



# CITY OF HAYWARD AGENDA REPORT

AGENDA DATE June 16, 1998

AGENDA ITEM 4

WORK SESSION ITEM \_\_\_\_\_

**TO:** Mayor and City Council

**FROM:** Director of Community and Economic Development

**SUBJECT:** **TENTATIVE MAP TRACT 7028 – LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT), ARTHUR HERNANDEZ, GLORIA HERNANDEZ, CLIFFORD CHANEY, JEANETTE RHOTON, JOHN ZACARIAS (OWNERS) – Request to subdivide three parcels totaling 0.65 acre into 16 rental/condominium units.**

**USE PERMIT, SITE PLAN REVIEW & VARIANCE APPLICATION NO. 98-160-11 – LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT), ARTHUR HERNANDEZ ET AL. (OWNERS) – Request approval of 16 multi-family units within a one 3-story building.**

- A. **USE PERMIT** - Request to allow multi-family residential units on the first floor.
- B. **SITE PLAN REVIEW** - Review of the design of a proposed 3-story building containing 16 multi-family dwelling units and site design.
- C. **VARIANCES** - Request for variances to allow compact parking to within approximately 4 feet of the building walls where a minimum 5-foot setback is required and to allow garage widths of less than 10½ feet where 11-foot-widths are required.

The property is located on the northeast corner of "D" and Grand Streets, 22808 - 22828 Grand Street in the Central City – Commercial Sub-district.

## **RECOMMENDATION:**

The Planning Commission recommends that City Council:

1. Approve the Negative Declaration and find that the document is complete and final in accordance with the California Environmental Quality Act Guidelines and reflect the independent judgement of the City Council;
2. Approve Tentative Map Tract 7028 for 16 condominium units based on the attached findings and conditions of approval; and
3. Approve Use Permit, Site Plan & Variance Application No. 98-160-11 to allow the property to be developed with the proposed 16-unit multi-family (condominium) project and variances to allow compact parking to within approximately 4 feet of the building walls and to allow garage widths of less than 10½ feet based on the attached findings and conditions of approval.

**Mayor and City Council  
Meeting of June 16, 1998**

**DISCUSSION:**

On January 27, 1998, the City Council approved Use Permit, Site Plan Review and Variance Application No. 97-190-07 for the construction of the 176-unit Meridian Apartments (rental/condominium) project on the abutting 5.75-acre site. In conjunction with this project to provide for condominium units, on March 24, 1998, the City Council approved Tentative Tract No. 6994. Since these approvals, Lincoln Property Company, with City Council encouragement, has agreed to purchase the three lots (approximately 150' x 192'/0.65 acre) closest to the corner of "D" Street and Grand Street that were not a part of the initial development. The purchase of this land will provide area for one additional three-story building to be added to the project. An area map showing the location of the property is attached (Attachment A) for reference.

The application is being processed as a Phase II to the approved 176-unit Meridian Apartments project (Phase I). The proposed 3-story building on the Phase II site is one of four building types that are a part of Phase I. The building design will match the other ten buildings already approved for the project. The structure will contain 16 stacked units (6 one-bedroom units and 10 two-bedroom units). Unit sizes are approximately 760 square feet for the one-bedroom units and 1040 square feet for the two-bedroom units. Staff believes the building to be well designed and follows the intent of the City's Design Guidelines. The structures have good articulation by use of inset balconies, change of materials and protrusion of certain wall elements. The pitched and hip roof also adds interest to the roofline. Building materials include exterior stucco walls with 6-inch horizontal lap siding on the second and third floors. Building entrances have a tall, peaked element to provide a focal point at these entry areas. Canvas awnings and decorative metal railings will be placed at various points to add interest and to provide accenting. Roofing material will be composition shingles.

Phase II includes 8 garage spaces under the building, 12 carport spaces and 8 compact spaces (3 spaces are marked for visitors). Parking is maintained at a ratio of 1.67 spaces per unit where a ratio of 1.5 is required for the downtown area. The project also exceeds the open space requirements of 100 square feet per unit. Each unit will have either a ground-level patio area or a balcony for units located on the second or third floors. Both Phase I and Phase II contain approximately 67,200 square feet of open space where only 19,200 square feet is required. A main feature of the group open space (part of Phase I) is the 3,114-square-foot recreation building with its large swimming pool (30' x 70'), spa with curved-trellis, deck, children's tot-lot and grass area.

The applicant indicates that a project feature (non-water) will be located outside (street-side) the perimeter wall and will enhance the project at the intersection of Grand and D Streets. Details of this corner focal point feature have been submitted and included in the landscape improvement drawings for Phase I which specifies that a trellis element is to be placed over the project screen wall and that a raised planter will be placed at the corner. Staff believes that more could be done to enhance the project from the corner and has included a condition (See Condition No. 7) for this phase of the project to require that a prominent vertical element be added to this corner focal point feature.

**Mayor and City Council  
Meeting of June 16, 1998**

The applicant has submitted a tree survey (see attached Exhibit I/Planning Commission Staff Report) that indicates that only two of the 23 trees found on the site fall under the Tree Preservation Ordinance. Because of various factors related to tree form, condition, disease and desirability, the tree consultant is recommending that all the trees be removed and be replaced with other specimens. A great number of these trees (18) are Italian cypress that show good form but are showing disease symptoms, which in time, will necessitate their removal. The City Landscape Architect had originally recommended preservation of the large Lombardy poplar tree that is located in a landscape planting area northeast of Building No. 11. With later testimony provided by the applicant and a letter addendum to the tree report (dated June 10, 1998), the Planning Commission concurred with staff and modified the condition to allow the replacement of the poplar tree with two 36-inch box replacement trees to be planted on the property.

At the June 11, 1997 Planning Commission meeting, the Planning Commission voted unanimously (7:0) to approve both the tentative tract map and the use permit/site plan review/variance applications. Only one commissioner spoke, who indicated his pleasure to support this project and to see the corner property being added to the greater project development. There were no other comments from the commission or from the public. The applicant spoke briefly requesting that the Planning Commission support the project as presented and with the modification to the conditions of approval as recommended by staff. The commission approved modifications to the Use Permit/Site Plan Review/Variance Application No. 98-160-11 Conditions of Approval as follows:

Condition No. 5

Delete the last sentence of the condition to not require an intercom/security lock system for the pedestrian gate that fronts building #11 and that provides access to D Street. (Staff had indicated that the visitors would not be parking on the street frontages since there is no parking allowed and that accessible gates for visitors with the intercom system would be provided elsewhere at each of the vehicular driveways. All project pedestrian gates, however, would be key locked for tenant access).

Condition No. 6

Delete the requirement for the preservation of the Lombardy poplar tree and replace the condition with language that requires its replacement with two 36-inch box specimens to be placed at desirable locations within the project. (Staff supported the submitted letter addendum to the tree report [dated June 10, 1998] and believed that it would be difficult to keep the tree under the conditions outlined in the report. The applicant agreed with staff to replace the tree with two large box specimens.

**PUBLIC HEARING NOTICE**

On June 5, 1998, a notice of public hearing was mailed to every property owner within 300 feet of the perimeter of the property as noted on the latest Assessor's records, to the appellant, and to tenants of businesses and former members of the neighbor task force.

**Mayor and City Council  
Meeting of June 16, 1998**

**ENVIRONMENTAL REVIEW**

In accordance with the California Environmental Quality Act Guidelines, the Initial Study and Negative Declaration were posted in the City Clerk's office and in the libraries prior to the Planning Commission hearing. A notice of its availability for review and notice of this hearing was sent to all property owner and occupants within 300 feet of the perimeter of the property.

The Planning Commission at its June 11, 1998 approved the Negative Declaration.

**CONCLUSION**

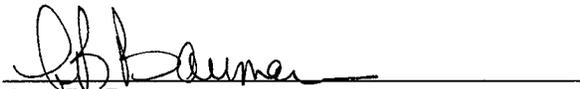
Approval of Tentative Map Tract 7028 with the attached findings and conditions of approval will allow the developer to process a final map that meets all City requirements for the sale of the 16 residential units as airspace condominiums. The building proposed on the site is the same as one of the building types included within the larger development site of the 176-unit project (Phase I). The siting of the building and parking arrangement works well with the approved development layout of Phase I and will provide the project more prominence at the corner of Grand and D Streets. Parking and open space requirements exceed City requirements.

**Prepared by:**



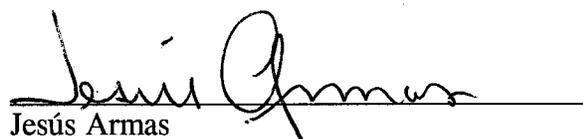
Sheldon R. McClellan  
Senior Planner

**Recommended by:**



Ann R. Bauman  
Acting Director of Community and Economic Development

**Approved by:**



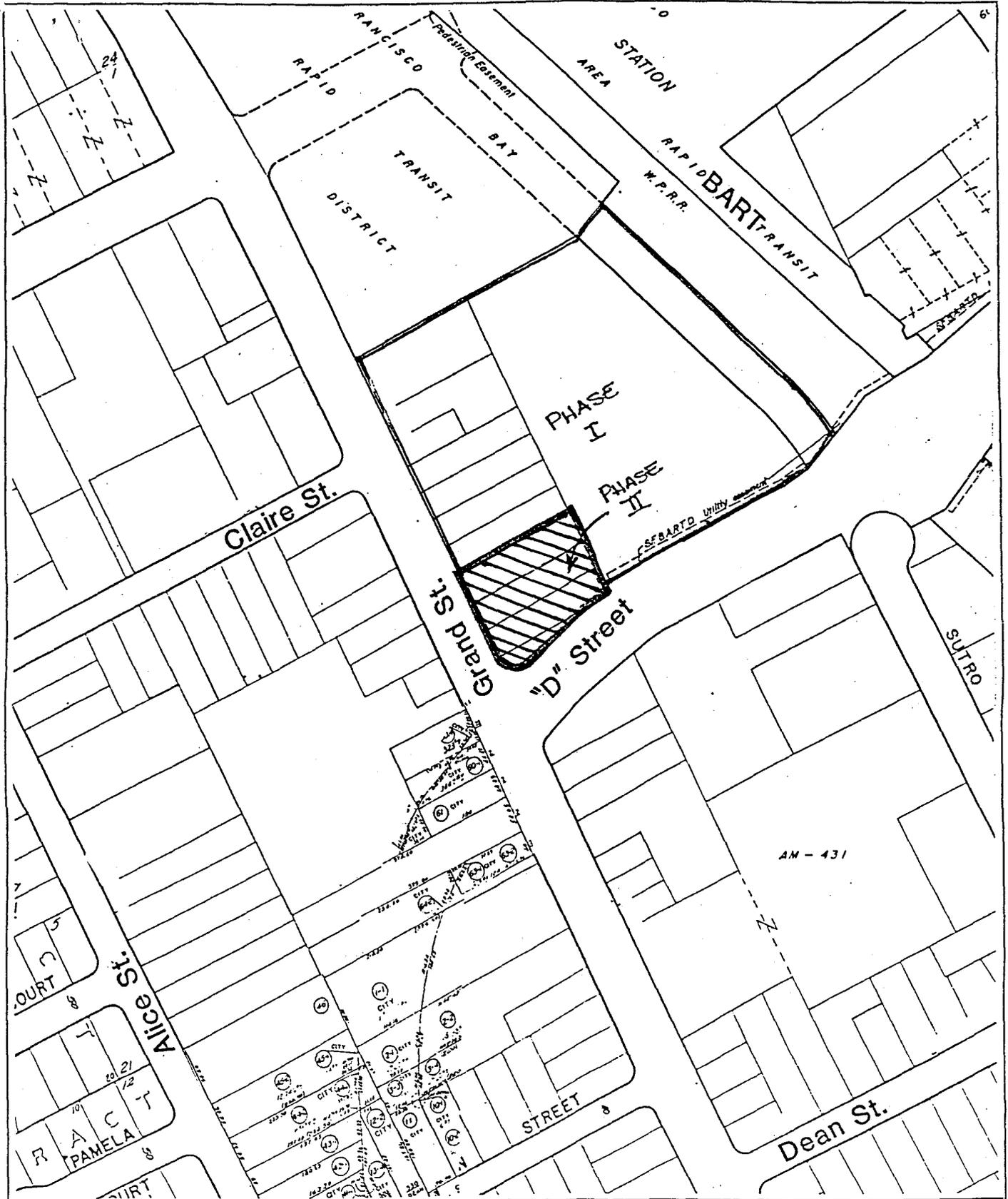
Jesús Armas  
City Manager

**Mayor and City Council  
Meeting of June 16, 1998**

**Attachments:**

- Attachment A – Area Map
- Attachment B – Planning Commission Staff Report, dated June 11, 1998
- Attachment C – Addendum to the Tree Report, dated June 10, 1998 w/Cover Letter by Applicant
  - Tentative Tract Map 7028
  - Development Plans
  - Draft Resolution

06/12/98



**AREA MAP ■ UP, SPR & Var. 98-160-11/TRACT 7028**

Eric Keller/Lincoln Property Co. (Appl.)

Arthur Hernandez, et al; Jeanette Rhoton, et al; Clifford Chaney (Owner)

22802-22828 Grand St.



AGENDA REPORT  
PLANNING COMMISSION ■ CITY OF HAYWARD

ITEM NO: 1

MEETING OF:  
June 11, 1998

**TO:** Planning Commission

**FROM:** Sheldon McClellan, Senior Planner  
Jeanette E. Peck, Development Review Services Engineer

**SUBJECT:** TENTATIVE MAP TRACT 7028 – LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT), ARTHUR HERNANDEZ, GLORIA HERNANDEZ, CLIFFORD CHANEY, JEANETTE RHOTON, JOHN ZACARIAS (OWNERS) – Request to subdivide three parcels totaling 0.65 acre into 16 rental/condominium units.

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The property is located on the northeast corner of "D" and Grand Streets, 22808 - 22828 Grand Street in the Central City – Commercial Sub-district.

RECOMMENDATION:

That the Planning Commission recommend that the City Council:

1. Approve the Negative Declaration and find that the document is complete and final in accordance with the California Environmental Quality Act Guidelines and reflect the independent judgement of the Planning Commission;

2. Approve Tentative Map Tract 7028 for 16 condominium units based on the attached findings and conditions of approval; and
3. Approve Use Permit, Site Plan & Variance Application No. 98-160-11 to allow the property to be developed with the proposed 16-unit multi-family (condominium) project and variances to allow compact parking to within approximately 4 feet of the building walls and to allow garage widths of less than 10½ feet based on the attached findings and conditions of approval.

## DISCUSSION:

### Background Information

On December 11, 1997, the Planning Commission recommended and on January 27, 1998, the City Council approved Use Permit, Site Plan Review and Variance Application No. 97-190-07 for the construction of the 176-unit Meridian Apartments (rental/condominium) project on the abutting 5.75-acre site. In conjunction with this project to provide for condominium units, on February 26, 1998, the Planning Commission recommended and on March 24, 1998, the City Council approved Tentative Tract No. 6994. Since these approvals, Lincoln Property Company, with City Council encouragement, has agreed to purchase the three lots closest to the corner of "D" Street and Grand Street that were not a part of the initial development.

### Property Description

The 0.65-acre site is located on the northeast quadrant of the intersection of "D" Street and Grand Street. The site comprises of three lots (approximately 150' x 192') which are developed with a triplex, duplex and a fourplex. The land slopes to the south and is approximately 2 feet above the "D" Street grade near the intersection. Grand Street is 64 feet wide curb to curb and "D" Street is 72 feet wide. Both a 5-foot-wide sanitary sewer easement and a 12-foot-wide sanitary and storm sewer easement pass through the property. The site contains 23 trees including a row of 18 Italian Cypress trees near the D Street frontage.

### Project Description

The project plans are being processed as a Phase II to the recently approved 176-unit Meridian Apartments project (Phase I). The proposed 3-story building on the Phase II site is one of four building types that are a part of Phase I. The building design will match the other ten buildings already approved for the project. The proposed structure will contain 16 stacked units (6 one-bedroom units and 10 two-bedroom units). Unit sizes are approximately 760 square feet for the one-bedroom units and 1040 square feet for the two-bedroom units. Phase II includes 8 garage spaces under the building, 12 carport spaces, 1 handicap space and 7 compact spaces (2 spaces are marked for visitors). Parking is maintained at a ratio of 1.75 for this phase where a minimum ratio of 1.5 is required for the downtown area. Vehicular access to the Phase II area is solely from the internal street system provided within Phase I. There will be no direct vehicular access from either D or Grand Streets. The project also exceeds the open space requirements of 100 square feet per unit. Each unit will have either a ground-level patio area or a balcony for units located on the second or third floors. Phase I and Phase II contain approximately 67,200 square feet of open space

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. Al. (Owners)

where only 19,200 square feet is required. A main feature of the group open space (part of Phase I) is the 3,114-square-foot recreation building with its large swimming pool (30' x 70'), spa with curved-trellis, deck, children's tot-lot and grass area. The applicant indicates that a project feature (non-water) will be located outside (street-side) of the perimeter wall and will enhance the project at the intersection of Grand and D Streets. Details of the corner focal point feature have not been submitted or specified, but the site plan indicates that a trellis element is to be placed over the project screen wall and that a raised planter will be placed at the corner. Staff has conditioned the project to include a prominent vertical element within this corner focal point feature.

The applicant has submitted a tree survey (see attached) that indicates that only two of the 23 trees found on the site fall under the Tree Preservation Ordinance. Because of various factors related to tree form, condition, disease and desirability, the tree consultant is recommending that all the trees be removed and be replaced with other specimens. A great number of these trees (18) are Italian cypress that show good form but are showing disease symptoms, which in time, will necessitate their removal.

Adjacent Land Use and Zoning

- North - Vacant land and residential structures to be removed for Phase I area of project and the BART parking garage [CC-C Subdistrict]
- East - Vacant land (Phase I area of project) and Union Pacific Railroad and BART tracks (elevated above the property grade). The Atherton Place townhomes are located east of the tracks [PD District]
- South - South of "D" Street are non-comforming industrial uses fronting Sutro Street [CC-C Subdistrict] and residential units fronting Grand Street [CC-R Subdistrict]
- West - Single-family and multi-family dwellings [RM District] and non-comforming industrial uses located north of Claire Street [CC-R Subdistrict]

Environmental Review

On December 11, 1997, the Planning Commission and on January 27, 1998, the City Council, also found that the Negative Declaration for 311 rental/condominium units that was adopted by the City Council on November 14, 1989 was adequate for Phase I of the project and that the documents, including the initial study were complete and final in accordance with the California Environmental Act Guidelines. Because the three corner parcels of Phase II were not included within the scope of the earlier proposed project in 1989, the previous 1989 Negative Declaration cannot be used for this Phase II project. Therefore, a new initial study and Negative Declaration have been prepared for this project addition.

A previous traffic impact analysis submitted with Phase I of the project concludes that no intersection mitigation measures are needed; the intersections that are projected to operate acceptably without the project will also operate acceptably with the project. The noise assessment study previously reviewed for the project and building types requires noise control barriers and window controls, which have been included in the conditions of approval, to achieve compliance with the standards of the City of Hayward Noise Element.

**Public Hearing Notice**

On April 21, 1998, a notice regarding Tentative Map Tract 7028 was mailed to all property owners within 300 feet of the subject property, abutting residents and all interested parties regarding a preliminary meeting. On April 28, 1998, the public meeting was held and only one resident who presently resides on the development site attended.

On May 8, 1998, a notice of the Planning Commission public hearing was mailed to all property owners and occupants within 300 feet of the property and other interested parties. On May 9, 1998, a public hearing notice was published in the "Daily Review."

**Conclusion**

Approval of Tentative Map Tract 7028 with the attached findings and conditions of approval will allow the developer to process a final map that meets all City requirements for the sale of the 16 residential units as airspace condominiums. The proposed building on the site is the same as one of the building types proposed within the larger development site of the 176-unit project (Phase I). The siting of the building and parking arrangement works well with the approved development layout of Phase I and will provide the project more prominence at the corner of Grand and D Streets. Parking and open space requirements exceed City requirements.

**Prepared by:**



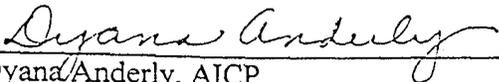
Jeanette E. Peck, PE  
Development Review Services Engineer

And



Sheldon R. McClellan  
Senior Planner

**Recommended by:**



Dyana Anderly, AICP  
Development Review Services Administrator

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. Al. (Owners)

**Exhibits:**

- A – Findings for Approval for Tentative Tract No. 7028
- B – Findings for Approval for Use Permit No. 98-160-11
- C – Conditions of Approval for Tentative Tract No. 7028
- D – Conditions of Approval for Use Permit/Site Plan Review/Variance No. 98-160-11
- E – Area Map
- F – Negative Declaration and Initial Study
- G – Planning Commission Meeting Minutes and Staff Report dated December 11, 1997
- H – Conditions of Approval (UP/SPR/VA 97-190-07) Approved by City Council 1/27/98
- I – Tree Report, dated March 17, 1998

**FINDINGS FOR APPROVAL  
TENTATIVE MAP TRACT 7028  
FOR 16 CONDOMINIUM UNITS  
Lincoln Property Co. N.C., Inc. (Applicant)**

- A. 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 with a determination that the project will not have a significant impact on the environment because no significant impacts were identified.
- B. The tentative tract map and the proposed site plan substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, the Downtown Core Area Specific Plan and the Downtown Hayward Design Plan in that the Downtown Hayward Design Plan and the General Policies Plan support high density projects in the BART area.
- C. The site is physically suitable for the proposed type of development.
- D. 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.
- E. The design of the subdivision and the proposed improvements are **not** likely to cause serious health problems.
- F. The design of the subdivision and the proposed improvements in conformance with the conditions of approval will **not** conflict with easements for access through or use of, property within the subdivision.
- G. Existing and proposed streets and utilities are adequate to serve the project. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the tentative tract map is granted subject to the recommended conditions of approval.

**FINDINGS FOR APPROVAL**  
**USE PERMIT, SITE PLAN & VARIANCE APPLICATION NO. 98-160-11**  
**FOR 16 CONDOMINIUM UNITS**  
**Lincoln Property Co. N.C., Inc. (Applicant)**

- A. 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 with a determination that the project will not have a significant impact on the environment because no significant impacts were identified.
- B. The project is in harmony with plans for the surrounding area as stated in the Downtown Hayward Design Plan which is to create a densely developed, mixed use, pedestrian oriented downtown neighborhood.
- C. The project is consistent with the requirements of the Downtown Hayward Design Plan and is in conformance with the designation of the site for multi-family housing at a density range not exceeding the allowable 65 units per acre.
- D. The provision of parking within the project exceeds the required ratio of 1.5 spaces per unit and will be a ratio of 1.75 spaces per unit. The overall ratio of parking for both Phase I and Phase II is 1.67.
- E. Existing and proposed streets and utilities are adequate to serve the project.
- F. The project would become part of a larger development that provides more than double the amount of required usable open space and the provision of on-site recreation facilities (recreation building, swimming pool, spa, and tot lot) will provide project tenants with desirable amenities.
- G. The approval of the garage width variance would deprive the property privileges enjoyed by other property within the area and would not be granting the applicant a special privilege since a similar variance was approved by the City Council for the Atherton Place Townhomes in the same location and within the same zoning district. City Council approved the same variance request for Phase I of the project on January 27, 1998.
- H. The approval of a similar variance request by Lincoln Property Company to allow compact parking to within approximately 4 feet of the building walls where a minimum 5-foot setback was approved by City Council on January 27, 1998 for Phase I of this project.

**CONDITIONS OF APPROVAL  
TENTATIVE MAP TRACT 7028  
FOR 16 CONDOMINIUM UNITS  
Lincoln Property Co. N.C., Inc. (Applicant)  
Arthur Hernandez, et. al. (Owners)**

Unless otherwise stated, all necessary easements and street rights-of-way 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.

All design work shall be performed by the applicant/developer's engineer unless otherwise indicated.

**PRIOR TO THE RECORDATION OF THE FINAL MAP**

1. Prior to or concurrent with the recordation of the final map, the applicant/developer shall dedicate or make an irrevocable offer of dedication of all parcels of land within the subdivision that are needed for private streets, including access rights, drainage, public utility easements and other necessary public easements. Final Tract Map No. 6994 shall be recorded prior to or concurrent with this final map.
2. On the final map the applicant/developer shall record a note agreeing that prior to the sale of any condominiums, the following shall be submitted to the Director of Community and Economic Development/Planning Director:
  - a. Copy of the applicant's proposed application for subdivision permit, in the event a permit is required, from the California State Department of Real Estate;
  - b. Proposed sale price of each unit; and
  - c. A report describing the manner in which the terms of the declaration of restrictions will guarantee responsible maintenance and repair of the common areas, notwithstanding the escalation of costs, emergency maintenance repairs, and the replacement of major mechanical and electrical equipment.
3. On the final map the applicant/developer shall record a note agreeing to establish a Homeowners' Association and prepare project CC&Rs for the entire development which shall be reviewed and approved by the Director of Community and Economic Development/Planning Director and City Attorney prior to the sale of any condominiums

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

and include the information required by the City Municipal Code Section 10-3.385 and the following:

- a. A requirement that the garage of each unit be maintained for off-street parking and shall not be converted to living area;
  - b. A requirement that a professional management company be responsible for managing the homeowners' association;
  - c. No individual television antenna or radio transmission or reception antennas shall be permitted; a central television reception antenna or enclosed attic antennas shall serve all dwelling units. Any satellite dish shall be ground-mounted and screened from view;
  - d. Awnings shall consist of a material that is resistant to dampness and solar decay. All awnings shall be maintained on a six month basis to prevent deterioration and shall be replaced on a timely basis when needed;
  - e. The homeowners' association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping;
  - f. Open parking spaces shall not be used for recreational vehicles, camper shells, boats or trailers; and
  - g. A prohibition against residents or their guests parking in the BART parking structure unless they are in the parking garage for purposes of using BART.
  - h. A requirement that the recreational facilities in the common areas shall remain in daily operation except for periodic maintenance as long as the project exists.
4. All abutters' right of ingress and egress along "D" Street and Grand Street shall be relinquished to the City of Hayward.

Public Improvements

Prior to the approval of the final tract map, plans shall be submitted for review and approval by the City Engineer. Improvement plans shall incorporate the following special design requirements:

5. All roadways within the project shall meet minimum City standards for private streets within a condominium project and shall be a minimum width of 24 feet.

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
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6. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
7. The following Hayward Utility (Water) Division requirements shall apply:
  - a. Water meter shall be placed a minimum of 6 feet from sanitary sewer lines, and shall not cross property lines;
  - b. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202;
  - c. Water service available shall be subject to standard conditions and fees in effect at the time of application to the City of Hayward;
  - d. The minimum separation between the water main and sanitary sewer main shall be 10 feet; separation between the water service line and the sanitary sewer lateral shall be a minimum of 6 feet;
  - e. The applicant/developer shall ensure that the water pressure and flow for fire-fighting will be sufficient by designing and constructing the on-site water distribution system in accordance with the requirements of the City of Hayward Public Works and Fire Departments.
  - f. The development shall comply with the City's Water Efficient Landscape Ordinance; and
  - g. The type and spacing of fire hydrants shall be subject to the review and approval by the City of Hayward Fire Chief.
8. The private sanitary sewer system shall be designed in accordance with the requirements of the City of Hayward.
9. The following storm drainage requirements shall apply to the 18-inch diameter storm drain and its easement through the property:

Development of the site shall not augment runoff to the Alameda County Flood Control and Water Conservation District (ACFCD&WCD) flood control facility. Hydrology studies for the development conditions, as now being proposed, should substantiate that there will be no net increase in the quantity of runoff from the site versus the flow rate derived from the original design of the District's Line K-5.

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- b. An encroachment permit shall be obtained from ACFCD&WCD prior to commencement of any work within ACFCD&WCD right-of-way and for the construction, modification or connection to District-maintained facilities. All workmanship, equipment, and materials shall conform to District standards and specifications.
  - c. For the ACFCD&WCD storm drain easements, access must be maintained for any future repair and/or replacement of the storm drain line. Any landscaping will have to be removed, at the Owner's expense, if any future construction, reconstruction or maintenance work by the District is done within the easement area.
  - d. No building or parking shall be located within the ACFCD&WCD easement. Building foundations are to be such that structural loads will not be placed on the storm drainpipe.
  - e. If necessary, the applicant/developer shall provide ACFCD&WCD a bond to ensure that the storm drain line is undamaged by the construction of the building and the site development work activities near or within the District's storm drain lines.
  - f. Trees to be planted within the storm drain easement shall be compatible with the storm drainpipe. Vegetation selection is to be such that the probability of root intrusion into the pipe joints will be minimized. Owner's periodic maintenance of these trees may also be necessary.
  - g. All storm drains shall be no less than 12 inches in diameter.
10. The applicant/developer shall underground all new on-site utility lines and transformers and all existing above ground utilities, i.e., telephone and electrical poles, including transformers.
11. All services to dwellings shall be an "underground service" in accordance with the Pacific Gas and Electric Company, Pacific Bell Company and TCI Cablevision Company regulations.
12. Prior to the recordation of the final map or grading plan approval, a tree preservation bond or surety shall be submitted equal to the value of all potentially impacted trees. The value of the trees shall be determined by a certified arborist. The bond or surety shall remain in effect for a minimum of two years following acceptance of tract improvements. Following the end of this period, the bond or surety will be returned to the applicant/developer if all trees are found to be healthy, thriving, and absent of any

**Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)**

evidence of irreversible construction impact.

13. The applicant/developer shall enter into a subdivision agreement with the City and post bonds that will secure the construction of the public improvements per Section 10-3.332, Security for Installation of Improvements, of the Municipal Code.
14. Prior to approval of the final map or issuance of a building permit, all buried structures, such as water wells, buried, abandoned utility lines, USTs, loosely backfilled excavations and septic systems shall be entirely removed. Concrete footings should be removed to an equivalent depth of at least 3 feet below proposed footing elevations or as recommended by the Soils Engineer.
15. Prior to the approval of the final map, all documents that need to be recorded with the final map shall have been approved by the City Engineer, and all outstanding charges accrued to the City for the processing of the subdivision application shall be paid.
16. Prior to, or concurrent with the recordation of the final map, a certificate of merger shall be recorded, merging Lot 1 of Tract No. 6994 with Lot 1 of this final map.
17. Prior to approval of the improvement plans or issuance of a building permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

**PRIOR TO THE ISSUANCE OF A GRADING PERMIT**

18. The grading plans shall comply with the geotechnical engineering recommendations contained in *Geotechnical Engineering Investigation Proposed Lincoln Hayward Apartments, "D" and Grand Streets, Hayward, California* prepared by Krazen and Associates, Inc., dated June 23, 1997.
19. A detailed grading and drainage plan with supporting calculations and a completed Drainage Review Checklist shall be submitted for the review and approval of the City Engineer in consultation with the ACFCD&WCD. The proposed curb elevations shall be not less than 1.25-feet above the hydraulic grade line, as shown in figure 14 of the Hydrology and Hydraulics Criteria Summary, and at no point shall the curb grade be below the energy grade line. The project shall not block runoff from nor augment runoff to adjacent properties. The drainage area map developed for hydrology design shall clearly indicate all areas tributary to the project area. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or Alameda County Flood Control District. Roof drainage shall be connected into the on-site drainage system.

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

20. A detailed soils report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading and building foundation designs shall be submitted for review and approval of the City Engineer.
21. Grading and improvement plans shall comply with the City's Grading Ordinance and the Association of Bay Area Governments' (ABAG) Erosion and Sediment Control Handbook, including requirements to submit an erosion control plan to minimize construction impacts related to soil erosion, sedimentation and water quality. Any graded areas and stockpiled soil which will remain for an extended period of time will be required to be hydroseeded for erosion control. Other recommended measures include stabilized construction entrances, earth dikes and swales, storm drain inlet protection, sediment basins, straw bale dikes, silt fences and check dams. Erosion control measures shall be regularly inspected, monitored and maintained throughout the construction period.
22. The applicant/developer shall submit a construction Best Management Practice (BMP) program appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into the storm water runoff for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
23. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
24. Prior to the approval of improvement plans or issuance of a grading permit, a plan shall be submitted for review by the City's Solid Waste Manager for recycling excess building materials and other construction debris to the maximum extent feasible. Furthermore, the recycling plan shall identify building materials and related products made of recycled content to be used on the project.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

25. Prior to issuance of a building permit, detailed landscape and irrigation plans prepared by a landscape architect shall be submitted for review and approval by the City's Landscape Architect. Irrigation shall be provided for all landscaped areas. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. The following requirements shall apply:
  - a. One 24" box street tree is required for every 20 - 40 lineal feet of frontage. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

declining or dead trees. Trees shall be planted according to the City Standard SD-122. Street tree species shall be determined by the City's Landscape Architect;

- b. On Grand Street, the park strip between the curb and sidewalk shall be planted with low growing shrubs 2-3' in height, and maintained by the owner;
  - c. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6-inch high Class "B" Portland Cement concrete curb;
  - d. Parking lot areas shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscaped median. All tree wells and medians shall be a minimum of 5 feet wide. Parking areas shall be screened from the street with a continuous 30- inch high hedge, or masonry wall;
  - e. Vines on a trellis, or an upright shrub shall be planted between garage doors;
  - f. Provide a dense landscape buffer, including trees and shrubs, along "D" Street;
  - h. Masonry or pre-cast concrete walls shall be screened on the street side with vines and shrubs. A minimum 3-foot-wide planting area shall be provided in front of the wall facing Grand Street;
  - i. All trees shall be planted according to the City's standard detail SD-122;
  - j. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit shall be obtained prior to removing any tree 10-inches in diameter, or larger, measured 2 feet above the ground. Branches from trees on adjacent property which overhang the site shall be protected during construction with appropriate preservation measures, as approved by the City; and
26. The building permit plans shall comply with the recommendations of the *Noise Assessment Study* prepared by Edward L. Pack & Associates, Inc., dated September 2, 1997.

PRIOR TO CONSTRUCTION MATERIALS BEING BROUGHT ONTO THE PROPERTY

27. All weather access road shall be installed and maintained per Article 9 of the Hayward Fire Code;

**Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)**

28. Hydrant and permanent water supply shall be required per Article 9 of the Hayward Fire Code;
29. Required water system improvements shall be completed and operational prior to the start of combustible construction;
30. Minimum 24 feet wide all weather access road engineered for 50,000 pound gross vehicle weight;
31. Fire hydrant is required (4,500 gallons per minute with 20 pound per square inch); and

**DURING CONSTRUCTION**

32. Fire Department access shall be provided during all phases of construction as specified and upon completion of the project;
33. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10-days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
34. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.
35. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan. Project related delivery and haul truck operations on offsite access roads shall be limited to daytime, weekday, non-holiday hours (8:00 a.m. to 5:00 p.m.) unless otherwise approved by the City Engineer.
36. A representative of the soils engineer shall be on the site during the grading operations and shall perform such testing as deemed necessary by the City Engineer. The representative of the soils engineer shall observe grading operations with recommended corrective measures given to the contractor and the City Engineer.
37. The minimum soils sampling and testing frequency shall conform to Chapter 8 of the Caltrans Construction Manual. The applicant/developer shall require the soils engineer or representative to daily submit all testing and sampling reports to the City Engineer.

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

38. The applicant/developer shall re-establish ground cover immediately following completion of grading, or when construction will be postponed for more than one month in order to reduce erosion and runoff.

PRIOR TO THE ISSUANCE OF CERTIFICATES OF OCCUPANCY

39. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a certificate of occupancy of any unit.
40. If the dwelling units are to be rented out prior to any sale as a condominium, the property owner shall disclose within all rental agreements that the project has been approved as a condominium project and that the unit may be sold upon notice.
41. Prior to the sale of any condominium, the applicant shall create a homeowners association and shall record the CC&R's as described in condition of approval No. 3.
42. The following Fire Department requirements shall apply to this project:

Prior to construction materials being brought on the property:

- a. All weather access road shall be installed and maintained per Article 9 of the Hayward Fire Code;
- b. Hydrants and permanent water supply required per Article 9 of the Hayward Fire Code;
- c. Required water system improvements shall be completed and operational prior to the start of combustible construction;
- d. Fire Department access shall be provided during all phases of construction as specified and upon completion of the project;
- e. Minimum 24 feet wide all weather access road engineered for 50,000 pound gross vehicle weight;
- f. Fire hydrant is required (4,500 gallons per minute with 20 pound per square inch); and

Prior to final certificate of occupancy:

- g. All structures shall be fully sprinkled per NFPA 13R;

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

- h. Alarm system with central station monitoring required for manual and water flow alarms. Annunciation panels for the entire complex shall be located at each driveway entry and annunciation panels for individual buildings shall be located at each building entry point. Buildings should be zoned for alarm location;
  - i. Smoke detector system required in dwelling units as per the Uniform Building Code;
  - j. Fire extinguishers shall be required. Minimum size and type shall be 2A: 10BC, five pound dry chemical. Spacing shall be 75 feet of travel;
  - k. Automatic fire extinguishing sprinkler system required with Fire Department connections to be located at driveway entry points on both Grand and D Streets and interconnected to allow Fire Department to pressurize system from either point;
  - l. Exiting shall conform to the Uniform building Code;
  - m. Trash areas shall conform to the Hayward Fire Department standards and be of noncombustible construction;
  - n. If electronic gates are proposed, then same must meet City of Hayward Fire Department Standard for lock box or key switch for emergency vehicle access;
  - o. Each space shall meet requirements for defined occupancy classification.
  - p. All curbs fronting travel ways where parking is not located, shall be red striped and posted as fire lanes;
43. The applicant/developer shall provide each homeowner with an information pamphlet, approved by the Hayward Police Department that describes the City's Neighborhood Watch program and encourages the homeowners' association to establish a Neighborhood Watch or similar program for the development.
44. The applicant/developer shall pay the required Water Facilities Fee and the Sewer Connection Fee for each dwelling unit at the rates in effect when utility service permits for each dwelling are issued.

Prior to approval of occupancy for each dwelling unit, the required park dedication in-lieu fee shall be paid to the City. Per the City's Parkland Dedication Ordinance, the amount of the fee shall be in accordance with the fee schedule in effect at the time of issuance of the building permit.

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

45. A Certificate of Substantial Completion (Landscaping) and Irrigation Schedule shall be submitted to the City Landscape Architect prior to the occupancy of any units.
46. The applicant/developer shall pay \$960 per residential single family unit. This amount may be credited toward any required Supplemental Building Construction and Improvement tax.
47. The applicant/developer and/or property owner shall provide keys/access codes to the Hayward Utilities Division for all meters enclosed by a fence or gate per Hayward Municipal Code Section 11-2.07.

PRIOR TO CITY APPROVAL OF THE TRACT IMPROVEMENTS AS BEING COMPLETED

48. All tract improvements, including the complete installation of all improvements relative to streets, fencing, sanitary sewer, storm drainage, water system, underground utilities, etc., shall be completed and the completion 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.
49. The subdivider shall submit "as built" plans indicating the following:
  - a. All the underground facilities, sanitary sewer mains and laterals, water services (including meter locations), Pacific Gas and Electric, Pacific Bell facilities, Cable V, etc.; and
  - b. All site improvements, except landscaping species, buildings and appurtenant structures.
50. Prior to the City setting the water meters, the subdivider shall provide the Water Division with certified costs covering the installation of public water mains and appurtenances.

Fences, Walls and Gates

51. The wall shall incorporate decorative insets along the top edge to provide for decorative tubular-metal lattice or other approved material that complements metal trim used on the buildings. If the insets are not feasible due to other requirements (e.g. Acoustical Study), then decorative metal or other ornamentation shall be provided on the wall surface. The design of the inset or ornamentation and its location shall be approved by the Director of Community and Economic Development/Planning Director.
52. All driveways along Grand Street to be abandoned shall be removed and replaced with standard sidewalk, curb and gutter.

Planning Commission Staff Report for Tentative Map Tract 7028/UP/SPR/VA 98-160-11  
- Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

53. Alligator cracking within City frontage improvements along Grand Street shall be removed and will require replacement by full-depth patches.
54. The existing water main beyond the new fire hydrant shall be abandoned. The new fire hydrant shall be the end of the water main along "D" Street.
55. Install electroliers spaced 150-feet apart along the Grand Street property frontage.
56. All on-site storm water inlets shall be painted "No dumping - Drains to bay".
57. Keys or access codes to the automatic gate opener shall be provided to the City of Hayward Utility Division for all meters enclosed by a fence/gate as per Hayward Municipal Code 11-2.02.2; and

ONGOING REQUIREMENTS

58. Prior to the sale of any of the units as condominiums, the water system shall be retrofitted to City public water system standards and each dwelling unit shall have a separate water meter and lateral to the public main.
59. The developer shall place a decorative corner project feature that creates a focal point at the intersection of D and Grand Streets. The decorative feature shall include a prominent vertical element other than plant materials. Landscape lighting and accent color planting beds might also be considered. The final design shall be approved by the Director of Community and Economic Development/Planning Director prior to issuance of a building permit.

**CONDITIONS OF APPROVAL**

**USE PERMIT, SITE PLAN REVIEW & VARIANCE NO. 98-160-11**

**FOR 16 CONDOMINIUM UNITS**

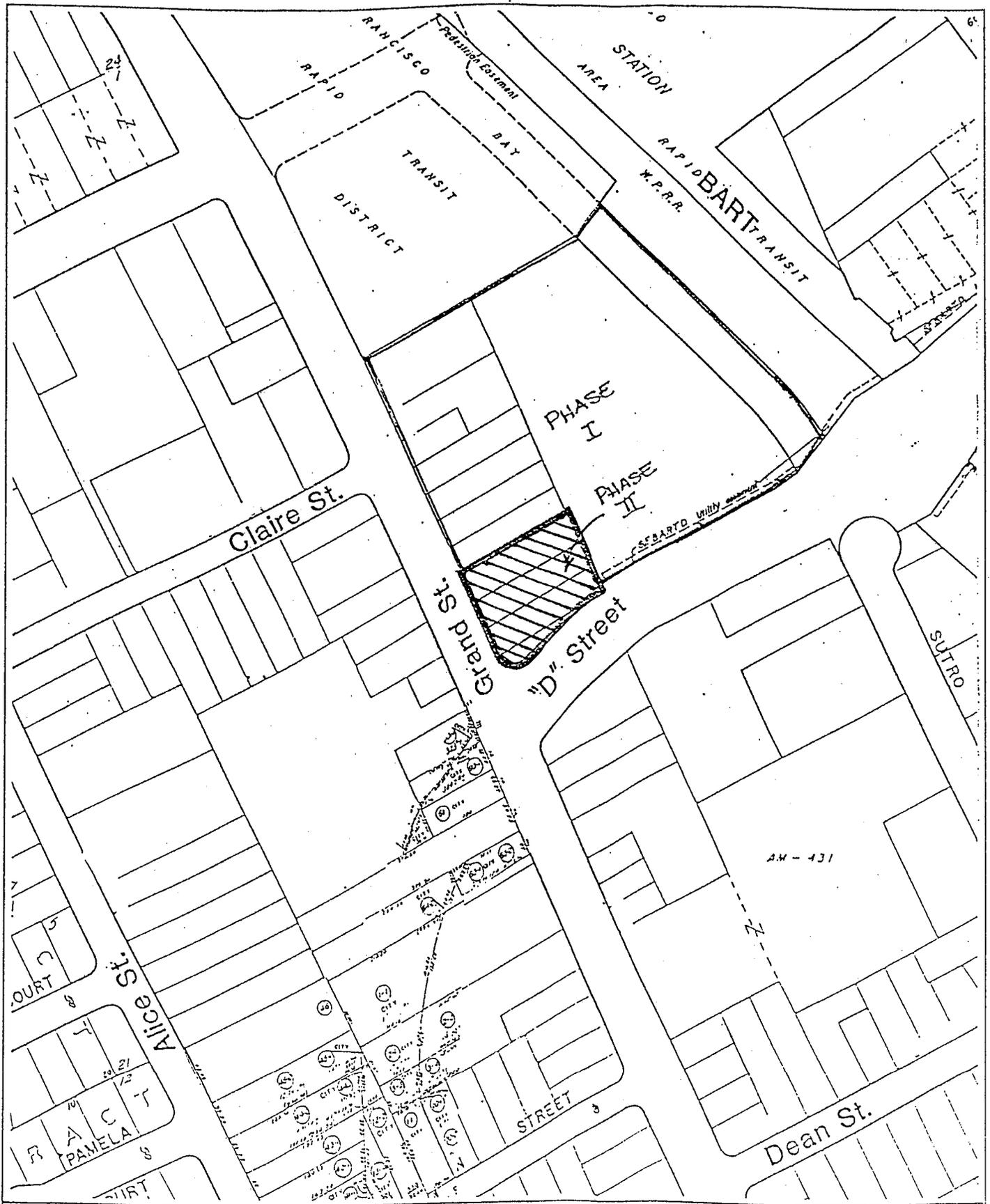
**Lincoln Property Co. N.C., Inc. (Applicant)**

**Arthur Hernandez, et. al. (Owners)**

1. Unless the developer has applied for a building permit within two years of the date that City Council has approved the tentative map, the use permit, site plan review and variance application become 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 Use Permit Site Plan Review & Variance Application No. 98-160-11.
2. All improvements shown on Exhibit "A" shall be installed prior to occupancy unless exempted by the conditions below.
3. Construction of Building #11 (Phase II) shall only be executed in conjunction with Phase I and shall not be developed as a stand-alone structure.
4. All conditions of Use Permit/Site Plan Review/Variance Application No. 97-190-07 (Meridian Apartments - Phase I) shall apply to this project as well.
5. A pedestrian gate shall be placed on the perimeter enclosure wall facing D Street at the midpoint of Building No. 11 and shall incorporate a decorative wood trellis that provides a focal point to the project entrance. The design of this structure shall complement the trellis placed at the entry to the office/club house structure and shall be detailed on the building permit plans.
6. The Lombardy poplar tree identified in the Hortservice Tree Survey for the property shall be replaced with two 36-inch box specimen trees to be planted at locations on site designated by the project landscape architect and approved by the City Landscape Architect.
7. Per the requirements of the Fire Department, a fire hydrant shall be provided in the general vicinity of the intersection of the internal road system between Phase I and Phase II.
8. City of Hayward Utilities (Water) Division requirements are as follows:
  - a. Water meters serving existing duplexes to be abandoned by Water Distribution Personnel at Developers Expense.
  - b. Development apartments shall be retrofitted to individual water meters as per City of Hayward Utility standards when units sold individually as condominiums.

Use Permit/Site Plan Review/Variance Application No. 98-160-11 - Conditions of Approval - Lincoln Property Company N.C. (Applicant)

- c. Water service available subject to standard conditions and fees in effect at time of application.
- d. Operation of valves on the Hayward Water System shall be performed by **only Water Distribution Personnel**.
- e. The developer shall 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.



AREA MAP ■ UP, SPR & Var. 98-160-11

Eric Keller/Lincoln Property Co. (Appi.)

Arthur Hernandez, et al; Jeanette Rhoton, et al; Clifford Chaney (Owner)

22802-22828 Grand St.



**CITY OF HAYWARD**  
**NEGATIVE DECLARATION**

Notice is hereby given that the City of Hayward finds that no 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:**

TENTATIVE MAP TRACT 7028 - LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT), ARTHUR HERNANDEZ, GLORIA HERNANDEZ, CLIFFORD CHANEY, JEANETTE RHOTON, JOHN ZACARIAS (OWNERS) - Request to subdivide three parcels totaling 0.65 acre into 16 rental/condominium units, and USE PERMIT, SITE PLAN REVIEW & VARIANCE APPLICATION NO. 98-160-11 - LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT), ARTHUR HERNANDEZ ET AL. (OWNERS) - Request approval of 16 multi-family units within a one 3-story building.

USE PERMIT - Request to allow multi-family residential units on the first floor.

SITE PLAN REVIEW - Review of the design of a proposed 3-story building containing 16 multi-family dwelling units and site design.

VARIANCES - Request for variances to allow compact parking to within approximately 4 feet of the building walls where a minimum 5-foot setback is required and to allow garage widths of less than 10½ feet where 11-foot-widths are required.

Property is located on the northeast corner of "D" and Grand Streets, 22808 - 22828 Grand Street in the CC-C (Central City - Commercial) Sub-district.

The project is a proposed Phase II to the recently approved 176-unit Meridian Apartments (rental/condominiums) project (Phase I). The proposed 3-story building on the Phase II site is one of four building types that are a part of Phase I. The building design will match the other ten buildings already approved for the project. The proposed structure will contain 16 stacked units (6 one-bedroom units and 10 two-bedroom units). Unit sizes are approximately 760 square feet for the one-bedroom units and 1040 square feet for the two-bedroom units. Phase II includes 8 garage spaces under the building, 12 carport spaces and 8 compact spaces (3 spaces are marked for visitors).

Negative Declaration for Tentative Map Tract 7028/UP/SPR/VA 98-160-11 – Lincoln Property Co., N.E., Inc. (Applicants), Arthur Hernandez, et. al. (Owners)

**II. FINDING PROJECT WILL NOT SIGNIFICANTLY EFFECT ENVIRONMENT:**

The proposed Phase II of the Meridian Apartments project, as conditioned, will have no significant effect on the area's resources, cumulative or otherwise.

**III. FINDINGS SUPPORTING DECLARATION:**

1. CEQA Evaluation: 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 with a determination that the project will not have a significant impact on the environment.
2. The proposed development of one additional building containing 16 rental/condominium units is in conformance with the General Policies Plan Map designation of "Downtown City Center" and with the Downtown Design Plan.
3. The proposed project is in conformance with the intent and purpose of the Zoning Ordinance designation of "Central City-Commercial Subdistrict" for the property.
4. The proposed site plan layout provides proper access, circulation and parking for project tenants and visitors, trash and recycling storage and adequate area for landscaping.
5. The provision of parking within the project exceeds the required ratio of 1.5 spaces per unit and will be a ratio of 1.75 spaces per unit. The overall ratio of parking for both Phase I and Phase II is 1.67.
6. The proposed project provides more than double the amount of required usable open space, and since the project is a part of a larger development that makes provision of on-site recreation facilities (recreation building, swimming pool, spa, and tot lot), demand of project tenants on neighborhood park facilities will be lessened.
7. There is no evidence of historical or archaeological resources within the project area.
8. The project is not within an area subject to flooding.
9. Public facilities and utilities are adequate to serve the project.

Negative Declaration for Tentative Map Tract 7028/UP/SPR/VA 98-160-11 – Lincoln Property Co., N.E., Inc. (Applicants). Arthur Hernandez. et. al. (Owners)

**IV. PERSON WHO PREPARED NEGATIVE DECLARATION:**

  
Sheldon R. McClellan, Senior Planner

Date: May 13, 1998

**V. COPY OF INITIAL STUDY CHECKLIST IS NOT ATTACHED**

For additional information, please contact Sheldon McClellan of the City of Hayward Development Review Services Division, 777 B Street, Hayward, CA 94541, or telephone (510) 583-4215.

**VI. DISTRIBUTION/POSTING**

- Provide copies to all organizations and individuals requesting same in writing.
- Provide to all residents and owners within 300 feet radius of the project area.
- Provide to project applicants.
- Reference in all Notices of Decision distributed 20 days prior to effective date of decision.
- 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 day after the public hearing.

J:\worddoc\pcLincoln PhaseII

CITY OF HAYWARD  
DEVELOPMENT REVIEW SERVICES DIVISION  
777 B Street  
HAYWARD, CA 94541  
Telephone No.: (510) 583-4215  
FAX No.: (510) 583-36

# INITIAL STUDY CHECKLIST FORM

**Project title:** Use Permit, Site Plan Review & Variance Application No. 98-160-11

**Lead agency name and address:** City of Hayward, 777 B Street., Hayward, CA 94545

**Contact persons and phone number:** Sheldon R. McClellan, (510) 583-4215

**Project location:** Northeast corner of D and Grand Streets, 22802-22828 (even only) Grand Street

**Project sponsor's name and address:**

Lincoln Property Company N.C. Inc., 101 Lincoln Centre Drive, Foster City, CA 94404

**General plan designation** Commercial: Retail & Office Commercial **Zoning:** CC-C Subdistrict

**Description of project:** Request to develop the corner 0.65-acre site with an expansion of the 176-unit Meridian Apartments project. Request to subdivide three parcels totaling 0.65 acre into 16 residential condominium units within a three-story building with 20 covered parking spaces and 8 open compact spaces.

**Surrounding land uses and setting:**

Vacant land on the north and east sides which is to be developed with Phase I of the Meridian Apartments project. Beyond this land is the BART parking garage to the north; Union Pacific railroad/BART tracks and Atherton Place Townhomes to the east; mixed industrial, single-and multi-family to the south and west of the property.

**Other public agencies whose approval is required:** None

## ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Land Use and Planning                 | <input type="checkbox"/> Transportation/Circulation   | <input type="checkbox"/> Public Services               |
| <input type="checkbox"/> Population and Housing                | <input type="checkbox"/> Biological Resources         | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Geological Problems                   | <input type="checkbox"/> Energy and Mineral Resources | <input type="checkbox"/> Aesthetics                    |
| <input type="checkbox"/> Water                                 | <input type="checkbox"/> Hazards                      | <input type="checkbox"/> Cultural Resources            |
| <input type="checkbox"/> Air Quality                           | <input type="checkbox"/> Noise                        | <input type="checkbox"/> Recreation                    |
| <input type="checkbox"/> Mandatory Findings<br>of Significance |   |  |

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A 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 significant effect(s) 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, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." 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, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

Sheldon R. McClellan

Signature

May 5, 1998

Date

Sheldon R. McClellan

Printed name

For

**ENVIRONMENTAL IMPACTS:**

<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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**I. LAND USE AND PLANNING. *Would the proposal:***

a) Conflict with general plan designation or zoning?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property is designated as Commercial: Downtown City Center Area on the General Policies Plan Map. The proposed high-density residential project is consistent with this designation. The Downtown Design Plan and the General Policies Plan supports high density projects since it fosters a dense development in the BART area to "better utilize BART and the available land as well as to create another identifiable focus for the downtown." (V-6) The Downtown Design Plan notes that multi-family residential uses are one of the appropriate uses in the CC-C Subdistrict.

b) Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Be incompatible with existing land use in the vicinity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The project is consistent with other multi-family projects (e.g. Atherton Place) which have recently been developed in the area. Older residential units exist to the west and south of the property.

d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: There are no agricultural resources or operations within this area of the City.

e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The project site is an infill area near the downtown area and the proposed development adds to area fabric rather dividing adjacent land use development.

**II. POPULATION AND HOUSING. *Would the proposal:***

a) Cumulatively exceed official regional or local population projections?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Comment: The proposed project (Phase II) represents only 16 units in conjunction with the approved 176-unit Meridian Apartment (Phase I) project (a total of 192 units) compared to the previously approved project containing 311 units. Population projections were based on the previous larger project.

b) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The local infrastructure took into account a larger project than what is being developed on the site. The surrounding area is fully developed, and therefore, the development of the subject site will not necessarily induce similar or larger projects in the area since vacant land is not available and the redevelopment of developed sites would have to take into account land assemblage and removal of existing development.

c) Displace existing housing, especially affordable housing?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site is developed with older multi-family units and these are to be removed and the site to be developed with a single 3-story building containing 16 units. The removal of these units is not significant in consideration of the number of housing units in the area.

**III. GEOLOGIC PROBLEMS.** *Would the proposal result in or expose people to potential impacts involving:*

a) Fault rupture?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The property is outside the Hayward Special Studies Fault Zone. The site is approximately 1,600 feet west of the Hayward Fault trace, and 800 feet west of the special study zone.

b) Seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: The site will be subject to violent ground shaking in the event of a major earthquake on the Hayward Fault. The project will be reviewed for proximity to the Hayward Fault, and areas of high seismic risk.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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c) Seismic ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Liquidfaction and differential compaction is not considered to be serious problem to this property.

d) Seiche, tsunami, or volcanic hazard?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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e) Landslides or mudflows?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site is not in a hill area or subject to mudflows.

f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The site is being retained as a flat site and grading will be minimal.

g) Subsidence of land?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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h) Expansive soils?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: Prior to issuance of a building permit, engineering and building staff will review a geologic and soils investigation report to design adequately the building foundations for the soil type on the property.

i) Unique geologic or physical features?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**IV. WATER. Would the proposal result in:**

a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comment: The development of the site is not anticipated to significantly change the absorption rate of what previously occurred on the property when the site was developed with industrial uses (e.g. large buildings and parking lot pavement.)

b) Exposure of people or property to water related hazards such as flooding?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The site is not known to be subject to flooding. The site is not within a 100-year flood zone.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The site contains no water body.

e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Approximately 30 percent of the site is to be covered with building structure that will not significantly alter the amount of ground water absorption. No wells or water withdrawal from the aquifer is proposed.

g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: Storm drainage facilities will be required in all paved areas of the project which will be connected to the bay. Fossil fuel filters will be required to prevent oil and other material from going into the ground water supply.

i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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V. **AIR QUALITY.** *Would the proposal:*

a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Comments: The proposed project will be required to comply with all applicable requirements of the Bay Area Quality Management District. The developer will be required to develop and implement appropriate dust control measures during construction, if found required. The project is not likely to create objectional odors, or alter air movements, moisture, temperature or cause any change in climate. Implementation of the required conditions of approval will reduce any identified impacts to a non-significant level.

d) Create objectionable odors?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**VI. TRANSPORTATION/CIRCULATION.** *Would the proposal result in:*

a) Increased vehicle trips or traffic congestion?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Comment: the proposed project is not expected to significantly increase vehicle trips or cause traffic congestion. There may be a temporary increase in traffic due to construction movement, but would not constitute a significant impact. All proposed development will be reviewed for conformance with applicable codes and policies, adequacy of emergency access and sufficient parking on site.

b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Inadequate emergency access or access to nearby uses?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The Fire Department has reviewed the project plans and finds the project, as conditioned, acceptable to Fire Department requirements and standards. Proposed roadways are of sufficient width to provide access to their emergency vehicles.

d) Insufficient parking capacity onsite or offsite?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: The project provides a ratio of 1.67 parking spaces per unit which exceeds the City standard of 1.5 spaces per unit. With the provision of BART access to the Downtown Station, the parking demand may be less than a similar project located at another location.

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**VII. BIOLOGICAL RESOURCES.** *Would the proposal result in impacts to*

a) Endangered, threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: the site is developed and no known endangered, threatened or rare species or their habitats is known to exist on the property.

b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: The site is developed and does not contain any significant landscaping except several trees which are proposed to be removed since they are not in good condition and/or are diseased. Replacement landscaping will be required in conjunction with the overall landscape plan of the project.

d) Wetland habitat (e.g., marsh, riparian, and vernal pool)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**XIV. CULTURAL RESOURCES.** *Would the proposal:*

a) Disturb paleontological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Disturb archaeological resources?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Comment: No paleontological or archaeological resources are known to exist on the property. The site was previously developed with Industrial structures.

c) Have the potential to cause a physical change which would affect unique cultural values?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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d) Restrict existing religious or sacred uses within the potential impact area?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XV. RECREATION.** *Would the proposal:*

a) Increase the demand for neighborhood or regional parks or other recreational facilities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Comments: While the project will increase the residential population within the area, the project will include both private and group usable open space areas which should reduce the demand for similar park space off site. The project includes a recreation building , large swimming pool, spa, and childrens tot lot.

b) Affect existing recreational opportunities?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XVI. 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?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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c) Does the project have impacts that 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)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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d) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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**XVII. EARLIER ANALYSES.**

**a) Earlier analyses used..**

1989 Negative Declaration and Initial Study

**b) Impacts adequately addressed..**

**c) Mitigation measures.**

EXHIBIT G

MEETING

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

ROLL CALL

Present: COMMISSIONERS Caveglia, Dowling, Fish, Halliday, Kirby, Williams  
CHAIRPERSON Bennett  
Absent: COMMISSIONER None

Staff Members Present: Davis, Looney, McClellan, Peck, Penick

General Public Present: Approximately 4

PUBLIC COMMENT - None

AGENDA

PUBLIC HEARINGS

1. VACATION OF EXECUTIVE PLACE - Initiated by the Public Works Department.

Survey Engineer Davis described the proposal to vacate Executive Place, an 89-foot long street ending in a cul-de-sac. It was constructed in 1979 and has been in use since that time. The majority of the lots have been combined and the owner of all three of the properties wishes to add a 40,000 foot extension to the existing building. While eliminating the street, the vacation would add parking. The City will retain a 10-foot public easement.

Public Hearing Opened/Closed at 7:35 p.m.

Commissioner Kirby said this looks like an excellent way to consolidate this property. He moved, seconded by Commissioner Fish, staff recommendation to City Council.

The motion passed unanimously.

2. VACATION OF ARDEN ROAD CUL-DE-SAC - Initiated by the Public Works Department.

Survey Engineer Davis explained that the cul-de-sac was built in 1981 for a fire truck turn around. With development along Arden Road, the street is being connected to Corporate Avenue leaving the cul-de-sac unnecessary.

Public Hearing Opened/Closed at 7:37 p.m.

Commissioner Halliday moved, seconded by Commissioner Kirby, staff recommendation to City Council.

The motion passed unanimously.

3. GRANT OF TRASH ENCLOSURE EASEMENT IN PARKING LOT. 5 - This proposed easement is located within Parking Lot No. 5, behind the "Foothill Strip" commercial development and consists of two parking stalls.

Survey Engineer Davis said that the owner's of the "Foothill Strip" are having a problem disposing of business trash and requested, and were granted, a permit to build the trash enclosure. Staff proposes giving them an easement for the trash enclosure which would take two parking spaces. This would not impact parking availability. With the easement, primary responsibility for maintenance of the trash enclosure would belong to the owner rather than to the City. A condition in the easement states that if the owners fail to maintain the trash enclosure, the easement will cease to exist, the City would Quit-claim the easement and remove the trash enclosure.

Public Hearing Opened/Closed at 7:40 p.m.

Commissioner Williams commented that this would seem to be an improvement in this area. He moved, seconded by Commissioner Fish, to recommend the staff proposal to City Council.

The motion passed unanimously.

4. USE PERMIT, SITE PLAN REVIEW & VARIANCE APPLICATION NO. 97-190-07 - LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT) - R. ZABALLOS, JR., D. ZABALLOS, ET AL. UNION PACIFIC RAILROAD COMPANY & CITY OF HAYWARD (OWNERS)

- A. USE PERMIT - Request to allow multi-family residential units on the first floor.
- B. SITE PLAN REVIEW - Request to construct 176 multi-family dwelling units within 10 three-story building and a central office/club facility on 5.76 acres.
- C. VARIANCES - Request variances to allow compact parking to within approximately 2 ½ - 3 feet of the building walls of Buildings 1,2,6,7 and 10 where a minimum 5-foot setback is required; to allow garage widths of less than 10 ½ feet where 11-foot-widths are required; to allow some of the street sections within the development to be 22 feet wide where 24-foot wide streets are required for condominium projects. The property is located at 648 through 688 (even only) D Street and 22756 through 22798 (even only) Grand Street, situated between D Street and the BART parking garage and between Grand Street and the Union Pacific Railroad/BART tracks.

Senior Planner McClellan explained that this proposal initially went out as a zone change application but that it was determined there was no need for one since the existing zoning allows the use with a use permit for 1st floor units. There were several calls from people who thought the zone change would also affect their property. They were subsequently assured that there would be no zone change. Because the negative declaration was adopted by City Council in 1989 for a 311-unit condominium project which is denser than this proposal, no new negative declaration was done. A new initial study was done which verified that there would be no impacts caused by this project at a lesser density. The project was first applied for as a rental

apartment project. However, with the City advocating ownership housing, the applicant was encouraged to put a condominium map on it. This project is also conditioned so that they cannot get a building permit until they get a tentative map approved. The property is 5¾ acres. The difference between the present proposal and what was reviewed in 1989 is that Sutro Street has been vacated and no longer exists, the property has been cleared of all the buildings and it is a different project. The 3 corner parcels are not included in this property. Staff has recommended that the applicant try acquiring these 3 parcels. The middle structure on the parcel has been condemned and it doesn't look as though there is a better prospect for development on the site. Encompassing these properties into the development would increase the density of the project and give them more prominence at the corner of two major streets. Senior Planner McClellan showed slides comparing this project to the Atherton Place townhomes and explained the requested 3 variances as well as the conditional allowance of a left-turn pocket on "D" Street to serve the project.

Commissioner Halliday expressed concern regarding permanent maintenance of the recreation area. Senior Planner McClellan explained that the recreation area is a requirement for open space in the project. To delete it, project owners would have to come back to the Commission.

Commissioner Caveglia asked for further information regarding the status of the project as condominiums or apartments. Senior Planner McClellan said that in 1989, the City was advocating ownership housing and convinced the developer to develop condominiums. The project is designed as condos even though the developer proposes to rent the units. By placing a condo map over the project, the mechanism will be in place to convert to condominiums if the developer wishes to sell.

The Public Hearing Opened at 8:25 p.m.

John McMorrow, Lincoln Properties, 101 Lincoln Center Drive, Foster City, described other projects developed by Lincoln and emphasized the fact that they use landscaping extensively. Meridian, the name for the project, will add high quality amenities with a strong pedestrian spine. The proposal is being tied into what is going on downtown. He added that he did disagree with staff in the loss of parking spaces for the project. Although they are tying the project to BART and public transportation, it's not reasonable to assume that people will be without cars. Without overflow onto the street, the interior parking becomes vital. He added that, although Lincoln is an apartment builder, they are willing to put a condo map onto the property. Often it's good to have some up-scale rental housing in the area to create more movement. He added that, when Lincoln builds projects, they continue to maintain ownership and manage. He explained that the only way these apartments would become condo's would be if Lincoln gave up managing the project. He said the tot-lot was developed with 3-bedroom units around it to encourage families.

Art Hernandez, 907 Burkhart Avenue, San Leandro, said he is the owner of one of the three properties at the corner of the project. From 1989 he said he has not made any major improvements to his property thinking the Zaballos' project would go forward. Since that time, his property has been subjected to burglaries, theft, and transients. The property next door, which is in escrow now, has been condemned. He has tried to get the City to inspect the

property but feels as though his request is being ignored. He said he hasn't wanted to spend money on fixing up his property without knowing what the future will bring. He supports the proposal but meanwhile, he would like some help in dealing with the problems in the neighborhood.

Public Hearing Closed at 8:55 p.m.

Commissioner Fish said he thought the project is very well done and appreciated the work that had gone into it including the pedestrian path, the parking situation, the access and egress. He moved, seconded by Commissioner Halliday, to recommend to City Council support of the proposal as recommended by staff except for condition 27, removing the five parking stalls.

Commissioner Halliday added that she supported the project. She agreed that condition 27 should be removed since it would increase the amount of parking in the development. They seem to have put a lot of effort into designing a quality project. She said that she could reconcile approving this as a rental property as opposed to condominiums. Ownership housing has just been put in at Atherton Place and more is going in across from City Hall. Not everybody can own a house or even a condominium. There also has to be a market of quality rental housing. This is the kind of project that will appeal to young people who want access to BART and need small family units.

Commissioner Dowling asked for a friendly amendment that a condition be added that the pool, tot lot, club house and exercise room will remain operational by the owners. There have been other projects in the City where similar facilities have been built but they are no longer operational.

Deputy City Attorney Penick indicated that if this is added as a condition of the use permit and site plan, enforcement of a violation would only allow taking away the use permit. He suggested it might be better placed in the CC&R's which would grant more variety of enforcement mechanisms.

Chairperson Bennett added her concern that, like a past project which was approved with a tot lot that was never furnished, the amenities be completed and maintained.

Development Services Engineer Peck indicated that it could be added to condition 40 to include specifying installation and maintenance of tot lot, pool and recreational facilities.

Commissioner Dowling proposed this as a friendly amendment and both the maker and seconder of the motion agreed. He added that this was a very exciting project. It shows that what has been started downtown is working. The public investment is bringing private investment downtown. He added that, as a renter, he agrees that more high quality rentals are needed in the City, particularly downtown.

Commissioner Caveglia said he wanted to add further comments on the difference between apartments and condominiums. The downtown area is very fragile and there is more stability with ownership-housing. Atherton Place has shown that you can sell condominiums in this area. He said he wouldn't like to give the message that the City is now going back to apartment buildings.

Commissioner Kirby said he shares Commissioner Caveglia's concern. He would much rather

see an ownership project here and wouldn't want to think this would be setting a precedent. However, he added that he would support the project and is convinced that this owner has a good track record. He was disappointed since he would like to see a higher percentage of ownership in the area, particularly on the other side of the BART tracks in the actual downtown area.

Commissioner Williams said he would support the motion because this project would help in getting Hayward started. He appreciated the filing of the condo map so tenants might have the opportunity to purchase at some future date.

Chairperson Bennett added that she, too, would support the project. It's a very nice looking project and makes sense to have something like this near public transportation. She said she agreed with the applicant in needing additional parking. Her preference would be to have two parking spaces per unit. With two people living in a unit, there will be two cars. The future option of condo conversion is available but perhaps designating these as rental units is positive for this time.

Commissioner Caveglia clarified that people do not have the option to buy the units unless Lincoln properties decides to get rid of the development at some point.

Both Commissioner Williams and Chairperson Bennett agreed that they distinguished their comments as a future option.

The motion passed unanimously.

#### ADDITIONAL MATTERS

5. Oral Report on Planning and Zoning Matters - Development Services Engineer Peck reminded Commissioners of future meeting dates.

6. Commissioners' Announcements, Referrals - Chairperson Bennett asked for staff investigation of comments by Art Hernandez regarding the deplorable conditions prevailing at the home next to his fourplex. He indicated that he has called a number of agencies regarding the rats, crimes and trash. Chairperson Bennett asked for staff to report back regarding their findings.

Commissioner Halliday thanked the City Manager and staff for the informational tours of both the new City Hall and the proposed Blue Rock development on the Ridge.

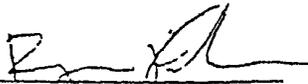
#### APPROVAL OF MINUTES

November 13, 1997 - Approved  
November 20, 1997 - Approved

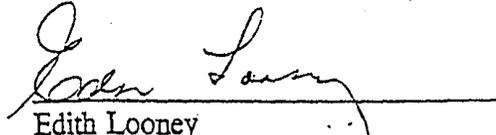
ADJOURNMENT

The meeting was adjourned by Chairperson Bennett at 9:15 p.m. in sympathy with Beatrice Thornton on the loss of her husband.

APPROVED:

  
\_\_\_\_\_  
Roger Fish, Secretary  
Planning Commission

ATTEST:

  
\_\_\_\_\_  
Edith Looney  
Commission Secretary



ITEM NO: 4

AGENDA REPORT  
PLANNING COMMISSION ■ CITY OF HAYWARD

MEETING OF:  
December 11, 1997

TO: Planning Commission

FROM: Sheldon McClellan, Senior Planner

SUBJECT: USE PERMIT, SITE PLAN REVIEW & VARIANCE APPLICATION NO. 97-190-07 - LINCOLN PROPERTY COMPANY N.C., INC. (APPLICANT) - R. ZABALLOS, JR., D. ZABALLOS, ET AL, UNION PACIFIC RAILROAD COMPANY & CITY OF HAYWARD (OWNERS)

- a. USE PERMIT - Request to allow multi-family residential units on the first floor.
- b. SITE PLAN REVIEW - Request to construct 176 multi-family dwelling units within 10 three-story buildings and a central office/club facility on 5.76 acres.
- c. VARIANCES - Request variances to allow compact parking to within approximately 2 ½ -3 feet of the building walls of Buildings 1, 2, 6, 7 and 10 where a minimum 5-foot setback is required; to allow garage widths of less than 10 ½ feet where 11-foot-widths are required; and to allow some of the street sections within the development to be 22 feet wide where 24-foot-wide streets are required for condominium projects.

The property is located at 648 through 688 (even only) D Street and 22756 through 22798 (even only) Grand Street, situated between D Street and the BART parking garage and between Grand Street and the Union Pacific railroad/BART tracks.

RECOMMENDATION:

Staff recommends that the Planning Commission refer this application to City Council with the following recommendation:

1. Find that the adopted Negative Declaration for the previously approved 311-condominium project to be developed on the same site to be adequate for this project and that the documents are complete and final in accordance with the California Environmental Act

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

Guidelines and reflect the independent judgement of the Planning Commission; and

2. Approve Use Permit, Site Plan Review & Variance Application No. 97-190-07 to allow the property to be developed with the proposed 176-unit multi-family (condominium) project and variances (b) and (c) only [see pages 9-10].

Note: While use permit and variance applications are normally acted upon by the Planning Commission, subdivisions must be reviewed and acted upon by City Council. The applicant indicates that they will file a tentative map application within several weeks. The tentative map will then be scheduled for review by both the Planning Commission and City Council.

City Council Downtown Committee:

The project was presented to the Committee on October 21, 1997 by Redevelopment Agency staff. The Committee expressed that the project was well designed and found that it supported the goals of Downtown and would complement the nearby Atherton Plaza project. Councilmembers stated that while it may be justifiable to have a high-end rental project adjacent to the BART station, they would prefer that the project be built and mapped to condominium standards so as to provide for possible home ownership opportunities in the future. While some concern was expressed regarding a left turn pocket for the project on D Street, at least one member requested that further investigation be done, if at all possible, to provide for the left turn pocket on D Street since it was believed to be important to the success of the project. The Committee found the overall design and layout of the project to be of high quality.

DISCUSSION:

Background Information

On November 14, 1989, City Council unanimously approved (Res. 89-318 C.S.) Site Plan Review, Use Permit, and Variance Application No. 89-7 for 311 residential condominiums in 5 four-story buildings over parking, a use permit to allow multi-family housing on the first floor, and variances to allow 1.5 parking spaces per unit where 2.00 spaces were required for condominiums, and other variances relating to various encroachments into required setback areas. Council concurred with the findings and determination made by the Planning Commission that the project, as conditioned, would not have a significant effect upon the environment and that the Negative Declaration prepared in conformance with the provisions of CEQA was appropriate.

Later on December 17, 1991, the City Council approved a request for an extension of the project approval because negotiations for acquisition of the City-owned portion of Sutro Street within the project area had not been completed. In June of 1991, the purchase of Sutro Street was completed. Their action included some modifications to the approved conditions of approval since the Downtown Design Plan by Dan Solomon had been drafted and reviewed the week before by the Council at a work session. The Council desired that the project be compatible with that plan. Since the time of this last Council action on the property, the site

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

has been sold to the current applicant.

Property Description

The 5.76-acre site is located on the northeast quadrant of the intersection of D Street and Grand Street between the BART parking garage and D Street and between the Union Pacific Railroad/BART tracks and Grand Street, but not including the three lots (approximately 132' x 191') on the northeasterly corner of D and Grand Streets. The property comprises land previously owned by Zaballos and includes excess right-of-way to be purchased from the Union Pacific Railroad. The site is vacant of any structures or trees or significant landscaping except for four single-family dwellings along the Grand Street frontage. The land slopes to the south and is approximately 2 feet above the D Street grade near the intersection. D Street slopes down to approximately 20 feet below the site grade as it passes under the railroad bridge.

map

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

Adjacent Land Use and Zoning:

North - BART parking garage [CC-C Subdistrict]

East - Union Pacific Railroad and BART tracks (elevated above the property grade). The Atherton Place townhomes are located east of the tracks [PD District]

South - South of D Street are Non-conforming industrial uses fronting Sutro Street [CC-C Subdistrict] and residential units fronting Grand Street [CC-R Subdistrict]

West - Single-family and multi-family dwellings [RM District] and non-conforming industrial uses located north of Claire Street [CC-R Subdistrict]

Development Proposal:

The applicant, a national builder of homes and apartments, is requesting to obtain a use permit, site plan review and variance application in order to construct a 176-unit multi-family condominium project within 10 three-story buildings and augmented by a central office/club facility, pool, spa, and tot lot within the group open space area. The project contains a mix of units ranging from studios to large three bedroom units. The majority of the units (81%) are one bedroom and two bedrooms. It is estimated that monthly rents will range from \$900 to \$1,000 for one-bedroom units; \$1,300 to \$1,400 for two-bedroom units; and \$1,500 to \$1,550 for three-bedroom units. The project is to be gated with vehicular entry points at both D and Grand Streets. The developer also intends to obtain an access easement from BART to allow pedestrian access to the BART station via a walkway along the easterly side of the parking garage. The four single-family dwelling units presently located along the Grand Street property frontage will be razed.

The developer filed the application as a rental housing project which the company would manage with approximately 8,000 other Bay Area apartment units that they have constructed and which are among 90,000 apartments the company owns and operates nationally. Due to the City policy of encouraging the development of ownership-type housing throughout the City, the applicant is in the process of preparing a tentative map to allow the units to be sold as condominiums in the future. The subdivision map (under preparation by the applicant's civil engineer) will indicate a single parcel with ownership to be sold within the air space of each unit. The processing of the tentative map will follow this application and will need to be reviewed by the City and approved by the Planning Commission and City Council prior to issuance of a building permit.

Project Expansion:

The project does not currently include three properties at the corner of D and Grand Streets. At staff's request, the developer has identified how this corner property (approximately 150' x 190') could be developed as a second phase for this project. The remainder property appears to be large enough to accommodate another building with 20 additional units (4 studio, 10 one-bedrooms, and 6 two-bedrooms).

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

The developer is currently in escrow to acquire the middle of the three parcels and has negotiated without results for the northerly parcel. The owner of the southerly parcel at the corner of the two streets has not shown any interest in discussing the sale of the land. Staff believes that it may be in the best interest of the project that these parcels be included in the development since it would give the project more prominence at the corner and it would remove older housing units, some of which are condemned by the City because of their poor physical condition. The developer has indicated their concurrence and would like to expand the project if the properties can be purchased either privately or in the near future with assistance from the Redevelopment Agency, if the Downtown agency borders are expanded to the west.

Project Density:

The project has a density of 39.9 units per net acre, after deductions for internal streets. In comparison, Atherton Place achieved a density of 30 units per net acre. The proposed project complies with the Downtown Hayward Design Plan, which sets an acceptable density range not to exceed 65 units per acre. The General Plan states that "Greater intensity of development is desirable in the BART Area to better utilize BART and available land, as well as to create another identifiable focus for the Downtown."

Project Access and Internal Streets:

The project will be accessible from both D Street and Grand Street. Because the developer finds the area west of Grand Street to be less attractive, the developer is proposing that their main entry be from D Street. This gated entry is designed to accommodate both tenants and visitors. The street will be restriped to provide the project a left-turn pocket. The City's Traffic Engineer anticipates that D Street will eventually have an increase in traffic that will no longer support the left turn pocket. The developer has been advised that retention of the left turn pocket will be based on the findings of an annual traffic study prepared at the developer's expense. In event that the street will no longer support the left-turn pocket, then the developer will have to restripe the street to exclude left turns. The D Street entry will be restricted to right-turn out movements only. The Grand Street entry gate is being redesigned to allow entry for both tenants and visitors.

Streets within a condominium project are required to be 24 feet wide. Circulation within the project is primarily from a loop road, which is tied to both gated entries. The majority of the travelways have a minimum width of 24 feet. Several sections of the roadway, however, are shown to be only 22 feet wide and these sections will be required to be widened to meet the standard. Three dead-end streets (marked on map as road sections "F", "J" and "L") exceed the 24-foot wide standard. These streets will need to be posted for "No Outlet/Assigned Parking Only." In exchange for a Fire Department requirement to provide an emergency gate to be placed at the terminus of street "J", the City Fire Marshal will accept a fire hydrant to be located at the street terminus. A man door (emergency use only) will also be required at this point. Circulation area between opposing garage doors or opens parking meets or exceeds the requirements of the Off-Street Parking Regulations.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

Unit Type:

The project unit mix contains studio (12), one bedroom (72), two-bedroom (72) and three-bedroom (20). The units are single-story stacked and are well designed with interesting layouts. The studio units contain 446 square feet and appear very efficient. One-bedroom units are 693 and 769 square feet in area. Two-bedroom units contain 1,038 and 1,042 square feet in area. The largest units are the three-bedroom units, which contain 1,248 square feet. Each unit will have self-contained laundry facilities. The three-bedroom-units are being designed with fireplaces.

Building Design:

The plans indicate that four building types are proposed. All 10 buildings will be three stories and are of similar design. The difference between them is the make-up of the floor plans containing between 16 and 20 units each. All buildings are walk-up-type (no elevators) and have two sets of stairwells within the covered breezeways that provide access to the units. An open corridor or balcony connects the stairwells on the rear side of the building. Staff believes that the buildings are attractive and well designed and follows the intent of the City's Design Guidelines. The structures have good articulation, which is achieved by the inset balconies, change of materials and the protrusion of certain wall elements. The pitched and hip roof system also adds to the interest of the structure by providing different planes. Chimney flues will also break up the horizontal plane of the 140+-foot building length.

The first floor features an exterior scored stucco finish with 6-inch horizontal lap siding on the second and third floors. Stucco wall sections are also placed at the location of balconies and at the building entrances to break up the lap siding. The entrances have a tall, peaked element to provide a focal point at these building entry areas. Canvas awnings and decorative metal railings will be placed at various points to add interest and to provide some accenting. Roofing material will be a composition shingle. Staff has required that roofing be either tile or a high quality heavy butt composition shingle. With the numerous windows, decorative railings, awnings and other façade details, especially on the front building elevations, the structures should have a pleasing effect along the property frontages. Staff believes that the appearance of the streetscape building elevations is of particular importance to this project. The developer has proposed project enclosure walls to be placed along the D Street and Grand Street frontages, similar to that found along the C Street and Atherton Street frontages of Atherton Place. Buildings 8 and 9 will front Grand Street and will have pedestrian gate access to the street.

BART Access

The developer has designed the project so that tenants can have pedestrian access to the BART station. BART officials have spoken to the City and have indicated their support for the connection. The developer will have to obtain an easement for access. Staff has conditioned the project to require a formal gate with an intercom/security system in order to allow guests to enter the project who arrive via BART. This gate will be required to be accentuated with a trellis or other decorative structure. The developer states that they will replace the existing chain-link fence along the BART property line with a 6-foot-high decorative pre-cast concrete fence placed between capped pilasters.

Parking

The parking requirements of the Core Area Plan are 1.5 spaces per unit. While it may be argued that placing a project like this next to BART and public transit may reduce the demand for parking spaces, the developer has provide parking on site that exceeds the City requirement. The 176-unit project has a parking requirement of 264 spaces, and 176 of these spaces are required to be covered. The developer proposes a total 294 spaces (1.67 spaces per unit). A total of 182 parking spaces will be covered. Building plans indicate that 74 of these covered spaces will be within individual garages that are tucked under the buildings and which have man doors that lead directly to the interior corridor on the ground floor. The remaining covered 108 spaces are to be located under carports that have pitched roofs that incorporate roofing material used on the residential buildings. The carports are generally located to the outer perimeter of the loop road along the north (BART parking garage) and east (railroad tracks) sides of the project. The covered parking spaces are evenly distributed through the site. There are 112 open parking spaces, which are generally located between the garages on the backside of the buildings, in front of the office/club facility and at the easterly end of the property. A total of 82 spaces (27%) are compact size. The Parking Regulations require that 10 percent of the required parking be allocated to visitors. The plans show a total of 13 spaces for visitors' use. A total of 27 spaces will need to be designated and maintained for visitors.

The only departures to City requirements for this project are related to parking. The developer is requesting a reduction of required setback between some of the compact parking spaces and the residential building walls. The Zoning Ordinance requires that parking spaces be setback 5 feet from the building wall in order to provide protection to the building and to provide adequate planting areas to soften and enhance the appearance of the buildings. Building types 1 and 3 (Buildings 1, 2, 6, 7, and 10) indicate a setback of approximately 3 feet between the stall and the building wall. Staff recommends that one compact parking space be removed from each bay to bring the setback into conformance and to provide area for adequate pedestrian circulation to the rear entry of these particular buildings. The developer states that the parking setback is minor since it abuts a garage wall and will not affect any living space on the ground floor. The developer prefers not to lose the 5 parking spaces.

A second departure to City regulations is the width of the private garages. Plans indicate that garages have an inside dimension of less than 10 ½ feet (measured to wall centerline) where the Zoning Ordinance requires individual garages to be a minimum width of 11 feet to accommodate the door swing. The developer is requesting parity with the Atherton Place townhouse project. Council approved this latter project with garages that had a garage width ranging between 9 and 10 feet for the "A" plan and 9 ½ to 10 feet for the "B" plan. While the proposed garages are slightly less than 10 ½ feet wide, the project is designed to less generous standards recognizing the urban character of the project. With the reduction of one compact parking space between some of the building types listed above, it may be possible to increase these garages to the full-required dimension.

Usable Open Space:

The City's open space requirement in the Downtown area is 100 square feet per dwelling unit, or

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

17,600 square feet. The project well exceeds this amount and provides a very generous group open space area. This requirement is met by approximately 25,500 square feet of group open space and 26,520 square feet of private usable open space for a total of approximately 52,020 square feet. The group open space area includes a 3,114-square-foot office/club facility, which will have management offices, clubroom, exercise room, kitchen, restrooms and showers facilities in addition to area for pool equipment. The office/club house facility matches the design of the residential buildings and utilizes the same materials. The building was given a tower element in order to provide a focal point that could be recognized from the gated entry for project visitors. An attractive trellis is also shown at the building entry. Staff has required by a condition of approval that the trellis design be carried over to the pedestrian entry gates to be located along Grand Street and D Street. The core of the project also includes a large swimming pool (30' x 70'), spa with curved-trellis, deck, children's tot lot and grass areas. From preliminary review of the Park Dedication Ordinance, it appears that the project qualifies for in-lieu fee credits because of the amount of usable open space area and facilities being proposed.

Private open space is provided in the form of ground level patios (100 square feet) for 44 units and private decks (67 square feet) for 132 units. Both the decks and the ground level patios will have storage closets that meet ordinance requirements of at least 90 cubic feet each. The patio yards are to be enclosed with a 5-foot-high fence incorporating a solid, horizontal, lap-siding material. The project acoustical report states that in order to meet required sound levels within the patio yards that are within 190 feet of Grand Street and D Street, that the patio fences will need to be 6 feet high. The patios are located on buildings 2,3,8, and 9. Staff recommends that a section of the fence be lowered by one foot and that inserts of Lexan plastic, glass, Plexiglass or other approved material be used to provide more light and provide a visual break in the material as a design element as well as provide a view for tenants (see pages 4 and 5 of the attached noise assessment study).

Landscaping:

The developer desires to provide a quality project and has designed the orientation of the buildings and open space to benefit not only project tenants but also the public as they pass by the project. In order to provide privacy within the project, a 6-foot-high wall is proposed between the public right-of-way and the buildings. This fence or wall has not yet been designed but will be similar to the wall placed around the Atherton Place project along C Street and Atherton Street. While the proposed units are of a different type than the Atherton Place townhomes, which have individual entry gates along the frontage wall, the proposed condominiums will have accentuated pedestrian gates along the street frontage of Grand Street and at the main entry of D Street. The screen wall is being required to be setback 3 feet from the sidewalk (the plans indicate 2 feet) in order to provide ample room for small shrubs and vines to enhance the wall. Staff is requesting pilasters and decorative insets (dropped top of one foot to provide for metal lattice or other design treatment) into the wall to add interest and articulate its presence along the street.

The City has planted both D and Grand Streets with street trees in the past few years. Some of the trees are not doing well and will require replanting. There is a 3 ½-foot-wide planter strip between the sidewalk and street. Because no parking is allowed along Grand Street and a traffic

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

lane is adjacent to the curb, the City Landscape Architect believes that it would be more appropriate to continue the shrub planting (*Raphiolepis*) in the planter strip and not introduce a more urban pattern that is used at the front of the Atherton Place project. The later project incorporates tree grates, trunk protection guards and pavement in the planter strip. Shrubs will provide more pedestrian protection from the adjacent travel lane within the street.

The project entries on both D and Grand Streets will have landscape treatment outside the project gates. The developer has agreed to replace the chain-link fence that is located above the D Street retaining wall. The developer proposes an open metal fence for safety of maintenance crews who will work the landscaping to be placed between the proposed fence replacement and the project perimeter 6-foot-high screen wall. A condition of approval requires that vines be planted above the D Street retaining wall in order to enhance the wall and street. Another condition of approval requires a dense tree adjacent to the railroad and BART tracks. Tall columnar type trees will be somewhat sound absorbing, provide a backdrop to the project, and will be in scale with the proposed three-story buildings. A sound wall is not required but the developer indicates that they will continue the 6-foot-high precast concrete fence along the Union Pacific Railroad tracks to provide added security to the project.

Because of the expanse of pavement at the driveway entry gates, the developer proposes to use decorative pavement material (e.g. Bomanite or concrete brick pavers) which will add a color and textured element adjacent to the street

Lighting:

Both Grand and D Streets have electroliers for street lighting. The developer will be required to place three poles on their frontage along Grand Street. Decorative poles (16 feet high maximum) and fixtures will require within the project.

Trash Enclosures and Mailboxes

Three trash enclosures are shown on the plans. The conditions of approval include a requirement that they be sized to include area for recycling containers. They will be required to be totally enclosed with masonry walls and metal gates and be roofed. Mail will be delivered to gang boxes at three locations within the project. These will also be roofed structures and will be tied architecturally to the materials and colors of the residential buildings as will be the trash enclosures.

VARIANCES

As indicated elsewhere in the report, three variances regarding parking spaces and street widths are requested by the applicant. These are as follows:

- a. To allow compact parking to within approximately 2 ½ -3 feet of the building walls of Buildings 1, 2, 6, 7 and 10 where a minimum 5-foot setback is required;

Staff Comments – It is difficult for staff to support this request when all multi-family projects constructed within the City are required to provide the minimum 5-foot separation between a

parking stall and the building. The variance request is based on the applicant's design of the building, and staff sees no justification to base the findings for approval of it. The reduced setback is necessitated by the lack of space between the building wings to provide for the number of parking spaces desired and the area to provide the required setback.. While staff understands that the parking will be adjacent to a garage wall and not a dwelling unit, the fact remains that a lesser area will not provide an area sufficient to plant larger shrubs which staff believes is desirable to soften the effects of the larger three-story buildings. The wider area would not only provide a wider planting area but it would also provide some space for a pedestrian path to lead people to the rear doorways at the back of the building. Because the project exceeds the City's parking ration requirement, staff believes that the variance should be denied and that five of compact spaces (one for each of the buildings involved) be deleted. Staff is not aware of others projects within the area or zoning district that have been granted this request.

- b. **To allow garage widths of less than 10 ½ feet where 11-foot-widths are required;**

Staff Comments – While staff finds the wider parking garage space to be desirable for vehicle entry, a similar request for narrower garages (9 and 10 feet wide) was approved for the Atherton Place Townhomes by City Council. The applicant is seeking parity for what has recently been approved and found acceptable in the area adjacent to the BART station.

- c. **To allow some of the street sections within the development to be 22 feet wide where 24-foot-wide streets are required for condominium projects.**

Staff Comments – The majority of the streets within the project have a width of 26 to 28 feet. It is only in several locations where the street width is narrower and indicated to be 22 feet wide. The minimum width of a travelway within an apartment project is required to be 24 feet. The City's requirements for street widths in condominium project is 24 feet. The applicant indicates that while a tentative map is being prepared for the project, it is their intent to not sell the units but to maintain the project as a rental facility. The reduced street width is designated and demensioned on the site plan. The variance will only apply to the three street sections indicated on the plans. To bring the street width into compliance would require the removal of landscaping and adding more pavement which they believe is not needed. The project streets conform to the requirements of the Fire Department. The City has approved the conversion of some apartment projects to condominiums where some of the internal streets were less than the 24 foot width.

The purpose of variance provisions is to authorize in specific cases departure from the terms of the Ordinance if not contrary to the public interest where owing to special conditions, literal enforcement would result in unnecessary hardship. The Zoning Ordinance states that the approving authority may approve or conditionally approve an application when all of the following findings are made:

- a. There are special circumstances applicable to the property including size, shape, topography, location, or surroundings, or other physical constraints.
- b. Strict application of the Zoning Ordinance deprives such property of privileges enjoyed by

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

other property in the vicinity under the same zoning classification.

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

GENERAL POLICIES PLAN

The property is designated on the General Policies Plan map as Commercial: Downtown - City Center Area. The CC-C Subdistrict zoning on the property is consistent with the Plan and allows for the proposed development subject to approval of a use permit for first floor residential uses. One of the policies stated is that the special character of areas within the downtown will be fostered in order to create a coherent land use pattern. A strategy listed to accomplish this is to encourage both commercial and residential development in the area surrounding the BART station. Another policy stated is mixed-use, restoration, and residential projects as well as commercial projects, will be encouraged in the downtown area. A supporting strategy is to encourage moderate and upper income residential development to increase market support for business and to extend the hours of downtown activity. Another strategy to support pedestrian amenities in the downtown is to encourage pedestrian circulation with pedestrian ways that connect principal destinations such as BART.

The General Policies Plan states that "greater intensity of development is desirable in the BART area to better utilize BART and available land as well as to create another identifiable focus for the downtown." Generally, continuous street frontages and more than one story of development support a pedestrian-oriented, "downtown" character. New housing in and around the downtown is desirable to support retail uses and cultural activities and to maintain a lively downtown evenings and weekends.

The Growth Management Element adopted by Council on July 13, 1993 and amendments added on January 9, 1996 indicates that a policy for downtown is to implement the Downtown Design Plan and the Core Area Specific Plan with emphasis on making the downtown a focal point for the City and an area suited to pedestrian use, including more features like fountains, benches, etc. The Element also adds that the following proposals should be evaluated: seek owner occupancy in high-density housing developments and seek larger units (2-3 bedrooms) to encourage ownership.

DOWNTOWN DESIGN PLAN

The property is at the edge of the Downtown Core. The Downtown Design Plan presents the City's development policies for downtown Hayward. Multi-family residential is included as a permitted use in the CC-C District. The purpose of the Downtown Hayward Design Plan is to create a densely developed, mixed use, pedestrian oriented downtown neighborhood. In the plan, new housing units are to be clustered around an easily accessible transit hub for BART and buses. The Core Area Plan outlines the density, setbacks and design features of the various blocks in the downtown. The project site is designated for housing with a density allowance up to 65 units per acre. The plan requires that the primary entries to the units be from the public street or from a private street, which is developed like a public street.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

Another feature of the plan is the concept of a 8-foot "encroachment zone" for all residential housing. The encroachment zone is the setback area between the front property line and the primary building wall. Within the encroachment zone, features such as stairs, stoops, porches, bay windows and trellises are required. The purpose is to provide interest and animation along the street. Because the buildings contain stacked units, individual stairs or access to each unit is not possible. Those buildings fronting streets will meet the intent of the plan to allow pedestrian access to the street with the provision of entry gates that are accessible to project visitors and tenants. The development plan indicates a building setback of 10 and 15 feet along Grand Street and between 13 and 20 feet along D Street. Staff believes that the project complies with the Downtown Design Plan.

### **ENVIRONMENTAL REVIEW**

A negative declaration was adopted by City Council on November 14, 1989, for a residential project on subject property that indicates that a 311-unit multi-family project would not create a significant environmental impact. An initial study was prepared for the subject property, which reflects current environmental requirements. The initial study concludes that the environmental issues addressed in the 1989 negative declaration adequately address environmental issues associated with the current residential project and that no new environmental review is necessary. Traffic and hazardous materials on site were previously reviewed and were found to not be a problem. The applicant has submitted a new traffic study (see attached) that indicates that the project will not impact vehicular circulation in the area and that the streets can handle the traffic generated from this project.

### **PUBLIC HEARING NOTICE**

On December 2, 1997, a notice was mailed to all property owners and abutting residents within 300 feet of the subject property and all other interested parties. On December 2, 1997, a public hearing notice was published in the "Daily Review." The applicant submitted the project as a zone change request to Planned Development District. The public notice of the project advertised in the newspaper and to all property owners and abutting residents indicated that the application was for a zone change request. The project has since been reformed within the existing CC-C (Central City- Commercial) Subdistrict and is now designated as a use permit, site plan review and variance application. The design and merits of the project have not been changed and the review process is still being placed before the Planning Commission as a public hearing item.

### **CONCLUSION**

Staff finds the proposed development to be well designed and the project provides a good balance of open space and amenities for the 176 multi-family units. The project complies and exceeds the City requirements for parking and usable open space. The project also takes advantage of the adjacent BART station by providing a point of egress to allow tenants and visitors to use the facility. The design of the project also follows the Downtown Design Plan and the General Policies Plan. The project is not within the Hayward Fault Zone. Submitted studies regarding traffic and acoustical do not present any impacts that cannot be mitigated by the attached

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant)

conditions of approval. The development will complement and tie in well with the recent construction of Atherton Place located directly east of the project and the railroad/BART tracks. The variances requested are minor and do not impact surrounding properties.

Prepared by:

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Sheldon R. McClellan  
Senior Planner

Recommended by:

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Dyane Anderly, AICP  
Development Review Services Administrator

Attached Exhibits

- A - Findings for Approval
- B - Conditions of Approval
- C - Area Map
- D - Negative Declaration
- E - Initial Study
- F - Noise Assessment Study (Edward L. Pack Associates, Inc.)
- G - Traffic Study (TJKM Transportation Consultants)
- H - Modified Grand Street Entry Design
- I - Cross-section Drawings of Frontage Screen Walls
- J - Development Plans

K:DRSGroup\FORMS\PCReport

**CONDITIONS OF APPROVAL**  
Approved by City Council on January 17, 1998

**USE PERMIT, SITE PLAN REVIEW & VARIANCE APPLICATION NO. 97-190-07**  
**Lincoln Property Co. N.C., Inc. (Applicant)**

1. Unless the developer has applied for a building permit within two years of the date that City Council has approved the tentative map, the use permit, site plan review and variance application 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, site plan review and variance application.
2. All improvements shown on Exhibit "A" shall be installed prior to occupancy unless exempted by the conditions below.
3. The building permit shall include the following:
  - a. The entry drive area on Grand Street shall be redesigned to provide for visitor access with a turn around in front of the gate.
  - b. Design, material and colors for all buildings and fencing. Lighting fixture design and location. The roof material shall be tile or a high relief composition shingle. Entry pedestrian trellises shall be provided on both street frontages and to the BART garage area.
  - c. Details of the vehicular and pedestrian security gates and directional signage for visitors and residents.
  - d. A detailed landscape and irrigation plan.
4. Prior to issuance of a building permit, detailed landscape and irrigation plans prepared by a landscape architect shall be submitted for review and approval by the city. Irrigation shall be provided for all landscaped areas. Landscaping and irrigation plans shall comply with the City's *Water Efficient Landscape Ordinance*. The following requirements shall apply:
  - a. One 24" box street tree is required for every 20 - 40 lineal feet of frontage. Trees shall be planted to fill vacancies in the street tree pattern, and to replace any declining or dead trees.
  - b. On Grand Street, the park strip between the curb and sidewalk shall be planted with low growing shrubs 2-3' in height, and maintained by the owner.
  - c. Landscaped areas adjoining drives and/or parking areas shall be separated by a 6" high class "B" Portland Cement concrete curb.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 – Lincoln Property Co. N.C., Inc. (Applicant) – Revised Conditions of Approval

- d. Parking lot areas shall include one 15-gallon tree for every six parking stalls. Parking lot trees shall be planted in tree wells or landscape medians located within the parking area. Parking rows shall be capped with a landscaped median. All tree wells and medians shall be a minimum of 5' wide. Parking areas shall be screened from the street with a continuous 30" high hedge, or masonry wall.
  - e. Vines on a trellis, or an upright shrub shall be planted between garage doors.
  - f. A minimum of one 15-gallon buffer tree shall be planted for every 20 lineal feet of property along the easterly property line adjacent to the Union Pacific Railroad/BART tracks.
  - g. Provide a dense landscape buffer, including trees and shrubs, along 'D' Street, and where abutting residential property.
  - h. Masonry or pre-cast concrete walls shall be screened on the street side with vines and shrubs. A minimum 3-foot-wide planting area shall be provided in front of the wall facing Grand Street.
  - i. Provide a dense landscape screen with tall shrubs and tree clusters, as appropriate, to enhance the Sycamore trees on adjacent BART property.
  - j. All trees shall be planted according to the City's standard detail SD-122.
  - k. Trees shall be preserved in accordance with the *Tree Preservation Ordinance*. All trees to be preserved or removed shall be indicated on the site and landscape plans, and noted with tree protection measures in compliance with City codes. A tree removal permit shall be obtained prior to removing any tree 30" in circumference, or larger, measured 2' above the ground. Branches from trees on adjacent property which overhang the site shall be protected during construction with appropriate preservation measures, as approved by the City.
  - l. A tot lot facility shall be located within the group open space area. The required landscape plan shall detail the area and equipment to be installed. Permanent seating (benches or seat wall(s)) shall be placed adjacent to the area.
  - m. Vines shall be planted above the D Street retaining wall and shall be trained down to cover the wall.
5. The developer shall be required to pay park in-lieu fees according to City code. Fees shall be paid prior to the date of the final inspection or the date the certificate of occupancy is issued for the development, whichever occurs first.
  6. Decorative pavement sections (bomanite, interlocking pavers, or other approved material) shall be installed within the gated entry areas of the project on Grand and D Streets, major

pedestrian crosswalks within the project.

7. Fences, Walls and Gates

- a. A decorative 6-foot high masonry or precast wall between pilasters shall be placed along the Grand Street property frontage and along D Street behind the underpass retaining all. The wall shall incorporate decorative insets along the top edge to provide for decorative tubular-metal lattice or other approved material that complements metal trim used on the buildings. If the insets are not feasible due to other requirements (e.g. Acoustical Study), then decorative metal or other ornamentation shall be provided on the wall surface. The design of the inset or ornamentation and its location shall be approved by the Director of Community and Economic Development/Planning Director.
- b. Project vehicular entry gates placed at D and Grand Streets, pedestrian gates along both street frontages and entry to the BART property shall be an open decorative metal type that complements the design of other decorative metal work within the project.
- c. A decorative open metal or solid precast concrete fence shall replace the existing chain-link fence located along the north property line that abuts the BART garage. A decorative open metal fence shall replace the chain-link fence above the underpass retaining wall along D Street. All fencing shall be 6 feet high.
- d. Prior to occupancy of the project, if the developer has not purchased the three corner parcels located at D & Grand Streets, a six-foot-high precast-concrete or masonry sound wall shall be erected on the property lines abutting these adjacent properties. The walls shall step down to a maximum height of 4 feet within the required front yard setbacks.
- e. With the purchase and development of the corner properties, the developer shall place a prominent design or other monumental element at the corner of D & Grand Streets.
- f. Pedestrian entry gates placed along D (one) and Grand (three) Streets and on the north property line at the BART property entrance shall incorporate a decorative wood trellis that provides a focal point to the entrances. The design of these structures shall complement the trellis placed at the entry to the office/club house structure and shall be detailed on the building permit plan. All pedestrian gates shall incorporate an intercom/security lock system, which will allow visitor entry by all project tenants.
- g. The patio screen walls of ground-floor dwelling units shall incorporate an inset on the top edge, which includes a decorative tubular metal lattice. The design and placement of these insets and lattice shall be approved by the Director of Community and Economic Development/Planning Director. Where the Acoustical Study will require the full height of the screen walls, the applicant shall seek alternative materials for the insets or provide an alternative to the design.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 – Lincoln Property Co. N.C., Inc. (Applicant) – Revised Conditions of Approval

8. The carports shall have roofing material that matches the residential buildings. The design of the carports shall incorporate pitched roofs with wood trim and shall have support poles that are in scale with the overhead structure.
9. The three designated trash enclosures located within the project shall be totally enclosed and shall incorporate pitched roofs and have decorative masonry walls and solid, decorative metal access gates. Each unit shall include internal concrete curbing to protect the sidewalls and shall be equipped with a hose bib and be connected to the sanitary sewer. Each enclosure shall be sized to provide adequate area for the storage of recycling bins or containers or the developer shall provide sufficient space for the location and screening for a recycling dumpster(s). The design of these facilities shall complement the design, color and materials of the residential buildings and shall be approved by the Director of Community and Economic Development/Planning Director. The trash enclosure located at the terminus of "F" driveway shall be relocated to the perimeter roadway in the vicinity of buildings 5 and 6.
10. The project shall be maintained in good repair of all building exteriors, fencing, parking surfaces, landscaping, irrigation system, lighting, drainage improvements, trash enclosures, signs, etc.
11. No individual television or radio transmission or reception antennas shall be permitted; a central television reception antenna or enclosed attic antennas shall serve all dwelling units. Any satellite dish shall be ground-mounted and screened from view.
12. A project identification sign shall be permitted at each main entry/exit driveway on D Street and Grand Street. The signs shall conform to Sign Ordinance regulations and shall be either a low-monument or wall-mounted type. Sign design, colors, and materials shall reflect the architectural style of the project and shall be approved by the Director of Community and Economic Development/Planning Director.
13. The Director of Community and Economic Development/Planning Director shall approve all building materials and colors, as well as required modifications to the structures. The buildings shall incorporate several combinations of related color schemes to break up and differentiate between the different structures. A common base color shall be used on all buildings to provide continuity.
14. Roofing material shall be tile or a high quality composition shingle with a thick butt and shall be Class "C" or better.
15. Canvas awnings shall consist of a material that is resistant to dampness and solar decay. All awnings shall be maintained on a regular basis to prevent deterioration and shall be replaced on a timely basis when needed.
16. Lighting shall be provided in the tenant and visitor's parking areas, group open space areas, and along the project roadways. The type of lighting fixtures and location shall reflect a design that is consistent with the design of the project and shall be approved by the

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant) - Revised Conditions of Approval

Director of Community and Economic Development/Planning Director. All on-site exterior lighting adjacent to the three inset residential properties not owned by the applicant shall be shielded and deflected away from neighboring residential properties. Pole lighting shall not exceed 16 feet in height unless waved by the Planning Director.

17. Mechanical equipment, such as air conditioners, shall be prohibited on the roof.
18. Above ground utilities and water meters shall be enclosed within the buildings or shall be screened with shrubs and/or an architectural screen.
19. Any transformer pads shall be screened by plant material and/or other approved material and shall be located outside any street frontage setback areas.
20. The building permit plans shall comply with the recommendations of the *Noise Assessment Study* prepared by Edward L. Pack Associates, Inc. and dated September 2, 1997.
21. A tentative map for a condominium shall be processed and approved prior to issuance of a building permit and shall contain all the information required by the City Municipal Code Section.
22. The final map shall be filed and approved by the City and recorded in the County Recorders Office prior to the issuance of a certificate of occupancy of any unit.
23. If the dwelling units are to be rented out prior to any sale as a condominium, the property owner shall disclose within all rental agreements that the project has been approved as a condominium project and that the unit may be sold upon notice.
24. A detailed grading and drainage plan shall be submitted for the review and approval of the City Engineer. A storm drainage system shall be provided that conveys storm water runoff into facilities of the City or Alameda County Flood Control District. Roof drainage shall be connected into the on-site drainage system.
25. A detailed soils report, analyzing soil and fill expansion and liquefaction potentials, soil preparation, grading and building foundation designs shall be submitted for review and approval of the City Engineer.
26. Parking shall conform to the City's Off-street parking ordinance.
27. Twenty-seven visitor-parking spaces shall be designated, marked and maintained for visitors' parking. At least 19 of the visitor spaces shall be standard size. Small car spaces shall be clearly marked. These spaces shall be distributed throughout the project.
28. All roadways within the project shall meet minimum City standards for private streets within a condominium project and shall be a minimum width of 24 feet except where presently designated on the plans for a street width of 22 feet.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant) - Revised Conditions of Approval

29. A minimum 3-foot-wide access path shall be provided at the rear of each building between the compact spaces and the rear building corridor.
30. All dead-end streets shall be posted with signage that states "No Outlet/Assigned Parking Only."
31. Hose bibs shall not be located in close proximity to parking areas within the project unless they are specially keyed to prevent tenants from washing their vehicles within the confines of the development. If washing of vehicles within the project is desirable, such activity shall be limited to an area that is roofed and drained to the sanitary sewer and the area graded to prevent any other water from entering the drain.
32. During construction the contractor shall sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent streets; shall hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more); enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.); install sandbags or other erosion control measures to prevent silt runoff to public roadways; and replant vegetation in disturbed areas as quickly as possible.
33. The applicant shall submit a construction Best Management Practice (BMP) program for review and approval by the City prior to the issuance of any building or grading permits. These BMPs shall be implemented by the general contractor and all subcontractors and suppliers of material and equipment. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop work order.
34. Construction access routes shall be limited to those approved by the City Engineer and shall be shown on the approved grading plan.
35. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPS) appropriate to the uses conducted on-site to effectively prohibit the entry of pollutants into storm water runoff.
36. The project plan measures shall also include erosion control measures to prevent soil, dirt and debris from entering the storm drain system, in accordance with the regulations outlined in the ABAG Erosion and Sediment Control Handbook.
37. The applicant is responsible for ensuring that all contractors are aware of all storm water quality measures and implement such measures. Failure to comply with the approved construction BMPs will result in the issuance of correction notices, citations or a project stop order.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant) - Revised Conditions of Approval

38. Prior to the commencement of any clearing, grading or excavation resulting in a land disturbance greater than five acres, the developer shall provide evidence that a Notice of Intent (NOI) has been submitted to the (California) State Water Resources Control Board.
39. Trash enclosures and/or recycling area(s) shall be completely covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system. Drains should connect to the sanitary sewer. Sanitary connections are subject to the review, approval, and conditions of the wastewater treatment plant receiving the discharge.
40. Prior to the sale of any condominium, the applicant shall create a homeowners association and shall record the CC&R's. The CC&R's shall be subject to the review and approval of the City Attorney prior to recordation. The property owners association shall be responsible for implementing all storm water measures and the maintenance of all private streets, private utilities, and other common areas and facilities on the site, including all landscaping.
41. The property owner or Homeowners Association, when formed and given responsibility, shall be responsible for the maintenance of the Common Area Landscaping. Landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and minimize the use of fertilizers and pesticides, which can contribute to urban runoff pollution.
42. All driveways along Grand Street to be abandoned shall be removed and replaced with standard sidewalk, curb and gutter.
43. The abandoned sanitary sewer main crossing the property (former Sutro Street) is within close proximity of building #5, the sewer pipe shall be removed and the area properly compacted.
44. The developer shall install three electroliers along Grand Street. The pole and fixture shall match those used by the City and located elsewhere along the street.
45. Alligator cracking within City frontage improvements along Grand Street shall be removed and will require replacement by full-depth patches.
46. Prior to commencement of any site grading, a hydrology and hydraulic calculations shall be submitted to ACFC&WCD (Alameda County Flood Control & Water Conservation District) for review and approval.
47. The developer shall install a new fire hydrant along D Street adjacent to the proposed driveway.
48. The existing water main beyond the new fire hydrant shall be abandoned. The new fire hydrant shall be the end of the water main along D Street.
49. The garage of each unit shall be maintained for off-street parking and shall not be converted to living or storage areas.
50. An automatic garage door opening mechanism shall be provided for all garage doors.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 - Lincoln Property Co. N.C., Inc. (Applicant) - Revised Conditions of Approval

51. Open parking spaces shall not be used for recreational vehicles, camper shells or boats and trailers.
52. A two-way left-turn lane between a point 400 feet east of Grand Street and the site's driveway on "D" Street shall be striped. The two-way left-turn lane should connect to the one-way left-turn lane leading to the intersection of "D" Street and Grand Street. The developer shall prepare a striping and signing plan to accommodate this channelization subject to review by the City.
53. A median island in the driveway, which would allow for a right turn only from the driveway onto "D" Street shall be installed. Left turns from the driveway onto "D" Street would be prohibited and signage erected indicating same.
54. A traffic monitoring program will be conducted by the developer and reviewed by the City periodically until the year 2005, evaluating the traffic conditions at the intersection of "D" Street and Grand Street and assessing the adequacy and safety of left turns at the intersection and the "D" Street driveway. The study will be conducted annually for three years beginning in November 1998. Beginning in November 2001, the study will be conducted every two years. If any of these studies indicate that the storage length for the "D" Street westbound approach is inadequate or that there is a uncorrectable safety problem, then the left turn access to the site shall be relinquished to the city at the expense of the developer.
55. The project shall comply with UBC, UPC, UMC, NEC, Title 24 requirements, and all applicable City amended ordinances.
56. All ground level units shall be on an HC (handicap) accessible route and made HC adaptable.
57. The applicant (project proponent) shall be responsible for payment of all required fees (e.g. construction tax, school district tax, and interim supplemental construction tax).
58. The project shall adhere to the Security Ordinance.
59. A project site plan (minimum 4-foot square) indicating all buildings and travelways shall be posted at each vehicular street project entry in such a manner as to provide orientation and direction for visitors and emergency response teams. The location and design of the directional layouts shall be provided on the building permit.
60. Buildings shall display in a highly visible location the address of each structure. Street numbers shall be located on the street side of the building as well as on the side of the public entry to the building. Address numbers must be legible and readable by personnel within emergency vehicles from the project streets. The numbers shall be at least 4" in height and of contrasting color to the background. The numbers shall also be lighted to at least .25 C/F during the hours of darkness.

Use Permit, Site Plan Review & Variance Application No. 97-190-07 – Lincoln Property Co. N.C., Inc. (Applicant) – Revised Conditions of Approval

61. Mailboxes shall be grouped within covered decorative shelters that provide adequate area for storage of larger parcels and a receptacle for trash. The design, material and color of these structures shall be consistent with the overall project design theme.
62. The project shall have a certified, on-site resident manager.
63. The following Hayward Utility (Water) Division requirements shall apply:
- a. The water mains from both Grand and D Streets shall be looped. The previous connection from D Street is available for use;
  - b. Water meter shall be placed a minimum of 6 feet from sanitary sewer lines, a minimum of 2 feet from top of the driveway flair and shall not cross property lines;
  - c. A reduced pressure backflow preventer shall be installed behind the water meter per City of Hayward Standard Detail 202;
  - d. It is recommended that a separate irrigation meter for landscaping and the service to the central office/club facility be installed;
  - e. Keys or access codes to the automatic gate opener shall be provided to the City of Hayward Utility Division for all meters enclosed by a fence /gate as per Hayward Municipal Code 11-2.02.2; and
  - f. Water service available shall be subject to standard conditions and fees in effect at the time of application to the City of Hayward.

63. The following Fire Department requirements shall apply to this project:

Prior to construction materials being brought on the property:

- a. All weather access road shall be installed and maintained per Article 9 of the Hayward Fire Code;
- b. Hydrants and permanent water supply required per Article 9 of the Hayward Fire Code;
- c. Required water system improvements shall be completed and operational prior to the start of combustible construction;
- d. Fire Department access shall be provided during all phases of construction as specified and upon completion of the project;
- e. Minimum 24 feet wide all weather access road engineered for 50,000 pound gross vehicle weight;

Use Permit, Site Plan Review & Variance Application No. 97-190-07 – Lincoln Property Co. N.C., Inc. (Applicant) – Revised Conditions of Approval

- f. Fire hydrant is required (4,500 gallons per minute with 20 pound per square inch); and
- g. Provide an emergency man door at the terminus of “J” Street and install a fire hydrant at the terminus of “J” and “F” Streets, which shall meet Fire Department requirements.

Prior to final certificate of occupancy:

- h. All structures shall be fully sprinkled per NFPA 13R;
- i. Alarm system with central station monitoring required for manual and water flow alarms. Annunciation panels for the entire complex shall be located at each driveway entry and annunciation panels for individual buildings shall be located at each building entry point. Buildings should be zoned for alarm location;
- j. Smoke detector system required in dwelling units as per the Uniform Building Code;
- k. Fire extinguishers shall be required. Minimum size and type shall be 2A: 10BC, five pound dry chemical. Spacing shall be 75 feet of travel;
- l. Automatic fire extinguishing sprinkler system required with Fire Department connections to be located at driveway entry points on both Grand and D Streets and interconnected to allow Fire Department to pressurize system from either point;
- m. Exiting shall conform to the Uniform building Code;
- n. Trash areas shall conform to the Hayward Fire Department standards and be of noncombustible construction;
- o. If electronic gates are proposed, then same must meet City of Hayward Fire Department Standard for lock box or key switch for emergency vehicle access;
- p. Each space shall meet requirements for defined occupancy classification.
- q. All curbs fronting travel ways where parking is not located, shall be red striped and posted as fire lanes;
- r. Hazardous materials use and storage must meet the requirement of the City of Hayward Fire Department (specifically the pool chemicals); and
- s. Applicant shall contact the City of Hayward Fire Department, Hazardous Materials Section.

March 17, 1998

Robert M. Huggins  
Lincoln Property Company  
101 Lincoln Centre Drive  
Foster City, CA 94404-1167

Subject: Tree Report, Meridian Apartment Site, Phase II, Hayward

Dear Mr. Huggins:

The Lincoln Property Company is planning to construct the Meridian Apartments, located on Grand Avenue in Hayward, and recently purchased the corner portion of the property to be included in the project. The site contains several trees. You asked that HortScience, Inc. prepare a tree report for the site as required by the City of Hayward. This report presents the results of our tree inventory and evaluation.

#### *Tree Survey*

I visited the site on March 3, 1998. Each tree 6" and greater in diameter was tagged with an identifying number, its approximate location plotted on the site plan, the species identified, the trunk diameter measured, and the health and structural characteristics described. The results of that inventory are presented on the attached Tree Survey Form. Approximate tree locations by tag number are shown on the attached Tree Survey Map.

There were a total of 23 trees on the site. Four trees, in moderate to poor condition, ranging in diameter from 6" to 10". In addition, there was a row of 18 Italian cypress, that are all approximately 8" in diameter. The row is identified by one tag (#298). The Italian cypress trees had good form, but were hosts of cypress canker disease (*Seiridium cardinale*). It is expressed by the death of branches and sap running down the trunk.

One tree was in good condition: the Lombardy poplar #299 with a diameter of 39". We were not able to accurately locate the tree on the site plan, but believe its location will be close to a parking area.

I do not consider any of the trees to be specimens of significant value or quality.

P.O. Box 754

Foster City, CA 94562

Phone: 510-484-0211

FAX: 510-494-5795

***Proposed development***

Development impacts were determined from the Site Plan prepared by Civil Engineering Associates (7/10/97). The plan appears to accommodate retention of all of the trees, however I recommend removal and replacement of all trees because of their condition and age. Retention of the Italian cypress trees is not recommended, since their disease symptoms will be expressed more fully as they age and ultimately lead to death. We consider Lombardy poplar an unsuitable tree adjacent to pavement and parking areas because it has invasive roots that heave pavement and is prone to branch failure due to weak wood. Root suckers invade surrounding landscapes and create excessive maintenance problems. Loss of the trees can be mitigated by planting new trees that are well suited to the site and can develop into attractive and functional features of the landscape.

Please contact me if there are any questions regarding my observations or evaluation.

Sincerely,



Ed Brennan  
Certified Arborist WC-0105

# HORNBILL TREE SURVEY

Meridian Apartment Site, Phase II  
Hayward, CA  
March 1998

TREE SPECIES No.	TRUNK DIAMETER	CONDITION 1=poor 5=excellent.	SUITABILITY for PRESERVATION	PROPOSED ACTION	COMMENTS
204 <i>Xylocopa congestum</i> ( <i>Xylocopa semiflavipes</i> )	6.3"	3	Moderate	Remove	Low branches removed to 75% height.
205 Almond ( <i>Prunus dulcis</i> )	8, 7.7, 6.5, 4"	3	Moderate	Remove	Low crown.
206 Italian cypress ( <i>Cupressus sempervirens</i> )	8"	3	Moderate	Remove	18 individuals tagged as a group. Some dieback due to cypress canker.
207 Peach ( <i>Prunus persica</i> )	7.7"	3	Poor	Remove	High crown; branch failures; codominant at 4'.
208 Lombardy poplar ( <i>Populus nigra 'italica'</i> )	39"	4	Moderate	Possibly preserve	Multi-trunked at 6'; good form.
200 English walnut ( <i>Juglans regia</i> )	10"	3	Moderate	Remove	Spreading form.



**LINCOLN  
PROPERTY  
COMPANY**

**ATTACHMENT C**

**FACSIMILE/MEMORANDUM**

DATE: June 10, 1998

TO: Sheldon McClellan, Senior Planner  
Department of Community and Economic Development

Cathy Woodbury, Landscape Architect/Senior Planner  
Department of Community and Economic Development

FROM: Eric T. Keller, Development Manager

FAX: 510-583-3649

PAGES: 3

SUBJECT: Use Permit, Site Plan Review, and Variance No. 98-160-11  
Proposed Lombardy poplar Condition of Approval  
Meridian Apartments - Hayward, California

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**COMMENTS:**

Attached is a letter addendum to the Tree Report prepared by Ed Brennan, Certified Arborist with HortScience, Inc., dated March 17, 1998, that addresses the feasibility of retaining the Lombardy poplar located adjacent to Building 11. The letter concludes with the recommendation that the Lombardy poplar be removed from the site.

We understand that the City would like to retain this specimen, and we too, would like to preserve the tree. However, after further evaluation of the project site, the site does not yield enough area to accommodate both the project and a 15-foot radius around the tree. As a result, we respectively request that proposed Condition No. 6 listed under Use Permit, Site Plan Review, and Variance No. 98-160-11 be deleted from the staff report to the Planning Commission.

Should there be any questions or problems, please call (650) 571-2250 Ext # 703. Our facsimile number is: (650) 571-2218.

Thank you,



Eric



■ June 10, 1998

Eric T. Keller  
Lincoln Property Company  
101 Lincoln Centre Drive  
Foster City CA 94404-1167

Subject: Meridian Apartment site, Hayward

Dear Mr. Keller:

I am writing to clarify statements made in our tree report (dated March 17, 1998) for the subject property in Hayward.

The 39" diameter Lombardy poplar, tree #298, was listed in the report as being in fair condition and moderate in suitability for preservation. Retention of the tree was seen as a possibility worth exploring, although poplars are problematic trees. Those problems are highlighted in a statement in our report:

"We consider Lombardy poplar an unsuitable tree adjacent to pavement and parking areas because it has invasive roots that heave pavement and is prone to branch failure due to weak wood."

In order for the Lombardy poplar to be successfully retained on the Meridian site a minimum of 15' of undeveloped space will be required around the trunk. Within the 15' radius landscaping could be placed, but not sidewalks or other hardscape elements. Your plan shows several structures placed within the 15' radius:

- A building, which I estimate is 8'-10' west of the trunk;
- A sidewalk and handicap-access ramp, which I estimate to be 3' from the trunk;
- A paved parking lot, which appears to be directly adjacent to the trunk.

■ P.O. Box 754

Pleasanton, CA 94566

Phone: 510 484 0211

FAX: 510 484 5096

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In addition to the above, you stated that an electrical transformer would be placed on a concrete pad 8' from the trunk. The transformer would connect to underground conduit. Installation of the conduit would require trenching through the root zone of the tree, which will damage the root system.

Impacts to the tree from development will include severing of surface roots during the grading for the paved areas and sidewalks which surround the tree. Trenching for underground utilities will sever additional roots. Rather than having the recommended 15' radius around the trunk free from development the plan calls for having most of that space paved, in addition to trenching.

Based on the impacts of development, I recommend the Lombardy poplar tree be removed.

Sincerely,



Ed Brennan  
Certified Arborist #WC-0105

**DRAFT**

*ADG*  
6/10/98

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

**RESOLUTION CERTIFYING THAT THE NEGATIVE  
DECLARATION FOR THE TENTATIVE MAP FOR  
TRACT 7028 HAS BEEN COMPLETED IN COMPLIANCE  
WITH THE CALIFORNIA ENVIRONMENTAL QUALITY  
ACT AND IMPLEMENTING STATE AND CITY  
GUIDELINES AND APPROVING THE TENTATIVE MAP  
FOR TRACT 7028**

WHEREAS, there has been presented to the City Council of the City of Hayward a tentative map for Tract 7028 to subdivide three parcels totaling 0.65 acres into 16 residential condominium units on the northeast corner of "D" Street and Grand Street in the Central City-Commercial Sub-district; and

WHEREAS, a negative declaration has been prepared and processed for this subdivision in accordance with City and state CEQA guidelines; and

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

WHEREAS, the City Council hereby finds and determines with respect to the tentative map that:

1. The 1998 negative declaration adequately addressed environmental issues associated with the current residential project and is in conformance with the provisions of CEQA and City guidelines. Mitigation measures are included for reduction of interior noise to meet state standards and to reduce outdoor noise in private open spaces to meet City standards.
2. The proposed subdivision is consistent with the state Subdivision Map Act, the City's Subdivision Regulations, the General Policies Plan, the Downtown Core Area Specific Plan, and the Downtown Hayward Design Plan.
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. The design of the subdivision and the proposed improvements in conformance with the conditions of approval will not conflict with easements for access through or use of property within the subdivision.
7. Existing and proposed streets are adequate to serve the project.
8. None of the findings set forth in section 66474 of the Subdivision Map Act have been made, and the approval of the tentative map is granted subject to the recommended conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Council hereby approves the tentative map for Tract 7028, subject to the conditions in the attached Exhibit "A."

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward

**DRAFT**

*AGW*  
*ce 1/11/98.*

HAYWARD CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION APPROVING USE PERMIT, SITE PLAN  
REVIEW, AND VARIANCE APPLICATION NO. 98-160-11  
OF LINCOLN PROPERTY COMPANY

WHEREAS, Use Permit, Site Plan Review, and Variance Application No. 98-160-11 of Lincoln Property Company concerns a request to:

- (1) Obtain a use permit for a proposed 16-unit multi-family (condominium) project; and
- (2) Secure approval of variances as follows:
  - (a) To allow compact parking to within approximately 4 feet of the building walls where a minimum 5-foot setback is required;
  - (b) To allow garage widths of less than 10 1/2 feet where 11-foot widths are required;

for property located at 22808 and 22828 Grand Street, northeast corner of "D" and Grand Streets in the Central City-Commercial Sub-district; and

WHEREAS, the Planning Commission recommended approval of Use Permit, Site Plan Review, and Variance Application No. 98-160-11 on June 11, 1998, and the matter has been forwarded to the City Council in the time and manner required by law; and

WHEREAS, a negative declaration has been prepared and processed in accordance with the City and state CEQA Guidelines; and

WHEREAS, the City Council hereby finds and determines that:

- (1) The proposed project has been reviewed according to the standards and requirement of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared with a determination that the project will not have a significant impact on the environment because no significant impacts were identified;

- (2) The project is in harmony with plans for the surrounding area as stated in the Downtown Hayward Design Plan which is to create a densely developed, mixed use, pedestrian oriented downtown neighborhood;
- (3) The project is consistent with the requirements of Downtown Hayward Design Plan and is in conformance with the designation of the site for multi-family housing at a density range not exceeding the allowable 65 units per space;
- (4) The provision of parking within the project exceeds the required ratio of 1.5 spaces per unit and will be a ratio of 1.75 spaces per unit. The overall ratio of parking for both Phase I and Phase II is 1.67;
- (5) Existing and proposed streets and utilities are adequate to serve the project.
- (6) The project would become part of a larger development that provides more than double the amount of required usable open space and the provision of on-site recreation facilities (recreation building, swimming pool, spa and tot lot) will provide project tenants with desirable amenities;
- (7) The approval of the garage width variance would deprive the property privileged enjoyed by other property within the area and would not be granting the applicant a special privilege since a similar variance was approved by the City Council for the Atherton Place Townhomes in the same general location and within the same zoning district. City Council approved the same variance request for Phase I of the project on January 27, 1998;
- (8) The approval of a similar variance request by Lincoln Property Company to allow compact parking to within approximately 4 feet of the building walls where a minimum 5-foot setback was approved by City Council on January 27, 1998;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that based on the foregoing findings, Use Permit, Site Plan Review, and Variance Application No. 98-160-11 are hereby approved, subject to the attached conditions.

BE IT FURTHER RESOLVED that the Negative Declaration is approved and certified as being complete and accurate and the Planning Department is directed to file a Notice of Determination with the Alameda County Clerk.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 1998

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ATTEST: \_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward