐	☐	☐	☒
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ***Comment:*** *The project will not exceed wastewater treatment requirements.*	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ***Comment:*** *The City's existing wastewater treatment facilities are capable of handling the wastewater 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?	☐	☐	☐	☒

3. Zone Change No. PL-2005-0244 & Vesting Tentative Tract Map 7636 / PL-2005-0245 – William Riddle (Applicant) / Frank Chiu (Owner) – Request to Change the Zoning from Single-Family Residential District to Planned Development District and Subdivide Land to Accommodate 7 Detached Homes – The Project is Located at 26746 through 26762 Gading Road

   Staff report submitted by Associate Planner Pearson, dated July 28, 2005, was filed.

Associate Planner Pearson presented the staff report and answered questions from the Commissioners.

In response to Commissioner Zermeño, Associate Planner Pearson indicated that the proposed project does not have direct pedestrian access to Patrick Avenue.

Chair Thnay opened the public hearing at 8:26 p.m.

Mr. William Riddle, applicant and chief architect with Best Design and Construction, concurred with the presentation made by Associate Planner Pearson. Mr. Riddle answered questions from the Commissioners.

Chair Thnay suggested the applicant consider other shapes for the windows to make them more appealing.

Chair Thnay closed the public hearing at 8:34 p.m.

Commissioner Lavelle moved the staff recommendation and was seconded by Commissioner Sacks.

Commissioner Peixoto supported the project and mentioned that this is not only a good project for first time homebuyers, but it also provides an option for the retirees and the elderly population. He also mentioned that the two demographics can benefit from each other's interaction. He commended the applicant on his efforts.

Commissioner McKillop supported the project and expressed that the project will beautify the area.

Commissioner Sacks complimented Mr. Riddle and Mr. Xu for the project and for making arrangements to offer to current tenants with assistance.

Chair Thnay supported the motion as recommended by staff.

Commissioner Lavelle moved, seconded by Commissioner Sacks, and unanimously approved, to recommend that the City Council adopt the Initial Study and Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) guidelines; approve the Zone Change and the Precise Development Plan subject to the findings and conditions; and approve the Vesting Tentative Tract Map application, subject to the findings and conditions.

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 05-___

Introduced by Council Member_____

mre
8/24/05

RESOLUTION APPROVING THE NEGATIVE DECLARATION, ZONE CHANGE APPLICATION NO. PL 2005-0244, PRECISE DEVELOPMENT PLAN AND VESTING TENTATIVE TRACT MAP 7636/PL-2005-0245

WHEREAS, Zone Change Application No. PL 2005-0244 concerns a request by William Riddle (Applicant) and Frank Chiu (Owner) to change the zoning of the property located at 26746 through 26762 Gading Road from Residential Single-Family District to Planned Development District and subdivide the land to accommodate 7 detached homes; and

WHEREAS, a Negative Declaration has been prepared and processed in accordance with City and CEQA guidelines; and

WHEREAS, the Planning Commission held a public hearing on July 28, 2005, regarding the project in accordance with the procedures contained in the Hayward Zoning Ordinance, codified as Article 1, Chapter 10 of the Hayward Municipal Code, and recommended approval of the negative declaration, zone change, precise development plan, and Vesting Tentative Tract Map PL-2005-0245; and

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

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

Precise Development Plan

1. Approval of Zone Change Application No. 2005-0244, as conditioned, will not cause a significant impact on the environment as documented in the Initial Study. A Negative Declaration has been prepared per the California Environmental Quality Act Guidelines.

2. The development is in substantial harmony with surrounding area and conforms to the General Plan, the Harder-Tennyson Neighborhood Plan and applicable City policies in that the net density of the project does not exceed that called for

City policies in that the net density of the project does not exceed that called for in the plan.

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

4. The development creates a residential environment of sustained desirability and stability in that the project meets the intent of the Harder-Tennyson Neighborhood Plan in that it will allow the homes to be sold to individual owners and that the appearance and quality of the homes will be improved.

5. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards. The exceptions requested for a reduced lot size and parking provided is offset with the small sizes of the houses and the fact that the homes are existing. Other offsets proposed by the applicant also include the provision of the new group open space and the interior and exterior improvements planned for the individual houses.

Zone Change

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

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

8. Al uses permitted when property is reclassified will be compatible with present and potential future uses, however, a beneficial effect will be achieved which is not obtainable under existing regulations. Ownership housing will be provided where it could not otherwise be constructed under the current zoning.

Tentative Tract Map 7636

9. The approval of Tentative Map Tract 7636, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Negative Declaration was prepared per the guidelines of the California Environmental Quality Act (CEQA) for the development of this site.

10. The tentative tract map substantially conforms to the State Subdivision Map Act,

the City Subdivision Regulations, the General Plan, and the City of Hayward Zoning Ordinance.

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

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

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

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

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

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, the negative declaration, zone change, precise development plan and Vesting Tentative Map Tract 7636 are hereby approved, subject the conditions of approval attached hereto as Exhibit A, and the adoption of the companion ordinance reclassifying the Property from Residential Single-Family District to Planned Development District and subdivide the land to accommodate 7 detached homes.

IN COUNCIL, HAYWARD, CALIFORNIA_____, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBER:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP OF CHAPTER 10, ARTICLE 1 OF THE HAYWARD MUNICIPAL CODE BY REZONING CERTAIN TERRITORY LOCATED AT 26746 THROUGH 26762 GADING ROAD PURSUANT TO ZONE CHANGE APPLICATION NO.2005-0244

mte 8/24/05

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

Section 1. The Zoning District Map of Chapter 10, Article 1 of the Hayward Municipal Code is hereby amended by rezoning the property located at 26746 through 26762 Gading Road Residential Single-Family District to Planned Development District.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective immediately upon adoption.

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

ADOPTED at a regular meeting of the City Council of the City of Hayward held the____ day of_____, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward

TENTATIVE TRACT MAP 7636

of the parcel described in the deed recorded February 26, 2003 as Series No. 2003113504 commonly known as 26746, 26748-26760, & 26762 Gading Road, City of Hayward, Alameda County.

APN: 454-0060-143, 454-0060-144-01 & 454-0060-145-01

CITY OF HAYWARD
ALAMEDA COUNTY, CALIFORNIA

SCALE: 1" = 20' **MAY, 2005**

Date Raymond B. Thinggaard PLS-3820

OWNERS & APPLICANTS:

Lydia Fong & Frank Chiu
825 Van Ness Avenue, Suite 503
San Francisco, CA 94109
(415)776-8588

UTILITY SERVICE PROVIDERS:

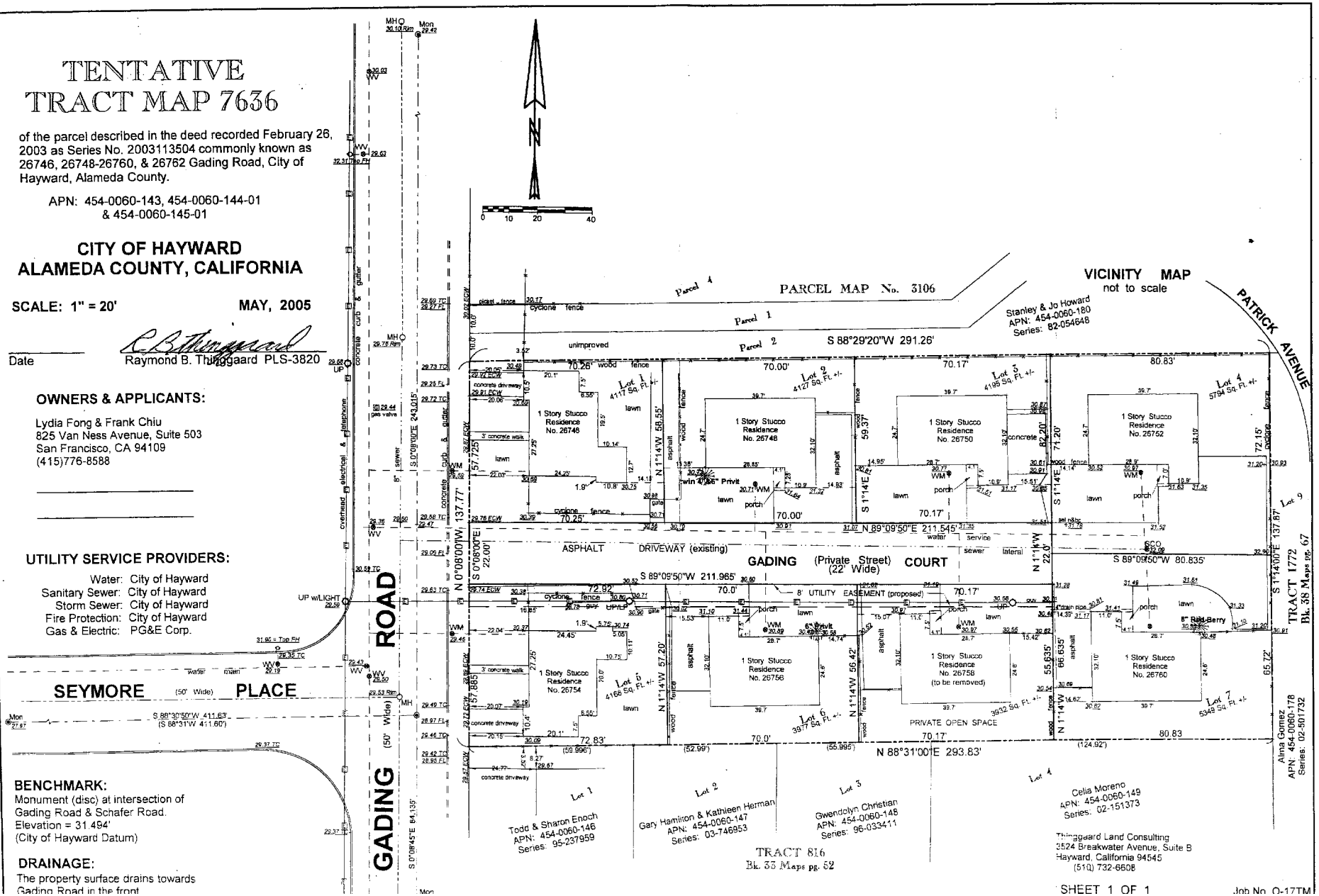
Water: City of Hayward
Sanitary Sewer: City of Hayward
Storm Sewer: City of Hayward
Fire Protection: City of Hayward
Gas & Electric: PG&E Corp.

BENCHMARK:

Monument (disc) at intersection of Gading Road & Schafer Road.
Elevation = 31.494'
(City of Hayward Datum)

DRAINAGE:

The property surface drains towards Gading Road in the front



GENERAL NOTES

GENERAL CONDITIONS: AIA DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT IS HEREBY INCORPORATED INTO THE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE PROJECT.

EXISTING CONDITIONS: CONDITIONS SHOWN ON THE DRAWINGS ARE AS SHOWN ON THE ORIGINAL DRAWINGS AND AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE. ANY DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. NOTE: DIMENSIONS TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS.

PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY ALL CITY AND/OR COUNTY FEES RELATING TO PROJECT, EXCEPT THE GENERAL PERMIT, WHICH IS THE RESPONSIBILITY OF THE OWNERS' AND IS REIMBURSABLE TO THE G.C.

CODES: ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO UNIFORM BUILDING CODES, NATIONAL ELECTRIC, MECHANICAL AND PLUMBING CODES, CITY/COUNTY ORDINANCES AND REGULATIONS AND OTHER CODES GOVERNING CONSTRUCTION.

SITE RESPONSIBILITY: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. CONTRACTOR TO LIMIT TRAFFIC AND ACCESS TO THOSE AREAS WHERE WORK IS.

CLEAN UP AND REPAIRS: THE CONSTRUCTION SITE SHALL BE MAINTAINED IN AN ORDERLY MANNER AT ALL TIMES WITH ALL DEBRIS REMOVED AT THE END OF EACH DAY. AT THE COMPLETION OF CONSTRUCTION, REMOVE ALL EXCESS MATERIALS AND REFUSE FROM SITE. LEAVE ALL SURFACES WITHIN CONSTRUCTION SITE FREE FROM DUST, DIRT AND STAINS. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT AND THE OWNER.

PATCHING: PROPERLY PREPARE SURFACES FOR RECEIVING THE SPECIFIED FINISHES INCLUDING PATCHING SURFACES ALTERED BY CONSTRUCTION. ON PATCHED AREAS OR AREAS WHERE A FINISH IS NOT SPECIFIED, THE FINISH SHALL MATCH ADJACENT MATERIAL IN CONSTRUCTION, COLOR AND TEXTURE.

ALL WORK NOTED" N.I.C." OR NOT IN CONTRACT IS TO BE ACCOMPLISHED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR AND IS NOT TO BE PART OF THE WORK.

"ALIGN" AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES ON THE SAME PLANE.

"TYPICAL" AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.

DETAILS ARE USUALLY KEYED AND NOTED "TYPICAL" ONLY ONCE, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.E.N.

INSTALLATION: ALL ITEMS SPECIFIED SHALL BE INSTALLED AS PER MANUFACTURERS' RECOMMENDATION. ALL OPERATING MANUALS AND GUARANTEES SHALL BE GIVEN TO OWNER.

SCHEDULE: UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE CONTRACTOR SHALL ALSO SUBMIT A CONSTRUCTION SCHEDULE INDICATING THE REQUIRED CONSTRUCTION TIME FOR ALL SUB-CONTRACTOR'S WORK AND A COST-BY-TRADE BREAKDOWN FOR USE IN SCHEDULING AND EVALUATING PAY REQUESTS.

SUBSTITUTIONS: SUBSTITUTIONS, REVISIONS OR CHANGES MUST HAVE APPROVAL BY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.

DAMAGE: THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ENGINEER OR OWNER.

GUARANTEES: THE CONTRACTOR SHALL GUARANTEE THAT THE PROJECT WILL BE FREE OF DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER. NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY OR DEFICIENT IN ANY REQUIREMENT OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNER'S OR ARCHITECT'S FAILURE TO POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTS OR WORKMANSHIP OR MATERIALS REVEALED WITHIN A PERIOD OF ONE YEAR FROM THE ACCEPTANCE SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT AT NO COST TO THE OWNER. NO PAYMENT, EITHER PARTIAL OR FINAL, SHALL BE CONSTRUED AS AN ACCEPTANCE OF DEFECTIVE WORK OR IMPROPER MATERIALS.

DEMOLITION: ALL DEMOLITION INDICATED ON PLANS SHALL BE CAREFULLY CUT AND REMOVED IN ORDER TO MINIMIZE DISRUPTION AND DAMAGE OF EXISTING SPACE.

COLUMN CENTERLINES (ALSO REFERRED TO AS GRID LINES) ARE SHOWN FOR DIMENSIONAL PURPOSES. (REFER TO BASE BUILDING DRAWINGS FOR EXACT LOCATIONS).

ALL WORK PERFORMED BY THE CONTRACTOR SHALL CONFORM TO THE EXISTING BUILDING STANDARDS.

THE ACCURACY OF THE CONDITIONS SHOWN ON THE DRAWINGS IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE. ANY DISCREPANCIES SHALL BE REPORTED TO ARCHITECT PRIOR TO PROCEEDING WITH WORK. REFER TO SHELL CONSTRUCTION DOCUMENTS FOR BUILDING PERIMETER AND EXTERIOR INFORMATION.

PROJECT NOTES

1. BUILDING IMPROVEMENTS UNDER SEPARATE PERMIT. (DRAWING INCLUDED FOR INFORMATION ONLY)
2. NEW 6' HIGH WOOD FENCING WILL BE PROVIDED AS INDICATED ON THE PROPOSED SUBDIVISION MAP.
3. TWO ENTRY MARKER POSTS WILL BE PROVIDED AS INDICATED ON THE PROPOSED SUBDIVISION MAP. THEY WILL BE APPROXIMATELY 8' HIGH AND THE DESIGN WILL BE APPROVED AS REQUIRED BY THE PLANNING AND BUILDING DEPARTMENTS.
4. NEW ADDRESSES WILL BE PROVIDED FOR THE FIVE DWELLINGS FRONTING ON GADING COURT WITH NEW 6" NUMBERS.
5. (E) OVERHEAD LINES AND LIGHT POLES ARE TO BE RETAINED IN CONFORMANCE WITH NEIGHBORHOOD STANDARD.
6. THE 8" WATER MAIN EXTENSION TO PATRICK AVENUE WILL BE DEDICATED TO THE CITY.
7. THE EXISTING FIRE HYDRANT ON GADING ROAD WAS DETERMINDED ADAQUATE BY THE FIRE DEPARTMENT. THE EXISTING 4" LINE WOULD BE INADQUATE TO SERVE A NEW HYDRANT BETWEEN LOTS 2 & 3.
8. THERE IS NO ONSITE STORM DRAINAGE SYSTEM.
9. MAINTENANCE OF THE EXISTING SEWER LINE WILL BE BY THE HOMEOWNER'S ASSOCIATION.

PROJECT DATA

ASSESSOR'S PARCEL NUMBERS: 454-0060-143
454-0060-144-01
454-0060-145-01

SINGLE FAMILY DWELLINGS: EXISTING 8
TO BE DEMOLISHED 1
TO REMAIN 7
(NO INCREASE IN FOOTPRINT OR HEIGHT OF ANY DWELLING)

AREA

LOT:	1	4,002.14 S.F.
	2	4,054.62 S.F.
	3	4,064.05 S.F.
	4	5,451.11 S.F.
	5	4,442.01 S.F.
	6	4,211.02 S.F.
	7	5,451.11 S.F.
OPEN SPACE		3,958.80 S.F.

UNIT DENSITY

PERMITTED BY GENERAL PLAN 8.7 DWELLINGS/ACRE

PROPOSED 35,432.86/43,560=0.8134 ACRE
7/.8134 8.6 DWELLINGS/ACRE

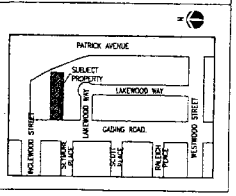
PARKING

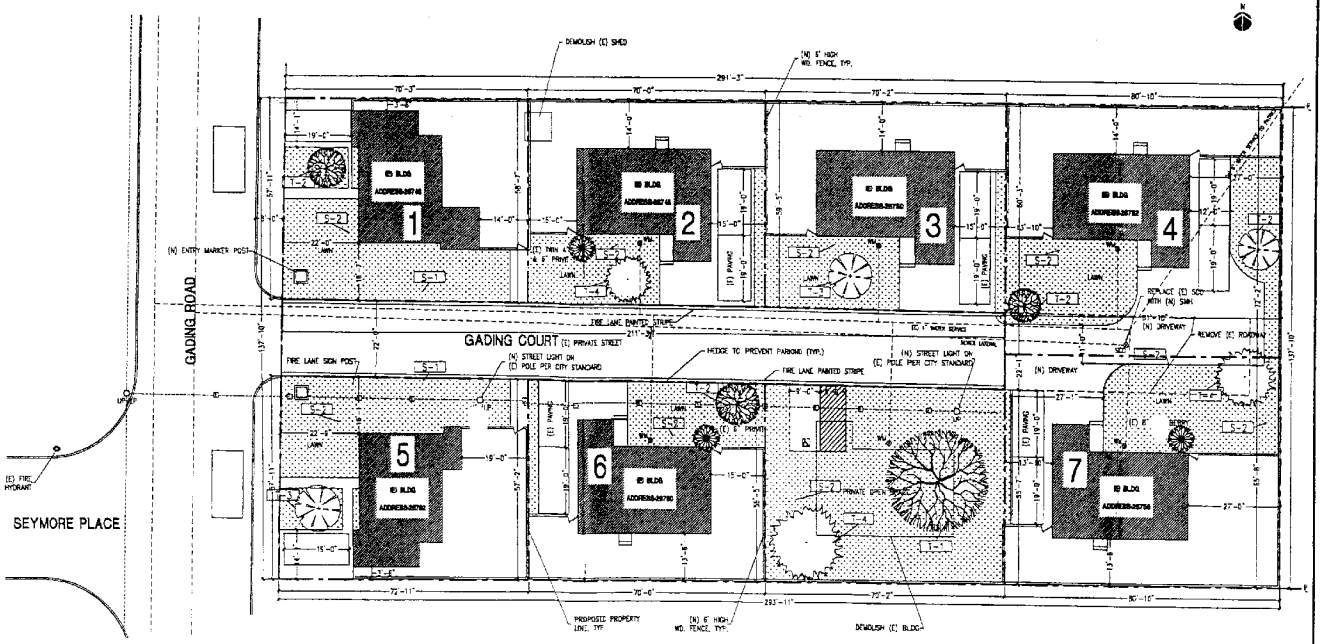
2 EA. DWELLING - 1 COVERED AND 2 UNCOVERED

PROPOSED LANDSCAPING (CONCEPTUAL)

TYPE	KEY	BOTANICAL NAME
TREES	T-1	SILVER MAPLE
	T-2	JAPANESE MAPLE
	T-3	FLOWERING DOGWOOD
	T-4	CREPE MYRTLE
SHRUBS	S-1	BOUGAINVILLEA
	S-2	VARIETY INCLUDING -GARDENIA -GLEN DALE AZALEAS -KOREAN BOXWOOD -JAPANESE AUCUBA
	S-3	CHINESE HYBISCUS

SITE PLAN





PROPOSED SUBDIVISION
SCALE: 1/16"=1'-0"

Project #
PL-2005-0244 ZC

BEST DESIGN & CONSTRUCTION COMPANY

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SUBDIVISION AND REMODELING OF SEVEN EXISTING SINGLE FAMILY DWELLINGS

GADING ROAD,
HAYWARD, CA 94544

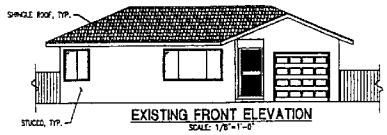
DATE	REVISION
03/2005	SUBMIT FOR PERMIT
03/2005	1 REVISION
07/2005	2 REVISION

DATE:	12/2004
SCALE:	AS NOTED
DRAWN BY:	ACL
PROJ. NO.:	204264

DRAWING TITLE

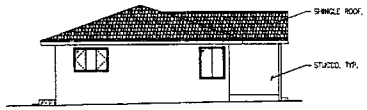
PROPOSED SUBDIVISION

SHEET NO.
A-1
1 OF 4 SHEETS



EXISTING FRONT ELEVATION
SCALE: 1/8"=1'-0"

EXISTING REAR ELEVATION
SCALE: 1/8"=1'-0"



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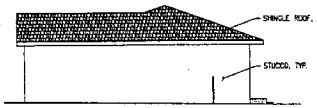

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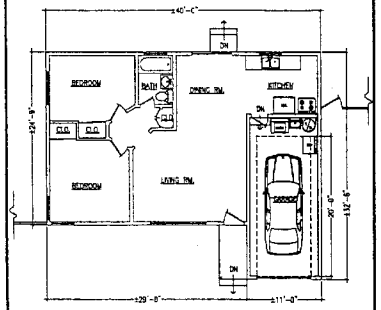
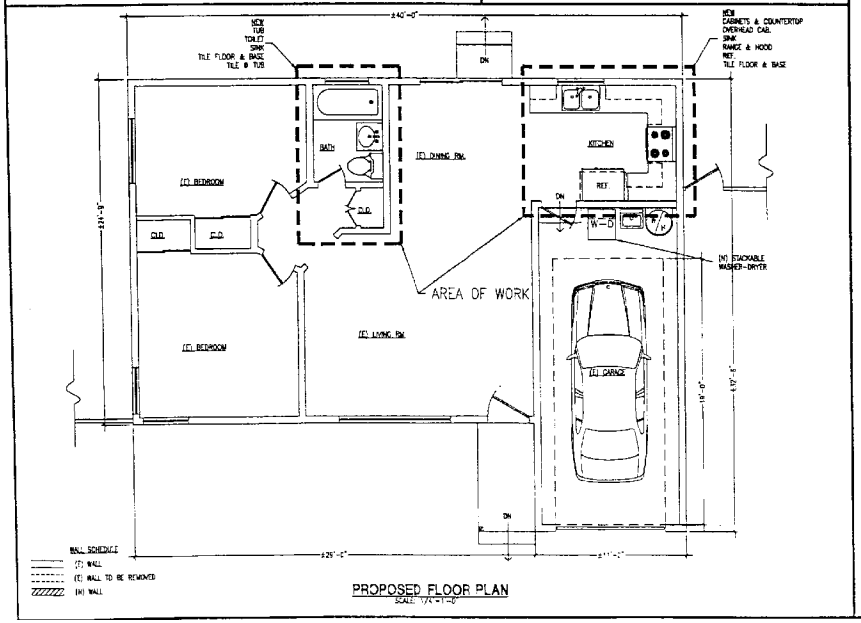


EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0"



PROPOSED FLOOR PLAN
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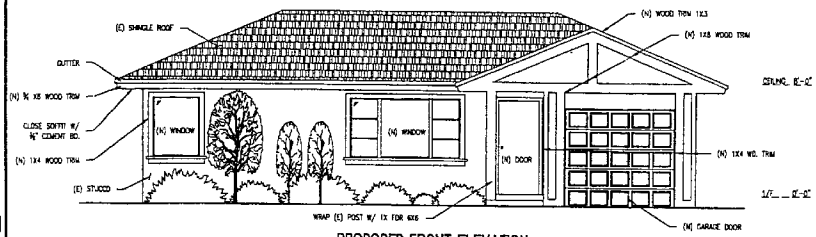

PROPOSED FRONT ELEVATION
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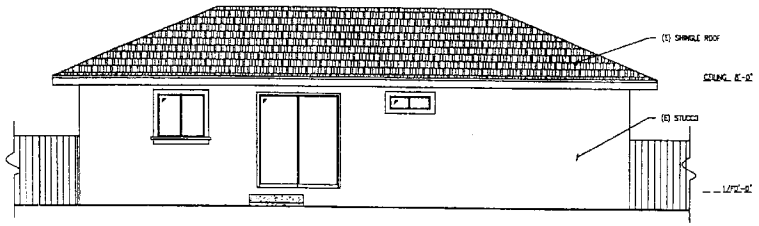

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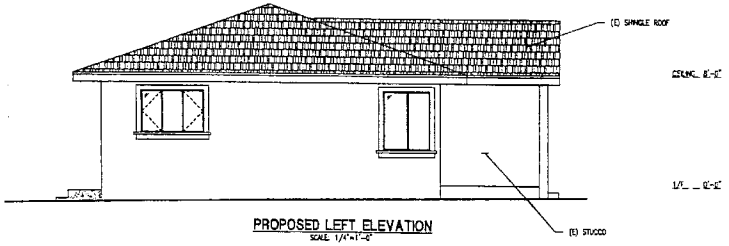

PROPOSED LEFT ELEVATION
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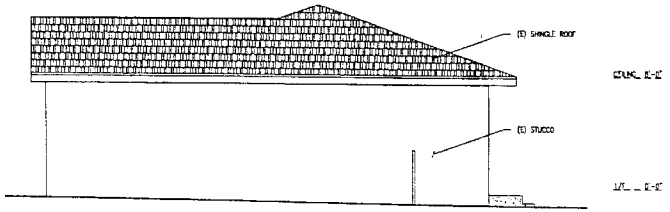

PROPOSED RIGHT ELEVATION
SCALE: 1/4"=1'-0"

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SUBDIVISION AND REMODELING OF SEVEN EXISTING SINGLE FAMILY DWELLINGS

GADING ROAD,
HAYWARD, CA 94544

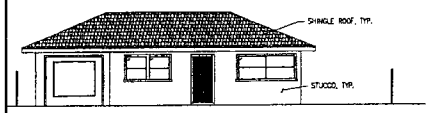
DATE	REVISION
03/20005	SUBMIT FOR PERMIT
07/2005	1 REVISION

DATE:	12/2004
SCALE:	AS NOTED
DRAWN BY:	ACL
PROJ. NO.:	204264

DRAWING TITLE

BLDG. 2,3,4,6,7

SHEET NO.
A-2
2 OF 4 SHEETS



EXISTING FRONT ELEVATION
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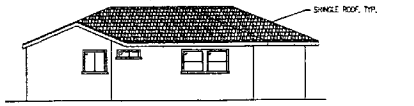
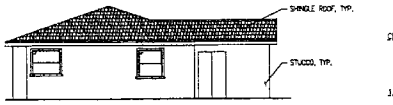


EXISTING REAR ELEVATION
SCALE: 1/8"=1'-0"



EXISTING SOUTH ELEVATION
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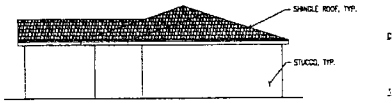
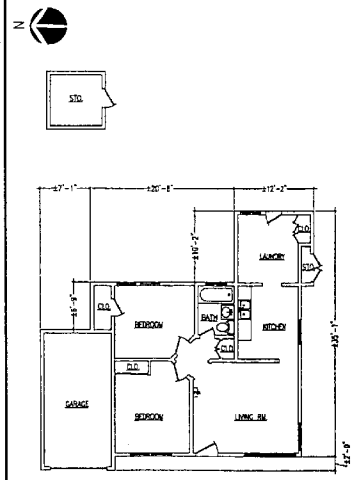
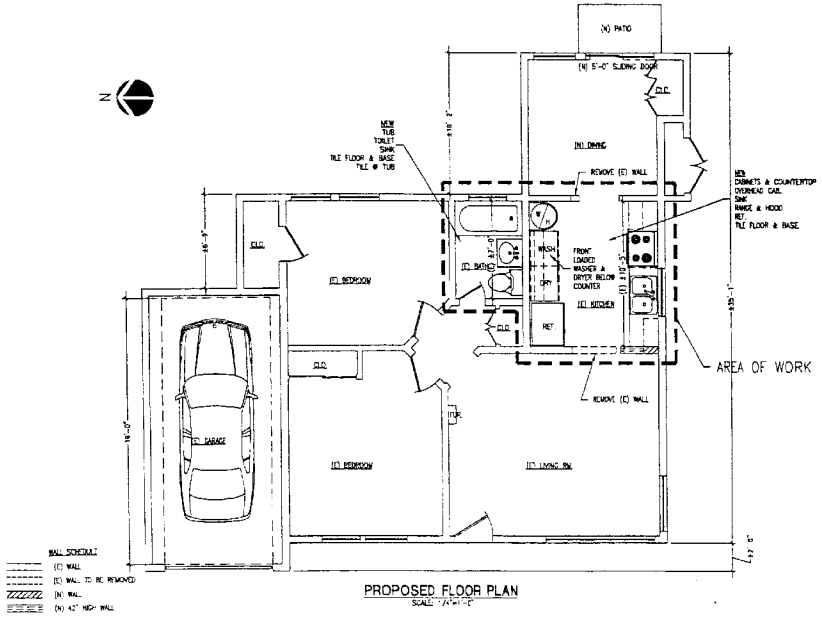


EXISTING NORTH ELEVATION
SCALE: 1/8"=1'-0"



EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0"



PROPOSED FLOOR PLAN
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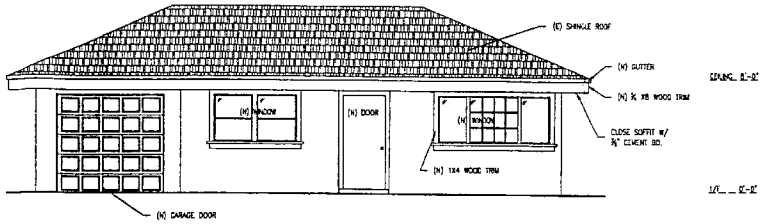

PROPOSED FRONT ELEVATION
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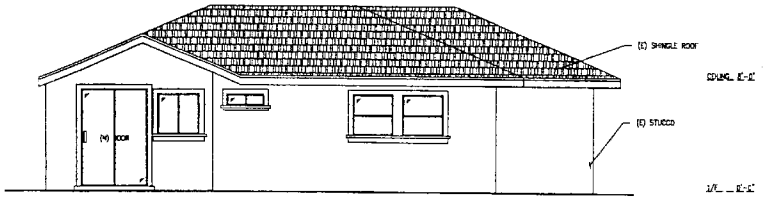

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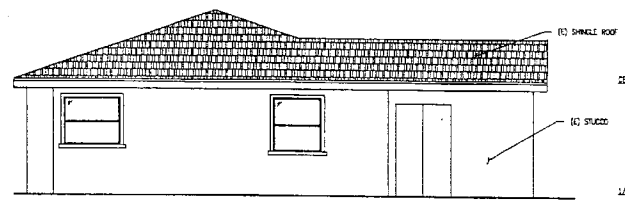

PROPOSED SOUTH ELEVATION
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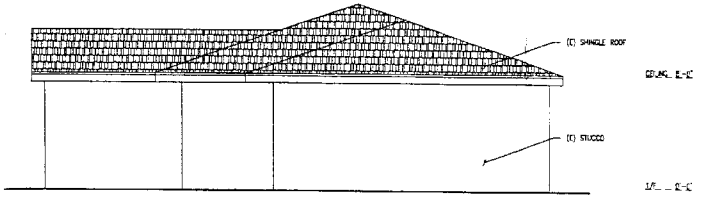

PROPOSED NORTH ELEVATION
SCALE: 1/8"=1'-0"

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SCALE:	AS NOTED
DRAWN BY:	ACL
PROJ. NO.:	204264

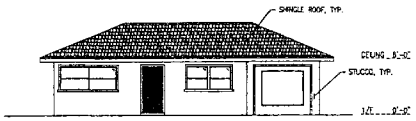
DRAWING TITLE

BLDG. 1

SHEET NO.

A-3

3 OF 4 SHEETS



EXISTING FRONT ELEVATION
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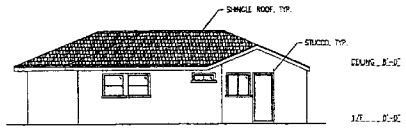

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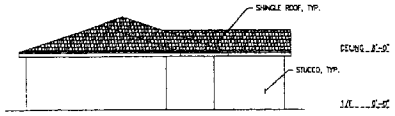
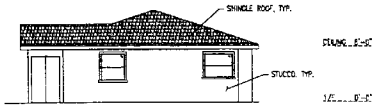
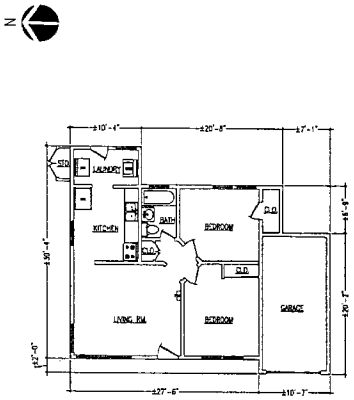


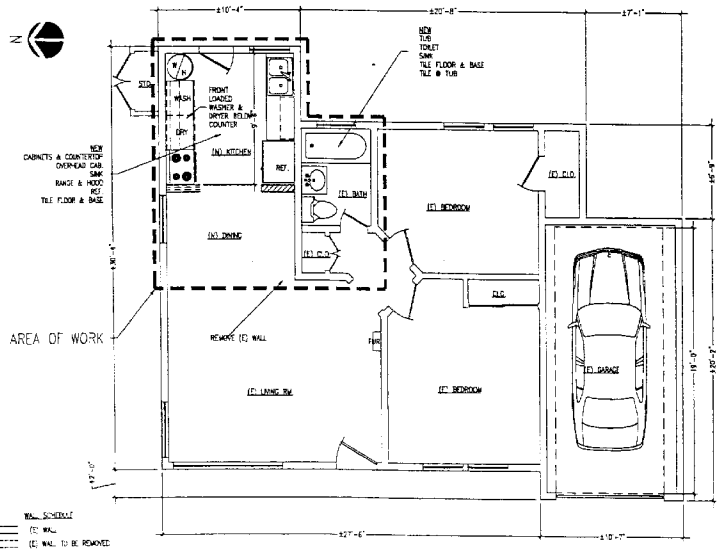
EXISTING SOUTH ELEVATION
SCALE: 1/8"=1'-0"



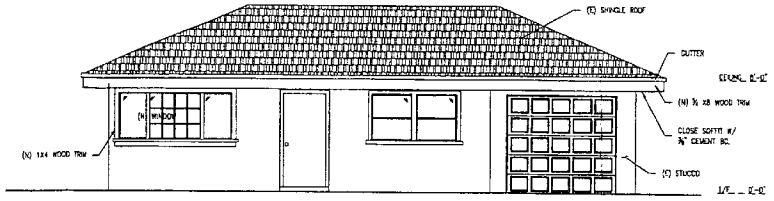
EXISTING NORTH ELEVATION
SCALE: 1/8"=1'-0"



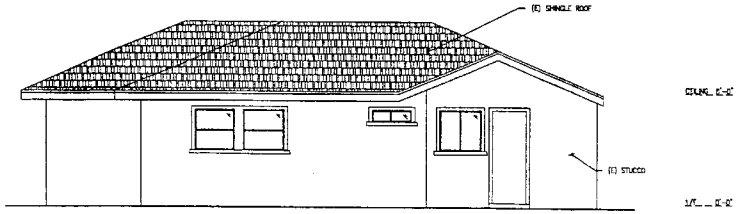
EXISTING FLOOR PLAN
SCALE: 1/8"=1'-0"



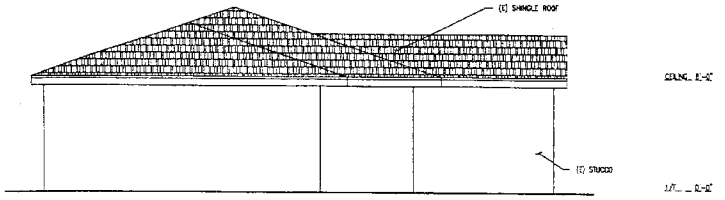
PROPOSED FLOOR PLAN
SCALE: 1/4"=1'-0"



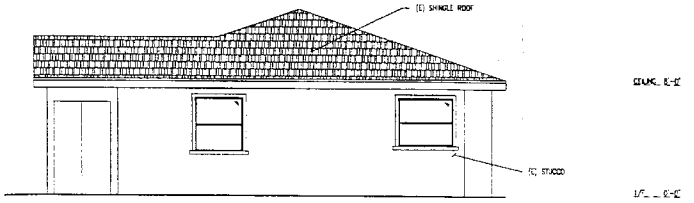
PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/4"=1'-0"



PROPOSED NORTH ELEVATION
SCALE: 1/4"=1'-0"

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DRAWN BY:	ACL
PROJ. NO.:	204254

DRAWING TITLE

BLDG. 5

SHEET NO.

A-4

4 OF 4 SHEETS