CITY OF HAYWARD
AGENDA REPORT

Meeting Date: 11/6/03

Agenda Item: 1

TO: Planning Commission

FROM: Dyana Anderly, AICP, Planning Manager

SUBJECT:

I. Use Permit Application No. PL-2003-0513 - To allow a residential use on the bottom floor in the Central City Commercial Zoning District

II. Tentative Tract Map 7487 No. PL-2003-0515 - To subdivide property to create 150 residential condominiums

III. Amendments to the Downtown Design Plan to increase the maximum allowable height from 140 to 172 feet and maximum allowable density from 65 to 108 dwelling units per acre

Walter Wang (Applicant/Owner) – The property is located at 22300 Foothill Boulevard

RECOMMENDATION:

It is recommended that the Planning Commission recommend that the City Council approve the Negative Declaration and the project in accordance with the attached findings and conditions of approval.

DISCUSSION:

The project involves the conversion of an office building to a residential condominium project consisting of 150 dwelling units (30 one-bedroom units and 120 two-bedroom units). The dwelling units vary in size from 593 square feet to 1105 square feet. Most of the two-bedroom units are about 1000 square feet. There are 12 relatively small, one-bedroom units (about 600 square feet), and 18 one-bedroom units are around 1000 square feet. The one-bedroom units are located on the first three floors. Some of the one-bedroom units will be on the western side of the building where the former council chambers will be razed and replaced with three levels of residential units. Twelve of the one-bedroom units feature a loft/mezzanine design scheme and the others are "flats." The two-bedroom units each have two bathrooms, the one-bedroom "flats" each have one bathroom, and the one-bedroom loft units each have a bath and a half.

Building Elevations

The applicant proposes to add architectural interest to the building façade by adding balconies, horizontal and vertical bands of differing colors and by eliminating of some columns and windows. An additional story for penthouses is indicated, which would increase the height of the building by 10 feet to 172.6 feet. A circular driveway and a porte-cochere off City Center Drive serve as a focal point and would form the major entry. Staff recommends that the materials used on the base of the porte cochere as well as the face of the major entry be of a quality substance, such as travertine marble, slate, or similar material. (See condition of approval No. 9)

Floor Plans

The dwelling units on the first three levels of the project are all one-bedroom units. In addition to six, one-bedroom/one bath dwelling units, an exercise/lounge/recreation space and management offices, the ground floor contains the more service-related areas of the project, including tenant storage, utility rooms, trash, receiving, etc. There is access to the ground floor via the bottom level of the adjacent parking garage and from the loading dock area which is accessed directly from City Center Drive.

The second floor, or the "Plaza Level," is the floor that consists of the main entry off City Center Drive. It contains the main lobby area, where there is a security desk, a holding area for deliveries and packages, twelve one-bedroom lofts, and six one-bedroom "flats."

The third floor consists of the second levels (or bedrooms) of the lofts on the plaza level plus six additional one-bedroom flats.

Floors 4 through 12 plus the penthouse floor each contain 12, two-bedroom/two-bath units. The only difference between units in the top "penthouse" floor and the units on lower floors is an access from the penthouse units to private roof gardens.

Each unit will have laundry facilities. No air conditioning is indicated, and a condition of approval requires that each unit have air conditioning. The condition also requires that the air conditioning units be sufficiently and attractively screened as, most likely, they will be placed to one side of the balconies or patios. Each unit enjoys either a balcony or a ground-level patio.

Outdoor Private/Public Areas

Some of the private property associated with the building includes areas that currently function as public spaces. One of these locations is the gathering area on the north side of the building near the main entry to Centennial Hall. The site plan indicates that the plaza area between the building and Centennial Hall will be reconfigured to allow the continued use of some of this area as a public gathering space. The property directly adjacent to the north side of the building would be landscaped so that physical and visual buffers are created between the public gathering area and the residential units, as the residential units on the ground floor in this area will have private patios facing that public area. The obelisk that advertises Centennial Hall events and which is located in the public gathering area slightly straddles the property line between Centennial Hall and the private property. There are no plans to remove or relocate this structure.

Another areas of private property used by the general public include the pedestrian access between the parking structure and Centennial Hall around the western side of the building as well as access between the parking structure, the building and the shopping/office area to the west. Pedestrian access will continue to be allowed through the execution of new public access easements between the City and the property owner. The easements will create new access paths that will replace the more direct pedestrian access easement currently in place through the building that provides access between the parking structure and Centennial Hall. The new easements will also ensure continued access to Centennial Hall and shopping that is currently enjoyed. A condition of approval requires a sign, landscaping, and lighting plan that would effectively route the public along these routes.

Parking

According to the City's Off-Street Parking Regulations relating to the downtown area:

> *An increase in the number of dwelling units within an existing building or the conversion of a non-residential use to residential use within an existing building in the Central Parking District shall not require providing parking spaces. If more than two floors are converted to residential use, the developer must meet the residential parking requirements for units on the additional floors. The developer shall demonstrate how the parking requirements for dwellings units on the additional floors will be fulfilled.*

The applicant is required to provide parking based on at least 1.5 parking stalls per each unit above the second floor. There are 126 dwelling units above the second floor, so the minimum number of required parking stalls is 189. The applicant is seeking approval to use 325 parking stalls in the City-owned parking structure for the sole use of residents, guests and staff of the condominiums. The applicant proposes a new separate entrance to a designated parking area in the parking structure that would require an access key to enter. The applicant is requesting 325 parking stalls because the provision of a generous amount of secured parking would contribute to the marketability of the residential units.

There is currently a formal agreement between the City and the owner of the "Centennial Towers" building for the shared use of the parking structure. However, the agreement assumes that the building would be used for offices which has different peak hour parking demands than residences. The agreement also provides for shared parking rather than a segregation of the parking stalls for the tenants of the Centennial Towers. If the project is approved, the parking agreement is contingent upon a satisfactory agreement between the City Council and the property owner relative to the number of stalls, location of stalls, maintenance, and cost. The number of parking spaces requested, an overall ratio of 2.17 spaces per unit, far exceeds the 189 parking spaces required by the Off-Street Parking Regulations. Taking into consideration the number of one-bedroom units, its downtown location near public transit and shopping, and the demand for parking by the users of Centennial Hall, in staff's opinion the number of parking stalls designated for the sole use of the condominium should be no more than 189. Staff and the applicant continue to work on solutions related to the impacts of the loss of parking on Centennial Hall.

Usable Open Space

The open space requirement for the project is at least 100 square feet of usable open space per dwelling unit, which is 15,000 square feet for the project. However, the approving authority may waive the requirement for a project consisting of the conversion of an existing building to a residential use. Approximately 12,400 square feet of open space would be provided in a fenced, open space grassy area on the west side of the building. However, this area is augmented by 1443 square feet of group space in a gymnasium/spa/lounge area on the ground floor of the building. In addition, ground floor units will have private patios, and others will have balconies. The balconies are 4.5 feet deep, and they wrap around two sides of the building on corner units. Penthouse residents will enjoy private roof terraces that are between 143 square feet and 780 square feet each. The patios, balconies and roof gardens cannot be counted toward meeting the open space requirement because they do not meet the minimum dimension and location requirements. It should be pointed out that some of the subject property, which could otherwise be used for private group space, is to be devoted to part of the public staging area in front of Centennial Hall and public access from the parking structure to Centennial Hall. Staff recommends allowing a reduction in the amount of required group open space from 15,000 square feet to 12,400 in consideration of the limited availability of land for this purpose, the other interior group amenities, and the dedication of outdoor space for use by the general public.

Landscaping

Mature trees will be removed to make room for a porte cochere, a circular driveway and some parking stalls. Some of the trees are distressed and some are missing. Extensive landscaping is proposed around the base of the building in order to provide privacy for the residents whose patios abut public or common outdoor spaces. The group outdoor open space, located between the west side of the building and the retail commercial/office spaces, will also be landscaped. A decorative metal fence, including topiaries much like that on the west side of the present City Hall, will be installed about the group open space. Landscaping around the group space and its surrounding fencing will provide some privacy and physical separation from the public spaces. The site presently contains a great deal of hardscape, and the addition of landscaping will help to enhance the site.

Much of the landscaping about the parking structure has deteriorated due to lack of water. The applicant will be responsible for re-establishment of the landscaping in the parking structure and for landscaping required as a result of the residential condominium project.

There are numerous existing flagpoles to the west of the proposed group open space. Since a government office is no longer there and the poles are not visible from City Center Drive, a recommended condition of approval requires their removal.

Use Permit

The project is located in the Central City Commercial District, and approval of a conditional use permit is required for multiple-family dwellings on the first floor. The purpose of the district is to establish a mix of businesses and other activities which will enhance the economic vitality of

the downtown area, and in this instance staff believes that housing on this site would serve this purpose. The site is attractive for residential purposes in that surrounding properties also consist of residential developments, and the site is not particularly well situated to attract retail customers due to its location away from the major thoroughfare. And, due to the present glut of office space on the market, and there has been no interest in the building for office use. The General Plan map designation for the property is "Public-Quasi Public," which typically encourages uses associated with government and schools, with no expectation that there would be a direct economic contribution to the downtown in terms of retail sales or property tax. The General Plan also encourages high-density residential development near transit to promote transit usage. The project is only 80 feet from an AC Transit bus stop and less than a mile from the BART station. The nearest AC Transit bus stop provides service to both the downtown Hayward BART station and the Castro Valley BART station every half-hour weekdays between 7 a.m. and 7 p.m. The service drops to hourly on the weekends. In addition, the staff asked the applicant to contact Mervyn's regarding the possible co-use of their shuttle system that transports its employees between Mervyn's headquarters and the two BART stations. The project density is 108 dwelling units per gross acre, which would be the densest residential project in Hayward.

III. Tract Map

The proposed subdivision creates 150 condominium units on one parcel. All of the area around the building will be common space.

The formation of a Homeowners Association and the creation of Conditions, Covenants, and Restrictions (CC&Rs) will be required to cover the maintenance and operating costs of the project. The common areas include all of the landscaped areas surrounding the building, the common open space to the west of the building and the porte cochere. The CC&Rs will also contain a condition that if the homeowners association fails to maintain the common areas and conform to the agreements established for the use of the parking structure and access from the parking structure to Centennial Hall, the City will have the right to enter the project and perform the work necessary to maintain these areas and lien the properties for the their proportionate share of the costs.

With the exception of sanitary sewer infrastructure, the City maintains utilities within the adjacent street with sufficient capacity to adequately serve the proposed project. The sanitary sewer system is provided by the Oro Loma Sanitary Sewer District. The District has indicated that capacity improvements downstream may be necessary to serve the project.

Amendment to Downtown Hayward Design Plan

The Downtown Hayward Design Plan establishes a maximum height restriction for downtown projects. The height limit for the project site at 140 feet, which is unusual in that surrounding properties have a maximum height of only 104 feet. Because the Design Plan reflects that only the property containing the office was allowed a height limit of 140 feet and a height limit of 104 feet was established for the surrounding area, one could surmise that 140-foot height limit was meant to reflect the height of the former office building. Staff has learned, however, that the actual height of the existing structure is 159.6 feet.

The application for development includes a request to modify the Downtown Hayward Design Plan to allow 13 feet above the existing height of the building in order to create an additional story for penthouses. However, the resulting building height would be approximately 32 feet above the maximum height of 140 feet allowed by the Downtown Hayward Design Plan. Often, exceptionally tall structures are landmark buildings, such as government offices. However, in this instance, the structure already exists and the added 13 feet would not be visually perceptible to most. The structure is in the flight path of aircraft heading toward the Oakland Airport. As noted in the Negative Declaration, a noise study will be necessary before issuance of a building permit in order to establish the type of construction necessary to mitigate noise from aircraft. Also, a condition of approval requires that future owners and tenants of the project be notified that noise from overhead aircraft can be expected. The environmental documents conclude that the additional building height would not pose a threat to air traffic.

The Downtown Hayward Design Plan establishes a maximum density of 65 dwelling units per acre in the area including and surrounding the former Office building. This density is applied generally to properties east of Foothill Boulevard and north of C Street. The proposed density of the project is 108 dwelling units per acre (150 dwelling units on 1.4 acres). If the project were to be developed in accordance with the Downtown Hayward Design Plan, a maximum of 91 dwelling units could be built. In staff's opinion, the proposed density is appropriate in that the building already exists and dwelling units are of reasonable size. The Housing Element encourages the development of ownership housing in order to reach a 70 percent owner-occupancy rate. As of the 2000 Census, only 53.2 percent of the households were owner occupied. The additional density associated with the project will provide more opportunities for owner-occupied dwellings. A preliminary structural analysis was conducted regarding the ability of the building to be converted to a residential condominium project. The report concluded that the building could be converted to provide safe housing. A peer review of the analysis was conducted, which supported the conclusions of the original report. The project is not subject to the City's inclusionsary housing requirement because the application for development was deemed "complete" before January 1, 2004.

Environmental Analysis

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that have not been mitigated, as determined from staff's Environmental Checklist. Therefore, a Negative Declaration has been prepared.

Schools and Parks

Based on a study of new housing development within the past five years conducted by a Hayward Unified School District consultant, the student generation rate for K – 6 is 0.125 students per dwelling unit, the rate for intermediate schools is 0.024 students per unit, and the rate for high school is 0.035 students per unit. The results of the study do not distinguish between the number of bedrooms associated with the multi-family dwellings surveyed, so it is likely that the student generation rate found by the school district would be high compared to the student generation from the proposed one- and two-bedroom high-rise condominium project. However,

using their figures, the student generation from the project would be 19 K-6 students, 7 intermediate-level students, and 28 high school students.

Strobridge School in Castro Valley would serve the elementary school children from this project. This school enrollment currently exceeds capacity, with a capacity of 446 and an enrollment of 534. However, there is space on the grounds where additional portable classrooms could be located. According to the principal of Strobridge School, the supporting infrastructure (bathrooms, cafeteria, etc.) is adequate to handle students generated by the project. Bret Harte Intermediate School has a capacity of 606 students and an enrollment of 613, and Hayward High School has a capacity of 1949 students with an enrollment of 2053. Capacity at these schools was greater in previous years, presumable due to portable classrooms that have since been removed. State law prohibits denial of a housing development based on lack of adequate school facilities. Rather, the applicable school fees for residences are intended to satisfy the developer's obligation for schools.

With regard to mitigating impacts of the new residential population on local parks, the developer will be required to pay Park In-Lieu fees in the amount of $1,709,250.00 ($11,395 per dwelling unit). The nearest parks are the Japanese Garden and Little Theater (pedestrian access via City Center Drive), Carlos Bee Park on Grove Way (also accessible via a trail system), and Memorial Park on Mission Boulevard. Additionally, the Alameda County Flood Control District is looking to improve San Lorenzo Creek (to the immediate south of the parking structure) to the extent that the public could enjoy it. There is also an informal trail system between San Lorenzo Creek and the Japanese Garden constructed under the WPA in the 1930s.

Traffic Circulation and Parking

TJKM Transportation Consultants prepared a traffic analysis for the project. The study addresses potential traffic impacts on nearby intersections and concluded that the intersections would not operate at unacceptable levels of service as a result of the conversion of the former Office building to a residential project.

Public Notices

On October 17, 2003, a notice was mailed to property owners and tenants within 300 feet of the project boundaries and to all other known interested parties advising them that the City had received a development application for the site. In response to this notice, staff received two telephone calls from nearby residents of City Center Drive. One expressed concern that the residential project would generate too much traffic and that construction noise would be too disruptive; another expressed support for the project, indicating that she would like to purchase one of the units. A letter received from Gilbert Zaballos, representing the owner of most of the development surrounding the project site, was supportive of the conversion. (Letter attached.)

The City Council Downtown Committee met on September 22, 2003, to discuss the project, and the sentiment of this body was generally favorable to the concept of conversion.

A notice was sent inviting surrounding property owners and residents to attend a preliminary meeting on September 25, 2003. Other than the development team, only one member of the public, Gilbert Zaballos, attended.

On October 17, 2003, a public hearing notice was published in the "Daily Review" and mailed to surrounding property owners/residents.

Prepared by:

Dyana Anderly

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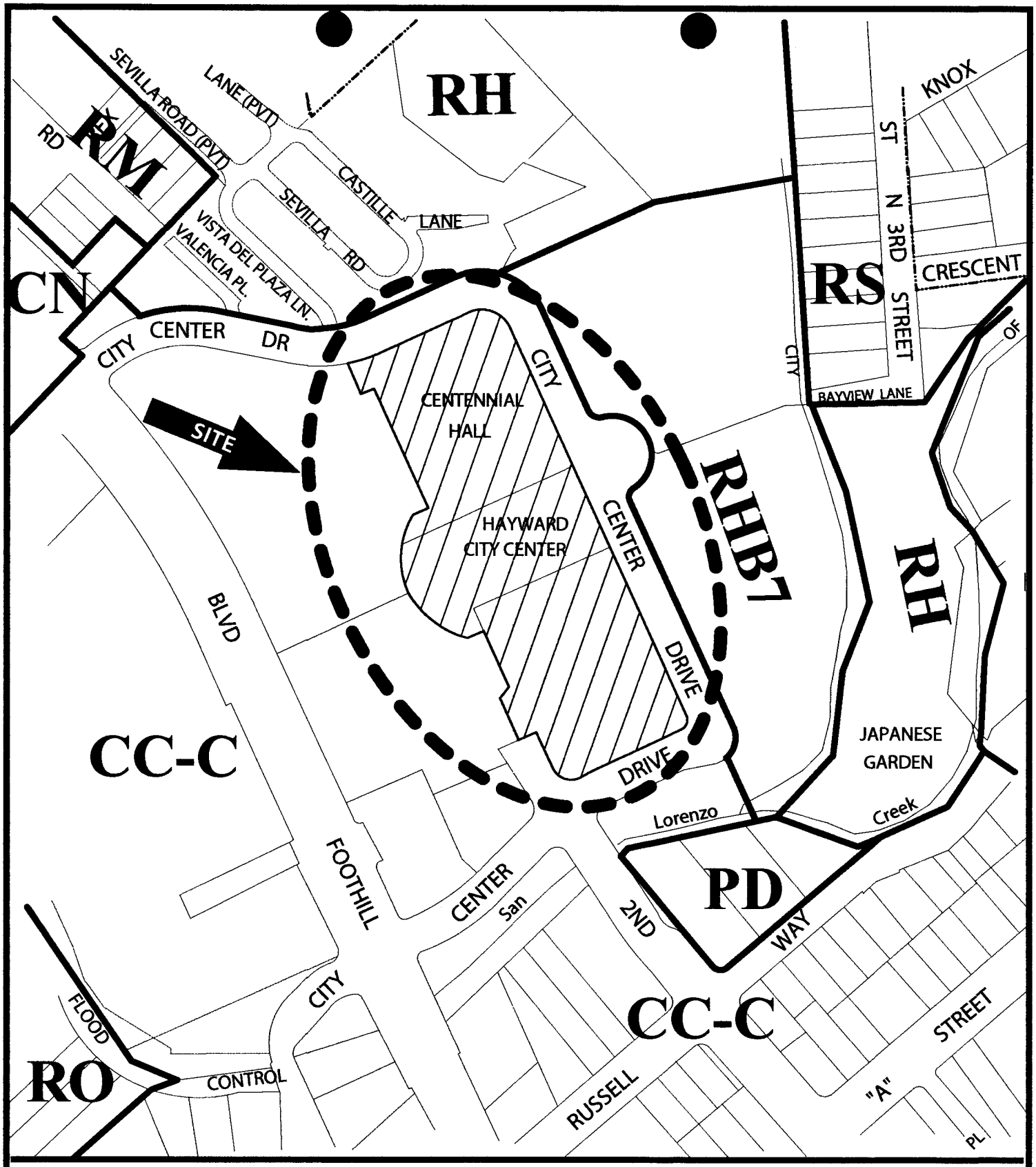
Andrew S. Gaber, PE
Development Review Engineer

Attachments:

A. Area Map
B. Findings for Approval - Use Permit
C. Findings for Approval - Amendments to Downtown Design Plan
D. Findings for Approval - Vesting Tentative Tract Map 7487
E. Conditions of Approval - Use Permit
F. Conditions of Approval – Vesting Tentative Tract Map 7487
G. Negative Declaration, Environmental Checklist
H. Letter from Gilbert Zaballos

Plans and Exhibits



Area & Zoning Map
PL-2003-0513 UP/PL-2003-0514 VAR UP/VAR
PL-2003-0515 TTM 7487
Address: 22300 Foothill Boulevard
Applicant: Walter Wang
Owner: Walter Wang

CC-C-Central City-Commercial
CN-Neighborhood Commercial
PD-Planned Development
RH-High Density Residential RHB 7
RM-Medium Density Residential RMB3.5,RMB4
RO-Residential Office
RS-Single-Family Residential,RSB4,RSB6

North

ATTACHMENT A

FINDINGS FOR APPROVAL
Use Permit 2003-0515
City Center Drive
Walter Wang, Applicant

CONVERSION OF FORMER OFFICE BUILDING TO A 150-UNIT RESIDENTIAL CONDOMINIUM PROJECT

A. The approval of Use Permit Application No. 2003-0515, will have no significant impact on the environment as reflected on the Negative Declaration and Environmental Checklist.

B. The proposed housing development is desirable for the public convenience or welfare in that it provides ownership housing close to the downtown core and public transportation;

C. The proposed housing development will not impair the character and integrity of the CC-C zoning district and surrounding area since there are high-density residential projects adjacent to the project site and high-density housing is encouraged in the downtown;

D. The proposed residential project will not be detrimental to the public health, safety, or general welfare in that all Uniform Building Code, including structural analysis, and Uniform Fire Code requirements must be met prior to occupancy of the dwelling units; and

E. The proposed residential use is in harmony with applicable City policies and the intent and purposes of the zoning district involved. The General Plan also encourages high-density residential development near transit to promote transit usage. The project is within 80 feet of an AC Transit bus stop and less than a mile from the BART station. The project density is 108 dwelling units per gross acre, which would be the densest project in Hayward.

F. The conversion of the building to 150 residential units is compatible with on-site and surrounding structures and uses in that the basic building design will not change dramatically and it has existed in harmony with the surrounding structures for more than 35 years, and in fact preceded other nearby development;

G. The housing project has been designed to take into consideration the physical and environmental constraints of the property by providing a more interesting façade than currently exists;

H. The housing project complies with the intent of City development policies and regulations by providing adequate parking in the adjacent parking structure and by providing dense housing in the downtown area;

ATTACHMENT B

FINDINGS FOR APPROVAL
City Center Drive
Walter Wang, Applicant

TO AMEND THE DOWNTOWN HAYWARD DESIGN PLAN

(1) To allow an increase in the height of the structure from the maximum of 140 feet to 172.6 feet as a result of increasing the height of the building by approximately 13 feet, and

(2) To allow an increase in the density from 65 dwelling units per acre to 108 dwelling units per acre.

A. Substantial proof exists that the proposed increase in building height will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that the structure already exists and the added 13 feet in height will not be visually perceptible to most and will not impair any views of nearby residents. The structure is in the flight path of aircraft heading toward the Oakland Airport. As noted in the Negative Declaration, a noise study will be necessary before issuance of a building permit in order to establish the type of construction necessary to mitigate noise from aircraft. Also, a condition of approval requires that future owners and tenants of the project be notified that noise from overhead aircraft can be expected. The manager of the Hayward Executive Airport indicates that the additional height would pose a threat to air traffic.

B. Substantial proof exists that the proposed increase in density will promote the public health, safety, convenience, and general welfare of the residents of Hayward in that additional for-sale housing units will become available and housing of greater density near public transit promotes transit ridership;

C. The proposed increase in height is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the existing building is 159.6 feet and the difference in height is only 13 feet, which will not be easily discerned;

D. The proposed increase in density is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans in that the building already exists and dwelling units are of reasonable size given the size of the building. Moreover, the Housing Element encourages the development of ownership housing in order to reach a 70 percent owner-occupancy rate. As of the 2000 Census, only 53.2 percent of the households were owner occupied. The additional density associated with the project will provide more opportunities for owner-occupied dwellings.

E. Existing streets and public facilities are adequate or may be expanded to serve the project if the height of the building is increased by 13 feet and the residential density of the area is increased; and

F. When the Downtown Hayward Design Plan is amended, the height and density allowed will result in a project that is compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations in that conversion of the office building to a residential condominium project will result in enhancing the economic vitality of the downtown area by adding to the residential population which will serve to support downtown businesses and promote the use of public transit which is nearby.

FINDINGS FOR APPROVAL
VESTING TENTATIVE TRACT MAP 7487

1. The approval of Vesting Tentative Map Tract 7487, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A mitigated Negative Declaration has been prepared per the guidelines of California Environmental Quality Act (CEQA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS OF APPROVAL
USE PERMIT NO. 2003-0513
Walter Wang, Applicant

1. Unless the developer has applied for a building permit within two years of the date that City Council has approved the tentative vesting map and the building permit has not expired, the use permit becomes void, unless prior to that time, an extension is submitted and approved. A request for an extension must be submitted at least 30-days prior to expiration of the use permit.

2. 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.

3. All improvements shown on Exhibit "A" shall be installed prior to occupancy unless exempted by the conditions below.

4. Landscaping: Prior to the issuance of the first building permit, detailed landscaping and irrigation plans for all common areas shall be prepared by a licensed landscape architect and submitted for review and approval by the City. Mylars of the approved Landscape plans and an Irrigation Schedule shall be submitted to Public Works, Engineering as a part of the approved Civil plans. All common area landscaping, irrigation and other required improvements shall be installed prior to occupancy of 80 percent of the dwelling units. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance.* English Ivy, Buxus, palm trees, Liquid Amber, or cotoneaster shall not be reflected in the landscape plans. Plans shall include, but not be limited to the following:

   a) Wherever possible, protect existing trees in place. Provide an arborist report giving the species, size, health and value of each tree within the construction zone. Designate whether each tree will be removed or remain in place. Prior to any demolition, obtain a tree removal permit from the City. Trees that are to be removed shall be replaced with trees of equal value to the trees being removed. The developer shall provide a tree preservation bond, surety or deposit, equal in value to the trees to be preserved. The bond, surety or deposit shall be returned when the project is accepted if the trees are found to be in a healthy, thriving and undamaged condition.

   b) All trees that were at any time designated memorial trees on the property shall be replaced by the developer in accordance with an agreement reached between the City and the property owner before issuance of a building permit. The agreement may include reestablishment of a different type of memorial for each individual memorialized and may include placement of the memorials on other property.

   c) Show a minimum of 4 street trees along City Center Drive. The exact spacing of the trees will depend on the species of tree that is proposed. Smaller trees will require closer spacing.

d) Provide cascading plants such as Rosemary, Knotweed, Sutera, a/k/a. Bacopa, or Vinca in the above grade planters and on the retaining walls or self-climbing vines such as Boston Ivy.

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

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

g) The private yard or terrace of each unit on the ground floor shall be provided with a hose bib.

h) All tree wells shall be a minimum of 5 feet wide measured inside the curbs. Parking and loading areas shall be screened from the street with shrubs, masonry walls or earth berms, as determined by the Planning Director. Where shrubs are used for screening, the type and spacing of shrubs shall create a continuous 30-inch high hedge within 2 years. This measurement shall be from the top of curb.

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

j) Masonry walls, solid building walls, or fences facing a street or driveway shall be continuously buffered with shrubs and vines. All above ground utilities, and mechanical equipment shall be screened from the street or public areas with shrubs.

k) Park Dedication In-Lieu Fees are required for all new dwelling units. Fees are $11,395 per dwelling unit.

l) Provide design and color details of decorative pavement for approval of the Planning Director.

m) Provide design and color details of metal fence about the group outdoor space, which shall incorporate a topiary theme.

n) Provide design and color details of fences and walls about the private patios, which shall be decorative, and which shall be approved by the Planning Director.

o) Provide design and color of decorative paving about the property. The design shall show how effectively the change in paving will interface with adjacent paving.

p) Landscape and irrigation plans, prepared by a licensed landscape architect, shall address re-establishment of landscaping within the parking garage. Landscaping within the garage must be restored prior to use of the garage by tenants or guests of the project.

5. The developer shall disclose in writing the high levels of noise produced by overhead air traffic.

6. A noise study, paying particular attention to attenuating noise from overhead air traffic, shall be prepared by a licensed acoustical engineer and shall be provided with the building permit. The building permit plans shall comply with the recommendations of the noise study.

7. Plans for furnishing the indoor spa/exercise room/lounge shall be provided for approval by the Planning Director. Materials shall reflect quality design and construction, including large plasma television, lounge furniture, exercise equipment, stacking chairs for meetings, tables, etc.

8. Prior to issuance of a building permit, a revised sign program shall be submitted reflecting a creative monument sign design and decorative addressing. The design shall reflect quality materials, such as backlit bronze letters on a quality base, such as travertine marble.

9. Prior to issuance of a building permit, a color and materials board shall be submitted for approval by the Planning Director. Building materials shall be attractive and of quality, and a decorative finish shall be used on the base of the porte cochere and face of the building entrance, such as travertine marble. The colors used on the building shall reflect a slightly greater contrast than the colors provided in the use permit process. Before final approval of the building colors, test patches shall be painted on the building for approval by the Planning Director.

10. Prior to issuance of a building permit, a plan shall be submitted for approval by the Planning Director that reflects the revised pedestrian access easement to the parking structure and for pedestrians traveling between the parking structure and Centennial Hall and between Centennial Hall, the condominium project, the parking structure and the adjacent commercial property on the various levels of the area. The plan shall include attractive landscaping, lighting, signs, and decorative walkway surfaces.

11. Prior to issuance of a building permit, an exterior lighting plan shall be submitted for approval by the Planning Director which reflects design of decorative fixtures, the intensity and areas of illumination, including lighting of public ways, roof-top lighting, wall washes, etc.

12. The developer shall provide for a central television reception antenna, cable hook-ups, and computer (fiber-optic cable) hook-ups within each unit. Any central satellite dish shall be screened from view.

13. This use permit is tied to Vesting Tentative Map Tract 7487 and all conditions of approval of that map shall apply to this approval also.

14. <u>Conditions, Covenants and Restrictions</u> Prior to the approval of the final map the CC&R's shall be submitted for the review and approval of the City Attorney. Prior to the sale of any unit, the applicant shall create a Homeowners Association to maintain the common area landscaping and open space amenities and shall record the CC&R's. 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.

a) The project shall be maintained in good repair including all building exteriors, fencing, parking surfaces, landscaping, irrigation system, lighting, drainage improvements, signs, etc.

b) Landscaping shall be maintained in a healthy, weed-free condition at all times. Plants shall be replaced when any dead or dying plant material (over 30 percent of the plant dead) is observed. Plants shall be replaced within 10 days of first notification.

c) All trees shown on the approved Site Plan including parking area and buffer trees that are severely topped or pruned shall be replaced immediately, as determined by the City Landscape Architect

d) Parking spaces and driveways shall not be used for recreational vehicles, camper shells, inoperable vehicles, or boats and trailers. This requirement shall be reflected in the CC&Rs.

e) Trash from the group open space and group facilities shall be removed as reflected in the CC&Rs.

15. Each dwelling unit shall have air conditioning. Any exterior air conditioning equipment shall be attractively and effectively screened from public view.

16. The flag poles to the west of the building shall be removed.

17. The project shall adhere to the Security Ordinance.

18. Any penthouse addition shall include the ability to accommodate telecommunication devices in a manner that will be visually unobtrusive. Prior to issuance of a building permit, plans shall indicate how such devices would be accommodated subject to approval by the Planning Director. All future telecommunications devices shall be located within the penthouse structure to the greatest extent possible.

CONDITIONS OF APPROVAL
VESTING TENTATIVE TRACT MAP 7487
For Condominium Purposes
Centennial Towers

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

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

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

PRIOR TO THE RECORDATION OF THE FINAL MAP

The public pedestrian and access easements shall be modified to reflect the changed walkways, paths and circulation around the building. Existing pedestrian easements providing access between the parking structure and Centennial Hall shall be relinquished. Any other access easements or agreements between the adjacent properties / projects shall also be modified prior to recordation of the final map.

The existing parking agreement shall be modified to reflect the spaces to be allocated, maintenance responsibilities and any other , The agreement shall include provisions pertaining to maintenance of the landscaping around the garage, in the planters and in the hanging baskets.

IMPROVEMENTS

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

STREETS

Porte Cochere and Access Ramp

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

2. No parking shall be allowed within the porte cochere and garage entry ramp. "No Parking" signs shall be installed along both sides of the porte cochere.

3. Decorative pavement e.g. interlocking or stone pavers, or stamped colored concrete paving,

etc. shall be installed at the entrance and various locations as shown on the landscaping plans. The Planning Director shall approve the material, color and design and the City Engineer shall approve the pavement section for the decorative paving.

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

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

Public Street

6. Any damaged or displace curb, gutter and sidewalk along City Center Drive shall be removed and replaced prior to the completion of the project. New driveways and improvements shall conform to City Standard Details and shall be approved by the City Engineer.

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

Storm Drainage

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

9. The project shall not block runoff from, or augment runoff to, adjacent properties. The detailed site plans developed for the project shall clearly indicate drainage patterns and all drainage facilities within the project area. All storm runoff must be conveyed to an offsite system with adequate capacity.

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

Sanitary Sewer System

11. Sanitary sewer service will be provided by the Oro Loma Sanitary District.

Water System

12. Water service is available subject to standard conditions and fees in effect at the time of application. Separate water services will be required for the domestic, fire and irrigation systems. The developer will need to demonstrate the adequacy of any existing meters pursuant to the requirements of the State Plumbing Code and subject to review and approval of the Utilities Division. The existing office tower is served by a 3-inch domestic water meter with auxiliary pumps in the equipment room.

13. Install the Reduced Pressure Backflow Prevention Assembly as Per City of Hayward Standard Detail 202 on all domestic and irrigation water meters. Show following notations on building permit plans:

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

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

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

Waste / Recycling

15. All construction and demolition debris shall be recycled. The contractor will be required to submit Debris Recycling Summary Reports to verify the disposition of all debris. The contractor should contact the Solid Waste Division of Public Works prior to the start of work to set up a program for this project.

16. The developer shall prepare and submit a plan detailing how bulky items, i.e. furniture or appliances, will be disposed of. This plan should address both the initial move in period when units are first occupied and an ongoing program for condominium residents.

17. The developer shall prepare a formal plan for household waste disposal and recycling for review and approval by the City and firms servicing this building. This plan shall provide sufficient details on the proposed chute system and signage on each floor; the proposed compactor system, type of debris containers, number of containers, maintenance responsibility for these containers and proposed pick up location and schedule; the proposed recycling program, type of containers, number of containers, proposed pick up schedule and location for a comprehensive analysis to be performed.

Parking Garage

18. The developer shall make those improvements necessary to implement the revised parking agreement, once approved. These improvements may include, but are not limited to restriping, legends, signage, lighting, structural modifications, barriers, fences, security gates, emergency lighting, and public access stairways, ramps and elevators.

16. The current proposal depicts modifying the loading ramp to serve as the residents' entry into the parking garage and for service vehicles to access the loading area. This design is subject to the review and approval of the City Engineer and the firms providing waste and recycling services. If this ramp cannot be modified for joint usage, the garage circulation shall be modified so that both the residents and public utilize the proposed entry off City Center.

Fire Protection

17. Pre-construction: Project must meet the fire safety requirements during demolition as per the 2001 CFC, Article 87, Section 8706.

    a) Demolition permit required for removal of existing components of fire sprinkler system and asbestos removal.

18. Access

    a) Fire Access Lanes: During construction all fire access lanes onto the property shall be kept free and clear of obstructions at all times.

    b) Red-Curbing/Fire Lane Signage: The site will require red-curbing and fire lane signage (To be determined at plan check review).

19. Building Construction:

    Life-Safety Requirements: Construction shall meet Appendix Chapter 34 (Division II) of the 2001 CBC, Life-Safety Requirements for Existing High-Rise Buildings, which shall include exiting, area of refuge and elevator function.

20. Life-Safety Requirements: Fire protection and building construction shall meet Appendix I-B of the 2001 CFC, Life-Safety Requirements for Existing High-Rise Buildings.

    a) Automatic Fire Sprinkler System: The building will be required to have an automatic fire sprinkler system installed throughout. The fire sprinkler system shall be designed and installed per NFPA 13 Standards;

    b) Class I Standpipe System: The buildings' existing dry standpipe system will need to be modified to a wet (Class I - Combination) standpipe system, interconnected to the buildings' fire sprinkler system. In addition, interior and exterior hose outlets shall be installed within the stairwell enclosures and/or vestibules. Design and installation of the Class I standpipe system shall conform to NFPA 14 Standards;

    c) Underground Fire Service Line: The existing underground fire service line may require an upgrade due to the requirement for the building to have automatic fire sprinklers throughout. Any upgrades and/or modifications to the existing underground fire service line shall conform to NFPA 24 Standards and City of Hayward Fire Department Standards;

d) FDC and PIV: The existing Fire Department Connection (FDC) and Post Indicator Valve (PIV) shall be modified to accommodate the new fire sprinkler system. Any modifications made to the existing FDC and PIV shall conform to NFPA 24 Standards and Hayward Fire Department Standards;

e) Fire Pump: A fire pump will be required for the building. Fire Pump Installation shall conform to NFPA 20 Standards and shall be equipped with stand-by power from an emergency generator system (electrical or diesel fuel powered);

f) Fire Alarm System: A manual and automatic fire alarm system is required within the entire building. The fire alarm system shall be installed per NFPA 72 Standards and ADA requirements, which will include manual pull stations, audible/visual devices, common area smoke detectors and heat detectors and fire alarm control panel (FACP). Duct smoke detectors shall be installed on all air handler units and smoke/fire dampers (over 2,000 cfm) and shall be tied into the buildings' fire alarm control panel.

g) Single-Station Smoke Detectors: Single-station smoke detectors shall be installed within all dwelling units. Single-station smoke detectors shall not be interconnected to the buildings' main fire alarm control panel;

h) Interior and Exterior Alarms: Audible alarm device(s) shall be installed on the fire sprinkler system riser in a location so as to be heard clearly. Interior audible alarm devices shall be installed, which will activate upon any fire sprinkler system (waterflow) activity;

i) Central Station Monitoring: All life safety systems shall be supervised by an approved central station monitoring company;

j) Occupant Voice Notification System: An approved occupant voice notification system shall be provided;

k) Fire Department Communication System: A communication system shall be installed and combined with the Fire Departments communication system(s) so that people (located within the area of refuge) can communicate to the Fire Department in an emergency situation. The existing emergency phone jack system will be required to meet Fire Department acceptance standards and may require a system upgrade;

l) Firefighter Recall: The existing elevator system will be required to meet NFPA 72 Standards for elevator (firefighter) recall;

m) Smoke Towers and Internal Stairway Construction: Smoke towers and the internal stairway will be required to meet the CBC regarding the need for forced air ventilation for providing smoke control;

n) Emergency Exit Plans: An emergency evacuation plan shall be posted on each floor of the building in locations approved by the Fire Department;

o) Emergency Stand-by Generator System: Location and installation of an emergency stand-by generator system shall be approved by the Fire Department;

p) Portable Fire Extinguishers: Portable fire extinguishers shall be installed throughout the building. Minimum size and type shall meet the California Fire Code Standards and Hayward Fire Department Standards;

q) Lock Boxes: Lock boxes shall be installed in locations approved by the Fire Department;

r) Addressing: Addressing for the building shall be reviewed and approved by the Fire Department

Utilities

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

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

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

Dedications, Easements and Encroachment Permits

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

25. An encroachment permit shall be obtained by the Developer/Contractor prior to commencement of any work within the public right-of-way or the area adjacent to Centennial Hall.

Subdivision Agreement

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

DURING CONSTRUCTION

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

a. Grading and construction activities shall be limited to the hours 8:00 AM to 5:00 PM on weekdays; there shall be no grading or construction activities on the weekend or national holidays;
b. Grading and construction equipment shall be properly muffled;
c. Unnecessary idling of grading and construction equipment is prohibited;
d. Stationary noise-generating construction equipment, such as compressors, shall be located as far as practical from occupied residential housing units;
e. Applicant/developer shall designate a "noise disturbance coordinator" who will be responsible for responding to any local complaints about construction noise;
f. The developer shall participate in the City's recycling program during construction.
g. Daily clean up of trash and debris shall occur along all 4 peripheral streets;
h. The site shall be watered twice daily during site grading and earth removal work, or at other times as may be needed to control dust emissions;
i. All grading and earth removal work shall follow remediation plan requirements, if soil contamination is found to exist on the site;
j. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
l. Apply (non-toxic) soil stabilizers or hydroseed to inactive construction areas (previously graded areas inactive for 10-days or more);
m. Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
n. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution;
o. Remove all dirt, gravel, rubbish, refuse and green waste from the sidewalk, street pavement, and storm drain system adjoining the project site. During wet weather, avoid driving vehicles off paved areas and other outdoor work;
p. Broom sweep the sidewalk and public street pavement adjoining the project site on a daily basis. Caked on mud or dirt shall be scraped from these areas before sweeping;
q. No site grading shall occur during the rainy season, between October 15 and April 15, unless approved erosion control measures are in place;
r. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: 1) start of the rainy season; 2) site dewatering activities; or 3) street washing activities; and 4) saw cutting asphalt or concrete, or in order to retain any debris or dirt flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash;
s. Create a contained and covered area on the site for the storage of bags of cement, paints, flammables, oils, fertilizers, pesticides or any other materials used on the project site that have the potential for being discharged to the storm drain system through being windblown or in the event of a material spill;
t. Never clean machinery, tools, brushes, etc., or rinse containers into a street, gutter, storm drain or stream. See *"Building Maintenance/Remodeling"* flyer for more

information;

u. Ensure that concrete/gunite supply trucks or concrete/plasters finishing operations do not discharge washwater into street gutters or drains; and
v. The applicant/developer shall immediately report any soil or water contamination noticed during construction to the City Fire Department Hazardous Materials Division, the Alameda County Department of Health and the Regional Water Quality Control Board.

PRIOR TO CONNECTION OF UTILITIES AND ISSUANCE OF CERTIFICATES OF OCCUPANCY

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

    a. Supplemental Building Construction and Improvement Tax;
    b. School Tax; and
    c. Park Dedication in-lieu fees for each unit. The amount of the fee shall be in accordance with the fee schedule in effect at the time the vesting tentative map was accepted as complete.
    d. Water Facilities Fee and Sewer Connection Fee for each dwelling unit at the rate in effect when the utility service permit for the dwelling unit is issued.

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

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

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

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

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

33. All tract improvements, including the complete installation of all improvements relative to streets, fencing, 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.

34. All common area landscaping, irrigation and other required improvements shall be installed prior to acceptance of tract improvements, or prior to the issuance of a certificate of occupancy.

35. The improvements associated with the Pacific Gas and Electric Company, SBC (phone)

company and local cable company shall be installed to the satisfaction of the respective companies.

36. 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, SBC (phone) facilities, local cable company, 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:

Use Permit Application 03-0513, Tentative Tract Map Application No. 7487, and Amendments to the Hayward Downtown Design Plan:

To convert a former office building to a 150-unit residential condominium project (30 one-bedroom units and 120 two-bedroom units), to renovate the building façade by adding balconies, horizontal and vertical bands of differing colors to ad architecturl interest, and eliminating some columns and windows. An additional story for penthouses is indicated, which would increase the height of the building by approximately 13 feet. A circular driveway and a porte-cochere off City Center Drive would form the major entry. The project involves the elimination of a pedestrian easement through the building for access between the parking structure to the south and Centennial Hall to the north. The project assumes that parking will be provided within the City-owned parking structure to the south of the building. A variance to reduce the required usable open space constitutes part of the project as does a request to amend the Downtown Design plan in order to increase the density of the project from 65 to 108 dwelling units per acre and to increase the allowable height of the building from 140 feet to 172 feet.

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 increase in the height of the building by 13 feet will not impact air traffic, nor should there be noise impacts upon the residents as

3. The project will not adversely affect any scenic resources by the addition of 13 feet to the height of the building.

4. The project will not result in significant impacts related to changes into air quality since any impacts would be temporary occurring during the construction phase. The

ATTACHMENT G

amount of traffic that will be generated by the project is less than what was generated by the previous use of the property for offices and less than anticipated in the General Plan.

5. The project will not result in significant impacts to biological resources such as wildlife and wetlands since no new structures are involved and the amount of hardscape will not increase.

6. The project will not result in significant impacts to cultural resources including historical resources, archaeological resources, paleonotological resources, unique topography or disturb human remains because no new structures are involved and the amount of hardscape will not increase.

7. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. A structural analysis and peer review of the analysis will be required prior to issuance of a building permit for the conversion of the structure to residences.

10. The project is potentially consistent with the General Plan designation, the Zoning Ordinance, and an amendment to the Downtown Plan is included as a part of this project in order to be able to increase the density of the residential development and to increase the height of the building by 13 feet.

11. The project will introduce 150 residential condominiums into an area where growth is desirable, being close to a major arterial and public transportation.

12. The project will not result in a significant impact to public services. School fees will be paid prior to the issuance of a building permit, as will Park In-Lieu fees.

13. The project is within the Oro Loma Sanitary Sewer District. The Oro Loma Sanitary Sewer District indicates that its sewer main capacity can be increased to serve the project.

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

for Dyana Anderly, AICP Planning Manager
Dated: October 2, 2003

II. ***COPY OF INITIAL STUDY (ENVIRONMENTAL CHECKLIST) IS ATTACHED***

For additional information, please contact the City of Hayward, Planning Division, 777 B Street, Hayward, CA 94541-5007, telephone (510) 583-4206 or (510) 583-4207, or e-mail timk@ci.hayward.ca.us.

DISTRIBUTION/POSTING

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

Environmental Checklist Form

1. Project title:
   Use Permit Application 03-0513
   Variance Application 03-0514
   Tentative Tract 7487
   Amendments to the Hayward Downtown Design Plan

2. Lead agency name and address:
   City of Hayward, 777 B Street, Hayward, CA 94541

3. Contact person:
   Dyana Anderly, AICP, Planning Manager, (510) 583-4214,
   dyana.anderly@ci.hayward.ca.us

4. Project location:
   22300 Foothill Blvd, Hayward, north side, with frontage on City Center Drive

5. Project sponsor's name and address:
   Walter Wang, 651 Brannan Street, #100, San Francisco, CA 94107

6. General plan designation:
   Public Quasi-Public

7. Zoning:
   Central City Commercial District

8. Description of project:
   - To convert former office building to a 150-unit residential condominium project (30 one-bedroom units and 120 two-bedroom units),
   - to renovate the building façade by adding balconies, horizontal and vertical bands of differing colors, and eliminating some columns and windows to add architectural interest,
   - to add an additional story for penthouses, which would increase the height of the building by approximately 10 feet,
   - to construct a circular driveway and a porte-cochere off City Center Drive to form the major entry,
   - to eliminate a pedestrian easement through the building for access between the parking structure to the south and Centennial Hall to the north,
   - to provide parking within the City-owned parking structure to the south of the building,
   - for a variance to reduce the required usable open space, and
   - to amend the Downtown Design plan in order to increase the density of the project from 65 to 108 dwelling units per acre and to increase the maximum permission height of the zone from 140 feet to 172 feet.

9. Surrounding land uses and setting:
The site is within the northern portion of the downtown area. To the east is a high-density residential project, to the north is Centennial Hall, to the south is a City parking structure, and to the west is a shopping/office area.

10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.) Oro Loma Sanitary District

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: On the basis of this initial evaluation:

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

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

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

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

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

Signature

10/30/03
Date

RICHARD PATENAUDE
Printed Name

CITY OF HAYWARD
Agency

EVALUATION OF ENVIRONMENTAL IMPACTS
AND USE OF ENVIRONMENTAL CHECKLIST:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead

agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9) The explanation of each issue should identify:
   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance

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? *The project to convert a former offices building to residential condominiums, involving increasing the height of the building by 13 feet, will not adversely affect scenic vistas. Architectural enhancement of the building constitutes a part of the project.*	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? *See I.a).*	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings? *See I.a).*	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? *Additional lights will be created by the addition of a story. However, the project will not be a significant source of substantial light or glare which would adversely affect views in the area.*	☐	☐	☐	☒
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? *The project site is not within a farmland area.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? *The project is not located in an agricultural district or an area used for agricultural purposes*	☐	☐	☐	☒
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? *See II b.*	☐	☐	☐	☒
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan? *Data provided by the Bay Area Air Quality Management District indicate that the ozone level in Hayward for 2002 has not exceeded either California or federal standards. As fewer vehicular trips will be generated from the site than was associated with the previous use of the building for city offices and fewer than projected by traffic models for the City, the project will not significantly negatively affect air quality.*	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? *See III a).*	☐	☐	☐	☒
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)? *Any impacts to air quality will be temporary lasting during the construction phase. Deconstruction permits require the developer to implements means of reducing air pollution associated with deconstruction efforts. See III a).*	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations? *See III a.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒
IV. **BIOLOGICAL RESOURCES** -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? *The building was formerly occupied by offices and no increase in impermeable surfaces is being proposed. Therefore, biological resources will not be adversely affected.*	☐	☐	☐	☒
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? *See IV a).*	☐	☐	☐	☒
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? *See IV a).*	☐	☐	☐	☒
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? *See IV a).*	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? *The project entails removal of several mature trees. The project will be required to comply with the City's Tree Preservation Ordinance in terms of providing replacement trees of like value.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *The project is in an urban area and is developed with former city offices, so it will not conflict with any habitat conservation plan.*	☐	☐	☐	☒
V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? *No change in the amount of area devoted to impermeable surfaces is proposed, and no known historical resources exist on-site.*	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? *No change in the amount of area devoted to impermeable surfaces is proposed, and no known archaeological resources exist in on-site.*	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? *No change in the amount of area devoted to impermeable surfaces is proposed, and no known paleontological resources exist on-site.*	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries? *No change in the amount of area devoted to impermeable surfaces is proposed, and no known human remains are located on-site.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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: *The project is outside the Earthquake Hazard Zone, outside an area of a 100-year flood, and it is not within a hill area. Structural studies are required to be submitted in accordance with California Code of Regulations, Title 14, Article 10. Seismic Hazards Mapping, before issuance of a building permit.*	☐	☐	☐	☒
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. *The project is outside the Earthquake Hazard Zone. A structural analysis and retrofitting of the structure will be required before issuance of a building permit and occupancy of the building will not be permitted until the building is retrofitted in accordance with the plans approved by the City's Building Official.*	☐	☐	☐	☒
ii) Strong seismic ground shaking? *The project is not located within a State of California Earthquake Fault Zone and will be required to comply with the Uniform Building Code Standards to minimize seismic risk due to ground shaking. See VI a)1).*	☐	☐	☐	☒
iii) Seismic-related ground failure, including liquefaction? *Liquefaction and differential compaction is not considered to be a significant issue on this site.*	☐	☐	☐	☒
iv) Landslides? *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? *The project is within an urban setting that is developed with other commercial and residential buildings; there will be no increase in the amount of impermeable surface, rather an increase in permeability with a grassy open space area and additional landscaping; therefore, no substantial soil erosion or loss of topsoil is anticipated.*	☐	☐	☐	☒
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? *Prior to issuance of any building permit, the City Engineering and Building Official will review a structural analysis related to modifications of the building to ensure that the building design is adequate for residential purposes.*	☐	☐	☐	☒
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? *Prior to issuance of any building permit, engineering and building staff will review structural analysis to ensure that the proposed changes to the building design are adequate for residential.*	☐	☐	☐	☒
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? *The project will be connected to Oro Loma sanitary sewer system; the Oro Loma Sanitary Sewer District indicates that it will have the capacity to serve the project when the capacity of the current system is increased. The responsibility for increasing the capacity of the system will be that of the developer.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *The building at the project site was previously used as offices and is proposed to be used solely for residential purposes. There will be no use of hazardous materials other than typical household hazardous materials. Standard methods of disposal will be implemented. Therefore, there is no anticipation that the project will create a significant hazard to the public or the environment through use of hazardous materials.*	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? *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? *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? *See VII a.*	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? *The manager of the City of Hayward Executive Airport reports that the increase in height of the building by 13' will not impact air traffic or conflict with the airport land use plan.*	☐	☐	☐	☒
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? *See VIII e.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? *The project will not interfere with any known emergency response plan or emergency evacuation plan. The Hayward Fire Department serves the neighborhood where the project is to be implemented. Emergency response times will be maintained.*	☐	☐	☐	☒
h) 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? *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? *The residential project will meet all water quality standards.*	☐	☐	☐	☒
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)? *Water to the site will be served by the City of Hayward, which will monitor to ensure that water quality standards will not be violated and groundwater supplies will not be depleted. Furthermore, recharge of the groundwater table will not be affected.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? *The project is not located near a stream or a river. The project will not result in substantial erosion or siltation on- or off-site as the current drainage pattern will not be altered.*	☐	☐	☐	☒
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? *The project is within an urban area and has been developed as such. Drainage patterns on the site will not be altered.*	☐	☐	☐	☒
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? *The amount of run-off from the project is not anticipated to increase and will not exceed the capacity of the storm water drainage system. See VIII d).*	☐	☐	☐	☒
f) Otherwise substantially degrade water quality? *See VIII d.*	☐	☐	☐	☒
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? *According to FEMA Flood Insurance Rate Maps, the 100-year flood hazard area does not include this site.*	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? *See VIII g.*	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? *See VIII g.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
j) Inundation by seiche, tsunami, or mudflow? *The project is not in a location that would allow these phenomena to affect the site.*	☐	☐	☐	☒
IX. **LAND USE AND PLANNING** - Would the project:				
a) Physically divide an established community? *A mixture of residential and commercial projects surrounds the site.*	☐	☐	☐	☒
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? *The General Plan matrix indicates that the residential project is potentially consistent with the General Plan. In order to approve the plan, the applicant is seeking an amendment to the Downtown Plan to allow an increase in building height and an increase in the allowable residential density. These amendments, however, would not avoid or mitigate or have an adverse environmental effect.*	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? *The project involves conversion of a building occupied by offices, so no conflict is indicated.*	☐	☐	☐	☒
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? *The project will not result in a significant impact to mineral resources since the project involves conversion of a former office building for residential purposes.*	☐	☐	☐	☒
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? *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? *An increase in noise levels is expected to occur during the construction phase of the project. The Municipal Code restricts the hours that construction may occur in order to reduce impacts on adjacent properties. Since the project involves conversion of an existing building to residential purposes, there will be no major noise source such as pile driving. Once established, exposure of persons to or generation of any new noise or noise levels is not expected to occur in excess of standards established in the Noise Element of the Hayward General Plan or the Municipal Code. The project is under a flight path for air traffic going to the Oakland Airport. Construction of the penthouse level will be required to take this into consideration and future tenants will be notified of the air traffic.*	☐	☐	☐	☒
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? *See XI a.*	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? *See XI a.*	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? *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? *Although air traffic passes over the project site, the noise level is not expected to expose people residing therein to excessive noise levels. Future tenants will be notified of the air traffic passing over the project site.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *See XI 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)? *The project is within the anticipated density for the site. Due to the proximity of the project to public transit and a major state highway, high density residential uses are encouraged to promote greater use of public transit.*	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? *The project involves the addition of 150 housing units.*	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? *See IX b.*	☐	☐	☐	☒
XIII. **PUBLIC SERVICES**				
a) 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:				

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Fire protection? *The project would not result in the provision of 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. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site that is not covered in the property tax that would be generated by the improvements to the building. The conversion of the property to a residential use will include additional fire protection amenities, including fire sprinklers and an enlarged elevator.*	☐	☐	☐	☒
Police protection? *The project would not result in the provision of 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. Response times will not be altered. There will not be an increase in governmental costs to provide services to this site that is not covered in the property tax that would be generated by the improvements to the building.*	☐	☐	☐	☒
Schools? *This project, designed primarily for working adults, will not generate a number of students that cannot be served by existing facilities upon payment of school impact fees.*	☐	☐	☐	☒
Parks? *The project will be served by the Hayward Area Recreation and Park District. A park dedication fee is required to be paid prior to the issuance of a building permit which is intended to add to or to obtain additional park services.*	☐	☐	☐	☒
Other public facilities? *No other public facilities will be significantly impacted.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XIV. **RECREATION** --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? *The Hayward Area Recreation and Park District are currently serving the entire neighborhood. Park Dedication In-Lieu fees will be generated by this project that will be used toward improvements to existing parks in the area or acquisition of additional parklands.*	☐	☐	☐	☒
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? *The proposed recreational facilities include a gymnasium inside the building and a grassy, group open space area to the west of the building. These areas will not have an adverse impact on the environment.*	☐	☐	☐	☒
XV. **TRANSPORTATION/TRAFFIC** -- Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? *A traffic impact study for the project was prepared by TJKM. The study revealed that the traffic that will be generated by the project will not result in a significant impact on local or regional traffic and that the number of vehicle trips would be fewer that either the previous use of the building for offices or the amount of traffic that was anticipated to be generated by the City's General Plan.*	☐	☐	☐	☒
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? *No.*	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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? *Although the height of the building will increase by 13 feet, 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)? *Since the design of the project is very similar to the previous use of the property, there would be no hazards associated with a change of design features.*	☐	☐	☐	☒
e) Result in inadequate emergency access? *The Hayward Fire Department has reviewed the project and finds the project in accordance with Hayward Fire Department requirements and standards. More precise adherence to the current Fire Codes will be addressed during the building permit review process.*	☐	☐	☐	☒
f) Result in inadequate parking capacity? *Adequate parking will be provided in the adjacent City-owned parking structure.*	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? *The project does not conflict with adopted policies supporting alternative transportation. It is located walking distance from the Hayward BART station and Alameda County Transit buses.*	☐	☐	☐	☒
XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? *Wastewater treatment requirements are under the purview of the Oro Loma Sanitary District, which has the capacity to serve the project.*	☐	☐	☐	☒

	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? *See XVI.a)*	☐	☐	☐	☒
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? *The existing storm drain system has the capacity to serve the project.*	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? *Water to serve the project will be provided by the City of Hayward, which has a sufficient water supply for this purpose..*	☐	☐	☐	☒
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? *See XVI.b)*	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? *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 year 2034.*	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste? *The project will participate in the Waste Management of Alameda County recycling program. Service will remain the same for this site as the entire neighborhood.*	☐	☐	☐	☒

	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?	☐	☐	☐	☒

R. Zaballos & Sons, Inc.

General Contractors • Developers • Property Management

September 22, 2003

City Council Downtown Committee
City of Hayward
777 B Street
Hayward, CA 94541

RE: Conversion of the City Center Building to Residential Condominiums

Dear Committee:

As the owners of most of the development around the old City Hall we have watched with dismay as the building and grounds have been allowed to deteriorate these past few years.

We are now encouraged at the prospect of converting the existing building into a viable use. We see the conversion as a positive step for the entire site with potential customers for the retail portions of our development.

We also welcome a high-end development, as proposed, that will keep its building and grounds up to the surrounding standards.

Yours truly,

Gilbert Zaballos

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ATTACHMENT H